

# BOARD FOR CONTRACTORS BOARD MEETING

## MINUTES

The Board for Contractors held an emergency telephone conference meeting on Wednesday, December 15, 2003. The members indicated below were present. Each of the other members present was qualified to vote, except where a specific reason for disqualification is stated. There are 13 members on this board, in which seven constitutes a quorum pursuant to §54.1-1102.

Mark D. Kinser, Chairman  
Anthony R. Orange, Vice Chairman  
Charles W. Falwell  
William A. Paulette  
Michael D. Redifer  
Jennifer L. Parrish  
Robert M. McDowell  
James A. Hollar  
David O. Harris, Jr.  
Dorothy L. Wood

Board members Robert O. Burch, Jr., Kenneth W. Hart, and Robert M. Kirby were not present

The following members of DPOR staff were also present during some or all of the meeting:

Eric L. Olson, Executive Director, Contractors  
Kimberly Freiberger, Regulatory Boards Administrator, Contractors  
Sheila Watkins, Administrative Assistant, Contractors

Chairman Robert Kinser called the emergency telephone meeting to order at 2:06 p.m.

**Tab 1 – Call To Order**

A determination of quorum was made by roll call. Board Members verbally stating present were: Mr. Kinser, Mr. Orange, Mr. Falwell, Mr. Paulette, Mr. Redifer, Ms. Parrish, Mr. McDowell, Mr. Hollar, Mr. Harris and Ms. Wood.

**Tab 2 – Determination of Quorum by Roll Call**

Mr. Olson stated that this Emergency Telephonic Meeting of the Board for Contractors has been called in accordance with the applicable statutes, regulations, and policies to discuss and take action on an issue that is currently pending in litigation. By motion and vote of the Board for

**Tab 3 – Certification of Meeting**

Contractors we certify this meeting is being held as stated. A motion was made by Mr. Falwell to certify the meeting and it was seconded by Mr. Redifer. Members acknowledged hearing and understanding of the certification of the meeting by verbalizing “Yes”. Roll call “yes” answers were recorded as follows: Mr. Kinser, Mr. Orange, Mr. Falwell, Mr. Paulette, Mr. Redifer, Ms. Parrish, Mr. McDowell, Mr. Hollar, Mr. Harris and Ms. Wood. There were no negative responses.

There was no public in attendance; subsequently there was no public comment.

**Tab 4 –  
Public  
Comment**

**In the matter of Final Order and Opinion 2003-0448, File Number 2000-1843, Swann Construction Company, Swann Construction Company** did not appear at the meeting in person, by counsel, or by any other qualified representative. After discussion, Mr. Falwell motioned and it was seconded by Mr. Redifer; that the Board stay the Final Order (2003-0448) pending a disposition of the appeal in the Circuit Court of Washington County. The vote was unanimous. Members voting “Yes” **by telephone Roll Call were:** Mr. Kinser, Mr. Orange, Mr. Falwell, Mr. Paulette, Mr. Redifer, Ms. Parrish, Mr. McDowell, Mr. Hollar, Mr. Harris and Ms. Wood. There were no negative votes.

**Tab 5 –  
Review of  
Final  
Order and  
Opinion  
2003-0448**

**In the matter of a proposed settlement for Final Order and Opinion 2003-0448, File Number 2000-1843, Swann Construction Company, Swann Construction Company** did not appear at the meeting in person, by counsel, or by any other qualified representative. After a review of a proposed settlement offer brought to the Board by Swann Construction, through Assistant AG Osborne (representing the Board for this appeal), which kept in place the fines and remedial education requirement for the first two counts of the order, removed the revocation sanction from count three, adding an inoperative suspension, Ms. Parrish. Redifer motioned and it was seconded by Mr. Redifer to reject the proposed settlement and to instruct Mr. Osborne to move forward with the appeal. The vote was unanimous. Members voting “Yes” **by telephone Roll Call were:** Mr. Kinser, Mr. Orange, Mr. Falwell, Mr. Paulette, Mr. Redifer, Ms. Parrish, Mr. McDowell, Mr. Hollar, Mr. Harris and Ms. Wood. There were no negative votes.

**Tab 6 –  
Termination of  
Appeal**

Their being no further business to come before the board, the meeting was adjourned at 2:22 p.m.

**Tab 7  
Adjourn-**

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Mark D. Kinser, Chairman

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Louise Fontaine Ware, Secretary

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Custodian of the Record

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