

**Minutes of Meeting
BOARD FOR CONTRACTORS
INFORMAL FACT-FINDING CONFERENCES
March 4, 2004 (9:00 a.m.)**

The Department of Professional and Occupational Regulation convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Marion Cooper, Presiding Officer, presided. No Board members were present.

Douglas Schroder and Joseph Haughwout appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the Summaries or Consent Orders are attached unless no decision was made.

Disc = Disciplinary Case
Lic = Licensing Application
RF = Recovery Fund Claim
Trades = Tradesmen Application

C = Complainant/Claimant
A = Applicant
R = Respondent/Regulant
W = Witness
Atty = Attorney

Participants

1. The Power Source Inc.
File Number 2004-02432 (Lic)
No Decision Made

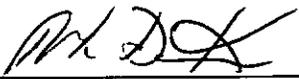
2. George Gaskill
t/a GMR Construction Company Inc.
File Number 2004-02264 (Lic)
No Decision Made

Kevin Reynolds – A
Anthony Kostelecky – Atty
Kenneth Reynolds - W

Gaskill – A
Tony Ross - W

The meeting adjourned at 3:40 p.m.

BOARD FOR CONTRACTORS



Mark D. Kinser, Chairman


Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

**Minutes of Meeting
BOARD FOR CONTRACTORS
INFORMAL FACT-FINDING CONFERENCES
March 9, 2004 (9:00 a.m.)**

The Board for Contractors convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Robert M. Kirby, Board member, presided. No other Board members were present.

Jennifer Kazzie appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the Summaries or Consent Orders are attached unless no decision was made.

Disc = Disciplinary Case
Lic = Licensing Application
RF = Recovery Fund Claim
Trades = Tradesmen Application

C = Complainant/Claimant
A = Applicant
R = Respondent/Regulant
W = Witness
Atty = Attorney

Participants

- | | |
|---|--|
| 1. Oliver T. Trimiew Jr.
t/a O T Trimiew Plumbing & Heating
File Number 2003-01037 (Disc) | None |
| 2. Oliver T. Trimiew Jr.
t/a O T Trimiew Plumbing & Heating
File Number 2003-03437 (Disc) | Denise Jefferson – C |
| 3. Robert A. Boroughs Ltd.
File Number 2003-02240 (Disc) | Boroughs – R
Bruce Arkema – R Atty
Rudy Boroughs - W
Mark & Cheryl Petska – C |
| 4. Barinder Barry Chadda
t/a All American Building & Store Fixtures
File Number 2003-03424 (Disc) | Edward D'Arcy – C
Seblewongel Zelalem - W |
| 5. Barinder Barry Chadda
t/a All American Building & Store Fixtures
File Number 2003-03441 (Disc) | Leticia & Ramonet
Alvarez - C |

6. Barinder Barry Chadda
t/a All American Building & Store Fixtures
File Number 2003-02346 (Disc)

Tony & Silvia
Albert – C

7. David C. White
t/a Atlantic Drafting & Designs
File Number 2003-01344 (Disc)

White – R
Denis Englisby – R Atty
Norman Ray White - W
Michael White - W
Charles Curtis - W

8. Thomas Maddox & Walanda Barnes
t/a I E Remodeling
File Number 2003-01780 (Disc)

Maddox – R
Barnes - R
Patricia Doyle – C
Butler Barrett – C Atty

9. Thomas Maddox & Walanda Barnes
t/a I E Remodeling
File Number 2003-01925 (Disc)

Maddox – R
Barnes - R

10. Rollie Kirby
File Number 2003-00317 (Disc)
No decision was made.

Kirby – R – by telephone

The meeting adjourned at 4:00 p.m.

BOARD FOR CONTRACTORS


Mark D. Kinser, Chairman


Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD FOR CONTRACTORS**

**RE: OLIVER T. TRIMIEW
T/A O.T. TRIMIEW PLUMBING & HEATING
LICENSE NUMBER 2705003763**

FILE NUMBER: 2003-01037

Summary of the Reconvened Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was originally convened on August 6, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Oliver T. Trimiew, Jr., t/a O. T. Trimiew Plumbing & Heating (Trimiew) on July 2, 2003. The following individuals participated at the conference: Oliver T. Trimiew, Jr., Respondent; Donnezzetta Brown, Complainant, by telephone; Jennifer Kazzie, Staff Member; and Robert M. Kirby, presiding Board Member.

On March 9, 2004, the IFF conference was reconvened. By a letter dated October 31, 2003, Ann Bridgeforth Tribbey, Oliver T. Trimiew's attorney, was notified that the IFF would reconvene on March 9, 2004. The following individuals participated at the conference: Jennifer Kazzie, Staff Member; and Robert Kirby, presiding Board Member. No one appeared on behalf of Oliver T. Trimiew or O.T. Trimiew Plumbing & Heating.

Background

On October 1, 2002, the Enforcement Division of the Department of Professional and Occupational Regulation received a written complaint from Donnezzetta Brown (Brown) regarding a contract entered into with Oliver T. Trimiew Jr. (Trimiew), t/a O.T. Trimiew Plumbing & Heating.

On or about October 27, 2001, Brown entered into a contract with Trimiew, in the amount of \$1,000.00, for plumbing work at 608 Hamilton Avenue, Colonial Heights, Virginia.

Summation of Facts

1. The contract used by Trimiew in the transaction failed to contain the minimum provisions required by the Board's 2001 Regulation 18 VAC 50-22-260(B)(9), subsections (a) when the work is to begin and the estimated completion date, (d) a plain language exculpatory clause, (e) a statement of assurance regarding local requirements for building permits, inspections and zoning, (f) disclosure of cancellation rights, (h) the contractor's license number, expiration date, class of license/certificate, and classification or specialty services, and (i) a statement providing that any modification to the contract which changes the cost, materials, work to be performed, or estimated completion date, must be in writing and signed by all parties.
2. On or about November 5, 2001, Brown entered into a verbal agreement with Trimiew, in the amount of \$5,500.00, for the installation of heating and air conditioning at Brown's property at 608 Hamilton Avenue, Colonial Heights, Virginia.
3. On or about October 30, 2001, Trimiew started the contracted work by repairing a gas leak in the basement, reworking the plumbing for the second floor bathroom, installing the duct work, and installing two furnaces.
4. On or about November 2001, Trimiew installed duct work. On or about January 2002, Trimiew installed two furnaces.
5. Trimiew failed to provide a written change order to Brown for the change in the scope of the work to be performed.
6. On or about February 18, 2002, Trimiew left the project without completing the installation of the two condensing units and evaporating coils and without completing the installation of the furnaces. As of February 1, 2003, Trimiew failed to return and perform the contracted work.
7. On or about October 24, 2002, in the City of Richmond General District Court, Brown was awarded a \$5,864.00 judgment against Trimiew. As of February 1, 2003, Trimiew failed to satisfy the judgment.
8. On or about August 13, 2002, Brown obtained a HVAC permit. On February 3, 2003, Bernie Murrell (Murrell), Building Official with the City of Colonial Heights, advised the Board's agent that the work performed by Trimiew required a permit and that failure to obtain the required permit prior to the commencement of any work is a violation of Section 109.0 of the Uniform Statewide Building Code.

Conclusion and Recommendation

Count 1: 18 VAC 50-22-260(B)(9) (Effective September 1, 2001)

Trimiew's failure to make use of a legible written contract that contains all provisions specified in the regulation is a violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(9). Therefore, I recommend a monetary penalty of \$500.00 be imposed. In addition, I recommend Trimiew successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months of the entry of the order.

Count 2: 18 VAC 50-22-260(B)(31) (Effective September 1, 2001)

Trimiew's failure to provide a written change order for the change in the scope of the work to be performed is a violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(31). Therefore, I recommend a monetary penalty of \$400.00 be imposed. In addition, I recommend Trimiew successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months of the entry of the order.

Count 3: 18 VAC 50-22-260(B)(15) (Effective September 1, 2001)

Trimiew's failure to return and perform the contracted work is a violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(15). Therefore, I recommend a monetary penalty of \$2,500.00 be imposed, along with revocation of Trimiew's license.

Count 4: 18 VAC 50-22-260(B)(28) (Effective September 1, 2001)

Trimiew's failure to satisfy the judgment entered by the General District Court for the City of Richmond in the amount of \$5,864.00, is a violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(28). Therefore, I recommend a monetary penalty of \$2,500.00 be imposed, along with revocation of Trimiew's license.

Count 5: 18 VAC 50-22-260(B)(6) (Effective September 1, 2001)

Trimiew's failure to obtain the required permit prior to the commencement of any work in violation of Section 109.0 of the Uniform Statewide Building Code is misconduct in the practice of contracting and is a violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(6). I recommend a monetary penalty of \$1,000.00 be imposed.

By:

Robert M. Kirby
Presiding IFF Board Member
Board for Contractors

Date: _____

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 2705003763 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD FOR CONTRACTORS**

**RE: OLIVER T. TRIMIEW
T/A O.T. TRIMIEW PLUMBING & HEATING
LICENSE NUMBER 2705003763**

FILE NUMBER: 2003-03437

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on March 9, 2004, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Oliver T. Trimiew, t/a O.T. Trimiew Heating & Plumbing on October 31, 2004. The following individuals participated at the conference: Denise Jefferson, Complainant; Jennifer Kazzie, Staff Member; and Robert Kirby, Presiding Board Member. No one appeared on behalf of Oliver T. Trimeview or O.T. Trimiew Heating & Plumbing.

Summation of Facts

1. On June 4, 2003, the Enforcement Division of the Department of Professional and Occupational Regulation received a written complaint from Denise Jefferson (Jefferson)

regarding a contract entered into with Oliver T. Trimiew (Trimiew), t/a O T Trimiew Plumbing & Heating.

2. On October 23, 2002, Jefferson entered into a contract with Trimiew, in the amount of \$2,500.00, for the installation of a heat pump at 1904 Watts Lane, Richmond, Virginia.

3. The contract used by Trimiew in the transaction failed to contain: (a) when the work is to begin and the estimated completion date, (d) a "plain language" exculpatory clause, (e) statement of assurance regarding local requirements for building permits, inspections and zoning, (f) disclosure of cancellation rights, (h) the contractor's license number, expiration date, class of license/certificate, and classification or specialty services, and (i) a statement providing that any modification to the contract which changes the cost, materials, work to be performed, or estimated completion date, must be in writing and signed by all parties.

Conclusion and Recommendation

Count 1: 18 VAC 50-22-260(B)(9) (Effective September 1, 2001)

Trimiew's failure to make use of a written legible contract which contains the minimum provisions specified in the Board's 2001 Regulations is a violation of Board Regulation 18 VAC 50-22-260(B)(9). Therefore, I recommend that a monetary penalty of \$500.00 be imposed. In addition, I recommend Trimiew successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months of the entry of the order.

By:

Robert Kirby
Presiding IFF Board Member
Board for Contractors
Date: _____

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS

OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 2705003763 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

BOARD FOR CONTRACTORS

**RE: ROBERT A. BOROUGHS, LTD.
LICENSE NUMBER 2701014286**

FILE NUMBER: 2003-02240

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on March 9, 2004, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Robert A. Boroughs on October 24, 2003, and by reschedule letter on October 30, 2003. The following individuals participated at the conference: Robert A. Boroughs, Respondent; Rudy Boroughs, Witness for Respondent; Bruce Arkema, Attorney for Respondent; Mark and Cheryl Petska, Complainants; Jennifer Kazzie, Staff Member; and Robert Kirby, Presiding Board Member.

Background

On February 14, 2003, the Enforcement Division of the Department of Professional and Occupational Regulation received a written complaint from Mark and Cheryl Petska (the Petskas) regarding a verbal agreement entered into with Robert A. Boroughs Ltd. (Boroughs).

On or about July 3, 2002, the Petskas entered into a verbal agreement with Boroughs to rewire and upgrade the electrical system at 2340 Creeks End Road, Lanexa, Virginia. There was no verbal agreement on the price of the work.

Summation of Facts

1. On or about July 20, 2002, Boroughs commenced work on the upgrade and rewire of the house. Boroughs failed to make use of a legible written contract clearly specifying the terms and conditions of the work to be performed, signed by all parties, prior to commencement of work.

2. Boroughs advised the Petskas to obtain an electrical permit to upgrade the electrical system to 250 amps. On or about July 12, 2002, the Petskas obtained an electrical permit for the upgrade of the electrical system only.

It was noted during the IFF, that Robert Boroughs believed the permit obtained by the Petskas covered both the upgraded electrical service, as well as necessary rewiring of the residence.

3. On or about October 30, 2002, Boroughs sent the Petskas an invoice, in the amount of \$5,272.80, indicating that Boroughs completed the work.

It was noted during the IFF conference, that the Petskas have not paid Boroughs for any work.

4. On or about March 31, 2003, Darla Stanley, Permit Specialist with New Kent County, told Investigator Becky C. Angelilli, the Board's agent, that Boroughs failed to obtain an electrical permit for the rewire of the house prior to the commencement of work, in violation of Section 109.1 of the Virginia Uniform Statewide Building Code.

5. On or about April 18, 2003, Dean Simmons (Simmons), Inspector with New Kent County Building Official's Office, inspected the work performed by Boroughs at 2340 Creeks End Road, Lanexa, Virginia. The final inspection was rejected. Simmons noted that the work performed by Boroughs was in violation of the 1993 CABO as follows:

- outlet box was not supported correctly, in violation of Section 4406.8;
- service cable to meter base is bare/no shield around the cable, in violation of Section 4302.1;
- breaker was not labeled, in violation of Section 4206.2;
- wires under the house and in the panel need to be supported, in violation of Section 4302.1;
- light was removed in the stairway and switch not to code, in violation of Section 4403.2.1, and outlet in the bathroom and kitchen was not GFI, in violation of Section 4402.1.

During the IFF, Attorney Bruce Arkema stated that the violations of the CABO regulations were for 1995 regulations, not 1993. Also during the IFF, it was noted that the inspection was called for by the Petskas after they had ordered Boroughs off their property, and would not allow him to return to mitigate any inspection discrepancies.

6. During the IFF, Robert Boroughs stated that he had done prior work for the Petskas and that they were friends. Mark Petska asked Boroughs to make only the necessary improvements to the wiring, since the house was to be a rental property. Boroughs advised Mark Peska that he could not give him a set price, because he was not sure how much work would be involved in the rewiring. Robert Boroughs admitted that he should have had an executed contract with the Petskas, even though they were friends.

Conclusion and Recommendation

Count 1: 18 VAC 50-22-260(B)(8) (Effective September 1, 2001)

Boroughs' failure to make use of a legible written contract clearly specifying the terms and conditions of the work to be performed is a violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(8). Therefore, I recommend that a monetary penalty of \$500.00 be imposed. In addition, I recommend Boroughs successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months of the entry of the order.

Count 2: 18 VAC 50-22-260(B)(6) (Effective September 1, 2001) (Failure to obtain an electrical permit)

An electrical permit was obtained for changing the electrical service at the residence by the Pestkas. Sufficient evidence was presented to indicate that Boroughs believed the permit covered the electrical service as well as necessary rewiring. I do not believe Boroughs acted in a manner to avoid obtaining an electrical permit. Therefore, I recommend that this count of the file be closed with a finding of no violation.

Count 3: 18 VAC 50-22-260(B)(5) (Effective September 1, 2001)(Performing work which is in violation of the 1995 CABO Code)

The inspection was conducted in April 2003, after Boroughs had been released from his duties to the Pestkas by Mrs. Pestka. The violations cited could have been mitigated by Boroughs if the Pestkas had allowed him to return to their property. Therefore, I recommend that this count of the file be closed with a finding of no violation.

By:

Robert Kirby
Presiding IFF Board Member
Board for Contractors
Date: _____

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS

OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 2701014286 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

BOARD FOR CONTRACTORS

**RE: BARINDER BARRY CHADDA
T/A ALL AMERICAN BUILDING & STORE FIXTURES
LICENSE NUMBER 2705045497**

FILE NUMBER: 2003-03424

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on March 9, 2004, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Barinder Barry Chadda, t/a All American Building & Store Fixtures, on November 21, 2003. The following individuals participated at the conference: Edward D'Arcy, Complainant; Seblewongel Zelalem, Witness for Complainant; Jennifer Kazzie, Staff Member; and Robert Kirby, presiding Board Member. No one appeared on behalf of Barinder Barry Chadda or All American Building & Store Fixtures.

Background

On June 5, 2003, the Enforcement Division of the Department of Professional and Occupational Regulation received a written complaint from Edward D'Arcy (D'Arcy) regarding a contract entered into with Barinder Barry Chadda (Chadda), t/a All American Building & Store Fixtures.

On March 9, 2003, D'Arcy entered into a contract with Chadda, in the amount of \$21,450.00, for the construction of a deck and the renovation of D'Arcy's residence in Arlington, Virginia.

On March 9, 2003, D'Arcy paid Chadda \$10,000.00 by check. On or about April 1, 2003, Chadda commenced work. On April 11, 2003, D'Arcy paid Chadda \$11,450.00 by check.

Summation of Facts

1. The contract specified "The Contractor shall comply with all local requirements for building permits, inspections, and zoning."
2. As of June 26, 2003, Chadda had completed most of the drywall, demolished the closets, framed the bathroom, and tore down a wall between two bedrooms.
3. On September 4, 2003, John Delavergne (Delavergne), Construction Code Technician with Arlington County Department of Inspection Services, advised Investigator Carolyn D. Wright, the Board's agent, that Chadda failed to obtain building and plumbing permits as required, in violation of Section 109.1 of the Virginia Uniform Statewide Building Code.
4. The contract specified "Estimated Completion Date: May 20/03."
5. On April 11, 2003, Chadda promised D'Arcy the inside work would be completed by May 12, 2003. On May 3, 2003, May 7, 2003, May 21, 2003, and May 25, 2003, D'Arcy called Chadda regarding completion of the work. On May 27, 2003, Chadda told D'Arcy he would come by on May 28, 2003 to pick up the trash and he would send a crew out on May 31, 2003, to complete the work. On May 31, 2003, neither Chadda nor a crew returned to complete the work.
6. Chadda failed to make use of a written change order, signed by both parties, for a modification to the estimated completion date.
7. On June 26, 2003, Chadda returned to measure for doors and left the job. On July 23, 2003, Chadda sent a plumber to measure for the bathroom fixtures. As of July 23, 2003, Chadda installed tile in the kitchen.
8. As of August 20, 2003, Chadda failed to return to complete the following items:
 - Install the deck
 - Replace four windows in the bedroom and hallway
 - Replace the molding in the living room and back room and install molding in the bathroom
 - Install doors in the bathroom and closet, replace the dining room closet door, and replace the frame for the front bedroom door

- Install a medicine cabinet and lights in the bathroom
- Install an exhaust fan in the bathroom
- Install a light fixture in the hall outside the bathroom
- Cut holes in the walls and install two air conditioning units
- Install thresholds in the kitchen and at the front door
- Finish repairing the cracks in the dining and bedroom walls
- Install a rod in the closet
- Paint all interior walls.

9. On July 10, 2003, Investigator Carolyn D. Wright, the Board's agent, made a written request, via certified mail, to Chadda at the address of record of 6513 Pinecrest Court, Annandale, Virginia 22003, requesting a written response and supporting documents to the complaint filed with the Board. The Board's agent requested a response by July 28, 2003. Chadda failed to respond to the Board's agent's request.

Conclusion and Recommendation

Count 1: 18 VAC 50-220260(B)(6) (Effective January 1, 2003)

Chadda's failure to obtain building and plumbing permits as required by the Virginia Uniform Statewide Building Code constitutes misconduct in the practice of contracting and is a violation of the Board's 2003 Regulation 18 VAC 50-22-260(B)(6). Therefore, I recommend that a monetary penalty of \$1,500.00 be imposed.

Count 2: 18 VAC 50-22-260(B)(31) (Effective January 1, 2003)

Chadda's failure to obtain a written change order, signed by all parties, for a modification to the estimated completion date is a violation of the Board's 2003 Regulation 18 VAC 50-22-260(B)(31). Therefore, I recommend that a monetary penalty of \$500.00 be imposed. In addition, I recommend Chadda successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months of the entry of the order.

Count 3: 18 VAC 50-22-260(B)(15) (Effective January 1, 2003)

Chadda's failure to complete work contracted for and/or to comply with the terms of the contract is a violation of the Board's 2003 Regulation 18 VAC 50-22-260(B)(15). Therefore, I recommend that a monetary penalty of \$2,500.00 be imposed for a violation of this regulation, along with revocation of Chadda's license.

Count 4: 18 VAC 50-22-260(B)(13) (Effective January 1, 2003)

Chadda's failure to respond to an investigator seeking information in the investigation of a complaint is a violation of the Board's 2003 Regulation 18 VAC 50-22-260(B)(13). Therefore, I recommend that a monetary penalty of \$1,000.00 be imposed for a violation of this regulation.

By:

Robert Kirby
Presiding IFF Board Member
Board for Contractors
Date: _____

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 2705045497 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

BOARD FOR CONTRACTORS

**RE: BARINDER BARRY CHADDA
T/A ALL AMERICAN BUILDING & STORE FIXTURES
LICENSE NUMBER 2705045497**

FILE NUMBER: 2003-03441

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on March 9, 2004, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Barinder Barry Chadda, t/a All American Building & Store Fixtures on November 212, 2003. The following individuals participated at the conference: Leticia and Romanet Alvarez, Complainants; Jennifer Kazzie, Staff Member; and Robert Kirby, presiding Board Member. No one appeared on behalf of Barinder Barry Chadda or All American Building & Store Fixtures.

Background

On June 11, 2003, the Enforcement Division of the Department of Professional and Occupational Regulation received a written complaint from Leticia Alvarez (Alvarez) regarding a contract entered into with Barinder Barry Chadda (Chadda), t/a All-American Building & Store Fixtures.

On June 8, 2002, Alvarez entered into a contract with Chadda, in the amount of \$39,000.00, for the construction of an addition at 1112 Ware Street SW, Vienna, Virginia. On June 8, 2002, Alvarez paid Chadda \$19,000.00 by check, as a deposit.

On October 31, 2002, Chadda commenced work. Between October 31, 2002 and March 18, 2003, Chadda performed the following work:

- Debris was hauled away from the demolished old deck.
- The foundation of the addition was built.
- Preliminary electrical wiring and plumbing were put into place.
- Addition was enclosed without siding, windows, and door.
- Roofing was left unfinished causing leaking in the joints during winter and heavy rains.

Summation of Facts

1. The contract specified "Estimated Completion Date: 10/30/02."
2. On April 9, 2003, Chadda promised to finish the job by the end of April 2003. Chadda failed to make use of a written change order, signed by both parties, for a modification in the estimated completion date.
3. On May 8, 2003, Alvarez sent Chadda a certified letter regarding Chadda's failure to complete the work. Alvarez requested Chadda finish the project by May 22, 2003. The certified letter was returned to Alvarez and was marked "Unclaimed."

4. As of June 9, 2003, Chadda failed to complete the work as promised.
5. On July 14, 2003, in the Prince William County General District Court, Alvarez was awarded a \$7,000.00 judgment against Chadda. The claim was based on "failure to complete home improvement project (room addition w/ bath and deck). Contract was signed on 6/8/02 for 10/30/02 completion." As of August 8, 2003, Chadda failed to satisfy the judgment.
6. On July 16, 2003, Investigator Carolyn D. Wright, the Board's agent, made a written request, via certified mail, to Chadda at the address of record of 6513 Pinecrest Court, Annandale, Virginia 22003, requesting a written response and supporting documents to the complaint filed with the Board. The Board's agent requested a response by August 1, 2003. On July 17, 2003, the certified letter was delivered and signed for by Chadda. As of September 15, 2003, Chadda failed to respond to the Board's agent's request.

Conclusion and Recommendation

Count 1: 18 VAC 50-22-260(B)(31) (Effective September 1, 2001)

Chadda's failure to make use of a written change order, signed by both parties, for a modification to the estimated completion date is a violation of Board Regulation 18 VAC 50-22-260(B)(31). Therefore, I recommend that a monetary penalty of \$500.00 be imposed for a violation of this regulation. In addition, I recommend Chadda successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months of the entry of the order.

Count 2: 18 VAC 50-22-260(B)(6) (Effective January 1, 2003)

Chadda's failure to complete the work as promised on April 9, 2003, constitutes misconduct in the practice of contracting and is a violation of the Board's 2003 Regulation 18 VAC 50-22-260(B)(6). Therefore, I recommend that a monetary penalty of \$2,500.00 be imposed, along with revocation of Chadda's license.

Count 3: 18 VAC 50-22-260(B)(15) (Effective September 1, 2001)

Chadda's failure to complete work contracted for and/or to comply with the terms in the contract is a violation of Board Regulation 18 VAC 50-22-260(B)(15). Therefore, I recommend that a monetary penalty of \$2,500.00 be imposed, along with revocation of Chadda's license.

Count 4: 18 VAC 50-22-260(B)(28) (Effective January 1, 2003)

Chadda's failure to satisfy the judgment awarded to Alvarez by the Prince William County General District Court is a violation of the Board's 2003 Regulation 18 VAC 50-22-260(B)(28). Therefore, I recommend that a monetary penalty of \$2,500.00 be imposed, along with revocation of Chadda's license.

Count 5: 18 VAC 50-22-260(B)(13) (Effective January 1, 2003)

Chadda's failure to respond to an investigator seeking information regarding a complaint is a violation of the Board's 2003 Regulation 18 VAC 50-22-260(B)(13). Therefore, I recommend that a monetary penalty of \$1,000.00 be imposed..

By:

Robert Kirby
Presiding IFF Board Member
Board for Contractors
Date: _____

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 2705045497 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

BOARD FOR CONTRACTORS

**RE: BARINDER BARRY CHADDA
T/A ALL AMERICAN BUILDING & STORE FIXTURES
LICENSE NUMBER 2705045497**

FILE NUMBER: 2003-02346

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on March 9, 2004, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Barinder Barry Chadda, t/a All American Building & Store Fixtures on November 21, 2003. The following individuals participated at the conference: Tony and Silvia Albert, Complainants; Jennifer Kazzie, Staff Member; and Robert Kirby, Presiding Board Member. No one appeared on behalf of Barinder Barry Chadda or All American Building & Store Fixtures.

Background

On February 19, 2003, the Enforcement Division of the Department of Professional and Occupational Regulation received a written complaint from Tony Albert (Albert) regarding a contract entered into with Barinder Barry Chadda (Chadda), t/a All American Building & Store Fixtures.

On April 24, 2002, Albert entered into a contract with Chadda, in the amount of \$115,000.00, to construct an addition at 3334 Nevius Street, Falls Church, Virginia.

On or about May 1, 2002, Albert entered into a verbal agreement with Chadda, in the amount of \$27,000.00, to amend the April 24, 2002, contract to include building a basement extension at the subject property. The total contract price was amended to \$147,000.00.

On August 7, 2002, Chadda commenced work.

On December 18, 2002, Albert entered into an addendum to the contract with Chadda for additional work and cost overruns. The addendum increased the total contract price to \$149,000.00.

On March 7, 2003, Albert and Chadda entered into a Conciliation Agreement (Agreement). Based on the Agreement, Chadda agreed to complete the entire contract by April 30, 2003.

Summation of Facts

1. Chadda installed the basement floor and tile floors. The basement floor was not level and the brick had to be removed because of the "waves." The tile floors had to be torn up and re-tiled. In addition, the basement flooded and water leaked through the foundation because Chadda failed to waterproof it.
2. Chadda failed to honor the Agreement and complete the work by April 30, 2003.
3. As of April 30, 2003, Chadda failed to complete the following items:
 - Twenty percent of the drywall work.
 - Installation of bathroom fixtures.
 - Thirty percent of the work in the new family room.
 - Completion of the siding, gutters, trim, and downspouts.
 - Construction of a deck.
 - Construction of an entertainment center.
 - Shelving in the master bedroom closet.
 - Waterproofing.
 - Landscaping.
 - Installation of railing at the steps.
4. On May 20, 2003, Albert hired another contractor to repair and complete the work performed by Chadda. The corrections included:
 - Remove all brick on back of house (new addition) 50% are laying not level or plumb
 - Repair section of fence and landscape yard where damaged by equipment and earth removal
 - Dig out below footers on new addition, seal walls and footings, install drain and sump to keep water out of basement.
5. On April 30, 2003, Albert sent Chadda a letter as notice of cancellation. On July 7, 2003, Thomas W. Ulrich (Ulrich), attorney representing Albert, sent Chadda a letter to terminate the contract because of Chadda's "substandard work and failure to timely perform."
6. On May 2, 2003, Investigator Carolyn D. Wright, the Board's agent, made a written request, via certified mail, to Chadda at the address of 6513 Pinecrest Court, Annandale, Virginia 22003. The Board's agent requested Chadda respond by May 19, 2003. On May 14, 2003, the certified letter was returned to the Board's agent by the United States Postal Service and marked "return to sender, no such street, unable to forward."
7. On June 4, 2003, the Board's agent made a second written request to Chadda at the address of 6513 Pinecrest Court, Annandale, Virginia 22003. The Board's agent requested Chadda respond by June 19, 2003.

8. Chadda failed to respond to the Board's agent.

Conclusion and Recommendation

Count 1: 18 VAC 50-22-260(B)(5) (Effective September 1, 2001)

Chadda's action of installing the basement floor improperly and his failure to waterproof the foundation of the basement floor constitutes negligence and/or incompetence in the practice of contracting and is in violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(5). Therefore, I recommend that a monetary penalty of \$2,500.00 be imposed, along with revocation of Chadda's license.

Count 2: 18 VAC 50-22-260(B)(6) (Effective January 1, 2003)

Chadda's failure to honor the terms of the Conciliation Agreement and complete the work by April 30, 2003 constitutes misconduct in the practice of contracting and is a violation of the Board's 2003 Regulation 18 VAC 50-22-260(B)(6). Therefore, I recommend that a monetary penalty of \$2,500.00 be imposed, along with revocation of Chadda's license.

Count 3: 18 VAC 50-22-260(B)(15) (Effective September 1, 2001)

Chadda's failure to complete the work contracted for and/or to comply with the terms of the contract is a violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(15). Therefore, I recommend that a monetary penalty of \$2,500.00 be imposed, along with revocation of Chadda's license.

Count 4: 18 VAC 50-22-260(B)(13) (Effective January 1, 2003)

Chadda's failure to respond to an investigator seeking information in the investigation of a complaint is a violation of the Board's 2003 Regulation 18 VAC 50-22-260(B)(13). Therefore, I recommend that a monetary penalty of \$1,000.00 be imposed.

By:

Robert Kirby

Presiding IFF Board Member
Board for Contractors

Date: _____

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 2705045497 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD FOR CONTRACTORS**

RE: DAVID C. WHITE

**T/A ATLANTIC DRAFTING & DESIGNS
LICENSE NUMBER 2705 066573**

FILE NUMBER: 2003-01344

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was originally convened on September 30, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to David C. White, t/a Atlantic Drafting & Designs on August 28, 2003. The following individuals participated at the conference: Bradford C. Jacob, Complainant; Jennifer Kazzie, Staff Member; and Robert M. Kirby, Presiding Board Member. David C. White, t/a Atlantic Drafting & Designs did not appear in person or by any other qualified representative.

By a letter dated November 26, 2003, Denis C. Englisby, David C. White's attorney, was notified that the IFF would reconvene on March 9, 2004. The following individuals participated at the conference: David C. White, Respondent; Denis C. Englisby, Esquire, Attorney for Respondent; Michael White, Witness; Norman Ray White, Witness; Charles Curtis, Witness; Jennifer Kazzie, Staff Member; and Robert M. Kirby, Presiding Board Member.

Background

On October 31, 2002, the Enforcement Division of the Department of Professional and Occupational Regulation received a written complaint from Bradford C. Jacob (Jacob) regarding a contract entered into with David C. White (White), t/a Atlantic Drafting & Designs.

On or about March 11, 2002, Jacob entered into a written contract with "Atlantic Drafting & Designs Inc.," in the amount of \$25,590.00, for an addition to Jacob's residence at 14320 Helmsley Road, Chesterfield, Virginia.

On February 12, 2003, a review of the licensing records of the Board for Contractors revealed David C. White (White), t/a Atlantic Drafting & Designs, was issued Class C Contractor's license number 2705066573 on December 20, 2001, as a sole proprietorship.

Summation of Facts

1. On December 11, 2002, the State Corporation Commission records revealed Atlantic Drafting & Designs Inc. became incorporated on December 13, 2001.
2. During the IFF, White stated the corporation is no longer active.
3. During the IFF, it was found that the contract allegedly signed with Jacobs was not signed on behalf of White or any of his agents at Atlantic Drafting and Design. The person who signed the contract, A. E. Hald, did not work for White. Therefore, the contract is not deemed valid.
4. Whereas, the contract was not a valid contract for construction, White did not perform work in excess of the \$7,500.00 limit of a Class C license.
5. Whereas the contract was not a valid contract, none of the minimum provisions required by the Board's 2001 Regulation 18 VAC 50-22-260(B)(9) apply.
6. On or about November 18, 2002, Investigator Becky C. Angelilli, the Board's agent, made a written request to White at the address of record of 1901 Huguenot Road, Suite 302, Richmond, Virginia 23235. The letter was returned from the Postmaster and was stamped "Atlantic Drafting: moved left no address."
7. The complaint form indicated an address of 6000 Glenway Court, Richmond, Virginia 23225 for David C. White.
8. On or about December 19, 2002, the Board's agent received information from the Postmaster that White received mail at 6000 Glenway Court, Richmond, Virginia 23225.
9. On February 12, 2003, a review of the licensing records of the Board for Contractors revealed White's address of record as 1901 Huguenot Road, Suite 302, Richmond, Virginia 23235. The records further revealed there was no change of address made by the Board.
10. At the IFF, White provided the necessary paperwork to indicate his current mailing address.

Conclusion and Recommendation

Count 1: 18 VAC 50-22-210(3) (Effective September 1, 2001) (White's failure to obtain a new license within 30 days of the change in the business entity)

Because White did not perform contracting work, I recommend that Count 1 be closed with a finding of no violation.

Count 2: 18 VAC 50-22-230(A) (Effective September 1, 2001) (White's failure to operate in the name in which the license was issued)

Because White did not perform contracting work, I recommend that Count 2 be closed with a finding of no violation.

Count 3: 18 VAC 50-22-260(B)(27) (Effective September 1, 2001) (White's failure to obtain a Class B license in order to perform work in excess of the \$7,500.00 limit of a Class C license)

I recommend that Count 3 be closed with a finding of no violation.

Count 4: 18 VAC 50-22-260(B)(9) (Effective September 1, 2001) (White's failure to make use of a legible written contract containing the minimum provisions specified in the Board's regulations)

I recommend that Count 4 be closed with a finding of no violation.

Count 5: 18 VAC 50-22-230(B) (Effective September 1, 2001) (White's failure to notify the board within 30 days of a change of address)

I recommend that Count 5 be closed with a finding of no violation.

Count 6: 18 VAC 50-22-260(B)(6) (Effective September 1, 2001) (White's action of turning over the project to individuals who did not complete the work)

I recommend that Count 6 be closed with a finding of no violation.

By:

Robert M. Kirby
Presiding IFF Board Member
Board for Contractors
Date: _____

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER.

FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 2705 066573 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD FOR CONTRACTORS**

**RE: THOMAS MADDOX AND WALANDA BARNES
T/A I E REMODELING
LICENSE NUMBER 2705 072083**

FILE NUMBER: 2003-01780

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on March 9, 2004, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Thomas Maddox and Walanda Barnes, t/a I E remodeling, on November 21, 2003. The following individuals participated at the conference: Thomas Maddox, Respondent; Walanda Barnes, Respondent; Patricia Doyle, Complainant; C. Butler Barrett, Esquire, Attorney for Complainant; Jennifer Kazzie, Staff Member; and Robert M. Kirby, Presiding Board Member.

Background

On December 19, 2002, the Enforcement Division of the Department of Professional and Occupational Regulation received a written complaint from Patricia Doyle (Doyle) regarding a contract entered into with Thomas Maddox and Walanda Barnes, t/a I E Remodeling (I E Remodeling).

On October 24, 2002, Doyle entered into a contract with I E Remodeling, in the amount of \$5,800.00, to remove the old roof and install a new roof at 708 Westover Drive, Emporia, Virginia.

Summation of Facts

1. The contract used by I E Remodeling in this transaction failed to contain: (a) when work is to begin and the estimated completion date, (e) a statement of assurance regarding local requirements for building permits, inspections and zoning, (f) disclosure of cancellation rights of the parties, (h) the contractor's license number, expiration date, class of license, and classifications or specialty services.
2. The contract specified I E Remodeling would install shingle mate roof deck protection material and install the snow country cobra ridge ventilation system.
3. On November 23, 2002, I E Remodeling began and completed the work at the subject property. After I E Remodeling performed the work contracted for, Doyle had the roof inspected. Based on this inspection, Doyle discovered I E Remodeling installed 15 lb. felt instead of shingle mate roof deck protection material. Doyle also discovered I E Remodeling installed a ridge vent plus ridge vent system instead of a GAF snow country cobra ridge vent system.
4. I E Remodeling failed to make use of a written change order for the modification to the original contract.
5. The contract specified I E Remodeling would perform the following:
 - remove old roofing materials;
 - install storm guard leak barrier at all ridges, rakes, eaves, valleys, penetrations, hips, dormers, and flashings; and
 - install drip edge at the eaves.
6. Based on the roof inspection, Doyle discovered that I E Remodeling:
 - left the old tarpaper in place at the eaves;
 - failed to install the storm guard ice and water barrier at the ridges, rakes, eaves, valleys, penetrations, and hips; and
 - failed to install new drip edge at the eaves of the roof.
7. On April 11, 2003, in the Emporia General District Court, Doyle was awarded a \$7,500.00 judgment against I E Remodeling. As of July 31, 2003, I E Remodeling failed to satisfy the judgment.
8. During the IFF, it was found that the inspector for Doyle was Ron White, a former agent of I E Remodeling.

Conclusion and Recommendation

Count 1: 18 VAC 50-22-260(B)(9) (Effective September 1, 2001)

I E Remodeling's failure to make use of a legible written contract containing the minimum provisions required by the Board's Regulations is a violation of Board Regulation 18 VAC 50-22-260(B)(9). Therefore, I recommend that a monetary penalty of \$250.00 be imposed for a violation of this regulation. In addition, I recommend a member of responsible management successfully complete the Board's Basic Contractor Licensing Class (remedial education) within six months of the entry of the order.

Count 2: 18 VAC 50-22-260(B)(31) (Effective September 1, 2001)

I E Remodeling's failure to obtain written change orders, signed by all parties, for the modification to an existing contract is a violation of Board Regulation 18 VAC 50-22-260(B)(31). Therefore, I recommend that a monetary penalty of \$500.00 be imposed for a violation of this regulation. In addition, I recommend a member of responsible management successfully complete the Board's Basic Contractor Licensing Class (remedial education) within six months of the entry of the order.

Count 3: 18 VAC 50-22-260(B)(15) (Effective September 1, 2001)

I E Remodeling's failure to complete work contracted for and/or comply with the terms of the contract is a violation of Board Regulation 18 VAC 50-22-260(B)(15). Therefore, I recommend that a monetary penalty of \$1,500.00 be imposed for a violation of this regulation.

Count 4: 18 VAC 50-22-260(B)(28) (Effective January 1, 2003)

I E Remodeling's failure to satisfy the judgment awarded to Doyle in the Emporia General District Court is a violation of Board Regulation 18 VAC 50-22-260(B)(28). Therefore, I recommend license revocation be imposed for a violation of this regulation.

The Board waives imposition of the sanction of license revocation if I E Remodeling satisfies the judgment in full and provides proof of satisfaction to the Board prior to the Board meeting under which this case will be reviewed.

By:

Robert M. Kirby
Presiding IFF Board Member
Board for Contractors
Date: _____

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 2705 01780 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

BOARD FOR CONTRACTORS

**RE: THOMAS MADDOX AND WALANDA BARNES
T/A I E REMODELING
LICENSE NUMBER 2705 072083**

FILE NUMBER: 2003-01925

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on March 9, 2004, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Thomas Maddox and Walanda Barnes on November 21, 2003. The following individuals participated at the conference: Thomas Maddox, Respondent; Walanda Barnes, Respondent; Jennifer Kazzie, Staff Member; and Robert M. Kirby, Presiding Board Member.

Background

On January 15, 2003, the Enforcement Division of the Department of Professional and Occupational Regulation received a written complaint from Chris Avent (Avent) regarding a

contract entered into with Thomas Maddox and Walanda Barnes, t/a I E Remodeling (I E Remodeling).

On October 24, 2002, Avent entered into a contract with I E Remodeling, in the amount of \$2,500.00, to remove the old roof and install a new roof at 1809 Sunnyside Road, Emporia, Virginia.

Summation of Facts

1. The contract used by I E Remodeling in this transaction failed to contain:
(a) when work is to begin and the estimated completion date, (e) a statement of assurance regarding local requirements for building permits, inspections and zoning, (f) disclosure of cancellation rights of the parties, (h) the contractor's license number, expiration date, class of license, and classifications or specialty services.
2. The contract specified I E Remodeling would install storm guard leak barrier at all ridges, rakes, eaves, valleys, penetrations, hips and flashings.
3. On December 9, 2002, I E Remodeling installed the roof at the subject property. After I E Remodeling performed the work contracted for, Avent had the roof inspected. Based on this inspection, Avent discovered I E Remodeling installed certainteed roofers select underlayment instead of the storm guard ice barrier.
4. I E Remodeling failed to make use of a written change order for the modification to the original contract.
5. The contract specified I E Remodeling would perform the following:
 - remove old roofing materials,
 - install shingle roof deck protection,
 - install ridge cap shingle and drip edge at the eaves.
6. Based on the roof inspection, Avent discovered I E Remodeling left some old tarpaper, failed to use shingle mate roof deck protection material on the roof and install drip edge at the eaves of the roof, nailed the ridge vent to the ridge of the roof and capped it, and failed to remove turbines from the roof and patch the holes with new decking.
7. On February 24, 2003, in the Emporia General District Court, Avent was awarded a \$3,570.00 judgment against I E Remodeling. As of August 20, 2003, I E Remodeling failed to satisfy the judgment.
8. During the IFF, Maddox stated that the inspector for Avent was Ron White, a former agent of I E Remodeling.

Conclusion and Recommendation

Count 1: 18 VAC 50-22-260(B)(9) (Effective September 1, 2001)

I E Remodeling's failure to make use of a legible written contract containing the minimum provisions required by the Board's Regulations is a violation of Board Regulation 18 VAC 50-22-260(B)(9). Therefore, I recommend that a monetary penalty of \$250.00 be imposed for a violation of this regulation. In addition, I recommend a member of responsible management successfully complete the Board's Basic Contractor Licensing Class (remedial education) within six months of the entry of the order.

Count 2: 18 VAC 50-22-260(B)(31) (Effective September 1, 2001)

I E Remodeling's failure to obtain written change orders, signed by all parties, for the modification to the already existing contract is a violation of Board Regulation 18 VAC 50-22-260(B)(31). Therefore, I recommend that a monetary penalty of \$500.00 be imposed for a violation of this regulation. In addition, I recommend a member of responsible management successfully complete the Board's Basic Contractor Licensing Class (remedial education) within six months of the entry of the order.

Count 3: 18 VAC 50-22-260(B)(15) (Effective September 1, 2001)

I E Remodeling's failure to complete work contracted for and/or to comply with the terms of the contract is a violation of Board Regulation 18 VAC 50-22-260(B)(15). Therefore, I recommend that a monetary penalty of \$1,500.00 be imposed for a violation of this regulation.

Count 4: 18 VAC 50-22-260(B)(28) (Effective January 1, 2003)

I E Remodeling's failure to satisfy the judgment awarded to Avent in the Emporia General District Court is a violation of Board Regulation 18 VAC 50-22-260(B)(28). Therefore, I recommend license revocation be imposed for a violation of this regulation.

The Board waives imposition of the sanction of license revocation if I E Remodeling satisfies the judgment in full and provides proof of satisfaction to the Board prior to the Board meeting under which this case will be reviewed.

By:

Robert M. Kirby
Presiding IFF Board Member
Board for Contractors
Date: _____

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 2705 072083 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.