

**Minutes of Meeting
BOARD FOR CONTRACTORS
INFORMAL FACT-FINDING CONFERENCES
August 10, 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.

Mark Kinser, Board member, presided. No other Board members were present.

Joe 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. Raymond Roland
File Number 2004-04303 (Disc) | Roland – R
Clarence Seay – C |
| 2. Calvin R. Perry
Town – Country Decorators
File Number 2004-01355 (Disc) | Deeya Thomas C |
| 3. Commonwealth Builders & Design Inc.
File Number 2004-01967 (Disc) | David Black – R
Tammy Black – W (DE) |
| 4. M & I Enterprises Inc.
t/a D & D Mechanical Contractors
File Number 2004-03173 (Disc) | None |
| 5. Hunter E. Spence
t/a H. E. Spence Roofing
File Number 2004-04245 (Disc) | None |
| 6. Hunter E. Spence
t/a H. E. Spence Roofing
File Number 2004-01164 (Disc) | None |

7. Hunter E. Spence
t/a H. E. Spence Roofing
File Number 2003-02646 (Disc)

Morris Wickham – C

8. Hunter E. Spence
t/a H. E. Spence Roofing
File Number 2003-02848 (Disc)

None

The meeting adjourned at 1:45 p.m.

BOARD FOR CONTRACTORS

Mark D. Kinser, Chairman

Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

DRAFT

**IN THE
COMMONWEALTH OF VIRGINIA
BOARD FOR CONTRACTORS**

Re: Raymond Roland

File Number: 2004-04303
License Number: 2705082446

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On July 12, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Raymond Roland ("Roland") to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed and received.

On August 10, 2004, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Roland, Respondent; Clarence Seay; Complainant; Joe Haughwout, Staff Member; and Mark Kinser, Presiding Board Member.

RECOMMENDATION

Based upon the evidence and the IFF, the following is recommended regarding the Counts as outlined in the Report of Findings:

During the IFF, Roland stated that Seay was acting as his own contractor and that he and Seay had entered into a series of verbal agreements per phase of construction.

Seay also stated that he obtained a civil judgment, in the amount of \$6,500.00, against Roland in April 2004.

Count 1: Board Regulation (Effective January 1, 2003)

Roland's conviction of a misdemeanor after initial licensure is a violation of Board Regulation 18 VAC 50-22-260.B.22. During the IFF, Seay stated that Roland made verbal threats over the phone to both him and his wife. Roland admitted his conviction for making telephone threats to Seay, but denied that he made the threats. Therefore, I recommend that a monetary penalty of \$300.00 be imposed.

Count 2: Board Regulation (Effective January 1, 2003)

Roland's failure to inform the Board, in writing, of his conviction for activities carried out while engaged in the practice of contracting, within thirty (30) days is a violation of Board Regulation 18 VAC 50-22-260.B.23. During the IFF, Roland stated that he failed to inform the Board of his misdemeanor conviction, because he was not aware of the requirement to do so. Therefore, I recommend that a monetary penalty of \$300.00 be imposed.

By: _____
Mark Kinser
Presiding Board Member

Board for Contractors

Date: _____

MONETARY PENALTY TERMS

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 THE LICENSE, CERTIFICATE, OR REGISTRATION UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

VIRGINIA DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL REGULATION
COMPLIANCE & INVESTIGATIONS DIVISION
3600 WEST BROAD STREET
RICHMOND, VIRGINIA 23230-4917

REPORT OF FINDINGS

BOARD: Board for Contractors
DATE: June 1, 2004 (revised July 9, 2004)

FILE NUMBER: 2004-04303
RESPONDENT: Raymond Roland
LICENSE NUMBER: 2705082446
EXPIRATION: February 28, 2006

SUBMITTED BY: Janet P. Creamer
APPROVED BY: Wayne Mozingo

COMMENTS:

Unlicensed activity concerning job performed by respondent was reported to Criminal Investigations Section.

Raymond Roland ("Roland") was at all times material to this matter a licensed Class C Contractor in Virginia. (License No. 2705082446). (Exh. I-1)

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

BACKGROUND:

On April 19, 2004, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Clarence and Joanne Seay ("the Seays") regarding Raymond Roland ("Roland"). (Exh. C-1)

On April 26, 2003, the Seays entered into a verbal agreement with Roland, in the amount of \$60,000.00, to construct an addition at 8216 Windsor Drive Mechanicsville, Virginia. (Exh. C-1)

1. Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

22. Where the firm, responsible management as defined in this chapter, designated employee or qualified individual has been convicted or found guilty, after initial licensure, regardless of adjudication, in any jurisdiction, of any felony or of any misdemeanor, there being no appeal pending therefrom or the time of appeal having lapsed. Any plea of guilty or nolo contendere shall be considered a conviction for the purposes of this subdivision. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt.

FACTS:

On February 9, 2004, Roland was issued Class C Contractor's license number 2705082446 as a sole proprietorship. Raymond R. Roland, individual certificate number 2706135331, is the Qualified Individual and Responsible Management for license number 2705082446. (Exh. I-1)

On March 16, 2004, in the General District Court of Hanover County, Roland was convicted of one count of telephone threats, a Class 1 misdemeanor, in violation of §18.2-427 of the Code of Virginia. There is no appeal pending and the time for appeal has lapsed. (Exh. C-2)

2. Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

23. Failure to inform the board in writing, within 30 days, that the firm, a member of responsible management as defined in this chapter, its designated employee, or its qualified individual has pleaded guilty or nolo contendere or was convicted and found guilty of any felony or of a Class 1 misdemeanor or any misdemeanor conviction for activities carried out while engaged in the practice of contracting.

FACTS:

On May 5, 2004, Roland told Investigator Janet P. Creamer, the Board's Agent, that he had not informed the Board of the conviction. (Exh. I-2)

**IN THE
COMMONWEALTH OF VIRGINIA
BOARD FOR CONTRACTORS**

Re: Calvin R. Perry, Sr., t/a Town-Country Decorators

File Number: 2004-01355
License Number: 2705072465

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On June 30, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Calvin R. Perry, Sr. ("Perry"), t/a Town-Country Decorators to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was returned by the United States Postal Service, and marked as "Not Deliverable as Addressed, Unable to Forward." The Notice was also mailed, via certified mail, to Perry at 1006 E. Brookland Park Blvd., Richmond, Virginia 23222-3109. The certified mail was signed and received.

On July 12, 2004, a letter to reschedule the Informal Fact-Finding Conference ("IFF") was sent to Perry, via certified mail, to the address of record. The certified mail was returned by the United States Postal Service, and marked as "Not Deliverable as Addressed, Unable to Forward." The letter was also mailed, via certified mail, to Perry at the alternate address. The certified mail was returned by the United States Postal Service, and marked as "Unclaimed."

On August 10, 2004, an IFF was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Deeya Thomas; Complainant; Joe Haughwout, Staff Member; and Mark Kinser, Presiding Board Member.

Neither Perry nor anyone on his behalf appeared at the IFF.

RECOMMENDATION

Based upon the evidence and the IFF, the following is recommended regarding the Counts as outlined in the Report of Findings:

Count 1: Board Regulation (Effective January 1, 2003)

Perry's failure to include minimum provisions in the contract is a violation of Board Regulation 18 VAC 50-22-260.B.9. Therefore, I recommend that a monetary penalty of \$400.00 be imposed.

Count 2: Board Regulation (Effective January 1, 2003)

Perry's failure to complete work is a violation of Board Regulation 18 VAC 50-22-260.B.15. Therefore, I recommend that a monetary penalty of \$2500.00 and license revocation be imposed.

Count 3: Board Regulation (Effective January 1, 2003)

Perry's failure to respond to the investigator is a violation of Board Regulation 18 VAC 50-22-260.B.13. Therefore, I recommend that a monetary penalty of \$1000.00 be imposed.

Count 4: Board Regulation (Effective January 1, 2003)

Perry's failure to notify the Board, in writing, of a change of address within thirty (30) days of the change is a violation of Board Regulation 18 VAC 50-22-230.B. Therefore, I recommend that a monetary penalty of \$500.00 be imposed.

By: _____
Mark Kinser
Presiding Board Member

Board for Contractors

Date: _____

MONETARY PENALTY TERMS

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 THE LICENSE, CERTIFICATE, OR REGISTRATION UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

VIRGINIA DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL REGULATION
COMPLIANCE & INVESTIGATIONS DIVISION
3600 WEST BROAD STREET
RICHMOND, VIRGINIA 23230-4917

REPORT OF FINDINGS

BOARD: Board for Contractors
DATE: June 28, 2004

FILE NUMBER: 2004-01355
RESPONDENT: Calvin R. Perry, Sr., t/a Town-Country Decorators
LICENSE NUMBER: 2705072465
EXPIRATION: November 30, 2004

SUBMITTED BY: E. Nathan Matthews
APPROVED BY: James Guffey

COMMENTS:

None.

Calvin R. Perry, Sr. ("Perry"), t/a Town-Country Decorators was at all times material to this matter a licensed Class C Contractor in Virginia (No. 2705072465).

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

BACKGROUND:

On September 25, 2003, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Deeya Thomas ("Thomas") regarding Calvin Perry, t/a Town & Country. (Exh. C-1)

On August 11, 2003, Thomas entered into a written contract with Perry, in the amount of \$1,925.00, to paint the exterior of Thomas's property at 2516 Seminary Avenue, Richmond, Virginia. (Exh. C-2)

On August 13, 2003, Thomas paid Perry \$600.00 in cash. On August 23, 2003, Thomas paid Perry \$200.00 in cash. (Exh. C-3)

On September 6, 2003, Thomas and Perry agreed to an addendum to the original contract. (Exh. C-2)

1. Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

9. Failure of those engaged in residential contracting as defined in this chapter to comply with the terms of a written contract which contains the following minimum requirements:
 - a. When work is to begin and the estimated completion date;
 - e. A statement of assurance that the contractor will comply with all local requirements for building permits, inspections, and zoning;
 - f. Disclosure of the cancellation rights of the parties;
 - h. Contractor's name, address, license number, expiration date, class of license, and classifications or specialty services; and

FACTS:

The contract used by Perry in the transaction failed to contain subsections: (a); (e); (f); and (h) contractor's license number, class of license, and specialty services. (Exh. C-2)

2. Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

15. The intentional and unjustified failure to complete work contracted for and/or to comply with the terms in the contract.

FACTS:

On September 6, 2003, Perry agreed, as part of the contract addendum, to apply one coat of primer and one coat of paint to the entire edifice beginning on September 8, 2003, and complete the work within five days. (Exh. C-2)

On September 8, 2003, Perry did not begin the work. (Exh. C-1)

On September 9, 2003, Thomas contacted Perry and requested that Perry begin the work. Perry began the work. Perry applied paint without applying primer, and only applied primer to the bottom front of the exterior wall. (Exh. C-1)

As of September 9, 2003, Perry failed to return to apply primer and paint to the exterior walls. (Exh. C-1)

3. Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

13. Failing to respond to an investigator or providing false, misleading or incomplete information to an investigator seeking information in the investigation of a complaint filed with the board against the contractor.

FACTS:

On October 10, 2003, Investigator E. Nathan Matthews, the Board's agent, made a written request to Perry, at the address of record at 3222 Cliff Avenue, Richmond, Virginia 23222, requesting a written response and supporting documents to the complaint filed with the Board. The Board's agent requested the documents be received by October 22, 2003. (Exh. I-2)

On March 11, 2004, the Board's agent, made a written request to Perry, via Certified Mail, at the address of record, requesting Perry contact the Board's agent by phone to discuss the complaint. The letter was returned by the United States Postal Service (USPS) marked "Unclaimed". (Exh. I-2)

As of June 28, 2004, Perry refused or failed to respond to the Board's agent's request.

4. Board Regulation (Effective January 1, 2003)

18 VAC 50-22-230. Change of name or address.

B. Any change of address shall be reported in writing to the board within 30 days of the change. The board shall not be responsible for the licensee's failure to receive notices or correspondence due to the licensee's not having reported a change of address.

FACTS:

On March 11, 2004, the Board's agent sent an address certification request form to the USPS regarding Perry's address. On March 13, 2004, the USPS returned the form indicating

Perry's new address at 1006 E. Brookland Pk. Blvd., Richmond, Virginia 23222-3109. (Exh. I-3)

On March 17, 2004, the licensing records for the Board for Contractors revealed the license address of record for Perry was 3222 Cliff Avenue, Richmond, Virginia 23222, and that there were no changes of address reported to the Board. (Exh. I-1)

Perry failed to notify the Board, in writing, within thirty (30) days of a change of address.

DRAFT

**IN THE
COMMONWEALTH OF VIRGINIA
BOARD FOR CONTRACTORS**

Re: Commonwealth Builders & Design Inc, t/a Commonwealth Builders & Design Inc
Fredericksburg, VA 22405

File Number 2004-01967
License Number 2705075097

CONSENT ORDER

Respondent Commonwealth Builders & Design Inc, t/a Commonwealth Builders & Design Inc ("Commonwealth Builders & Design Inc") recognizes and acknowledges being subject to and bound by the Regulations of the Board for Contractors ("Board"), as well as by all other applicable Virginia laws.

Board's 2003 Regulations provides:

18 VAC 50-22-200. Revocation or suspension; fines.

The board may require remedial education, revoke or suspend a license or fine a licensee when a licensee has been found to have violated or cooperated with others in violating any provision of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia, or any regulation of the board.

Pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended:

On July 12, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Commonwealth Builders & Design Inc at the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was received.

On August 10, 2004, the Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation in Richmond, Virginia.

The following individuals participated at the IFF: David Black, President of Commonwealth Builders & Design Inc, Respondent; Tammy Black, Witness; Joe Haughwout, Staff Member; and Mark Kinser, Presiding Board Member.

The Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, is incorporated with the Consent Order.

During the IFF, David and Tammy Black stated that David Stevens holds an ownership stake in the corporation, and actively manages the daily operations of the firm, but that they are seeking to terminate their relationship with Stevens.

The Board and Commonwealth Builders & Design Inc, as evidenced by the signatures affixed below, enter into this Consent Order. Commonwealth Builders & Design Inc knowingly and voluntarily waives any further proceedings in this matter under Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

By signing this Consent Order, Commonwealth Builders & Design Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Counts as outlined in the Report of Findings. Commonwealth Builders & Design Inc consents to the following term(s):

	Count 1	§ 54.1-1110 of the Code of Virginia	\$0.00

	TOTAL		\$0.00

In addition, Commonwealth Builders & Design Inc agrees to the following terms for violation of Count 1:

1. Will not renew its license;
2. Will terminate its license prior to expiration if its pending jobs are completed prior to expiration; and
3. Will not contract for any additional jobs under its license.

Any monetary penalties, costs, and/or sanctions are to be paid/performed within thirty days of the effective date of this consent order unless otherwise specifically noted above. Commonwealth Builders & Design Inc acknowledges any monetary penalty and costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, Commonwealth Builders & Design Inc will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in Section 58.1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

Commonwealth Builders & Design Inc acknowledges that failure to pay any monetary penalty or cost and/or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of Commonwealth Builders & Design Inc's license until such time as there is

compliance with all terms of this Order. Commonwealth Builders & Design Inc understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

The effective date of this Order shall be the date of execution by the Board.

DRAFT

SEEN AND AGREED TO:

_____ Date _____

t/a Commonwealth Builders & Design Inc

Printed Name and Title of Person Signing on behalf of Entity

CITY/COUNTY OF _____
COMMONWEALTH OF VIRGINIA

Sworn and subscribed before me this _____ day of _____,
2004.

Notary Public

My Commission Expires: _____

SO ORDERED:

Entered this _____ day of _____, 2004.

Board for Contractors

BY: _____
Louise Fontaine Ware, Secretary

VIRGINIA DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL REGULATION
COMPLIANCE & INVESTIGATIONS DIVISION
3600 WEST BROAD STREET
RICHMOND, VIRGINIA 23230-4917

REPORT OF FINDINGS

BOARD: Contractors
DATE: June 10, 2004 (Revised on June 28, 2004 and July 9, 2004)

FILE NUMBER: 2004-01967
RESPONDENT: Commonwealth Builders & Design Inc.
LICENSE NUMBER: 2705075097
EXPIRATION: March 31, 2005
SUBMITTED BY: Investigator Wayne J. Ozmore, Jr.
APPROVED BY: Investigations Administrator Kevin E. Hoeft

COMMENTS:
None.

Commonwealth Builders & Design Inc. ("CBDI") was at all times material to this matter a licensed Class A Contractor in Virginia (License No. 2705075097).

Based on the investigation of this matter, there is probable cause to believe the respondent has committed the following violation of the Code of Virginia:

BACKGROUND:

On November 13, 2003, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received information regarding CBDI. (Exh. I-1)

1. Code of Virginia

§ 54.1-1110. Grounds for denial or revocation of license or certificate.

The Board may suspend, revoke, or deny renewal of an existing license or certificate, or refuse to issue a license or certificate, to any contractor who is shown to have a substantial identity of interest with a contractor whose license or certificate has been revoked or not renewed by the Board. A substantial identity of interest includes but is not limited to (i) a controlling financial interest by the individual or corporate principals of the contractor whose license or certificate has been revoked or nonrenewed, (ii) substantially identical principals or officers, or (iii) the same designated employee as the contractor whose license or certificate has been revoked or not renewed by the Board.

FACTS:

On April 21, 1993, Mid Atlantic Building Corp ("Mid Atlantic"), t/a Forest Hill Associates, was issued Class A Contractor's license number 2705020197. David Stevens was the Designated Employee, Qualified Individual, and Responsible Management, as Secretary, of license number 2705020197. (Exh. I-3)

On March 25, 2003, CBDI was issued Class A Contractor's license number 2705075097. David Stevens is the Responsible Management of license number 2705075097. (Exh. I-4).

On October 9, 2003, the Board for Contractors revoked license number 2705020197. (Exh. I-2)

In a written response dated June 28, 2004, David Stevens stated that most his work "involves laying out and supervising foundations and carpentry work as well as swinging the hammer myself." (Exh. R-1)

**IN THE
COMMONWEALTH OF VIRGINIA
BOARD FOR CONTRACTORS**

Re: M & I Enterprises Inc., t/a D & D Mechanical Contractors

File Number: 2004-03173
License Number: 2705047598

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On July 12, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to M & I Enterprises ("M & I Enterprises"), t/a D & D Mechanical Contractors to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was returned by the United States Postal Service, and marked as "Refused." The Notice was also mailed, via certified mail, to M & I Enterprises at 4506 N. Frederick Pike, Winchester, Virginia 22601. The certified mail was returned by the United States Postal Service, and marked as "Refused."

On August 10, 2004, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Joe Haughwout, Staff Member; and Mark Kinser, Presiding Board Member. Neither M & I Enterprises nor anyone on its behalf appeared at the IFF.

RECOMMENDATION

Based upon the evidence and the IFF, the following is recommended regarding the Counts as outlined in the Report of Findings:

Count 1: Board Regulation (Effective January 1, 2003)

M & I Enterprises' misconduct is a violation of Board Regulation 18 VAC 50-22-260.B.6. Therefore, I recommend that a monetary penalty of \$2,500.00 and license revocation be imposed.

Count 2: Board Regulation (Effective January 1, 2003)

M & I Enterprises' failure to include minimum provisions in the contract is a violation of Board Regulation 18 VAC 50-22-260.B.9. Therefore, I recommend that a monetary penalty of \$300.00 be imposed.

Count 3: Board Regulation (Effective January 1, 2003)

M & I Enterprises' failure to respond to the investigator is a violation of Board Regulation 18 VAC 50-22-260.B.13. Therefore, I recommend that a monetary penalty of \$1,000.00 be imposed.

By: _____

Mark Kinser
Presiding Board Member

Board for Contractors

Date: _____

MONETARY PENALTY TERMS

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 THE LICENSE, CERTIFICATE, OR REGISTRATION UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

VIRGINIA DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL REGULATION
COMPLIANCE & INVESTIGATIONS DIVISION
3600 WEST BROAD STREET
RICHMOND, VIRGINIA 23230-4917

REPORT OF FINDINGS

BOARD: Board for Contractors
DATE: June 23, 2004

FILE NUMBER: 2004-03173
RESPONDENT: M & I Enterprises Inc., t/a D & D Mechanical Contractors
LICENSE NUMBER: 2705047598
EXPIRATION: December 31, 2004

SUBMITTED BY: Morgan Moore
APPROVED BY: James Guffey

COMMENTS:

None.

M & I Enterprises, Inc., t/a D & D Mechanical Contractors ("D & D Mechanical") was at all times material to this matter a licensed Class B Contractor in Virginia (No. 2705047598).

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

BACKGROUND:

On February 5, 2004, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Joyce Myers ("Myers") regarding D & D Mechanical Contractors. (Exh. C-1)

On July 11, 2003, Myers entered into a written contract with M & I Enterprises Inc., t/a D & D Mechanical, in the amount of \$6,300.00, to install a heat pump and reconfigure ductwork at 214 Briarwood Drive, Winchester, Virginia 22603. (Exh. C-2)

On July 17, 2003, D & D Mechanical installed the heat pump and performed the ductwork. (Exh. C-3)

1. Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

6. Misconduct in the practice of contracting.

FACTS:

In October 2003, Myers noticed that the heat pump was not working. (Exh. C-1)

On October 16, 2003, D & D Mechanical returned to the property and performed repairs on the heat pump. (Exh. C-3)

On October 20, 2003, D & D Mechanical returned to the property to correct the outstanding problem, but could not successfully repair the heat pump. (Exh. C-3)

In late October 2003, D & D Mechanical promised to replace the heat pump. D & D Mechanical returned to the property to install a replacement heat pump. The pump provided by D & D Mechanical was the incorrect unit, and was not installed. (Exh. C-1)

Despite Myers making several calls to D & D Mechanical, after the end of October 2003, D & D Mechanical failed to replace the heat pump as promised. (Exh. C-1)

2. Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

9. Failure of those engaged in residential contracting as defined in this chapter to comply with the terms of a written contract which contains the following minimum requirements:
- a. When work is to begin and the estimated completion date;
 - f. Disclosure of the cancellation rights of the parties;
 - h. Contractor's name, address, license number, expiration date, class of license, and classifications or specialty services; and

FACTS:

The contract used by D & D Mechanical failed to contain subsections: (a), (f), and (h) specialty services.

3. Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

13. Failing to respond to an investigator or providing false, misleading or incomplete information to an investigator seeking information in the investigation of a complaint filed with the board against the contractor.

FACTS:

On March 2, 2004, Investigator Morgan T. Moore, the Board's agent, made a written request to D & D Mechanical, at the address of record of 4508 N. Frederick Pike, Winchester, Virginia, 22603, requesting a written response and supporting documents to the complaint filed with the Board. The Board's agent requested the documents be received by March 19, 2004. (Exh. I-2)

As of June 23, 2004, D & D Mechanical refused or failed to respond to the Board's agent's request.

**IN THE
COMMONWEALTH OF VIRGINIA
BOARD FOR CONTRACTORS**

Re: Hunter E. Spence, t/a H.E. Spence Roofing

File Number: 2004-04245
License Number: 2705029501

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On July 12, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Hunter E. Spence ("Spence"), t/a H.E. Spence Roofing to the address of record. The Notice included the Informal Fact-Finding Conference Memorandum, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed and received.

On August 10, 2004, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Joe Haughwout, Staff Member; and Mark Kinser, Presiding Board Member.

Neither Hunter Spence nor anyone on his behalf appeared at the IFF.

RECOMMENDATION

Based upon the evidence and the IFF, the following is recommended regarding the Counts as outlined in the IFF Memorandum:

Count 1: Board Regulation (Effective January 1, 2003)

(FIVE COUNTS)

Spence's conviction of felonies after initial licensure is a violation of Board Regulation 18 VAC 50-22-260.B.22. Therefore, I recommend that a monetary penalty of \$1000.00 and license revocation for each count be imposed for each count.

Count 2: Board Regulation (Effective January 1, 2003)

(FIVE COUNTS)

Spence's failure to inform the Board, in writing, of his convictions for activities carried out while engaged in the practice of contracting within thirty (30) days is a violation of Board Regulation 18 VAC 50-22-260.B.23. Therefore, I recommend that a monetary penalty of \$500.00 be imposed for each count.

By: _____

Mark Kinser
Presiding Board Member

Board for Contractors

Date: _____

MONETARY PENALTY TERMS

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 THE LICENSE, CERTIFICATE, OR REGISTRATION UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

VIRGINIA DEPARTMENT OF PROFESSIONAL
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ENFORCEMENT DIVISION
3600 WEST BROAD STREET
RICHMOND, VIRGINIA 23230-4917

INFORMAL FACT-FINDING CONFERENCE MEMORANDUM

BOARD: Contractors
DATE: May 5, 2004 (revised July 7, 2004)
RE: 2004-04245; Hunter E. Spence, t/a H. E. Spence Roofing

BACKGROUND:

During the investigation of File Number 2004-01164, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received information regarding Hunter E. Spence ("Spence"), t/a H. E. Spence Roofing.

On July 18, 1995, Spence was issued Class C Contractor's license number 2705029501. (Exh. I-2)

1. Violation of Code of Virginia or Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260(B)(22) (Five Counts)

FACTS:

On January 29, 2004, in the Circuit Court of Botetourt County, Hunter Engram Spence pleaded guilty and was convicted five times of unlawfully and feloniously obtaining an advance of money to perform construction work and failing or refusing to perform such a promise, a Felony, in violation of Section 18.2-200.1 of the Code of Virginia. There is no appeal pending and the time for appeal has lapsed. (Exh. I-1)

2. Violation of Code of Virginia or Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260(B)(23) (Five Counts)

FACTS:

On April 21, 2004, Spence told Investigator Dale C. Amos, the Board's agent, that he was not aware he had to report convictions to the Board. (Exh. I-3)

DRAFT

IN THE
COMMONWEALTH OF VIRGINIA
BOARD FOR CONTRACTORS

Re: Hunter E. Spence, t/a H.E. Spence Roofing

File Number: 2004-01164
License Number: 2705029501

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On July 12, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Hunter E. Spence ("Spence"), t/a H.E. Spence Roofing to the address of record. The Notice included the Informal Fact-Finding Conference Memorandum, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed and received.

On August 10, 2004, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Joe Haughwout, Staff Member; and Mark Kinser, Presiding Board Member.

Neither Hunter Spence nor anyone on his behalf appeared at the IFF.

RECOMMENDATION

Based upon the evidence and the IFF, the following is recommended regarding the Counts as outlined in the IFF Memorandum:

Count 1: Board Regulation (Effective January 1, 2003)

Spence's failure to provide minimum provisions in the contract is a violation of Board Regulation 18 VAC 50-22-260.B.9. Therefore, I recommend that a monetary penalty of \$600.00 be imposed.

Count 2: Board Regulation (Effective January 1, 2003)

Spence's abandonment of work under the contract is a violation of Board Regulation 18 VAC 50-22-260.B.14. Therefore, I recommend that a monetary penalty of \$2,500.00 and license revocation be imposed.

Count 3: Board Regulation (Effective January 1, 2003)

Spence's retention of funds is a violation of Board Regulation 18 VAC 50-22-260.B.16. Therefore, I recommend that a monetary penalty of \$2,500.00 and license revocation be imposed.

By: _____

Mark Kinser
Presiding Board Member

Board for Contractors

Date: _____

MONETARY PENALTY TERMS

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 THE LICENSE, CERTIFICATE, OR REGISTRATION UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

VIRGINIA DEPARTMENT OF PROFESSIONAL
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3600 WEST BROAD STREET
RICHMOND, VIRGINIA 23230-4917

INFORMAL FACT-FINDING CONFERENCE MEMORANDUM

BOARD: Board for Contractors
DATE: April 22, 2004 (revised July 7, 2004)
RE: 2004-01164; Hunter E. Spence, t/a H. E. Spence Roofing

BACKGROUND:

On September 1, 2003, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Rachel and Naaman Mays ("the Mays") regarding Hunter E. Spence ("Spence"), t/a H. E. Spence Roofing. (Exh. C-1)

On April 2, 2003, Naaman Mays ("Mays") entered into a written contract with Spence, in the amount of \$4,500.00, to replace shingles at 4907 Blacksburg Road, Troutville, Virginia 24175. (Exh. C-2)

1. Violation of Code of Virginia or Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260(B) (9)

FACTS:

The contract used by Spence in the transaction failed to contain subsections: (a) when the work is to begin, (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) contractor's license number, expiration date, class of license, and classifications or specialty services, and (i) 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. (Exh. C-2)

2. Violation of Code of Virginia or Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260(B)(14)

FACTS:

The contract specified "Job will done no later than 6-1-03." (Exh. C-2)

Spence failed to return to the subject property and perform the work contracted for. (Exh. C-5)

3. Violation of Code of Virginia or Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260(B)(16)

FACTS:

On May 5, 2003, the Mays paid Spence \$2,250.00 by check. (Exh. C-3)

Since Spence failed to return to the subject property and perform the work contracted for and the roof was leaking, the Mays hired someone else to replace the roof. (Exh. I-2)

On August 15, 2003, Spence reimbursed Mays \$2,750.00 by check; however, the check was returned for insufficient funds. (Exh. C-4)

On August 22, 2003, the Mays sent Spence a letter advising Spence the check was returned for insufficient funds and requested Spence return the money within fifteen (15) days. (Exh. C-5)

On August 24 2003, Spence sent the Mays a letter advising them he would return the money. (Exh. C-6)

On January 29, 2004, in the Circuit Court of the Botetourt County, Spence pleaded guilty and was convicted of unlawfully and feloniously obtaining money from Mays. (Exh. C-7)

**IN THE
COMMONWEALTH OF VIRGINIA
BOARD FOR CONTRACTORS**

Re: Hunter E. Spence, t/a H.E. Spence Roofing

File Number: 2003-02646
License Number: 2705029501

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On July 12, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Hunter E. Spence ("Spence"), t/a H.E. Spence Roofing to the address of record. The Notice included the Informal Fact-Finding Conference Memorandum, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed and received.

On August 10, 2004, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Morris Wickham, Complainant; Joe Haughwout, Staff Member; and Mark Kinser, Presiding Board Member.

Neither Hunter Spence nor anyone on his behalf appeared at the IFF.

RECOMMENDATION

Based upon the evidence and the IFF, the following is recommended regarding the Counts as outlined in the IFF Memorandum:

Count 1: Board Regulation (Effective September 1, 2001)

Spence's failure to provide minimum provisions in the contract 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.

Count 2: Board Regulation (Effective September 1, 2001)

Spence's failure to complete work is a violation of Board Regulation 18 VAC 50-22-260.B.15. Therefore, I recommend that a monetary penalty of \$2,500.00 and license revocation be imposed.

By: _____

Mark Kinser
Presiding Board Member

Board for Contractors

Date: _____

MONETARY PENALTY TERMS

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 THE LICENSE, CERTIFICATE, OR REGISTRATION UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

DRAFT

VIRGINIA DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL REGULATION
ENFORCEMENT DIVISION
3600 WEST BROAD STREET
RICHMOND, VIRGINIA 23230-4917

INFORMAL FACT-FINDING CONFERENCE MEMORANDUM

BOARD: Contractors
DATE: August 19, 2003 (revised July 7, 2004)
RE: 2003-02646; Hunter E. Spence, t/a H. E. Spence Roofing

BACKGROUND:

On April 3, 2003, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Morris Wickham ("Wickham") regarding Hunter E. Spence ("Spence"), t/a H. E. Spence Roofing. (Exh. C-1)

On November 12, 2002, Wickham entered into a written contract with Spence, in the amount of \$1,200.00, to repair a leaking skylight, replace and paint shingles, soffit and fascia boards, install a drip edge, and reattach gutters at 4003 Greenlawn Avenue, Roanoke, Virginia. (Exh. C-2)

1. Violation of Code of Virginia or Board Regulation (Effective September 1, 2001)

18 VAC 50-22-260(B)(9)

FACTS:

The contract used by Spence in the transaction failed to contain subsections: (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) contractor's license number, expiration date, class of license, and classifications or specialty services, and (i) 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. (Exh. C-2)

2. Violation of Code of Virginia or Board Regulation (Effective September 1, 2001)

18 VAC 50-22-260(B)(15)

FACTS:

The contract specified "Work will be done within 7 days unless held up due to weather."
(Exh. C-2)

In January 2003, Spence told Wickham that Spence would return after completing another job. Wickham made several attempts to contact Spence to schedule a date for Spence to complete the work. Spence failed to respond. As of March 31, 2003, Spence failed to return to complete the work. (Exh. C-1)

DRAFT

**IN THE
COMMONWEALTH OF VIRGINIA
BOARD FOR CONTRACTORS**

Re: Hunter E. Spence, t/a H.E. Spence Roofing

File Number: 2003-02848
License Number: 2705029501

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On July 12, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Hunter E. Spence ("Spence"), t/a H.E. Spence Roofing to the address of record. The Notice included the Informal Fact-Finding Conference Memorandum, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed and received.

On August 10, 2004, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Joe Haughwout, Staff Member; and Mark Kinser, Presiding Board Member.

Neither Hunter Spence nor anyone on his behalf appeared at the IFF.

RECOMMENDATION

Based upon the evidence and the IFF, the following is recommended regarding the Counts as outlined in the IFF Memorandum:

Count 1: Board Regulation (Effective January 1, 2003)

Spence's failure to provide minimum provisions in the contract is a violation of Board Regulation 18 VAC 50-22-260.B.9. Therefore, I recommend that a monetary penalty of \$600.00 be imposed.

Count 2: Board Regulation (Effective January 1, 2003)

Spence's failure to complete work is a violation of Board Regulation 18 VAC 50-22-260.B.15. Therefore, I recommend that a monetary penalty of \$2,500.00 and license revocation be imposed.

Count 3: Board Regulation (Effective January 1, 2003)

Spence's failure to honor the terms and conditions of a warranty is a violation of Board Regulation 18 VAC 50-22-260.B.30. Therefore, I recommend that a monetary penalty of \$1,000.00 and license revocation be imposed.

Count 4: Board Regulation (Effective January 1, 2003)

Spence's failure or refusal to produce documents requested by the investigator is a violation of Board Regulation 18 VAC 50-22-260.B.12. Therefore, I recommend that a monetary penalty of \$1,000.00 be imposed.

By: _____

Mark Kinser
Presiding Board Member

Board for Contractors

Date: _____

MONETARY PENALTY TERMS

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 THE LICENSE, CERTIFICATE, OR REGISTRATION UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

VIRGINIA DEPARTMENT OF PROFESSIONAL
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3600 WEST BROAD STREET
RICHMOND, VIRGINIA 23230-4917

INFORMAL FACT-FINDING CONFERENCE MEMORANDUM

BOARD: Contractors
DATE: August 25, 2003 (revised July 7, 2004)
RE: 2003-002848; Hunter Spence, t/a H. E. Spence Roofing

BACKGROUND:

On April 22, 2003, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Evelyn Ragland ("Ragland") regarding Hunter E. Spence ("Spence"), t/a H. E. Spence Roofing. (Exh. C-1)

On March 1, 2003, Ragland entered into a written contract with Spence, in the amount of \$3,200.00, to installation a new roof at 3440 Pilot Boulevard, Roanoke, Virginia 24018. (Exh. C-2)

1. Violation of Code of Virginia or Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260(B)(9)

FACTS:

The contract used by Spence in the transaction failed to contain 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) contractor's expiration date, class of license, and classifications or specialty services, and (i) 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. (Exh. C-2)

2. Violation of Code of Virginia or Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260(B)(15)

FACTS:

The contract specified "install a new 25 year shingle, new flashing, ventpipe collars, take out vents and cover up and install new ridge vent." (Exh. C-2)

Spence failed to comply with the terms of the contract and complete the following items: install flashing around chimney, install vent pipe collars, and remove debris. (Exh. C-1)

3. Violation of Code of Virginia or Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260(B)(30)

FACTS:

The contract specified "25 year Shingle Warranty" and "10 year Labor Warranty." (Exh. C-2)

On March 14, 2003, Spence installed the roof at the subject property. (Exh. C-1)

After Spence performed the roof work, Ragland noticed the chimney leaking. Ragland made several attempts to contact Spence regarding the leak. (Exh. C-1)

4. Violation of Code of Virginia or Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260(B)(12)

FACTS:

On May 20, 2003, Investigator Dale C. Amos, the Board's agent, made a written request to Spence at the address of record of 490 Knollwood Drive, Troutville, Virginia 24175 requesting a written response and supporting documents regarding the complaint filed with the Board. The Board's agent requested a response be received by June 6, 2003. (Exh. I-1)

On June 21, 2003, the Troutville, Virginia Postmaster certified that mail was delivered to Spence at 490 Knollwood Drive, Troutville, Virginia 24175. (Exh. I-1)

As of July 7, 2003, Spence refused or failed to product documents requested by the Board's agent.