

**Minutes of Meeting
BOARD FOR CONTRACTORS
INFORMAL FACT-FINDING CONFERENCES
August 17, 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 Burch, 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. Timothy L. Semmont
t/a A & T Builders
File Number 2004-02486 (Disc) | Semmont – R
Patricia Harrison – C |
| 2. Timothy L. Semmont
t/a A & T Builders
File Number 2004-00726 (Disc) | Semmont – R |
| 3. Anderson Building Corporation
File Number 2003-00164 (Disc) | None |
| 4. Guaranty Homes Inc.
File Number 2004-01002 (Disc) | David Johnson – C |
| 5. Kim L. Forbus
t/a Forbus Handyman For Hire
File Number 2004-01522 (Disc) | Forbus – R
Lana Yates – C
John Eshland – W |
| 6. Milton Chen
t/a Vision Windows
File Number 2004-00600 (Disc) | None |

- | | |
|---|--------------|
| 7. Potomac Abatement Inc.
File Number 2004-04188 (Disc) | None |
| 8. Clayton Woolfrey
C Woolfrey Remodeling
File Number 2004-02164 (Disc)
(Consent Order agreed to after IFF) | Woolfrey – R |

The meeting adjourned at 2:45 p.m.

BOARD FOR CONTRACTORS

Mark D. Kinser, Chairman

Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

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

Re: Timothy L. Semmont, t/a A & T Builders

File Number: 2004-02486
License Number: 2705036211

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On July 19, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Timothy L. Semmont ("Semmont"), t/a A & T Builders 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 17, 2004, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Semmont, Respondent; Patricia Harrison; Complainant; Joe Haughwout, Staff Member; and Robert Burch, 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:

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

Semmont's failure to use a contract signed by both the consumer and the licensee is a violation of Board Regulation 18 VAC 50-22-260.B.8. Therefore, I recommend that a monetary penalty of \$500.00 and remedial education be imposed.

The Board's Basic Contracting License class (remedial education) must be successfully completed by a member of Responsible Management within six months of the effective date of this order.

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

Semmont's failure to complete work is a violation of Board Regulation 18 VAC 50-22-260.B.15. During the IFF, Semmont admitted to lying to Harrison several times. Therefore, I recommend that a monetary penalty of \$2500.00 and license revocation be imposed.

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

Semmont's failure to return funds received for work not performed is a violation of Board Regulation 18 VAC 50-22-260.B.16. During the IFF, Semmont admitted to lying to Harrison several times. Therefore, I recommend that a monetary penalty of \$2500.00 and license revocation be imposed.

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

Semmont's failure to satisfy the judgment is a violation of Board Regulation 18 VAC 50-22-260.B.28. Therefore, I recommend that a monetary penalty of \$2500.00 and license revocation be imposed.

By: _____
Robert Burch
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: Contractors
DATE: April 24, 2004 (revised July 12, 2004)

FILE NUMBER: 2004-02486
RESPONDENT: Timothy L. Semmont, t/a A & T Builders
LICENSE NUMBER: 2705036211
EXPIRATION: 10/31/2004

SUBMITTED BY: Dale C. Amos
APPROVED BY: Wayne Mozingo

COMMENTS:

Other files regarding A & T Builders: 2004-00726, 2004-01140, 2004-01574, 2004-01714, 2004-02110, and 2004-01348. Harrison did not have verification of all monies paid to Semmont. Harrison has already received information on the recovery fund.

Timothy L. Semmont ("Semmont"), t/a A & T Builders, was at all times material to this matter a licensed Class A Contractor in Virginia (License No. 2705036211).

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 December 11, 2003, the Enforcement Division of the Department of Professional and Occupational Regulation received a written complaint from Patricia Harrison ("Harrison") regarding Timothy L. Semmont ("Semmont"), t/a A & T Builders. (Exh. C-1)

On July 10, 2003, Harrison entered into a written contract with Semmont, in the amount of \$10,500.00, to construct a carport and deck at 212 Lookout Drive, Lynchburg, Virginia 24502. (Exh. C-3)

On July 16, 2003, Harrison agreed to a written change order to install vinyl siding on an outdoor shed and perform additional electrical work at the subject property. (Exh. C-3)

On July 10, 2003, Harrison paid Semmont \$5,000.00 by check, as a deposit. Harrison paid Semmont \$3,000.00 and \$2,000.00 as the second and third installment, respectively. On July 14, 2003, Harrison paid Semmont \$600.00 towards the purchase of a bay window. On August 1, Harrison paid Semmont \$150.00 for chair rails. Harrison also paid \$175.00 to Mark Meadows, an electrician, to install an attic fan. (Exh. C-4)

On October 15, 2003, Harrison and Semmont signed a written agreement to extend the completion deadline an additional three weeks and all work would be completed by November 5, 2003. The agreement also stated that if Semmont failed to complete the work by the deadline, then Semmont would refund all monies. (Exh. C-6)

1. Board Regulation (Effective January 1, 2003)

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

B. The following are prohibited acts:

8. Failure of all those who engage in residential contracting, excluding subcontractors to the contracting parties and those who engage in routine maintenance or service contracts, to make use of a legible written contract clearly specifying the terms and conditions of the work to be performed. For the purposes of this chapter, residential contracting means construction, removal, repair, or improvements to single-family or multiple-family residential buildings, including accessory-use structures as defined in § 54.1-1100 of the Code of Virginia. Prior to commencement of work or acceptance of payments, the contract shall be signed by both the consumer and the licensee or his agent.

FACTS:

The contract used by Semmont in the transaction was not signed by Harrison. (Exh. C-3)

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:

In a written response received February 10, 2004, Semmont stated he has been working with her to get her job complete and his goal is to finish the job by February 9, 2003. (Exh. R-1)

As of April 23, 2004, the rough-in and electrical inspections were performed and approved; however, the framing inspection was rejected. (Exh. I-2)

3. Board Regulation (Effective January 1, 2003)

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

B. The following are prohibited acts:

16. The retention or misapplication of funds paid, for which work is either not performed or performed only in part.

FACTS:

As of April 23, 2004, Semmont failed to return the funds received for work not performed.

4. Board Regulation (Effective January 1, 2003)

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

B. The following are prohibited acts:

28. Failure to satisfy any judgments.

FACTS:

On February 9, 2004, in the City of Lynchburg General District Court, Harrison was awarded a \$10,765.00 judgment against Semmont. As of April 19, 2004, Semmont failed to satisfy the judgment. (Exh. C-8)

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

Re: Timothy L. Semmont, t/a A & T Builders

File Number: 2004-00726
License Number: 2705036211

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On July 19, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Timothy L. Semmont ("Semmont"), t/a A & T Builders 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 17, 2004, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Semmont, Respondent; Joe Haughwout, Staff Member; and Robert Burch, 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, Semmont stated that after mediation he felt he was still not obligated to refund Pyun's money.

Count 1: Board Regulation (Effective May 1, 1999)

Semmont's failure to return funds for work not performed or performed in part is a violation of Board Regulation 18 VAC 50-22-260.B.12. Therefore, I recommend that a monetary penalty of \$2500.00 and license revocation be imposed.

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

Semmont's failure to honor the terms of the agreement is a violation of Board Regulation 18 VAC 50-22-260.B.6. Therefore, I recommend that a monetary penalty of \$2500.00 and license revocation be imposed.

By: _____
Robert Burch
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: Contractors
DATE: May 21, 2004 (revised July 12, 2004)

FILE NUMBER: 2004-00726
RESPONDENT: Timothy L. Semmont, t/a A & T Builders
LICENSE NUMBER: 2705036211
EXPIRATION: 10/31/2004

SUBMITTED BY: Dale C. Amos
APPROVED BY: Wayne Mozingo

COMMENTS:

Other files regarding A & T Builders: 2004-00726, 2004-01140, 2004-01574, 2004-01714, 2004-02110, and 2004-01348. On April 8, 2003, Mr. Pyun stated that he would not be willing to travel to testify in this case unless it was held in Christiansburg, Va. He has sold the property involved in this complaint and now lives in Christiansburg, Va.

Timothy L. Semmont ("Semmont"), t/a A & T Builders, was at all times material to this matter a licensed Class A Contractor in Virginia (License No. 2705036211).

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 August 7, 2003, the Enforcement Division of the Department of Professional and Occupational Regulation received a written complaint from Sam Pyun ("Pyun") regarding Timothy L. Semmont ("Semmont"), t/a A & T Builders. (Exh. C-1)

On January 17, 2000, Pyun entered into a written contract with Semmont, in the amount of \$105,000.00, to construct a residence at 224 Chelsea Drive, Forest, Virginia 24551. (Exh. C-2)

On September 8, 2003, Pyun and Semmont entered into a Mediation Memorandum of Agreement. Semmont agreed to refund \$3,300.00 to Pyun. (Exh. C-9)

In a written response dated November 11, 2003, Semmont admitted "I failed to meet the payment obligation that I agreed to." (Exh. R-1)

1. Board Regulation (Effective May 1, 1999)

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

B. The following are prohibited acts:

12. Abandonment, or the intentional and unjustified failure to complete work contracted for, or the retention or misapplication of funds paid, for which work is either not performed or performed only in part. (Unjustified cessation of work under the contract for a period of thirty days or more shall be considered evidence of abandonment.)

FACTS:

In a letter dated July 6, 2003, Semmont told Pyun that Semmont had hired other people to complete the outstanding punch list items. (Exh. C-5)

On July 8, 2003, S & S HomeTech provided a written estimate, in the amount of \$3,300.00, to complete outstanding punch list items at the subject property. (Exh. C-6)

In a letter dated July 9, 2003, Pyun requested Semmont refund \$3,300.00 by July 24, 2003. (Exh. C-4)

As of November 11, 2003, Semmont failed refund money for work not performed or performed in part. (Exh. R-1)

2. 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:

As of November 11, 2003, Semmont failed to honor the terms of the Mediation Memorandum Agreement. (Exh. R-1)

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

Re: Anderson Building Corporation

File Number: 2003-00164
License Number: 2705068096

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On February 12, 2003, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Anderson Building Corporation ("Anderson Building") 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 July 16, 2004, a letter to reschedule the Informal Fact-Finding Conference ("IFF") was sent, via certified mail, to Anderson Building through its attorney, William C. Bischoff, Esquire at 2101 Parks Avenue, P.O. Box 1687, Virginia Beach, Virginia 23451. The certified mail was signed and received.

On July 26, 2004, a letter to reschedule the IFF was sent, via certified mail, to Anderson Building to the address of record. The certified mail was signed and received.

On August 17, 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 Robert Burch, Presiding Board Member. Neither Anderson Building 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 IFF Memorandum:

Count 1: Code of Virginia

Anderson Building's substantial identity of interest with a firm whose license was revoked by the Board is a violation of § 54.1-1110 of the Code of Virginia. Therefore, I recommend license revocation be imposed.

By: _____
Robert Burch
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

BACKGROUND:

On or about July 19, 2002, the Board for Contractors, in Final Order 2002-00494, revoked the Class A Contractor's license number 2705054915 of Angela Anderson (a.k.a. Angela Hudson), t/a Custom Homes of Virginia. (Exh. C-1 and C-2)

1. Violation of Code of Virginia or Board Regulation

Section 54.1-1110

FACTS:

On or about February 4, 2003, the license application and licensing records of the Board for Contractors revealed Angela Hudson (a.k.a. Angela Anderson), t/a Custom Homes of Virginia, was issued Class A Contractor's license number 2705054915 on March 9, 2000. The records further identified Angela Hudson (a.k.a. Angela Anderson) as the Responsible Management of Angela Anderson, t/a Custom Homes of Virginia. (Exh. I-3 and I-4)

On or about February 4, 2003, the license application and licensing records of the Board for Contractors revealed Anderson Building Corporation, t/a Anderson Building Corporation, was issued Class A Contractor's license number 2705068096 on April 15, 2002. The records further identified Angela Anderson (a.k.a. Angela Hudson) as the Responsible Management of Anderson Building Corporation. (Exh. I-5 and I-6)

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

Re: Guaranty Homes Inc.

File Number: 2004-01002
License Number: 2705048994

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On July 16, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Guaranty Homes Inc. ("Guaranty Homes") 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 returned by the United States Postal Service and marked as "Unclaimed." The Notice was also mailed, via certified mail, to Guaranty Homes at 3831 Old Forest Rd., Suite 6, Lynchburg, Virginia 24501. The certified mail was returned by the United States Postal Service and marked as "Unclaimed."

On August 17, 2004, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: David Johnson; Complainant; Joe Haughwout, Staff Member; and Robert Burch, Presiding Board Member. Neither Guaranty Homes 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 IFF Memorandum:

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

Guaranty Homes's failure to operate in the name in which the license was issued is a violation of Board Regulation 18 VAC 50-22-230.A. Based on the record, there are no correspondences prior to September 19, 2003, of any attempt to change the name. Therefore, I recommend that a monetary penalty of \$2500.00 and license revocation be imposed.

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

Guaranty Homes'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 \$500.00 and remedial education be imposed.

The Board's Basic Contracting License class (remedial education) must be successfully completed by a member of Responsible Management within six months of the effective date of this order.

Count 3: Board Regulation (Effective September 1, 2001)

Guaranty Homes's failure to honor the terms and conditions of a warranty is a violation of Board Regulation 18 VAC 50-22-260.B.6. Based on the record and Johnson's testimony during the IFF, punch list items were completed; however, these did not take place within the thirty (30) day time period. Therefore, I recommend that a monetary penalty of \$1500.00 and remedial education be imposed.

The Board's Basic Contracting License class (remedial education) must be successfully completed by a member of Responsible Management within six months of the effective date of this order.

By: _____

Robert Burch
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: February 18, 2004 (revised April 9, 2004)
RE: 2004-001002; Guaranty Homes Inc.

BACKGROUND:

On August 25, 2003, the Enforcement Division of the Virginia Department of Professional and Occupational Regulation received a written complaint from David Johnson ("Johnson") regarding work performed by Guaranty Homes Inc. (Exh. C-1)

On October 9, 2002, David and Dawn Johnson ("the Johnsons") entered into a written contract with Dominion Homes Inc., in the amount of \$101,018.08, to construct a new home at 34 Cynthia Court, Lynchburg, Virginia. The contract was signed by Karen Cunningham on behalf of Dominion Homes Inc. (Exh. C-2)

On August 28, 2003, a review of the licensing records of the Board for Contractors revealed Guaranty Homes Inc. was issued Class A Contractor's license number 2705048994 on February 9, 2000. The records further revealed Karen Foster was the Responsible Management, Designated Employee, and Qualified Individual of license number 2705048994. (Exh. I-1) Karen Foster is the maiden name of Karen Cunningham. (Exh. R-1)

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

18 VAC 50-22-230(A)

FACTS:

On August 5, 2003, the Board for Contractors received a Name & Address change form from Guaranty Homes Inc. to change the business name to Dominion Homes & Land Development Inc. (Exh. R-2)

On August 5, 2003, the Board for Contractors sent Guaranty Homes Inc. a letter requesting Guaranty Homes Inc. submit the Certificate of Amendment to complete the corporate name change. (Exh. R-3)

In a written response dated September 19, 2003, Guaranty Homes Inc. stated it made several attempts to change the license name. (Exh. R-1)

On February 11, 2004, a review of the licensing records of the Board for Contractors revealed Guaranty Homes Inc. returned its license on November 24, 2003. (Exh. I-3)

On February 11, 2004, a review of the licensing records of the Board for Contractors revealed Dominion Homes & Land Development Inc. was issued Class A Contractor's license number 2705081039 on November 24, 2003. The records further revealed Karen Foster as the Designated Employee, Qualified Individual, and Responsible Management for license number 2705081039.

Guaranty Homes Inc. failed to operate in the name in which the license was issued.

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

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

FACTS:

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

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

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

FACTS

On August 25, 2003, the Johnsons settled on the subject property. (Exh. C-4)

On August 25, 2003, the Johnsons and Karen Cunningham/Karen Foster signed a Pick List agreement containing fourteen (14) items that the contractor was expected to satisfy to the customer's approval within 30 days. (Exh. R-4)

After September 25, 2003, the Johnsons sent measurements to Guaranty Homes Inc. for the missing kitchen shelf. As of February 12, 2004, Guaranty Homes Inc. failed to supply the missing shelf in one of the cabinets. (Exh. I-5)

Guaranty Homes Inc. failed to honor the terms and conditions of the punch list warranty.

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

Re: Kim L. Forbus, t/a Forbus Handyman for Hire

File Number: 2004-01522
License Number: 2705064276

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On July 16, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Kim L. Forbus ("Forbus"), t/a Forbus Handyman for Hire 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 17, 2004, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Forbus, Respondent; Lana Yates; Complainant; John Eshland, Witness; Joe Haughwout, Staff Member; and Robert Burch, 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:

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

Forbus's failure to satisfy the judgment is a violation of Board Regulation 18 VAC 50-22-260.B.28. During the IFF, Forbus stated he is appealing the judgment; however, Forbus failed to provide any documentation or proof. Therefore, I recommend that a monetary penalty of \$2500.00 and license revocation be imposed. However, the \$2500.00 monetary penalty and license revocation shall be waived if Forbus provides proof of appeal within thirty (30) days of entry of the order.

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

Forbus's action of having been disciplined by the West Virginia Contractor Licensing Board is a violation of Board Regulation 18 VAC 50-22-260.B.24. Therefore, I recommend that a monetary penalty of \$500.00 and remedial education be imposed.

The Board's Basic Contracting License class (remedial education) must be successfully completed by a member of Responsible Management within six months of the effective date of this order.

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

Forbus's pleading of no contest to a misdemeanor, after initial licensure, is a violation of Board Regulation 18 VAC 50-22-260.B.22. During the IFF, Forbus stated he was unaware he needed a license in West Virginia to perform the work. Therefore, I recommend remedial education and no monetary penalty be imposed.

The Board's Basic Contracting License class (remedial education) must be successfully completed by a member of Responsible Management within six months of the effective date of this order.

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

Forbus's failure to inform the Board, in writing, within thirty (30) days of pleading no contest to a misdemeanor is a violation of Board Regulation 18 VAC 50-22-260.B.23. During the IFF, Forbus stated he was unaware he was required to report the guilty plea for a misdemeanor involving contracting. Therefore, I recommend that a monetary penalty of \$300.00 and remedial education be imposed.

The Board's Basic Contracting License class (remedial education) must be successfully completed by a member of Responsible Management within six months of the effective date of this order.

By: _____
Robert Burch
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: Virginia Board for Contractors
DATE: June 7, 2004 (revised July 1, 2004)

FILE NUMBER: 2004-01522
RESPONDENT: Kim Lynn Forbus, aka Kim Lynn Forbes,
t/a Forbus Handyman for Hire

LICENSE NUMBER: 2705064276
EXPIRATION: July 31, 2005

SUBMITTED BY: Investigator Wayne J. Ozmore, Jr.
APPROVED BY: Investigations Administrator Kevin Hoelt

COMMENTS:

No comments.

Kim Lynn Forbus ("Forbus"), t/a Forbus Handyman for Hire, was at all times material to this matter a licensed Class C contractor in Virginia (License No. 2705064276).

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

BACKGROUND:

On September 30, 2003, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Lana Yates ("Yates") regarding Forbus. (Exh. C-1)

On September 13, 2001, Yates entered into a written contract with Handyman for Hire, in the amount of \$6,675.00, to convert an existing porch into a room addition, install a 200 Ampere panel, and wire to outside box and all other connects at 495 Old Woodstock Road, Lost City, West Virginia. (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:

28. Failure to satisfy any judgments.

FACTS:

On September 11, 2003, in the Circuit Court of Hardy County, West Virginia, Lana Yates was awarded a \$8,145.00 judgment against Kim Lynn Forbus, a/k/ Lynn Forbes, d/b/a Handyman for Hire. (Exh. I-7)

As of September 24, 2003, Forbus failed to satisfy the judgment. (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:

24. Having been disciplined by any county, city, town, or any state or federal governing body including action by the Virginia Department of Health, which action shall be reviewed by the board before it takes any disciplinary action of its own.

FACTS:

On September 19, 2002, the West Virginia Contractor Licensing Board assessed a \$500.00 penalty against Kim Lynn Forbus d/b/a Handyman for Hire for engaging in contracting work in West Virginia without a valid West Virginia Contractor License. (Exh. C-3)

On October 23, 2002, the West Virginia Contractor Licensing Board held an appeal hearing; however, Forbus failed to appear. The Hearing Examiner recommended the September 19, 2002, decision be reaffirmed. (Exh. C-3)

On April 1, 2004, the West Virginia Contractor Licensing Board met and adopted the Hearing Examiner's recommendation. (Exh. I-9)

3. 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 July 31, 2001, Forbus was issued Class C Contractor's license number 2705064276, as a sole proprietorship. (Exh. I-1)

On December 2, 2003, in the Magistrate Court of Hardy County, West Virginia, Kim Lynn Forbus pleaded no contest to performing electrical work without a valid West Virginia Electricians license, a misdemeanor, in violation of 29-3B-2 of the West Virginia Criminal Code. (Exh. I-5 and I-6)

There is no appeal pending and the time for appeal has lapsed.

4. 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:

As of June 8, 2004, Forbus failed to report the no contest plea to a violation of the West Virginia Criminal Code.

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

Re: Milton Chen, t/a Vision Windows

File Number: 2004-00600
License Number: 2705057968

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On July 16, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Milton Chen ("Chen"), t/a Vision Windows 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. The Notice was also mailed, via certified mail, to Chen at 1035 Jeff Ryan Drive, Herndon, Virginia 20170. The certified mail was not returned by the United States Postal Service.

On August 17, 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 Robert Burch, Presiding Board Member. Neither Chen 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)

Chen'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 \$100.00 and remedial education be imposed.

The Board's Basic Contracting License class (remedial education) must be successfully completed by a member of Responsible Management within six months of the effective date of this order.

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

Chen's failure to operate in the name in which the license was issued is a violation of Board Regulation 18 VAC 50-22-230.A. Therefore, I recommend that a monetary penalty of \$500.00 and remedial education be imposed.

The Board's Basic Contracting License class (remedial education) must be successfully completed by a member of Responsible Management within six months of the effective date of this order.

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

Chen'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 \$1200.00 and remedial education be imposed.

The Board's Basic Contracting License class (remedial education) must be successfully completed by a member of Responsible Management within six months of the effective date of this order.

By: _____
Robert Burch
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 2, 2004 (revised July 12, 2004)

FILE NUMBER: 2004-00600
RESPONDENT: Milton Chen, t/a Vision Windows
LICENSE NUMBER: 2705057968
EXPIRATION: August 31, 2004

SUBMITTED BY: Morgan T. Moore
APPROVED BY: Linda J. Boswell

COMMENTS:

Milton Chen ("Chen"), t/a Vision Windows, was at all times material to this matter a licensed Class A Contractor in Virginia (License No. 2705057968).

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 August 1, 2003, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from William Fields ("Fields") regarding Vision Exteriors Inc. (Exh. C-1)

On March 26, 2003, Fields entered into a written contract with Vision Windows Inc., in the amount of \$4,408.00, to replace fourteen (14) windows at 2720 Sherwood Hall Lane, Alexandria, Virginia. The contract indicated "VA CLASS A CONTRACTOR'S LICENSE NUMBER 2705 057968A." (Exh C-3)

On March 26, 2003, Fields paid Vision Exteriors \$2,204.00 by check. On June 6, 2003, Fields paid Vision Exteriors \$2,204.00 by check. (Exh. C-4)

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:

h. Contractor's name, address, license number, expiration date, class of license, and classifications or specialty services.

FACTS:

Chen failed to include the license expiration date and license specialties of subsection (h). (Exh C-3)

2. Board Regulation (Effective January 1, 2003)

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

A. A licensee must operate under the name in which the license is issued. Any name change 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 name.

FACTS:

On August 14, 2000, Chen was issued Class A Contractor's license number 2705057968 as a sole proprietorship. (Exh. I-2)

On August 18, 2000, Vision Windows Inc. became incorporated in Virginia; however, the corporation was terminated on December 31, 2003. (Exh. I-3)

Chen failed to operate in the name in which the license was issued.

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 September 29, 2003, Investigator Morgan T. Moore, the Board's agent, made a written request to Chen at the address on the complaint form and contract of 46950 Community Plaza Ste 101-138, Sterling, Virginia 20164 requesting a written response and supporting documents to the complaint filed with the Board. The Board's agent requested a response be received by October 15, 2003. (Exh. I-1)

As of June 2, 2004, Chen refused or failed to respond to the Board's agent.

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

Re: Potomac Abatement Inc.

File Number: 2004-04188
License Number: 2705034756

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On July 19, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Potomac Abatement Inc. ("Potomac Abatement") 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 17, 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 Robert Burch, Presiding Board Member. Neither Potomac Abatement 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)

Potomac Abatement's felony convictions, after initial licensure, are a violation of Board Regulation 18 VAC 50-22-260.B.22. Therefore, I recommend license revocation be imposed.

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

Potomac Abatement's failure to notify the Board, in writing, within thirty (30) days of the felony convictions is a violation of Board Regulation 18 VAC 50-22-260.B.23. Therefore, I recommend that a monetary penalty of \$2500.00 and license revocation be imposed.

By: _____
Robert Burch
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: Contractors
DATE: April 19, 2004 (revised July 14, 2004)

FILE NUMBER: 2004-04188
RESPONDENT: Potomac Abatement Inc.
LICENSE NUMBER: 2705034756
EXPIRATION: February 28, 2005

SUBMITTED BY: Stacy C. Payne
APPROVED BY: M. Wayne Brown

COMMENTS:

None.

Potomac Abatement Inc. ("Potomac Abatement") was at all times material to this matter a licensed Class A Contractor in Virginia (No. 2705034756).

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):

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 10, 1997, Potomac Abatement was issued Class A Contractor's license number 2705034756 as a corporation. (Exh. I-6)

On July 22, 2002, in the United States District Court for the Eastern District of Virginia, Potomac Abatement entered a plea agreement for two counts of False Statements, in violation of Title 18 United States Code §1001 and 2, a Felony. (Exh. I-2)

On December 24, 2002, in the United States District Court for the Eastern District of Virginia, Potomac Abatement pleaded guilty and was sentenced for two counts of False Statements, in violation of 18 U.S.C. § 1001 and 2, a Felony. (Exh. I-4)

2. Board Regulation (Effective September 1, 2001)

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:

As of April 19, 2004, Potomac Abatement failed to notify the Board, in writing, within thirty (30) days of the felony convictions.

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

Re: Clayton Woolfrey, t/a C Woolfrey Remodeling
Spotsylvania, VA 22553

File Number 2004-02164
License Number 2705066000

CONSENT ORDER

Respondent Clayton Woolfrey, t/a C Woolfrey Remodeling ("Clayton Woolfrey") 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 August 17, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Clayton Woolfrey 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 signed and received.

On August 17, 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 conference: Clayton Woolfrey, Respondent; Joe Haughwout, Staff Member; and Robert Burch, 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.

The Board and Clayton Woolfrey, as evidenced by the signatures affixed below, enter into this Consent Order. Clayton Woolfrey 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, Clayton Woolfrey acknowledges an understanding of the charges and hereby admits to the violation(s) of the Counts as outlined in the Report of Findings. Clayton Woolfrey consents to the following term(s):

	Count 1	18 VAC 50-22-260.B.28	\$1700.00

	TOTAL		\$1700.00

In addition, Clayton Woolfrey agrees to license revocation for violation of Count 1.

The Board waives the imposition of the \$1700.00 monetary penalty and license revocation for Count 1 provided Woolfrey satisfies the judgment and provides the Board with proof of payment within thirty (30) days of the effective date of this order. If Woolfery fails to satisfy the judgment, then the monetary penalty and license revocation will be automatically imposed.

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. Clayton Woolfrey 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, Clayton Woolfrey 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.

Clayton Woolfrey 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 Clayton Woolfrey's license until such time as there is compliance with all terms of this Order. Clayton Woolfrey 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.

SEEN AND AGREED TO:

_____ Date _____
t/a C Woolfrey Remodeling

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

AMENDED
REPORT OF FINDINGS

BOARD: Contractors
DATE: April 16, 2004 (revised July 15, 2004 and amended August
17, 2004)

FILE NUMBER: 2004-02164
RESPONDENT: Clayton Woolfrey, t/a C Woolfrey Remodeling
LICENSE NUMBER: 2705066000
EXPIRATION: January 31, 2006

SUBMITTED BY: Noelle B. Phillips
APPROVED BY: Kevin E. Hoeft

COMMENTS:

None.

Clayton Woolfrey ("Woolfrey"), t/a C Woolfrey Remodeling, was at all times material to this matter a licensed Class A contractor in Virginia (No. 2705066000).

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 November 26, 2003, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Luis Duran-Flores ("Duran-Flores") regarding Woolfrey. (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:

28. Failure to satisfy any judgments.

FACTS:

On May 9, 2003, in Fairfax County General District Court, Duran-Flores was awarded a \$1,724.00 judgment against Woolfrey. (Exh. C-2)

As of February 25, 2004, Woolfrey failed to satisfy the judgment. (Exh. I-3)