

BOARD FOR CONTRACTORS BOARD MEETING

MINUTES

The Board for Contractors met on Tuesday, January 18, 2005 at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The members indicated below were present. Each of the other members present was qualified to vote, except where a specific reason for disqualification is stated. There are 13 members on this board, in which seven constitutes a quorum pursuant to §54.1-1102.

Mark D. Kinser , Chairman
Anthony Orange, Co-Chair
Ann Rackas Pate
Charles W. Falwell
James Hollar
Robert M. Kirby
Michael D. Redifer
Wyatt Walton, III
Dorothy Wood

Board members, Robert O Burch, Jr., William A. Paulette, David O. Harris, Sr. and Kenneth W. Hart were not present at the meeting.

Staff present for all or part of the meeting were:

Louise Fontaine Ware, Director
Sandra Whitley Ryals, Chief Deputy Director
Karen O'Neal, Deputy Director of Regulatory Programs
Eric L. Olson, Executive Director
Kevin Hoeft, Regulatory Boards Administrator
Victoria Traylor, Legal Assistant
Sheila Watkins, Administrative Assistant
Jennifer Kazzie, Assistant Director, Adjudication
Joe Haughwout, Legal Assistant
Jeffrey Buckley, Legal Assistant
Nick A. Christner, Deputy Director of Compliance and Investigations

Chairman Mark Kinser called the meeting to order at 9:08 a.m. and declared a quorum of board members was in attendance.

Call
To Order

A motion was made by **Mr. Kirby** and seconded by **Mr. Hollar** to approve the agenda with a correction of agenda item # 8 changing the time from 2:30 to 1:30. The motion passed unanimously. Members voting "Yes" were: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

Approval of
the Agenda

Mr. Redifer moved to approve the following minutes as written:

Approval of
Minutes

December 14, 2004, Contractor Board Meeting
July 22, 2004, Informal Fact Finding Conference
November 30, 2004, Informal Fact Finding Conference
December 01, 2004, Informal Fact Finding Conference
December 02, 2004, Informal Fact Finding Conference
December 07, 2004, Informal Fact Finding Conference
December 08, 2004, Informal Fact Finding Conference
December 09, 2004, Informal Fact Finding Conference
December 16, 2004, Informal Fact Finding Conference

Mr. Falwell seconded the motion which was unanimously approved by members: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

There were no public comments.

Public
Comment
Period

In the matter of Disciplinary File Number 2004-03160, Kenneth Brown t/a Southside Aluminum, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2004-03160
Southside
Aluminum

Mr. Brown, respondent, did not appear at the Board meeting. **Mrs. Sherry Kidd, complainant**, appeared at the IFF and the Board meeting. She addressed the Board. The presiding Board Representative **Mr. Franko** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Walton** to

adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards 2003 Regulations:

Count 1: 18 VAC 50-22-210

Count 2: 18 VAC 50-22-230.A

Count 3: 18 VAC 50-22-260.B.9

Count 4: 18 VAC 50-22-260.B.15

The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

A motion was made by **Mr. Kirby** and seconded by **Mr. Falwell** to accept the recommendation with the amendment(s) of the addition of Remedial Education to each count and due to the severity of the violation in Count 4 to increase the penalty from \$1,000. to \$2,500; contained in the Summary of the Informal Fact-Finding Conference imposing a \$250.00 monetary penalty for the violation of (Count 1); \$250.00 for violation of (Count 2); \$500.00 for violation of (Count 3) and \$2,500.00 for violation of (Count 4). The Board imposed successful completion of the Board's Basic Contractor Licensing Class to each violation. A total monetary penalty of **\$3,500.00** was imposed. The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

In the matter of Disciplinary File Number 2003-02576, Christopher Patete t/a Sturdy Built MFG, the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2003-02576
Sturdy Built
MFG

Mr. Kevin McNally, Esq., appeared at the Board meeting. He addressed the Board. Mr. McNally respectfully requested the Board reconvene this case to an IFF to give him a chance to represent his client as he was recently hired and the current recommendation involves license revocation. The presiding Board representative **Mrs. Burch** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Orange** and seconded by **Mr. Kirby** to allow this case to reconvene to an Informal Fact-Finding Conference.

The motion was approved with a majority "yes" vote by members: **Kinser, Falwell, Rackas Pate, Kirby, Orange, Redifer, Walton and Wood.** A "no" vote was cast by: **Mr. Hollar.**

In the matter of Disciplinary File Number 2004-00251, Christopher Patete t/a Sturdy Built MFG, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of

File Number
2004-00251
Sturdy Built

the Informal Fact-Finding Conference of the presiding Board member.

MFG

Mr. McNally, attorney for the respondent, appeared at the Board meeting along with Mr. Christopher Patete. He addressed the Board. **Mr. James Gillis, complainant** appeared at the IFF and the Board meeting. He addressed the Board. The presiding officer **Mr. Burch** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards 2001 Regulations:

Count 1: 18 VAC 50-22-260.B.9

Count 2: 18 VAC 50-22-260.B.31 (finding of no violation)

Count 3: 18 VAC 50-22-260.B.15

Count 4: 18 VAC 50-22-260.B.6

The motion passed majority vote. Members voting "yes" were: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer and Wood**. Mr. **Walton** voted "no".

A motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$100.00 monetary penalty for the violation of (Count 1); \$2,000.00 for violation of (Count 3) and \$2,500.00 for violation of (Count 4). The Board imposed successful completion of its Basic Contractor Licensing Class to counts 1, 3 and 4. A total monetary penalty of \$4,600.00 was imposed. Count 2 was closed with a finding of no violation. The motion passed with a majority vote. Members voting "yes" were: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer and Wood**. Mr. **Walton** voted "no".

In the matter of Disciplinary File Number 2003-02612, John H. Pham t/a American Classic Construction, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2003-02612
American
Classic
Construction

Mr. Pham, respondent, appeared at the Board meeting. He addressed the Board. The presiding officer **Mr. Burch** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Kirby** and seconded by **Ms. Wood** to adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards May 1, 1999 Regulations:

Count 1: 18 VAC 50-22-260.B.8

Count 2: 18 VAC 50-22-260.B.25 (January 1, 2003)

Count 3: 18 VAC 50-22-260.B.7 (January 1, 2003)

The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

A motion was made by **Mr. Kirby** and seconded by **Ms. Rackas Pate** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$150.00 monetary penalty and successful completion of Remedial Education for the violation of (Count 1); \$2,500.00 monetary penalty and revocation of John H Pham's license (2705021144) for violation of (Count 2) and \$1,500.00 monetary penalty and successful completion of Remedial Education for violation of (Count 3). A total monetary penalty of \$4,150.00 was imposed. The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood.** There were no negative votes.

In the matter of Disciplinary File Number 2004-00574, Cybernetica Inc. t/a Clemson Construction Company, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

**File Number
2004-00574
Cybernetica
Inc.**

Mr. Barry Clemson, respondent, appeared at the Board meeting on behalf of Cybernetica, Inc. He addressed the Board. **Mr. Randall Holden, complainant** appeared at the IFF and the Board meeting. He addressed the Board. The presiding officer **Mr. Burch** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Mrs. Wood** and seconded by **Ms. Rackas Pate** to adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards 2001 Regulations:

- Count 1: 18 VAC 50-22-260.B.8**
- Count 2: 18 VAC 50-22-260.B.9**
- Count 3: 18 VAC 50-22-260.B.31**
- Count 4: 18 VAC 50-22-260.B.25**
- Count 5: 18 VAC 50-22-260.B.5**

The motion passed with a majority vote. Members voting "yes" were: **Kinser, Falwell, Rackas Pate, Orange, Redifer, Walton and Wood.** Members voting "no" were: **Hollar and Kirby.**

A motion was made by **Mrs. Wood** and seconded by **Mr. Falwell** to accept the recommendation contained in the Summary of the Informal Fact-Finding

Conference with amendment(s) to count 4 (removing the revocation of Cybernetica, Inc., license because the violation did not rise to that level of severity) imposing a \$400.00 monetary penalty and successful completion of Remedial Education for the violation of (Count 1); \$350.00 monetary penalty and successful completion of Remedial Education for violation of (Count 2); \$450.00 monetary penalty and successful completion of Remedial Education for violation of (Count 3); \$2,500.00 monetary penalty for violation of (Count 4) and \$1,500 monetary penalty for violation of (Count 5). A total monetary penalty of **\$5,200.00** was imposed. The motion passed with a majority vote. Members voting "yes" were: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood.** Mr. Kirby voted "no".

In the matter of Disciplinary File Number 2004-01264, Martin G. Condrey t/a Marty's Roofing, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2004-01264
Marty's
Roofing

Mr. Condrey, respondent (s), did not appear at the Board meeting. Mr. Condrey, respondent attended the IFF. **The DeBernards, complainant(s)** appeared at the IFF and the Board meeting. They addressed the Board. The presiding officer **Mr. Burch** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Kirby** and seconded by **Mrs. Wood** to adopt the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, and adopts the Summary of the Informal Fact-Finding Conference with a finding of violations of the Boards 2003 Regulations:

- Count 2: 18 VAC 50-22-260.B.8**
- Count 3: 18 VAC 50-22-260.B.9**
- Count 4: 18 VAC 50-22-260.B.31**
- Count 5: 18 VAC 50-22-260.B.5**

The Board closed Count 1: 18 VAC 50-22-260.B.17 with a finding of no violation.

The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood.** There were no negative votes.

A motion was made by **Mr. Kirby** and seconded by **Ms. Rackas Pate** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$500.00 monetary penalty for violation of (Count 2); \$250.00 monetary penalty for violation of (Count 3); \$450.00 monetary penalty for violation of (Count 4); \$1,450.00 monetary penalty for

violation of (Count 5). The Board imposed the completion of Remedial Education for Counts 2, 3, 4 and 5. Total monetary penalties imposed \$2,650.00. The motion passed with a unanimous vote. Members voting "yes" were: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood**. There were no negative votes.

In the matter of License Application File Number 2005-00146, Judea Crawford, the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2005-00146
Judea
Crawford**

Mr. Crawford and his counsel, Mr. James Downey, appeared at the IFF and the Board meeting. Mr. Downey addressed the Board. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Falwell** and seconded by **Mr. Redifer** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by majority vote. Members voting "yes" were: **Kinser, Falwell, Hollar, Orange, Redifer, Walton and Wood**. Members voting "no" were: **Rackas Pate and Kirby**.

In the matter of License Application File Number 2005-00503, Guillermo E. Roviralta, the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2005-00503
B and A
Custom
Homes**

Mr. Robiralta appeared at the IFF and the Board meeting. He addressed the Board. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Mrs. Wood** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved with a majority "yes" vote by members: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood**. A "no" vote was cast by: **Ms. Rackas Pate**.

In the matter of License Application File Number 2005-01233, Tracy Lynn Hatch, the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2005-01233
Tracy Lynn
Hatch**

Mr. Hatch appeared at the IFF and the Board meeting. He addressed the Board. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Mrs. Wood** and seconded by **Mr. Walton** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved with a unanimous “yes” vote by members: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

In the matter of License Application File Number 2005-01451, William A. Johnson, Jr., the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2005-01451
William A.
Johnson, Jr.**

Mr. Johnson appeared at the IFF and the Board meeting. He addressed the Board. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Orange** and seconded by **Mr. Falwell** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved with a majority “yes” vote by members: **Kinser, Falwell, Rackas Pate, Kirby, Orange, Redifer, Walton and Wood.** A **Negative** vote was cast by: **Mr. Hollar.**

In the matter of License Application File Number 2005-01454, Mark T. Albrechta t/a Albrechta & Associates, the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2005-01454
Mark T.
Albrechta**

Mr. Albrechta appeared at the IFF and the Board meeting. He addressed the Board. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Kirby** and seconded by **Mr. Walton** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved with a majority “yes” vote by members: **Kinser, Falwell, Kirby, Redifer and Walton**. Negative votes were cast by: **Ms. Rackas Pate, Mr. Hollar, Mr. Orange and Mrs. Wood**.

In the matter of License Application File Number 2005-01665, Ronald Updegraff t/a Grayson Construction, LC, the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2005-01665
Ronald
Updegraff

Mr. Updegraff appeared at the IFF and the Board meeting. He addressed the Board. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Orange** and seconded by **Ms. Rackas Pate** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved with a unanimous “yes” vote by members: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood**.

In the matter of License Application File Number 2005-01914, Christopher Wayne Julian, the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2005-01914
Christopher
Wayne
Julian

Mr. Julian appeared at the IFF and the Board meeting. He addressed the Board. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Falwell** and seconded by **Mr. Walton** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved with a majority “yes” vote by members: **Kinser, Falwell, Rackas Pate, Redifer, Walton and Wood**. Members voting “no” were: **Orange, Hollar, and Kirby**.

In the matter of License Application File Number 2005-01991, Carl Allen Brooks t/a Carl Brooks Roofing, the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2005-01991
Carl Allen
Brooks

Mr. Brooks appeared at the IFF and the Board meeting. He addressed the Board. The presiding Board representative **Mrs. Cooper** was not present

did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Mrs. Rackas Pate** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved with a majority “yes” vote by members: **Kinser, Falwell, Rackas Pate, Kirby, Orange, Redifer, Walton and Wood**. The “no” vote was cast by: **Mr. Hollar**.

In the matter of License Application File Number 2005-01993, Robert Dudley Edwards, Jr., the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2005-01993
Robert
Dudley
Edwards,
Jr.

Mr. Edwards appeared at the IFF and the Board meeting. He addressed the Board. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Walton** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved with a unanimous “yes” vote by members: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood**.

In the matter of License Application File Number 2005-02089, Christopher Shane McCoy, the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2005-02089
Christoper
Shane
McCoy

Mr. McCoy appeared at the IFF and the Board meeting. He addressed the Board. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Hollar** and seconded by **Ms. Rackas Pate** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved with a unanimous “yes” vote by members: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood**.

In the matter of License Application File Number 2005-02086, Christopher Shane McCoy t/a McCoy Mechanical, Inc., the Board members reviewed the record, which consisted of the application file,

File Number
2005-02086
Christopher

transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

**Shane
McCoy**

Mr. McCoy appeared at the IFF and the Board meeting. He addressed the Board. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Kirby** and seconded by **Ms. Rackas Pate** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved with a unanimous "yes" vote by members: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

In the matter of License Application File Number 2005-02134, Roger Neil Wells t/a Bizmark, the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2005-02134
**Roger Neil
Wells**

Mr. Wells appeared at the IFF and the Board meeting. Mr. Wells addressed the Board. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Mrs. Wood** and seconded by **Mr. Hollar** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny the license due to the recentness of the conviction and the current obligation to the Department of Taxation.

The motion was approved by majority "yes" vote. Members voting "yes" were: **Hollar, Kirby, Orange, Redifer, Walton, Rackas Pate and Wood.** The negative votes were cast by: Mr. Falwell and Mr. Kinser.

In the matter of License Application File Number 2005-02231, Accent Painting & Spray, Inc., the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2005-02231
**Accent
Painting &
Spray, Inc.**

Elisa R. Shadeck, applicant for Accent Painting & Spray, Inc. appeared at the IFF and the Board meeting. She addressed the Board. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Kirby** and seconded by **Ms. Rackas Pate** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved with a unanimous "yes" vote by members: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

In the matter of Recovery Fund File Number 2004-00286, Peter F. Barker (Claimant) and Global Coatings & Restorations LLC (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither Global Coatings & Restorations LLC (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Mr. Barker (Claimant)** appeared at the IFF. The Board representative(s), **Mr. Franko** was not present and did not participate in the discussion nor vote in this matter. After discussion, **Mr. Orange** offered a motion seconded by **Mr. Falwell**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$3,048.00**. **Members voted 8 "yes" to pay the claim as follows: Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Walton and Wood.** **Ms. Rackas Pate** voted no. The motion was approved.

File Number
2004-00286
Global
Coatings &
Restorations
LLC

In the matter of Recovery Fund File Number 2003-02128, Steven McNeil (Claimant) and J T Y Builders Inc. (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither JTY Builders, Inc. (Regulant) nor anyone on its behalf appeared at the IFF** or the Board meeting. **Mr. McNeil (Claimant)** appeared at the IFF and the Board meeting. He addressed the Board. The Board representative(s), **Mr. Franko and Mr. Paulette** were not present and did not participate in the discussion nor vote in this matter. After discussion, **Mr. Redifer** offered a motion seconded by **Ms. Rackas Pate**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$10,000.00**. **Members voted unanimously to pay the claim as follows: Kinser, Falwell, Harris, Hart, Hollar, Kirby, Rackas Pate, Redifer, Walton and Wood.** There were no negative votes. The motion was approved.

File Number
2004-05161
Country and
Lake Homes
and Land,
Inc.

In the matter of Recovery Fund File Number 2004-02577, Victoria Carpenter (Claimant) and Charles W. Akers, t/a Virginia Roofing Co. (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither Virginia Roofing Co (Regulant) nor anyone on its behalf appeared at the IFF** or the Board meeting. **Ms. Carpenter (Claimant)** appeared at the IFF and the Board meeting. He addressed the Board. The Board representative(s), **Mr. Franko** was not present and did not

File Number
2004-02577
Virginia
Roofing Co

participate in the discussion nor vote in this matter. After discussion, **Mr. Orange** offered a motion seconded by **Mr. Falwell**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$2,472.00**. **Members voted unanimously to pay the claim as follows: Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood.** There were no negative votes. The motion was approved.

In the matter of Disciplinary File Number 2004-03082, William E Harris t/a W E Harris Construction, Inc., the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2004-03082
W E Harris
Construction
Inc.

Mr. Harris, respondent, did not appear at the Board meeting. **Mr. and Mrs. Jerry and Beth Sanner, complainant** appeared at the IFF and the Board meeting. They addressed the Board. The presiding officer **Mr. Burch** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Walton** to adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards 2003 Regulations:

- Count 1: 18 VAC 50-22-260.B.17**
- Count 2: 18 VAC 50-22-260.B.9**
- Count 3: 18 VAC 50-22-260.B.27**
- Count 4: 18 VAC 50-22-260.B.27**
- Count 5: 18 VAC 50-22-260.B.6**
- Count 6: 18 VAC 50-22-260.B.15**
- Count 7: 18 VAC 50-22-260.B.16**

The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

A motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$1, 500.00 monetary penalty for the violation of (Count 1); \$100.00 for violation of (Count 2); \$1,000.00 monetary penalty for the violation of (Count 3); \$1,000.00 monetary penalty for violation of (Count 4); \$1,000.00 monetary penalty for violation of (Count 5); \$2,000.00 monetary penalty for violation of (Count 6) and \$2,500.00 for violation of (Count 7). The imposed completion of Remedial Education for violation of Count 2 and license revocation for violation of counts 1, 3, 4, 5, 6 and 7. A total monetary penalty of \$9,100.00. The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

In the matter of Disciplinary File Number 2004-01211, Capital Improvements t/a General Contracting Inc., the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2004-01211
Capital
Improve-
ments

Mr. Ronald Payne, respondent, appeared at the Board meeting. He addressed the Board. **Mr. Brady, complainant** appeared at the IFF and the Board meeting. She addressed the Board. The presiding officer **Ms. Rackas Pate** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Ms. Wood** and seconded by **Mr. Redifer** to adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards 2001 Regulations with an amendment to Count 4 removing revocation of the license because the violation does not warrant it:

- Count 1: 18 VAC 50-22-260.B.9**
- Count 2: 18 VAC 50-22-260.B.31**
- Count 3: 18 VAC 50-22-260.B.5**

The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

A motion was made by **Mrs. Wood** and seconded by **Mr. Falwell** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$500.00 monetary penalty for the violation of (Count 1); \$500.00 for violation of (Count 2) and \$2,500.00 for violation of (Count 3) and successful completion of Remedial Education for Counts 1, 2 and 3. A total monetary penalty of \$3,500.00. The motion passed with a majority vote. Members voting "yes" were: **Kinser, Falwell, Hollar, Orange, Redifer, Walton and Wood.** **Mr. Kirby** voted "no".

In the matter of Disciplinary File Number 2004-01354, Capital Improvements t/a General Contracting, Inc., the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2004-01354
Capital
Improve-
ments

Mr. James Brady and Mr. Ronald Payne, respondent, appeared at the Board meeting. They addressed the Board. **Mr. Harold Rhoden, complainant** appeared at the IFF and the Board meeting. He addressed the Board. The presiding officer **Ms. Rackas Pate** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Ms. Wood** and seconded by **Mr. Falwell** to adopt the Summary of

the Informal Fact-Finding Conference finding violations of the Boards 2001 Regulations with removal of license revocation from count 2, 3 and 4 because the Board determined the violations did not warrant it:

Count 1: 18 VAC 50-22-260.B.9

Count 2: 18 VAC 50-22-260.B.15

Count 3: 18 VAC 50-22-260.B.5

Count 4: 18 VAC 50-22-260.B.25 (January 1, 2003)

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

The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

A motion was made by **Ms. Wood** and seconded by **Mr. Falwell** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$500.00 monetary penalty for the violation of (Count 1); \$2,000.00 for violation of (Count 2) and \$2,500.00 for violation of (Count 3); \$2,500.00 for violation of (Count 4) and \$2,500.00 for violation of (Count 5). A total monetary penalty of \$10,000.00. The Board also imposes the following sanctions: successful completion of Remedial Education. The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

In the matter of File Number 2003-02942, Lan Trac Construction Inc. Lan Trac Construction Inc., respondents and his attorney Lee Arzt, were present and addressed the Board. The Board reviewed the handout requesting a continuance until March 1, 2005. A motion was made by Mr. Orange and seconded by Mr. Falwell to reconvene to an IFF due to the attorney being newly hired. The motion passed with a unanimous vote. Members voting "yes" were: Kinser, Falwell, Hollar, Kirby, Orange, Redifer and Walton. Rackas Pate and Wood, the Board's hearing representatives were not present and did not vote.

**File Number
2003-02946
Lan Trac
Construction
Inc.**

In the matter File Number 2004-00607, Lan Trac Construction INC. Lan Trac Construction Inc., respondents and his attorney Lee Arzt, were present and addressed the Board. The Board reviewed the handout requesting a continuance until March 1, 2005. A motion was made by Mr. Orange and seconded by Mr. Falwell to reconvene to an IFF due to the attorney being newly hired. The motion passed with a unanimous vote. Members voting "yes" were: Kinser, Falwell, Hollar, Kirby, Orange, Redifer and Walton. Rackas Pate and Wood, the Board's hearing representatives were not present and did not vote.

**File Number
2004-00607
Lan Trac
Construction
Inc.**

In the matter of Recovery Fund File Number 2004-04213, Diane M. Cherry (Claimant) and Alexander McClary (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither Alexander McClary (Regulant) nor anyone** on his behalf appeared at the IFF or the Board meeting. **Diane Cherry (Claimant)** was represented at the IFF and the Board meeting by counsel, Mike Ballato. He addressed the Board. The Board representative(s), **Mrs. Wall** was not present and did not participate in the discussion nor vote in this matter. After discussion, **Mr. Kirby** offered a motion seconded by **Mr. Redifer**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$103,000.00**. **Members voted "yes" unanimously to pay the claim as follows: Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

File Number
2004-04213
Alexander
McClary

In the matter of Disciplinary File Number 2004-01227, John C. Flippen t/a Professional Services Ltd. Remodeling & New Homes the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2004-01227
Professional
Services Ltd.
Remodeling
& New
Homes

Mr. John C. Flippen, respondent, did not appear at the Board meeting. **Mrs. Elizabeth Leitch, complainant** appeared at the IFF and the Board meeting. She addressed the Board. The presiding officer **Ms. Rackas Pate** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Redifer** to adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards 2001 Regulations:

- Count 1: 18 VAC 50-22-260.B.9**
- Count 2: 18 VAC 50-22-260.B.27**
- Count 3: 18 VAC 50-22-260.B.18**
- Count 4: 18 VAC 50-22-260.B.29**
- Count 5: 18 VAC 50-22-260.B. 31**
- Count 6: 18 VAC 50-22-260.B.16**

The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

A motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$500.00 monetary penalty for the violation of (Count 1); \$500.00 for violation of (Count 2) and \$1,000.00 for violation of (Count 3); \$1,000.00 for violation of (Count 4) and \$500.00 for violation of (Count 5) and \$1,000.00 for violation of (Count 6). A total monetary penalty of

\$4,500.00. The Board also imposes the following sanctions: successful completion of Remedial Education required for violation of Counts 1, 2 and 5. The Board imposed revocation of John C. Flippen's license for violation of Count 3, 4, 5 and 6. The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

In the matter of Recovery Fund File Number 2004-00821, Carol Ann Gwaltney (Claimant) and Saar Arie, t/a A & R Enterprise Home Repair (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither Saar Arie (Regulant) nor anyone on his behalf appeared at the IFF or the Board meeting. Ms. Gwaltney (Claimant) appeared at the IFF and the Board meeting. She addressed the Board. The Board representative(s), Mrs. Wall was not present and did not participate in the discussion nor vote in this matter. After discussion, Mr. Redifer offered a motion seconded by Mr. Falwell, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of \$1,677.00. Members voted 8 "yes" and 1 "no" to pay the claim. Members voting "yes": Kinser, Falwell, Harris, Hart, Kirby, Rackas Pate, Redifer, Paulette, Walton and Wood. Mr. Hollar voted no. The motion was approved.**

File Number
2004-00821
A & R
Enterprise
Home
Repair

In the matter of Recovery Fund File Number 2004-01024, Robert C. Russell (Claimant) and Jantzen Builders Inc, t/a Jantzen Builders Inc (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither Jantzen Builders Inc (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting. Mr. Russell (Claimant) appeared at the IFF and the Board meeting. He addressed the Board. The Board representative(s), Ms. Wall was not present and did not participate in the discussion nor vote in this matter. After discussion, Mr. Redifer offered a motion seconded by Ms. Wood, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of \$10,000.00. Members voted unanimously to pay the claim as follows: Kinser, Falwell, Hollar, Kirby, Rackas Pate Orange, Redifer, Walton and Wood. The motion was approved.**

File Number
2004-01024
Jantzen
Builders Inc

In the matter of Recovery Fund File Number 2004-01072, Dennis Buchanan (Claimant) and Edward S. Pultz Jr., t/a Scott Construction (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither Scott Construction (Regulant) nor anyone on its behalf appeared at the IFF**

File Number
2004-01072
Scott
Construction

or the Board meeting. **Mr. Buchanan (Claimant)** appeared at the IFF. The Board representative(s), **Ms. Wall** was not present and did not participate in the discussion nor vote in this matter. After discussion, **Mr. Falwell** offered a motion seconded by **Mr. Walton**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of \$10,000.00. **The claim was approved with a majority "yes" vote as follows: Kinser, Falwell, Hollar, Orange, Redifer, Rackas Pate, Walton and Wood. Mr. Kirby voted "no".**

In the matter of Recovery Fund File Number 2004-02466, Deborah K. Bagley (Claimant) and Kelly R. Peregoy, t/a Master Roofing Company (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither Master Roofing Company (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Ms. Bagley (Claimant)** appeared at the IFF and the Board meeting. She addressed the Board. The Board representative(s), **Ms. Wall** was not present and did not participate in the discussion nor vote in this matter. After discussion, **Ms. Wood** offered a motion seconded by **Ms. Rackas Pate**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of \$3,689.00. **The claim was approved for payment with a majority "yes" vote as follows: Kinser, Falwell, Hollar, Rackas Pate, Orange, Redifer, Walton and Wood. Mr. Kirby voted no.**

File Number
2004-02466
Master
Roofing
Company

In the matter of Recovery Fund File Number 2004-03808, Marjorie Jean Williams (Claimant) and BP Construction Company Inc. (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither B P Construction Company Inc. (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Ms. Williams (Claimant)** appeared at the IFF and the Board meeting. She addressed the Board. The Board representative(s), **Ms. Wall** was not present and did not participate in the discussion nor vote in this matter. After discussion, **Ms. Rackas Pate** offered a motion seconded by **Ms. Wood**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of \$10,000.00. **Members voted "yes" unanimously to pay the claim as follows: Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Rackas Pate, Walton and Wood. The motion was approved.**

File Number
2004-03808
B P
Construction
Company
Inc.

In the matter of Recovery Fund File Number 2004-04157, Maye and Philip Jepson (Claimant) and Bator Construction Company (Regulant); the board reviewed the record, which consisted of the transcript and exhibits

File Number
2004-04157
Bator

from the IFF, and the summary and recommendation. **Bator Construction Company, (Regulant)** was represented at the IFF by Attorney Kenneth Hirtz. **Mr. Jepson (Claimant)** appeared at the IFF and the Board meeting. The Board representative(s), **Ms. Wall** was not present and did not participate in the discussion nor vote in this matter. Ms. Traylor shared with the Board that the summary contained an error in the license number. The number should read 2702-032629. After discussion, **Ms. Wood** offered a motion seconded by **Ms. Rackas Pate**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$10,000.00**. **Members voted 8 "yes" to pay the claim as follows: Kinser, Falwell, Hollar, Orange, Redifer, Rackas Pate, Walton and Wood. Mr. Kirby** voted no. The motion was approved.

**Construction
Company**

In the matter of Consent Order File Number 2004-01613, Board v. Marcor Remediation Inc t/a Marcor Remediation Inc. The board reviewed the Consent Order. **Marcor Remediation Inc.** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations; **Count 1: 18 VAC 50-22-260.B.22. Marcor Remediation Inc consents** to the following term(s) by the Board: **\$300.00 Board costs reimbursement. Marcor Remediation Inc agrees to consent to the order with the Asbestos Board and it is incorporated into the Contractor Board Order.** Bill Dozier, Attorney represented Marcor Remediation Inc.

File Number
**2004-01613
Marcor
Remediation
Inc.**

Upon a motion by **Mr. Kirby** seconded by **Ms. Wood** the board ratified the consent order with a unanimous vote from: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

Total penalties: Marcor Remediation Inc. agrees to reimburse the Board **\$300.00 in Board investigative costs.**

In the matter of Disciplinary File Number 2005-01247, Michael Edward Harris, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
**2005-01247
Michael
Edward
Harris**

Mr. Michael Edward Harris, applicant, and his attorney David L. Cloninger appeared at the IFF and the Board meeting. They addressed the Board. The presiding officer **Ms. Cooper** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Falwell** to adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards 1999

Regulations with amendments to the monetary amounts:

Count 1: 18 VAC 50-30-190.11

Count 2: 18 VAC 50-30-190.12

The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Rackas Pate, Walton and Wood.**

A motion was made by **Mr. Kirby** and seconded by **Mr. Orange** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$500.00 monetary penalty for the violation of (Count 1) and \$500.00 for violation of (Count 2). A total monetary penalty of \$1,000.00. The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

In the matter of Denied License Application File Number 2005-00860, Harris Brothers Electric Inc. t/a Harris Brothers Electric Inc., Applicant, the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2005-00860
Harris
Brothers
Electric Inc.

Mr. Michael Edward Harris, applicant and his attorney, **Mr. David L Cloninger** attended the IFF and the Board meeting. They addressed the Board. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Kirby** to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny the license due to the recentness of the offense. The Board considered §54.1-204.B Code of Virginia.

The motion was approved by majority vote. Members voting yes were: **Kinser, Rackas Pate, Hollar, Walton and Wood.** Members voting "no" were: **Orange, Kirby, Falwell and Redifer.** The license was denied.

In the matter of Disciplinary File Number 2003-03311, Eric Tyrone Carson t/a C & C Concrete and Masonry, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2003-03311
Eric Tyrone
Carson

Mr. Eric Tyrone Carson, respondent, did not appear at the IFF or the Board meeting. They addressed the Board. **Ms. Teresa Hollenbaugh, complainant**

appeared at the IFF. The presiding officer **Mr. Burch** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Walton** to adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards 2003 Regulations:

- Count 1: 18 VAC 50-22-260.B.9**
- Count 2: 18 VAC 50-22-260.B.5**
- Count 3: 18 VAC 50-22-260.B.28**

The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Rackas Pate, Walton and Wood.**

A motion was made by **Mr. Redifer** and seconded by **Mr. Walton** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference with amendments to Count 2 imposing a \$150.00 monetary penalty for the violation of (Count 1); \$500.00 for violation of (Count 2) reduced from \$1,500.00 due to the action not arising to justify a higher monetary amount and \$2,500.00 for violation of (Count 3) A total monetary penalty of \$3,150.00. The Board also imposes the following sanctions: successful completion of Remedial Education for Counts 1 and 2 and license revocation of Eric Tyrone Carson's license number 2705-071392 for the violation of Count 3. The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

In the matter of Disciplinary File Number 2004-01580, Property Damage Specialists, Inc. t/a Paul Davis Systems Of Northern Va, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2004-01580
Paul Davis
Systems Of
Northern Va

Mr. Kevin Crawford on behalf of Paul Davis Specialists, respondent, appeared at the IFF. **Ms. Helene Eisenhauer, complainant** appeared at the IFF. The presiding officer **Mr. Burch** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Kirby** and seconded by **Ms. Rackas Pate** to adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards 2001 Regulations:

- Count 1: 18 VAC 50-22-230.A**
- Count 2: 18 VAC 50-22-260.B.9**
- Count 3: 18 VAC 50-22-260.B.29**

The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Rackas Pate, Walton and Wood.**

A motion was made by **Mr. Kirby** and seconded by **Ms. Rackas Pate** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$100.00 monetary penalty for the violation of (Count 1); \$100.00 for violation of (Count 2) and \$500.00 for violation of (Count 3). A total monetary penalty of \$700.00. The Board also imposes the following sanctions: successful completion of Remedial Education for violation of Counts 1, 2 and 3. The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

In the matter of Disciplinary File Number 2004-02642, National Restoration Specialists Inc t/a National Restoration Specialists, Inc, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

**File Number
2004-02642
National
Restoration
Specialists,
Inc**

Mr. Richard Pirozzi for National Restoration Specialists Inc, respondent, did not appear at the IFF or at the Board meeting and no one else appeared on their behalf. The presiding Board Representative **Mr. Burch** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards 2003 Regulations:

Count 1: 18 VAC 50-22-220.A

The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Rackas Pate, Walton and Wood.**

A motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$700.00 monetary penalty for the violation of (Count 1) and successful completion of the Board's Basic Contractor Licensing Class. A total monetary penalty of \$700.00. The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

In the matter of Disciplinary File Number 2004-03175, Roger Simmons t/a Simmons Renovations the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

**File Number
2004-03175
Roger
Simmons**

Mr. Roger Simmons, respondent, did not appear at the Board meeting. The presiding officer **Mr. Burch** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.27

Count 2: 18 VAC 50-22-260.B.27

Count 3: 18 VAC 50-22-260.B.9

Count 4: 18 VAC 50-22-260.B.6

Count 5: 18 VAC 50-22-260.B. 14

Count 6: 18 VAC 50-22-260.B.16

Count 7: 18 VAC 50-22-260.B.13

The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Walton, Rackas Pate and Wood.**

A motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$1,500.00 monetary penalty for the violation of (Count 1); \$1,500.00 for violation of (Count 2) and \$250.00 for violation of (Count 3); \$1,000.00 for violation of (Count 4), \$2,500.00 for violation of (Count 5), \$2,500.00 for violation of (Count 6) and \$1,500.00 for violation of (Count 7). A total monetary penalty of \$10,750.00. The Board also imposes the following sanctions: successful completion of Remedial Education required for violation of Count 2. The Board imposed revocation of Roger Simmonn's license for violation of Count 4, 5, 6 and 7. The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Walton, Rackas Pate and Wood.**

In the matter of Disciplinary File Number 2004-04061, Wedge Construction, Inc. t/a Wedge Construction, Inc. the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2004-04061
Wedge
Construction
Inc

Wedge Construction, Inc, respondent, did not appear at the Board meeting in person, by counsel or by any other qualified representative. The presiding Board Representative **Mr. Burch** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Hollar** to adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.9

The motion passed unanimously. Members voting “yes” were: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

A motion was made by **Mr. Kirby** and seconded by **Mr. Redifer** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$100.00 monetary penalty for the violation of (Count 1). A total monetary penalty of \$100.00. The Board also imposed completion of the Board’s Basic Contractor Licensing Class. The motion passed unanimously. Members voting “yes” were: **Kinser, Falwell, Rackas Pate, Hollar, Kirby, Orange, Redifer, Walton and Wood.** There were no negative votes.

In the matter of License Application File Number 2005-01455, Bryan Edward Adkins, Applicant, the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
20054-01455
Bryan
Edward
Adkins**

Mr. Brian Edward Adkins, applicant attended the IFF but not the Board meeting. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Orange** and seconded by **Ms. Rackas Pate** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by unanimous vote. Members voting yes were: **Kinser, Rackas Pate, Hollar, Orange, Kirby, Redifer, Falwell Walton and Wood.**

In the matter of Approved License Application File Number 2005-01639, Done Right 4-U Construction, Inc, Applicant, the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2005-01639
Done Right
4-U
Construction
Inc.**

Mr. Ronald F. Aldridge, applicant attended the IFF but not the Board meeting. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Ms. Rackas Pate** and seconded by **Ms. Wood** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by unanimous vote. Members voting yes were: **Kinser, Rackas Pate, Hollar, Orange, Kirby, Redifer, Falwell Walton and Wood.**

In the matter of License Application File Number 2005-01646, James Christopher Sheppard t/a Chris Sheppard's Home Renovations, Applicant, the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2005-01646
James
Christopher
Sheppard

Mr. James C Sheppard, applicant attended the IFF but not the Board meeting. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by majority vote. Members voting yes were: **Orange, Kirby, Redifer, Falwell Walton and Wood.** Members voting "no" were: **Kinser, Rackas Pate and, Hollar.** The license was granted.

In the matter of License Application File Number 2005-01823, Jeffrey Scott Clevenger t/a Installation Plus Applicant, the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2005-01823
Jeffrey Scott
Clevenger

Mr. Jeffrey Scott Clevenger, applicant attended the IFF but not the Board meeting. They addressed the Board. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Ms. Rackas Pate** and seconded by **Ms. Wood** to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny the license due to the recentness of the offense and the seriousness of the crimes. The Board considered §54.1-204.B Code of Virginia.

The motion was approved by unanimous vote. Members voting yes were: **Kinser, Rackas Pate, Hollar, Walton Orange, Kirby, Falwell, Redifer and Wood.** The license was denied.

In the matter of Denied License Application File Number 2005-01915, Fanton Masonry Inc. t/a Fanton Masonry Inc., Applicant, the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2005-01915
Fanton
Masonry
Inc.**

Mr. Ivan Bret Fanton, applicant attended the IFF meeting. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Ms. Wood** and seconded by **Ms. Rackas Pate** to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny the license due to outstanding tax obligations and reputation for not paying bills. The Board considered §54.1-1106.A Code of Virginia and the Board regulation 18 VAC 50-22-60(E).

The motion was approved by majority vote. Members voting yes were: **Kinser, Orange, Kirby, Falwell Rackas Pate, Hollar, Walton and Wood.** **Mr. Redifer** voted “no”. The license was denied.

In the matter of License Application File Number 2005-01989, Artelye, Inc., Applicant, the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2005-01989
Artelye, Inc.**

Mr. Suca Voltay, applicant attended the IFF but not the Board meeting. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by a majority vote. Members voting yes were: **Kinser, Rackas Pate, Hollar, Orange, Kirby, Falwell, Walton and Wood.** **Mr. Redifer** voted “no”.

In the matter of License Application File Number 2005-01996, Chu Keun Chon, t/a Chon’s Home Improvement Applicant, the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2005-01996
Chon’s
Home
Improve
ment**

Mr. Chu Keun Chon, applicant attended the IFF. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr.**

Redifer and seconded by **Ms. Rackas Pate** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by unanimous vote. Members voting yes were: **Kinser, Rackas Pate, Hollar, Orange, Kirby, Redifer, Falwell Walton and Wood.**

In the matter of License Application File Number 2005-01997, David Jeffrey White, Applicant, the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2005-01997
David
Jeffrey
White

Mr. David Jeffrey White, applicant attended the IFF but not the Board meeting. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Ms. Rackas Pate** and seconded by **Mr. Kirby** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by majority vote. Members voting yes were: **Kinser, Rackas Pate, Hollar, Orange, Kirby, Redifer, Falwell Walton and Wood. Mr. Hollar** voted "no". The license was granted.

In the matter of License Application File Number 2005-02232, Roy R. Yeoman, III t/a MEI Design & Build, LLC Applicant, the Board members reviewed the record, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2005-02232
Roy R.
Yeoman, III

Mr. Roy R. Yeoman, III applicant attended the IFF but not the Board meeting. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Kirby** and seconded by **Ms. Rackas Pate** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved by unanimous vote. Members voting yes were: **Kinser, Rackas Pate, Hollar, Orange, Kirby, Redifer, Falwell Walton and Wood.**

In the matter of Disciplinary File Number 2004-02604, Advanced Concrete Concepts, Inc. t/a Advanced Concrete Concepts, Inc. the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

**File Number
2004-02604
Advanced
Concrete
Concepts,
Inc**

Mr. Ray Ketner, respondent, did not appear at the IFF or the Board meeting. The presiding officer **Mr. Franko** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Ms. Rackas Pate** and seconded by **Mr. Kirby** to adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards 2003 Regulations with an amendment to Count 4 adding license revocation:

Count 1: 18 VAC 50-22-260.B.8

Count 2: 18 VAC 50-22-260.B.9

Count 4: 18 VAC 50-22-260.B.28

The Board closed count: 3, 18 VAC 50-22-260.B.16 with a finding of no violations.

The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Rackas Pate, Walton and Wood.**

A motion was made by **Mr. Kirby** and seconded by **Mr. Redifer** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$500.00 monetary penalty for the violation of (Count 1); \$500.00 for violation of (Count 2) and \$1,000.00 for violation of (Count 4). A total monetary penalty of \$2,000.00. The Board also imposes the following sanctions: successful completion of Remedial Education required for violation of Counts 1 and 2. The Board imposed revocation of Advanced Concrete Concepts' license for violation of Count 4 due to the seriousness of the violation of having an unsatisfied judgment. The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Walton, Rackas Pate and Wood.**

In the matter of Recovery Fund File Number 2004-03036, Vincent T. Anwyll and Michelle K Anwyll (Claimants) and A to Z Renovations Inc. (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither A to Z Renovations Inc. (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Mr. Anwyll (Claimant)** appeared at the IFF. The Board representative(s), **Ms. Wall** was not present and did not participate in the discussion nor vote in this matter. After discussion, **Mr. Kirby** offered

**File Number
2004-03036
A to Z
Renovations
Inc.**

a motion seconded by **Ms. Wood**, to reject the hearing officer's recommendations and summary for violations and deny payment of the claim in the amount of **\$1,315.00**. The Board felt this did not arise to the level of improper and dishonest conduct. They considered 54.1-1118 of the Code of Virginia. **Members voted "yes" unanimously to pay the claim as follows: Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Rackas Pate, Walton and Wood.** The motion was approved.

In the matter of Recovery Fund File Number 2004-03041, Susie Pearson (Claimant) and QVS Construction of Virginia LLC (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither QVS Construction of Virginia LLC (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Ms. Pearson (Claimant)** appeared at the IFF. The Board representative(s), **Mr. Franko** was not present and did not participate in the discussion nor vote in this matter. After discussion, **Mr. Redifer** offered a motion seconded by **Mr. Kirby**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment with amendment in the amount of **\$2,472.00**. This amount allows for inclusion of the maximum allowable attorney's fee of 20%. **Members voted "yes" unanimously to pay the claim as follows: Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Rackas Pate, Walton and Wood.** The motion was approved.

File Number
2004-03041
QVS
Construction
of Virginia
LLC

In the matter of Disciplinary File Number 2004-04088, Thomas J. Fannon & Sons Inc. t/a Thomas J. Fannon & Sons, Inc. the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2004-04088
Thomas J.
Fannon &
Sons, Inc.

Mr. Thomas Fannon, respondent, did not appear at the Board meeting. The presiding officer **Mr. Franko** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Kirby** and seconded by **Ms. Wood** to adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.6 closed with a finding of no violation

Count 2: 18 VAC 50-22-260.B.13

The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Rackas Pate Walton and Wood.**

A motion was made by **Mr. Kirby** and seconded by **Ms. Wood** to accept the

recommendation contained in the Summary of the Informal Fact-Finding Conference imposing no monetary penalty for the violation of (Count 1). A total monetary penalty of \$000.00. The motion passed with a majority vote. Members voting "yes" were: **Kinser, Falwell, Rackas Pate, Kirby, Orange, Redifer, Walton and Wood**. **Mr. Hollar** voted "no".

In the matter of Disciplinary File Number 2004-04090, Thomas J Fannon & Sons, Inc. t/a Thomas J. Fannon & Sons, Inc. the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2004-04090
Thomas J.
Fannon &
Sons, Inc.

Mr. Thomas J Fannon, respondent, did not appear at the Board meeting. The presiding Board representative **Mr. Franko** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Ms. Rackas Pate** and seconded by **Ms. Wood** to adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards 2003 Regulations:

Count 2: 18 VAC 50-22-260.B.13

The Board voted to close count 1: 18 VAC 50-22-260.B.25 with a finding of no violation.

The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Rackas Pate, Walton and Wood**.

A motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing no monetary penalty for the violation of (Count 2). A total monetary penalty of \$000.00. The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Rackas Pate, Orange, Redifer, Walton and Wood**.

In the matter of Recovery Fund File Number 2004-04466, Johnny and Paulette McCoy (Claimants) and Glen J. Burris, t/a Burris Home Improvements (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither Burris Home Improvement (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Mr. McCoy (Claimant)** participated in the IFF. The Board representative(s), **Mr. Franko** was not present and did not participate in the discussion nor vote in this matter. After discussion, **Mr. Falwell** offered a motion seconded by **Mr. Walton**, to accept the hearing officer's recommendations and summary for

File Number
2004-04466
Glen J.
Burris

violations and approve the claim for payment in the amount of **\$1,861.00**.
Members voted "yes" unanimously to pay the claim as follows: Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Rackas Pate, Walton and Wood.
The motion was approved.

In the matter of Disciplinary File Number 2004-00628, Nova Roofing Co. Inc. t/a Nova Roofing Co. Inc. respondent, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

**File Number
2004-00628
Nova
Roofing Co.
Inc.**

Nova Roofing Co, Inc., respondent, did not appear at the Board meeting in person, by counsel or by any other qualified representative. The presiding Board representative **Ms. Rackas Pate** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Kirby** and seconded by **Mrs. Wood** to adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards 2001 Regulations:

- Count 1: 18 VAC 50-22-260.B.17**
- Count 2: 18 VAC 50-22-260.B.9**
- Count 3: 18 VAC 50-22-260.B.6**
- Count 4: 18 VAC 50-22-260.B.6**

The motion passed with a majority vote. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Walton and Wood.** **Mr. Hollar** voted "no".

A motion was made by **Mr. Kirby** and seconded by **Mr. Redifer** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference with amendments to the fines for Count 3 and 5: imposing a \$2,500.00 monetary penalty for the violation of (Count 1); \$500.00 for violation of (Count 2); \$500.00 reduced from \$2,500.00 for violation of (Count 3); \$2,500.00 for violation of (Count 4); \$1,000.00 reduced from \$2,500.00 for violation of (Count 5). The Board imposed the sanction of license revocation for violation of Counts 1, 3 and 4. A total monetary penalty of \$7,000.00. The Board also imposed successful completion of Remedial Education. The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Walton and Wood.** There were no negative votes.

In the matter of Disciplinary File Number 2004-01913, Daryl Dwayne Sigmon t/a A Cut Above Building & Remodeling, respondent, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

**File Number
2004-01913
A Cut Above
Building &
Remodeling**

Daryl Dwayne Sigmon, respondent, did not appear at the Board meeting in person, by counsel or by any other qualified representative. The presiding representative **Ms. Rackas Pate** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Redifer** and seconded by **Ms. Wood** to adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.27

Count 2: 18 VAC 50-22-260.B.13

The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Walton and Wood**

A motion was made by **Mr. Redifer** and seconded by **Ms. Wood** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$500.00 monetary penalty for the violation of (Count 1); \$500.00 for violation of (Count 2). The Board voted to impose successful completion of the Board's Basic Contractor Licensing Class for violation of Counts 1 and 2. A total monetary penalty of \$1,000.00. The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Walton and Wood.** There were no negative votes.

In the matter of Disciplinary File Number 2004-02001, Daniel A Kidwell t/a Big D Fence Co., respondent, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

**File Number
2004-02001
Daniel A
Kidwell**

Daniel A Kidwell, respondent, did not appear at the Board meeting in person, by counsel or by any other qualified representative. The presiding representative **Ms. Rackas Pate** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Ms. Wood** and seconded by **Mr. Falwell** to adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.9

Count 2: 18 VAC 50-22-260.B.15

The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

A motion was made by **Ms. Wood** and seconded by **Mr. Orange** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a monetary penalty \$500.00 for violation of (Count 1) and \$500.00 for violation of (Count 2). The Board voted to impose the sanction of successful completion of the Board's Basic Contractor Licensing Class for violation of Counts 1 and 2. A total monetary penalty of \$1,000.00. The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Walton and Wood.** There were no negative votes.

In the matter of Disciplinary File Number 2004-02296, Daniel A Kidwell, t/a Big D Fence Co, respondent, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

**File Number
2004-02296
Daniel A
Kidwell**

Daniel A Kidwell, respondent, did not appear at the Board meeting in person, by counsel or by any other qualified representative. The presiding representative **Ms. Rackas Pate** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Falwell** and seconded by **Ms. Wood** to adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.9

Count 2: 18 VAC 50-22-260.B.8

Count 3: 18 VAC 50-22-260.B.16

The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

A motion was made by **Mr. Falwell** and seconded by **Mr. Kirby** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference with amendments imposing a monetary penalty \$500.00 for violation of (Count 1); \$500.00 for violation of (Count 2) and \$1,500.00 increased from \$500.00 for violation of (Count 3). The Board voted to impose the sanction of successful completion of the Board's Basic Contractor Licensing Class. A total monetary penalty of \$2,500.00. The Board imposed license revocation for Count 3 due to the seriousness of the violation and voted to increase the monetary penalty. The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Walton and Wood.** There were no negative votes.

In the matter of Disciplinary File Number 2004-05039, United Paving, Inc. t/a United Paving Inc., respondent, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

**File Number
2004-05039
United
Paving Inc.**

United Paving Inc., respondent, did not appear at the Board meeting in person, by counsel or by any other qualified representative. The presiding representative **Ms. Rackas Pate** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards 2003 Regulations:

Count 1: 18 VAC 50-22-210.3

Count 2: 18 VAC 50-22-230.B

The motion passed unanimously. Members voting "yes" were: **Kinsler, Falwell, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

A motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to accept the recommendation with amendments to counts 1 and 2 contained in the Summary of the Informal Fact-Finding Conference imposing a monetary penalty \$500.00 reduced from \$1,000.00 for violation of (Count 1); \$500.00 reduced from \$1,000.00 for violation of (Count 2. The Board voted to impose the sanction of successful completion of the Board's Basic Contractor Licensing Class. The Board voted to decrease the monetary penalty of Counts 1 and 2 to be consistent with previous Board action. A total monetary penalty of \$1,000.00. The motion passed unanimously. Members voting "yes" were: **Kinsler, Falwell, Hollar, Kirby, Orange, Redifer, Walton and Wood.** There were no negative votes

In the matter of Disciplinary File Number 2005-00243, Daniel A Kidwell, t/a Big D Fence Co, respondent, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

**File Number
2005-00243
Daniel A
Kidwell**

Daniel A Kidwell., respondent, did not appear at the Board meeting in person, by counsel or by any other qualified representative. The presiding representative **Ms. Rackas Pate** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Falwell** and seconded by **Ms. Wood** to adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.9

Count 2: 18 VAC 50-22-260.B.6

The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

A motion was made by **Ms. Wood** and seconded by **Mr. Falwell** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a monetary penalty \$500.00 for violation of (Count 1) and \$2,500.00 for violation of (Count 2). The Board voted to impose the sanction of successful completion of the Board's Basic Contractor Licensing Class and the Board imposed a six month suspension from the date the Order is entered into. A total monetary penalty of \$3,000.00. The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Walton and Wood.** There were no negative votes.

In the matter of Disciplinary File Number 2004-01168, John C. Flippen t/a Professional Services Ltd. Remodeling & New Homes, respondent, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2004-01168
John C
Flippen

John C. Flippen, respondent, did not appear at the Board meeting in person, by counsel or by any other qualified representative. The presiding representative **Ms. Rackas Pate** was not present did not participate in the discussion and did not vote. After discussion a motion was made by **Ms. Wood** and seconded by **Mr. Orange** to adopt the Summary of the Informal Fact-Finding Conference finding violations of the Boards 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.28

The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Walton and Wood.**

A motion was made by **Ms. Wood** and seconded by **Mr. Falwell** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a monetary penalty \$1,000.00 for violation of (Count 1). The Board voted to impose the sanction of license revocation of John C. Flippen's 2705-038817 license for violation of Count 1. A total monetary penalty of \$1,000.00. The motion passed unanimously. Members voting "yes" were: **Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Walton and Wood.** There were no negative votes.

In the matter of Recovery Fund File Number 2003-01632, Carlton D. Gilchrist (Claimant) and Harry L. Swindell, Sr., t/a HLS Repairs and Additions (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither HLS Repairs and Additions (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Mr. Gilchrist (Claimant)** appeared at the IFF. The Board representative(s), **Ms. Wall** was not present and did not participate in the discussion nor vote in this matter. After discussion, **Mr. Walton** offered a motion seconded by **Mr. Orange**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$8,198.00**. The claim was approved by majority vote. **Members voting "yes" were: Kinser, Orange, Redifer, Rackas Pate, Walton and Wood. Members voting "no" were: Falwell, Hollar and Kirby,** The motion was approved.

File Number
2003-01632
Harry L.
Swindell

In the matter of Recovery Fund File Number 2004-00309, Jean P. Wilson (Claimant) and Kenneth Dwayne Blankenship t/a Homeworks Improvement (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither Homeworks Improvement (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Ms. Wilson (Claimant)** appeared at the IFF. The Board representative(s), **Ms. Wall** was not present and did not participate in the discussion nor vote in this matter. After discussion, **Mr. Kirby** offered a motion seconded by **Ms. Wood**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$2,966.00**. **Members voted "yes" unanimously to pay the claim as follows: Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Rackas Pate, Walton and Wood.** The motion was approved.

File Number
2004-00309
Kenneth
Dwayne
Blankenship

In the matter of Recovery Fund File Number 2004-00838, Barbara Kozel (Claimant) and Sunset Landscape Inc. (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither Sunset Landscape Inc. (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Ms. Kozel (Claimant)** appeared at the IFF. The Board representative(s), **Ms. Wall** was not present and did not participate in the discussion nor vote in this matter. After discussion, **Ms. Rackas Pate** offered a motion seconded by **Mr. Kirby**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$2,958.00**. The motion was approved with a majority vote. **Members voting "yes" to pay the claim were: Kinser, Falwell, Kirby, Orange, Redifer, Rackas Pate, Walton and Wood. Mr. Hollar** voted "no". The motion was approved.

File Number
2004-00838
Sunset
Landscape
Inc.

In the matter of Recovery Fund File Number 2004-00839, Gerald and Dianne Einhorne (Claimants) and Harrison Roofing Co. (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither Harrison Roofing Co. (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **The Einhornes (Claimants)** appeared at the IFF. The Board representative(s), **Ms. Wall** was not present and did not participate in the discussion nor vote in this matter. After discussion, **Mr. Orange** offered a motion seconded by **Ms. Rackas Pate**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$10,000.00**. The motion was approved with a majority vote. Members voting "yes" to pay the claim were: **Kinser, Falwell, Orange, Redifer, Rackas Pate, Walton and Wood**. **Mr. Hollar and Mr. Kirby** voted "no".

File Number
2004-00839
Harrison
Roofing Co.

In the matter of Recovery Fund File Number 2004-01018, Sharon R. Ames (Claimant) and Raymond A. Horton Jr. (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither Raymond A Horton Jr. (Regulant) nor anyone** on his behalf appeared at the IFF or the Board meeting. **Ms. Ames (Claimant)** appeared at the IFF. The Board representative(s), **Ms. Wall** was not present and did not participate in the discussion nor vote in this matter. After discussion, **Mr. Redifer** offered a motion seconded by **Mr. Kirby**, to reject the hearing officer's recommendations and summary for violations and disapprove the claim for payment because the Board feels this does not meet the criteria for payment. The motion was approved with a majority vote. Members voting "yes" were: **Falwell, Kirby, Hollar, Redifer, Rackas Pate and Wood**. **Mr. Orange Kinser and Walton** voted "no". The claim was denied.

File Number
2004-01018
Raymond A
Horton Jr.

In the matter of Recovery Fund File Number 2004-01019, Sarah S. Harris (Claimant) and Person Maintenance Repair (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither Person Maintenance and Repair (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Ms. Harris (Claimant)** appeared at the IFF. The Board representative(s), **Ms. Wall** was not present and did not participate in the discussion nor vote in this matter. After discussion, **Mr. Falwell** offered a motion seconded by **Ms. Wood**, to accept the hearing officer's recommendations and summary for violations and disapprove the claim for payment because it did not arise to the definition of improper and dishonest conduct. The motion was approved with a unanimous vote. Members voting "yes" were: **Kinser, Falwell, Kirby, Hollar, Orange, Redifer, Rackas Pate, Walton and Wood**.

File Number
2004-01019
Person
Maintenance
Repair

In the matter of Recovery Fund File Number 2004-01020, L V and Eleanor Atkinson (Claimant(s)) and Thomas R. Croxton, t/a T R C Custom Homes (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither Thomas R. Croxton (Regulant) nor anyone** on his behalf appeared at the IFF or the Board meeting. **The Atkinson's (Claimant)** appeared at the IFF. The Board representative(s), **Ms. Wall** was not present and did not participate in the discussion nor vote in this matter. After discussion, **Mr. Orange** offered a motion seconded by **Mr. Kirby**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment with amendment to the summary to read 2004-01020 and not 2004-01029 in the amount of **\$10,000.00**. **Members voted "yes" unanimously to pay the claim as follows: Kinser, Falwell, Hollar, Kirby, Orange, Redifer, Rackas Pate, Walton and Wood.** The motion was approved.

File Number
2004-01020
Thomas R.
Croxton

In the matter of Recovery Fund File Number 2004-01023, Carol E. Sumner (Claimant) and Ricky D. Dean, t/a D and D Construction (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither D & D Construction (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Ms. Sumner (Claimant)** appeared at the IFF. The Board representative(s), **Ms. Wall** was not present and did not participate in the discussion nor vote in this matter. After discussion, **Mr. Hollar** offered a motion seconded by **Mr. Kirby**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$5,504.91**. The motion passed by majority vote. Members voting "yes" were: **Falwell, Kinser, Orange, Redifer, Walton and Wood**. Members voting "no" were: **Hollar, Kirby, Rackas Pate**. The motion was approved.

File Number
2004-01023
D & D
Construction

In the matter of Recovery Fund File Number 2004-01025, Marjorie E. Mathis (Claimant) and Always Contracting Co. Inc., t/a ACC Inc. Design & Build (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither ACC Inc. Design & Build (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Ms. Mathis (Claimant)** appeared at the IFF. The Board representative(s), **Ms. Wall** was not present and did not participate in the discussion nor vote in this matter. After discussion, **Mr. Redifer** offered a motion seconded by **Mr. Kirby**, to reject the hearing officer's recommendations and summary for violations and disapprove the claim for payment because the Board approved previous payment to the claimant in the amount of **\$10,000.00**. The motion was approved with a unanimous vote. Members voting "yes" were: **Falwell, Kirby, Hollar,**

File Number
2004-01025
ACC Inc.
Design &
Build

Walton, Redifer, Orange, Kinser, Rackas Pate and Wood. The claim was denied.

In the matter of Recovery Fund File Number 2004-01070, Elaine Tribble (Claimant) and Wiley R. Walton III, t/a Walton Construction (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither Walton Construction (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Ms. Tribble (Claimant)** appeared at the IFF. The Board representative(s), **Ms. Wall** was not present and did not participate in the discussion nor vote in this matter. After discussion, **Mr. Kirby** offered a motion seconded by **Mr. Hollar**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$6,187.00**. The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Kinser, Orange, Redifer, Hollar, Kirby, Rackas Pate, Walton and Wood**. The motion was approved.

File Number
2004-01070
Walton
Construction

In the Matter of Recovery Fund File Number 2004-01071, Deborah Lake (Claimant) and Leon A. Hundley III, t/a Home Improvement (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither Home Improvement (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Ms. Lake (Claimant)** appeared at the IFF. The Board representative(s), **Ms. Wall** was not present and did not participate in the discussion nor vote in this matter. After discussion, **Ms. Rackas Pate** offered a motion seconded by **Ms. Wood**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$2,020.50**. The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Kinser, Orange, Redifer, Hollar, Kirby, Rackas Pate, Walton and Wood**. The motion was approved.

File Number
2004-01071
Home
Improve
ment

In the Matter of Recovery Fund File Number 2004-01809, Gerald James (Claimant) and David Garcia, t/a David G. Carpentry (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither David G. Carpentry (Regulant) nor anyone** on his behalf appeared at the IFF or the Board meeting. **Mr. James (Claimant)** appeared at the IFF. The Board representative(s), **Ms. Wall** was not present and did not participate in the discussion nor vote in this matter. After discussion, **Mr. Kirby** offered a motion seconded by **Mr. Hollar**, to accept the hearing officer's recommendations and summary for violations and disapprove the claim for

File Number
2004-01809
David G.
Carpentry

payment. The motion was approved with a majority vote. Members voting "yes" were: **Falwell, Kirby, Hollar, Redifer, Rackas Pate, Orange, Kinser, Walton and Wood.** The claim was denied.

In the Matter of Recovery Fund File Number 2004-03040, Beth Lewis (Claimant) and North Potomac Home Maintenance LLC (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither North Potomac Home Maintenance LLC (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Ms. Lewis (Claimant)** appeared at the IFF. The Board representative(s), **Ms. Wall** was not present and did not participate in the discussion nor vote in this matter. After discussion, **Mr. Hollar** offered a motion seconded by **Mr. Kirby**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$10,000.00.** The motion with a unanimous vote. Members voting "yes" were: **Falwell, Kinser, Orange, Redifer, Hollar, Kirby, Rackas Pate, Walton and Wood.** The motion was approved.

File Number
2004-03040
North
Potomac
Home
Maintenance
LLC

In the matter of Recovery Fund File Number 2004-01023, Ronald Alan and Carolyn Ruth Ringler (Claimants) and Leon A Hundley III., t/a Home Improvement (Regulant); the board reviewed the record, which consisted of the transcript and exhibits from the IFF, and the summary and recommendation. **Neither Home Improvement (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **The Ringlers (Claimants)** appeared at the IFF. The Board representative(s), **Ms. Wall** was not present and did not participate in the discussion nor vote in this matter. After discussion, **Mr. Orange** offered a motion seconded by **Ms. Wood**, to accept the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of **\$4,487.04.** The motion passed by majority vote. Members voting "yes" were: **Falwell, Kinser, Orange, Hollar, Redifer, Rackas Pate Walton and Wood.** Members **Mr. Kirby** voted "no". The motion was approved.

File Number
2004-04170
Home
Improve
ment

In the Matter of Consent Order File Number 2004-01275, Board v. Duane A Morris t/a Duane A Morris Const. the board reviewed the Consent Order. **Duane A Morris** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260(B)(9); and a monetary penalty of \$250.00 hereby imposed.**

File Number
2004-01275
Duane A
Morris

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the

consent order with a unanimous vote from: **Falwell, Hollar, Orange, Kinser, Rackas Pate, Kirby, Wood, Redifer and Walton.**

Total penalties: \$250.00 and successful completion of remedial education.

In the Matter of Consent Order File Number 2004-01774, Board v. Howell C Anderson t/a Howell C Anderson the board reviewed the Consent Order. **Howell C Howell** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260(B)(27); and a monetary penalty of \$150.00 hereby imposed.**

File Number
2004-01774
Howell C
Anderson

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Kinser, Rackas Pate, Kirby, Wood, Redifer and Walton.**

Total penalties: \$150.00 and successful completion of remedial education.

In the Matter of Consent Order File Number 2004-02292, Board v. M V Mullen Construction t/a Restoration Solutions the board reviewed the Consent Order. **Ron Geiger Builder Inc.** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-230(A); Count 2: 18 VAC 50-22-260.B.9; Count 3: 18 VAC 50-22-260.B.15 and no monetary penalty of \$000.00 hereby imposed.**

File Number
2004-02292
Restoration
Solutions

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Kinser, Rackas Pate, Kirby, Wood, Redifer and Walton.**

Total penalties: \$000.00 and M V Mullen Construction agrees to voluntary revocation of its license for violation of counts 1, 2 and 3.

In the Matter of Consent Order File Number 2004-02652, Board v. Charles D Wells Jr., t/a Plumbing Service the board reviewed the Consent Order. **Charles D Wells, Jr.**, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-**

File Number
2004-02652
Plumbing
Service

260.B.9.a; 18 VAC 50-22-260.B.9.b; 18 VAC 50-22-260.B.9.c; 18 VAC 50-22-260.B.9.d; 18 VAC 50-22-260.e; 18 VAC 50-22-260.B.9.f; 18 VAC 50-22-260.B.9.h and 18 VAC 50-22-260.B.9.i and a monetary penalty of \$400.00 hereby imposed. Count 2: 18 VAC 50-22-260.B.6 and a monetary penalty of \$500.00.

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Kinser, Rackas Pate, Kirby, Wood, Redifer and Walton.**

Total penalties: \$900.00 and successful completion of remedial education and Charles D Wells, Jr. agrees to pay \$100.00 in investigative costs for violation of Counts 1 and 2.

In the Matter of Consent Order File Number 2004-02945, Board v. Newmart Builders Inc, t/a Newmart Builders Inc. the board reviewed the Consent Order. Mr. Orange the Board hearing representative was not present, did not participate and did not vote. **Newmart Builders Inc.** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260.B.8; and a monetary penalty of \$250.00. Count 2: 18 VAC 50-22-260.B.9 and a monetary penalty of \$100.00 hereby imposed.**

**File Number
2004-02945
Newmart
Builders Inc.**

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Kinser, Rackas Pate, Kirby, Wood, Redifer and Walton.**

Total penalties: \$350.00 and successful completion of remedial education.

In the Matter of Consent Order File Number 2004-04591, Board v. Nelson Repair Service Inc t/a Nelson Repair Service Inc the board reviewed the Consent Order. **Nelson Repair Service Inc** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260.B.8 and a monetary penalty of \$125.00; Count 2: 2003: 18 VAC 50-22-260.B.9 and a monetary penalty of \$125.00 hereby imposed.**

**File Number
2004-04591
Nelson
Repair
Service, Inc.**

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the

consent order with a unanimous vote from: **Falwell, Hollar, Orange, Kinser, Rackas Pate, Kirby, Wood, Redifer and Walton.**

Total penalties: \$250.00

In the Matter of Consent Order File Number 2004-04601, Board v. Newmart Builders Inc, t/a Newmart Builders Inc. the board reviewed the Consent Order. Mr. Orange the Board hearing representative was not present, did not participate and did not vote. **Newmart Builders Inc.** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260.B.9; and a monetary penalty of \$100.00. Count 2: 18 VAC 50-22-260.B.6 and a monetary penalty of \$500.00 hereby imposed.**

**File Number
2004-04601
Newmart
Builders Inc.**

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Kinser, Rackas Pate, Kirby, Wood, Redifer and Walton.**

Total penalties: \$600.00 and successful completion of remedial education.

In the Matter of Consent Order File Number 2004-04789, Board v. Jerry L Blevins, t/a Jerry L Blevins the board reviewed the Consent Order. **Jerry L Blevins** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260.B.9; and a monetary penalty of \$100.00. Count 2: 18 VAC 50-22-260.B.31 and a monetary penalty of \$100.00 hereby imposed.**

**File Number
2004-04789
Jerry L
Blevins**

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Kinser, Rackas Pate, Kirby, Wood, Redifer and Walton.**

Total penalties: \$200.00 and successful completion of remedial education and Blevins has agreed to reimbursement the Board \$200.00 investigative costs.

In the Matter of Consent Order File Number 2004-05062, Board v. David W Scott, t/a David W Scott Contractor the board reviewed the Consent Order. **David W Scott** acknowledges an understanding of the

**File Number
2004-05062
David W**

charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260.B. 31; and a monetary penalty of \$000.00 hereby imposed.**

**Scott
Contractor**

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Kinser, Rackas Pate, Kirby, Wood, Redifer and Walton.**

Total penalties: \$000.00 and successful completion of remedial education and David W Scott has agreed to reimbursement the Board \$100.00 investigative costs.

In the Matter of Consent Order File Number 2004-05170, Board v. Vladimir Tarabay, t/a A -1 Contractors the board reviewed the Consent Order. **Vladimir Tarabay** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260.B.a, b, e and h; and a monetary penalty of \$100.00 hereby imposed.**

**File Number
2004-05170
A-1
Contractors**

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Kinser, Rackas Pate, Kirby, Wood, Redifer and Walton.**

Total penalties: \$100.00 and successful completion of remedial education.

In the Matter of Consent Order File Number 2005-00087, Board v. JMW, Inc., t/a MW, Inc. Construction the board reviewed the Consent Order. **MW, Inc.** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-230.A and a monetary penalty of \$7500.00 hereby imposed.**

**File Number
2005-00087
MW
Construction**

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Kinser, Rackas Pate, Kirby, Wood, Redifer and Walton.**

Total penalties: \$750.00 and JMW, Inc. has agreed to reimbursement the Board \$100.00 investigative costs.

In the Matter of Consent Order File Number 2005-00421, Board v. Clogbusters Inc., t/a Clogbusters Inc. the board reviewed the Consent Order. **Clogbusters Inc.** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260.B.27; and a monetary penalty of \$200.00. Count 2: 18 VAC 50-22-260.B.9 and a monetary penalty of \$100.00; Count 3: 2003: 18 VAC 50-22-230.A and a monetary penalty of \$100.00 hereby imposed.**

File Number
2005-00421
Clogbusters
Inc

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Kinser, Rackas Pate, Kirby, Wood, Redifer and Walton.**

Total penalties: \$400.00 and successful completion of remedial education and Clogbusters, Inc has agreed to reimbursement the Board \$100.00 investigative costs.

In the Matter of Consent Order File Number 2005-01215, Board v. The Backyard Company LLC. t/a Archadeck Of Central Virginia the board reviewed the Consent Order. **Archadeck Of Central Virginia** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260.B.9.a and h; and a monetary penalty of \$100.00 hereby imposed.**

File Number
2005-01215
Archadeck
Of Central
Virginia

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Kinser, Rackas Pate, Kirby, Wood, Redifer and Walton.**

Total penalties: \$100.00 and successful completion of remedial education.

In the Matter of Consent Order File Number 2005-00421, Board v. Sunbelt Homes Incorporated, t/a Sunbelt Incorporated the board reviewed the Consent Order. **Sunbelt Homes Incorporated** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 2003: 18 VAC 50-22-260.B.29; and a monetary penalty of \$250.00. Count 2: 18 VAC 50-22-260.B.9 and a monetary penalty of \$100.00; Count 3: 2003: 18 VAC 50-22-230.A and a monetary penalty of \$100.00 hereby imposed.**

File Number
2004-01322
Sunbelt
Homes
Incorporated

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote from: **Falwell, Hollar, Orange, Kinser, Rackas Pate, Kirby, Wood, Redifer and Walton.**

Total penalties: \$250.00 and successful completion of remedial education and Sunbelt Homes, Inc has agreed to reimbursement the Board \$100.00 investigative costs.

Eric Olson reminded the Board to review their recovery fund statement(s).

**Recovery
Fund
Statement**

Kevin Hoeft introduced the Board to Latasha Brim, the Project Manager for the Highland Park Community Development Corporation and requested they review the handouts in their folders pertaining to Highland Park Community Development Corporation and their license waiver request. Ms. Brim gave a presentation to the Board on the history of her corporation, their purpose and their request of the Board for Contractors. After discussion a motion was made by Mr. Redifer and seconded by Mr. Kirby to approve the license exemption for building of new homes only (new construction). The motion was approved by majority vote. Members voting "yes" were: Falwell, Hollar, Orange, Redifer, Kirby, Wood, Rackas Pate and Walton. Mr. Kinser voted "no".

**License
Waiver
Request**

Eric Olson discussed with the Board the collaborative effort of over a dozen different state and local agencies and the development of a strategic plan to eliminate childhood lead poisoning in Virginia by 2010. After discussion a motion was made by Ms. Wood and seconded by Mr. Redifer to recommend approval of the EPA training for remedial education to be awarded in those instances where an HIC contractor has been less than prudent in the preparation of the home for renovation. The motion passed unanimously. Members voting "yes" were: Falwell, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood.

**Lead Safe
Virginia
Program**

Mr. Olson shared comments concerning the license requirement for framers. The Board reviewed the policy on framers license requirements. After discussion a motion was made by Mr. Redifer and seconded by Mr. Hollar to keep the policy as written. The motion was unanimously approved by members voting yes: Falwell, Hollar, Wood, Kinser, Rackas Pate, Kirby, Redifer, Orange and Walton. There were no negative votes.

**Framers
License
Requirement**

Contractor Board Meeting Minutes

January 18, 2005

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Mr. Olson briefed the Board on legislation that has been introduced in the current session of the General Assembly that will have a direct impact on licensed contractors.

**Legislative
Update**

HB 1921 – brings individual water well drillers into the Tradesman program in a three tiered certification program. After discussion a motion was made by Mr. Falwell and seconded by Ms. Wood to formally register the Board's support of the bill. The motion passed unanimously. Members voting "yes" were: Falwell, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood. There were no negative votes.

SB 916 – would increase the cap on individual recovery fund payments from \$10,000 to \$20,000. After discussion a motion was made by Mr. Falwell and seconded by Mr. Walton to formally register the Board's support of the bill. The motion passed unanimously. Members voting "yes" were: Falwell, Hollar, Kinser, Kirby, Orange, Racks Pate, Redifer, Walton and Wood. There were no negative votes.

SB 1090 – would modify the monetary restrictions in place for contracts performed by Class B contractors, raising it from \$70,000 to \$150,000. Other modifications would be made to the statutory language to incorporate this change. After discussion a motion was made by Mr. Redifer and seconded by Ms. Wood to formally register the Board's support of the concept of the bill in raising the Class B cap, but with reservations over the amount of the increase. The motion passed with a majority vote. Members voting "yes" were: Falwell, Kinser, Rackas Pate, Redifer, Walton and Wood. Members voting "no" were: Hollar, Orange and Kirby.

Olson reminded the board members to complete their travel vouchers and Conflict of Interest forms and to give them to Sheila Watkins at the end of the meeting for processing.

**Completion
of
Paperwork**

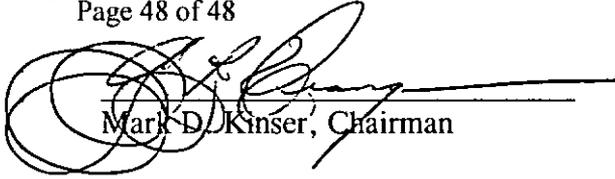
There being no further business to come before the board, the meeting was adjourned upon a motion by Redifer and seconded by Falwell. The vote was unanimous. Members voting yes were, Falwell, Hollar, Wood, Kinser, Rackas Pate, Kirby, Redifer, Orange and Walton at 3:30 P M. There were no negative votes.

**Adjourn-
ment**

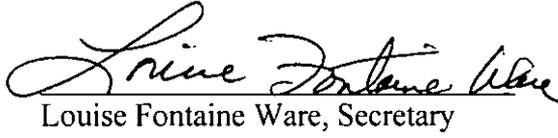
Contractor Board Meeting Minutes

January 18, 2005

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Mark D. Kinser, Chairman



Louise Fontaine Ware, Secretary

Copy teste:

Custodian of the Record

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT

1. Name: Charles W. Falwell
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTOR BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

N/A

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Charles W. Falwell
Signature

January 18, 2005
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1. Name: James A. Hollar
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTOR BOARD MEETING

5. Nature of Personal Interest Affected by Transaction:

A/C - ELECT. PLG. GAS FITTERS
CMHINC RULES-REGS.

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

ACCA, PMPV, PHCC, ARI

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

James A. Hollar
Signature

January 18, 2005
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1. Name: Mark D. Kinser, Chairman
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTOR BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b)

I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

January 18, 2005
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Robert M. Kirby
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTOR BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

PRESIDENT - D E Kirby, INC. , PREMIER, Kirby &
Kirby Assoc.

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

DE Kirby, INC. , BUILDERS & CONTRACTORS EXCH.,
PMPVA, Assoc of VA

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Robert M. Kirby
Signature

January 18, 2005
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Anthony R. Orange, Vice-Chair
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTOR BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

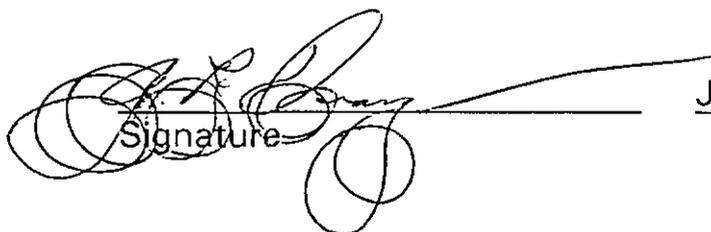
N/A

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

L.L. Golo

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

January 18, 2005
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1. Name: Ann Rackas Pate
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTOR BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

January 18, 2005
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Michael D. Redifer
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTOR BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

UBCBA UPMSA ILL I&EI NFPA NAARSO

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

January 18, 2005
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

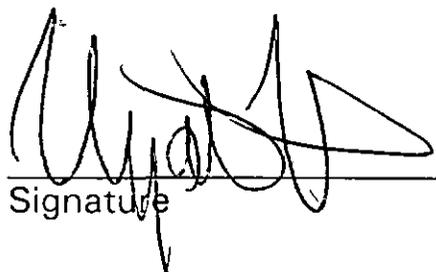
1. Name: Wyatt H. Walton, III
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTOR BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

N/A

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

January 18, 2005
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT

1. Name: Dorothy L. Wood
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTOR BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b)

I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

January 18, 2005

Date