BOARD FOR CONTRACTORS BOARD MEETING

MINUTES

The Board for Contractors met on Tuesday, July 19th, 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, Chair
Anthony Orange, Co Chair
Charles W. Falwell
James Hollar
Robert M Kirby
Michael D. Redifer
Wyatt Walton, III
Dorothy Wood
Troy Smith, Jr.
Ann Rackas Pate
Kenneth W. Hart

Board member, Jeffrey Adkins and Deborah Tomlin, were not present at the meeting.

Staff members present for all or part of the meeting were:

Sandra 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
Karen Kenney, Administrative Assistant
Linda Jackson, Legal Assistant Supervisor
Louise Ware, Director

Chairman Mark Kinser called the meeting to order at 9:06 a.m. and declared a of board members was in attendance.

Call To Order

A motion was made by **Mrs. Wood** and seconded by **Mr. Hollar** to approve the agenda. The motion passed unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Smith, Hart, Walton and Wood.**

Approval of the Agenda

Mr. Kirby moved to approve the following minutes as submitted :

Approval of Minutes

June 7, 2005, Contractor Board Meeting
May 10, 2005, Informal Fact Finding Conference
May 12, 2005, Informal Fact Finding Conference
May 17, 2005, Informal Fact Finding Conference
May 19, 2005, Informal Fact Finding Conference
May 25, 2005, Informal Fact Finding Conference
June 2, 2005, Informal Fact Finding Conference
June 9, 2005, Informal Fact Finding Conference
June 16, 2005, Informal Fact Finding Conference
June 21, 2005, Informal Fact Finding Conference
June 23, 2005, Informal Fact Finding Conference

Mr. Falwell seconded the motion and it was unanimously approved by members. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Smith, Hart, Walton and Wood.**

There were no public comments.

Public Comment Period

In the matter of License Application File Number 2005-04311, Eric R. Norman t/a Norman Builders., the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number 2005--04311 Eric R. Norman

Mr. Norman 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 **Mrs. Wood** 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: **Falwell, Kinser, Kirby, Orange, Rackas Pate, Redifer, Smith, Hart, Walton and Wood**. **Mr. Hollar** voted no.

In the matter of License Application File Number 2005-04035, Steven J. Schmidt t/a Built Right Homes, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number 2005-04035 Steven J.Schmidt

Mr. Schmidt 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. Redifer** to accept 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: **Falwell, Kinser, Kirby, Orange, Redifer, Smith, Hart and Walton**. The following members voted "no": **Mr. Hollar, Mrs. Rackas Pate** and **Mrs. Wood.**

In the matter of License Application File Number 2005-03748, Larry Wayne Gallihugh, t/a LB & M Construction, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number 2005-03748 Larry Wayne Gallihugh

Mr. Gallihugh 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. Rackas Pate** and seconded by **Mrs. Wood** to accept 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: **Falwell, Hollar, Kinser, Kirby, Orange, Redifer, Smith, Hart, and Walton**.

In the matter of License Application File Number 2005-03922, Mark E. Bores, t/a M. B. & A., the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number 2005-03922 Mark E. Bores

Mr. Bores 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 **Mr. Falwell** 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: **Falwell, Rackas Pate, Redifer, Smith, Hollar and Hart. The following members voted "no": Mrs. Wood, Mr. Kirby, Mr. Orange, Mr. Kinser, and Mr. Walton.**

File Number 2005-00989 Herb Busch

In the matter of Consent Order File Number 2005-00989, Discount Electric Of Va Inc., t/a Discount Electric Of Va Inc the board reviewed the Consent Order. **Mr. Herb Busch** was present at the Board meeting. He addressed the Board. **Discount Electric Of Va 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: 18 VAC 50-22-260.B.6 and a monetary penalty of $50.00;
Count 2: 18 VAC 50-22-260.B.9 and a monetary penalty of $50.00;
Count 3: 18 VAC 50-22-260.B.10 and a monetary penalty of $50.00 A total monetary penalty of $150.00 is hereby imposed.

The Board waives the imposition of the $150.00 monetary penalty for Counts 1, 2, and 3, provided that remedial education is successfully completed by January 2006.

The motion was made by Mr. Hollar and seconded by Mr. Falwell. The motion was approved unanimously.

File Number 2005-02191 Michael C Wade

Disciplinary File Number 2005-02191, Michael C Wade, t/a C W Contracting, 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.

Michael C Wade did not appear at the Board meeting in person or by counsel or by any other qualified representative. **Lt. Carl Burgan and Mrs. Ronda Burgan, complainants,** attended the Board meeting and they addressed the Board. The complainants disagreed with the sanctions imposed –the sanctions were not strong enough. Ms. Traylor made the Board aware of a correction to the summary. It should read: Therefore I recommend Count 2, instead of Count 5, of this file be closed with a finding of no violations. The Board imposes an amendment to the sanctions for Count 5 to include revocation. After discussion a motion was made by **Mr. Walton** and seconded by **Mr. Redifer** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the

Summary of the Informal Fact-Finding Conference with Recommendations. The Board found Michael Wade, violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-230.A
Count 3: 18 VAC 50-22-210.3
Count 4: 18 VAC 50-22-260.B.6
Count 5: 18 VAC 50-22-260.B.29-5 violations
Count 6: 18 VAC 50-22-260.B.31

The motion passed with a unanimous vote. Members voting "yes" were: **Kirby, Orange, Smith, Redifer, Wood, Kinser, Falwell, Hollar, Rackas Pate, Hart, and Walton.**

After discussion a motion was made by **Mr. Walton** and seconded by **Mr. Falwell** to impose the following sanctions: $500.00 monetary penalty and completion of the Board's Basic Contracting Licensing Class for the violation of (Count 1); and, $500.00 monetary penalty and completion of the Board's Basic Contractor Licensing Class for the violation of (Count 3); and $1,000.00 monetary penalty and completion of the Board's Basic Contractor Licensing Class for the violation of (Count 4); and $2,500.00 monetary penalty and License Revocation is imposed for the violation of (Count 5); and $1,000.00 monetary penalty for the violation of (Count 6). A total monetary penalty of $5,500.00 is imposed. The motion passed with a unanimous "yes" vote. Members voting "yes" were: **Kirby, Orange, Smith, Redifer, Wood, Kinser, Falwell, Walton, Rackas Pate, and Hollar.**

File Number
2005-00886
Randy Price

In the matter of Recovery Fund File Number 2005-00886, Anne Morgan Gray and Stephen Kornblatt (Claimants) and Randy Price, t/a SOS Sam Orla Services (Regulant); Recovery Fund File; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Randy Price, t/a SOS Sam Orla Services (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Stephen Kornblatt (Claimant)** appeared at the IFF and Board meeting and requested attorney fees and recovery fund claim. After discussion, **Mr. Kirby** offered a motion seconded by **Mr. Hollar**, to adopt the claim review and the hearing officer's recommendations and summary for violations and amended the claim for payment in the amount of **$16,092.00. Members voted "yes" unanimously to pay the claim: Falwell, Rackas Pate, Orange, Walton, Smith, Redifer, Wood, Kinser, Kirby, Hart and Hollar**. The motion was approved.

In the matter of License Application File Number 2005-04036, Good Job Construction Co., the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number 2005-04036 Good Job Construction Co.

Mr. Paul Good appeared at the IFF and the Board meeting. He addressed the Board. The presiding Board representative **Mr. Kinser** was not present did not participate in the discussion and did not vote. **Mr. Orange** chaired this case. After discussion, a motion was made by **Mr. Kirby** and seconded by **Mrs. Wood** to accept 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: **Falwell, Rackas Pate, Orange, Walton, Smith, Redifer, Wood, Kirby and Hart. Mr. Hollar voted "no".**

In the matter of Disciplinary File Number 2005-04031, Paul H Good, t/a Paul H Good, 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 2005-04031 Paul H. Good

Paul H Good appeared at the Board meeting. The presiding Board Representative, **Mr. Kinser** was not present and he did not participate in the discussion and did not vote. Mr. Orange chaired this case. After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with amended Recommendations. The Board found Paul H Good, violated the following sections of its 2003 Regulations: Count 1: 18 VAC 50-22-260.B.22. As to Count 1, the Board voted not to impose a monetary penalty for the violation.

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

In the matter of License Application File Number 2005-04310, Leonard Clifton Silva, t/Silva Masonry, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number 2005-04310 Leonard Clifton Silva

Mr. Clifton appeared at the IFF and the Board meeting. He addressed the Board and agreed with the recommendation. The presiding Board representative **Mrs. Cooper** was not present did not participate in the

discussion and did not vote. Mr. Kinser resumed as chairing the meeting. After discussion, a motion was made by **Mr. Orange** and seconded by **Mr. Hollar** 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: **Falwell, Paulette, Kirby, Kinser, Smith, Redifer, Orange, Wood, Hollar and Walton. Mrs. Rackas Pate** voted "no".

File Number 2004-04314 B L Hall Custom Builders

In the matter of Disciplinary File Number 2004-04314, B L Hall, t/a B L Hall Custom Builders, 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.

Mr. Bryan Hall, respondent, appeared at the Board meeting. He addressed the Board. Ms. Jenny Delvecchio, complainant appeared at the Board meeting. She addressed the Board and expressed her disagreement with the summary and recommendation. The presiding Board Representative, **Mr. Walton** was not present and he did not participate in the discussion and did not vote. Mrs. Traylor notified the Board that priors existed. After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Hollar** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with amended Recommendations. The Board found B L Hall Custom Builders, violated the following sections of its 2003 Regulations:

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

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

A motion was made by Mr. **Redifer** and seconded by Mr. **Hollar** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a $250.00 monetary penalty for the violation of the Board's 2003 Regulation 18 VAC 50-22-260.B.9 (Count 1) and completion of the Board's Basic Contractor Licensing Class. A total monetary penalty of $250.00. As to count 2, the Board closed this aspect of the case with a finding of no violation. The motion passed unanimously. Members voting "yes" were: Falwell, Smith, Hart, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton and Wood.

File Number 2005-04027

In the matter of License Application File Number 2005-04027, William Edward Little, Jr., t/a Floors by Design, the Board members reviewed the

record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

Floors by Design

Mr. Little 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. Smith** 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: **Orange, Falwell, Hollar, Kinser, Walton, Smith, Redifer, Rackas Pate, and Hart. Kirby and Wood voted "no".**

In the matter of Disciplinary File Number 2005-02767 Ronald Dean Walker, t/a Ronald Dean Walker, 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 2005-02767 Ronald Dean Walker

Ronald Dean Walker, t/a Ronald Dean Walker, respondent, did not attend the Board meeting. James Stallard, complainant was present and his agreement with the summary and recommendation. The presiding Board Representative **Mr. Kinser,** was not present did not participate in the discussion and did not vote. Mr. **Orange** chaired this case. After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Redifer** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found Ronald Dean Walker, in violation of its 2003 Regulations:

Count 1: 18VAC 50-22-230.A
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.17
Count 5: 18 VAC 50-22-260.B.15
Count 6: 18 VAC 50-22-260.B.16
Count 7: 18 VAC 50-22-260.B.28
Count 8: 18 VAC 50-22-230.B

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

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

Conference imposing a $500.00 monetary penalty and completion of the Board's Basic Contracting Licensing Class for the violations of the Board's 2003 regulation 18 VAC 50-22-230.A (Count 1); $300.00 monetary penalty and completion of the Board's Basic Contracting Licensing Class for the violations of the Board's 2003 regulation 18 VAC 50-22-260.B.8 (Count 2); $600.00 monetary penalty and completion of the Board's Basic Contracting Licensing Class for the violations of the Board's 2003 regulation 18 VAC 50-22-260.B.9 (Count 3); $500.00 monetary penalty and revocation of the license for the violations of the Board's 2003 regulation 18 VAC 50-22-260.B.17 (Count 4); $500.00 monetary penalty and revocation of the license for the violations of the Board's 2003 regulation 18 VAC 50-22-260.B.15 (Count 5); $1,000.00 monetary penalty and revocation of the license for the violations of the Board's 2003 regulation 18 VAC 50-22-260.B.16 (Count 6); $500.00 monetary penalty and revocation of the license for the violations of the Board's 2003 regulation 18 VAC 50-22-260.B.28 (Count 7); and $200.00 monetary penalty for the violations of the Board's 2003 regulation 18 VAC 50-22-230.B (Count 8). A total monetary penalty of $4,100.00. The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Hollar, Kirby, Orange, Redifer, Rackas Pate, Smith, Hart, Wood and Walton**.

File Number 2004-04602 Master Builders & Home Improvments Inc

In the matter of Disciplinary File Number 2004-04602, Master Builders & Home Improvements Inc., t/a Master Builders & Home Improvements 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.

Master Builders & Home Improvements Inc. was represented by Joseph **A. Durso,** at the Board meeting. He addressed the Board and shared his disagreement. Neither Mr. Durso nor any other qualified representative attended the IFF conference. The presiding Board Representative, **Mrs. Wood** was not present. She 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 Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found Master Builders & Home Improvements Inc., violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.9
Count 2: 18 VAC 50-22-260.B.6
Count 3: 18 VAC 50-22-260.B.14
Count 4: 18 VAC 50-22-260.B.16
Count 5: 18 VAC 50-22-260.B.6

The motion passed with a majority vote. Members voting "yes" were:

Falwell, Hollar, Kirby, Orange, Rackas Pate, Redifer, Smith, and Hart. Mr. **Kinser and Mr. Walton** voted "no"

After discussion a motion was made by **Mr. Orange** and seconded by **Mr. Redifer** to adopt the Recommendations with amendments and impose the following sanctions: $400.00 monetary penalty for the violation of the Board's 2003 Regulation 18 VAC 50-22-260.B.9 (Count 1); and, $500.00 monetary penalty for the violation of the Board's 2003 Regulation 18 VAC 50-22-260.B.6 (Count 2); $ 2,000.00 monetary penalty and revocation of Master Builders & Home Improvements Inc license for the violation of the Board's 2003 Regulation 18 VAC 50-22-260.B.14 (Count 3); $2,000.00 monetary penalty and revocation of Master Builders & Home Improvements Inc license for the violation of the Board's 2003 Regulation 18 VAC 50-22-260.B.16 (Count 4); $500.00 monetary penalty for the violation of the Board's 2003 Regulation 18 VAC 50-22-260.B.6 (Count 5); A total monetary penalty of $5,400.00 was imposed. As to Counts 1, 2 and 5 the Board agreed to the following amendment: the severity of the violations did not arise to the sanction of revocation and to be consistent with previous Board actions. The motion passed with a majority "yes" vote. Members voting "yes" were: Members voting "yes" were: **Falwell, Hollar, Kirby, Orange, Rackas Pate, Redifer, Smith, Hart and Walton. Kinser** voted "no". Mr. Durso shared with the Board he was leaving and going to appeal and would not be staying for the outcome of his other two cases.

File Number 2004-04338 Master Builders & Home Improvements Inc

In the matter of Disciplinary File Number 2004-04338, Master Builders & Home Improvements Inc., t/a Master Builders & Home Improvements 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.

Master Builders & Home Improvements Inc., t/a Master Builders & Home Improvements Inc., did not appear at the Board meeting. The presiding Board Representative, **Mrs. Wood** was not present. She did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Orange** and seconded by **Mr. Redifer** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found Master Builders & Home Improvements Inc., violated the following sections of its 2003 Regulations:

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.14

The motion passed with a majority vote. Members voting "yes" were:

Falwell, Kinser, Kirby, Orange, Walton, Rackas Pate, Redifer, Smith, and Hart. Hollar voted "no".

After discussion a motion was made by **Mr. Orange** and seconded by **Mr. Falwell** to adopt the Recommendations and impose the following sanctions: $400.00 monetary penalty for the violation of the Board's 2003 Regulation 18 VAC 50-22-260.B.9 (Count 1); $500.00 monetary penalty for the violation of the Board's 2003 regulation 18 VAC 50-22-260.B.31 (Count2); and $2,000.00 monetary penalty for the violation of the Board's 2003 regulation 18 VAC 50-22-260.B.14 (Count 3); A total monetary penalty of $2,900.00 was imposed. The Board voted not to impose the sanction of revocation of the license for the violations of Counts 1 and 3. The motion passed with a unanimous "yes" vote. Members voting "yes" were: Members voting "yes" were: **Falwell, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Smith, Hart and Walton.**

File Number 2004-04337 Master Builders & Home Improve-ments Inc

In the matter of Disciplinary File Number 2004-04337, Master Builders & Home Improvements Inc., t/a Master Builders & Home Improvements 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.

Master builders & Home Improvements Inc., t/a Master Builders & Home Improvements Inc., was not represented at the Board meeting. The presiding Board Representative, **Mrs. Wood** was not present. She did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Orange** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Master Builders & Home Improvements Inc.**, violated the following sections of its **2003** Regulations:

Count 1: 18 VAC 50-22-260.B.9
Count 2: 18 VAC 50-22-260.B.14
Count 3: 18 VAC 50-22-260.B.31
Count 4: 18 VAC 50-22-260.B.16

The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Walton, Smith, and Hart.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Falwell** to adopt the Recommendations and impose the following sanctions: $100.00 monetary penalty for the violation of the Board's 2003 Regulations

18 VAC 50-22-260.B.9 (Count 1); and, $2,000.00 monetary penalty and revocation of Master Builders & Home Improvements Inc., license for the violation of the Board's 2003 Regulations 18 VAC 50-22-260.B.14 (Count 2); $ 500.00 monetary penalty for the violation of the Board's 2003 Regulations 18 VAC 50-22-260.B.31 (Count 3); and $2,000.00 monetary penalty and revocation of Master Builders & Home Improvements, Inc. license for the violation the Board's 2003 Regulations 18 VAC 50-22-260.B.16 (Count 4). A total monetary penalty of $4,600.00 was imposed. The Board voted to amend Counts 1 and 3 not to include license revocation as the violations did not arise to that degree of severity. The motion passed with a unanimous "yes" vote. Members voting "yes" were: **Falwell, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Smith, Walton, and Hart.**

File Number 2005-00998 Dove's Homes Inc., t/a Dove's Homes Inc.

In the matter of Disciplinary File Number 2005-00998, Dove's Homes Inc., t/a Dove's Homes 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.

Dove's Homes Inc., t/a Dove's Homes Inc., was not represented at the Board meeting. Carl Jones and Diane Jones, complainants were present and expressed their agreement. The presiding Board Representative, **Mr. Kinser** was not present. He did not participate in the discussion and did not vote. Orange chaired in this case. After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Hart** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Dove's Homes Inc.**, violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.9
Count 3: 18 VAC 50-22-260.B.16

The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Hollar, Kirby, Orange, Rackas Pate, Redifer, Smith, Wood, Walton, and Hart**.

After discussion a motion was made by **Mr. Walton** and seconded by **Mr. Redifer** to adopt the Recommendations and impose the following sanctions: $300.00 monetary penalty for the violation of the Board's 2003 Regulations 18 VAC 50-22-260.B.9 (Count 1); and $1,000.00 monetary penalty and revocation of Dove's Homes Inc. license for the violation of the Board's 2003 Regulations 18 VAC 50-22-260.B.16 (Count 3). A total monetary penalty of $1,300.00. As to Count 2, the Board closes this aspect of the file with a finding of no violation.

The motion was approved by unanimous vote. Members voting "yes" were:

Falwell, Hollar, Kirby, Orange, Rackas Pate, Redifer, Smith, Walton, Wood, and Hart.

File Number 2005-04265 C & M Masonry, LLC

In the matter of License Application File Number 2005-04265 C & M Masonry, LLC, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

Ivan Fenton and his attorney, Todd Rodsberger appeared at the IFF and the Board meeting. Mr. Rodsberger addressed the Board. The presiding Board representative **Mrs. Cooper** was not present did not participate in the discussion and did not vote. Kinser resumed as chairperson. After discussion, a motion was made by **Mr. Orange** and seconded by **Mr. Walton** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was not approved. Members voting "no" were: Hart, Wood, Rackas Pate, Hollar, Kirby and Redifer. **Kinser, Orange, Falwell, Walton, and Smith voted "yes". The Board denied the license.**

File Number 2005-03637 Jeffco Company

In the matter of License Application File Number 2005-03637, Jeffco Company the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

James Jefferies 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. Orange** 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: **Falwell, Kinser, Kirby, Orange, Rackas Pate, Redifer, Smith, Walton, and Hart. Mr. Hollar was the only member voting "no".**

File Number 2005-03636 James Jeffries

In the matter of Disciplinary File Number 2005-03636, James Jeffries, 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.

James Jeffries did not appear at the Board meeting. The presiding Board Representative, **Mrs. Cooper** was not present. She did not participate in the discussion and did not vote. After discussion a motion was made by **Mr.**

Orange and seconded by **Mr. Redifer** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found James Jeffries, violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-30-190.11
Count 2: 18 VAC 50-30-190.12

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

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Orange** to adopt the Recommendations and impose the following sanctions: $250.00 monetary penalty and the completion of the Board's Basic Contracting Licensing Class for the violation of the Board's 2003 Regulations 18 VAC 50-30-190.12 (Count 2). As to Count 1 the Board voted not to impose a monetary penalty for the violation. The motion was approved by a majority vote. Members voting "yes" were: **Falwell, Kinser, Kirby, Orange, Rackas Pate, Redifer, Smith, and Hart. Members voting "no" were: Hollar and Walton.**

In the matter of License Application File Number 2005-03667, Kastech Incorporated, t/a Kastech Construction & Ventilator Specialist, Co. the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number 2005-03667 Kastech Incorporated

Thomas Kasmark 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. Hart** 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: **Falwell, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Smith, Walton, Wood, and Hart.**

In the matter of Disciplinary File Number 2005-03666, Thomas Lee Kasmark, t/a Kastech/Ventilator Specialist Co. 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 2005-03666 Thomas Lee Kasmark

Mr. Thomas Lee Kasmark appeared at the Board meeting. The presiding

Board Representative, **Mrs. Cooper** was not present and she did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Orange** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with amended Recommendations. The Board found Thomas Lee Kasmark, violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.22
Count 2: 18 VAC 50-22-260.B.23

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

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Walton** to accept the recommendations and impose the following sanctions: completion of the Board's Basic Contracting Licensing Class for the violation of (Count 1); and, (Count 2); and $250.00 monetary penalty for the violation of the Board's 2003 Regulations 18 VAC 50-22-260.B.22 (Count 1) and $250.00 monetary penalty for the violation of the Board's 2003 Regulations 18 VAC 50-22-260.B.23 (Count 2). A total monetary penalty of $500.00 was imposed. The motion passed unanimously. Members voting "yes" were: **Falwell, Hollar, Kinser, Kirby, Orange, Rackas Pate, Redifer, Smith, Walton, Wood, and Hart.**

In the matter of License Application File Number 2005-0391, Joseph Bernard Berger, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number 2005-03921 Joseph Bernard Berger

Mr. Berger 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 **Mr. Kirby** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

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

In the matter of License Application File Number 2005-03533, Danny Ray English, t/a English Excavating, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and

File Number 2005-03533 Danny Ray

Summary of the Informal Fact-Finding Conference. **English**

Mr. English appeared at the IFF and the Board meeting. He was represented by Mr. Education Younger his attorney. 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 accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

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

In the Matter of Consent Order File Number 2005-02925, Board v. James d Boullt, Jr., t/a Boullt Home Repair & Tree Service, the board reviewed the Consent Order. **Mr. James D Boullt Jr. attended the Board meeting and addressed.**

File Number 2005-02925 James D. Boullt, Jr.

After discussion a motion by **Falwell** seconded by **Redifer** to remand this case back for an IFF hearing to gather additional information. The case was remanded to an IFF by unanimous vote: Members voting "yes" were: **Hollar Smith, Kinser, Falwell, Redifer, Wood, Kirby, Walton, Rackas Pate, Hart and Orange.**

In the matter of License Application File Number 2005-04657, Advanced Reconstruction Technologies, Inc. the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number 2005-04657 Advanced Reconstruc-tion Technologies Inc.

Mr. Michael Anderson 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. Orange** 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: **Falwell, Kinser, Orange, Rackas Pate, Redifer, Smith, Walton, and Hart. Mrs. Wood, Mr. Kirby, and Mr. Hollar voted "no".**

In the matter of Agreement for Licensure File Number 2005-04446, Potomac Abatement, Inc., the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the

File Number 2005-04446 Potomac

Informal Fact-Finding Conference.

Abatement, Inc.

Mr. Anthony Farnella appeared at the IFF and the Board meeting. He addressed the Board. The presiding Board representative **Mrs. Wall** 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. Falwell** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license for Potomac Abatement, Inc.

Members voting "yes" were: **Wood, Falwell, and Kinser.** Members voting "no" were: **Orange, Redifer, Hollar, Walton, Hart, Rackas Pate, Smith and Kirby.** The motion failed.

After discuss a motion was offered by: Mr. Redifer and seconded by Mr. Kirby to: accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license for Potomac Abatement, Inc., subject to the following conditions: Potomac Abatement, Inc. agrees to be placed on probation for two years from the initial date of issuance of the license during which time it agrees to remain in good standing with the EPA and to not violate the regulations of the Virginia Board for Contractors or any other local, state, or regulatory body. If a violation occurs during this time, the Virginia Class A Contractor's license (2705-093582) of Potomac Abatement, Inc. may be revoked, pending Board review. The motion passed with a majority vote. Members voting "yes" were: **Falwell, Smith, Kinser, Kirby, Rackas Pate, Walton, Wood, Hart, Orange and Redifer. Mr. Hollar voted "no".**

In the matter of License Application File Number 2005-03573, Ronald J. Harlow, t/a The Harlow Company, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number 2005-03573 Ronald J. Harlow

Mr. Harlow 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. Wood** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

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

In the matter of Disciplinary File Number 2005-00155, Tamara and James Maddox, t/a Mountain View 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 2005-00155 Tamara and James Maddox

James Maddox appeared at the Board meeting. He addressed the Board. Patricia Struther and Mrs. Irma Pell, complaints, were present and addressed the Board. The presiding Board Representative, **Mr. Walton** was not present. He did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Falwell** and seconded by **Mr. Hollar** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found Tamara and James Maddox violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.8
Count 2: 18 VAC 50-22-260.B.14

The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Hollar, Kinser, Kirby, Orange, Rackas Pate, Smith, Wood, Redifer and Hart**.

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Falwell** to adopt the Recommendations and impose the following sanctions: $250.00 monetary penalty and the completion of the Board's Basic Contracting Licensing Class for the violation of the Board's 2003 Regulations 18 VAC 50-22-260.B.8 (Count 1) and, $1,500.00 and completion of the Board's Basic Contracting Licensing Class and revocation of license 2705-080997 for violation of the Board's 2003 Regulations 18 VAC 50-22-260.B.14 (Count 2).

The Board agreed there was no written documentation that Tamara and James Maddox were prohibited from returning to complete the terms of the contract. As to Count 3 and Count 4, the Board closed this aspect of the file with a finding of no violation.

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

In the matter of License Application File Number 2005-03998, Donald L. Roberts, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-

File Number 2005-03998 Donald L.

Finding Conference. **Roberts**

Mr. Roberts 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 **Mrs. Wood** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

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

In the matter of Disciplinary File Number 2005-01217, Michael E Lincoln, t/a Bay Front 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
2005-01217
Michael E
Lincoln

Mr. Michael E Lincoln appeared at the IFF and the Board meeting. He addressed the Board. The presiding Board Representative, **Mr. Walton** was not present. He did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Falwell** and seconded by **Mr. Kirby** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found Bay Front Construction, violated the following sections of its 2003 Regulations:

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.5

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

After discussion a motion was made by **Mr. Falwell** and seconded by **Mr. Hart** to adopt the Recommendations and impose the following sanctions: $250.00 monetary penalty and completion of the Board's Basic Contracting Licensing Class for the violation of the Board's 2003 Regulations 18 VAC 50-22-230.A (Count 2); $250.00 monetary penalty and completion of the Board's Basic Contracting Licensing Class for the violation of the Board's 2003 Regulations 18 VAC 50-22-260.B.9 (Count 3); and $500.00 monetary penalty for the violations of the Board's 2003 Regulations 18 VAC 50-22-260.B.5 (Count 4). A total monetary penalty of $1,000.00. The following

amendment was made to Count 4: the Board voted to decrease the monetary penalty from $1,000.00 to $500.00. The Board agreed the violation did not rise to the higher sanction and decreased the monetary penalty to be consistent with previous Board actions. As to Counts 1 and 5, the Board closed this aspect of the file with a finding of no violation.

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

In the matter of Disciplinary File Number 2005-01906, Boris Rios-Donaire, t/a Fulanos Professional Services, 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 2005-01906 Boris Rios-Donaire

Boris Rios-Donaire attended the Board meeting and addressed the Board. He wanted a chance to attend an IFF. He was unable to attend the IFF because of a family emergency and he wanted an opportunity to provide the Board with evidence to support his side of the story and, hopefully, result in reduced or eliminated sanctions. The presiding Board Representative, **Mr. Redifer was** not present. He did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Falwell** and seconded by **Mr. Kirby** to reconvene the case back to Adjudication.

The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Hollar, Kinser, Kirby, Orange, Rackas Pate, Wood, Smith, Walton, and Hart.**

In the matter of License Application File Number 2005-03673, John Paul Russell, Jr., the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number 2005-03673 John Paul Russell, Jr.

Mr. Russell appeared at 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 **Mr. Kirby** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and **deny** the license after reviewing the facts and due to the recentness and the nature of the crimes.

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

In the matter of License Application File Number 2005-04000, Aych & Aych Inc., the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number 2005-04000 Aych & Aych Inc

Mr. Sylvester Hankins appeared at the IFF and the Board meeting. He addressed the Board. The presiding Board representative **Mr. Redifer** 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. Walton** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved unanimously. Members voting "yes" were: **Falwell, Hollar, Kinser, Kirby, Orange, Rackas Pate, Smith, Walton, Wood, and Hart.**

In the matter of Consent Order File Number 2005-04001, Board v. Aych & Aych Inc, t/a Aych & Aych Inc., the board reviewed the Consent Order. **Aych & Aych, 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: 18 VAC 50-22-260.B.22 $0.00: Count 2: 18 VAC 50-22-260.B.23; $0.00. A total monetary penalty of $0.00 and successful completion of the Board's Basic Contractor Licensing class is hereby imposed.**

File Number 2005-04001 Aych & Aych Inc.

Upon a motion by **Kirby** seconded by **Falwell** the board ratified the consent order with a unanimous vote from: **Hollar, Smith, Kinser, Falwell, Kirby, Walton, Rackas Pate, Hart, Wood and Orange. As the hearing officer in this matter, Mr. Redifer was not present for the discussion and vote.**

In the matter of In the matter of Disciplinary File Number 2005-00423, Value Painting & Home Improvements Inc., t/a Value Painting & Home Improvements 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 2005-00423 Value Painting & Home Improve-ments Inc.

Value Painting & Home Improvements Inc., t/a Value Painting & Home Improvements Inc., was not represented at the Board meeting. The presiding Board Representative, **Mr. Burch** was not present. He did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Orange** and seconded by **Mr. Hollar** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory

issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found Value Painting & Home Improvements Inc., violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-230.A
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.31
Count 5: 18 VAC 50-22-260.B.14
Count 6: 18 VAC 50-22-260.B.16
Count 7: 18 VAC 50-22-210.3
Count 8: 18 VAC 50-22-260.B.22
Count 9: 18 VAC 50-22-260.B.23

The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Hollar, Kinser, Kirby, Orange, Rackas Pate, Smith, Redifer, Walton, Wood and Hart.**

After discussion a motion was made by **Mr. Orange** and seconded by **Mr. Falwell** to adopt the Recommendations and impose the following sanctions: Count 1: $500.00, Count 2: $1,000.00, Count 3: $400.00, Count 5: $2,000.00, Count 6: $2,000.00, Count 7: $500.00, Count 8: (no monetary penalty) and Count 9: $600.00. For a total monetary penalty of $7,450.00 for the violation of the Board's 2003 Regulations. The Board imposed the sanction of revocation of the license for the violations of Counts 5 and 6 and the Board voted not to impose the sanction of revocation for the violations of Counts 4 and 7. They agreed the severity of the violations did not arise to revocation. The motion passed with a majority vote. Members voting "yes" were: **Falwell, Wood, Kinser, Kirby, Orange, Rackas Pate, Redifer, Smith, Walton, and Hart. Mr. Hollar** voted "no".

File Number
2005-04265
C & M Masonry, LLC

In the matter of License Application File Number 2005-04265, C & M Masonry, LLC. the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

Mr. Carlus Newman appeared at the IFF and 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 **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 unanimous vote. Members voting "yes" were: Kinser, Orange, Falwell, Hollar, Kirby,

Redifer, Walton, Wood, Smith, Rackas Pate and Hart.

File Number 2005-04264 Phillip Wayne Moore

In the matter of License Application File Number 2005-04264, Phillip Wayne Moore, t/a Blue Ridge Log & Timber Frame Homes, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

Mr. Phillip Wayne Moore appeared at the IFF. 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. Orange** 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: **Falwell, Kinser, Orange, Redifer, Smith, Walton, and Hollar. Mr. Hart, Ms. Rackas Pate, Mr. Kirby and Mrs. Wood** voted "no".

File Number 2005-03837 William H. Atkinson

In the matter of License Application File Number 2005-03837 William H. Atkinson. the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

Mr. William H. Atkinson appeared at the IFF. He did not attend 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 **Mr. Hollar** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

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

File Number 2005-03670 Christopher Shawn Barron

In the matter of License Application File Number 2005-03670 Christopher Shawn Barron, t/a C & T Flooring & Home Improvement, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

Mr. Christopher Shawn Barron 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. Smith** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

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

File Number 2005-01486 John Edward Callahan

In the matter of Disciplinary File Number 2005-01486, John Edward Callahan, t/a Environmental 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.

Mr. John Edward Callahan appeared at the IFF. He did not attend the Board meeting. The presiding Board Representative, **Mr. Kinser** was not present and he did not participate in the discussion and did not vote. Mr. Orange chaired this case. After discussion a motion was made by **Mrs. Wood** and seconded by **Mr. Kirby** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference Recommendations. The Board found John Edward Callahan violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-230.A
Count 2: 18 VAC 50-22-260.B.14
Count 3: 18 VAC 50-22-260.B.16
Count 4: 18 VAC 50-22-260.B.28

The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Wood, Kirby, Orange, Rackas Pate, Redifer, Smith, Walton, Hollar, and Hart.**

After discussion a motion was made by **Mr. Kirby** and seconded by **Mrs. Rackas Pate** to impose the following sanctions: $500.00 monetary penalty for the violation of (Count 1); $1,000.00 monetary penalty for the violation of (Count 2); $1,000.00 for violation of (Count 3), $1,000.00 for the violation of (Count 4). The Board imposed the sanction of revocation of the license for the violations of Counts 2 through 4. A total monetary penalty of $3,500.00 was imposed. The motion passed with a unanimous "yes" vote. Members voting "yes" were: **Falwell, Wood, Kirby, Orange, Rackas Pate, Redifer, Smith, Walton, Hart and Hollar.**

File Number 2005-00659 Kevin

In the matter of Disciplinary File Number 2005-0659, Kevin Bowers Company, t/a Kevin Bowers 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.

Bowers Company

Mr. Bowers appeared at the IFF. He did not attend the Board meeting. The presiding Board Representative, **Mr. Kinser** was not present. He did not participate in the discussion and did not vote. Mr. Orange chaired this case. After discussion a motion was made by **Mr. Redifer** 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 the Summary of the Informal Fact-Finding Conference with amended Recommendations. The Board found **Kevin Bowers** violated the following sections of its 2003 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.27

The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Hollar, Wood, Kirby, Orange, Rackas Pate, Redifer, Smith, Walton, and Hart.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Falwell** to impose the following sanctions: $500.00 monetary penalty for the violation of (Count 1); and, $350.00 monetary penalty for the violation of (Count 2) and completion of the Board's Basic Contracting Licensing Class for the violations of (Counts 1 and 2). As to Count 3, the Board agreed that moving an electrical outlet is not incidental and therefore Bowers did work outside his specialty. The Board determined the violation did not warrant a monetary penalty. As to Count 4 the Board closed this aspect of the file with a finding of no violation. The motion passed with a unanimous "yes" vote. Members voting "yes" were: **Falwell, Wood, Kirby, Orange, Rackas Pate, Redifer, Smith, Walton, Hollar, and Hart.**

In the matter of In the matter of Disciplinary File Number 2005-00507, Britt Barbour, t/a Lasting Impressions, 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 2005-00507 Britt Barbour

Britt Barbour, t/Lasting Impressions, was not present at the IFF or the Board meeting. The presiding Board Representative, **Mr. Kinser** was not present. He did not participate in the discussion and did not vote. Mr. Orange chaired this case. After discussion a motion was made by **Mr. Hollar** and seconded by **Mr. Kirby** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations.

The Board found Lasting Impressions., violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.4
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.27
Count 6: 18 VAC 50-22-260.B.6
Count 7: 18 VAC 50-22-260.B.25
Count 8: 18 VAC 50-22-260.B.28
Count 9: 18 VAC 50-22-230.B.

The motion was unanimously approved. Members voting "yes" were: **Falwell, Wood, Kirby, Orange, Rackas Pate, Redifer, Smith, Walton, Hollar, and Hart.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Hollar** to adopt the Recommendations and impose the following sanctions: Count 1: $500.00, Count 2: $500.00, Count 3: $700.00, Count 4: $500.00, Count 5: $500.00, Count 6: $500.00, Count 7: $1,000.00, Count 8: $1,000.00, and Count 9: $500.00. For a total monetary penalty of $5,700.00 for the violation of the Board's 2003 Regulations. The Board imposed the sanction of revocation of the license for the violations of Counts 7 and 8. As to Counts 3, 4, 5 and 9 the Board voted to require the licensee to successfully complete the Board's Basic Contracting Licensing Class (remedial education). The motion was unanimously approved. Members voting "yes" were: **Falwell, Wood, Kirby, Orange, Rackas Pate, Redifer, Smith, Walton, Hollar, and Hart.**

In the matter of Disciplinary File Number 2005-00465, Britt Barbour, t/Lasting Impressions, 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
2005-00465
Britt
Barbour

Britt Barbour, t/Lasting Impressions was not at the IFF or the Board meeting. The presiding Board Representative, **Mr. Kinser** was not present. He did not participate in the discussion and did not vote. Mr. Orange chaired this case. After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Hart** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with amended Recommendations. The Board found Lasting Impressions violated the following sections of its 2003 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.5
Count 4: 18 VAC 50-22-260.B.14
Count 5: 18 VAC 50-22-260.B.16
Count 6: 18 VAC 50-22-230.B

The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Wood, Kirby, Orange, Rackas Pate, Redifer, Smith, Walton, Hart and Hollar.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Hollar** to impose the following sanctions: $500.00 monetary penalty for the violation of (Count 1); $400.00 monetary penalty for the violation of (Count 2); $1,000.00 monetary penalty for the violation of (Count 3), $1,000.00 monetary penalty for the violation of (Count 4); $1,000.00 monetary penalty for the violation of (Count 5); and $500.00 monetary penalty for the violation of (Count 6). A total monetary penalty of $4,400.00 was imposed. As to Counts 1, 2 and 6 the Board voted to require the licensee to successfully complete the Board's Basic Contracting Licensing Class (remedial education). The Board imposes the sanction of revocation of the license for the violations of Counts 4 and 5. The motion passed with a unanimous "yes" vote. Members voting "yes" were: **Falwell, Wood, Kirby, Orange, Rackas Pate, Redifer, Smith, Walton, Hollar, and Hart.**

In the matter of In the matter of Disciplinary File Number 2005-00946, Bob Gross, t/a Bob's Home Repair & Remodeling, 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
2005-00946
Bob Gross

Bob Gross, t/a Bob's Home Repair & Remodeling, was not represented at the Board meeting. The presiding Board Representative, **Mr. Kirby** was not present. He did not participate in the discussion and did not vote. Mr Kinser resumed as chairperson. After discussion a motion was made by **Mr. Redifer** 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 the Summary of the Informal Fact-Finding Conference with Recommendations. Victoria Traylor informed the Board of a correction with the sited Regulations in the Report of Findings and Summary of the IFF: It should read: September 1st 2001 and not January 1st of 2003. The Board found Bob's Home Repair & Remodeling., violated the following sections of its 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.31

The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Wood, Kinser, Orange, Rackas Pate, Redifer, Smith, Walton, Hollar, and Hart.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Hart** to adopt the Recommendations and impose the following sanctions: Count 1: $100.00, Count 2: $150.00, and Count 3: $150.00. For a total monetary penalty of $450.00 for the violation of the Board's 2001 Regulations. As to Count 4, the Board closed this aspect of the file with a finding of no violation. The motion passed unanimously. Members voting "yes" were: **Falwell, Wood, Orange, Rackas Pate, Redifer, Smith, Walton, Hollar, Kinser, and Hart.**

In the matter of In the matter of Disciplinary File Number 2004-00774, Bonnie M Freeman, t/a Roadrunners Contracting, 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
2004-00774
Bonnie M. Freeman

Bonnie M Freeman, t/a Roadrunners Contracting, not present at the Board meeting. The presiding Board Representative, **Mr. Kirby** was not present. He did not participate in the discussion and did not vote. After discussion a motion was made by **Mrs. Wood** and seconded by **Mr. Falwell** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found Roadrunners contracting., violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.8 – 2 violations
Count 2: 18 VAC 50-22-260.B.9
Count 3: 18 VAC 50-22-260.B.31

The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Wood, Orange, Rackas Pate, Redifer, Smith, Walton, Hollar, Kinser, and Hart.**

After discussion a motion was made by **Mrs. Wood** and seconded by **Mr. Walton** to adopt the Recommendations and impose the following sanctions: Count 1- 2 violations @ $125.00 each: $250.00, Count 2: $300.00, and Count 3: $500.00. For a total monetary penalty of $1,050.00 for the violation of the Board's 2003 Regulations. As to Count 3 the Board voted to require the licensee to successfully complete the Board's Basic Contracting Licensing Class (remedial education). As to Count 4, 18 VAC 50-22-260.B.15 and Count 5, 18 VAC 50-22-260.B.16, the Board closes this aspect of the file with a finding of no violation. The motion passed with a majority vote. Members

voting "yes" were: **Falwell, Wood, Kinser, Rackas Pate, Redifer, Smith, Walton, and Hart. Members voting "no" were: Hollar and Orange.**

File Number 2005-01471 Contemporary Pools Inc.

In the matter of In the matter of Disciplinary File Number 2005-01471, Contemporary Pools Inc., t/a Contemporary Pools 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.

Contemporary Pools Inc., t/a Contemporary Pools Inc., attended the IFF but was not represented at the Board meeting. The presiding Board Representative, **Mr. Redifer** was not present. He did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Walton** and seconded by **Mr. Smith** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found Contemporary Pools Inc., violated the following sections of its 2003 Regulations:

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

The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Wood, Kirby, Orange, Rackas Pate, Kinser, Smith, Walton, Hollar, and Hart.**

After discussion a motion was made by **Mr. Walton** and seconded by **Mr. Hart** to adopt the Recommendations and impose the following sanctions: Count 2: $350.00 for the monetary penalty for the violations of the Board's Regulation 18 VAC 50-22-260.B.13. For a total monetary penalty of $350.00 for the violation of the Board's 2003 Regulations. As to Count 1, the Board voted not to impose a monetary penalty for the violation. As to Count 3, the Board closes this aspect of the file with a finding of no violation. The motion passed unanimously. Members voting "yes" were: **Falwell, Wood, Kirby, Orange, Rackas Pate, Kinser, Smith, Walton, Hollar, and Hart.**

File Number 2005-00673 Calvin Lee Gibson

In the matter of Disciplinary File Number 2005-00673, Calvin Lee Gibson, t/a Affordable Siding And Windows, 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.

Calvin Lee Gibson, t/a Affordable Siding And Windows did not attend IFF or the Board meeting. The presiding Board Representative, **Mr. Redifer** was

not present. He did not participate in the discussion and did not vote. After discussion a motion was made by **Mrs. Wood** and seconded by **Mr. Kirby** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference and reject the Recommendations. The Board found Mr. Calvin Lee Gibson violated its 2003 Regulations as follows:

Count 1: 18 VAC 50-22-260.B.9
Count 2: 18 VAC 50-22-260.B.5
Count 3: 18 VAC 50-22-230.B

The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Wood, Kirby, Orange, Rackas Pate, Kinser, Smith, Walton, Hollar, and Hart.**

After discussion a motion was made by **Mrs. Wood** and seconded by **Mr. Kirby** to impose the following sanctions: $350.00 for violation of Count 1; and $1,500.00 for violation of Count 2; and, $350.00 for violation of Count 3. Completion of the Boards Basic Contracting Licensing Class is required for Counts 1 and 3. A total monetary penalty of $ 2,200.00 is hereby imposed.

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

In the matter of License Application File Number 2005-04315, Dudley Plumbing Inc., the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number 2005-04315 Dudley Plumbing Inc

Ms. Clara Dudley on behalf of Dudley Plumbing Inc. appeared at the IFF. He addressed the Board. The presiding Board representative **Mrs. Wall** was not present did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Walton** 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 unanimously. Members voting "yes" were: **Falwell, Wood, Kinser, Kirby, Orange, Rackas Pate, Redifer, Smith, Walton, Hollar, and Hart.**

In the matter of Disciplinary File Number 2005-04314, James Michael Hartsel, Board members reviewed the record, which consisted of the

File Number 2005-04314

disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

James Michael Hartsel

Mr. Hartsel attended the IFF and did not attend the Board meeting. **Mrs. Wall** the board representative was not present, did not participate and did not vote. After discussion **Mr. Redifer** offered a motion seconded by **Mr. Falwell** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found James Michael Hartsel violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-30-190.11
Count 2: 18 VAC 50-30-190.12

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

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Falwell** to impose the following sanctions: The Board agreed that Hartsel had a conviction and failed to inform the Board. As to Counts 1 and 2 the Board voted not to impose a monetary penalty for the violations.

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

In the matter of Disciplinary File Number 2005-03567, Dennis Wayne Crabbe, t/a Brick & Block Doctors, 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 2005-03567 Dennis Wayne Crabbe

Mr. Crabbe, did not appear at the Board meeting. The presiding Board Representative, **Mrs. Wall** was not present. She 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 Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found Brick & Block Doctors., violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.27
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.14

The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Wood, Kirby, Orange, Rackas Pate, Redifer, Smith, Walton, Kinser, Hollar, and Hart.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mrs. Wood** to impose the following sanctions and amended sanctions (Count 3): $800.00 monetary penalty for the violation of (Count 1); and, $400.00 monetary penalty for violation of (Count 2); and, $600.00 monetary penalty for violation of (Count 3); and, $2,000.00 monetary penalty for violation of (Count 4). License revocation was imposed for Counts 1, 2, and 4. As to Count 3, the Board agreed the violation did not arise to the severity of revocation and also to be consistent with previous Board action.

A total monetary penalty of $3,800.00 was imposed. The motion passed with a unanimous "yes" vote. Members voting "yes" were: **Falwell, Wood, Kinser, Kirby, Orange, Rackas Pate, Redifer, Smith, Walton, Hollar, and Hart.**

In the matter of In the matter of Disciplinary File Number 2005-03371, Rhonda G Keyser, t/a Keyser's TLC, 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 2005-03371 Rhonda G. Keyser

Rhonda G Keyser, t/a Keyser's TLC, was not represented at the Board meeting. The presiding Board Representative, **Mrs. Wall** was not present. He 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 Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found Keyer's TLC., violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.8-3 violations
Count 2: 18 VAC 50-22-260.B.9-3 violations
Count 3: 18 VAC 50-22-260.B.27
Count 4: 18 VAC 50-22-260.B.14
Count 5: 18 VAC 50-22-260.B.13

The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Wood, Kirby, Orange, Rackas Pate, Redifer, Smith, Walton, Hollar, Kinser, and Hart.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Smith** to adopt the Recommendations and impose the following sanctions: Count 1: 3 violations @ $300.00 per violation for a total of $900.00, Count 2: 3 violations @ $700.00 per violation for a total of $2,100.00, Count 3: $800.00, Count 4: $2,000.00, and Count 5: $1,000.00. For a total monetary penalty of $6,800.00 for the violation of the Board's 2003 Regulations. The Board imposed the sanction of revocation of the license for the violations of Counts 3, 4 and 5. The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Wood, Kirby, Orange, Rackas Pate, Redifer, Kinser, Smith, Walton, Hollar, and Hart.**

File Number
2005-03249
Sweitzer's
Exteriors Inc

In the matter of In the matter of Disciplinary File Number 2005-03249, Sweitzer's Exteriors Inc., t/a Sweitzer's Exteriors 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 **Sweitzer's Exteriors Inc., t/a Sweitzer's Exteriors Inc.,** was not represented at the Board meeting. The presiding Board Representative, **Mrs. Wall** was not present. She did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Kirby** and seconded by **Mrs. Rackas Pate** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found Sweitzer's Exteriors Inc., violated the following sections of its 2003 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.15
Count 4: 18 VAC 50-22-260.B.16

The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Wood, Kirby, Orange, Rackas Pate, Redifer, Smith, Walton, Kinser, Hollar, and Hart.**

After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Walton** to adopt the Recommendations and impose the following sanctions: Count 1: $350.00, Count 2: $200.00, Count 3: $1,000.00, and Count 4: $1,000.00. For a total monetary penalty of $2,550.00 for the violation of the Board's 2003 Regulations. The Board imposed the sanction of revocation of the license for the violations of Counts 3 and 4. As to Counts 1 and 2 the Board agreed the severity of the violations did not arise to the sanction of revocation.

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

In the matter of In the matter of Disciplinary File Number 2004-04832 American Painting Inc., t/a American Painting 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 2004-04832 American Painting Inc.,

George Pappadakis Responsible Management for American Painting Inc., t/a American Painting Inc., attended the IFF. American Painting, Inc., t/a American Painting Inc. was not represented at the Board meeting. The presiding Board Representative, **Mr. Walton** was not present. He 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 Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found American Painting Inc., violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-230.A
Count 2: 18 VAC 50-22-260.B.9
Count 4: 18 VAC 50-22-230.B.

The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Wood, Kirby, Orange, Rackas Pate, Redifer, Smith, Kinser, Hollar, and Hart.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mrs. Wood** to adopt the Recommendations and impose the following sanctions: Count 1: $100.00, and Count 2: $100.00. For a total monetary penalty of $200.00 for the violation of the Board's 2003 Regulations. As to Counts 1 and 2 the Board voted to require the licensee to successfully complete the Board's Basic Contracting Licensing Class (remedial education). The Board found a violation of Count 4 based on the licensee's failure to inform the Board of an address change. As to Count 4, the Board voted not to impose a monetary penalty. As to Count 3 the Board closes this aspect of the file with a finding of no violation. The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Wood, Kirby, Orange, Rackas Pate, Redifer, Smith, Kinser, Hollar, and Hart.**

In the matter of Disciplinary File Number 2005-001765, Timothy D Berry Jr., t/a Insideout 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 2005-01765 Timothy D Berry Jr.

Timothy D Berry Jr., t/a Insideout Construction, did not appear at the

Board meeting in person or by counsel or by any other qualified representative. The presiding Board Representative, **Mr. Walton** was not present. He 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 the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found Insideout Construction., violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.27
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.15
Count 5: 18 VAC 50-22-260.B.16
Count 6: 18 VAC 50-22-230.B

The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Wood, Kirby, Orange, Rackas Pate, Redifer, Smith, Kinser, Hollar, and Hart.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mrs. Wood** to adopt the Recommendations and impose the following sanctions: $500.00 monetary penalty for the violation of (Count 1); $300.00 monetary penalty for the violation of (Count 2); $ 300.00 monetary penalty for the violation of (Count 3); $1,000.00 monetary penalty for (Count 4); $1,500.00 monetary penalty for (Count 5); and $500.00 monetary penalty for the violation of (Count 6). A total monetary penalty of $4,100.00 was imposed. As to Count 2 the Board voted to require the licensee to successfully complete the Board's Basic Contracting Licensing Class (remedial education). The Board imposed the sanction of revocation of the license for the violations of Counts 4 and 5.

The motion passed with a unanimous "yes" vote. Members voting "yes" were: **Falwell, Wood, Kirby, Orange, Rackas Pate, Redifer, Smith, Kinser, Hollar, and Hart.**

In the matter of Disciplinary File Number 2005-00296 Turcotte Project Management Services LLC., 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 2005-00296 Turcotte Project Management Services LLC

Turcotte Project Management Services LLC., did not appear at the Board meeting in person or by counsel or by any other qualified representative. The presiding Board Representative, **Mr. Walton** was not present. He did not participate in the discussion and did not vote. After discussion a motion was

made by **Mr. Redifer** and seconded by **Mr. Hollar** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found Management Services LLC., violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.8
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.31
Count 6: 18 VAC 50-22-260.B.15
Count 7: 18 VAC 50-22-260.B.16
Count 8: 18 VAC 50-22-260.B.13

The motion passed with a unanimous vote. Members voting "yes" were: **Falwell, Wood, Kirby, Orange, Rackas Pate, Redifer, Smith, Kinser, Hollar, and Hart.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mrs. Wood** to adopt the Recommendations and impose the following sanctions: $300.00 monetary penalty for the violation of Count 1; $500.00 monetary penalty for the violations of Count 2; $300.00 monetary penalty for the violation of Count 3; $500.00 monetary penalty for the violation of Count 4; $500.00 monetary penalty for the violation of Count 5; $1,500.00 monetary penalty for the violation of Count 6; $1,500.00 monetary penalty for the violation of Count 7; and $500.00 monetary penalty for the violation of Count 8. A total monetary penalty of $5,500.00. As to Counts 1, 3 and 5 the Board voted to require the licensee to successfully complete the Board's Basic Contracting Licensing Class (remedial education). The Board imposed the sanction of revocation of the license for the violations of Counts 6 and 7. The motion passed with a unanimous "yes" vote. Members voting "yes" were: **Falwell, Wood, Kirby, Orange, Rackas Pate, Redifer, Smith, Kinser, Hollar, and Hart.**

File Number
2005-01741
Southside Masonry

In the Matter of Consent Order File Number 2005-01741, Southside Masonry, t/a Southside Masonry., the board reviewed the Consent Order. **Southside Masonry, t/Southside Masonry attended the IFF. Southside Masonry, t/a Southside Masonry.,** 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: 18 VAC 50-22-260.B.8; $400.00 and $100.00 in investigative costs. A total monetary penalty of $500.00.is hereby imposed.**

Upon a motion by **Orange** seconded by **Wood** the board ratified the consent

order with a unanimous vote from: Members voting "yes" were: **Kinser, Hollar, Kirby, Redifer, Walton, Wood, Smith, Rackas Pate, Falwell, Orange, and Hart.**

I In the matter of Consent Order File Number 2004-03994, Charles Lee Jr. t/a Charles Lee Jr Construction, the board reviewed the Consent Order. Charles Lee 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: 18 VAC 50-22-260.B.9; $800.00 and Count 2: 18 VAC 50-22-260.B.27; $1,000.00 and Count 3: 18 VAC 50-22-260.B.5; $1,000.00 and Count 4: 18 VAC 50-22-260.B.29; $1,000.00. A total monetary penalty of $3,800.00 is hereby imposed. In addition, Charles Lee, Jr. agrees to successfully complete the Board's Basic Contracting Licensing Class (remedial education) within six months of the entry of this Order.**

File Number 2004-03994 Charles Lee Jr.

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

In the matter of Consent Order File Number 2004-04096, Roger R Haga, t/a Old Time Construction, the board reviewed the Consent Order. Roger **Haga** 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: 18 VAC 50-22-260.B.8; $200.00 and Haga agrees to provide a copy of a contract within thirty (30) days of entry of this Order and Count 2: 18 VAC 50-22-260.B.27; $100.00 and Count 3: 18 VAC 50-22-260.B.6; $100.00 and $300.00 in Board costs. A total monetary penalty of $700.00 is hereby imposed.**

File Number 2004-04096 Roger R Haga

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

In the matter of Consent Order File Number 2004-04128, Curtis Williams Jr And Valerie Williams, t/a Builders Enterprises, the board reviewed the Consent Order. Curtis Williams And Valerie Williams 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: 18 VAC 50-22-260.B.27; $50.00 and Count 2: 18 VAC 50-22-260.B.9; $50.00 and $50.00 in investigative costs. A total monetary penalty of $150.00 is hereby imposed. Curtis Williams Jr And Valerie Williams terminated license number 2705-067440 effective April**

File Number 2004-04128 Curtis Williams Jr And Valerie Williams

18, 2005.

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

File Number 2004-04722 Wm P Duguay Inc

In the matter of Consent Order File Number 2004-04722, Wm P Duguay Inc, t/a Wm P Duguay Inc Custom Homes, the board reviewed the Consent Order. Lawson Homes 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: 18 VAC 50-22-260.B.9; $150.00 and Count 2: 18 VAC 50-22-260.B.29; $350.00 and Count 3 18 VAC 50-22-260.B.31; $100.00. A total monetary penalty of $600.00 is hereby imposed.**

The Board shall waive imposition of the $150.00 monetary penalty for Count 1 provided Wm P Duguay Inc provides a copy of his current contract within thirty (30) days of the effective date of the order. If Wm P Duguay Inc fails to comply with this condition, then the full monetary penalty will be automatically imposed. In addition, Wm P Duguay Inc agrees to have a member of Responsible Management successfully completes the Board's Basic Contracting Licensing class (remedial education). Upon a motion by **Orange** seconded by **Wood** the board ratified the consent order with a unanimous vote from: **Kinser, Orange, Hollar, Kirby, Redifer, Walton, Wood, Smith, Rackas Pate, Falwell and Hart.**

File Number 2005-00878 Don P Bishard

In the matter of Consent Order File Number 2005-00878, Don P Bishard, t/a Bishard's Home Improvement Co., the board reviewed the Consent Order. Bishard's Home Improvement Co., 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: 18 VAC 50-22-260.B.6; $600.00 and Don P Bishard agrees to successfully complete remedial education by attending the Board's Basic Contracting License class. Don P Bishard also agrees to pay $150.00 in Board costs. A total monetary penalty of $750.00 is hereby imposed.**

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

.

File Number 2005-00941 Remodel American

In the matter of Consent Order File Number 2005-00941, Remodel American Inc., t/a Remodel America Inc., the board reviewed the Consent Order. **Remodel American Inc., t/a Remodel America Inc.,** acknowledges an understanding of the charges and hereby admits to the violation(s) of the

Inc

Board's Regulations and consents to the following term(s) by the Board: **Count 1: 54.1-1110 of the Code of Virginia; $0.00 and Remodel American Inc agrees to suspension of its license until a member of Responsible Management successfully completes the Board's Basic Contracting License class (remedial education). A total monetary penalty of $0.00 is hereby imposed.**

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

File Number 2005-00947 Accessory Building Concepts Inc.

In the matter of Consent Order File Number 2005-00947, accessory Building Concepts Inc., t/a Accessory Building Concepts Inc., the board reviewed the Consent Order. **Building Concepts Inc., t/a Accessory Building Concepts 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: 18 VAC 50-22-210; $400.00 and Count 2: 18 VAC 50-22-260.B.9; $400.00 and Count 3: 18 VAC 50-22-260.B.15; $1,500.00 and in addition, Accessory Building Concepts Inc agrees that a member of responsible Management shall successfully complete the Board's Basic Contracting License class (remedial education). Accessory Building Concepts Inc also agrees to reimburse the Board for investigative costs in the amount of $150.00. A total monetary penalty of $2,450.00 is hereby imposed. The monetary penalty for the violation of Count 2 shall be waived upon receipt by the Board of a revised contract which contains the minimum provisions outlined in the Board's Regulations.**

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

File Number 2005-01229 Tyler Realty group Inc

In the matter of Consent Order File Number 2005-01229, Tyler Realty group Inc., t/a Joe Tyler Construction., the board reviewed the Consent Order. **Tyler Realty group Inc., t/a Joe Tyler Construction.,** 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: 18 VAC 50-22-260.B.29; $550.00 and Count 2: 18 VAC 50-22-260.B.31; $300.00 and Tyler Realty group Inc agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's Basic Contracting License class . Tyler Realty Group Inc also agrees to pay Board costs in the amount of $150.00 for the violations of Counts 1 and 2. A total monetary penalty of $1,000.00 is**

hereby imposed.

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

File Number 2005-01626 Hampton Roads Home Service Center Inc

In the matter of Consent Order File Number 2005-01626, Hampton Roads Home service Center Inc, t/a Hampton Roads Home Service Center, Inc., the board reviewed the Consent Order. Competence 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: 18 VAC 50-22-260.B.27; $500.00 and Count 2: 18 VAC 50-22-260.B.9; $0.00 and Count 3: 18 VAC 50-22-230.A; $0.00 and Count 4: 18 VAC 50-22-210; $0.00. A total monetary penalty of $500.00 is hereby imposed. For violation of Count 2, Hampton Roads Home Service Center Inc. agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's Basic Contracting License class.**

For violation of Count 3, Hampton roads Home Service Center Inc agrees to provide a copy of its current contract within thirty (30) days of the effective date of this order. Hampton Roads Home Service Center Inc also agrees to pay the reinstatement fee to the Virginia State Corporation Commission and provide proof of Hampton Roads Home Service Center Inc's good standing within thirty (30) days of the effective date of this order for violation of Count 4.

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

File Number 2005-01741 Southside Masonry

In the matter of Consent Order File Number 2005-01741 Southside Masonry, t/a Southside Masonry, the board reviewed the Consent Order. **Southside Masonry, t/a Southside Masonry**, 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: 18 VAC 50-22-260.B.8; $400.00 and $100.00 in investigative costs. A total monetary penalty of $500.00 is hereby imposed.**

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

File Number 2005-02852 Howell F Shrader Jr

In the matter of Consent Order File Number 2005-02852, Howell F Shrader Jr, t/a Howell F Shrader Jr., the board reviewed the Consent Order. **Howell F Shrader Jr, t/a Howell F Shrader 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: 18 VAC 50-22-260.B.8; $0.00 and successful completion of the Board's Basic Contracting License class (remedial education). A total monetary penalty of $0.00 is hereby imposed.**

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

File Number 2005-02879 Bonnie M Freeman

In the matter of Consent Order File Number 2005-02879, Bonnie M Freeman, t/a Roadrunners Contracting, the board reviewed the Consent Order. Bonnie M Freeman, t/a Roadrunners Contracting, 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: 18 VAC 50-22-260.B.9; $100.00 and Count 2: 18 VAC 50-22-260.B.6; $50.00 and Count 3: 18 VAC 50-22-260.B.29; $250.00 and Count 4: 18 VAC 50-22-260.B.14; $0.00 and Count 5: 18 VAC 50-22-260.B.15; $0.00 and Count 6: 18 VAC 50-22-260.B.11; $100.00 and Count 7: 18 VAC 50-22-260.B.12; $100.00. In addition, for violation of Counts 4 and 5, Bonnie M Freeman agrees to complete a 10' x 12' deck and install two (2) garage door openers at the subject property and provide the Board with proof of completion by July 19, 2005. For violation of all Counts, Bonnie M Freeman agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's Basic Contracting License class. She also ogresses to pay $350.00 in Board costs. A total monetary penalty of $850.00 is hereby imposed.**

Upon a motion by **Orange** seconded by **Wood** the board ratified the consent order with a unanimous vote from: **Kinser, Hollar, Redifer, Orange, Walton, Wood, Smith, Rackas Pate, Kinser and Hart. Kirby was the Presiding Board Member and was not present and did not vote.**

File Number 2005-02894 Cornerstone custom Home LLC

In the matter of Consent Order File Number 2005-02894, Cornerstone Custom Home LLC, t/a Cornerstone Custom Home LLC, the board reviewed the Consent Order. **Cornerstone Custom Home LLC, t/a Cornerstone Custom Home LLC,** 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: 18 VAC 50-22-230.A; $100.00 and Count 2: 18 VAC 50-22-260.B.9 $100.00 and Cornerstone Custom Home LLC agrees to have a member of Responsible Management successfully complete remedial education by**

attending the Board's Basic Contracting License class . Cornerstone Custom Home LLC also agrees to pay $150.00 in Board costs. A total monetary penalty of $350.00 is hereby imposed.

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

File Number 2005-02950 Jessie L Williams

In the matter of Consent Order File Number 2005-02950, Jessie L Williams, t/a William's Const Co., the board reviewed the Consent Order. **Jessie L Williams, t/a William's Const Co.,** 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: 18 VAC 50-22-260.B.6; $100.00 and Count 2: 18 VAC 50-22-260.B.8; $100.00 and Count 3: 18 VAC 50-22-260.B.27; $300.00 and successful completion of the Board's Basic Contracting License class (remedial education). A total monetary penalty of $500.00 is hereby imposed.**

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

File Number 2005-03513 Eagle River Construction LLC

In the matter of Consent Order File Number 2005-03513, Eagle River Construction Llc, t/a Eagle River Construction Llc. the board reviewed the Consent Order. **Eagle River Construction Llc, t/a Eagle River Construction Llc.,** 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: 18 VAC 50-22-230.A; $250.00 and Count 2: 18 VAC 50-22-260.B.6; $400.00 and Count 3: 18 VAC 50-22-260.B.25; $750.00 and Count 4: 18 VAC 50-22-260.B.31; $400.00. Eagle River construction Llc agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's Basic Contracting License class (remedial education). Eagle River Construction Llc also agrees to pay Board costs in the amount of $150.00 A total monetary penalty of $1,950.00 is hereby imposed.**

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

File Number 2005-03578 John

In the matter of Consent Order File Number 2005-03578, John Edward Callahan, t/a Environmental Construction, the board reviewed the Consent Order. John Edward Callahan, t/a Environmental Construction,

Edward Callahan

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: 18 VAC 50-22-260.B.27; $0.00 and Count 2: 18 VAC 50-22-260.B.5; $0.00. A total monetary penalty of $0.00 is hereby imposed.** In addition, for violation of Counts 1 and 2, John Edward Callahan agrees to voluntary revocation of his license number 2705-086859.

Upon a motion by **Orange** seconded by **Wood** the board ratified the consent order with a unanimous vote from: **Kinser, Hollar, Redifer, Orange, Walton, Wood, Smith, Rackas Pate, Kinser and Hart. Mr. Kirby was not present and did not vote.**

File Number 2005-03917 Southside Masonry

In the matter of Consent Order File Number 2005-03917, Southside Masonry, t/Southside Masonry, the board reviewed the Consent Order. Southside Masonry 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: 18 VAC 50-22-260.B.31; $400.00 and $150.00 in Board costs. A total monetary penalty of $550.00 is hereby imposed.**

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

File Number 2005-04141 Willis E Cullop

In the matter of Consent Order File Number 2005-04141, Willis E Cullop, t/a Cullop's Construction, the board reviewed the Consent Order. Willis E Cullop, t/a Cullop's Construction, 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: 18 VAC 50-22-260.B.7; $0.00 and for violation of Count 1, Willis E Cullop agrees to revocation of his license number 2705-070563. A total monetary penalty of $0.00 is hereby imposed.**

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

Other Board Business

After discussion, Mr. Redifer offered a motion to open up the Regulatory review process (NOIRA) for the regulation of water well providers. Mrs. Wood seconded the motion which passed with a unanimous vote. Members voting "yes" were: Kinser, Orange, Falwell, Hollar, Kirby, Redifer, Walton, Wood, Smith, Rackas Pate and Hart.

The Board members reviewed the Recovery Fund Statement for May 2005 and discussed the $20,000 pay out limits.

Recovery Fund Statement

Mr. Olson gave the Board Members a briefing on the Public Hearings. He shared that there were four persons who spoke in Abingdon, VA and 2 persons who spoke in Chesapeake, VA. That made a total of 6 persons speaking at the four public hearings. As of July 29, 2005 the public comment period for Regulations will end. The Board has received 29 comments electronically as of July 19, 2005.

Public Hearing

Mr. Olson reminded the Board for Contractors that the fee increases would go into affect August 1, 2005. The fee increases are included in the new Regulation book. The books should be arriving from the Printers in 2 weeks. The new statues increased the contract dollar amount for the Class B Contractor from $70,000.00 to $120,000. Information will be emailed to Building Officials to alert them of this.

Fee Increases

Karen O'Neal suggested Board Member Training be postponed until the August 10, 2005 meeting when the new Board Members will be in attendance.

Board Member Training

After discussion Mrs. Wood offered a motion seconded by Mr. Walton to amend the proposed tradesman regulatory package by removing language that would increase pre-license vocational training requirements to 520 hours. Leave it at 240 hours of vocational training plus 4 years of on the job training. The motion passed with a majority vote. Members voting "yes" were: Kinser, Orange, Falwell, Redifer, Walton, Wood, Smith and Rackas Pate. Mr. Hollar, Kirby and Hart voted "no".

Tradesman Regulatory Package

Kevin Hoeft, shared with the Board information he submitted to the Washington Suburban Sanitary Commission on its behalf. He sent correspondence to the WSSC as the Contractor Board's Regulatory Administrator. At the Contractors Board meeting on June 10, 2005 the Board approved an examination waiver for Virginia Board for Contractor' Journeyman and Master Plumber and Gas Fitter Tradesman license applicants who: 1) are actively licensed by the WSSC as a Master or Journeyman Plumber and/or Gas Fitter: and, 2) did not obtain this/these license (s) through any agreement between the WSSC and another state. Virginia applicants must still complete all administrative requirements and pay all required fees as determined by the Virginia Board for Contractors for the issuance of a Journeyman or

Washington Suburban Sanitary Commission

Master Plumber or Gas Fitter license. The Board for Contractors respectfully requests that the WSSC approve a similar examination waiver for WSSC applicants who hold (an) active Virginia Board for Contractors Master or Journeyman Plumber and /or Gas Fitter Tradesman license(s). The Board thanked Kevin for doing this.

Board For Contractors Committee Report Policy Review

After discussion a motion was made by Mr. Kirby and seconded by Mrs. Wood to adopt the recommendations from The Committee as follows:

1) **§ 54.1-1101 Exemptions. Rescind the following July 1991 Policy: "Construction Managers who only perform duties such as monitoring scheduling and costs, ensuring that quality objectives are met, ensuring that activities are coordinated, authorizing payments, conducting inspections, or any other activity which does not involve that means and methods of construction, do not need to be licensed as a contractor."**
2) **18 VAC 50-22-20; Definitions of License Classifications: Highway/Heavy Contractors (h/H). Remove the following January 2003 Policy when the pending Board for Contractors Regulations, which include this provision, is approved: "Contractors who perform steel erection services need a license with the Highway/Heavy classification."**
3) **18 VAC 50-22-30; Definitions of Specialty Services; Home Improvement Contracting (HIC). Replace the following January 2005 Policy: "HIC contractors are not permitted to do framing work that is outside the footprint and boundaries of the original structure," with, "HIC Contractors may complete any work inside the existing footprint (horizontal and vertical). Regulatory exemptions are made for decks and small outbuildings. This does not include outbuildings more than 150 square feet or new roof construction."**
4) **18 VAC 50-22-30; Definitions of Specialty Services; Landscape Service Contracting (LSC). Amend the following October 1990 Policy: "A contractor's license is not required when the activity undertaken involves the placement of plant material---consisting of trees, shrubs and flowers – at new and existing residences and some commercial establishments. If the activity includes changing the grade (topography) of the land, a license would then be required." Amend by removing the following phrase: "—at new and existing residences and some commercial establishments" The motion was approved with a unanimous vote. Members voting "yes" were: Kinser, Orange, Falwell, Redifer, Hollar, Kirby, Hart Walton, Wood, Smith and Rackas Pate.**

Director's Comments

Mrs. Louise Ware shared with the Board some positive comments she had received from the Secretaries Office and from previous Board

members offering kudos to the current Board members.

After discussion, Mrs. Wood offered a motion seconded by Mr. Hollar to have staff prepare resolutions for the outgoing Board members: Mr. Burch and Mr. Paulette. The motion was adopted with a unanimous vote. Members voting "yes" were: Kinser, Orange, Falwell, Redifer, Hollar, Kirby, Hart, Walton, Wood, Smith and Rackas Pate.

Member Resolutions

Mr. Hollar addressed the Board and wanted to know if he could get information on starting the new regulation process. Staff indicated they would provide the Board with information at the August 10, 2005 Board for Contractors meeting.

New Business

Mr. 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 Mrs. Wood and seconded by Mr. Kirby. The vote was unanimous. Members voting yes were, **Kinser, Orange, Hollar, Kirby, Hart, Falwell, Redifer, Walton, Wood, Smith and Rackas Pate.** at 1:55 P M. There were no negative votes.

Adjournment

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 – Tradesman Committee

3. Agency: Department of Professional & Occupational Regulation

4. Transaction: **CONTRACTORS 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

July 19, 2005
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: **Kenneth W. Hart**

2. Title: Member - Board for Contractors

3. Agency: Department of Professional & Occupational Regulation

4. Transaction: **CONTRACTORS 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.

Kenneth W. Hart
Signature

July 19, 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: **CONTRACTORS BOARD MEETING**

5. Nature of Personal Interest Affected by Transaction:

HVAC, PLG. ELECT. GASFITTING
BACKFLOW

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:

C.M.H. INC, AS ABOVE, ACCA, PMPVA
ARI, PHCC

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

James A. Hollar
Signature

July 19, 2005
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: **Mark D. Kinser**

2. Title: Member - Board for Contractors

3. Agency: Department of Professional & Occupational Regulation

4. Transaction: **CONTRACTORS 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.

MK

Signature

July 19, 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: **CONTRACTORS BOARD MEETING**

5. Nature of Personal Interest Affected by Transaction:

   President D.E. Kirby, Inc.

   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:

   AGC of VA, Builders & Contractors Exch.

   PMP of VA.

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

Robert M. Kirby
Signature

July 19, 2005
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: **Anthony R. Orange**

2. Title: Member - Board for Contractors

3. Agency: Department of Professional & Occupational Regulation

4. Transaction: **CONTRACTORS 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.U. 2666 IBEW

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

Signature

July 19, 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: **CONTRACTORS 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

July 19, 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: **CONTRACTORS 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:

   VBCOA VPMIA ICC IAEI NFPA NAARSO

   _____

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

Signature

July 19, 2005
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: **Troy Smith, Jr.**

2. Title: Member - Board for Contractors

3. Agency: Department of Professional & Occupational Regulation

4. Transaction: **CONTRACTORS 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

July19th, 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: **CONTRACTORS BOARD MEETING**

5. Nature of Personal Interest Affected by Transaction:

_____

_____

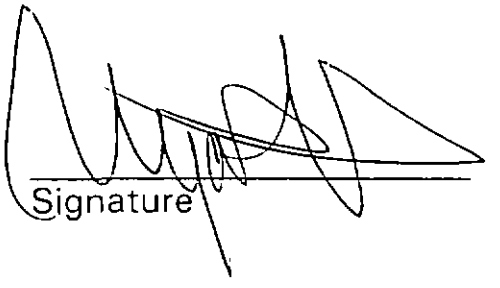
6. I declare that:

   (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

July 19, 2005
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: **Dorothy Wood**

2. Title: Member - Board for Contractors

3. Agency: Department of Professional & Occupational Regulation

4. Transaction: **CONTRACTORS 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

July 19, 2005
Date