

**Minutes of Meeting  
BOARD FOR CONTRACTORS  
INFORMAL FACT-FINDING CONFERENCES  
March 24, 2005**

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

Ruth Ann Wall, presiding officer, presided. No Board members were present.

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

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

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

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

Participants

- |  |  |
|--|--|
| 1. Lan Trac Construction Inc.<br>File Number 2003-02946 (Disc)   | Makka Zahir – R<br>Rabb Sabbakhan – W<br>Lee Arzt – R Atty |
| 2. Lan Trac Construction Inc.<br>File Number 2004-00607 (Disc)   | Makka Zahir – R<br>Rabb Sabbakhan – W<br>Lee Arzt – R Atty |
| 3. Guy D. Brand Jr.<br>t/a Brand's Home Improvement<br>File Number 2004-04233 (Disc)<br>No Decision Made | Annie Harrington – C                                       |
| 4. Lawrence D. Welch<br>t/a Window Pro<br>File Number 2004-04777 (Disc)<br>No Decision Made              | Lynn McBride – C   |
| 5. Ronald E. Reeves<br>t/a Alfa Omega Services<br>File Number 2004-04454 (Disc)<br>No Decision Made      | Reeves – R   |

6. Patricia J. Swetnam  
t/a My Dad's Fencing  
File Number 2005-00554 (Disc)  
No Decision Made

John Grimaldi – C

7. Charles G. Shermer  
t/a CGS Construction  
File Number 2005-01394 (Disc)  
No Decision Made

Shermer – R

8. Capitol Asphalt Paving Inc.  
File Number 2004-04787 (Disc)  
No Decision Made

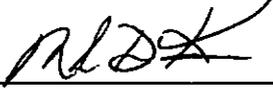
None

9. Capitol Asphalt Paving Inc.  
File Number 2004-05148 (Disc)  
No Decision Made

Dorothy Wine – C  
Thomas Wine – C

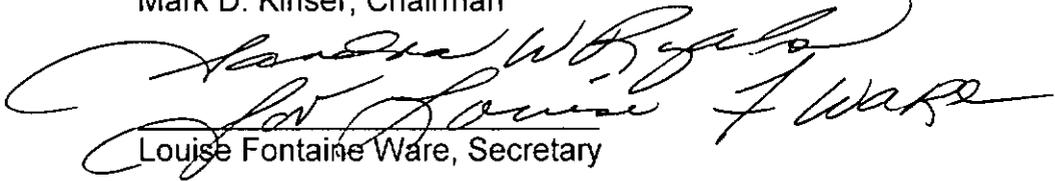
The meeting adjourned at 2:40 p.m.

BOARD FOR CONTRACTORS



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Mark D. Kinser, Chairman



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Louise Fontaine Ware, Secretary

COPY TESTE:

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Custodian of Records

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

Re: Lan Trac Construction Inc, t/a Lan Trac Construction Inc  
Richmond, VA 23222

File Number           2003-02946  
License Number       2701038208

**CONSENT ORDER**

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

**Board's 2001 Regulations provides:**

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

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

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

On September 3, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Lan Trac Construction Inc. ("Lan Trac") to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed for and received.

On October 26, 2004, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the October 26, 2004, IFF: Makka Zahir, Responsible Management for Lan Trac; Rabb Sabbakhan, Witness; Jennifer Kazzie, Staff

Member; Ann Rackas Pate, Observing Board Member; and Dorothy Wood, Presiding Board Member.

On February 8, 2005, a letter was mailed, via certified mail, to Lan Trac Construction Inc at the address of record and to Lee Arzt, Esquire, indicating that the IFF will be reconvened. The certified mailings were signed for and received.

On March 23, 2005, the IFF reconvened at the Department of Professional and Occupational Regulation in Richmond, Virginia.

The following individuals participated at the March 23, 2005, reconvened IFF: Lee Arzt, Attorney for Lan Trac Construction Inc; Rabb Sabbakhan, Witness; Jennifer Kazzie, Staff Member; and Ruth Ann Wall, Presiding Officer. Makka Zahir appeared following the IFF while discussions regarding the consent order were being conducted.

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

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

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

Count 1:	18 VAC 50-22-260.B.9.	\$250.00
Count 2:	18 VAC 50-22-260.B.31.	\$250.00
		-----
TOTAL:		\$500.00

In addition, a Member of Responsible Management of Lan Trac Construction Inc agrees to successfully complete the Board's Basic Contractor Licensing class (remedial education) within six months of the entry of the Order for the violations of Counts 1 and 2.

Lan Trac Construction Inc also agrees to pay \$300.00 in investigative costs for violation of Counts 1 and 2.

Any monetary penalties, costs, and/or sanctions are to be paid/performed within thirty days of the effective date of this consent order unless otherwise specifically noted above. Lan Trac Construction Inc acknowledges any monetary penalty and costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, Lan Trac Construction Inc will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in Section 58.1-15 of the 1950 Code of Virginia,

as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

**Lan Trac Construction Inc acknowledges that failure to pay any monetary penalty or cost and/or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of Lan Trac Construction Inc's license until such time as there is compliance with all terms of this Order. Lan Trac Construction Inc understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.**

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

SEEN AND AGREED TO:

\_\_\_\_\_  
Lan Trac Construction Inc  
t/a Lan Trac Construction Inc

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title of Person Signing on behalf of Entity

CITY/COUNTY OF \_\_\_\_\_  
COMMONWEALTH OF VIRGINIA

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**SO ORDERED:**

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Board for Contractors

BY: \_\_\_\_\_  
Louise Fontaine Ware, Secretary

EEO

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

AMENDED  
REPORT OF FINDINGS

BOARD: Board for Contractors  
DATE: May 5, 2004 (revised July 28, 2004, amended March 24,  
2005)

FILE NUMBER: 2003-02946  
RESPONDENT: Lan Trac Construction Inc.  
LICENSE NUMBER: 2701038208  
EXPIRATION: December 31, 2004

SUBMITTED BY: Renee H. Popielarz  
APPROVED BY: E. Wayne Mozingo

COMMENTS:

A dispute began between the parties regarding insulation that was not in the contract but was required to be installed. The work and payments stopped around the time of this dispute. The parties entered into arbitration through the court. Any issues in the complaint being sent forward to the Board are regarding issues occurring prior to the dispute.

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Lan Trac Construction Inc. ("Lan Trac") was at all times material to this matter a licensed Class A Contractor in Virginia (No. 2701038208).

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

BACKGROUND:

On April 30, 2003, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Ronald Allen ("Allen") regarding Lan Trac. (Exh. C-1)

On October 24, 2002, Allen entered into a written contract with Lan Trac, in the amount of \$57,465.97, to repair fire damage at 2304 Barton Avenue, Richmond, Virginia 23222. (Exh. C-2)

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1. Board Regulation (Effective September 1, 2001)

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

B. The following are prohibited acts:

9. Failure of those engaged in residential contracting as defined in this chapter to comply with the terms of a written contract which contains the following minimum requirements:
  - d. A "plain-language" exculpatory clause concerning events beyond the control of the contractor and a statement explaining that delays caused by such events do not constitute abandonment and are not included in calculating time frames for payment or performance;
  - e. A statement of assurance that the contractor will comply with all local requirements for building permits, inspections, and zoning;
  - f. Disclosure of the cancellation rights of the parties;
  - h. Contractor's name, address, license number, expiration date, class of license, and classifications or specialty services; and
  - i. Statement providing that any modification to the contract, which changes the cost, materials, work to be performed, or estimated completion date, must be in writing and signed by all parties.

FACTS:

The contract used by Lan Trac in this transaction failed to contain subsections: (d); (e); (f); (h); and; (i). (Exh. C-2)

2. Board Regulation (Effective September 1, 2001)

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

B. The following are prohibited acts:

31. Failure to obtain written change orders, which are signed by both the consumer and the licensee or his agent, to an already existing contract.

FACTS:

The contract specified 5/8" sheet rock would be replaced on walls and ceilings. (Exh. C-2)

Lan Trac installed 1/2" sheetrock on the walls and ceilings. (Exh. C-1)

In a written response dated June 18, 2003, Sabbakhan stated he obtained permission to install the ½" sheetrock from Allen's brother. (Exh. R-1)

Lan Trac failed to obtain a written change, signed by all parties, for a modification of the materials.

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

Re: Lan Trac Construction Inc, t/a Lan Trac Construction Inc  
Richmond, VA 23222

File Number           2004-00607  
License Number       2701038208

**CONSENT ORDER**

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

**Board's 2003 Regulations provides:**

**18 VAC 50-22-200. Remedial education, revocation or suspension; fines.**

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

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

On September 3, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Lan Trac Construction Inc. ("Lan Trac") to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed for and received.

On October 26, 2004, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the October 26, 2004, IFF: Makka Zahir, Responsible Management for Lan Trac; Rabb Sabbakhan, Witness; Jennifer Kazzie, Staff

Member; Ann Rackas Pate, Observing Board Member; and Dorothy Wood, Presiding Board Member.

On February 8, 2005, a letter was mailed, via certified mail, to Lan Trac Construction Inc at the address of record and to Lee Arzt, Esquire, indicating that the IFF will be reconvened. The certified mailings were signed for and received.

On March 23, 2005, the IFF reconvened at the Department of Professional and Occupational Regulation in Richmond, Virginia.

The following individuals participated at the March 23, 2005, reconvened IFF: Lee Arzt, Attorney for Lan Trac Construction Inc; Rabb Sabbakhan, Witness; Jennifer Kazzie, Staff Member; and Ruth Ann Wall, Presiding Officer. Makka Zahir appeared following the IFF while discussions regarding the consent order were being conducted.

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

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

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

Count 1:	18 VAC 50-22-260.B.9.	\$250.00
Count 2:	18 VAC 50-22-260.B.31.	\$250.00
		-----
TOTAL:		\$500.00

In addition, a Member of Responsible Management of Lan Trac Construction Inc agrees to successfully complete the Board's Basic Contractor Licensing class (remedial education) within six months of the entry of the Order for the violations of Counts 1 and 2.

Lan Trac Construction Inc also agrees to pay \$300.00 in investigative costs for violation of Counts 1 and 2.

Any monetary penalties, costs, and/or sanctions are to be paid/performed within thirty days of the effective date of this consent order unless otherwise specifically noted above. Lan Trac Construction Inc acknowledges any monetary penalty and costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, Lan Trac Construction Inc will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in Section 58.1-15 of the 1950 Code of Virginia,

as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

**Lan Trac Construction Inc acknowledges that failure to pay any monetary penalty or cost and/or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of Lan Trac Construction Inc's license until such time as there is compliance with all terms of this Order. Lan Trac Construction Inc understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.**

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

SEEN AND AGREED TO:

\_\_\_\_\_  
Lan Trac Construction Inc  
t/a Lan Trac Construction Inc

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title of Person Signing on behalf of Entity

CITY/COUNTY OF \_\_\_\_\_  
COMMONWEALTH OF VIRGINIA

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**SO ORDERED:**

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Board for Contractors

BY: \_\_\_\_\_  
Louise Fontaine Ware, Secretary

EEO

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

AMENDED  
REPORT OF FINDINGS

BOARD: Board for Contractors  
DATE: September 7, 2004 (revised September 28, 2004, and  
amended March 24, 2005)

FILE NUMBER: 2004-00607  
RESPONDENT: Lan Trac Construction Inc.  
LICENSE NUMBER: 2701038208  
EXPIRATION: December 31, 2004

SUBMITTED BY: Renee H. Popielarz  
APPROVED BY: E. Wayne Mozingo

COMMENTS:

An issue regarding failure to change the RM listed for Lan Trac Construction Inc. was handled in file number 2003-02946.

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Lan Trac Construction Inc. ("Lan Trac") was at all times material to this matter a licensed Class A Contractor in Virginia (No. 2701038208).

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

BACKGROUND:

On July 28, 2003, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Anne Maiden ("Maiden") regarding Lan Trac. (Exh. C-1)

On June 24, 2003, Maiden entered into a written contract with Lan Trac, in the amount of \$4,945.00, to perform remodeling work at 261 Hanover Road, Sandston, Virginia. (Exh. C-2 and R-2)

On June 25, 2003, Lan Trac commenced work. (Exh. I-1) Between June 26, 2003 and July 14, 2003, Lan Trac performed work at the subject property. (Exh. C-1)

. On June 25, 2003, Maiden paid Lan Trac \$1,648.00 by check. (Exh. C-3) On July 1, 2003, Maiden paid Lan Trac \$1,648.00 by check. (Exh. C-4) On July 14, 2003, Maiden paid Lan Trac \$1,868.00 by check. (Exh. C-5)

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1. Board Regulation (Effective January 1, 2003)

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

B. The following are prohibited acts:

9. Failure of those engaged in residential contracting as defined in this chapter to comply with the terms of a written contract which contains the following minimum requirements:
  - a. When work is to begin and the estimated completion date;
  - d. A "plain-language" exculpatory clause concerning events beyond the control of the contractor and a statement explaining that delays caused by such events do not constitute abandonment and are not included in calculating time frames for payment or performance;
  - e. A statement of assurance that the contractor will comply with all local requirements for building permits, inspections, and zoning;
  - f. Disclosure of the cancellation rights of the parties;
  - h. Contractor's name, address, license number, expiration date, class of license, and classifications or specialty services; and
  - i. Statement providing that any modification to the contract, which changes the cost, materials, work to be performed, or estimated completion date, must be in writing and signed by all parties.

FACTS:

The contract used by Lan Trac in this transaction failed to contain subsections: (a), (d), (e), (f), (h), and (i). (Exh. C-2; and R-2)

2. Board Regulation (Effective January 1, 2003)

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

B. The following are prohibited acts:

31. Failure to obtain written change orders, which are signed by both the consumer and the licensee or his agent, to an already existing contract.

FACTS:

The contract specified "Install new trap door with hinges" in the upstairs bath. (Exh. C-2 and R-2)

Lan Trac installed the trap door in the upstairs bath with screws and no hinges. (Exh. I-1)

During the construction, Maiden agreed to additional roofing because the roofer indicated another area was rotten. Lan Trac agreed to perform the additional roof work at no additional charge to cover the cost of a damaged television. (Exh. I-1)

Lan Trac also told Maiden a new gutter was needed, which Maiden did not have to pay for, but the gutter cost Lan Trac \$120.00. (Exh. I-1)

Lan Trac also moved a receptacle 8" and installed a light fixture in a bathroom. (Exh. I-2) On August 14, 2003, E W Yates obtained electrical permit number ELE2003-03230 to move the range receptacle and replace the fixture at the subject property. (Exh. I-3)

Lan Trac failed to use written change orders, signed by all parties, for modifications to the scope of the work to be performed, materials, and costs of the original contract.

**Minutes of Meeting  
BOARD FOR CONTRACTORS  
INFORMAL FACT-FINDING CONFERENCES  
March 29, 2005 (9:00 a.m.)**

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

Anthony Orange, Board member, presided. No other Board members were present.

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

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

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

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

Participants

- |  |   |
|--|---|
| 1. Paul J. Placchetti<br>t/a Chetz Design and Contracting<br>File Number 2004-04615 (Disc)             | Placchetti – R  |
| 2. STI Painting & Sealant Contractors Inc.<br>File Number 2004-03698 (Disc)                            | None  |
| 3. E & V Enterprises Inc.<br>t/a Heritage Homes<br>File Number 2005-00370 (Disc)<br><i>No Decision</i> | Ray Epperly – R (by phone)<br>Raymond Bittinger – C<br>Vicki Bittinger – C<br>Wade McNichols – C Atty<br>James Bowman – W |
| 4. William Kenneth Exhem<br>t/a Exhem Contractors<br>File Number 2005-00329 (Disc)                     | None  |
| 5. Aquatic Dynamics Inc.<br>File Number 2005-01943 (Disc)  | Robert Hunt – C<br>Sandy Hunt – C   |

6. Aquatic Dynamics Inc.  
File Number 2005-00414 (Disc)

James Harvey – C

The meeting adjourned at 4:10 p.m.

BOARD FOR CONTRACTORS

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Mark D. Kinser, Chairman

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Louise Fontaine Ware, Secretary

COPY TESTE:

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Custodian of Records

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

Re: Paul J. Placchetti, t/a Chetz Design and Contracting

File Number: 2004-04615  
License Number: 2705077366

**SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE**

On February 18, 2005, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Paul J. Placchetti, t/a Chetz Design and Contracting ("Chetz Design") to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed for and received.

On March 29, 2005, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Paul Placchetti ("Placchetti"), Respondent; Joseph Haughwout, Staff Member; and Anthony Orange, Presiding Board Member.

**RECOMMENDATION**

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

During the IFF, Placchetti stated he was recommended to George Elsasser ("Elsasser") by another individual for whom he had performed work previously. Placchetti stated he was originally hired to perform flooring work, but that Elsasser wanted additional work to be performed. Placchetti stated he was not a licensed contractor at the time he contracted with Elsasser. Placchetti further stated he "jumped into this job before he knew what he could and could not do."

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

In May 2003, Elsasser contracted with Chetz Design to perform remodeling work at the subject property. Chetz Design then commenced work at the subject property; however, Chetz Design did not obtain its contractor's license until June 2003. Chetz Design did not obtain a building permit to perform work at the subject property, in violation of the Uniform Statewide Building Code, because it did not have a license at the time work began.

During the IFF, Placchetti stated he did not pull the permits because he was not a licensed contractor, but that Elsasser could pull the permits instead. Placchetti stated Elsasser did not want to pull the permits.

Chetz Design was not a regulant at the time the project was started. Therefore, I recommend that Count 1 of this file be closed with a finding of no violation of 18 VAC 50-22-260.B.6.

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

Chetz Design agreed to perform work at the subject property for \$13,939.33. The value of the project later increased due to numerous change orders agreed to between the parties. Chetz Design only holds a Class C contractor's license. Chetz Design contracted for a project that exceeded the limitations of its license.

During the IFF, Placchetti stated since he did not have a license at the time he contracted with Elsasser, he was unaware of the license limits. Placchetti also stated that when he applied for his license, he applied for the license he could most easily obtain, a Class C license. Placchetti further stated he believed that he mistook the annual limits of the license for the contract limits of the license. Placchetti stated he has taken the test to become a Class A contractor, and will apply for the license once he develops sufficient equity.

Chetz Design's action of practicing in a class of license for which it is not licensed is a violation of Board Regulation 18 VAC 50-22-260.B.27. Therefore, I recommend that a monetary penalty of \$250.00 be imposed.

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

Chetz Design admitted to the Board's agent that the people who worked on the project were subcontractors or laborers, and not employees. Chetz Design provided the Board's agent with a list of these subcontractors and laborers. The Board's agent's investigation revealed that three of the persons disclosed by Chetz Design are not licensed contractors.

During the IFF, Placchetti stated the individuals who performed work at the subject property were paid by him for the work, and were not his employees. Placchetti stated he now has two employees, and that he now checks to make sure anyone he hires for subcontract work is licensed.

Chetz Design's action of contracting with unlicensed subcontractors in the delivery of contracting services is a violation of Board Regulation 18 VAC 50-22-260.B.29. Therefore, I recommend that a monetary penalty of \$250.00 be imposed.

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

Chetz Design last performed work at the subject property in September 2003. In October 2003, conversations between Elsasser and Chetz Design broke down. Elsasser requested Chetz Design to release him from the contract so that Elsasser could hire other people to complete the work. Chetz Design offered to resolve the issue and informed Elsasser that it drafted a contract termination agreement. Elsasser sent Chetz Design a letter regarding the incomplete items, which he requested be completed by November 10, 2003. Chetz Design sent Elsasser the proposed contract termination agreement. Elsasser received the termination agreement, but Elsasser did not return the termination agreement to Chetz Design. Chetz Design failed to complete several items.

During the IFF, Placchetti stated that he recommended a designer to assist Elsasser during the project. Placchetti stated the designer was not working for him, but for Elsasser. Placchetti further stated problems arose with the cabinet maker he hired to design Elsasser's custom cabinets. Placchetti stated the designer's directions to the cabinet maker were difficult to follow, which resulted in several construction mistakes. Placchetti further stated Elsasser became so frustrated with the cabinet maker that he would not permit the cabinet maker to return to the project. Placchetti also stated that around mid-July 2003, he had to have surgery which required that he off the job site for some time. It was at this time, according to Placchetti, that additional problems in the relationship with Elsasser developed. Placchetti also stated that Elsasser eventually reached the point where he would not allow Chetz Design to return to the subject property. Placchetti stated he made several attempts to work things out with Elsasser, but that Elsasser would not talk to him. Placchetti stated he has been willing, and is still willing to complete the work.

Therefore, I recommend that Count 4 of this file be closed with a finding of no violation of 18 VAC 50-22-260.B.15.

By: \_\_\_\_\_  
Anthony Orange  
Presiding Board Member

Board for Contractors

Date: \_\_\_\_\_

**MONETARY PENALTY TERMS**

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

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

REPORT OF FINDINGS

BOARD: Board for Contractors  
DATE: January 26, 2005 (revised February 7, 2005)

FILE NUMBER: 2004-04615  
RESPONDENT: Paul J. Placchetti, t/a Chetz Design and Contracting  
LICENSE NUMBER: 2705077366  
EXPIRATION: June 30, 2005

SUBMITTED BY: Valerie J. Matney  
APPROVED BY: David C. Dorner

COMMENTS:

Since the license was issued after the original contract was signed, issues regarding the contract not being fully executed and lacking minimum contract provisions are not addressed in this case.

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Paul J. Placchetti, t/a Chetz Design and Contracting ("Chetz Design"), was at all times material to this matter a licensed Class C contractor in Virginia (No. 2705077366).

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

BACKGROUND:

On May 10, 2004, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from George Elsasser ("Elsasser") regarding Chetz Design. (Exh. C-1)

On May 19, 2003, Chetz Design entered into a written contract, in the amount of \$13,939.33, with Elsasser to remodel the kitchen, dining room, living room, foyer and laundry room at 1059 Coastaway Drive, Virginia Beach, Virginia 23451. (Exh. C-2 and R-2)

On May 20, 2003, Chetz Design commenced work. (Exh. C-13)

On May 20, 2003, Chetz Design and Elsasser entered into a change order, in the amount of \$73.86, to change the kitchen flooring from plank to laminate tile, matching entry way and bath, and adding extra square feet under kitchen cabinets. (Exh. C-3 and R-3)

On May 22, 2003, Chetz Design and Elsasser entered into a change order to reduce the door installation to one bath door and re-allocate \$145.00 to plumbing to scope the toilet pipe. (Exh. C-4 and R-4)

On May 28, 2004, Chetz Design and Elsasser entered into a change order, in the amount of \$1,200.00 to \$1,400.0, to demolish the studio ceiling, remove part of every other truss, build support beams, install electrical light boxes and fan boxes, sheetrock finish and paint. (Exh. C-5 and R-5)

On June 2, 2003, Chetz Design and Elsasser entered into a change order, in the amount of \$500.00, to remove old vents, patch sheathing, cut new vents, remove old shingles, and replace with 25 year matching color on entire side roof only for 3 squares including materials and labor. (Exh. C-6 and R-6)

On June 2, 2003, Chetz Design and Elsasser entered into a change order, in the amount of \$1,400.00, to subcontract a plumber to repair waste pipe involving cutting concrete floor in kitchen, dig to pipe invaded by roots, splice in new pipe and adequately fill and repair concrete. (Exh. C-7 and R-7)

On June 6, 2003, Chetz Design and Elsasser entered into a change order, in the amount of \$2,000.00, to accept a bid from Bob Danner to build kitchen cabinets, countertop including breakfast bar with support, and install all countertops and cabinets in kitchen. (Exh. C-8 and R-8)

On June 25, 2003, Chetz Design was issued Class C contractor's license number 2705077366. Paul J. Placchetti ("Placchetti") is the Responsible Management and Qualified Individual for license number 2705077366. (Exh. I-1)

On August 8, 2003, Chetz Design and Elsasser entered into a change order, in the amount of \$1,500.00, to accept a bid from David Labiosa to build and install shelving and cabinets. (Exh. C-9 and R-9)

On August 8, 2003, Chetz Design presented a change order to Elsasser for the reimbursement of a kitchen sink and items ordered from Ikea, an electrician, a louver door, and approximately a \$350.00 increase for wrap on the stainless steel bar. (Exh. C-10, C-13, and R-10)

On August 26, 2003, Chetz Design and Elsasser entered into a change order, in the amount of \$680.47, to reimburse Elsasser for a kitchen sink and items ordered from Ikea,

an electrician to install a receptacle for a new stove, materials, a louver door plus installation, and office laminate for countertop. (Exh. C-11)

On August 26, 2003, Chetz Design presented a change order, in the amount of \$909.15, to Elsasser for custom installation of stainless steel on outside radius of kitchen bar. A hand-written note indicated "it is agreed \$902.81 will be paid after the bar stainless attach is properly installed." (Exh. C-12 and R-12)

\*\*\*\*\*

1. Board Regulation (Effective January 1, 2003)

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

B. The following are prohibited acts:

6. Misconduct in the practice of contracting.

FACTS:

Placchetti told Elsasser that Chetz Design could not obtain a building permit because it had not received its license yet. (Exh. I-3)

As of January 28, 2005, Chetz Design failed to obtain a required building permit, in violation of Section 109.0 of the Virginia Uniform Statewide Building Code, effective September 15, 2000. (Exh. I-2)

2. Board Regulation (Effective January 1, 2003)

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

B. The following are prohibited acts:

27. Practicing in a classification, specialty service, or class of license for which the contractor is not licensed.

FACTS:

Section 54.1-1100 of the Code of Virginia states "'Class C contractors' perform or manage construction, removal, repair, or improvements when (i) the total value referred to in a single contract or project is over \$1,000 but less than \$7,500 . . ."

Chetz Design practiced in a class of license for which the contractor is not licensed.

3. Board Regulation (Effective January 1, 2003)

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

B. The following are prohibited acts:

29. Contracting with an unlicensed or improperly licensed contractor or subcontractor in the delivery of contracting services.

FACTS:

On June 14, 2004, Placchetti admitted the people who worked for him were laborers or subcontractors, not employees. (Exh. I-3)

In a written response received July 6, 2004, Chetz Design stated, "The following is a list of people that worked on the job with their compensation. The laborers were brought in on several occasions to complete work. Each was paid for the work agreed to before hand, then let go and rehired for the next phase of the job to be completed." Chetz Design provided a list of subcontractors and laborers. (Exh. R-1)

On February 1, 2005, a search of the licensing records of the Board for Contractors revealed David Labiosa, Brian Hawkins, and Rudy Wolfinger are not a licensed contractors. (Exh. I-4, I-5, and I-6)

Chetz Design contracted with unlicensed subcontractors in the delivery of contracting services.

4. Board Regulation (Effective January 1, 2003)

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

B. The following are prohibited acts:

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

FACTS:

In October 2003, conversations between Chetz Design and Elsasser began to break down. On October 8, 2003, Elsasser requested Chetz Design release Elsasser from the contract to hire other people to complete the job. (Exh. C-13)

On October 21, 2003, Chetz Design offered to resolve the issue. Chetz Design advised Elsasser that Chetz Design drafted a termination contract for Elsasser's review. (Exh. C-14 and R-13)

On October 23, 2003, Elsasser sent a letter, via certified mail, to Chetz Design regarding incomplete items and requested Chetz Design complete the work by November 10, 2003. (Exh. C-15)

Chetz Design sent Elsasser a letter, via certified mail with a proposed Construction Contract Termination. On November 3, 2003, Elsasser signed for and received the certified letter. (Exh. R-14)

The last day Chetz Design or its subcontractors performed work at the subject property was September 1, 2003. (Exh. I-3)

Chetz Design failed to complete work contracted for.

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

Re: STI Painting & Sealant Contractors Inc.

File Number: 2004-03698  
License Number: 2705020147

**SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE**

On February 18, 2005, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to STI Painting & Sealant Contractors Inc. ("STI") to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was returned by the United States Postal Service, and marked as "Unclaimed."

On March 29, 2005, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Joseph Haughwout, Staff Member; and Anthony Orange, Presiding Board Member. Neither Mary Taylor, Responsible Management for STI, Respondent, nor anyone on its behalf appeared at the IFF.

**RECOMMENDATION**

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

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

In January 2004, in Fairfax County General District Court, Vidal Jordan ("Jordan") obtained a judgment against STI, in the amount of \$2,312.00. The judgment was obtained based on STI's failure to pay Jordan for work he performed for STI. Jordan's attorney informed the Board that it attempted to collect on the judgment, but STI did not have sufficient assets to satisfy the judgment. STI has failed to satisfy the judgment.

STI's failure to satisfy the judgment is a violation of Board Regulation 18 VAC 50-22-260.B.28. Therefore, I recommend that a monetary penalty of \$1,500.00 be imposed, and that STI's license be suspended until the judgment has been satisfied, and proof of satisfaction has been provided to the Board.

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

In March 2004, the Board's agent requested STI provide a written response and supporting documents to the complaint filed with the Board. The Board's agent's request was sent by mail, and was subsequently returned by the United States Postal Service. The returned mailing was marked "Moved Left No Address – Unable to Forward." STI failed to inform the Board of a change in address.

STI's failure to inform the Board, in writing, within thirty (30) days of a change of address is a violation of Board Regulation 18 VAC 50-22-230.B. Therefore, I recommend that a monetary penalty of \$450.00 be imposed.

By: \_\_\_\_\_  
Anthony Orange  
Presiding Board Member

Board for Contractors

Date: \_\_\_\_\_

**MONETARY PENALTY TERMS**

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

VIRGINIA DEPARTMENT OF PROFESSIONAL  
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COMPLIANCE & INVESTIGATION DIVISION  
3600 WEST BROAD STREET  
RICHMOND, VA 23230-4917

REPORT OF FINDINGS

BOARD: Contractors  
DATE: January 19, 2005 (revised February 7, 2005)

FILE NUMBER: 2004-03698  
RESPONDENT: STI Painting & Sealant Contractors Inc.  
LICENSE NUMBER: 2705020147  
EXPIRATION: March 31, 2005

SUBMITTED BY: Investigator Noelle B. Phillips

COMMENTS:

None.

\*\*\*\*\*

STI Painting & Sealant Contractors Inc. ("STI") was at all times material to this matter a licensed Class A contractor in Virginia (No. 2705020147).

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

BACKGROUND:

On March 11, 2004, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Justin Mixon ("Mixon"), on behalf of his client Vidal Jordan ("Jordan"), regarding STI. (Exh. C-1)

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1. Board Regulation (Effective January 1, 2003)

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

B. The following are prohibited acts:

28. Failure to satisfy any judgments.

FACTS:

On January 8, 2004, in the Fairfax County General District Court, Jordan was awarded a \$2,312.00 judgment against STI. The judgment was based on "does not want to pay me for work that I already did." (Exh. I-4)

In a memorandum dated March 4, 2004, Mixon stated "attempts has been made to collect this judgment and it appears that Mr. S.T.I. Painting Contractors, Inc. does not have the assets sufficient to satisfy these judgments." (Exh. C-1)

As of January 18, 2005, STI failed to satisfy the judgment. (Exh. I-4a)

2. Board Regulation (Effective January 1, 2003)

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

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

FACTS:

On March 29, 2004, Investigator Noelle B. Phillips, the Board's agent, made a written request to STI at the address of record of 25 South Dove Street, Alexandria, Virginia 22314, requesting a written response and supporting documents to the complaint filed with the Board. (Exh. I-1)

On April 23, 2004, the written request, which was marked "Moved Left No Address – Unable to Forward," was returned to the Board's agent by the United States Postal Service. (Exh. I-3)

On January 19, 2005, the address of record for STI was 25 S Dove Street, Alexandria, Virginia 22314. (Exh. I-5)

STI failed to report in writing to the board within thirty (30) days of a change of address.

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

Re: William Kenneth Exhem, t/a Exhem Contractors

File Number: 2005-00329  
License Number: 2705081279

**SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE**

On February 18, 2005, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to William Kenneth Exhem ("Exhem"), t/a Exhem Contractors to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed for and received.

On March 29, 2005, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Joseph Haughwout, Staff Member; and Anthony Orange, Presiding Board Member. Neither William Exhem, Respondent, nor anyone on his behalf appeared at the IFF.

**RECOMMENDATION**

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

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

Malcolm Lewis Plumbing and Heating Inc. ("Malcolm Lewis") verbally contracted with Exhem to rough in and complete plumbing at the subject property. Malcolm Lewis completed the work, but was not paid by Exhem. In December 2003, Malcolm Lewis filed a Warrant in Debt against Exhem in Danville General District Court. Malcolm Lewis obtained a judgment against Exhem in the amount of \$4,105.95. Prior to the court hearing date, Exhem paid Malcolm Lewis \$200.00 towards the bill. After the judgment was obtained, Exhem paid Malcolm Lewis \$595.00 towards the judgment amount. Exhem has failed to satisfy the remaining balance of the judgment.

Exhem's failure to satisfy the judgment is a violation of Board Regulation 18 VAC 50-22-260.B.28. Therefore, I recommend that a monetary penalty of \$2,000.00 and license revocation be imposed.

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

In October 2004, the Board's agent requested Exhem provide a written response and supporting documents to the complaint filed with the Board. The Board's agent made subsequent attempts to contact Exhem by telephone. Exhem never responded to the Board's agent's request for information.

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

By: \_\_\_\_\_  
Anthony Orange  
Presiding Board Member

Board for Contractors

Date: \_\_\_\_\_

**MONETARY PENALTY TERMS**

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

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

REPORT OF FINDINGS

BOARD: Board for Contractors  
DATE: January 18, 2005 (revised February 7, 2005)

FILE NUMBER: 2005-00329  
RESPONDENT: William Kenneth Exhem, t/a Exhem Contractors  
LICENSE NUMBER: 2705-081279  
EXPIRATION: December 31, 2005

SUBMITTED BY: Janet P. Creamer  
APPROVED BY: Bonnie Rhea Adams

COMMENTS:

None.

\*\*\*\*\*

William Kenneth Exhem ("Exhem"), t/a Exhem Contractors, was at all times material to this matter a licensed Class C contractor in Virginia (No. 2705081279).

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

BACKGROUND:

On July 20, 2004, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Malcolm Lewis Plumbing and Heating Inc. ("Malcolm Lewis") regarding Exhem. (Exh. C-1)

Malcolm Lewis entered into a verbal agreement with Exhem to rough-in and complete plumbing at Celestial Deliverance Holy Church of Christ, 132 Retrol Court, Danville, Virginia 24540. (Exh. C-1)

Malcolm Lewis completed the work, which passed inspection. (Exh. C-1)

On May 31, 2003, Malcolm Lewis billed Exham for the work performed at the subject property. (Exh. C-1)

On December 9, 2003, after repeated attempts to collect the May 31, 2003 bill, Malcolm Lewis filed a Warrant in Debt in the Danville General District Court against Exham. (Exh. I-1)

On December 17, 2003, Exham paid Malcolm Lewis \$200.00 by check, but the check was returned for insufficient funds. Exham paid Malcolm Lewis \$200.00 plus a \$5.00 fee for the returned check. (Exh. C-1)

\*\*\*\*\*

1. Board Regulation (Effective January 1, 2003)

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

B. The following are prohibited acts:

28. Failure to satisfy any judgments.

FACTS:

On December 30, 2003, in the Danville General District Court, Malcolm Lewis was awarded a \$4,105.95 judgment, plus court costs and interest, against Exhem. (Exh. I-1)

On January 5, 2004, Exham paid Malcolm Lewis \$195.00. On January 20, 2004, Exham paid Malcolm Lewis \$200.00. On March 3, 2004, Exham paid Malcolm Lewis \$200.00. (Exh. C-1)

As of January 18, 2005, Exham failed to satisfy the remaining balance of the judgment. (Exh. I-1)

2. Board Regulation (Effective January 1, 2003)

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

B. The following are prohibited acts:

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

FACTS:

On October 1, 2004, Investigator Janet P. Creamer, the Board's agent, made a written request to Exhem at the address of record of 700 Shawnee Road, Ringgold, Virginia 24586, requesting a written response and supporting documents to the complaint filed

with the Board. The Board's agent requested a written response be received by October 15, 2004. (Exh. I-4)

On October 28, 2004, the Ringgold Postmaster certified mail was delivered to Exhem at 700 Shawnee Road, Ringgold, Virginia 24586. (Exh. I-5)

On September 2, 2004, September 28, 2004, and October 1, 2004, the Board's agent attempted to contact Exhem at (434) 822-6471. The answering machine indicated (434) 822-6471 was the Exhem residence. Each time, the Board's agent left a message, but Exhem did not respond. (Exh. I-3)

As of January 19, 2005, Exhem failed to respond an investigator seeking information in the investigation of a complaint.

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

Re: Aquatic Dynamics Inc.

File Number: 2005-01943  
License Number: 2705080964

**SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE**

On February 18, 2005, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Aquatic Dynamics Inc. ("ADI") to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed for and received. A copy of the Notice was also mailed, via certified mail, to ADI at 5507-10 Nesconset Highway, #280, Mt. Sinai, New York 11766-2030. The certified mail was signed for and received.

On March 29, 2005, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Robert and Sandy Hunt ("the Hunts"), Complainants; Joseph Haughwout, Staff Member; and Anthony Orange, Presiding Board Member. Neither Richard Adams, Responsible Management for ADI, Respondent, nor anyone on its behalf appeared at the IFF.

**RECOMMENDATION**

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

During the IFF, Robert Hunt ("R. Hunt") stated that ADI filed suit against them for failure to pay ADI for work performed. R. Hunt stated that the Hunts countersued, and eventually obtained judgment against the contractor.

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

The contract used in the transaction failed to contain two of the provisions required by the Board's regulation.

ADI's failure to include subsections h (contractor's license number, expiration date, class of license, and classifications or specialty services) and i in the contract is a violation of

Board Regulation 18 VAC 50-22-260.B.9. Therefore, I recommend that a monetary penalty of \$250.00 be imposed.

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

In March 2004, the Hunts contracted with ADI to construct a swimming pool at the subject property. In April 2004, ADI commenced work at the subject property. The contract specified the contractor would obtain and file the necessary building permits, and warranted that the installation of the pool would be done in accordance with local building laws.

In June 2004, the City of Chesapeake Department of Inspections issued a Stop Work Order to ADI for failure to obtain an electrical permit, and because no safety was installed, in violation of the Uniform Statewide Building Code. In July 2004, the Hunts obtained the required building and electrical permits for the work.

ADI's failure to obtain an electrical permit constitutes misconduct in the practice of contracting, and is a violation of Board Regulation 18 VAC 50-22-260.B.6. Therefore, I recommend that a monetary penalty of \$1,500.00 be imposed.

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

In June 2004, ADI erected the sidewalls of the pool. The shallow end of the pool was 2 ¾" out of level from one corner to the other on the opposite side, which prevented the coping from being mounted directly to the walls without impacting the pool liner. ADI also installed the wrong stairs. The Hunts finished the gates and installed the safety fence. ADI failed to install a safety fence, in violation of a City of Chesapeake Code Ordinance.

ADI's action of improperly performing work constitutes negligence or incompetence in the practice of contracting, and is a violation of Board Regulation 18 VAC 50-22-260.B.5. Therefore, I recommend that a monetary penalty of \$2,000.00 be imposed.

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

The contract specified work would be completed on June 30, 2004. Prior to commencing work, ADI told the Hunts the pool would be completed in 10 to 14 business days after excavation began, and that pool would be completed by the end of April. On June 19, 2004, the Hunts sent a letter to ADI regarding the incomplete work and requested ADI to complete the work by June 30, 2004. On July 1, 2004, ADI sent the Hunts a letter stating it was no longer responsible for the completion of the swimming pool. The Hunts hired other contractors to help them complete installation of the pool.

During the IFF, R. Hunt stated the ADI made several promises to return to complete the work, but failed to do so. R. Hunt further stated the Hunts completed the work on their own, at an additional expense.

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

Count 5: Board Regulation (Effective January 1, 2003)

In December 2004, the Board's agent requested ADI provide a written response and supporting documents to the complaint filed with the Board. In its written response, ADI stated it had been advised not to discuss the case, as it was awaiting trial and litigation in the court system due to the Hunts' non-payment and non-compliance with the contract. ADI failed to provide the Board's agent with the requested information.

ADI's failure to complete work is a violation of Board Regulation 18 VAC 50-22-260.B.13. Therefore, I recommend that a monetary penalty of \$2,500.00 and license revocation be imposed.

By: \_\_\_\_\_  
Anthony Orange  
Presiding Board Member

Board for Contractors

Date: \_\_\_\_\_

**MONETARY PENALTY TERMS**

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

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

REPORT OF FINDINGS

BOARD: Board for Contractors  
DATE: February 2, 2005 (revised February 15, 2005)

FILE NUMBER: 2005-01943  
RESPONDENT: Aquatic Dynamics Inc.  
LICENSE NUMBER: 2705080964  
EXPIRATION: December 31, 2005

SUBMITTED BY: Michael Heaney  
APPROVED BY: David Dorner

COMMENTS:

None.

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Aquatic Dynamics Inc. ("ADI") was at all times material to this matter a licensed Class B contractor in Virginia (No. 2705080964).

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

BACKGROUND:

On November 1, 2004, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Robert and Sandy Hunt ("the Hunts") regarding ADI. (Exh. C-1)

On March 24, 2004, ADI entered into a written contract, in the amount of \$28,949.00, with the Hunts to construct a swimming pool at 1237 Monarch Reach, Chesapeake, Virginia 23320. (Exh. C-2)

On March 24, 2004, the Hunts paid ADI \$6,667.00 by check. On April 26, 2004, the Hunts paid ADI \$6,667.00 by check. (Exh. C-3)

On April 26, 2004, ADI commenced work on the construction of the swimming pool at the subject property. (Exh. C-1 and I-2)

\*\*\*\*\*

1. Board Regulation (Effective January 1, 2003)

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

B. The following are prohibited acts:

9. Failure of those engaged in residential contracting as defined in this chapter to comply with the terms of a written contract which contains the following minimum requirements:

- h. Contractor's name, address, license number, expiration date, class of license, and classifications or specialty services; and
- i. Statement providing that any modification to the contract, which changes the cost, materials, work to be performed, or estimated completion date, must be in writing and signed by all parties.

FACTS:

The contract used by ADI in the transaction failed to contain subsections: h. and i. (Exh. C-2)

2. Board Regulation (Effective January 1, 2003)

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

B. The following are prohibited acts:

6. Misconduct in the practice of contracting.

FACTS:

Paragraph 6 of the terms and conditions in the contract specified, "Contractor shall obtain and file the necessary building permits, and warrants that all installations will be done in accordance with the existing building laws having jurisdiction in the locality in which the pool is to be installed." (Exh. C-2)

On June 30, 2004, Roy Ellis ("Ellis"), inspector for the City of Chesapeake Department of Inspections Building, issued a Stop Work Order because no electrical permit obtained and no safety installed. (Exh. C-7)

On July 1, 2004, the Hunts obtained building permit number B0405006 for the installation of the pool and electrical permit number E0405006 for pool bonding at the subject property. (Exh. C-1 and C-8)

ADI failed to obtain an electrical permit, in violation Section 111.1 of the Virginia Uniform Statewide Building Code, for the work performed at the subject property. (Exh. I-4)

3. Board Regulation (Effective January 1, 2003)

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

B. The following are prohibited acts:

5. Negligence and/or incompetence in the practice of contracting.

FACTS:

In addition to the facts outlined in Count 2:

On June 2, 2004, ADI erected the sidewalls of the pool. The shallow end of the pool built by ADI was 2 ¾" out of level from one corner to the corner on the opposite side, which prevented the coping from being mounted directly to the walls without impacting the liner and final appearance of the water in the pool. ADI also installed the wrong stairs. (Exh. C-1)

The Hunts finished the gates and installed the safety fence. (Exh. C-1)

ADI failed to install a safety fence, in violation of Section 14-166 of City of Chesapeake Code Ordinance. (Exh. I-4)

4. Board Regulation (Effective January 1, 2003)

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

B. The following are prohibited acts:

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

FACTS:

In addition to the facts outlined in Count 2 and Count 3:

Paragraph 16 of the terms and conditions in the contract specified, "Approximate date as to when work will be completed 6/30/04." (Exh. C-2)

At the time the contract was signed, ADI told the Hunts the pool would be completed in 10-14 business days after excavation began. When the Hunts questioned ADI about the June 30, 2004, completion date, ADI told the Hunts the swimming pool would be completed by the end of April. (Exh. C-1)

On June 19, 2004, the Hunts sent a letter to ADI regarding incomplete work and requested ADI complete the work by June 30, 2004, or the contract would be in default. (Exh. C-4)

On July 1, 2004, ADI sent the Hunts a letter, which stated, "This is to hereby stated, as per your request, as of June 30, 2004, ADI is no longer contractor of construction of Desjoyaux Swimming Pool. This hereby relinquishes any and all responsibility of ADI towards completion of swimming pool." (Exh. C-5)

On July 19, 2004, Aqua Pools & Spas & Custom Fireplaces entered into a written contract, in the amount of \$3,700.00, with the Hunts to install a pool liner and repair the pool bottom at the subject property. (Exh. C-6)

The Hunts, along with other contractors, completed the pool installation. (Exh. C-1 and C-9)

On July 29, 2004, the final building inspection was approved. (Exh. C-1)

5. Board Regulation (Effective January 1, 2003)

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

B. The following are prohibited acts:

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

FACTS:

On December 10, 2004, Investigator Mike Heaney, the Board's agent, made a written request to ADI at the address of record of 4404 Old Pewter Circle, Virginia Beach, VA 23455, requesting a written response and supporting documents to the complaint filed with the Board. The Board's agent requested the response be received by December 27, 2004. (Exh. I-3)

In a written response dated December 20, 2004, ADI stated, "I have been advised not to discuss this case as it is awaiting trial and litigation in the court system due to non-payment by the Hunts and due to non-conformance of contract." (Exh. R-1)

ADI failed to provide complete information to an investigator seeking information in the investigation of a complaint filed.

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

Re: Aquatic Dynamics Inc.

File Number: 2005-00414  
License Number: 2705080964

**SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE**

On March 17, 2005, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Aquatic Dynamics Inc. ("ADI") to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was not returned by the United States Postal Service. The Notice was also mailed, via certified mail, to ADI at 5507-10 Nesconset Highway, #280, Mt. Sinai, New York 11766-2030. The certified mail was signed for and received.

On March 29, 2005, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: James Harvey ("Harvey"), Complainant; Joseph Haughwout, Staff Member; and Anthony Orange, Presiding Board Member. Neither Richard Adams, Responsible Management for ADI, Respondent, nor anyone on its behalf appeared at the IFF.

**RECOMMENDATION**

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

During the IFF, Harvey stated he contracted with ADI to install a pool, deck, and waterfalls at the subject property. Harvey further stated he paid ADI \$64,000.00, as well as paid subcontractors directly so that work would be performed. Harvey stated he is trying to take civil action against ADI, but has been unable to serve ADI with process. Harvey stated he believes ADI is currently operating in New Jersey.

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

The contract used in the transaction failed to contain two of the provisions required by the Board's regulation.

ADI's failure to include subsections h (contractor's license number, expiration date, class of license, and classifications or specialty services) and i in the contract is a violation of Board Regulation 18 VAC 50-22-260.B.9. Therefore, I recommend that a monetary penalty of \$250.00 be imposed.

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

In October 2003, James and Annette Harvey ("the Harveys") contracted with ADI to build a swimming pool at the subject property. In March 2004, ADI commenced work at the subject property. ADI installed the liner on June 30, 2004. After June 30, 2004, the Harveys filled the pool, and noticed that it immediately started to leak. The Harveys made several attempts to contact ADI regarding the leaking. ADI also failed to finish the electrical work, replace the liner, install the pump and filter system, and backfill.

ADI informed the Board's agent that the swimming pool had been completed on September 1, 2004, but that the project had been delayed by an electrical issue caused by the original electrical hookup to the house by the builder and a manufacturer's defect in the pool liner. ADI also stated it would construct the waterfall and the deck.

*ADI has failed to complete the electrical work, replace the pump motor, and install the stone.*

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

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

The contract specified work would be completed in 120 days. The contract also specified that the work would include brick coping, river rock coping, deck, electrical work, and water features. ADI failed to complete the work.

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

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

The Harveys paid \$64,206.00 towards the contract amount of \$66,206.00. The Harveys have been contacted by four subcontractors who performed work at the subject property because ADI stopped paying them. In August 2004, Harvey paid Superior Marble and Stone, Inc. ("Superior") for delivering stone and brick to the subject property. ADI promised to pay Harvey back, but failed to do so. In December 2004 and January 2005,

Harvey paid Commonwealth Electric Construction Inc. for work performed at the subject property. Also in January 2005, Harvey paid Jack McDonough, t/a Masonry Paving Company for work performed at the subject property. By failing to pay its subcontractors, ADI misapplied funds it received from the Harveys.

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

Count 5: Board Regulation (Effective January 1, 2003)

ADI provided false or misleading information to the Board's agent by stating that it had completed construction of the pool at the subject property, when ADI had, in fact, failed to complete the electrical work, replace the pump motor, and install the stone.

ADI's action of making false or misleading statements to the investigator is a violation of Board Regulation 18 VAC 50-22-260.B.13. Therefore, I recommend that a monetary penalty of \$2,500.00 and license revocation be imposed.

By: \_\_\_\_\_  
Anthony Orange  
Presiding Board Member

Board for Contractors

Date: \_\_\_\_\_

**MONETARY PENALTY TERMS**

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

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

REPORT OF FINDINGS

BOARD: Board for Contractors

DATE: February 11, 2005

FILE NUMBER: 2005-00414

RESPONDENT: Aquatic Dynamics, Inc.

LICENSE NUMBER: 2705080964

EXPIRATION: December 31, 2005

SUBMITTED BY: David C. Dorner

APPROVED BY: M. Wayne Brown

COMMENTS:

None.

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Aquatic Dynamics Inc. ("ADI") was at all times material to this matter a licensed Class B contractor in Virginia (No. 2705080964).

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

BACKGROUND:

On November 1, 2004, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Robert and James and Annette Harvey ("the Harveys") regarding ADI. (Exh. C-1)

On October 31, 2003, ADI entered into a written contract, in the amount of \$66,206.00, with the Harveys to build a swimming pool at 3200 Stonewood Drive, Virginia Beach, Virginia 23456. (Exh. C-2)

In March 2004, ADI commenced work by delivering pool supplies. On April 5, 2004, ADI began excavation. On April 6, 2004, ADI began the pool assembly. On June 30, 2004, ADI installed the liner. (Exh. C-1)

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1. Board Regulation (Effective January 1, 2003)

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

B. The following are prohibited acts:

9. Failure of those engaged in residential contracting as defined in this chapter to comply with the terms of a written contract which contains the following minimum requirements:
  - h. Contractor's name, address, license number, expiration date, class of license, and classifications or specialty services; and
  - i. Statement providing that any modification to the contract, which changes the cost, materials, work to be performed, or estimated completion date, must be in writing and signed by all parties.

FACTS:

The contract used by ADI in the transaction failed to contain subsections: h. and i. (Exh. C-2)

2. Board Regulation (Effective January 1, 2003)

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

B. The following are prohibited acts:

14. Abandonment (defined as the unjustified cessation of work under the contract for a period of 30 days or more).

FACTS:

After June 30, 2004, the Harveys filled the pool. The Harveys noticed the pool immediately started leaking. The Harveys made several attempts to contact ADI regarding the leaking. (Exh. C-1)

As of July 28, 2004, ADI failed to finish electrical work, replace the liner, install the pump and filter system, and backfill. (Exh. C-1)

In a written response dated September 13, 2004, Rick Adams, on behalf of ADI, stated, "In response to your letter dated September 3, 2004 regarding a complaint received from the Harveys:

1. the construction of the swimming pool has been completed as of September 1, 2004 with the indoctrination issued to the Harveys along with the warranty information
2. the progress of the project was delayed due to an electrical issue caused by the original electrical hook-up to the house by the builder and also a manufacturers defect in the pool liner; both of which was beyond the control of Aquatic Dynamics, Inc.
3. the construction of the waterfall will commence September 19, 2004 with completion soon thereafter
4. the construction of the deck will commence after proper compaction of the ground soil is achieved." (Exh. R-1)

As of January 6, 2005, ADI failed to complete the electrical work, replace the pump motor, and install the stone. (Exh. I-1)

3. Board Regulation (Effective January 1, 2003)

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

B. The following are prohibited acts:

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

FACTS:

In addition to the facts outlined in Count 2:

Paragraph 16 of the terms and conditions in the contract specified, "Approximate date as to when work will be completed 120 days." (Exh. C-2)

The contract specified, "as per proposal 10/31/03." (Exh. C-2) Per the October 31, 2003, proposal, the contract included brick coping, river rock coping, deck, electrical work, and water features. (Exh. C-2)

ADI failed to complete the work contracted for and comply with the terms of the contract.

4. Board Regulation (Effective January 1, 2003)

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

B. The following are prohibited acts:

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

FACTS:

In addition to the facts outlined in Count 2 and Count 3:

On October 31, 2003, Harvey paid ADI \$16,051.00 by check. (Exh. C-3a) On March 11, 2004, Harvey paid ADI \$16,051.00 by check. (Exh. C-3b) On April 17, 2004, Harvey paid ADI \$32,104.00 by check. (Exh. C-3c)

As of July 28, 2004, the Harveys were contacted by four subcontractors, who performed work for ADI at the subject property, because ADI stopped paying them. (Exh. C-1)

On August 16, 2004, Superior Marble and Stone, Inc. ("Superior") delivered the stone and brick to the subject property and requested "cash on delivery" ("COD"). (Exh. C-4 and I-1) On August 16, 2004, Harvey paid Superior \$3,081.00 by check. (Exh. C-4a) ADI promised to pay Harvey back for the COD from Superior, but ADI failed to pay Harvey back. (Exh. I-1)

On August 29, 2004, Commonwealth Electric Construction Inc. ("Commonwealth") provided Harvey with an invoice, in the amount of \$1000.00, for installation of pool pump switch, pool light switch, and GFCI receptacle at the subject property. (Exh. C-6)

On December 23, 2004, Harvey paid Commonwealth \$100.00 by check. (Exh. C-6b) On January 27, 2005, Harvey paid Commonwealth \$800.00 by check. (Exh. C-6a)

On January 4, 2005, Jack McDonough ("McDonough"), t/a Masonry Paving Company, provided Harvey with a written estimate, in the amount of \$5,604.00, to install coping stone, fountain wall, and hot tub area at the subject property. (Exh. C-5)

On January 6, 2005, Harvey paid McDonough \$5,604.00 by check. (Exh. C-5a)

5. Board Regulation (Effective January 1, 2003)

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

B. The following are prohibited acts:

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

FACTS:

In addition to the facts outlined in Count 2 and Count 3:

ADI provided false or misleading information to an investigator seeking information in the investigation of a complaint.

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

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Ruth Ann Wall
2. Title: Presiding Officer
3. Agency: Board for Contractors
4. Transaction: Informal Fact-Finding Conferences on March 24, 2005
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.

Ruth Ann Wall  
Signature

3-24-05  
Date