

BOARD FOR CONTRACTORS BOARD MEETING

MINUTES

The Board for Contractors met on Tuesday, January 24, 2006 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
Deborah Tomlin
Charles W Falwell
James Hollar
Robert M Kirby
Michael D Redifer
Wyatt Walton, III
Troy Smith, Jr
Ann Rackas Pate
Kenneth W Hart
Jeffrey Modisett

Anthony Orange and Dorothy Wood did not attend the meeting.

Staff members present for all or part of the meeting were

Louise Ware, Director
Brian Hannigan, Chief Deputy
Karen O'Neal, Deputy Director of Regulatory Programs
Eric L. Olson, Executive Director
Kevin Hoeft, Regulatory Boards Administrator
Sheila Watkins, Administrative Assistant
Jeffrey Buckley, Legal Assistant
Joe Haughwout, Legal Assistant
Karen Kenney, Administrative Assistant
Linda Jackson, Legal Analyst Supervisor
Victoria Traylor, Legal Analyst
Earlyne Perkins, Legal Analyst
Nick Christner, Director, Compliance and Investigations
Eric Gregory, Assistant Attorney General

Chairman Mark Kinser called the meeting to order at 9 07 a m and declared a of board members was in attendance

Call
To Order

A motion was made by Mr. Kirby and seconded by Mr. Falwell to approve the agenda as written The motion passed unanimously Members voting "Yes" were Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser.

Approval of
the Agenda

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

Approval of
Minutes

December 13, 2005, Contractor Board Meeting
December 1, 2005, Informal Fact Finding Conference
December 6, 2005, Informal Fact Finding Conference
December 8, 2005, Informal Fact Finding Conference
December 14, 2005, Informal Fact Finding Conference
December 16, 2005, Informal Fact Finding Conference

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

There was no public comment.

Public
Comment
Period

In the matter of Recovery Fund File Number 2003-01871, Teresa and Christopher Pascoe (Claimant) v Donald & Woody Belcher t/a Belcher & Son Home Improvement (Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation Neither Donald nor Woody Belcher, t/a Belcher & Son Home Improvement (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting Teresa & Christopher Pascoe (Claimant) did appear at the IFF and the Board meeting After discussion, Mr. Hollar offered a motion seconded by Mr. Hart, to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$7030.00. The motion passed by a unanimous vote to pay the claim. Members voting "yes" were: Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser. As the Board Representative, Mrs. Cooper was not present and did not participate.

File Number
2003-01817
Belcher &
Son Home
Improve-
ment

In the matter of License Application File Number 2003-03482, Mark Anderson, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2003-03482
Mark
Anderson**

Mr. Anderson appeared at the IFF but not the Board meeting. He addressed the Board. The presiding Board representative Mr. Burch was not present did not participate in the discussion and did not vote. After discussion, a motion was made by Mr. 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, Hart, Modisett, Tomlin, Hollar, Redifer, and Smith. Members voting "no" were: Kinser, Walton, Kirby and Rackas Pate. The license was granted.

In the matter of Recovery Fund File Number 2004-04988, Roy and Betty Giles (Claimant) v Budget Remodeling Inc. (Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation. Neither Budget Remodeling Inc. (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting. Roy & Betty Giles (Claimant) appeared at the IFF and the Board meeting. After discussion, Mr. Redifer offered a motion seconded by Ms. Tomlin, to table this case until the Board has a conference with the Assistant Attorney General. Motion approved by majority vote. Members voting yes were: Falwell, Hart, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser. Mr. Hollar voted "no".

**File Number
2004-04988
Budget
Remodeling,
Inc.**

In the matter of Recovery Fund File Number 2004-04981, John Bahouth (Claimant) v Homewurks (Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation. Homewurks (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting. Christopher Perkins, Attorney for John Bahouth (Claimant) did appear at the IFF and the Board meeting. After discussion, Mr. Hart offered a motion seconded by Mr. Kirby, to table this case until the Board could discuss this matter with Board counsel. The motion passed by a majority vote table. Members voting "yes" were: Falwell, Hart, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser. Mr. Hollar voted "no." The motion was approved. As the Board Representative, Mrs. Cooper was not present and did not participate.

**File Number
2004-04981
Homewurks,
Inc.**

Recovery Fund File Number 2004-04976, Kevin Hunter (Claimant) v

File Number

First Service Plumbing LLC, t/a First Service Plumbing LLC (Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation **Neither First Service Plumbing LLC, t/a First Service Plumbing LLC (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Kevin Hunter (Claimant)** did appear at the IFF but not the Board meeting. 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 denied the claim for payment in the amount of **\$2,287.00**. The motion passed unanimously. Members voting "Yes" were **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser**. As the Board Representative, Mrs Cooper was not present and did not participate.

**2004-04976
First Service
Plumbing
LLC**

In the matter of Recovery Fund File Number 2004-04778, Susan Waters (Claimant) vs. Mark Joseph King, t/a Laurel Mountain Builders (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 Mark Joseph King, t/a Laurel Mountain Builders (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Susan Waters (Claimant)** appeared at the IFF and the Board meeting. After discussion, a motion was made by **Mr. Hollar** and seconded by **Mr. Redifer** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$3,787.00**. The motion passed unanimously. Members voting "Yes" were **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser**. As the Board Representative, Ms Cooper was not present and did not participate.

File Number
**2004-04778
Mark Joseph
King**

Recovery Fund File Number 2004-04645, Patricia a. Harrison (Claimant) v Timothy L. Semmont, t/a A & T Builders (Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation **Timothy L. Semmont, t/a A & T Builders (Regulant) participated via telephone** at the IFF but did not appear at the Board meeting. **Patricia A. Harrison (Claimant)** did appear at the IFF and the Board meeting. After discussion, **Mr. Hollar** offered a motion seconded by **Mr. Redifer**, to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$10,379.00**. The motion passed unanimously. Members voting "Yes" were **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser**.

File Number
**2004-04645
Timothy L
Semmont**

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Recovery Fund File Number 2004-04643, Anthony Conte (Claimant) v Aqua tech Inc., t/a Aqua Tech Inc. (Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation **Neither Aqua Tech Inc., t/a Aqua (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting Anthony and Yvette Conte (Claimants) did appear at the IFF and the Board meeting After discussion, Mr. Hollar offered a motion seconded by Mr. Walton, to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$1,188.00. The motion passed by a unanimous vote to pay the claim. Members voting "yes" were: Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser. As the Board Representative, Mrs Cooper was not present and did not participate.**

**File Number
2004-04643
Aqua Tech
Inc.**

Recovery Fund File Number 2004-04640, John and Anne Flavin (Claimant) v Concrete Perfectionist & Hauling Inc., t/a Concrete Perfectionist & Hauling Inc. (Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation. **Neither Concrete Perfectionist & Hauling Inc., t/a Concrete Perfectionist & Hauling Inc. (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting Anne Flavin (Claimant) did appear at the IFF and the Board meeting After discussion, Mr. Hollar offered a motion seconded by Mr. Hart, to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$574.00. Upon payment of this claim, the license of Concrete Perfectionist & Hauling Inc will be revoked The motion passed by a unanimous vote to pay the claim. Members voting "yes" were: Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser. As the Board Representative, Mrs Cooper was not present and did not participate.**

**File Number
2004-04640
Concrete
Perfectionist
& Hauling
Inc.**

Recovery Fund File Number 2004-04488, P. Hunter Rust and O. Lynn Gails (Claimants) v Rick Pence, t/a Rick's Backhoe Service (Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation **Neither Rick Pence, t/a Rick's Backhoe Service (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting O. Lynn Gails (Claimant) did appear at the IFF and the Board meeting After discussion, Mr. Hollar offered a motion seconded by Mr. Falwell, to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$11,074.00. The motion passed by a unanimous vote to**

**File Number
2004-04488
Rick Pence**

pay the claim. Members voting "yes" were: Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser. As the Board Representative, Mrs Cooper was not present and did not participate.

Recovery Fund File Number 2004-04464, TCharles Warren(Claimant) v Phillip Anthony Stone, t/a Stone's Chimney Cleanings & Home Repairs (Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation **Neither Phillip Anthony Stone, t/a Stone's Chimney Cleanings & Home Repairs (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting Charles Warren (Claimant) did appear at the IFF and the Board meeting After discussion, Mr. Hollar offered a motion seconded by Mr. Hart, to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$4,209.00. The motion passed by a unanimous vote to pay the claim. Members voting "yes" were: Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser. As the Board Representative, Mrs Cooper was not present and did not participate.**

**File Number
2004-04464
Phillip
Anthony
Stone**

Recovery Fund File Number 2004-04421, Todd Thornton (Claimant) v Thomas D Underwood, t/a Underwood Construction (Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation **Thomas D Underwood (Regulant) participated at the IFF via telephone Underwood did not appear at the Board meeting Todd Thornton (Claimant) did appear at the IFF Thornton did not appear at the Board meeting After discussion, Mr. Hollar offered a motion seconded by Mr. Smith, to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$10,631.00. The motion passed with a majority vote Members voted "yes" were: Falwell, Kinser, Tomlin, Walton, Hollar, Modisett, Rackas Pate, Hart, Redifer, and Smith. Mr. Kirby voted "no." As the Board Representative, Mrs Cooper was not present and did not participate.**

**File Number
2004-04421
Thomas D
Underwood**

In the matter of Recovery Fund File Number 2004-04275, Michael Gehosky (Claimant) v William B Godfrey, t/a All American Window Co (Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation **Neither William B Godfrey, t/a All American Window Co (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting. Michael Gehosky**

**File Number
2004-04275
William B
Godfrey**

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(Claimant) did appear at the IFF Gehosky did not appear at the Board meeting After discussion, **Mr. Hollar** offered a motion seconded by **Mr. Smith**, to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$2,677.00**. The motion passed by a majority vote to pay the claim. Members voting "yes" were: **Falwell, Hart, Hollar, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser**. **Mr. Kirby** voted "no." As the Board Representative, **Mrs. Cooper** was not present and did not participate.

In the matter of Recovery Fund File Number 2004-04272, **James a. Jacobs (Claimant) v Barinder Barry Chadda, t/a All American Building & Store Fixtures (Regulant)**, the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation Neither **Barinder Barry Chadda, t/a All American Building & Store Fixtures (Regulant)** nor anyone on its behalf appeared at the IFF or the Board meeting **James Jacobs (Claimant)** did appear at the IFF **Jacobs** did not appear at the Board meeting After discussion, **Mr. Hollar** offered a motion seconded by **Mr. Hart**, to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$2,037.00**. The motion passed by a unanimous vote to pay the claim. Members voting "yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser**. As the Board Representative, **Mrs Cooper** was not present and did not participate.

File Number
2004-04272
**Barinder
Barry
Chadda**

In the matter of Recovery Fund File Number 2004-04129, **Alfred Holiday (Claimant) v Aqua Tech Inc, t/a Aqua Tech Inc (Regulant)**, the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation Neither **Aqua Tech Inc, t/a Aqua Tech Inc (Regulant)** nor anyone on its behalf appeared at the IFF or the Board meeting **Alfred Holiday (Claimant)** did not appear at the IFF or the Board meeting After discussion, **Mr. Hollar** offered a motion seconded by **Ms. Tomlin** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$2,175.00**. The motion passed by a unanimous vote to pay the claim. Members voting "yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser**. As the Board Representative, **Mrs Cooper** was not present and did not participate.

File Number
2004-04129
**Aqua Tech
Inc**

In the matter of Recovery Fund File Number 2004-0409, **Donald and Audrey Robinson (Claimants) v George S McLeman, t/a McLeman's Town & Country Repair (Regulant)**, the Board members reviewed the

File Number
2004-0409
George S

record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation. Neither **George S McLeman, t/a McLemans Town & Country Repair (Regulant)** nor anyone on its behalf appeared at the IFF or the Board meeting. **Donald & Audrey Robinson (Claimant)** did appear at the IFF and did the Board meeting. The Robinsons agreed with the Board. After discussion, **Mr. Hollar** offered a motion seconded by **Mr. Hart**, to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$20,000.00**. Also the Board voted to revoke **McLeman's Town & Country Repair** license upon payment of the claim. **The motion passed by a unanimous vote to pay the claim. Members voting "yes" were: Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser.** As the Board Representative, **Mrs Cooper** was not present and did not participate.

McLeman

In the matter of Recovery Fund File Number 2004-03913, Nancie and Jeffrey Lightner (Claimants) v Brian Barnett, t/a B & T Enterprises (Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation. **Brian Barnett, t/a B & T Enterprises (Regulant)** appeared at the IFF and the Board meeting. **Mr Barnett** addressed the Board. **Nancie and Jeffrey Lightner (Claimants)** did appear at the IFF and the Board meeting. The Lightners addressed and agreed with the Board. After discussion, **Mr. Hollar** offered a motion seconded by **Mr. Redifer** to remand this case back to an IFF. **The motion passed by a majority vote. Members voting "yes" were: Hart, Hollar, Kirby, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser. Mr. Modisett and Mr. Falwell voted "no."** As the Board Representative, **Mrs Cooper** was not present and did not participate.

File Number
2004-03913
Brian
Barnett

In the matter of Disciplinary File Number 2004-03674 Wilham R Nicely, t/a Nicely's Contractors 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
2004-03674
William R
Nicely

Neither William Nicely, t/a Nicely's Contractors (Respondent) nor anyone on its behalf appeared at the IFF. **Ronnie Nicely** representative for **Nicely's Contractors** appeared at the Board meeting. He agreed with the Board. The presiding Board Representative, **Mr. Hart** was not present and he did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Walton** 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

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Conference with Recommendations The Board found **William R Nicely, t/a Nicely's Contractors** violated the following sections of its 2003 and 2005 Regulations

2003 Regulations

Count 1: 18 VAC 50-22-230.A

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

2005 Regulations

Count 3: 18 VAC 50-22-210.3

The motion passed with a majority vote. Members voting "Yes" were **Hollar, Kinser, Kirby, Modisett, Rackas Pate, Modisett, Redifer, Smith, and Walton. Mr. Falwell abstained from voting.**

After discussion a motion was made by **Mr. Walton** and seconded by **Mr. Kirby** to impose the following sanctions: \$250.00 monetary penalty for the violation (Count 1), \$700.00 monetary penalty for the violation (Count 2), and \$400.00 monetary penalty for the violation of (Count 3). A total monetary penalty of \$1,350.00 is imposed. The motion was approved by a majority vote. Members voting "Yes" were **Hollar, Kinser, Redifer, Smith, Walton, Modisett, Kirby, Modisett and Rackas Pate.** As the presiding Board Representative, **Mr. Hart** was not present and did not vote." **Mr. Falwell abstained from voting.**

In the matter of Recovery Fund File Number 2004-03549, Andrea and Michael Gray (Claimant) v Willie J Lowery, t/a W J Lowry Home Improvements (Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation. **Neither Willie J Lowery, t/a W J Lowry Home Improvements (Regulant) nor anyone on his behalf appeared at the IFF or the Board meeting. Andrea Gray (Claimant) did appear at the IFF. The Grays did not appear at the Board meeting. After discussion, Mr. Hollar offered a motion seconded by Mr. Smith, to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$10137.81. Also, the Board voted to revoke W J Lowry Home Improvements license 2705-062294 upon payment of the claim. The motion passed by a unanimous vote to pay the claim. Members voting "yes" were: Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser. As the Board Representative, Mrs Cooper was not present and did not participate.**

File Number
2004-03549
Willie J
Lowery

In the matter of Recovery Fund File Number 2004-03534, Jason D. Liddle (Claimant) v Jeremy W Butterworth, t/a Tri-County Roofing

File Number
2004-03534

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(Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation **Neither Jeremy W Butterworth, t/a Tri-County Roofing (Regulant) nor anyone on his behalf** appeared at the IFF or the Board meeting **Jason D. Liddle(Claimant)** did appear at the IFF Liddle did not appear at the Board meeting After discussion, **Mr. Hollar** offered a motion seconded by **Mr. Smith**, to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$20,000.00**. Also the Board voted to revoke Jeremy W Butterworth's, t/a Tri-County Roofing license 2705-060957 upon payment of the claim **The motion passed by a unanimous vote to pay the claim. Members voting "yes" were: Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser.** As the Board Representative, Mrs Cooper was not present and did not participate.

**Jeremy W
Butterworth**

In the matter of Recovery Fund File Number 2004-03308, George Kulka (Claimant) v Ackerman Construction Company Inc., t/a Ackermann Construction Company Inc.(Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation. **Neither Ackerman Construction Company Inc. (Regulant) nor anyone on its behalf** appeared at the IFF or the Board meeting **George Kulka (Claimant) and Susan Zimmerman, Kulka's wife** did appear at the IFF **George Kulka** did appear at the Board meeting After discussion, **Mr. Hollar** offered a motion seconded by **Mr. Modisett**, to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$1,504.00**. The approved claim amount may be prorated. Also, the Board voted to revoke Ackerman Construction Company Inc license upon payment of this claim **The motion passed by a unanimous vote to pay the claim. Members voting "yes" were: Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser.** As the Board Representative, Mrs Cooper was not present and did not participate.

File Number
2004-03308
Ackerman
Construction
Company
Inc.

In the matter of Recovery Fund File Number 2004-03284, Gary and Carol Saffell (Claimants) v Cleo Scott, t/a Poor Clee Home Improvement Contractor (Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation **Neither Gary and Carol Saffell (Claimants) or Cleo Scott, t/a Poor Clee Home Improvement (Regulant) nor anyone on his behalf** appeared at the IFF or the Board meeting After discussion, **Mr. Hollar** offered a motion seconded by **Mr. Kirby**, to adopt the claim review and the hearing officer's

File Number
2004-03284
Cleo Scott

recommendations and summary for violations and deny payment of the claim. **The motion passed by a unanimous vote to pay the claim. Members voting "yes" were: Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser. As the Board Representative, Mrs Cooper was not present and did not participate.**

In the matter of Recovery Fund File Number 2005-02907, Lisa Anderson and Colby Cumber Claimants) v Thomas F Webb, t/a Treasda Home Fix It & Repair(Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation Neither Thomas F Webb, t/a Treasda Home Fix It & Repair (Regulant) nor anyone on his behalf appeared at the IFF or the Board meeting Lisa Anderson and Colby Cumber (Claimants) did appear at the IFF and the Board meeting Lisa Anderson and Colby Cumber disagreed with the recommendation After discussion, Mr. Hollar offered a motion seconded by Mr. Hart, to adopt the claim review and the hearing officer's recommendations and summary for violations and deny payment of the claim. The motion passed by a majority vote to deny the claim. Members voting "yes" were: Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, and Redifer. Mr. Falwell, Mr. Smith, Mr. Walton and Mr. Kinser voted "no." As the Board Representative, Mrs Cooper was not present and did not participate.

File Number
2005-02907
Thomas F
Webb

In the matter of Recovery Fund File Number 2004-02457, Lois Thomas (Claimant) v Steven W Lucas, t/a Lucas Home Improvements (Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation Steven W Lucas, t/a Lucas Home Improvements (Regulant) participated at the IFF Lois Thomas (Claimant) appeared at the IFF and the Board meeting Thomas addressed the Board After discussion, Mr. Redifer offered a motion seconded by Mr. Hollar, to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$16,740.00. The motion passed by a unanimous vote to pay the claim. Members voting "yes" were: Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser. As the Board Representative, Mrs Cooper was not present and did not participate.

File Number
2004-02457
Steven W
Lucas

Mr. Kirby offered a motion seconded by Mr. Redifer to move that the meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and/or briefings by staff members pertaining to legal matters within the jurisdiction of the Board as permitted by § 2.2-3711.A.28 of the Code of

Closed
Session
10:06 A.M.

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Virginia. The following non-members will be in attendance to reasonably aid the consideration of the topic: Eric Gregory, Eric Olson and Karen O'Neal. This motion is made with respect to the matters(s) identified as agenda item(s) 5-4: (2004-04988), 5-5: 2004-04981, 5-24: 2005-02907 and 5-25: 2004-02457. The motion was approved by a unanimous vote. Members voting "yes" were: Falwell, Hart, Hollar, Smith, Rackas Pate, Tomlin, Redifer, Walton, Kirby, Kinser and Modisett.

WHEREAS, the Board for Contractors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act, and

WHEREAS, §2 2-3712 of the Code of Virginia requires a certification by this Board for Contractors that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Board for Contractors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board for Contractors

Call for vote

Members present answering "Aye" Falwell, Hart, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, Tomlin and Walton

Members absent were: Orange and Wood.

In the matter of Recovery Fund File Number 2004-04988, Roy and Betty Giles (Claimant) v Budget Remodeling Inc. (Regulant), Mr. Redifer offered a motion seconded by Ms. Rackas Pate to reopen this case for discussion This was agreed upon by a unanimous vote Members voting "yes" were Falwell, Hart, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, Hollar and Kinser After discussion, Mr. Hart offered a motion seconded by Mr. Redifer, to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$14,516.00. The motion passed by a majority vote to pay the claim. Members voting "yes" were: Falwell, Hart, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser. Mr. Hollar voted "no." The motion was approved. As the Board Representative, Mrs Cooper was not present and did not participate.

**Certification
of Closed
Session**

10:42 A.M.

**File Number
2004-04988
Budget
Remodeling
Inc.**

In the matter of Recovery Fund File Number 2004-04981, John Bahouth (Claimant) v Homewurks, Inc. (Regulant), Mr. Redifer offered a motion seconded by Ms. Rackas Pate to reopen this case. This was agreed upon by a unanimous vote. Members voting "yes" were Falwell, Hart, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, Hollar and Kinser. After discussion, Mr. Hart offered a motion seconded by Mr. Redifer, to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$12,361.50. The motion passed by a majority vote to pay the claim. Members voting "yes" were: Falwell, Hart, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser. Mr. Hollar voted "no." The motion was approved. As the Board Representative, Mrs. Cooper was not present and did not participate.

**File Number
2004-04981
Homewurks,
Inc.**

In the matter of License Application File Number 2006-02294 Francis F Lipscomb, Sr., t/a Frank's Home Maintenance the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference. Francis F. Lipscomb, Sr. appeared at the IFF. Lipscomb did not appear at 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. Hollar and seconded by Mr. Rackas Pate to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny the license based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54 1-204 B.

**File Number
2006-02294
Francis F
Lipscomb,
Sr.**

The motion was approved by a unanimous vote. Members voting "Yes" were Falwell, Hart, Kinser, Kirby, Hollar, Walton, Modisett, Rackas Pate, Redifer, and Smith.

In the matter of License Application File Number 2006-02184, Jeffrey Keith Moore, t/a Creative Colors the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference. Jeffrey Keith Moore 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. Hollar and seconded by Mr. Hart to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

**File Number
2006-02184
Jeffrey Keith
Moore**

The motion was approved by a unanimous vote. Members voting "Yes" were Falwell, Hart, Kinser, Hollar, Modisett, Walton, Modisett, Rackas

Pate, Redifer, Smith, and Kirby.

In the matter of License Application File Number 2006-02183, Michael Adrian Sherman, t/a Bob and Mike's Repair & Remodeling the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference **Michael Adrian Sherman participated** at the IFF via telephone Sherman did not appear at the Board meeting The presiding Board representative **Mrs. Cooper** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Kirby** and seconded by **Mr. Hollar** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny the license

File Number
2006-02183
Michael
Sherman

The motion was approved by a unanimous vote Members voting "Yes" were **Falwell, Hart, Kinser, Hollar, Modisett, Walton, Modisett, Rackas Pate, Redifer, Smith, and Kirby.**

In the matter of License Application File Number 2006-02182, California Builders, Inc. the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference **California Builders, Inc., represented by Paul Chretien** appeared at the IFF and the Board meeting Mr Chretien agreed with 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

File Number
2006-02182
California
Builders,
Inc.

The motion was approved by a unanimous vote Members voting "Yes" were **Falwell, Hart, Kinser, Hollar, Modisett, Walton, Modisett, Rackas Pate, Redifer, Smith, and Kirby.**

In the matter of License Application File Number 2006-02181, Timothy Barnes. the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference **Timothy Barnes** appeared at the IFF and the Board meeting Mr Barnes agreed with the Board The presiding Board representative **Mrs. Cooper** was not present, did not participate in the discussion and did not vote After discussion, a motion was made by **Mr. Falwell** and seconded by **Mr. Hollar** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license

File Number
2006-02181
Timothy
Barnes

The motion was approved by a majority vote Members voting "Yes" were

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

In the matter of License Application File Number 2006-2180, Edward Scott Pultz, Jr., t/a Scotts Home Improvements the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference. **Edward Scott Pultz, Jr. appeared** at the IFF Mr Pultz did not appear at 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. Hollar** and seconded by **Mr. Falwell** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny the license

**File Number
2006-02180
Edward
Scott Pultz,
Jr.**

The motion was approved by a unanimous vote Members voting "Yes" were **Falwell, Hart, Kinser, Hollar, Modisett, Walton, Modisett, Rackas Pate, Redifer, Smith, and Kirby.**

In the matter of License Application File Number 2006-0209, Carl Michael Huffine. the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference **Carl Michael Huffine** at the IFF Mr Huffine did not appear at 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. Hollar** and seconded by **Ms. Rackas Pate** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license

**File Number
2006-02029
Carl Michael
Huffine**

The motion was approved by a unanimous vote Members voting "Yes" were **Falwell, Hart, Kinser, Hollar, Modisett, Walton, Modisett, Rackas Pate, Redifer, Smith, and Kirby.**

In the matter of License Application File Number 2006-02027, Marvin Clair, t/a The Real Estate Firm the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference **Marvin Clair, t/a The Real Estate Firm** appeared at the IFF Mr Clair did not appear at 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. Hollar** and seconded by **Ms. Rackas Pate** to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny the license because the applicant's recent occurrences of criminal activity presented a continued pattern

**File Number
2006-02027
Marvin
Clair**

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The motion was approved by a unanimous vote. Members voting "Yes" were **Falwell, Hart, Kinser, Hollar, Modisett, Walton, Modisett, Rackas Pate, Redifer, Smith, and Kirby.**

In the matter of License Application File Number 2006-0226, Markco, LLC, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference

Markco, LLC appeared at the IFF and the Board meeting. Mr. Mark Ray for Markco, LLC agreed with the Board. The presiding Board representative **Mrs. Cooper** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Hollar** and seconded by **Ms. Rackas Pate** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

File Number
2006-02626
Markco,
LLC

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

In the matter of License Application File Number 2006-02025, Sean Lamont Lee, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

Sean Lamont Lee appeared at the IFF and the Board meeting. Mr. Lee agreed with 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. Smith** and seconded by **Mr. Walton** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

File Number
2006-02025
Sean
Lamont Lee

The motion was approved by a majority vote. Members voting "Yes" were **Falwell, Modisett, Walton, Modisett, Rackas Pate, and Smith.** **Mr. Redifer, Mr. Kirby, Mr. Hart, and Mr. Kinser** voted "no."

In the matter of Recovery Fund File Number 2005-01722, Nathaniel and Joyce Thompson (Claimants) v Jacqueline A Sawyer, t/a Wishmakers (Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation. **Neither Jacqueline A Sawyer, t/a Wishmakers (Regulant) nor anyone on her behalf** appeared at the IFF or the Board meeting. **Nathaniel and Joyce Thompson (Claimants) and Arthur Bredemeyer, Attorney for Claimants** did appear at the IFF and the Board meeting. After discussion, **Mr. Falwell** offered a motion seconded by **Mr. Smith**, to adopt the claim review and reject the hearing officer's

File Number
2005-01722
Jacqueline A
Sawyer

recommendations and summary for violations and pay the claim for payment in the amount of \$12,939.39 based on the Regulant and the Claimants entering into a verbal contract while the Regulant was licensed **The motion passed by a majority vote to pay the claim. Members voting "yes" were: Falwell, Kirby, Modisett, Tomlin, Rackas Pate, Smith and Walton. Members voting "no" were: Hart, Hollar, Kinser and Redifer. As the Board Representative, Mrs Cooper was not present and did not participate.**

In the matter of License Application File Number 2006-01618, Kevin E. McClaine, t/a KADCO Housepainting & Landscaping, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference Kevin E. McClaine appeared at the IFF and the Board meeting Mr. McClaine agreed with the Board The presiding Board representative Mrs. Cooper was not present, did not participate in the discussion and did not vote After discussion, a motion was made by Mr. Hollar and seconded by Ms. Rackas Pate to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license

**File Number
2006-01618
Kevin E.
McClaine**

The motion was approved by a unanimous vote Members voting "Yes" were **Falwell, Hart, Kinser, Hollar, Modisett, Walton, Modisett, Rackas Pate, Redifer, Smith, and Kirby.**

In the matter of License Application File Number 2006-01617, James C. Pierce, Jr., t/a James C. Pierce & Sons Home Repairs, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference James C. Pierce, Jr. appeared at the IFF and the Board meeting Mr Pierce agreed with the Board The presiding Board representative Mrs. Cooper was not present, did not participate in the discussion and did not vote After discussion, a motion was made by Mr. Hollar and seconded by Ms. Rackas Pate to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license

**File Number
2006-01617
James C.
Pierce, Jr.**

The motion was approved by a unanimous vote Members voting "Yes" were **Falwell, Hart, Kinser, Hollar, Modisett, Walton, Modisett, Rackas Pate, Redifer, Smith, and Kirby.**

In the matter of License Application File Number 2006-01166, Robert Anthony Gerald, t/a TRI-BOB Painting Contractors, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference. Robert Anthony Gerald appeared at the IFF and the Board meeting Mr Gerald agreed with 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.

**File Number
2006-01166
Robert
Anthony
Gerald**

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

In the matter of License Application File Number 2006-00965, Spartan Masonry Company, 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
2006-00965
Spartan
Masonry
Company,
Inc.

Spartan Masonry Company, Inc. appeared at the IFF and the Board meeting. **Glen Feldstein** agreed with 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. Hart** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license on a conditional basis. **Spartan Masonry Company, Inc.** must submit documentation to the Board on a quarterly basis for a period of two years which demonstrates its regular payment to Virginia, Maryland, and the IRS in accordance with the payment plans established therewith.

The motion was approved by a majority vote. Members voting "Yes" were **Falwell, Hart, Kinser, Hollar, Modisett, Modisett, Rackas Pate, Redifer, Smith, and Kirby**. **Mr. Walton** abstained from voting.

In the matter of Recovery Fund File Number 2004-00829, Carla Brown (Claimant) v Frederick C. Taylor, t/a Heavy's (Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation. **Neither Frederick C. Taylor, t/a Heavy's (Regulant) nor anyone** on his behalf appeared at the IFF or the Board meeting. **Carla Brown (Claimant)** did appear at the IFF and the Board meeting. **Ms. Brown** agreed with the Board. After discussion, **Mr. Hollar** offered a motion seconded by **Mr. Walton**, to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of **\$10,048.00**. **The motion passed by a unanimous vote to pay the claim. Members voting "yes" were: Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser.** As the Board Representative, **Mrs. Cooper** was not present and did not participate.

File Number
2004-00829
Frederick
Taylor

In the matter of Recovery Fund File Number 2005-00517, Steve Carlson

File Number

(Claimant) v Rob Bellamy, Sr., t/a Seaside Pools (Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation. Neither Rob Bellamy, Sr. (Regulant) nor anyone on his behalf appeared at the IFF or the Board meeting. Steve Carlson (Claimant) did appear at the IFF and the Board meeting. Mr. Carlson agreed with the Board. After discussion, Mr. Hart offered a motion seconded by Mr. Hollar, to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$8,074.00. The motion passed by a unanimous vote to pay the claim. Members voting "yes" were: Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser. As the Board Representative, Mrs. Cooper was not present and did not participate.

2005-00517
Rob
Bellamy, Sr.

In the matter of Recovery Fund File Number 2005-00341, Timothy and Dana Schirm (Claimants) v Frederick Kim Hargett, t/a General Maintenance (Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation. Neither Frederick Kim Hargett (Regulant) nor anyone on his behalf appeared at the IFF or the Board meeting. Timothy and Dana Schirm (Claimants) did appear at the IFF and the Board meeting. The Schirms agreed with the Board. After discussion, Mr. Falwell offered a motion seconded by Mr. Hart, to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$20,000.00. The motion passed by a unanimous vote to pay the claim. Members voting "yes" were: Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser. As the Board Representative, Mrs. Cooper was not present and did not participate.

File Number
2005-00341
Frederick
Kim Hargett

In the matter of Recovery Fund File Number 2005-00147, Judy E. Hylton (Claimant) v Mark Dwayne Vaughn, t/a Vaughn Brothers Construction (Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation. Mark Dwayne Vaughn of Vaughn Brothers Construction (Regulant) appeared at the IFF. Judy E. Hylton (Claimant) and Charles Beller, III, Claimant's Attorney participated at the IFF via telephone. Ms. Hylton, Mr. Beller, nor Mr. Vaughn appeared at the Board meeting. After discussion, Mr. Hollar offered a motion seconded by Mr. Smith, to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim for payment in the amount of \$13,422.00. The motion passed by a unanimous vote to pay the claim. Members voting "yes" were: Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser. As the Board Representative, Mrs. Cooper was not present and

File Number
2005-00147
Mark
Dwayne
Vaughn

did not participate.

In the matter of Recovery Fund File Number 2005-00144, Jeanine N. Abbott (Claimant) v Fetterrolfs Well Drilling LLC, t/a Fetterrolfs Well Drilling LLC (Regulant), the Board members reviewed the record, which consisted of the claim file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference and the summary and recommendation William Todd Hodges (Regulant) appeared at the IFF Mr Hodges did not appear at the Board meeting Jeanine Abbott (Claimant) appeared at the IFF Ms. Abbott did not appear at the Board meeting 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 deny the claim for payment in the amount of \$5,123.00. The motion passed by a majority vote to pay the claim. Members voting "yes" were: Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser. Mr. Falwell abstained from voting. As the Board Representative, Mrs Cooper was not present and did not participate.

**File Number
2005-00144
Fetterrolfs
Well Drilling
LLC**

Mr. Kirby offered a motion seconded by Mr. Falwell that this meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and/or briefings by staff members pertaining to actual and/or potential litigation as permitted by § 2 2-3711 A 28 of the Code of Virginia The following non-members will be in attendance to reasonably aid the consideration of the topic: Eric Gregory, Eric Olson, and Karen O'Neal.

**CLOSED
SESSION**

11:15

This motion is made with respect to the matter(s) identified as agenda item(s) 8; case #2004-00609 on appeal The motion was approved by a unanimous vote. Members voting "yes" were: Falwell, Hollar, Hart, Kinser, Kirby, Tomlin, Rackas Pate, Modisett, Smith and Redifer.

Orange and Wood were absent.

WHEREAS, the Board for Contractors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act, and

**Certification
of Closed
Session**

WHEREAS, §2 2-3712 of the Code of Virginia requires a certification by this Board for Contractors that such closed meeting was conducted in conformity with Virginia law,

11:28 A.M.

NOW, THEREFORE, BE IT RESOLVED that the Board for Contractors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or

considered by the Board for Contractors

Call for vote

Members present answering "Aye" Falwell, Hart, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, Tomlin and Walton

Members absent were: Orange and Wood.

In the matter of Disciplinary File Number 2005-00774 Construction Mark Enterprises, Inc., t/a Construction Mark Enterprises, 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
2005-00774
Construction
Mark
Enterprises
Inc**

Mark Streiff, (Respondent), appeared at the IFF and the Board meeting He addressed the Board. Paul and Amy Harmon (Complainants) appeared at the IFF and the Board meeting The Harmons addressed the Board The presiding Board Representative, **Ms. Rackas Pate** 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. 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 **Construction Mark enterprises, Inc.**, violated the following sections of its 2003 Regulations

Count 1: 18 VAC 50-22-260.B.15

The motion passed unanimously. Members voting "Yes" were **Falwell, Hart, Hollar, Kinser, Kirby, Modisett, Tomlin, Redifer, Smith, and Walton.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Falwell** to impose the following sanctions \$2,500 00 monetary penalty for (Count 1) A total monetary penalty of \$2,500 00 is imposed The Board also imposes the sanction of revocation of Construction Mark Enterprises, Inc license (Number 2705-053447) The motion was approved by a majority vote Members voting "Yes" were **Falwell, Kinser, Redifer, Smith, Walton, Modisett, Kirby, Hart and Tomlin.** Mr. Hollar voted "no." As the presiding Board Representative, **Ms. Rackas Pate** was not present and did not vote."

In the matter of Disciplinary File Number 2005-04088 Joseph B Sams, Jr., t/a Carpentry Plus, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the

**Number
2005-04088
Joseph B.**

Informal Fact-Finding Conference of the presiding Board member

Sams, Jr.

Joseph Sams, Jr. (Respondent) appeared at the IFF and the Board meeting. He addressed the Board. Esther Hampton and Linda Studivant (Complainants) appeared at the IFF and the Board meeting. They disagreed with the Board. The presiding Board Representative, **Mr. Hart** was not present and he did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Redifer** 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 **Joseph B. Sams, Jr.**, 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 50-22-260.B.16

The motion passed unanimously. Members voting "Yes" were **Falwell, Hollar, Kinser, Kirby, Modisett, Tomlin, Redifer, Smith, Rackas Pate, and Walton.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Falwell** to impose the following sanctions: \$400.00 monetary penalty and successful completion of the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order for the violation of (Count 1) and \$500.00 monetary penalty and successful completion of the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order for the violation (Count 2). A total monetary penalty of \$900.00 is imposed. As to Count 2, the Board voted to increase the monetary penalty to be consistent with previous Board policy. As to Count 4, the Board voted for the suspension of license until such time as Joseph B Sams, Jr reimburse the complainants \$1,700.00 and provides proof to the Board of such payment. As to 18 VAC 50-22-260 B 14 (Count 3), the Board closes this aspect of the file with a finding of no violation. The motion was approved by a majority vote. Members voting "Yes" were **Falwell, Kinser, Smith, Walton, Modisett, and Tomlin.** **Mr. Redifer, Mr. Hollar, Mr. Kirby, and Ms. Rackas Pate** voted "no." As the presiding Board Representative, **Mr. Hart** was not present and did not vote."

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

File Number
2006-02576
Christopher
Patete

Christopher Patete, (Respondent), Kevin McNally and Walter Marston, Attorneys for Respondent appeared at the IFF. Christopher Patete appeared at the Board meeting. He addressed and disagreed with the Board. Brenda Kay Baker (Complainant) appeared at the IFF. Ms. Baker did not appear at the Board meeting. The presiding Board Representatives, **Mr. Burch, Mr. Franko and Mr. Kinser** were not present and they did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Walton** 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 **Christopher Patete, t/a Sturdy Built Mfg.**, violated the following sections of its 1999 Regulations:

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

The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, and Walton.**

After discussion a motion was made by **Mr. Walton** and seconded by **Mr. Falwell** to impose the following sanctions: \$300.00 monetary penalty for the violation of (Count 1). A total monetary penalty of \$300.00 is imposed. The Board also voted to require a member of Responsible Management of Christopher Patete to successfully complete the Board's Advanced Contracting Licensing class (advanced remedial education) and passing the examination within six (6) months of the entry of the final order. As to Count 2 and Count 3, the Board closes this aspect of the file with a finding of no violation. The motion was approved by a unanimous vote. Members voting "Yes" were: **Falwell, Redifer, Hollar, Smith, Walton, Modisett, Kirby, Hart, Rackas Pate, and Tomlin.** As the presiding Board Representatives, **Mr. Kinser, Mr. Bunch, and Mr. Franko** were not present and did not vote.

In the matter of Disciplinary File Number 2005-04137 Christopher Patete, t/a Sturdy Built Mfg., 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
2005-04137
Christopher
Patete**

Christopher Patete, (Respondent), appeared at the IFF and the Board meeting. He addressed the Board. Donald Dunaway (Complainant) appeared at the IFF and the Board meeting. Mr. Dunaway addressed and agreed with the Board. The presiding Board Representative, **Mr. Kinser** was not present and he did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Walton** 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 **Christopher**

Patete, t/a Sturdy Built Mfg., violated the following sections of its 2003 Regulations:

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

Count 2: 18 VAC 50-22-360.B.31

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

The motion passed with a majority vote. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Smith, and Walton**. Mr. Redifer, and Ms. Rackas Pate voted "no."

After discussion a motion was made by **Mr. Walton** and seconded by **Mr. Falwell** to impose the following sanctions: \$300.00 monetary penalty and successfully completion of the Board's Advanced remedial education and passing the examination within six (6) months of the entry of the final order for the violation of (Count 1) and \$1,000.00 monetary penalty and successfully completion of the Board's Advance remedial education and passing the examination within six (6) months of the entry of the final order for the violation of (Count 2). A total monetary penalty of \$1,300.00 is imposed. As to 18 VAC 50-22-260.B.5 (Count 3), the Board found no violation. As to 18 VAC 50-22-260.B.6 (Count 4), the Board voted to impose no monetary penalty. The motion was approved by a unanimous vote. Members voting "Yes" were: **Falwell, Rackas Pate, Redifer, Smith, Walton, Hollar, Modisett, Kirby, Hart and Tomlin**. As the presiding Board Representative, **Mr. Kinser** was not present and did not vote."

In the matter of Disciplinary File Number 2005-01336 Procraft of Virginia, Inc., t/a Procraft of Virginia, 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
2005-01336
Procraft of
Virginia,
Inc.

Greg Deathridge on behalf of Procraft of Virginia, Inc., (Respondent), appeared at the IFF and the Board meeting. He addressed and agreed with the Board. **Ginger Woodward (Complainant)** appeared at the IFF. Mr. Woodward did not appear 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. After discussion a motion was made by **Mr. Hollar** 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 **Procraft of Virginia, 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.29

Count 4: 18 VAC 50-22-260.B.5

The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, and Walton.**

After discussion a motion was made by **Mr. Walton** and seconded by **Mr. Falwell** to impose the following sanctions: \$100.00 monetary penalty for the violation of (Count 1), \$500.00 monetary penalty for the violation of (Count 2), \$500.00 monetary penalty for the violation of (Count 4). A total monetary penalty of \$1,100.00 is imposed. As to Counts 1 and 2, the Board voted to have a member of Responsible Management of Procraft of Virginia, Inc., to successfully complete of the Board's Basic Contractor Licensing class and pass the examination within six (6) months of the effective date of this order. As to 18 VAC 50-22-260.B.31, the Board closes this aspect of the file with a finding of no violation. The motion was approved by a unanimous vote. Members voting "Yes" were: **Falwell, Redifer, Smith, Walton, Modisett, Kirby, Hart, Hart, Rackas Pate, and Tomlin.** As the presiding Board Representative, **Mr. Kinser** was not present and did not vote."

In the matter of Disciplinary File Number 2005-03300, Attyah & Co., Inc., t/a JFC 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
2005-03300
Attyah &
Co., Inc.**

Neither Attyah & Co., (Respondent), nor anyone on its behalf appeared at the IFF or the Board meeting. The presiding Board Representative, **Mr. Orange** was not present and he did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Redifer** and seconded by **Ms. Tomlin** 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 that **Attyah & Co., Inc.,** violated the following sections of its 2003 Regulations:

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

Count 2: 18 VAC 50-22-220.C

Count 3: 18 VAC 50-22-260.B.13

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

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Smith** to impose the following sanction: \$250.00 monetary penalty for the

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violation of (Count 1); \$250.00 monetary penalty for the violation of (Count 2); and \$1,500.00 monetary penalty for the violation of (Count 3). A total monetary penalty of \$2,000.00 is imposed. As to Counts 1, 2 and 3, the Board voted to require a member of Responsible Management of Attyah & Co., Inc. to successfully complete the Board's Basic Contractor Licensing class and pass the examination within six (6) months of the effective date of this order. The Board also imposed suspension of the license for the violation of: Count 1 until Attyah & Co Inc. provides the Board with a Designated Employee that meets the requirements of the Board's Regulations; and Count 2 until Attyah & Co., Inc. provides the Board with a Qualified Individual that meets the requirements of the Board's regulations. The motion was approved by a unanimous vote. Members voting "Yes" were: **Smith, Hart, Walton, Modisett, Kinser, Redifer and Rackas Pate, Hollar, Tomlin, Falwell, and Kirby.**

In the matter of Disciplinary File Number 2005-02973 R Wayne Dorman, t/a All-Around Construction Home Improvements, 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
2005-02973
R Wayne
Dorman**

Neither R Wayne Dorman (Respondent) nor anyone on his behalf appeared at the IFF or the Board meeting. The presiding Board Representative, **Mr. Orange** was not present and he did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Falwell** 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 **R Wayne Dorman** 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.6

Count 5: 18 VAC 50-22-260.B.28

The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Rackas Pate, Kinser, and Walton.**

After discussion a motion was made by **Mr. Falwell** and seconded by **Mr. Hollar** to impose the following sanctions: \$150.00 monetary penalty for the violation of (Count 1); \$1,500.00 monetary penalty for the violation of (Count 2); \$500.00 monetary penalty for the violation of (Count 3); \$300.00 monetary penalty for the violation of (Count 5). A total monetary penalty of \$2,450.00 is imposed. The Board voted to require a member of Responsible

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Management of R Wayne Dorman to successfully complete the Board's Basic Contractor Licensing class and pass the examination within six (6) months of the effective date of this order. As to 18 VAC 50-22-260.B.14 (Count 4), the Board found no violation. The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Rackas Pate, Kinser, and Walton.**

As the presiding Board Representative, **Mr. Orange** was not present and did not vote."

In the matter of Disciplinary File Number 2006-00932 Elma Peele, t/a EIP Renovations, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2006-00932
Elma Peele

Neither Elma Peele, t/a EIP Renovations (Respondent) nor anyone on her behalf appeared at the IFI or the Board meeting. The presiding Board Representative, **Mr. Orange** was not present and he did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to adopt the 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 **EIP Renovations** 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

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

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

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

Count 7: 18 VAC 50-22-260.B.28

The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Rackas Pate, Kinser, and Walton.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to impose the following sanctions: \$150.00 monetary penalty for the violation of (Count 1), \$150.00 monetary penalty for the violation of (Count 2); \$1,000.00 monetary penalty for the violation of (Count 3); \$500.00 monetary penalty for the violation of (Count 4); \$1,500.00 monetary penalty for the violation of (Count 5); \$1,500.00 monetary penalty for the violation of (Count 6); and \$1,500.00 monetary penalty for the violation of (Count 7). A total monetary penalty of \$5,800.00 is imposed. The Board voted to require a member of Responsible Management of Elma Peele to successfully complete the Board's Basic Contractor Licensing class and pass the examination within

six (6) months of the effective date of this order. As to Counts 5 and 6 the Board voted to impose the sanctions of revocation of the license (Number 2705-062364). The motion passed with a majority vote. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Rackas Pate and Walton**. Mr. Kinser voted "no". As the presiding Board Representative, **Mr. Orange** was not present and did not vote."

In the matter of Disciplinary File Number 2005-00724 Elma Peele, t/a EIP Renovations, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2006-00724
Elma Peele

Neither Elma Peele, t/a EIP Renovations (Respondent) nor anyone on her behalf appeared at the IFF or the Board meeting. The presiding Board Representative, **Mr. Orange** was not present and he did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Smith** 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 **Elma Peele, t/a EIP Renovations** 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.31**
- Count 4: 18 VAC 50-22-260.B.27**
- Count 5: 18 VAC 50-22-260.B.14**
- Count 6: 18 VAC 50-22-260.B.16**
- Count 7: 18 VAC 50-22-260.B.28**

The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Rackas Pate, Kinser, and Walton**.

After discussion a motion was made by **Mr. Falwell** and seconded by **Mr. Walton** to impose the following sanctions: \$150.00 monetary penalty for the violation of (Count 1), \$150.00 monetary penalty for the violation of (Count 2); \$100.00 monetary penalty for the violation of (Count 3); \$1,000.00 monetary penalty for the violation of (Count 4); \$1,500.00 monetary penalty for the violation of (Count 5); \$1,500.00 monetary penalty for the violation of (Count 6); and \$1,000.00 monetary penalty for the violation of (Count 7) A total monetary penalty of \$5,400.00 is imposed. The Board voted to require a member of Responsible Management of Elma Peele, t/a EIP Renovations to successfully complete the Board's Basic Contractor Licensing class and pass the examination within six (6) months of the effective date of this order. The

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Board also imposed the sanction of revocation of the license (Number 2705-062364) for the violation of Counts 5 and 6. The motion passed unanimously. Members voting "Yes" were **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Rackas Pate, Kinser, and Walton.** As the presiding Board Representative, **Mr. Orange** was not present and did not vote."

In the matter of Disciplinary File Number 2005-02287 Donald W Cotterell Builders, Inc., t/a Donald W Cotterell Builders, 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
2005-02287
Donald W
Cotterell
Builders,
Inc.**

Donald W Cotterell (Respondent) appeared at the IFF. **Mr. Cotterell** did not appear at the Board meeting. **David B. Todd (Complainant)** appeared at the IFF, but not the Board meeting. The presiding Board Representative, **Mr. Falwell** was not present and he did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Redifer** to adopt the 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 **Donald W Cotterell Builders, 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.30

Count 4: 18 VAC 50-22-210

The motion passed unanimously. Members voting "Yes" were **Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Rackas Pate, Kinser, and Walton.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to impose the following sanctions: \$100.00 monetary penalty and successfully complete the Board's Basic Contractor Licensing class and pass the examination within six (6) months of the effective date of this order for the violation of (Count 1), \$500.00 monetary penalty for the violation of (Count 2), and \$400.00 monetary penalty for the violation of (Count 3). A total monetary penalty of \$1,000.00 is imposed. As to 18 VAC 50-22-210 (Count 4), the Board voted to impose no monetary penalty for the violation of the regulations. The motion passed unanimously. Members voting "Yes" were **Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Rackas Pate, Kinser, and Walton.**

As the presiding Board Representative, **Mr. Falwell** was not present and did not vote."

In the matter of Disciplinary File Number 2005-03485 Tony Chanoreous Bailey, t/a Bailey Civil Works, 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
2005-03485
Tony
Chanoreous
Bailey

Neither Tony Chanoreous Bailey (Respondent) nor anyone on his behalf appeared at the IFF or the Board meeting. **Robert Walker (Complainant)** appeared at the IFF, but not the Board meeting. The presiding Board Representative, **Mr. Hart** was not present and he did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Redifer** 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 **Tony Chanoreous Bailey** 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.27

Count 4: 18 VAC 50-22-260.B.13

The motion passed unanimously. Members voting "Yes" were: **Falwell, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Rackas Pate, Kinser, and Walton.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Smith** to impose the following sanctions: \$400.00 monetary penalty and a member of Responsible Management of Tony Chanoreous Bailey to successfully complete the Board's Basic Contractor Licensing class and pass the examination within six (6) months of the effective date of this order for the violation of (Count 1), \$500.00 monetary penalty for the violation of (Count 2); and \$1,000.00 monetary penalty for the violation of (Count 4). A total monetary penalty of \$1,900.00 is imposed. As to 18 VAC 50-22-260.B.16 (Count 3), the Board found no violation. The motion passed unanimously. Members voting "Yes" were: **Falwell, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Rackas Pate, Kinser, and Walton.** As the presiding Board Representative, **Mr. Hart** was not present and did not vote."

In the matter of Disciplinary File Number 2004-05128 Gail Creacy, t/a Allpro Painting, the Board members reviewed the record, which consisted of

File Number
2004-05128

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

Gail Creacy

Neither Gail Creacy, t/a Allpro Painting (Respondent) nor anyone on her behalf appeared at the IFF or the Board meeting. The presiding Board Representative, **Mr. Hart** was not present and he did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Smith** and seconded by **Mr. Redifer** to adopt the Report of Findings which

matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Gail Creacy, t/a Allpro Painting** 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.15**
- Count 3: 18 VAC 50-22-260.B.16**
- Count 4: 18 VAC 50-22-260.B.13**
- Count 5: 18 VAC 50-22-230.B**

The motion passed unanimously. Members voting "Yes" were: **Falwell, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Rackas Pate, Kinser, and Walton.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Walton** to impose the following sanctions: \$300.00 monetary penalty for the violation of (Count 1), \$1,500.00 monetary penalty for the violation of (Count 2); \$1,500.00 monetary penalty for the violation of (Count 3); \$1,000.00 monetary penalty for the violation of (Count 4); \$200.00 monetary penalty for the violation of (Count 5). A total monetary penalty of \$4,500.00 is imposed. The Board voted to require a member of Responsible Management of **Gail Creacy** to successfully complete the Board's Basic Contractor Licensing class and pass the examination within six (6) months of the effective date of this order for the violations of Counts 1, 4, and 5. As to Count 2 and Count 3, the Board imposed revocation of the license (Number 2705-079570). The motion passed unanimously. Members voting "Yes" were: **Falwell, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Rackas Pate, Kinser, and Walton.**

As the presiding Board Representative, **Mr. Hart** was not present and did not vote."

In the matter of File Number 2005-03731, Robert Williams, Jr. t/a Carpenter's Men; the Board members reviewed the record, which consisted for the file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member. **Mr. Williams** was represented by his counsel, **Mr. Victor F Rinaldi** who attended the Board meeting and requested this case be remanded to IFF so he could properly present his

File Number
2005-03731
Robert
Williams, Jr.

clients defense since he was not retained at the time of the former IFF hearing. After discussion, Mr. Walton offered a motion that was seconded by Mr. Falwell to remand this case back to an IFF hearing. The motion passed with a unanimous vote. Members voting "yes" were: Falwell, Hollar, Kinser, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Walton and Smith. Mr. Hart, the hearing officer was not present and did not participate during this case.

In the matter of Disciplinary File Number 2005-0118 Flory Alfred William Saylor, Jr. & Elizabeth Louise Ward, t/a F & S Associates, 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
2005-01118
Flory Alfred
William
Saylor, Jr. &
Elizabeth
Louise Ward**

Neither F & S Associates (Respondent) nor anyone on its behalf appeared at the IFF or the Board meeting. The presiding Board Representative, **Mr. Hart** was not present and he did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Walton** 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 **F & S Associates** 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.29

Count 3: 18 VAC 50-22-210.3

The motion passed unanimously. Members voting "Yes" were: **Falwell, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Rackas Pate, Kinser, and Walton.**

After discussion a motion was made by **Mr. Walton** and seconded by **Mr. Redifer** to impose the following sanctions: \$400.00 monetary penalty for the violation of (Count 1), \$750.00 monetary penalty for the violation of (Count 2); and \$400.00 monetary penalty for the violation of (Count 3). A total monetary penalty of \$1,550.00 is imposed. The Board voted to require a member of Responsible Management of F & S Associates to successfully complete the Board's Basic Contractor Licensing class and pass the examination within six (6) months of the effective date of this order. The motion passed unanimously. Members voting "Yes" were: **Falwell, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Rackas Pate, Kinser, and Walton.**

As the presiding Board Representative, **Mr. Hart** was not present and did not vote.

In the matter of Disciplinary File Number 2005-04066 William D Bottoms, t/a W B Home Improvements, 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
2005-04066
William D
Bottoms**

Neither William D Bottoms, t/a W B Home Improvements (Respondent) nor anyone on his behalf appeared at the IFF or the Board meeting. The presiding Board Representative, **Ms. Rackas Pate** 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. 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 **William D Bottoms** violated the following sections of its 2003 Regulations

- Count 1: 18 VAC 50-22-260.B.27 (2 Violations)**
- Count 2: 18 VAC 50-22-260.B.6**
- Count 3: 18 VAC 50-22-260.B.13**

The motion passed unanimously. Members voting "Yes" were **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Kinser, and Walton.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Falwell** to impose the following sanctions: \$1,000.00 monetary penalty for two (2) violations (\$500.00 each) of (Count 1), \$1,000.00 monetary penalty for the violation of (Count 2), and \$1,000.00 monetary penalty for the violation of (Count 3). A total monetary penalty of \$3,000.00 is imposed. The Board voted to impose the sanction of revocation of the license (Number 2705-077455) for the violation of Counts 1, 2, and 3. The motion passed unanimously. Members voting "Yes" were **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Kinser, and Walton.** As the presiding Board Representative, **Ms. Rackas Pate** was not present and did not vote.

In the matter of Disciplinary File Number 2005-04025 Virginia S Ruger, t/a Iron Horse Construction 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
2005-04025
Virginia S
Ruger**

Neither Virginia S Ruger (Respondent) nor anyone on her behalf appeared at the IFF or the Board meeting. The presiding Board Representative, **Ms. Rackas Pate** was not present and she did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Kirby** and

seconded by **Mr. Redifer** to adopt the 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 **Virginia S Rugar** violated the following sections of its 2003 Regulations:

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

The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Kinser, and Walton.**

After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Redifer** to impose the following sanctions: \$2,500.00 monetary penalty for the violation of (Count 1). A total monetary penalty of \$2,500.00 is imposed. The Board also imposed revocation of the license (Number 2705-065116) for the violation of (Count 1). The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Kinser, and Walton.**

As the presiding Board Representative, **Ms. Rackas Pate** was not present and did not vote.

In the matter of Disciplinary File Number 2005-01889 Bently Thomas Brown, 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
2005-01889
Bently
Thomas
Brown

Neither Bently Thomas Brown (Respondent) nor anyone on his behalf appeared at the IFF or the Board meeting. **Spencer Allen (Complainant)** appeared at the IFF, but not the Board meeting. The presiding Board Representative, **Ms. Rackas Pate** 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. Walton** 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 **Bently Thomas Brown** violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-30-190.1

Count 2: 18 VAC 50-30-190.14

Count 3: 18 VAC 50-30-160

The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Kinser, and Walton.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Walton** to impose the following sanctions: \$750.00 monetary penalty for the violation of (Count 1), \$1,000.00 monetary penalty for the violation of (Count 2); and \$500.00 monetary penalty for the violation of (Count 3). A total monetary penalty of \$2,250.00 is imposed. The Board voted to require a member of Bently Thomas Brown to successfully complete the Board's Basic Contractor Licensing class and pass the examination within six (6) months of the effective date of this order. The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Kinser, and Walton.**

As the presiding Board Representative, **Ms. Rackas Pate** was not present and did not vote.

In the matter of Disciplinary File Number 2006-00954 Maurice V Garris, t/a MVG Enterprises, 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
2006-00954
Maurice V
Garris

Neither Maurice V Garris, t/a MVG Enterprises (Respondent) nor anyone on his behalf appeared at the IFF or the Board meeting. **Terry D Clark (Complainant)** appeared at the IFF, but not the Board meeting. The presiding Board Representative, **Ms. Rackas Pate** 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. 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 **Maurice V Garris, t/a MCG Enterprises** 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.15**
- Count 4: 18 VAC 50-22-260.B.16**
- Count 5: 18 VAC 50-22-260.B.13**

The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Kinser, and Walton.**

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); \$1,000.00 monetary penalty for the violation of (Count 2); \$1,000.00 monetary penalty for the violation of (Count 3); \$2,000.00 monetary penalty for the violation of (Count 4); and \$1,000.00 monetary penalty for the violation of (Count 5). A total monetary penalty of \$5,500.00

is imposed. The Board voted to require Maurice V Garris to successfully complete the Board's Basic Contractor Licensing class and pass the examination within six (6) months of the effective date of this order. Also, the Board imposed revocation of the license (Number 2705-075735) for the violations of Counts 3, 4, and 5. The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Kinser, and Walton.**

As the presiding Board Representative, **Ms. Rackas Pate** was not present and did not vote.

In the matter of Disciplinary File Number 2006-00954 Maurice V Garris, t/a MVG Enterprises, 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
2006-00944
Maurice V
Garris**

Neither Maurice V Garris, t/a MVG Enterprises (Respondent) nor anyone on his behalf appeared at the IFF or the Board meeting. **Angelo and Regina McPherson (Complainants)** appeared at the IFF, but not the Board meeting. The presiding Board Representative, **Ms. Rackas Pate** was not present and she did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Hollar** 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 **Maurice V Garris, t/a MCG Enterprises** 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.16

Count 4: 18 VAC 50-22-260.B.13

The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Kinser, and Walton.**

After discussion a motion was made by **Mr. Hollar** and seconded by **Mr. Hart** to impose the following sanctions: \$500.00 monetary penalty for the violation of (Count 1); \$2,000.00 monetary penalty for the violation of (Count 2); \$2,000.00 monetary penalty for the violation of (Count 3); and \$1,000.00 monetary penalty for the violation of (Count 4). A total monetary penalty of \$5,500.00 is imposed. Also, the Board imposed revocation of the license (Number 2705-075735) for the violations of Counts 2, 3, and 4. The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Kinser, and Walton.**

As the presiding Board Representative, **Ms. Rackas Pate** was not present and did not vote.

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In the matter of Disciplinary File Number 2004-05109 Donald E. Brooks, 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
2004-05109
Donald E.
Brooks**

Neither Donald E. Brooks (Respondent) nor anyone on his behalf appeared at the IFF or the Board meeting. The presiding Board Representative, **Mr. Smith** was not present and he did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Redifer** to adopt the 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 **Donald E. Brooks** violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-30-190.5

Count 2: 18 VAC 50-30-190.8

The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Rackas Pate, Kinser, and Walton.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to impose the following sanctions: \$250.00 monetary penalty for the violation of (Count 1); and \$2,000.00 monetary penalty for the violation of (Count 2). A total monetary penalty of \$2,250.00 is imposed. The Board voted to require Donald E. Brooks to successfully complete the Board's Basic Contractor Licensing class and pass the examination within six (6) months of the effective date of this order. The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Rackas Pate, Kinser, and Walton.**

As the presiding Board Representative, **Mr. Smith** was not present and did not vote.

In the matter of Disciplinary File Number 2005-01759 Jerry W Mundy, t/a Mundy Building Contractors, 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
2005-01759
Jerry W
Mundy**

Neither Jerry W Mundy, t/a Mundy Building Contractors (Respondent) nor anyone on his behalf appeared at the IFF or the Board meeting. **Mary Bishop (Complainant)** appeared at the IFF, but not the Board meeting. The presiding Board Representative, **Mr. Smith** was not present and he did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Redifer** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory

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issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations The Board found **Jerry W Mundy, t/a Mundy Building Contractors** 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 by a majority vote Members voting "Yes" were **Falwell, Hart, Kirby, Modisett, Tomlin, Redifer, Rackas Pate, Kinser, and Walton. Mr. Hollar** voted "no "

After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Hollar** to impose the following sanctions: \$700 00 monetary penalty for the violation of (Count 1), and \$2,500 00 monetary penalty for the violation of (Count 2) A total monetary penalty of \$5,500 00 is imposed The Board voted to require **Jerry W Mundy** to successfully complete the Board's Basic Contractor Licensing class and pass the examination within six (6) months of the effective date of this order for the violation of Count 1 Also, the Board imposed revocation of the license (Number 2705-032908) for the violations of Counts 2 The motion passed by a majority vote Members voting "Yes" were **Falwell, Hart, Rackas Pate, Kirby, Modisett, Tomlin, Redifer, Kinser, and Walton. Mr. Hollar** voted "no "

As the presiding Board Representative, **Mr. Smith** was not present and did not vote.

In the matter of Disciplinary File Number 2005-04626 Virginia Pool Builders, 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
2005-04626
Virginia
Pool
Builders Inc.**

Neither Virginia Pool Builders, Inc. Respondent) nor anyone on its behalf appeared at the IFF or the Board meeting. **Joe Etheridge (Complainant)** appeared at the IFF, but not the Board meeting The presiding Board Representative, **Ms. Wall** was not present and she did not participate in the discussion and did not vote After discussion a motion was made by **Mr. Walton** and seconded by **Ms. 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 **Virginia Pool Builders, Inc.** violated the following sections of its 2003 Regulations

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

The motion passed unanimously Members voting "Yes" were **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Rackas Pate, Smith,**

Kinser, and Walton.

After discussion a motion was made by **Mr. Walton** and seconded by **Mr. Redifer** to impose the following sanctions: \$2,000.00 monetary penalty for the violation of (Count 1). A total monetary penalty of \$2,000.00 is imposed. Also, the Board imposed revocation of the license (Number 2705-063445) for the violations of Count 1. The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Kinser, and Walton.**

As the presiding Board Representative, **Ms. Wall** was not present and did not vote.

In the matter of Disciplinary File Number 2005-04130 Virginia Pool Builders, 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
2005-04130
Virginia
Pool
Builders,
Inc.

Neither Virginia Pool Builders, Inc. Respondent) nor anyone on its behalf appeared at the IFF or the Board meeting. **Lawrence Robinson (Complainant)** appeared at the IFF, but not the Board meeting. The presiding Board Representative, **Ms. Wall** was not present and she did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Walton** 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 **Virginia Pool Builders, Inc.** violated the following sections of its 2003 Regulations:

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

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

The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Rackas Pate, Smith, Kinser, and Walton.**

After discussion a motion was made by **Mr. Walton** and seconded by **Mr. Redifer** to impose the following sanctions: \$500.00 monetary penalty for the violation of (Count 1); and \$1,800.00 monetary penalty for the violation of (Count 2). A total monetary penalty of \$2,300.00 is imposed. Also, the Board imposed revocation of the license (Number 2705-063445) for the violations of Count 2. The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Kinser, and Walton.**

As the presiding Board Representative, **Ms. Wall** was not present and did not vote.

In the matter of Disciplinary File Number 2005-03058 Castro Carlos, t/a Castro 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
2005-03058
Castro
Carlos

Neither Castro Carlos (Respondent) nor anyone on his behalf appeared at the IFF or the Board meeting **Mengistu Haile (Complainant)** appeared at the IFF, but not the Board meeting The presiding Board Representative, **Ms. Wall** 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 **Ms. 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 **Castro Carlos** 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.16

Count 4: 18 VAC 50-22-230.B

The motion passed unanimously Members voting "Yes" were **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Kinser, Rackas Pate, and Walton.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to impose the following sanctions \$800.00 monetary penalty for the violation of (Count 1), \$2,100.00 monetary penalty for the violation of (Count 2), \$2,100.00 monetary penalty for the violation of (Count 3), and \$500.00 monetary penalty for the violation of (Count 4). A total monetary penalty of \$5,500.00 is imposed The Board voted to require **Castro Carlos** to successfully complete the Board's Basic Contractor Licensing class and pass the examination within six (6) months of the effective date of this order Also, the Board imposed revocation of the license (Number 2705-073749) for the violations of Counts 2 and 3 The motion passed unanimously Members voting "Yes" were **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Kinser, Rackas Pate, and Walton.**

As the presiding Board Representative, **Ms. Wall** was not present and did not vote.

In the matter of Disciplinary File Number 2005-02572 Rodney L Coppersmith, t/a Budget 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

File Number
2005-02572
Rodney L
Coppersmith

Rodney L Coppersmith (Respondent) participated at the IFF via telephone

Mr. Coppersmith represented by letter at the Board meeting. **Joan McDonald (Complainant)** appeared at the IFF, but not the Board meeting. The presiding Board Representative, **Ms. Wall** 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 Ms. Tomlin to deny the request for continuance. The motion was adopted with a unanimous vote. Members voting yes were: Falwell, Redifer, Kirby, Kinser, Hart, Smith, Tomlin, Hollar, Walton, Modisett and Rackas Pate.

After further discussion a motion was made by **Mr. Redifer** and seconded by **Ms. Tomlin** 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 **Rodney L Coppersmith, t/a Budget Builders** violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.27 (Two Violations)

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.16

Count 5: 18 VAC 50-22-260.B.13

The motion passed by a majority vote. Members voting "Yes" were: **Falwell, Hart, Kirby, Modisett, Tomlin, Redifer, Smith, Kinser, and Walton.** **Mr. Hollar** voted "no."

After discussion a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to impose the following sanctions: \$1,600.00 monetary penalty for two (2) violations (\$800.00 each) of (Count 1); \$400.00 monetary penalty for the violation of (Count 2); \$300.00 monetary penalty for the violation of (Count 3); \$2,100.00 monetary penalty for the violation of (Count 4); and \$1,300.00 monetary penalty for the violation of (Count 5). A total monetary penalty of \$5,700.00 is imposed. Also, the Board imposed revocation of the license (Number 2705-071050) for the violations of Counts 4, and 5. The motion passed by a majority voted. Members voting "Yes" were: **Falwell, Hart, Kirby, Modisett, Tomlin, Redifer, Smith, Rackas Pate, Kinser, and Walton.** **Mr. Hollar** voted "no."

As the presiding Board Representative, **Ms. Wall** was not present and did not vote.

In the matter of Disciplinary File Number 2006-00766 David E chivers, t/a Dave The Roofer, 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
2006-00766
David E
Chivers

Neither David E Chivers, t/a Dave The Roofer (Respondent) nor anyone

on his behalf appeared at the IFF or the Board meeting. The presiding Board Representative, **Ms. Wall** was not present and she did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Kirby** and seconded by **Ms. Rackas Pate** to adopt the 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 **David E Chivers, t/a Dave The Roofer** 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.16

Count 3: 18 VAC 50-22-260.B.28

Count 4: 18 VAC 50-22-230.B

The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Rackas Pate, Kinser, and Walton.**

After discussion a motion was made by **Mr. Kirby** and seconded by **Ms. Rackas Pate** to impose the following sanctions: \$200.00 monetary penalty for the violation of (Count 1); \$2,000.00 monetary penalty for the violation of (Count 2); \$2,100.00 monetary penalty for the violation of (Count 3); and \$500.00 monetary penalty for the violation of (Count 4). A total monetary penalty of \$4,800.00 is imposed. Also, the Board imposed revocation of the license (Number 2705-088635) for the violations of Counts 2 and 3. The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Smith, Kinser, Rackas Pate, and Walton.**

As the presiding Board Representative, **Ms. Wall** was not present and did not vote.

In the matter of Disciplinary File Number 2006-00629 Virginia Pool Builders, 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
2006-00629
Virginia
Pool
Builders**

Neither Virginia Pool Builders, Inc. (Respondent) nor anyone on its behalf appeared at the IFF or the Board meeting. **Dean and Laurie Buckley (Complainants)** appeared at the IFF, but not the Board meeting. The presiding Board Representative, **Ms. Wall** 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. 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 **Virginia Pool Builders, Inc.** violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.31
Count 2: 18 VAC 50-22-260.B.14
Count 3: 18 VAC 50-22-260.B.13

The motion passed unanimously Members voting "Yes" were **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Rackas Pate, Smith, Kinser, and Walton.**

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), \$2,000 00 monetary penalty for the violation of (Count 2), and \$1,300 00 monetary penalty for the violation of (Count 3) A total monetary penalty of \$3,800 00 is imposed. Also, the Board imposed revocation of the license (Number 2705-063445) for the violations of Counts 1, 2, and 3 The motion passed unanimously. Members voting "Yes" were **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Kinser, and Walton.**

As the presiding Board Representative, **Ms. Wall** was not present and did not vote.

In the matter of Disciplinary File Number 2006-00519 Virginia Pool Builders, 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
2006-00519
Virginia
Pool
Builders,
Inc.

Neither Virginia Pool Builders, Inc. (Respondent) nor anyone on its behalf appeared at the IFF or the Board meeting The presiding Board Representative, **Ms. Wall** was not present and she did not participate in the discussion and did not vote After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Redifer** to adopt the 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 **Virginia Pool Builders, Inc.** violated the following sections of its 2003 Regulations

Count 1: 18 VAC 50-22-260.B.14
Count 2: 18 VAC 50-22-260.B.15
Count 3: 18 VAC 50-22-260.B.16
Count 4: 18 VAC 50-22-260.B.13

The motion passed unanimously Members voting "Yes" were **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Rackas Pate, Smith, Kinser, and Walton.**

After discussion a motion was made by **Mr. Kirby** and seconded by **Mr.**

Redifer to impose the following sanctions \$2,000 00 monetary penalty for the violation of (Count 1), \$1,800 00 monetary penalty for the violation of (Count 2), \$2,000 00 monetary penalty for the violation of (Count 3), and \$1,300 00 monetary penalty for the violation of (Count 4) A total monetary penalty of \$7,100 00 is imposed Also, the Board imposed revocation of the license (Number 2705-063445) for the violations of Counts 1, 2, 3, and 4 The motion passed unanimously Members voting "Yes" were **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Kinser, and Walton.**

As the presiding Board Representative, **Ms. Wall** was not present and did not vote.

In the matter of Disciplinary File Number 2006-00459 Virginia Pool Builders, 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
2006-00459
Virginia
Pool
Builders,
Inc.

Neither Virginia Pool Builders, Inc. (Respondent) nor anyone on its behalf appeared at the IFF or the Board meeting The presiding Board Representative, **Ms. Wall** 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 **Ms. 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 **Virginia Pool Builders, Inc.** violated the following sections of its 2003 Regulations

- Count 1: 18 VAC 50-22-260.B.14**
- Count 2: 18 VAC 50-22-260.B.15**
- Count 3: 18 VAC 50-22-260.B.16**
- Count 4: 18 VAC 50-22-260.B.13**

The motion passed unanimously Members voting "Yes" were **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Rackas Pate, Smith, Kinser, and Walton.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to impose the following sanctions \$2,000 00 monetary penalty for the violation of (Count 1), \$1,800 00 monetary penalty for the violation of (Count 2), \$2,000 00 monetary penalty for the violation of (Count 3), and \$1,300 00 monetary penalty for the violation of (Count 4) A total monetary penalty of \$7,100 00 is imposed Also, the Board imposed revocation of the license (Number 2705-063445) for the violations of Counts 1, 2, 3, and 4 The motion passed unanimously Members voting "Yes" were **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Kinser, and Walton.**

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As the presiding Board Representative, **Ms. Wall** was not present and did not vote.

In the matter of Disciplinary File Number 2006-00364 Neighborhood Lawn Care Ltd., t/a Neighborhood Lawn Care Ltd., 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
2006-00364
Neighborhood
Lawn Care,
Ltd.**

Neither Neighborhood Lawn Care, Ltd. (Respondent) nor anyone on its behalf appeared at the IFF or the Board meeting. The presiding Board Representative, **Ms. Wall** was not present and she did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Redifer** to adopt the 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 **Neighborhood Lawn Care, Ltd.** 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.14

Count 4: 18 VAC 50-22-260.B.16

Count 5: 18 VAC 50-22-250.B.12

The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Redifer, Rackas Pate, Smith, Kinser, and Walton.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to impose the following sanctions: \$400.00 monetary penalty for the violation of (Count 1); \$300.00 monetary penalty for the violation of (Count 2); \$2,100.00 monetary penalty for the violation of (Count 3); and \$2,100.00 monetary penalty for the violation of (Count 4); and \$900.00 monetary penalty for the violation of (Count 5). A total monetary penalty of \$5,800.00 is imposed. Also, the Board imposed revocation of the license (Number 2705-086796) for the violations of Counts 3, 4, and 5. The motion passed unanimously. Members voting "Yes" were: **Falwell, Hart, Hollar, Kirby, Modisett, Tomlin, Rackas Pate, Redifer, Smith, Kinser, and Walton.** As the presiding Board Representative, **Ms. Wall** was not present and did not vote.

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In the matter of Consent Order File Number 2006-00188, Board v. D C Ramsey Inc of Virginia., the board reviewed the Consent Order D C Ramsey Inc of Virginia acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260.B.6 \$400.00. A total monetary penalty of \$400.00 is hereby imposed. In addition, for the violation of Count 1, D C Ramsey Inc of Virginia agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. D C Ramsey Inc of Virginia also agrees to pay \$150.00 in Board costs.

**File Number
2006-00188
D C Ramsey
Inc of
Virginia**

Upon a motion by Falwell seconded by Redifer the board ratified the consent order with a unanimous vote Members voting "Yes" were Falwell, Hart, Kinser, Kirby, Modisett, Hollar, Rackas Pate, Redifer, Smith, Walton, and Tomlin.

In the matter of Consent Order File Number 2006-01350, Board v. My Dads Fencing Inc, the board reviewed the Consent Order D C Ramsey Inc of Virginia acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: §54.1-1110 of the Code of Virginia \$00.00. A total monetary penalty of \$00.00 and license revocation for license number 2705-086902.

**File Number
2006-01350
My Dads
Fencing Inc.**

Upon a motion by Falwell seconded by Redifer the board ratified the consent order with a unanimous vote Members voting "Yes" were Falwell, Hart, Kinser, Kirby, Modisett, Hollar, Rackas Pate, Redifer, Smith, Walton, and Tomlin.

In the matter of Consent Order File Number 2006-00590, Board v. Patriot Custom Builders LLC, the board reviewed the Consent Order. Patriot Custom Builders LLC acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260.B.2 \$500.00. A total monetary penalty of \$500.00 is hereby imposed. In addition, for the violation of Count 1, Patriot Custom Builders LLC to pay \$150.00 in Board costs.

**File Number
2006-00590
Patriot
Custom
Builders
LLC**

Upon a motion by Falwell seconded by Redifer the board ratified the consent order with a unanimous vote Members voting "Yes" were Falwell, Hart, Kinser, Modisett, Hollar, Rackas Pate, Redifer, Smith, Walton, and Tomlin. As the hearing officer Mr. Kirby did not participate and did not vote during the ratification of the Consent Order.

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In the matter of Consent Order File Number 2006-00599, Board v. Karen Lynn Fritch t/a Evergreen Sprinkler System, the board reviewed the Consent Order Karen Lynn Fritch t/a Evergreen Sprinkler System acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260.B.27 \$250.00; Count 2; 18 VAC 50-22-260.B.31 \$450.00 and Count 3: 18 VAC 50-22-260.B.6 \$250.00. A total monetary penalty of \$950.00 is hereby imposed. In addition, for the violation of Count 1, Karen Lynn Fritch agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Karen Lynn Fritch also agrees to pay \$150.00 in Board costs.

**File Number
2006-00599
Evergreen
Sprinkler
System**

Upon a motion by Falwell seconded by Redifer the board ratified the consent order with a unanimous vote Members voting "Yes" were Falwell, Hart, Kinser, Kirby, Modisett, Hollar, Rackas Pate, Redifer, Smith, Walton, and Tomlin.

In the matter of Consent Order File Number 2006-00248, Board v. Chantilly Excavating & Paving Corporation t/a Chantilly Excavating & Paving Corporation, the board reviewed the Consent Order. Chantilly Excavating & Paving Corporation acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board Count 1: 18 VAC 50-22-260.B.6 \$200.00 and Count 2: 18 VAC 50-2-260.B.31 \$150.00. A total monetary penalty of \$350.00 is hereby imposed. In addition, for the violation of Count 1 and 2, Chantilly Excavating & Paving Corporation agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Chantilly Excavating & Paving Corporation also agrees to pay \$150.00 in Board costs.

**File Number
2006-00248
Chantilly
Excavating
& Paving
Corporation**

Upon a motion by Falwell seconded by Redifer the board ratified the consent order with a unanimous vote Members voting "Yes" were Falwell, Hart, Kinser, Kirby, Modisett, Hollar, Rackas Pate, Redifer, Smith, Walton and Tomlin.

In the matter of Consent Order File Number 2006-01537, Board v. New Image Home Improvement LP t/a New Image Home Improvement LP, the board reviewed the Consent Order New Image Home Improvement LP acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following

**File Number
2006-01537
New Image
Home
Improve-**

term(s) by the Board: **Count 1: 18 VAC 50-22-260.B.2 \$250.00.** A total monetary penalty of \$250.00 is hereby imposed. In addition, for the violation of Count 1, **New Image Home Improvement LP** agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. **New Image Home Improvement LP** also agrees to pay \$150.00 in Board costs.

ment LP

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote: Members voting "Yes" were: **Falwell, Kinser, Kirby, Modisett, Hollar, Rackas Pate, Redifer, Smith, Walton, and Tomlin.** As the hearing officer, **Mr. Hart** did not participate and did not vote during the ratification of the Consent Order.

In the matter of Consent Order File Number 2006-00771, Board v. **H E Banks Sr Mech Cont Co Corp t/a H E Banks Sr Mech Cont Co Corp**, the board reviewed the Consent Order. **H E Banks Sr Mech Cont Co Corp** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B.19 \$400.00.** A total monetary penalty of \$400.00 is hereby imposed. In addition, for the violation of Count 1, **H E Banks** agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. **H E Banks** also agrees to pay \$150.00 in Board costs.

File Number
2006-00771
H E Banks
Sr Mech
Cont Co
Corp

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote: Members voting "Yes" were: **Falwell, Hart, Kinser, Kirby, Modisett, Hollar, Rackas Pate, Redifer, Smith, Walton and Tomlin.**

In the matter of Consent Order File Number 2006-00003, Board v. **Donald M Dunaway t/a Doubled D Enterprises**, the board reviewed the Consent Order. **Donald M Dunaway** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260.B.27 \$500.00; Count 2: 18 VAC 50-22-260.B.27 \$500.00 and Count 3: 18 VAC 50-22-260.B.31 \$390.00.** A total monetary penalty of \$1,390.00 is hereby imposed. In addition, for the violation of Count 1 through 3, **Donald M Dunaway** agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. **Donald M Dunaway** also agrees to pay \$150.00 in Board costs.

File Number
2006-00003
Donald M
Dunaway

Contractor Board Meeting Minutes

January 24, 2006

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Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote: Members voting "Yes" were: **Falwell, Hart, Kinser, Kirby, Modisett, Hollar, Rackas Pate, Redifer, Smith, Walton, and Tomlin.**

In the matter of Consent Order File Number 2005-03857, Board v. Jerry Darryl Laprade t/a J Darryl Laprade, the board reviewed the Consent Order. J Darryl Laprade acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.9 \$150.00. A total monetary penalty of \$150.00 is hereby imposed. In addition, for the violation of Count 1, Jerry Darryl Laprade agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Jerry Darryl Laprade also agrees to pay \$150.00 in Board costs.

**File Number
2005-03857
Jerry Darryl
Laprade**

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote: Members voting "Yes" were: **Falwell, Hart, Kinser, Kirby, Modisett, Hollar, Rackas Pate, Redifer, Smith, Walton and Tomlin.**

In the matter of Consent Order File Number 2005-02821, Board v. Charles A Chandler t/a Chandler Construction Co, the board reviewed the Consent Order. Charles A Chandler acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.31 \$500.00. A total monetary penalty of \$500.00 is hereby imposed. In addition, for the violation of Count 1, Charles A Chandler agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Charles A Chandler also agrees to pay \$150.00 in Investigative fees.

**File Number
2005-02821
Charles A
Chandler**

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote: Members voting "Yes" were: **Falwell, Hart, Kinser, Kirby, Modisett, Hollar, Rackas Pate, Redifer, Smith, Walton, and Tomlin.**

In the matter of Consent Order File Number 2005-01262, Board v. Ace Envirotech Inc t/a Ace Envirotech Inc, the board reviewed the Consent Order. Ace Envirotech Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-

**File Number
2005-01262
Ace
Envirotech
Inc**

220.B \$200.00 and Count 2: 18 VAC 50-22-260.B.13 \$200.00 A total monetary penalty of \$400.00 is hereby imposed. In addition, for the violation of Count 1 and 2, Ace Envirotech Inc agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. In addition, for violation of Count 1, Ace Envirotech Inc agrees to report a change in the designated employee within thirty days of the effective date of the order. Ace Envirotech Inc also agrees to pay \$150.00 in Board costs.

Upon a motion by Falwell seconded by Redifer the board ratified the consent order with a unanimous vote: Members voting "Yes" were: Falwell, Hart, Kinser, Kirby, Modisett, Hollar, Rackas Pate, Redifer, Smith, Walton, and Tomlin.

In the matter of Consent Order File Number 2005-05063, Board v. Frederic C Gryckiewicz Jr, t/a Calcas Foundations, the board reviewed the Consent Order. Frederic Gryckiewicz acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.2 \$00.00. A total monetary penalty of \$00.00 is hereby imposed. In addition, for the violation of Count 1, Gryckiewicz agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Gryckiewicz also agrees to pay \$150.00 in Board costs.

**File Number
2005-05063
Frederic C
Gryckiewicz
Jr**

Upon a motion by Falwell seconded by Redifer the board ratified the consent order with a unanimous vote: Members voting "Yes" were: Falwell, Hart, Kinser, Kirby, Modisett, Hollar, Rackas Pate, Redifer, Smith, Walton, and Tomlin.

In the matter of Consent Order File Number 2005-05061, Board v. James W Moseley t/a Moseley And Sons Home Improvement, the board reviewed the Consent Order. James W Moseley acknowledges an understanding of the charges and hereby to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.17 \$1,800.00. A total monetary penalty of \$400.00 is hereby imposed. In addition, for the violation of Count 1, Moseley agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order. Moseley also agrees to pay \$150.00 in Board costs.

**File Number
2005-05061
James W
Moseley**

Contractor Board Meeting Minutes

January 24, 2006

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Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote: Members voting "Yes" were: **Falwell, Hart, Kinser, Kirby, Modisett, Hollar, Rackas Pate, Redifer, Smith, Walton, and Tomlin.**

In the matter of Consent Order File Number 2005-04355, Board v. Nedro I George t/a Nedly Contracting, the board reviewed the Consent Order. Nedro I George acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's 2003 Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.19 \$500.00. A total monetary penalty of \$500.00 is hereby imposed. In addition, for the violation of Count 1, Nedro I George agrees to successfully complete remedial education by attending the Board's Basic Contractor Licensing class and passing the examination within six (6) months of the effective date of this order.

**File Number
2005-04355
Nedro I
George**

Upon a motion by **Falwell** seconded by **Redifer** the board ratified the consent order with a unanimous vote: Members voting "Yes" were: **Falwell, Hart, Kinser, Kirby, Modisett, Hollar, Rackas Pate, Redifer, Smith, Walton, and Tomlin.**

In the matter of Consent Order File Number 2006-00589. After discussion, Mr. Hollar offered a motion seconded by Mr. Redifer to remand this case back to an IFF. The motion passed by a majority vote. Members voting "yes" were: Hart, Hollar, Tomlin, Rackas Pate, Redifer, Smith, Walton, and Kinser. Mr. Modisett and Mr. Falwell voted "no." As the Board Representative, Mr. Kirby was not present and did not participate.

**File Number
2006-00589
Cornerstone
Custom
Builders,
Inc.**

Mr. Redifer made a motion and Ms. Tomlin second the motion that the Board give the staff permission to make changes as needed and editorial authority over the Water Well Regulations in order to ensure that they get sent through the process properly.

**New
Business**

Eric Olson reminded the Board about the Sex Offender training to be presented by Dr. Lisa Hunt on January 27, 2006. Four Contractor Board members will be attending as well as thirty people from the Department of Health, Criminal Justice Service and Medical Assistance Services.

Mr. Kirby wanted the Board to recognize that Mr. Falwell was elected to the Board of Supervisors for Campbell County.

Kevin Hoeft presented the Board with the following update from the Kentucky Electrical Advising Committee: On January 17, 2006 the Kentucky Electric Advising Committee approved the proposed reciprocal examination agreement for the Master and Journeyman Electrical Tradesman examination between Virginia and Kentucky. Counsel Michael Bennett of the Kentucky Board of Housing stated that the Kentucky Board of Housing will certainly approve the reciprocal agreement at its next meeting.

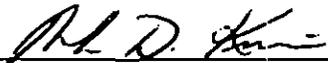
Kevin Hoeft

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

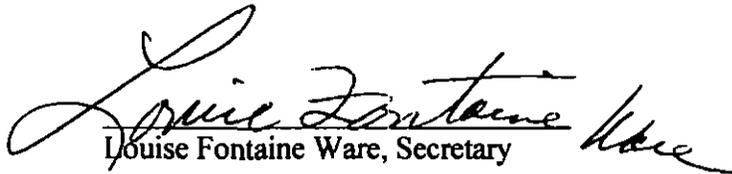
**Completion
of
Paperwork**

There being no further business to come before the board, the meeting was adjourned at 2:30 P.M. upon a motion by Mr. Kirby and seconded by Mr. Smith. The vote was unanimous. Members voting yes were, **Kinser, Hollar, Kirby, Hart, Falwell, Redifer, Walton, Tomlin, Smith, Modisett, and Rackas Pate.** There were no negative votes.

**Adjourn-
ment**



Mark D. Kinser, Chairman



Louise Fontaine Ware, Secretary

Copy teste:

Custodian of the Record

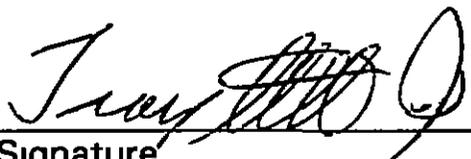
**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

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

January 24, 2006
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:

PROF. DEKIRBY, INC. KIRBY & KEAN 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.

PMPOFVA

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

Robert Kirby
Signature

January 24, 2006
Date

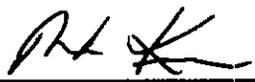
**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

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.



Signature

January 24, 2006
Date

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

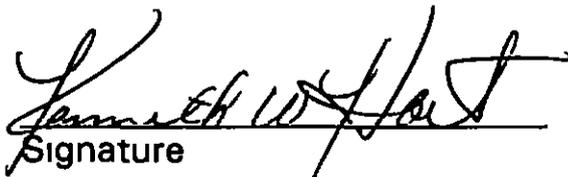
1. Name: Kenneth W. Hart
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

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:



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


Signature

January 24, 2006
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:

Contractors, citizens, State

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:

CMH INC, ACCA, PMPV, PHCC, ARI

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

James A. Hollar
Signature

January 24, 2006
Date

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

1. Name: Jeffrey A Modisett
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:

None

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:

Associated General Contractors of VA.

Conquist, Mancini + Dunn Inc. Construction

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

Jeffrey A. Modisett
Signature

January 24, 2006
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

January 24, 2006
Date

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

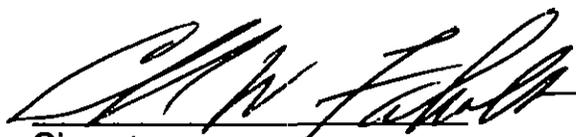
1. Name: Charles W. Falwell
2. Title: Member -- Tradesman Committee
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

N/A

6. I declare that:

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

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


Signature

January 24, 2006
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:

UBCOA UPMIA ILL IAET NFPA

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



Signature

January 24, 2006
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

January 24, 2006
Date