

BOARD FOR CONTRACTORS BOARD MEETING

MINUTES

The Board for Contractors met on Tuesday, April 25, 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
Charles W. Falwell
James Hollar
Robert M Kirby
Michael D. Redifer
Troy Smith, Jr.
Ann Rackas Pate
Jeffrey Modisett
Dorothy Wood

Mr. Hart, Mr. Orange and Ms. Tomlin, and Mr. Walton did not attend the meeting.

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

Jay W. DeBoer, Director
David Ashe, Chief Deputy
Karen O'Neal, Deputy Director of Regulatory Programs
Eric L. Olson, Executive Director
Kevin Hoefft, Regulatory Boards Administrator
Sheila Watkins, Administrative Assistant
Jeffrey Buckley, Legal Assistant
Joe Haughwout, Legal Assistant
Karen Kenney, Administrative Assistant
Victoria Traylor, Legal Analyst
Earlyne Perkins, Legal Analyst
Nick Christner, Director, Compliance and Investigations
Jennifer Kazzie, Assistant Director, Adjudication
Doug Schroder, Director, Adjudication

Chairman Mark Kinser called the meeting to order at 9:05 a.m. and declared a of board members was in attendance.

Call
To Order

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

Approval of
the Agenda

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

Approval of
Minutes

March 28, 2006, Contractor Board Meeting
March 7, 2006, Informal Fact Finding Conference.
March 9, 2006, Informal Fact Finding Conference.
March 14, 2006, Informal Fact Finding Conference.
March 15, 2006, Informal Fact Finding Conference.
March, 16, 2006, Informal Fact Finding Conference
March 21, 2006, Informal Fact Finding Conference.
March 23, 2006, Informal Fact Finding Conference.
March 28, 2006, Informal Fact Finding Conference
March 29, 2006, Informal Fact Finding Conference.
March 30, 2006, Informal Fact Finding Conference.

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

There was no public comment.

Public
Comment
Period

In the matter of License Application File Number 2006-03741, Joseph Moody, Jr., t/a M & M Painting and Power Washing, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-03741
**Joseph
Moody**

Joseph Moody, Jr. appeared at the IFF and the Board meeting. The presiding Board representative **Ms. Chappell** 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 unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Redifer, Smith, and Wood. Ms.**

Rackas Pate was not present and did not vote.

Rackas Pate arrived at the Board meeting at 9:10 am.

**Rackas Pate
Arrival**

In the matter of License Application File Number 2006-03740, Wilcher's Excavating, 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
2006-03740
Wilcher's
Excavating**

James Wilcher appeared at the IFF and the Board meeting. The presiding Board representative **Ms. Chappell** 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. Wood** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved unanimously. Members voting "Yes" were **Falwell, Hollar, Kinser, Kirby, Modisett, Redifer, Rackas Pate, Smith, and Wood.**

In the matter of License Application File Number 2006-03463, United Mechanical Contractors, 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
2006-03463
United
Mechanical
Contractors,
Inc.**

Vicki Paul, representing United Mechanical Contractors, Inc. appeared at the IFF and the Board meeting. The presiding Board representative **Ms. Chappell** 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. Hollar** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Redifer, Rackas Pate, Smith, and Wood.**

In the matter of License Application File Number 2006-03459, Jerry Blevins, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2006-03459
Jerry
Blevins**

Jerry Blevins appeared at the IFF and the Board meeting. The presiding Board representative **Ms. Chappell** 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. Smith** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.**

In the matter of License Application File Number 2006-03456, TAP's LLC, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2006-03456
TAP's LLC**

Paul Varner appeared at the IFF and the Board meeting. The presiding Board representative **Ms. Chappell** 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. Smith** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

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

In the matter of License Application File Number 2006-03455, Charlie Hightower, t/a Hightower's Rebar, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2006-03455
Charlie
Hightower**

Charlie Hightower appeared at the IFF and the Board meeting. He disagreed with the Board. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Falwell** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny the license.

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

In the matter of Recovery Fund File Number 2005-00339, Karen White (Claimant) vs. Americana Contractors, LLC (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation **Neither American Contractors LLC (Regulant) nor anyone on its behalf** appeared at the IFF or the Board meeting **Karen White (Claimant)** appeared at the IFF and the Board meeting. **Ms. White** addressed and disagreed with the Board. After discussion, a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to adopt the claim review and the hearing officer's recommendations and summary for violations and deny the claim for payment. The motion passed unanimously. Members voting "Yes" were **Falwell, Hart, Kirby, Modisett, Orange, Tomlin, Redifer, Smith, and Walton.** As the Board

**File Number
2005-00339
Americana
Contractors
LLC**

Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2005-02066, Ronald L. G. Bonheur (Claimants) vs. John Weeks, t/a Weeks Construction (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither John Weeks, t/a Weeks Construction (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting. Ronald L. G. Bonheur (Claimants) appeared at the IFF and the Board meeting. Mr. Bonheur agreed with the Board. After discussion, a motion was made by Mr. Falwell and seconded by Ms. Wood 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 \$15,036.00. The motion passed unanimously. Members voting "Yes" were: Falwell, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood. As the Board Representative, Mr. Hollar was not present.**

**File Number
2005-02066
John Weeks**

In the matter of Recovery Fund File Number 2005-01872, Mark and Paula Rhoads (Claimants) vs. Gregory Matthews & Demetri Ford, t/a F & M Stone Masonry; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Gregory Matthews & Demetri Ford, t/a F & M Stone Masonry (Regulant) nor anyone on their behalf appeared at the IFF or the Board meeting. Mark Rhoads (Claimant) and Archie C. Berkeley, counsel for Rhoads, appeared at the IFF and the Board meeting. They agreed with the Board. After discussion, a motion was made by Ms. Rackas Pate and seconded by Ms. Wood 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 \$5,224.00. The motion passed unanimously. Members voting "Yes" were: Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood. As the Board Representative, Mr. Hollar was not present.**

**File Number
2005-01872
Gregory
Matthews &
Demetri
Ford**

In the matter of Recovery Fund File Number 2005-01321, Donald Durham (Claimant) vs. Harold Houston Hayslett, t/a Agape Home Restorations; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Harold Houston Hayslett, t/a Agape Home Restorations (Regulant) nor anyone on his behalf appeared at the IFF or the Board meeting. Donald Durham (Claimant) appeared at the IFF and the Board meeting. Mr. Durham shared his disagreement with the recommendation. After discussion, a motion was made by Mr. Redifer and seconded by Mr. Falwell to amend the hearing officer's recommendations and pay the claim for payment in the amount of \$6,903.58 which was the**

**File Number
2005-01321
Harold
Houston
Hayslett**

actual loss. The motion passed unanimously. Members voting “Yes” were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.** As the Board Representative, Mr. Hollar was not present.

In the matter of Recovery Fund File Number 2005-00665, Brenda & Kevin Campbell (Claimants) vs. Michey Shannon Higgins, t/a Higgins Home Improvement; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Michey Shannon Higgins, t/a Higgins Home Improvement (Regulant) nor anyone on his behalf appeared at the IFF or the Board meeting. Kevin Campbell (Claimant),** appeared at the IFF and the Board meeting. Mr. Campbell agreed with the Board. After discussion, a motion was made by Mr. Redifer and seconded by Ms. Wood 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 **\$4,574.00.** The motion passed unanimously. Members voting “Yes” were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.** As the Board Representative, Mr. Hollar was not present and did not vote.

File Number
2005-00665
Michey
Shannon
Higgins

In the matter of Recovery Fund File Number 2005-01410, Edward D’Arcy (Claimant) vs. Barinder Barry Chadda, t/a All American Building & Store Fixtures; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Barinder Barry Chadda, t/a All American Building & Store Fixtures (Regulant) nor anyone on his behalf appeared at the IFF or the Board meeting. Edward D’Arcy (Claimant),** appeared at the IFF and the Board meeting. Mr. Chadda agreed with the Board. After discussion, a motion was made by Mr. Falwell and seconded by Ms. Rackas Pate 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 **\$11,940.67.** The motion passed unanimously. Members voting “Yes” were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.** As the Board Representative, Mr. Hollar was not present and did not vote.

File Number
2005-01410
Barinder
Barry
Chadda

In the matter of Recovery Fund File Number 2005-01724, Dennis & Ethel Nichols (Claimants) vs. JKP Plumbing, Inc.; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither JKP Plumbing, Inc. (Regulant) nor anyone on its behalf appeared at the IFF or the Board meeting. Dennis & Ethel Nichols (Claimants) did not appear at the IFF or the Board meeting.** After discussion, a motion was made by Mr. Kirby and seconded by Ms.

File Number
2005-01724
JKP
Plumbing,
Inc.

Rackas Pate 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 **\$10,000.00**. The motion passed unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood**. As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of Recovery Fund File Number 2005-01723, Dennis Hetzel (Claimant) vs. Dynamic Remodeling, Inc.; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Dynamic Remodeling, Inc. (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Dennis Hetzel (Claimant)** participated at the IFF via telephone. **Mr. Hetzel** appeared at the Board meeting. He agreed with the Board. After discussion, a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** 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 unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood**. As the Board Representative, Mr. Hollar was not present and did not vote.

File Number
2005-01723
Dynamic
Remodeling,
Inc.

In the matter of Recovery Fund File Number 2005-01596, Reginald & Cassandra Byrd (Claimants) vs. David's Home Improvements, Inc.; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither David's Home Improvements, Inc. (Regulant) nor anyone** on its behalf appeared at the IFF or the Board meeting. **Reginald & Cassandra Byrd (Claimants)** appeared at the IFF and the Board meeting. They agreed with the Board. After discussion, a motion was made by **Mr. Falwell** and seconded by **Ms. Rackas Pate** 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 **\$10,237.00**. The motion passed unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood**. As the Board Representative, Mr. Hollar was not present and did not vote.

File Number
2005-01596
David's
Home
Improvemen
ts, Inc.

In the matter of Recovery Fund File Number 2005-01412, Richard & Teresa Cole (Claimants) vs. R. C. Cooper & Sons Plumbing & Heating; the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither R. C. Cooper & Sons Plumbing & Heating (Regulant) nor anyone** on their behalf appeared at the IFF or the Board meeting. **Richard (Claimant)** appeared at the IFF, but not the Board meeting. **Teresa Cole (Claimant)** did not appear at the IFF or the Board meeting. After discussion, a motion was

File Number
2005-01412
R. C. Cooper
& Sons
Plumbing &
Heating

made by **Mr. Redifer** and 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 **\$1,454.00**. The motion passed unanimously. Members voting "Yes" were. **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood**. As the Board Representative, Mr. Hollar was not present and did not vote.

In the matter of License Application File Number 2006-03829, James F. Braun, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-03829
James F.
Braun

James F. Braun appeared at the IFF and the Board meeting. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Ms. Rackas Pate** and seconded by **Ms. Wood** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

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

In the matter of License Application File Number 2006-03571, A & E Tap and Core, Inc. (QI Change), the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-03571
A & E Tap
and Core,
Inc.(QI
Change)

Erin Walters on behalf of A & E Tap and Core, Inc. and Shawn Walters appeared at the IFF and the Board meeting. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant **A & E Tap and Core, Inc.** request to change its Qualified Individual (QI).

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

In the matter of License Application File Number 2006-03522, Lundy Wayne Lynch, t/a Bing Bing Construction, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-03522
Lundy
Wayne
Lynch

Lundy Wayne Lynch, t/a Bing Bing Construction appeared at the IFF, but

not the Board meeting. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny the license.

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

In the matter of License Application File Number 2006-03463, J Marvin C. Downs, t/a M C Downs Construction LLC, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-03463
Marvin C.
Downs

Marvin C. Downs, t/a M C Downs Construction LLC appeared at the IFF, but not the Board meeting. The presiding Board representative **Ms. Chappell** 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. Smith** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license

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

In the matter of License Application File Number 2006-03458, Complete Stone, 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
2006-03458
Complete
Stone, Inc.

Barbara Drudge on behalf of Complete Stone, Inc. appeared at the IFF, but not the Board meeting. The presiding Board representative **Ms. Chappell** 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. Smith** 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, Modisett, Rackas Pate, Redifer, and Smith.** **Mr. Kirby, Ms. Wood, Mr. Hollar, and Mr. Kinser** voted "No."

In the matter of License Application File Number 2006-03019, Falco John Bruno, Jr., t/a Bruno General Contracting (specialty addition), the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference. **Falco John Bruno, Jr.** appeared at the IFF, but not the Board meeting. The presiding Board representative **Ms. Chappell** was not present, did not

File Number
2006-03019
Falco John
Bruno, Jr.

participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Smith** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant Falco John Bruno, Jr t/a Bruno General Contracting request to a specialty addition.

The motion was approved by a majority voted. Members voting "Yes" were: **Falwell, Kinser, Kirby, Redifer, and Smith.** **Mr. Hollar, Mr. Modisett, Ms. Rackas Pate, and Ms. Wood** voted "No."

In the matter of Disciplinary File Number 2006-03020, Falco John Bruno, Jr., t/a Bruno General Contracting, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2006-03020
Falco John
Bruno, Jr.

Falco John Bruno, Jr. (Respondent) appeared at the IFF. Neither Falco John Bruno, Jr. nor anyone on his behalf appeared at the Board meeting. The presiding Board Representative, Ms. Chappell 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. 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 Falco John Bruno, Jr., t/a Bruno General Contracting, violated the following sections of its 2003 Regulations:

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

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

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

After discussion a motion was made by **Mr. Hollar** and seconded by **Mr. Redifer** to impose the following sanctions: \$500 00 monetary penalty for the violation of (Count 2). A total monetary penalty of \$500.00 is imposed. As to Count 2, the Board voted to require **a member of Responsible Management of Falco John Bruno, Jr.** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order. The Board also voted not to impose a monetary penalty for the violation of the regulation for (Count 1). The motion was approved unanimously Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.**

In the matter of Disciplinary File Number 2006-03469, Mathew Milton McPherson, 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
2006-03469
Matthew
Milton
McPherson

Matthew Milton McPherson (Respondent) appeared at the IFF, but not the Board meeting. The presiding Board Representative, **Ms. Tomlin** 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. 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 **Matthew Milton McPherson**, violated the following sections of its 1997 Regulations:

Count 1: 18 VAC 50-30-190.2

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

After discussion a motion was made by **Mr. Hollar** and seconded by **Mr. Redifer** to impose the following sanctions: \$0.00 monetary penalty for the violation of Count 1. A total monetary penalty of \$0.00 is imposed. However, the Board voted that a violation of the regulation did occur. Also, the Board, voted to require a member of Responsible Management of **Matthew Milton McPherson** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order for the violation of (Count 1).

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.**

In the matter of License Application File Number 2006-03468, JMatthew McPherson, t/a Shen-Valley Plumbing, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2006-03468
Matthew
McPherson

Matthew McPherson appeared at the IFF, but not the Board meeting. The presiding Board representative **Ms. Tomlin** 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. Redifer** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant the license.

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.**

In the matter of Disciplinary File Number 2005-03731, Robert W. Williams, Jr., t/a Carpenter's Men, 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
2005-03731
Robert W.
Williams**

Neither Robert W. Williams, Jr., t/a Carpenter's Men, (Respondent), nor anyone on his behalf appeared at the IFF or the Board meeting. **Fred and Allison Worrall (Complainants) appeared at the IFF, but not the Board meeting.** The presiding Board Representative, **Mr. Hart and Ms. Wall** were 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. 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 Robert W. Williams, Jr., t/a Carpenter's Men, violated the following sections of its 2003 and 2005 Regulations:

(Effective January 1, 2003)

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.27

(Effective August 1, 2005)

Count 5: 18 VAC 50-22-260.B.6

(Effective January 1, 2003)

Count 6: 18 VAC 50-22-260.B.15

Count 7: 18 VAC 50-22-260.B.16

Count 8: 18 VAC 50-22-260.B.28

Count 9: 18 VAC 50-22-230.B

Count 10: 18 VAC 50-22-210

Count 11: 18 VAC 50-22-260.B.18

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

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Falwell** to impose the following sanctions: \$100.00 monetary penalty for the violation of (Count 1); \$150.00 monetary penalty for the violation of (Count 2); \$700.00 monetary penalty for the violation of (Count 4); \$850.00 monetary penalty for the violation of (Count 5); \$1,700.00 monetary penalty

for the violation of **(Count 6)**; \$2,000 00 monetary penalty for the violation of **(Count 7)**; \$2,000.00 monetary penalty for the violation of **(Count 8)**; \$250.00 monetary penalty for the violation of **(Count 9)**; and \$100.00 monetary penalty for the violation of **(Count 10)**. A total monetary penalty of \$7,850 00 is imposed. As to Counts 1 and 2, Counts 4 through 10, the Board voted to require a **member of Responsible Management of Robert Williams, Jr.** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order. The Board also imposed revocation of license (Number 2705-020153) for the violation of Counts 6, 7 and 8. The Board voted to revoke the license due to the egregious nature of the violation of the regulations and in accordance with previous Board action. As to 18 VAC 50-22-260.B.8 (Count 3) and VAC 50-22-260.B.18 (Count 11), the Board found no violation. The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.** As the presiding Board Representatives, **Mr. Hart and Ms. Wall** were not present and did not vote.

In the matter of Disciplinary File Number 2005-03176, Melvin Desha, t/a Melvin Desha 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
2005-03176
Melvin
Desha

Melvin Desha (Respondent) appeared at the IFF, but not the Board meeting. The presiding Board Representative, **Mr. Hart** 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. Modisett** 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 **Melvin Desha, t/a Melvin Desha**, violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.24

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.**

After discussion a motion was made by **Mr. Kinser** and seconded by **Mr. Modisett** to impose the following sanctions: \$0 00 monetary penalty for the violation of Count 1. A total monetary penalty of \$0.00 is imposed. The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.** As the presiding Board Representatives, **Mr. Hart** was not present and did not vote

In the matter of Disciplinary File Number 2005-03176, Melvin Desha, 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
2005-03175
Melvin
Desha

Melvin Desha (Respondent) appeared at the IFF, but not the Board meeting. The presiding Board Representatives, **Mr. Hart and Mr. Hollar** were 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. 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 **Melvin Desha**, violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-30-190.13

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Falwell** to impose the following sanctions: \$0.00 monetary penalty for the violation of Count 1. A total monetary penalty of \$0.00 is imposed. The motion was approved unanimously. Members voting "Yes" were: **Falwell, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.** As the presiding Board Representatives, **Mr. Hart and Mr. Hollar** were not present and did not vote.

In the matter of Disciplinary File Number 2005-05090, Jack A Doods, t/a J D Const, 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
2005-05090
Jack A
Doods

Neither Jack A Doods (Respondent) nor anyone on his behalf appeared at the IFF, or the Board meeting. The presiding Board Representative, **Ms. Tomlin** 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. Wood** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Jack A Doods, t/a J D Const**, violated the following sections of its 2003 and 2001 Regulations:

(Effective January 1, 2003)

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

(Effective September 1, 2001)

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

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.**

After discussion a motion was made by **Mr. Hollar** and seconded by **Mr. Redifer** to impose the following sanctions: \$700.00 monetary penalty for the violation of Count 1 and \$250.00 monetary penalty for the violation of Count 2. A total monetary penalty of \$950.00 is imposed. Also, the Board voted to require a member of Responsible Management of **Jack a Dooms** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order.

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.** As the presiding Board Representatives, **Ms. Tomlin** was not present and did not vote.

In the matter of Disciplinary File Number 2005-04696, Erik Caldwell, t/a Caldwell 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
2005-04696
Erik
Caldwell**

Neither Erik Caldwell (Respondent) nor anyone on his behalf appeared at the IFF, or the Board meeting. The presiding Board Representatives, Ms. Tomlin and Mr. Kirby were not present, did not participate in the discussion and did not vote. After discussion a motion was made by Mr. Redifer and seconded by Ms. 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 Erik Caldwell, t/a Caldwell Home Improvements, violated the following sections of its 2003 and 2001 Regulations:

(Effective January 1, 2003)

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

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

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

(Effective September 1, 2001)

Count 5: 18 VAC 50-22-230.B

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Modisett, Rackas Pate, Redifer, Smith, and Wood.**

After discussion a motion was made by **Mr. Hollar** and seconded by **Mr. Falwell** to impose the following sanctions: \$250.00 monetary penalty for the violation of Count 1, \$2,500.00 monetary penalty for the violation of Count 3, \$2,500.00 monetary penalty for the violation of Count 4; and \$250.00 monetary penalty for the violation of Count 5. A total monetary penalty of \$5,500.00 is imposed. Also, the Board voted to require Erik Caldwell to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order for the violation of Counts 1 and 5. The Board imposes revocation of the license (**Number 2705-089990**) for the violation of Counts 3 and 4. As to 18 VAC 50-22-260.B.14 (Count 2), the Board closes this aspect of the file with a finding of no violation.

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Modisett, Rackas Pate, Redifer, Smith, and Wood.** As the presiding Board Representatives, **Ms. Tomlin** and **Mr. Kirby** were not present and did not vote.

In the matter of Disciplinary File Number 2005-04240, Gregory Scott Belcher, t/a Charley's Custom Contracting the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2005-04240
Gregory
Scott
Belcher

Gregory Belcher (Respondent) appeared at the IFF, but not the Board meeting. **Linda Abrams (Complainant)** appeared at the IFF and the Board meeting. Ms. Abrams agreed with the Board. The presiding Board Representative, **Ms. Tomlin** 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. Redifert** 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 **Gregory Belcher, t/a Charley's Custom Contracting**, 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

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.**

After discussion a motion was made by **Mr. Hollar** and seconded by **Mr. Modisett** to impose the following sanctions: \$250.00 monetary penalty for the violation of Count 1 and \$1,500.00 monetary penalty for the violation of

Count 2. A total monetary penalty of \$1,750.00 is imposed. Also, the Board voted to require a member of Responsible Management of **Gregory Belcher** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order. The Board voted to impose revocation of the license (**Number 2701-085965**) for the violation of Count 2. The Board voted to revoke the license based upon the intentional and unjustified failure to complete the work. The Board is of the opinion that the fact that the license was recently issued does not relate to the seriousness of the violation.

The motion was approved by a majority vote. Members voting "Yes" were: **Falwell, Hollar, Kinser, Modisett, Rackas Pate, Redifer, Smith, and Wood.** Mr. Kirby voted "No." As the presiding Board Representative, Ms. Tomlin was not present and did not vote.

In the matter of Disciplinary File Number 2006-01776, Shore Underground LLC, t/a Shore Underground LLC the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2006-01776
Shore
Underground
LLC

Carl Miller on behalf of Shore Underground (Respondent) appeared at the IFF, but not the Board meeting. John Nyberg (Complainant) appeared at the IFF, but not the Board meeting. The presiding Board Representative, Ms. Tomlin was not present, did not participate in the discussion and did not vote. After discussion a motion was made by Mr. Hollar and seconded by Ms. Rackas Pate to adopt the 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 Shore Underground LLC violated the following sections of its 2003 and 2001 Regulations:

(Effective January 1, 2003)

- 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.31 (two violations)**
- Count 5: 18 VAC 50-22-260.B.6**
- Count 6: 18 VAC 50-22-260.B.5**
- Count 7: 18 VAC 50-22-260.B.16**

(Effective September 1, 2001)

- Count 8: 18 VAC 50-22-230.B.28 (two violations)**
- Count 9: 18 VAC 50-22-260.B.13**

The motion was approved by a unanimous vote. Members voting "Yes"

Count 2. A total monetary penalty of \$1,750.00 is imposed. Also, the Board voted to require a member of Responsible Management of **Gregory Belcher** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order. The Board voted to impose revocation of the license (**Number 2701-085965**) for the violation of Count 2. The Board voted to revoke the license based upon the intentional and unjustified failure to complete the work. The Board is of the opinion that the fact that the license was recently issued does not relate to the seriousness of the violation.

The motion was approved by a majority vote. Members voting "Yes" were: **Falwell, Hollar, Kinser, Modisett, Rackas Pate, Redifer, Smith, and Wood.** Mr. Kirby voted "No." As the presiding Board Representative, **Ms. Tomlin** was not present and did not vote.

In the matter of Disciplinary File Number 2006-01776, Shore Underground LLC, t/a Shore Underground LLC the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

**File Number
2006-01776
Shore
Underground
d LLC**

Carl Miller on behalf of Shore Underground (Respondent) appeared at the IFF, but not the Board meeting. **John Nyberg (Complainant)** appeared at the IFF, but not the Board meeting. The presiding Board Representative, **Ms. Tomlin** was not present, did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Hollar** and seconded by **Ms. Rackas Pate** to adopt the 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 **Shore Underground LLC** violated the following sections of its 2003 and 2001 Regulations:

(Effective January 1, 2003)

- 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.31 (two violations)
- Count 5: 18 VAC 50-22-260.B.6
- Count 6: 18 VAC 50-22-260.B.5
- Count 7: 18 VAC 50-22-260.B.16

(Effective September 1, 2001)

- Count 8: 18 VAC 50-22-230.B.28 (two violations)
- Count 9: 18 VAC 50-22-260.B.13

The motion was approved by a unanimous vote. Members voting "Yes"

were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.**

After discussion a motion was made by **Mr. Hollar** and seconded by **Ms. Rackas Pate** to impose the following sanctions: \$1,000.00 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)**; \$800.00 monetary penalty for two violations (\$400.00 each violation) of **(Count 4)**; \$900.00 monetary penalty for the violation of **(Count 5)**; \$2,000.00 monetary penalty for the violation of **(Count 6)**, \$2,000.00 monetary penalty for the violation of **(Count 7)**; \$4,000.00 monetary penalty for two violations (\$2,000.00 each violation) of **(Count 8)**; and \$1,000.00 monetary penalty for the violation of **(Count 9)**. A total monetary penalty of \$13,700.00 is imposed. As to Counts 1, 2, 3, 4, and 5, the Board voted to require a member of Responsible Management of **Shore Underground LLC** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order. The Board also imposed revocation of license (Number 2705-080907) for the violation of Counts 6, 7 and 8. The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.** As the presiding Board Representatives, **Ms. Tomlin** was not present and did not vote.

In the matter of Disciplinary File Number 2005-04612, Dennis Lane Burris, Jr., t/a Burris Construction & Remodeling, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number
2005-04612
Dennis Lane
Burris, Jr.

Neither Dennis Lane Burris, Jr. t/a Burris Construction & Remodeling (Respondent) nor anyone on his behalf appeared at the IFF, or the Board meeting. The presiding Board Representative, **Ms. Wall** 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 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 **Dennis Lane Burris, Jr.** violated the following sections of its 2001 Regulations:

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

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.**

In the matter of Disciplinary File Number 2005-01955, 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
2005-01955
Donald W
Cotterell
Builders Inc

Neither Donald W Cotterell Builders, Inc., t/a Donald W Cotterell Builders, Inc. (Respondent) nor anyone on his behalf appeared at the IFF, or the Board meeting. The presiding Board Representative, **Ms. Wall and Mr. Redifer** were 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. Wood** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the *Informal Fact-Finding Conference with Recommendations*. The Board found **Donald W Cotterell Builders Inc**, violated the following sections of its 2003 Regulations:

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

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

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

The motion was approved unanimously. Members voting "Yes" were:
Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Smith, and Wood.

After discussion a motion was made by **Mr. Hollar** and seconded by **Ms. Wood** to impose the following sanctions: \$600.00 monetary penalty for the violation of Count 1 and \$1,400.00 monetary penalty for the violation of Count 2. A total monetary penalty of \$2,000.00 is imposed. Also, the Board voted to require a member of Responsible Management of **Donald W Cotterell Builders, Inc.** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order. As to 18 VAC 50-22-260.B.22 (Count 1), the Board voted to impose no monetary penalty for the violation of the regulation. The Board also imposes revocation of the license (Number 2705-037488) for the violation of Counts 1 and 3

The motion was approved unanimously. Members voting "Yes" were:
Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Smith, and Wood.
As the presiding Board Representatives, **Ms. Wall and Mr. Redifer** were not present and did not vote.

In the matter of Disciplinary File Number 2006-01467, Felicia J Caba, t/a American Craftsmen, 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
2006-01467
Felicia J
Caba

Neither **Felicia J Caba, t/a American Craftsmen (Respondent)** nor anyone on her behalf appeared at the IFF, or the Board meeting. **Rebecca Fair (Complainant)** appeared at the IFF, but not the Board meeting. The presiding Board Representative, **Ms. Wall** 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. Wood** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Felicia J Caba, t/a American Craftsmen**, 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 3: 18 VAC 50-22-260.B.15
- Count 4: 18 VAC 50-22-260.B.14
- Count 5: 18 VAC 50-22-260.B.16
- Count 6: 18 VAC 50-22-260.B.20

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.**

After discussion a motion was made by **Mr. Hollar** and seconded by **Mr. Redifer** to impose the following sanctions: \$400.00 monetary penalty for the violation of Count 1; \$900.00 monetary penalty for the violation of Count 2; \$1,900.00 monetary penalty for the violation of Count 3; \$2,000.00 monetary penalty for the violation of Count 4; \$2,100.00 monetary penalty for the violation of Count 5; and \$600.00 monetary penalty for the violation of Count 6. A total monetary penalty of \$7,900.00 is imposed. Also, the Board voted to require a member of Responsible Management of **Felicia J Caba, t/a American Craftsmen** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order. The Board also imposes revocation of the license (Number **2705-086669**) for the violation of Counts 2, 3, 4, 5, and 6.

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.** As the presiding Board Representatives, **Ms. Wall** was not present and did not vote.

In the matter of Disciplinary File Number 2006-02433, Jeffrey Scott Martin, t/a J Scott Martin Construction, the Board members reviewed the record, which consisted of the disciplinary file, transcript, exhibits, and

File Number
2006-02433
Jeffrey Scott

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

Martin

Neither Jeffrey Scott Martin, t/a J Scott Martin Construction (Respondent) nor anyone on his behalf appeared at the IFF, or the Board meeting. David Czzowitz (Complainant) appeared at the IFF, and the Board meeting. The presiding Board Representative, Mr. Walton 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. Modisett 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 Jeffrey Scott Martin, t/a J Scott Martin Construction, violated the following sections of its 2001 Regulations:

Count 1: 18 VAC 50-22-260.B.9 (two violations)

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

Count 3: 18 VAC 50-22-260.B.17

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

Count 5: 18 VAC 50-22-260.B.16

Count 6: 18 VAC 50-22-230.B

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.**

After discussion a motion was made by **Mr. Falwell** and seconded by **Mr. Redifer** to impose the following sanctions: \$800.00 monetary penalty for two violations (\$400.00 each violation) of Count 1; \$250.00 monetary penalty for the violation of Count 2; \$1,500.00 monetary penalty for the violation of Count 3; \$2,000.00 monetary penalty for the violation of Count 4; \$2,500.00 monetary penalty for the violation of Count 5 and \$500.00 monetary penalty for the violation of Count 6. A total monetary penalty of \$7,550.00 is imposed. Also, the Board voted to require a member of Responsible Management of **Jeffrey Scott Martin, t/a J Scott Martin Construction** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order. The Board also imposes revocation of the license (Number 2705-087521) for the violation of Counts 4, and 5.

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.** As the presiding Board Representatives, **Mr. Walton** was not present and did not vote.

In the matter of Disciplinary File Number 2006-00825, Simonz Inc., t/a

File Number

Target Group, 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.

**2006-00825
Simonz Inc**

Gerald T. Simon on behalf of Simonz Inc., t/a Target Group (Respondent) appeared at the IFF, but not the Board meeting. **Robert and Ellen Rey (Complainants)** appeared at the IFF and the Board meeting. The Reys addressed their disagreement with the Board. The presiding Board Representative, **Mr. Walton** was not present, did not participate in the discussion and did not vote. After discussion a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to adopt the 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 **Simonz Inc., t/a Target Group**, violated the following sections of its 2003 Regulations:

Count 1: 18 VAC 50-22-260.B.5

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

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to impose the following sanctions: \$2,000.00 monetary penalty for the violation of Count 1; and \$250.00 monetary penalty for the violation of Count 2. A total monetary penalty of \$2,250.00 is imposed. Also, the Board voted Board to impose revocation of the license (Number **2705-091729**) for the violation of Count 1. The Board voted to revoke the license due to the incompetence demonstrated by Simonz in the abatement of the lead paint.

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.** As the presiding Board Representatives, **Mr. Walton** was not present and did not vote.

In the matter of Disciplinary File Number 2006-00498, Gerald T Simon, t/a Target Group, 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
2006-00498
Gerald T.
Simon**

Gerald T Simon, t/a Target Group (Respondent) and John McNally, counsel for the respondent appeared at the IFF, but not the Board meeting. **James G. Snyder (Complainant)** appeared at the IFF and the Board meeting. Mr. Snyder disagreed with the Board. The presiding Board Representative, **Mr. Walton** was not present, did not participate in the discussion and did not

vote. After discussion a motion was made by **Mr. Redifer** and seconded by **Ms. Wood** to adopt the 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 **Gerald T Simon, t/a Target Group**, 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

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.**

After discussion a motion was made by **Mr. Hollar** and seconded by **Mr. Redifer** to impose the following sanctions: \$250.00 monetary penalty for the violations of Count 1; and \$2,500.00 monetary penalty for the violation of Count 2. A total monetary penalty of \$2,750.00 is imposed. Also, the Board voted to require **Gerald T Simon, t/a Target Group** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order. The Board also imposes revocation of the license (Number **2705-043531**) for the violation of Count 2.

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.** As the presiding Board Representatives, **Mr. Walton** was not present and did not vote.

In the matter of Disciplinary File Number 2006-00056, The Compleat Interior, t/a The Compleat Interior, 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
2006-00056
The
Compleat
Interior

Neither The Compleat Interior, t/a The Compleat Interior (Respondent) nor anyone on its behalf appeared at the IFF, or the Board meeting. **Dirk Philipsen (Complainant)** appeared at the IFF, but not the Board meeting. The presiding Board Representative, **Mr. Walton** 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. 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 **The Compleat Interior, t/a The Compleat Interior**, violated the following sections of its 2003 Regulations:

- Count 1: 18 VAC 50-22-210.3**
- Count 3: 18 VAC 50-22-260.B.9**
- Count 4: 18 VAC 50-22-260.B.17**
- Count 5: 18 VAC 50-22-260.B.16**
- Count 6: 18 VAC 50-22-230.B.28**

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Hollar** to impose the following sanctions: \$400.00 monetary penalty for the violation of Count 1; \$400.00 monetary penalty for the violation of Count 3; \$1,500.00 monetary penalty for the violation of Count 4; \$2,500.00 monetary penalty for the violation of Count 5; and \$2,500.00 monetary penalty for the violation of Count 6. A total monetary penalty of \$7,300.00 is imposed. Also, the Board voted to require a member of Responsible Management of **The Compleat Interior, t/a The Compleat Interior** to successfully complete and pass the examination for the Board's Basic Contractor Licensing class (remedial education) within six (6) months of the entry of the Final Order. The Board also imposes revocation of the license (Number **2705-080768**) for the violation of Counts 5, and 6.

The motion was approved unanimously. Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood.** As the presiding Board Representatives, **Mr. Walton** was not present and did not vote.

In the matter of Consent Order File Number 2006-03891, Board v. Steven Broadus, t/a Broadus Properties, the board reviewed the Consent Order. Steven Broadus, t/a Broadus Properties, 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.29 \$300.00 and Count 2: 18 VAC 50-22-260.B.27 \$300.00. A total monetary penalty of \$600.00 is hereby imposed. In addition, for the violations of Counts 1 and 2, Steven Broadus, t/a Broadus Properties, 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. Steven Broadus, t/a Broadus Properties, also agrees to pay \$150.00 in Board costs.

File Number
2005-03891
Steven
Broadus

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

In the matter of Consent Order File Number 2006-00866, Board v. Robert Perry, Sr., t/a Perry Electric, the board reviewed the Consent Order and voted to send this case back to an IFF due to building code issues.

**File Number
2006-00866
Robert
Perry Sr.**

Upon a motion by Redifer seconded by Hollar the board voted unanimously to refer this case back to an IFF: Members voting "Yes" were: **Falwell, Hollar, Kinser, Kirby, Redifer, Smith, and Wood.** As the presiding Board Representatives, **Mr. Modisett, Ms. Wall and Ms. Rackas Pate** were not present and did not vote.

In the matter of Consent Order File Number 2005-02359, Board v. James A. Hiles, t/a Kza Home Improvement, the board reviewed the Consent Order. James A. Hiles, t/a Kza Home Improvement 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 \$0.00; Count 2: 18 VAC 50-22-260.B.27 \$0.00; Count 3: 18 VAC 50-22-260.B.14 \$0.00; Count 4: 18 VAC 50-22-260.B.15 \$0.00; and Count 5: 18 VAC 50-22-260.B.28 \$0.00. A total monetary penalty of \$0.00 is hereby imposed. In addition, for the violation of Counts 1 through 4, James A. Hiles agrees to revocation of his license (Number 2705-068408).

**File Number
2005-02359
James A.
Hiles**

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

In the matter of Consent Order File Number 2005-03710, Board v. Barry Wendell Kidd, t/a "Two Kidd's" Landscaping, the board reviewed the Consent Order. Barry Wendell Kidd, t/a "Two Kidd's" Landscaping 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 5 \$0.00; Count 2: 18 VAC 50-22-260.B.9 \$0.00; and Count 3: 18 VAC 50-22-260.B.27 \$0.00. A total monetary penalty of \$0.00 is hereby imposed. In addition, for the violation of Counts 1 through 3 Barry Wendell Kidd agrees to revocation of his license (Number 2705-050274).

**File Number
2005-03710
Barry
Wendell
Kidd**

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

In the matter of Consent Order File Number 2005-04020, Board v. Isaac

File Number

Forest, t/a Isaac Forrest, the board reviewed the Consent Order. **Isaac Forest, t/a Isaac Forrest** 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 28 \$0.00. A total monetary penalty of \$0.00 is hereby imposed. In addition, for the violation of Count 1, Isaac Forrest agrees to suspension of his license (Number 2705-021148) until the judgment is satisfied and Isaac Forrest provides the Board with proof of the satisfaction. Also, for the violation of Count 1, Isaac Forrest 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. Isaac Forest, t/a Isaac Forrest also agrees to pay \$150.00 in Board costs.**

**2005-04020
Isaac Forrest**

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

In the matter of Consent Order File Number 2005-04844, Board v. Garry R. Perdue, Jr., t/a Garry R. Perdue, Jr., the board reviewed the Consent Order. **Garry R. Perdue, Jr.** 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; and Count 2: 18 VAC 50-22-260.B.31 \$150.00. A total monetary penalty of \$300.00 is hereby imposed. In addition, for the violation of Counts 1 and 2, Gary R. Perdue, Jr. 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. Garry R. Perdue, Jr. also agrees to pay \$150.00 in Board costs.**

**File Number
2005-04844
Garry R.
Perdue, Jr.**

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

In the matter of Consent Order File Number 2006-00039, Board v. Tri-County Excavating, Inc., the board reviewed the Consent Order. **Tri-County Excavating, 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 50-22-260.B 8 \$0.00; Count 2: 18 VAC 50-22-260.B.9 \$0.00; and Count 3: 18 VAC 50-22-260.B.15 \$0.00. A total monetary penalty of \$0.00 is hereby imposed. In addition, for the violation of Counts 1, 2, and 3, Tri-County Excavating, Inc. agrees to revocation of its license (Number 2705-**

**File Number
2006-00039
Tri-County
Excavating,
Inc.**

076237).

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

In the matter of Consent Order File Number 2006-00289, Board v. Michael A. Loan, t/a Innovative Construction Company, the board reviewed the Consent Order. Michael A. Loan 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—22-210.3 \$500.00; and Count 2: 18 VAC 50-22-230.A \$500.00. A total monetary penalty of \$1,000.00 is hereby imposed. In addition, for the violation of Counts 1 and 2, Michael A. Loan 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. Michael A. Loan also agrees to pay \$150.00 in Board costs.

**File Number
2006-00289
Michael A.
Loan**

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

In the matter of Consent Order File Number 2006-00298, Board v. Ralph Walker Farwell, t/a R W Farwell Home Improvements, the board reviewed the Consent Order. Michael A. Loan 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 \$0.00; and Count 2: 18 VAC 50-22-260.B.28 \$0.00. A total monetary penalty of \$0.00 is hereby imposed. In addition, for the violation of Count 2, Ralph Walker Farwell to suspension of his license (Number 2705-030409) until the judgment is satisfied and Ralph Walker Farwell provides the Board with proof of the satisfaction. Ralph Walker Farwell also agrees to pay \$150.00 in Board costs.

**File Number
2006-00298
Ralph
Walker
Farwell**

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

In the matter of Consent Order File Number 200600574, Board v.

File Number

Kenton B. McKee III, t/a Bern Bushman Tree Service, the board reviewed the Consent Order. **Kenton B. McKee III**, 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 \$500.00; Count 2: 18 VAC 50-22-260.B.6 \$500.00; Count 3: 18 VAC 50-22-260.B.9 \$500.00; Count 4: 18VAC 50-22-260.B.13 \$350.00; Count 5: 18 VAC 50-22-260.B.15 \$500.00; Count 6: 18 VAC 50-22-260.B.16 \$500.00; and Count 7: 18 VAC 50-22.260.B.27 \$500.00. A total monetary penalty of \$3,350.00 is hereby imposed. In addition, for the violation of Counts 5 and 6, **Kenton B. McKee III** agrees to terminate his license (Number 2705-063902) within thirty (30) days of the effective date of this Order. **Kenton B. McKee III** also agrees to pay \$150.00 in Board costs.**

2006-00574
Kenton B.
McKee III

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

In the matter of Consent Order File Number 2006-00589, Board v. Cornerstone Custom Builders, Inc., t/a Cornerstone Custom Builders, Inc., the board reviewed the Consent Order. **Cornerstone Custom Builders, 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—22-260.B.28 (four violations) \$200.00; and Count 2: 18 VAC 50-22-260.B.2 \$300.00. A total monetary penalty of \$1,100.00 is hereby imposed. In addition, for the violation of Count 1 Cornerstone Custom Builders, Inc agrees to pay the outstanding judgments and provide proof of satisfaction within sixty (60) days of entry of this Order. Also, Cornerstone Custom Builders, Inc. agrees to pay the outstanding monetary penalties owed for File No. 2004-03067 within sixty (60) days of entry of this Order. Cornerstone Custom Builders also agrees to pay \$300.00 in Board costs.**

File Number
2006-00589
Cornerstone
Custom
Builders,
Inc.

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

In the matter of Consent Order File Number 2006-00845, Board v. Randy D. Webb, t/a Webb's Windows, the board reviewed the Consent Order. **Randy D. Webb** 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 \$350.00; and Count 2: 18 VAC 50-22260.B.9 \$350.00. A total monetary penalty of \$700.00 is hereby imposed. In addition, for the**

File Number
2006-00845
Randy D.
Webb

violation of Counts 1 and 2, Randy D. Webb 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. Randy D. Webb also agrees to pay \$150.00 in Board costs.

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

In the matter of Consent Order File Number 2006-01099, Board v. Reggi R. Harris, t/a Real Innovations, the board reviewed the Consent Order. Randy D. Webb 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 50-22-230.B. \$0.00; Count 2: 18 VAC 50-22260.B.9 \$0.00; Count 3: 18 VAC 50-22-260.B.27 \$0.00; and Count 4: 18 VAC 50-22-260.B.31 \$0.00. A total monetary penalty of \$0.00 is hereby imposed. In addition, for the violation of Counts 1, 2, 3, and 4, Reggi R. Harris agrees to the revocation of her license (Number 2705-091467). Reggi R. Harris also agrees to pay \$150.00 in Board costs.

**File Number
2006-01099
Reggi R.
Harris**

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

In the matter of Consent Order File Number 2006-01316, Board v. Mark D. Crockett, t/a Crockett Builders, the board reviewed the Consent Order. Mark D. Crockett 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 \$200.00. A total monetary penalty of \$200.00 is hereby imposed. In addition, for the violation of Count 1, Mark D. Crockett agrees to successfully complete remedial education by attending the Board's Contractor Licensing class and passing the examination within six (6) months of the effective date of this Order. Mark D. Crockett also agrees to pay \$150.00 in Board costs.

**File Number
2006-01316
Mark D.
Crockett**

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

In the matter of Consent Order File Number 2006-01330, Board v.

File Number

Charlie F. Wells, t/a B & C Paving, the board reviewed the Consent Order. **Charlie F. Wells** 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 \$700.00; Count 2: 18 VAC 50-22260.B.9 \$800.00; and Count 3: 18 VAC 50-22-260.B.31 \$350.00. A total monetary penalty of \$1,850.00 is hereby imposed. In addition, for the violation of Counts 1, 2, and 3, Charlie F. Wells agrees to successfully complete remedial education by attending the Board's Contractor Licensing class and passing the examination within six (6) months of the effective date of this Order. Charlie F. Wells also agrees to pay \$150.00 in Board costs.**

**2006-01330
Charlie F.
Wells**

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

In the matter of Consent Order File Number 2006-01419, Board v. Wilmer A. Gutierrez, t/a Alex's Construction Col., the board reviewed the Consent Order. **Wilmer A. Gutierrez** 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.8 \$250.00. A total monetary penalty of \$250.00 is hereby imposed. In addition, for the violation of Count 1, Wilmer A. Gutierrez successfully complete remedial education by attending the Board's Contractor Licensing class and passing the examination within six (6) months of the effective date of this Order. Wilmer A. Gutierrez also agrees to pay \$150.00 in Board costs.**

File Number
**2006-01419
Wilmer A.
Gutierrez**

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

In the matter of Consent Order File Number 2006-01638, Board v. George E. Linkous, t/a L & K Specialities, the board reviewed the Consent Order. **George E. Linkous** 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 \$100.00; Count 2: 18 VAC 50-22260.B.27 \$250.00; and Count 3: 18 VAC 50-22-230.B \$100.00. A total monetary penalty of \$450.00 is hereby imposed. In addition, for the violation of Count 1, George E. Linkous agrees to provide a copy of his current contact within thirty (30) days of the effective date of this Order. In addition, for the violation of Count 3, George E. Linkous agrees to report his current mailing and/or physical address to the Board, in writing, within thirty (30) days of the**

File Number
**2006-01638
George E.
Linkous**

effective date of this Order. George E. Linkous also agrees to pay \$150.00 in Board costs.

Upon a motion by Kirby seconded by Wood the board ratified the consent order with a unanimous vote: Members voting "Yes" were: **Falwell, Hollar, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood. As to presiding Board Representative, Mr. Kinser was not present and did not vote.**

In the matter of Consent Order File Number 2006-01782, Board v. G & M Contracting, Inc., the board reviewed the Consent Order. G & M Contracting, 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 50-22-260.B.15 \$250.00. A total monetary penalty of \$250.00 is hereby imposed. In addition, for the violation of Count 1, G & M Contracting, Inc. agrees to have a member of Responsible Management successfully complete remedial education by attending the Board's Contractor Licensing class and passing the examination within six (6) months of the effective date of this Order. G & M Contracting, Inc. also agrees to pay \$150.00 in Board costs.

**File Number
2006-01782
G & M
Contracting,
Inc.**

Upon a motion by Kirby seconded by Wood the board ratified the consent order with a unanimous vote: Members voting "Yes" were: **Falwell, Hollar, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood. As to presiding Board Representative, Mr. Kinser was not present and did not vote.**

In the matter of Consent Order File Number 2006-01801, Board v. Wayne L. Evans, t/a Ricks & Evans Custom Homes, the board reviewed the Consent Order. Wayne L. Evans 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.18 \$600.00. A total monetary penalty of \$600.00 is hereby imposed. In addition, for the violation of Count 1, Wayne L. Evans agrees to successfully complete remedial education by attending the Board's Contractor Licensing class and passing the examination within six (6) months of the effective date of this Order. Wayne L. Evans also agrees to pay \$150.00 in Board costs.

**File Number
2006-01801
Wayne L.
Evans**

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

In the matter of Consent Order File Number 2006-02066, Board v.

File Number

Gerald L. Hatton, t/a Unlimited Decking, the board reviewed the Consent Order. **Randy D. Webb** 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; and Count 2: 18 VAC 50-22260.B.31 \$250.00. A total monetary penalty of \$750.00 is hereby imposed. In addition, for the violation of Counts 1, and 2, Gerald L. Hatton agrees to successfully complete remedial education by attending the Board's Contractor Licensing class and passing the examination within six (6) months of the effective date of this Order. Gerald L. Hatton also agrees to pay \$150.00 in Board costs.**

**2006-02066
Gerald L.
Hatton**

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

In the matter of Consent Order File Number 2006-02203, Board v. Gene W. Williams, t/a Indiantown Construction Company, the board reviewed the Consent Order. **Gene W. Williams** 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, 2 Gene W. Williams agrees to successfully complete remedial education by attending the Board's Contractor Licensing class and passing the examination within six (6) months of the effective date of this Order. Gene W. Williams also agrees to pay \$150.00 in Board costs.**

**File Number
2006-02203
Gene W.
Williams**

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

In the matter of Consent Order File Number 2006-02432, Board v. Samuel E. Hungate, Jr., t/a Sams Specialties Contractor, the board reviewed the Consent Order. **Randy D. Webb** 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. \$450.00; Count 2: 18 VAC 50-22-260.B.15 \$0.00; and Count 3: 18 VAC 50-22-260.B.27 \$500.00. A total monetary penalty of \$950.00 is hereby imposed. In addition, for the violation of Counts 1, 2, and 3, Samuel E. Hungate, Jr. agrees to successfully complete remedial education by attending the Board's Contractor Licensing class and passing the examination within six (6) months of the effective date of this Order. Samuel E. Hungate, Jr. also**

**File Number
2006-02432
Samuel E.
Hungate, Jr.**

agrees to pay \$150.00 in Board costs.

Upon a motion by Kirby seconded by Wood the board ratified the consent order with a unanimous vote: Members voting "Yes" were: **Falwell, Hollar, Kirby, Modisett, Rackas Pate, Redifer, Smith, and Wood. As to presiding Board Representative, Mr. Kinser was not present and did not vote.**

In the matter of Consent Order File Number 2006-02473, Board v. Kenneth A. Sheets, t/a J K A Contracting, the board reviewed the Consent Order. Kenneth A. Sheets 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 \$500.00; Count 2: 18 VAC 50-22-260.B.27 \$1,000.00; Count 3: 18 VAC 50-22-260.B.6 \$1,000.00; Count 4: 18 VAC 50-22-260.B.15 \$1,700.00; Count 5: 18 VAC 50-22-260.B.16 \$2,000.00; Count 6: 18 VAC 50-22-260.B.28 \$0.00; and Count 7: 18 VAC 50-22-260.B.13 \$1,000.00. A total monetary penalty of \$7,200.00 is hereby imposed. In addition, for the violation of Count 6, Kenneth A. Sheets agrees to suspension of his license (Number 2705-089485) until the judgment is satisfied and Kenneth A. Sheets Provides the Board with proof of the satisfaction. Kenneth A. Sheets also agrees to successfully complete remedial education by attending the Board's Contractor Licensing class and passing the examination within six (6) months of the effective date of this Order. Kenneth A. Sheets also agrees to pay \$150.00 in Board costs.

**File Number
2006-02473
Kenneth A.
Sheets**

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

In the matter of Consent Order File Number 2006-02870, Board v. Ernest Holmes, t/a Holmes Masonary Construction, the board reviewed the Consent Order. Ernest Holmes 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 \$600.00; and Count 2: 18 VAC 50-2-260.B.27 \$700.00. A total monetary penalty of \$1,300.00 is hereby imposed. In addition, for the violation of Counts 1, and 2, Ernest Holmes agrees to successfully complete remedial education by attending the Board's Contractor Licensing class and passing the examination within six (6) months of the effective date of this Order. Ernest Holmes also agrees to pay \$150.00 in Board costs.

**File Number
2006-02870
Ernest
Holmes**

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

In the matter of Consent Order File Number 2006-003075, Board v. Wayne Earl Lunde, the board reviewed the Consent Order. Wayne Earl Lunde 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 50-30-190.11. \$750.00. A total monetary penalty of \$750.00 is hereby imposed. Wayne Earl Lunde also agrees to pay \$150.00 in Board costs.

**File Number
2006-03075
Wayne Earl
Lunde**

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

After reviewing the public comment received on their proposed tradesman regulations (that included the establishment of the Certified Elevator Mechanic program and continuing education for licensees) the Board voted to adopt the package as final with the only change being the change of the effective date of the continuing education requirements to December 2007 from July 2007, as recommended by the Committee. Mr Redifer offered a motion to this effect and Mr. Falwell seconded it. **The motion passed unanimously. Members voting "yes" were: Falwell, Hollar, Modisett, Kinser, Kirby, Rackas Pate, Redifer, Smith and Wood.**

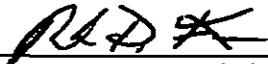
**Other Board
Business
Eric Olson**

Staff updated the board on the status of legislation that was passed implementing a pre-license education requirement for contractor license applications. With a 280 day enactment clause in the law, the board was briefed on the emergency regulation process, after which they directed staff to draft the proposed regulations for their review and approval at the May meeting. Mr Falwell offered a motion to empower staff to prepare the proposed regulations and Ms. Wood seconded the motion. The motion passed unanimously. Members voting "yes" were: Falwell, Hollar, Kinser, Kirby, Smith, Rackas Pate, Modisett, Redifer and Wood.

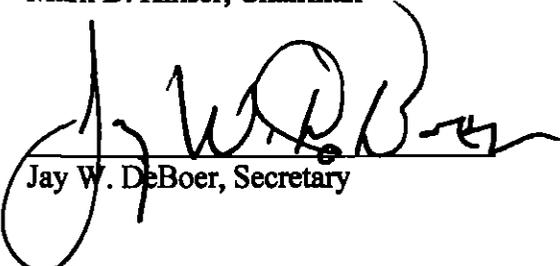
Kevin Hoelt

There being no further business to come before the board, the meeting was adjourned at 12:37 P.M. upon a motion by Mr. Kirby and seconded by Mr. Falwell. The vote was unanimous. Members voting yes were: Hollar, Kinser, Kirby, Falwell, Redifer, Rackas Pate, Smith, Wood and Modisett.

**Adjourn-
ment**



Mark D. Kinser, Chairman



Jay W. DeBoer, Secretary

Copy teste:

Custodian of the Record

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

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

Uphold INTEREST of CITIZENS.
" " " CONTRACTORS

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, PMPU, PHCC,
ARI

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

James A. Hollar
Signature

April 25, 2006
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

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

Pres. D.E. Kirby, Inc. Kirby & Kirby
Assoc

6. I declare that:

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

BUILDERS & CONTRACTORS EXCH., ALC OF VA,
PMP OF VA.

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

Robert Kirby
Signature

April 25, 2006
Date

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

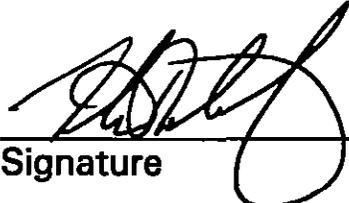
- 1. Name: Michael Redifer
- 2. Title: Member - Board for Contractors
- 3. Agency: Department of Professional & Occupational Regulation
- 4. Transaction: BOARD FOR CONTRACTORS MEETING
- 5. Nature of Personal Interest Affected by Transaction:

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:

UBLOA UPMA ILL IAEI NFPA

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



Signature

April 25, 2006
Date

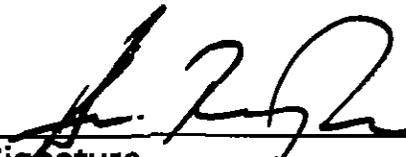
**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1. Name: Ann Rackas Pate
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: BOARD FOR CONTRACTORS 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

April 25, 2006
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Jeffrey Modisett
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: BOARD FOR CONTRACTORS 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:

Conquest, Mancini & Dunn, Inc

AGC of Va.

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

Jeffrey A. Modisett
Signature

April 25, 2006
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Mark Kinser
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: BOARD FOR CONTRACTORS 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

April 25, 2006
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Dorothy Wood
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: BOARD FOR CONTRACTORS 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

April 25, 2006
Date

STATE AND LOCAL GOVERNMENT

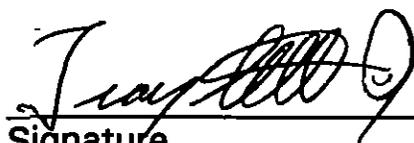
CONFLICT OF INTEREST ACT

- 1. Name: Troy Smith, Jr.
- 2. Title: Member - Board for Contractors
- 3. Agency: Department of Professional & Occupational Regulation
- 4. Transaction: BOARD FOR CONTRACTORS 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

April 25, 2006
Date