

**BOARD FOR CONTRACTORS COMMITTEE  
MEETING MINUTES**

The Board for Contractors Committee (The Committee) met on Tuesday November 28, 2006, at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The following Committee members were present:

Robert M. Kirby, Chairman  
Michael D. Redifer, Vice Chairman  
Mark Cronin  
Jeffrey Modisett  
Anthony Orange  
Ann Rackas Pate

The following DPOR staff attended the meeting:

Jay DeBoer, Director  
Karen O'Neal, Deputy Director  
Eric L. Olson, Executive Director  
Kevin Hoeft, Regulatory Boards Administrator  
Karen Kenney, Administrative Assistant  
Jennifer Kazzie, Compliance and Investigations Division

Chairman Robert Kirby called the meeting to order at 1:00 p.m.

**Call To Order**

The Meeting Agenda was approved unanimously. Motion made by Mr. Orange and seconded by Mr. Modisett.

**Approval of  
Agenda**

The Minutes from the August 22, 2006, Committee meeting were adopted as drafted by unanimous vote. Motion made by Mr. Redifer, seconded by Ms. Rackas Pate.

**Minutes  
Adopted**

There was no Public Comment.

**Public Comment**

Six education providers appeared before or submitted written requests to the Committee.

**Education Provider  
Applicants**

President Robert Gregory of Contractors Institute, Inc. requested that the Committee and Board approve his firm's revised lesson plans and resource materials to its Board-approved eight-hour Prelicense and Remedial Education course. These revisions are based on the use of a new class textbook, *Virginia Contractor Business Class Manual*. Contractors Institute, Inc. currently uses *Contractor Business Reference Manual* and *Virginia Contractor's Law* as class textbooks. However, they have encountered numerous book availability issues with the publisher of these textbooks.

**Contractors Institute,  
Inc.**

After discussion, and a motion by Mr. Redifer, seconded by Mr. Orange, the Committee unanimously recommended that the Board approve Contractors Institute Inc.'s course revisions.

Regional Business and Industry Coordinator Mindy Fast of the Virginia Community College System (VCCS) requested that the Committee and Board approve the VCCS's revised lesson plans and resource materials to its Board-approved eight-hour Prelicense and Remedial Education course. These revisions are based on the use of a new course textbook, *Virginia Contractor Business Class Manual*. VCCS currently uses *Contractor Business Reference Manual* and *Virginia Contractor's Law* as course textbooks. However, several schools have encountered numerous book availability issues with the publisher of these textbooks.

**Virginia Community  
College System**

After discussion, and a motion by Mr. Orange, seconded by Mr. Modisett, the Committee unanimously recommended that the Board approve VCCS's course revisions.

Richard Payne and Ray Ulmer of American Contractors Exam Services (ACES) requested Committee and Board approval of its eight-hour Prelicense Education course. Executive Director Eric Olson provided ACES with provisional approval for this class on September 6, 2006. ACES has amended its

**American  
Contractors Exam  
Services**

provisionally-approved class to include the booklet, *Virginia: Key Elements for Successful Contractors* and a complementary Power Point presentation.

After discussion, and a motion by Mr. Orange, seconded by Mr. Redifer, the Committee unanimously recommended that the Board approve ACES' eight-hour Prelicense Education course as presented.

Lester Stadig with the Adult and Community Education Division of Fairfax County Public Schools (FFPS) requested Committee and Board approval of its eight-hour Prelicense and Remedial Education course. Executive Director Eric Olson provided FFPS with provisional approval for this class on September 6, 2006. FFPS's course syllabus is based on using *Contractor Business Reference Manual* and *Virginia Contractor's Law* as course textbooks.

**Fairfax County  
Public Schools**

After discussion, and a motion by Mr. Redifer, seconded by Mr. Modisett, the Committee unanimously recommended that the Board approve FFPS's eight-hour Prelicense Education course as presented.

President Joseph Lee of Master Institute requested Committee and Board approval of his firm's eight-hour Prelicense Education course. Master Institute submitted its proposed course to the Board office on September 11, 2006. After initial review, Executive Director Eric Olson was unable to provide this course with provisional approval based on concerns that Master Institute may have attempted to cover too much material in an eight-hour class and that the syllabus did not provide information on the amount of class time spent on each subject.

**Master Institute**

In response to these concerns, President Joseph Lee made and submitted changes to Master Institute's syllabus, which is based on the Virginia edition of the *Business and Project Management for Contractors* published by the National Association of State Contractors Licensing Agencies (NASCLA).

After discussion, and a motion by Mr. Orange, seconded by Mr. Cronin, the Committee unanimously recommended that the Board approve Master Institute's eight-hour Prelicense Education course as presented.

Joseph Mangrum of Virginia Sprinkler Company, Inc. requested Committee and Board approval of his firm to provide formal vocational training that includes instruction in the incidental installation of backflow prevention devices for Highway/Heavy (H/H), Fire Sprinkler (SPR) and Landscape Irrigation (ISC) contractors.

**Virginia Sprinkler  
Company, Inc.**

Virginia Sprinkler Company, Inc. was approved by the Board to provide 40 hours of formal vocational training for Backflow Prevention Device Worker Certification on August 8, 2001.

After discussion, and a motion by Mr. Redifer, seconded by Mr. Orange, the

Committee unanimously recommended that the Board approve Virginia Sprinkler Company, Inc.'s request to provide formal vocational training that includes instruction in the incidental installation of backflow prevention devices for Highway/Heavy (H/H), Fire Sprinkler (SPR) and Landscape Irrigation (ISC) contractors.

After discussion, and a motion by Mr. Redifer, seconded by Ms. Rackas Pate, the Committee unanimously recommended that the Board authorize Board staff to approve non-substantial changes to Contractor Prelicense education courses that have received previous Board approval.

**Board Staff to Approve Non-substantial Changes to Approved Education Courses**

At its June 27, 2006, meeting the Board requested that the Committee review the statutes, regulations, and policies governing the "Financial Position" requirements for Class A and Class B Contractors and recommend any necessary changes.

**Class A & B Contractor Financial Position Requirement Discussion**

At its August 22, 2006, meeting, the Committee noted that the current Financial Position requirements of \$45,000 in net worth or equity for a Class A Contractor and \$15,000 in net worth or equity for a Class B Contractor have not been raised for over ten years. The Committee also noted that the monetary ceiling for a Class B Contractor was raised from \$70,000 per job and \$500,000 per year to \$120,000 per job and \$750,000 per year in July 2005.

On August 22, 2006, after discussion, and a motion by Ms. Rackas Pate, seconded by Mr. Redifer, the Committee unanimously recommended that the Board amend its regulations to raise the net worth or equity requirement to \$75,000 for a Class A Contractor and to \$25,000 for a Class B Contractor. The Board approved this proposal at its September 26, 2006, meeting.

On August 22, 2006, the Committee requested that Board Member Wyatt Walton check with several CPA firms to determine the average cost for a Class A or Class B Contractor Business License Applicant to obtain a CPA Review and the cost for a less stringent type of review of an applicant's financial position. Mr. Walton provided Board Administrator Kevin Hoeft with this information, which was reviewed by the Committee.

On August 22, 2006, the Committee also requested that Board staff contact several surrounding states to determine their financial position requirements for contractors and report this information to the Committee at its November 28, 2006, meeting. Board Administrator Kevin Hoeft informed the Committee of the Financial Position Requirements for licensed contractors in North Carolina, South Carolina and Tennessee.

After discussion, and a motion by Mr. Redifer, seconded by Ms. Rackas Pate, the Committee unanimously recommended that the Board amend its regulations

to raise the net worth or equity requirement to \$100,000 for a Class A Contractor and to \$50,000 for a Class B Contractor.

At the August 22, 2006, Committee meeting, Mr. Redifer noted that Highway/Heavy (H/H) contractors are authorized to “install water, gas, and sewer connections to residential, commercial, and industrial sites, subject to local ordinances.” He pointed out that some H/H contractors install water and sewer lines on private property. Other H/H contractors install backflow prevention devices. Both of these actions appear to go beyond what the Board’s regulations authorize for H/H contractors. The Committee agreed to table this item until its November 28, 2006, meeting at which time the matter would be discussed further.

After discussion, the Committee agreed to table this item until the February 27, 2007, meeting and requested that Mr. Redifer work with Board staff to draft proposed language that may resolve this regulatory issue.

Kevin Hoeft updated the Committee regarding possible reciprocal examination/licensing agreements concerning the Kentucky Journey and Master Tradesman Plumbing Licenses, the Washington state Journeyman Electrical and Plumbing Licenses and the Oregon Journeyman Plumber and Journeyman and Supervisor (Master) Electrical Tradesman Licenses.

Kentucky plumbers are licensed according to the Kentucky Plumbing Code, which is unique to Kentucky, and which may create an obstacle to reciprocity. The Committee requested further information concerning Kentucky’s unique plumbing code.

Board staff will send Washington and Oregon the Board’s entry Requirements for the above-mentioned tradesman licenses so that these states can determine whether their entry requirements are substantially equivalent to Virginia’s.

Board Staff received a recent letter from Arthur Dockery, Jr. of Virginia Beach who received a Certificate of Completion of a one-year program in Air Conditioning, Heating and Refrigeration from Tidewater Community College in 2001. This particular certificate program consisted of 41 college credits through 14 classes, roughly estimated at 630 classroom hours of HVAC formal vocational training. Mr. Dockery requested that the Board establish a new path to licensure as a journeyman tradesman that would consist of three years of practical experience in the trade and a one-year certificate of completion in a tradesman-related formal vocational training program.

After discussion, the Committee requested that Board staff write a letter to the VCCS Workforce Development Division encouraging all Community Colleges to make the Board’s Journeyman Tradesman License Entry Requirements readily available for students who are or may become enrolled in trade-related courses.

**Definitions of Highway/Heavy and Plumbing Contractors**

**Reciprocity Update**

**Journeyman Tradesman Experience and Education Requirements & Virginia Community College Tradesman-related Academic Programs**

There was no old business.

Old Business

Chairman Kirby brought up the following new business items:

New Business

First, can a licensed Contractor Business that changes its business entity keep its same license number? This action appears to conflict with the statutory and regulatory provisions concerning the licensing of contractor business entities. It was noted that a licensed contractor business that simply changes its license class may be able to keep the same license number. The Committee directed Board staff to look further into these questions and report back to the Committee on February 27, 2007.

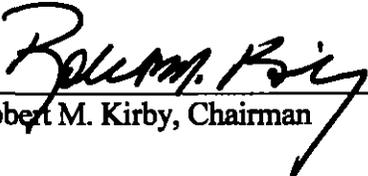
Second, what is the official "Address of Record" for a contractor? A Contractor's "Address of Record" is the last or current mailing address that the contractor provided to the Board. Board and Department correspondence is mailed to the licensed contractor at this "Address of Record." If it is discovered, in the course of an investigation, for example, that the contractor has a mailing address other than the Address of Record provided to the Board, then Board or Department correspondence should also be mailed to that other second address. After discussion, and on a motion by Ms. Rackas Pate, seconded by Mr. Redifer, the Committee recommended unanimously that the Board or Department mail correspondence only to the contractor's Address of Record and, if necessary, to a second other discovered address.

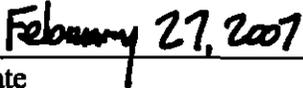
Third, is it possible to issue a limited tradesman license to, for example, an incarcerated person? No. It appears that this would require a statutory change. Board staff will look further into this matter and report back to the Committee on February 27, 2007.

Fourth, after discussion, and on a motion by Mr. Redifer, seconded by Mr. Orange, the Committee recommended unanimously that the Board add as a minimum requirement to 18 VAC 50-22-260.B.9 information regarding access to the Virginia Contractor Recovery Fund.

Chairman Kirby entertained a motion to adjourn from Ms. Rackas Pate, seconded by Mr. Redifer and approved unanimously by the Committee. The meeting adjourned at 4:00 p.m.

Adjourn

  
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Robert M. Kirby, Chairman

  
\_\_\_\_\_  
Date

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

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

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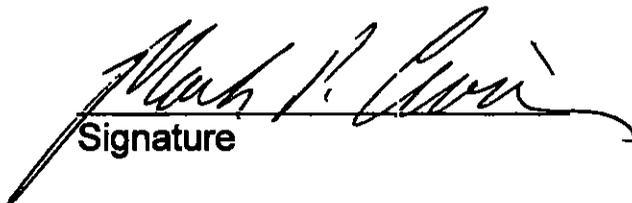
6. I declare that:

- (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

November 28, 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 COMMITTEE MEETING
- 5. Nature of Personal Interest Affected by Transaction:

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

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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:

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

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

  
\_\_\_\_\_  
Signature

November 28, 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 COMMITTEE MEETING**
5. Nature of Personal Interest Affected by Transaction:

None

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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. ; Associated  
General Contractors of Va.

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

Jeffrey A. Modisett  
Signature

November 28, 2006  
Date

**STATE AND LOCAL GOVERNMENT**

**CONFLICT OF INTEREST ACT**

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

N/A

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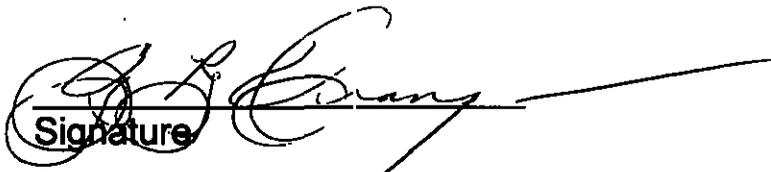
6. I declare that:

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

I.B.E.W. Local 6666

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

  
Signature

November 28, 2006  
Date

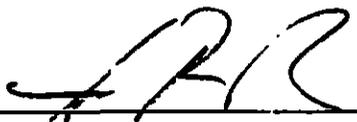
**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTEREST ACT**

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

November 28, 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 COMMITTEE MEETING
5. Nature of Personal Interest Affected by Transaction:

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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:

VBGA UPMA ICC IAET NFPA

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

Signature



November 28, 2006  
Date