

**Minutes of Meeting
BOARD FOR CONTRACTORS
INFORMAL FACT-FINDING CONFERENCES
April 22, 2008 (9:00 a.m.)**

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

Robert Kirby, Board member, presided. No other Board members were present.

Dean Weston Ricks and Joseph Haughwout, Jr. appeared for the Department of Professional and Occupational Regulation.

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

Disc = Disciplinary Case

Lic = Licensing Application

RF = Recovery Fund Claim

Trades = Tradesmen Disciplinary Case/Application

C = Complainant/Claimant

A = Applicant

R = Respondent/Regulant

W = Witness

Atty = Attorney

Participants

- | | |
|---|--|
| 1. Angelo Carreras
t/a Carreras Contracting
File Number 2008-00239 (Disc)
(NO DECISION MADE) | None |
| 2. The Hanson Company LLC
File Number 2007-04646 (Disc) | Kelvin Hanson – R
Michael Hopkins – W |
| 3. Bahia Designs, Inc.
File Number 2008-00770 (Disc.)
(NO DECISION MADE) | None |
| 4. Gregory L. Conaway
File Number 2007-02654 (Trades)
(NO DECISION MADE) | None |
| 5. Eric M. Wiseman
t/a Wiseman's Home Improvements
File Number 2008-03326 (Disc.)
(NO DECISION MADE) | None |

- | | |
|--|------|
| 6. Arturo Soriano
t/a Metric Handyman
File Number 2008-03385 (Disc.)
(NO DECISION MADE) | None |
| 7. Transcontinentel Granite, Inc.
t/a The Countertop Co.
File Number 2008-03417 (Disc.) | None |
| 8. The Spa & Pool Center
File Number 2008-03457 (Disc.) | None |
| 9. Henko Remodeling, Inc.
File Number 2008-03512 (Disc.) | None |
| 10. Lou's Home Repair Inc.
File Number 2008-03557 (Disc.)
(NO DECISION MADE) | None |
| 11. Ali Abbas Morsi
t/a The Boss General Contractor
File Number 2008-03567 (Disc.)
(NO DECISION MADE) | None |
| 12. Hyde Construction Corp
t/a AAA Builders
File Number 2008-03606 (Disc.)
(NO DECISION MADE) | None |

The meeting adjourned at 1:45 p.m.

BOARD FOR CONTRACTORS

Mark D. Kinser, Chairman

Jay DeBoer, Secretary

COPY TESTE:

Custodian of Records

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

Re: The Hanson Company LLC
Richmond, VA 23220

File Number 2007-04646
License Number 2705062892

CONSENT ORDER

Respondent The Hanson Company LLC ("The Hanson Company LLC") recognizes and acknowledges being subject to and bound by the Regulations of the Board for Contractors ("Board"), as well as by all other applicable Virginia laws.

Board's Regulations provides:

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

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

Historical Notes:

Derived from VR220-01-2:1 §5.1, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

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

On March 14, 2008, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to The Hanson Company LLC to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed for and received.

On April 22, 2008, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Kelvin G. Hanson (“Hanson”), on behalf of The Hanson Company LLC, Respondent; Michael Hopkins (“Hopkins”), Witness; Dean Weston Ricks and Joseph Haughwout, Jr., Staff Members; and Robert Kirby, Presiding Board Member.

During the IFF, Hanson stated that once he learned Derick Williams (“Williams”) had been disciplined by the Board, he terminated Williams and submitted an application to make Hopkins the firm’s Designated Employee. According to the record, Hopkins has not met all of the Board’s requirements to be added to The Hanson Company LLC’s license as Designated Employee.

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

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

By signing this Consent Order, The Hanson Company LLC acknowledges an understanding of the charges and hereby admits to a substantial identity of interest as outlined in Count 1 of the Report of Findings. The Hanson Company LLC consents to the following term(s):

	Count 1	§ 54.1-1110 of the Code of Virginia	\$0.00

	SUB-TOTAL (MONETARY PENALTIES)		\$0.00
	BOARD COSTS		\$0.00
	TOTAL		\$0.00

The Hanson Company LLC agrees to report a change in the Designated Employee within ninety (90) days of the effective date of this order.

Any monetary penalties, costs, and/or sanctions are to be paid/performed within ninety days of the effective date of this consent order unless otherwise specifically noted above. The Hanson Company LLC acknowledges any monetary penalty and costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, The Hanson Company LLC will be responsible for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

The Hanson Company LLC acknowledges that failure to pay any monetary penalty or cost and/or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of The Hanson Company LLC’s license until such time as there is compliance with

all terms of this Order. The Hanson Company LLC understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

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

SEEN AND AGREED TO:

The undersigned represents and affirms that he/she has the authority to legally bind The Hanson Company LLC, to this Consent Order. The individual, by his/her signature below, acknowledges he/she read the Consent Order, understands it, and agrees that The Hanson Company LLC, shall be bound by its terms and conditions.

Signature Date

Printed Name and Title

WITNESSED BY:

The individual named above signed this document in my presence.

Witness Signature Date

Printed Name and Title

SO ORDERED:

Entered this _____ day of _____, 2008.

Board for Contractors

BY: _____
Jay W. DeBoer, Secretary

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VIRGINIA DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL REGULATION
COMPLIANCE & INVESTIGATIONS DIVISION
9960 MAYLAND DRIVE, SUITE 400
RICHMOND, VA 23233

REPORT OF FINDINGS

BOARD: Board for Contractors
DATE: June 29, 2007 (revised August 8, 2007 and March 10, 2008)

FILE NUMBER: 2007-04646
RESPONDENT: The Hanson Company LLC
LICENSE NUMBER: 2705062892
EXPIRATION: May 31, 2009

SUBMITTED BY: Stacy C. Payne, Investigator
APPROVED BY: Sheon J. Rose, Investigations Supervisor

COMMENTS:

The Hanson Company LLC ("Hanson Company") was at all times material to this matter a licensed Class A contractor in Virginia (No. 2705062892).

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

BACKGROUND:

On May 10, 2007, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received written information from Kevin Hoefl ("Hoefl"), Regulatory Board Administrator for the Board for Contractors, regarding Hanson Company. (Exh. C-1)

1. Code of Virginia

§ 54.1-1110. Grounds for denial or revocation of license or certificate.

The Board may suspend, revoke, or deny renewal of an existing license or certificate, or refuse to issue a license or certificate, to any contractor who is shown to have a substantial identity of interest with a contractor whose license or certificate has been revoked or not renewed by the Board. A substantial identity of interest includes but is not limited to (i) a controlling financial interest by the individual or corporate principals of the contractor whose license or certificate has been revoked or nonrenewed, (ii) substantially identical principals or officers, or (iii) the same designated employee as the contractor whose license or certificate has been revoked or not renewed by the Board.

FACTS:

On March 27, 2000, Derick O. Williams, t/a Sierra Builders, was issued Class A contractor's license number 2705055152 as a sole proprietor. Derick Williams ("Williams"), individual tracking number 2706102731, was the Qualified Individual, Designated Employee and Responsible Management for license number 2705055152. (Exh. C-1)

On May 3, 2001, Hanson Company was issued Class A contractor's license number 2705062892 as a limited liability company. Williams is listed as the Qualified Individual and Designated Employee for license number 2705062892. (Exh. C-1)

On May 4, 2007, according to the Final Opinion and Order for File Number 2006-04596, the Board for Contractors permanently revoked Derick O. Williams, t/a Sierra Builders, Class A contractor's license number 2705055152 for violations of the Board's regulations. (Exh. C-1)

On June 6, 2007, Kelvin G. Hanson ("K. Hanson") provided a written response to the complaint filed by the Board against Hanson Company. K. Hanson signed the written response as the President of Hanson Company. K. Hanson stated that Williams has been the Designated Employee, but is not involved with the management of company. K. Hanson stated that he is willing to replace Williams as the Designated Employee. (Exh. R-1)

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

Re: Transcontinental Granite Inc., t/a Countertop Company

File Number: 2008-03417
License Number: 2705056571

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On March 10, 2008, the Notice of Informal Fact-Finding Conference (“Notice”) was mailed, via certified mail, to Transcontinental Granite (“Transcontinental”), t/a Countertop Company, to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed for and received.

On April 22, 2008, an Informal Fact-Finding Conference (“IFF”) was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Dean Weston Ricks and Joseph Haughwout, Jr., Staff Members; and Robert Kirby, Presiding Board Member. Neither Transcontinental, Respondent, nor anyone on its behalf appeared at the IFF.

RECOMMENDATION

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

Count 1: Board Regulation

On December 17, 2007, Investigator Sheon Rose (“Rose”), the Board’s agent, sent a written request along with a copy of the complaint, via regular mail, to Transcontinental address of record. Rose requested a written response and supporting documents to the complaint be received by December 7, 2007.

On January 28, 2008, Carol A. Mitchell, the Board’s agent, called (703) 918-0373 and left a message for Thomas Passarelli (“Passarelli”), President of Transcontinental to contact her concerning the complaint. As of March 5, 2008, Passarelli has not returned her call.

On February 6, 2008, the McLean – Postmaster certified that Transcontinental was still receiving mail at the address of record.

As of March 5, 2008, Transcontinental has failed to respond an investigator seeking information in the investigation of a complaint filed with the board.

Transcontinental's failure to respond to the investigator is a violation of Board Regulation 18 VAC 50-22-260.B.13.

Transcontinental's failure to respond to the investigator is a serious violation of the Board's regulations. The direct effect of Transcontinental's actions is the inability of the Board to fully investigate this matter. The Board's ability to discharge its statutory duty to protect the public welfare hinges upon its ability to adequately investigate complaints. Additionally, with the privilege of being granted a license by the Board comes the regulatory obligation to cooperate in administrative investigations and provide records when requested. By failing to respond to the investigator, Transcontinental has intentionally exempted itself from the regulation, and unnecessarily hindered the Board's ability to collect relevant information. Further, the Board must be concerned that Transcontinental will continue to ignore regulatory obligations in the future and therefore presents a danger to the public welfare.

If Transcontinental is willing to disregard its obligations to the Board, it is just as likely, if not more likely, to disregard its obligations to the public. Therefore, I recommend license revocation be imposed.

Count 2: Board Regulation

In December 2007, the Fairfax County General District Court awarded Robert Half International Inc. a \$5,324.00 judgment against Transcontinental. As of March 5, 2008, Transcontinental failed to satisfy the judgment.

Transcontinental's failure to satisfy the judgment is a violation of Board Regulation 18 VAC 50-22-260.B.28. Therefore, I recommend license revocation be imposed.

Count 3: Board Regulation

In November 2007, the Fairfax County General District Court awarded Charles Wortman a \$548.81 judgment against Transcontinental. As of March 5, 2008, Transcontinental failed to satisfy the judgment.

Transcontinental's failure to satisfy the judgment is a violation of Board Regulation 18 VAC 50-22-260.B.28. Therefore, I recommend license revocation be imposed.

By: _____

Robert Kirby
Presiding Board Member

Board for Contractors

Date: _____

MONETARY PENALTY TERMS

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN NINETY (90) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN NINETY (90) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF THE LICENSE, CERTIFICATE, OR REGISTRATION UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

VIRGINIA DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL REGULATION
COMPLIANCE & INVESTIGATIONS DIVISION
9960 MAYLAND DRIVE, SUITE 400
RICHMOND, VA 23233-1463

REPORT OF FINDINGS

BOARD: Board for Contractors
DATE: March 5, 2008

FILE NUMBER: 2008-03417
RESPONDENT: Transcontinental Granite Inc. t/a The Countertop Co
LICENSE NUMBER: 2705056571
EXPIRATION: June 30, 2008

SUBMITTED BY: David C. Dorner

COMMENTS:

Companion file 2007-05003

Transcontinental Granite Inc. t/a The Countertop Co ("Transcontinental") was at all times material to this matter a licensed contractor in Virginia (No. 2705056571).

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

BACKGROUND:

On June 7, 2006, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint regarding Transcontinental. (Exh. I-1)

1. Board Regulation

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

B. The following are prohibited acts:

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

Historical Notes:

Derived from VR220-01-2:1 §5.7, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

Print Date: February 1, 2006

FACTS:

On December 17, 2007, Investigator Sheon Rose ("Rose"), the Board's agent, sent a written request along with a copy of the complaint, via regular mail, to Transcontinental address of record. Rose requested a written response and supporting documents to the complaint be received by December 7, 2007. (Exh. I-1 and I-2)

On January 28, 2008, Carol A. Mitchell, the Board's agent, called (703) 918-0373 and left a message for Thomas Passarelli ("Passarelli"), President of Transcontinental to contact her concerning the complaint. As of March 5, 2008 Passarelli has not returned her call.

On February 6, 2008, the McLean – Postmaster certified that Transcontinental was still receiving mail at the address of record. (Exh. I-4)

As of March 5, 2008, Transcontinental has failed to respond an investigator seeking information in the investigation of a complaint filed with the board. (Exh. I-3)

2. Board Regulation

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

B. The following are prohibited acts:

28. Failure to satisfy any judgments.

Historical Notes:

Derived from VR220-01-2:1 §5.7, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

Print Date: February 1, 2006

FACTS:

On December 3, 2007, in the Fairfax County General District Court Robert Half, Robert Half International Inc. was awarded a \$5,324.00 judgment against Transcontinental. As of March 5, 2008, Transcontinental failed to satisfy the judgment. (Exh. I-5)

3. Board Regulation

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

B. The following are prohibited acts:

28. Failure to satisfy any judgments.

Historical Notes:

Derived from VR220-01-2:1 §5.7, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

Print Date: February 1, 2006

FACTS:

On November 1, 2007, in the Fairfax County General District Court, Charles Wortman was awarded a \$548.81 judgment against Transcontinental. As of March 5, 2008, Transcontinental failed to satisfy the judgment. (Exh. I-6)

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

Re: The Spa & Pool Center

File Number: 2008-03457
License Number: 2705091167

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On March 21, 2008, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to The Spa & Pool Center ("Spa & Pool") to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed for and received.

On April 22, 2008, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Dean Weston Ricks and Joseph Haughwout, Jr., Staff Members; and Robert Kirby, Presiding Board Member. Neither Spa & Pool, Respondent, nor anyone on its behalf appeared at the IFF.

RECOMMENDATION

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

On April 28, 2005, Spa & Pool was issued Class B contractor's license number 2705091167 as a corporation. Savidge, individual tracking number 2706145553, is the Responsible Manager, Designated Employee, and Qualified Individual for license number 2705091167.

Count 1: Board Regulation

In June 2006, WR Savidge Construction LLC entered into a written contract, in the amount of \$11,900.00 to install an in-ground swimming pool at 250 Falling Rock Drive, Stuarts Draft, VA 24477. Savidge signed the contract on behalf of WR Savidge Construction LLC. The contract indicated the license number 2705091167

On January 30, 2008, the licensing records for the Board for Contractors revealed no change of the business name or trading name for license number 2705091167.

Spa & Pool's failure to operate under the name in which the license was issued, or to report a change of name within 30 days, is a violation of Board Regulation 18 VAC 50-22-230.A. Therefore, I recommend a monetary penalty of \$500.00 be imposed.

Count 2: Board Regulation

On February 1, 2008, Investigator Randy A. Brooks ("Investigator Brooks"), the Board's agent, sent a written request, via certified mail, to Spa & Pool at the address of record of 137 Emerald Hills Drive, Fishersville, VA 22939, requesting a written response and supporting documents to the complaint filed with the Board. Investigator Brooks requested the response be received by February 14, 2008.

Between February 1 and February 14, 2008, W. Savidge signed for and received the certified mailing.

On February 15, 2008, Investigator Brooks spoke to Savidge by telephone. Savidge told Investigator Brooks he had forgotten to respond and requested additional time. Savidge agreed to provide a written response by February 19, 2008.

As of February 22, 2008, Spa & Pool failed to respond to the investigator seeking information in the investigation of a complaint filed with the Board.

Spa & Pool's failure to respond to the investigator is a violation of Board Regulation 18 VAC 50-22-260.B.13.

Spa & Pool's failure to respond to the investigator is a serious violation of the Board's regulations. The direct effect of Spa & Pool's actions is the inability of the Board to fully investigate this matter. The Board's ability to discharge its statutory duty to protect the public welfare hinges upon its ability to adequately investigate complaints. Additionally, with the privilege of being granted a license by the Board comes the regulatory obligation to cooperate in administrative investigations and provide records when requested. By failing to respond to the investigator, Spa & Pool has intentionally exempted itself from the regulation, and unnecessarily hindered the Board's ability to collect relevant information. Further, the Board must be concerned that Spa & Pool will continue to ignore regulatory obligations in the future and therefore presents a danger to the public welfare.

If Spa & Pool is willing to disregard its obligations to the Board, it is just as likely, if not more likely, to disregard its obligations to the public. Therefore, I recommend license revocation be imposed.

By: _____

Robert Kirby
Presiding Board Member

Board for Contractors

Date: _____

MONETARY PENALTY TERMS

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN NINETY (90) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN NINETY (90) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF THE LICENSE, CERTIFICATE, OR REGISTRATION UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

VIRGINIA DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL REGULATION
COMPLIANCE & INVESTIGATIONS DIVISION
9960 MAYLAND DRIVE, SUITE 400
RICHMOND, VA 23233-1463

REPORT OF FINDINGS

BOARD: Board for Contractors
DATE: March 11, 2008 (Revised March 19, 2008)

FILE NUMBER: 2008-03457
RESPONDENT: The Spa & Pool Center
LICENSE NUMBER: 2705091167
EXPIRATION: April 30, 2007

SUBMITTED BY: Investigator Randy A. Brooks
APPROVED BY: Field Supervisor Amy Chappell

COMMENTS:

License suspended on June 29, 2007.

The Spa & Pool Center ("Spa & Pool") was at all times material to this matter a licensed Class B contractor in Virginia (No. 2705091167).

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

BACKGROUND:

On March 11, 2008, File Number 2007-05183 was closed by the Compliance & Investigations Division of the Department of Professional and Occupational Regulation. During a review of the documents in File Number 2007-05183, it was discovered that Spa & Pool may have violated the Board's regulations.

On June 25, 2007, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Richard Lasher and Andrew Briggs ("Lasher and Briggs") regarding Spa & Pool. (Exh. C-1)

On June 12, 2006, WR Savidge Construction LLC entered into a written contract, in the amount of \$11,900.00, with Lasher and Briggs to install an in-ground swimming pool at

250 Falling Rock Drive, Stuarts Draft, VA 24477. The contract was signed by W. Savidge on behalf of WR Savidge Construction LLC. The contract also indicated license number 2705091167. (Exh. C-1 and Exh. C-2)

On April 28, 2005, Spa & Pool was issued Class B contractor's license number 2705091167. W. Savidge, individual tracking number 2706145553, is the Responsible Manager, Designated Employee, and Qualified Individual for license number 2705091167. (Exh. I-1)

1. Board Regulation

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

- A. A licensee must operate under the name in which the license is issued. Any name change shall be reported in writing to the board within 30 days of the change. The board shall not be responsible for the licensee's failure to receive notices or correspondence due to the licensee's not having reported a change of name.

Historical Notes:

Derived from VR220-01-2:1 §5.4, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

Print Date: February 1, 2006

FACTS:

On April 28, 2005, Spa & Pool was issued Class B contractor's license number 2705091167 as a corporation. (Exh. I-1)

The contract used by Spa & Pool reflected the trading name WR Savidge Construction LLC. (Exh. C-2)

On January 30, 2008, the licensing records for the Board for Contractors revealed no change of the business name or trading name for license number 2705091167. (Exh. I-1)

2. Board Regulation

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

- B. The following are prohibited acts:

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

Historical Notes:

Derived from VR220-01-2:1 §5.7, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

Print Date: February 1, 2006

FACTS:

On February 1, 2008, Investigator Randy A. Brooks ("Investigator Brooks"), the Board's agent, sent a written request, via certified mail, to Spa & Pool at the address of record of 137 Emerald Hills Drive, Fishersville, VA 22939, requesting a written response and supporting documents to the complaint filed with the Board. Investigator Brooks requested the response be received by February 14, 2008. (Exh. I-2)

Between February 1 and February 14, 2008, W. Savidge signed for and received the certified mailing. (Exh. I-2)

On February 15, 2008, Investigator Brooks spoke to William Savidge ("Savidge") by telephone. Savidge told Investigator Brooks he had forgotten to respond and requested additional time. Savidge agreed to provide a written response by February 19, 2008. (Exh. I-3)

As of February 22, 2008, Spa & Pool failed to respond to the investigator seeking information in the investigation of a complaint filed with the Board.

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

Re: Henko Remodeling, Inc.

File Number: 2008-03512
License Number: 2705090507

SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE

On March 18, 2008 the Notice of Informal Fact-Finding Conference (“Notice”) was mailed, via certified mail, to Henko Remodeling, Inc. (“Henko”) to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed for and received.

On April 22, 2008, an Informal Fact-Finding Conference (“IFF”) was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Dean Weston Ricks and Joseph Haughwout, Jr., Staff Members; and Robert Kirby, Presiding Board Member. Neither Henko, Respondent, nor anyone on its behalf appeared at the IFF.

RECOMMENDATION

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

Count 1: Board Regulation

On December 17, 2007, Investigator Sheon Rose (“Rose”), the Board’s agent, sent a written request along with a copy of the complaint, via regular mail, to Henko’s address of record. Rose requested a written response and supporting documents to the complaint be received by December 5, 2007.

On January 30 and February 1, 2008, Carol Mitchell (“Mitchell”), the Board’s agent, attempted to reach Henko by telephone at 804-615-4255; however, the telephone system would not permit messages to be left.

On February 7, 2008, the Chesterfield – Postmaster certified that Henko was still receiving mail at the address of record.

As of March 13, 2008, Henko has failed to respond to the complaint.

Henko's failure to respond to the investigator is a violation of Board Regulation 18 VAC 50-22-260.B.13.

Henko's failure to respond to the investigator is a serious violation of the Board's regulations. The direct effect of Henko's actions is the inability of the Board to fully investigate this matter. The Board's ability to discharge its statutory duty to protect the public welfare hinges upon its ability to adequately investigate complaints. Additionally, with the privilege of being granted a license by the Board comes the regulatory obligation to cooperate in administrative investigations and provide records when requested. By failing to respond to the investigator, Henko has intentionally exempted itself from the regulation, and unnecessarily hindered the Board's ability to collect relevant information. Further, the Board must be concerned that Henko will continue to ignore regulatory obligations in the future and therefore presents a danger to the public welfare.

If Henko is willing to disregard its obligations to the Board, it is just as likely, if not more likely, to disregard its obligations to the public. Therefore, I recommend license revocation be imposed.

By: _____
Robert Kirby
Presiding Board Member

Board for Contractors

Date: _____

MONETARY PENALTY TERMS

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN NINETY (90) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN NINETY (90) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF THE LICENSE, CERTIFICATE, OR REGISTRATION UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

VIRGINIA DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL REGULATION
COMPLIANCE & INVESTIGATIONS DIVISION
9960 MAYLAND DRIVE, SUITE 400
RICHMOND, VA 23233-1463

REPORT OF FINDINGS

BOARD: Board for Contractors

DATE: March 13, 2008

FILE NUMBER: 2008-03512

RESPONDENT: Henko Remodeling Inc.

LICENSE NUMBER: 2705090507

EXPIRATION: December 31, 2008

SUBMITTED BY: David C. Dorner

COMMENTS:

Companion file 2008-01347

Henko Restore and Remodel Inc. ("Henko") was at all times material to this matter a licensed contractor in Virginia (No. 2705090507).

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

BACKGROUND:

September 28, 2007, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint regarding Henko. (Exh. I-1)

1. Board Regulation

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

B. The following are prohibited acts:

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

Historical Notes:

Derived from VR220-01-2:1 §5.7, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

Print Date: February 1, 2006

FACTS:

On December 17, 2007, Investigator Sheon Rose ("Rose"), the Board's agent, sent a written request along with a copy of the complaint, via regular mail, to Henko's address of record. Rose requested a written response and supporting documents to the complaint be received by December 5, 2007. (Exh. I-1 and I-2)

On January 30 and February 1, 2008, Carol Mitchell ("Mitchell"), the Board's agent, attempted to reach Henko by telephone at 804-615-4255; however, the telephone system would not permit messages to be left. (Exh. I-3)

On February 7, 2008, the Chesterfield – Postmaster certified that Henko was still receiving mail at the address of record. (Exh. I-4)

As of March 13, 2008, Henko has failed to respond to the complaint. (Exh. I-3)