

## **DRAFT BOARD FOR CONTRACTORS BOARD MEETING**

### **MINUTES**

The Board for Contractors met on Tuesday, September 21st, 2010 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, 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 14 members on this board, in which seven constitutes a quorum pursuant to §54.1-1102.

Dorothy Wood, Chairman  
Herbert “Jack” Dyer, Jr.  
Michael Gelardi  
David Giesen  
E. G. “Rudy” Middleton, III  
Doug Murrow  
E. C. “Chick” Pace, III  
Troy Smith  
Deborah Lynn Tomlin  
Wyatt Walton  
Bruce Williams

Bailey Dowdy, Homer “Pete” Sumpter, and Chancey Walker, were not present at the meeting.

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

Gordon Dixon, Director  
Mark Courtney, Deputy Director, LRD  
Eric L. Olson, Executive Director  
Sheila Watkins, Administrative Assistant  
Karen Bullock, Administrative Assistant  
Earlyne Perkins, Legal Analyst  
Whitney Fulcher, Licensing Education Specialist  
Adrienne Mayo, Regulatory Boards Administrator  
Steven Jack, Assistant Attorney General  
Leas Roth, Licensing and Education Administrator  
Steve Arthur, Deputy Director, Administration and Finance

Chairman Dorothy Wood called the meeting to order at 10:05 a.m. and declared a of board members was in attendance.

**Call  
To Order**

A motion was made by **Ms. Tomlin** and seconded by **Mr. Smith** to approve the agenda. The motion passed unanimously. Members voting “Yes” were: **Tomlin, Dyer, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Williams and Walton.**

**Approval of the Agenda**

**Dowdy, Sumpter and Pace were absent.**

**Ms. Tomlin** moved to approve the following minutes as submitted from the:

**Approval of Minutes**

July 13, 2010 Board for Contractors Meeting  
July 13, 2010 Informal Fact Finding Conference  
July 20th, 2010 Informal Fact Finding Conference  
July 21st, 2010 Informal Fact Finding Conference  
July 27th, 2010 Informal Fact Finding Conference  
August 3rd, 2010 Informal Fact Finding Conference  
August 10th, 2010 Informal Fact Finding Conference

**Mr. Williams** seconded the motion and it was unanimously approved by members: Members voting “Yes” were: **Tomlin, Dyer, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Williams and Walton.**

**Dowdy, Sumpter and Pace were absent.**

**There was no public comment.**

**Public Comment Period**

**In the matter of Recovery Fund File Number 2009-03611, Carmel B. Whetzel (Claimants) vs. Windows Direct of Winchester LLC (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Windows Direct of Winchester LLC (Regulant)** did not appear at the board meeting. **Carmel B. Whetzel (Claimants)** did attend the Board meeting. She addressed the Board and shared her agreement with the recommendation.

**File Number  
2009-03611  
Carmel B Whetzel (Claimants)  
and Windows Direct of Win-  
Chester LLC (Regulant)**

**Mrs. Tomlin**, the Board’s Hearing Representatives were not present and did not participate during the discussion or the vote.

After discussion, a motion was made by **Mr. Williams** and seconded by **Mr. Smith** to adopt the claim review and the hearing officer’s recommendations and summary and pay the claim in the amount of \$14,084.00. The Claim Review and Summary are incorporated as a part of this Order. The motion passed by unanimous vote.

Members voting “Yes” were: **Dyer, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Williams and Walton.**

**Dowdy, Sumpter and Pace were absent. Tomlin was not present and did not vote.**

**In the matter of Recovery Fund File Number 2009-04472, Martha and Otis Mitchell (Claimant) vs. Pine Grove Builders, Inc (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Pine Grove Builders, Inc (Regulant)** did not appear at the board meeting. **Martha and Otis Mitchell (Claimants)** did attend the Board meeting. They addressed the Board and shared their agreement with the recommendation.

**File Number**  
**2009-04472**  
**Martha and Otis Mitchell, IV**  
**(Claimants) and Pine Grove**  
**Builders, Inc (Regulant)**

**Mrs. Tomlin,** the Board’s Hearing Representative was not present and did not participate during the discussion or the vote.

After discussion, a motion was made by **Mr. Williams** and seconded by **Mr. Walton** to adopt the claim review and the hearing officer’s recommendations and summary and to **pay the claim in the amount of \$7,093.00.** **Mr. Dyer** had some question with the math calculations and identified a discrepancy in the payment amount. He shared that **\$17,860. less \$15,500 paid left \$2,360** and when subtracted from \$7,093 that leaves a balance due of \$5,543.00. The Board determined that the judgment amount awarded by the court included costs in completing the work and the true out of pocket expenses were \$5,543.00. **Mr. Williams** accepted the amendment to the motion and **Mr. Walton** seconded to adopt the claim review with the amendment to the hearing officer’s recommendations and summary and to pay the claim in the amount of **\$5,543.00.** The Claim Review and Summary with amendment(s) are incorporated as a part of this Order. The Board adopts the hearing officer’s recommendations with the amended amount of payment being identified. The motion passed by unanimous vote. Members voting “Yes” were: **Dyer, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Williams and Walton.**

**Dowdy, Sumpter and Pace were absent. Tomlin was not present and did not vote.**

**In the matter of Recovery Fund File Number 2010-01962, John McCargo (Claimant) vs. Barry Dixon t/a Dixon Builders (Regulant);** the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Dixon Builders (Regulant)** did not appear at the board meeting. **Mr. McCargo (Claimants)** did attend the Board meeting. He addressed the Board and shared his agreement with the recommendation.

**File Number**  
**2010-01962**  
**John McCargo**  
**(Claimant) vs. Barry Dixon t/a**  
**Dixon Builders (Regulant)**

**Mrs. Tomlin,** the Board’s Hearing Representative was not present and did not

participate during the discussion or the vote.

After discussion, a motion was made by **Mr. Walton** and seconded by **Mr. Smith** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim in the amount of **\$20,000.00**. The Claim Review and Summary are incorporated as a part of this Order. The motion passed by unanimous vote. Members voting "Yes" were: **Dyer, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Williams and Walton.**

**Dowdy, Sumpter and Pace were absent. Tomlin did not participate.**

**In the matter of License Application File Number 2010-04835, Larry Scott Richard**, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number  
2010-04835  
Larry Scott Richard**

**Applicant Larry Scott Richard** appeared at the IFF and the Board meeting. He shared his agreement with the Recommendations.

The presiding Board representative **Ms. Becker** was not present, did not participate in the discussion and did not vote.

After discussion **Mr. Walton** offered a motion that was seconded by **Mr. Gelardi** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve a conditional license. The motion passed by unanimous vote. Members voting "Yes" were: **Tomlin, Dyer, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Williams and Walton.**

**Dowdy, Sumpter and Pace were absent.**

**In the matter of License Application File Number 2010-04837, Larry Junkins, Jr.** the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number  
2010-04837  
Larry Junkins, Jr.**

**Applicant Larry Junkins, Jr.** appeared at the IFF and the Board meeting. He shared that he is applying for HVAC and not for electrical but everything else he is in agreement with in the Recommendations.

The presiding Board representative **Ms. Becker** was not present, did not participate in the discussion and did not vote.

Adrienne Mayo, Board Administrator, shared with the Board that in the Recommendation, the standard language is to report to the Board on a quarterly basis for a 2 year period instead of the current listed period of twice a year.

After discussion **Mr. Walton** offered a motion that was seconded by **Mr. Gelardi** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve a conditional license with the amended time period as identified by Mrs. Mayo. The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Dyer, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Williams and Walton.**

**Dowdy, Sumpter and Pace were absent.**

**In the matter of License Application File Number 2011-00012, Raymond Thomas**, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number**  
**2011-00012**  
**Raymond Thomas**

**Applicant Raymond Thomas** appeared at the Board meeting. He shared his disagreement with the Recommendation. He requested the case be deferred for further consideration.

The presiding Board representative **Ms. Becker** was not present, did not participate in the discussion and did not vote.

After discussion **Mr. Gelardi** offered a motion that was seconded by **Mrs. Tomlin** to defer the case to the October meeting for further consideration.

The motion passed by majority vote. Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, and Williams.**

Members voting “no” were: **Dyer and Walton.**

**Dowdy, Sumpter and Pace were absent.**

**In the matter of Disciplinary File Number 2010-01520, Nguyen Design & Build LLC, (Respondent)**; the board reviewed the record, which consisted of the investigative file, transcript, exhibits from the Informal Fact-Finding Conference, and the Summary and recommendation.

**File Number**  
**2010-01520**  
**Nguyen Design & Build LLC**

**Nguyen Design & Build LLC (Respondent)** did not appear at the IFF. **Nguyen Design & Build LLC** did not appear at the Board meeting. **Hiepp Vu**, Complainant appeared at the IFF.

The presiding Board representatives **Mr. Dyer** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Williams** and seconded by **Mrs.**

**Tomlin** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **Nguyen Design & Build LLC**, violated the following sections of its Regulations:

Effective February 1, 2006		
Count 1:	18 VAC 50-22-260 B 15	
Count 3:	18 VAC 50-22-260 B 29	
Count 4:	18 VAC 50-260 B 6	
Count 5:	18 VAC 50-22-260 B 26	
Count 6:	18 VAC 50-22-260 B 30	
Count 7:	18 VAC 50-22-260 B 6	
Count 8:	18 VAC 50-22-260 B 28	
Count 9:	18 VAC 50-22-260 B 13	

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Williams and Walton.**

**Dowdy, Sumpter and Pace were absent.**

After discussion, a motion was made by **Mr. Williams** and seconded by **Mrs. Tomlin** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **Nguyen Design & Build LLC**, violated the following sections of its Regulations:

The Board voted to impose the following penalty for the violation of the regulation.

Sanctions		
Count 1:		\$2,500.00
Count 3:		\$500.00
Count 4:		\$800.00
Count 5:		\$500.00
Count 6:		\$2,500.00
Count 7:		\$2,500.00
Count 8:		\$2,500.00
Count 9:		\$2,500.00
Total		\$14,300.00

In addition, for violation of Count 3, 4, and 5, the Board voted to require **Nguyen Design & Build LLC** has a member of Responsible Management successfully complete a Board-approved remedial education class within 90 days of the effective

date of this order. Failure to comply with the terms will result in the automatic imposition of license suspension.

The Board also imposes Revocation of license for the violation of Count 1, 6, 7, 8 and 9. As to Count 2, the Board closes this aspect of the file with a finding of no violation.

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Williams and Walton.**

**Dowdy, Sumpter and Pace were absent.**

**In the matter of Disciplinary File Number 2010-02742, Toni Lynn Haynes, t/a Traditional Building, (Respondent);** the board reviewed the record, which consisted of the investigative file, transcript, exhibits from the Informal Fact-Finding Conference, and the Summary and recommendation.

**File Number  
2010-02742  
Toni Lynn Haynes, t/a  
Traditional Building**

**Toni Lynn Haynes, t/a Traditional Building (Respondent)** did not appear at the IFF. **Toni Lynn Haynes** did not appear at the Board meeting in person.

The presiding Board representatives **Mr. Dyer** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Williams** and seconded by **Mrs. Tomlin** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **Toni Lynn Haynes, did** violate the following sections of its Regulations:

Effective February 1, 2006		
Count 1:	18 VAC 50-22-260 B 27	
Count 2:	18 VAC 50-22-260 B 28	

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Williams and Walton.**

**Dowdy, Sumpter and Pace were absent.**

After discussion, a motion was made by **Mr. Williams** and seconded by **Mrs. Tomlin** to impose the following: The Board voted to impose the following penalty for the

violation of the regulation.

Sanctions		
Count 1:		\$2,500.00
Count 2:		\$2,500.00
Total		\$5,000.00

In addition, for violation of Count 1 and 2, the Board voted to revoke the license 2705-121499.

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Williams and Walton.**

**Dowdy, Sumpter and Pace were absent.**

**In the matter of Disciplinary File Number 2010-02664, Toni Lynn Haynes, t/a Traditional Building, (Respondent);** the board reviewed the record, which consisted of the investigative file, transcript, exhibits from the Informal Fact-Finding Conference, and the Summary and recommendation.

**File Number  
 2010-02664  
 Toni Lynn Haynes, t/a  
 Traditional Building**

**Toni Lynn Haynes, t/a Traditional Building (Respondent)** did not appear at the IFF. **Toni Lynn Haynes** did not appear at the Board meeting in person.

The presiding Board representatives **Mr. Dyer** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Williams** and seconded by **Mrs. Tomlin** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **Toni Lynn Haynes, did** violate the following sections of its Regulations:

Effective September 1, 2001		
Count 1:	18 VAC 50-22-260 B 2	
Count 2:	18 VAC 50-22-260 B 22	
Count 3:	18 VAC 50-22-260 B 23	
Count 4:	18 VAC 50-22-260 B 28	

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Williams and**

**Walton.**

**Dowdy, Sumpter and Pace were absent.**

After discussion, a motion was made by **Mr. Williams** and seconded by **Mrs. Tomlin** to impose the following: The Board voted to impose the following penalty for the violation of the regulation.

Sanctions		
Count 1:		\$2,500.00
Count 3:		\$2,500.00
Count 4:		\$2,500.00
Count 2:		\$0.00
Total		\$7,500.00

In addition, for violation of Count 1, 2 and 3, the Board voted to revoke the license 2705-121499. As to Count 2, the Board voted to impose no monetary penalty for the violation of the regulation.

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Williams and Walton.**

**Dowdy, Sumpter and Pace were absent.**

**In the matter of Disciplinary File Number 2010-02135, Craig Harris Jr t/a Harris Contracting (Respondent);** the board reviewed the record, which consisted of the investigative file, transcript, exhibits from the Informal Fact-Finding Conference, and the Summary and recommendation.

**File Number  
2010-02135  
Craig Harris Jr t/a Harris  
Contracting**

**Craig Harris Jr. t/a Harris Contracting (Respondent)** did not appear at the IFF. **Craig Harris Jr. t/a Harris Contracting** did not appear at the Board meeting.

The presiding Board representative **Mr. Dyer** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mrs. Tomlin** and seconded by **Mr. Middleton** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **Craig Harris Jr.**, violated the following sections of its Regulations:

Effective September 1, 2001		
Count 1:	18 VAC 50-22-260 B	
Count 2:	18 VAC 50-22-260 B 15	
Count 3:	18 VAC 50-22-260 B 16	
Count 4:	18 VAC 50-22-260 B 29	
Count 5:	18 VAC 50-22-260 B 27	
Count 6:	18 VAC 50-22-260 B 27	
Count 7:	18 VAC 50-22-260 B 31	

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Williams and Walton.**

**Dowdy, Sumpter and Pace were absent.**

The Board voted to impose the following monetary penalty for the violation of the regulation.

Count 1:	\$1,500.00
Count 2:	\$2,500.00
Count 3:	\$2,500.00
Count 4:	\$500.00
Count 5:	\$2,500.00
Count 6:	\$1,500.00
Count 7:	\$1,000.00
Total	\$12,000.00

In addition, for violation of Count 1, t, 6 and 7 the Board voted to require Craig Harris Jr. have a member of responsible management successfully complete a Board-approved remedial education class within 90 days of the effective date of this order. Failure to comply with the terms will result in the automatic imposition of license suspension. The Board also imposed revocation of license 2705-123205 for violation of Count 2, 3 and 5.

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Williams and Walton.**

**Dowdy, Sumpter and Pace were absent.**

**In the matter of Disciplinary File Number 2010-01977, Denis Richardson, t/a Home Specialists, (Respondent);** the board reviewed the record, which consisted of the investigative file, transcript, exhibits from the Informal Fact-Finding Conference, and the Summary and recommendation.

**File Number  
 2010-01977  
 Denis Richardson t/a Home  
 Specialists**

**Denis Richardson, t/a Home Specialists (Respondent)** did appear at the IFF. Dennis Richardson, t/a Home Specialists did appear at the Board meeting in person. He addressed the Board and shared his disagreement.

The presiding Board representatives **Mr. Dyer and Mr. Kirby** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Walton** and seconded by **Mr. Williams** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with amended Recommendations as proposed by Mr. Walton. The Board found that Denis Richardson violated the following sections of its Regulations:

Effective February 1, 2006	
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 31
Count 4:	18 VAC 50-22-260 B 17
Count 5:	18 VAC 50-22-260 B 15
Count 6:	No violation
Count 7:	18 VAC 50-22-230 B

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Williams and Walton.**

**Dowdy, Sumpter and Pace were absent.**

During further discussion, Mr. Walton shared that some of the fines appeared to be excessive and he identified Counts 2 and 3 recommending a reduction in fines from \$1,000 to \$500.00 for each count. The Board voted to impose the following monetary penalty for the violation of the regulation.

Count 1:	\$500.00
Count 2:	\$500.00 reduced from \$1,000.
Count 3:	\$500.00 reduced from \$1,000.
Count 4:	\$1,500.00
Count 5:	\$2,500.00
Count 6:	No violation
Count 7:	\$500.00
<b>Total</b>	<b>\$6,000.00</b>

In addition, for violation of Count 1, 2, 3, 4 and 7 the Board voted to require **Denis Richardson**. have a member of responsible management successfully complete a Board-approved remedial education class within 90 days of the effective date of this order. Failure to comply with the terms will result in the automatic imposition of license suspension. The Board also imposed six months probation of license 2705-122419 and if Richardson fails to comply with these conditions, then the revocation of license will be imposed. Count 6 was closed with a finding of no violation due to Richardson's participation during the Informal Fact Finding Conference and board meeting.

The motion passed by unanimous vote. Members voting "Yes" were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Williams and Walton**.

**Dowdy, Sumpter and Pace were absent.**

**In the matter of Disciplinary Case File Number 2010-05464 P & B Contractors 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  
2010-05464  
P & B Contractors LLC**

**P & B Contractors LLC** appeared at the IFF. **He** did not attend the Board meeting.

The presiding Board representative **Mr. Smith** was not present, did not participate in the discussion and did not vote.

After discussion **Mr. Williams** offered a motion that was seconded by **Mr. Gelardi** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and close the case with a finding of no violation.

The motion passed by unanimous vote. Members voting "Yes" were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Dyer, Walker, Wood, Williams and Walton**.

**Dowdy, Sumpter and Pace were absent.**

**In the matter of Disciplinary File Number 2010-04246, David Milette, t/a Custom Design Construction, (Respondent)**; the board reviewed the record, which consisted of the investigative file, transcript, exhibits from the Informal Fact-Finding Conference, and the Summary and recommendation.

**File Number  
2010-04246  
David Milette t/a Custom Design  
Construction**

**David Milette, t/a Custom Design Construction (Respondent)** did not appear at the IFF. Mr. Milette did appear at the Board meeting. He addressed the Board and shared his disagreement and stated that he did not receive notification of hearings for the

Informal Fact Finding conferences.

The presiding Board representatives **Mr. Smith** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr Williams** and seconded by **Mr. Gelardi** to remand the case back to staff for an Informal Fact Finding Conference.

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Dyer, Walker, Wood, Williams and Walton.**

**Dowdy, Sumpter and Pace were absent.**

**Mrs. Perkins** requested that **Mr. Milette** identify his address of record so that staff will send his correspondence to that address. He identified **5236 Cherokee Drive, Alexandria, VA 22152.**

**In the matter of Disciplinary File Number 2010-02475, Rigadom LLC, t/a Rigadom LLC (Respondent);** the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation.

**File Number**  
**2010-02475**  
**Rigadom LLC, t/a Rigadom LLC**

**Timothy Dovgalyuk, on behalf of Rigadom, LLC (Respondent)** did attend the IFF and the Board meeting in person. He addressed the Board and shared his disagreement.

Susan Gitlin, Complainant attended the IFF.

The Board’s hearing representatives; **Mr. Smith** was not present and did not vote.

After discussion, a motion was made by **Mr. Walton** and seconded by **Mr. Dyer** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **Rigadom LLC** violated the following sections of its Regulations:

Effective September 1, 2001	
Count 1:	18 VAC 50-22-260 B 31
Count 2: Two Violations	18 VAC 50-22-260 B 29

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Dyer, Walker, Wood, Williams and Walton.**

**Dowdy, Sumpter and Pace were absent.**

After further discussion, **Mr. Walton** offered a motion seconded by **Mr. Dyer** to impose the following monetary penalty for the violation of the regulation.

Count 1:	\$00
Count 2:	\$1,200.00
Total	\$1,200.00

In addition, for violation of Count 2, the Board voted to require **Rigadom LLC**, have a member of responsible management successfully complete a Board-approved remedial education class within 90 days of the effective date of this order. Failure to comply with the terms will result in the automatic imposition of license suspension. The Board closed Count 1 with a finding of no violation.

The motion passed by majority vote. Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Dyer, Walker, Wood, and Walton.** Members voting “no”: **Williams.**

**Dowdy, Sumpter and Pace were absent.**

**In the matter of Disciplinary File Number 2010-02272 Livingston Homes LLC, t/a Livingston Homes LLC, (Respondent);** the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation.

**File Number**  
**2010-02272**  
**Livingston Homes LLC, t/a**  
**Livingston Homes LLC**

**Terry and Sharon Livingston on behalf of Livingston Homes LLC, (Respondent)** did appear at the IFF. Mr. Livingston did not attend the Board meeting in person by counsel nor by any other qualified representative.

Gary and Tammy Ramey Complainants attended the IFF and the board meeting. Michael Bishop counsel for the Ramey’s attended the meeting and addressed the Board sharing agreement with the recommendation.

The presiding Board representative **Mr. Dyer** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Williams** and seconded by **Mr. Gelardi** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations The Board found that **Livingston Homes LLC, t/a Livingston Homes LLC** violated the following sections of its Regulations:.

Effective February 1, 2006		
Count 1:	18 VAC 50-22-260 B 8	
Count 3:	18 VAC 50-22-260.B.6	
Count 4:	18 VAC 50-22-260.B.15	
Count 5:	18 VAC 05-22-260 B 18	
Count 6:	18 VAC 50-22-260 B 13	
Count 7:	18 VAC 50-22-260 B 5	

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Dyer, Walker, Wood, Williams and Walton.**

**Dowdy, Sumpster and Pace were absent.**

Mr. Olson shared that the person Mr. Livingston hired is trying to get his license

**After further** discussion, a motion was made by **Mr. Williams and** seconded by **Mr. Dyer** to amend the fine amount for Count 4 to \$300. based on the evidence that they are in the process of getting licensed and to impose the following penalties for violation of its Regulations:

Count 1:		\$350.00
Count 3:		\$600.00
Count 4:	From \$600.00 to	\$300.00
Count 5:		\$700.00
Count 6:		\$800.00
Count 7:		\$2,000.00
Total		\$4,750.00

The board also imposes the following sanctions: for violation of Count 1, 3, 4, 5, 6 and 7 the Board voted to require **Livingston Homes LLC** have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 days of the effective date of the order. Failure to comply with the terms will result in the automatic imposition of license suspension. As to Count 2, the Board closes this aspect of the file with a finding of no violation.

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Dyer, Walker, Wood, Williams and Walton.**

**Dowdy, Sumpter and Pace were absent.**

**In the matter of Disciplinary File Number 2010-01669, Unlimited Renovations & Construction Inc, t/a Unlimited Renovations Inc. (Respondent);** the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation.

**File Number  
2010-01669  
Unlimited Renovations &  
Construction Inc, t/a  
Unlimited Renovations  
Inc.**

Neither **Unlimited Renovation & Construction Inc, (Respondent)** in person or by counsel or by any other qualified representation was in attendance at the IFF. **Neither Unlimited Renovation & Construction Inc** in person or by counsel or by any other qualified representative was in attendance at the Board Meeting.

The presiding Board representatives **Mr. Smith and Mr. Redifer** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Williams** and seconded by **Mr. Dyer** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference and Recommendations. The Board found that **Unlimited Renovations & Construction Inc, t/a Unlimited Renovations Inc** violated the following sections of its Regulations:

Effective February 1, 2006
Count 1: 18 VAC 50-22-260 B 9
Count 2: 18 VAC 50-22-260.B 6 (two violations)
Count 3: 18 VAC 50-22-260.B.27 (three violations)
Count 4: 18 VAC 50-22-260.B.15
Count 5: 18 VAC 50-22-260 B 5

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Williams and Walton.**

**Dowdy, Sumpter and Pace were absent.**

After discussion a motion was made by **Mr. Williams** and seconded by **Mrs. Tomlin** to impose the following sanctions.

Count 1:		\$400.00
Count 2:		\$1,500.00
Count 3		\$1,500.00
Count 4		\$1,700.00
Count 5		\$2,000.00
Total		\$7,100.00
In addition, for violation of <b>Count 1, 2, 3 and 4</b> , the Board voted to impose the requirement of Unlimited Renovations & Construction Inc having a member of Responsible Management to successfully complete a Board-approved remedial education class within 90 days of the effective date of the order. Failure to comply with the terms will result in the automatic imposition of license suspension. For <b>Count 5</b> , the Board closes this aspect of the file with a finding of license revocation.		

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Williams and Walton.**

**Dowdy, Sumpter and Pace were absent.**

**In the matter of Disciplinary File Number 2010-02203, Muse Construction Group Inc, t/a Muse Construction Group Inc (Respondent);** the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. John J Muse for **Muse Construction Group Inc, t/a Muse Construction Group Inc and his attorney Mr. Dygert (Respondent)** did appear at the IFF. They also attended the Board meeting in person. They addressed the Board.

**File Number**  
**2010-02203**  
**Muse Construction Group Inc,**  
**t/a Muse Construction Group**  
**Inc**

Warren and Beverly Wharton, Complainants attended the IFF along with their attorney Roderick Slayton. Mr. and Mrs. Wharton attended the Board meeting. Their attorney was ill and could not attend. The Wharton’s stated they wanted to have the case heard in his absence. They addressed the Board.

The presiding Board representatives **Mr. Smith and Mrs. Wood** were not present, did not participate in the discussion and did not vote. Mrs. Tomlin chaired this case.

After discussion, a motion was made by **Mr. Dyer** and seconded by **Mr. Gelardi** to

adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **Muse Construction Group Inc** violated the following sections of its Regulations:

Effective February 1, 2006		
Count 1:	18 VAC 50-22-260.B 9	
Count 2:	18 VAC 50-22-260.B 31	September 1, 2001
Count 3:	18 VAC 50-22-260.B.14	
Count 4:	18 VAC 50-22-260.B.29	
Count 5:	18 VAC 50-22-260.B.18	

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Walker, Dyer, Williams and Walton.**

**Dowdy, Sumpter and Pace were absent. Wood and Smith did not vote and were not present.**

After discussion a motion was made by **Mr. Dyer** and seconded by **Mr. Gelardi** to impose the following monetary sanctions:

Count 1:		\$100.00
Count 2		\$300.00
Count 3:		\$1,500.00
Count 4:		\$600.00
Count 5:		\$800.00
Total		\$3,300.00

In addition, for violation of **Count 1, 2, 4, and 5**, the Board imposes Muse Construction Group Inc successfully complete a Board-approved remedial education class within 90 days of the effective date of the order. Failure to comply with the terms will result in the automatic imposition of license suspension. Revocation of license for the violation of Count 3.

The motion passed by majority vote. Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Dyer, Walker, and Williams.**

**Dowdy, Sumpter and Pace were absent. Walton voted no.**

**In the matter of Disciplinary File Number 2010-03427, First Class Remodeling Inc (Respondent);** the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. **First Class Remodeling Inc (Respondent)**

**File Number**  
**2010-03427**  
**First Class Remodeling**  
**Inc**

did not appear at the IFF or the Board meeting in person or by legal counsel nor any other qualified representative.

**Walton and Williams** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Dyer** and seconded by **Mr. Gelardi** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **First Class Remodeling Inc**, violated the following sections of its Regulations:

Effective February 1, 2006		
Count 1:	§54.1-1110 of the Code of Virginia	
Count 2:	18 VAC 50-22-260 B 13	

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, and Dyer.**

**Dowdy, Sumpter and Pace were absent. Williams and Walton did not participate.**

Ms. Perkins shared with the Board a correction needed to be made: the summary notice was not delivered, it was returned to our agency and marked undelivered by the mail service.

After discussion a motion was made by **Mr. Dyer** and seconded by **Mr. Gelardi** to impose the following sanctions:

Count 1	\$00.00	Revocation
Count 2	\$1,350.00	Revocation
Total		\$1,350.00

In addition, for violation of Count 1, and 2, the Board voted to impose revocation of license.

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, and Dyer.**

**Dowdy, Sumpter and Pace were absent. Walton and Williams did not vote.**

**In the matter of Disciplinary File Number 2010-05785, Eric Alan Killian, t/a Tidewater Building And Remodeling (Respondent);** the board reviewed the record,

**File Number**  
**2010-05785**

**Eric Alan Killian, t/a Tidewater Building And Remodeling**

which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. **Eric Alan Killian, t/a Tidewater Building And Remodeling (Respondent)** did not appear at the IFF. **Tidewater Building** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

The presiding Board representative **Williams** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Sumpter** and seconded by **Mr. Walton** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **Spectrum Installations & Improvements LLC** violated the following of its Regulations.

Effective February 1, 2006		
Count 1:	18 VAC 50-22-260 B 13	
Count 2:	18 VAC 50-22-230.B	September 1, 2001

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Dyer and Walton.**

**Dowdy, Sumpter and Pace were absent. Williams was not present and did not vote.**

After further discussion, a motion was made by **Mr. Dyer** and seconded by **Mrs. Tomlin** to impose the following sanctions:

Count 1:	\$1,350.00	
Count 2:	\$850.00	
Total		\$2,200.00

The Board voted to revoke the license for the violation of its Regulations.

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Dyer and Walton.**

**Dowdy, Sumpter and Pace were absent. Williams did not vote.**

**In the matter of Disciplinary File Number 2010-05612 Town & country Mechanical LLC (Respondent);** the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. **Town & Country**

**File Number**  
**2010-05612**  
**Town & Country Mechanical LLC**

**Mechanical LLC (Respondent)**; did appear at the IFF. **They** did not attend the Board meeting in person or by counsel or by any other qualified representative.

The presiding Board representative **Williams** was not present and did not vote.

After discussion, a motion was made by **Mr. Dyer** and seconded by **Mr. Gelardi** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **Town & Country Mechanical LLC**, violated the following sections of its Regulations:

February 1, 2006		
Count 1:	18 VAC 50-22-260 B 13	
Count 2:	18 VAC 50-22-230.B	September 1, 2001

The motion passed by unanimous vote. Members voting "Yes" were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Dyer and Walton.**

**Dowdy, Sumpter and Pace were absent. Williams did not vote.**

After discussion a motion was made by **Mr. Dyer** and seconded by **Mr. Gelardi** to impose the following sanctions.

Count 1		\$1,350.00
Count 2		\$850.00
Total		\$2,200.00

The Board imposes revocation of license for the violation of Count 1 and Count 2.

The motion passed by unanimous vote. Members voting "Yes" were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Dyer and Walton.**

**Dowdy, Sumpter and Pace were absent. Williams did not vote.**

**In the matter of Disciplinary File Number 2010-05552 American Exteriors & Masonry LLC (Respondent)**; the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. **American Exteriors & Masonry LLC (Respondent)** did appear at the IFF. American Exteriors & Masonry LLC did not attend the Board meeting in person or by counsel or by any other qualified person.

**File Number**  
**2010-05552**  
**American Exteriors & Masonry**  
**LLC**

The presiding Board representative **Mr. Williams** was not present, did not participate in the discussion and did not vote.

After discussion **Mr. Dyer** offered a motion seconded by **Mr. Gelardi** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopts the Summary of the Informal Fact-Finding Conference with Recommendations to close the case with a report of No violations.

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Dyer and Walton.**

**Dowdy, Sumpter and Pace were absent.**

After discussion a motion was made by **Mr. Sumpter** and seconded by **Mr. Dyer** to impose the following sanctions:

**In the matter of Disciplinary File Number 2010-02214, C & D Contracting LLC, (Respondent);** the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. Chad Dixon on behalf of **C & D Contracting LLC (Respondent)** did appear at the IFF. **He** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

File Number  
**2010-02214**  
**C & D Contracting LLC**

Timothy George, the Complainant, attended the IFF.

The presiding Board representative **Mr. Williams** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Dyer** and seconded by **Mr. Gelardi** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that C & D Contracting LLC violated the following sections of its Regulations:

Effective February 1, 2006	
Count 1:	18 VAC 50-22-260 B 8
Count 2:	18 VAC 50-22-260 B 10
Count 3:	18 VAC 50-22-260 B 27
Count 4:	18 VAC 50-22-260 B 6
Count 6:	18 VAC 50-22-260 B 29
Count 5:	No violation
Count 7:	18 VAC 50-22-260 29

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin,**

**Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Williams and Walton.**

**Dowdy, Sumpter and Pace were absent.**

After discussion, **Mr. Dyer** offered a motion seconded by **Mr. Gelardi** to impose the following monetary penalty for the violation of the regulation.

Count 1:	\$350.00
Count 2:	\$300.00
Count 3:	\$1,000.00
Count 4:	\$800.00
Count 6:	\$600.00
Count 5:	No violation
Count 7:	\$600.00
Total	\$3,850.00

In addition, for violation of Count 1, and 2 the Board voted to require **C & D Contracting LLC** has a member of responsible management successfully complete a Board-approved remedial education class within 90 days of the order. Failure to comply with the terms will result in the automatic imposition of license suspension. The Board also imposed revocation of license for violation of count 3, 4, 6 and 7. Count 5 was closed with a finding of no violation.

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Dyer and Walton.**

**Dowdy, Sumpter and Pace were absent. Williams did not vote.**

**In the matter of Disciplinary File Number 2010-04167, William Sommerville t/a Mid Atlantic Construction (Respondent);** the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation.

**File Number  
2010-04167  
William Sommerville t/a Mid  
Atlantic Construction**

**William Sommerville t/a Mid Atlantic Construction (Respondent)** did not attend the Informal Fact Finding Conference meeting in person or by counsel or by any other qualified representative. William Sommerville attended the Board meeting on behalf of Mid Atlantic Construction and shared his disagreement with the Board.

The presiding Board representatives **Mr. Williams and Mrs. Wood** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Ms. Tomlin** seconded by, **Mr. Walton** to

adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations for violations as follows: The Board found that **William Sommerville t/a Mid Atlantic Construction** violated the following sections of its Regulations:

Count 1:	§54.1-1110 Code of Virginia	

**The motion passed by unanimous vote. Members voting “yes” were: Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Dyer and Walton.**

**Dowdy, Sumpter and Pace were absent. Williams and Wood did not vote.**

After discussion, a motion was made by **Mr. Walton** and seconded by **Ms. Tomlin** to impose the following sanctions:

Revocation of license 2705-129515 for violation of Count 1.

The motion passed by majority vote. Members voting “yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Dyer and Walton.**

**Dowdy, Sumpter and Pace were absent. Williams and Wood did not vote.**

**In the matter of Disciplinary File Number 2010-02153, Henry Leboeuf t/a Eastern Lighting and Irrigation (Respondent);** the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation.

**File Number  
2010-02153  
Henry Leboeuf t/a Eastern  
Lighting and Irrigation**

**Henry Leboeuf, t/a Eastern Lighting and Irrigation (Respondent)** did not attend the Informal Fact Finding Conference. **Henry Leboeuf** did appear at the Board meeting in person. He addressed the Board and requested a new Informal Fact Finding Conference.

The presiding Board representatives **Mrs. Wood** was not present, did not participate in the discussion and did not vote. Mr. Smith chaired this case.

After discussion, a motion was made by **Mrs. Tomlin** seconded by, **Mr. Dyer** to remand the case back to staff for an informal fact finding conference hearing.

**The motion passed by unanimous vote. Members voting “yes” were: Tomlin,**

**Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Williams, Dyer and Walton.**

**Dowdy, Sumpter and Pace were absent. Wood did not vote.**

**In the matter of Disciplinary File Number 2010-02093, Steven Stuart, t/a STS Remodeling (Respondent);** the Board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. **Steven Stuart, t/a STS Remodeling (Respondent)** did not appear at the IFF in person, by counsel nor by any other qualified representative. **They** did not attend the Board meeting in person or by counsel or by any other qualified representative.

**File Number**  
**2010-02093**  
**Steven Stuart**  
**t/a STS Remodeling**

The presiding Board representative **Mrs. Wood** was not present and did not participate and did not vote. Mr. Smith chaired this case.

After discussion a motion was made by **Mr. Dyer** and seconded by **Mr. Gelardi** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found substantial evidence that **Steven C Stuart** violated the following sections of its Regulations:

§54.1-1110 of the Code of Virginia
------------------------------------

**The motion passed by unanimous vote. Members voting “yes” were: Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Williams, Dyer and Walton.**

**Dowdy, Sumpter and Pace were absent. Wood did not vote.**

After discussion, a motion was made by **Mr. Dyer** and seconded by **Mr. Williams** to impose the following sanctions:

Count 1:	Revocation of license	
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The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Dyer, Williams and Walton.**

**Dowdy, Sumpter and Pace were absent. Wood did not vote.**

**In the matter of Consent Order File Number 2010-03595 Board v. Crawford Construction Company of Virginia;** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts

**File Number**  
**2010-03595**  
**Crawford Construction**

regarding the regulatory and/or statutory issues in this matter.

**Company of Virginia**

**Crawford Construction Company of Virginia** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 28	\$1,900.00
Board Costs		\$500.00
Total		\$2,400.00

Upon a motion by **Mr. Williams** seconded by **Mr. Gelardi** the Board ratified the Consent Order with an unanimous vote: Members voting "Yes" were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Wood, Dyer and Walton.**

**Dowdy, Sumpter and Pace were absent.**

**In the matter of Consent Order File Number 2010-00390 Board v. Leigh & Michael Porch, t/a Porch Construction;** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number**  
**2010-00390**  
**Leigh & Michael Porch, t/a**  
**Porch Construction**

**Leigh & Michael Porch, t/a Porch Construction,** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 6	\$1,000.00
Board Costs		\$150.00
Total		\$1,150.00
Further, for violation of Count 1, <b>Leigh &amp; Michael Porch,</b> agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class.		

Upon a motion by **Mr. Williams** seconded by **Mr. Gelardi** the Board ratified the Consent Order with an unanimous vote: Members voting "Yes" were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Walker, Williams, Wood, Dyer and Walton.**

**Dowdy, Sumpter and Pace were absent.**

**In the matter of Consent Order File Number 2010-02671 Board v. Dale Strickler, t/a DS Construction;** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the

**File Number**  
**2010-02671**  
**Dale Strickler, t/a DS**

regulatory and/or statutory issues in this matter.

**Construction**

**Dale Strickler, t/a DS Construction**, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 31	\$400.00
Count 2:	18 VAC 50-22-260.B.28	\$1,900.00
Board Costs		\$ 15 0.00
Total		\$2,450.00

Further, for violation of Count 1, **Dale Strickler**, agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class. Further, the Board shall waive imposition of the \$1,900.00 monetary penalty and license revocation for Count 2 provided Dale Strickler satisfies the judgment and provides the Board with proof of the satisfaction within ninety days of the order. If Dale Strickler fails to comply with these conditions, then the full monetary penalty and revocation will automatically be imposed.

Upon a motion by **Mr. Gelardi** seconded by **Mr. Williams** the Board ratified the Consent Order with an unanimous vote: Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Williams, Wood, Walker, Dyer and Walton.**

**Dowdy, Sumpter and Pace were absent.**

**In the matter of Consent Order File Number 2010-02703 Board v. Taurus Properties LLC**; the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number  
 2010-02703  
 Taurus Properties LLC**

**Taurus Properties LLC**, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board: **Taurus Properties LLC**, consents to the following terms:

Count 1:	18 VAC 50-22-260 B 9	\$0.00
Count 2:	18 VAC 50-22-260.B 5	\$0.00
Count 3:	18 VAC 50-22-260.B.5	\$0.00
Count 4:	18 VAC 50-22-260.B.15	\$0.00
Count 5:	18 VAC 50-22-260.B.16	\$0.00
Board Costs		\$ 0.00
Total		\$00.00

Further, for violation of Counts 2-5, **Taurus Properties LLC**,

agrees to revocation of its license.

Upon a motion by **Mr. Gelardi** seconded by **Mr. Williams** the Board ratified the Consent Order with an unanimous vote: Members voting “Yes” were **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Williams, Wood, Walker, Dyer and Walton.**

**Dowdy, Sumpter and Pace were absent.**

**In the matter of Consent Order File Number 2010-02882 Board v. Thomas M Carrico, t/a Carrico Construction;** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number  
2010-02882  
Thomas M Carrico, t/a Carrico  
Construction**

**Thomas M Carrico,** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260.B.31	\$400.00
Board Costs		\$ 150.00
Total		\$550.00
Further, for violation of Count 1, <b>Thomas M Carrico,</b> agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class.		

Upon a motion by **Mr. Gelardi** seconded by **Mr. Williams** the Board ratified the Consent Order with an unanimous vote: Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Williams, Wood, Walker, Dyer and Walton.**

**Dowdy, Sumpter and Pace were absent.**

**In the matter of Consent Order File Number 2010-03708 Board v. Glenwood Homes LLC;** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number  
2010-03708  
Glenwood Homes LLC**

**Glenwood Homes LLC,** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 31	\$ 200.00
Board Costs		\$ 150.00
Total		\$350.00
In addition, for violation of Count 1, <b>Glenwood Homes LLC</b> agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class.		

Upon a motion by **Mr. Kirby** seconded by **Mr. Williams** the Board ratified the Consent Order with an unanimous vote: Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Williams, Wood, Walker, Dyer and Walton.**

**Dowdy, Sumpter and Pace were absent.**

**In the matter of Consent Order File Number 2010-04392 Board v. B & B Mechanical Contractors Inc;** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number  
 2010-04392  
 B & B Mechanical Contractors  
 Inc**

**B & B Mechanical Contractors Inc,** acknowledges an understanding of the charges but neither admits nor denies the violation(s) of the counts as outlined in the Report of Findings. B & B Mechanical Contractors Inc consents to the following term(s):

Count 1:	18 VAC 50-22-260 B 27	\$00.00
Board Costs		\$ 0 0.00
Total		\$00.00

Upon a motion by **Mr. Williams** seconded by **Mr. Gelardi** the Board ratified the Consent Order with an unanimous vote: Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Williams, Wood, Walker, Dyer and Walton.**

**Dowdy, Sumpter and Pace were absent.**

**In the matter of Consent Order File Number 2010-04713 Board v. Leslie E Baker Jr.;** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number  
 2010-04713  
 Leslie E Baker Jr, t/a Leslie E  
 Baker Jr..**

**Leslie E Baker Jr,** acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by

the Board:

Count 1:	18 VAC 50-22-260 B 22	\$0.00
Count 2:	18 VAC 50-22-260 B 23	\$0.00
Board Costs		\$ 150.00
Total		\$150.00

In addition, for violation of Count 1 and 2, **Leslie E Baker Jr.** revocation of his license.

Upon a motion by **Mr. Gelardi** seconded by **Mr. Williams** the Board ratified the Consent Order with an unanimous vote: Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Williams, Wood, Walker, Dyer and Walton.**

**Dowdy, Sumpter and Pace were absent.**

**In the matter of Consent Order File Number 2010-05215 Board v. T E A L Construction LLC;** the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number**  
**2010-05215**  
**T E A L Construction, LLC**

**T E A L Construction, LLC**, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 18	\$800.00
Board Costs		\$150.00
Total		\$950.00

Further, for violation of Count 1, **T E A L Construction, LLC** agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class.

Upon a motion by **Mr. Williams** seconded by **Mr. Gelardi** the Board ratified the Consent Order with an unanimous vote: Members voting “Yes” were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Williams, Wood, Walker, Dyer and Walton.**

**Dowdy, Sumpter and Pace were absent.**

**Mr. Olson shared with the Board that Board Committee Members needed to be identified.**

**New Business**

**8 A. All trade related members are automatically on the Committee. They are: Dowdy, Gelardi, Middleton, Murrow, Walker and Dyer volunteered to serve.**

8 B. Recommendation for a member of the Board for Contractors to serve on the ALHI Board was needed and Tomlin volunteered to serve.

8 C. Recommendation for Ms. Utility Board Member was needed and Middleton volunteered to serve.

8 D. Exam review committee. The vendor's Contract is ending, and a "RFP" is being drafted. Need four volunteers to serve on the Committee to review exams and make recommendations to both the vendor and our staff for consideration. Volunteers for this committee are: Murrow, Walton, Middleton and Dyer.

8 E. 2011 Board meeting scheduled was reviewed and upon a motion by Tomlin that was seconded by Dyer the schedule was adopted unanimously. Members voting "Yes" were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Williams, Wood, Walker, Dyer and Walton.**  
**Dowdy, Sumpter and Pace were absent.**

8 g. The Regulatory Review-Accessibility Services Contractor (ASC), Accessibility Services Contractor-LULA (ACL) was discussed. It was determined that the addition of Accessibility Mechanic to our Contractors Regulations needs to occur. A motion offered by Williams and seconded by Walton was voted on to do so. The motion passed unanimously. Members voting "yes" were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Williams, Wood, Walker, Dyer and Walton.**

**Dowdy, Sumpter and Pace were absent.**

8 F. Plumber/Water Well System Provider scope of practice overlap discussion was held. Mr. Eric Olson addressed the Board, Mr. Raymond Thomas addressed the Board and shared his concerns with the water well system requirements. During the discussion, Mrs. Mayo pointed out this is in statute and we can not alter statute.

The Board was given a handout from Phillip S. Griffin II, attorney for Robert F Curd, III t/a Ace Consulting & Contracting. They requested the case be heard at the Board's January 11<sup>th</sup>, 2011 meeting and they stated they recognize that the case is outside of the ninety day window.

**File Number**  
**2010-02984**

Upon a motion by **Mr. Williams** seconded by **Mr. Middleton** the Board voted to grant the request by unanimous vote: Members voting "Yes" were: **Gelardi, Giesen, Middleton, Murrow, Smith, Williams, Walker, and Walton.**

**Dowdy, Sumpter and Pace were absent. Members voting "now were Dyer,**

**Wood and Tomlin.**

The next Board meeting will be October 19<sup>th</sup>, 2010.

There being no further business to come before the board, the meeting was adjourned at **1:10 p.m.** upon a motion by **Mrs. Tomlin** and seconded by **Mr. Smith**. The motion passed by unanimous vote. Members voting "Yes" were: **Tomlin, Gelardi, Giesen, Middleton, Murrow, Smith, Williams, Wood, Walker, Dyer and Walton.**

**Dowdy, Sumpter and Pace were absent.**

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Dorothy Wood, Chairman

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Gordon N. Dixon, Secretary

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**Next Board meeting**

**Adjournment**

**DRAFT BOARD FOR CONTRACTORS BOARD TRAINING  
MEETING**

**MINUTES**

The Board for Contractors met on Monday, September 20th, 2010 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, 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 14 members on this board, in which seven constitutes a quorum pursuant to §54.1-1102.

Dorothy Wood, Chairman  
Herbert “Jack” Dyer, Jr.  
Michael Gelardi  
David Giesen  
E. G. “Rudy” Middleton, III  
Doug Murrow  
E. C. “Chick” Pace, III  
Troy Smith  
Deborah Lynn Tomlin  
Wyatt Walton  
Bruce Williams

Bailey Dowdy, Homer “Pete” Sumpter, and Chancey Walker, were not present at the meeting.

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

Gordon Dixon, Director  
Mark Courtney, Deputy Director, LRD  
Eric L. Olson, Executive Director  
Sheila Watkins, Administrative Assistant  
Karen Bullock, Administrative Assistant  
Earlyne Perkins, Legal Analyst  
Whitney Fulcher, Licensing Education Specialist  
Adrienne Mayo, Regulatory Boards Administrator  
Steven Jack, Assistant Attorney General  
Leas Roth, Licensing and Education Administrator

Gordon Dixon, Agency Director, shared words of introduction and welcome with the Board for Contractors members.

### Introduction

Chairman Dorothy Wood called the meeting to order at 10:10 a.m. and declared a quorum of board members was in attendance.

### Call To Order

Chairman Wood introduced Eric Olson, Executive Director of the Board for Contractors to the Board and he shared his words of greetings with the new and Returning Board members. Following Mr. Olson, all Board members and staff Staff seated around the table took a moment to share an introduction with the group.

### Board Member/Staff Introductions

A motion was made by **Ms. Tomlin** and seconded by **Mr. Williams** to approve the new board member training agenda. The motion passed unanimously. Members voting "Yes" were: **Tomlin, Dyer, Middleton, Smith, Murrow, Pace, Gelardi, Giesen, Wood, Williams and Walton.**

### Approval of the New Board Member Training Agenda

**Dowdy, Walker and Sumpter were absent.**

**There was no public comment.**

### Public Comment Period

**Mr. Courtney presented** a slide show and shared information and training with each of the Board members concerning their responsibilities and their role as a member of the Board for Contractors. **The Board** was given the opportunity to ask questions on each segment of the training and discussion. Board Members have access to and can review this training information if needed. Some of the areas of discussion were: Sanctions, fees, confidentiality, meetings, Informal Fact Findings, Attendance, Absence, Regulations, Rules, Board Agendas, Paperwork Completion, cds, electronic agendas and paper agendas.

### Board Member Roles and Responsibilities

#### Mark Courtney – Deputy Director, LRD

**Steve Arthur presented** a slide show and shared information and training with each of the Board members concerning the Department of Professional and Occupational Regulation's Administration and Finance Division as it relates to the functions of the Board for Contractors. He discussed the Callahan Act and its importance and relevance to the actions of the Board. He shared charts and numbers and figures of importance. Mr. Arthur informed the Board of his staff and their functions. He also talked about the General fund and the costs as it relates to Regulators and the agency. Among other things noted by Mr. Arthur, he shared that this Board does generate revenue. A question and answer period was entertained by Mr. Arthur.

### Administration and Finance Division

#### Steve Arthur, Deputy Director of Administration and Finance

**The Board took a ten minute break to get their lunch and continue the training meeting with a “working” lunch.**

**Lunch**

**Carol Mitchell presented** a slide show and discussion period to the Board members. She distributed a hand out to the Members present for their information. Some of the areas of interest discussed by Ms. Mitchell were: compliance and investigations, common interest community ombudsman, fair housing, complaint analysis and resolution, complaint forms, disciplinary process, alternative dispute resolution, settlement agreements, investigations, report of findings, consent orders, technical review by board members, consent order letters, administrative process act, notice of IFF conferences, summary and recommendations, adjudication and also what the Board does. Ms. Mitchell entertained a question and answer period at the end of her presentation.

**Compliance and Investigations Division**

**Carol Mitchell**  
**ADR Director,**  
**Compliance Manager**

**Mr. Olson shared** information with the Board about the Board for Contractors Regulations and the Tradesman Regulations. **He also** talked about the member’s responsibilities and the importance of not discussing cases with anyone. During his discussion he shared information concerning the staff and their function as it relates to the Board and the Regulants. Other areas of importance he discussed were: completion of paperwork, board member attendance at meetings and training, what to expect at a Board meeting, the Board for Contractors Committee, the process for getting regulations and fees updated, changed, reviewed, etc. Nineteen months is a quick turnaround time period for this process and he noted that the Board should keep in mind it could take up to four years to increase fees. The Board relies on the information provided by the Finance and Administration division to assist with its recommendations for fee control. Mr. Olson also shared that serving on different committees comes along with the “territory” of being an active member of the Board for Contractors. He entertained a question and answer period at the end of his presentation.

**Basic Contractor Licensing**

**Eric Olson, Executive Director**  
**Board for Contractors**

Their being no further business to come before the board, the meeting was adjourned at **2:45 p.m.** upon a motion by **Mr. Williams** and seconded by **Mr. Gelardi**. The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Dyer, Middleton, Smith, Murrow, Pace, Gelardi, Giesen, Wood, Williams and Walton.**

**Adjournment**

**Dowdy, Walker and Sumpter were absent.**

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Dorothy Wood, Chairman

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Gordon N. Dixon, Secretary

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