

**MINUTES
THE WEST VIRGINIA CONTRACTOR LICENSING BOARD**

March 20, 2019

The West Virginia Contractor Licensing Board met on March 20, 2019, at 9:00 a.m. at 1900 Kanawha Boulevard East – State Capitol Complex – Building 3 – Room 124 – Charleston, West Virginia.

BOARD MEMBERS PRESENT

Jacob Meck, Co-Chair
Manuel Alvarez
Ted Brady
Michael Davis
Frank R. Ferguson
James Noel
Michael Stone

BOARD MEMBERS ABSENT

Steven Solomon
Eugene Thompson

OTHERS PRESENT

Mitchell E. Woodrum, Commissioner
Michael Sams, Deputy Commissioner
Elizabeth G. Farber, Assistant Attorney General
Kathy Rucker, Director, Licensing
Kimberly Legg, Board Secretary
Brian White, Labor Programs Specialist

MEETING CALLED TO ORDER

A quorum being present, Mr. Meck called the meeting to order at 9:00 a.m.

APPROVAL OF MINUTES

Mr. Brady made a motion to approve the minutes of the December 19, 2018 board meeting. Mr. Noel seconded. Motion carried.

PUBLIC COMMENT

Public Comment was moved to after Agenda Item #6. Patricia Morrison appeared regarding the issue she had with NES Unlimited, Inc. and NES Unlimited Development, Inc. in 2014. Disciplinary action has already been taken against NES for this issue.

ADVANTAGE CONSTRUCTION – Request to re-apply for contractor license

Nathan Shelton appeared on behalf of Advantage Construction, requesting permission to re-apply for a contractor license. License Number WV038505 was originally suspended in 2013 due to a Circuit Court judgment in the amount of \$131,615.30. That debt has since been discharged in bankruptcy court.

Mr. Brady made a motion to allow Mr. Shelton to re-apply for a contractor license. Mr. Noel seconded. Motion carried.

LICENSEE DISCIPLINARY HEARINGS

A. A Plus Home Repairs – Clarksburg, WV – WV054814

(Lewis County Magistrate Court judgment in the amount of \$9,750.00, plus 4.5% interest per year and \$145.00 for court costs)

Ms. Farber explained to the Board regarding A Plus Home Repairs. David Moran appeared on behalf of A Plus Home Repairs.

Mr. Ferguson made a motion to give company thirty (30) days to submit a report or update concerning the progress of negotiating a payment agreement and an addition thirty (30) days to submit a copy of the payment agreement or the license will be suspended until the judgment has been satisfied and a certified copy of the release has been submitted to the Board. Mr. Noel seconded. Motion carried.

B. Brian Oller DBA CF Unlimited – Hagerstown, MD – WV049968

(Berkeley County Magistrate Court judgment in the amount of \$9,500.00, plus 4.5% interest per year and \$70.00 in court costs)

Ms. Farber explained to the Board regarding Brian Oller DBA CF Unlimited. No one appeared on behalf of Brian Oller DBA CF Unlimited.

Mr. Ferguson made a motion to revoke license until judgment has been satisfied. Mr. Brady seconded. Motion carried.

C. Michael Nance DBA Nance Painting – Point Pleasant, WV – WV048430

(Mason County Magistrate Court judgment in the amount of \$4,300.00, plus 7% interest per year and \$95.00 in court costs)

Ms. Farber explained to the Board regarding Michael Nance DBA Nance Painting. No one appeared on behalf of Michael Nance DBA Nance Painting, but a written response was submitted.

Mr. Brady made a motion to give company thirty (30) days to resolve default or enter into a payment agreement through magistrate court or license would be revoked until the company satisfies the judgment and submits a certified copy of the release of judgment to the Board. Mr. Ferguson seconded. Motion carried.

**D. Michael Leggett DBA M & S Concrete – Parkersburg, WV – WV021987
(Wood County Magistrate Court judgment in the amount of \$2,500.00, plus 5.5% interest per year and court costs)**

Ms. Farber explained to the Board regarding Michael Leggett DBA M & S Concrete. Michael Leggett appeared on behalf of M & S Concrete.

Mr. Brady made a motion to give company thirty (30) days to submit copy of release of judgment from magistrate court or license will be suspended until company submits a certified copy of the release of judgment to the Board. Mr. Davis seconded. Motion carried.

**E. Byrd of Pray Creations, LLC – St. Albans, WV – WV054321
(Workers' Compensation Default List – Placed on list July 17, 2018 – Balance owed as of December 7, 2018 - \$1,758.00)**

Ms. Farber advised the Board that Byrd of Pray Creations, LLC resolved their default with the Offices of the Insurance Commission prior to the meeting.

Mr. Brady made a motion to withdraw disciplinary action. Mr. Alvarez seconded. Motion carried.

**F. Cochran Construction – Clarksburg, WV – WV057582
(Workers' Compensation Default List – Placed on list July 17, 2018 – Balance owed as of February 5, 2019 – Defaulted on repayment agreement – past due amount \$374.50 – Total amount due as of January 14, 2019 - \$561.75)**

Ms. Farber explained to the Board regarding Cochran Construction. No one appeared on behalf of Cochran Construction.

Mr. Brady made a motion to suspend license until Workers' Compensation default has been resolved. Mr. Stone seconded. Motion carried.

**G. Harner Construction, LLC – Morgantown, WV – WV034674
Harner Industries, LLC – Morgantown, WV – WV052005
(Workers' Compensation Default List – Harner Construction, LLC placed on list February 5, 2018 – Balance owed as of December 19, 2018 - \$1,887.48)**

Ms. Farber advised the Board that Harner Construction, LLC resolved their default with the Offices of the Insurance Commission prior to the meeting.

Mr. Davis made a motion to withdraw disciplinary action. Mr. Alvarez seconded. Motion carried.

**H. NVR, Inc. DBA NV Homes – Reston, VA – WV031951
(4th Offense of Hiring Unlicensed Subcontractors)**

Ms. Farber explained to the Board regarding NVR, Inc. DBA NV Homes. John Marinar from Steptoe and Johnson and Jeff Martchek appeared on behalf of NVR.

Mr. Ferguson made a motion to place company on a twelve (12) month probationary period to monitor compliance with its corrective action plan and require NVR submit a monthly list of active projects and subcontractors, due by the 10th of each month. Mr. Brady seconded. Motion carried.

CEASE AND DESIST ORDERS

A. Advisory Letters

UL014637 – Matthew Carnley appeared on behalf of Champion Window Co. of Pittsburgh, LLC

Mr. Brady made a motion to accept staff recommendations. Mr. Alvarez seconded. Motion carried.

B. \$200.00 Fines

Mr. Alvarez made a motion to accept staff recommendations. Mr. Brady seconded. Motion carried.

C. \$500.00 Fines

UL014663 – Kevin Kyle appeared on behalf of Kyle Construction

Mr. Ferguson made a motion to move UL014663 – Kyle Construction – to the \$200.00 fine list. Mr. Brady seconded. Motion carried.

Mr. Noel made a motion to move UL014633 – Lloyd Klages, LLC – to the \$200.00 fine list. Mr. Ferguson seconded. Motion carried.

Mr. Ferguson made a motion to accept remaining staff recommendations. Mr. Alvarez seconded. Motion carried.

D. \$1,000.00 Fines

UL014656 – Kevin Reedy appeared on behalf of Reedy Construction

UL014679 – Terry Parsons appeared on behalf of Parsons Heating & Cooling

Mr. Brady made a motion to move UL014656 – Reedy Construction – to the \$500.00 fine list. Mr. Noel seconded. Motion carried.

Mr. Noel made a motion to accept remaining staff recommendations. Mr. Alvarez seconded. Motion carried.

HVAC TECHNICIAN EXAM SCORES

Mr. Ferguson made a motion to approve the use of HVAC Technician exam scores to add a classification or acquire a contractor license, effective immediately. Mr. Alvarez seconded. Motion carried.

DOL REPORT

- Staff reported to the Board the number of Advisory Letters sent to prime contractors for hiring unlicensed sub-contractors
- A report was provided to the Board on criminal charges being filed in magistrate court on various contractors.

- Mr. Woodrum updated the Board regarding the electrical exam now being administered by NASCLA.
- Mr. Woodrum and Ms. Farber updated the Board regarding the 2019 legislative session.

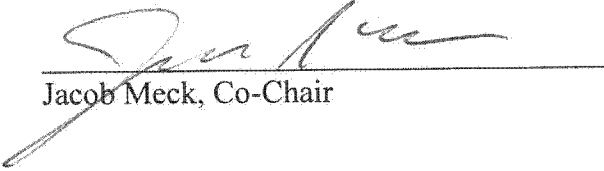
NEXT MEETING DATE

The next meeting date was scheduled for Thursday, June 13, 2019, with Wednesday, June 26, 2019 as an alternate date.

ADJOURNMENT

Mr. Brady made a motion to adjourn at 11:23 a.m. Mr. Noel seconded. Motion carried.

Approved:



Jacob Meck, Co-Chair