

MINUTES
THE WEST VIRGINIA CONTRACTOR LICENSING BOARD

November 2, 2017

The West Virginia Contractor Licensing Board met on November 2, 2017, at 9:00 a.m. at 1900 Kanawha Boulevard East – State Capitol Complex – Building 3 – Executive Conference Room, 8th Floor - Charleston, West Virginia.

BOARD MEMBERS PRESENT

Gene Thompson, Chair
Manuel Alvarez
Ted Brady
Michael Davis
Randy Ferguson
James Noel
Michael Stone

BOARD MEMBERS ABSENT

Jacob Meck
Steve Solomon

OTHERS PRESENT

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

MEETING CALLED TO ORDER

A quorum being present, Mr. Thompson called the meeting to order at 9:05 a.m.

APPROVAL OF MINUTES

Mr. Brady made a motion to approve the minutes of the August 22, 2017 board meeting. Mr. Ferguson seconded. Motion carried.

PUBLIC COMMENT

No one appeared for public comment.

EDWIN E. O'DELL

Mr. O'Dell appeared to request re-instatement of his license. The unpaid wages issue that his license was originally suspended over was discharged in bankruptcy court; however, Mr. O'Dell informed the Board that he has several judgments that he has a restitution agreement for. The Board informed Mr. O'Dell they would need a copy of the restitution agreement before proceeding with his request to have his license re-instated. The issue was continued to the next meeting.

LICENSEE DISCIPLINARY HEARINGS

A. Bayliss & Ramey, Inc. – Fraziers Bottom, WV – WV000856 (Requested company surrender original license issued August 7, 2017)

Ms. Farber explained to the Board regarding Bayliss & Ramey, Inc. This issue should not have been placed under disciplinary hearings and was moved to the DOL Report.

B. Dennis M. Eisenacher DBA DME Enterprises – Slatyfork, WV – WV052190 (Pocahontas County Circuit Court judgment in the amount of \$38,790.65 plus interest and court costs)

Ms. Farber explained to the Board regarding Dennis M. Eisenacher DBA DME Enterprises. No one appeared on behalf of DME Enterprises.

Mr. Brady made a motion to suspend license until the judgment has been resolved. Mr. Davis seconded. Motion carried.

C. Site Works, LLC – Buckhannon, WV – WV054447 (Lewis County Magistrate Court judgment in the amount of \$7,500.00 plus 7% interest and \$120.00 for court cost)

Ms. Farber explained to the Board regarding Site Works, LLC. No one appeared on behalf of Site Works but a written response was submitted.

Mr. Brady made a motion to give Site Works thirty (30) days to resolve the issue or the license will be suspended. Mr. Noel seconded. Motion carried.

D. Scott Legg DBA Precision Builders – Sinks Grove, WV – WV044218 (Monroe County Circuit Court judgment in the amount of \$23,018.41 plus 7% interest and court costs)

Ms. Farber explained to the Board regarding Scott Legg DBA Precision Builders. No one appeared on behalf of Precision Builders; however, the consumer Gary Brewer appeared.

Mr. Brady made a motion to suspend license until the judgment has been resolved. Mr. Alvarez seconded. Motion carried.

CEASE AND DESIST ORDERS

- A. Advisory Letters
- B. \$200.00 Fine Recommendations
- C. \$500.00 Fine Recommendations
- D. \$1,000.00 Fine Recommendations

A. ADVISORY LETTERS

UL013934	AFFORDABLE HEATING & AIR (1ST C&D)	NO LICENSE
UL013935	J D E, INC (1ST C&D)+B211	NO LICENSE
UL013936	HARMON'S WELL SERVICE & PIPELINE LLC (1ST C&D)	NO LICENSE
UL013937	RICHARD JAMES DILLOW (1ST C&D)	NO LICENSE
UL013938	NORFOLK COMMERCIAL CONSTRUCTION (1ST C&D)	NO LICENSE
UL013939	HUNTER DILLOW (1ST C&D)	NO LICENSE
UL013940	RICHARD ROSCO (1ST C&D)	NO LICENSE
UL013941	RYAN BOWLES (1ST C&D)	NO LICENSE
UL013942	MIKE WILLIAMS (1ST C&D)	NO LICENSE
UL013944	BOBBY WIMMER JR (1ST C&D)	NO LICENSE
UL013945	STEVEN L THORNTON (1ST C&D)	NO LICENSE
UL013946	STEVEN GILL (1ST C&D)	NO LICENSE
UL013947	DEWEY MANN (1ST C&D)	NO LICENSE
UL013948	NATHAN TROUT (1ST C&D)	NO LICENSE
UL013949	ANDREW MORTON VANDALL (1ST C&D)	NO LICENSE
UL013950	BILLY BLACKBURN (1ST C&D)	NO LICENSE
UL013951	CARTER CONTRACTING INC (1ST C&D)	NO LICENSE
UL013952	MCCUNE CONSTRUCTION CO (1ST C&D)	EXPIRED
UL013953	ARMANDO SALAZAR (1ST C&D)	NO LICENSE
UL013954	TAYLOR PAINTING (1ST C&D)	NO LICENSE
UL013955	FAIRVIEW LOG HOMES (1ST C&D)	NO LICENSE
UL013956	COMMERCIAL ASSET PRESERVATION (1ST C&D)	NO LICENSE
UL013957	GROUP CONSTRUCTION (1ST C&D)	NO LICENSE
UL013958	MECKLENBURG ROOFING INC (1ST C&D)	EXPIRED
UL013959	HOWARD BRADLEY (1ST C&D)	NO LICENSE
UL013960	HOBBS PAINTING (1ST C&D)	NO LICENSE
UL013961	DAN BAILEY (1ST C&D)	NO LICENSE
UL013962	KRISTOPHER R WOLFE DBA ELITE SURFACES (1ST C&D)	NO LICENSE
UL013963	G2 SURFACES (1ST C&D)	NO LICENSE
UL013964	STEWARTS FIBER & CABLE INC (1ST C&D)	NO LICENSE
UL013965	JIMMY JOHNSON (1ST C&D)	NO LICENSE
UL013966	MICHAEL SHERMAN MAZEY (1ST C&D)	NO LICENSE
UL013967	CHANDLER BEAVERS (1ST C&D)	NO LICENSE
UL013968	A1 CONSTRUCTION INC (1ST C&D)	NO LICENSE
UL013969	STANLEY SECURITY (1ST C&D)	NO LICENSE
UL013970	BRADLEY PAUL CARLSON (1ST C&D)	NO LICENSE
UL013971	RICHARD J HIBBARD (1ST C&D)	NO LICENSE
UL013973	PRO COMM SERVICE SOLUTIONS (1ST C&D)	NO LICENSE
UL013974	HUTSON INDUSTRIES LLC (1ST C&D)	NO LICENSE
UL013975	KENNETH M MONAGHAN	NO LICENSE
UL013976	GIORDANI HEATING & COOLING (1ST C&D)	NO LICENSE
UL013978	SPECIALTY COATING & CONSULTING (1ST C&D)	NO LICENSE
UL013979	INGLE CONSTRUCTION (1ST C&D)	NO LICENSE
UL013980	PLATINUM FLUID SOLUTIONS LLC (1ST C&D)	NO LICENSE
UL013981	RIVER VALLEY PROPERTIES (1ST C&D)	NO LICENSE
UL013982	JAMES S FISHER (1ST C&D)	NO LICENSE
UL013983	JSS ELECTRIC INC (1ST C&D)	NO LICENSE
UL013984	ERWIN LAM DRYWALL (1ST C&D)	NO LICENSE

UL013986	A PLUS CANOPIES INC (1ST C&D)	NO LICENSE
UL013988	RUEBEN BURKHOLDER (1ST C&D)	NO LICENSE
UL013989	MCKIM CONSTRUCTION CO (1ST C&D)	EXPIRED
UL013990	K & K FOUNDATION SEALING INC (1ST C&D)	NO LICENSE
UL013991	MAPERO LLC (1ST C&D)	NO LICENSE
UL013992	TURF MASTER LAWN CARE LLC (1ST C&D)	NO LICENSE
UL013993	1 FINE GUTTER LLC (1ST C&D)	NO LICENSE
UL013994	LESTER CONSTRUCTION LLC (1ST C&D)	NO LICENSE
UL013996	WALNUT VALLEY LOG HOMES LLC (1ST C&D)	EXPIRED
UL013997	R & L MINTO CONSTRUCTION INC (1ST C&D)	OUT OF CLASS
UL013998	DBA ALL PRO GENERAL MAINTENANCE (1ST C&D)	NO LICENSE
UL013999	HERNANDEZ & HERNANDEZ ROOFING (1ST C&D)	NO LICENSE
UL014000	ROUGH CUT LLC (1ST C&D)	OUT OF CLASS
UL014001	HIGHTEC UTILITIES INC (1ST C&D)	NO LICENSE
UL014003	ARTHUR SELMAN (1ST C&D)	NO LICENSE
UL014004	CIRCLE P HOME IMPROVEMENTS (1ST C&D)	NO LICENSE
UL014005	BOBBY FAULKNER (1ST C&D)	EXPIRED
UL014007	SHUR CLEAN USA LLC (1ST C&D)	NO LICENSE
UL014008	AETNA BUILDING MAINTENANCE INC (1ST C&D)	EXPIRED
UL014009	SET THE PACE CONSTRUCTION LLC (1ST C&D)	NO LICENSE
UL014011	DBA KINCO CONSTRUCTION LLC (3RD C&D-1ST UNLIC)	EXPIRED
UL014013	TIMOTHY PRICE (1ST C&D)	NO LICENSE
UL014014	MIKE FARMER (1ST C&D)	NO LICENSE
UL014015	POOR MAN'S GRAIN & STAIN (1ST C&D)	NO LICENSE
UL014016	DREW WATKINS (1ST C&D)	NO LICENSE
UL014017	HENRY L DEEVERS (1ST C&D)	NO LICENSE
UL014019	MACTECH INC (1ST C&D)	NO LICENSE
UL014025	VAPOR OILFIELD SERVICES LLC (1ST C&D)	NO LICENSE
UL014026	DOVES FUR (1ST C&D)	NO LICENSE
UL014027	SHERWIN WILLIAMS #5269 (1ST C&D)	NO LICENSE
UL014028	CASTLE HEATING & AC (1ST C&D)	NO LICENSE
UL014029	TEK CONSTRUCTION SERVICES LLC (1ST C&D)	EXPIRED
UL014030	WICKLOW LOGISTICS INC (1ST C&D)	NO LICENSE
UL014033	CUSTOM CONSTRUCTION MANAGEMENT INC (1ST C&D)	NO LICENSE
UL014034	JS CONSTRUCTION ASSOCIATION INC (2ND C&D-1ST OOC)	OUT OF CLASS
UL014035	FQ ENERGY SERVICES LLC (1ST C&D)	NO LICENSE
UL014038	CRAIG SMITH (1ST C&D)	NO LICENSE
UL014039	A & J TENNANT CONSTRUCTION LLC (1ST C&D)	OUT OF CLASS
UL014040	DBA HYDROEDGE SOLUTIONS (1ST C&D)	EXPIRED

UL013969 – Removed Stanley Security from list

UL014034 – Jesse Smith, President, appeared on behalf of company

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

B. \$200.00 FINES

UL013972	SOUTHERN INTERIORS PLUS (2ND C&D)	EXPIRED
UL013985	DESIGN TEAM SIGN COMPANY LLC (2ND C&D)	NO LICENSE

UL013987	GREGORY KEITH GLOVER (2ND C&D)	NO LICENSE
UL013995	BILL ALLEN CONSTRUCTION (1ST C&D) - CC	NO LICENSE
UL014006	DEWAYNE ALLEN SCHROCK (2ND C&D)	NO LICENSE
UL014020	HARPER CONSTRUCTION (2ND C&D)	NO LICENSE
UL014021	CASE HOME REMODELING LLC (1ST C&D) - CC	NO LICENSE
UL014022	J & P REMODELING AND REPAIR (1ST C&D) - CC	NO LICENSE
UL014023	ELLIOTT LAWCARE (1ST C&D) - CC	NO LICENSE
UL014024	3-D BUILDERS (1ST C&D) - CC	OUT OF CLASS
UL014031	PALINDROME LLC (2ND C&D)	EXPIRED
UL014032	DANIEL STARLIPER (1ST C&D) - CC	NO LICENSE
UL014036	BROTHER CONTRACTING (1ST C&D) - CC	NO LICENSE
UL014037	JASON ILAR (1ST C&D) - CC	NO LICENSE
UL014041	CRITCHLOW OUTDOOR CREATIONS (2ND C&D)	NO LICENSE

UL014020 – Ben Harper, Owner, appeared on behalf of the company

UL014032 – Daniel Starliper – Staff discovered after the meeting that the C&D should have been placed on the Advisory Letter list. The correct sanction letter was issued.

Mr. Noel made a motion to accept staff recommendations. Mr. Brady seconded. Motion carried. Chairman Thompson requested an additional note be added to the final order for UL014036 referencing his written response.

C. \$500.00 FINES

UL013977	SOUTHERN INTERIORS PLUS (3RD C&D)	EXPIRED
UL014010	WV SIGN MAINTENANCE LLC (4TH C&D-3RD UNLIC)	EXPIRED
UL014012	KIDWELL FENCE LLC (3RD C&D)	EXPIRED

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

D. \$1,000.00 FINES

UL014018	NORTH STAR CONSTRUCTION INC (1ST C&D) -STOLEN LICENSE	EXPIRED
----------	---	---------

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

DOL REPORT

- The department asked Bayliss & Ramey to voluntarily surrender their license in response to the company's letter stating they were no longer conducting business and were seeking bankruptcy protection. The Board stated they would not take any action until a notice of hearing was sent to the company for the next meeting.
- A report was provided to the Board on criminal charges being filed in magistrate court on various contractors.
- In a matter continued from the August 22, 2017 board meeting, Mr. Brady researched solar panel installation and found that only two states, California and Florida, have additional classifications for solar panel installation. No additional action was taken.

- The Board discussed a letter received by the department from Jacob A. Manning from the law firm of Dinsmore & Shohl, LLP regarding Greenbrier County Schools and their erroneous statement that the Board has determined that a Clerk-of-the-Works must have a West Virginia Contractor License. The Board discussed the School Building Authority's description provided by Mr. Manning and what a true clerk-of-the-works usually does and the consensus was that a that a true clerk-of-the-works does not need a contractor license; however, according to the duties and responsibilities of the clerk-of-the-works listed under the School Building Authority's Policy & Procedures, a contractor license will be required for a company or independent contractor hired by the school board to perform that work. The Board requested staff respond to the letter and inform the school board's attorney that the Contractor Licensing Board has not made a decision that all clerks-of-the-works must have a contractor license; however, the School Building Authority's description falls under that of a project manager and a license is required for that type of work.

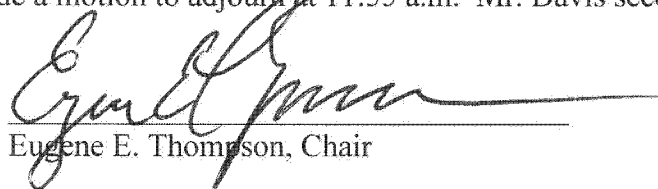
NEXT MEETING DATE

The next meeting date is February 15, 2018 at 9:00 a.m., location to be determined.

ADJOURNMENT

Mr. Brady made a motion to adjourn at 11:55 a.m. Mr. Davis seconded. Motion carried.

Approved:


Eugene E. Thompson, Chair