

**MINUTES
THE WEST VIRGINIA CONTRACTOR LICENSING BOARD**

December 19, 2018

The West Virginia Contractor Licensing Board met on December 19, 2018, at 10:00 a.m. at 1900 Kanawha Boulevard East – State Capitol Complex – Building 3 – Room 124 – Charleston, West Virginia.

BOARD MEMBERS PRESENT

Eugene Thompson, Chair
Manny Alvarez
Ted Brady
Michael Davis
Frank R. Ferguson
Jacob Meck
James Noel
Steven Solomon

BOARD MEMBERS ABSENT

Michael Stone

OTHERS PRESENT

Mitchell E. Woodrum, Commissioner
Michael Sams, Deputy Commissioner
Elizabeth G. Farber, Assistant Attorney General
Kathy Rucker, Director, Licensing
Kimberly Legg, Board Secretary
LaShawna Johnson, Regulatory Licensing Support Specialist II
Brian White, Labor Programs Specialist
Brian Smith, Labor Inspector I

MEETING CALLED TO ORDER

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

APPROVAL OF MINUTES

Mr. Brady made a motion to approve the minutes of the September 20, 2018 board meeting. Mr. Ferguson seconded. Motion carried.

PUBLIC COMMENT

No one appeared for public comment.

LICENSEE DISCIPLINARY HEARINGS

**A. Justice and Son Heating and Cooling – Chesapeake, OH – WV057769
(Cabell County Magistrate Court judgment in the amount of \$10,000.00, plus 4.5% interest per year and \$120.00 for court costs)**

Ms. Farber explained to the Board regarding Justice and Son Heating and Cooling. No one appeared on behalf of Justice and Son.

Mr. Ferguson made a motion to revoke the license. Mr. Alvarez seconded. Motion carried.

**B. Willow Construction, LLC – Morgantown, WV – WV055695
(Preston County Magistrate Court judgment in the amount of \$5,111.87, plus 4.5% interest per year and \$95.00 in court costs)**

Ms. Farber explained to the Board regarding Willow Construction, LLC. Katherine Slagle and Keith Woods appeared on behalf of Willow Construction.

Mr. Ferguson made a motion to allow company thirty (30) days to submit copy of payment plan or license will be suspended. Mr. Alvarez seconded. Motion carried.

**C. Preferred Construction – Parkersburg, WV – WV051426
(Wood County Circuit Court judgment in the amount of \$5,079.01, plus 4.5% interest per year and \$300.00 in court costs)**

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

Mr. Brady made a motion to revoke the license. Mr. Meck seconded. Motion carried.

**D. Precision Fence and Floors – Wheeling, WV – WV051644
(Ohio County Magistrate Court judgment in the amount of \$2,300.00, plus 4.5% interest per year and \$160.00 in court cost)**

Ms. Farber explained to the Board regarding Precision Fence and Floors. Adam Parsons appeared on behalf of Precision.

Mr. Brady made a motion to revoke the license. Mr. Ferguson seconded. Motion carried.

**E. H & J Contracting, LLC – Fairmont, WV – WV038623
(Marion County Circuit Court judgment in the amount of \$4,750.00, plus court costs)**

Ms. Farber explained to the Board regarding H & J Contracting, LLC. Consumers Kelli Henderson and Levi Henderson appeared on their own behalf.

Mr. Ferguson made a motion to revoke license and require company appear before the Board before license can be re-instated. Mr. Meck seconded. Motion carried.

**F. Blue Ridge Carpentry, LLC – Charles Town, WV – WV040005
(Workers' Compensation Default List – Placed on list September 19, 2018 – Balance owed as
of November 20, 2018 - \$2,769.00)**

Ms. Farber explained to the Board regarding Blue Ridge Carpentry, LLC. No one appeared on behalf of Blue Ridge Carpentry.

Mr. Brady gave the company thirty (30) days to submit proof of a payment plan or that default has been resolved or license will be suspended. 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

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| UL014472 | BARR-NONE COATING APPLICATORS INC (1ST) | NO LICENSE |
| UL014474 | R H S SAFETY CONSULTING LLC (1ST) | NO LICENSE |
| UL014476 | DAVACO INC (1ST) | EXPIRED |
| UL014478 | LARRY MCCULLOUGH (1ST) | NO LICENSE |
| UL014479 | QUALITY COVERINGS (1ST) | NO LICENSE |
| UL014480 | ALBERT J HOOVER DBA HOOVER POLE BUILDING (1ST) | NO LICENSE |
| UL014481 | HIGH COUNTRY CONTRACTING LLC (1ST) | NO LICENSE |
| UL014482 | ARRAY SERVICES CORPORATION (1ST) | NO LICENSE |
| UL014483 | WINTERS TOWING & GARAGE INC (1ST) | NO LICENSE |
| UL014485 | A M BUILDERS LLC (1ST) | NO LICENSE |
| UL014486 | GLOBAL INTERIORS GROUP (1ST) | NO LICENSE |
| UL014487 | ELECTRIC GENERAL SERVICE (1ST) | NO LICENSE |
| UL014488 | MILLS CONSTRUCTION SERVICES LLC (1ST) | NO LICENSE |
| UL014489 | WEST END ELECTRIC CO INC (1ST) | EXPIRED |
| UL014491 | GREYSTAR CONSTRUCTION INC (1ST) | EXPIRED |
| UL014493 | BOWYER GENERAL CONTRACTING LLC (1ST) | EXPIRED |
| UL014494 | CHAD TAYLOR DBA TAYLORS CONSTRUCTION (1ST) | EXPIRED |
| UL014495 | HOIST SALES & SERVICE INC (1ST) | NO LICENSE |
| UL014496 | SECURITY LOCK & KEY INC (1ST) | NO LICENSE |
| UL014497 | DIAMOND FLAGGING SERVICES LLC (1ST) | EXPIRED |
| UL014498 | SHALLENBERGER CONSTRUCTION INC (1ST) | EXPIRED |
| UL014500 | DARRIN COOPER (1ST) | NO LICENSE |
| UL014501 | JESSE YATES (1ST) | NO LICENSE |
| UL014502 | DBA ROUST PAINTING AND RENOVATIONS (1ST) | OUT OF CLASS |
| UL014503 | EDUARDO MARTINEZ ALMANZA (1ST) | NO LICENSE |
| UL014504 | ASTCO CONSTRUCTION INC (1ST) | NO LICENSE |
| UL014506 | ROBERT SANDERS (1ST) | NO LICENSE |
| UL014507 | THE EARLY CONSTRUCTION CO (1ST) | EXPIRED |

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| UL014508 | BRYAN BARKER (1ST) | NO LICENSE |
| UL014509 | CHAI SUKERUKSA (1ST) | NO LICENSE |
| UL014510 | DBA HARRISON INTERIOR SERVICES (1ST) | OUT OF CLASS |
| UL014511 | JOHN CARLINE (1ST) | NO LICENSE |
| UL014512 | OCEANA QUALITY IMPROVEMENTS (1ST) | NO LICENSE |
| UL014514 | INDUSTRIAL CONTAINMENT SOLUTIONS LLC (1ST) | NO LICENSE |
| UL014515 | J G CONSTRUCTION LLC (1ST) | OUT OF CLASS |
| UL014516 | LAZ HVAC LLC (1ST) | NO LICENSE |
| UL014517 | TERRY MICHAELS (1ST) | NO LICENSE |
| UL014518 | APEX CONSTRUCTION AND DEVELOPMENT (1ST) | NO LICENSE |
| UL014519 | IMPRESSIVE HOMES LLC (1ST) | EXPIRED |
| UL014520 | EBENEZER ROOFING LLC (1ST) | NO LICENSE |
| UL014521 | NEW LIFE PROJECTS LLC (1ST) | NO LICENSE |
| UL014524 | DBA MASCELLINO CONTRACTING (1ST) | EXPIRED |
| UL014525 | FRANCISCO CASCANTE (1ST) | NO LICENSE |
| UL014526 | DURABLE PAINTING (1ST) | NO LICENSE |
| UL014527 | TOTAL COMFORT GROUP (1ST) | NO LICENSE |
| UL014528 | ORGANELLY LLC (1ST) | NO LICENSE |
| UL014529 | B & D CONSTRUCTION DBA CONCRETE BUSTERS (1ST) | OUT OF CLASS |
| UL014531 | DRUMMOND WELDING LLC (1ST) | NO LICENSE |
| UL014532 | ANCHOR A WELDING LLC (1ST) | NO LICENSE |
| UL014533 | DJC WELDING LLC | NO LICENSE |
| UL014535 | LANE VALENTE INDUSTRIES INC (1ST) | OUT OF CLASS |
| UL014537 | CPP DAYTON LLC DBA CERTAPRO PAINTERS (1ST) | NO LICENSE |
| UL014538 | GATOR SIGN COMPANY (1ST) | NO LICENSE |
| UL014539 | NEW TECH GLOBAL STAFFING LLC (1ST) | NO LICENSE |
| UL014540 | JAMIE BOSTIC (1ST) | NO LICENSE |
| UL014541 | WORKMAN SECURITY SERVICES INC (1ST) | NO LICENSE |
| UL014543 | FK INDUSTRIES INC (1ST) | NO LICENSE |
| UL014544 | RISE & RISE WIRELESS (1ST) | NO LICENSE |
| UL014545 | YOUNGS CONTRACTING LLC (1ST) | OUT OF CLASS |
| UL014546 | DEARBORN OVERHEAD CRANE (1ST) | NO LICENSE |
| UL014549 | DBA SKIDMORE CONSTRUCTION (1ST) | NO LICENSE |
| UL014550 | METRO STEEL INC (1ST) | NO LICENSE |
| UL014551 | DEMBY STEEL LLC (1ST) | NO LICENSE |
| UL014552 | 3 RIVERS REMOTE CONTROLS LLC (1ST) | NO LICENSE |
| UL014553 | JORGE GARCIA DBA JOSE ROOFING (1ST) | NO LICENSE |
| UL014554 | HEWITT DETAILED PAINTING LLC (1ST) | EXPIRED |
| UL014556 | RANDY ADDISON (1ST) | NO LICENSE |
| UL014557 | JEFF TOLER (1ST) | NO LICENSE |
| UL014558 | STEVEN WORIX (1ST) | NO LICENSE |
| UL014562 | HOT PAVE (1ST) | NO LICENSE |
| UL014563 | PRIME PETRO SERVICES LLC (1ST) | NO LICENSE |
| UL014564 | TURNER UNDERGROUND INSTALLATIONS INC (1ST) | NO LICENSE |
| UL014565 | JOSH THRASHER (1ST) | NO LICENSE |
| UL014567 | MATTHEW KEIM ROOFING LLC (1ST) | NO LICENSE |
| UL014568 | FAIRVIEW EXTERIORS (1ST) | NO LICENSE |
| UL014569 | ONLY CONCRETE LLC (1ST) | EXPIRED |
| UL014571 | SHELBY EBLIN DBA K & S CONCRETE (1ST) | NO LICENSE |

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| UL014572 | MARBLE PRO INC (1ST) | NO LICENSE |
| UL014573 | ZEMBA BROS INC (1ST) | NO LICENSE |
| UL014575 | LINK STAFFING SERVICES CORP (1ST) | NO LICENSE |
| UL014577 | FREEMAN ROOFING & CONSTRUCTION CO (1ST) | EXPIRED |
| UL014578 | TJD ENERGY SERVICES LLC (1ST) | OUT OF CLASS |
| UL014581 | EDWIN WALKER JENNEY JR (1ST) | NO LICENSE |
| UL014582 | TERRY DANIEL CANTRALL (1ST) | NO LICENSE |
| UL014583 | DAVID ALLEN DROWN (1ST) | NO LICENSE |
| UL014584 | CHARLES BOWMAN JOHNSON (1ST) | NO LICENSE |
| UL014585 | THOMAS EDWARD SHORT (1ST) | NO LICENSE |
| UL014588 | PLY GEM SPECIALTY PRODUCTS LLC (1ST) | EXPIRED |
| UL014589 | ON-PAR TURF & LANDSCAPING (1ST) | NO LICENSE |
| UL014590 | RYAN MORRIS (1ST) | NO LICENSE |
| UL014591 | JACOB MISCOWICH (1ST) | NO LICENSE |
| UL014592 | KENNY EWING (1ST) | NO LICENSE |
| UL014593 | CLARENCE BELSAR (1ST) | NO LICENSE |
| UL014595 | TODD CONCRETE CONSTRUCTION (1ST) | NO LICENSE |
| UL014596 | CLAYTON RESTORATION (1ST) | NO LICENSE |
| UL014598 | SKY VIEW STEEL LLC (1ST) | NO LICENSE |
| UL014599 | MOUNTAIN LOG AND TIMBER (1ST) | NO LICENSE |
| UL014600 | LUSHER TRUCKING (1ST) | NO LICENSE |
| UL014601 | DC GENERALS ROOFING AND SIDING (1ST) | NO LICENSE |
| UL014602 | DBA JUSTICE AND SON HEATING AND COOLING (1ST) | NO LICENSE |
| UL014603 | CAPITAL GROUND CONSTRUCTION (1ST) | NO LICENSE |
| UL014604 | DBA BROWN CONSTRUCTION COMPANY (1ST) | OUT OF CLASS |
| UL014605 | THE PAINT STORE LLC (1ST) | NO LICENSE |
| UL014608 | DBA WOODYS GENERAL SERVICES (1ST) | NO LICENSE |
| UL014609 | BUCKEYE PIPELINE CONSTRUCTION (1ST) | NO LICENSE |
| UL014610 | BRODY DALE ROUSH (1ST) | NO LICENSE |
| UL014611 | SEAN DAVID SUCHEVITS (1ST) | NO LICENSE |
| UL014613 | SCOTT MARTIN CONSTRUCTION LLC (1ST) | NO LICENSE |
| UL014615 | BOB THELLMAN (1ST) | NO LICENSE |
| UL014616 | FIVE M CONSTRUCTION LLC (1ST) | OUT OF CLASS |
| UL014617 | SNM WIRELESS LLC (1ST) | NO LICENSE |
| UL014618 | TIMOTHY LACY (1ST) | OUT OF CLASS |
| UL014619 | WILLIAM GREATHOUSE DBA FATHER SON SERVICES (1ST) | EXPIRED |

UL014544 – Navrha Acharya appeared on behalf of Rise & Rise Wireless

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

B. \$200.00 FINES

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| UL014473 | MATTHEW BARKER (2ND) | EXPIRED |
| UL014475 | DOMINION REBAR LLC (2ND) | EXPIRED |
| UL014477 | BERLIN GARDENS LLC (2ND) | NO LICENSE |
| UL014492 | WHARTON HOME IMPROVEMENTS (1ST) - CC | NO LICENSE |

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| UL014505 | L & S ENTERPRISES (1ST) - CC | NO LICENSE |
| UL014513 | TWYMANS CONTRACTING (1ST) - CC | NO LICENSE |
| UL014522 | RIGIDPLY RAFTERS INC (2ND) | EXPIRED |
| UL014523 | MICHAEL SANKEY DBA SANKEY TILE (1ST) - CC | NO LICENSE |
| UL014536 | DBA UNLIMITED FLOORING INSTALLATION (2ND) | EXPIRED |
| UL014542 | DAVID BEEGLE JR DBA DAVIDS HANDYMAN (1ST) | NO LICENSE |
| UL014548 | DBA HOMESTEAD CONSTRUCTION (2ND) | EXPIRED |
| UL014566 | PREMIER CHOICE EXTERIORS LLC (1ST) - CC | NO LICENSE |
| UL014570 | RICHARD ST HILAIRE DBA ELITE FINISHES (1ST) - CC | EXPIRED |
| UL014574 | 44 BUILDERS LLC (2ND) | EXPIRED |
| UL014576 | J L CONTRACTING LLC (1ST) - CC | EXPIRED |
| UL014579 | A & T ROOFING (1ST) - CC | NO LICENSE |
| UL014587 | JORGE GARCIA DBA JOSE ROOFING (2ND) | NO LICENSE |
| UL014597 | DBA JOHNSONS COMFORT CONNECTION (1ST) - CC | EXPIRED |
| UL014606 | E Z WELDING & FABRICATING LLC (2ND) | EXPIRED |
| UL014607 | VORST PAVING INC (2ND) | EXPIRED |
| UL014622 | SAMUEL GILLENWATER DBA PRO BUILDERS (1ST) - CC | OUT OF CLASS |
| UL014612 | PHILDON CONSTRUCTION INC (2ND)-CC | EXPIRED |
| UL014621 | JOES CUSTOM CABINETS (1ST) - CC | NO LICENSE |

UL014621 – Joseph Bennett appeared on behalf of Joe’s Custom Cabinets

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

C. \$500.00 FINES

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| UL014484 | KOOL MAX (2ND) - CC | EXPIRED |
| UL014490 | ACME BROS PLUMBING CONTRACTORS CO (3RD) | NO LICENSE |
| UL014499 | HARRISON CONTRACTING CO INC (3RD) | EXPIRED |
| UL014559 | DBA ROGERS OUTDOOR SERVICES (2ND) - CC | NO LICENSE |
| UL014586 | ERVIN PETERSHEIM DBA E P ROOFING (3RD) | NO LICENSE |

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

D. \$1,000.00 FINES

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| UL014530 | GENE DILLSWORTH JR (2ND) CC | NO LICENSE |
| UL014534 | PARKERSBURG ROOFING & CONSTRUCTION (5TH) CC | EXPIRED |
| UL014547 | DBA PETER HIGGS GENERAL CONTRACTING (1ST) CC | NO LICENSE |
| UL014555 | FULL DRAW CONSTRUCTION LLC (1ST) CC | NO LICENSE |
| UL014560 | DBA ROGERS OUTDOOR SERVICES (3RD) CC | NO LICENSE |
| UL014561 | DBA ROGERS OUTDOOR SERVICES (4TH) CC | NO LICENSE |
| UL014580 | JACOB MEADOWS (4TH) | SUSPENDED/EXP |
| UL014594 | KIDWELL FENCE LLC (7TH) | EXPIRED |
| UL014614 | DENNIS EISENACHER DBA DME ENTERPRISES (2ND) CC | SUSPENDED/EXP |
| UL014620 | KIDWELL FENCE LLC (8TH) | EXPIRED |

Mr. Brady made a motion to accept staff recommendations. Mr. Davis 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. Board discussed the possibility of accepting NASCLA electrical exam scores in the future. Issue will be left on the agenda for discussion at future meetings.
- Mr. Woodrum and Ms. Farber updated the Board regarding the 2019 proposed legislation regarding amendments to the Contractor Licensing Act. The Governor's Office has not responded.
- Mr. Woodrum advised the Board of concerns from Patricia Morrison regarding David Smith and NES Unlimited, Inc. and NES Unlimited Development, Inc. Mr. Smith was brought before the Board in 2014 in response to a guilty plea in Taylor County Circuit Court for obtaining money under false pretenses for a project for Carl and Patricia Morrison. Taylor County placed Mr. Smith under probation for 2 years and the Board placed his licenses under probation for the duration of the Court's probation; however, Mr. Smith has never submitted a copy of his release to the Board, so he remains under probation. Mrs. Morrison submitted documentation regarding disciplinary action taken against NES out-of-state and wished to be placed on the agenda to present her information to the Board. Since the Board cannot take any action on judgments, disciplinary action and criminal complaints in other states, the Board declined to place Mrs. Morrison on the agenda but said she can appear for public comment. The Board directed staff to document in company's record for Mr. Smith to submit a copy of his release from probation from Taylor County Circuit Court or his licenses cannot be renewed. The Board also directed staff to notify Mr. Smith that if he does not send the January and February monthly statements of work status in West Virginia, he will be brought before the Board for disciplinary action unless he sends a copy of the release from probation.
- Staff introduced new Field Inspector Brian Smith to the Board.

NEXT MEETING DATE

The next meeting date is Thursday, March 28, 2019 at 9:00 a.m. (Due to issues regarding booking the conference room this date, the meeting was rescheduled for Wednesday, March 20, 2019 at 9:00am.

ADJOURNMENT

Mr. Thompson made a motion to adjourn at 11:33 a.m. Mr. Meck seconded. Motion carried.

Approved:



Jacob Meck, Co-Chair