

MINUTES
THE WEST VIRGINIA CONTRACTOR LICENSING BOARD

September 26, 2019

The West Virginia Contractor Licensing Board met on September 26, 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, Chair
Manuel Alvarez
Ted Brady
Mary Cleland
Frank R. Ferguson
James M. Noel
Charles K. Smith
Steven Solomon
Michael Stone

BOARD MEMBERS ABSENT

Michael Davis

OTHERS PRESENT

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

MEETING CALLED TO ORDER

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

INTRODUCTION OF NEW BOARD MEMBERS

New members Mary N. Cleland and Charles K. Smith were welcomed to the Board.

APPROVAL OF MINUTES

Mr. Brady made a motion to approve the minutes of the June 26, 2019 board meeting. Mr. Noel seconded. Motion carried.

PUBLIC COMMENT

Brian Stanley of IUPAT DC 53 appeared for public comment.

LICENSEE DISCIPLINARY HEARINGS

**A. Curlie Ray DBA Curlie Ray Construction – Elkins, WV – WV002406
(Barbour County Magistrate Court judgment in the amount of \$6,933.06, plus \$85.00 in court costs and interest at 4.5% per year until paid)**

Ms. Farber explained to the Board regarding Curlie Ray Construction. Curlie Ray, Jr. and owner Curlie Ray, Sr. appeared on behalf of Curlie Ray Construction.

Mr. Brady made a motion to give company ninety (90) days to submit a copy of the release of judgment or repayment agreement or license will be suspended until judgment is satisfied. Mr. Ferguson seconded. Motion carried.

**B. Timothy Cox DBA A+ Repairs – Bluefield, WV – WV048132
(Workers' Compensation Default list – Placed on list May 20, 2019 – Balance owed as of July 23, 2019 - \$668.00)**

Ms. Farber informed the Board that Mr. Cox resolved his default with OIC prior to the meeting. Mr. Brady made a motion to remove A+ Repairs from the agenda. Mr. Smith seconded. Motion carried.

**C. High Point Construction Group, LLC – Buckhannon, WV – WV026530
(3rd Offense of Hiring Unlicensed Subcontractors)**

Ms. Farber explained to the Board regarding High Point Construction, LLC. Tim Critchfield appeared on behalf of High Point Construction Group, LLC.

Mr. Brady made a motion to issue a Letter of Reprimand to the company. Mr. Ferguson seconded. Motion carried.

**D. Thomas E. Ashley – Harperse Ferry/Lovettsville, VA – WV034030
(Allowed Donald Pine of Pine Properties to use his contractor license for a payment of \$1,000.00)**

Ms. Farber explained to the Board regarding Thomas E. Ashley. Thomas E. Ashley and Donald Pine, owner of Pine Properties appeared on behalf of Thomas E. Ashley.

Mr. Smith made a motion to fine Mr. Ashley \$1,000.00. Mr. Brady seconded. Motion carried.

**E. Bridges & Co., Inc. – Wexford, PA – WV049399
(3rd Offense of Hiring Unlicensed Subcontractors)**

Ms. Farber explained to the Board regarding Bridges & Co., Inc. Tyler Krukar appeared on behalf of Bridges & Co., Inc.

Mr. Brady made a motion to issue a Letter of Reprimand to the company. Mr. Noel seconded. Motion carried.

**F. Lowes Home Centers, LLC – Mooresville, NC – WV014656
(3rd Offense of Hiring Unlicensed Subcontractors)**

Ms. Farber explained to the Board regarding Lowes Home Centers, LLC. No one appeared on behalf of Lowes Home Centers, LLC.

Mr. Solomon made a motion to issue a fine of \$1,000.00 and suspend license. After a discussion, Mr. Solomon made a motion to withdraw his original motion. Mr. Brady seconded. Motion carried to withdraw. Mr. Solomon made a new motion to issue a fine of \$1,000.00 and require the company to appear at the December 18, 2019 board meeting to submit a plan of correction or license will be suspended. Mr. Noel seconded. Motion carried.

**G. Atlas Group, LLC – Buckhannon, WV – WV058864
(Upshur County Circuit Court judgment issued to Kenneth Woody and KLW, LLC in the amount of \$57,000.00, plus post judgment interest at the statutory rate)**

Ms. Farber explained to the Board regarding Atlas Group, LLC. Owner Kenneth Woody, Jr. and Attorney Charles Hughes appeared on behalf of Atlas Group, LLC. Consumer Brian Tucker appeared on his own behalf.

Mr. Alvarez made a motion to go into executive session. Mr. Noel seconded. Motion carried.

Mr. Ferguson made a motion to go back on the record. Mr. Brady seconded. Motion carried.

Mr. Brady made a motion to take no action against Atlas Group, LLC's license. Mr. Noel seconded. Motion carried.

CEASE AND DESIST ORDERS

A. Advisory Letters

UL014873 – Leland Price appeared on behalf of Rockwood Properties.

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

B. \$200.00 Fines

*UL014831 – Salvatore Bombardier appeared on behalf of Bombardiere General Contracting, LLC
UL014930 – Leland Price appeared on behalf of Rockwood Properties.*

Mr. Noel made a motion to reduce UL014930 to an Advisory Letter. Mr. Smith seconded. Motion carried.

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

C. \$500.00 Fines

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

D. \$1,000.00 Fines

UL014864 – Mr. Donald Pine of Pine Properties appeared earlier during disciplinary action against Thomas E. Ashley

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

REVIEW OF PROCEDURAL RULE REVISIONS

Staff provided the Board with a copy of the proposed rule revisions to review for approval at the December 18, 2019 board meeting.

ELECTION OF NEW CHAIR AND CO-CHAIR

Mr. Brady made a motion to elect Jacob Meck as Chair. Mr. Noel seconded. Motion carried.
Mr. Brady made a motion to elect Frank. R. Ferguson as Co-Chair. Mr. Noel seconded. Motion carried.

DOL REPORT

- Staff reported to the Board 46 Advisory Letters sent to prime contractors for hiring unlicensed sub-contractors. Mr. Sams updated the Board on the compliance of NVR, who was put on probation at the March 20, 2019 board meeting.
- A report was provided to the Board on criminal charges being filed in magistrate court on various contractors. Mr. Sams advised the Board of an issue with Taylor County Magistrate Court allowing us to file criminal complaints, stating that we do not have jurisdiction, but all other counties have been cooperative.
- A copy of the Fiscal Year 2019 Financial Report was presented to the Board to review.
- Staff advised the Board of Pro-V meeting recruiting construction experts to participate in the development of a National Commercial General Contractor examination, scheduled for November 5 thru November 8.
- Staff updated the Board on member re-appointments and new appointments. Appointments were confirmed by the Legislature at a meeting this week.

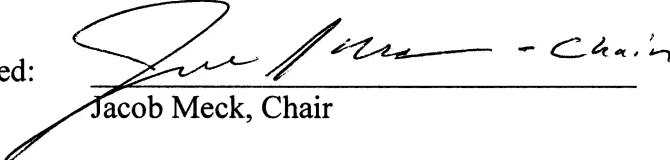
NEXT MEETING DATE

The next meeting dates are scheduled for Wednesday, December 18, 2019 at 10:00 a.m. and March 26, 2020 at 9:00 a.m.

ADJOURNMENT

Mr. Brady made a motion to adjourn at 11:57 a.m. Mr. Noel seconded. Motion carried.

Approved:

 - Chair

Jacob Meck, Chair