

MINUTES
THE WEST VIRGINIA CONTRACTOR LICENSING BOARD

December 18, 2019

The West Virginia Contractor Licensing Board met on December 18, 2019, at 10:00 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
Mary Cleland
Michael Davis
Frank R. Ferguson
James M. Noel
Charles K. Smith
Steven Solomon

BOARD MEMBERS ABSENT

Ted Brady
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
Brian White, Labor Program Specialist
Judith Feazell, Field Inspector
Joseph Mason, Field Inspector
John Burgess, Field Inspector
Christopher Evans, Field Inspector
Donald Billups, Field Inspector
Marla Neogra, Field Inspector
Eugene Maynard, Field Inspector
Davin Davis, Field Inspector
Alex Kinder, DOL Temp

MEETING CALLED TO ORDER

A quorum being present, Mr. Meck called the meeting to order at 10:00 a.m.

APPROVAL OF AGENDA

Mr. Solomon made a motion to approve the agenda. Mr. Noel seconded. Motion carried.

APPROVAL OF MINUTES

Mr. Smith made a motion to approve the minutes of the September 26, 2019 board meeting. Mr. Alvarez seconded. Motion carried.

PUBLIC COMMENT

No one appeared for public comment.

LICENSEE DISCIPLINARY HEARINGS

A. 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.

Mr. Ferguson made a motion to suspend the license until they pay their fine and appear before the Board. Mr. Noel seconded. Motion carried.

B. Onpoint Home Improvement & Designs, LLC – Barboursville, WV – WV054041 (Kanawha County Magistrate Court judgment in the amount of \$240.89, plus \$75.00 in court costs and interest at 5.5% per year until paid)

Ms. Farber explained to the Board regarding Onpoint Home Improvement & Designs, LLC. No one appeared on behalf of Onpoint; however, the owner called the morning of the meeting and informed staff that he was flooded in and was not able to attend.

Mr. Smith made a motion to give company sixty (60) days to submit a copy of the release of judgment or proof of appeal, or license will be suspended until judgment is satisfied. Mr. Ferguson seconded. Motion carried.

CEASE AND DESIST ORDERS

A. Advisory Letters

UL014961 – Christopher Todd Barrickman appeared on his own behalf.

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

B. \$200.00 Fines

UL014974 – Travis Richmond appeared on behalf of Ten Mile Paving

UL015005 – David Owens appeared on his own behalf.

UL015007 – Joshua Rennie appeared on behalf of Viking Building Supply of WV, LLC.

Mr. Ferguson made a motion to reduce UL014974 to an Advisory Letter. Mr. Smith seconded. Motion carried.

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

C. \$500.00 Fines

UL015009 – David Owens appeared on behalf of Owens Construction

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

D. \$1,000.00 Fines

UL014917 – Attorney Patricia Kinder Beavers and Alvin Christian appeared on behalf of Alvin Christian. Field Inspector Judith Feazell appeared on behalf of the Division of Labor.

Mr. Smith made a motion to accept staff recommendations for UL015063, UL015064 and UL015065 issued to A Personal Electrical and to send a letter to warranty company Choice Home Warranty advising them that they must hire licensed contractors to perform work. Mr. Alvarez seconded. Motion carried.

Mr. Smith made a motion to approve staff recommendations for UL014950 issued to Precision Home Improvement and UL015062 and UL015071 issued to Diamond Flagging. Mr. Ferguson seconded. Motion carried.

Mr. Ferguson made a motion to continue UL014917 to the March 26, 2019 board meeting. Mr. Smith seconded. Motion carried.

REVIEW OF PROCEDURAL RULE REVISIONS

Mr. Smith made a motion to approve the Procedural Rule Revisions after some minor changes have been made. Mr. Alvarez seconded. Motion carried.

OH-WV MANUFACTURED HOME INSTALLATION RECIPROCITY AGREEMENT

Mr. Ferguson made a motion to approve the reciprocity agreement. Mr. Noel seconded. Motion carried.

DOL REPORT

- Staff reported to the Board 25 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.
- Commissioner Woodrum advised the Board of the Rational Nexus Bill to be introduced in the House during the Legislative session. Contractor Licensing is not included in the bill at this time.

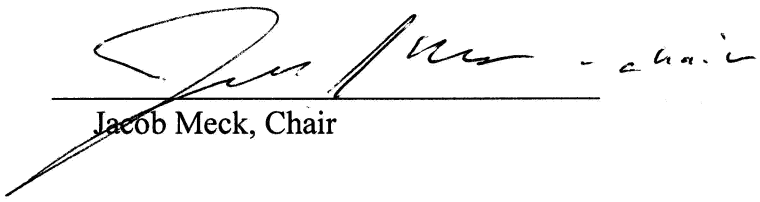
NEXT MEETING DATE

The next meeting dates are scheduled for Thursday, March 26, 2020 at 9:00 a.m. and Tuesday, June 9, 2020.

ADJOURNMENT

Mr. Noel made a motion to adjourn at 11:49 a.m. Mr. Davis seconded. Motion carried.

Approved:

A handwritten signature in cursive script, appearing to read "Jacob Meck", is written over a horizontal line. The signature is written in black ink and is positioned to the right of the word "Approved:".

Jacob Meck, Chair