MINUTES
THE WEST VIRGINIA CONTRACTOR LICENSING BOARD

June 9, 2020

The West Virginia Contractor Licensing Board met via teleconference on June 9, 2020, at 9:00 a.m. at 1900 Kanawha Boulevard East – State Capitol Complex – Building 3 – Room 200 – Charleston, West Virginia.

BOARD MEMBERS PRESENT

Jacob Meck, Chair – In Office
Manuel Alvarez
Ted Brady
Mary Cleland
Michael Davis
Frank R. Ferguson
Charles K. Smith
Steven Solomon
Michael Stone

BOARD MEMBERS ABSENT

James M. Noel

OTHERS PRESENT

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

MEETING CALLED TO ORDER

A quorum being present, Mr. Meck called the meeting to order at 9:03 a.m.

APPROVAL OF MINUTES

Mr. Alvarez made a motion to approve the minutes of the December 18, 2019 board meeting. Mr. Stone seconded. Motion carried.

PUBLIC COMMENT

No one appeared for public comment.
JERRY WALLS / WALLS CONSTRUCTION RE-INSTATEMENT/RE-APPLY REQUEST

Jerry Walls did not call in to the meeting. Mr. Ferguson made a motion to continue Mr. Walls’ request to the next meeting. Mr. Alvarez seconded. Motion carried.

LICENSEE DISCIPLINARY HEARINGS

A. Richard Linville DBA Linville Construction Company – Cyclone/Accoville, WV – WV030716
(Jackson County Circuit Court judgment in the amount of $10,279.00, plus court costs)

Ms. Farber explained to the Board regarding Linville Construction. Richard Linville participated on behalf of Linville Construction Company.

Mr. Smith made a motion to give Mr. Linville thirty (30) days to submit a payment plan or release of judgment or license will be suspended. Mr. Ferguson seconded. Motion carried.

B. Craig Fox DBA AMR Home Improvements – Hedgesville, WV – WV058358
(Morgan County Circuit Court judgment in the amount of $10,167.07, plus court costs and interest)

Ms. Farber explained to the Board regarding AMR Home Improvements. Craig Fox participated on behalf of AMR Home Improvements.

Mr. Solomon made a motion to give Mr. Fox thirty (30) days to submit a payment plan or release of judgment or license will be suspended. Mr. Stone seconded. Motion carried.

C. Leopardo Companies, Inc. – Hoffman Estates, IL – WV059002
(3rd Offense of Hiring Unlicensed Subcontractors)

Ms. Farber explained to the Board regarding Leopardo Companies. Jeff Seidelman participated on behalf of Leopardo Companies.

Mr. Smith made a motion to issue Leopardo a reprimand. Mr. Solomon seconded. Motion carried.

CEASE AND DESIST ORDERS

A. Advisory Letters

UL015082 – Steve Matheny and Brent Walls participated on behalf of Legends Construction.
UL015139 – Brian Pinkett participated on behalf of EIN Services, LLC.

Mr. Alvarez made a motion to continue UL015139 to the next meeting. Mr. Stone seconded. Motion carried.

Mr. Smith made a motion to accept remaining staff recommendations. Mr. Solomon seconded. Motion carried.
B. $200.00 Fines

UL015134 – David Bentley participated on behalf of David’s Handyman Services.

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

C. $500.00 Fines

UL015154 – Lanley Cabell participated on behalf of BC Construction & Development.

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

D. $1,000.00 Fines

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

LOWES HOME CENTERS

Renee Herrforth, District Manager of In-Home Services, Dale Johnson, Corporate Director of Compliance and Aaron Austin, Regional Director appeared on behalf of Lowes Home Centers.

Lowes’ representatives presented an outline of an action plan for hiring subcontractors.

Mr. Ferguson made a motion to re-instate the license for Lowes Home Centers and put company on probation for twelve (12) months with the following requirements: Lowes must pay previously issued disciplinary fine of $1,000.00; provide a list to the DOL no later than June 30, 2020 of the names and license numbers of its WV licensed subcontractors and all second and subsequent tier contractors who are or may be involved in projects with the aggregate value (materials and labor) of $2,500.00 or more; beginning July 1, 2020, submit quarterly reports to the Board, due dates being October 1, 2020, January 1, 2021, April 1, 2021 and July 1, 2021; provide sample copies of its contracts with contractors and subcontractors and sample copies of its contracts with home owners; provide detailed description of its consumer complaint process no later than June 30, 2020, including sample copies of the tracking system documentation used to monitor the progress and resolution of complaints; and provide a detailed description no later than June 30, 2020 of its plan for monitoring the license status of its second and subsequent tier contractors, including provisions for obtaining documentation of the second and subsequent tier contractors’ licensing status and random site visits to confirm all subcontractors’ licensing status. Mr. Alvarez seconded. Motion carried.

REGULATORY REVIEW REPORT APPROVAL

Mr. Stone made a motion to approve the updates to Procedural Rules, CSR 2 and 28 CSR 4. Mr. Smith seconded. Motion carried.

DOL REPORT

• Commissioner Woodrum informed the Board of C&D UL014917 issued to Alvin Christian being rescinded.
DOL REPORT CONTINUED

- A report was provided to the Board on Advisory Letters sent to prime contractors for hiring unlicensed subcontractors.
- A report was provided to the Board on criminal charges being filed in magistrate court on various contractors.
- Commissioner Woodrum informed the Board of Greenleaf Landscapes (WV010078) complaint regarding not being able to install retaining walls over 3 feet high with the untested specialty Landscaping classification.
- An update from the last Legislative Session was given to the Board.

NEXT MEETING DATE

The next meeting date is scheduled for Thursday, September 17, 2020.

ADJOURNMENT

Mr. Solomon made a motion to adjourn at 12:22 p.m. Mr. Ferguson seconded. Motion carried.

Approved:  

Jacob Meck, Chair