

**MINUTES  
THE WEST VIRGINIA CONTRACTOR LICENSING BOARD**

September 17, 2020

The West Virginia Contractor Licensing Board met on September 17, 2020, at 9:00 a.m. at 1900 Kanawha Boulevard East – State Capitol Complex – Building 7 – Regents Room – Charleston, West Virginia.

**BOARD MEMBERS PRESENT**

Jacob Meck, Chair  
Ted Brady  
Mary Cleland  
Michael Davis  
Frank R. Ferguson  
James M. Noel  
Charles K. Smith  
Steven Solomon

**BOARD MEMBERS ABSENT**

Manuel Alvarez  
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 Manager

**MEETING CALLED TO ORDER**

A quorum being present, Mr. Meck called the meeting to order at 9:01 a.m.

**APPROVAL OF AGENDA**

Mr. Brady made a motion to approve the agenda of the September 17, 2020 board meeting. Mr. Smith seconded. Motion carried.

**APPROVAL OF MINUTES**

Mr. Smith made a motion to approve the minutes of the June 9, 2020 teleconference. Mr. Brady seconded. Motion carried.

**PUBLIC COMMENT**

No one appeared for public comment.

**JERRY WALLS / WALLS CONSTRUCTION RE-STATEMENT/RE-APPLY REQUEST**

Jerry Walls appeared regarding his request to have his license re-instated. Mr. Brady made a motion to allow Mr. Walls to re-apply with the following conditions: Mr. Walls must pay all out-standing cease and desist order fines; company will be placed on probation for a year and will be required to submit a list of job sites on a quarterly basis. Mr. Smith seconded. Motion carried.

## **LICENSEE DISCIPLINARY HEARINGS**

### **A. Ultimate Roofing WV, LLC DBA Ultimate Roofing – Clarksburg, WV – WV055105 (5<sup>th</sup> Offense of Hiring Unlicensed subcontractors)**

Ms. Farber explained to the Board regarding Ultimate Roofing. No one appeared on behalf of Ultimate Roofing due to a scheduling conflict, but a written response was submitted.

Mr. Ferguson made a motion to revoke the license. Mr. Solomon seconded. After further discussion, the motion died with no yeas and 7 nays. Ms. Cleland made a motion to fine Ultimate Roofing \$1,000.00 and require them to appear at the December meeting. Mr. Smith seconded. Motion carried.

### **B. Thomas Builders, Inc. DBA Thomas Brothers Construction, Inc. – Nioota, TN – WV036587 (3<sup>rd</sup> Offense of Hiring Unlicensed Subcontractors)**

Ms. Farber explained to the Board regarding Thomas Builders. No one appeared on behalf of the company, but a written response was submitted with a request for a continuance.

Mr. Brady made a motion to continue matter to the December meeting. Mr. Smith seconded. Motion carried.

### **C. Bentz Property and Contracting, LLC – Charleston, WV – WV053132 (Attorney General Complaint)**

Ms. Farber explained to the Board regarding Bentz Property and Contracting. Kenneth R. Pence, Jr. appeared on behalf of the company.

Mr. Smith made a motion to not take any action. Mr. Noel seconded. Motion carried.

### **D. DBC Construction, LLC – Lake Lynn, PA – WV059557 (Workers' Compensation Default List – Placed on list June 3, 2019)**

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

Mr. Smith made a motion to suspend license until default has been resolved. Mr. Brady seconded. Motion carried. Mr. Solomon recused himself.

## **CEASE AND DESIST ORDERS**

### **A. Advisory Letters**

*UL015275 – Keith Curry appeared on behalf of K C Construction, Inc.*

*UL015296 – Eric Johnston appeared on behalf of 304 Transformers*

*UL015327 – Doug Winfield appeared on behalf of Patriot Automation, Inc.*

Mr. Brady made a motion to rescind UL015327. Mr. Davis seconded. Motion carried.

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

### **B. \$200.00 Fines**

*UL015219 – Jerry R. Walls, II appeared on his own behalf.*

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

### **C. \$500.00 Fines**

*UL015142 – Jerry R. Walls, II appeared on his own behalf.*

*UL015192 – Edward Weekly appeared on behalf of Edward J. Weekly, LLC*

Mr. Smith made a motion to reduce UL015192 to an Advisory Letter. Mr. Noel seconded. Motion carried.

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

### **D. \$1,000.00 Fines**

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

### **HB 4020**

After a brief discussion, the Board decided to keep item on the agenda for the next meeting.

### **UNTESTED SPECIALTIES REVIEW**

The Board decided to keep item on the agenda for the next meeting.

### **WRITTEN CONTRACT PROTOCOL**

The Board decided to keep item on the agenda for the next meeting.

### **ACCEPTING THE PROFESSIONAL ENGINEERING LICENSE IN LIEU OF TAKING GENERAL ENGINEERING EXAM**

After a discussion, the Board decided to keep item on the agenda for the next meeting.

### **DOL REPORT**

- The Board was advised that Lowes Home Centers has complied with the Board's order from the June 9, 2020 teleconference.
- 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.

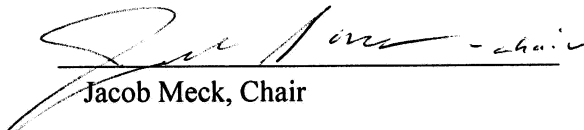
### **NEXT MEETING DATE**

To be determined.

### **ADJOURNMENT**

Mr. Davis made a motion to adjourn at 12:45 p.m. Mr. Noel seconded. Motion carried.

Approved:

  
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Jacob Meck, Chair