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-INSTATEMENT/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 outstanding 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
(5th 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
(3rd 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 KC 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: [Signature]

Jacob Meck, Chair