

**MINUTES
THE WEST VIRGINIA CONTRACTOR LICENSING BOARD**

August 25, 2022

The West Virginia Contractor Licensing Board met on August 25, 2022, at 9:00 a.m. at 1900 Kanawha Boulevard East – State Capitol Complex – Building 3 – Room 124 – Charleston, West Virginia.

BOARD MEMBERS PRESENT

Jacob S. Meck, Chair
Manny Alvarez
Ted H. Brady, Co-Chair
Michael E. Davis
Frank R. Ferguson
Mary J. Neenan
James M. Noel
Charles K. Smith

BOARD MEMBERS ABSENT

Amy Fairman
Steven Solomon

OTHERS PRESENT

Mitchell E. Woodrum, Commissioner
Brooke M. Farber Esq., Deputy Commissioner
Brian White, Labor Programs Manager
Larry Rucker, Labor Program Specialist
Kimberly Legg, Board Secretary

MEETING CALLED TO ORDER

A quorum being present, Mr. Brady called the meeting to order at 9:02 a.m.

APPROVAL OF AGENDA

Mr. Smith made a motion to approve the agenda of the August 25, 2022, board meeting. Mr. Alvarez seconded. Motion carried.

APPROVAL OF MINUTES

Mr. Smith made a motion to approve the minutes of the April 28, 2022, board meeting. Mr. Noel seconded. Motion carried.

PUBLIC COMMENT

No one appeared for public comment.

LICENSEE DISCIPLINARY HEARINGS

**A. Duda Cable Construction, Inc. – Vandergrift, PA – WV032174
(Hiring unlicensed subcontractors)**

Tom Reitz appeared on behalf of the company.

Mr. Ferguson made a motion to take no action against the company. Mr. Davis seconded. Motion carried.

**B. Gudenkauf Corporation – Columbus, OH – WV002544
(Hiring unlicensed subcontractors)**

Mark Rogers appeared on behalf of the company.

Mr. Ferguson made a motion to take no action against the company. Mr. Alvarez seconded. Motion carried.

**C. Bentz Property & Contracting, LLC – Charleston, WV – WV053132
(Kanawha County Circuit Court judgment in the amount of \$695,201.42, plus interest)**

Kenneth Pence appeared on behalf of Bentz Property & Contracting, LLC.

Mr. Ferguson made a motion to give company 14 days to submit a copy of an appeal of the judgment or a release, or the license will be revoked. Mr. Smith seconded. Motion carried.

CEASE AND DESIST ORDERS

A. Advisory Letters

UL015903 – Matthew Day appeared on behalf of Allegheny Door Enterprises

UL015939 – Julio Morales appeared on his own behalf with an interpreter

UL015947 – Martin Garcia Tomas appeared on his own behalf with an interpreter

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

B. \$200.00 Fines

UL015981 – Joseph Haynes appeared on behalf of Joe's Handy Home Repair, LLC

Mr. Ferguson made a motion to reduce UL015981 to a Reprimand. Mr. Haynes was caught in traffic due to an accident on the West Virginia Turnpike and was late to the meeting. Mr. Meck seconded. Motion carried.

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

C. \$500.00 Fines

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

D. \$1,000.00 Fines

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

APPROVAL OF DIVISION OF LABOR PAYROLL REIMBURSEMENT INVOICE

Mr. Woodrum presented the FY 2022 4th Quarter Financial Report and Payroll Reimbursement Invoice to the Board for approval.

Mr. Alvarez made a motion to approve the reimbursement invoice. Mr. Smith seconded. Motion carried.

AB CONTRACTING, INC. ACTION PLAN

Mr. Ferguson made a motion to approve the action plan provided by AB Contracting, Inc. in response to disciplinary action from the April 28, 2022, board meeting. Mr. Meck seconded. Motion carried.

DOL REPORT

- An update was provided to the Board on Advisory Letters sent to companies for hiring unlicensed subcontractors.
- Criminal Action Report update was provided to the Board
- Advised the Board of the results of disciplinary action taken at April board meeting
- Testing Agent contract was awarded to PSI
- Updated the Board on the creation of administrative positions
- Legislative Rule changes have been approved and are in effect.

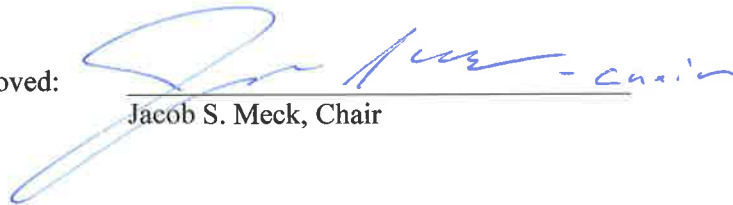
NEXT MEETING DATE

December 15, 2022, at 10:00am

ADJOURNMENT

Mr. Noel made a motion to adjourn at 10:46 a.m. Mr. Ferguson seconded. Motion carried.

Approved:



Jacob S. Meck, Chair