

**MINUTES
THE WEST VIRGINIA CONTRACTOR LICENSING BOARD**

September 14, 2023

The West Virginia Contractor Licensing Board met on September 14, 2023, 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
Ted H. Brady, Co-Chair
Amy Fairman
Frank R. Ferguson
Mary J. Neenan
James M. Noel
Charles K. Smith
Steven Solomon

BOARD MEMBERS ABSENT

Manny Alvarez
Michael E. Davis

OTHERS PRESENT

Mitchell E. Woodrum, Commissioner
Brooke M. Farber, Esq., Deputy Commissioner
Brian White, Labor Programs Manager
Brandon Kielkowski, Field Inspector
Kimberly Legg, Board Secretary

MEETING CALLED TO ORDER

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

APPROVAL OF AGENDA

The Board approved the agenda with no changes.

APPROVAL OF MINUTES

Mr. Brady made a motion to approve the minutes of the June 15, 2023, board meeting. Mr. Noel seconded. Motion carried.

PUBLIC COMMENT

No one appeared for public comment.

LICENSEE DISCIPLINARY HEARINGS

- A. Richard Linville DBA Linville Construction Co. – Cyclone, WV – WV030716
(Wyoming County Magistrate Court judgment in the amount of \$6,000.00 plus court costs and interest)**

No one appeared on behalf of the company, but a written response was submitted. Consumers Teresa and Albert Lee Mayard, Jr. appeared.

Mr. Ferguson made a motion to revoke License Number WV030716, require the company to satisfy the judgment in full, pay a \$1,000.00 fine and appear before the Board to request reinstatement of license. Mr. Smith seconded. Motion carried.

**B. John's Contracting, LLC – Grafton, WV – WV037947
(Taylor County Magistrate Court judgment in the amount of \$4,000.00 plus court costs and interest)**

John Poling appeared on behalf of the company.

Mr. Ferguson made a motion to revoke License Number WV037947 until the judgment is paid. Mr. Brady seconded. Motion carried.

**C. FMS Enterprise, Inc. – Elkins, WV – WV054825
(Randolph County Circuit Court judgment in the amount of \$200,000.00 plus court costs and interest)**

No one appeared on behalf of FMS Enterprise, Inc. but a written response was submitted.

Mr. Brady made a motion to give the company 60 days to satisfy the judgment or submit a payment plan, or License Number WV054825 will be suspended. Mr. Ferguson seconded. Motion carried.

CEASE AND DESIST ORDERS

A. Advisory Letters

UL016219 – Holly McComas appeared on behalf of The Joslin Group, LLC.
UL016229 – Carlos Restrepo appeared on behalf of Eagle Roofing, LLC.
UL016254 – Angel R. Moore, Esq. appeared on behalf of Gramophone.
UL016255 – Donald Ariel Reyes Mayen appeared on his own behalf.

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

B. \$200.00 Fines

UL016270 – Zachary Ingram appeared on behalf of Outdoor Creations, LLC DBA Pool Dr's.

Mr. Solomon made a motion to reduce staff recommendation of \$200.00 fine for UL016270 to an Advisory Letter. Mr. Brady seconded. Motion carried.

The Board discussed the proper classification(s) needed for above-ground pools and in-ground pools.

Mr. Ferguson made a motion for above-ground pools to require the Specialty classification. Inground pools require either General Building OR Excavation and Concrete. Mr. Smith seconded. Motion carried.

Mr. Brady made a motion to accept the remaining \$200.00 staff recommendations. Ms. Fairman seconded. Motion carried.

C. \$500.00 Fines

UL016267 – Felipe Rivera Ruiz appeared on behalf of FFR Roofing.

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

D. \$1,000.00 Fines

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

APPROVAL OF DIVISION OF LABOR PAYROLL REIMBURSEMENT INVOICE

Mr. Woodrum presented the FY 2023 4th Quarter Report and Invoice to the Board for approval.

Mr. Smith made a motion to approve the reimbursement invoice. Mr. Noel 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 the June 15, 2023 board meeting.
- Board requested staff inquire about an inground pool exam and the cost of translating Business & Law reference manual into Spanish.

NEXT MEETING DATE

December 13, 2023, at 10:00am

ADJOURNMENT

Mr. Brady made a motion to adjourn at 10:54a.m. Mr. Solomon seconded. Motion carried.

Approved:



Jacob S. Meck, Chair