MAY 15, 2024 HEARINGS

SETTLEMENT AGREEMENTS

50181 STEWARD ROOFING COMPANY LLC \$1,200.00 reduced to \$300.00 if no further violations for 3 years, pay any judgment, pay this penalty as agreed 35484 STEVE CLEMENTS DBA - STEVE CLEMENTS CONSTRUCTION SERVICES

Revoke for misconduct. Suspend revocation provided there are no further violations for 2 years, he pay any judgment obtained by the homeowner 50446 MAURICE D GASKIN DBA - GASKIN ENTERPRISE Contractor surrenders the roofing registration for misconduct on the Parker project but will continue to hold a home improvement license

39441 JAMES BUCHWALD \$30,000.00 reduced to \$3,000.00 if no further violations for 3 years, pay any judgment, pay this penalty as agreed 48237 SURFACE RENEW, INC. \$3,600.00 reduced to \$200.00 if no further violations for 3 years, pay any judgment, pay penalty as agreed

54908 NICK RUSSO DBA - NICKS FENCING AND CARPENTRY \$1,200.00 reduced to \$200.00 if no further violations for 3 years, pay any judgment, pay as agreed 54900 HORACE LUKE WARRICK DBA - HW SERVICES OF ARKANSAS \$8,800.00 reduced to \$200.00 if no further violations for 3 years, pay any judgment, pay as agreed 41428 JAMES C. SHAW DBA - CRAFTSHAW REMODELING \$900.00

ARKANSAS RESIDENTIAL CONTRACTORS COMMITTEE

PETITIONER

vs.

ID # 27353

BJR CONSTRUCTION, LLC EARLE, AR

RESPONDENT

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A hearing on the above captioned matter was held before the Arkansas Residential Contractors Committee on May 15, 2024, at the Committee's offices at 4100 Richards Road, North Little Rock, Arkansas.

Respondent, BJR CONSTRUCTION, LLC was properly notified and did not appear. The Committee was represented by Jonathan Hutto, Attorney. Dewey Watson served as Hearing Officer. From testimony and other evidence presented the Committee makes the following findings of fact and conclusion of law.

FINDINGS OF FACT

1. BJR CONSTRUCTION, LLC is licensed by the Residential Contractors Committee.

2. Our office received a complaint from Linda Wilson against BJR CONSTRUCTION, LLC. She stated that she had hired BJR CONSTRUCTION, LLC to perform a home improvement project and that he did poor work, abandoned the project prior to completion. The home improvement project was to be \$160,490. After failing to complete the project BJR CONSTRUCTION, LLC provided a promissory note to Ms. Wilson stating they would pay \$100,000. Two of the checks provided by BJR CONSTRUCTION, LLC were insufficient and the balance on the promissory note has still not been paid.

3. BJR CONSTRUCTION, LLC has one previous violation and 5 complaints. BJR CONSTRUCTION, LLC is also part of a joint venture that was found in violation for work performed

on six different residential projects, most of which had major issues.

CONCLUSIONS OF LAW

BJR CONSTRUCTION, LLC is guilty of violating Section 17-25-510(c), misconduct in the contractor's business.

ORDER

The Committee voted unanimously that the license of BJR CONSTRUCTION, LLC is revoked for misconduct. The Committee further ordered that a cease and desist order be issued against BJR CONSTRUCTION, LLC to prevent them from performing work in violation. BJR CONSTRUCTION, LLC shall refrain from bidding on or performing work as a residential contractor prior to being licensed with the Residential Contractors Committee. You have the right to appeal this decision pursuant to the provisions of Ark. Code Ann. 17-25-511.

ARKANSAS RESIDENTIAL CONTRACTORS COMMITTEE

PETITIONER

VS.

ID # 54798

CAMDEN PATE, D/B/A ALL-TEX PINELAND, TX RESPONDENT

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A hearing on the above captioned matter was held before the Arkansas Residential Contractors Committee on May 15, 2024, at the Committee's offices at 4100 Richards Road, North Little Rock, Arkansas.

Respondent, CAMDEN PATE, d/b/a ALL-TEX was properly notified and did not appear. The Committee was represented by Jonathan Hutto, Attorney. Dewey Watson served as Hearing Officer. From testimony and other evidence presented the Committee makes the following findings of fact and conclusion of law.

FINDINGS OF FACT

- 1. CAMDEN PATE, d/b/a ALL-TEX has undertaken the position of residential contractor as defined in Section 17-25-505, Home Improvement in Fayetteville, AR.
 - 2. CAMDEN PATE, d/b/a ALL-TEX is not licensed by the Residential Contractors Committee.
- 3. Our office received a complaint from Hannah Strope stating that she had hired CAMDEN PATE, d/b/a ALL-TEX to perform a home improvement project for \$25,000. There were many structural issues with the work and the project was going to have to be torn down. The homeowners had paid \$19,400 toward the project. There were 20 days of activity on the project.

CONCLUSIONS OF LAW

CAMDEN PATE, d/b/a ALL-TEX is guilty of violating Section 17-25-505, as amended.

ORDER

The Committee voted unanimously that CAMDEN PATE, d/b/a ALL-TEX shall pay a civil penalty of \$400 for 20 days of activity for a total of \$8,000 for violation of Section 17-25-505 payable to the Committee within twenty (20) days. The Committee further ordered that a cease and desist order be issued against CAMDEN PATE, d/b/a ALL-TEX to prevent them from performing work in violation. CAMDEN PATE, d/b/a ALL-TEX shall refrain from bidding on or performing work as a residential contractor prior to being licensed with the Residential Contractors Committee. You have the right to appeal this decision pursuant to the provisions of Ark. Code Ann. 17-25-511.

DONE AND SO ORDERED this 15th day of May, 2024.

RESIDENTIAL CONTRACTORS, COMMITTEE

James D. Lawson

Administrator

ARKANSAS RESIDENTIAL CONTRACTORS COMMITTEE

PETITIONER

VS.

ID # 47686

ACE ROOFING & CONSTRUCTION, LLC REDFIELD, AR

RESPONDENT

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A hearing on the above captioned matter was held before the Arkansas Residential Contractors Committee on May 15, 2024, at the Committee's offices at 4100 Richards Road, North Little Rock, Arkansas.

Respondent, ACE ROOFING & CONSTRUCTION, LLC was properly notified and did not appear. The Committee was represented by Jonathan Hutto, Attorney. Dewey Watson served as Hearing Officer. From testimony and other evidence presented the Committee makes the following findings of fact and conclusion of law.

FINDINGS OF FACT

- 1. ACE ROOFING & CONSTRUCTION, LLC is licensed by the Residential Contractors
- 2. Our office received a complaint from Ronnie and Janice McNew against ACE ROOFING & Committee. CONSTRUCTION, LLC. They stated they hired ACE ROOFING & CONSTRUCTION, LLC to build a home improvement project for \$23,900 and paid \$19,000 up front. Work began on foundation for the project and the McNews had ACE ROOFING & CONSTRUCTION, LLC stop work due to concern for their ability to perform the work. The contractor refunded \$5,700 for the foundation work. No other work was ever performed on the project and no other money was ever refunded.

CONCLUSIONS OF LAW

ACE ROOFING & CONSTRUCTION, LLC is guilty of violating Section 17-25-510(c), misconduct in the contractor's business.

ORDER

The Committee voted unanimously that the license of ACE ROOFING & CONSTRUCTION, LLC is revoked for misconduct. The Committee further ordered that a cease and desist order be issued against ACE ROOFING & CONSTRUCTION, LLC to prevent them from performing work in violation. ACE ROOFING & CONSTRUCTION, LLC shall refrain from bidding on or performing work as a residential contractor prior to being licensed with the Residential Contractors Committee. You have the right to appeal this decision pursuant to the provisions of Ark. Code Ann. 17-25-511.

ARKANSAS RESIDENTIAL CONTRACTORS COMMITTEE

PETITIONER

vs.

ID # 54852

MICHAEL MCBEE, D/B/A BLACK BEAR HOME AND HEARTH HARRISON, AR

RESPONDENT

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A hearing on the above captioned matter was held before the Arkansas Residential Contractors Committee on May 15, 2024, at the Committee's offices at 4100 Richards Road, North Little Rock, Arkansas.

Respondent, MICHAEL MCBEE, d/b/a BLACK BEAR HOME AND HEARTH was properly notified and did not appear. The Committee was represented by Jonathan Hutto, Attorney. Dewey Watson served as Hearing Officer. From testimony and other evidence presented the Committee makes the following findings of fact and conclusion of law.

FINDINGS OF FACT

- 1. MICHAEL MCBEE, d/b/a BLACK BEAR HOME AND HEARTH has undertaken the position of residential contractor as defined in Section 17-25-505, **New Residence(s) in Harrison, AR.**
- 2. MICHAEL MCBEE, d/b/a BLACK BEAR HOME AND HEARTH is not licensed by the Residential Contractors Committee.
- 3. Our office received a complaint from Ted Howard against MICHAEL MCBEE, d/b/a BLACK BEAR HOME AND HEARTH stating they had hired MICHAEL MCBEE, d/b/a BLACK BEAR HOME AND HEARTH to build a new home for \$201,800. The contractor was paid \$194,545 before abandoning the project and refusing to return any money. There were 100 days of activity on the project.

CONCLUSIONS OF LAW

MICHAEL MCBEE, d/b/a BLACK BEAR HOME AND HEARTH is guilty of violating Section 17-25-505, as amended.

ORDER

The Committee voted unanimously that MICHAEL MCBEE, d/b/a BLACK BEAR HOME AND HEARTH shall pay a civil penalty of \$400 per day for 100 days of activity for a total of \$40,000 for violation of Section 17-25-505 payable to the Committee within twenty (20) days. The Committee further ordered that a cease and desist order be issued against MICHAEL MCBEE, d/b/a BLACK BEAR HOME AND HEARTH to prevent them from performing work in violation. MICHAEL MCBEE, d/b/a BLACK BEAR HOME AND HEARTH shall refrain from bidding on or performing work as a residential contractor prior to being licensed with the Residential Contractors Committee. You have the right to appeal this decision pursuant to the provisions of Ark. Code Ann. 17-25-511.

ARKANSAS RESIDENTIAL CONTRACTORS COMMITTEE

PETITIONER

vs.

ID # 54939

DARREN MILLER, D/B/A MILLER & SONS HOME IMPROVEMENT LLC BATESVILLE, AR

RESPONDENT

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A hearing on the above captioned matter was held before the Arkansas Residential Contractors Committee on May 15, 2024, at the Committee's offices at 4100 Richards Road, North Little Rock, Arkansas.

Respondent, DARREN MILLER, d/b/a MILLER & SONS HOME IMPROVEMENT LLC was properly notified and did not appear. The Committee was represented by Jonathan Hutto, Attorney. Dewey Watson served as Hearing Officer. From testimony and other evidence presented the Committee makes the following findings of fact and conclusion of law.

FINDINGS OF FACT

- 1. DARREN MILLER, d/b/a MILLER & SONS HOME IMPROVEMENT LLC has undertaken the position of residential contractor as defined in Section 17-25-505, Home Improvement in Smithville, AR.
- 2. DARREN MILLER, d/b/a MILLER & SONS HOME IMPROVEMENT LLC is not licensed by the Residential Contractors Committee.
- 3. Our office received a complaint against DARREN MILLER, d/b/a MILLER & SONS HOME IMPROVEMENT LLC from Patrick Walborn. Mr. Walborn had hired the contractor to perform a home improvement project for \$4,300. There were 2 days of activity on the project.

CONCLUSIONS OF LAW

DARREN MILLER, d/b/a MILLER & SONS HOME IMPROVEMENT LLC is guilty of violating Section 17-25-505, as amended.

ORDER

The Committee voted unanimously that DARREN MILLER, d/b/a MILLER & SONS HOME IMPROVEMENT LLC shall pay a civil penalty of \$400 per day for 2 days of activity for a total of \$800 for violation of Section 17-25-505 payable to the Committee within twenty (20) days. The Committee further ordered that a cease and desist order be issued against DARREN MILLER, d/b/a MILLER & SONS HOME IMPROVEMENT LLC to prevent them from performing work in violation. DARREN MILLER, d/b/a MILLER & SONS HOME IMPROVEMENT LLC shall refrain from bidding on or performing work as a residential contractor prior to being licensed with the Residential Contractors Committee. You have the right to appeal this decision pursuant to the provisions of Ark. Code Ann. 17-25-511.

ARKANSAS RESIDENTIAL CONTRACTORS COMMITTEE

PETITIONER

VS.

ID # 52535

OSAGE CREEK EXTERIORS LLC CAVE SPRINGS, AR RESPONDENT

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A hearing on the above captioned matter was held before the Arkansas Residential Contractors Committee on May 15, 2024, at the Committee's offices at 4100 Richards Road, North Little Rock, Arkansas.

Respondent, OSAGE CREEK EXTERIORS LLC was properly notified and did not appear. The Committee was represented by Jonathan Hutto, Attorney. Dewey Watson served as Hearing Officer. From testimony and other evidence presented the Committee makes the following findings of fact and conclusion of law.

FINDINGS OF FACT

- 1. OSAGE CREEK EXTERIORS LLC is licensed by the Residential Contractors Committee.
- 2. Our office received a complaint from Edwin Deffenbaugh against OSAGE CREEK EXTERIORS LLC stating that they had paid \$8,538.62 for a new roof but the work never began and no money was returned. OSAGE CREEK EXTERIORS LLC made multiple promises to return the money but failed and refused to do so.

CONCLUSIONS OF LAW

OSAGE CREEK EXTERIORS LLC is guilty of violating Section 17-25-510(c), misconduct in the contractor's business.

ORDER

The Committee voted unanimously that the license of OSAGE CREEK EXTERIORS LLC is revoked for misconduct. The Committee further ordered that a cease and desist order be issued against OSAGE CREEK EXTERIORS LLC to prevent them from performing work in violation. OSAGE CREEK EXTERIORS LLC shall refrain from bidding on or performing work as a residential contractor prior to being licensed with the Residential Contractors Committee. You have the right to appeal this decision pursuant to the provisions of Ark. Code Ann. 17-25-511.

DONE AND SO ORDERED this 15th day of May, 2024.

RESIDENTIAL CONTRACTORS COMMITTEE

James D. Lawson

Administrator

ARKANSAS RESIDENTIAL CONTRACTORS COMMITTEE

PETITIONER

vs.

ID # 39014

COMMUNITY BUILDERS, INC., D/B/A CBI HOME IMPROVEMENTS LITTLE ROCK, AR

RESPONDENT

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A hearing on the above captioned matter was held before the Arkansas Residential Contractors Committee on May 15, 2024, at the Committee's offices at 4100 Richards Road, North Little Rock, Arkansas.

Respondent, COMMUNITY BUILDERS, INC., d/b/a CBI HOME IMPROVEMENTS was properly notified and did not appear. The Committee was represented by Jonathan Hutto, Attorney. Dewey Watson served as Hearing Officer. From testimony and other evidence presented the Committee makes the following findings of fact and conclusion of law.

FINDINGS OF FACT

- 1. COMMUNITY BUILDERS, INC., d/b/a CBI HOME IMPROVEMENTS is licensed by the Residential Contractors Committee.
- 2. Our office received a complaint from John and Sue Gale against COMMUNITY BUILDERS, INC., d/b/a CBI HOME IMPROVEMENTS. Despite repeated requests by mail and email to the address on file with the Committee, COMMUNITY BUILDERS, INC., d/b/a CBI HOME IMPROVEMENTS failed and refused to respond to the allegations.
- 3. Our office received a complaint from Robert Palmer against COMMUNITY BUILDERS, INC., d/b/a CBI HOME IMPROVEMENTS. Despite repeated requests by mail and email to the address on file with the Committee, COMMUNITY BUILDERS, INC., d/b/a CBI HOME IMPROVEMENTS failed and refused to respond to the allegations.
- 4. Our office received a complaint from Tim and Dena Grisham against COMMUNITY BUILDERS, INC., d/b/a CBI HOME IMPROVEMENTS. Despite repeated requests by mail and email to the address on file with the Committee, COMMUNITY BUILDERS, INC., d/b/a CBI HOME IMPROVEMENTS failed and refused to respond to the allegations.
- 5. Regulation 224-25-5-10(b) requires that a licensed contractor cooperate with an investigation and states that failure to do so can be considered misconduct and result in the revocation of a contractors license.

CONCLUSIONS OF LAW

COMMUNITY BUILDERS, INC., d/b/a CBI HOME IMPROVEMENTS is guilty of violating Section 17-25-510(c), misconduct in a contractor's business.

ORDER

The Committee voted unanimously that the license of COMMUNITY BUILDERS, INC., d/b/a CBI HOME IMPROVEMENTS is revoked for misconduct. The Committee further ordered that a cease and desist order be issued against COMMUNITY BUILDERS, INC., d/b/a CBI HOME IMPROVEMENTS to prevent them from performing work in violation. COMMUNITY BUILDERS,

INC., d/b/a CBI HOME IMPROVEMENTS shall refrain from bidding on or performing work as a residential contractor prior to being licensed with the Residential Contractors Committee. You have the right to appeal this decision pursuant to the provisions of Ark. Code Ann. 17-25-511.

DONE AND SO ORDERED this 15th day of May, 2024.

RESIDENTIAL CONTRACTORS COMMITTEE

James D. Lawson

ARKANSAS RESIDENTIAL CONTRACTORS COMMITTEE

PETITIONER

vs.

ID # 54987

BJR CONSTRUCTION, LLC AND FRANSCISCO JAVIER DIAZ, D/B/A J. DIAZ CONSTRUCTION EARLE, AR

RESPONDENT

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A hearing on the above captioned matter was held before the Arkansas Residential Contractors Committee on May 15, 2024, at the Committee's offices at 4100 Richards Road, North Little Rock, Arkansas.

Respondent, BJR CONSTRUCTION, LLC AND FRANSCISCO JAVIER DIAZ, D/B/A J. DIAZ CONSTRUCTION was properly notified. Javier Diaz did appear and was represented by his attorney, Randel Miller. BJR Construction, LLC did not appear. The Committee was represented by Jonathan Hutto, Attorney. Homeowner Lauren Eggers provided testimony. Dewey Watson served as Hearing Officer. From testimony and other evidence presented the Committee makes the following findings of fact and conclusion of law.

FINDINGS OF FACT

- 1. BJR CONSTRUCTION, LLC AND FRANSCISCO JAVIER DIAZ, D/B/A J. DIAZ CONSTRUCTION has undertaken the position of residential contractor as defined in Section 17-25-505, on Various New Residences in Various Locations, AR.
- 2. BJR CONSTRUCTION, LLC AND FRANSCISCO JAVIER DIAZ, D/B/A J. DIAZ CONSTRUCTION is a joint venture that is not licensed by the Residential Contractors Committee. While BJR CONSTRUCTION, LLC has a residential builders license, FRANSCISCO JAVIER DIAZ, D/B/A J. DIAZ CONSTRUCTION only has a home improvement specialty license. Because of these facts, the joint venture was working without a license.
- 3. Our office received a complaint from Jocelyn Johnson against BJR CONSTRUCTION, LLC AND FRANSCISCO JAVIER DIAZ, D/B/A J. DIAZ CONSTRUCTION. They had hired BJR CONSTRUCTION, LLC AND FRANSCISCO JAVIER DIAZ, D/B/A J. DIAZ CONSTRUCTION to build a home for \$273,000 and according to the city inspector there were multiple issues with the work, including framing and electrical problems.
- 4. Our office received a complaint from Jared Jordan against BJR CONSTRUCTION, LLC AND FRANSCISCO JAVIER DIAZ, D/B/A J. DIAZ CONSTRUCTION. Mr. Jordan had hired the contractor to build a new home for \$398,500. There were many issues with the home.
- Brian and Sarah Kidd hired BJR CONSTRUCTION, LLC AND FRANSCISCO JAVIER
 DIAZ, D/B/A J. DIAZ CONSTRUCTION to build a home for \$118,500.
- Cody Westford entered into a contract with BJR CONSTRUCTION, LLC AND FRANSCISCO JAVIER DIAZ, D/B/A J. DIAZ CONSTRUCTION to remodel a home for \$310,500.
- 7. Our office received a phone call from Bailey and Carrie Traynom asking if BJR CONSTRUCTION, LLC AND FRANSCISCO JAVIER DIAZ, D/B/A J. DIAZ CONSTRUCTION had a residential building license. They had entered into a contract with BJR CONSTRUCTION, LLC AND

FRANSCISCO JAVIER DIAZ, D/B/A J. DIAZ CONSTRUCTION to build a home for \$220,000. After being told the entity they entered into a contract with was unlicensed, they terminated the contract.

8. In August 2022, a settlement agreement was entered into by Franscisco Javier Zavala Diaz, d/b/a J Diaz Construction for a home built without a license. He had built a home for Lauren Eggers for \$203,550 and there were issues with the project. Later our office was contacted by Ms. Eggers who provided cancelled checks showing that the project was actually performed by the joint venture of BJR CONSTRUCTION, LLC AND FRANSCISCO JAVIER DIAZ, D/B/A J. DIAZ CONSTRUCTION. Since the hearing, the condition of the house has deteriorated. There is a large crack running from the front of the house to the back, the walls are no longer connected to the subfloor because of the foundation collapse, and other issues. The home is unsafe and in danger of collapse and so Ms. Eggers is unable to live in it.

9. BJR CONSTRUCTION, LLC AND FRANSCISCO JAVIER DIAZ, D/B/A J. DIAZ CONSTRUCTION have repaid some of the homeowners who filed complaints againsgt them for the

poor work performed, however some complaints remain unsatisfied.

10. There were 992 days of activity on these projects, not including the Eggers project.

CONCLUSIONS OF LAW

BJR CONSTRUCTION, LLC AND FRANSCISCO JAVIER DIAZ, D/B/A J. DIAZ CONSTRUCTION is guilty of violating Section 17-25-505, as amended.

ORDER

The Committee voted unanimously that BJR CONSTRUCTION, LLC AND FRANSCISCO JAVIER DIAZ, D/B/A J. DIAZ CONSTRUCTION shall pay a civil penalty of \$400 per day for 992 days for a total of \$396,800. This amount will be reduced to \$10,000 if all complaints listed above are resolved within 5 months. The Committee further ordered that a cease and desist order be issued against BJR CONSTRUCTION, LLC AND FRANSCISCO JAVIER DIAZ, D/B/A J. DIAZ CONSTRUCTION to prevent them from performing work in violation. BJR CONSTRUCTION, LLC AND FRANSCISCO JAVIER DIAZ, D/B/A J. DIAZ CONSTRUCTION shall refrain from bidding on or performing work as a residential contractor prior to being licensed with the Residential Contractors Committee. You have the right to appeal this decision pursuant to the provisions of Ark. Code Ann. 17-25-511.

DONE AND SO ORDERED this 15th day of May, 2024.

RESIDENTIAL CONTRACTORS COMMITTEE

James D. Lawson

Administrator