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Tacoma, WA - Tuesday, October 23, 2007

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Unfinished business - Can you trust your contractor?

IAN DEMSKY; The News Tribune

Last updated: October 23rd, 2007 06:54 AM (PDT)

Trouble seems to follow contractor Christopher Kelley. When he moved back to Washington early this year, he was wanted on fraud and theft charges in Georgia. And he returned to a host of unresolved problems from the last time he lived in the Evergreen State.

"He took our money, walked out the door and we never saw him again," said Jill Venjohn, a jilted customer from Macon, Ga.

Within six months similar accusations were dogging Kelley here. The state Department of Labor & Industries dinged him in July for offering services without a license and fielded a complaint that he took \$11,000 to fix a house foundation but did no work.

Still, in late August, Kelley was able to get a state license, allowing him to legally work as a contractor in Washington.

L&I officials acknowledge Kelley wasn't eligible for the license. He still owed the department more than \$30,000 in fines from a string of contracting violations dating to 2000, when he last lived in Washington. Most of the citations were for working as an unlicensed contractor.

What's more, he's about to go on trial in King County next month for allegedly taking \$20,000 from an Auburn couple but not doing the work.

Kelley, 35, maintains he's had some business failures, but never intentionally swindled anyone.

"It's horrible some people got hurt," Kelley said in a recent interview. "But I'm not some kind of criminal that goes around ripping people off."

Kelley is among the most-fined and oft-cited contractors in Washington, but former customers weren't able to tell that by looking at a state Web site.

Kelley's story highlights the lengths to which consumers must go to protect themselves.

It's unclear how Kelley was able to get a new contracting license, said L&I spokeswoman Elaine Fischer. Applicants' names and businesses are supposed to be checked against existing records. There might have been some confusion, she said, because in some records Kelley's name was incorrectly spelled.

Still, after receiving three complaints and notice that a \$15,000 lawsuit had been filed against his bond, L&I officials put the pieces together and suspended him Oct. 2.

Although they don't give him an exact ranking, Kelley is among the state's worst violators, L&I officials say.

Last year, the department looked at more than 100 unlicensed contractors who had multiple infractions. About 20 – like Kelley – had more than four citations and at least \$12,000 in fines, Fischer said. (Records show Kelley has been cited nine times and has several more potential violations looming.) A more complete ranking would also need to take into consideration how much customers are owed for unfinished work or damage, she said.

After hearing Kelley's record of violations, Mike Crowley, executive vice president of the Master Builder's Association of Pierce County, noted, "Complaints can always take place even with the best contractors." But, he acknowledged, "That sounds pretty bad."

Yet, despite Kelley's past violations – and even if he is convicted of the fraud and theft charges he faces – if he were to pay off his debt to L&I and secure the required \$6,000 to \$12,000 bond, he would be eligible for a new contractor's license, Fischer said.

Kelley says he is being pursued and defamed by an overzealous former subcontractor and targeted unfairly by state regulators.

"I just moved away, but I should have stayed and fought it," he said of the three outstanding charges he faces in Houston County, Ga. He says he plans to return to deal with them as soon as he can afford it.

The pending theft charges in King County, he assured The News Tribune, will be dismissed soon. A spokesman for the King County Prosecutor's Office said a trial is still slated to start Nov. 1.

Kelley, who according to court records once told an L&I inspector he was "untouchable," now says he's getting out of the contracting business for good.

"I'm good with doing the jobs for other people," he said. "My problems lie with me owning a company. I'm not a very good manager when it comes to money and budgeting and stuff."

RECENT TROUBLES

Kelley's troubles in Washington started anew about a month before he got his new license.

In July, a 20-year-old who asked the state to shield his identity filed a complaint with L&I, saying he'd hired Kelley to rebuild the foundation of his home.

"That was on 3/8/2007. He never started the job at all and kept putting me off and stopped returning my phone calls," the complaint states. "He basically took my \$11,000. This is my first home purchase, and I am 20 years old and did not realize someone would do this."

Asked about the complaint, which is still being investigated, Kelley said, "I don't know what you're talking about." He suggested the complaint might have been a fake.

"We're positive it's a bona fide complaint," said L&I's Fischer.

More recently, two days after Kelley lost his license, L&I received another complaint alleging he had taken a \$2,500 deposit to demolish a chimney and then demanded more money to finish the job.

The homeowner, who also asked to remain anonymous, told officials he stopped payment on the second check, noting he looked up Kelley's license and saw it was no longer valid.

Over the years, Kelley has never appealed any of the citations L&I has issued along with tens of thousands in fines. Nonetheless, he contends he isn't responsible for them because he was working for others at the time.

State officials say Kelley was acting on his own to solicit work and had customers make out checks directly to him. The paper trail does not lead to any other employer, Fischer said.

"He had ample opportunity to appeal each of the citations and didn't," she said.

L&I issues between 1,000 and 1,300 citations a year for violations of the contractor registration law. Offenses include operating, advertising and bidding, while not registered as a contractor.

There are about 60,000 registered contractors in Washington and an estimated 4,000 to 7,000 are unregistered, L&I officials said.

COUPLE STAND UP TO CONTRACTOR

Another local couple say they barely escaped being victimized by Kelley.

Charles and Christine Hanson hired Kelley in September to tear down and rebuild their garage in Northeast Tacoma.

At their home, Kelley proved his bona fides, they said, by showing them how to look up his then-valid contractor's license on L&I's Web site – which didn't show his myriad violations.

"Nowhere on there did it say, 'Core Construction sucks,'" said Charles Hanson, a 40-year-old Navy hospital corpsman.

Crowley, of the Master's Builder's Association, said, "That's a problem we've heard more than one time. ... That is one of our criticisms of L&I – they don't complete the loop on these unlicensed people. It's a statewide concern."

The online license lookup shows whether a contractor holds a current license and whether anyone's filed a lawsuit against his bond, but not whether the contractor was cited in the past for working while unregistered. A separate place on L&I's Web site lists each contractor's past violations, but records date back only to 2004 and are updated quarterly. All of Kelley's past violations occurred in 2000 and 2001.

After giving Kelley a \$4,000 deposit, the Hansons started to get cold feet.

"Something just didn't sit right with me," said Christine Hanson, 56, a former private investigator.

They googled Kelley, uncovering news stories from Georgia with headlines such as "Reported Scam Artist Surfaces in Washington" and entries on the consumer protection Web site RipOffReport.com.

A few days later, before work had begun, they asked for the money back. Kelley balked, they said.

"I will not be your victim," Christine Hanson recalled telling him. "You don't know who you're messing

with.” (She once spent three years battling with her phone company over a \$5 discrepancy and won, she said.)

The Hansons prevailed and Kelley cut them a check.

Sandra Dubinsky, Kelley’s former landlord, also has claimed he failed to deliver on a construction project.

She filed a lawsuit filed in Pierce County Superior Court on Sept. 24, alleging he damaged her rental home on Canterwood Drive in Gig Harbor when he was supposed to be fixing it.

The lawsuit says that in August Kelley took a \$3,000 deposit on a \$6,000 repair job. But, the suit says, the work was bad or unfinished. Dubinsky’s asking for \$15,000 to make it right.

Asked about it, Kelley blamed his kids.

“I have eight children, you do the math,” he said.

He added Dubinsky was “unbelievably particular” about the repairs.

NO PROSECUTION IN PIERCE COUNTY

Kristina Pike of Perry, Ga., says Kelley didn’t pay her and her husband when they were subcontractors for him. They won a \$5,800 (plus interest) judgment against him in 2006, but say they haven’t seen any money.

For months, Pike has been pushing Washington and Georgia law enforcement officials, prosecutors, media outlets and regulators to take action.

“It isn’t about the seven grand, it’s about all the other people he’s taking money from,” she said.

Kelley said Pike’s efforts and Internet postings have slandered him and unfairly cost him business.

On the flip side, Pike and the Hansons wonder why Kelley continues on unpunished.

The Master Builder’s Association has been critical of L&I for not pushing for prosecution of more unlicensed contractors, Crowley said.

Officials at L&I says they’re only regulators – they can’t arrest anyone or file criminal charges. Their best weapon is to cite someone for working while unlicensed.

L&I’s Fischer says the department has had a hard time getting prosecutors in many counties, including Pierce County, to go after crooked contractors.

L&I managers met with the Pierce County district attorney’s office about three years ago to talk about prosecuting some of the contractor cases, Fischer said. But because none was ever acted on, L&I stopped making referrals.

Pierce County deputy prosecuting attorney Lisa Wagner said her office can’t prosecute cases they haven’t been notified about.

She conceded disputes between a customer and a contractor might be hard to sort out, devolving into a he-

said/she-said.

“It’s very difficult to prosecute unless there’s a string of victims,” Wagner said. “But we generally want to get involved if there are two or more victims who say the same thing.”

Problems seem to follow Christopher Kelley. Here’s a look at some of them:

April 28, 2000 The state Department of Labor & Industries cites contractor Christopher Kelley for working without a license.

May 3, 2000 L&I cites Kelley. He reportedly took \$2,500 from a homeowner, removed a roof and didn’t come back to put on a new one.

July 20, 2000 L&I cites Kelley for violating contractor regulations.

Aug. 3, 2001 L&I cites Kelley. The inspector notes Kelley has taken a \$9,350 deposit, but left the job at a Seattle home unfinished. An employee also told the inspector he hadn’t been paid.

Aug. 15, 2001 L&I cites Kelley for working without a license.

Sept. 11, 2001 L&I cites Kelley. He reportedly took a \$4,500 deposit, removed a roof and then stopped doing work.

Oct. 19, 2001 L&I cites Kelley for working without a license.

Oct. 22, 2001 L&I cites Kelley twice. This case led to theft charges in King County.

June 4, 2002 Kelley is charged in King County with unregistered contracting and failure to respond to a notice of infraction.

June 25, 2002 Kelley fails to show up for arraignment in King County. A bench warrant is issued.

July 18, 2002 Kelley is additionally charged in King County with first-degree theft.

Nov. 19, 2006 Kelley registers repair4free.com at an address in Marietta, Ga. The site recently listed Washington state phone numbers for Kelley.

Nov. 22, 2006 Kelley is charged in Houston County, Ga., with two counts of theft by conversion of more than \$500.

Nov. 26, 2006 Pike’s Peak Performance of Georgia wins a \$5,800 judgment against Kelley.

Dec. 4, 2006 Kelley is charged in Georgia with deposit account fraud.

Feb. 28, 2007 Kelley fails to appear for arraignment in Georgia. A bench warrant for his arrest is issued.

March 15, 2007 Kelley registers coreadvantages.com to an address on Canterwood Drive in Gig Harbor.

April 24, 2007 Kelley fails to appear for another arraignment in Georgia. Another bench warrant is issued.

July 5, 2007 King County prosecutors contact L&I to inform them Kelley is advertising on repair4free.com without being a licensed contractor.

July 17, 2007 A 20-year-old homeowner files a fraud report with the state, alleging Kelley bilked him for \$11,000.

July 23, 2007 An L&I inspector writes he is going to cite Kelley for the repair4free.com violation, noting "Mr. Kelly [sic] had previously been issued multiple infractions by the department for unregistered contracting."

Aug. 29, 2007 L&I gives Kelley a new, clean contracting license under the name Core Construction. It allows him to do "framing and rough carpentry."

Sept. 24, 2007 Sandra Dubinsky, Kelley's former landlady, files a \$15,000 lawsuit against Kelley in Pierce County.

Oct. 2, 2007 L&I suspends Core Construction's license.

Oct. 4, 2007 A homeowner files a fraud report with the state alleging Kelley took a \$2,500 deposit to demolish his chimney and then demanded more money to finish the job.

Sources: L&I, News Tribune research

Warning signs of a potential scam

- The contractor's references or credentials can't be verified.
- He offers a "special price" if you act today, or other high-pressure techniques.
- He accepts only cash, requires a large deposit (more than 10 to 15 percent of the total price) or asks you to make the payment in his name.
- He doesn't provide a written bid.
- He wants to do most or all the work on weekends and after hours.
- The deal sounds too good to be true.

Source: State Department of Labor & Industries

Tips for choosing a contractor

- Interview several qualified contractors and get written bids.
- Verify the contractor is registered with L&I.
- Check out the contractor using other sources, such as the state Attorney General's Office, the Better Business Bureau or Google for media reports.

- Ask for references.

More information: lni.wa.gov.

Source: State Department of Labor & Industries

Originally published: October 23rd, 2007 01:23 AM (PDT)

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