

**IN THE  
COMMONWEALTH OF VIRGINIA  
BOARD FOR CONTRACTORS**

**Re: Daniel M Lopez, t/a Virginia Design Builders  
Arlington, VA 22207**

**File Number           2006-00180  
License Number       2705058755**

**CONSENT ORDER**

Respondent Daniel M. Lopez, t/a Virginia Design Builders ("Lopez") recognizes and acknowledges being subject to and bound by the Regulations of the Board for Contractors ("Board"), as well as by all other applicable Virginia laws.

Lopez knowingly and voluntarily waives any proceedings for this matter under the Administrative Process Act, §§ 2.2-4019, 2.2-4020, and 2.2-4021 of the 1950 Code of Virginia, as amended.

**Board's 2003 Regulations provides:**

**18 VAC 50-22-200. Revocation or suspension; fines.**

The board may require remedial education, revoke or suspend a license or fine a licensee when a licensee has been found to have violated or cooperated with others in violating any provision of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia, or any regulation of the board.

The Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, is incorporated with the Consent Order.

By signing this Consent Order, Lopez acknowledges an understanding of the charges and admits to the violation(s) of the Counts as outlined in the Report of Findings. Lopez consents to the following term(s):

<b>Count 1:</b>	<b>18 VAC 50-22-260.B.9</b>	<b>\$ 100.00</b>
<b>Count 2:</b>	<b>18 VAC 50-22-260.B.31 (2 violations)</b>	<b>\$ 400.00</b>
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<b>TOTAL MONETARY PENALTIES</b>		<b>\$ 500.00</b>

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**In addition, for the violations of Count 1 and 2, Lopez agrees to successfully complete remedial education by attending the Board's contracting license class and passing the examination within six (6) months of the effective date of this order.**

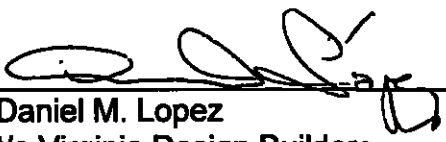
**Lopez also agrees to pay \$150.00 in Board costs.**

**Any monetary penalties, costs, and/or sanctions are to be paid/performed within thirty days of the effective date of this consent order unless otherwise specifically noted above. Lopez acknowledges any monetary penalty and/or costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, Lopez will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in § 58.1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.**

**Lopez acknowledges that failure to pay any monetary penalty or costs and/or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of Lopez's license until such time as there is compliance with all terms of this Order. Lopez understands the right to have this automatic suspension considered in an informal conference pursuant to the Administrative Process Act §§ 2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§ 2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.**

**The effective date of this Order shall be the date of execution by the Board.**

SEEN AND AGREED TO:



Daniel M. Lopez  
/a Virginia Design Builders

4/24/06

Date

Daniel Lopez, Sole Proprietor

Printed Name and Title of Person Signing on behalf of Entity

CITY/COUNTY OF PRINCE GEORGES  
COMMONWEALTH OF VIRGINIA MARYLAND.

Sworn and subscribed before me this 24<sup>th</sup> day of APRIL, 2006.

Corrine Waruhui

Notary Public **CORRINE WARUHIU**  
Notary Public - Maryland

My Commission Expires: 12/11/2006

My Commission Expires December 11, 2006

SO ORDERED:

Entered this 27<sup>th</sup> day of June, 2006.

Board for Contractors

BY: Jay W. DeBoer  
Jay W. DeBoer, Secretary

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**VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION  
COMPLIANCE & INVESTIGATION DIVISION  
3600 WEST BROAD STREET  
RICHMOND, VA 23230-4917**

**REPORT OF FINDINGS**

**BOARD:** Board for Contractors  
**DATE:** February 24, 2006

**FILE NUMBER:** 2006-00180  
**RESPONDENT:** Daniel M. Lopez, t/a Virginia Design Builders  
**LICENSE NUMBER:** 2705058755  
**EXPIRATION:** October 31, 2006

**SUBMITTED BY:** Sherell Queen  
**APPROVED BY:** Linda J. Boswell

**COMMENTS:**

None.

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Daniel M. Lopez, t/a Virginia Design Builders ("VDB") was at all times material to this matter a licensed Class A contractor in Virginia (No. 2705058755).

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

**BACKGROUND:**

On July 11, 2005, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Michael Espey ("Espey") regarding Daniel M. Lopez. (Exh. C-1)

On April 5, 2004, VDB entered into a written contract, in the amount of \$457,038.00, with Espey to complete renovation work and to build an addition at 9522 Leesburg Pike, Great Falls, Virginia 22066. (Exh. C-2)

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1. Board Regulation (Effective January 1, 2003)

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

9. Failure of those engaged in residential contracting as defined in this chapter to comply with the terms of a written contract which contains the following minimum requirements:

f. Disclosure of the cancellation rights of the parties;

FACTS:

The contract used by VDB in the transaction failed to contain subsection: f. (Exh. C-2)

2. Board Regulation (Effective January 1, 2003)

**2 Violations**

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

31. Failure to obtain written change orders, which are signed by both the consumer and the licensee or his agent, to an already existing contract.

FACTS:

The contract specified, All change orders are to be put in writing, signed by both parties and paid in full upon signing. (Exh. C-2)

During the construction, VDB added an additional cost of \$3,500.00 to the contract to accommodate an increase in the cost of steel. VDB added \$3,600.00 to the contract for additional fabricating of the steel. (Exh. C-6)