

CONTRACTORS LICENSE BOARD  
OFFICE OF ADMINISTRATIVE HEARINGS  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
STATE OF HAWAII

DEPT. OF COMMERCE  
AND CONSUMER AFFAIRS

2010 SEP -8 PM 1:09

In the Matter of the )  
Contractor's License of )  
 )  
JAMES W. WILSON, JR., )  
dba JAMES WILSON ROOFING )  
 )  
Respondent. )  
\_\_\_\_\_ )

CLB 2008-139-L

BOARD'S FINAL ORDER FOR NON-COMPLIANCE WITH A PREVIOUS BOARD'S FINAL ORDER

BOARD'S FINAL ORDER FOR NONCOMPLIANCE  
WITH A PREVIOUS BOARD'S FINAL ORDER

On June 21, 2010, the Contractors License Board ("Board") approved and adopted a Board's Final Order in the above-referenced matter.

Under the terms of the Board's Final Order, Respondents were ordered to pay a fine in the amount of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) within sixty (60) days of the Board's Final Order. It was further ordered that failure to comply with the terms and conditions of the Board's Final Order shall result in the automatic revocation of Respondent's license, and payment of the fine is a condition of reinstatement or relicensure.

On September 1, 2010, the Executive Officer received a declaration from the Regulated Industries Complaints Office which stated that to Petitioner's knowledge, the Respondent has not paid any of the fine within the sixty-day period from the previous Board's Final Order.

Accordingly, pursuant to the authority delegated by the Board to the Executive Officer at its July 24, 1998 and March 17, 2000 meetings, the license of JAMES W. WILSON, JR. dba JAMES WILSON ROOFING is hereby revoked. Respondent is also ordered to turn in all indicia of licensure to the Executive Officer of the Board upon receipt of this order.

DATED: September 8, 2010

  
\_\_\_\_\_  
VERNA ODA  
Executive Officer



DEPT. OF COMMERCE  
AND CONSUMER AFFAIRS

2010 JUN 22 A 1:54

HEARINGS OFFICE

CONTRACTORS LICENSE BOARD  
OFFICE OF ADMINISTRATIVE HEARINGS  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
STATE OF HAWAII

In the Matter of the	)	CLB 2008-139-L
Contractor's License of	)	
	)	BOARD'S FINAL ORDER
JAMES W. WILSON, JR., dba JAMES	)	
WILSON ROOFING,	)	
	)	
Respondent.	)	
_____		)

BOARD'S FINAL ORDER

On May 19, 2010, the duly appointed Hearings Officer issued her proposed Findings of Fact, Conclusions of Law and Recommended Order in the above-entitled matter. The parties were given an opportunity to file written exceptions, however, no exceptions were filed.

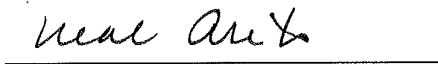
Upon review of the entire record of this proceeding, the Contractors License Board ("Board") adopts the Hearings Officer's recommended decision as the Board's Final Order and finds and concludes that Respondent violated HRS §§ 436B-16(a) and 444-17(10).

For the violations found, the Board orders Respondent to pay a fine in the amount of \$1,000.00 within sixty (60) days of the Board's Final Order. If Respondent fails to pay the fine within the time specified, upon filing a declaration by Petitioner attesting to such failure, Respondent's license shall be automatically revoked. At that time, Respondent will be required to return all indicia of licensure to the Executive Officer of the Board. Payment of the fine is a condition of reinstatement or relicensure.

DATED: Honolulu, Hawaii, JUN 21 2010.



F.M. SCOTTY ANDERSON  
Chairperson



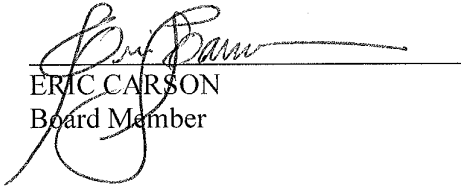
NEAL ARITA

Vice Chairperson



GUY/M. AKASAKI

Board Member



ERIC CARSON  
Board Member

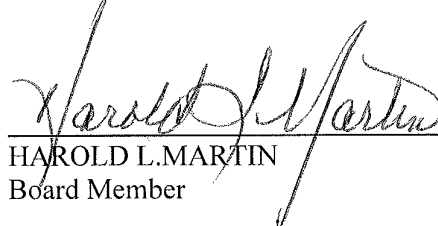
JOHN E. K. DILL  
Board Member



WILLIAM A. KAMAI  
Board Member



RANDALL B. C. LAU  
Board Member



HAROLD L. MARTIN  
Board Member



ALDON K. MOCHIDA  
Board Member



RONALD K. OSHIRO

Board Member

DENNY R. SADOWSKI

Board Member



DARYL SUEHIRO  
Board Member



GERALD YAMADA  
Board Member



DEPT. OF COMMERCE  
AND CONSUMER AFFAIRS

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HEARINGS OFFICE

CONTRACTORS LICENSE BOARD  
OFFICE OF ADMINISTRATIVE HEARINGS  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
STATE OF HAWAII

In the Matter of the	)	CLB 2008-139-L
Contractor's License of	)	
	)	HEARINGS OFFICER'S FINDINGS OF
JAMES W. WILSON, JR., dba JAMES	)	FACT, CONCLUSIONS OF LAW AND
WILSON ROOFING,	)	RECOMMENDED ORDER
	)	
Respondent.	)	
	)	

HEARINGS OFFICER'S FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND RECOMMENDED ORDER

I. INTRODUCTION

On September 4, 2009, the Department of Commerce and Consumer Affairs, through its Regulated Industries Complaints Office ("Petitioner") filed a petition for disciplinary action against the contractor's license of James W. Wilson, Jr., dba James Wilson Roofing ("Respondent"). The matter was set for hearing pursuant to Hawaii Revised Statutes ("HRS") Chapters 91, 92, 436B and 444, and the Notice of Hearing and Pre-Hearing Conference ("Notice") was transmitted to the parties. Respondent received a copy of the Petition and Notice on October 2, 2009 by certified mail.

On February 4, 2010, the hearing was conducted by the undersigned Hearings Officer. Bobbi W.Y. Lum-Mew, Esq. represented Petitioner. Respondent failed to enter an appearance. Since proper service was made, the hearing proceeded as scheduled.

Having reviewed and considered the evidence and arguments presented at the hearing, together with the entire record of this proceeding, the Hearings Officer hereby renders the following findings of fact, conclusions of law and recommended order.

## II. FINDINGS OF FACT

1. Respondent was licensed by the Contractors License Board (“Board”) on May 30, 1995. Respondent’s license number is CT 15711 42 and his license expires on September 30, 2010.

2. On March 24, 2008, a judgment was entered against Respondent in the District Court of the Fifth Circuit, Civil Division, in the amount of \$5,173.20. The complaint that led to this judgment was based on a roofing contract between Marcus Borgman and Respondent. The contract amount of \$17,172.00 was paid in full and Respondent gave Mr. Borgman a four-year guarantee when the work was completed on February 16, 2007. Subsequently, the roof leaked and Respondent was notified to correct the problems. Respondent made a few attempts to repair the leaks, but was not successful and became unresponsive to Mr. Borgman’s requests to correct the problems. Mr. Borgman subsequently employed another roofing company to perform the repairs at a cost of \$4,992.00.

3. Respondent did not provide written notice of the March 24, 2008 judgment to the Board within thirty days.

4. Petitioner notified Respondent by letters dated April 23, 2008 and May 6, 2008 that Mr. Bergman had filed against him.

5. Respondent submitted his license renewal application on September 21, 2008. In answer to the questions “Are there any disciplinary actions pending against you in this state or any other jurisdiction?” and “Are there any liens or judgments against you?” Respondent answered “no”.

6. Since filing the complaint, Mr. Borgman has passed away.

## III. CONCLUSIONS OF LAW

Petitioner has charged Respondent with violating HRS §§ 436B-16(a) and 444-17(10) which provides:

**§ 436B-16 Notice of judgments, penalties.** (a) Each licensee shall provide written notice within thirty days to the licensing authority of any judgment, award, disciplinary sanction, order, or other determination, which adjudges or finds that the licensee is civilly, criminally, or otherwise liable for any personal injury, property damage, or loss caused by the licensee’s conduct in the practice of the licensee’s profession or vocation. A licensee shall also give notice of such determinations made in other jurisdictions.

