

The Virgin Islands Consortium

DLCA Cracks Down on Building Violations Involving Licensed Contractors; Unlicensed Contractors to be Referred to Court

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Homeowners and business people who employ the services of licensed general contractors who have provided or supervised inferior work, can now seek remedy by reporting the matter to the V.I. Dept. of Licensing and Consumer Affairs.

DLCA Commissioner and member of the V.I. Board of Contractors and Trades, Richard Evangelista, told the Consortium that a recently drafted team will oversee that aspect of the department's role and pursue cases of contractors who are accused of providing substandard work.

"The Department of Licensing & Consumer Affairs is taking a serious stand on licensed general contractors who fail to live up to the minimum standard required of an outstanding contractor in good standing," he said.

"We are literally going to have the ability to bring them to the table when someone complains about work that should have been done properly but it was done improperly," Mr. Evangelista added.

An informal process has already begun within the department and will be put into writing for other team members and the public through the dissemination of a public service announcement and press release.

Standard deviations that can be considered negligent include anything outside of acceptable construction practices, said board member Laurence Richards, who mentioned "doing stuff that's outside of the code for example – installing stairs that are uneven as an example."

Board member Julio King said some of the things that constitute a violation have been accepted in the past and may not be looked at as being improper. "Something as simple as craftsmanship. Sometimes contractors go in, do a job and they're accustomed of hanging a door a particular way, they might be hanging it wrong for years," he exemplified, noting that there are code requirements of how a door should swing.

"What we do is try to govern the things that are important for health and safety," he concluded.

Title 27 of V.I. Code, Professions and Occupations, Chapter 10 (Virgin Islands Board of General Construction Contractors), makes it unlawful for any person to operate as a general construction contractor within the Virgin Islands unless they are licensed as provided by the chapter.

According to Mr. Evangelista, following the passage of Hurricanes Irma and Maria, the department received many reports of unlicensed contractors some of whom are currently before the civil court. The public is therefore being encouraged to contact DLCA via telephone or through use of their website to ensure that the general contractor who they want to hire, such as plumbers and electricians are licensed by the department.

"If you engage the services of a licensed general contractor, you can find recourse at our office if in fact something has occurred or gone awry. Unfortunately, when you hire an unlicensed general contractor DLCA will not be able to assist you because we only have jurisdiction over licensed contractors – those to whom we give a license – and those persons will actually have to go to court and seek out legal assistance or get their redress in the court of law and not at DLCA," he warned.

Attorney Melanie Fenzel, who is assigned to boards and commissions spent a day with attorneys who specialize in general contracting law as well as three days doing investigator training to better understand the legal scope of what is required to investigate these matters. Now that the department has hired an attorney, DLCA also plans to seek an amendment to the VI Code.

Ms. Fenzel said initial penalties for licensed contractors include a fine of no less than \$1,000 for each violation or act of noncompliance. "You would need to identify such violations first so, a lot of that does need to be clarified but not less than \$1,000 at this point," she said.

According to the board, there are currently 236 contractors registered across the U.S Virgin Islands - 106 St. Thomas, St. Croix 102, and St. John 28.

Through the work of Assistant Commissioner of the Office of Boards and Commissions, Nathalie Hodge, the board has amended the general contractor statute to combine some crafts and trades to prevent multiple boards having to regulate the industry.