



OFFICE OF THE ATTORNEY GENERAL

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AG MYERS & CONSTRUCTION CONTRACTORS BOARD FILE LAWSUITS IN CLACKAMAS & MARION COURTS AGAINST TWO UNLICENSED CONTRACTORS

Attorney General Hardy Myers and Construction Contractors Board Administrator Craig P. Smith today announced the filing of two lawsuits against unlicensed construction contractors for allegedly taking money from consumers and performing shoddy work or not completing it. Named in the lawsuit filed today in Marion County Circuit Court is Kelly Lay, formerly of Battleground, Washington and now of Portland, doing business as K & L Heating & Air Conditioning and Above & Beyond Heating & Cooling. Hillsboro resident Timothy A. Bennett, doing business as Quality Concrete Work and Bennett & Son's Quality Concrete, is named in the lawsuit filed today in Clackamas County Circuit Court.

“Both of these contractors not only ignored repeated warnings from the Construction Contractors Board but failed to appear at CCB hearings and refused to work with the Department of Justice in signing any form of settlement agreement,” Myers said. “Enough is enough. Victims must be made whole and both men must face the consequences of violating Oregon’s laws.”

CCB Administrator Craig Smith said, “Partnering with other state agencies, like the Department of Justice, is key to stopping those that disregard the law and making them accountable for their actions.”

In the Lay lawsuit, the Attorney General and CCB allege that Lay, between April 2003 and August 2005, contracted to install furnaces and air conditioning systems in four jobs receiving more than \$20,000 in payments. The victims complained of either poor workmanship or work never completed. CCB and Justice attempted to serve Lay with notices and final orders between 2004 and 2006 but were unable to locate him. Justice through the efforts of CCB eventually served Lay with a notice of Unlawful Trade Practices and a proposed resolution but he failed to sign and return the agreement.

Bennett's history of ignoring CCB and Department of Justice notices and proposals is similar to Lay's. As a concrete contractor, Bennett took more than \$3,000 from two victims, performing shoddy work or failing to complete the work. In both cases, the consumers' claims with the CCB against any bond could not be processed because the defendants were unlicensed.

Both lawsuits ask the courts for judgments permanently enjoining Lay and Bennett from doing contractor work in Oregon without being licensed by the state. The lawsuits also ask for restitution for all named victims, attorney fees and costs and civil penalties of \$25,000 per violation of the Unlawful Trade Practices Act as well as CCB licensing laws.

The CCB licenses more than 43,000 contractors, who are paid to repair, improve or build homes. Consumers wanting to verify a contractor's license may call (503) 378-4621 or online at www.oregon.gov/ccb.

Oregonians wanting information about consumer protection in their state may call the Attorney General's consumer hotline at (503) 378-4320 (Salem area only), (503) 229-5576 (Portland area only) or toll-free at 1-877-877-9392. Justice is online at www.doj.state.or.us.

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