

March 28, 2025

G. Bryan Slater, **Secretary of Labor**

Re: Letter From the Secretary of Labor Dated March 20, 2025

Thank you Mr. Secretary for taking the time to write to me I assume on behalf of the governor's office. Your response was unexpected given the email dated May 22, 2024 where you had requested that I communicate regarding this issue via my attorney. There was an abrupt change in the tenor of the exchanges after I brought it to your attention that a FOIA disclosure indicated that your office and DPOR were communicating internally about my case prior to my inquiry to your office. I was confused as to why you found that offensive, but it was important to clarify the details surrounding the case and I was as caught off guard by the internal discussion as I believe you were.

Out of respect for your request and with no other venue to file an appeal, I redirected my efforts to my civil case. My legal counsel, who I included in all communications for my own peace of mind, stated that we were not taking action against the state and there was no reason not to communicate. However, I never enlisted the assistance of your office again regarding this policy issue. I will consider your unsolicited letter dated March 20, 2025 a rescinding of your prior request.

I did send a letter to notify Governor Youngkin on March 3, 2025 stating that I would be engaging the Office of the Inspector General. I also offered the governor an opportunity to comment before sharing my findings publically with the media. The response has reiterated a disconnect at the governor's office regarding DPOR. I informed the office of my concerns after watching a WUSA9 report where two DPOR representatives went on the record with statements that indicated DPOR was acting on behalf of the public in a way they did not in my case or any other since 2020.

In the [news broadcast](#) referenced above, Jennifer Sayegh, DPOR's Policy and Legislative Affairs Manager, informed WUSA9 in writing that the case being investigated by WUSA9 was escalated to the office of the attorney general. While filming the interview portion with Larry Miller - same broadcast - John Robertson, Communication Manager for DPOR stated that, "...when something rises to the level of law enforcement, whether it's, whether it's fraud, whether it's unlicensed activity, we refer those cases to the, to the attorney general's office."

I researched further and as you took the time to outline for me in your letter dated March 20, 2025, DPOR does **not** refer cases to the attorney general. We are in agreement. That was a complete departure from DPOR's procedures - except for the case being investigated by the media. It was a singular escalation event complete with a broadcast interview that could only be described as an effort to misdirect the news reporter, the public, and infer that DPOR was operating at a level it does not.

This misdirection defined by at least 5 years, 5,000+ complaints, and only 1 escalation to the AG moved me to notify Governor Youngkin that I would be asking the state inspector general to investigate DPOR for possible fraud, corruption, or mishandling of evidence. Not to worry, on March 21, 2025 - the day after your letter - the IG declined to investigate my fraud claims stating that they only investigate executive office branches. According to § 54.1-301, DPOR is an executive branch agency.

DPOR changed their operating procedure based on media involvement in the referenced case. That is preferential application of regulatory protection under the law in my opinion, but perhaps that's legal in Virginia. I suppose that is a question for Attorney General Miyares. It's also concerning that DPOR thought no one would notice.

A memo from DPOR Director Brian Wolford to the attorney general's office dated **May 22, 2024** titled, "Possible Legal Loophole Playing Out in Prince William County" notes many of the same issues I have in my recent letter to Governor Youngkin. It also highlights DPOR's awareness of repeat offenders and the way offenders are allowed to avoid regulatory citation.

Mr. Wolford outlines 10+ years of the same contractor committing possible fraud and allegedly taking large sums of money from citizens to the tune of "millions of dollars". He also notes that DPOR was unsuccessful in bringing any citations against the report's builder although they had the opportunity to investigate him more than once. Wolford then explains to the AG that DPOR's position is not to act in these situations. As I have outlined, Tom Payne has stated, Jennifer Sayegh has stated, Kishore Thota has stated, and now Brian Wolford has written, DPOR's policy is not to act or promote cases like ours to the commonwealth attorneys.

Wolford makes the claim that it is a "concept that can be difficult for homeowners to understand", however I think it's DPOR that is having trouble understanding that it is responsible as an agency for acting when confronted with a clear circumvention of the state's legal code. Why would DPOR not sound the bell about a loophole before 10 years go by or a reporter steps in?

Larry Miller's report and my own case represent at least 3 dozen households. Wolford wrote that additional families did not report to DPOR because of the inaction by the agency on behalf of their neighbors. This was the case in my neighborhood. Why would anyone waste their time reporting egregious violations when even the DPOR Director notes it is a struggle to find any issues they have the power to regulate?

Since my own DPOR complaint was filed, there have been 8 new civil actions of various kinds filed against the same builder. The alleged damages by customers and other contractor board members are also well over a million dollars. This represents another DPOR loophole and requires organizational oversight which is what I asked the governor to consider.

I cannot speak to the review provided in my case by then Director Kishore Thota, because he was incorrect on most of his outlined responses. It's not a question of opinion or subjective. Dates, license numbers, business names and owners are not subjective but are verifiable facts. I don't accept the characterization that the evidence was deficient, but I will affirm that the evidence as 'developed' by DPOR, to quote your letter, was largely erased from the record or altered prior to the hearing in what I am alleging meets the standard for the IG to investigate for fraud. Without an investigation, this may remain my opinion, but the intentional omission and/or alteration of evidence and a pattern of inaction at DPOR in multiple cases warrants oversight. Assurances of 'reviews' and the facts are not aligned, but I understand that the official response is to establish that an attempt was made.

As for the [DPOR biennial report](#), the \$440,000 recovered in the biennial are court ordered. Those funds would have been recovered by voluntary restitution as part of a settlement or ordered by a Virginia court. As we are both aware, DPOR has no authority to regulate unlicensed subcontractors or to mandate that they give any monetary restitution to citizens. The cost to Virginians from unlicensed activity and/or fraud has reached 'millions' in individual cases involving licensed contractors who hire out to avoid citation or manipulate SCC records as Mr. Wolford has outlined in his memo to the attorney general.

Before pivoting to the contractor recovery fund as the answer, let's be fair and acknowledge that it only applies after a civil trial is won against a member contractor. This is a recent change in the fund. It's also maxed out at \$20k per contractor (\$40k max for special circumstances), and equates to less than \$900,000 recovered in the state **per year** split between **less than 70** Virginian claimants who successfully win a civil suit first but can't recover from a 'member'. This excludes many cases under \$20,000 as Governor Youngkin's push for deregulation has prompted DPOR to decriminalize any claims of unlicensed subcontracting under that amount. Licensed contractors can simply sub out portions of a job to use this exemption as another loophole as we discussed previously.

This is an urgent situation. Virginia is creating a predatory environment so devoid of consumer protections that bad contractors are devastating families unchecked in a housing market that is already out of reach for so many they can't outpace the losses. Mortgage companies, insurance agencies, homeowners, and renters are all impacted as the products, our homes, are substandard.

There are roughly 30,000 homes built in Virginia each year and **3.3 million households**. I have no way of knowing how many home renovation jobs there were last year, but Virginia ranks 9th in the country for single family home permits alone. That's not including home repairs or multifamily units. Do you really believe 70 claim payments a year is adequate representation of violations of prohibited acts by licensed contractors in Virginia? Do you believe Virginians believe that?

My solution is simple. DPOR serves a purpose, but one more in line with the DMV, not a hybrid agency with members, mock trials, and meager fines. Correction is best left to the Judiciary branch.

I understand that the state has no intention of intervening on my family's behalf and I have taken up the cause at my own expense. I am hopeful that the state will seek to operate in a way that prevents further harm to all homebuyers and their children. I believe the state needs to address and be proactive in alerting the public to fraudulent actors. As the code stands, citizens do not have equal representation or protection in the regulatory process and the only agency is one that will not act impartially.

I will continue advocating publicly at VirginiaConsumer.com. I welcome further dialogue focused on meaningful regulatory reform, transparency, and accountability to genuinely address the impact on the public. I don't know if you have read my letter to Governor Youngkin in its entirety or remember my story, but it outlined how my daughters have all been affected by poor construction quality. My youngest not only developed asthma, but neurological tics from the lab verified toxic mold exposure. Her bloodwork matches the mold found in our home. She will require ongoing care to hopefully regain her health, but will live a very different life filled with medical tests and treatments.

My insistence on reform is not simply for my benefit, but for the public and specifically the children who call these buildings home.

Warm Regards,

Andrea Driffill