



**Special Bulletin**  
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# **Lyons Roofing**

## **SPECIAL R.O.C. ALERT – PLEASE READ**

### **Gypsy, Storm Chaser, or Unlicensed Contractor Complaints**

The recent storm activity has brought a swarm of unlicensed and out-of-state contractors into the state to do repairs involving roofing, painting, auto-body repair, window replacement, tree trimming, and removal services. (The Arizona Registrar of Contractors, [R.O.C.], a state agency, refers to these contractors as "transient criminals.") Many of these contractors' repair offers are in the form of printed advertisements and fliers. There are many requirements, according to Arizona Revised Statutes, that deal with unlicensed contracting and the distribution of advertising for contracting services. The following lists of most common violations of these statutes are Criminal and are Class I Misdemeanors:

#### **ARS 32-1151. Engaging in contracting without license prohibited**

It is unlawful for any person, firm, partnership, corporation, association or other organization, or a combination of any of them, to engage in the business of, submit a bid or respond to a request for qualification or a request for proposals for construction services as, act or offer to act in the capacity of or purport to have the capacity of a contractor without having a contractor's license in good standing in the name of the person, firm, partnership, corporation, association or other organization as provided in this chapter, unless the person, firm, partnership, corporation, association or other organization is exempt as provided in this chapter. Evidence of securing a permit from a governmental agency or the employment of a person on a construction project shall be accepted in any court as prima facie evidence of existence of a contract.

#### **ARS 32-1165. Advertising; effect of; classification**

Except as authorized by section 32-1121, subsection A, paragraph 14, subdivision (c), it is a class 1 misdemeanor for any person to advertise that he is able to perform any service or contract for compensation subject to regulation by the registrar under the terms of this chapter unless a license under the terms of this chapter is first obtained regardless of whether his operations as a contractor are otherwise exempt.

In the event that officers are called to an area where this type of activity is underway, officers have the right to inquire about the Registrar of Contractors number that must appear on all advertising to include business cards. The lack of this required number is the probable cause for an arrest and a CLD may be issued under one or both of the above listed statutes. The City of Phoenix and Glendale Police Departments have agreed to send officers out on these complaints and ARCA's ROC committee is contacting other municipalities regarding enforcement.

**The Registrar of Contractors has made a commitment to send investigators out promptly on all suspected unlicensed contractor complaints. Report should be faxed to Mr. Robert Chavez, of the R.O.C. at fax # 602-542-1520. Include all pertinent data such as location, type of activity, date, time, etc. and include your name and phone number in case further clarification is required.**

Many ARCA members have been contacted by out of state roofers with lucrative offers to use their licenses to operate in Arizona and bypass legitimate licensing processes.

#### **ARS 32-1154(A). Grounds for suspension or revocation of a license**

Specifically with respect to aiding or abetting, section (A)(10) of this statute reads "Aiding or abetting a licensed or unlicensed person to evade this chapter, knowingly or recklessly combining or conspiring with a licensed or unlicensed person, allowing one's license to be used by a licensed or unlicensed person or acting as agent, partner, associate or otherwise of a licensed or unlicensed person with intent to evade this chapter".

Any Arizona contractor that engages in this type of activity puts their license at risk for suspension or revocation.