

Unlicensed Complaint Form

Unlicensed Entities or
Revoked/Expired Licenses

Mail to:
Registrar of Contractors
P.O. Box 18243
Phoenix, AZ 85005-8243



RECEIVED

MAY 19 2016

Figueroa
Departmental Use Only
Complaint Number:

2016-1710

INVESTIGATIONS

Please note that if your contractor was not licensed or the license was revoked or expired at the time of contract, you are not eligible for the Recovery Fund. However, you still have the right to file a civil claim with your local civil court or request restitution in a criminal proceeding.

Person Filing Complaint			
Full Name (First Middle Last) <i>Jennifer Flowers</i>	Business Name (if a licensed contractor or supplier)	ROC License Number(s) (if any)	
Street Address [REDACTED]	City <i>Phoenix</i>	State <i>AZ</i>	Zip <i>85032</i>
Phone Number [REDACTED]	Date of Birth [REDACTED]	Email [REDACTED]	
I consent to receive communications electronically in connection with this case <input checked="" type="radio"/> Yes <input type="radio"/> No			
Name of Attorney (if any)			
Street Address of Attorney		City	State
Phone Number of Attorney		Email of Attorney	
Contractor Information			
Name (as shown on contract/invoice) <i>Don AID Libby</i>	ROC License Number(s) (if any) <i>N/A</i>		
Street Address [REDACTED]	City <i>Peoria</i>	State <i>AZ</i>	Zip <i>85382</i>
Phone Number [REDACTED]	Email [REDACTED]		
Name of Firm			
Did you know contractor was unlicensed? <input type="radio"/> Yes <input checked="" type="radio"/> No			
If no, when did you learn they were unlicensed?			
Description of Unlicensed Person			
Age [REDACTED]			
Contract/Project Information			
Contract Date <i>4/14/2016</i>	Contract Amount <i>4841.00</i>	Amount Paid <i>4000.00</i>	
Date Work Started <i>4/14/2016</i>	Date Work Stopped <i>4/27/2016</i>	Date Work Was Completed <i>N/A</i>	
Address Where Contract Was Negotiated [REDACTED]		City <i>Phoenix</i>	State <i>AZ</i>
Parties Present at Contract Negotiation <i>Jennifer Flowers</i>			
Jobsite Street Address [REDACTED]		City <i>Phoenix</i>	State <i>AZ</i>
			Zip <i>85032</i>

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Contract/Project Information Continued		INVESTIGATIONS
This complaint is for	<input checked="" type="radio"/> Abandonment <input checked="" type="radio"/> Poor Work <input type="radio"/> Other _____	
Have you filed a complaint in court?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A If yes, provide a copy of the civil complaint	
The contract was	<input checked="" type="radio"/> Written <input type="radio"/> Oral <input type="radio"/> Both	
All change orders were	<input type="radio"/> Written <input type="radio"/> Oral <input type="radio"/> Both <input checked="" type="radio"/> N/A	
This project was	<input type="radio"/> Commercial <input checked="" type="radio"/> Residential <input type="radio"/> On Tribal Land	
This project involved	<input type="radio"/> New Home <input checked="" type="radio"/> Remodel <input type="radio"/> Repair <input type="radio"/> Other _____	
A building permit was obtained by	<input type="radio"/> Contractor <input type="radio"/> Property Owner <input type="radio"/> Building permit # _____ What city/county issued the permit? <u>MPA</u>	
The contractor had	# _____ employees (list names if known) <u>N/A</u>	
List and briefly describe each complaint item (attach additional pages if necessary to further describe issues or list complaint items) (limited to 80 characters per line)		
1. 4 granite counter tops were to be installed, 2 were installed, 2 are missing.		
2. Back splash was to be installed. No back splash was installed, material was paid for.		
3. A new sink was to be installed was not installed but was paid for.		
4. New kitchen tile was to be installed and grouted. Kitchen tiles are missing		
5. in spots and only grouted in some spots. Tile and grout were included in overall		
6. costs of materials. there are broken tiles all over the kitchen and		
7. tiles are sticking up, causing a tripping hazard.		
8. Carpet was installed. Very bad. seams are all over the place and nails are sticking		
9. out of stairs. Instead of using staples he used nails. Instead of		
10. pulling up old carpet he went over it with the new carpet. -> continued		
Signature		
I declare under penalty of perjury that the information and documents contained on this Complaint Form, included with this complaint, or hereafter submitted in support of this complaint are true and accurate to the best of my knowledge. I will assist in the investigation or in the prosecution of the contractor or other parties, and will, if necessary, attend hearings and testify to facts.		
Printed Name	Signature	Date
Jennifer Powers	Jennifer Powers	5-3-2016

11. Shower was to be redone with tiles and accent pieces. Accent pieces are sticking up and crooked. very bad job.
12. Bathroom tiles were to be removed and replaced. This tile replacement was included in the price of materials. This job was never done and no materials were left.
13. Don left a huge mess in my house. He did not clean up after any job he did. My house was a complete mess and cost me additional money to have it cleaned.

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INVESTIGATIONS

Unlicensed Complaint Form Instructions & Checklist



Unlicensed Entities or Revoked/Expired Licenses

Instructions

- Complete the entire complaint form. Incomplete or unsigned forms may be returned to you, which will delay the complaint process.
- Attach copies of documents and information as listed in the checklist below with your complaint form. Include copies of permits, invoices, advertisements, business cards and receipts. **Do not send originals** as they will not be returned to you.
- **Do not attach the following information or documentation with your complaint:**
 - Photos (this includes photos stored on a disk or flash drive)
 - Sets of plans, specifications, drawings, sketches, etc.
 - Samples (such as flooring, brick, paint, roofing, landscape rock, etc.)
- Investigators will contact you if additional information is needed to complete the investigation of your complaint. If you wish, you may have the project completed and/or repaired at your convenience. You may take photos to document the condition of the project prior to the repairs being completed in the event a restitution hearing is held. Unlicensed activity Investigators do not inspect projects for poor workmanship.

Checklist

1) Contract

- a) For written contracts, provide a copy of the original construction contract signed (by both parties) including all addenda and change orders. If the only written documents describing the contract are a proposal, bid, or invoice, please provide.
- b) If no written contract, proposal, bid, or invoice, provide a written statement describing the agreement that includes the following information:
 - i) The reason a written contract is not being provided (e.g. the contractor did not provide a written contract, the contract is lost, the contract was destroyed);
 - ii) A description of the work to be performed under the contract (including any addenda or change orders);
 - iii) The names of the people who negotiated the contract;
 - iv) The agreed upon payment schedule;
 - v) An explanation of who was to receive payment; and
 - vi) The date the work was to be completed.

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2) Proof of Payment(s); Acceptable forms of proof of payment are copies of:

- a) Front and back of cancelled checks. Redact account numbers.
- b) Credit card statements. Redact account numbers.
- c) Executed lien releases/waivers.
- d) Bank/Lender documents showing payments/draws actually received by the contractor. Redact account numbers.

INVESTIGATIONS

I Jennifer Flowers am contracting Donald libBY
for remodeling work at the address of [REDACTED]
DR. Phoenix Az. 85032.

this agreement states that Jennifer will pay Donald
libBY the amount of:

granite - 1,014
carpet - 800
tile - 325.00
back splash - 125.00
2,316

labor costs - 2,200

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INVESTIGATIONS

4/14/2016

As of today a payment of 1,541.00 was paid to Donald
via money order for granite, tile flooring and back splash.
A 800.00 payment will be made on Monday 4/18/2016 for carpet.
Donald and Jennifer agree that the 2,200 owed for
labor will be broke up into payments over the next
2-3 months. Donald anticipates work will be completed
by 4/22/2016.

Jennifer Flowers
Jennifer Flowers

X Donald libBY
Donald libBY

11016

~~\$\$\$~~ GRANITE

CARPET 800

TILE 375

BACKSPASH 125

\$ 2,316 + 150

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MAY 19 2016

INVESTIGATIONS

LABOR

GRANITE \$500

CARPET \$309

TILE \$1,000

LABOR

1,800 + 400 MASTER

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INVESTIGATIONS

Move to Inbox

Gmail

COMPOSE

Fwd: SMS from [redacted]

Inbox x

Inbox (13)

Starred

Important

Sent Mail

Drafts (2)

Circles

Friends

Family

Acquaintances

Following

[Gmail]Spam

[Gmail]Trash (5)

[Imap]/Sent

[Imap]/Trash (722)

Notes

Personal

Travel

Chats

All Mail

Spam (683)

Trash

Fewer labels

T Moody [redacted]

to me

----- Forwarded message -----

From: T Moody [redacted]

Date: Wed, Apr 13, 2016 at 1:33 PM

Subject: Re: SMS from [redacted]

To: [redacted]

Hi Don, Thanks for responding.

If you want to come by to look at it, someone will be at the house tomorrow. Please let me know if that fits in your schedule.

If you can let me know your availability we can hopefully schedule a time for

The address is [redacted] Phoenix 85032

Thanks.

On Wed, Apr 13, 2016 at 9:39 AM [redacted]

Hello I am a tile and granite installer. I get really good pricing on tile and granite slabs, I can do undermount sinks, etc. Give me a call. I do plenty of work for investors around town. I will send some pics with this email. I am 51 years old and no Craigslist nonsense drugs, alcohol, etc. Send me an email or phone call or text and I'll come by to see if I can help with this project. Thanks Don



Tanya Moody

to me

----- Forwarded message -----

From: [redacted]

Date: Wed, Apr 13, 2016 at 1:39 PM

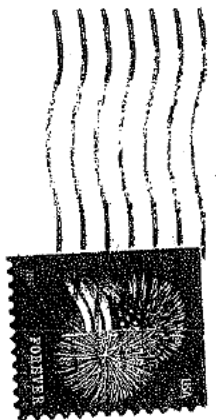
Subject: SMS from [redacted]

Phoenix, AZ. 85033



Phoenix

REC HALLROOM R00
2016 MAY 19 AM 10:39



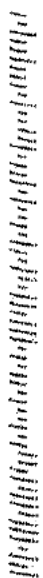
Registrar of Contractors
P.O. Box 18243
Phoenix, AZ. 85005

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INVESTIGATIONS

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ARIZONA REGISTRAR OF CONTRACTORS



Douglas A. Ducey, Governor

Jeff Fleetham, Director

A F F I D A V I T

STATE OF ARIZONA)
)ss
COUNTY OF MARICOPA)

JOSEPH L. SHIKANY, being duly sworn upon his oath deposes and says:

That he is the duly appointed Chief of Investigations for the Registrar of Contractors for the State of Arizona and that Alex Figueroa #145 is a current employee of this agency and a custodian of the records, and as such, is authorized to search the files of this agency and to execute the attached affidavit and/or certification.

That the attached document bears the true and genuine signature of the employee whose name appears thereon.

WITNESS MY HAND AND SEAL OF THIS OFFICE this 18th Day of August 2016

/s/ Joseph L. Shikany
JOSEPH L. SHIKANY
Chief of Investigations
Arizona Registrar of Contractors

Subscribed and sworn to before me this
18th Day of August 2016

NOTARY PUBLIC

My Commission Expires



ARIZONA REGISTRAR OF CONTRACTORS



Douglas A. Ducey, Governor

Jeff Fleetham, Director

Date: August 18, 2016

I, _____ on behalf of the Maricopa County Attorney's Office, acknowledge receipt of one (1) criminal complaint and summons and/or a request for injunctive relief from Alex Figueroa #145, Investigator with the Arizona Registrar of Contractors. The defendant in this case is Donald Elliot Libby II. The Arizona Registrar of Contractors' complaint number is 2016-1710.



ARIZONA REGISTRAR OF CONTRACTORS



Douglas A. Ducey, Governor

Jeff Fleetham, Director

August 18, 2016

Jennifer Flowers

██████████
Phoenix, AZ 85032-2251

Re: Complaint No. 2016-1710
Filed against Donald Elliot Libby II

Dear Ms. Flowers:

The above mentioned complaint is being closed/cleared for the following reason(s):

- We are sorry you were a victim of an unlicensed contractor. Your case has been investigated by this office and has been turned over to the prosecutor's office for review. After review you may be notified by the prosecutor's office of the trial date so you may appear and testify. Your appearance at the trial is especially important if you are seeking restitution for damages caused by the defendant.
- The defendant was issued a Cease and Desist Order and the case is now closed.
- The case is being closed because the Registrar of Contractors has no jurisdiction in this matter.
- The offender has been issued a Civil Citation and is being given an opportunity to obtain a contractor's license and pay a Civil Penalty.

You may have the right to file a civil complaint through the court system against this contractor. In any future construction work you might consider the use of a licensed contractor, as we have jurisdiction over the workmanship of licensed contractors.

Enclosed is a survey card regarding the service you received from the Agency. Please take a few moments to answer the questions so we may better understand the needs of our customers.

If you have any questions, please feel free to contact the undersigned investigator.

Sincerely,

/s/ **Alex Figueroa #145**

Alex Figueroa #145, Investigator
1700 W. Washington St. Ste. 105
Phoenix, AZ 85007-2812
Phone: (602) 771-6768 Fax: (602) 542-1520

WILLIAM G MONTGOMERY
MARICOPA COUNTY ATTORNEY

Jana Sorensen
Deputy County Attorney
Bar ID #: 010627
301 West Jefferson, 8th Floor
Phoenix, AZ 85003
Telephone: (602) 372-7350
mcaoptd@mcao.maricopa.gov
MCAO Firm #: 00032000
Attorney for Plaintiff

DR 20161710 - AZ Registrar of Contractors Office
0131619331

IN THE DREAMY DRAW JUSTICE COURT
COUNTY OF MARICOPA, STATE OF ARIZONA

THE STATE OF ARIZONA,

Plaintiff,

vs.

DONALD E LIBBY, II,
aka Donnie Libby
aka Donald Elliott Libby, II
aka Don Libby

Defendant.

COMPLAINT

**COUNT 1: CONTRACTING WITHOUT A
LICENSE, A CLASS 1 MISDEMEANOR
(Donald E Libby II)**

The State of Arizona complains on information and belief against DONALD E LIBBY, II,
charging that in DREAMY DRAW JUSTICE COURT, Maricopa County, Arizona:

COUNT 1:

DONALD E LIBBY II, on or about April 14, 2016, in the business of contractor (or did act
or offer to act in the capacity of a contractor), did engage to perform a certain contract with and
for Jennifer Flowers on property located at 4027 East Anderson Drive, Phoenix, Arizona, without

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16 AUG 29 AM 8:57
DREAMY DRAW
JUSTICE COURT

JC 2016 141014

having first obtained a license therefore issued by the State Registrar of Contractors, all in violation of A.R.S. §§ 32-1151, 32-1164, 32-1101, 13-707, and 13-802.

Dated this 29 day of August, 2016.

BY:



/s/ Jana Sorensen

Deputy County Attorney

It is requested that a **SUMMONS** be issued.

IT IS requested that Defendant appear for fingerprints and photograph, if not already obtained.

JS/jm

Alex J. Figueroa

From: Jennifer Flowers <[REDACTED]>
Sent: Tuesday, May 24, 2016 11:59 AM
To: Alex J. Figueroa
Subject: Donald Libby
Attachments: Scan0021.pdf; Scan0022.pdf

Good day Mr. Figueroa, my name is Jennifer Flowers. The case number is 2016-1710. Enclosed I have enclosed some receipts and a contract that was set between myself and Donald Libby. The only documentation that I have is equal to \$2341.00. At the beginning of the project, I was not living in the home. I would pop in from time to time and if he said he needed supplies or anything additional, I would then give him so cash. I am assuming that since I have no documentation on that, I am out that money? I will also be forwarding you some email communications that were done between Don, myself and my sister. Thank you! Please let me know if there are any additional items you may need.

Thank you,

Jennifer

RECEIVED ROC
MAY 25 2016
ALEX FIGUEROA

LOAD THIS DIRECTION, THIS SIDE UP



* [Redacted]

Payable to:
ACT 215104 LOC 019010 DT 041416 \$750.00 ZHUNREDESDOLLARS AND NO CENTS
TRY THE NEW WESTERN UNION PAYMENTS SERVICE FOR ALL YOUR BILLS
AND GET GUARANTEED PROOF OF PAYMENT. TO LEARN MORE AND TO
SEARCH OVER 10,000 BILLERS, GO TO WESTERNUNIONPAYMENTS.COM.

Payment 1,541 cont'd - TIA, Grant's, Backsplash - 4/11/2016
Growth Dynamics

MONEY ORDER RECEIPT - NON NEGOTIABLE

LOAD THIS DIRECTION, THIS SIDE UP

LOAD THIS DIRECTION, THIS SIDE UP



* [Redacted]

Payable to:
ACT 215104 LOC 019010 DT 041416 \$750.00 ZHUNREDESDOLLARS AND NO CENTS
TRY THE NEW WESTERN UNION PAYMENTS SERVICE FOR ALL YOUR BILLS
AND GET GUARANTEED PROOF OF PAYMENT. TO LEARN MORE AND TO
SEARCH OVER 10,000 BILLERS, GO TO WESTERNUNIONPAYMENTS.COM.

Payment 1,541, cont'd - TIA, Grant's, Backsplash - 4/11/2016
Growth Dynamics

MONEY ORDER RECEIPT - NON NEGOTIABLE

LOAD THIS DIRECTION, THIS SIDE UP

LOAD THIS DIRECTION, THIS SIDE UP



* [Redacted]

Payable to:
ACT 215104 LOC 019010 DT 041416 \$41.00 41DOLLAR AND NO CENTS
TRY THE NEW WESTERN UNION PAYMENTS SERVICE FOR ALL YOUR BILLS
AND GET GUARANTEED PROOF OF PAYMENT. TO LEARN MORE AND TO
SEARCH OVER 10,000 BILLERS, GO TO WESTERNUNIONPAYMENTS.COM.

Payment 4/19/2016 - TIA, Grant's, Backsplash
Growth Dynamics

MONEY ORDER RECEIPT - NON NEGOTIABLE

LOAD THIS DIRECTION, THIS SIDE UP

RECEIVED ROC
MAY 25 2016
ALEX FIGUEROA

I Jennifer Flowers am contracting Donald LiBBY
for remodeling work at the address of [REDACTED]

DR. Phoenix Az. 85032.

This agreement states that Jennifer will pay Donald
LiBBY the amount of:

granite - 1,016	labor costs - 2,200
carpet - 800	
tile - 325.00	
back splash - 125.00	
<u>2,316</u>	

4/14/2016

As of today a payment of 1,541.00 was paid to Donald
via money order for granite, tile flooring and back splash.
A 800.00 payment will be made on Monday 4/18/2016 for carpet.
Donald and Jennifer agree that the 2,200 owed for
labor will be broke up into payments over the next
2-3 months. Donald anticipates work will be completed
by 4/22/2016.

X Jennifer Flowers
Jennifer Flowers

X Donald LiBBY
Donald LiBBY

RECEIVED ROC
MAY 25 2016
ALEX FIGUEROA

Alex J. Figueroa

From: Jennifer Flowers [REDACTED]
Sent: Tuesday, May 24, 2016 12:02 PM
To: Alex J. Figueroa
Subject: Fwd: SMS from [REDACTED]

----- Forwarded message -----

From: T Moody [REDACTED]
Date: Thu, May 5, 2016 at 2:28 PM
Subject: Fwd: SMS from [REDACTED]
To: Jennifer Flowers [REDACTED]

----- Forwarded message -----

From: T Moody [REDACTED]
Date: Wed, Apr 13, 2016 at 1:33 PM
Subject: Re: SMS from [REDACTED]
To: [REDACTED]

Hi Don, Thanks for responding.

If you want to come by to look at it, someone will be at the house tomorrow and Friday. We do not have materials yet and are looking for low end/cost granite/slate for the kitchen. We would like it in by the last week of April. Please let me know if that fits in your schedule.

If you can let me know your availability we can hopefully schedule a time for you to come by and look at it. Please call Jen at [REDACTED] to schedule or with questions.

The address is [REDACTED] Phoenix 85032

Thanks.

RECEIVED ROC
MAY 25 2016
ALEX FIGUEROA

On Wed, Apr 13, 2016 at 9:39 AM, [REDACTED]

[REDACTED] wrote:
Hello I am a tile and granite installer.i get really good pricing on tile and granite slabs,I can dt of undermount sinks,etc,give me a call I do plenty of work for investors around town.i will send some pics with this email.i am 51 years old and no Craigslist nonsense drugs,alchol,etc send me a email or phone call or text and I'll come by to see if I can help with this project.thanks Don
[REDACTED]

Sent using SMS-to-email. Reply to this email to text the sender back and save on SMS fees.

<https://www.google.com/voice/>

RECEIVED ROC
MAY 25 2016
ALEX FIGUEROA

REGISTRAR OF CONTRACTORS

CONTINUATION SHEET AND CHECKLIST

Investigator: Alex Figueroa #145

Case No: 2016-1710

SYNOPSIS

On or about **April 14, 2016**, Donald E. Libby II aka Don Libby (LIBBY) entered into an agreement with property owner Jennifer Flowers (Flowers) to remodel her home located at [REDACTED] hoenix, AZ 85032 for a total project cost of \$4,841. LIBBY does not possess an Arizona contractor license to do so.

NARRATIVE

On **May 19, 2016**, the Registrar of Contractors (ROC) office received a complaint from Ms. Flowers against LIBBY for poor workmanship issues. Ms. Flowers provide the following documentation with her complaint as evidence:

EVIDENCE

1. Copy of an agreement dated 04/14/2016 between Flowers and LIBBY to complete a remodel at 4027 E Anderson Dr. in Phoenix. The agreement is \$2,316 for a materials and \$2,200 for labor totaling \$4,516. Both LIBBY and Flowers sign.
2. Handwritten notes.
3. Copies of emails showing correspondence between LIBBY and Tanya Moody concerning the project at 4027 E Anderson Dr. in Phoenix.

I as a custodian of records performed a check of the ROC database for any current or historical contractor licenses for LIBBY. A check revealed the following:

- License Name: D and Z Custom Tile ROC #125736
License Type: CR-48 Ceramic, Plastic, and Metal Tile
Status: **Expired 07/01/2004**
Qualifying Party: *Donald E. Libby*
- License Name: D and Z Custom Tile ROC #156102
License Type: CR-48 Ceramic, Plastic, and Metal Tile
Status: **Cancelled 11/09/2006**
Qualifying Party: *Donald E. Libby*
- License Name: D and Z Custom Tile ROC #226675
License Type: CR-48 Ceramic, Plastic, and Metal Tile
Status: **Expired 12/08/2011**
Qualifying Party: *Donald E. Libby*
- License Name: D and Z Custom Tile ROC #226676
License Type: CR-48 Ceramic, Plastic, and Metal Tile
Status: **Expired 12/08/2011**
Qualifying Party: *Donald E. Libby*

A check was made for any previous unlicensed complaints. A check revealed eight previous complaints and two Guilty plea agreements in the following Maricopa Justice Courts for Contracting charges.

- White Tank Justice Court: JC2015-102139
- Hassayampa Justice Court: JC2014-140186

REGISTRAR OF CONTRACTORS

CONTINUATION SHEET AND CHECKLIST

Investigator: Alex Figueroa #145

Case No: 2016-1710

On **May 25, 2016**, I received an email from Ms. Flowers providing the following additional documentation as evidence:

EVIDENCE

4. Copy of an agreement identical to evidence #1.
5. Three copies of money order receipts from Western Union showing payments of \$41, \$750, and \$750 totaling \$1,541.

Investigator Note: This case has had two segments aired on channel 3, 3 On Your Side (media coverage). The aired segments have been printed out (see attached).

On **June 22, 2016**, I met with Ms. Flowers at the property in question. I presented her with a photographic lineup to identify LIBBY. Ms. Flowers identified photograph #5 in the lineup as Don Libby. Photograph #5 is the driver license photo of LIBBY obtained from the Arizona Motor Vehicle Division.

Flowers explained that she had just purchased the property in question and that she wanted some work done. The work consisted of some flooring in the kitchen (tile flooring), the bathrooms (tile flooring), and carpeting in the master bedroom area. Granite countertop in the kitchen, backsplash, and this work was to be completed prior to her moving in. Flowers explained that her sister assisted her in finding a contractor online on a website known as Craigslist. A post was put out by Flowers sister and LIBBY responded. Ms. Flowers showed me evidence #3 between her sister and LIBBY.

The project was awarded to LIBBY (via Craigslist) and LIBBY met with Ms. Flowers at the property in question on or about 04/14/2016. Present during this time was Flowers and LIBBY. LIBBY was at the property for a few hours that day and started with demo work. LIBBY was given a key to have access to the property.

Ms. Flowers failed to ask LIBBY about being licensed, and LIBBY failed to disclose his unlicensed status. Ms. Flowers said later as the project progressed, she Googled LIBBY and learned about his unlicensed contracting past. Had she known about this beforehand and that LIBBY was unlicensed, she never would have used LIBBY.

While at the property on 04/14/2016, Ms. Flowers gave LIBBY three Money Orders (evidence #5) totaling \$1,541. This was to start the demo work and material costs.

LIBBY is performing work at the property, but is slow and the quality of work is bad. The floor tile is crooked (not squared off), grout lines are not uniform, tiles are loose (floor and tub area), some materials not delivered, and the seams in the carpet are visible.

Flowers called LIBBY about the problems and LIBBY states he is working his ass off and that the quality of work is great.

LIBBY requests another \$800 for the carpet install, which Flowers paid by cash (no receipt) on 04/22/2016. Grand total paid to LIBBY is \$2,341 which includes the money orders.

On or about 04/27/2016, Flowers goes online to research LIBBY and says she finds out about LIBBY'S past and is sickened by what she learns. The following day she calls LIBBY and tells him she no longer needs his services.

Flowers explained that she has now hired another contractor to redo all of the work. She has taken pictures of the work LIBBY did and has a video as well. I asked Flowers to provide me with copies of the pictures and video.

REGISTRAR OF CONTRACTORS

CONTINUATION SHEET AND CHECKLIST

Investigator: Alex Figueroa #145

Case No: 2016-1710

Ms. Flowers explained she went to channel 3, 3 On Your Side. They ran a story because LIBBY had been profiled by them before and that the media advised her to go to the ROC. Ms. Flowers filed a complaint and since the media stories, her cars have been vandalized. Her car has been keyed, tires slashed, and rear tails lights busted.

Ms. Flowers explained she wants to assist in prosecution.

On **June 23, 2016**, I received an email from Ms. Flowers which contained the following attachments as evidence:

EVIDENCE

6. Pictures of the property in question including videos documenting the poor workmanship issues.

Investigator Note: The pictures were printed out and placed in the case folder. However, a digital copy was burned on a CD of the photographs and the videos (see attached CD).

On **June 27, 2016**, an email was sent to LIBBY at [REDACTED] requesting he contact me. LIBBY contacted me several minutes later. During this phone interview I requested LIBBY for his date of birth to verify I was speaking with him. LIBBY complied and proper identification was made. LIBBY also confirmed his current address to me as 8562 W Fullam St. in Peoria.

LIBBY acknowledged contracting with Flowers and that the work consisted of flooring, bath tile, countertops and carpeting. LIBBY acknowledged he was unlicensed and that he thought the handyman exemption was \$1,500. I informed LIBBY from our last interview he knows what the handyman exemption is (under \$1,000) and regardless, the contract amount was over what he believed.

LIBBY explained that the contract was going fine and one day Flowers called him that she doesn't need him anymore. LIBBY explained he didn't abandon the job that he was not allowed to finish the job. I asked if he disclosed he was unlicensed to Flowers, LIBBY said he did.

LIBBY acknowledged that he received three money orders totaling \$1,541, plus \$800 cash for the carpet work, which LIBBY claimed he sub-contracted out. LIBBY acknowledged that the carpet installer was flaky. However, that Flowers kept adding things as the project progressed and that's why work took some time to complete. LIBBY requested for more days to finish, and that's when Flowers let him go. Flowers went to channel 3 and the ROC.

LIBBY disclosed he has been speaking with Flowers and that they are in the midst of a civil compromise (returning her money). I informed LIBBY that's the same story he had with the last case. LIBBY explained that he tried making a civil compromise with the last case, but that the property owner did not agree to the compromise (monthly payments). LIBBY also explained he has always responded to my emails and calls and has come to meet with me at the ROC office. I explained to LIBBY I would contact Flowers to confirm his story.

On **June 28, 2016**, telephone contact was made with Ms. Flowers. She acknowledged she has been speaking with LIBBY because she just wants this ordeal to end and needs to recoup her losses. Flowers said she told LIBBY he has until the end of this week. I asked FLOWERS if her intent is to withdraw the complaint. She stated no. I informed her then I will call LIBBY and explain that he has until tonight to repay her.

Later that day phone contact was made with LIBBY. LIBBY was concerned that he was going to jail after speaking with Flowers. I explained that the case will be filed for prosecution review and that if he repays Flowers prior to me filing this case for prosecution review, I would notate that in my report. I informed LIBBY if a civil compromise is made, he needs to let me know.

On **June 29, 2016**, I received an email from Ms. Flowers that LIBBY was going to repay her the day before. However LIBBY never showed up.

REGISTRAR OF CONTRACTORS

CONTINUATION SHEET AND CHECKLIST

Investigator: Alex Figueroa #145

Case No: 2016-1710

DISPOSITION

This case is being forwarded for prosecution review against Donald E. Libby II aka Don Libby for Contracting Without a License at [REDACTED] Phoenix, AZ 85032.

The victim is seeking restitution.

REGISTRAR OF CONTRACTORS

CONTINUATION SHEET AND CHECKLIST

Investigator: Alex Figueroa #145

Case No: 2016-1710

Date June 23, 2016

Attachments	
Check one	
Yes	No

<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. Copy of Original Complaint
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. Additional correspondence from complainant
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. Contract, if available
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. Business cards, ads, etc.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5. Checks (front and back)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6. Building Permits
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7. Photos of jobsite
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8. Photo lineup
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9. Affidavit (when required)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	10. Cease and Desist
<input type="checkbox"/>	<input checked="" type="checkbox"/>	11. Citation
<input type="checkbox"/>	<input checked="" type="checkbox"/>	12. County Attorney's Office complaint request card
<input type="checkbox"/>	<input checked="" type="checkbox"/>	13. Court receipt
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14. Other: <u>CD with pictures and Audio</u>

Alex Figueroa #145
Investigator



Maricopa County Attorney

ALLISTER ADEL

October 14, 2020

Liaison email address: SEND PAPER DISPOSITION LETTER

Agency: **AZ Registrar of Contractors Office** DR: **20161710**
Case Agent/Officer: Alex Figueroa
Badge #: 145
Defendant: Donald E Libby, II DOB: 05/16/1964
AKA: Don Libby, D and Z Custom Tile,
Donald Elliot Libby, Donald Elliot Libby II,
Donald Elliott Libby II, Donnie Libby
County Attorney No.: 1619331 Court No.: JC2016-141014-001
Prosecutor: County Attorney Justice Courts West Bureau: TPC-Justice Court West

RE: Final Disposition Notification

The above case has been finalized in court. The final disposition of the charges is as follows:

FINAL DISPOSITION OF FILED CHARGES:

Count 1 (32-1164A2) Contracting Without A License, a class 1 **Date of Crime: 04/14/2016**
Misdemeanor

Dispo Date: 01/09/2017 Change Of Plea, Pled Guilty As Charged

Sentence Date: 02/13/2017 Jail 7 days. Summary Probation 3 years , Fine 2000.00

Release Property: Yes

Defendant Forfeits All Interest in Weapons: No weapon to forfeit

**As to this defendant only. Do not release any property still needed to prosecute co-defendant(s).*

Co-Defendant(s):