

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

*FILED
 SIMILAR
 ONLINE*



*ATTN
 ROB*

2016-203
Departmental Use Only
 Complaint Number
Maerker

Person Making Complaint				
Full Name (Last, First, Middle) David Hofman		Business Name (if licensed contractor or supplier) D and Z Custom Tile		
Street Address [REDACTED]		City Surprise	State AZ	Zip 85379
Phone Number [REDACTED]		[REDACTED]		
I consent to receive communications electronically in connection with this complaint.				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Name of Attorney (if any)				
Street Address of Attorney		City	State	Zip
Phone Number of Attorney		Email of Attorney		
Contractor Information				
Name (as shown on contract/invoice) Donald Libby			ROC License Number(s) (if any)	
Street Address [REDACTED]		City Surprise	State AZ	Zip 85379
Phone Number [REDACTED]		Email [REDACTED]		
Name of Person Representing License Donny Libby				
Description of Unlicensed Person				
Age	Height	Weight	Race	
[REDACTED]				
Contract/Project Information				
Contract Date 3-18-2015	Date Work Started never	Close of Escrow (New Home)	Move-In Date (New Home)	Date Work Was Ceased or Was Completed He never started!
Contract Amount \$ 3,518.00	Amount Paid \$ 3,518.00			
Address Where Contract Was Negotiated [REDACTED]		City San Tan Valley	State AZ	Zip 85143
[REDACTED]		City San Tan Valley	State AZ	Zip 85143
Name of Construction Site Owner David Hofman		Construction Site Name (if applicable) Kitchen		
Phone Number of Construction Site Owner [REDACTED]		Email of Construction Site Owner [REDACTED]		

RECEIVED
 JAN - 8 2016
INSPECTIONS

Continued - Contract/Project Information

This complaint is for	<input checked="" type="checkbox"/> Abandonment <input checked="" type="checkbox"/> Poor Work <input checked="" type="checkbox"/> Money Dispute <input type="checkbox"/> Other
I have contacted the contractor by	<input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Letter <input type="checkbox"/> NA
Have you filed a complaint in court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA If yes, provide a copy
Has any work been corrected	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
The contract was	<input checked="" type="checkbox"/> Written <input type="checkbox"/> Oral
All change orders were	<input type="checkbox"/> Written <input type="checkbox"/> Oral <input checked="" type="checkbox"/> NA
This project was	<input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential <input type="checkbox"/> On Tribal Land
This project involved	<input type="checkbox"/> New Home <input checked="" type="checkbox"/> Remodel <input type="checkbox"/> Repair <input type="checkbox"/> Other
A building permit was obtained by	<input type="checkbox"/> Contractor <input type="checkbox"/> Property Owner Building permit # _____
The contractor had	# _____ employees (list names if known) various names

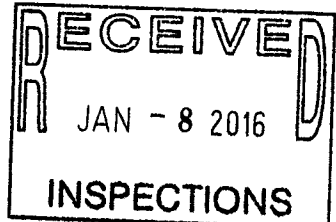
List and **briefly** describe (80 character limit each line) each complaint item (attach additional pages if necessary to further describe issues or list complaint items)

1. On 8/15/2015 Donald agreed to R&R formica countertops with granite countertops.
2. Donald agreed to install new sink and faucet.
3. Three checks were given to Donald Libby totaling \$3518.
4. No work was ever started.
5. All three checks were endorsed and cashed by Donald Libby
6. Request for full refund ignored and then he refunded \$800 on 8/21/2015
7. Requests for refund balance of \$2718 owed ignored.
8. He minimized the fact that he was no longer licensed.
9. On 8/8/2015 an alternative licensed contractor hired and completed the job.

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

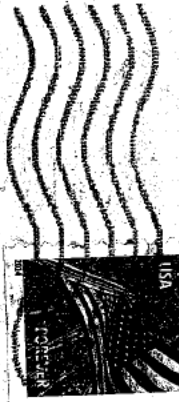
Printed Name David Hofman	Signed <i>David Hofman</i>	Date 12/29/15
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DAVE & HEATHER HOPMAN



PHOENIX AZ 852



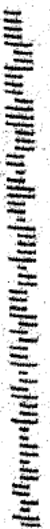
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JAN - 8 2016
INSPECTIONS

ATTN: ROB CITERA RI

95005824343



Assigned Officer: _____
Investigator: _____
Hotline # 6391

INVESTIG

Tips Hotline |



Allegation: Granite contractor performing work without current license

Suspect Information

Suspect Name: Donald Libby
Suspect Company Name: D and Z Custom Tile
Suspect Address: [REDACTED]
Suspect City: Surprise
Suspect State: AZ
Suspect Zip: 85379
Suspect Phone: [REDACTED]

Jobsite Information

Jobsite Address [REDACTED]
Jobsite City [REDACTED]
Jobsite State: AZ
Jobsite Zip: 85143
Residential? Yes
Commercial?
Violation Date: 3/18/2015
Job in Progress?
Job Completed? Yes
Job Status Unknown?

Other Information: Donald Libby was hired on 3/18/2015 to install granite counter-tops. He indicated that he allowed his license to expire and said it didn't really matter. I gave him three personal checks. He endorsed and cashed all three checks totaling \$3518. He never started the job. I demanded a refund and finally on 8/21/2015 he returned a partial refund for \$800. He has since ignored my demands to refund the balance of \$2718 which he still owes me. I noticed after demanding a refund that several others complained online at www.ripoffreport.com so I know there are others. He also said that he was going to refund me from several jobs that he has since completed after taking my money. I was forced to hire someone else and I chose Johnny at Nathan stone world. He did an awesome job and the kitchen looks amazing. His integrity and attention to detail was greatly appreciated. I can't stress the contrast between Donald Libby the criminal and Johnny Hommi the licensed contractor.

Reported By Contact Information

First Name: David
Last Name: Hofman
Email: [REDACTED]
Telephone: [REDACTED]
Fax:

NOTES: MSG LEFT 12-28 10:25 TO CALL ME
PHONE TAG - I RETURNED CALL AT 12-28, 1:20 P.M.
WILL DO FORMAL COMPLAINT

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Report: #1201119

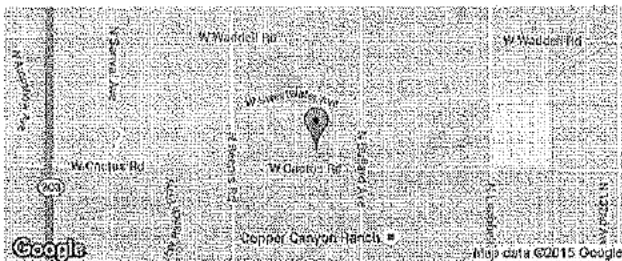
Complaint Review: Donald Libby

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Gerrard Kahn Esq. Donald Jeffrey Kahn Esq.

Submitted: Mon, January 12, 2015 Updated: Mon, January 12, 2015 Reported By: C.S. — Peoria Arizona

Donald Libby Phone: 460-658-8592 Surprise, Arizona USA Web: Category: Kitchens



Donald Libby/DNZ Custom Tile/Poison Tile Scam Artist and Thief Surprise Arizona

*Author of original report: Donald Libby is a liar and thief - no matter what he tries to say

*REBUTTAL Individual responds: my side of the story

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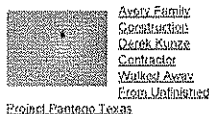
I hired Donald Libby/Poison Tile/DNZ Custom Tile on July 14, 2014 to install new granite countertops in my kitchen and for all new appliances. I paid him exactly what he quoted me for new granite, granite install and new appliances. He continually did not show up to finish the work, constantly lied and had many excuses on why he could not finish the job. In November 2014, we finally

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agreed that if he could not finish the job by December 8, 2014, he would give me a full refund. He never finished the job and on December 9, 2014, I requested my full refund. He still lies, and as of today, January 12, 2015, has still not finished the job and has not paid back one cent of my money. He does horrible subpar work and left my kitchen a mess. He left all of the old materials and countertops on the side of my house for months. I finally had to pay someone to take them to the dump because of HOA complaints. He ripped out the old countertops and never replaced them with the new granite that I paid for, so now I have wood planks for my counter tops. He portrays himself as being a licensed contractor, but in actuality, has not held a license for many many years. Beware of him!! Check out www.bbb.org (The Better Business Bureau) for more complaints about other people he has done this to.

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This report was posted on Ripoff Report on 01/12/2015 01:24 PM and is a permanent record located here: <http://www.ripoffreport.com/r/Donald-Libby/ Surprise-Arizona-85379/Donald-LibbyDNZ-Custom-Tile-Poison-Tile-Scam-Artist-and-Thief-Surprise-Arizona-1201119>. The posting time indicated is Arizona local time. Arizona does not observe daylight savings so the post time may be Mountain or Pacific depending on the time of year.

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Updates & Rebuttals

REBUTTALS & REPLIES:		
1	0	1
Author	Consumer	Employee/Owner

#1 Author of original report
Donald Libby is a liar and thief - no matter what he tries to say

AUTHOR: C.S. - ()
 SUBMITTED: Thursday, February 05, 2015

I am certainly NOT a family friend and had NEVER met Donald Libby until the day he gave me a quote. I paid him full for the granite and all new appliances. The only amount I did not pay was the \$500.00 he told me would be due when he finished the job. However, after 5 months he never finished the job and I demanded a refund. He never supplied me with any of the appliances and left my kitchen a mess. I paid him in full for granite and appliances on July 14th. He said he would install the granite and appliances the week of August 5th since I had that entire week off. He never showed up 1 time and never even called me. I had to repeatedly call him. Every time he didn't show up, he had a lie and excuse as to why he could not finish the job. Imagining listening to lies and excuses for more than 5 months on why he could not finish. I know now that he could not finish it because the \$3,327.00 that I paid him, he used to pay his house because he was being kicked out of his rental house for no paying rent. After approximately 3 months, he still had not finished any part of my kitchen so he told me he would do the install for free and I would not have to pay him the \$500.00 labor fee. He is a liar and lies about what he says he will do and can do and never finishes the job. I did not trust him in my house with my 12 year old daughter as he showed an unnatural interest in her and on multiple occasions offered to pick her up from school, which I refused!! During the 6 month period from when I paid him until I requested the refund, I called him on 2 occasions telling him my daughter was home from school and he could not be at my house that day. On both of those occasions he informed me that he already did not have any plans to work on my house those particular days. I did not trust him anywhere near my daughter and told

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him that he had to be out of my house by 3:00pm. Again, he is such a compulsive liar that blames everyone else for his not following through, that he lies and says he had to be gone by 1:00pm. Just another of the many many many lies he continues to tell. He has ripped off many many many people. So many that they would show up at his daughter's work looking for him because he would take thier money, not finish or not start the job and not give the people he took money from a refund.

Again, he had almost 6 months to do a job that should have taken 2 days. He never finished and refused to refund ANY my money back.

I would love to face him in court, but I know he will not show up. Just check out the Maricopa County Justice Court webiste. He has been sued by other people for doing this same thing, and he NEVER showed up for the hearing. So far, the Arizona Registrar of Contractors has filed 2 complaints against him (which you can also find on the Maricopa County Justice Court website), and he refused to show up for his hearing September 2014 so he currently has a warrant out for his arrest. We will see if he shows up for his March 2015 hearing.

Poison Tile is his company that he advertised with and DNZ Custom Tile is his comany according to his Facebook profile.

Attached, find picture of the shotty horrible work he did and the horrible way he left my kitchen and took my money.

Even

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#2 REBUTTAL individual responds

my side of the story

AUTHOR: don libby - ()

SUBMITTED: Thursday, February 05, 2016

Hello my name is Donald Libby. I made a deal with this toman christine Saint, she is a family friend. She paid the downpayment for the job not in Ruli as she says. I started the job with her provisions of only working from 9.00 am to 1.30 p.m.. She also would Cancel me because if her daughter not going to school. The job was for a kitchen granite install of baltic Brown. It was a 45 sqft kitchen. She also wanted new appliances whirlpool. She gave me 3,300 down. That is not full payment. I also discapacidades Hall bath vanity for Free. I bought the sink and fabricantes the granite and re did all plumbing. I also did a stone backsplash for Free. She did buy the stone. I also señates the tile for Free. I started installing the granite with everything Fine. When i got to the last 2 pieces she informed me that she wanted no seams. It is not possible to do with no seams. Her exusting countertop had seams. At this time i realized she wanted to stock me for a full refund. I also have pictures of everything that is finished granite, microwave, backsplash, There are 2 sides to everything. I look forward to Meeting christine swift in court. I never told her i was licensed as im not. I was until 2010, I dont know where s he gets this dn z tile or poisontile.

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 A video player interface showing a promotional video. The video frame shows a man's face in a jail cell. Text overlaid on the video reads "Stole people's money from inside jail". Below the video frame are standard video player controls: a play button, a progress bar, a volume icon, and a full-screen icon.

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Quality Assurance International, Inc. Donald Raam Operates a Bull & Switch Operation. Has numerous ads on Craigslist for appliances delivered a refrigerator.

del construction/ Sue hense. Donald Jensen. Trol hense scam artists exceptional Contractor

Donald Roy Hartman rip off we said he did not do the work according to your contract, verbally abuse me over the phone in Los Angeles California

The Transportation Firm My Company did a transcription service for The Transportation Firm seven months ago in March for the quantity of \$1050.00 and...

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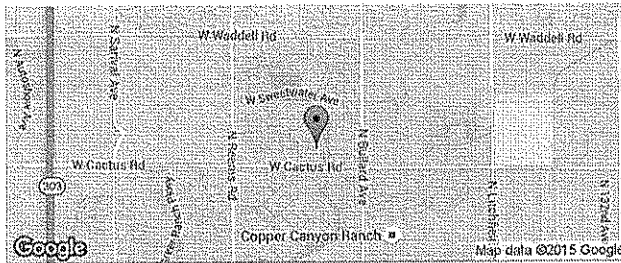
Singer and Kahn P.L. Donald Jeffrey Kahn, Esq. LEGAL THAT DONALD JEFFREY KAHN, ESQ. DECEIVED ME Miami Beach Florida

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Book Airfare Scam. Invoices, missed family reunion Phoenix or Scottsdale Arizona

Submitted: Sun, December 06, 2015 Updated: Sun, December 06, 2015 Reported By: D.H. — San Tan Valley Arizona USA

Donald Libby Phone: 480-381-5229 480-658-8592 14987 W Bloomfield Surprise, Arizona USA Web: Category: Home Improvements



Donald Libby Donny Libby Disaster Donny - Seems legitimate and loyal. Steer CLEAR Surprise Arizona

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Disaster Donny Libby

When you initially meet him he will soon desire to be your best Bud! He APPEARS as a real nice trustworthy individual. This is part of the master deception.

Disaster Donny was hired on March 18th. I was referred to him by a real estate flipper who had used him before and she indicated his prices were

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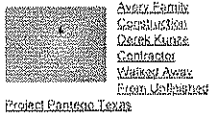
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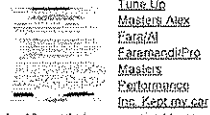
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Masters
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for 10 months never repaired Long
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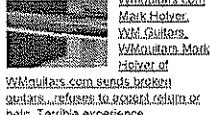
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affordable and did a decent job. The job was to remove the existing Formica countertops that came with the house when we bought it new and install granite countertops and granite backsplashes. A new sink and faucet were also to be provided and installed. Bead board was to be added to three sides of the island and three other exposed end surfaces. This bead board was to be cherry stained to match the cabinet door that I loaned him to match.

Here are copies of his invoices:

There were three checks given to Donny Libby. [continued below]....

Report Attachments:



..... Below are copies of ENDORSED checks

Check #369 Dated 3-18-2015 Amount of check cashed by Donny was \$1,700.00

Check #370 Dated 3-18-2015 Amount of check cashed by Donny was \$568.00

Check #374 Dated 3-26-2015 Amount of check cashed by Donny was \$1,250.00

Total funds to be returned \$3,518

One excuse after another. He NEVER showed up to do work a single day!

This man has no conscience! He even stooped so low as to say his special needs son was in the hospital. We actually sent a Subway gift card for food to help him while at the hospital. Things were not adding up and I work at Wells Fargo Bank with Donny's ex-wife Jeannie Lasko and emailed her to ask if his son had really been sick and passed away. She was furious that he would stoop that low to lie in this manner. She said that was NOT true and that his special needs son was fine.

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I have also left several messages and emails for Donny's wife (Brenda Maktima Libby) who is a manager at **** ** at the Glendale store located at **** * *****
*****. 623.776.9436 Donny has said numerous times that Brenda would be paying me back the money that he schemed from me. She has never replied to me either.

Donny's daughter (Cassie Libby) is a manager at ***** ** ***** in Glendale
..**** It is my hope that the apple does NOT fall far from the tree and she does business ethically, but I cannot speak on that since I have never done business with her or her place of work.

On August 18th I sent a legal warning if my cabinet door was not returned I would begin the legal process. To date Donny has acknowledged that he scammed me and has returned my cabinet door and has paid me back \$600 back. He still owes me \$2618 and refuses to make additional payments.

Donny Libby is currently serving a 90 day penalty and is unable to drive legally.

He has also attempted to sell the granite that I paid for on Craigs List. Below is the actual ad that he posted:

Below are is the majority of our text messaging communication providing additional proof of his lack of integrity: My messages are in Black Donny Libby are in RED

I didn't get a confirmation email what is the status of getting it nailed down? So you need Shane, electrical and someone to do island and fish tank? Also, I never received the pictures you said you would take yesterday of granite, sink and faucet

Yes sir were good for Tuesday

That's great, can you take a min and send me some pictures? I still have not received the pictures. What is the story?

I am at a loss as to why you are unable to send me a few pictures of my countertops, sink and faucet. Is everything truly okay? If it really is it wouldn't take five requests just to get a few pictures. Not trying to be harsh, look at it from my perspective.

Sorry, I can't talk right now.

Call me

Why is it so hard to take a few pictures? Is there some other issues that you are not sharing? Today is really busy so I can text between calls but can't really talk. We have dinner guests tonight so I need to focus.

Everything is fine. I haven't been to my house for a week. We ate staying at my mother in laws at 35th ave and cactus. funeral was at 35th and Peoria. I had aunts, uncles and cousins staying at my place.

You can't blame me for being concerned.

Nothing to be concerned about

Ok, buddy

Are you home?

No my wife won't go I'll call you in 5 min

We are excited about tomorrow. Everything locked and loaded?

Can I call you later?

I'll call you right back.

I'll call u right back my son is right here. he's not understanding all this with his mom

K, no problem

U understand I don't want to talk on front of him

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Yea, that's fine call me later

Yes ma'am everything good

Sorry Dave I was texting my mother in law

How are things going?

I am really disappointed that you chose not to even call me all day. Will I see you tomorrow morning?

I am really disappointed that you chose not to even call me all day yesterday. Will I see you this morning?

Donny, you have finally brought me to the point of being forced into react. My kitchen must be done THIS week or I demand a full refund of \$3518

Call you in 5 min

I have decided not to proceed with the fish tank stain. A carpenter friend said there is already a varnish over stain and it probably would not take. This will also simplify the outstanding work. The end of Sunday will be here before you know it. I am expecting you, Shane and helpers sometime today. It's now 10:30am on Thursday. What is the status with your helpers?

I will revisit fish tank after kitchen is done.

Give me a few

No prob

This call is dragging

Are you and team coming today?

We don't have another day to miss

No I got a plan

Can you text it? This call I am on is ugly

I'm taking my wife to Winslow in the morning. Shane and Ricky aren't available until Monday. Its the best I can do right now if not I'll get your refund together

Donny, I don't want you to be stuck with slabs that you can't use. You are almost done. The hard part is complete. Why are Shane and Ricky unavailable? You handed this over to Shane a while back. You need to focus on Brenda and let Shane and Ricky finish the job this weekend. Give me both of their numbers and I will coordinate when they complete the kitchen. You indicated before Shane could get the slabs when you asked for his help. You just need to insure that Shane or Ricky can get the slabs, sink, faucet and lights/dimmer Romex.

I know your life is absolutely crazy and difficult at this point, so just text me both of their phone #s, and I'll work it out with them so you can focus on your family and I can get this finished.

Text me Shane and Ricky's number. You do not have to be here. You have enough going on.

Your guys can do it.

I'm waiting for Shane to call me back with Ricky's number

Well let's start with Shane's number

Shane never answered his phone or returned my message. This is ridiculous.

Dave all I can do is bring it out Monday. I know he told me he was working through Sat. I'll start working on the refund than. Monday is the best I can do

Where are you at now? At home?

Mother in laws leaving to Winslow in a few. I'll be back sometime tomorrow afternoon

Can you swing by and take some pics?

I can see if my daughter or older boy can after they get off work

Sorry, I can't talk right now.

You said "Mother in laws leaving to Winslow in a few. I'll be back sometime tomorrow afternoon" you mean you are taking Brenda to Winslow, right?

Yes sir

Call me budd

Call me Dave



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I am busy and can't talk. I need the name of the company that did the ogee and their number.

Dave I'm here with Shane. I went to his job do you want to talk to him

Sorry, I can't talk right now.

Call me back in here with Shane so you can talk to him

I need the name of the company that did the ogee and their number.

We're coming Monday.

I am busy and can't talk. I need the name of the company that did the ogee and their number.

Albert 602 384 1111. Southwest

I need a full company name or website

Sorry, I can't talk right now.

Southwest granite they don't have a website it's my friend. What is going on?

Sorry, I can't talk right now.

Call me please

Dave I'm coming to your house Monday.do you want the granite installed or not

Of course I want it installed. I have since March. I am just trying to verify that the granite is done since I have no evidence.

Shane's coming with me and Robert. I can give you Roberts number also. Call me when you can I promise I'm coming. You want me to have the granite guy call you.

Just have him text me a picture of the work order receipt. That will work

Can I still come Monday Please?

Just left message with Albert. As you surely can imagine, I am a bit at a loss.

I'm with you bud just call me everything is okay I'm here with Shane right now you can talk to him

Sorry, I can't talk right now.

Just have Albert text me a picture of the work order receipt. That will work. I also want a few pictures today of my slabs showing detail and one detail of the ogee edge.

Sorry, I can't talk right now.

Just let me know if you want me to show up Monday with granite or refund.

Why is this so difficult? If you are able to provide me some level of confidence then I have no problem with waiting until Monday. After all that went down, am I asking too much? I seriously don't think so. So the decision is all yours. Throw me a bone and get me some detailed pictures today of the slabs and detailed pics of ogee edge justifying

X

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that my granite is complete and ready, if that happens install on Monday. If you can't even do this then bring me a cash refund on Monday?

Donny, you have no idea how much I want Monday to be a win win for us both. Let me know how YOU are going to proceed. I'm installing Monday. I have to find a receipt from Albert. He is in yarnell.

Great, then please get me those pics Buddy

Please get me those pics Buddy

Please get me those pics Buddy

My daughter is going by right now

Thanks, see you all on Monday. How about 10am

Can you talk?

No at the movies.

My daughter did the best she could. The edge looks sweet

I'll call you right back.

I'll call you right back.

Here is the deal. You do whatever you are doing today, however if you can't get the granite here today and start, then I will come with Rik and his truck this afternoon and get the granite, backsplash sink and faucet. You then will need to have \$1250 cash plus my cabinet door.

Donny, I know there have been a lot going on. Text me when you have the truck so I can know Ball Park when you will be here. Sound like a plan?

Hey any Shane update? You guys don't have to wait until 10am you can come now

Have Shane bring the granite with Ricky or whoever the helper is I forgot his name and you can catch up and drive out when you get out. That will take stress off of you and still get today going.

I just called Shane and he didn't answer. Why is that?

I'll call him. I talked to him around 7. most of these guys don't want to be involved in other people's problems. They don't make enough money to deal with my problems

Donny you already asked Shane to complete this job once and he accepted. That response is not acceptable. Maybe this is confirmation that this job is too much for you right now. I will plan on getting the granite today with Rik. It seems that is the only solution if you can't delegate anything to Shane or any other subs that you use. Any updates?

Busy on an issue, can't talk now

What hospital are you in? I am thinking of driving out.

Dave I'll call you soon as I'm done here. what I was saying I could have everything done by end of day Friday ,if I'm not I'll have the cash by then. Or you can pick up materials please I want to finish it

There is no cash to get. I only paid for beadboard labor.

You have the materials for the beadboard? Then in theory if you can't finish it and I get what I already paid for (granite, back splashes, sink, faucet and led's) we are even.

X

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OK just let me finish

I meant to include the breadboard materials with the other items I paid for

You have the breadboard materials, right?

Breadboard

Yep all materials

Are you getting released now?

No idea yet

If you are not released today than you obviously can't finish the job.

Oh yes I can

I have no faith in Shane. He never has returned a single message.

He's a good guy he was at the funeral he helped a lot

If you get released today AND I can talk to Shane and personally get his promise to be here at 10 am tomorrow then I will wait yet another freaking day.

If not have your new granite guy call me to schedule pick up

I am so far behind at work it is not even funny. I am legitimately getting angry. I don't like the amount of my day this is consuming. I can't afford this at work.

Do your work I'll do the granite everything by Friday. If not have the new guy call me and I'll make sure they get what they need

Then here is the deal. I will start researching granite firms that will come get the items I paid for and finish the job. Whoever starts first will get the job to finish. I think that is only fair. If you get here tomorrow at 10am then you should be able to get it done. If not then plan B will get run.

And the new firm will finish it.

Did you get releases?

Released

Will you be here at 10am?

Are you guys going to be here at noon?

I'm still here I'll call you in 10 min

Sorry, I can't talk right now.

On a call

Sorry

What's the current status?

I have another firm that can finish on Saturday

As I said before if you are in a hospital you are not in my kitchen.

You may need to just let it go

When can they get it sat morning?

They will want to get it sooner. When will someone be home?

I'll be done before they can even start

Just keep them on the back burner I'll come through

Are you coming tomorrow at 10am?

Yep call you in an hour

I am going to bed. No need to call. just show up at 10am or sooner.

Thanks

Text me when you are on your way.

I'll keep you posted

Okay I'm supposed to leave here at 8 when my doctor comes. Then I'm heading your way

Text me when you are on your way.

I will

Any changes?

I just called Donny. Hmm must be in surgery

Lol

X

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What are you talking about it was 20 seconds ago. I'll call you right back

Just messing

My nervous system can't take messing

How are we looking?

It's almost 3:30pm what is going on now?

Almost out

Donny someone is at your house right now to look at the granite. Please have someone allow him to look at my granite.

Dave I'm sorry I snapped please call me back so we can figure it out

Heather is sick I had to get Baylee, still catching up at work. Here is my proposal I have always wanted you to be able to finish this (within reason). You were fully aware that I was also researching other contractors to finish the job. Again this is nothing against you, but if you are in the hospital you can't be working in my kitchen. You said you can finish tomorrow then let's just do that. However I want you to be upfront and accept that if for any reason you are unable to finish tomorrow 7-31-2015, then you will just have Brenda wire me the \$3518 minus the wire fee which is \$15-20 which is what you already said you were working on if you couldn't finish. Is this acceptable?

Sorry, I can't talk right now.

Slammed working end of month projects

Does that work for you?

Actually since today is basically gone as week, have it done by end of Sunday or Brenda can wire me on Monday.

It is a two day install that gives you that gives you three days.

Saw you called. I am swamped can't talk

Ok just letting you know I just got out. I'm gonna rally the guys and make a plan. Also I don't know what you told superior granite they sent me a letter stating I can't buy from them anymore. I didn't even get your stuff from them

Let me know what plan you propose when you have one. Thanks

Sorry, I can't talk right now.

Donald Elliott Libby,

14987 W Bloomfield

Surprise, Arizona 85379

Sunday August 2nd, 2015

You have not responded to my last proposal for you to complete the job which was agreed by you to perform early in March. This proposal was submitted to you on Thursday July 30th, 2015 at approximately 3:30pm. This communication serves as termination of any business relationship between you and myself. You have previously stated to me, in numerous communications that if you were unable to complete the job you would have Brenda (your wife) give me a complete refund of \$3518 and return my cabinet door.

Check #369 Dated 3-18-2015 Amount of check cashed by you was \$1,700.00

Check #370 Dated 3-18-2015 Amount of check cashed by you was \$568.00

Check #374 Dated 3-26-2015 Amount of check cashed by you was \$1,250.00

Total funds to be returned \$3,518

Although I am disappointed that my kitchen upgrade was never started, I am willing to accept the wire transfer and having my cabinet to me (as instructed below) in lieu of any legal action I may pursue (including attorney's fees). It would be my hope that you would carefully make the right decision and simply refund my \$3815 which you have held since March 18th 2015.

To avoid legal action and delays in the processing of your wire transfer, please use the following instructions:

Direct to Wire Routing Transit Number (RTN/ABA) #####

X

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Bank name: Wells Fargo Bank, N.A.
Bank address: 420 Montgomery, San Francisco, CA 94104
BNF/Field 4200: acct. #
Beneficiary: David Hofman
CHIPS Participant ABA 0509

Unless funds are transferred by 5pm Monday, August 3rd as instructed above I will proceed with legal action.

Cabinet door can be sent to my residence:
31683 N Desert Willow Road
San Tan Valley Arizona 85143
Email me the tracking number when it is shipped.

I have no desire to speak with you other than in writing, do NOT attempt to call me.

Sincerely,
David Hofman

Sorry, I can't talk right now.

I saw you called, feel free to email or text me.

Hey Dave can I drop off the door tomorrow or do you want it mailed? The best I can do on the wire is tomorrow because her deposit will clear tonight. If that doesn't work I understand if you want to proceed legally. If you're new guys want to buy these pieces off me they can. I'll wait until later in the week before I put them on craigslist. I'm sorry about all my problems hopefully we can be friends again at a later time

If the wire happens tomorrow, that is fine. Please text me when it is complete.

What about door

Please just mail it and text me tracking number.
Thanks

I was going to mesa to a doctor's office just wanted to see if I could drop door. If not I'll go the post office
Mailing is best

Do you know when Brenda or you will be doing the wire transfer? I just looked at 3:00pm and nothing is pending.

She's working on it was still on hold there trying to get it removed. We have a tax lien so she had to fax it in

Had to fax what in? To do a wire you just go in to any bank.
Sorry, I can't talk right now.

We're trying if you want to go the legal way I understand. Her money is on hold. Please call me
Call me if you could. She's working on it now

X

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Wells Fargo branches that are in stores are open until 7. I still show nothing pending.

Sorry, I can't talk right now.

Me neither

I'm trying you just keep ignoring me

Not at all. Text or email works great. So the wire transfer didn't happen today either. What happened now?

I've tried to call you to update

And I said text or email.

Well I wanted to explain you didn't understand when I told you before

Can I call you for 2 minutes?

I saw you called. Feel free to text or email.

Dave I should have the money for you today. If you would like I could come out and install .I'm doing nothing. If not I understand. I'll keep you updated through the day.

At this stage, a complete refund of \$3518 is the best solution.

That's what he sent me

Not sure what your last text referred to. "That's what he sent me"

It's after noon and still no wire pending. When are you thinking the refund wire will happen?

We're trying to do it today.

Thank you very much

I really need that refund. Nothing pending

I'm trying

Sorry, I can't talk right now.

Trying doesn't really help me at this point.

Than do the legal route, I will wire it as soon as I have it all. I also told you I would come out tomorrow and install and you said no.so I will send it by wire soon as I have it all. I will have it anytime.

Wire me what you can now. No reason why you can't pay me in \$1000 increments

You never said that you said all by Monday or you were going legal

I might have cash tonight. I have someone coming to look at purchasing them tonight. The builder is really interested because of the 3cm ogee edge

Seriously? If someone wants them that's great, however you have no right to sell something that you don't own. You can give them a bill of sale and then they can come pay me cash and I will give a receipt so they can then legally take them from you

X

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otherwise you are selling stolen property. You do realize that don't you? Once you pay me then you can do whatever you want because at that point they are yours.

OK I didn't know I'm sorry .I thought I was doing the right thing. I'll remove the ad. I was trying to sell them to give you the money.

Send me a link to the ad. You just got \$350 from Ryan and if you return the sink and faucet that is another \$568 = \$918, the balance you have for a \$1000 wire today. Myra saw it

I got 350 from Ryan? I got 300 from Ryan for a dishwasher. That was delivered today.
Call him

Sorry, I can't talk right now.

I was wrong 300 from Ryan
Those two things are almost a \$1000

And he has his dishwasher that I ordered for him. Correct again
I deleted ad. Please take my call so we can get this over either

Donny I really would like this to just be done.
Are you home? I would like to text with you

No I'm not home

Can u text a bit? You said you have the beadboard and faucet, right
And trim for beadboard Right?

I don't know what you mean about trim

Like at the corners for beadboard where panels meet side

What materials do you have for the island and six edges?

I am trying to get you all your money. They said I should be able to pull the money tomorrow. I don't want to fight argue, whatever you think of me I'm not a bad guy. I do try to be a fair person. I'm sorry i've had so much happen. But I don't want to play games I just want to give you our money

I am trying to determine what if anything not accounted for.

I have no idea I haven't seen them for couple months. I think they were all shaped outside corner

If you have everything then I am willing to give you a shot tomorrow. But I was trying to see if it is even worth trying.

I am tired Donny. I really like you. For what that's worth.
But I need to know that you have everything you need.

I would have to run to my house. I don't know I'm not gonna lie. I have been so preoccupied last couple months. I can see if Shane knows what's on the trailer.

Are you interested if checking everything tonight?

X

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If it's all there are you willing to come tomorrow? I still would want to check out the granite edges before starting. If all looks good then you could start tomorrow and finish Friday.

I don't know I have to check with Shane. I haven't done anything with materials, tools, guys, etc. Shane asked me Monday if I needed him and I told him I have to pay you back. So I haven't talked to him for a couple days. I want this over. I'm not trying to steal from you

Is this acceptable? I would like to salvage a win-win

Me too let me try guys and I'll run to my house. And I'll text you back

Ok

If I can't I'll be honest and tell you. I won't stand you up

Sounds like a good start. Check on: granite, backsplash, sink, faucet, beadboard, led's, stain for beadboard, dimmer switch to match what I have.

Dimmer switch example. On/off at bottom then dimmer is on slide
It is added to this existing panel.

So a white three switch faceplate is also needed

Also the material needed to build up cabinets so overhang works
And my cabinet door. I can't think of anything else. I hope that helps
What is the verdict? Is tomorrow gonna happen?

Haven't been to my house yet. I need an hour. Waiting for Shane to call me back also

Ok

Is today going to happen?

I'm trying bud. I didn't get over to my house until 11:30. Looks like I had everything. I'm trying to get Shane. I called him when you told me around 8 pm and he was trying to get out of a previous commitment. He said he would call me first thing

Any luck?

Not yet I'm on my way there his house

I'm sorry bud I can get Shane today. I'm working on an alternative. I didn't know you wanted to try until when you told me last night.

Sorry, I can't talk right now.

I guess we are back focusing on the refund. Did you want to call the builder guy and explain that you are selling the granite for someone else? There is \$2950 in them. If he wants to offer you that he can wire the money directly to me. (you have the instructions) and I will email him a bill of sale. That way he doesn't have to drive out to me.

I'll call him now

Also please explain to me why you have not returned the sink and faucet to home depot and wire me that \$588

I didn't buy from home depot

X

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Return where ever you got them from

I got the faucet from faucets and sink from Blanco

Good chance I'll have all the cash today

Its 2pm and no wires pending.

Don't have the money yet I'm working on it. Builder gonna look at material after 7

So how much are you able to wire today?

I'm trying to get it all in cash

No need wire me in stages. What can you do today? Why are you hung on all or nothing? You think this is acceptable?

That's what you said last week all or legal .I have tried to communicate with you to explain but you don't answer.

I told you to make an effort. Obviously I need a full refund but for you to think I said pay all at once or not all, that is just silliness and you know it.

I'm not stupid you're the one that's not talking to me

I have chosen all communication after I last talked on the phone to be in writing as I requested in my request for a full refund. This is to minimize my stress which this has caused a significant amount.

I am trying to get it resolved.

I included this in my initial email/text. You are calling me saying I am not responding when I do not answer your calls. However I always have replied to texts or emails and will continue to.

This is what I texted you.

"I have no desire to speak with you other than in writing, do NOT attempt to call me."

Well I'm trying to get it resolved I'm working on the cash. Yesterday you said don't sell the granite so I took the ad off. Now today you say sell I and have it wired. Today you said why you didn't take the sink and faucet back to home depot. If I would have you would have been mad

Make me happy, make an effort and wire the first \$1000

I will wire as much as I can as soon as I can.

And how much will that be today?

I said for the tenth time I'm working on it. I'm out collecting

I'm picking up a good check that I'll be able to pay all of it. I'm waiting for the call that I can go get it. Believe me I want this over as bad as you do

Great

Let's just try and be cool and civil

X

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Totally

Did you get the check you mentioned earlier? "I'm picking up a good check that I'll be able to pay all of it."

I've text you and you see dint answer me.

I'm picking it up in the morning

Great

I am having a real crappy morning. Is it possible to try to get that check and do the wire as early as possible? That would really help me a bunch.

I am trying bud. The contractor came yesterday and offered me 3,000 .I gave him you're name on how to pay. His name is Phil

What is his name and number? I'll give him a call.

Phil, I see. What's his number?

Can you give me Phil's number?

Hang on I'm a job walk

Ok

Trying to get money please don't tell Phil bad things about me

Not at all. I am hoping he will wire money

Or drive out to my place

Just please don't he wants to give me work.

That's why I want to see if he is ok wiring money

OK just don't push him. This is an easy way out

I am just going to see if that is ok for him to wire me. That is my only focus.

I know but I can't work for Rick,Ryan,and superior won't sell to me they sent me a letter

All i know is that Myra made some amazing comments. She also really wants to hear I got my refund. What is Phil's number?

What does that mean?

Don't you realize people are watching? Did you pick up that check? Just refund me and I will just go away.

Watching what

The delay is hurting me as I said, but it is hurting you as well.

Myra wants to know if I get refunded today. That is all I know.

That what I'm working on.

X

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Please Donny just do the wire. Are you gonna give me Phil's number? This is taking me too much time again away from work. Watching how you handle this refund of \$3518

I am trying just let me get it instead of all this nonsense. You told me last night lets be civil. Than today you start all the crap again. I don't need it like you don't. There also picking up the sink and faucet today like you told me to

So I take it that means no you won't give me Phil's number then, correct?

I left him a message just now to let him know you would be calling him and to explain the situation. Soon as he calls me back than it's all yours.

That makes no sense

So what's his number?

OK none of this does

Can you call me for 2 minutes?

Please so we can get this over with

Your choice on the number. I have stalled Myra all week. If I am not refunded today by 5 pm I will let her know. She was pretty upset.

I will not text again until after 5pm. I will only communicate via email and text at this point.

I didn't do anything to Myra

She referred you to me

You said Brenda's check was clearing and going in on Tuesday. It is Friday

She is as upset as I am.

One more question by your text yesterday you said if I get any money wire it and keep wiring until it's paid off is this correct?

Feel free to call Myra or just refund me so I can tell her it is all taken care of and that you took care of it.

I said \$1000 a week, so \$2000 today and \$1500 next week

OK I'm working on it thanks

So no number for Phil then.

Soon as he calls me back

480 630 7433 I did not tell him you were mad at me. I told him I had your slabs that I fabricated and you changed your mind so I'm trying to get you a refund.

Did he say he was going to pay \$3000?

Donny I am not mad at YOU, just the situation.

\$3000 was what you said earlier

That's what I told him last night. He said he was gonna go to his job today and see if he could make the measurements work. I told him to call me and you but he would have to pay you

X

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Just so I have it all right
He just called you back and said it would work?

I just want it all over with I'm really not that bad of a guy

Never said you were
But this situation really is effecting me
He just called you back and said it would work?
Right?

No he hasn't called me. I just sent you his number like you asked

Did you get that other check yet? You said that check will take care of the whole \$3518 and then at that point slabs are yours.

I went and gave a bid about an hour ago. I'm waiting for him to call me back. If so I bid it for \$5,700 .the reason I think I'll get it is because there moving in next week.so there desperate

It's almost 1pm and still no pending wire. I don't want the week to end this way.

Me neither I'm trying. I'm out working it.

Did you pick up that other check yet? You said that check will take care of the whole \$3518 and then at that point slabs are yours.

Not yet he's talking to his wife.

Remember this?

I'm picking up a good check that I'll be able to pay all of it. I'm waiting for the call that I can go get it.

Have you called on it yet today?

No I'm sitting around with my head up my a*s of course I have

What I said was I'm sure I'm getting the job because they need to move in next week. I called him around 11 and he said they were going to floor and decor to pick out tile and then he would call me after

I'm doing ever thing possible I promise

If that were true I'd see a pending wire transfer for \$3518

I don't have it yet. I have told you that every time you text me.

I am done texting for the day. I'll watch online banking and text after 5pm if nothing changes

Please just let me get it. We don't need to argue over text. I'm doing everything I can i got the job they just called me .I'm gonna meet them at 6:30.its the best I can do

Can you map out now the closest Wells Fargo inside a fry's so you can make the wire before 7pm?

X

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Can you please call me?

Sorry, I can't talk right now.

I won't be able to because I'm gonna have to deposit check in my account. I don't think there gonna give me cash. I can't talk now than neither thanks

They can verify funds and give you cash. Remember, I work for a bank

They won't give me cash on my company check

So you're getting a check from your own account? That makes sense...you sign the back and endorse it just you did to my three checks!

"I'm gonna have to deposit check in my account. I don't think there gonna give me cash".

I just called my bank. They said I can't cash a company check of mine if I don't have the cash to cover it. I have to deposit it than I can draw off of it. Just call me I'll explain do you want your money or not.

Why would a new client give you a freaking check on your own account? You need to read before you press the send button.

Sorry, I can't talk right now.

I will NOT answer phone calls again until I see the wire. That is for my OWN preservation of sanity

I have told you this repeatedly

Dave they are giving me a check to my business I need to deposit it before I can take the cash. I just called. You told me to try and I am. You just want to keep ridiculing me.

I won't wire until you quit with you're slamming me. I'm trying to explain to you but you just keep talking to me like I'm 5. I want this over. I have a solution now. I called chase and they told me I can't cash there check for cash unless it's a chase check. Maybe it is and our problems are solved or maybe they will give me cash. I am doing everything that you told me to do.

Ok, I guess we will see how it goes. Let me know.

Here are the wire details again. Use the following instructions:

Direct to Wire Routing Transit Number (RTN/ABA) #####

Bank name: Wells Fargo Bank, N.A.

Bank address: 420 Montgomery, San Francisco, CA 94104

BNF/Field 4200: acct. # #####

Beneficiary: David Hofman

CHIPS Participant ABA 0509

If you don't want me to I won't take job

Hey I need access to my money before noon. I have always been able to let things slide until now. I have a hard stop outside of my control. I am asking you to please take care of the transfer now so I have access before noon. Wells Fargo banks opened at 9 am so they are all open. I am asking you to please not let me down. Will you please do this for me this morning?

I have tried to call you you won't answer .I received the check last night for \$5,700.my bank was already closed.I deposited it in my business account about 10 min ago. The check was written to my business name. I had no money in my business account so I couldn't just cash i.e. can access the money on Aug 10.the check was written from west

X

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valley bank. I deposited it in my chase bank. Chase told me I couldn't cash it. I had to deposit it. I told them you said that is not true. It was all I could do.

Sorry, I can't talk right now.

Phil never answers I get the same recording as I did for Shane. Did he ever decide he wanted the granite?

He is my only hope then to get the money today

Have you heard from him?

Is he the same guy that just gave you the check?

Or a different guy

I haven't tried him you said you wanted his number

No it's not the same.

You can put the CL ad back up as long as payment for what I have into them goes through the wire to me.

Ok thanks

I'm not taking any money for the granite. The only thing I did was sent the sink and faucet back yesterday. I took my ad off of Craigslist when you told me to. I can put it back on if you want me too

I did get three calls when I had it up before. Maybe it would sell especially since its Saturday

You can put the CL ad back up as long as payment for what I have into them goes through the wire to me.

I wouldn't sell them unless I call you first

Add is back on I'll let you know if I get any calls

Do you want me to put your number on it?

No need to put my number on it

Ok

Any more calls on granite?

Nope I'll call you I promise

You haven't sent me the tracking number for my cabinet door.

I didn't send it yet. I will tomorrow.

Thanks

Good morning, did you know what time this morning you were going to be able to hit the bank?

It's not available yet. I just called and they said because it was deposited on Sat it was the same as depositing on Monday. That it's available on the next business day. I just called my ex and she said if I would have deposited on Friday it would be available sat if I deposited on Sat it would be available on the next business day.

Ok, tomorrow then.

Thanks. Is that really the rule? I didn't know sat wasn't considered a day

X

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I guess different banks have different rules. I think wells would have been today

Sorry

Tomorrow works.

Thanks

Please send me the tracking number for the door. How did you send it USPS or UPS?

Haven't done it yet like I said at 10 this morning

I actually may drive it to Myra's. That way she can give it to you. I have a job to look at ironwood and the 60.I'm just waiting for them to call me back on a time

I only saw that you last said "I didn't send it yet. I will tomorrow." Which was yesterday. I don't see anything at 10am

Sorry again I'm wrong.

No biggie, thought I missed it

Do I put the door in a box or wrap it or what

Ups store can package it, or you could drop off

They might have a thin box

OK I'll check it out

I have made my own from junk cardboard or USPS mailing boxes (free at post office)

Just be sure they are inside out or they get mad

They know you are getting them for free and making your own unless you have their side on inside, where u can't see where it came from

See what I mean?

Do you know when you are able to do wire today?

I went to bank already check was still pending. The manager is calling the hold department to get released. Believe me I will text you soon as I can get it wired.

Sorry, I can't talk right now.

Working an issue

Thought maybe we were done with that

Dude I'm working an issue at work

Been working this project for weeks and finally tested and it worked only to have client say they have no access

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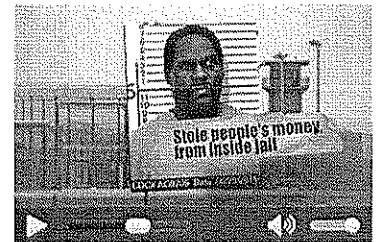
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