

Unlicensed Complaint Form

Unlicensed Entities or Revoked/Expired Licenses

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



RECEIVED

Departmental Use Only

Complaint Number:

SEP 25 2018

Hetter
 2018-04529

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Please note that if your contractor was not licensed or the license was revoked or expired at the time of contract, you are not eligible for the Recovery Fund.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) Habtom Hadish		Business Name (if a licensed contractor or supplier) N/A	
Street Address [REDACTED]		City Irvine	State CA
Date of Birth [REDACTED]		Zip 92604	
Email [REDACTED]		ROC License Number(s) (if any) N/A	
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		Zip	
Email of Attorney			
Contractor Information			
Name (as shown on contract/invoice) Donald Libby		ROC License Number(s) (if any)	
Street Address [REDACTED]		City Phoenix	State AZ
Phone Number [REDACTED]		Zip 85053	
Email [REDACTED]		Name of Person(s) Representing License	
Did you know contractor was unlicensed? <input type="radio"/> Yes <input checked="" type="radio"/> No			
If no, when did you learn they were unlicensed? 08/06/2018			
Description of Unlicensed Person			
Age	Height	Weight	Race
[REDACTED]			
Contract/Project Information			
Contract Date 11/11/2017	Contract Amount \$1900.00	Amount Paid \$1200.00	
Date Work Started Never started	Date Work Stopped Never started	Date Work Was Completed Never started	
Address Where Contract Was Negotiated [REDACTED]		City Phoenix	State AZ
Parties Present at Contract Negotiation N/A		Zip 85037	
Jobsite Street Address [REDACTED]		City Phoenix	State AZ
		Zip 85037	

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INVESTIGATIONS

Unlicensed Complaint Form
 Unlicensed Entities or
 Revoked/Expired Licenses



Contract/Project Information Continued		
This complaint is for	<input type="radio"/> Abandonment <input type="radio"/> Poor Work <input checked="" 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 checked="" type="radio"/> Both <input 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 checked="" type="radio"/> Property Owner <input type="radio"/> Building permit # _____ What city/county issued the permit? _____	
The contractor had	# _____ employees (list names if known) N/A	
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. 1) A contract existed; (2) The other party breached the contract; and (3) Damage		
2. (1) A false promise or misrepresentation; (2) made in connection with a sale or		
3. or advertisement of merchandise and the hearer's consequent and proximate injury		
4. Took \$1200.00 as a down-payment never paid back.		
5.		
6.		
7.		
8.		
9.		
10.		
Signature		
<i>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.</i>		
Printed Name Habtom Hadish	Signature 	Date 09/19/2018

11/13/2017

Check 105

-1,200.00

911.41

Edit Description

Merchant name: [redacted]

Check Image Edit

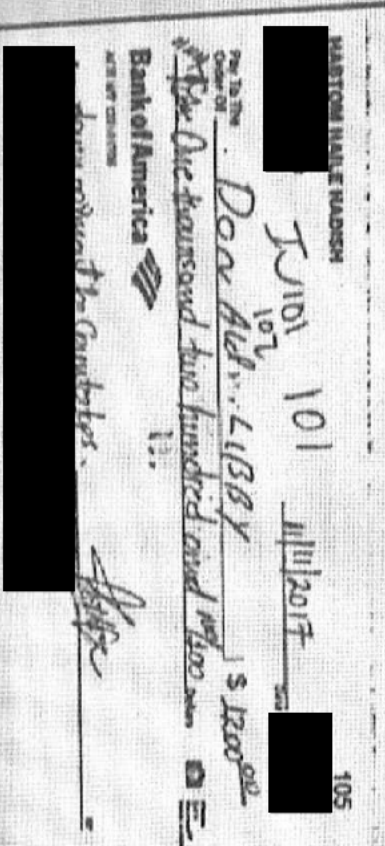
Transaction category: [redacted]

Cash, Checks & Misc: Checks Edit

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SEP 25 2018

INVESTIGATIONS



Front view | Back view | Both sides | Print image & details

If you are unable to view this item and require customer service to describe it to you, please call the customer service phone number located on your account statement. More information about images and image availability.

11/08/2017

Subject: Granite contract

From: [REDACTED]
To: [REDACTED]
Date: Saturday, November 11, 2017, 2:12:06 PM PST

Tom hadish

Don libbey

[REDACTED]

1. I will demo and haul away all original countertops.
 2. Furnish ,fabricate and install 3/4 giallo fritto with 1 1/2 full bullnose edge.
 3. Furnish and install 50/50undermount kitchen sink
 4. Furnish and install 4 square Undermount sinks
 5. I will do all plumbing
 6. Will mount new garbage disposal
 7. will install new dishwasher
 8. Will install 4 inch backspalsh and full backplash behind sink.
- Tom supplies 4 vanitu faucets
1 kitchen faucet
1 garbage disposal
- Discounted price \$1,900
Down needed to buy 4 slabs \$1,200

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INVESTIGATIONS

Balance due upon completion
Sent from Yahoo Mail on Android

Print Window

RECEIVED

SEP 25 2018

INVESTIGATIONS

Subject: Re: Granite contract

From: [REDACTED]
To: [REDACTED]
Date: Monday, July 30, 2018, 9:58:01 AM PDT

Hi Donald Libby,

As per your request today July 30, 2018 time 9:40 AM over the phone, I am writing this letter/email to you saying that: If you deposited/give me back my money today \$1200.00 to my account number # 4570 1443 9883 Bank of America, under the name of Habtom Hadish, I will not do any legal action against to you for the damage you made on me, which is I lost a lot in this entire year because of your disloyalty, not doing the job on time and lies.

Best regards,

Tom

[REDACTED]

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SEP 2 5 2018

INVESTIGATIONS

On Saturday, November 11, 2017, 2:12:06 PM PST, donald libby <buffbird@yahoo.com> wrote:

Tom hadish

[REDACTED]

Don libbey

[REDACTED]

1. I will demo and haul away all original countertops.
2. Furnish ,fabricate and install 3/4 giallo fritto with 1 1/2 full bullnose edge.

- 3. Furnish and install 50/50 undermount kitchen sink
- 4. Furnish and install 4 square Undermount sinks

5. I will do all plumbing

6. Will mount new garbage disposal

7. will install new dishwasher

8. Will install 4 inch backspalsh and full backsplash behind sink.

Tom supplies 4 vanitu faucets

1 kitchen faucet

1 garbage disposal

Discounted price \$1,900

Down needed to buy 4 slabs \$1,200

Balance due upon completion

Sent from Yahoo Mail on Android

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SEP 25 2018

INVESTIGATIONS

Tuesday, Jul 10, 2018

Me

Hi Don, could you please give me a call?



4:10 PM

Wednesday, Jul 11, 2018

Me

Here is address: [REDACTED]
[REDACTED] phoenix AZ 85015



9:40 AM

Me

Hi Don, Here is below my account number: [REDACTED] Bank of America. Name Habtom Hadish. Please give me my money back \$1200.00 as soon as possible. Yesterday your second time you told me you completed the Job, the reality is you didn't even started. I have have no idea why you doing this to me. Again, kindly I request you to give my back in the next two days.



11:25 PM

Thursday, Jul 12, 2018



Donald Libby (Contractor)

I will deposit your money by Monday afternoon no problem.

7:17 AM

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SEP 25 2018



Donald Libby (Contractor)

Also remember I bought the 54 dollar door lock and installed it on the back patio door.

7:18 AM

INVESTIGATIONS



Donald Libby (Contractor)
I am sending the dishwashers back
today no problem

7:18 AM

Monday, Jul 16, 2018

Me



Hi Don, I was awaiting to call me
back regarding your friend who can
install the countertop, however i
didn't get call or text from you yet.
Still if you can do this by this Thurs-
day, Friday and Saturday let me
know the person, I have to speak to
him first then will continue. If not
please deposit my money today.
Thanks
Tom

10:31 AM



Donald Libby (Contractor)
Its all set up

10:33 AM



Donald Libby (Contractor)
I'll send you his info

10:33 AM



Donald Libby (Contractor)
Jerry Hall
Mobile [REDACTED]
Home [REDACTED]
Phoenix, AZ

Granite guy

1:40 PM

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SEP 25 2018

INVESTIGATIONS

Thursday, Jul 19, 2018



Donald Libby (Contractor)



8:02 AM

———— Saturday, Jul 21, 2018 ————



Donald Libby (Contractor)
Call you back when dr leaves

8:22 AM

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Donald Libby (Contractor)
15 min call u back

5:03 PM

INVESTIGATIONS

Me

Hi Don, I am still awaiting your call
to take the Dishwasher s



5:03 PM

Me
Ok



5:04 PM

———— Monday, Jul 23, 2018 ————

Me

Hi Don, please deposit my money
to my account?



3:08 PM

----- Tuesday, Jul 24, 2018 -----



Donald Libby (Contractor)

I'm getting out soon,I'll take deposit

1:56 PM

Me

Ok and thanks!

2:16 PM



----- Wednesday, Jul 25, 2018 -----

Me

Hi Don, you haven't deposited my
money yet, could you do it as soon
as possible?



7:26 PM

----- Thursday, Jul 26, 2018 -----



Donald Libby (Contractor)

Hey Tom a gonna pick up a cashier's
check today and make the

10:47 AM

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INVESTIGATION3

Me

Okay and thanks

10:48 AM



----- Friday, Jul 27, 2018 -----

Me

Hi Don did you deposited the
money?



10:29 AM

----- Saturday, Jul 28, 2018 -----

Me



Hi Don, as of now I checked my bank account. You haven't not deposited my money yet. I have bren very naive for whole year, because you never try to do the job. Just only to take my money for doing nothing. You have told me twice you completed the job, you was lying to me.
Anyway if you don't deposited in the next two-three hours today. I will start taking legal action on you.

Thanks
Habtom

9:45 AM



Donald Libby (Contractor)
I understand I will

9:49 AM

Monday, Jul 30, 2018

Me



Hi Don, as per your request, I just emailed to you the statement your wife want!

10:01 AM

RECEIVED

Saturday, Aug 11, 2018

SEP 25 2018



Donald Libby (Contractor)
Let me call u back trying to load everything

9:49 AM

INVESTIGATIONS

Me



Hi Don, what happen? Did you drop off at the house?

4:50 PM



Donald Libby (Contractor)
No not yet I'll call by back

6:18 PM

Me



Don, you told me you was loading.
Be honest again , if you don't
have it. Tell me I don't have it. I
believe you don't have the stones,
dishwasher, sinks, faucet etc.
Please let me know, I can move on
with my life

6:39 PM

Sunday, Aug 12, 2018



Donald Libby (Contractor)

Renting truck call uback

11:43 AM

Me



Okay and thanks

12:01 PM

Me



What is the reason going to be
now?

5:49 PM

Monday, Aug 13, 2018



Donald Libby (Contractor)



6:52 PM

Tuesday, Aug 14, 2018

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INVESTIGATIONS



Donald Libby (Contractor)
Got uhaul waiting for my wife to get
off work so she can drive it
I can't because I have no license

3:03 PM

Me

What happen with your license?



3:04 PM

Wednesday, Aug 15, 2018



Donald Libby (Contractor)
Call u back

7:26 PM

Thursday, Aug 16, 2018

Me

Hi Don, when you are going to call
me back? You text me to call back.



11:44 AM



Donald Libby (Contractor)
I will have your money in you
account by end of day Monday
\$1,200 minus 54 dollars u paid for
back door lock

6:12 PM

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SEP 25 2018



Donald Libby (Contractor)
I paid

6:13 PM

INVESTIGATIONS

Monday, Aug 20, 2018

Me



Hello Don, I have not received or seen any deposit to my account yet. Again if you deposit my money to my account I will drop the civil suit and also the city unlicensed contractor wanted person which I will not stop until you get in prison unless you give back my money. I will still processed with my legal suit until you pay. From now on I will not text or call you.

Regards,
Habtom

6:28 PM



Donald Libby (Contractor)
I understand I got some money today just need to cash it

6:33 PM

Me



Do whatever ever works for you.

6:35 PM



Donald Libby (Contractor)
I'll have it for you by wed

6:36 PM

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SEP 25 2018



Donald Libby (Contractor)
Soon as you get it you'll stop everything?

6:37 PM

INVESTIGATIONS

Me
Yes



6:37 PM

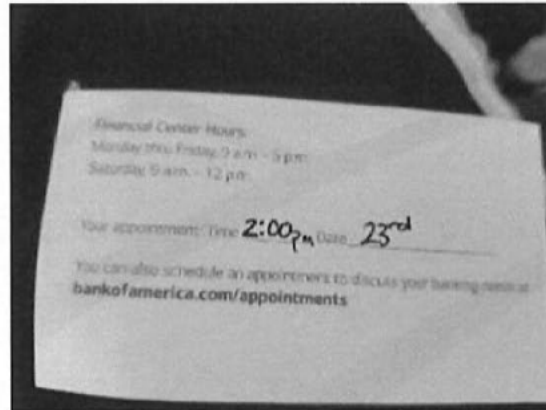
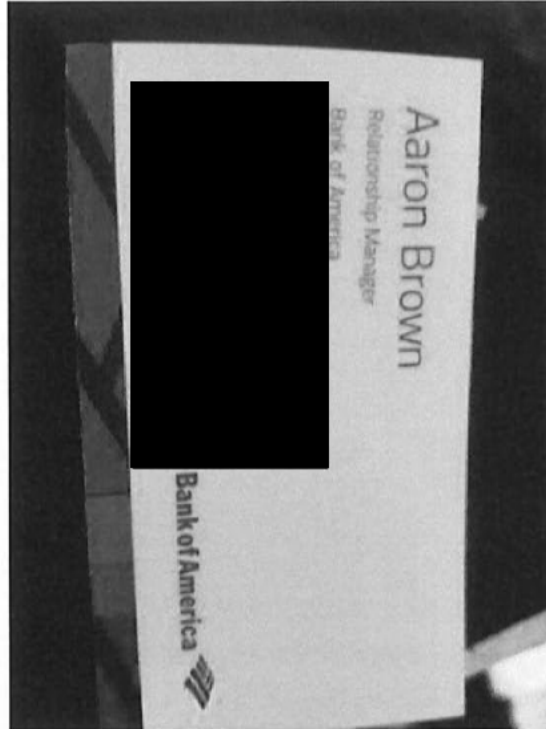


Donald Libby (Contractor)
Ok thx

6:51 PM



Donald Libby (Contractor)



Tom I have appointment tomorrow to open account.i got a few checks so I can deposit and transfer to you
9:21 AM

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SEP 25 2018

INVESTIGATIONS

Monday, Aug 27, 2018

Me

Hi Don, you promised so many times to pay back, but you never did to your promise.
So I need your current address now? Please send me as soon as you can?



10:44 AM

Tuesday, Aug 28, 2018

Me



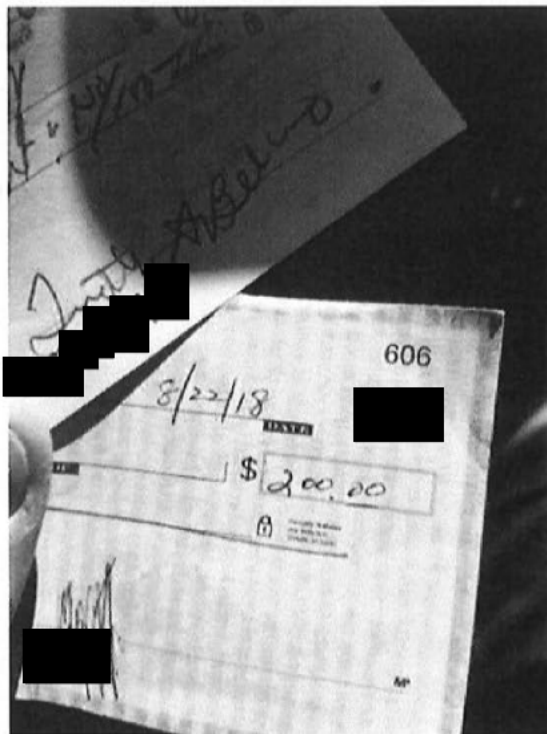
Hi Don, yesterday you told me, you will deposit by today, so far I didn't see any deposit yet. Please deposit or send me your new address, I have to finalize my filieling.

3:00 PM

Wednesday, Aug 29, 2018



Donald Libby (Contractor)



10:19 AM

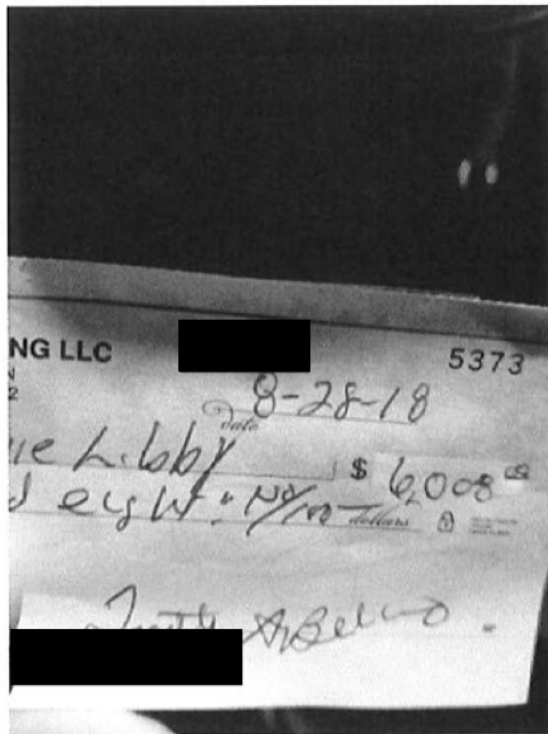
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SEP 25 2018

INVESTIGATIONS



Donald Libby (Contractor)



RECEIVED
SEP 25 2018
INVESTIGATIONS

2:46 PM

Friday, Aug 31, 2018

Me

Hi Don, again again you are excuseung for not to give back my money. I don't believe you are going to give me back even if you have money. So, I don't have any options from now on except to use all the legal action for those perpose please share your address/ mailing address.



12:31 PM

Monday, Sep 10, 2018



Donald Libby (Contractor)

30 min call u bavk

6:24 PM

Me
Ok



6:24 PM

Me

Let's video chat and text
on imo!



10:20 PM

Tuesday, Sep 11, 2018



Donald Libby (Contractor)

Tom is it too late?I can have the
money in today

7:11 AM

Me

Hi Don, did you deposited it? I
haven't received yet.



10:45 AM

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SEP 25 2018

INVESTIGATIONS

Whitney M. Woodworth, **The Republic | acentral.com**

Published 12:13 p.m. MT Jan. 4, 2016

CONNECT TWEET LINKEDIN COMMENT EMAIL MORE

The Arizona Registrar of Contractors has added a Phoenix man to its Most Wanted Unlicensed Entities List, accusing him of leaving demolished structures and unfinished work after taking payments.

In a press release issued Monday, the agency said Donald Libby, 51, has several warrants for his arrest related to contracting without a license. Registrar investigators said Libby would destroy existing structures after receiving remodeling contracts but skip out on the work after being paid.



(Photo: Arizona Registrar of Contractors)

Libby took large amounts of money from his victims and failed to produce work or materials, according to the release. The registrar is investigating three complaints, awaiting a fourth and is aware of several other victims who have not filed a formal complaint, the release said.

Libby is described as 6 feet 1 inch tall, with brown hair and blue eyes. According to agency records, he was listed as a partner with D and Z Custom Tile, which held four licenses from 1997 to 2006.

State builds list of most wanted unlicensed contractors

The registrar said Libby is actively working in several cities and counties, including Maricopa and Pinal.

People who have been victimized by Libby or know his whereabouts are encouraged to contact the registrar's office at 602-542-1525 or 877-692-9762. Those wishing to lodge a formal complaint can ask for Compliance Supervisor Rob Settembre.

RECEIVED

SEP 25 2018

INVESTIGATIONS

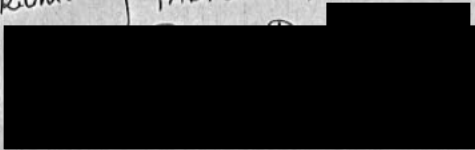
The registrar added that only law-enforcement officers should attempt to apprehend Libby and other people named on the Most Wanted Unlicensed Entity List

RECEIVED

SEP 25 2018

INVESTIGATIONS

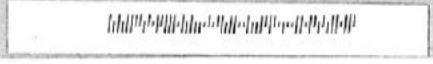
From. HABTOM HADISH



RECEIVED
SEP 25 2018
MAIL ROOM

To - AZ ROC
1700 W. Washington St.
Suite 105
Phoenix, Arizona 85007

RECEIVED
SEP 25 2018
INVESTIGATIONS





ARIZONA REGISTRAR OF CONTRACTORS



Douglas A. Ducey, Governor

Jeffery L. Fleetham, Director

July 1, 2022

Habtom Hadish
14252 Culver Dr Ste A242
Irvine CA 92604

Re: Case 2018-04529

Dear Habtom Hadish:

The Arizona Registrar of Contractors (AZROC) has received your complaint regarding Donald Elliot Libby II and it has been entered into our database under the above case number. Investigator Jeff Helter has been assigned to your case. You may contact him via email at jeff.helter@roc.az.gov or by telephone at 602-771-6769.

A check of our records has determined that Donald Elliot Libby II is not licensed with the AZROC and may have contracted with you in violation of Arizona state statutes A.R.S. §32-1151 and/or §32-1165. Therefore, it is necessary that your investigator compile supporting documentation in order to proceed with the investigation of your case. Items of evidence that your investigator will need to present to a prosecutor before he will file criminal charges or issue a civil citation are listed below:

- A copy of any business card, flyer, or other form of advertising that influenced your decision to contract with the suspect.
- Copies of documents that verify all payment(s) made on the contract, including but not limited to:
 - **Front AND back sides of cancelled checks (redact account numbers)**
Note: Money Orders and Cashier's Checks are included in this category.
 - Credit card statements (redact account numbers)
 - Bank/lender statements showing payments/draws made directly to the contractor
 - Executed lien releases/waivers
 - If you paid with cash, please include a notarized statement which explains the circumstance of the transaction(s).

On your complaint form you state you paid Mr. Libby a total of \$1,200.00. You provided a copy of the front side of check number 105 made payable to him for that amount. Please provide the back side of this cancelled check as valid proof of payment that Mr. Libby received these funds (see above).

NOTE: Please do not send original documents. Retain original documents for your records or any future criminal or civil proceedings.

Per Arizona statute *A.R.S. Title 13-107. Time limitations*, the statute of limitations for submitting a misdemeanor case for prosecution is one year after discovery by the state. Therefore, it is imperative that you submit the requested documentation to your investigator as soon as possible. If you do not submit the documentation within 30 days from the date of this letter, your case may be closed. If you cannot provide the requested information, or have any questions about what to provide, please contact your investigator at your earliest convenience. He will be happy to advise you in determining what documentation is pertinent for presentation to a prosecutor and how to gather it.

Also, please be advised that if your investigator is unable to locate the suspect, or if the suspect denies having contracted with you, it may be necessary for you to identify the individual from a group of photographs. This can be done at an AZROC office, your home, a place of business, or through the mail – whichever is most convenient for you.

Sincerely,

/s/ ***Debra Skow***
Unlicensed Investigations

WILLIAM G MONTGOMERY
MARICOPA COUNTY ATTORNEY

Kristy K Perkins
Deputy County Attorney
Bar ID #: 018806
CBPW-Justice Courts West
301 West Jefferson, 8th Floor
Phoenix, AZ 85003
Telephone: (602) 506-8527
mcaocbpwestjcw@mcao.maricopa.gov
MCAO Firm #: 00032000
Attorney for Plaintiff

DR 201804529 - AZ Registrar of Contractors Office
0131754195

IN THE COUNTRY MEADOWS JUSTICE COURT
COUNTY OF MARICOPA, STATE OF ARIZONA

THE STATE OF ARIZONA,

Plaintiff,

vs.

DONALD E LIBBY, II,
aka Donnie Libby
aka D and Z Custom Tile
aka Donald Elliot Libby, II
aka Donald Elliot Libby
aka Donald Elliott Libby, II
aka Don Libby

Defendant.

RECEIVED
19 JAN 16 PM 2:59
COUNTRY MEADOWS
JUSTICE COURT

JC2019102772

COMPLAINT

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

The complainant herein personally appears and, being duly sworn, complains on information and belief against DONALD E LIBBY, II, charging that in COUNTRY MEADOWS JUSTICE COURT, Maricopa County, Arizona:

COUNT 1:

DONALD E LIBBY II, on or between November 11, 2017 and September 25, 2018, 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 Habtom Hadish on property located at 9439 W Virginia Ave, Phoenix, Arizona, without 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.

BY: *Kristy Perkins*
/s/ Kristy K Perkins
Deputy County Attorney

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

Abel Garcia #145 Agency: AZ Registrar of Contractors Office
Complainant

Subscribed and sworn to before me this 16 day of January, 2019.

AKS
MAGISTRATE
KKP:af



Pro Tem
TITLE

COURT INFORMATION SHEET (CIS)

County Attorney Case Number: 0131754195

STATE v. DONALD E LIBBY, II,

aka Donnie Libby
aka D and Z Custom Tile
aka Donald Elliot Libby, II
aka Donald Elliot Libby
aka Donald Elliott Libby, II
aka Don Libby

Defendant's Last Known Address: 8562 West Fullam Street
Peoria AZ 85382

Defendant's Attorney:

Service: Summons

DEFENDANT'S DESCRIPTION:

Race: W Sex: M Hair: BRO Eyes: BLU Wgt: 210 Hgt: 6'01 DOB: 05/16/1964
FBI#: 730060JB5 SID#: 13645434 Booking#: UNK Soc Sec#: 439-13-7112

FILING STATUS:

JC Complaint

Date Filed: _____ Justice Court #: _____
Justice Court Precinct: Country Meadows Justice Court

ATTORNEY: Kristy K Perkins BAR ID: 018806 LOCATION: Downtown

CHARGES:

COUNT 1: CONTRACTING WITHOUT A LICENSE, A CLASS 1 MISDEMEANOR

<u>Count</u>	<u>ARS Literal</u>	<u>Date of Crime</u>	<u>PCN</u>
1	32-1164A2	11/11/2017	

DEPARTMENTAL REPORTS:

DR 201804529 - AZ Registrar of Contractors Office

EXTRADITE: Arizona Only

CO-DEFENDANTS:

RECEIVED
19 JAN 16 PM 2:59
COUNTRY MEADOWS
JUSTICE COURT



ARIZONA REGISTRAR OF CONTRACTORS



, Governor

, Director

AFFIDAVIT

STATE OF ARIZONA)
)ss
COUNTY OF Choose an item.)

Choose an item., 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 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 day of Click or tap to enter a date..

/s/ Choose an item. _____
Choose an item.
Chief of Investigations
Arizona Registrar of Contractors

Subscribed and sworn to before me this day of

Click or tap to enter a date.

NOTARY PUBLIC

My Commission Expires: _____



ARIZONA REGISTRAR OF CONTRACTORS



, Governor

, Director

AFFIDAVIT

STATE OF ARIZONA)
)ss
COUNTY OF Choose an item.)

Choose an item. being first duly sworn upon Choose an item. oath deposes and says:

That is an employee of the Registrar of Contractors and is one of the custodians of the records of this department.

That has made a diligent search of the records of this department which disclosed the following:

That there is no record of any other inactive license, active license nor pending application for:

WITNESS my hand this day of Click or tap to enter a date..

/s/ Choose an item. _____
Choose an item.
Chief of Investigations
Arizona Registrar of Contractors

Subscribed and sworn to before me this day of

Click or tap to enter a date.

NOTARY PUBLIC

My Commission Expires: _____



ARIZONA REGISTRAR OF CONTRACTORS



, Governor

, Director

Date: November 26, 2018

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 Donnie Libby. The Arizona Registrar of Contractors' complaint number is 2018-04529.

Visit our website at: roc.az.gov



ARIZONA REGISTRAR OF CONTRACTORS



, Governor

, Director

November 26, 2018

Habtom Hadish
14252 Culver Dr. Suite #A242
Irvine, CA 92604

Re: Complaint No. 2018-04529
Filed against Donnie Libby

Dear Mr. Habtom:

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,

Alex Figueroa #145/s/
Unlicensed Investigations
Main # 602-771-6768

Visit our website at: roc.az.gov



BofA Interest Checking - 9883: Account Activity Transaction Details

Check number: 00000000105

Post date: 11/13/2017

Amount: -1,200.00

Type: Check

Description: Check Image

Merchant name:  Check Image

Transaction category: Cash, Checks & Misc: Checks

RECEIVED ROC
OCT 15 2018
ALEX FIGUEROA

HARTOM NAILE HADISH
 STE A 202
 1452 CLAYTON DR
 IRVINE, CA 92604

105
 \$1,100.23 AF
 2154

Pay To The Order Of: **Don Ald** 101
 11/11/2017 DATE
 \$ 1200.00

For *Down payment for Car*

Bank of America
 ACH DT 10210108
 12121017061 457014439883#0105

Seq: 11
 Batch: 724073
 Date: 11/13/17

CHECK HERE DO NOT WRITE IN THIS LINE
 DEPOSIT

457014439883
 81/10
 *****2# VLS
 Batch: 724073
 Date: 11/13/17

Seq: 11
 Batch: 724073
 Date: 11/13/17

S:0 24311 11/13/17
 841 24073 CC:333882238
 608791 TRPS:01135

ENDORSE HERE DO NOT WRITE IN THIS LINE
 DEPOSIT

RECEIVED ROC
 OCT 15 2018
 ALEX FIGUEROA

- ROC Review
- C & D
- CIVIL CITATION
- CITATION
- CRIMINAL
- FELONY

REGISTRAR OF CONTRACTORS

STATE OF ARIZONA

INVESTIGATION UNIT

Case Number
2018-04529

Date Reported September 25, 2018		Type of Offense Contracting w/o a License				Statute Code 32-1164		County Maricopa		
Date of Violation 11/11/2107		Location of Offense 9439 W Virginia Ave.				City Phoenix, 85037				
C&D Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Ctr <input type="checkbox"/> Adv <input type="checkbox"/> A&A Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		C&D Served Date N/A		Citation # Long Form		Property Type Com <input type="checkbox"/> Res <input checked="" type="checkbox"/>		Type of Work Remodel	Job Site Date N/A	
COMPLAINANT <input type="checkbox"/> and/or VICTIM <input checked="" type="checkbox"/>										
Name Hadish, Habtom					Address 14252 Culver Dr. Suite A242 Irvine, CA 92604					
Home Phone No. (602) 516-4473		Business Address N/A				City N/A				
Business Phone No. N/A		Amt. of Contract/Bid \$1,900			Amt. Paid \$1,200		Bid Date 11/11/2017	Permit Req. / Permit No. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		
Gender Male	Weight N/A	Height N/A	Hair N/A	Eyes N/A	Race N/A	D.O.B. 7/27/1983	S.S.NO. N/A	Driver License# N/A	Issued State N/A	scars/tattoos/marks N/A
SUSPECT <input checked="" type="checkbox"/> and/or RESPONDENT <input type="checkbox"/>										
Name Libby II, Donald Elliot					Address 8562 W Fullam St. Peoria, AZ 85382					
Home Phone No. 480-381-5229		Business Name N/A				License Number (if any) N/A				
Business Address N/A						Business Phone No. N/A				
Gender Male	Weight 210	Height 6'1"	Hair BRN	Eyes BLU	Race Caucasian	D.O.B. 5-16-1964	S.S.NO. 439-13-7112	Driver License # D01065169	Issued State AZ	scars/tattoos/marks N/A
Additional Participants										
	Name		Address				Home No.		Bus. No.	
S	N/A						N/A		N/A	
S	N/A						N/A		N/A	
S	N/A						N/A		N/A	
S	N/A						N/A		N/A	
Alex Figueroa #145						County MARICOPA		Page 1 of 5		

REGISTRAR OF CONTRACTORS

CONTINUATION SHEET AND CHECKLIST

Investigator: Alex Figueroa #145

Case No: 2018-04529

SYNOPSIS

On or about November 11, 2017, Donald Elliot Libby II, LIBBY), an unlicensed contractor, entered into an agreement to install new countertops for property owner Habtom Hadish (Hadish) to fabricate and install new countertops at his property located at 9439 W Virginia Ave. Phoenix, AZ 85037 for a total cost of \$1,900. In excess of the handyman exemption limit of \$1,000 per ARS 32-1121 #14, ARS 32-1151, and ARS 32-1164.

This work would have required an R-60 license, Residential Finish Carpentry.

NARRATIVE

On September 25, 2018, the Registrar of Contractors (ROC) office received a complaint from Hadish against LIBBY for abandonment of work after making a deposit of \$1,200. Included with the complaint was the following documentation as evidence:

EVIDENCE

1. Copy of an email dated 11/11/2017 from LIBBY to Hadish for the countertops to be installed at the property in question for \$1,900 (see attached).
2. Copy of an email dated 7/30/2018 from Hadish to LIBBY asking for a refund of the deposit.
3. Front side of the following check:

Check #	Date	Issued to	Issued From	Amount	Notes
105	11/11/2017	LIBBY	Hadish	\$1,200.00	(see attached)

4. 12 pages of text messages between LIBBY and Hadish.
5. Online print out of LIBBY'S unlicensed contracting past.

I as a custodian of records performed a check of the ROC data base for any current or historical contractor licenses.

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

REGISTRAR OF CONTRACTORS

CONTINUATION SHEET AND CHECKLIST

Investigator: Alex Figueroa #145

Case No: 2018-04529

- 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 nine previous complaints and three Guilty plea agreements in the following Maricopa Justice Courts for Contracting charges.

- White Tank Justice Court: JC2015-102139
- Hassayampa Justice Court: JC2014-140186
- Dreamy Draw Justice Court: JC2016-141014

On October 15, 2018, I received the following additional documentation as evidence:

EVIDENCE

6. Copy of the front and backside of the following check:

Check #	Date	Issued to	Issued From	Amount	Notes
105	11/11/2017	LIBBY	Hadish	\$1,200.00	(see attached)

On October 19, 2018, an interview was held with property owner Hadish over the phone. Hadish permanent home is in California and the property in question belongs to Hadish, but is rented out. I sent an email with two attachments to Hadish. The first attachment was an admonition for him to read. The second attachment contained a lineup. Hadish confirmed he was by himself and reviewed the lineup and identified photograph #5 in the lineup as LIBBY. Photograph #5 is the driver license picture of LIBBY obtained from the Arizona Motor Vehicle Division.

Hadish later emailed me back the signed photo lineup (see attached).

Hadish explained that he wanted to replace the old countertops with new ones in the kitchen area for the property in question. He went online and found an advertisement for LIBBY on a website known as Craigslist. Hadish no longer has the advertisement.

The two spoke and the two agreed to meet at the property in question on 11/11/2017. Hadish drove to Phoenix from California and LIBBY showed as scheduled.

Present at the property is LIBBY and Hadish. LIBBY was at the property for 30 minutes and explained he could remove the old countertops, fabricate and install new granite countertops.

LIBBY failed to disclose his unlicensed status and Hadish failed to ask about LIBBY.

LIBBY sent an email later that day (evidence #1) and was prepared to do the work for \$1,900 and would start in one week. The job was to last 2 days. LIBBY returned to the home on 11/11/17 and received a check from Hadish as a down payment for \$1,200 for materials (evidence #3 and #6).

Hadish explained he never saw LIBBY again, and for the next year the two would email, text and LIBBY would give excuses. No materials were delivered and LIBBY agreed to refund the \$1,200, but never did.

Hadish researched LIBBY and realized his past complaints.

Hadish explained he is prepared to assist in prosecution and would come to Phoenix to testify in court.

REGISTRAR OF CONTRACTORS

CONTINUATION SHEET AND CHECKLIST

Investigator: Alex Figueroa #145

Case No: 2018-04529

On October 30, 2018, telephone contact was made with LIBBY. This conversation is a recorded phone call and the following is paraphrasing of the interview (see attached audio). During this phone call I asked LIBBY for his date of birth to verify I was speaking to him. LIBBY complied and proper identification was made. LIBBY also confirmed his current address 8562 W Fullam St. in Peoria.

LIBBY acknowledged Hadish and the address. LIBBY acknowledged he was to install countertops and that it was not done. LIBBY explained when Hadish called him, LIBBY informed Hadish he was not licensed. LIBBY explained that he had done other work for Hadish prior and that when this work came up, Hadish made himself difficult to deal with. Hadish wanted to be present for the install and pick dates LIBBY was not able to show. Also that Hadish lived in California and that made it that much tougher for the two to meet at the same time.

Hadish expectation was to have the work done in one day. LIBBY stated he has done other work at other properties for Hadish also. The two had a falling out when Hadish wanted a refund and threatened to sue and go to the ROC.

LIBBY said he spoke to Hadish a week ago and that more threats were going on about being sued for time and whatever else. LIBBY stated he is working for a licensed contractor now and does not do any more unlicensed contractor,

LIBBY stated he did disclose his unlicensed status.

LIBBY stated there was 10-15 people living in the home. That Hadish wanted him to be his personal handyman for him. LIBBY felt that he was being taken advantage of. That Hadish was being very difficult. LIBBY stated he tried getting another contractor to do the work, and offered to return the money or deliver the countertops. Hadish was more interested in suing him.

LIBBY acknowledged he was supposed to do the work for \$1,900 and received \$1,200. That the contract was about a year ago. LIBBY claims he has the materials at his home.

LIBBY stated he has always handled his past complaints in court and that he always answers my phone calls and has my number saved, and answered the call today knowing it was me.

I informed LIBBY that Hadish wants the case to go for prosecution. Also since he has the past complaints, that the case would be sent for prosecution review. LIBBY stated he understood. I informed LIBBY he needs to refrain from unlicensed contracting. LIBBY again stated he understands the circumstances.

LIBBY stated that contracting is all he knows to do and that he is working with a licensed contractor right now.

DISPOSITION

This case is being forwarded to the Maricopa County Attorney's office for prosecution review against LIBBY for Contracting Without a License at 9439 W Virginia Ave. Phoenix, AZ 85037.

The victim is seeking restitution.

A Victims rights pamphlet will be mailed out to Hadish.

REGISTRAR OF CONTRACTORS

CONTINUATION SHEET AND CHECKLIST

Investigator: Alex Figueroa #145

Case No: 2018-04529

Date November 19, 2018

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>Audio of interview with LIBBY</u>