

# Unlicensed Complaint Form

Unlicensed Entities or  
Revoked/Expired Licenses

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



**RECEIVED**

JAN 14 2019

**INVESTIGATIONS**

*Figueroa*  
Departmental Use Only  
Complaint Number:

*2019-00212*

Please note that if your contractor was not licensed or the license was revoked or expired at the time of contract, you are not eligible for the Recovery Fund.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

Person Filing Complaint			
Full Name (First Middle Last) <i>Lea Marie Tallo</i>		Business Name (if a licensed contractor or supplier)	
Street Address [REDACTED]		City <i>Chandler</i>	State <i>Arizona</i>
Phone Number [REDACTED]		Date of Birth [REDACTED]	Email [REDACTED]
I consent to receive communications electronically in connection with this case <input checked="" type="radio"/> Yes <input type="radio"/> No			
Name of Attorney (if any)			
Street Address of Attorney		City	State
Phone Number of Attorney		Email of Attorney	
Contractor Information			
Name (as shown on contract/invoice) <i>Don Libber</i>		ROC License Number(s) (if any)	
Street Address <i>unknown</i>		City <i>Phoenix</i>	State <i>Arizona</i>
Phone Number [REDACTED]		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? <i>when I called the ROC</i>			
Description of Unlicensed Person			
Age [REDACTED]			
Contract/Project Information			
Contract Date <i>6-29-18</i>	Contract Amount <i>12300.00</i>	Amount Paid <i>1400.00</i>	
Date Work Started <i>7-15-18</i>	Date Work Stopped <i>10-10-18</i>	Date Work Was Completed <i>not completed</i>	
Address Where Contract Was Negotiated [REDACTED]		City <i>Maricopa</i>	State <i>Arizona</i>
Parties Present at Contract Negotiation <i>Neil Tallo, Ruben Fajardo, Lea Tallo</i>			
Jobsite Street Address [REDACTED]		City <i>Maricopa</i>	State <i>Arizona</i>
			Zip <i>85138</i>

**Unlicensed Complaint Form**  
 Unlicensed Entities or  
 Revoked/Expired Licenses



**RECEIVED**

JAN 14 2019

**INVESTIGATIONS**

**Contract/Project Information Continued**

This complaint is for	<input checked="" type="radio"/> Abandonment <input type="radio"/> Poor Work <input type="radio"/> Other _____
Have you filed a complaint in court?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A If yes, provide a copy of the civil complaint
The contract was	<input type="radio"/> Written <input type="radio"/> Oral <input checked="" type="radio"/> Both
All change orders were	<input type="radio"/> Written <input type="radio"/> Oral <input type="radio"/> Both <input checked="" type="radio"/> N/A
This project was	<input type="radio"/> Commercial <input checked="" type="radio"/> Residential <input type="radio"/> On Tribal Land
This project involved	<input type="radio"/> New Home <input checked="" type="radio"/> Remodel <input type="radio"/> Repair <input type="radio"/> Other _____
A building permit was obtained by	<input checked="" type="radio"/> Contractor <input type="radio"/> Property Owner <input type="radio"/> Building permit # _____
	What city/county issued the permit? <u>Maricopa, Pinal County</u>
The contractor had	# <u>0</u> employees (list names if known) _____

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. I ordered Granite to be installed. He called & text w/ excuses
2. why it hadn't been done yet. Says he's on his way to pay me back but never shows up.
3. All contact has been thru texting.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

**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 <u>Lea Tallo</u>	Signature <u>[Signature]</u>	Date <u>10-24-18</u>
----------------------------------	---------------------------------	-------------------------



RECEIVED

JAN 14 2019

INVESTIGATIONS

Parties involved in a text:

Lea L Donny- D

I have received pictures of jobsites from him as well as pictures of him in a hospital gown. He's had every excuse in the book as to why he hasn't paid me back.

6-24-18 communications started:

L- I only have 2 pictures of the kitchen none of the bathrooms Both are at least 48" long but with only 1 sink I'll get measurements

D- Ok what material Undermount sinks? Granite under mount sinks yes Granite or quartz 1900 Let me know if I can help you with anything else I'll try to get the measurements for you today. I typically have them but I spaced it last time I went down to Maricopa.

L- I will need full cost of install with sinks in kitchen & both bathrooms. I can pay with either PayPal. Credit card or business check.

D- Business check is fine. 1900 pays for stone, fabricatuon, instasll, and undermount sinks. I will need to measure myself to start fabricatuon. you sent me enough to at least get a price This white quartz is really hot right now A bit to bland for this house. I will do this is in my grey tone houses. St cecilia In this house I would say st Cecilia lighter the better. Sounds good how fast you need it done Within the next week or 2. I do also need backsplashes. Ok I'm running about a week to fab and install I included backsplashes 4 inch ls house on lockbox Yes sir Rectangle or oval for vanities 50%50 sink Rectangle & 50/50 are perfect My name is Don I am 54 years old semi retired contractor. now I just do tops for flippers and investors. Already had the big shop do t want it. i lime me and my helper I'm pretty self sufficient no nonsense just work Nice let me know i can help you I need to measure sink centers, etc I'm pretty self sufficient

L- [REDACTED] The original plan was to knock down the top counter & make it a eat up bar but that's moving electrical so we'll keep the same floor plan & install what is already there.

D- I'll get there to measure today Do you wanna upper bar also Yes Well make it an option 1900 without 2300 with I could have it all installed end of next week So sorry- busy day. Does the piece on top include an overhang so people can eat up there? Yep i figured 15 inches, ill put some corbels underbeath

L- Ok let's do the 2300!

D- Ok, we only need 1400 to buy stone and Sinks. 900 after all is installed. ed

L- Ok where can I drop the check off tomorrow Where's your office? I'm installing in chandler tomorrow Ill be at lindsay and ray from about 1030 to 230 Ill text you when I get to chandler

D- Good morning Leah I am in Chandler now um I'm installing a little floor underneath a clawfoot tub. Should be here for about 2 hours. Let me know what you want me to do thank You I'm in mesa heading back to Chandler. Please send me the address to drop it off. [REDACTED] i's off Lindsay and ray it is East of Lindsay and North of Ray. Give me a call when you get close on meeche outside Thank you you don't have to hurry I'll be here till probly 2:00 p.m. at least Running to Florida corps real quick be back in 20 minutes I just didn't wanna miss you

L- Ok we are on the way We'll wait for you You want me to go back I'm only at Val vista

D- Inn Warner [REDACTED] Need couple more days ill have tops done. I'll send u pics in a min

L- Any word on when install will happen? Any day had a few problems with the bar top Pictures of progress or are you done Be done today at home depot ill send you pics when I get back Please send pictures

D- This is the 2nd peice tha t broke Thx. I'll be there tomorrow afternoon. Is that when you're installing or tonight?

L- How's installing going? What time are you going to Costa Blanca? I'm meeting you there. I just need a time you will be installing today

D- Did I do something wrong? I'm making backsplash that's all I have left

L- I'm in a meeting that's why I'm texting I'm sorry No I just need it installed & you've given me the impression that you would be done that day every day for the last week. This is our very 1st transaction & I'm seriously stressing over no Granite. My cleaners, listing team & partner are all asking when they can show up. When I spoke to you last weekend you said you would be done in 2 days. Then yesterday you said you only had the bathrooms left. That always leaves me with the impression you will be heading over to install right when you're done. I know your hurt as well so I don't want to be rude- I just need a date that the install will be done. Need a couple days for install .

D- Take me about 2 days to install all the granite and then I have to do all the plumbing. I'll do my fastest I'm very sorry. Give me until Monday afternoon and I'll have everything done. I promise I won't let you down. My ankle is in a walking boot so I'm OK. I also wanna talk to you about a house I have in surprise Arizona. It was my mom's house she moved to Buffalo New York and I've been renting it for a couple years. It's any community called Marley park in surprise I don't know if that's too far for you but I'm intrested in Maybe putting it up for sale It is vacant now so it would be ready to just a clean up and put it up for sale I work all over the valley so we can discuss the property & I can evaluate the area so you know how much you could get if you sell it. [REDACTED] My house can you see how much worth. and I'll give you listing. I'll send you pics later from house in Maricopa granite job.



L- Sounds great.i'll send you comps. Any add ons or different from others in the area? Wood floors,granite,swimming pool .

D- Good morning, I let you know when we're finished out there and maricopa C can send your cleaners trying to get done today. Also how do we get advance on listing my house. Me and my sister are pretty much ready to listed. And I would love for you to list it What is your email? I'm heading up in that area & will get you the comps today.

Donny's Wife: Good morning Lea,This is Brenda Donnies wife.. My husband had a heart attack yesterday on the freeway heading to Maricopa. He pulled over and called 911.He is ok and is currently at st josephs.They put in a stent to help with the blockage. My son got his truck and trailer with all the tools and stone home safely. He was worried about you being upset so I told him I would let you know.Dr said he should be ok to go home today or tommorow and should be able to be sort of normal again.I will have him calll you when he wakes up.Thank you so much for your help BRENDA.

L- Can you give me a call

D- Lea,when I'm out I will notify you and rieben.i will work until finished.i will still do a good job and try to finish quickly. I will take care of you G uys on the final bill.it will take me a couple days.i will guarantee done by weekend with everything.i am sorry this happen I never intended for this.thats the best I can do.

L- I gave you time & time again. I need my money back. I can't wait any longer. You have 2 choices. Meet me at the property today or I can come get the cash from you where ever you are I'm finishing job that I started.if that's not good enough than I will see you guys in court than.i am sorry this has happened to me but most people I know would be a little understanding. When you get to the property you will need a lockbox code. Call me then. Here is how I will trust you. Send me a picture of your admittance into the hospital. Like your wrist band with yesterday or today's date. Why would they say you're not there?

D- I spoke to my attorney and he said there not supposed to give out info.he told me to send the text of how I will finish and I did.if that's not fast enough I'll see you guys in court.

L- You have till the end of this week. Friday Gosh Don, I gave you the benefit of the doubt that you would make this right. Let's see if you pull thru today.

D- I told you I would call you soon as I'm out .and be done by friday.what has changed in 2 hours Just hoping you pull thru on your promise My promise is when I get out go over and get it done.i told you as soon as I get out I will call u for code.i will work until done.if that's not good enough it's the best I can do. OK I still want you to list my house

L- Whoever is on title can call me & I can meet them at the house to show them comparatives. Is it your sister? What is her name? Do you want me to call her?

D- It's my sister, I'll give her your number Her name is angie I'll be out in the am than headed to maricopa.i apologize for my actions today Feeling a lot better. Waiting to get released than I'll head over Just waiting for dr to release me.im even dressed to go to work.ill be done

L- That's great. We did say you had until Friday at 2pm so I'm holding my word. I will be here working & if you can't get out I know you will understand that we will need the full refund. We have 3 other Granite bids but I did get to ISR to give you till today & I'm a woman of my word. We need to meet up so I can get the cash from you. Where will you be at 10am? I'm still here Which room When I get out ill get cash and meet you I can have your wife pull the cash and meet me

D- My attorney told me to get a cashiers check Sounds great. She can pick one up & I'll meet her in the lobby of the hospital. What time can she have it there I have no idea she's at work.ill call her Me or my wife will drop cashiers check off at your office monday.

L- Ok my office is [REDACTED] Chandler, AZ 85286 The check is to Lea Tallo at Sonoran Sol Ventures No money has been delivered to my office. You can drop it off at my office today or I will be calling the police and ROC Lea I can bring cash by but I need until end of day tommorow.

D- Il having a med procedure done today.

L- You and your wife have my address for my office the money in an envelope and leave it in the desk by the end of the day tomorrow at 6 PM or I am calling the police thank you

D- Got it Lea ,I got 900 so far.i have someone coming over to give me a offer for the granite see o I can get the rest.

L- Please drop that amount off at the office until you get the rest

D- How's the install going? I'll be out there after lunch.my helpers were working on there own stuff when I called them tuesday.i bought the granite for the vanities yesterday.i cut them up yesterday.i gonna work on the front detail and sinks now.soon as there done they can help me install.sorry I'm going as fast as I can. What's the new code I think it's 5566 Were leavingg soon as I finish vanity si nks

L- I'm heading down to costa Blanca to see the progress of your install from the weekend this evening. I'm excited to see the transition Plan on meeting me end of the week for our house in surprise Any word on when you're starting today? Is there a key at the house in Maricopa or should I stop by your office What time are you heading out?

D- Couple hours ll lb. Call you when I head out and you can't me k om what to do Sorry I don't text very good.ill call you when I head out and you can tell .e wh az t to do You sir please

**RECEIVED**

JAN 14 2019

**INVESTIGATIONS**

L- Got it What time are you heading over? This is well past a few days

D- I'm trying lea, I had to refabricate the vanities. and my helpers were doing their own jobs until you told me last Wednesday to proceed I'm heading down to Maricopa right now if you need to get in now would be good Can you leave the key for me or do I have to always have you open it for me.

L- My partner has graciously asked me to open it for all contractors from here on out. We're putting it on the market this weekend.

D- If he's worried about me I don't steal. you told me to take the old appliances. they are sitting at my shop waiting to go to the dump. I called you when I was there. if he wants them back I can bring them. I was just taking them because you asked and my truck was empty.

L- No I don't want them back we just want the granite installed if you're gonna do it.

D- You asked for a few days not a week and a half.

L- I'm not getting snarky I just don't understand why you haven't even done the kitchen yet. That's been done for weeks. I'm running out to grab some lunch. If I'm not here when you get here just give me a ring. If you're almost here I can wait - just let me know Ok I'll see you in 30min? Give me a call or text with your plan please. Or you can drop off the \$ to my office. I couldn't get it installed fast enough for your pictures. Give me a day and I'll bring you money to your office I need to stop by my office today but I wanted to make sure you dropped off the cash to repay me my \$1400 [REDACTED] at the forum. is [REDACTED] Chandler AZ 85286 My husband and I know you will never pay us. I'm heading down to Maricopa now to file a police report & file with the ROC. I will pay. I'm sorry it's taken so long. I've been trying to get it all for you. I will do my best to get it to you asap. I understand your frustration. I can have it in the next day to you You keep saying it's on its way- where is it? Take it to my office. No more excuses. Yes I will thank you. My son is taking it to your office. he was going over after he gets out of school at ASU Is it at the revelation office? Why don't you give me your address & I can come get my money Lea, we will be back home on Friday sometime. I have no problem with you coming over to get the money. I'll find out when we will be back and I'll let you know by tomorrow. Is that ok Just making sure you don't forget to drop off the money today Lea I'll make it by time they close today. My truck broke down yesterday. I won't let you down If for some reason you can't make it there today by 5pm. Call me with your address & I will come pick the money up myself. Ok What is your address I'll be in town Monday and we could meet up We don't need to meet up. I just need your address I have like 2 days left here in Vegas than I'll be heading back for good I won't be in town until Monday

**RECEIVED**

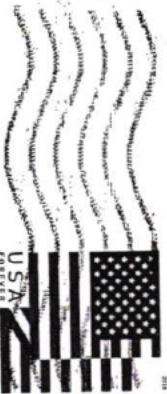
JAN 14 2019

**INVESTIGATIONS**





PHOENIX AZ 850  
09 JAN 2019 PM 01



REC MAIL ROOM ROC  
2019 JAN 14 PM 12:39

**RECEIVED**

JAN 14 2019

Registrar of Contractors  
PO Box 1824B  
Phoenix Az 85005-824B

INVESTIGATIONS

85005-824343





# ARIZONA REGISTRAR OF CONTRACTORS



Douglas A. Ducey, Governor

Jeffery L. Fleetham, Director

January 15, 2019

Lea Marie Tallo

Re: Case 2019-00212

Dear Lea Marie Tallo:

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 Alex Figueroa #145 has been assigned to your case. You may contact him via email at alex.figueroa@roc.az.gov or by telephone at (602) 771-6768.

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.
- A copy of the contract.

If the contract was written, provide a copy of the original construction contract signed by both parties, including all addenda and change orders. If the only written documentation describing the work to be performed is contained in an estimate, bid, proposal or invoice, please follow the instructions for a verbal contract below.

If the contract was verbal, provide a written statement which describes the agreement. Include the following information:

- Date of the contract
- Parties to the contract
- Terms of the contract (e.g. start date, completion date, etc.)
- Detailed specifications of the work the contractor was to perform, including all addenda and change orders
- Payment arrangements (e.g. total price, cost breakdown, agreed upon payment schedule, payment method, who was to receive payment, etc.)

***On your complaint form you state the contract was both oral and written. Please provide a copy of the written portion of the contract.***

- A copy of any estimates, bids, proposals or invoices you received from the contractor.
- 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 \$1,400.00. You did not provide the required proof of payment. Please provide one (or more, if applicable) of the above forms of valid proof of payment to show that Mr. Libby received these funds from you.***

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





Alex Figueroa &lt;alex.figueroa@roc.az.gov&gt;

**2019-00212**

2 messages

**Lea Tallo** [REDACTED]  
To: alex.figueroa@roc.az.gov

Wed, Feb 13, 2019 at 9:01 AM

Sincerely,  
Lea Tallo  
Realtor-Revelation Realty  
President  
Sonoran Sol Ventures Inc.  
[REDACTED]

---

 **donn Libby check.pdf**  
252K

---

**Alex Figueroa** <alex.figueroa@roc.az.gov>  
To: Lea Tallo [REDACTED]

Wed, Feb 13, 2019 at 10:39 AM

Morning Lea,

I am in receipt of the checks...thank you.

In the complaint you checked that you had a written agreement...if so could you have a copy ready for me when we meet.

I would like to expedite this complaint.

I need to interview you and perform a photo lineup with Libby.

I can meet you next week Tuesday in the morning between 9 am and 1100 am.

Or Friday next week between 9 am till 3 pm.

We can meet at your property, your place of business, or the ROC office.

Please look at your availability and let me know what day, time, and place best suits you.

Regards,

**Alex Figueroa #145**  
**Investigator-Unlicensed Activity**  
**Arizona Registrar of Contractors**  
**1700 W. Washington St. Suite 105**  
**Phoenix, AZ 85007**  
**Office: (602) 771-6768 Cell: (602) 568-1683 FAX: (602) 542-1520**  
**Email: alex.figueroa@roc.az.gov**

RECEIVED ROC  
FEB 13 2019  
ALEX FIGUEROA

On Wed, Feb 13, 2019 at 9:01 AM Lea Tallo <lea.tallo@sonoransol.com> wrote:

Sincerely,  
Lea Tallo  
Realtor-Revelation Realty  
President  
Sonoran Sol Ventures Inc.



RECEIVED ROC  
FEB 13 2019  
ALEX FIGUEROA



Routing	Sequence #	Paid Date	Amount	Account	Serial	Capture Source
[REDACTED]	1043328754	06292018	\$1400.00	[REDACTED]	-	[REDACTED]

Sonoran Tazze LLC

[REDACTED]

Date 6-29-18

PAY to the order of Don Libby \$ 1400<sup>00</sup>

fourteen hundred dollars <sup>no</sup>/<sub>100</sub> Dollars

WELLS FARGO Wells Fargo Bank, N.A. Arizona wells Fargo

For Costa Blanca-Granite-Sinks Lea Tello for SJ LLC

[REDACTED]



RECEIVED ROC  
 FEB 13 2019  
 ALEX FIGUEROA

*Alex Figueroa*

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

# REGISTRAR OF CONTRACTORS

## STATE OF ARIZONA

### INVESTIGATION UNIT

Case Number  
2019-00212

Date Reported January 14, 2019		Type of Offense Theft & Contracting w/o a License			Statute Code 13-1802 & 32-1164		County Pinal			
Date of Violation 6/29/2018		Location of Offense [REDACTED]			City Maricopa, 85138					
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 Finish Carpentry	Job Site Date N/A			
<b>COMPLAINANT</b> <input type="checkbox"/> and/or <b>VICTIM</b> <input checked="" type="checkbox"/>										
Name Tallo, Lea Marie				Address [REDACTED]						
Home Phone No. [REDACTED]		Business Address N/A			City N/A					
Business Phone No. N/A		Amt. of Contract/Bid \$2,300		Amt. Paid \$1,400	Bid Date 6/29/2018	Permit Req. / Permit No. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A				
Gender	Weight	Height	Hair	Eyes	Race	D.O.B.	S.S.NO.	Driver License #	Issued State	scars/tattoos/marks
[REDACTED]										
<b>SUSPECT</b> <input checked="" type="checkbox"/> and/or <b>RESPONDENT</b> <input type="checkbox"/>										
Name Libby II, Donald E.				Address [REDACTED]						
Home Phone No. [REDACTED]		Business Name N/A			License Number (if any) N/A					
Business Address N/A					Business Phone No. N/A					
[REDACTED]										
<b>Additional Participants</b>										
	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				County PINAL			Page 1 of 5			



# REGISTRAR OF CONTRACTORS

## CONTINUATION SHEET AND CHECKLIST

Investigator: Alex Figueroa

Case No: 2019-00212

### SYNOPSIS

On or about June 29, 2018, Donald Elliot Libby II AKA Don Libby (LIBBY), an unlicensed contractor, entered into an oral agreement with property owner Lea Tallo (Tallo) to install granite countertops at a residential property located at [REDACTED] for a total cost of \$2,300. In excess of the handyman exemption limit of \$1,000 per ARS 32-1121#14, ARS 32-1151, and ARS 32-1164.

On or about June 29, 2018, LIBBY accepted a check from Ms. Tallo in the amount of \$1,400 as a deposit for granite countertops for the property in question. LIBBY failed to deliver any materials or perform any work resulting in theft of services per ARS 13-1802.

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

### NARRATIVE

On January 14, 2019, the Registrar of Contractors (ROC) office received a complaint from Ms. Tallo against LIBBY for abandonment after making a payment of \$1,400. Included with the complaint was the following documentation as evidence:

#### EVIDENCE

1. Copy of a transcribed document of the text messages between Ms. Tallo and Libby (see attached).

Investigator Note: A letter was sent from the ROC to Ms. Tallo asking for copies of the front and backside of the deposit check.

On February 13, 2019, I received an email from Ms. Tallo which contained the following attachment as additional evidence:

#### EVIDENCE

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

Check #	Date	Issued to	Issued From	Amount	Notes
1505	6/29/2018	Don Libby	TALLO	\$1,400.00	(see attached)
			<b>Total Paid=</b>	<b>\$1,400.00</b>	

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**

# REGISTRAR OF CONTRACTORS

## CONTINUATION SHEET AND CHECKLIST

Investigator: Alex Figueroa

Case No: 2019-00212

- License Name: D and Z Custom Tile ROC #226675  
License Type: CR-48 Ceramic, Plastic, and Metal Tile  
Status: Expired 12/08/2011  
Qualifying Party: **Donald E. Libby**
  
- License Name: D and Z Custom Tile ROC #226676  
License Type: CR-48 Ceramic, Plastic, and Metal Tile  
Status: Expired 12/08/2011  
Qualifying Party: **Donald E. Libby**

A check was made for any previous unlicensed complaints. A check revealed 11 previous complaints, three Guilty plea agreements, and ongoing complaints 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
- Country Meadows Justice Court: JC2019-102772

On February 25, 2019, I met with Tallo at her residence. I presented Tallo with a photographic lineup to identify LIBBY. Tallo properly identified photograph #5 in the lineup as LIBBY (see attached). Photograph #5 is the driver license picture of LIBBY obtained from the Arizona Motor Vehicle Division.

Tallo explained that she owns various properties and the property in question is a residence she rents out. The property was vacant and she wanted granite countertops installed in the kitchen and the bathrooms. She went on a mobile app called Offer Up. Tallo looked for different contractors and called several, one being LIBBY. Tallo explained that the advertisement is gone for LIBBY and that she no longer has the advertisement.

LIBBY and Tallo spoke over the phone and messaged about costs. LIBBY went to the property in question on or about 6/24/18, and gained access to the property thru a lock box. LIBBY stated he could get the granite, fabricate it and install it into the residence for a cost of \$2,300. Tallo chose LIBBY for the work. Tallo explained LIBBY never disclosed his unlicensed status and she failed to ask. Had she known LIBBY was not licensed and what was online about LIBBY (previous online media stories), she never would have used LIBBY.

On or about 6/29/18, Tallo met up with LIBBY at a residence in Gilbert. LIBBY was doing work there and the purpose was to drop off a check as a deposit for the granite. LIBBY had asked for \$1,400. So Tallo and her husband rendezvous with LIBBY, and Ms. Tallo handed LIBBY the check as a deposit for \$1,400 (evidence #2). Work was to start immediately and it would take two days.

Ms. Tallo clarified that the agreement and the fall out was between her and LIBBY, that her husband had not gotten involved, and that he would have nothing to add to an interview.

Ms. Tallo explained that she was also having other contractors show to the property in question and would stop by to check up on it. LIBBY never showed up as promised and Tallo texted LIBBY on the hold up. LIBBY was apparently in the hospital for various reasons, including a heart attack.

Excuses went on for a while and Tallo researched LIBBY online and realized she had been taken. LIBBY had numerous news stories and complaints and learned that the ROC had investigated LIBBY many times.

Tallo demanded a refund and LIBBY agreed to it. However, LIBBY never delivered any materials, no work was performed and no refund was ever given. LIBBY claimed he had gone to Tallo's work place with a check in hand for the refund, but that the office was closed.



# REGISTRAR OF CONTRACTORS

## CONTINUATION SHEET AND CHECKLIST

Investigator: Alex Figueroa

Case No: 2019-00212

Ms. Tallo informed LIBBY the business hours and to refund her the \$1,400. LIBBY never did. Tallo explained that she waited and waited for the refund and realized that LIBBY had no intent in refunding the \$1,400 so she filed the complaint finally with the ROC.

Ms. Tallo expressed displeasure in dealing with LIBBY and feels LIBBY should be prosecuted and stated she is prepared to aid in prosecution.

On February 28, 2019, telephone contact was made with LIBBY. This interview is a recorded conversation and the following is paraphrasing of the interview (see attached audio).

During this interview I asked LIBBY for his date of birth to verify I was speaking with [REDACTED] and proper identification was made. LIBBY also confirmed his mailing address to me as [REDACTED] in Phoenix.

LIBBY acknowledged that he had worked with Tallo to install granite countertops at a home in Maricopa. LIBBY acknowledged that he accepted \$1,400 and that he did not install the countertops. LIBBY explained that he broke an ankle and that Tallo wanted a refund. LIBBY tried refunding the money, but Tallo was unable to find someone to perform the work and asked LIBBY to still install the countertops. Then Tallo googled his name and LIBBY stated that's when the bottom fell out.

LIBBY acknowledged this was an oral agreement. LIBBY stated he has been working with someone else (employer named Bellino). I clarified with LIBBY that he made the agreement with Tallo verbally and that he accepted the check on his accord. LIBBY acknowledged that to be correct and that he was not moving fast enough for Tallo, that she wanted the work completed within two days. LIBBY stated he could not do the job within two days. LIBBY stated he was prepared to return the money, but when Tallo learned how much more expensive other contractors were (to do the countertops), Tallo wanted LIBBY to finish the work. LIBBY was unable to finish the work because he was working with another employer.

I asked LIBBY if he disclosed to Tallo his unlicensed status. LIBBY stated, yes, he told Tallo he was unlicensed.

I asked LIBBY if there was something I did not ask he wants to let me know. LIBBY stated no, other than he wanted to send me some pictures. I asked him to send it to me by next week.

Investigator Note: At about 4 minutes and 20 seconds into the interview, LIBBY began asking questions concerning a previous complaint. The recording goes on for a total of 9 minutes discussing that complaint and the definition of a contractor as outlined in ARS 32-1101 #3 and Contracting Without a License.

## DISPOSITION

This case is being forwarded to the Pinal County Prosecutors office for prosecution review against LIBBY for Theft and Contracting Without a License.

The victim is seeking restitution and is prepared to aid in prosecution.

Victims' Rights packet will be mailed to Tallo.

# REGISTRAR OF CONTRACTORS

## CONTINUATION SHEET AND CHECKLIST

Investigator: Alex Figueroa

Case No: 2019-00212

Date March 1, 2019

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 type="checkbox"/>	<input checked="" 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>