COMPLAINT REVIEW/JURISDICTION

The Board for Licensing Contractors and the Home Improvement Commission strive to protect the health, safety & welfare of Tennessee citizens from unscrupulous contractors. This is our number one concern. The Board and Commission primarily concentrate on disciplinary action for licensing violations.

Upon receipt of your completed contractor's complaint form, the Board’s staff and legal counsel will evaluate the complaint and determine if the Board has jurisdiction. To make this determination, the following are considered:

● **License** - Does the contractor have a license or was one required?

● **Contract or Monetary Amount** - Was the project in excess of $25,000.00?
  A contractor's license is not required for work less than $25,000.00. Was the contractor acting as a prime contractor? Subcontractors other than mechanical, electrical & plumbing are not required to be licensed.

● **Home Improvement Complaint** - If the project is located in one of the following nine counties: Bradley, Davidson, Hamilton, Haywood, Johnson, Knox, Shelby, Robertson or Rutherford and the contract amount was $3,000.00-$24,999.00, the Home Improvement Commission has jurisdiction over these contractors; unless the contractor holds a valid license with the Board for Licensing Contractors.

● **Action** - Neither the Board nor Commission has the authority to award monetary damages or to force the contractor to complete and/or make repairs. The Board and Commission have the authority to impose discipline on licensees in appropriate cases relative to licensing violation matters.

● **Age of Complaint** - There is a one (1) year “implied warranty” on cosmetic items and a “statute of limitations” of four (4) years on structural issues.

Neither the Board nor Commission has the authority to award monetary damages or force the contractor to make repairs. They may assess discipline such as letters of warning/caution; civil penalties etc. The Board and Commission may revoke or suspend the contractor’s license through an adversarial Formal Hearing process under the Administrative Procedures Act.
Any eligible residential complaint received in the Board and/or Commission office will be transferred to the Division of Consumer Affairs for processing through CHAMP.

CHAMP (Consumer Homeowner Accountability and Mediation Program)
The Tennessee Division of Consumer Affairs, the state’s consumer protection agency within the Department of Commerce and Insurance, contains a residential construction complaint mediation service known as CHAMP (Consumer Homeowner Accountability and Mediation Program). This consumer based complaint process allows the parties to agree on making repairs or corrections or to resolve residential construction issues without administrative disciplinary hearings.

COMPLAINT CASE PROCEDURES
Should the Board/Commission transfer your complaint to the Division of Consumer Affairs-CHAMP you will be notified in writing. The CHAMP coordinator will then contact you, in writing, relative to the CHAMP procedures and policies.

- Unlicensed contractors, complaints involved in litigation, and commercial projects - are not eligible for participation in CHAMP.

Should your case fall within the jurisdiction of the Board for Licensing Contractors, the complaint process may proceed as follows:

- *Complainant* will receive an acknowledgement letter verifying receipt of the complaint.

- *Contractor* will be notified by certified mail of the complaint allegations and directed to respond in writing within ten (10) days from the date the contractor receives notification from the Board. A copy of the complaint will be included in the notice to the contractor. Please note due to certified mail delivery, a typical contractor’s response may take thirty (30) days.

- *Legal Counsel* will review all documentation to determine the next course of action, which may include an inspection of the job site, by an inspector, if appropriate and necessary to the case.

- *Board Review* consists of cases presented anonymously to the Board at a regularly scheduled meeting to review the recommendations of the Board’s Legal Counsel relative to any further action.

GENERAL INFORMATION
The Tennessee State Board for Licensing Contractors licenses and regulates prime contractors (those who contract directly with the owner) who are performing construction projects which total twenty-five thousand dollars ($25,000.00) or more and subcontractors who are performing electrical or mechanical construction projects which total twenty-five thousand dollars ($25,000.00) or more. The Tennessee Department of Commerce and Insurance, Division of Regulatory Boards, is delegated by law with the responsibility of regulating license holders. *The complainant must rely on the courts for monetary recovery.*
Please provide the location of the construction project:

_________________________________
Physical Address

_________________________________
City, State, Zip

_________________________________
County

In the space below, please draw a simple map or give directions to assist our inspectors in locating the project if an inspection becomes necessary.
Have you contacted the contractor in reference to this complaint? Yes □ No □
(If yes, please attach a copy of the letter you sent to the contractor.)

What type is the construction project?
New □ Remodeling □ Repair Work □ Addition & Renovation □
Other □ – please specify: ________________________________

Was a building permit obtained for the construction project? Yes □ No □
If yes, who obtained the building permit? ________________________________

Were you given a Certificate of Occupancy? Yes □ No □

Were you given a written warranty for the work performed? Yes □ No □

What was the total contract amount of the construction project?
$________________________

Has the contract amount been paid in full? Yes □ No □
If no, how much is owed on the contract?  $________________

Are any amounts in dispute (billings, payments, change orders, etc.)? Yes □ No □
If yes, give a complete explanation: ________________________________
____________________________________________________________________
____________________________________________________________________

What date was the construction project contract signed?
________________________

What date was the construction project started?
________________________

What date was the construction project completed (date of closing)?
________________________

What date was the construction project occupied for intended use?
________________________

What is the name of the foreman/supervisor in charge of the construction project?
____________________________________________________________________

Is this the individual you dealt with the most? Yes □ No □
If no, please list the name of the individual.
____________________________________________________________________
Was an Architect/Engineer retained for this project?  Yes □  No □  
If yes, please list below.

________________________________________
Name of Architect/Engineer

________________________________________
Name of Firm

________________________________________
Street Address

________________________________________
City, State, Zip

(_____)___________________________________
Telephone Number

Have you retained an attorney in reference to your complaint?  Yes □  No □  
If yes, please list below.

________________________________________
Name of Attorney

________________________________________
Name of Firm

________________________________________
Street Address

________________________________________
City, State, Zip

(_____)___________________________________
Telephone Number

Has litigation been filed by you or the contractor in reference to this complaint?  Yes □  No □  
If yes, has a court date been set?  Yes □  No □  
If yes, what is/was the court date:  ________________________________

Is litigation concluded?  Yes □  No □  
If yes, please attach a copy of the final judgment.
BASIS FOR YOUR COMPLAINT

Give a complete statement of the facts. You may add additional pages if necessary. Please attach copies of the proposal, contract, purchase orders, change orders, punch lists and permits for this project. **DO NOT SEND ORIGINALS.**

SIGNATURE: Under penalty of perjury, I/we certify that the information provided in this complaint is correct and complete to the best of my/our knowledge. I/we am/are aware that should investigation show falsification, the complaint may be considered invalid and be immediately dismissed.

Signature of Complainant ___________________________ Date ______

Signature of Second Complainant _________________________ Date ______

**SIGNATURE IS REQUIRED. UNSIGNED COMPLAINT FORMS WILL BE RETURNED UNPROCESSED.**