



STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE  
BOARD FOR LICENSING CONTRACTORS  
500 JAMES ROBERTSON PARKWAY, SUITE 110  
NASHVILLE, TENNESSEE 37243-1150  
(615) 741-8307  
Fax: (615) 532-2868

● **COMPLAINT REVIEW/JURISDICTION**

The State of Tennessee Board for Licensing Contractors (hereinafter 'Board') strive to protect the health, safety & welfare of Tennessee citizens from unscrupulous contractors. The Board primarily concentrates on disciplinary action for licensing violations while the State of Tennessee Division of Consumer Affairs Consumer Homeowner Accountability and Mediation Program (hereinafter "CHAMP") work to resolve matters between the consumer and the contractor. In addition, the Board oversees licensing of electricians, plumbers, and approves contractor pre-licensing course providers.

While we hope you will never have to file a complaint, we want you to be aware of your options and assist you with the filing process.

Upon receipt of your completed contractor's complaint form, the Board's Legal Counsel will review and evaluate the complaint to preliminarily determine if any licensing violations are readily apparent and if the complaint falls within the jurisdiction of the Board. To make this determination, the following are considered:

● *License* - Does the contractor, electrician, plumber or course provider have a license or was one required?

● *Contract or Monetary Amount* – Did the amount of the project require a license? If in excess of \$25,000, a contractor's license is needed; any amount for an electrician or plumber in a county without a local license agency, requires a state limited license.

● *Home Improvement Complaint* - If the project is located in one of the following nine counties: Bradley, Davidson, Hamilton, Haywood, Johnson, Knox, Robertson, Rutherford or Shelby; and the contract amount was \$3,000-\$24,999, a Home Improvement or Contractor's License would be required.

● *Prime contractor or subcontractor* - Was the contractor acting as a prime contractor or subcontractor? Subcontractors, other than mechanical, electrical, plumbing and HVAC are not required to be licensed. All pre-licensing course providers must be approved to offer services.

● *Electricians and Plumbers* – Limited Licensed Electricians (LLE) and Limited Licensed Plumbers (LLP) are required to obtain a state license with our Board to perform work in counties that do not have their own local licensing agency. Major counties such as Davidson, Hamilton, Knox, Shelby, etc. have their own license requirements.

- *Action* - The Board does not have the statutory authority to award monetary damages or to force the contractor to complete and/or make repairs. The Board does have the statutory 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.

The Board does not have the statutory authority to award monetary damages or force the contractor to make repairs. The Board may assess discipline such as letters of warning/caution, citations, civil penalties, consent orders, and in some cases the Board may revoke or suspend the license through an adversarial Formal Hearing process with an Administrative Law Judge, pursuant to the Administrative Procedures Act.

Anyone seeking to recover monetary remedies for injuries should consult a private attorney as the Board has no jurisdiction over these matters. The complaint process provides a means to protect consumers. Complaint cases become public information only after the case is closed.

Any eligible residential complaint received in the Board office will be transferred to the Division of Consumer Affairs for processing through CHAMP.

### ● **CHAMP (Consumer Homeowner Accountability and Mediation Program)**

The State of 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 their CHAMP procedures and policies.

- Unlicensed contractors, complaints involved in litigation, and commercial projects - are not eligible for participation in CHAMP and will be processed by the Board’s Legal Counsel for Board review.

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

- *Complainant* will receive an acknowledgement letter verifying receipt of the complaint. Details of the case while in the Legal Section of the Board, are not public information. Notification of the status of the case will not be sent until the case is closed. Cases are considered open until closed by the Board; or the contractor pays any civil penalties assessed; or appears for a Formal Hearing overseen by an Administrative Law Judge.

- *Contractor/Respondent* will be notified by certified mail of the complaint allegations and directed to respond in writing within fourteen (14) 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/respondent. Please note due to certified mail delivery, a typical contractor's response may take up to thirty (30) days to receive and post on the system. If the contractor does respond in writing to the allegations of the complaint, a copy will be forwarded to the complainant.

- *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. Legal files are not considered public information and remain confidential.

- *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 for any action. The Board will not have knowledge of any names or project locations associated with the complaint. Decisions are based solely upon the findings of licensing violations.

## ● GENERAL INFORMATION

The Board may authorize a consent order providing for a civil penalty to be assessed and sent to a licensee, however, a consent order is merely an offer of informal settlement, which the contractor/respondent may or may not choose to accept. The case is not considered closed until the consent order is signed and the civil penalty has been paid. If the contractor does not respond or appeals the decision, the case remains open until the Board's Legal Counsel is able to schedule and conduct a Formal Hearing overseen by an Administrative Law Judge pursuant to the Administrative Procedures Act.

Throughout the complaint process due process procedures are followed. The final decision of the Board is based on the findings of an investigation and/or the outcome of a Formal Hearing overseen by an Administrative Law Judge pursuant to the Administrative Procedures Act. This process is lengthy. Complaints with the State are not meant to have a bearing on civil proceedings, but to evaluate and determine if disciplinary action is warranted concerning licensing violations.

Should you contact the Complaint Division to inquire about the progress of the case, the Complaint Coordinator will be able to give you an update of the case status only, such as whether the case is open or closed; the Complaint Coordinator will not have details of any investigation. The legal files of the investigation are not considered public information. No official information is available until final action is taken by the Board at a regularly scheduled meeting. The Board's Legal Counsel will not present a case to the Board until an investigation is complete and the Board's Legal Counsel has a recommendation for final action. Notification will be provided to both parties at the earliest possible and appropriate time. When a final decision is reached all parties will receive a letter from the Complaint Coordinator indicating any disciplinary action taken against the contractor/respondent, or whether the case was closed due to no jurisdiction or absenteeism of licensing violations. *The complainant must rely on the courts for monetary recovery.*



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**CONTRACTORS BOARD COMPLAINT FORM**

Complainant (Individual or Company filing complaint)

Respondent (Contractor you are filing complaint against)

Street Address

Street Address

City, State, Zip

City, State, Zip

County

County

( )  
Home Telephone Number

( )  
Business Telephone Number

( )  
Alternate Telephone Number

( )  
Alternate Telephone Number

( )  
Cellular Telephone Number

( )  
Cellular Telephone Number

( )  
Fax Number, if available

( )  
Fax Number, if available

Email address, if available

Email address, if available

**Please provide the license number of the contractor - \_\_\_\_\_**

**Is the construction project** Residential  **OR** Commercial ?

**What was the total contract amount of the project? \$ \_\_\_\_\_**

**What type is the construction project?**

New  Remodeling  Repair Work  Addition & Renovation

Other  – please specify: \_\_\_\_\_

**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.**

**Do you have a written contract?** Yes  No

If yes, please attach a copy of the contract.

**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.

**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

**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.

**What is your desired action for the Board to take to remedy this complaint?**

- Contractor to make repairs                       Contractor to complete project/contract
- Contractor to make changes                       Contractor to be fined for unlicensed activity

License suspension/revocation – requires damage or injury by gross negligence, incompetency, fraud, dishonest dealing and/or misconduct in the practice of contracting and must be proven through a Formal Hearing overseen by an Administrative Law Judge pursuant to the Administrative Procedures Act. The Formal Hearing procedures and process is extremely time consuming and lengthy. Complaints filed with the Board are not meant to have a bearing on civil proceedings, but to evaluate and determine if disciplinary action is warranted concerning licensing violations.

Other: \_\_\_\_\_

**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.**

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Thank you for allowing the Board an opportunity to review the conduct of a contractor, electrician, or plumber involved in the practice of construction. The Board relies on citizen complaints to expose violations of the Contractor's Licensing Act on which they may take disciplinary action to protect the public. We appreciate your participation in this effort.

**ATTESTATION AND SIGNATURE:** Under penalty of perjury, I/we certify that I/we have read and understand the documents attached to this complaint form pertaining to the Board's jurisdiction, processing and procedures of filing a complaint with the Board and that all information provided by me/us 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 REQUIRED. UNSIGNED COMPLAINT FORMS WILL BE RETURNED UNPROCESSED.**

F.Y.I. **REMINDERS** F.Y.I.



●Complaints filed with the Board are not meant to have a bearing on civil proceedings, but to evaluate and determine if disciplinary action is warranted concerning licensing violations only.



●The Board does not have the statutory authority to force the contractor to make repairs.



●The Board does not have the statutory authority to award monetary remedies.



●Anyone seeking monetary remedies should consult a private attorney as the Board has no jurisdiction over these matters. The complainant must rely on the courts for monetary recovery.



●The complaint coordinator will be able to give you an update of the case status only...such as whether the case is open or closed. Official information is available after final action is taken by the Board.



●Written notification of the status of the case will not be mailed until the case is closed. Notification will be provided to both parties at the earliest possible and appropriate time.



●Any eligible residential complaint received by the Board will be transferred to CHAMP which allows the parties to agree on making repairs/corrections.

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