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Winterport, Maine 04496
February 25, 2021

Senators
3 State House Station
Augusta, Maine 04333-0003

Dear Senators:

I would like to take this opportunity to submit testimony endorsing LD 195 - Resolve, Directing the Department of Professional and Financial Regulation To Study a Voluntary Licensing System for General Contractors for Home Improvement and Construction. My testimony is based on two first-hand, negative experiences with contractors in the state of Maine in the past six years.

My husband, Dane Rasmussen, and I hired a contractor named Darrell Carlow in 2015 for repairs to support beams in our basement and to renovate a small, upstairs bathroom. Darrell wrote out a hand-written contract with fixed-price for the work. There were a few modifications/additions along the way, which were agreed to and noted on the contract. Darrell was paid an initial amount and requested money incrementally for supplies. Our naivete and Darrell's knowledge to only ask for small amounts paid off in his favor. After a period, it became clear that he was asking for more than the adjusted contract price, and Dane refused to pay him any more money. At that point, Darrell stopped coming to work on the house and left the project unfinished. He finally returned one day with his son while I was home and Dane was away, to collect his tools and materials. He not only took his materials and tools, but some of my husband's tools to include a shop radio and some power tools. In addition, unbeknownst to me, he raided the contents of my medicine cabinet and stole a prescription I had from my c-section for Oxycodone. Darrell had the key to our house, so I suppose we should be thankful I was home or more may have gone missing. He never returned the key and then fearing the worst, we hired a locksmith to re-key our locks. It was only then during conversation with the locksmith did we realize Darrell was a "pill-popper", and that is when I realized he had stolen a controlled substance from our home. We immediately called the Waldo County Sheriff and filed a report about the missing drugs, as I did not want my name associated with drugs now on the street. We also started the process of going through Small Claims Court to recoup some of our money. Sadly, this process is very broken. After nearly a year of serving him and waiting for dates and having him not appear, we finally had our day in court. We had provided an extensive list of documents which he was to bring about his finances and possessions we knew about; he brought none. He drove to the courthouse in his truck, but lied on the stand to the judge and said he got a ride. In the end, the judge ruled in our favor; however, he chastised my husband for not proving Darrell had methods to reimburse us. Despite our long list of documents requested, Darrell knew that if he showed with nothing then he would set free with zero consequence.

After this nightmare, we set out in 2017 with extreme caution. We hired an architect from Bangor and spent a significant amount of money on plans for an addition to our house, which included a new mudroom with a vault below. We had specific requirements and desires, so we wanted to make sure we started out right. Rob Irvin completed the plans and gave us a few recommendations for contractors. Unfortunately, all of the recommendations were either tied up or considered our job too small to spend the time on, as they were commercial contractors. At the same time, we had Renewal by Anderson replacing two bay windows in our living room. The representative chatted with Dane, and Chris Dekker offered the name of a contractor, Lamantia Construction, Inc. We were grateful and gave

Lamantia Construction a call. Phil Lamantia, the owner, came out to the house and we spoke for some time about the scope of the project. Dane told him that we had plans from an architect, which were to be followed. At the conclusion, Dane agreed to email Phil the plans and Phil stated he would come back with a quote. A few days later, Phil returned with a quote and a fixed-price contract drawn up for \$82,500, paid in five increments. Everything so far was looking legitimate, especially since we were so jaded and gun-shy from Darrell. We agreed to the price and timeline so we wrote a check for the down-payment asked, \$40,000, and Dane and Phil stood at his tailgate and went over large prints of the architect's plans. At this time, Dane confirmed that Phil was indeed insured and Phil produced a copy of his truck insurance, stating the company was the same. Little did we know he had already violated Maine contract law, and so the fraud began...

Phil started off great. He talked the talk, walked the walk, showed up on time and put in long days to get the demo done. He briefly mentioned issues with the waste company and being overcharged, but we were not concerned as this was a fixed-price contract. At the tail end of the demo is when, in hindsight, things started to go awry. Phil's workmen broke an old septic line while preparing the ground for the concrete slab. As the general contractor, he told us he was already working on getting a plumbing company in to make the necessary repairs. He had his men dig up our septic tank to allow for the plumbing company to run the new line with ease. As they cleared around the tank, it was discovered we had a crack in our tank. This was now going to delay the project slightly, but he kept telling us we were "still on track". We knew that this was going to affect the budget but when we asked Phil what we were looking at, he assured us that we were still on budget depending on what finishes we picked. While we couldn't believe what he was saying, we had no invoices or reason to question him. Had we only known that this was a stroke of luck for the fraud which he was committing on us.

Phil used this opportunity to ask us for another check, actually this time...he asked for cash because our out-of-state bank took ten days to clear. We refused to pay in cash, but we did pay him when he presented an invoice from Lamantia Construction, Inc, outlined costs to date. He used this to justify and coerce us into giving him more money off schedule from the contract. Included in this invoice was the septic system costs, nearly \$22,000. We asked how this was all going to impact the project, as his costs to date were getting very close to the original contract price. He once again stated that we will be able to make up the costs and it may just mean different finishes. We were skeptical, but we were also committed financially at this point.

He soon began the concrete work for the vault. This is where the fraud really picked up! Phil told us that the plans from the architect and confirmed by an engineer were not going to work for the vault. He claimed that the ICF structure could not support the thin layer of concrete for the ceiling for the radiant heat, and that no concrete layer would touch the job. Instead, he claimed he met with an engineer of his own and they decided Phil could do a double-cinderblock/rebar wall filled with concrete to support the weight of the ceiling. Dane questioned this move, as it was against the plans from the architect and engineer. Phil gave push back and dug in about his claims. Again, feeling like we were financially stuck as he had \$68,000 and feeling pressured, he changed the plan and proceeded. The whole job was a disaster. There was concrete all over our driveway, poured down one of our drains when Phil directed the pump company to wash the truck out in our driveway, and the structure itself leaked significant water and had a bowed roofline. To put it frankly, I wanted to cry when he was finished.

Just prior to this final pour, Phil had asked us for another check to purchase materials for the mudroom build. This check was again off-schedule and would mean he had the last of the contract price in hand, and additional \$14,500. He justified it by saying the concrete and septic ate up a lot of the money paid

to that date, and he needed to buy the wood and materials for the rest of the build. We paid him. What else could we do, or so we thought...still hoping he wasn't screwing us out of \$82,500.

Phil made the final pour, had all of his money and never showed again to work. He appeared once after many weeks of calling him, where Dane showed him the leaking structure and problems. He said he would come back to fix them, loaded wood remnants and tools, and left for the last time. We contacted him for two months, only to be berated and cursed at, lied to and called a fool. After doing a bit of research and trying to understand what happened to our money, I realized the fraud in giant bold letters. The only invoice he gave us proved helpful, as I was able to call the suppliers listed and confirm what he had spent on our job. It turned out that he had up-charged us in many cases 70-120% to justify the "cost" and need for more money.

We called an attorney the next day and started a case against Lamantia Construction, Inc and Phil Lamantia. Skowhegan court had some oddities from the start in erroneously waiting 21-days to file our claim, in three judges recusing themselves for a case where the defendant had "never been sued before", and then after bankruptcy it was discovered that the clerk never filed the default for his failure to answer two years prior. Phil dragged us in to Chapter 13 as soon as our claim was in court, then took himself out when it became apparent to all that he didn't qualify for Chapter 13. Our case moved on until the day of our default hearing, when Phil ducked into Chapter 7 without his attorney's knowledge. The long journey through bankruptcies finally ended in September 2020 when Judge Fagone denied Phil a discharge and essentially kicked him out of Chapter 7. After returning to Skowhegan and realizing the issues in that court, we requested and were granted a change of venue to Penobscot County. Why not Waldo?

Well...when this all started, our attorney advised us to file a complaint with the Waldo County Sheriff, hoping this may be a cheaper route for us to get justice. We did just that, and I handed Detective Reed a complete and organized binder full of our case. Many months passed, and Detective Reed finally reached out to tell us that he wanted to go to the DA. I had done a lot of investigating since our initial contact and found eight other families injured by Lamantia Construction, Inc and Phil Lamantia. I gave Detective Reed a complete report of names, phone numbers and patterns similar to the fraud and theft by deception Phil had pulled on us. He was grateful and stated this would be helpful in approaching the DA. More months passed, the case had erroneously been left off the docket once, and now we were finally getting this to a Grand Jury!

The night before the Grand Jury in Waldo, the ADA called our attorney and told him that he had decided not to bring the case in the next day. He felt that this was best dealt with in civil court...AT OUR EXPENSE! So...we had spent about \$35,000 to this point in attorney's fees and handed the DA a full investigation in a neat binder, and we were told that it was best if we kept pouring money out of our kids' college funds to get justice against a man who had defrauded at least NINE Maine families?!?! It made no sense, and we were furious at yet another broken judicial system.

We plugged along...to where we are now...three years later from the date of our original filing and still no closer. We have literally spent \$75,000 in legal fees to get back to the exact same place we were three years ago. That is one of our kids' college funds! And worse...we know we will never get that money back! Why did we do all of this? We had no choice.

This state has no laws to bring justice against frauds when it comes to construction. Other states such as Pennsylvania had similar issues and was savvy enough to listen to the constituents who had been

fleeced. They changed their laws and required licensing. That is what Maine needs to do now. We are not a population who can afford \$75,000 and still going in legal fees per household. Most families are stuck dealing with the consequences of being trusting individuals who were taken advantage by outsiders who know how to work the system to their advantage.

Licensing and requiring insurance are two key components to at least slow this kind of crime in Maine. Nothing will stop criminals completely, but these kinds of changes are great deterrents against drifters in this country looking for an easy target. Phil did not start in Maine. He came from the Chicago area, then committed felonies in Florida, tried flipping in Georgia before finding another state with soft construction laws and minimal enforcement...Maine. I can't help but think that if this state had stricter requirements for craftsmen, he would have kept searching the map and maybe we wouldn't have exhausted all of our financial resources, time and emotional stress on this matter.

Many of the targets chosen by Phil were retirees on fixed income. Why? He knew they would have limited resources to spend on litigation after he stole all of their budget. We have a large population of retirees in this state, and it is of legislature's best interest to protect those individuals by mandating...yes, mandating licensing and insuring of craftsmen/contractors.

Contract law is a joke. It is not enforced and often ends without even a call back from the Attorney General's office. Small claims is a joke. At the end of the day, a judge will honor a crook showing up with nothing, lying on the stand under oath and saying they have no assets or money. The Attorney General's office and the DA's are all jokes. If you get a call back, no one wants to prosecute because the state has no money to go after these criminals or public policy is not to prosecute non-violent crimes. Even Bankruptcy, as much as we were lucky that it finally swung in our favor, was a joke. The judge had ruled without hearing one iota of evidence or any of the facts, and we were forced to appeal and go into an adversarial hearing which cost us tens of thousands of more dollars.

What is being invited into this state are more Phil Lamantia's, who have no problem deceiving and defrauding and outright stealing from Mainers. The more criminals who learn Maine has no professional requirements, won't prosecute and will allow them to continue their acts over and over, the worse the crime problem is going to get in this state.

At the end of the day, I can account for over \$400,000 Phil Lamantia stole from families of this great state in his deception and posing as a true contractor. He looked the part, talked the part, and once he had you in a position where you felt stuck...he bled you until you had nothing more to pay and then he walked away leaving a mess, and an often incomplete mess.

We had an incomplete mess which had to be totally torn down for safety and because none of it was usable. In addition to paying Phil the full cost, plus legal fees, we also got to pay to have the gaping hole in our house fixed. It was devastating. David and Susan Page had the Madison Code Enforcement Officer tell them that the structure Phil left on their property was not usable for any purpose. These two retirees had to tear it all down and try to scrape together enough money to build something. It was devastating.

I have tried to think of an argument against LD 195. The only argument I can even come up with is to not waste more years and giving opportunities to crooks by conducting an arduous and costly review of its need and instead just passing a law. There are so many who have testified or could testify to the damage done and the money lost to criminals holding themselves out as professional contractors when

their intentions were only nefarious. Licensing and insuring legitimizes those who truly are craftsmen with a skilled trade, who have intentions to do excellent work and who conduct themselves honestly.

I know spending the money on the cost of the study is of question, and for that I can testify that the tens of thousands spent on a study pale in comparison to the \$400,000 lost by Mainers to Phil's game, and the probably hundreds of thousands if not millions more lost by those who we haven't investigated. If savings is sought, then I beg this legislature to circumnavigate the study and go straight to implementing a licensing and insurance requirement.

Thank you for your time on this matter. I am available for any questions or continued conversation.

Respectfully,
Brooke Miller

Brooke Miller
Winterport

Please read this in entirety. I know it may seem long, but every word is important to understand the value of new regulation. Thank you for our time. I am available for further discussion.