



TRANE

Mc ARN ENTERPRISES, LLC

Mc ARN HEATING & AIR CONDITIONING

1365 Givhans Road Ridgeville, SC 29472

Phone: (843) 297-6334 Phone Fax: (843) 871-4602

October 5, 2015

To: Governor Haley
From: William F. McArn
Re: Bldg 85

Governor Haley,

I am writing you this letter in hopes that you can get my money that is owed to me, since July 2014.

Restoration Specialists, LLC was awarded the job on Bldg 85, Naval Weapon Station, Goose Creek SC 29445. Rescon Construction also known as Residential Construction sub contracted the job. Rick Darnell the owner of Rescon Construction gave us the job for the hvac.

We completed the job, what is owed to us is \$18,875.21. To make a long story short Rick Darnell was thrown off the base (not sure of the whole story) it was in the newspaper. (Bribery, emblement?)

Rick Darnell, and his secretary are avoiding our calls, email. The last time we talked to Rick is when he said his lawyer is handling this and we under the miller act.

Restoration Specialist said that they paid Rescon in full

Finally I contacted the base, he is the only one that tried to help, attached are mine and his letters, He is the one that gave me the information on the bonding company, Rescon's attorney, As you can see the run around the Bond Company gave me. I have called and emailed his attorney, no response

Everyone but McArn Enterprises were paid. We did our part, professionally and timely completed our job.

Someone should be responsible in getting us paid. We are a small company and we cannot keep experiencing loses like this. We still had to pay the suppliers, my employees, insurances and everything else. This is not right.

I would appreciate anything that you can do to make this happen.

"YOU HOT? CALL US!"



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I have attached letters, to the bond company, from the base commander. My letter to the contractor (Restoration Specialist). If there is anything else you would need from me, I am more than happy to supply it.

Here are a list of phone numbers and names:

Sgt Joel Yerkey
Contracting Admin
(843) 963-5171

Mark Ward
Restoration Specialists, LLC (General Contractor)
843-277-2059
912-659-4355 Mobile
mward@restspec.com

E. Mullins (Rescons Attorney)
wmullins@brunerpowell.com
803-252-7693

Rick Darnell
843-714-8857
Brittney Darnell (Daughter in-law—secretary)
843-323-9784
drnrch@aol.com

Kindest Regards,

William F. McArn, Jr.
President
McArn Heating & Air Conditioning

"YOU HOT? CALL US!"

Search

Search Mail

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Home

Andrea



Compose

Inbox

Drafts (3)

Sent

Spam (4)

Trash (10)

Smart Views

Unread

Starred

People

Social

Travel

Shopping

Finance

Folders (100)

237 Fishburne

273 Coming Street

7800 rivers ... (1)

Alan

April

Bard

Beaufort Design Bldg

BEC

bids plans

billy (3)

BroadStreet Account...

Caliber Construction

Building 85

People

Andrea Sullivan

Today at 11:46 AM

To ralph.barbro@us.of.mil

Mr. Barbro,

You are my only hope, Rick Darnell with Residential Construction gave our company the hvac work at bldg 85 back in July 2013.

We completed the job and to this date still have not been paid in full for the project. I do not know the whole story, Mr. Darnell was arrested-thrown off the base in the later part of the year (2014), to make a long story short Restoration Specialists LLC, which is the Prime Contractor for that job, called and asked us how much Residential still owed us.

Josh Robins josh@restspec.com

Rick Darnell told Mr. McArn not to except their check, because Mr. Darnell filed a lawsuit against the base and he mentioned our name under the (miller act)? I have tried numerous times, between phone calls, e-mails, calling his daughter in-law and no return calls.

I did speak to his daughter in law one time (only because I used a different number and it wasn't recognized, I asked her who his lawyer was, and she wasn't sure off the top of her head, that she would call me back. Well that never happened.

Here is all the information I have on Residential Construction, aka Rescon Rick Darnell 843-714-8857, email lcrescon@aol.com

Contract # FA4418-13-D-0006

Is there anyway you can help us- I can give you copies of our quote-his payments-his balance is \$18,975.21

Sincerely,

by Klaus Leidorf on flickr

getting
out
on the water



discover
BOATING

Search

Search Mail

Search Web

Home

billy



Compose

Travel

Shopping

Finance

Folders (43)

ashley shopper

Sard Installation Pkg

Benefit Focus (Fishbu...

Billys License

BLD85

Burke HS

Business Cards Billy...

caliber

Cert of Insurance 2015

Certified Crane

charleston plaza

customers

DLP

doc Jason

Emanuel AME

fishbure angel

forms

Hollywood ... (2)

Honeywell CLOver

insurance (2)

Insurance 20... (2)

ladyisland

Linden

lodge helena

payroll

RE Michel (5)

river house (1)

rug plant (1)

santee copper water

Simmons Group

south star

Speedway M... (14)

stoxs

Synchrony Financial

test balance

Trane

verizon (3)

W-9 2015

Will

Windsheilds (13)

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HBO GO® & a year of
Amazon Prime® \$49/mo for
12 mos, see details

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FA4418-13-D-0006-0001/0016: Non-Payment iss...

YERKEY, JOEL J SSgt USAF AMC 628 CONS/LGCB

Jun 30

To mcarnhvac@yahoo.com

CC BENNETT, CHERYL M GS-12 USAF AMC 628 CONS/LGCB,

HOOD, ROBERT A JR GS-13 USAF AMC 628 CONS/LGCB

Ms. Andrea,

If you would like to try to resolve this issue with the prime contract holder for this project (Restoration Specialist), you can contact Mr. Mark Ward at (912) 659-4355 or his email at mward@restspec.com. Otherwise per our conversation, below is the bonding companies contact information and a process for you to take to get this resolved. If you have any questions, you can contact Ms. Barbara Duggan at (215) 640-5853 or email Barbara.Duggan@acegroup.com

The process is as follows:

1. Submit a letter with the subcontractor's letterhead to the bonding companies P.O. Box stating:

- The purpose of the claim and who you are and your relationship with the prime (bonded)
- What is owed with attachments of receipts and other documentation
- reference the bond number: K08747398

The P.O. Box is:

ACE USA Claims
P.O. Box 5108
Scranton, PA
18505-0525

SSgt Joel Yerkey
Contracting Admin
DSN: 963-5171 (843-963-5171)

Reply, Reply All or Forward | More

Click to reply all

Send



Tt



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Search Mail

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Home

billy

Compose

Travel

Shopping

Finance

Folders (43)

ashley shoppes

Bard Installation Pkg

Benefit Focus (Fishbu...

Billy's License

BLD85

Burke HS

Business Cards Billy...

caliber

Cert of Insurance 2015

Certified Crane

charleston plaza

customers

DLP

doc Jason

Emanuel AMF

fishbure angel

forms

Hollywood ... (2)

Honeywell Clover

insurance (2)

Insurance 20... (2)

ladyisland

Linden

lodge helena

payroll

RE Michel (5)

river house (1)

ruq plant (1)

santee copper water

Simmons Group

south star

Speedway M... (14)

stoxs

Synchrony Financial

test balance

Trane

verizon (3)

W-9 2013

Will

Windsheids (13)

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Get your
Credit Score &
Credit Report
from the
Trusted Source

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Bldg 85 (2)

People

billy mcarn

Jun 30

To mward@restspec.com

Mr. Ward,

The original invoice was \$48,500.00

2,630.00 Change order

1,875.00 new invoice

\$53,005.00 Grand Total

\$27,500.00 Paid to date

\$25,505.00 Balance

-\$6529.79 Paid directly to a

supplier (which I did not know at the time)

Leaving his balance \$18,975.21

Late August Josh Robbins, emailed us and asked us what Residential Construction owed us, to make to minor repairs (due to others), and if we did he would have a check there for us, (9/1/14) and pay us the remaining balance when we were through. That was suppose to be Sept 1, 2014. Rick (Residential) said we could not go there, that his lawyer named us under the Miller Act and they would take our badges. Please give me his lawyers information

Thank you

Andrea Sullivan

McArn Enterprises, LLC

mcarnhvac@yahoo.com

843-297-6334

Reply, Reply All or Forward | More

RS

Jul 1

To billy mcarn

Rick's attorney:

E. Wade Mullins, III, Esq.

Bruner Powell Wall & Mullins, LLC

P O Box 61110

Columbia, SC 29260-1110

803/252-7693

wmullins@brunerpowell.com

Mark Ward

Managing Member

Restoration Specialists, LLC

HUBZone / SDVOSB

1042-A East Montague Ave

N. Charleston, SC 29405

843-277-2059 (Office)

843-789-3135 (Fax)

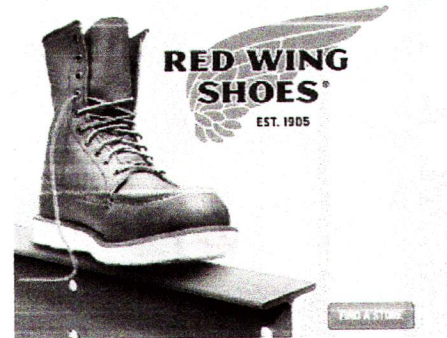
912-659-4355 (Mobile)

E-Mail: mward@restspec.com

Web: www.RestSpec.com

> Show original message

Reply, Reply All or Forward | More





ACE Group
ACE North American Claims
PO Box 5108
Scranton, PA 18505-0554
215-640-4258 tel/
866-635-5687 fax
www.ace-ina.com

Melissa M. Detrick
Claims Specialist

July 21, 2015

William McArn
McArn Heating & Air Conditioning
1365 Givhans Road
Ridgeville, SC 29472

Re: Surety: Westchester Fire Insurance Company
Claim #: JY14J040732X
Bond #: K08747398
Principal: Restoration Specialists, LLC
Obligee: 628th Contracting Squadron/LGCB, Department of the Air Force
Claimant: McArn Heating & Air Conditioning

Dear Mr. McArn:

This will acknowledge receipt of a copy of your letter wherein you indicate you wish to pursue a claim against our captioned bond.

In order to formalize your claim, please complete and execute the enclosed Affidavit/Proof of Claim and return it to me along with legible copies of all documents you are relying on to support your claim. This includes, but is not limited to, written contracts warranties, order forms, certificates and/or receipts, cancelled or returned checks, etc.

In stating the above, the surety company named above reserves any and all rights and defenses that may accrue to it under the bond, applicable law or otherwise. Nothing herein is to be construed as an acceptance or denial of liability.

Yours truly,

Melissa M. Detrick

MMD/kaj
enclosure



PO Box 5108
Scranton, PA 18505

215-640-4258 tel/
1-866-635-5687 fax

www.acegroup.com

Melissa M. Detrick
Claims Specialist

August 19, 2015

William McArn
McArn Heating & Air Conditioning
1365 Givhans Road
Ridgeville, SC 29472

Surety: Westchester Fire Insurance Company
Claim #: JY14J040732X
Bond #: K08747398
Principal: Restoration Specialists, LLC
Obligee: 628th Contracting Squadron/LGCB, Department of Air Force
Claimant: McArn Heating & Air Conditioning ("McArn")

Dear Mr. McArn:

Westchester Fire Insurance Company ("Westchester") acknowledges receipt of the proof of claim and substantiating documentation against the above captioned bond.

Westchester has been in contact with our principal regarding your recent notice of claim. Our principal has provided us with their position on this matter. Attached for your convenience is a copy of their position.

Under the Miller Act, all bond claimants must enforce their claims against the bond by filing suit within one (1) year of the date the claimant last supplied labor and material. Restoration Specialists records do not indicate that McArn preformed work after June 11, 2014. McArn's Invoice #89712 dated 7/5/14 indicates that the job is 100% complete as of July 5, 2014. Furthermore, Restoration Specialists terminated the contract of Residential Construction, with whom McArn had subcontracted with, on July 14, 2015. Thus, while it may be unclear as to when McArn was last on site, the claim is time-barred as of July 14, 2015 at the latest.

If you dispute this position, please provide documentation that supports your firm's position.

Westchester hereby reserves any and all rights and defenses that may accrue to it under the bond, applicable law, or otherwise. Westchester reserves its right to assert additional defenses, including those of Restoration Specialists.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Melissa M. Detrick', written over a horizontal line.

Melissa M. Detrick

RESTORATION SPECIALISTS POSITION ON MCARN CLAIM

McArn's claim involves work performed under Delivery Order #1 of the SABER IDIQ – WEAPONS STATION contract (SABER Contract) which included HVAC work at Building 85 at the Naval Weapons Station. McArn was a subcontractor to Residential Construction, LLC ("ResCon") who recently filed suit against Restoration Specialists, LLC ("Restoration Specialists") and Westchester Fire Insurance Company ("Westchester") pursuing a Miller Act claim for nonpayment under the SABER contract, including a portion of the money claimed by McArn.

Restoration Specialists provided a Notice to Proceed to ResCon for Delivery Order #1 and others on December 19, 2013. Restoration Specialists' subcontracted with ResCon was in the amount of \$91,000 for Delivery Order #1. Work commenced soon thereafter and included work performed by McArn at Building 85. One change order was issued in the amount of \$2,340 bring ResCon's subcontract up to \$93,340. As of June 27, 2104, ResCon was paid \$81,000 of that amount by Restoration Specialists.

Per the express terms of the SABER Contract, all subcontractors (at every tier) must produce certified payrolls for periods during which they performed work under the SABER Contract. McArn submitted certified payrolls for the period of January 11, 2014 to June 28, 2014. See Exhibit A for Certified Payroll for the Periods ending June 21, 2014 and June 28, 2014. Per those payroll reports, McArn indicates that two employees worked on June 17, 2014 and that a supervisor was on site on Saturday, June 28, 2014. No certified payrolls were ever submitted by McArn after that date.

Restoration Specialists' records do not indicate that McArn performed work after June 11, 2014. There is no indication that McArn's employees were on site on June 17, 2014 as reported separately by both Restoration Specialists' Superintendent and its Quality Control Manager. See Exhibits B and C for Contractor Production Report and Contractor Quality Control Report dated June 11, 2014 and June 17, 2014. No work was performed onsite on June 28, 2014 as that day was a Saturday; accordingly, there is no Contractor Production Report or Contractor Quality Control Report for that date. McArn's Invoice dated July 5, 2014 indicates that its work was 100% complete.

On July 8, Restoration Specialists issued a stop work order to ResCon that ordered ResCon to stop all work on the SABER Contract and to provide proof of South Carolina contractor's licenses for itself and all of its subcontractors. Restoration Specialists terminated ResCon on July 14, 2014 as it failed to provide a South Carolina contractor's license which was an express requirement of the SABER contract. According to the SC Labor Licensing and Review Board's webpage, ResCon did not possess a South Carolina contractor's license until July 15, 2014.

Insomuch as Restoration Specialists knew there were deficiencies related to McArn's work at the time that ResCon was terminated, it contracted with C. R. Hipp Construction, Inc. to review the systems and provide its finding in a written report. That inspection was performed on July 29 – 30, 2014. See Exhibit D for C. R. Hipp Construction, Inc. Report. On or about August 7, 2014, McArn contacted Restoration Specialists indicating that despite the fact that ResCon had been paid for the majority of McArn's work, ResCon had paid only a portion of it to McArn and there was an unpaid balance remaining on their subcontract with ResCon. On or about August 19, 2014, Restoration Specialists and McArn agreed that McArn would return to Building 85 to complete its work (as a direct subcontractor to Restoration Specialist) starting on September 1, 2014 and that Restoration Specialists would pay a portion of the remaining money due McArn on that date. McArn never showed up to complete the work and informed Restoration Specialists that the reason it did not was that "Rick (Residential) said we could not go there

[on September 1, 2014], that his lawyer named us under the Miller Act and they would take our [Naval Weapons Station] badges."

Restoration Specialists ultimately hired W. B. Guimarin & Company, Inc. to complete the remaining HVAC work at Building 85 at a cost of \$24,020.00, well over the remaining balance on ResCon's subcontract.

Restoration Specialists had not heard from McArn again until recently. McArn has never submitted the September 14, 2014 Invoice marked "PAID" and in the amount of \$0 to Restoration Specialists which describes the work performed as "Repaired ductwork, torn insulation, picked up and cleaned the trash left by others. Everything looks good". There is no indication as to when that work was allegedly performed.

Restoration Specialists' position is that McArn's claim is untimely as 1) per McArn's certified payrolls and Restoration Specialists project records, they did not perform any work after June 2014, 2) their invoice dated July 5, 2014 indicated their work was complete, 3) since they were a subcontractor to ResCon, they were ordered to stop work on July 8, 2014, and 4) by their own admission, they did not return to the project after ResCon was terminated since ResCon told them their badges would be confiscated. Further, it is Restoration Specialists' position that McArn's claim should be denied in its entirety as McArn's claim is untimely, ResCon has been paid for a portion of McArn's work that ResCon did not pay McArn, ResCon has included remaining money in its subcontract with Restoration Specialists in its Miller Act claim and ResCon has actually been overpaid for Delivery Order #1.