

**GERALD MCCARNEY**

**October 18, 2012**

**City Council**

**To whom it may concern:**

**I would appreciate if you would distribute copies to the city Council for their review**

**Thank you**

**Gerald McCarney**



# CONTRACTORS STATE LICENSE BOARD

STATE OF CALIFORNIA

Northern California:  
Sacramento Intake & Mediation Center  
P.O. Box 269116, Sacramento, California 95826-9116  
1-800-321-CSLB (2752)

Southern California:  
Norwalk Intake & Mediation Center  
12501 East Imperial Highway, Suite 620, Norwalk, California 90650  
1-800-321-CSLB (2752)

www.cslb.ca.gov | CheckTheLicenseFirst.com

## Complaint Form

**NOTICE: INCOMPLETE AND UNSIGNED FORMS WILL BE RETURNED TO YOU.**  
**DO NOT SEND ORIGINALS—DOCUMENTS RECEIVED WILL NOT BE COPIED AND/OR RETURNED.**  
**Please attach COPIES of all pages of contracts (front and back), canceled checks (front and back), invoices, advertisements, business cards, receipts, correspondence, etc.**

### PLEASE COMPLETE BOTH SIDES OF THIS FORM

1. YOUR NAME last first middle McCarney Gerald Michael			2. CONTRACTOR NAME (as shown on contract/invoice) Daley Homes		
ADDRESS number street [REDACTED]			ADDRESS number street 1356 East Tulare Avenue		LICENSE NO. USED, IF ANY 271898
city county state ZIP code Lemoore Kings, CA 93245			ADDRESS number street 1356 East Tulare Avenue		
PHONE WHERE YOU CAN BE REACHED 8 am-5 pm ( [REDACTED] )			city state ZIP code Tulare Ca 932274		
HOME PHONE ( [REDACTED] )		EMAIL ADDRESS [REDACTED]	PHONE ( [REDACTED] )		EMAIL ADDRESS [REDACTED]
1a. <input type="checkbox"/> AM 65 YEARS OF AGE OR OLDER (optional)			WHO PRESENTED THE CONTRACT? <input checked="" type="checkbox"/> SALESMAN Dave Trauger		
1b. <input type="checkbox"/> AUTHORIZE THE FOLLOWING PERSON TO HANDLE THE COMPLAINT ON MY BEHALF: NAME last first middle			<input checked="" type="checkbox"/> CONTRACTOR Scott Daley		
PHONE 8 a.m.-5 p.m. HOME PHONE ( ) ( )			WHERE WAS THE CONTRACT NEGOTIATED? _____		

### PROJECT INFORMATION

3. OWNER OF CONSTRUCTION SITE Silva Estates			4. CONSTRUCTION SITE ADDRESS number street		
number street city state ZIP Lemoore Ca 93245			city state ZIP _____		
PHONE ( [REDACTED] )			PHONE ( )		

5. DESCRIBE BRIEFLY THE SCOPE OF THE WORK FOR WHICH YOU CONTRACTED (I.E. PAINTING, PLUMBING, CONCRETE, PATIO COVER, ROOM ADDITION)  
Contractor has repeatedly created a safety hazard and a threat to public health and safety. They have left open days at a time open trenches and has created numerous building violations or safety violations due to this issue. There has been individuals and residents in the past injured by these violations. I have addressed them numerous times without any permanent result in safety.

6. CONTRACT DATE	7. AMOUNT OF CONTRACT	8. AMOUNT PAID ON CONTRACT	9. DATE WORK STARTED	10. DATE WORK CEASED
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11. LIST YOUR ITEMS OF COMPLAINT (IF MORE ROOM IS NEEDED, PLEASE ATTACH A SHEET OF PAPER)  
The working conditions of building their new homes have put residents and workers in danger due to their unsafe practices. They have workers working late at night with minimal to no lighting to try to finish jobs on-site which also puts them at risk for safety. They have also built homes which don't meet building safety codes such as no ground wires connected, thankless water heaters installed improperly and left that way. Concrete driveways that are not safe to the residence due to the major gap in between the joints which causes high heels to get stuck or individuals trip due to their size of the cracks between them.

12. REMEDY SOUGHT:  
To be assured permanent safety conditions exist on new construction of homes, and have prior homes inspected to meet building codes by State contractor

### FOR OFFICE USE ONLY

COMPLAINT NUMBER	TYPE CNST	I N V	O R G	PRTY	DATE RECEIVED			SPECIAL PROJECT	DT STAT EXP			CSR INIT	ASSIGNED TO CSR			ER INIT	ASSIGNED TO ER		
					MO	DA	YR		MO	DA	YR		MO	DA	YR		MO	DA	YR
FY																			
LICENSE NUMBER					CLOSURE LETTER		DISPOSITION		DATE CLOSED			STATUS CHANGE						STP	
SECTIONS VIOLATED					C		C												

13. Have you filed in court to recover damages on this complaint?  Yes (If so, provide documentation with this form.)  No
14. Is this project a:  Residence  Commercial Building  Other
15. Is this project a:  Remodel  Repair/Replace  New Home
16. Was this contract:  Written  Oral  New Home Purchase Agreement
17. Were there any change orders?  Yes  No If yes, were they:  Written  Oral  Both
18. Is your complaint:  Abandonment  Workmanship  Other
19. Building permit obtained by:  Contractor  You  Do not know  
(Provide a copy if available.) Name of building department: Lemoore Building Department
21. Did the contractor have employees?  Yes If so, how many? \_\_\_\_\_  No  Do not know  
Names of employees, if known: \_\_\_\_\_
22. Were employees, subcontractors, or material companies paid?  Yes  No  Do not know
23. Were any mechanics' liens filed on this job?  Yes (Provide a copy if available.)  No  
If yes, by whom? \_\_\_\_\_ How much? \$ \_\_\_\_\_
24. What attempts have you made to contact the contractor?  Unable to locate  Personal contact  Telephone  Letter (Provide copies.)
25. Have you notified your contractor in writing of the issue in dispute?  Yes (Provide copies.)  No
26. Have you obtained an estimate from another contractor to correct and/or complete the project?  Yes  No  
(If yes, provide copies.) Amount \$ \_\_\_\_\_
27. Have you had the job corrected or completed?  Yes  No  
(If yes, provide copies of the contract and proof of payment.) Amount \$ \_\_\_\_\_

**NOTICE ON COLLECTION OF PERSONAL INFORMATION**

**Collection and Use of Personal Information.** The Department of Consumer Affairs and the Contractors State License Board (CSLB) collects the information requested on this form to follow up on your complaint.

**Providing Personal Information is Voluntary.** You do not have to provide the personal information requested. If you do not wish to provide personal information, such as your name, home address, or home telephone number, you may remain anonymous. In that case, however, we may not be able to contact you or help you resolve your complaint.

I would like to keep my information confidential.

**Access to Your Information.** You may review the records maintained by the CSLB that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

**Possible Disclosure of Personal Information.** We make every effort to protect the personal information you provide us. In order to follow up on your complaint, however, we may need to share the information you

give us with the business you complained about or with other government agencies. This may include sharing any personal information you gave us.

The information you provide may also be disclosed in the following circumstances:

- In response to a Public Records Act request, as allowed by the Information Practices Act;
- To another government agency as required by state or federal law, or
- In response to a court or administrative order, a subpoena, or a search warrant.

**Contact Information.** For questions about the Department of Consumer Affairs' privacy policy or the Information Practices Act, contact the Office of Information Security and Privacy Protection, 1325 J Street, Suite 1650, Sacramento, CA 95814, or email [privacy@oispp.ca.gov](mailto:privacy@oispp.ca.gov).

I declare under penalty of perjury that the information contained on this Complaint Form is true and correct to the best of my knowledge, and that this declaration was signed at (city) Lemoore, (state) California on (date) 10/18/2012.

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.

28. SIGN HERE

Heald McCasney

DATE

10/18/2012

**GERALD MCCARNEY**

Gerald McCarney  
[REDACTED]  
Lemoore, CA 93245

October 17, 2012

Jeff Britz  
City Manager  
Lemoore, California

Dear Jeff

I'm writing you this letter for thinking you for your assistance whenever I addressed issues that concern public safety would you rectified immediately. I do appreciate your professionalism and candor.

I'm going through a process right now of filing a grievance complaint form with the contractors State license Board against Daley Homes Enterprise license # ( 271898) which apparently is a process I'm supposed to take in regards to this issue.

The issue I am addressing is the contractors continuous blatant disregard for public safety and safety of their workers working in unsafe conditions.

The working conditions in building of their new homes have put Lemoore residents and workers in danger due to their open trenches without any protective barriers on a continuous basis. The only way to get protective barriers was for me on a continuous basis to complain to the city which eventually got extremely Tiring. I have been addressing this in letter form and documenting it since October 14, 2009 ( letter provided) . Having their workers work at up to 930 at night using their headlights to finish Stucco going is probably not a real safe thing either.

The research and advice I have been receiving from my former superintendent of Parks and Recreation in Los Angeles California and Cal OSHA which I directly talk to today . They recommend I send you my documentation on what I've experienced in this issue and we talked about by e-mail.

I have witnessed and assisted individuals that got hurt due to their unsafe practices on building their homes in our track. As being the contractor they have a responsibility for safety first before anything else.

Some of things I have experienced

1. Kids that are trick-or-treating at Halloween falling to the holes and cut by rebar that are in the holes and I gave them first aid to stop the bleeding. 2. I've had my own son in the past fall in due to the same situation as being unsafe. 3. Public sidewalks that are there one day and removed the next without warning and steel stakes sticking up with boards without any notification that there may be a hazard is dangerous.

Jeff ..this is our neighborhood these are our kids and the continuous negative behavior an uphill battle every time I want to get something done by the contractor to have repaired due to safety is ridiculous. After filing my complaint with the contractors State license Board I will be addressing the city Council in letter form for this proposal.

Due to their past history Daley Homes should not be allowed to have building permits if they cannot secure the area in a safe manner for the surrounding occupants that live there.

I DO NOT think their homes are inspected correctly in signed off correctly I also think my situation with my water heater has not been rectified in a safe manner as documentation I'm sending you.

Once again I appreciate your assistance have provided.

GERALD MCCARNEY

LEMOORE, CA 93245

October 14, 2009

CITY OF LEMOORE

BUILDING DEPARTMENT

NANCY BLUM, CODE ENFORCEMENT

GOOD MORNING

I need your assistance to address a public safety hazard. I live in a new housing track in Lemoore off of Silverado. There is a problem and a safety hazard in our track. The new homes that are being built need to have the trenches secured. They stay open all the time day and night.

My son who walks his dog around the block fell in one the other night. They are not safe. I talked to CAL OSHA and they said that I should address this problem with you first. They told me that by law they need to be covered and have cones and secured with cones or caution tape. ( **The city of Lemoore doze a very good at that** ) Public Safety should always be first.

The homes being built are on Moro St and Big Sir. ( Photos included )

Sincerely

Gerald McCarney

Re: Open trenches 4

Hide Details

FROM: gerald mccarney

Wednesday, October 10, 2012 11:55 AM

TO: Jeff Britz

CC: gerald mccarney



Jeff

Good morning Sir, I hope you're well things are fine. Before you get started with this e-mail, I just want to say I appreciate your input and actions that the city of Lemoore has done addressing my safety concerns. Obviously they definitely hired the right city manager.

Unfortunately this situation I've been dealing with with Daily Homes (Silva Estates) even though your assistance in input was greatly appreciated does not seem to be working. I'm sending you another set of photographs it's the sidewalk is completely missing in you have concrete stakes sticking up without any warning of this definite safety issue. reason I'm bringing this up I walk my dog every morning and now that is dark you virtually couldn't see them. a little caution tape or a cone or two would have been the minimal safety precautions to take on this issue to prevent possible injury to the public.

Since I'm retired I thought I may be getting too wrapped up in this situation even though it's basically what I did for Parks and Recreation. I contacted my former superintendent and asked him of his opinion of how to handle this situation which is definitely not has been rectified as you can see. He assured me that I was right on track in going through the proper channels to correct this potential hazard. He also let me know that is why he hired me in the first place because I was fair and honest and always got the job done. He advised me that I have done everything I could, as well as the city of Lemoore to address this issue and it was time to move it to another level.

This was his advice to continue to correct this problem. 1. The building contractor of this track and developer which is daley homes has shown disregard for safety to the public and also to the workers. They have put individuals in danger as well as there workers by their carelessness in safety and is a violation of the California building code. 2. The next thing he advised me to do which he contacted already for me was to make a written complaint against the building contractor and developer due to the issues that I've experienced in the last 3 1/2 years living here. he also expressed to me the cooperation of the city of Lemoore has been right on track.

My next step in this process is to file a complaint with Cal OSHA and sent copies to the city of Lemoore Chamber of Commerce and the building department about the behavior and negligence of daley homes and how they disregard safety in this housing track.

Jeff isn't life interesting, I will be doing this in the next few weeks between school classes and picking up kids. I'm not really disagreeable, I just believe in doing what is right and needs to be done. I think you guys deserve a round of applause for the handling of cinnamon Vella across from the police station and how you kept things going smoothly.

my next step Sich he contacted he advised of this track and developer under his LGerald  
McCarney

From: [REDACTED]  
To: [REDACTED]m  
Sent: Monday, October 8, 2012 5:06 PM

Gerald,

I am sorry, I neglected to call you back on Friday afternoon. I did go through the subdivision, however, and noticed the trenches were barricaded off.

9:15 p.m. time to turn your trucks off ?

Hide Details

FROM: gerald mcCarney

Tuesday, September 18, 2012 9:49 PM

TO: Jeff Brätz Scott Daley kbelsy@temocore.com



Hello Jeff

Since you are the city manager and there are rules and regulations in construction we seem to be having a little problem. It's about 9:15 PM at night the workers on the Daley homes development are still working as if it was three o'clock in the afternoon. I believe there is as you told me before that there was a timeframe factor when they work and when they have to stop. This is to inform you that they have not stopped yet on the house next door. I would appreciate your input. As you are aware we live here and that's what we do live here every day. Housing development and construction is a wonderful thing but everything should have its limitations. When it should be done especially at 9:15 p.m. at night. Apparently you know Scott Daley and would appreciate you could express our concerns to him about when to stop working on homes that night. It is much easier to deal with you this way than to go out asked them to turn their trucks off and stops working on the house.

Someday I will have to meet with you and give you all the documentation on all the situations I've had to deal with in the past four years in this track. But here's a way I look at it someone's got to do it and it should be done. If something dangerous you fix it you don't turn the other way and say it's a construction area not a housing track. Just like the little girl they got injured falling into the holes that were exposed off open trenches next to the sidewalks. If one of your family members gets electrocuted because the developer didn't connect any of the grounds on light switches, it has to be addressed. If you're water heater leaked fumes o bad because the exhaust was not connected correctly and gases on a two-month old house, it has to be addressed. If the weeds get so high off the sidewalks in school kids trip on them because they can see where the sidewalk is it has to be addressed. I don't have a problem addressing issues that are wrong and dangerous to the community.

Community responsibility is just that, if it's wrong and dangerous you fix it. That is what I did for Parks and Recreation for 16 years protect and serve the community I worked in. I'm sure you know community involvement is a good thing for everybody and the safer community is the better it is. That is what I am doing where I live community involvement.

. Thanks again.... Gerald McCaRney

Re: 9:15 p.m. time to turn your trucks off ?

Hide Details

FROM: gerald mccarney

Wednesday, September 19, 2012 9:01 PM

TO: Jeff Britz



Thanks Jeff

I talked to the Lemoore police last night and they knew were it was because someone else Phoned them as did about the noise. They took care of it. Thanks Again. Gerald Mccarney

From: Jeff Britz [redacted]  
 To: 'gerald mccarney' [redacted]  
 Cc: "Laws, Jeff" [redacted]; David Maschin [redacted]  
 Sent: Wednesday, September 19, 2012 7:30 AM  
 Subject: RE: 9:15 p.m. time to turn your trucks off ?

Gerald --

I just now viewed your email. If you have a situation like this after hours in the future, please call the police non emergency number (924-9574) and request an officer to assist with the matter. Had I read it the email last night, that is what I would have done.

For daytime concerns of an urgent nature, feel free to contact me at 924-6700, or by email, or contact our Building Inspections Division at 924-6730. They are the ones that work most directly with the contractors on enforcing the construction rules.

In any event, I hope they did not continue much later. I will have our Building Inspections staff again inform the Developer of the rules, and penalties for violating such.

jb

From: gerald mccarney [redacted]  
 Sent: Tuesday, September 18, 2012 9:50 PM  
 To: Jeff Britz ; Scott Daley; [redacted]  
 Subject: 9:15 p.m. time to turn your trucks off ?

Hello Jeff

Since you are the city manager and there are rules and regulations in construction we seem to be having a little problem. It's about 9:15 PM at night the workers on the Daley homes development are still working as if it was three o'clock in the afternoon. I believe there is as you told me before that there was a timeframe factor when they work and when they have to stop. This is to inform you that they have not stopped yet on the house next door. I would appreciate your input. As you are aware we live here and that's what we do live here every day. Housing development and construction is a wonderful thing but everything should have its limitations. When it should be done especially at 9:15 p.m. at night. Apparently you know Scott Daley and would appreciate you could express our concerns to him about when to stop working on homes that night. It is much easier to deal with you this way than to go out asked them to turn their trucks off and stops working on the house.

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. Thanks again.... Gerald Mccarney

***GERALD MCCARNEY***

***September 17, 2012***

***Housing safety conditions***

***Some of the Final inspections signed off by their own workers.***

GERALD MCCARNEY  
640 CAYUCOS AVE  
LEMOORE, CA 93241  
559-331-4066

October 20, 2009

DALEY ENTERPRISES INC  
DAILEY HOMES JOHN DAVIS  
[REDACTED]  
TULARE, CA 93274

Dear Sir

My wife and I bought a New Dailey Home on last year on September 19 2008. We assumed it was going to new and nothing to worry about. We were wrong you have put my Family in danger from the way the home was built. We know have another Major safety issue at the house.

My (4) year old niece was spending the week over and she keep on saying she was getting bit by the kitchen light switch. I thought see was playing a game. The kitchen light dimmer switch shocked me and it went out. When I was replacing it I found no ground was connected to it the ground wire was there not connected. I have checked three others switches ground wires are not connected. The ground wires are there no one connected them up.

This is the second time seller (DALEY HOMES) SILVA ESTATES # 10 LOT #16. I have had to address a defect the home is not built to the California Building codes.

We bought a new home to live in free from defects. Problems that we had

1. Water heater unsafe due vent systems put gases in attic (DONE DECEMBER 2008)
2. Concrete walkway and driveway cracking and coming apart
3. Light switches ground wire to prevent electric shock not connected

We are requesting for you to repair defects by a licensed contractor.

Sincerely Yours

Gerald McCarney

RE: smell gasses (2)

Hide Details

FROM: gerald mccarney  
TO: Thomas Finocchiaro

Tuesday, December 9, 2008 10:18 AM



HELLO TOM  
THE CONDENSATE COLLECTOR WITH THE YELLOW NIPPLE WAS REMOVED AND THERE IS NO DRAIN THANKS AGAIN

-- On Fri, 12/5/08, Thomas Finocchiaro <[redacted]>:

From: Thomas Finocchiaro <[redacted]>  
Subject: RE: smell gasses (2)  
To: [redacted]  
Date: Friday, December 5, 2008, 12:22 PM

Jerry  
After looking at your pictures if you would could I get the S/N # of that unit and your information so I can make a case so you and I will record of this install.  
Also it look like a condensate collector is installed but no drain hose if you vent vertical we to install drain hose and trap.

Thank you

Thomas Finocchiaro  
Technical Support Specialist

[redacted]  
Peachtree City GA 30269

Toll Free: [redacted]

E-Mail: [redacted]

Web Site: [redacted]

From: gerald mccarney [mailto:[redacted]]  
Sent: Friday, December 05, 2008 11:51 AM  
To: Thomas Finocchiaro  
Subject: RE: smell gasses (2)

THOMAS THANK YOU FOR YOUR HELP JERRY

-- On Fri, 12/5/08, Thomas Finocchiaro <[redacted]> wrote:  
From: Thomas Finocchiaro <[redacted]>  
Subject: RE: smell gasses (2)  
To: "gerald mccarney" <[redacted]>  
Date: Friday, December 5, 2008, 8:25 AM

Gerald  
Your venting is too close to the eve and looks too close to the wall you need to be 36" below a eve and 24" from a wall also no shut off valve kit at bottom of unit was the plumber too lazy he couldn't plumb to the unit he had to use flex lines also the flex line for your gas could give you trouble also we prefer the gas line hard pipe and a drip leg install.

Thomas Finocchiaro  
Technical Support Specialist  
103 International Dr.

[redacted]  
Toll Free: 1-800-621-9419

E-Mail: [redacted]

Web Site: [redacted]

From: gerald mccarney [mailto:[redacted]]  
Sent: Thursday, December 04, 2008 6:11 PM  
To: Thomas Finocchiaro  
Subject: smell gasses (2)

hi tom i have more if you need them

This message may contain confidential, proprietary or legally privileged information. No confidentiality or privilege is waived or lost by any mistransmission. If you are not

Fw: RE: NEED HELP 2

Hide Details

Tuesday, November 25, 2008 11:21 AM

FROM: gerald mccarney

TO: [REDACTED]

I TALK TO YOU YESTERDAY ABOUT THIS PROBLEM. PLEASE TAKE A LOOK AT THE PHOTOS AND SEE IF IS INSTALLED CORRECED THE WAY IT SHOULD BE I AM GETTING A LOT OF GASES IN MY HOUSE FROM THE WINDOW.

-- On Tue, 11/25/08, InfoCons <InfoCons@dir.ca.gov> wrote:

From: InfoCons - [REDACTED]  
Subject: RE: NEED HELP  
To: [REDACTED]  
Date: Tuesday, November 25, 2008, 9:08 AM

This is the Division of Occupational Safety and Health - Cal/OSHA. It is an agency that enforces workplace safety and health regulations to protect California workers from hazards in places of employment. The situation you describe does not fall under the jurisdiction of Cal/OSHA. Suggest you contact the local "Department of Building Inspection" for assistance.

From: gerald mccarney [REDACTED]  
Sent: Monday, November 24, 2008 1:27 PM  
To: CHSWC  
Cc: [REDACTED]  
Subject: NEED HELP

HELLO  
I AM NOT SURE IF YOU ARE THE RIGHT PERSONS I SHOULD TALK TO. I JUST BOUGHT A NEW HOME IN A NEW TRACT. IN LEMFOORE CA.  
IT HAS A NEW RINNAI TANKLESS WATER HEATER AND I WAS TOLD THAT THE VENT WAS TO LOW AND TO CLOSE TO THE HOUSE. WE HAVE GASES COMMING IN FROM THE ROOF LINE INTO MY HOUSE. I AM SENDIND YOU SOME PHOTOS PLEASE TAKE A LOOK AND SEE IF IT SAFE.

THANK YOU  
GERALD MCCARNEY

<< File: vent tankless wafer.jpg >> << File: [REDACTED] >>

2 Attached files | 1.7MB

vent tankless vent tankless

View Slideshow Download All

# FAX COVER SHEET

[REDACTED]  
Lemoore, Ca 93245  
[REDACTED]  
[REDACTED]

<b>Send to:</b> <b>SENIOR BUILDING INSPECTOR CITY OF LEMOORE</b>	<b>From:</b> Gerald McCarney
<b>Attention:</b> R.T. HENSON	<b>Date:</b> November 20, 2008
<b>Office location:</b> 559- 924-6708	<b>Office location:</b>
<b>Fax number:</b> [REDACTED]	<b>Phone number:</b> [REDACTED] cell [REDACTED]

Urgent    Reply ASAP    Please comment    Please review    For your information

Total pages, including cover: 3

## Comments:

Mr. R.T. Henson

Hello you were out at my house we bought from Daily Homes on 9/19/08 to inspect a problem that we have had with tank less water heater. George from Daily homes ask you to come by. We had nothing but problems with it.

Improper installation of the vent system and components, and proper installation cause the system to failure my times and due to the failure put my family in possible danger. Daily homes own plumber said the vent was to short and in the wrong place due to the eves right above it. He also told George that it had to be moved,

Mr. Henson you ask George to install a single with no coupling at ceiling due to what happen before the coupling coming apart in the attic. You also wanted it raised due to the gases are smelling. The condensate drain needed to be there. I also call Rinnai at (800) 621-9491 and the tech said that it was required. What you ask has not been done.

I HAVE PHOTOS IF YOU NEED THEM

SAFETY SHOULD ALWAYS FIRST

CC: PAUL DAILY

# FAX COVER SHEET

[REDACTED]  
Lemoore, Ca 93245  
[REDACTED]  
[REDACTED]

<b>Send to:</b> DAILY HOMES /LEMOORE CITY	<b>From:</b> Gerald McCarney
<b>Attention:</b> PAUL AND SCOTT DAILY/R.T.HENSON	<b>Date:</b> December 5, 2008
<b>Office location:</b>	<b>Office location:</b>
<b>Fax number:</b> [REDACTED]	<b>Phone number:</b> [REDACTED]

Urgent    Reply ASAP    Please comment    Please review    For your information

Total pages, including cover:

**Comments:**

TO DALEY ENTERPRISES, INC   LICINCE # 271898

DEAR SIR

THIS IS TO LET YOU KNOW YOU ARE NOT BUILDING YOUR HOMES SAFELY. IF YOU BUILD YOUR HOMES LIKE OUR HOUSE IN LEMOORE YOU MAY BE PLACEING PEOPLE LIFES IN DANGER.

I HAVE TRIED TO CORRECT THIS PROBLEM WITH YOUR OFFICE AND HAVE HAD 5 OR 6 VISIT WITH PERSONS THAT REAL DON'T KNOW WHAT THEY ARE DOING.

I AM SENDING YOU THE REPORTS FROM RINNIA WATER HEATER TECHNICAL.. IT SAY WHAT IT IS.

I FEEL IF YOU ARE BUILDING HOMES LIKE THIS YOU SHOULD STOP TILL YOU GUYS KNOW WHAT YOU ARE DOING AND STOP GUESSING HOW TO SOLVE MAJOR PROBLEMS CORRECTLY.

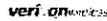
I SENDING THIS TO LEMOORE BUILDING INSPECTOR AND ALL WHAT I GIVEN YOU TO THE STATE OFFICE.

I DO NOT WANT ANY MORE VISIT FROM PERSONS THAT GUESS AT WHAT THERE DOING.

I HAVE BEEN ADRESSING THIS PROLBEM THE DAY WE MOVED IN 9/19/08

I WOULD LIKE TO LET ME KNOW YOU HAVE RECEIVED THIS FAX

**Online Exclusive!** Offer not available in stores.  
 Give the BlackBerry® Pearl™ for \$29.99 and get a 1GB Memory Card!  
MEMBER 25% OFF OFFER VALID ON A 1GB MEMORY CARD. FREE OVERNIGHT SHIPPING IN THE US ONLY.



Mail | Contacts | Calendar | Notepad | What's New? | Mobile Mail | Options

Check Mail | Compose | Search Mail | Search the Web

artery clearing  
Health Secret

Previous | Next | Back to Messages

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Tuesday, December 9, 2008 1:44 PM

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**Fw: RE: smell gasses (2)**  
 From: "gerald mccarney" <[redacted]>  
 To: "gerald mccarney" <[redacted]>

— On Tue, 12/9/08, gerald mccarney <sgjferry54@yahoo.com> wrote:

From: gerald mccarney <[redacted]>  
 Subject: RE: smell gasses (2)  
 To: "Thomas Finocchiaro" <[redacted]>  
 Date: Tuesday, December 9, 2008, 10:18 AM

HELLO TOM  
THE CONDENSATE COLLECTOR WITH THE YELLOW NIPPLE WAS REMOVED AND THERE IS NO DRAIN THANKS AGAIN

— On Fri, 12/5/08, Thomas Finocchiaro <[redacted]>

From: Thomas Finocchiaro <[redacted]>  
 Subject: RE: smell gasses (2)  
 To: [redacted]  
 Date: Friday, December 5, 2008, 12:22 PM

Jerry  
 After looking at your pictures if you would could I get the S/N # of that unit and your information so I can make a case so you and I will record of this install. Also it look like a condensate collector is installed but no drain hose if you vent vertical we to install drain hose and trap.

Thank you

Thomas Finocchiaro  
 Technical Support Specialist  
 [redacted]  
 Peachtree City GA 30269  
 Toll Free: [redacted]  
 E-Mail: [redacted]  
 Web Site: [redacted]

From: gerald mccarney [mailto:[redacted]]  
 Sent: Friday, December 05, 2008 11:51 AM  
 To: Thomas Finocchiaro  
 Subject: RE: smell gasses (2)

THOMAS THANK YOU FOR YOUR HELP JERRY

— On Fri, 12/5/08, Thomas Finocchiaro <[redacted]>:

From: Thomas Finocchiaro <[redacted]>  
 Subject: RE: smell gasses (2)  
 To: "gerald mccarney" <[redacted]>  
 Date: Friday, December 5, 2008, 8:25 AM

Gerald  
 Your venting is too close to the eve and looks too close to the wall you need to be 36" below a eve and 24" from a wall also no shut off valve kit at bottom of unit was the plumber too lazy he couldn't plumb to the unit he had to use flex lines also the flex line for your gas could give you trouble also we prefer the gas line hard pipe and a drip leg install.

Thomas Finocchiaro  
 Technical Support Specialist  
 [redacted]  
 Peachtree City GA 30269  
 Toll Free: [redacted]  
 E-Mail: [redacted]  
 Web Site: www.rinnai.us

From: gerald mccarney [mailto:[redacted]]  
 Sent: Thursday, December 04, 2008 6:11 PM  
 To: Thomas Finocchiaro  
 Subject: smell gasses (2)

Resubmit w/ additional comment on bottom

AA

30 days

# DALEY HOMES CUSTOMER SERVICE REQUEST FORM

Buyer's Name

Lot/Address

Phone/Fax

ANASTACIA ARNOLD

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Move in Date

9-19-08

[REDACTED]

Location (Kitchen)	Item (Faucet)	Vendor (Plumber)	Defect/Remarks (Drips)
GARAGE	FLOOR		LARGE CRACKS (SEAMS)
LEFT SIDE	SCREEN		HOLE IN SCREEN
OFFERMENT DOORS IN LIVING ROOM			
BATHROOMS	SENSOR SWITCHES		LIGHTS WILL NOT STAY ON
ROOF	H2O HEATER		NOT STRAIGHT ~ LEAKING
	EXHAUST VENT		
GARAGE	TANKLESS		STILL VIBRATING &
	H2O HEATER		MAKING NOISES
			(SOUNDS LIKE CUTTING
			MOOSE'S)
KITCHEN	DISHWASHER		LOOKS WITH LITTLE
			TO NO WATER 10/28/08

Comments:

- As per accepted offering w waiting for completion of
- 1) move 2 bedroom light fixtures to bathrooms
- 2) install ceiling fans in 3 bedrooms (like living room fan)
- 3) add black shutters to bedroom 4 (like bdrm #2)

\*All service requests must be in writing, and either faxed or mailed. We do not accept service requests in the field. Warranty work will only be performed during normal business hours and an adult must be present at all times.

AA  
10/20/08

Daley Homes  
1356 E. Tulare Avenue, Tulare, CA 93274 (559) 686-1761, Fax (559) 686-1035

Work Completed, Buyer \_\_\_\_\_

Date \_\_\_\_\_

\* 10-25-08 Tankless H2O Heater alarm went off 4 times this past weekend.



# DALEY enterprises

TULARE, CALIFORNIA 93274-3062

September 28<sup>th</sup>, 2009

Mrs. Anastacia Arnold  
Mr. Gerald McCarney

[Redacted]  
Lemoore, CA 93245

Dear Mrs. Arnold & Mr. McCarney:

This letter is in regards to the issues with your driveway in the letter you sent dated September 15<sup>th</sup>, 2009.

I came out and reviewed your driveway with the field supervisor for Silva Estates, Dave Trauger, and Daley Homes' Customer Service Manager, George Miller.

The conclusion of our review is that all of the areas of concern are within our performance standards for new construction. This includes the cracking on the driveway's deep joints, the cracking on the walkway, the small areas that popped out and the rust spots.

Please contact George Miller if you have any additional concerns with your new home. Your close of escrow date was 9/18/2008, so you are currently at the end of your one-year builder's warranty.

Sincerely,

Scott Daley  
Daley Homes

[Redacted]