

**Instructions for Completing Notification Communication
Under Title 18.2-200.1, Code of Virginia**

**PLEASE READ THESE INSTRUCTIONS CAREFULLY AND IN THEIR
ENTIRETY**

Each year citizens of the Commonwealth suffer millions of dollars in losses from a relatively small percentage of contractors which conduct business in an illegal or improper manner. These losses are generally addressed in either a criminal, administrative, or civil manner. Most losses suffered at the hands of contractors are civil or administrative in nature; however, some fall into the criminal fraud category and are handled within the criminal justice system. Your loss *may* be considered criminal in nature; however, only a judge, magistrate, or grand jury is authorized to determine if probable cause exists to believe a criminal offense has occurred. Practically, probable cause means there is more evidence, than not, that a criminal offense has occurred.

Within the criminal justice process, many things must transpire prior to determining the actual guilt or innocence of an individual charged with a criminal act. This instruction sheet and the accompanying notification are part of the early steps in the process that are necessary in establishing the probable cause that was discussed earlier.

Attached, you will find a copy of the communication that is necessary to proceed with prosecution of receiving money under false pretense upon a promise to perform construction, (construction fraud), under Title 18.2-200.1, Code of Virginia. This communication ***must be completed and forwarded via certified mail, return receipt requested, through the United States Postal Service. Mail one copy to each known address of the contractor(s) involved.***

INSTRUCTIONS

Fill in the remaining blanks on the communication(s). You may need to forward the communication to more than one address if additional points of contact have been established. If this is the case, one notice for each address is necessary.

After completing the communication(s), ***make one copy of each letter for your records and one copy of each letter for the investigative file.*** (One original and two copies total of each communication)

This communication(s) must be mailed from a United States Post Office by certified mail, return receipt requested.

It will be necessary for you to obtain and complete a receipt for certified mail for each communication. ***Make sure that the post office stamps (or authenticates) the receipt(s) with the date mailed. You must retain the receipt(s), as it / they will become a vital piece(s) of evidence in the investigation. Without the receipt(s), prosecution is not possible.***

It is also necessary to complete, (front & back), or have completed by the post office, a post office domestic return receipt,(green card) for each communication.

If possible make a copy of each envelope (back & front) containing the communication and certified mail documentation affixed thereto and then mail the communication(s).

At least fifteen days must pass in order to proceed with the filing of criminal fraud charges. As a matter of practicality, we will normally wait for return of either the return receipt(s) or return of the communication(s) in its / their entirety as undelivered. ***Please note that the applicable code section does not require proof of receipt of the communication by the contractor, only that it was mailed in accordance with the law.***

It is possible that the contractor will return your advance. If so, filing of fraud charges under Title 18.2-200.1, Code of Virginia, cannot be pursued. This does not preclude you from pursuing civil litigation, (licensed or unlicensed contractor), or administrative remedy through the Virginia Board for Contractors, (licensed contractor only), in an effort to collect any damages and / or address issues you believe are associated, or preclude the Commonwealth from proceeding with other criminal charges that may or may not involve you as a witness.

Upon return of the receipt(s) or the communication(s) with the card(s) attached, please secure it / them as you did with the certified mail receipt(s). ***If the communication(s) is / are returned in its / their entirety, DO NOT OPEN IT / THEM.***

If you elect to have the Lancaster Sheriff's Office proceed with your case, please ***notify***

804 462 5111

(Name of Officer)

(Telephone Number)

regarding return of the card(s) and / or communication(s). As with the certified mail receipt(s), the card(s) and / or the communication(s) with the card(s) attached, will become vital evidence in the investigation. ***Without either the card(s), or the letter(s) with the card(s) attached, prosecution is not possible.***

Should you have any questions, please do not hesitate to contact:

(Name of Officer)

at the telephone number listed above.

TO: _____
(Contractors Name)

(Address)

(City, State, Zip Code)

RE: An advance of funds upon a promise to perform construction, repair or improvement to a building or other structure located at _____

NOTICE

You are hereby notified pursuant to the provisions of Title 18.2-200.1, Code of Virginia, to return to me / us, within (15) fifteen days from the date annotated hereon, an advance of funds I / we delivered to you in the amount of \$ _____ upon a promise to perform certain construction, repair or improvement to a building(s) or other structure(s) permanently annexed to real property, which said construction, repair, or improvement you have failed or refused to perform after my / our request that you do so.

The above statute, which pertains to such matters, reads generally as follows:

SECTION 18.2-200.1. Failure to perform promise for construction, etc., in return for advances. ~ If any person obtain from another an advance of money, merchandise, or other thing of value, with fraudulent intent, upon a promise to perform construction, removal, repair, or improvement of any building or structure permanently annexed to real property, or any improvements to such real property, including horticulture, nursery or forest products, and fail or refuse to perform such promise, and also fail to substantially make good such advance, he shall be deemed guilty of the larceny of such money, merchandise, or other thing if he fails to return such advance within fifteen (15) days of a request to do so sent by Certified Mail, return receipt requested, to his last known address or to the address listed in the contract.

Dated this _____ day of _____ in the year _____.

By: _____
(Signature)

(Printed Name)

(Address)

(City, State, Zip Code)