

The Contractors Critic

Reporting on Safety, Productivity and Honesty in the Construction Industry

MISSISSIPPI VALLEY PLUMBING & HEATING, INC.

Irresponsible contractor mired in problems

One small operator's lack of personal responsibility causes BIG problems for his unfortunate customers

Ryan Naab, owner of Dubuque, Iowa's Mississippi Valley Plumbing & Heating Inc., is a small-time operator who has created some very big problems for those who deal with him.

Proof of this can be found in the court documents that have been piling up on the Naab docket over the last dozen or so years.

But first a little background—all of it gleaned from multiple legal documents obtained from proper

Personal responsibility cont'd on page 2



The entire operations of Mississippi Valley Plumbing & Heating in a residential neighborhood in Dubuque, Iowa. Is this a professional business?

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Editorial: Nabb irresponsible in business and personal life

We at the Contractors Critic ordinarily avoid directly editorializing about the ethical profiles of the firms we review and the persons who run them. We refrain on the grounds the facts will speak for themselves.

Given all the background facts the

contractor has somehow contrived to omit from his or her company proposals, bid packages, brochures, advertisements and/or web sites, a wise executive can draw his or her own conclusions about whether it's a good

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Personal responsibility

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authorities.

Ryan Scott Naab was born in November 1973. He is now 32.

Naab established Mississippi Plumbing & Heating in September 1999, state corporate records indicated.

Since then, he and his company have given the authorities several business addresses over the last six years, lately one on Central Avenue in Dubuque.

In the most current financial information Naab reported to Dun & Bradstreet, he titled himself as "manager." He also claims four employees and an annual gross company income of \$230,000.

For a man as young as he is, Ryan Naab has compiled a surpris-

ing list of woes – both at work and at home.

Mississippi Valley Plumbing & Heating, Inc. (MVPH) has been sued at least a dozen times.

Double-crossed coworkers,

alized his life of scooting around and bailing out, both in his business contracts and in his private promises, together paint a portrait of a inveterate ne'er-do-well.

Naab has cheated his custom-

Ryan Naab has compiled a surprising list of woes – both at work and at home.



customers and creditors from both the management and labor sides of the industry are after him. One could argue that this would make him an all-around under-achiever and full-service screw-up.

A close look at the slagheap of public documents that have memori-

ers, his wife and his girlfriends, and his children – including those born in and those born out of wedlock.

Such hallmarks of irresponsibility raise reasonable questions whether this person is one one would want to do business with.

Details to follow.

Editorial

Cont'd from page 1

idea to hire the contractor in question.

But the record of Mississippi Valley Heating & Plumbing of Dubuque, Iowa and its owner, Ryan Naab, is so extraordinarily appalling it deserves special attention. In fact, it needs immediate attention.

Since Mississippi Valley's inception in 1999 and in Naab's brief 32 years, the company and the man have accumulated a score of lawsuits, traffic tickets, child support actions and other legal complaints. From all the evidence, it appears Naab is unlikely to slow his pace of misconduct.

Now, we're not talking about a serial murderer here. Naab's confrontations with the authorities

have occurred primarily at the domestic, civil and minor infractions level.

Nothing spectacular, really.

But what is striking about Naab is the continuous, repetitive, unrelenting nature of his encounters with the law.

At least since he was 18, and possibly before, Naab has seldom been out of trouble, not scheduled to appear in court, or more than one step ahead of a some pursuing ex-domestic partner with a kid in tow and a court order in hand.

The *Contractors Critic* does not usually mention the domestic side of a construction executive's private life.

But as will be seen in the following articles that Naab is a case apart. At one point in the 1990s, he was

more or less simultaneously fighting off two separate child support claims brought by two ex-girlfriends each of whom had borne a child, while roughly at the same time marrying a third girl who would bear his third child.

With three relationships in varying degrees of upheaval, Ryan Naab had hit the trifecta of domestic disruption.

The history of Ryan S. Naab as presented here in this newsletter reveals a feckless individual with little regard for the ordinary rules of responsible conduct most citizens and businesses rely on to make society work.

It is only fair to think that Naab is as likely to be as irresponsible in business as he has been in his personal life.

Ryan Naab cheats on his child support obligations, but bails out one of his buddies

Ryan Scott Naab may be an inveterate loser, but he's got heart – at least for his pals – as can be seen when comparing his unwillingness to pay child support. (*For more details, see next page.*)

This would be just another mark of irresponsibility that potential customers should take into consideration.

Naab proved this when he posted bail for one David Julian Regan, who was stopped on March 2, 1997 and charged with “driving while barred.”

Naab posted a \$1,300 bond for Regan, now 33, so he could remain free while awaiting trial in Dubuque County (Iowa) District Court, on criminal case #AGCR027939, court records showed.

Regan's traffic dance card was full. His rap sheet shows 16 tickets in six years – seven speeding tickets, one for running a stop signal, one for driving while his license was “suspended, denied, canceled or revoked,” three for being involved in an accident, two for being an habitual violator, one for “improper start,” and one for failing to post security as driver/owner.”

On the 1997 offense, Regan eventually withdrew a not guilty plea on June 24, 1997 and was convicted on the “driving while barred” offense, records showed.

Naab's sympathies may have sprung additionally from his own traffic citations record as indicated to the right.

Below is a photocopy of Mr. Reagans driving record as of March 12, 1997 according to the Iowa Department of transportation.

Ryan Naab's own driving record

July 26, 2002- Cited for driving without insurance liability Case #01311 STWG695609

July 2, 1994- Cited of criminal charges of driving a vehicle with expired plates and without a valid drivers license. He was arraigned in Iowa District Court Aug. 24, 1994 on criminal cases SNCR 4734 and SNCR 4735 and convicted on Oct. 19, 1994 of both charges and fined a total of \$108.

Dec. 13, 1994- Naab was stopped in Dubuque and ticketed for violating posted traffic signals He paid a fine totaling \$106. Case # 01311DUSMCR0-08308.

Nov. 3, 1993- Naab was in Johnson County, Iowa where he was stopped and ticketed for “dark side windows.”

Oct. 13, 1993- Ticketed for speeding 55 mph or over. He was found guilty Jan. 14, 1994 and fined. Case #06521 STHP470515.

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RUN DATE... 03/12/97
REQUESTOR.. 6019
D.L. NUMBER 479841612
NAME..... REGAN, DAVID JULIAN
ADDRESS... 710 FREMONT AVE
CITY/STATE. DUBUQUE, IA 52003
BIRTHDATE.. 12/29/72
A-FILE NO.. 900706   SEX: M
QUOTE BACK.
NON-COMM STATUS... BARRED
COMMERCIAL STATUS.
    
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HISTORY INFORMATION:

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*DATE1* TYPE *DATE / LOCATOR** JUR D20 *EXPLANATION * * * * *
07/06/92 CON 07/20/92          IA   SPEED
05/22/93 CON 06/15/93          IA   SPEED
04/23/94 CON 05/04/94          IA   SPEED
06/06/94 CON 06/15/94          IA   SPEED (TRUCK)
08/26/94 CON 10/13/94          IA   SPEED
01/10/95 CON 01/23/95          IA   SPEED
01/19/95 CON 03/15/95          IA   FAILED TO OBEY TRAFFIC SIGN/SIGNAL
03/13/95 CON 04/13/95          IA   IMPROPER START
05/01/95 CON 05/10/95          IA   SPEED
09/10/95 CON 12/05/95          IA   DRIVE WHILE SUSP, DENIED, CANCEL, REVO
06/01/93 ACC      3032381        IA AC4 ACCIDENT INVOLVEMENT
01/01/95 ACC      5000559        IA AC4 ACCIDENT INVOLVEMENT
03/13/95 ACC      5014670        IA AC4 ACCIDENT INVOLVEMENT
06/03/95 SUS 10/31/95          IA   HABITUAL VIOLATOR
06/25/95 SUS 08/14/95          IA   FAILED TO POST SECURITY: DRIVER/OWNER
07/13/96 BAR 07/13/97          IA RV1 CMV HABITUAL OFFENDER
    
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Naab's failure to care for "spouses," kids, customers

"Comes now the State of Iowa on its own behalf and on behalf of the minor child(ren) named herein" was an opening statement on more than one petition to establish paternity, current and accrued support Ryan Naab has had to respond to over the years.

Some of the following information is not the kind that would ordinarily be included in a news story. But in this special case, its nature is absolutely germane to legitimate issues of character — public and private — Naab himself raises by his own actions.

The first and perhaps the most contentious of Ryan Naab's romantic splits was between him and Carie Ann Loney and involved the well-being of a minor child whose name we do not need to mention here.

Carie Ann was 18 when she finally demanded support from Naab

State of Iowa v. Ryan Scott Naab, was filed in Dubuque County (Iowa) District Court on Sept. 11, 1992, which would make Naab about 19 at the time. He was thought to be living in East Dubuque in Jo Davies County, Iowa at the time.

The boy child in question had been born about a month before on Aug. 5, 1992, court records stated.

Naab agreed on Oct. 26, 1992 to submit to a blood test when then child reached six months old and a hearing was set for April 19, 1993 to hear the results.

Delays occurred until on June

23, 1993 when the court "was informed through (Naab's) counsel that (he) agreed to a finding of paternity based on the blood test results. In light of this communication and the respondent's failure to appear the court finds Ryan Naab to be the father of" the child.

A hearing to determine the

be established (speaking from experience, is he?)... I would appreciate the state or Stacy Stillmunkes to pay for the tests."

The tests were administered, the court subsequently learned and Naab's "paternity is 95 percent or higher, there is a rebuttable presumption that the Respondent is the biological father" of the girl child

This information is germane to legitimate issues of character — public and private — Naab himself raises by his actions.

level of child support was scheduled for Aug. 9, 1993.

Naab was not producing the ordered child support, it seems, and on Aug. 21, 1996 the court ordered his employer to deduct and withhold a sum of \$83 per month for delinquent support until an unpaid amount was covered. The support delinquency totaled \$113.82 as of 8/20/96," the court ruled. (*Case #EQ CV 87677.*)

Of course Lothario Naab's love life had not been dormant all this time.

He was again on Sept. 4, 1997 contesting a paternity suit brought against him in the same Iowa District Court by one Stacy Stillmunkes.

"I have not been in contact with Stacy the mother in over 2½ years, never receiving a phone call or any type of contact involving this matter, I am now married and have a child on the way."

"I believe paternity should first

born in July 1995.

Naab balked and the court ordered that further genetic tests be administered. But Naab did not show up for the ordered tests, so on Dec. 18, 1997, the court ruled Naab was the legal father. (*Case #284781*)

Then of course there was the Other Woman. Or, in this case, the Other Other Woman.

The presence of Brenda Lee Naab in this complicated soap opera came to light in Iowa District Court documents (involving a child support order for a third love child) both dated May 26, 1998.

The income statement Naab filed that day showed his monthly income had risen to \$1,464.

Naab's monthly child support obligation for that offspring was calculated to be \$329.31.

That obligation was subsequently removed entirely by court order on May 16, 1999.

Failure cont'd on page 5

Failure

Cont'd from page 4

Naab was back in court April 19, 1999 asking the court not to raise the child support he was paying to Carie Ann, who was by then, Carie A. Gudenkauf.

"I (Ryan Naab) would like to please ask the court not to raise my child support obligation. I work in the construction trade. I was off work a considerable amount of time this past year (approx 13wks) and am off work now...

"...I am now married and have

a 16 month old baby girl. We are keeping up with the bills and such." Naab said in a hand printed plea to the court.

A motion to compel Naab to pay as ordered, with a stern letter from Gudenkauf's attorney warning him of potential financial fees that could result if he delayed further.

Naab sought several delays, but was eventually

ordered to delinquent sums amounting to \$664 and his \$166 per month child support was raised, slightly.

On Feb. 9, 2000, Naab and Carie Gudenkauf each submitted a "Statement of Affairs" to the court in a matter that had increased to include a separate claim in behalf of the child. (Case #EQCV91605)

The detailed summaries showed Gudenkauf had a gross income of about \$22,280 netting out to a monthly income of \$1,513.02.

Naab reported a slightly lower gross income of \$22,241, but netted a monthly income of \$1,464.

By Sept. 26, 2001, Naab was again behind in his child support payments, court records showed.

It seems that at about that time Naab made noises about seeking joint custody of the child on Dec. 17, 2001, which led to a court "order approving satisfaction" being lodged in Iowa District Court.

Carie Gudenkauf had relinquished her child support rights in exchange for Naab relinquishing any parental rights.

A deal is a deal.

This dodge of paternity may be the best proof that Ryan Naab has an un-rehabilitatable view of social responsibilities.

Not the sort crafty, pickup-driving, ticket-getting, child-support-evading, contract-ignoring good-old-boy lout you'd want to partner with in a construction project.

Commonsense and Naab's published record should be warning enough.



Naab's business failings, and inevitable lawsuits

Ryan Naab and Mississippi Valley Plumbing & Heating have been sued frequently, often for penny ante sums, which indicates Naab lives and works close to the bone.

For instance, Bond Quality, Inc. sued Ryan Naab and Mississippi Plumbing & Heating on May 21, 2004 to recover \$1,417, "plus interest, court costs and attorneys fees."

Bond Quality, Inc. v. Ryan Naab, Mississippi Plumbing & Heating, filed in Dubuque County (Iowa) District Court, alleged that Naab had hired Bond Quality as a subcontractor to work on the Dubuque County jail facility, but never paid the company in full (Case #01311 LACV 05321)

Naab apparently failed to

appear in court on an assigned date to answer the summons.

On June 24, 2004 the court notified him that if he did not take answer within 10 days, a default judgment would be entered against him.

Small fry Naab plagued by small claims actions

It might reasonably be said that Ryan S. Naab is the living example of a small-time operator.

He cadges small jobs, creates small predicaments and bounces around in small claims court over small sums he hasn't and probably never will pay.

Here's a round-up of some of Naab's little small-change disputes.

Business failings cont'd, pg 6

Business failings

Cont'd from page 5

Ryan Naab "doing business as Mississippi Plumbing & Heating" lives on such shortened means he can't afford the newspaper ads he takes out.

The Telegraph Herald, Dubuque's daily newspaper, referred Naab and Mississippi Valley Plumbing & Heating's unpaid \$401.59 bill to a collection agency.

H and H Accounts v. Ryan Scottt Naab, Dubuque County (Iowa) District Court, resulted in Naab being ordered to pay \$401.59 in a judgment rendered Oct. 15, 2003 after Naab failed to follow through on an earlier promise to pay. (Case #SC050072)

An angry supplier sued Naab in the same small claims court in 2001, looking for an unpaid sum of more than \$3,000, records show.

First Supply Dubuque v. Ryan Naab, Mississippi Valley Plumbing & Heating, also filed in Dubuque County Court, sought \$3,130.89 in unpaid bills for various small items, the court documents declared.

The unpaid amounts ranged from \$5.00 to \$1,903.

The court ordered Naab and

Mississippi Valley Plumbing & Heating incomes garnished for the totals amount in the decision rendered May 17, 2001. (Case #SC45384)

In Credit Bureau Enterprises, Inc. v. Ryan Naab, Credit Bureau Enterprises sought and got \$998.96 from Naab in a judgment handed down June 7, 1999. (Case #SC34622)

Naab wasn't always the defendant in small claims court. He was the plaintiff, once.

In March 2001, Naab went to Dubuque County District Court to file a small claims action against one Todd Miller, who was apparently evicted from a back room "1/2" residence at a Central Avenue residence owned by Naab, when failed to pay rent for the month of February 2001.

Ryan Naab v. Todd Miller was concluded March 1, 2001 when Miller agreed to pay court costs of \$41. (Case #SC044860)

Knowing this, why would any legitimate business person want to enter into a contract with such an operator?

Naab sued for not paying into worker pension

A repeat flop, Ryan Naab went national in 2004, expanding his screw-ups from state courts in Iowa to federal courts in Virginia in 2004.

On Aug. 16, 2004, the trustees of a National Pension Fund brought suit against Mississippi Valley Plumbing & Heating in U.S. District Court of Virginia.

The trustees alleged that Naab had "failed to make contributions due to the National Pension Fund for the months of March 2003 through September 2003" in the amount of \$6,562.45.

When the default judgment (he probably didn't appear in that court either) was levied on Jan. 11, 2005, the amount Naab was nicked for had risen to \$18,883.55.



Corporate Information

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Ryan Nabb, Mgr.

LASER: Praised by Faint Damnation

Jim Pease apparently never tires of reminding HVAC contractors that the best way to respond to LASER's criticisms is to straighten their act. In a 2003 issue of the ABC of Wisconsin newsletter, Mr. Pease reiterated his expensive advice that, "The best preparation for LASER is for an employer to get its house in order."

"Damned by faint praise" is a timeless expression summarizing the tactic of praising someone so modestly as to cast doubt on both the sincerity and intent of the compliment. How LASER has had the good fortune of experiencing the reverse: it seems we've been "praised by faint damnation."

We point to a recently discovered opinion column by Jim Pease published way back on June 13, 2001 in the Wisconsin-based construction industry news organ, The Daily Reporter. (More later on this tardy discovery.)

Officials of the construction companies we report on sometimes criticize LASER. By and large, we ignore them. The occasional complaint is only to be expected, considering the natural antipathy between the watchdog and the watched. After all, the alert bulldog can generally rely on poor reviews from the cat burglar.

If the criticism has merit — happily a rare occurrence — we respond. Otherwise, we ignore them.

However, in this case, because Mr. Pease's article is so unintentionally complimentary to LASER's goals and services, we think it deserves special mention.

In his article, Mr. Pease first lays out his premise: research organizations — also known as "think tanks" — compile data on specific issues, analyze the data, write reports and distribute them to concerned parties.

Mr. Pease, who is affiliated with construction industry management, concludes that some of these groups are "pro-union," because the final reports issued are not always flattering to nonunion construction employers. He calls these reports, "attacks."

You can tell by the title, "Are you ready for LASER?" he is particularly worried about us.

He correctly points out that the information we collect on companies includes:

- complaints, citations, charges and

lawsuits involving the employer

- claims that prevailing wage obligations have not been met
- Fair Labor Standards Act, tax, licensing and safety violations
- criminal activities; names and addresses of current and former employees
- past and present clients
- a list of all hazardous or toxic materials used
- copies of all financial statements,

“The best preparation for LASER,” Mr. Pease says, “is for an employer to get its house in order.”

profits and losses, liabilities and inventories of vehicles and equipment

- environmental permits issued to or applied for by the employer
- complaints of poor workmanship, delays, mistakes and overruns on job sites
- breakdowns of all minority employees versus nonminority employees by craft, man-hours, hourly wage, health benefits and pension benefits
- reports of fires, accidents and injuries
- bankruptcies of the employer or any of its owners or officers
- violations of immigration laws

"An example of one of these pro-union research organizations is already operating on the borders of Wisconsin and may soon be operating within the state. It's called Labor and Safety Employer Research or LASER," Mr. Pease warns.

Mr. Pease's implied argument seems to be that the mere act of broadcasting facts taken from the public record to the wider community so informed decisions can be made is somehow reprehensible.

Reprehensible, perhaps, in the same way a watchdog barking at a midnight prowler constitutes a public nuisance because we also wake the neighbors.

"Attacks by these research groups can be very insidious because a targeted employer may not know the attack is occurring," Mr. Pease alleges.

He goes on to claim that, "Organizations like LASER hide behind a shroud of secrecy."

Mr. Pease is not being entirely frank here. He knows that, in the interests and spirit of fairness, accuracy and full disclosure, LASER has a strict policy of providing notice well in

advance of everything we expect to report about the employer. We give the parties ample time to respond and, if necessary, point out any errors that may have been made.

Mr. Pease reveals this later in his article when he advises his construction industry readers to make sure they "Carefully review LASER's correspondence..."

Those most interested in maintaining secrecy are clearly the employers with all those "complaints, citations, charges and lawsuits" hidden in their closets.

And here we'd like to point out the sweet irony of Mr. Pease's accusation. We only learned about his article in May 2003, two years after it was first published in the construction industry newspaper.

Had he followed our policy of open disclosure in the interests of fairness and accuracy, we would have gotten a letter from him and a copy of his article several weeks before June 1, 2001. But that is water under the bridge.

Where we take the greatest pleasure in Mr. Pease's left-handed compliments is in his final recommendation to construction employers on dealing with what he ominously calls, "The threat of LASER."

"The best preparation for LASER," Mr. Pease says, "is for an employer to get its house in order and to avoid the type of conduct that LASER can use in an apparent effort to destroy an employer's reputation. An employer should develop and maintain a serious safety program designed to eliminate violations of all safety laws. Pay practices should be administered to strictly comply with federal and state wage and hour laws and federal, state and local prevailing wage laws. Violations of environmental, immigration, labor and employment, taxation and other business laws should be avoided. And, positive personnel practices that encourage a diverse work force that is treated with respect should be developed and implemented by the employer. If these things are done, LASER won't have anything to write about." (emphasis added)

We wholeheartedly agree. It is, indeed all they have to do.

So in the final analysis, it appears LASER may have had some influence upon the construction industry over the last decade — and that impact seems to be for the good. Of that we are proud.

Mr. Pease, we offer you our belated thanks. And, please keep up the good work.

Source Notes

LITIGATION:

State of Iowa Ex Rel, et al v. Ryan Scott Naab; Case #87677; Filed 9/11/92; Iowa District Court, Dubuque County

Trustees of the National Pension Fund v. Mississippi Valley Plumbing & Heating, Inc.; Case #1:04CV952 G BL/LO; Filed 8/16/04; U.S. District Court, District of Virginia

Ryan Naab v. Todd Miller; Case #SCSC044860; Filed 2/23/01; Iowa District Court, Dubuque County

The CBE Group, Inc. (f.k.a. Credit Bureay Enterprises, Inc. v. Ryan S. Naab; Case #SC34622; Filed 8/2/96; Iowa District Court, Dubuque County

First Supply Dubuque v. Ryan Naab (d.b.a. Mississippi Valley Plumbing & Heating, Inc.); Case #01311 SCSC0 45384; Filed 5/17/01; Iowa District Court, Dubuque County

State of Iowa v. David Regan; Case #AGCRO27939; Filed 3/2/97; Iowa District Court, Dubuque County

Bond Quality, Inc. v. Ryan Naab, Mississippi Valley Plumbing & Heating, Inc.; Case #01311 LACV 053721; Filed 5/21/04; Iowa District Court, Dubuque County

State of Iowa v. Ryan S. Naab; Case #SMCR4734, SMCR4735; Filed 6/2/94; Iowa District Court, Dubuque County

H and R Accounts, Inc. v. Ryan Scott Naab; Case #01311 SCSC050072; Filed 5/14/03; Dubuque County Small Claims Court

Brenda Lee Naab v. Ryan Scott Naab; Case #DACV030647; Order of Court Filed 5/26/98; Iowa District Court, Dubuque County

State of Iowa Ex Rel, et al v. Ryan Scott Naab; Case #EQ CV 90446; Administrative Order Filed 9/10/97; Iowa District Court, Dubuque County

State of Iowa v. Ryan Scott Naab; Case #31311 STWG695609, Filed 7/31/02; #06521 STHP470515, Filed 11/3/93; #06521 STHP470516, Filed 11/3/93; #01311 STWG129827, Filed 6/3/05; #01311 SRCR002234, Filed 7/22/94; Dubuque County, Iowa

City v. Ryan S. Naab; Case #01311DUSMCR008308; Filed 12/28/94; Dubuque County, Iowa.

ARTICLES:

“Are You Ready For LASER?” Jim Pease. *The Daily Reporter*. 6/13/01

MISSCELANEOUS:

Corporation Summary; Mississippi Valley Plumbing & Heating, Inc.; State of Iowa; <http://www.sos.state.ia.us/corp>.

CORPORATE INFORMATION:

Company Information Report on Mississippi Valley Plumbing & Heating, Inc. Dun & Bradstreet. 7/8/05. <http://www.dnb.com>

Westlaw People Finder Report; Westlaw; 7/8/05; <http://www.westlaw.com>

Iowa Secretary of State Corporation Summary; 6/3/05; <http://www.sos.state.ia.us>



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The information contained in The Contractor's Critic does not reflect a complete history of the business practices of Mississippi Valley Plumbing & Heating, Inc. and/or its related companies. LASER is publishing information that contractors do not and will not publish about themselves. LASER has relied on the public record to present this information to the public in an effort to promote safety, productivity, honesty, and environmental compliance in the construction industry.

Mississippi Valley Plumbing & Heating, Inc. has been given the opportunity to review this material for errors and inaccuracies. As of publication, Mississippi Valley Plumbing & Heating, Inc. has not made any suggestions or refuted any of the information in this publication.

LASER, Inc. will continue to seek and publish additional data.

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Visit LASER's website at www.laser-inc.com*