

*SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD*

**Synergy Business Park, Kingstree Building  
110 Centerview Drive, Kingstree Building, Room 105  
Columbia, South Carolina 29210**

**Minutes**

**Thursday, April 21, 2011**

**10:00 a.m.**

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Kim Lineberger, Chairperson announced that the meeting was held in accordance with §30-4-80 of the South Carolina Freedom of Information Act by notice mailed to all requesting persons, organizations, and news media. In addition, notice was posted on the bulletin boards at the main entrance of the Kingstree Building.

**WELCOME AND CALL TO ORDER:**

Kim Lineberger, Chairperson, called the regular meeting of the Contractor's Licensing Board to order at 10:00 a.m. Other members present for the meeting included: Bill Neely; Douglas Greer; Mark Plyer, Daniel Lehman; Frank Walker; Wendi Nance; and Lewis Caswell.

Staff members participating in the meeting included: Sheridon Spoon, Assistant Deputy General Counsel; Christa Bell, Staff Attorney; Lilla Ann Gray, Hearing Attorney; Jamie Saxon, Hearing Advisor; Daniel Grigg, Hearing Advisor; Joyce Thurber, Program Coordinator; Angela Scott, Administrative Assistant; Steve Freshley, Office of Investigation; Ray Smith, Office of Investigation; and Laura Cook.

No others were present at this meeting.

**Approval of Agenda:**

*Thursday, April 21, 2011*

**MOTION:**

Mr. Caswell moved to approve the Thursday, April 21, 2011, Agenda. Mr. Nance seconded the motion, which carried unanimously.

**Excused Members:**

All members were present.

**Approval of Minutes:**

*Thursday, January 20, 2011*

**MOTION:**

Mr. Walker moved to approve the Thursday, January 20, 2011; meeting minutes with the following corrections Mr. Daniel Lehman was present at the October 21, 2011 meeting; and under Adjournment change date to January 20, 2011. Mr. Caswell seconded the motion, which carried unanimously.

**Chairperson's Remarks:**

*Kim Lineberger*

Chairperson Lineberger welcomed everyone to the meeting.

**Administrator's Remarks:**

*Gary Wiggins*

**Introduction of Charlie Ido, Assistant Deputy Director of Office and Board Services (OBS):**

*Charlie Ido*

Mr. Charlie Ido informed the Board that on February 17, 2011, he was appointed as Assistant Deputy Director of Office and Building Services. He reported that the agency had a reduction in workforce and restructuring. Many of the tasks that were assigned to the Office of Licensure and Compliance were reassigned to the individual Boards and Commissions. Mr. Ido reported that the Board's Administrators are responsible for the approval of the Board's Budget and Travel.

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He also reported that the Supreme Court has a law that separates the relationship between the Investigators, Hearing Officers, and Board Members. He went on to say that the majority of complaints the agency received are generated through Board members. Mr. Ido instructed the Board to relay all complaints received from contingents or licensees to the Board's Administrator. The Administrator will complete the complaint form and forward it to the Office of Investigations. Mr. Ido stated that a representative from the Office of Investigations will be in attendance and present statistical information.

Administrator Position Update – Mr. Wiggins reported that the administrator's position was reposted and hopefully by the next meeting an administrator will be in place.

LLR Reorganization:

Mr. Wiggins reported that several staff members that were previously with the Board have returned and they have several years and experience with Contractors, Residential, Building Codes, Modular and Manufactured Housing licensing programs.

Chairman Lineberger asked whether the situation where an applicant answering yes they have been convicted or has outstanding liens and judgments on the online application receiving a license been corrected.

Mr. Wiggins reported that he would get clarification on that matter and present an answer at the next meeting.

**PSI Portion Pass Report** – Mr. Wiggins presented and explained the PSI Portion Pass Report.

Office of Investigations and Enforcement Report – Mr. Freshley reported that the Board presently has 86 **open cases**. The oldest is 454 **days old** and the youngest is 6 **days old**.

Office of General Counsel Report – Mrs. Suzann Hawkins reported that the Board presently has **35** open cases; **17** pending actions cases; **6** pending hearings; **7** pending final order hearings; **7** pending final orders; **9** on appeal; and **66** closed cases.

Mrs. Hawkins reported that the Office of General Counsel has been restructured and now known as the Office of Legal Service. This office has been broken down into two teams and the team that will be handling Contractors Licensing Board is supervised by Mrs. Lynn Rodgers. Mrs. Suzanne Hawkins, Mrs. Georgia Louis, and Mrs. Laura Cook will be the attorneys representing the Contractors Licensing Board.

**MOTION:**

Mr. Plyer made a motion to go into executive session for legal advice. Ms. Nance seconded the motion, which carried unanimously.

Ms. Nance made a motion to come out of executive session. Mr. Walker seconded the motion, which carried unanimously.

**Advisory Opinions:**

*Sheridon Spoon*

There was no Advisory Opinions.

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**Legislative Update:**

No report given.

**Old Business:**

Continued – Policy for plumber training to install multipurpose piping - Mr. Lewis Caswell/Mr. Bill Neely – This matter was continued until the July 21, 2011 meeting.

Firstar/Great Southern Homes Report on Outstanding Issues- Thomas F. Dougall, Esq.

*Michael Nieri and Great Southern Homes*

Mr. Thomas Dougall, Esquire represented Mr. Michael Nieri. Mr. Dougall presented documentation and gave an explanation regarding the Outstanding Complaints filed against Mr. Nieri and Firstar/Great Southern Homes. Mr. Dougall requested that the Board remove Mr. Nieri's and Great Southern Homes license from a probationary status.

**MOTION:**

Mr. Plyer made a motion to go into executive session for legal advice. Ms. Nance seconded the motion, which carried unanimously.

Ms. Nance made a motion to come out of executive session. Mr. Plyer seconded the motion, which carried unanimously.

**MOTION:**

Mr. Walker made a motion to remove the probationary status from Mr. Nieri's and Great Southern Homes' license. Mr. Caswell seconded the motion, which carried unanimously.

*(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

**New Business:**

Financial Statement Change – Mr. Wiggins informed the Board that a Bill S. 354 was introduced to amend §40-11-260(A) of the 1976 Code, relating to financial statements and net worth requirements for General Contractors, to adjust the required net worth amounts necessary for a General Contractor's License or License Renewal; and to amend §40-11-260(B), to adjust the required new worth amounts necessary for a Mechanical Contractor's license and license renewal.

Ms. Thurber stated that she received several calls regarding the Mechanical Group 4 limitation and the Mechanical Group 4 limitation financial requirement should be increased.

Chairman Lineberger requested that staff present the number of Mechanical Group 4 limitation that would be affected.

**Financial Statements with Negative Net Worth** - Mr. Wiggins reported that staff received several financial statements from licensees whom have been in the business for a number of years that have a negative Net Worth. Mr. Wiggins went on to say that these licenses can not be issued at Staff level. BETCO, Inc.; LVI Services, LLC; and Southland Services, LLC were not present.

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BETCO, Inc.:

BETCO, Inc., was not present. The Board took no action.

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LVI Services, LLC, New York, NY:

LVI Services, LLC., was not present. The Board took no action.

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Southland Services, LLC:

Southland Services, LLC was not present. The Board took no action.

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**Approval of Consent Agreements:**

Hatfield's Mobile Home Heating and Cooling, Inc., OIE Case #2008-212 (S. Hawkins, Esq.):

*Hatfield's Mobile Home Heating & Cooling, Inc.*

The Board held a Hearing to approve the Consent Agreement against Hatfield Mobile Home Heating and Cooling, Inc. The Respondent was not present. Mrs. Suzanne Hawkins represented the State.

**MOTION:**

Mr. Lehman made a motion to approve the Consent Agreement for Hatfield's Mobile Home Heating and Cooling. Mr. Walker seconded the motion, which carried unanimously.

*(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

Bouknight's Heating and Cooling, LLC, OIE Case # 2009-115 (S. Hawkins, Esq.):

*Bouknight's Heating & Cooling, LLC*

The Board held a Hearing to approve the Consent Agreement against Bouknight's Heating and Cooling, LLC. The Respondent was not present. Mrs. Suzanne Hawkins represented the State.

**MOTION:**

Mr. Neely made a motion to deny the Consent Agreement for Bouknight's Heating and Cooling, LLC. Mr. Caswell seconded the motion, which carried unanimously.

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James L. Oakes, III Enterprises, Inc., OIE Case # 2010-147 (S. Hawkins, Esq.):

*James L. Oakes, III, Enterprises, Inc.*

The Board held a Hearing to approve the Consent Agreement against James L. Oakes, III., Enterprises, Inc. The Respondent was not present. Mrs. Suzanne Hawkins represented the State.

**MOTION:**

Mr. Caswell made a motion to deny the Consent Agreement for Mr. Mr. James Oakes, III. Mr. Lehman seconded the motion, which carried unanimously.

*(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

Martin Roofing Services, Inc., OIE Case # 2010-126 (L. Cook, Esq.):

*Martin Roofing Services, Inc.*

The Board held a Hearing to approve the Consent Agreement against Martin Roofing Services. The Respondent was not present. Ms. Laura Cook represented the State.

**MOTION:**

Mr. Plyer made a motion to deny the Consent Agreement for Martin Roofing Service. Ms. Nance seconded the motion, which carried unanimously.

*(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

Small's Enterprises, Inc., OIE Case # 2010-261 (L. Cook, Esq.):

*Small's Enterprises Inc.*

The Board held a Hearing to deny the Consent Agreement against Small's Enterprises, Inc. The Respondent was not present. Ms. Laura Cook represented the State.

**MOTION:**

Mr. Plyer made a motion to approve the Consent Agreement for Martin Roofing Service. Ms. Nance seconded the motion, which carried unanimously.

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**Clarify for Policy Statement – Medical Gas and Laboratory Gas Equipment and Piping:**

Mr. Caswell made a motion to allow Mechanical Contractors with the Plumbing classification to perform Medical and Laboratory Gas Equipment and Piping. Mr. Walker seconded the motion, which carried unanimously.

**IRC Recommendations for January 11, 2011; February 8, 2011; March 8, 2011; and April 7, 2011:**

*January 11, 2011, IRC Recommendations:*

**MOTION:**

Mr. Caswell made a motion, to approve the recommendations of the Investigative Review Committee. Mr. Neely seconded the motion, which carried unanimously.

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*February 8, 2011, IRC Recommendations:*

**MOTION:**

Mr. Caswell made a motion, to approve the recommendations of the Investigative Review Committee. Mr. Lehman seconded the motion, which carried unanimously.

*March 8, 2011, IRC Recommendations:*

**MOTION:**

Mr. Walker made a motion, to approve the recommendations of the Investigative Review Committee. Mr. Plyer seconded the motion, which carried unanimously.

*April 7, 2011, IRC Recommendations:*

**MOTION:**

Mr. Plyer made a motion, to approve the recommendations of the Investigative Review Committee. Mr. Caswell seconded the motion, which carried unanimously.

**Application Hearings:**

Ms. Nance was not present during these proceedings.

APX Alarm Security Solutions, Inc. , Karl S. (Butch) Bowers, Esq.:

*APX Alarm Security Solution, Inc.*

The Board held an Application Hearing regarding APX Alarm Security Solutions, Inc., Mr. Butch Bowers, Esquire, represented Mr. Karl Wilcox.

**MOTION:**

Mr. Neely made a motion to deny licensure for APX Alarm Security Solutions, Inc. Mr. Lehman seconded the motion, which carried unanimously.

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William C. Mitchell and Dock Systems, Inc.:

*William C. Mitchell*

The Board held an Application Hearing regarding Mr. William C. Mitchell. Mr. Mitchell appeared before the Board to present testimony and waived his right to counsel.

**MOTION:**

Mr. Caswell made a motion require Mr. Mitchell to comply with §40-11-250 which states  
“(A) All licenses may be renewed biennially. A licensee shall apply to the department for license renewal by the expiration date on a form approved by the board. Renewal applications not postmarked by the expiration date result in a lapsed license. An entity which fails to renew and which continues to engage in construction is practicing without a license and is subject to the penalties prescribed in this chapter.  
(B) A license which has lapsed may be renewed within ninety days from date of expiration by filing a renewal application and upon payment of renewal and late fees. An entity whose license is lapsed for failure to renew must submit an application and meet all qualifications for initial licensure to engage in construction.”

Mr. Walker seconded the motion, which carried unanimously.

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William F. Whitaker:

*William F. Whitaker*

The Board held an Application Hearing regarding Mr. William Whitaker. Mr. Whitaker appeared before the Board to present testimony and waived his right to counsel.

**MOTION:**

Mr. Walker made a motion to deny the reinstatement of Mr. Whitaker's General Contractor's license. Mr. Caswell seconded the motion, which carried unanimously.

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Carl L. Bryant and C.L. Bryant Heating and Air:

*Carl L. Bryant*

The Board held an Application Hearing regarding Mr. Carl L. Bryant. Mr. Bryant appeared before the Board to present testimony and waived his right to counsel.

**MOTION:**

Mr. Walker made a motion to deny licensure for Mr. Bryant's Mechanical Contractor's license. Mr. Caswell seconded the motion, which carried unanimously.

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**Approval/Disapproval of Hearing Officer's Report and Recommendations for Final Orders:**

Hill Construction Company, Inc. and Russell H. Hill, Qualifier; Case # 2008-245:

(Daniel Grigg, Esquire - Hearing Advisor)

*Russell H. Hill*

The Board held an Administrative Hearing regarding Mr. Russell H. Hill. Mrs. Suzanne Hawkins, Esquire represented the Board. Mr. Frank Walker requested to be recused because he was the Hearing Officer. Mr. Hill was not present or represented.

**MOTION:**

Mr. Lehman made a motion to approve the Hearing Officer's Recommendation regarding Hill Construction Company, Inc., and Mr. Russell Hill. Mr. Neely seconded the motion, which carried unanimously.

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Aztec Paving and Scott Ranson, Qualifier; Case # 2009-106:

(Daniel Grigg, Esquire – Hearing Advisor)

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*Scott Ranson*

The Board held an Administrative Hearing regarding Mr. Scott Ranson. Ms. Laura Cook, Esquire represented the State. Mr. Ranson was not present or represented.

**MOTION:**

Mr. Caswell made a motion to approve the Hearing Officer's Recommendations regarding Aztec Paving and Mr. Scott Ranson. Mr. Plyer seconded the motion, which carried unanimously.

*(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

G & H Builders of Lexington, Inc. and Gregg Schneider, Qualifier; Cases # 2008-185; Cases # 2009-50 and 2009-101;

(Mr. Daniel Grigg, Esquire – Hearing Advisor)

*Gregg Schneider*

The Board held an Administrative Hearing regarding G & H Builders of Lexington, Inc. and Mr. Gregg Schneider. Mrs. Suzanne Hawkins represented the State. Mr. Schneider was not present or represented.

**MOTION:**

Mr. Caswell made a motion to approve the Hearing Officer's Recommendations regarding G & H Builders of Lexington, Inc. and Mr. Gregg Schneider. Mr. Plyer seconded the motion, which carried unanimously.

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D R Jones Heavy Construction, Inc. and Daniel R. Jones, Qualifier; Case # 2008-248;

(Mr. Daniel Grigg, Esquire – Hearing Advisor)

*Daniel R. Jones*

The Board held an Administrative Hearing regarding D R Jones Heavy Construction, Inc., and Mr. Daniel Jones. Mrs. Suzanne Hawkins represented the State. Mr. Frank Walker requested to be recused because he was the Hearing Officer. Mr. Jones was not present or represented.

**MOTION:**

Mr. Caswell made a motion to approve the Hearing Officer's Recommendations regarding D R Jones Heavy Construction Inc., and Mr. Daniel Jones. Mr. Neely seconded the motion, which carried unanimously.

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Nash Locklear Construction, Co. and Nash Locklear, Qualifier; Case # 2005-302; Cases # 2006-103 and 104;

(Mr. Daniel Grigg, Esquire – Hearing Advisor)

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*Nash Locklear*

The Board held an Administrative Hearing regarding Mr. Nash Locklear. Mr. Locklear appeared before the Board to present testimony and waived his right to counsel. Mrs. Suzanne Hawkins represented the State.

**MOTION:**

Mr. Walker made a motion to approve the Hearing Officer's Recommendations with the following amendment to require Mr. Nash Locklear to take the Code of Laws Examination. Mr. Lehman seconded the motion, which carried unanimously.

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James T. Floyd and Qualifier; Cases 2008-251 and 2008-281;  
(Mr. Daniel Grigg, Esquire – Hearing Advisor)

*Mr. James T. Floyd*

The Board held an Administrative Hearing regarding Mr. James Floyd. Mr. Floyd appeared before the Board to present testimony and waived his right to counsel. Mrs. Lilla Ann Gray represented the State.

**MOTION:**

Mr. Neely made a motion to approve the Hearing Officer's Recommendations regarding Mr. Jones. Mr. Caswell seconded the motion, which carried unanimously.

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**Public Comments:**

There were no comments made.

**Date of Next Meeting**

*Thursday, July 21, 2011, Meeting Room 202-02*

The next meeting of the Board is scheduled for Thursday, July 21, 2011, in conference room 204.

**Adjournment**

Mr. Caswell moved for the meeting to be adjourned. Mr. Neely seconded the motion, which carried unanimously.

The April 21, 2011, meeting of the South Carolina Contractor's Licensing Board was adjourned at 2:55 p.m.