

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 105
Columbia, South Carolina 29210

Minutes

Thursday, July 21, 2016

10:00 a.m.

Lewis M. Caswell, Board Chair, 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:

Lewis M. Caswell, Board Chair, called the regular meeting of the South Carolina Contractor's Licensing Board to order at 11:03 a.m. Other Board members present for the meeting included: James E. Lady, Daniel B. Lehman, Kimberly Lineberger, Bill Neely, Legrand Richardson, Jr., Charles A. White, and W. Franklin Walker.

Staff members participating in the meeting included: Georgia Lewis, Advice Counsel; Rhonda Jackson, Program Coordinator; Erin Baldwin, Office of General Counsel; Todd Bond, Office of Investigation and Enforcement; Teresa Martin, Program Coordinator, and Jill Vickers, Court Reporter.

Approval of Agenda:

Thursday, July 21, 2016

MOTION:

Mr. Walker made a motion to amend the agenda by moving Tab O to be heard after the Chairman's remarks. Mr. Neely seconded the motion, which carried unanimously.

Approval/Disapproval of Absent Board Member(s):

All members present

Approval of Minutes:

Thursday, April 21, 2016

MOTION:

Mr. Lady made a motion to approve the April 21, 2016 minutes. Mr. Richardson seconded the motion, which carried unanimously.

Chairman's Remarks:

Mr. Caswell announced that Mr. Bill Neely would be leaving the board after 12 years to focus on his current job.

Memorandum of Agreement:

Case No: 2013-164- Roosevelt Scott/ Scott Construction- CLG. 114650 & CQG. 17269 (TAB O)

Mr. Roosevelt Scott was present and represented by legal counsel, Attorney Cheveron Scott. Mr. Scott requested on behalf of Mr. Roosevelt for a closed meeting.

MOTION:

Mr. Lady made a motion to go into executive session for legal advice. Mr. Walker seconded the motion, which carried unanimously.

MOTION:

Mr. Lady made a motion to come out of executive session. Mr. Neely seconded the motion, which carried unanimously. No action was taken during executive session. No votes or decisions were made during this time.

MOTION:

Mr. Lady made a motion to accept the MOA with a \$500 fine and 6 months pay. Mr. White seconded the motion, which carried unanimously.

Application/License Reviews:

Earnest Fleming/Fleming Construction – CLG. 112207 and CQG. 20829 (TAB H)

Mr. Fleming was not present but was represented by legal counsel, Attorney Joseph Henry. The purpose of this matter was to reconsider denial of license and qualifying party application for reinstatement.

MOTION:

Mr. Lady made a motion to deny the request for reinstatement. Mr. Neely seconded the motion, which carried unanimously.

Kaden Cook/Vivint Inc. (Tab I)

Mr. Cook was present and not represented by counsel. The application could not be approved at staff level due to items on his criminal background report.

MOTION:

Ms. Lineberger made a motion to approve Mr. Cook's application. Mr. Lady seconded the motion, which carried unanimously.

William Dallis/S and D Holdings LLC. CLG. pending AND CQG. 12566 - (Tab J)

Mr. William Dallis was present and represented by legal counsel, Melanie Emery. The purpose of this matter was to reconsider application with pending judgments paid and/or payment arrangements.

MOTION:

Mr. Neely made a motion to go into executive session for legal advice. Mr. Lady seconded the motion, which carried unanimously.

MOTION:

Mr. Neely made a motion to come out of executive session. Mr. Lady seconded the motion, which carried unanimously. No action was taken during executive session. No votes or decisions were made during this time.

MOTION:

Mr. White made a motion approve as long as Mr. William Dallis is listed as qualifying party only for S and D, LLC. and documentation of a payment plan or satisfaction of judgments. Mr. Walker asked for an amended motion to suspend license if the above requirements were not done. Mr. Richardson seconded the motion, which carried unanimously.

Hearing Officer Recommendation-Final Order Hearing:

Case No. 2012-179-Comfort Tech LLC and Scott A. Hildebrand

Mr. Walker recused himself since he was the Hearing Officer.

MOTION:

Mr. Richardson made a motion to accept the Hearing Officer's recommendation. Mr. Neely seconded the motion, which carried unanimously.

Case No. 2013-185-HaB Panoramic Inc. and Scott D. Littlejohn

Mr. Richardson recused himself since he was the Hearing Officer.

MOTION:

Mr. Walker made a motion to accept the Hearing Officer's recommendation. Mr. Lineberger seconded the motion, which carried unanimously.

Case No. 2015-27-The Oettinger Group and Jared A. Oettinger

Mr. Richardson recused himself since he was the Hearing Officer.

MOTION:

Mr. Lineberger made a motion to accept the Hearing Officer's recommendation. Mr. White seconded the motion, which carried unanimously.

Memorandum of Agreement-(Tab N):

Case No: 2015-188-JMAC General Contracting LLC. and John A. McManus Jr.-CLG. 114650 and CQG. 20456

MOTION:

Mr. Walker made a motion to go into executive session for legal advice. Mr. Richardson seconded the motion, which carried unanimously.

MOTION:

Mr. Lady made a motion to come out of executive session. Mr. White seconded the motion, which carried unanimously. No action was taken during executive session. No votes or decisions were made during this time.

MOTION:

Mr. Richardson made a motion to delete paragraph 5 and issue a letter of caution. Mr. Walker seconded the motion, which did carry unanimously; Mr. Neely opposed.

Office of Investigation and Enforcement - (Tab D):

Todd Bond

OIE Status Report – Mr. Bond reported that as of today's meeting they receive 133 complaints. In comparison to this time last year there were only 83 cases received. There are 52 closed cases.

Recommendation of investigation Review Committee

May 26, 2016, IRC Recommendations:

The IRC Committee recommended 10 cases be dismissed, 8 formal complaints, 2 citations. That is a total of 20 cases.

MOTION:

Mr. Richardson made a motion to accept the recommendations made by the Investigative Review Committee at the May 26, 2016 IRC meeting. Mr. Lady seconded the motion, which carried unanimously.

July 14, 2016, IRC Recommendations:

The IRC Committee met on July 14, 2016. The Committee recommended 1 case for dismissal, 9 formal complaints, 5 citations and 1 Relinquishment. That is a total of 18 cases.

MOTION:

Mr. Richardson made a motion to accept the recommendations made by the Investigative Review Committee at the July 14, 2016 IRC meeting. Mr. Lady seconded the motion, which carried unanimously.

July 14, 2016, IRC Recommendations: Burglar and Fire

The IRC Committee met on July 14, 2016. The Committee recommended 1 case for dismissal, 2 citations. That is a total of 2 cases.

MOTION:

Mr. Lineberger made a motion to accept the recommendations made by the Investigative Review Committee at the July 14, 2016 Burglar and Fire IRC meeting. Mr. Lehman seconded the motion, which carried unanimously.

Administrator's Remarks for Information:

No remarks.

New Business:

Natural Gas Clarification

Staff made a request to the Board for an interpretation on what type of license is needed for the various types of natural gas piping performed in commercial structures. After discussion, the board agreed upon the following: The Contractors licensing law does not have a specific license for natural gas system (piping) installation. To perform natural gas piping in commercial installation, alteration or repair, an entity must hold a South Carolina Mechanical Contractors license with a plumbing (PB) classification to install natural gas piping for any equipment the licensed plumber is installing or an entity must hold a South Carolina Mechanical Contractors license with an air conditioning (AC) heating (HT) or package equipment (PK) classification to install natural gas piping for the HVAC equipment. These Contractor licenses are required if the total cost of construction is \$5000.

Executive Session:

Civil Order denying DPRH's Motion for Summary Judgment

The board discussed that the judgment was not final and there is 30 days to appeal.

Date of Next Meeting:

October 20, 2016 at 10:00 a.m. in Room 105.

Adjournment

MOTION:

Mr. Richardson made a motion to adjourn. Mr. White seconded the motion, which carried unanimously. There being nothing further, the meeting concluded at 2:30 p.m.