

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 16, 2015

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 10:00 a.m. Other Board members present for the meeting included: James E. Lady, Kimberly L. Lineberger, Bill Neely, James C. Patterson, Legrand Richardson, Jr., W. Franklin Walker, and Charles A. White.

Staff members participating in the meeting included: Georgia Lewis, Hardwick Stuart, and Mary League, Advice Counsel; Roger Lowe, Board Administrator; Rhonda Jackson, Program Coordinator; Erin Baldwin, Zubin Billimoria, and Andrew Rogers, Office of General Counsel; Kim Long, Administrative Assistant; and Amy Byrd, Court Reporter.

Others present participating in the meeting included: Fred Allen, Michael K. Amerson, Allen Bullard, James Carpentier, Kevin Crutchfield, Luis Endara, Jeffrey Farrell, James Harmon, Chris Harper, Randall Hiller, Steve Hilton, Steven L. Jackson, Clyde N. Jeffcoat, Dottie Landry, Ashley Mabus, Ryan Montgomery, J. J. Nettles, Alan Peace, Ray Peters, Ebbie Phillips, Roger Reid, R. Brandt Shelbourne, Scott Shockley, Lee Stegall, Neal Taylor, Kenneth L. Tucker, Terrance Warren, Lorenzo Williams, Glynn Willis, Kim Calhoun Wren, Maynard Wren, and John Zilinsky.

Approval of Agenda:

Thursday April 16, 2015

MOTION:

Ms. Lineberger made a motion to approve the April 16, 2015 agenda. Mr. White seconded the motion, which carried unanimously.

Excused Member(s):

MOTION:

Mr. White made a motion that Daniel Lehman receives an excused absence. Ms. Lineberger seconded the motion, which carried unanimously.

Approval of Minutes:

Thursday, January 15, 2015

MOTION:

Mr. Richardson made a motion to approve the January 15, 2015 meeting minutes. Mr. Walker seconded the motion, which carried unanimously.

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Chairman's Remarks:

Lewis M. Caswell

Chairman Caswell welcomed everyone in attendance.

New Business:

Sign Construction

James Carpentier, Steve Hilton, Kevin Crutchfield, Roger Reid, Ebbie Phillips, Fred Allen, and Scott Shockley all spoke on behalf of the sign industry in opposition to the Board requiring a General Contractor's license for the installation of signs. The sign industry is currently regulated by the National Electric Code, UL requirements, and OSHA. Board members asked questions to audience members that are part of the sign industry.

MOTION:

Mr. Neely made a motion to table further discussion or reestablishing licensing to allow time for the Board to investigate what other states and municipalities are requiring of sign installers. Ms. Lineberger seconded the motion. The Sign Study Committee was established for this purpose, consisting of Ms. Lineberger, Chair, Mr. Lady, Mr. Neely, and Mr. Walker. Members of the sign industry interested in being part of committee discussions should contact Roger Lowe, Board Administrator, via email. Motion carried unanimously.

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

Application Reviews:

Treat & Woodman, LLC and Maynard C. Wren, Jr. (CLG. 115542)

Staff was unable to approve the revision application due to an affirmative answer regarding outstanding monetary judgment(s) related to construction. R. Brandt Shelbourne, Esq. appeared as attorney for Treat & Woodman, LLC and Maynard C. Wren, Jr. Mr. Wren and Kimberly Calhoun-Wren, owner of Treat & Woodman, LLC, appeared before the Board and were sworn in. Mr. Shelbourne presented his clients' case and answered questions from the Board.

MOTION:

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

MOTION:

Mr. Lady made a motion to come out of executive session and back into open session. Mr. Patterson seconded the motion, which carried unanimously. Chairman Caswell stated no formal actions were taken during executive session.

MOTION:

Mr. Lady made a motion to approve the license revision. Mr. Richardson seconded the motion, which carried by vote of 6 to 1.

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

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Harper Construction, Inc. and Christopher R. Harper (CLG.118552)

Staff was unable to approve the revision application due to matters appearing on Christopher R. Harper's criminal background check. Mr. Harper appeared before the Board and was sworn in. Mr. Harper waived his right to legal counsel and answered questions from the Board.

MOTION:

Mr. Lady made a motion to approve the revision application. Mr. Neely 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.)

Terrance Asante Warren (MX Security LLC, BAC.13621)

Staff was unable to approve the registered employee application due to matters appearing on Terrance Asante Warren's criminal background check. Mr. Warren appeared before the Board and was sworn in. Edward Byron Seal appeared to testify of behalf of Mr. Warren and was also sworn in. Mr. Warren waived his right to legal counsel and answered questions from the Board.

MOTION:

Mr. Neely made a motion to deny the registered employee application. Mr. Patterson seconded the motion, which carried by vote of 6 to 1.

Gina Anne Plant Roberts (MX Security LLC, BAC.13621)

Staff was unable to approve the registered employee application due to matters appearing on Gina Anne Plant Roberts' criminal background check. Ms. Roberts' application was withdrawn.

Justin D. Kosko (Protection One Alarm Monitoring, Inc., BAC.5097, FAC.3162)

Staff was unable to approve the registered employee application due to matters appearing on Justin D. Kosko's criminal background check. Mr. Kosko nor a representative from Protection One Alarm Monitoring, Inc., appeared before the Board.

MOTION:

Mr. Walker made a motion to deny the registered employee application. Mr. Lady 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.)

Hearing Officer Recommendation – Final Order Hearing and Application Hearing:

Amerson Construction Co., Inc. and Michael K. Amerson - Case No.: 2013-47

Michael K. Amerson was present, waived his right to counsel and was sworn in. James E. Lady was the hearing officer in the case and recused himself from the hearing. Zubin Billimoria, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

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MOTION:

Mr. Walker made a motion to accept the Hearing Officer's recommendation(s). Mr. White 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.)

T D Hendricks Construction Company, LLC and Michael K. Amerson
Staff unable to issue license due to pending disciplinary action and outstanding monetary judgments related to construction. Michael K. Amerson appeared before the Board and was sworn in. Mr. Amerson waived his right to legal counsel and answered questions from the Board.

MOTION:

Mr. Walker made a motion to approve the application. Mr. Neely seconded the motion, which carried unanimously.

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

Hearing Officer Recommendation – Final Order Hearings:

Lexington Custom Builders, LLC and Robert A. Bettis, III - Case No.: 2013-49
James Nettles, Jr., owner of Lexington Custom Builders, LLC, was present, waived his right to counsel and was sworn in. James E. Lady was the hearing officer in the case and recused himself from the hearing. Zubin Billimoria, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

Mr. Neely made a motion to accept the Hearing Officer's recommendation(s). Ms. Lineberger seconded the motion, which carried unanimously.

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

Construction Design & Solutions, Inc. and Matt Demarski and George Devito - Case Nos.: 2012-199, 2013-130, 2013-189
George Devito was present and sworn in. Randall Hiller, Esq., appeared as attorney for Construction Design & Solutions, Inc. and Mr. Devito. Matt Demarski was not present. Ryan Montgomery, Esq., appeared as attorney for Mr. Demarski. Legrand Richardson, Jr. was the hearing officer in the case and recused himself from the hearing. Andrew Rogers, Esq., represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

Mr. Lady made a motion to go into executive session to seek legal advice. Ms. Lineberger seconded the motion, which carried unanimously.

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MOTION:

Mr. Lady made a motion to come out of executive session and back into open session. Mr. Neely seconded the motion, which carried unanimously. Chairman Caswell stated no formal actions were taken during executive session.

MOTION:

Mr. Walker made a motion to accept recommendation numbers 1, 2, 3, and 6 from the Hearing Officer's Report and Recommendation, and strike number 4. Mr. Neely seconded the motion, which carried unanimously.

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

Beverly Construction Group, LLC and Forrest B. Beverly - Case No.: 2013-173

Forrest B. Beverly was present and sworn in. Allen Bullard, Esq., appeared as attorney for Mr. Beverly. Legrand Richardson, Jr. was the hearing officer in the case and recused himself from the hearing. Georgia Lewis, Esq., Advice Counsel, recused herself from this hearing and Hardwick Stuart, Esq., acted as Advice Counsel on behalf of the Board. Zubin Billimoria, Esq., represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

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

MOTION:

Mr. Neely made a motion to come out of executive session and back into open session. Mr. Lady seconded the motion, which carried unanimously. Chairman Caswell stated no formal actions were taken during executive session.

MOTION:

Mr. Walker made a motion to reject the Hearing Officer's recommendation(s) and issue a non-disciplinary letter of caution. Mr. Patterson seconded the motion, which carried unanimously.

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

Tucker Roofing Co. and Kenneth Tucker - Case No. 2013-52

Kenneth Tucker was present, waived his right to counsel and was sworn in. Legrand Richardson, Jr., was the hearing officer in the case and recused himself from the hearing. Zubin Billimoria, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

Mr. Lady made a motion to accept the Hearing Officer's recommendation(s) with the following modification: the penalty issued in item 2 is reduced to \$500. Mr. Neely seconded the motion, which carried unanimously.

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Lorenzo Williams and Clyde W. Jeffcoat, Case No. - 2013-2

Lorenzo Williams and Clyde W. Jeffcoat were present, waived their right to counsel and were sworn in. Daniel B. Lehman was the hearing officer in the case and was not present for the Final Order hearing. Zubin Billimoria, Esq., represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

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

MOTION:

Mr. Walker made a motion to come out of executive session and back into open session. Mr. Richardson seconded the motion, which carried unanimously. Chairman Caswell stated no formal actions were taken during executive session.

MOTION:

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

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

Progressive Roofing, Inc. and Paul Gunderson - Case No. 2012-157

Mr. Gunderson did not appear. Daniel B. Lehman was the hearing officer in the case and was not present for the Final Order hearing. Zubin Billimoria, Esq., represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

Mr. Lady made a motion to accept the Hearing Officer's recommendation(s). Ms. Lineberger seconded the motion, which carried unanimously.

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

Home Town Builders and Debra C. Purvis - Case No. 2013-163

Ms. Purvis did not appear. Daniel B. Lehman was the hearing officer in the case and was not present for the Final Order hearing. Zubin Billimoria, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

Ms. Lineberger made a motion to accept the Hearing Officer's recommendation(s). Mr. Lady seconded the motion, which carried unanimously.

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Heyward Electrical Services, Inc. and Sherman L. Gray - Case No. 2014-54

Mr. Gray did not appear. W. Franklin Walker was the hearing officer in the case and recused himself from the hearing. Zubin Billimoria, Esq., represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

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

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

Greystone Construction Inc. and Sherman L. Gray - Case No. 2014-55

Mr. Gray did not appear. W. Franklin Walker was the hearing officer in the case and recused himself from the hearing. Zubin Billimoria, Esq., represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

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

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

Motion to Rescind:

Eli Thompson - Case No. 2014-145

Eli Thompson did not appear. Erin Baldwin, Esq., represented the State and requested the Board accept the Motion to Rescind.

MOTION:

Mr. Lady made a motion to accept the Motion to Rescind. Mr. Patterson seconded the motion, which carried unanimously.

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

Memorandum of Agreement – Final Order Hearing and Application Hearing:

J. A. Mabus & Associates, Inc and John A. Mabus - Case No.: 2015-12

John A. Mabus was present and sworn in. Mr. Mabus waived his right to counsel. Erin Baldwin, Esq., represented the State. Mr. Mabus answered questions from the Board. Ms. Baldwin requested that the Board accept the Memorandum of Agreement (MOA) and impose an appropriate sanction.

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MOTION:

Mr. Lady 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 and back into open session. Mr. Richardson seconded the motion, which carried unanimously. Chairman Caswell stated no formal actions were taken during executive session.

MOTION:

Mr. Richardson made a motion to accept the Memorandum of Agreement and no disciplinary action be taken against the license. Ms. Lineberger seconded the motion, which carried unanimously.

MOTION:

Mr. Richardson made a motion to approve the reinstatement application for J. A. Mabus & Associates, Inc. and John A. Mabus (CLG.112365 and CQG.8444). Ms. Lineberger 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.)

Memorandum of Agreement – Final Order Hearings:

Buildvision, Inc. and Steven L. Jackson - Case No.: 2013-20

Steven L. Jackson appeared before the Board and was sworn in. Neal Taylor appeared as a witness for Mr. Jackson and was also sworn in. Mr. Jackson waived his right to counsel. Erin Baldwin, Esq., represented the State. Georgia Lewis, Esq., Advice Counsel, recused herself from this hearing. Mary League, Esq., acted as Advice Counsel on behalf of the Board. Mr. Jackson answered questions from the Board. Ms. Baldwin requested that the Board accept the Memorandum of Agreement (MOA) and impose an appropriate sanction.

MOTION:

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

MOTION:

Mr. White made a motion to come out of executive session and back into open session. Ms. Lineberger seconded the motion, which carried unanimously. Chairman Caswell stated no formal actions were taken during executive session.

MOTION:

Mr. Walker made a motion to accept the Memorandum of Agreement and that the sanctions for this license shall be a Public Reprimand, One Thousand Dollar (\$1,000) fine to be paid within 90 days of the date of the Final Order, and suspension of license. The licensee must provide evidence the judgments in the Memorandum of Agreement are satisfied within 90 days of the date of the Final Order or the license will remain in suspended status until such time as the licensee appears before the Board. Mr. Richardson seconded the motion, which carried unanimously.

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Frank Hemphill and Hemphill & Associates, Inc. - Case No.: 2014-7

Frank Hemphill was present and sworn in. Alan Peace, Esq., appeared as attorney for Mr. Hemphill. Zubin Billimoria, Esq., represented the State. Mr. Peace presented his client's case and answered questions from the Board. Mr. Billimoria requested that the Board accept the Memorandum of Agreement (MOA) and impose an appropriate sanction.

MOTION:

Mr. Richardson made a motion to accept the Memorandum of Agreement and issue a non-disciplinary letter of caution. Mr. Lady seconded the motion, which carried unanimously.

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

Bill Clark Homes of Myrtle Beach, LLC and Jeffrey H. Farrell - Case No.: 2014-40

Jeffrey Farrell was present and sworn in. John Zilinsky, Esq., appeared as attorney for Mr. Farrell and Bill Clark Homes of Myrtle Beach, LLC. Zubin Billimoria, Esq., represented the State. Mr. Zilinsky presented his client's case and answered questions from the Board. Mr. Billimoria requested that the Board accept the Memorandum of Agreement (MOA) and impose an appropriate sanction.

MOTION:

Mr. Richardson made a motion to accept the Memorandum of Agreement and that no disciplinary action be taken against the license. Ms. Lineberger seconded the motion, which carried unanimously.

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Office of General Counsel Report:

Erin Baldwin

OGC Report – Ms. Baldwin reported that the OGC currently has 60 open cases, 25 cases pending action, 3 cases pending Consent Agreements or Memorandums of Agreement, 10 cases pending disciplinary hearings, 3 cases pending Hearing Officer's Recommendations, and 19 cases pending Final Order hearings. Since January 8, 2015, 8 cases have been closed.

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Office of Investigation and Enforcement Report:

Todd Bond

OIE Status Report - Mr. Bond reported that for the period January 1, 2015, to April 16, 2015, the OIE has received a total of 83 new complaints with 39 current active investigations. A total of 82 cases have been closed to date.

Recommendation of Investigation Review Committee

February 17, 2015, IRC Recommendations:

The IRC Committee recommended that 5 cases be dismissed.

MOTION:

Mr. Lady made a motion to accept the recommendation to dismiss made by the Investigative Review Committee at February 17, 2015, IRC meeting. Mr. Patterson seconded the motion, which carried unanimously.

The IRC Committee recommended that 3 cases receive a dismissal with a Cease & Desist Order.

MOTION:

Mr. White made a motion to accept the recommendation to dismiss with a Cease & Desist Order made by the Investigative Review Committee at February 17, 2015, IRC meeting. Mr. Richardson seconded the motion, which carried unanimously.

The IRC Committee recommended that 5 cases be issued a Formal Complaint.

MOTION:

Ms. Lineberger made a motion to accept the recommendation to issue a Formal Complaint made by the Investigative Review Committee at February 17, 2015, IRC meeting. Mr. Lady seconded the motion, which carried unanimously.

The IRC Committee recommended that 5 cases receive a Citation.

MOTION:

Mr. Lady made a motion to accept the recommendation to issue a Citation made by the Investigative Review Committee at February 17, 2015, IRC meeting. Mr. Richardson seconded the motion, which carried unanimously.

The IRC Committee recommended that 2 cases receive a Letter of Caution.

MOTION:

Ms. Lineberger made a motion to accept the recommendation to issue Letters of Caution made by the Investigative Review Committee at February 17, 2015, IRC meeting. Mr. Walker seconded the motion, which carried unanimously.

April 2, 2015, IRC Recommendations:

The IRC Committee recommended that 13 cases be dismissed.

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MOTION:

Mr. Lady made a motion to accept the recommendation to dismiss made by the Investigative Review Committee at April 2, 2015, IRC meeting. Mr. Richardson seconded the motion, which carried unanimously.

The IRC Committee recommended that 1 case receive a dismissal with a Cease & Desist Order.

MOTION:

Mr. Lady made a motion to accept the recommendation to dismiss with a Cease & Desist Order made by the Investigative Review Committee at April 2, 2015, IRC meeting. Mr. White seconded the motion, which carried unanimously.

The IRC Committee recommended that 1 case receive a Formal Complaint.

MOTION:

Ms. Lineberger made a motion to accept the recommendation to issue a Formal Complaint made by the Investigative Review Committee at April 2, 2015, IRC meeting. Mr. Patterson seconded the motion, which carried unanimously.

The IRC Committee recommended 5 cases receive a Citation.

MOTION:

Mr. Lady made a motion to accept the recommendation to issue a Citation made by the Investigative Review Committee at April 2, 2015, IRC meeting. Mr. Patterson seconded the motion, which carried unanimously.

The IRC Committee recommended 1 case receive a Letter of Caution.

MOTION:

Mr. Lady made a motion to accept the recommendation to issue a Letter of Caution made by the Investigative Review Committee at April 2, 2015, IRC meeting. Mr. Patterson seconded the motion, which carried unanimously.

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

Administrator's Remarks:

Roger Lowe, Board Administrator

NASCLA Conference

Mr. Lowe requested the Board approve sending 1 staff member and 2 Board members to the 2015 NASCLA Conference to be held in San Diego, CA.

MOTION:

Ms. Lineberger made a motion to approve sending 1 staff member and 2 Board members to the 2015 NASCLA Conference. Mr. Richardson seconded the motion, which carried unanimously.

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Board Financial Information and PSI Examination Information

Mr. Lowe directed the Board to the financial information for the month ending February 28, 2015, and PSI examination information for month ending March 31, 2015. Both reports were included on the secure website for Board review.

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

Public Comments:

None

Date of Next Meeting:

Thursday, July 16, 2015, Meeting Room 105

The next meeting of the SC Contractor's Licensing Board will be held Thursday, July 16, 2015, beginning at 10:00 A.M., at the Synergy Business Complex, Kingstree Bldg., Room 105, in Columbia, SC.

Adjournment:

Mr. Richardson made a motion to adjourn the meeting. Ms. Lineberger seconded the motion, which carried unanimously.

The April 16, 2015, meeting of the South Carolina Contractor's Licensing Board was adjourned at 6:15 P.M.