

***SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD***

**Synergy Business Park, Kingstree Building  
110 Centerview Drive, Kingstree Building, Room 108  
Columbia, South Carolina 29210**

**Minutes**

**Thursday, January 21, 2016**

**10:00 a.m.**

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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, Daniel B. Lehman, Bill Neely, Legrand Richardson, Jr., W. Franklin Walker, and Charles A. White.

Staff members participating in the meeting included: Georgia Lewis, Advice Counsel; Roger Lowe, Board Administrator; Rhonda Jackson, Program Coordinator; Erin Baldwin, Office of General Counsel; Kim Long, Administrative Coordinator; and Nadine Garrett, Court Reporter.

Others present participating in the meeting included: Anthony Boling, John Busche, James Carpentier, Andrew Cole, William Dallis, Clarence Felder, James C. Harmon, Joseph Henry, Roger A. Reid, Scott Shockley, Lee Stegall, Jason Whiteley, Whitney Williams, Isaac Woods, and Regina Woods.

**Approval of Agenda:**

*Thursday, January 21, 2016*

**MOTION:**

Mr. Lady made a motion to approve the January 21, 2016, agenda. Mr. White seconded the motion, which carried unanimously.

**Excused Member(s):**

**MOTION:**

Mr. Lady made a motion that Kimberly Lineberger receive an excused absence. Mr. Lehman seconded the motion, which carried unanimously.

**Election of Officers:**

Board Chair Caswell announced the election of the Board Chair and Vice-Chair. Mr. Caswell requested Roger Lowe, Administrator, to call for nominations from the floor for the Office of Board Chair. Mr. Neely moved to nominate Mr. Caswell to serve as chairman for a fourth term. Mr. Walker seconded the motion, which carried unanimously. There being no further nominations, the nominations were closed and Mr. Caswell was elected by acclamation. Board Chair Caswell called for nominations for the Office of Vice-Chair. Mr. Lady moved to nominate Mr. Neely to serve as Vice-Chair. Mr. White seconded the motion, which carried unanimously. There being no further nominations, the nominations were closed and Mr. Neely was elected by acclamation.

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**Approval of Minutes:**

*Thursday, October 15, 2015*

**MOTION:**

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

**Chairman's Remarks:**

*Lewis M. Caswell*

Mr. Caswell thanked the Board for electing him as Chairman.

**Old Business:**

**Sign Study Committee Recommendation**

Chairman Caswell read the Sign Study Committee's recommendation to the Board: It is recommended to the Contractors' Board that a specialty license be required for erection and installation of on-site and off premise signs in accordance with 40-11-410(4)(B) Concrete and 40-11-410(4)(J) Structural Framing. The Board discussed the recommendation.

**MOTION:**

Mr. Richardson made a motion to accept the recommendation of the Sign Study Committee with the clarification that the recommendation does not make any changes in regulation of the electrical portion of sign erection and installation. Mr. Walker seconded the motion which carried unanimously. Staff was instructed the change is effective immediately.

**Ancillary Committee Recommendation**

Chairman Caswell read the Ancillary Committee's recommendation to the Board: If the work in any of the individual ancillary classifications of § 40-11-410(1) - Concrete Paving; Grading; Highway Incidental; Concrete; Structural Framing; Public Electrical Utility; Boiler Installation; or Glass and Glazing - is 41% or higher of the total cost of construction then this work is not generally construed as ancillary. The licensee must have a license for this work or use a contractor licensed in the appropriate license classification or sub-classification to perform the work. The Board discussed the recommendation.

**MOTION:**

Mr. Richardson made a motion to strike the word "generally" from the recommendation and accept the recommendation with that change. Mr. White seconded the motion, which carried unanimously. Staff was instructed the change is effective immediately.

**Application Reviews:**

*John F. Busche DBA: Old South Electric*

The mechanical contractor's license application could not be approved at staff level. Mr. John Busche appeared before the Board, waived his right to counsel, and was sworn in. Mr. Busche answered questions from the Board.

**MOTION:**

Mr. Walker made a motion to approve the mechanical contractor's license application. Mr. Lady seconded the motion, which carried unanimously.

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*Live Wire Electric Co LLC and Timothy McIntyre*

The mechanical contractor's license reinstatement application could not be approved at staff level. Mr. Timothy McIntyre did not appear before the Board.

**MOTION:**

Mr. Walker made a motion to deny the mechanical contractor's license reinstatement application. Mr. Lehman seconded the motion, which carried unanimously.

*Jason Whiteley*

The mechanical contractor's license application could not be approved at staff level. Mr. Jason Whiteley appeared before the Board, waived his right to counsel, and was sworn in. Mr. Whiteley answered questions from the Board.

**MOTION:**

Mr. White made a motion to approve the mechanical contractor's license application. Mr. Walker seconded the motion, which carried by a vote of 5 to 1.

*BBUDC Inc and Isaac L. Woods*

The general contractor's license application could not be approved at staff level. Mr. Isaac Woods appeared before the Board, waived his right to counsel, and was sworn in. Staff member, Ms. Kim Long, was also sworn in as a witness for the State. Mr. Woods and Ms. Long answered questions from the Board.

**MOTION:**

Mr. Lady made a motion to approve the general contractor's license application. Mr. Richardson seconded the motion, which carried by a vote of 5 to 1.

*Tri Square Construction LLC and Anthony Boling*

The general contractor's license application could not be approved at staff level. Mr. Boling appeared before the Board, waived his right to counsel, and was sworn in. Mr. Boling answered questions from the Board.

**MOTION:**

Mr. Lady made a motion to approve the general contractor's license application. Mr. Neely seconded the motion, which carried unanimously.

*Fleming Construction Assoc LLC and Earnest Fleming*

Mr. Joseph Henry, Esq., appeared as attorney for Mr. Fleming and requested the hearing be continued to the next Contractor's Board meeting.

**MOTION:**

Mr. Lady made a motion to allow a continuance in this matter to the next Contractor's Board meeting. Mr. White seconded the motion, which carried unanimously.

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*S and D SC Holdings LLC and William J. Dallis*

The general contractor's license application could not be approved at staff level. William J. Dallis appeared before the Board, waived his right to counsel, and was sworn in. Mr. Dallis answered questions from the Board.

**MOTION:**

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

**MOTION:**

Mr. White 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. Lady made a motion to defer an action in this matter until the next Contractor's Board meeting so that staff and the applicant can determine the status of each outstanding judgment. Mr. Lehman seconded the motion, which carried unanimously.

**Excused Board Member:**

Mr. James Lady excused himself from the meeting at 12:15 P.M.

**Hearing Officer Recommendation – Final Order Hearing:**

*Clarence E. Felder – Case No. 2012-60*

Mr. Clarence E. Felder was present and sworn in. Mr. Andrew Cole, Esq., appeared as attorney for Mr. Felder. Mr. W. Franklin Walker was the hearing officer in the case and recused himself from the Final Order hearing. Ms. Erin Baldwin, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

**MOTION:**

Mr. Lehman made a motion to approve the Hearing Officer's recommendation(s) and modify the case caption to include "Clarence E Felder, LLC, License # CLG.115791." Mr. White seconded the motion, which carried unanimously.

**Office of General Counsel Report:**

*Erin Baldwin*

**OGC Report** – Ms. Baldwin reported that the OGC currently has 42 open cases, 38 cases pending action, 0 cases pending Consent Agreements or Memorandums of Agreement, 3 cases pending disciplinary hearings, 0 cases pending Final Order hearings, and 0 cases pending Final Orders. Since October 15, 2015, 5 cases have been closed and there is 1 case on appeal at this time.

**Office of Investigation and Enforcement Report:**

*Todd Bond*

**OIE Status Report** - Mr. Bond reported that for the period January 1, 2015, to December 31, 2015, the OIE has received a total of 290 complaints with 48 current active investigations. A total of 302 cases were closed in 2015.

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**Recommendation of Investigation Review Committee**

*November 5, 2015, IRC Recommendations:*

The IRC Committee recommended 1 case be dismissed, 3 cases receive a formal complaint, 3 cases receive a formal complaint with citation, and 2 cases receive a letter of caution.

**MOTION:**

Mr. Richardson made a motion to approve the recommendations of the Investigative Review Committee at the November 5, 2015, IRC meeting. Mr. Neely seconded the motion, which carried unanimously.

*December 17, 2015, IRC Recommendations:*

The IRC Committee recommended 4 cases be dismissed, 2 cases be dismissed with a Cease and Desist, 4 cases receive a formal complaint, and 2 cases receive a formal complaint with citation.

**MOTION:**

Mr. White made a motion to approve the recommendations of the Investigative Review Committee at the December 17, 2015, IRC meeting. Mr. White seconded the motion, which carried unanimously.

**Administrator's Remarks:**

*Roger Lowe, Board Administrator*

- A Senate hearing is being held before the LCI committee on January, 28, 2016, beginning at 9:00 A.M., in room 307 of the Gressette building in Columbia, for S280.
- Mr. Lehman has been reappointed by the Governor to another term on the SC Contractor's Licensing Board.
- The National Burglar and Fire Alarm Association is working on proposed changes in the Alarm Practice Act.

**Board Financial Information and PSI Examination Information**

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

**New Business:**

**Communication to Current Licensees**

Mr. Lowe asked for the Board's suggestions for getting new information out to licensees. After discussion, it was determined the best way to communicate with current licensees is via email, website, and informing the permitting agencies with any policy changes.

**Public Comments:**

None

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**Date of Next Meeting:**

*Thursday, April 21, 2016, Meeting Room 105*

The next meeting of the SC Contractor's Licensing Board will be held Thursday, April 21, 2016, beginning at 10:00 A.M., at the Synergy Business Complex, Kingtree Bldg., Room 105, in Columbia, SC.

**Adjournment:**

The January 21, 2016, meeting of the South Carolina Contractor's Licensing Board was adjourned at 12:45 P.M.

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