

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

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

**Minutes**

**Thursday, January 15, 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: Daniel B. Lehman, Kimberly L. Lineberger, Bill Neely, Jamie C. Patterson, 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 and Zubin Billimoria, Office of General Counsel; Todd Bond, OIE Chief Investigator; Kim Long, Administrative Assistant; and Christine Cortright, Court Reporter.

Others present participating in the meeting included: Tim Cooney and Eddie Weaver, SCESA; Cynthia Brown, Sam Cely, Richard Clark, Jeffrey Farrell, Allan Howell, Chris Lizzi, Ashley Mabus, Eric McIntyre, Shane Page, Alan Peace, Robert Solomon, Lorenzo Williams, and John Zilinsky.

**Approval of Agenda:**

*Thursday January 15, 2015*

**MOTION:**

Mr. Neely made a motion to approve the January 15, 2015 agenda. Mr. Walker seconded the motion, which carried unanimously.

**Excused Member(s):**

**MOTION:**

Mr. White made a motion that Mr. James E. Lady receive an excused absence. Ms. Lineberger 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 for the Office of Board Chair. Mr. Walker moved to nominate Mr. Bill Neely to serve as chairman. Mr. Lehman seconded the nomination. Mr. Neely moved to nominate Mr. Lewis M. Caswell to serve as chairman for a third term. Mr. Richardson seconded the motion. Mr. Walker withdrew his motion to nominate Mr. Bill Neely and Mr. Lehman withdrew his second to that motion. There being no further nominations, the nominations were closed and Mr. Caswell was elected by acclamation. Chair Caswell called for nominations for the Office of Vice-Chair. Mr. Walker moved to nominate Mr. Bill Neely to serve as Vice-Chair. Mr. Patterson seconded the motion, which carried

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

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

**Minutes**

**Thursday, January 15, 2015**

**10:00 a.m.**

---

unanimously. There being no further nominations, the nominations were closed and Mr. Neely was elected by acclamation.

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

**Approval of Minutes:**

*Friday, November 21, 2014*

**MOTION:**

Mr. Richardson made a motion that the minutes of the November 21, 2014, meeting be approved. Mr. Neely seconded the motion, which carried unanimously.

**Chairman's Remarks:**

*Lewis M. Caswell*

Mr. Caswell thanked the Board for electing him as Chairman. He also commended them on the professional and fair manner in which they conduct the business of the Board.

**New Business:**

**Proposed Changes to Alarm Law**

Mr. Tim Cooney and Mr. Eddie Weaver of the SC Electronic Security Association, (SCESA), addressed the Board concerning proposed changes to the current Alarm Law. Mr. Lehman, Mr. White, and Mr. Patterson agreed to serve on a Task Committee to assist in the drafting of proposed changes, along with help from Ms. Lewis, Advice Counsel.

**Motion to Request Expungement:**

*Cely Construction Co., Inc. and Samuel C. Cely – Case 2010-131*

Mr. Samuel C. Cely was present and sworn in. Ms. Cynthia Brown, Esq. appeared as attorney for Mr. Cely. Ms. Erin Baldwin, Esq. represented the State. Ms. Brown presented a corrected Motion on her client's behalf. Ms. Baldwin stated the Contractor's Licensing Board does not currently have an established procedure for expungement.

**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. Neely made a motion to come out of executive session and back into open session. Mr. Lehman seconded the motion, which carried unanimously. Mr. Caswell stated no formal actions were taken during executive session. Mr. Donnell Jennings with the SC Dept. of LLR Office of Advice Counsel observed the meeting and sat in during the Executive Session.

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

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

**Minutes**

**Thursday, January 15, 2015**

**10:00 a.m.**

---

**MOTION:**

Mr. White made a motion to deny the Motion to Request Expungement because there is no procedure established and the Board does not want to establish one at this time. 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.)*

**Application Reviews/Appeals:**

*Oceanway, LLC*

Oceanway, LLC – CLG.106808. Staff was unable to process the 2014-16 General Contractor's renewal application for Oceanway, LLC, due to outstanding judgments not disclosed on the renewal application. The applicant did not appear.

**MOTION:**

Mr. Patterson made a motion to deny the 2014-16 renewal application and have a Cease & Desist Order sent to the licensee to stop operation. Mr. Richardson 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.)*

*Bill Clark Homes of Myrtle Beach, LLC*

Bill Clark Homes of Myrtle Beach, LLC – CLG.105632. Staff was unable to process the 2014-16 General Contractor's renewal application for Bill Clark Homes of Myrtle Beach, LLC, due to outstanding judgments. Mr. John Zilinsky, Esq. appeared as attorney for Bill Clark Homes of Myrtle Beach, LLC. Mr. Jeffrey Farrell, qualifying party for Bill Clark Homes of Myrtle Beach, LLC, also appeared before the Board and was sworn in. Mr. Zilinsky and Mr. Farrell answered questions from the Board.

**MOTION:**

Mr. Patterson made a motion to approve the 2014-16 renewal application. 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.)*

*J W Construction and William Page*

J W Construction and William Page, General Contractor's License Application. Staff was unable to issue a license due to matters appearing on criminal background check. Mr. William Page appeared before the Board and was sworn in. Mr. Kenneth Shuler appeared to testify on behalf of Mr. Page and was also sworn in. Mr. Page waived his right to legal counsel and answered questions from the Board.

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

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

**Minutes**

**Thursday, January 15, 2015**

**10:00 a.m.**

---

**MOTION:**

Mr. Walker made a motion to approve the application. 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.)*

*J A Mabus & Associates, Inc.*

J A Mabus & Associates, Inc - CLG.112365. Staff was unable to process the General Contractor's License Reinstatement Application due to an Agreement to Voluntarily and Permanently Surrender License signed June 21, 2012. Mr. Mabus appeared before the Board and was sworn in. Mr. Mabus waived his right to counsel and answered questions from the Board.

**MOTION:**

Mr. Patterson made a motion to deny the reinstatement application. Mr. Richardson 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.)*

*Howell Builders LLC and Allan I. Howell*

Howell Builders LLC and Allan I. Howell, General Contractor's License Application. Staff was unable to issue a license due to an outstanding monetary judgment. Mr. Alan Peace, Esq. appeared as attorney for Mr. Howell. Mr. Howell and Mrs. Natalie Howell, principal of Howell Builders, LLC, appeared before the Board and were sworn in. Mr. Peace answered questions from the Board.

**MOTION:**

Mr. Richardson made a motion to approve the application. 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.)*

*Raby Construction Company, LLC (CLG.101136)*

Raby Construction Company - CLG.101136. Staff was unable to process Raby Construction Company LLC's renewal application due to the federal conviction of the company owner. Ms. Andrea Brisbane, Esq. appeared as attorney for Raby Construction Company, LLC. Mrs. Diana Raby, Mr. Scott Childress, and Mr. Milton Shockley, Esq. appeared before the Board and were sworn in. Ms. Brisbane, Mrs. Raby, Mr. Childress and Mr. Shockley answered questions from the Board.

**MOTION:**

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

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

**Minutes**

**Thursday, January 15, 2015**

**10:00 a.m.**

---

Mr. Walker made a motion to approve the renewal 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.)*

*McIntyre Construction & Company and Eric McIntyre*

McIntyre Construction & Company and Eric McIntyre, General Contractor's License Application. Staff was unable to issue a license due to matters appearing on criminal background check. Mr. McIntyre appeared before the Board and was sworn in. Mr. McIntyre waived his right to legal counsel and answered questions from the Board.

**MOTION:**

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

**MOTION:**

Mr. White moved the Board come out of executive session and back into open session. Ms. Lineberger seconded the motion, which carried unanimously. Mr. Caswell stated no formal actions were taken during executive session. Mr. Donnell Jennings with the SC Dept. of LLR Office of Advice Counsel observed the meeting and sat in during executive session.

**MOTION:**

Mr. Walker made a motion to approve the application with the stipulation that the applicant must provide an updated SLED report at his next renewal. 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.)*

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

*Buildgreen Industries, LLC – Case 2013-7*

Mr. Tom Baker, Qualifying Party for Buildgreen Industries, LLC, was present, waived his right to counsel and was sworn in. Ms. Laura Norton appeared to testify on behalf of Tom Baker and Buildgreen Industries, LLC, and was sworn in. 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 Recommendations.

**MOTION:**

Mr. Lehman made a motion to accept the Hearing Officer's recommendations. Mr. Neely seconded the motion, which carried by a vote of 6 to one 1.

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

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

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

**Minutes**

**Thursday, January 15, 2015**

**10:00 a.m.**

---

*Lorenzo Williams and Clyde W. Jeffcoat – Case 2013-2*

Mr. Lorenzo Williams was present at the meeting but had to leave before his Final Order Hearing was called. Daniel B. Lehman was the hearing officer in the case and recused himself from the Final Order Hearing. Mr. Zubin Billimoria, Esq. represented the State and requested the Board continue the hearing to the April 16<sup>th</sup>, 2015 Board meeting.

**MOTION:**

Mr. Patterson made a motion to continue the Final Order Hearing to the April 16<sup>th</sup>, 2015, Contractor's Licensing Board meeting. 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.)***

*S & S Services of Rock Hill, Inc. and Stephen E. Hull – Case 2012-156*

The Respondents did not appear. Daniel B. Lehman was the hearing officer in the case and recused himself from the Final Order Hearing. Mr. Zubin Billimoria, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

**MOTION:**

Mr. Walker made a motion to accept the Hearing Officer's recommendations. 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.)***

*Southern Land & Water and Robert Solomon – Case No. 2011-175*

Mr. Robert Solomon was present, waived his right to counsel and was sworn in. Daniel B. Lehman was the hearing officer in the case and recused himself from the Final Order Hearing. Mr. Zubin Billimoria, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

**MOTION:**

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

**MOTION:**

Mr. Neely moved the Board come out of executive session and back into open session. Mr. Richardson seconded the motion, which carried unanimously. Mr. Caswell stated no formal actions were taken during executive session. Mr. Donnell Jennings with the SC Dept. of LLR Office of Advice Counsel observed the meeting and sat in during the executive session.

**MOTION:**

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

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

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

**Minutes**

**Thursday, January 15, 2015**

**10:00 a.m.**

---

*(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:**

*Awesome Heating & Air and Shawn King – Case 2012-187*

Mr. Shawn King was present and sworn in. Mr. Christopher Lizzi, Esq. appeared as attorney for Mr. King. Zubin Billimoria, Esq. represented the State. Mr. Lizzi and Mr. King 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 the sanction for this license shall be a public reprimand. 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.)*

*Premier Fire Protection – Case 2013-71*

Mr. Shane Page and Mr. Richard Clark, owners of Premier Fire Protection, were present and sworn in. Mr. Page waived his right to counsel. Zubin Billimoria, Esq. represented the State. Mr. Page and Mr. Clark answered questions from the Board. Mr. Billimoria 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. Neely seconded the motion, which carried unanimously.

**MOTION:**

Mr. White moved the Board come out of executive session and back into open session. Mr. Walker seconded the motion, which carried unanimously. Mr. Caswell stated no formal actions were taken during executive session. Mr. Donnell Jennings and Mr. Alex Ingram with the SC Dept. of LLR Office of Advice Counsel sat in during the executive session.

**MOTION:**

Mr. White made a motion to accept the Memorandum of Agreement and that the sanctions for this license shall be a public reprimand, a \$500 fine to be paid within 90 days of the Final Order, and the license is to be flagged by staff to ensure a new qualifying party is added in accordance with State statute. Mr. Patterson 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.)*

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

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

**Minutes**

**Thursday, January 15, 2015**

**10:00 a.m.**

---

**Administrator's Remarks:**

*Roger Lowe, Board Administrator*

Mr. Lowe reminded Board members that Statements of Economic Interest are due by March 30, 2015.

**Board Financial Information and PSI Examination Information**

Mr. Lowe directed the Board to the financial information for the month ending December 31, 2014, and PSI examination information for month ending December 31, 2014. Both reports were included on the secure website for Board review.

**Office of Investigation and Enforcement Report:**

*Todd Bond*

**OIE Status Report** - Mr. Bond reported that for the period January 1, 2014 to December 31, 2014, the OIE has received a total of 245 new complaints with 34 current active investigations. A total of 257 cases have been closed to date.

**Recommendation of Investigation Review Committee**

*September 25, 2014, IRC Recommendations (Addendum):*

The IRC Committee recommended that 2 cases be dismissed.

**MOTION:**

Mr. Patterson made a motion to accept the addendum recommendations made by the Investigative Review Committee at September 25, 2014, IRC meeting. Ms. Lineberger seconded the motion, which carried unanimously.

*November 6, 2014 IRC Recommendations:*

The IRC Committee recommended 6 cases be dismissed, 1 case dismissed with a Cease and Desist, 2 cases receive a formal complaint, and 1 case receive a letter of caution.

**MOTION:**

Mr. Patterson made a motion to accept the recommendations made by the Investigative Review Committee at the November 6, 2014, IRC meeting. Mr. Lehman seconded the motion, which carried unanimously.

*December 17, 2014 IRC Recommendations:*

The IRC Committee recommended 11 cases receive a formal complaint with citation, 2 cases be dismissed, 1 case dismissed with a Cease and Desist, and 3 cases receive a Formal Complaint.

**MOTION:**

Mr. Patterson made a motion to accept the recommendations made by the Investigative Review Committee at the December 17, 2014, IRC meeting. 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.)***

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

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

**Minutes**

**Thursday, January 15, 2015**

**10:00 a.m.**

---

**Office of General Counsel Report:**

*Erin Baldwin*

**OGC Report** – Ms. Baldwin reported that the OGC currently has 62 open cases, 26 cases pending action, 4 cases pending Consent Agreements or Memorandums of Agreement, 4 cases pending disciplinary hearings, 7 cases pending Final Order hearings, 1 case pending Final Order, 2 cases pending Citation Appeals, 1 Appeal, 11 cases pending drafting of Formal Complaint, Consent Agreement or Memorandum of Agreement, and 6 cases pending Hearing Officer's Recommendations. Since October 4, 2014, 24 cases have been closed.

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

**Old Business:**

**Grandfather License Reinstatements**

Mr. Lowe stated the staff would like clarification on the renewal requirements for grandfather licensees who have allowed their licenses to lapse. Discussion was held on the current requirements for examined licensees. Grandfather licensees that allow their license to lapse can reinstate their license in the same company within 4 years of expiration.

**Public Comments:**

None

**Date of Next Meeting:**

*Thursday, April 16, 2015, Meeting Room 105*

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

**Adjournment:**

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

The January 15, 2015 meeting of the South Carolina Contractor's Licensing Board was adjourned at 5:00 P.M.