

SOUTH CAROLINA CONTRACTORS' LICENSING BOARD

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

Minutes

Thursday, April 19, 2012

10:00 a.m.

Kim Lineberger, 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:

Kim Lineberger, Board Chair, called the regular meeting of the South Carolina Contractors' Licensing Board to order at 10:02 a.m. Other Board members present for the meeting included: Lewis M. Caswell, W. Franklin Walker, Charles A. White, Daniel B. Lehman, and James C. Patterson.

Staff members participating in the meeting included: Sheridan Spoon, Advice Counsel, Christa Bell, Assistant General Counsel, Todd Bond, Chief Investigator - OIE, Gary Wiggins, Administrator, Lil Ann Gray, Program Coordinator, Shameko Putman-Williams, Administrative Assistant, and Jaime D. Newton, Court Reporter.

Others present participating in the meeting included: Holly G. Pisarik, LLR Director, Adolf Zubia, State Fire Marshal, Dale Goldman, Paul Mashburn, Charlie Stewart, Randy Lively, George Randolph, Michael E. Newton, Danny McKenzie, Winston M. Anderson, Henry J. Garrison, W.M. Burdette, Chris Polk, Ray Smith, Bill Baker, John Busche, Joseph Henry, and Thomas E. Elliot, Jr.

Approval of Agenda:

Thursday April, 19, 2012

Motion

The item on the Agenda listed as Section 40-11-410 Discussion (Requested by Mr. Neely) will be carried over to the July 19, 2012 Board meeting since Mr. Neely is not present. Additionally, the Application Hearings will be taken first because of time constraints. Mr. Patterson moved to approve the Thursday, April 19, 2012, Agenda as noted. Mr. Walker seconded the motion, which carried unanimously.

Approval of Minutes:

Thursday, January 19, 2012

Motion

Mr. Walker moved to approve the Thursday, January 19, 2012, meeting minutes. Mr. Patterson seconded the motion, which carried unanimously.

Excused Members:

Mr. Bill Neely and Mr. James E. Lady received an excused absence.

Chairman's Remarks:

Kim Lineberger

Mrs. Lineberger welcomed everyone and then moved into the Agenda.

SOUTH CAROLINA CONTRACTORS' LICENSING BOARD

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

Minutes

Thursday, April 19, 2012

10:00 a.m.

Administrator's Remarks:

Gary Wiggins

Mr. Wiggins reported that the regulations did pass the House and Senate Committees and should be adopted into law shortly. Mr. Wiggins also advised the Board that Ms. Lil Ann Gray has been hired as a program coordinator and will be the point person for the Board. Ms. Shameko Putman has been hired as the administrative assistant for the Board.

Office of Investigation and Enforcement Report:

Todd Bond

OIE Status Report – Mr. Bond reported that for the period January 1, 2011 to April 9, 2012, OIE has received a total of 56 new complaints with 73 current active investigations; 30 cases have been held over from 2011 and 43 cases from 2012. A total of 56 closed cases with 2 do-not-open cases and 1 case pending IRC.

Introduction of New LLR Director:

Holly G. Pisarik

Mrs. Pisarik, formerly Chief Advice Counsel for LLR, was introduced to the Board as the New Director of LLR. Mrs. Pisarik addressed the Board.

Office of General Counsel Report:

Christa Bell

OGC Report – Ms. Bell reported that OGC has 42 open cases, 15 cases pending action, 6 cases are pending consent agreements, 6 cases are pending final order hearings, 14 cases are pending final orders, and 62 cases have been closed since January 2011. Mr. Lehman inquired about the status of the one case on appeal and was advised that the case was still with the Administrative Law Court.

Old Business:

NONE

New Business:

Recommendation of Investigation Review Committee:

March 27, 2012, IRC Recommendations:

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

Application Hearings

Mr. Brian Hunt, Elevation Electric

Brian Hunt - M103061 (grandfather). License lapsed 10/31/2011; Reinstatement application received 02/06/2012. Request to waive technical examination requirement. Notice was provided to Mr. Hunt of the Board's April 19, 2012 meeting. Mr. Hunt was not present when the matter was called.

SOUTH CAROLINA CONTRACTORS' LICENSING BOARD

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

Minutes

Thursday, April 19, 2012

10:00 a.m.

MOTION:

Mr. Caswell made a motion to deny 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.)

Ray McCall, Dependable Homes

Dependable Home Services and Ray McCall – M103667 (grandfather). License lapsed 10/31/2011; Reinstatement application received 02/15/2012. Request to waive technical examination requirement. Mr. McCall, together with his attorney, Thomas E. Elliot, Jr., appeared before the Board. Mr. McCall was sworn and answered questions from the Board. Mr. McCall stated that he received the renewal information on February 11, 2012 and apologized to the Board for his late filing. The records of LLR indicate that the renewal notice was processed and mailed August 16, 2011.

MOTION:

Mr. White made a motion to approve the reinstatement and waiver of the technical examination. 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.)

Curtis A. Randolph, Randolph Technologies

Randolph Technology Inc. and Curtis A. Randolph- M101415. Staff unable to renew due to outstanding judgment(s). Mr. Randolph appeared before the Board and was sworn in. Mr. Randolph answered questions from the Board regarding the outstanding judgment. Mr. Randolph provided a copy of the filed Satisfaction of Judgment for inclusion with his application.

MOTION:

Mr. Caswell made a motion to grant Mr. Randolph his license. 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.)

Mark Bottai, Atlantic Design and Construction LLC

Atlantic Design and Construction LLC and Mark Bottai - M110492. Staff unable to renew due to outstanding judgment(s). Mr. Wiggins advised the Board that he had spoken with Mrs. Bottai on April 18, 2012, and was notified that Mr. Bottai was deployed to Afghanistan.

SOUTH CAROLINA CONTRACTORS' LICENSING BOARD

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

Minutes

Thursday, April 19, 2012

10:00 a.m.

MOTION:

Mr. Walker made a motion to postpone this matter until the next meeting. 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.)

William L. Baker, Bill Baker Electric Inc

Bill Baker Electric Inc. and William L. Baker - M106755. Staff unable to renew due to outstanding judgment(s). Mr. Baker appeared before the Board and was sworn in. Mr. Baker answered questions from the Board regarding his not disclosing the judgments on his renewal application. Mr. Baker provided copies of the filed Satisfaction of Judgments and payment arrangement for the one remaining unpaid judgment for inclusion with his application.

MOTION:

Mr. Caswell made a motion to grant Mr. Baker his license. 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.)

Michael Newton, Craftowne, LLC

Craftowne, LLC and Michael Newton - CQG.22896. Staff unable to issue new license due to outstanding judgment(s). Mr. Newton appeared before the Board and was sworn in. Mr. Newton answered questions from the Board regarding the outstanding judgments entered against him.

MOTION:

Mr. Lehman made a motion to approve the 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.)

John F. Busche

John F. Busche – M112012. Staff unable to renew due to outstanding judgment(s). Mr. Busche appeared before the Board and was sworn in. Mr. Busche answered questions from the Board

MOTION:

Mr. Walker made a motion to deny the license application. 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 CONTRACTORS' LICENSING BOARD

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

Minutes

Thursday, April 19, 2012

10:00 a.m.

Christopher J. Polk, J J & Z Builders, LLC

J J & Z Builders, LLC and Christopher J. Polk - CQG.7608. Staff unable to issue license due to outstanding judgment(s). Mr. Polk appeared before the Board and was sworn in. Mr. Jay Greenway, a witness for Mr. Polk, was also sworn in. Mr. Polk answered questions from the Board.

MOTION:

Mr. Caswell made a motion to grant the license. 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.)

Randy Lively, Field of Diamonds, LLC d/b/a Carolina Stone Crafters

Field of Diamonds, LLC d/b/a Carolina Stone Crafters and Randy Lively. Staff unable to issue license due to outstanding judgment(s). Mr. Lively appeared before the Board and was sworn in. Mr. Lively answered questions from the Board.

MOTION:

Mr. Walker made a motion to deny the license application. 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.)

Daniel McKenzie, McKenzie Plumbing and Electric

McKenzie Plumbing & Electric and Daniel McKenzie – M109361. License lapsed 10/31/2011; Reinstatement application received 12/08/2011. Staff unable to reinstate due to outstanding Federal Tax Liens. Mr. McKenzie appeared before the Board and was sworn in. Mr. McKenzie answered questions from the Board.

MOTION:

Mr. Walker made a motion to reinstate the 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.)

Aero Service Corporation

Aero Service Corp. - M2016. Staff unable to renew due to outstanding Federal Tax Lien. Henry J. Garrison appeared before the Board and was sworn in. Mr. Garrison answered questions from the Board.

SOUTH CAROLINA CONTRACTORS' LICENSING BOARD

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

Minutes

Thursday, April 19, 2012

10:00 a.m.

MOTION:

Mr. Lehman made a motion to grant the license. 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.)

Winston Anderson, Profile Mechanical

Winston Anderson and Profile Mechanical – M109888. Staff unable to approved request to add Mr. Anderson as a qualifying party based upon technical exam test dates and experience. Mr. Anderson appeared before the Board and was sworn in. Mr. Anderson answered questions from the Board.

MOTION:

Mr. Patterson made a motion to approve Mr. Anderson as a primary qualifying party, contingent upon Mr. Anderson providing the Board with an affidavit of employment from Wade Crow Engineering and Spartanburg County in accordance with section 40-11-230(D). 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.)

Steve Walker, Island Residential Construction d/b/a Island Commercial Construction

Island Residential Construction d/b/a Island Commercial Construction and Steve Walker – M117179. Staff unable to approve application for issuance of a General Contractors – Limited Building classification based upon the work experience provided. Staff has issued license General Contractors – Specialty, Interior Renovation (IR4). Mr. Walker appeared before the Board and was sworn in. Mr. Walker answered questions from the Board.

MOTION:

Mr. Walker made a motion to approve that the Limited Building classification be added to the license. 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.)

Administrative Hearings (Final Order Hearings):

Inabinet Construction, Inabinet Electric, and John T. Inabinet, Jr. (Case Nos.: 2010-198 and 2010-205, Hearing Officer: John Curl)

Mr. Inabinet was not present. Ms. Christa Bell represented the State and requested that the Board uphold the Hearing Officer's Recommendations

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

Thursday, April 19, 2012

10:00 a.m.

MOTION:

Mr. Walker made a motion to uphold the Hearing Officer's Recommendation. 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.)

Coastal Conditioned Air & Electrical and Warren Dixon (Case No.: 2010-70, Hearing Officer: Lewis Caswell)

Mr. Caswell recused himself from the hearing because he was the hearing officer in the underlying matter. Mr. Dixon was not present. Mrs. Christa Bell represented the state and requested that the Board uphold the Hearing Officer's Recommendations.

MOTION:

Mr. Lehman made a motion to uphold the Hearing Officer's Recommendation. 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.)

UNIREAL, Inc. (Case No.: 2010-8, Hearing Officer: John Curl)

William Barnett appeared on behalf of UNIREAL, Inc. with their attorney, William H. Nicholson, III. Ms. Suzanne Hawkins represented the State. Andy Dempsey, LLR investigator also appeared.

Ms. Hawkins requested that the Board uphold the Hearing Officer's Recommendation. Mr. Nicholson responded to Ms. Hawkins' request by advising the Board that all matters addressed by the Hearing Officer had been resolved and the current matter should be dismissed. Mr. Dempsey was sworn in and testified that the complainant was very pleased with the items that had been corrected and there were no more issues.

MOTION:

Mr. Walker made a motion to move into executive session for legal advice. Mr. Caswell seconded the motion, which carried unanimously. Thereafter, Mr. Caswell made a motion to come out of executive session. Mr. Walker seconded the motion, which carried unanimously.

Mr. White made a motion to accept the Hearing Officer's Recommendation. 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.)

SOUTH CAROLINA CONTRACTORS' LICENSING BOARD

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

Minutes

Thursday, April 19, 2012

10:00 a.m.

Fleming Construction and Ernest Fleming (Case Nos.: 2010-122, 2010-148, 2010-176, 2010-220, 2011-34, and 2011-39, Hearing Officer: John Curl)

Mr. Fleming was not present but Joseph Henry, appeared as attorney for Mr. Fleming and Fleming Construction. Suzanne Hawkins represented the State.

Mr. Henry made a motion to set aside the findings of the hearing officer because Mr. Fleming was not granted a continuance as requested. Ms. Hawkins responded by acknowledging that Mr. Fleming had requested a continuance of the disciplinary hearing. Mr. James Saxon, Advice Counsel, requested documentation from Mr. Fleming, but none was received. The disciplinary hearing moved forward as scheduled. Ms. Hawkins then requested that the final order hearing proceed forward and that the Board uphold the Hearing Officer's Recommendation. Mr. Henry further advised the Board that Mr. Fleming was not present at the final order hearing due to a family emergency.

MOTION:

Mr. Walker made a motion to suspend the current matter and carry it over to the July 19, 2012, 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.)

Public Comments:

NONE

Date of Next Meeting

Thursday, July 19, 2012, Meeting Room 105

The next meeting of the Board is scheduled for Thursday, July 19, 2012, in conference room 105.

Adjournment

Mr. Caswell made a motion to adjourn the meeting Mr. White seconded the motion, which carried unanimously.

The April 19, 2012 meeting of the South Carolina Contractor's Licensing Board was adjourned at 1:23 p.m.