

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD

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

Thursday, July 19, 2018

10:00 a.m.

Mr. Lady, 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:

James Lady, Board Chair, stated that a quorum of board members was present and 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 Lehman, Legrand Richardson, Jr., Lewis Caswell, Kimberly Lineberger, Frank Walker, and Charles White.

Staff members participating in the meeting included: Georgia Lewis (Advice Counsel), Roger Lowe (Board Administrator), Rhonda Jackson (Program Coordinator), Shakeria Thomas (Program Assistant), Daniel Gourley (Office of Disciplinary Counsel), Todd Bond (OIE, Chief Investigator) and Michelle Manni (Court Reporter).

APPROVAL OF AGENDA:

Motion:

Mr. Caswell made a motion to approve the July 19, 2018 agenda. Mr. White seconded the motion, which carried unanimously.

APPROVAL OF ABSENT BOARD MEMBERS:

Mr. Walker made a motion to approve Mr. Appleton's absence. Mr. Caswell seconded the motion which carried unanimously.

APPROVAL OF MINUTES:

Thursday, April 19, 2018

Motion:

Ms. Lineberger made a motion to approve the April 19, 2018 minutes. Mr. Lehman seconded the motion, which carried unanimously.

CHAIRMAN'S REMARKS:

Mr. James Lady

There were no remarks from the chairman.

MOTION FOR RECONSIDERATION OF FINAL ORDER:

JAY GASKINS/J D GASKINS CONSTRUCTION INC

Mr. Richardson was the hearing officer in the case and recused himself from the hearing. Jay Gaskins was present and was represented by legal counsel, Chelsea Clark.

- Mr. Walker made a motion to deny the Motion for Reconsideration. Mr. Lehman seconded the motion which carried unanimously.

APPLICATION/LICENSE REVIEWS:

JAY GASKINS/J D GASKINS CONSTRUCTION INC (reinstatement application pending)

The reinstatement application could not be approved at staff level. Jay Gaskins was present and was represented by legal counsel, Chelsea Clark.

Motion:

Mr. Caswell made a motion to approve the request pending a properly-filled out application. Ms. Lineberger seconded the motion, which carried unanimously.

Amended Motion:

Mr. Lehman made a motion to approve the request pending a properly-filled out application and that if any disciplinary action occurs within a year, the license will be suspended. Mr. Caswell seconded the motion, which carried unanimously.

OSCAR SWEIGART/SKYE SOLUTIONS LLC (burglar-fire registered employee application pending)

The registered employee application could not be approved at staff level. Oscar Sweigart was present and was not represented by legal counsel. Mr. Sweigart had a witness, Edward Sill.

Motion:

Mr. Lehman made a motion to deny the request. Ms. Lineberger seconded the motion, which carried unanimously.

RONALD TRUESDALE/SKYE SOLUTIONS LLC (burglar-fire registered employee application pending)

The registered employee application was withdrawn prior to the meeting.

JACOB HANSEN/VIVINT, INC. (burglar-fire registered employee application pending)

The registered employee application could not be approved at staff level. Jacob Hansen was not present.

Motion:

Mr. Caswell made a motion to deny the request. Ms. Lineberger seconded the motion, which carried unanimously.

JACOB WING/VIVINT, INC. (burglar-fire registered employee application pending)

The registered employee application could not be approved at staff level. Jacob Wing was not present.

Executive Session Motion (IN)

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

Executive Session Motion (OUT)

Mr. Caswell made a motion to come out of executive session and back into open session. Mr. Lehman seconded the motion, which carried unanimously. No votes or decisions were made during executive session.

Motion:

Mr. Caswell made a motion to deny the request. Mr. Lehman seconded the motion, which carried unanimously.

HEARING OFFICER RECOMMENDATION – FINAL ORDER HEARINGS:

• ***TERRY LAND/LAND ROOFING COMPANY (CASE NO. 2016-314)***

Mr. Appleton was the hearing officer in the case and was not present. Terry Land was present and was not represented by legal counsel. Daniel Gourley, 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. Mr. White seconded the motion, which carried unanimously.

• ***MICHAEL MORSE (CASE NO. 2017-4)***

Mr. Appleton was the hearing officer in the case and was not present. Michael Morse was present and was not represented by legal counsel. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

Mr. Caswell made a motion to accept the Hearing Officer's recommendations. Ms. Lineberger seconded the motion, which carried unanimously.

- **DAVID JUDGE/POWER BY DESIGN CONSTRUCTION LLC (CASE NO. 2016-284)**

Mr. Appleton was the hearing officer in the case and was not present. David Judge was present and was not represented by legal counsel. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

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

- **CHRIS PINELLI DBA: PINELLI CONSTRUCTION/CHRISTOPHER PINELLI (CASE NO. 2016-400; 2017-28)**

Mr. Walker was the hearing officer in the case and recused himself from the hearing. Christopher Pinelli was present and was not represented by legal counsel. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

Mr. Richardson made a motion to continue the case until the next meeting on October 18, 2018. Mr. Caswell seconded the motion, which carried unanimously.

- **ANDREW PARKER/PARKER BUILDERS INC (CASE NO. 2016-95)**

Mr. Walker was the hearing officer in the case and recused himself from the hearing. Andrew Parker was present and was not represented by legal counsel. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

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

- **MARK VAN DEN DRIESSCHE/M C DRIESSCHE LLC (CASE NO. 2017-20)**

Mr. Lehman was the hearing officer in the case and recused himself from the hearing. Mark Van Den Driessche was present and was not represented by legal counsel. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

Mr. Caswell made a motion to accept the Hearing Officer's recommendations. Ms. Lineberger seconded the motion, which carried unanimously.

- ***BRIAN DOCHNIAK/RENOVATION SPECIALISTS OF CHARLESTON LLC (CASE NO. 2017-2)***

Mr. Lehman was the hearing officer in the case and recused himself from the hearing. Brian Dochniak was not present. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

Ms. Lineberger made a motion to accept the Hearing Officer's recommendations. Mr. Caswell seconded the motion, which carried unanimously.

- ***WHITNEY DAVIS/SUNBELT CONSTRUCTION & TELECOMM SVCS LLC (CASE NO. 2016-404)***

Mr. Walker was the hearing officer in the case and recused himself from the hearing. Whitney Davis was not present. Daniel Gourley, Esq. represented the State and requested that the matter be dismissed and reopened as a residential builder's case.

Motion:

Mr. White made a motion to dismiss the matter. Ms. Lineberger seconded the motion, which carried unanimously.

OFFICE OF DISCIPLINARY COUNSEL (ODC REPORT)

Daniel Gourley

Mr. Gourley reported that ODC has 42 open cases, 20 cases pending action, 2 cases are pending a consent agreement or memorandum of agreement, 3 cases are pending disciplinary hearings, 5 cases are pending advice action, 9 cases are pending final order hearings and 1 case is pending a final order. Since April 11, 2018, 25 cases have been closed and there are 0 cases on appeal at this time.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT (OIE REPORT)

Todd Bond

Mr. Bond reported that 211 complaints have been received this year with 102 active investigations and 135 cases closed to this date.

- ***February 8, 2018 IRC Recommendations for Contractors cases:***

The IRC Committee recommended 10 cases be dismissed, 9 formal complaints, 1 letter of caution, and 1 case is recommended for presentation to the administrative law court for violation of a previous board order- a total of 21 cases.

Motion:

Mr. Caswell made a motion to approve the report. Mr. Walker seconded the motion, which carried unanimously.

- ***May 16, 2018 IRC Recommendations for Contractors cases:***

The IRC Committee recommended 6 cases be dismissed, 4 formal complaints, and 4 formal complaint citations- a total of 14 cases.

Mr. Bond noted that case 2017-342 should be listed as a formal complaint instead of a formal complaint citation.

Motion:

Mr. Caswell made a motion to accept the amendment to the report. Mr. White seconded the motion, which carried unanimously

- ***June 21, 2018 IRC Recommendations for Contractors cases:***

The IRC Committee recommended 6 cases be dismissed, 3 formal complaints, 2 formal complaint citations, 2 letters of caution, and 1 case is recommended for presentation to the administrative law court for violation of a previous board order- a total of 14 cases.

Motion:

Mr. Caswell made a motion to approve the report. Mr. Walker seconded the motion, which carried unanimously.

- ***June 21, 2018 IRC Recommendations for Burglar and Fire Alarm cases:***

The IRC Committee recommended 1 case be recommended for a cease and desist order.

Mr. Bond made a note that the report labeled as April 5th should be for June 21st.

Motion:

Mr. White made a motion to accept the amendment to the report. Mr. Walker seconded the motion, which carried unanimously

NEW BUSINESS:

Mr. Lady announced that the language regarding the criminal history question on the burglar/fire alarm initial application needed to be discussed even though it is not on the agenda. The suggestion was that the word felony needed to be removed to avoid confusing applicants.

Motion:

Mr. Caswell made a motion to remove the word felony from the application. Mr. Richardson seconded the motion, which carried unanimously.

- **“Regulatory Review Drafting”**

Roger Lowe discussed the regulations that are to be deleted or modified and submitted to the legislature.

Motion:

Mr. Lehman made a motion to approve these changes. Mr. Caswell seconded the motion, which carried unanimously.

- **“Surety Bond Claim Procedures”**

Roger Lowe discussed the language that was approved regarding submitting a bond in lieu of a financial statement as long as it is double the amount of the net worth requirement. He stated that a committee would need to be formed to create a bond claim procedure. Mr. Lady nominated Mr. Appleton and Mr. Richardson to be on the committee.

BOARD FINANCIAL INFORMATION AND PSI EXAMINATION INFORMATION

Roger Lowe directed the board to the secure website for review of the documents.

“Public Comments”

There were no members of the public present.

“Administrator Remarks”

There were no remarks from the administrator.

DATE OF NEXT MEETING:

Thursday, October 18, 2018; 10:00 A.M., Meeting Room 108, Kingstree Building

The next meeting of the SC Contractor’s Licensing Board will be held Thursday, October 18, 2018 beginning at 10:00 A.M., at the Synergy Business Complex, Kingstree Building, Room 108, in Columbia, SC.

ADJOURNMENT:

Motion:

Mr. Caswell made a motion to adjourn the meeting. There being nothing further, the meeting concluded at 1:52 p.m.