

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, January 17, 2019

10:00 a.m.

James 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, Kimberly Lineberger, Frank Walker, Charles White, Legrand Richardson, and Scott Appleton.

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 Cathy Young (Court Reporter).

APPROVAL OF AGENDA:

Mr. Lady, Board Chair, stated an amendment to the agenda. The election of officers was moved to the end of the meeting.

Motion:

Ms. Lineberger made a motion to approve the January 17, 2019 agenda. Mr. Richardson seconded the motion, which carried unanimously.

APPROVAL OF ABSENT BOARD MEMBERS:

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

APPROVAL OF MINUTES:

October 18, 2018

Motion:

Mr. Richardson made a motion to approve the October 18, 2018 minutes. Mr. White seconded the motion, which carried unanimously

OFFICE OF DISCIPLINARY COUNSEL (ODC REPORT)

Daniel Gourley

Mr. Gourley reported that ODC has 42 open cases, 22 cases pending action, 1 case is pending a memorandum of agreement, 2 cases are pending disciplinary hearings, 4 cases are pending advice action, 6 cases are pending final order hearings and 5 cases are pending a final order. Since July 12, 2018, 16 cases have been closed and there are 2 cases on appeal at this time.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT (OIE REPORT)

Todd Bond

Mr. Bond reported that 421 complaints have been received this year with 105 active investigations and 438 cases closed to this date.

- ***November 15, 2018 IRC Recommendations for Contractors cases:***

The IRC Committee recommended 11 cases be dismissed, 17 formal complaints, 4 citations, and 1 letter of caution - a total of 33 cases.

Motion:

Ms. Lineberger made a motion to approve the report. Mr. Lehman seconded the motion, which carried unanimously.

- ***November 15, 2018 IRC Recommendations for Burglar and Fire Alarm cases:***

The IRC Committee recommended 2 cases be dismissed, 2 formal complaints, and 1 letter of caution - a total of 5 cases.

Motion:

Mr. Richardson made a motion to approve the report. Mr. Appleton seconded the motion, which carried unanimously

- ***December 13, 2018 IRC Recommendations for Contractors cases:***

The IRC Committee recommended 6 cases be dismissed, 2 formal complaints, 2 citations - a total of 10 cases.

Motion:

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

- ***December 13, 2018 IRC Recommendations for Burglar and Fire Alarm cases:***

The IRC Committee recommended 1 citation.

Motion:

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

APPLICATION/LICENSE REVIEWS:

- ***WYATT KELLY/BID GROUP CONSTRUCTION (Pending renewal application)***

The renewal application could not be approved at staff level. Wyatt Kelly was present and was represented by legal counsel, Alex Imgrund. There were no witnesses present.

Motion:

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

- ***CHRISTOPHER O'HARA RIVERS (Pending renewal application)***

The renewal application could not be approved at staff level. Christopher O'Hara was not present.

Motion:

Mr. Lehman made a motion to deny the renewal application. Mr. Appleton seconded the motion, which carried unanimously.

- ***SHERMAN GREY/GREYSTONE CONSTRUCTION (Pending renewal application)***

The renewal application could not be approved at staff level. Sherman Grey was present and was not represented by counsel. There were no witnesses present.

Motion:

Mr. Richardson made a motion to approve the renewal application subject to payment of the outstanding fine to the Residential board. Ms. Lineberger seconded the motion, which carried unanimously.

- ***RUSSELL COOPER/RUSSELL COOPER POOLS (Pending renewal application)***

The renewal application could not be approved at staff level. Russell Cooper was present and was not represented by counsel. There were no witnesses present.

Motion:

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

- ***RONALD COX/COASTAL RESTORATION GROUP LLC (Pending renewal application)***

The renewal application could not be approved at staff level. Ronald Cox was present and was not represented by counsel. There were no witnesses present.

Executive Session Motion (IN)

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

Executive Session Motion (OUT)

Mr. White made a motion to come out of executive session. Mr. Appleton seconded the motion, which carried unanimously.

Motion:

Mr. Richardson made a motion to approve the renewal application subject to Mr. Cox providing evidence to staff that he has worked out a satisfactory payment arrangement. Mr. White seconded the motion, which carried unanimously.

• ***FREEMAN H. BELL/PREMIER CONSTRUCTORS INC. (Pending renewal application)***

The renewal application could not be approved at staff level. Freeman Bell was present and was represented by legal counsel, Montrio Belton. There were no witnesses present.

Motion:

Mr. Richardson made a motion to approve the renewal application. Mr. White seconded the motion, which carried unanimously.

• ***THOMAS MASSAR (Pending renewal application)***

The renewal application could not be approved at staff level. Thomas Massar was present and was not represented by counsel. There were no witnesses present.

Motion:

Mr. Richardson made a motion to approve the renewal application subject to Mr. Massar providing proof of satisfaction of judgment to staff within 30 days. Mr. White seconded the motion, which carried unanimously.

• ***RODNEY TAYLOR (Pending renewal application)***

The renewal application could not be approved at staff level. Rodney Taylor was present and was not represented by counsel. There were no witnesses present.

Executive Session Motion (IN)

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

Executive Session Motion (OUT)

Ms. Lineberger made a motion to come out of executive session. Mr. Lehman seconded the motion, which carried unanimously.

Motion:

Mr. White made a motion to grant a continuance of the renewal application hearing until the next meeting on April 18, 2019 per Mr. Taylor's request. Also, the license would lapse at midnight and no new work would be allowed. Mr. Lehman seconded the motion, which carried unanimously.

• ***CHARLES COOKS JR./CORNERSTONE MASONRY (Pending renewal application)***

The renewal application could not be approved at staff level. Charles Cooks Jr. was not present.

Motion:

Mr. Appleton made a motion to deny the renewal application. Mr. White seconded the motion, which carried unanimously.

• ***DANIEL R. DENNIS III/DENNIS CORPORATION (Pending renewal application)***

Mr. Appleton and Ms. Lineberger recused themselves from the hearing. The renewal application could not be approved at staff level. Daniel Dennis was present and was not represented by counsel. There were no witnesses present.

Motion:

Mr. Walker made a motion to approve the renewal application with a public reprimand. Mr. Richardson seconded the motion, which carried unanimously.

NEW BUSINESS

• ***“South Carolina Electronic Security Association”***

Brian Crenshaw, director, addressed the Board regarding the South Carolina Electronic Security Association's proposed changes to Chapter 79 of the Alarm Systems Business Act. The Board asked a few questions about the changes and Mr. Crenshaw answered any questions they had. Gigi Lewis, Advice Counsel, stated that any further discussion should be directed to Holly Beeson or Katie Phillips in the Office of Communications and Governmental Affairs.

HEARING OFFICER RECOMMENDATION – FINAL ORDER HEARINGS:

• ***ROBERT RABON DBA: FLOWMASTERS PLUMBING/ROBERT M. RABON (CASE NO. 2017-249)***

Mr. Lehman was the hearing officer in the case and recused himself from the hearing. Robert Rabon 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.

Executive Session Motion (IN)

Mr. Walker 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. White made a motion to come out of executive session. Ms. Lineberger seconded the motion, which carried unanimously.

Motion:

Mr. White made a motion to accept the Hearing Officer's recommendations with the exception of the suspension being stayed as long as the respondents keep the payments towards the judgment current until it is paid in full. Mr. Richardson seconded the motion, which carried unanimously.

• ***SOUTHEASTERN FIRE SERVICES/DOMINIC SCHIFERL (CASE NO. 2017-13)***

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

Motion:

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

• ***PIPE DOCTORS/CHRISTOPHER GAGNE (CASE NO. 2017-55)***

Mr. Walker was the hearing officer in the case and recused himself from the hearing. Christopher Gagne 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.

Executive Session Motion (IN)

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

Executive Session Motion (OUT)

Mr. Appleton made a motion to come out of executive session. Mr. White seconded the motion, which carried unanimously.

Motion:

Mr. Richardson made a motion to accept the Hearing Officer's recommendations with the exception that the license is suspended until the fine is paid in full and the judgment is paid in full or a payment agreement is made and agreed to. Mr. White seconded the motion, which carried unanimously.

- ***CHARLES PAUL SYSAK (CASE NO. 2017-121)***

Mr. Walker was the hearing officer in the case and recused himself from the hearing. Charles Sysak 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.

Executive Session Motion (IN)

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

Executive Session Motion (OUT)

Mr. White made a motion to come out of executive session. Mr. Appleton seconded the motion, which carried unanimously.

Motion:

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

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

Mr. Walker was the hearing officer in the case and recused himself from the hearing. Chris Pinelli was present and was represented by legal counsel, Craig White. Daniel Gourley, 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. Ms. Lineberger seconded the motion, which carried unanimously.

- ***DON ROSS LLC/DONALD W. ROSS (CASE NO. 2017-287)***

Mr. White was the hearing officer in the case and recused himself from the hearing. Donald Ross 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.

Executive Session Motion (IN)

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

Executive Session Motion (OUT)

Mr. Appleton made a motion to come out of executive session. Mr. Walker seconded the motion, which carried unanimously.

Motion:

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

MEMORANDUM OF AGREEMENT – FINAL ORDER HEARINGS:

- ***LINSEY BENJAMIN AYERS (CASE NO. 2017-19)***

Linsey Ayers was present and was represented by legal counsel, Suzanne Hawkins. Daniel Gourley, Esq. represented the State.

Motion:

Mr. Walker made a motion to accept the Memorandum of Agreement. The sanctions against the Respondent will be a fine of \$1,000 to be paid within 45 days of the final order. Mr. Lehman seconded the motion, which carried unanimously.

NEW BUSINESS

- **“Louisiana HT & AC Reciprocity”**

Roger Lowe, Administrator, addressed the Board regarding a reciprocity agreement request from the State of Louisiana for their heating and air conditioning license. Mr. Lowe stated that individuals that pass Louisiana heating and air conditioning exams will only be exempt from taking the South Carolina technical exams and would still be required to pass the business management & law exam with PSI.

Motion:

Mr. Walker made a motion to accept the reciprocity agreement with the state of Louisiana for heating & air conditioning. Mr. Richardson seconded the motion, which carried unanimously.

- **“New Bills Filed”**

Roger Lowe, Administrator, addressed the Board regarding 2 new bills that have been filed pertaining to contractor's licensing. One bill is in addition to section 40-11-410 to add the word residential for swimming pools. The second bill is to add electric fences under burglar fire alarm and define it clearly.

PUBLIC COMMENTS

- **Charles Blackburn**

Charles Blackburn addressed the Board on section 40-11-270(e) in the statute that allows licensed contractors to utilize the services of unlicensed subcontractors as long as they work within the

limitations and classifications on their license. Mr. Blackburn also asked for clarification of the Board's jurisdiction over subcontractors.

ELECTION OF OFFICERS

- Roger Lowe, Administrator, announced the election of officers and called for nominations for the Board Chair. Mr. Richardson moved to nominate Mr. Lady to serve as Chair for another term. Mr. White seconded the motion, which carried unanimously. Mr. White made a motion to close the nominations. Mr. Richardson seconded that motion, which carried unanimously. There being no further nominations, the nominations were closed and Mr. James Lady was elected by acclamation.
- Roger Lowe, Administrator, called for nominations for Vice-Chair. Mr. Lady moved to nominate Mr. Richardson to serve as Vice-Chair for another term. Mr. Appleton seconded the motion, which carried unanimously. Mr. Lady made a motion to close the nominations. Mr. Lehman seconded that motion, which carried unanimously. There being no further nominations, the nominations were closed and Mr. Legrand Richardson was elected by acclamation.

BOARD FINANCIAL INFORMATION AND PSI EXAMINATION INFORMATION

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

DATE OF NEXT MEETING:

Thursday, April 18, 2019; 10:00 A.M., Meeting Room 108, Kingtree Building

The next meeting of the SC Contractor's Licensing Board will be held Thursday, April 18, 2019, beginning at 10:00 A.M., at the Synergy Business Complex, Kingtree Building, Room 108, in Columbia, SC.

ADJOURNMENT:

Motion:

Mr. Appleton made a motion to adjourn the meeting. Mr. Lehman seconded the motion, which carried unanimously. There being nothing further, the meeting concluded at 4:24 p.m.

