

*SOUTH CAROLINA CONTRACTORS' LICENSING BOARD*

**Synergy Business Park, Kingstree Building  
110 Centerview Drive, Kingstree Building, Room 202-02  
Columbia, South Carolina 29210**

**Minutes**

**Thursday, January 19, 2012**

**10:00 a.m.**

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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 10:00 a.m. Other Board members present for the meeting included: Lewis Caswell, W. Franklin Walker, James E. Lady, Daniel B. Lehman, and Bill Neely.

Staff members participating in the meeting included: James Saxon, Advice Counsel, Christa Bell, Assistant General Counsel, Todd Bond, Chief Investigator - OIE, Gary Wiggins, Administrator, Sherry Bailey, Administrative Assistant, and Reba C. Hayes, Court Reporter.

Others present participating in the meeting included: Adolf Zubia, State Fire Marshal, Dale Goldman, Paul Mashburn, and Charlie Stewart.

**Approval of Agenda:**

*Thursday January, 19, 2012*

**Motion**

Mr. Caswell moved to approve the Thursday, January 19, 2012, agenda as previously noted. Mr. Walker seconded the motion, which carried unanimously.

**Approval of Minutes:**

*Thursday, October 20, 2011*

**Motion**

Mr. Walker moved to approve the Thursday October 20, 2011, meeting minutes. Mr. Lady seconded the motion, which carried unanimously.

**Election of Officers:**

Board Chair Lineberger announced the election of the Board Chair and Vice-Chair. Mrs. Lineberger requested Mr. Gary Wiggins, Board Administrator, to call for nominations from the floor for the Office of Board Chair. Mr. Lady moved to nominate Mrs. Kim Lineberger to serve as chairman. Mr. Caswell seconded the motion, which carried unanimously. There being no further nominations, the nominations were closed and Mrs. Kim Lineberger was elected by acclamation. Chair Lineberger called for nominations for the Office of Vice-Chair. Mr. Neely moved to nominate Mr. Lewis Caswell to serve as Vice-Chair. Mr. Lehman seconded the motion, which carried unanimously. There being no further nominations, the nominations were closed and Mr. Caswell was elected by acclamation.

**Excused Members:**

Mr. Charles White and Mr. Jamie Patterson received an excused absence.

**Chairman's Remarks:**

*Kim Lineberger*

1. Mrs. Lineberger thanked the Board for its confidence in her continuing to serve as Board Chair.

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2. Mrs. Lineberger discussed that Director Templeton was being considered for another position over DHEC and that the Board would be updated on any changes.
3. Mrs. Lineberger informed the Board that she had requested Sherry Bailey, Board Administrative Assistant to put together certificates of appreciation for Wendy Nance, Mark Plyler, and Doug Greer to recognize their service to the Board.

**Administrator's Remarks:**

*Gary Wiggins*

**Licensing Report** - Mr. Wiggins reported that the licensing report shows 8,783 licenses issued for general contractors; 6,288 licenses for mechanical contractors; 15,474 qualifying parties for general contractors and 9,930 qualifying parties for mechanical contractors. Information was also provided to the Board on the Alarm Systems and Boilers.

**Office of Investigation and Enforcement Report:**

*Todd Bond*

**OIE Status Report** – Mr. Bond reported that for the period January 1, 2011 to December 31, 2011, OIE received a total of 211 complaints with 44 current active investigations, 70 closed cases and 41 do-not-open. Six cases are pending IRC with the remaining 49 sent to OGC.

**Office of General Counsel Report:**

*Christa Bell*

**OGC Report** – Ms. Bell reported that OGC has 43 open cases with several being resolved by today's Board meeting. 17 cases are pending final order hearings, 19 cases are pending action, 2 are pending consent agreements or memorandums of agreement and 2 are pending hearings. Two cases are pending final orders and 51 cases have been closed since January 2011. One case is on appeal.

**Advisory Opinions:**

NONE

**Legislative Update:**

Mr. Lehman asked Mr. Wiggins about a legislative bill that was introduced that would affect the burglar alarm act. Mr. Wiggins advised the bill went to committee was unable to provide information on whether the bill had been tabled. Mr. Wiggins advised that he would check on it.

Mrs. Lineberger asked Mr. Saxon for an update on the clean-up legislation. Mr. Wiggins was not able to provide information regarding the status of the clean-up of Title 40, Chapter 1. The Board requested information be provided at the April Board meeting on the status of the clean-up legislation, including the regulations.

Mr. Lehman asked about the introduction of legislation issuing licenses to spouses of military folks and the deregulation of certain LLR boards. No additional information was available.

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10:00 a.m.

**Old Business:**

1. **Board representatives for the Investigation Review Committee** – Mr. Wiggins reported that as directed by the Board at the last meeting, staff extended invitations to the individuals identified by the Board to attend the April Board meeting. Ms. Gail Chapman and Mr. Mark Thornton were unable to attend. Mr. James Sessions requested that he be removed from consideration due to travel requirements of his job. Mr. Dale Goldman and Mr. Paul Mashburn were in attendance and agreed to serve as the professional members on the IRC.
2. **Policy for Plumber Training to Install Multipurpose Piping** – Mr. Caswell advised the Board that he and Mr. Neely have not yet developed a comprehensive report for the Board. Mr. Wiggins advised the Board of the results of meetings with legal staff and the State Fire Marshal's office. Mr. Adolf Zubia, State Fire Marshal addressed the Board concerning the issues associated with this topic. Mr. Charlie Stewart also addressed the Board on the issues. Mr. Caswell and Mr. Neely will continue to work on this matter for the Board.

**New Business:**

**Recommendation of Investigation Review Committee:**

*December, 2011, IRC Recommendations:*

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

*January, 2012, IRC Recommendations:*

Mr. Caswell made a motion, to approve the recommendations of the Investigative Review Committee. 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.)*

**Motion for Reconsideration of Citation:**

*Mr. Alexander Thomas, Airmax Heating & Cooling (2011-108)*

Mr. Thomas was not present. Ms. Christa Bell represented the State.

Ms. Bell requested that the motion for reconsideration of a citation be dismissed and the citation upheld.

**MOTION:**

Mr. Caswell made a motion to deny the motion for reconsideration. 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.)*

**Motion for Reinstatement:**

*Mr. Ronald L. Pierce, Clear Choice Construction*

Mr. Pierce appeared before the Board because of a prior disciplinary hearing that resulted in a \$10,000 civil penalty, Mr. Pierce being prohibited from acting as a qualifying party, and revocation of his contractor's license. Mr. Pierce was sworn and answered questions from Mr. Saxon, Advice Counsel.

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10:00 a.m.

Mr. Pierce stated that he has not filed an application with the Board and has not met the terms of the previous final order. Ms. Christa Bell informed the Board that a renewal period also passed without Mr. Pierce submitting a renewal application. Mr. Pierce advised the Board that he would submit the application to Staff.

**MOTION:**

Mr. Caswell made a motion to deny the reinstatement until such time as the Board has an application and all information to consider reinstatement. Mr. Lady 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 Orders):**

*Mr. Richard Cobb, AI Tec Services (2009-263 and 2010-67)*

Mr. Cobb was present with his attorney, David W. Holmes, Esq. Ms. Lil Ann Gray represented the State.

Ms. Gray advised the Board that all evidence that was available, was presented to the hearing officer but that the complainants did not attend the hearing. Mr. Holmes requested that the Board uphold the Hearing Officer's Recommendation of dismissal.

**MOTION:**

Mr. Walker made a motion to uphold 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.)*

*Mr. Toby Bouknight, Bouknight's Heating and Cooling LLC (2009-115)*

Mr. Bouknight was not present. Ms. Suzanne Hawkins represented the State.

Ms. Hawkins requested that the Board uphold the Hearing Officer's Recommendation.

**MOTION:**

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

*Mr. John W. Reynolds (2009-87)*

Mr. Reynolds was present. Ms. Suzanne Hawkins represented the State. Mr. Caswell asked to be recused because he was the Hearing Officer.

Ms. Hawkins asked that the Hearing Officer's Recommendations be upheld. Mr. Reynolds attempted to admit additional evidence to the Board. An objection was raised by the State and sustained by the Board Chair.

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**MOTION:**

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

*Mr. Robert G. Madden, Madden Roofing Co. (2009-229)*

Mr. Madden was present. Ms. Suzanne Hawkins represented the State.

Ms. Hawkins asked that the Hearing Officer's Recommendations be upheld and that a Cease and Desist Order be included regarding the aiding and abetting of an unlicensed entity.

**MOTION:**

Mr. Caswell made a motion to uphold the Hearing Officer's Recommendations with the addition of the cease and desist order. 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.)*

*Mr. Jerry M. Blackwell, Summit Construction (2010-237)*

Mr. Blackwell was not present. Ms. Christa Bell represented the State.

Ms. Bell asked that the Hearing Officer's Recommendations be upheld.

**MOTION:**

Mr. Caswell made a motion to uphold the Hearing Officer's Recommendations with the fine to be paid within 60 days after receipt. 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.)*

*Mr. Robert Small, Small's Enterprises, Inc. (2010-261)*

Mr. Small was not present. Ms. Christa Bell represented the State.

Ms. Bell asked that the Hearing Officer's Recommendations be upheld.

**MOTION:**

Mr. Lady made a motion to amend the Hearing Officer's Recommendations to increase the fine to \$1,000. 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.)*

*Mr. Harold Wines, Wine's Heating & Air (2010-185)*

Mr. Wines was not present. Ms. Suzanne Hawkins represented the State.

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Ms. Hawkins asked that the Hearing Officer's Recommendations be upheld.

**MOTION:**

Mr. Walker made a motion to accept the Hearing Officer's Recommendations with the correction of a scrivener's error. 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.)*

**Public Comments:**

NONE

**Date of Next Meeting**

*Thursday, April 19, 2012, Meeting Room 105*

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

**Adjournment**

Mr. Neely moved for the meeting to be adjourned. Mr. Lehman seconded the motion, which carried unanimously.

The January 19, 2012, meeting of the South Carolina Contractor's Licensing Board was adjourned at 11:55 a.m.

Transcript of the Testimony of  
**CONTRACTORS' LICENSING BOARD MEETING**

**Date:** January 19, 2012

CREEL COURT REPORTING, INC.  
Condensed Transcript and Word Index

1230 Richland Street  
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SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION BEFORE THE CONTRACTORS' LICENSING BOARD

BOARD MEETING

\*\*\*\*\*

Thursday, January 19, 2012
10:00 a.m. - 11:55 a.m.

The South Carolina Contractors' Licensing Board meeting was taken at the Synergy Office Park, Kingstree Building, Room 202-02, 110 Centerview Drive, Columbia, South Carolina, on the 19th day of January, 2012 before Reba C. Hayes, Court Reporter and Notary Public in and for the State of South Carolina.

ELECTION OF OFFICERS:

CHAIRMAN:
Mr. Wiggins . . . . .7
Motion by Mr. Lady . . . . .7
Second by Mr. Caswell . . . . .7
VICE CHAIRMAN:
Ms. Chairperson . . . . .7
Motion by Mr. Neely . . . . .8
Second by Mr. Lehman . . . . .8

APPROVAL OF OCTOBER 20, 2011 MEETING MINUTES:

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Second by Mr. Lady . . . . .9

CHAIRMAN'S REMARKS:

Ms. Chairperson . . . . .9

REMARKS FOR INFORMATION:

LICENSING REPORT:

Mr. Wiggins . . . . .11

OFFICE OF INVESTIGATION AND ENFORCEMENT REPORT:

Mr. Bond . . . . .12

OFFICE OF GENERAL COUNSEL REPORT:

Ms. Bell . . . . .47

OLD BUSINESS:

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Mr. Wiggins . . . . .13

POLICY FOR PLUMBER TRAINING TO INSTALL MULTIPURPOSE PIPING

Mr. Wiggins . . . . .20

IRC LOGIC REPORT:

Mr. Bond . . . . .35

December 7, 2011 Report:

Motion by Mr. Walker . . . . .36

Second by Mr. Lehman . . . . .37

January 12, 2012 Report:

Motion by Mr. Caswell . . . . .38

Second by Mr. Neely . . . . .38

ADJOURNMENT:

Motion by Mr. Neely . . . . .49

Second by Mr. Lehman . . . . .49

Certificate . . . . .50

APPEARANCES:

BOARD MEMBERS:

Kimberly L. Lineberger, Chairman
Lewis M. Caswell
W. Franklin Walker
James E. Lady
Daniel B. Lehman
Bill Neely

ADVISING THE BOARD:

James Saxon
South Carolina Department of Labor,
Licensing and Regulations
Office of General Counsel
110 Centerview Drive
Post Office Box 11329
Columbia, South Carolina 29211-1329
Attorney for the South Carolina Department
of Labor, Licensing and Regulation

Also Present:

Gary Wiggins, Administrator
Sheryl Bailey
Todd Bond

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CALL TO ORDER:
Ms. Chairperson . . . . .5

STATEMENT OF PUBLIC NOTICE:

Ms. Chairperson . . . . .5

APPROVAL OF AGENDA:

Motion by Mr. Caswell . . . . .5

Second by Mr. Walker . . . . .6

APPROVAL/DISAPPROVAL OF ABSENT MEMBERS:

CHARLES WHITE:
Motion by Mr. Neely . . . . .6

JAMIE PATTERSON:
Motion by Mr. Lady . . . . .6

Second by Mr. Lehman . . . . .6

EXHIBITS

(There were no exhibits marked to this hearing.)

STIPULATIONS

It is stipulated and agreed that this hearing is being taken pursuant to the Administrative Procedures Act, the Practice Act and Regulations of the Board.



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1 CALL TO ORDER:  
 2 MS. CHAIRPERSON: I'm going to go ahead and call the  
 3 meeting to order. Having determined that a  
 4 quorum of the members is present, I call the  
 5 meeting of the South Carolina Licensing Board  
 6 to order.  
 7 STATEMENT OF PUBLIC NOTICE:  
 8 MS. CHAIRPERSON: The notice and agenda for the  
 9 January 19th, 2012 meeting of the South  
 10 Carolina Licensing Board were posted in  
 11 accordance with Section 30-4-80 of the South  
 12 Carolina Code of Laws, 1976, as amended,  
 13 relating to the Freedom of Information Act.  
 14 APPROVAL OF AGENDA:  
 15 MS. CHAIRPERSON: If everyone will take a look at  
 16 the agenda that we've got today, we'll take a  
 17 motion for the approval of the agenda. I would  
 18 note that on the Final Order Hearings, we've  
 19 had two continuances. That would be on the  
 20 Fleming case and also on the UNIREAL case.  
 21 Those will be continued until the next Board  
 22 meeting, so other than that I don't know of any  
 23 other changes unless someone else does.  
 24 MR. CASWELL: Madam Chair, I move for approval of  
 25 the agenda.

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1 MR. SAXON: It lists Charles White. Mine actually  
 2 has a listing of him. You've got something  
 3 different. Okay.  
 4 MR. WALKER: Madam Chairman, I second the motion.  
 5 MS. CHAIRPERSON: All those in favor?  
 6 (Ayes are heard)  
 7 APPROVAL/DISAPPROVAL OF ABSENT MEMBERS:  
 8 MS. CHAIRPERSON: Moving down our agenda approval or  
 9 disapproval of the absent Board members. I  
 10 think Charles told us last meeting that he had  
 11 a trip scheduled for today, so he is out. Is  
 12 there a motion for the approval or disapproval  
 13 for Charles White?  
 14 MR. NEELY: So move.  
 15 MS. CHAIRPERSON: All those in favor?  
 16 (Ayes are heard)  
 17 MS. CHAIRPERSON: And also Jamie Patterson called  
 18 yesterday with an emergency that he could not  
 19 attend today, so is there a motion and a second  
 20 for his approval of absence?  
 21 MR. LADY: So move.  
 22 MR. LEHMAN: Second.  
 23 MS. CHAIRPERSON: All those in favor?  
 24 (Ayes are heard)  
 25 MS. CHAIRPERSON: Those are approved.

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1 ELECTION OF OFFICERS:  
 2 MS. CHAIRPERSON: And as we do every January, the  
 3 election of the Chair and the Vice Chair.  
 4 We'll go ahead and open those up. Gary, would  
 5 you handle those?  
 6 MR. WIGGINS: I can handle the Chair, Madam Chair.  
 7 MS. CHAIRPERSON: Yes.  
 8 MR. WIGGINS: Madam Chair, members of the Board,  
 9 I'll open nominations for Chairman. Do I hear  
 10 a nomination?  
 11 MR. LADY: I nominate Kim.  
 12 MR. CASWELL: Second.  
 13 MR. NEELY: I just have a question. Is there any --  
 14 I'm not speaking against this at all. I'm just  
 15 asking a question. Is there any --  
 16 MS. CHAIRPERSON: Statute of limitations?  
 17 MR. NEELY: -- well, term limits or anything?  
 18 MR. SAXON: No, because she's here until she's  
 19 replaced.  
 20 MR. WALKER: It has been the tradition of the Board  
 21 to replace the Chairman every two years.  
 22 That's how Kim was appointed. I don't know of  
 23 any hard and fast rule.  
 24 MS. CHAIRPERSON: And I don't have a problem if  
 25 somebody else wants to serve. Not at all.

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1 MR. WIGGINS: I don't think anybody else wants it.  
 2 Is there another nomination?  
 3 MR. SAXON: We've got a motion and a second.  
 4 MR. WIGGINS: Motion. I didn't hear that.  
 5 MR. SAXON: Lewis seconded.  
 6 MR. WIGGINS: And who is the nominee?  
 7 MR. SAXON: Kim.  
 8 MR. LADY: I nominated Kim. Lewis seconded.  
 9 MR. WIGGINS: Are there any other nominations? Any  
 10 other nominations? Okay. We have a motion and  
 11 a second for Ms. Lineberger. All in favor  
 12 signify by saying aye.  
 13 (Ayes are heard)  
 14 MR. WIGGINS: Any opposed?  
 15 (None are heard)  
 16 MR. WIGGINS: Madam Chair, would you like to take  
 17 the next election?  
 18 MS. CHAIRPERSON: Yes. Thank you. Thank you. I  
 19 appreciate that. Is there a nomination for  
 20 Vice Chair?  
 21 MR. NEELY: I nominate Lewis Caswell.  
 22 MR. LEHMAN: Second.  
 23 MS. CHAIRPERSON: All those in favor of Lewis?  
 24 (Ayes are heard)  
 25 MS. CHAIRPERSON: The ayes have it.

1 MR. CASWELL: Long as I don't have to do anything.  
 2 MS. CHAIRPERSON: Wait a minute.  
 3 MR. SAXON: Oh, Lewis, I've got a whole list for  
 4 you.  
 5 APPROVAL OF MINUTES FOR OCTOBER 20, 2011 BOARD  
 6 MEETING:  
 7 MS. CHAIRPERSON: If you'll look at the minutes for  
 8 the October 20th Board meeting, so we can  
 9 approve those. I think they are under your A-  
 10 tab.  
 11 MR. SAXON: You'll have the transcript attached to  
 12 it.  
 13 MR. WALKER: I move that the minutes be approved as  
 14 written.  
 15 MR. LADY: Second.  
 16 MS. CHAIRPERSON: All those in favor?  
 17 (Ayes are heard)  
 18 CHAIRMAN'S REMARKS:  
 19 MS. CHAIRPERSON: Moving down to the Chairman's  
 20 remarks, I'd just like to say I appreciate your  
 21 confidence in me to continue serving as Board  
 22 and if there's anything you need, that you want  
 23 addressed that's not being addressed, please  
 24 let me know and I'll be glad to take it to Gary  
 25 and to wherever we have to go, to Catherine.

1 MR. NEELY: I don't.  
 2 MR. SAXON: Mr. Wiggins, I'm not aware of anything  
 3 being done, are you?  
 4 MR. WIGGINS: No.  
 5 MR. SAXON: So I don't think so.  
 6 MS. CHAIRPERSON: Sherry, could you do one for Doug  
 7 Greer also?  
 8 MS. BAILEY: Yes.  
 9 (Off the Record)  
 10 REMARKS FOR INFORMATION:  
 11 LICENSING REPORT:  
 12 MS. CHAIRPERSON: Moving on down to the licensing  
 13 report from Gary. It's under your tab B.  
 14 MR. WIGGINS: Thank you, Madam Chair. You have the  
 15 licensing report for the contractors,  
 16 mechanical and general, and as you can see the  
 17 heavy hitters are the general contractor at  
 18 8,783; mechanical at 6,288. Of course  
 19 qualifiers, qualifying parties on the general  
 20 side, 15,474; and 9,930. Next page, we do show  
 21 the alarm systems and then the page after it we  
 22 shows the boilers. Are there any questions  
 23 about the licenses, the numbers?  
 24 MS. CHAIRPERSON: Any questions?  
 25 MR. LEHMAN: Kim, I've got a question. I don't know

1 Did everybody get the email about Catherine is  
 2 being considered for another position over  
 3 DHEC? I'm sure she'll keep us informed of how  
 4 that's going and any changes that will create.  
 5 The other thing I want to let you know, I asked  
 6 Sherry to put together some certificates of  
 7 appreciation for Wendy and Mark, for their past  
 8 service. So we'll be getting those to them.  
 9 I just wanted you to know that we did recognize  
 10 them for their service. That's all I really  
 11 have. Yes, sir.  
 12 MR. NEELY: On the sprinkler side we had --  
 13 MS. CHAIRPERSON: Doug Greer?  
 14 MR. NEELY: I know he left before the expiration of  
 15 his term and he just served a short period of  
 16 time. Would that disqualify him for a  
 17 certificate?  
 18 MS. CHAIRPERSON: No, it didn't and I wasn't really  
 19 sure how that played out or how Joyce --  
 20 because that --  
 21 MR. NEELY: It was a health issue I understand.  
 22 MR. SAXON: It's up to y'all. I think that's  
 23 perfectly fine and acceptable.  
 24 MS. CHAIRPERSON: Do you know if it was already done  
 25 or anything?

1 if this is the right time to ask a legislative  
 2 question. Since Gary was up I didn't know. I  
 3 didn't see anything on the -- legislative on  
 4 the agenda. Just a quick question. Would that  
 5 be appropriate now or hold it?  
 6 MS. CHAIRPERSON: Do you want to hold it to new  
 7 business and we'll see?  
 8 MR. LEHMAN: Okay. I'll do that.  
 9 MS. CHAIRPERSON: I'll make a note here.  
 10 MR. LEHMAN: Okay.  
 11 OFFICE OF INVESTIGATION AND ENFORCEMENT REPORT:  
 12 MS. CHAIRPERSON: Todd Bond. Hey, Mr. Bond.  
 13 MR. BOND: I passed out before the meeting a OIE  
 14 status report which lists the cases that we've  
 15 received from January 1st, 2011 to 12/31/2011.  
 16 We received a total of 211 complaints.  
 17 Currently there are 44 active investigations.  
 18 We closed 70 cases during that time. There  
 19 were 42 do-not-open cases. We currently have  
 20 six pending IRC. Those numbers total up  
 21 leaving a remainder of 49. Those are typically  
 22 cases that have gone on to OGC. These reflect  
 23 only the cases that we have remaining in OIE.  
 24 MS. CHAIRPERSON: So you have 44 open cases right  
 25 now?

1 MR. BOND: Yes, ma'am. Well, active investigations.  
 2 Forty-four active investigations. They haven't  
 3 been -- they haven't gone to IRC yet or haven't  
 4 been written up for IRC.  
 5 MS. CHAIRPERSON: Right. I understand. Are there  
 6 any questions from the Board? Thank you, Mr.  
 7 Bond.  
 8 MR. BOND: You're quite welcome.  
 9 MS. CHAIRPERSON: Is Crista Bell or Andrew Rogers?  
 10 Okay.

11 OLD BUSINESS:

12 MS. CHAIRPERSON: Moving on to some old business.  
 13 The Board representatives for our IRC meetings.  
 14 Gary, are they . . .  
 15 MR. WIGGINS: Madam Chair, at the last meeting we  
 16 presented a list of names for individuals that  
 17 were qualified to serve on the Contractors'  
 18 Investigative Review Committee. At that  
 19 meeting the Board asked staff to contact  
 20 members and ask if they could be here to  
 21 address the Board or speak with the Board, or  
 22 have the Board ask questions. That invitation  
 23 was extended and I'm not sure what members did  
 24 show up, but I'll certainly call the names and  
 25 see who is here. We sent invitations to Ms.

1 MS. CHAIRPERSON: Do any of the Board members have  
 2 questions?  
 3 MR. GOLDMAN: Incidentally, I'm a project manager  
 4 with M.B. Kahn. I guess I didn't say that.  
 5 MS. CHAIRPERSON: Mr. Goldman, did somebody explain  
 6 to you exactly what you would be doing?  
 7 MR. GOLDMAN: Not completely. I've got a little  
 8 idea of what's involved, but not in any great  
 9 detail.  
 10 MS. CHAIRPERSON: Is Mr. Mashburn here also?  
 11 MR. MASHBURN: Yes.  
 12 MS. CHAIRPERSON: Hey.  
 13 MR. MASHBURN: Hey.  
 14 MS. CHAIRPERSON: Can you introduce yourself and let  
 15 us know a little bit about you?  
 16 MR. MASHBURN: Sure. Paul Mashburn. I'm president  
 17 of Mashburn Construction. I also got appointed  
 18 through the AGC. I'm vice chair of the  
 19 building division this year. I've been in the  
 20 business for 20 years.  
 21 MS. CHAIRPERSON: The floor is open if the Board  
 22 members have any questions of the two  
 23 gentlemen, but what we wanted to do is to meet  
 24 you, because every month or -- are we doing  
 25 monthly IRCs now or is it quarterly?

1 Gail Chapman. Oh, I'm sorry. She will not be  
 2 able to attend the meeting. James Sessions.  
 3 Is Mr. Sessions here?  
 4 MS. BAILEY: He has requested to be removed due to  
 5 travel with his job. And Mr. Mark Thornton  
 6 will not be in today.  
 7 MR. WIGGINS: Dale Goldman.  
 8 MR. GOLDMAN: Here.  
 9 MR. WIGGINS: Mr. Goldman. Mark Thornton? Paul  
 10 Mashburn?  
 11 MR. MASHBURN: Here.  
 12 MR. WIGGINS: And that's it, Madam Chair.  
 13 MS. CHAIRPERSON: Could the two gentlemen come up  
 14 and introduce yourselves? Come on up.  
 15 MR. SAXON: Just step on up here if you would.  
 16 MR. GOLDMAN: I am Dale Goldman. I'm with M.B. Kahn  
 17 Construction Company Argo Division out of  
 18 Greenville. I've been -- I guess my  
 19 involvement or my request came through AGC,  
 20 which I'm involved with the AGC South Carolina  
 21 Engineer Committee. I've been with M.B. Kahn  
 22 going on 19 years; been living in Greenville  
 23 since 1980; worked with a couple of other  
 24 contractors in Greenville through the years and  
 25 landed with M.B. Kahn.

1 MR. BOND: It's -- we're meeting about twice every  
 2 quarter. We try to have one immediately before  
 3 the Board meeting and then one other, so not  
 4 monthly. No, ma'am.  
 5 MS. CHAIRPERSON: Okay. So every couple of months.  
 6 What we need as a Board is somebody that we're  
 7 confident in that will represent our interests,  
 8 because we can't be in the IRC meetings and  
 9 then sit up here also, so we're looking for  
 10 somebody. As we go along at our meeting today,  
 11 you'll see the reports that we get and how much  
 12 information we actually see as a Board. What  
 13 we're interested in -- and y'all help me if I'm  
 14 not giving everybody's views. But what we're  
 15 interested in is somebody that we're confident  
 16 in that is sitting in this as an industry  
 17 member, that is giving fair consideration to  
 18 what's going on; somebody that we can trust so  
 19 that when we see the IRC reports, then we don't  
 20 have to second guess what's going on. We know  
 21 that you guys have been there and that  
 22 everything is as industry standards take it.  
 23 Mr. Bond will be in the meeting; correct?  
 24 MR. BOND: I will  
 25 MS. CHAIRPERSON: Who else?

1 MR. BOND: Gary will be there. The investigators  
 2 will attend. A staff attorney will attend and  
 3 that's pretty much the makeup of the IRC.  
 4 MS. CHAIRPERSON: And if you're not familiar, Gary  
 5 is the administrator over our Board. Mr. Bond  
 6 is over the investigations. The investigator  
 7 will actually be there and they'll go over the  
 8 different particulars of those cases and then  
 9 come to a conclusion of whether there is a  
 10 violation or there is not a violation or, you  
 11 know, where it needs to go. So what we want is  
 12 industry input, because you guys know how  
 13 things work out in the industry. That's what  
 14 we're looking for.  
 15 MR. GOLDMAN: Input to the investigation or to you  
 16 as a Board?  
 17 MS. CHAIRPERSON: To the investigation. What we  
 18 will see is an IRC, which is a report. Every  
 19 Board meeting we see a report and we don't get  
 20 the exact details that we would like because  
 21 they don't want to taint us, so we get just  
 22 actually the decision that was made. So if we  
 23 have somebody -- our position is if we have  
 24 somebody that we're comfortable with made a  
 25 good decision, then we don't have to worry

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1 about that. We know that justice -- justice  
 2 prevails, so to speak.  
 3 MR. GOLDMAN: You'll be looking for us to basically  
 4 concur with the decision that's been made or to  
 5 --  
 6 MS. CHAIRPERSON: Or not concur with it.  
 7 MR. BOND: May I?  
 8 MS. CHAIRPERSON: Yes, sir.  
 9 MR. BOND: Typically at the meeting my investigators  
 10 will write a report and you'll have access to  
 11 the full investigative file. So they present  
 12 their cases, each of their cases. We discuss  
 13 what was done and then a determination is made  
 14 whether or not we believe there's a violation  
 15 and what should be done if there is a  
 16 violation, or whether the case should be  
 17 dismissed. So you have access to the full file  
 18 during the IRC meeting to help make the  
 19 determination. We rely on y'all for a  
 20 professional opinion during the meeting of the  
 21 IRC.  
 22 MS. CHAIRPERSON: Gary, do the gentlemen -- do they  
 23 have a copy of this?  
 24 MR. WIGGINS: Not at this time.  
 25 MS. CHAIRPERSON: Can we get them a copy?

1 MR. WIGGINS: Okay.  
 2 MS. CHAIRPERSON: Actually you can grab two of  
 3 these.  
 4 (Off the Record)  
 5 MS. CHAIRPERSON: Mr. Goldman and Mr. Mashburn,  
 6 there's --normally one of you will sit on the  
 7 meetings and if you want to get with Sherry,  
 8 Sherry is our right hand so if you want to get  
 9 with her, if y'all want to alternate, one do  
 10 one meeting and one do the next meeting so that  
 11 it's not so cumbersome for you, burdensome to  
 12 be at those meetings. And then we also have a  
 13 couple of other people that we'll meet with  
 14 too. We didn't want it to be so much for one  
 15 person to have to do. But if you'll -- Sherry  
 16 would be your contact; am I correct?  
 17 MR. WIGGINS: Yes.  
 18 MS. CHAIRPERSON: If you're not going to be able to  
 19 be at the meeting, if something comes up, then  
 20 maybe she can get in touch with the other one,  
 21 so that we always have a representative at  
 22 those IRC meetings. Thank you for coming.  
 23 You're more than welcome to stay.  
 24 POLICY FOR PLUMBER TRAINING TO INSTALL MULTIPURPOSE  
 25 PIPING:

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1 MS. CHAIRPERSON: Moving on to our other business.  
 2 The continued policy for plumber training to  
 3 install multipurpose piping. Lewis, do we  
 4 know?  
 5 MR. CASWELL: Bill and I have not developed a  
 6 comprehensive report ready for the Board yet.  
 7 MS. CHAIRPERSON: Gary?  
 8 MS. WIGGINS: Madam Chair, we had a meeting with the  
 9 legal staff and determined through legal that  
 10 portions of that policy would not be  
 11 appropriate, so consequently through another  
 12 meeting with the State Fire Marshall's office,  
 13 we had actually pondered the idea of a piece of  
 14 legislation that would offer a change that  
 15 would allow plumbers to perform the  
 16 multipurpose piping. And I saw Mr. Zubia come  
 17 in the door a few minutes ago. He is here and  
 18 I think he has some additional comments. Mr.  
 19 Zubia is the State Fire Marshall.  
 20 MS. CHAIRPERSON: Yes, sir.  
 21 MR. ZUBIA: Yes, ma'am. Thank you. Again, Adolf  
 22 Zubia. I'm the State Fire Marshall and just to  
 23 kind of follow up on Mr. Wiggins' comments,  
 24 since I've been here this is kind of -- no pun  
 25 intended -- kind of a hot topic. One of the

1 things we want to make sure we clarify. I've  
 2 had interpretations that says yes, plumbers can  
 3 do it with the appropriate training. No, they  
 4 can't do it because it's not authorized by this  
 5 particular Board and your statutes and the  
 6 regulations. My issue is this: I want a fix.  
 7 I'm working if you can believe this with the  
 8 homebuilders. As a matter of fact, I got off  
 9 the phone just a little while ago with them on  
 10 some proposed legislation. We have it. We've  
 11 drafted it. We believe it's the solution. It  
 12 provides the requirement for -- for the -- the  
 13 plumber to meet the criteria, to be certified,  
 14 and similar to what you guys -- this entity  
 15 requires of the commercial installer. Maybe  
 16 not to that extreme, but it addresses the  
 17 issues that I think can move this thing  
 18 forward. And what I mean by that is there'll  
 19 be a national certification. That's what we're  
 20 proposing. There'll be a training requirement  
 21 at least for the one -- and I'm not sure how  
 22 the entity is identified -- but one person for  
 23 that entity. They're concerned that we also  
 24 have, in addition to just the training for the  
 25 installers, is the designer. We've debated

1 information. But if there's a subcommittee of  
 2 this particular group meeting and they want to  
 3 know what we're contemplating proposing,  
 4 therefore this committee would be well aware of  
 5 what's going on and you want to take a position  
 6 on it, we'd be happy to meet with you because  
 7 we would really love the support of this  
 8 particular group because it would help the  
 9 process immensely. So with that I stand for  
 10 any questions. Thank you.  
 11 MR. CASWELL: If you will please, sir, send that  
 12 information to Mr. Neely and myself. We are  
 13 charged with the Board with investigating it  
 14 from the standpoint of this licensing Board as  
 15 to what requirements there might be to allow a  
 16 plumber to do it, so we'd like to know what you  
 17 all are proposing so we can move on with our  
 18 plans, and also vet what you're doing as far as  
 19 whether we're opposed to it or support it or  
 20 what.  
 21 MR. ZUBIA: Or if you have questions --  
 22 MR. CASWELL: Sure.  
 23 MR. ZUBIA: -- and can make it better. I'm all for  
 24 that. I will do so through Mr. Wiggins' office  
 25 and I'll keep you aware of the issues. There

1 this to what should be the minimum requirement  
 2 for that particular individual. Looks like it  
 3 may be an ISET 3 at a minimum. We want to make  
 4 sure that the systems are done correctly and  
 5 appropriately. I think the one issue that  
 6 comes up, and maybe I'm talking too much, but  
 7 it's just the more you know I think the better.  
 8 One of the issues that's come up is the  
 9 insurance concerns but that's -- I'm not sure  
 10 who regulates that and how that comes into  
 11 play, but I know it's a concern. In talking to  
 12 some builders and the fact that they're  
 13 subcontracting the plumbers and the liability  
 14 concerns and those issues, but that's also  
 15 being looked into. I'm not sure what the next  
 16 step is. If it's not proposed by us, I'm not  
 17 sure if it comes before this particular group  
 18 but there is potentially going to be that  
 19 legislative issue being proposed. Mr. Wiggins,  
 20 whether he likes it or not, will be in the  
 21 front row regarding the issue, will be privy to  
 22 any and everything that's either submitted from  
 23 our office, and if it's not done by our office  
 24 I'll somehow be working closely with the entity  
 25 that does. So you will have that particular

1 are some things that aren't going to be spelled  
 2 in that proposal, of course. The specific  
 3 training, we have our ideas as to what that  
 4 should be. There's a lot of things going back  
 5 and forth. There's some plumbers here already,  
 6 some contractors, that it impacts. We want to  
 7 make sure we work with all the affected parties  
 8 in a constructive manner. So thank you.  
 9 MR. CASWELL: Thank you.  
 10 MR. LEHMAN: What's the time frame for all that  
 11 taking place?  
 12 MR. WIGGINS: There are two. Go ahead, Mr. Zubia.  
 13 MR. ZUBIA: Well, I'm no longer new to South  
 14 Carolina. I've almost been here 11 months so  
 15 I'm an expert. We're going to try to push  
 16 this, because the issue came back how -- if  
 17 it's done through the fire marshall's office or  
 18 if it's done through this particular group, how  
 19 can it be done. I've assured some of the  
 20 people that I'm dealing with that based on the  
 21 fact that we -- my office also runs the fire  
 22 training academy, that we can do the training  
 23 issues fairly quickly. We've been in contact  
 24 with the national group that has a national  
 25 certification process and how quickly that

1 could be done. We could be -- I was going to  
 2 say 90 days, but that's because that's the way  
 3 I like to do things. Quick, fast. But it  
 4 doesn't always work that way. So we're looking  
 5 at, if everything falls into place, we do  
 6 things could have things set in place within  
 7 six months. That's my opinion as to how  
 8 quickly it can be done. The most important  
 9 thing it needs to be done right, so that's more  
 10 important than the time lines. I'm not sure  
 11 what you're looking for, six months, a year,  
 12 whatever, but it can be done fairly quickly.  
 13 MR. LEHMAN: Yeah. Just from a requirement  
 14 standpoint. When we have to be doing it. Is  
 15 that now and we're trying to catch up with the  
 16 training or are we trying to get the training  
 17 in front of the requirement?  
 18 MR. ZUBIA: There's -- there's some systems from my  
 19 knowledge that are potentially getting done  
 20 now, so we need to do it as quickly as we  
 21 possibly can to make sure that there's no --  
 22 nobody's falling through the cracks, that  
 23 things are getting done right. And I'll make  
 24 my little political statement: I want to make  
 25 sure these systems are done right because

1 there's a political push against them and I  
 2 want to make sure that if there's going to be  
 3 criticism, it's going to be criticized because  
 4 it's being done right and not because it was a  
 5 shoddy job or an unprofessional job. So we  
 6 want to make sure it's done correctly.  
 7 MR. LADY: Maybe I'm -- what's the status right now?  
 8 What are we doing right now? We don't have the  
 9 legislation. Is it just -- who does it, who  
 10 governs it and what's happening out in the  
 11 street right now --  
 12 MR. ZUBIA: And I'll --  
 13 MR. LADY: -- if someone wants one of these systems?  
 14 MR. ZUBIA: Madam Chair?  
 15 MS. CHAIRPERSON: Yes.  
 16 MR. ZUBIA: My understanding -- and I'll give you a  
 17 recent scenario and it's funny, but the  
 18 gentleman that's dealing with it is here. I'm  
 19 not sure. It happened in North Charleston?  
 20 MEMBER OF AUDIENCE: Charleston County.  
 21 MR. ZUBIA: Charleston County. Close enough. Where  
 22 this issue got debated by the locals on that  
 23 particular arena. I'm not sure if it went  
 24 through their building department, the appeals  
 25 process, but my understanding is it went

1 forward and it was authorized. Just so  
 2 interestingly though, the individual that's in  
 3 charge of that entity has a number of  
 4 certifications that comply with the commercial  
 5 side. I'm not sure if that helped in the  
 6 process or not, but Mr. Wiggins or somebody in  
 7 the audience can probably elaborate a little  
 8 bit better. But I know it's occurring at this  
 9 point and that's why I need -- no, we need to  
 10 rectify it and get it done in a manner that we  
 11 can move on forward constructively.  
 12 MR. LADY: So to answer my question, locally they're  
 13 dealing with it?  
 14 MR. CASWELL: There is no -- as I understand it  
 15 there is no state law mandating it right now.  
 16 MR. LADY: So it's either not being done at all --  
 17 MR. CASWELL: It's voluntary. Whatever is being  
 18 done is voluntary.  
 19 MS. CHAIRPERSON: Yes, sir. Can you shed some  
 20 light?  
 21 MR. STEWART: Let the Board recognize me. I'm  
 22 Charlie Stewart and I am the gentleman that Mr.  
 23 Zubia's referring to. With all due respect to  
 24 Mr. Zubia and all due respect to this Board, I  
 25 think there's some important pertinent

1 information that needs to be on the table and  
 2 I came today to share that with you. I did  
 3 send ahead. I don't know if you got this or  
 4 not, but I didn't get it out until this  
 5 morning, but I sent ahead a couple of  
 6 statements that our group -- I represent the  
 7 South Carolina Master Plumbers' Association --  
 8 that our group has looked at this issue. We've  
 9 looked at it in depth for probably a year and  
 10 a half, and I am the chair of the legal  
 11 committee for the South Carolina Master  
 12 Plumbers' Association. I'm not a lawyer but  
 13 I'm the chair for that committee. And -- and  
 14 I'd like to -- I think I can clear this issue  
 15 up really simply for your Board and your  
 16 involvement at this point. Right now to answer  
 17 your question, sir, these systems -- we have 10  
 18 plumbing contractors in Charleston, South  
 19 Carolina who have qualified with the  
 20 manufacturer to install these systems. They're  
 21 doing it I believe legally under the system.  
 22 They are licensed plumbers. They are doing  
 23 this with the benefit of a ISET -- actually we  
 24 have an ISET level four in our employ. We have  
 25 an ISET level four. I'm also the factory

1 representative for the products, so I have  
 2 deep, deep roots in this. I've been at it five  
 3 years now. I've been here since we first  
 4 started talking about this. My background is  
 5 I'm a plumbing contractor. I'm also a fire  
 6 sprinkler contractor with this Board. I'm also  
 7 a general plumbing mechanical electrical. I  
 8 previously have been a building codes official  
 9 and I'm currently doing some building codes  
 10 work with the Charleston Air Force Base and the  
 11 Charleston Naval Weapons Station, doing some  
 12 inspections there. So I'm really deeply  
 13 involved in just, I believe, every facet of  
 14 this. We've talked about this at length. Mr.  
 15 Zubia and I are this close to agreeing on a  
 16 program we think will work, and I brought today  
 17 -- and I would like to have the opportunity to  
 18 distribute it to you -- I brought this  
 19 information for you and I wanted you to have  
 20 it. And I think a quick read through this will  
 21 -- if you haven't gotten it, Sherry. I sent it  
 22 to you this morning. If I might I'll just give  
 23 it to Sherry and she can disseminate it if she  
 24 wishes.  
 25 MR. SAXON: I think -- Sherry, give that to Mr.

1 fire sprinkler license and a plumbing license,  
 2 and to the best of my knowledge, there's my --  
 3 I hold those two as well as R.C. Jacobs down in  
 4 Georgetown. We're the only two that hold both  
 5 licenses. What we've been doing and the  
 6 process that's been vetted with the building --  
 7 with the building departments, we have 10  
 8 plumbers, I have five or six different either  
 9 municipalities or counties that are issuing  
 10 permits for these systems when they're properly  
 11 designed. The IRC addresses the design issue.  
 12 I agree with Mr. Zubia. I believe that the IRC  
 13 describes the person who can do the design as  
 14 a person who is -- it calls him a recognized  
 15 design professional in quotes. That is defined  
 16 in the code as someone who has previously been  
 17 providing this type of information and for --  
 18 and two different authorities. Because any  
 19 sprinkler contractor in South Carolina is free  
 20 to provide fire sprinkler drawings to Mr.  
 21 Zubia's office for approval, then I would  
 22 suggest that that would be the recognized  
 23 design professional. Then on the second part  
 24 as far as the installer's concerned, if we  
 25 create a new class of plumber, for lack of a

1 Caswell and Mr. Neely and let them handle it  
 2 through their committee.  
 3 MR. STEWART: The questions that this raises, if I  
 4 might just -- if you'll bear with me a second  
 5 -- the questions that are raised here in this  
 6 situation is number one, the purvey I believe  
 7 of this Board -- I believe the purvey of this  
 8 Board is commercial contractors. This is 100%  
 9 a residential issue. This system is never  
 10 installed in a commercial application and is  
 11 not approved for such. It is addressed in --  
 12 true enough in NFPA 13D which is the code that  
 13 the State Fire Marshall's office endorses for  
 14 residential, but it's also addressed and was  
 15 the source of all the contention in the 2009  
 16 IRC. The IRC takes that NFPA 13D publication  
 17 and reduces it to about four or five pages and  
 18 it gets very simple and it's very easy. These  
 19 -- these sprinklers are installed right in the  
 20 domestic water piping and therein is the  
 21 devil's in the details. Because it's in the  
 22 domestic water piping, then the only person  
 23 that -- up until we I think settled this, we  
 24 were under the impression the only person that  
 25 could do it would be someone who held both a

1 better term, to do this then what we're going  
 2 to be doing is we're going to do something  
 3 we've never done before. We're going to  
 4 dissect the IRC. We're going to pull this one  
 5 issue out and make it be a special licensure  
 6 issue. So I have a great deal of heartburn  
 7 with that, because I believe that any plumber  
 8 who has taken the IRC-based plumbing  
 9 contractor's exam, any building inspector or  
 10 building official or plan reviewer who's taken  
 11 the IRC qualification exam, I believe is  
 12 capable of looking at these systems. We get  
 13 lost in the complication sometimes but  
 14 honestly, Mr. Zubia's predecessor, Mr. Wright  
 15 said one time this is merely a thermal faucet  
 16 in the ceiling. And that's exactly what it is.  
 17 It's completely integrated in the plumbing,  
 18 doesn't require a separate tap, doesn't require  
 19 any kind of annual test. It's very low cost.  
 20 We just did a 6,000 square foot house on Isle  
 21 of Palms at the beach for \$1.75 a square foot.  
 22 That's a long cry from this 10 and \$12 we're  
 23 hearing. My concern is as we look at this and  
 24 begin to try to establish some kind of  
 25 regulation, I think that's a mistake because I

1 believe that the South Carolina Sunrise Act,  
 2 which is Section 118 of the South Carolina Code  
 3 of Laws, gives us specific criteria by which we  
 4 create new licensure or new regulation and  
 5 there are nine distinct questions that are  
 6 asked in that law. When that law asks that  
 7 question as a -- as a final statement, it makes  
 8 the statement to us -- and I'll read it to you  
 9 verbatim so I'll -- if I can put my finger on  
 10 it. It says that in determining any  
 11 recommendation for regulation of an occupation,  
 12 the Commission shall recommend the least  
 13 extensive and restrictive form of regulation  
 14 consistent with the public interest. The  
 15 Commission may not recommend any regulation  
 16 unless necessary to protect the health, safety  
 17 and welfare of the public. I agree the  
 18 regulation way would be the simpler way to  
 19 handle this, but first my first question would  
 20 be I'm not sure this is an issue that goes  
 21 before this Board. And the reason I say that  
 22 is this Board is -- Mr. Bond's office enforces  
 23 Title 40 Section 10 of the South Carolina Code  
 24 of Laws which is known to us as the Fire  
 25 Sprinkler Act. And the Fire Sprinkler Act

1 MR. CASWELL: And so that's where we have been asked  
 2 by the Fire Marshall to get on board with this  
 3 and help or approve or help develop training  
 4 for plumbers who are licensed by this Board who  
 5 desire to do a residence. So that's where we  
 6 are. That's why we're involved.  
 7 MR. STEWART: I understand. I would just make that  
 8 point --  
 9 MS. CHAIRPERSON: We appreciate --  
 10 MR. STEWART: -- and I would hope that if you'll  
 11 take a look at the information I've provided,  
 12 I think it makes these two points very clearly  
 13 to us.  
 14 MS. CHAIRPERSON: Yes, sir. Thank you.  
 15 MR. STEWART: I would like to see this sent to the  
 16 Residential Builders Commission. I think  
 17 that's where it should be.  
 18 MS. CHAIRPERSON: Thank you.  
 19 MR. CASWELL: Thank you.  
 20 IRC LOGIC REPORT:  
 21 MS. CHAIRPERSON: Moving on down our agenda, on the  
 22 IRC report for December. We want to take a  
 23 look at that.  
 24 MR. BOND: I also passed out an IRC report from  
 25 January the 12th. It's a little rougher.

1 specifically in the verbiage in the law says  
 2 fire sprinkler systems means -- and it goes on  
 3 to define the sprinkler system and says but  
 4 they do not include dual or multipurpose water  
 5 lines supplying fire systems or equipment,  
 6 potable water, processed water or both. What  
 7 I'm saying to you there is that the law is  
 8 specific to except these multipurpose systems  
 9 and because of that specific exception, then  
 10 that's not really something that's under the  
 11 purvey of Title 10 Section 40, the Fire  
 12 Sprinkler Act. So this Board, since you  
 13 administer the Fire Sprinkler Act, I'm not sure  
 14 that you have purvey in this issue with all due  
 15 respect. And the second thing I'd want to  
 16 mention to you is it goes on to say that a fire  
 17 sprinkler contractor may not bid or perform  
 18 general --  
 19 MR. CASWELL: Excuse me. Let me just interrupt you  
 20 a minute if you don't mind.  
 21 MR. STEWART: Yes, sir.  
 22 MR. CASWELL: I don't think it's the fire sprinkler  
 23 part of this Board that we're talking about.  
 24 It's the plumbing part.  
 25 MR. STEWART: Yes, sir.

1 MS. CHAIRPERSON: It's not on our agenda; right?  
 2 MR. BOND: It's not --  
 3 MS. CHAIRPERSON: January?  
 4 MR. BOND: -- listed on item eight. I'm afraid not.  
 5 MS. CHAIRPERSON: Do you have that printout?  
 6 MR. BOND: I thought I gave everybody one. That's  
 7 it. That's January 12th.  
 8 (Off the Record)  
 9 MS. CHAIRPERSON: Let's look at December's first.  
 10 December 7th.  
 11 MR. BOND: On December 7th the IRC met. We  
 12 discussed 10 -- or excuse me -- 15 total cases.  
 13 Five have been recommended for dismissal, one  
 14 for dismissal with a cease and desist, four for  
 15 formal complaint, four for formal complaint  
 16 with citation and one letter of caution.  
 17 MR. CASWELL: Do y'all have a copy of this?  
 18 MR. MASHBURN: That's the logic report, December  
 19 7th?  
 20 MR. CASWELL: Yes.  
 21 MR. MASHBURN: Yes.  
 22 MR. CASWELL: Okay. I just want to be sure y'all  
 23 did.  
 24 MR. WALKER: Madam Chairman, I move that we accept  
 25 the December 7th IRC report.



1 MS. CHAIRPERSON: Is there a second?  
 2 MR. LEHMAN: Second.  
 3 MS. CHAIRPERSON: All those in favor?  
 4 (Ayes are heard)  
 5 MS. CHAIRPERSON: Does everybody have the January?  
 6 It's not in your book.  
 7 MR. CASWELL: He passed those out.  
 8 MS. CHAIRPERSON: He passed these out. If you'll  
 9 take a look at that.  
 10 MR. BOND: Well, the IRC met again on January 12th.  
 11 I printed these out this morning for  
 12 distribution. I apologize for the roughness of  
 13 it.  
 14 MR. CASWELL: So on this first 2011 200, the second  
 15 case there.  
 16 MR. BOND: Yes, sir.  
 17 MR. CASWELL: Pending IRC is incorrect. It has gone  
 18 through the IRC?  
 19 MR. BOND: It has gone through the IRC. The ones  
 20 that say pending IRC active investigation, they  
 21 all should say pending Board action. Yes, sir.  
 22 MR. LEHMAN: What about the last one there, 2011 177.  
 23 MR. BOND: Yes, sir.  
 24 MR. LEHMAN: It says formal complaint citation. The  
 25 other two above it have -- it just says the IRC

1 question with Gary?  
 2 MR. LEHMAN: Yes. I want to ask Gary a couple and  
 3 maybe see -- y'all might know about it too.  
 4 From a legislative standpoint there's a bill I  
 5 think introduced. It affected, I believe, the  
 6 burglar alarm act. Have you seen that about  
 7 verification?  
 8 MR. WIGGINS: I have seen it as a matter of fact.  
 9 MR. LEHMAN: I think it went to committee this week.  
 10 MR. WIGGINS: It went to the committee.  
 11 MR. LEHMAN: I heard one report that they had tabled  
 12 it, said it wasn't -- have you got any updates  
 13 on that?  
 14 MR. WIGGINS: I did not get a report on it. I was  
 15 tied up in a meeting here yesterday and could  
 16 not make it downtown, but I can certainly check  
 17 on it and get the word back.  
 18 MR. LEHMAN: Okay. That would be great.  
 19 MS. CHAIRPERSON: What's the status of the clean-up?  
 20 Did that go in, where everything was going to  
 21 be cleaned-up, the language? What's the status  
 22 of that?  
 23 MR. SAXON: It's my understanding that there was a  
 24 clean-up of the clean-up, and I do not know the  
 25 status of that at this point, particularly as

1 logic license lapsed.  
 2 MR. BOND: It means the same thing. It'll be a  
 3 citation with a fine of \$500. That is the way  
 4 that it was entered into the computer by the  
 5 investigator.  
 6 MR. CASWELL: So that's a \$500 citation on that one  
 7 also?  
 8 MR. BOND: Yes. Yes, sir. Yes, sir. They were all  
 9 essentially the same violation, so yes, sir.  
 10 MS. CHAIRPERSON: Is there a motion?  
 11 MS. CASWELL: Madam Chair, I move -- excuse me.  
 12 MS. CHAIRPERSON: Is there a motion for the IRC?  
 13 MR. CASWELL: I think we're thinking along the same  
 14 lines. Madam Chair, I move for approval of the  
 15 January IRC.  
 16 MR. NEELY: Second.  
 17 MS. CHAIRPERSON: All those in favor?  
 18 (Ayes are heard)  
 19 MR. BOND: Thank you.  
 20 MS. CHAIRPERSON: Thank you, Mr. Bond.  
 21 (Off the Record)  
 22 (Final order hearings are conducted.)  
 23 MS. CHAIRPERSON: That ends our final order  
 24 hearings. I think we have a couple of  
 25 questions, Dan? You have a legislative

1 it involves this Board. I know that one other  
 2 Board has gone to committee, but I don't know  
 3 the status of that at this point.  
 4 MR. LADY: When you say that, Jamie, do you mean  
 5 some of the language that we reviewed when we  
 6 were on our conference call has been changed  
 7 perhaps again?  
 8 MR. SAXON: No. Well, regarding -- in regards to  
 9 the engine, yes, but it was not changed -- the  
 10 original engine clean-up was written and  
 11 researched by Ms. Gillespie, who is my boss as  
 12 chief advice counsel. The changes made to her  
 13 clean-up were not done by our office. In fact,  
 14 I don't know who did them.  
 15 MR. LADY: But they're still in flux, is my point.  
 16 MR. SAXON: As far as I know, yes, sir.  
 17 MS. CHAIRPERSON: Do you know, Gary?  
 18 MR. WIGGINS: Those were the regulations.  
 19 MR. SAXON: No, the statute, the engine, Chapter 1  
 20 of Title 40.  
 21 MR. WIGGINS: I have no idea. That was not  
 22 submitted by us.  
 23 MR. SAXON: No, and it was not something we were  
 24 involved in or even any of the Boards or  
 25 Commissions. That was -- that was submitted

1 with -- the Boards and Commissions did not vote  
 2 on that. That was submitted by the Director.  
 3 MR. WIGGINS: That's right.  
 4 MS. CHAIRPERSON: Can you get us an update so we'll  
 5 kind of be up to date and know? And the one  
 6 that we had the conference call, was that  
 7 submitted?  
 8 MR. SAXON: Yes. I don't know where it is in the  
 9 pipeline, but it was submitted.  
 10 MS. CHAIRPERSON: Where is it at?  
 11 MR. WIGGINS: I know it's --  
 12 MR. SAXON: After it leaves us it's up to the  
 13 Legislature and we -- to my knowledge, we  
 14 haven't been informed of anything.  
 15 MR. WIGGINS: Right. We have not been informed of  
 16 any hearings or consideration at this time, so  
 17 evidently it's in the earliest stages. But  
 18 those will also go before the LCI committee  
 19 first.  
 20 MR. LADY: Maybe for the next meeting, can we get  
 21 just a brief update or sort of the status of  
 22 those things --  
 23 MR. WIGGINS: Yes.  
 24 MR. LADY: -- to the extent there is --  
 25 MR. SAXON: Well, they don't necessarily let us know

1 just saw it coming from the lobbyist, that it  
 2 had been introduced. About professional boards  
 3 and commissions could issue licenses to spouses  
 4 of military folks, so if the spouse goes off to  
 5 military, that license could be transferred  
 6 over to that spouse.  
 7 MR. SAXON: I've never even heard of that or seen  
 8 it. Dan, I'd love to see that.  
 9 MR. LEHMAN: I'll send you the email I got on it.  
 10 MR. SAXON: Would you mind sending it to me?  
 11 MR. LEHMAN: Yeah.  
 12 MR. SAXON: Because I'm not -- I'm not aware of that  
 13 at all. Are either of the state attorneys  
 14 aware of that?  
 15 MR. LEHMAN: Yeah.  
 16 MS. BELL: It seems like I remember it coming up  
 17 last year and then maybe it died and has it  
 18 revived?  
 19 MR. LEHMAN: It sounds like somebody gave it CPR.  
 20 MR. SAXON: It must have been revived. I assume  
 21 you're all aware, along with what Dan is  
 22 saying, that it has been proposed that eight  
 23 boards be deregulated, amongst which is your  
 24 sister organization, the Residential Builders  
 25 Commission. It has gone to subcommittee and

1 that. If we can find out something, we will.  
 2 How about that?  
 3 MR. LADY: Yeah. That's what --  
 4 MR. SAXON: And Gary and I will work on that. Ms.  
 5 Cooper, whom you may remember from the previous  
 6 thing, is sort of the legislative guru and so  
 7 we'll get her to check with her contacts.  
 8 MR. LADY: If the report is no information  
 9 available, then that's the report.  
 10 MR. SAXON: And that may be --  
 11 MS. CHAIRPERSON: Right.  
 12 MR. SAXON: -- it, but we'll find out what we can.  
 13 MR. CASWELL: And I might suggest, Bill, maybe  
 14 Leslie can follow it from the AGC standpoint  
 15 and let Bill know, and I will ask our  
 16 mechanical contractor guy to look at it and see  
 17 if maybe we can get some information.  
 18 MR. SAXON: With all these sources we'll find out  
 19 something.  
 20 MR. LEHMAN: I've got one more, Kim.  
 21 MS. CHAIRPERSON: Yes, sir?  
 22 MR. LEHMAN: Yesterday I saw a blip about a bill  
 23 that was introduced. It didn't seem targeted  
 24 to our Board specifically. It was just kind of  
 25 a general -- I didn't see the actual bill. I

1 that's --  
 2 MR. WALKER: Be what?  
 3 MR. SAXON: Be deregulated. Be non-existent.  
 4 MR. LADY: The board goes away and there --  
 5 MR. SAXON: Yes.  
 6 MR. LADY: -- is no regulation for residential --  
 7 MR. SAXON: No, there would -- in that instance for  
 8 the Residential Builders Commission, regulation  
 9 would be turned over to the homebuilders  
 10 associations.  
 11 MS. CHAIRPERSON: Wow.  
 12 MR. LEHMAN: Wow.  
 13 MR. SAXON: And in some of the other eight cases,  
 14 the boards would be extinguished completely,  
 15 but several would be turned over to their trade  
 16 organizations. And that --  
 17 MS. CHAIRPERSON: And where did that come from?  
 18 Where did that originate?  
 19 MR. SAXON: That originated from the Director. That  
 20 was submitted by letter to the Governor just  
 21 before Christmas and the next day it was sent  
 22 to the Senate, and this was about a week  
 23 before Christmas.  
 24 MR. CASWELL: Does anybody know the thinking behind  
 25 that?

1 MR. LADY: I think deregulating.  
 2 MR. SAXON: Deregulation.  
 3 MR. LADY: To deregulate.  
 4 MS. CHAIRPERSON: Get rid of.  
 5 MR. SAXON: It was not the boards' choices and in at  
 6 least some instances nor was it the trade  
 7 organizations choices. One board would be  
 8 turned over to the Department of Health and  
 9 Environmental Control, which does not want it.  
 10 MR. LEHMAN: You said there were eight like that?  
 11 MR. SAXON: Eight. Yes. Residential Builders, Real  
 12 Estate Commission, Geology, Cosmetology,  
 13 Barber, and I'm sorry, I can't remember the  
 14 other three.  
 15 MR. LEHMAN: Some big stuff there.  
 16 MR. LADY: That's interesting. That's definitely  
 17 under the radar scope.  
 18 MR. SAXON: Well, the boards involved -- those eight  
 19 boards are aware of it and are taking what  
 20 measures they think they can to address the  
 21 situation.  
 22 MR. LADY: I just wonder if the public's aware of  
 23 it.  
 24 MR. LEHMAN: Yeah.  
 25 MR. SAXON: I suspect -- well, I don't know.

1 give those dates to you all, will you just get  
 2 with Sherry and let her know? We may not know  
 3 exactly what type of case it is, but if she  
 4 knows whether or not y'all are available, then  
 5 if it's, you know, if we know it's -- I do know  
 6 I would like to set one for February 27th and  
 7 that is a burglar alarm case.  
 8 MS. CHAIRPERSON: If you'll just get Sherry to email  
 9 all those out to us.  
 10 OFFICE OF GENERAL COUNSEL REPORT:  
 11 MS. BELL: Okay. Great. As far as the statistics,  
 12 we've got 43 open cases. The good news is  
 13 several of them were resolved today, as you can  
 14 see. Seventeen are pending final order  
 15 hearings. So it's either that some of those  
 16 have been heard since the last Board meeting  
 17 and just aren't ready to be presented, or we  
 18 had a little bit of a glitch when Joyce left,  
 19 as far as some of the cases, so you should be  
 20 seeing those the next time around for final  
 21 order hearings. There's 19 pending actions  
 22 meaning that we've got to get those in some  
 23 position to litigate. Two are pending CAs or  
 24 MOAs and two are pending hearings. Two are  
 25 pending final orders and 51 have been closed

1 MR. CASWELL: Being a member of the public, I would  
 2 say not.  
 3 MR. LADY: Since I'm a member of a board and I  
 4 didn't know about it, my guess is -- thanks.  
 5 I just -- if we can get -- no information is  
 6 available?  
 7 MR. SAXON: We'll get anything we can.  
 8 MR. LADY: Something would be helpful.  
 9 MS. CHAIRPERSON: Yes, Christa?  
 10 MS. BELL: I'm sorry I was not here during the  
 11 report of OGC report. Did you all get that  
 12 report or did you --  
 13 MS. CHAIRPERSON: No, we did not.  
 14 MR. SAXON: We did not.  
 15 MR. CASWELL: We breezed on through that.  
 16 MS. BELL: I have it available if y'all are --  
 17 MS. CHAIRPERSON: Sure.  
 18 MS. BELL: Okay. Would this be a good time?  
 19 MS. CHAIRPERSON: Yes, it'll be great.  
 20 MS. BELL: Okay. I'm sorry. I'd also like to ask  
 21 y'all, I've got some dates for hearings  
 22 potentially. We've looked at the docket to see  
 23 when we thought advice counsel would be  
 24 available and also our schedules, to maybe come  
 25 up with some dates for some hearings and if I

1 since January of last year. One is on appeal.  
 2 It's the same one y'all probably remember, APX.  
 3 Ms. Hawkins is handling it. And that's pretty  
 4 much the status as of right now, but we are  
 5 going to work diligently on those 19 to try to  
 6 get those scheduled as quick as we can and get  
 7 them before y'all.  
 8 MR. SAXON: What Ms. Bell is saying very kindly is  
 9 that you're going to see a lot of final order  
 10 hearings coming up.  
 11 MR. CASWELL: All right. Tell me what a CA/MOA is.  
 12 MR. BELL: Okay. The CA is the consent agreement  
 13 and the MOA is a memorandum of agreement, and  
 14 the difference between those -- you all  
 15 probably don't see many MOAs. They use them  
 16 more on the health-related side.  
 17 MR. SAXON: They can be helpful.  
 18 MS. BELL: Yeah. It's where for instance, sometimes  
 19 we have authority. You all have approved a  
 20 consent agreement, but then the respondent  
 21 says, you know what, I agree with those facts,  
 22 I agree with the violations, but I don't feel  
 23 comfortable with that sanction and I'd rather  
 24 come before the Board. But I'll stipulate to  
 25 the facts and I'll stipulate to those facts

1 constitute a violation and I'll let the Board  
2 decide what should be the sanction. And so in  
3 those instances, we do an MOA.  
4 MR. SAXON: The consent agreement already has the  
5 sanctions. The MOA does not.  
6 MS. BELL: Thank y'all and I'll be glad to answer  
7 any questions that you have.  
8 MS. CHAIRPERSON: Thank you. Are there any public  
9 comments? Okay. Any more questions? No  
10 further questions we'll take a motion to  
11 adjourn.  
12 MR. NEELY: So move.  
13 MS. CHAIRPERSON: Second?  
14 MR. LEHMAN: Second.  
15 MS. CHAIRPERSON: All those in favor?  
16 (Ayes are heard)  
17 (There being nothing further, the hearing concluded  
18 at 11:55 a.m.)

<p style="text-align: center;"><b>A</b></p> <p><b>able</b> 14:2 19:18  <b>absence</b> 6:20  <b>absent</b> 2:21 6:7,9  <b>academy</b> 24:22  <b>accept</b> 36:24  <b>acceptable</b> 10:23  <b>access</b> 18:10,17  <b>act</b> 4:10,10 5:13              33:1,25,25 34:12              34:13 39:6  <b>action</b> 37:21  <b>actions</b> 47:21  <b>active</b> 12:17 13:1,2              37:20  <b>actual</b> 42:25  <b>addition</b> 21:24  <b>additional</b> 20:18  <b>address</b> 13:21              45:20  <b>addressed</b> 9:23,23              30:11,14  <b>addresses</b> 21:16              31:11  <b>adjourn</b> 49:11  <b>ADJOURNMENT</b>              3:22  <b>administer</b> 34:13  <b>Administrative</b> 4:9  <b>administrator</b> 2:13              17:5  <b>Adolf</b> 20:21  <b>advice</b> 40:12 46:23  <b>ADVISING</b> 2:6  <b>afraid</b> 36:4  <b>AGC</b> 14:19,20              15:18 42:14  <b>agenda</b> 2:19 5:8,14              5:16,17,25 6:8              12:4 35:21 36:1  <b>ago</b> 20:17 21:9  <b>agree</b> 31:12 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