

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

Thursday, January 17, 2013

10:00 a.m.

Kimberly L. 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:

Kimberly L. 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 M. Caswell, James E. Lady, Bill Neely, Jamie C. Patterson, Legrand Richardson, Jr., W. Franklin Walker, and Charles A. White.

Staff members participating in the meeting included: Sheridon Spoon, Advice Counsel, Lil Ann Gray, Program Coordinator, Shameko Putman-Williams, Administrative Assistant, Crystal George, Administrative Assistant, Todd Bond, OIE Chief Investigator, Christa Bell, Assistant General Counsel, Andrew Rogers, Assistant General Counsel, Holly Beeson, Counsel to the Office of Communications and Government Affairs, and Diane M. Hendrix, Court Reporter.

Others present participating in the meeting included: Ted Morton, Randall Eason, Esq., Daron Stalvey, Derek Jackson, Jerry F. Freeze, Jr., David Johnson, Charles Blackburn, Esq., Chanse Rayfield, Robbie Rayfield, R. Lee Harrelson, Jr., Eddie Weaver, Ronald Pierce, H. Ron Tuttle and Howard Wilson.

Approval of Agenda:

Thursday, January 17, 2013

MOTION:

Mr. Lady made a motion to approve the January 17, 2013 agenda. Mr. Walker seconded the motion, which carried unanimously.

Excused Members:

MOTION:

Mr. White made a motion that Mr. Daniel Lehman receive an excused absence. Mr. Neely 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 Ms. Lil Ann Gray, Program Coordinator, to call for nominations from the floor for the Office of Board Chair. Mrs. Lineberger moved to nominate Mr. Lewis M. Caswell to serve as chairman. Mr. Patterson seconded the motion, which carried unanimously. There being no further nominations, the nominations were closed and Mr. Caswell was elected by acclamation. Chair Caswell called for nominations for the Office of Vice-Chair. Mrs. Lineberger moved to nominate Mr. Bill Neely to serve as Vice-Chair. Mr. White seconded the motion, which carried unanimously. There being no further nominations, the nominations were closed and Mr. Neely was elected by acclamation.

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Approval of Minutes:

Thursday, October 18, 2012

MOTION:

Mr. Patterson made a motion to approve the October 18, 2012 minutes. Mr. Neely seconded the motion, which carried unanimously.

Chairman's Remarks:

Lewis Caswell

Mr. Caswell thanked everyone for electing him as Chairman. Mr. Caswell also thanked Ms. Gray for her service, as well as, other members of the Board.

Administrator's Remarks for Information:

Lil Ann Gray, Program Coordinator

Ms. Gray updated the Board on pending legislation for 2013. Senate Bill 6 will change the Contractors' Practice Act by changing the financial statement and net worth requirements; other legislation is pending that would change the sanctions for practicing without a license. Ms. Gray also reviewed the Board's financial information and PSI examination information. The Board was also information of administrative changes by staff with regard to the burglar/fire alarm system business program.

Office of Investigations and Enforcement (OIE):

Todd Bond

OIE Status Report - Mr. Bond reported that for the year 2012 there were a total of 209 complaints with 66 active investigations. A total of 152 cases were closed in 2012 with 42 do-not-open and 14 pending IRC. Mr. Bond advised the Board that the average age of active cases is 110 days old.

IRC Professional Member Candidate: Mr. Bond recommended that Mr. Eddie Weaver serve on the IRC as a professional member.

MOTION:

Mr. White made a motion to approve Mr. Weaver as a professional member of the IRC. Mr. Neely seconded the motion, which carried unanimously.

Complaint Process Overview by the OIE, Office of General Counsel (OGC), and Office of Advice Counsel (OAC): Mr. Bond, Ms. Christa Bell, and Mr. Sheridan Spoon presented an overview of the complaint process.

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Office of General Counsel (OGC):

Christa Bell

Ms. Bell reported that OGC has 34 open cases, 20 cases pending action, 5 cases are pending consent agreements or memorandum of agreements, 3 cases are pending disciplinary hearings, 4 cases pending final order hearings and 1 case is pending a final order. Since January 1, 2012, 39 cases have been closed and 1 case on appeal.

Office of Communications and Government Affairs (OCGA):

Holly Beeson

Mrs. Beeson gave a presentation on the South Carolina Freedom of Information Act (FOIA).

Old Business:

Section 40-11-410: At the July 2012 Board meeting, the Board decided to review section 40-11-410 for possible modification. Mr. Caswell appointed Mr. Neely, to serve as chair of the *ad hoc* subcommittee with Mr. Richardson and Mr. Walker serving as members of the subcommittee. The subcommittee is to make recommendations regarding section 40-11-410 to the Board at the April 18, 2013 Board meeting.

New Business:

Recommendation of Investigation Review Committee:

December 18, 2012, IRC Recommendations:

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

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Board Authorization Requested: Ms. Gray requested that the Board authorize the Chair to sign an order for license issuance when a repayment agreement is submitted by an applicant for an outstanding judgment; to authorize the administrator to accept those repayment agreements and appropriate documentation proving satisfaction or cancellation of outstanding liens and judgments; and to authorize the administrator to approve license issuance for applicants with a bankruptcy filing and/or bankruptcy discharge.

MOTION:

Mr. White made a motion in favor of an order for license issuance when a repayment agreement is submitted by an applicant to be signed by the Board or the Chairman of the Board. Mr. Walker seconded the motion, which carried unanimously.

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Reciprocity Request from the State of Ohio: Ms. Gray reported that a request was received from the Ohio Construction Industry Licensing Board asking that the Board consider reciprocity with their state for the SC electrical, plumbing, and packaged equipment classifications/subclassifications.

MOTION:

Mr. White made a motion to accept Ohio's request for reciprocity for the technical exam requirements for the SC electrical, plumbing, and packaged equipment classifications/subclassifications. Mr. Lady seconded the motion, which carried unanimously.

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Memorandum of Agreement – Final Order Hearings:

Piedmont Professional Plumbing, LLC and Howard Wilson (Case No.: 2012-22)

Mr. Wilson was initially present but left due to personal reasons. Ms. Bell requested the matter be carried over to the April 18, 2013 Board meeting.

MOTION:

Mr. White made a motion to continue the matter to April 18, 2013. Mr. Neely seconded the motion, which carried unanimously.

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HRT Design Construction Concepts, Inc. and H. Ron Tuttle, (Case No.: 2011-134)

Mr. Tuttle was present and sworn in. Mr. Tuttle waived his right to counsel. Ms. Christa Bell represented the State. Mr. Tuttle answered questions from the Board and Ms. Bell. requested that the Board accept the Memorandum of Agreement (MOA) and impose an appropriate sanction.

MOTION:

Mrs. Lineberger made a motion to go into executive session for legal advice. Mr. Lady seconded the motion, which carried unanimously. Executive session for legal advice was from 1:06 p.m. until 1:37 p.m. with no formal actions taken.

MOTION:

Mr. Lady made a motion for the suspension of the license for one year and reinstatement in one year. Mr. White seconded the motion which carried unanimously.

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Hearing Officer Recommendation – Final Order Hearings:

First Team Construction, First Team Construction, Inc., and David Johnson, (Case No.: 2009-254)

Mr. Johnson was present and sworn in. Mr. Charles G. Blackburn, Esq. appeared as attorney for Mr. Johnson. Mr. Walker was the hearing officer on the case and recused himself from the hearing. Ms. Christa Bell represented the State and requested that the Board uphold the Hearing Officer's Recommendations.

MOTION:

Mr. Patterson made a motion to go into executive session for legal advice. Mrs. Lineberger seconded the motion, which carried unanimously. Executive session for legal advice was from 12:02 p.m. until 12:11 p.m. with no formal actions taken.

MOTION:

Mr. Lady made a motion to accept the hearing officer's recommendations. Mrs. Lineberger seconded the motion, which carried by a majority assent with one dissent.

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Sea Air Comfort Systems, LLC and Mark A. Richards (Case No.: 2011-135)

Mr. Richards was not present. Mr. Walker was the hearing officer on the case and recused himself from the hearing. Mr. Andrew Rogers represented the State and requested that the Board uphold the Hearing Officer's Recommendations.

MOTION:

Mr. Lady made a motion to accept the hearing officer's recommendations. Mrs. Lineberger seconded the motion, which carried unanimously.

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Application Reviews:

Clear Choice Construction, Inc. and Ronald Pierce.

Clear Choice Construction, LLC and Ronald Pierce – CLM.112978 (Revoked). License and qualifying party certificate revoked by Board order dated December 2, 2009. Reinstatement application received September 10, 2012. Mr. Pierce appeared before the Board and was sworn in. Mr. Pierce answered questions from the Board.

MOTION:

Mrs. Lineberger made a motion that the application be denied until the four issues are cleared up, including the \$10,000 fine be paid in full. Mr. Lady seconded the motion. Mr. Walker amended the motion that the Board authorize Ms. Gray to review the additional evidence for issues one, two, and three, and approve or disapprove as appropriate. That upon receipt of the approved

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documentary evidence and payment of the fine, the South Carolina license may be reinstated. Mr. Lady seconded the amended motion, which carried unanimously.

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A-1 Fence Company, Inc. and Chanse Rayfield.

A-1 Fence Company, Inc. and Chanse Rayfield. Staff unable to issue license due to negative net worth. Mr. Rayfield appeared before the Board and was sworn in. Mr. Rayfield answered questions from the Board.

MOTION:

Mr. White made a motion to allow staff to review the supplemental documentation and, if appropriate, grant the license. Mr. Richardson seconded the motion, which carried unanimously.

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CJ's Services Unlimited, LLC and Jerry F. Freeze, Jr.

C J's Services Unlimited, LLC and Jerry F. Freeze, Jr. Staff unable to issue license due to applicant having had a license or certificate otherwise disciplined. Reconsideration of Board's October 30, 2012 Order denying the application. Mr. Freeze appeared before the Board and was sworn in. Mr. Freeze answered questions from the Board.

MOTION:

Mr. Patterson made a motion to approve the application. Mr. Neely seconded the motion, which carried unanimously.

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E and E Plumbing and Derek Jackson.

E and E Plumbing and Derek Jackson. Staff unable to issue license due to affirmative answer regarding criminal convictions. Mr. Jackson appeared before the Board and was sworn in. Mr. Jackson answered questions from the Board.

MOTION:

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

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Stalvey Construction Company, Inc. and Daron Stalvey.

Stalvey Construction Company, Inc. and Daron Stalvey – CLG.108112 (Revoked) and CLM.108593 (Revoked). Licenses and qualifying party certificates revoked by Board order

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dated August 2, 2010. Reinstatement application received December 13, 2012. Mr. Stalvey appeared before the Board and was sworn in. Mr. Stalvey answered questions from the Board.

MOTION:

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

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FH Construction of South Carolina, Inc. and Floyd Hathaway.

FH Construction of South Carolina, Inc. and Floyd Hathaway – CLG.114810 and CQG.3454. Staff unable to renew license because of outstanding money judgments related to construction. Mr. Hathaway did not appear.

MOTION:

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

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Ted W. Morton Builders and Ted Morton.

Ted W. Morton Builders and Ted Morton – CLG.115598 and CQG.18217. Staff unable to issue license reinstatement. Mr. Morton took the technical examination in October 1980 jointly with Mr. Brunson. Mr. Brunson is now deceased. Mr. Morton must comply with section 40-11-230 to be certified as a primary qualifying party. Mr. Morton appeared before the Board and was sworn in. Mr. Randall Eason, Esq. appeared as attorney for Mr. Morton. Mr. Morton answered questions from the Board and Mr. Eason requested that the Board waive the technical examination requirement for Mr. Morton.

MOTION:

Mr. Patterson made a motion to go into executive session for legal advice. Mr. Neely seconded the motion, which carried unanimously. Executive session was from 4:29 p.m. until 4:35 p.m. with no formal actions taken.

MOTION:

Mr. Neely made a motion to deny the request to waive the technical examination requirement for Mr. Morton. Mr. Walker seconded the motion, which carried unanimously.

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Public Comments:

NONE

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Date of Next Meeting:

Thursday, April 18, 2013; 10:00 A.M., Meeting Room 108, Kingtree Building.

Adjournment:

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

The January 17, 2013 meeting of the South Carolina Contractors' Licensing Board was adjourned at 4:42 p.m.