

***SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD***

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

**Minutes**

**Thursday, October 16, 2014**

**10:00 a.m.**

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Lewis M. Caswell, 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:**

Lewis M. Caswell, Board Chair, 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: Kimberly L. Lineberger, Bill Neely, Jamie C. Patterson, Legrand Richardson, Jr., W. Franklin Walker, and Charles A. White.

Staff members participating in the meeting included: Georgia Lewis, Advice Counsel; Roger Lowe, Board Administrator; Rhonda Jackson, Program Coordinator; Erin Baldwin and Zubin Billimoria, Office of General Counsel; Todd Bond, OIE Chief Investigator; Kim Long, Administrative Assistant; and Sean Cary, Court Reporter.

Others present participating in the meeting included: Hope Komar, Representative of MASC, Charles Anderson, Mike Anderson, Dexter Collins, John Collins, Harold Jackson, Stan O'Brien, Bill Ramsey, Valeria Smiley, Wilbur Taylor, III, and Matthew Wofford.

**Approval of Agenda:**

*Thursday October 16, 2014*

**MOTION:**

Mr. Richardson made a motion to approve the October 16, 2014 agenda. Mr. Walker seconded the motion, which carried unanimously.

**Excused Member(s):**

**MOTION:**

Mr. Neely made a motion that Daniel B. Lehman and James E. Lady receive excused absences. Mr. White seconded the motion, which carried unanimously.

**Approval of Minutes:**

*Thursday, July 17, 2014*

**MOTION:**

Mr. Richardson made a motion that the minutes of the July 17, 2014, meeting be approved. Mr. Walker seconded the motion, which carried unanimously.

**Approval of Amended Minutes:**

*Thursday, April 17, 2014*

**MOTION:**

Mr. Richardson made a motion that the amended minutes of the April 17, 2014, meeting be approved. Mr. Walker seconded the motion, which carried unanimously.

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**Chairman's Remarks:**

*Lewis M. Caswell*

Mr. Caswell had no opening remarks and the Board moved into the Agenda.

**Administrator's Remarks:**

*Roger Lowe, Board Administrator*

Mr. Lowe announced that Mr. Richardson had been re-appointed by Governor Haley to another term on the Board. His new term expires December 31, 2018.

**Board Financial Information and PSI Examination Information**

Mr. Lowe directed the Board to the financial information for the month ending September 30, 2014, and PSI examination information for month ending September 30, 2014. Both reports were included on the secured website for Board review.

**Office of Investigation and Enforcement Report:**

*Todd Bond*

**OIE Status Report** - Mr. Bond reported that for the period January 1, 2014 to October 16, 2014, the OIE has received a total of 196 new complaints with 37 current active investigations. A total of 131 cases have been closed to date. The average age of active cases is 88 days.

**Recommendation of Investigation Review Committee**

*August 20, 2014, IRC Recommendations:*

The IRC Committee recommended that nine (9) cases be dismissed, five (5) cases receive formal complaints, one (1) case receive a formal complaint with citation, and two (2) cases receive a letter of caution.

**MOTION:**

Ms. Lineberger made a motion to accept the recommendations made by the Investigative Review Committee at the August 20, 2014, IRC meeting. Mr. Patterson seconded the motion, which carried unanimously.

*September 25, 2014 IRC Recommendations:*

The IRC Committee recommended one (1) case be dismissed with a Cease and Desist, four (4) cases receive a formal complaint, five (5) cases receive a formal complaint with citation, and one (1) case receive a letter of caution.

**MOTION:**

Mr. Neely made a motion to accept the recommendations made by the Investigative Review Committee at the September 25, 2014, IRC meeting. Mr. Patterson seconded the motion, which carried unanimously.

***(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)***

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**Office of General Counsel Report:**

*Erin Baldwin*

**OGC Report** – Ms. Baldwin reported that the OGC currently has seventy-six (76) open cases, forty-four (44) cases pending action, five (5) cases pending Consent Agreements or Memorandum of Agreements, seven (7) cases pending disciplinary hearings, eight (8) cases pending Final Order hearings and two (2) cases pending Final Orders. Since July 10, 2014, seven (7) cases have been closed.

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**Old Business:**

**Residential Building Standards Classification**

Mr. Lowe requested the Board consider applying the Residential Building Standards to Commercial Contractors that build homes.

**MOTION:**

Mr. Richardson made a motion to adopt the Residential Construction Building Standards for one (1) and two (2) family dwellings built by Commercial Contractors. Mr. Patterson seconded the motion, which carried unanimously.

**MOTION:**

Mr. Richardson made a motion to implement the above change for any permits pulled after January 1, 2015. Mr. Patterson seconded the motion, which carried unanimously.

**New Business:**

**Grandfather License Reinstatements**

Mr. Lowe stated the staff would like clarification on the renewal requirements for grandfather licensees who have allowed their licenses to lapse. Discussion was held on the Board's stance on this issue in the past and the current requirements for examined licensees.

**MOTION:**

Mr. White made a motion to table the discussion until the January, 2015 meeting. Mr. Neely seconded the motion, which carried unanimously.

**PSI Business Management and Law Exam (not in statutes) vs. SC Code of Laws Take Home Exam**

Mr. Lowe asked the Board if they would prefer license applicants continue taking the Take Home Code of Laws available on the Contractor's Licensing Board website, the Business and Management Law exam administered by PSI, or both exams. Relevant statutes were cited. The advantages of each test were discussed.

**MOTION:**

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Ms. Lineberger made a motion to eliminate the SC Code of Laws Take Home exam and require all testing, including the Business and Management Law exam, to be taken through PSI effective January 1, 2015. Mr. Neely seconded the motion, which carried unanimously.

**Acceptance of MASC Exams for Waivers**

The SC Municipal Association now uses Prov instead of PSI for their Master Electrician, Master Plumbing and Master Mechanical Certification exams. PSI reviewed the exams being administered by Prov for all three (3) certifications and stated they are comparable to the exams they gave for the certification in the past.

**MOTION:**

Mr. Walker made a motion to continue accepting MASC exams as waivers. Mr. Patterson seconded the motion, which carried unanimously.

*(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

**Memorandum of Agreement – Final Order Hearings:**

*The Refurb Company and Willie Fields – Case 2013-183*

Mr. Willie Fields was present and sworn in. Mr. Jake Moore, Esq. appeared as attorney for Mr. Fields. Ms. Erin Baldwin, Esq. represented the State. Mr. Moore presented his client's case and Mr. Fields answered questions from the Board. Ms. Baldwin requested that the Board accept the Memorandum of Agreement (MOA) and impose an appropriate sanction.

**MOTION:**

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

**MOTION:**

Mr. Neely made a motion to come out of executive session and back into open session. Ms. Lineberger seconded the motion, which carried unanimously. Mr. Caswell stated no formal actions were taken during executive session.

**MOTION:**

Mr. Walker made a motion that the Memorandum of Agreement and Stipulation of Facts submitted be upheld and the sanctions for this license shall be a Five hundred dollar (\$500) fine to be paid within sixty (60) days and a public reprimand for violation of statute 40-11-110(A)(4). Mr. Richardson seconded the motion, which carried unanimously.

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*Servpro of Sumter and Lee Prushan – Case 2011-201*

Mr. Lee Prushan was present and sworn in. Mr. Marvin (Chip) McMillan, Esq. appeared as attorney for Mr. Prushan. Ms. Erin Baldwin, Esq. represented the State. Mr. McMillan

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presented his client's case and Mr. Prushan answered questions from the Board. Ms. Baldwin requested that the Board accept the Memorandum of Agreement (MOA) and determine if a violation has been committed.

**MOTION:**

Mr. Patterson made a motion to dismiss the case. Ms. Lineberger 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.)*

*TL Construction and Harold Jackson – Case 2013-139*

Mr. Harold Jackson was present and sworn in. Mr. Jackson waived his right to counsel. Ms. Valeria Smiley appeared as a witness for Respondent and was sworn in. Ms. Erin Baldwin, Esq. represented the State. Mr. Jackson presented his case and he and Ms. Smiley answered questions from the Board. Ms. Baldwin requested that the Board accept the Memorandum of Agreement (MOA) and impose an appropriate sanction.

**MOTION:**

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

**MOTION:**

Mr. Neely made a motion to come out of executive session and back into open session. Mr. Walker seconded the motion, which carried unanimously. Mr. Caswell stated no formal actions were taken during executive session.

**MOTION:**

Mr. Richardson made a motion that the Memorandum of Agreement and Stipulation of Facts submitted be upheld and the sanctions for this license shall be a public reprimand, Five thousand dollar (\$5,000) fine to be paid within sixty (60) days, Respondent required to re-take the SC Code of Laws Take Home exam within sixty (60) days, and the license be placed on a (2) year probation. Citation 2012-14 will be withdrawn. Mr. Walker seconded the motion which passed with a vote of 6 to 1.

**MOTION:**

Mr. Richardson modified his motion to allow one hundred twenty (120) days to pay the fine. Ms. Lineberger seconded the motion, which passed with a vote of 4 to 2.

*(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

*Paradime Construction, Inc. and Stanley J. O'Brien – Case 2011-181*

Mr. Stanley J. O'Brien was present and sworn in. Mr. Andrew Melling, Esq. appeared as attorney for Mr. O'Brien. Mr. Zubin Billimoria, Esq. represented the State. Mr. O'Brien presented his case and answered questions from the Board. Mr. Billimoria requested that the Board accept the Memorandum of Agreement (MOA) and impose an appropriate sanction.

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**MOTION:**

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

**MOTION:**

Mr. White made a motion to come out of executive session and back into open session. Mr. Richardson seconded the motion, which carried unanimously. Mr. Caswell stated no formal actions were taken during executive session.

**MOTION:**

Mr. Walker made a motion that the Memorandum of Agreement and Stipulation of Facts submitted be upheld and the sanctions for this license shall be a letter of caution from the Board, which will be private. Mr. Patterson seconded the motion, which carried unanimously.

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*Atlantic Roofing & Remodeling, LLC and Wilbur J. Taylor, III – Case 2013-198, 2014-36, 2014-49*

Mr. Wilbur J. Taylor, III was present and sworn in. Mr. Taylor waived his right to counsel. Mr. Zubin Billimoria, Esq. represented the State. Mr. Taylor presented his case and answered questions from the Board. Mr. Billimoria requested that the Board accept the Memorandum of Agreement (MOA) and impose an appropriate sanction.

**MOTION:**

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

**MOTION:**

Mr. Patterson made a motion to come out of executive session and back into open session. Mr. Richardson seconded the motion, which carried unanimously. Mr. Caswell stated no formal actions were taken during executive session.

**MOTION:**

Mr. White made a motion that the Memorandum of Agreement and Stipulation of Facts submitted be upheld and the sanctions for this license shall be a public reprimand for four (4) violations and suspension of the license until the following conditions are met: payment of a Two thousand dollar (\$2,000) fine, proof of refund in case 2014-49, and submission of a reviewed financial statement. Ms. Lineberger seconded the motion, which carried unanimously.

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**Hearing Officer Recommendation – Final Order Hearings:**

*Anderson Plumbing Co. and John M. Anderson, Sr. – Case 2011-124*

Mr. Daniel B. Lehman was the hearing officer for this case and was not present at the Final Order Hearing. Mr. John Anderson, Sr. was present and sworn in. Mr. Anderson waived his

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right to counsel. Mr. Charles C. Anderson appeared as a witness for the Respondent and was sworn in. Ms. Erin Baldwin, Esq. represented the State. Mr. John Anderson presented his case and answered questions from the Board. Ms. Baldwin requested that the Board accept the Hearing Officer's Recommendation.

**MOTION:**

Mr. Patterson made a motion to uphold the hearing officer's recommendation to dismiss the case. Mr. Richardson 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.)*

*Total Comfort Heating & Air, Inc. and Johnny Cooper – Case 2012-51*

Mr. Daniel B. Lehman was the hearing officer for this case and was not present at the Final Order Hearing. Mr. Johnny Cooper was not present at the hearing. Ms. Erin Baldwin, Esq. represented the State. Ms. Baldwin requested that the Board accept the Hearing Officer's Recommendation.

**MOTION:**

Mr. Patterson made a motion that the Hearing Officer's Recommendation be upheld. The sanctions for this license shall be a public reprimand, Three thousand dollar (\$3,000) fine, revocation of Total Comfort Heating & Air, Inc.'s, license (CLM. 107237), revocation of Johnny Cooper's license (CQM. 18933), and Respondent shall cease and desist from the practice of mechanical contracting until further order of the Board. Mr. White seconded the motion, which carried unanimously.

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**Application Reviews/Appeals:**

*Peter Piper Plumbing, Inc. and Matthew Wofford*

Peter Piper Plumbing, Inc. and Matthew Wofford. Staff was unable to process Peter Piper Plumbing, Inc.'s application for Commercial Mechanical Contractor licensure due to matters appearing on Mr. Wofford's Criminal Background Check. Mr. Wofford was present at the hearing, waived his right to counsel, and was sworn in. Mr. Wofford answered questions from the Board.

**MOTION:**

Mr. Neely made a motion to go into executive session for legal advice. Mr. Patterson seconded the motion, which carried unanimously.

**MOTION:**

Mr. White made a motion to come out of executive session and back into open session. Mr. Neely seconded the motion, which carried unanimously. Mr. Caswell stated no formal actions were taken during executive session.

**MOTION:**

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Ms. Lineberger made a motion to deny Peter Piper Plumbing, Inc. and Matthew Wofford's application for licensure until the Board has documented proof that Mr. Wofford has completed his probation. 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.)*

*Steven Joseph Williams (AVSX Technologies, BAC.13289)*

Steven Joseph Williams (BFRE License Application). Staff was unable to process Mr. Williams' application for registration due to matters appearing on his Criminal Background Check. Mr. Williams was not present at the hearing.

**MOTION:**

Ms. Lineberger made a motion to deny Mr. Williams' registration application due to his failure to appear at the hearing. Mr. Neely seconded the motion, which carried unanimously.

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*Jacob S. Clad (Vivint, Inc., BAC. 5569, FAC.3437)*

Jacob S. Clad (BFRE License Application). Staff was unable to process Mr. Clad's application for registration due to matters appearing on his Criminal Background Check. Mr. Clad was not present at the hearing.

**MOTION:**

Mr. White made a motion to deny Mr. Clad's application for registration due to his failure to appear at the hearing. Mr. Richardson seconded the motion, which carried unanimously.

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*Dexter Collins Company (CLG.110058)*

Dexter Collins Company. Staff was unable to process the 2014-16 license renewal for Dexter Collins Company due to the discovery of judgments not disclosed on the original license application. Mr. Collins was present at the hearing, waived his right to counsel and was sworn in. Mr. Collins presented his case for renewal.

**MOTION:**

Mr. Patterson made a motion to approve Mr. Collins' renewal application. Ms. Lineberger seconded the motion, which carried unanimously.

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**Public Comments:**

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None

**Date of Next Meeting:**

*Thursday, January 15, 2015, Meeting Room 105*

The next meeting of the SC Contractors' Licensing Board will be held Thursday, January 15, 2015, beginning at 10:00 A.M., at the Synergy Business Complex, Kingstree Bldg., Room 105, in Columbia, SC.

**Adjournment:**

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

The October 16, 2014 meeting of the South Carolina Contractors' Licensing Board was adjourned at 4:25 P.M.