

**SOUTH CAROLINA CONTRACTORS' LICENSING BOARD**  
**Synergy Business Park, Kingstree Building**  
**110 Centerview Drive, Kingstree Building, Room 108**  
**Columbia, South Carolina 29210**  
**Minutes**

**Thursday, January 16, 2014**

**10:00 a.m.**

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 Contractors' Licensing Board to order at 10:00 a.m. Other Board members present for the meeting included: Bill Neely, James Lady, Daniel B. Lehman, Legrand Richardson, Jr., James C. Patterson and Charles White.

Staff members participating in the meeting included: Georgia Lewis, Advice Counsel, Andrew Rogers, OGC, Princess Hodges, OGC, Roger Lowe, Board Administrator, Brenda Dunn, Administrative Assistant, Christa Bell, Assistant Deputy Director-OIE, Maurice Smith, OIE Investigator, and Sara Quattlebaum, Court Reporter.

Others present participating in the meeting included: Patrick Bayne, Ray W. (Woody) Bayne, Jr., Michael Roberts, Richard Warner, Sue Warner, James P. Walsh, P. Christopher Smith, Jr., Richard Tuck, J. P. McConnell, Scott Cooper and Zane Gauldin<sup>9</sup>.\*

**Approval of Agenda:**

*Thursday, January 16, 2014*

**MOTION:**

Mr. Lady made a motion to approve the January 16, 2014 agenda. Mr. White 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.)*

**Excused Members:**

**MOTION:**

Mr. Richardson made a motion that Kimberly Lineberger receive an excused absence. Mr. Neely seconded the motion, which carried unanimously.

**MOTION:**

Mr. White made a motion that W. Franklin Walker receive an excused absence. Mr. Lady seconded the motion, which carried unanimously.

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**Election of Officers:**

Board Chair Caswell announced the election of the Board Chair and Vice-Chair. Mr. Caswell requested Roger Lowe, Administrator, to call for nominations from the floor for the Office of Board Chair. Mr. Neely moved to nominate Lewis M. Caswell to serve as chairman for a second term. 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 Vic-Chair. Mr. Lehman moved to nominate Bill Nelly to serve as Vice-Chair. Mr. Patterson 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 17, 2013*

**MOTION:**

Mr. Patterson made a motion to approve the July 18, 2013 minutes. Mr. Neely seconded the motion, which carried unanimously.

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**Chairman's Remarks:**

Mr. Caswell thanked everyone for electing him as Chairman for a second term. Mr. Caswell also expressed thanks for the board members for their dedicated service.

**Administrator's Remarks for Information:**

*Roger Lowe, Administrator*

**Pending Legislation**

Mr. Lowe reviewed the proposed Regulations Administering Fire Protection Sprinkler Systems Act, Document Number: 4418; Statutory Authority: 40-1-70 and 40-10-60.

**Economic Disclosure Statement**

Mr. Lowe informed the board that the 2014 Statement of Economic Interests (SEI) report must be completed online. Paper copies of the report are no longer accepted.

**Board Financial Information and PSI Examination Information**

Mr. Lowe reviewed the Board's financial information for the month ending December 31, 2013, and PSI examination information.

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**License Summary October 1, 2013 – December 31, 2013**

Mr. Lowe reviewed the License Summary information for Contractors, Burglar/Fire, Fire Sprinkler and the Boiler Safety Program.

**2014 NASCLA Annual Conference**

Mr. Lowe requested the board consider representation at the 2014 NASCLA Annual Conference.

**Motion:**

Mr. Lady made a motion to approve one staff member and two board members to attend the 2014 NASCLA Annual Conference. Mr. Lehman seconded the motion, which carried unanimously.

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**Office of Investigations and Enforcement (OIE):**

*Maurice Smith*

**OIE Status Report** – Mr. Smith reported that since January 1, 2013, 190 cases were received with 29 active investigations. One hundred eighty-seven (187) cases have been closed to-date. The average age of currently active cases is 73 days.

**Office of General Counsel (OGC):**

*Andrew Rogers*

Mr. Rogers reported that OGC currently has 57 open cases, 42 cases pending action, 0 cases are pending consent agreements or memoranda of agreement, 5 cases are pending disciplinary hearings, 6 cases pending final order hearings and 0 cases are pending final order. Since January 1, 2013, 29 cases have been closed and there are 4 cases on appeal at this time.

**Unfinished Business:**

**Section 40-11-410:** Mr. Neely, chair of the *ad hoc* subcommittee, reported the committee is working toward the new legislative cycle for recommendations to submit to the board.

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**New Business:**

**Request that Citation Review Hearings heard by hearing officer be approved as final orders by the Board Chair**

Gigi Lewis, Advice Attorney, requested that Citation Review Hearings heard by the Hearing Officer be approved as final orders by the Board Chair. It was agreed the decision would be tabled for consideration and a decision made at the April 17, 2014 board meeting.

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**Proposed Chapter 10: Fee Placement Options**

Ms. Lewis updated the board regarding Fee Placement Options concerning S.C. Code Section 40-1-50(D) and proposed changes to Chapter 10. Fees will be deleted from our statute and moved to Chapter 10 Regulations.

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**Recommendation of Investigation Review Committee:**

*December 12, 2013, IRC Recommendation(s):*

Mr. White made a motion to approve the recommendation(s) of the Investigative Review Committee. Mr. Neely seconded the motion, which carried unanimously.

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**Determination of Compliance with Conditions of Board Order**

*Tuck and Howell, Inc., License CLM.2159 – Case 2008-141*

Determination of compliance with conditions of Board order dated December 16, 2008. Case re-opened to determine if the respondent complied with the terms of the Consent Agreement in resolving the complaint issues.

Richard Tuck was present and was represented by counsel, Christopher Smith, Esquire and James P. Walsh, Esquire. Also present were Scott Cooper and J. P. McConnell. The State was represented by Andrew Rogers, Assistant General Counsel.

**MOTION:**

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

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**MOTION:**

Mr. Lady made a motion to come out of executive session and back into open session. Mr. White seconded the motion, which carried unanimously.

**MOTION:**

Mr. Patterson made a motion that since the Respondent supplied the Board with evidence that the terms of the Consent Agreement dated December 16, 2008 have been fulfilled, that the Board grant Respondent's request for release from said Consent Agreement. Mr. Lady seconded the motion, which carried with unanimously.

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**Request for Extension of Time**

*Advanced Air Systems (MC.108662), Myers David Hicks (CQM.20496), David Hicks Services*

Request for extension of time to comply with terms of Board Order dated September 24, 2013 due to medical reasons. Specifically, asks additional time to pay \$2500 civil penalty originally due December 24, 2013 and additional time to complete the General and Mechanical Contractor's Code of Laws Take Home Examination originally due December 24, 2013.

The Respondent was present and was not represented by counsel.

**MOTION:**

Mr. Patterson made a motion to grant a 60-day extension to pay the \$2,500 civil penalty and complete the General Contractors' Code of Laws Exam. Mr. Richardson seconded the motion, which carried unanimously.

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

*Rivers Construction, Inc. and Jim Rivers (Case No. 2011-129)*

Jim Rivers was present, waived his right to counsel and was sworn in. W. Franklin Walker was the hearing officer for the case and normally would recuse himself from the hearing, but is not present. Princess Hodges represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

**MOTION:**

Mr. Lady made a motion to accept the Hearing Officer's recommendation(s). Mr. Lehman seconded the motion, which carried unanimously.

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*R.M. Spry, LLC (Case No. 2012-65)*

Mr. Spry was present, waived his right to counsel and was sworn in. W. Franklin Walker was the hearing officer for the case and normally would recuse himself from the hearing, but is not present. Andrew Rogers represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

**MOTION:**

Mr. Lady made a motion to accept the Hearing Officer's recommendation(s). Mr. White seconded the motion, which carried unanimously.

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*Thomas & Associates, LLC (Case No. 2012-68)*

Mr. Thomas was not present. W. Franklin Walker was the hearing officer for the case and normally would recuse himself from the hearing, but is not present. Andrew Rogers represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

**MOTION:**

Mr. Lady made a motion to go to accept the Hearing Officer's recommendation(s). Mr. Lehman seconded the motion, which carried unanimously.

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*W.D. Robinson Electric Co., Inc. (Case No. 2013-61)*

Mr. Robinson was not present. W. Franklin Walker was the hearing officer for the case and normally would recuse himself from the hearing, but is not present. Andrew Rogers represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

**MOTION:**

Mr. Lady made a motion to go to accept the Hearing Officer's recommendation(s). Mr. Lehman seconded the motion, which carried unanimously.

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*Robert Freeman d/b/a Robert's Construction (Case No. 2013-63)*

Mr. Freeman was not present. W. Franklin Walker was the hearing officer for the case and normally would recuse himself from the hearing, but is not present. Andrew Rogers represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

**MOTION:**

Mr. Lady made a motion to go to accept the Hearing Officer's recommendation(s). Mr. Neely seconded the motion, which carried unanimously.

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**Application Reviews:**

*B & F Mechanical, LLC and Richard Warner, III*

B & F Mechanical, LLC (CLM.111021) and Richard Warner, III (CQM.20068). Staff unable to renew 2013-2015 renewal application due to disclosure of an affirmative answer by Mr. Warner regarding a conviction. Richard Warner and Sue Warner appeared before the Board, were sworn in and answered questions from the Board.

**MOTION:**

Mr. Patterson made a motion to deny the request. There was no second to the motion.

**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. Lehman made a motion to come out of executive session and back into open session. Mr. Lady seconded the motion, which carried unanimously.

**MOTION:**

Mr. Richardson made a motion to approve the renewal application if the Respondent provided documentation at the 2015 renewal that he is complying and current with terms of restitution for indictment. Should documentation not be provided, license may be administratively suspended.

Mr. Lehman seconded the motion, which carried by a majority assent with one dissent.

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*Air One Systems, LLC and Bruce Beckett*

Air One Systems, LLC (CLM.112528) and Bruce Beckett (CQM.25671). Staff unable to approve 2013-2015 renewal application due to disclosure of an affirmative answer by Mr. Beckett regarding NC discipline. Bruce Beckett appeared before the Board, was sworn in and answered questions from the Board.

**MOTION:**

Mr. Richardson made a motion to approve Mr. Beckett's request for license renewal subject to completion of the North Carolina probation. Mr. White seconded the motion, which carried unanimously.

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*Bayne Heating & Air Conditioning, Inc. and Patrick Van Gregg Bayne*  
Bayne Heating & Air Conditioning, Inc. (CLM 1574) and Patrick Van Gregg Bayne. Staff unable to approve Patrick Bayne as a primary qualifying party due to disclosure of an affirmative answer regarding a conviction.

**MOTION:**

Mr. Lady made a motion to approve Patrick Van Gregg Bayne's request to be primary qualifying party for Bayne Heating & Air Conditioning, Inc. Mr. Richardson seconded the motion, which carried unanimously.

*Morgan Mechanical Contractors, Inc.*

Morgan Mechanical Contractors, Inc. (CLM.106139). Staff unable to approve mechanical contractors' license due to a negative net worth. Licensee requests the Board approve its license renewal pursuant to section 40-11-260(c). Zane Gauldin, President of Morgan Mechanical Contractors, appeared before the Board, waived his right to legal representation and was sworn in. Mr. Gauldin answered questions from the Board.

**MOTION:**

Mr. White made a motion to approve the renewal application subject to the following conditions: The applicant shall provide an updated balance sheet showing the company's net worth requirements for its present licensing group has been met within sixty (60) days of service of the Order. If licensee fails to meet said requirement the license may be administratively suspended. Mr. Patterson seconded the motion, which carried unanimously.

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**Public Comments:**

NONE

**Date of Next Meeting:**

*Thursday, April 17, 2014; 10:00 A.M., Meeting Room 108, Kingstree Building.*

**Adjournment:**

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

The January 16, 2013 meeting of the South Carolina Contractors' Licensing Board was adjourned at 1:15 p.m.