

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD

Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 105
Columbia, South Carolina 29210

Minutes

Thursday, October 20, 2016

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 Contractor's Licensing Board to order at 10:00 a.m. Other Board members present for the meeting included: Scott Appleton, Charles A White, Daniel Lehman, James E. Lady, Kimberly L. Lineberger, Legrand Richardson, Jr, and W. Franklin Walker.

Staff members participating in the meeting included: Georgia Lewis, Advice Counsel, Rhonda Jackson, Program Coordinator, Melissa Burroughs, Program Assistant, Erin Baldwin, Office of General Counsel, Tracey Perlman, Office of General Counsel, Todd Bond, OIE Chief Investigator and Cathy L. Young, Court Reporter.

Approval of Agenda:

Thursday, October 20, 2016

MOTION:

Mr. White made a motion to approve the October 20, 2016, agenda. Mr. Richardson seconded the motion, which carried unanimously.

Approval of Minutes:

Thursday, July 21, 2016

MOTION:

Mr. Walker made a motion to approve the July 21, 2016, minutes.
Mr. Lady seconded the motion, which carried unanimously.

Chairman's Remarks:

Lewis Caswell

Mr. Caswell welcomed and introduced the new board member Mr. Scott Appleton.

New Business:

Election of Vice Chairman:

Mr. Caswell, Board Chair, announced the election of the Board Vice-Chair. Chairman Caswell called for nominations for the Office of Vice-Chair. Mr. Richardson moved to nominate Mr. Frank Walker to serve as Vice-Chair. Mr. White seconded the motion, which carried unanimously. There being no further nominations, the nominations were closed and Mr. Frank Walker was elected by acclamation.

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CLM Vehicle Stickers for all AC/HT/PK licensees.

Mr. Caswell inquired about complaints received from Rhonda Jackson, Program Coordinator. Mrs. Jackson confirmed that complaints/questions were received from licensees regarding direction on the vehicle stickers (i.e. size, color, where to place on the vehicle etc.). The board inquired what penalty would be imposed if licensees were out of compliance. Mrs. Jackson explained that this is also a matter to discuss before the board.

Board agreed stickers should all be uniform and come from the board to prevent the use of fraudulent stickers.

Voted to delay the enforcement of vehicle stickers. LLR departmental staff charged with looking into:

- Color, size
- Is procurement required to get involved for bids to a company to print the stickers?
- What should the budget look like? How many to provide initially and the cost to the licensee for additional stickers?
- Determine what other states are doing, if such display of license is required. What are they using to display the stickers on the vehicles?
- With regards to where to display the stickers, what is prominent and what is conspicuous?

Public Comments:

Mr. Mike Brunin asked questions of the board regarding the stickers and the law.

Mr. Butch Powell owner of Powell Heating and Air is concerned that this implementation will put a burden on mechanical licensees.

MOTION:

Mr. Walker made a motion to delay the enforcement of this practice one year from October 1, 2016 to give the board time to get a plan together. Mr. Lehman seconded the motion, which carried unanimously.

Pedestrian bridges vs vehicular bridges – BD classification (Board Clarification).

Mr. Edward Kinny, a project manager for design projects, spoke to the board on behalf of the McPherson Park project. Mr. Kinny read to the board the definition of a bridge from the state SCDOT standard specifications.

MOTION:

Mr. Walker made a motion to go into Executive Session. Ms. Lineberger seconded the motion.

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MOTION:

Mr. White made a motion to come out of Executive Session. Mr. Appleton seconded the motion.

MOTION:

A BR classification was recommended for this particular project based on the information presented by Mr. Edward Kinney. The decision was not put to a vote since it was a recommendation for this project only.

Further noted a committee was selected to further study bridges and what type of bridge requires BR classification and what type of bridge, if any, can be built with a BD classification. Mr. White and Kimberly Lineberger was asked to Chair the Bridge Committee. Mr. Scott Appleton was asked to participate as well.

Application/License Reviews:

DRC Emergency Services LLC/Hamilton Smith (CLG.113295 and CQG.27976)

The general contractor's renewal/revision application could not be approved at staff level.

Mr. John Sullivan, President was present and was not represented by legal counsel.

MOTION:

Mr. Lady made a motion to approve the request to lift the suspension and allow the renewal. Mr. Appleton seconded the motion, which carried unanimously.

Hearing Officer Recommendation – Final Order Hearings:

Jose the Handyman/Jose Andrade (Case No.: 2015-170)

Mr. Daniel B. Lehman was the hearing officer in the case and recused himself from the hearing. Ms. Tracey Perlman, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

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

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Leslie W. Clemmons (Case No.: 2014-127)

Mr. W. Franklin Walker was the hearing officer in the case and recused himself from the hearing. Ms. Tracey Perlman, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

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

Construction Group LLC, /N. Bobby Knight (Case No.:2015-5)

Mr. W. Franklin Walker was the hearing officer in the case and recused himself from the hearing. Ms. Tracey Perlman, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

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

Memorandum of Agreement – Final Order Hearings:

D R Horton Inc. /Jay M. Henderson (Case No.: 2014-222)

Mr. Jay M. Henderson was present and represented by legal counsel, Kyle Dillard.

MOTION:

Mr. Walker made a motion to accept the Memorandum of Agreement with issuance of a letter of caution. Mr. Richardson seconded the motion, which carried unanimously.

MOTION:

Mr. White made a motion to approve at staff level Mr. Horton's upcoming renewal application without having to come before the board and the records be sealed. Mr. Richardson seconded the motion, which carried unanimously.

S&D General Contractors LLC/William J. Dallis (Case No.: 2015-217)

Mr. William Dallis was present and represented by legal counsel, Melanie Emory.

MOTION:

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

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MOTION:

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

MOTION:

Mr. Walker made a motion to issue the respondent a fine \$500 and public reprimand against the company and not the qualifying party. The license for S&D Holdings will be suspended until financials are received by LLR staff. LLR staff will be allowed to make the decision regarding the license at staff level if the financial statements are in order. Mr. Lehman seconded the motion, which did not carry unanimously; Mr. Lady opposed.

Office of General Counsel (OGC Report)

Tracey Perlman

Ms. Perlman reported that OGC has 44 open cases, 27 cases pending action, 14 cases are pending disciplinary hearings, and 3 cases pending final order hearings. Since July 19, 2016, 17 cases have been closed.

Office of Investigations and Enforcement (OIE Report)

Todd Bond

OIE Status Report – Mr. Bond reported that as of today's meeting 64 cases are active and 188 case are closed.

Recommendation of Investigation Review Committee (IRC)

August 25, 2016, IRC Recommendations:

The IRC Committee recommended 4 cases be dismissed, 12 formal complaints, 13 formal complaint citations, 1 letter of caution and 1 relinquishment. That is a total of 31 cases.

MOTION:

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

September 29, 2016, IRC Recommendations:

The IRC Committee recommended 3 cases be dismissed, 2 cease and desist dismissals, 6 formal complaints, 2 formal complaint citations, and 1 letter of caution. There is a total of 14 cases.

MOTION:

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

Administrator's Remarks for Information:

None

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Board Financial Information and PSI Examination Information

Ms. Georgia Lewis, Advice Counsel directed the board to the secure website for review of the documents.

Advice Attorney Remarks – Recent Appellate Decision and Other Cases

Ms. Georgia Lewis reported that all board decisions were affirmed and if the board had any question she may be contacted. Mr. Richardson requested to be sent the public orders.

Date of Next Meeting:

Thursday, January 19, 2017; 10:00 A.M., Meeting Room 105, Kingstree Building

The next meeting of the SC Contractor's Licensing Board will be held Thursday, January 19, 2017, beginning at 10:00 A.M., at the Synergy Business Complex, Kingstree Building, Room 105, in Columbia, SC

Adjournment:

MOTION

Mr. Lady made a motion to adjourn the meeting. Mr. Lehman seconded the motion, which carried unanimously. There being nothing further, the meeting concluded at 1:50 p.m.