

**S.C. Department of Labor, Licensing and Regulation  
Contractors' Licensing Board Quarterly Meeting  
110 Centerview Drive, Room 111, Columbia, S.C.**

Minutes of the July 15, 2004, Quarterly Board Meeting

BOARD MEMBERS PRESENT

Joe Chandler, Chairman  
Frank Walker, Vice Chairman  
Daniel B. Lehman  
Kim Lineberger  
James Tharp  
Lewis Caswell

ABSENT MEMBERS:

Mark Plyler  
Wendy Nance

GENERAL PUBLIC PRESENT

Gregory Parsons, P.E. & Gen. Contr.  
Larry Fink, General Contractor

OTHERS PRESENT:

Rick Wilson, Board Advice Attorney  
Geoffrey Bonham, Staff Attorney  
Shirley Robinson, Hearing Advice Attorney  
Joseph Turner, Staff Attorney

BOARD STAFF PRESENT:

Ron Galloway, Administrator  
Joyce Thurber, Program Coordinator  
Stan Bowen, Investigator  
Andrew Dempsey, Investigator  
Chas Nicholson, Investigator  
Mike Anderson, Investigator

Where action is recorded below, it is taken in each case on motion duly made, seconded and carried unanimously unless indicated otherwise.

**Call to Order:**

Chairman Joe Chandler called the meeting to order at 10:03 A.M.

Mr. Chandler announced that the meeting was being held in accordance with the Freedom of Information Act by notice sent to The State, The Charleston Post & Courier, The Greenville News, The Myrtle Beach Sun newspapers, and all other requesting persons, organizations, or news media. In addition, notice was posted on the bulletin boards located at both of the main entrances of the Kingtree Building where the board office is located.

Vote on Absent Board Members:

**Motion: Frank Walker moved that Mark Plyler be excused from the meeting due to his father's impending surgery in Charlotte, North Carolina. The motion was seconded and passed.**

**Motion: Since board meetings are scheduled a year in advance, Lewis Caswell moved that Wendi Nance not be excused from the meeting for being on vacation. The motion was seconded and passed.**

Since this was the third meeting missed by Mrs. Nance, advice counsel, Rick Wilson, advised the board chairman to call Ms. Nance to ask her if she wishes to continue as a member of the board. He said he would call.

**Approval of Agenda:**

The agenda was reviewed and approved as printed.

**Approval of Minutes:**

**Motion: After a review of the July 21, 2004 board meeting minutes, Lewis Caswell moved that the minutes be approved as printed. The motion was seconded and passed.**

**Public Comment:**

Gregory Parsons, P.E. and General Contractor, appeared before the board to address what he believes to be unfair practices of the State Engineer's Office regarding the inspection of state buildings, which are commercial. State law requires that commercial inspectors be licensed as a general contractor, architect or engineer. He has found that bids are being given to unlicensed entities and stated that this is an unfair practice. State Engineer, Mike Thomas, stated to Mr. Parsons that these requirements are not applicable when performing inspections on state buildings. Mr. Galloway talked with Mr. Thomas, who was going to get advice from his attorney.

**Chairman's Remarks: None**

**Administrator's Remarks:**

1. Mr. Galloway read aloud and presented former board chairman, Frank Walker, with a Board Resolution to show the board's appreciation for his years of dedication and service to the board as chairman. (Resolution attached).

2. Approval of the Investigative Review Committee Recommendations of April 4, 2004:  
The Investigative Review Committee (IRC) Report was presented for the board's discussion and approval. Following a discussion of the cases, a motion was made.

**Motion: A motion was made by Lewis Caswell to approve the IRC Recommendations of April 4, 2004. The motion was seconded and approved.**

3. Approval of the Investigative Review committee Recommendations of June 3, 2004:  
The Investigative Review Committee (IRC) Report was presented for the board's discussion and approval. Following a discussion of the cases, a motion was made.

**Motion: A motion was made by Mr. Caswell to approve the IRC Recommendation of June 3, 2004. The motion was seconded and approved.**

4. Explanation of New Investigation Procedures:  
Mr. Galloway presented the new organizational chart for the newly organized Office of Investigation and Enforcement (OIE), now under LLR's General Counsel's Office. He explained the new investigative procedures (demonstrated by a flow chart), effective July 1, 2004. All investigators and inspectors now report to supervisors in the new section. Stan Bowen, is the new line supervisor for the contractor and residential investigators and inspectors. Mr. Bowen commented on the advantages of the new unit as being cross-training, providing a career ladder, better coordination in obtaining information for cases (i.e., better service of subpoenas and other documentation) by inspectors living in regional areas, thus

4. Explanation of New Investigation Procedures (Continued):

reducing travel. Joyce Thurber, program coordinator, and administrator, Mr. Galloway, are now considered board administration and will triage incoming complaints and send to OIE for processing and assignments, but they will no longer have direct compliance duties. Mr. Galloway will still serve on the Investigative Review Committee. Ms. Thurber will continue to assist in the coordination of hearings and Board meetings.

5. Explanation of Revised Examination Procedures:

PSI, Inc., examination provider, has requested that the Office of Property, Environmental, Design and Construction Services (OPEDACS) Section revise its policy regarding the administration of the Board's examinations. The purpose of the changes were to ensure the integrity of licensing examinations by eliminating the opportunity for candidates to attain test scores by fraudulent means and the compromise of examinations provided by the board's examination provider. Any candidate that passes an exam will not be allowed to take the same exam again, outside the parameters of Chapter 11. Any candidate that fails an exam shall be given a diagnostic report providing feedback about the candidate's performance in a particular content area and directing the candidate to areas of content that need additional study. Further, OPEDACS would not require the exam provider to provide a list of candidates for examination to schools and seminar companies. The new policy became effective June 15, 2004.

The board accepted the policy as information .

**Unfinished Business: None**

**New Business:**

1. Discussion of Exam Waiver Agreement with Tennessee:

Mr. Galloway presented the waiver agreement with Tennessee in the following classifications: limited or unlimited building, plumbing, electrical, HVAC, and refrigeration.

**Motion: Mr. Tharp moved to accept the waiver agreement with the State of Tennessee. The motion was seconded and passed.**

2. Request to Waive the Two Year Examination Experience Requirement for David Walker: Mr. Walker failed to appear before the board to present his request. His request was denied.

3. Request to Grandfather the Mechanical Contractor Package Equipment (PK) classification for Don Taylor: Mr. Taylor failed to appear before the board to present his experience for the Grandfather PK classification. His request was denied.

**New Business Continued:**

4. Discussion of Administering Examinations for Individuals that Do Not Speak English:

Board advice counsel, Rick Wilson, asked the board to convene a task force to gather input from different construction interests and professional associations regarding licensing applications and administering technical examinations in a language other than English. Mr. Wilson indicated that several licensing boards within the Department of Labor, Licensing and

Regulation require applicants to have proficiency in the English language. Many boards, like the Contractors' Licensing Board, do not have a specific requirement in their statutes. Mr. Wilson advised that the State of South Carolina recognizes English as the official language, except as a condition of employment when appropriate. The department is investigating whether a department-wide policy is appropriate. Therefore, Mr. Wilson asked that board chairman Joe Chandler convene an Ad Hoc Committee to include members such as a building official, an engineer, a Spanish project manager, and Ron Galloway, board administrator. Mr. Wilson also would attend. Mr. Tharp offered the his board room at McCrory Construction Company, 1280 Assembly St., Columbia, South Carolina, on July 21, 2004, at 10:00 A.M. to meet. Minutes will be taken and reported at the next board meeting in October.

### **Old Business:**

1. Discussion of Amending Final Order for License Suspension of Armani Construction at January 22, 2004, Board Meeting.:

Shirley Robinson, hearing advice counsel, presented an Amended Final Order for consideration of the board. The Final Order issued by the board on January 22, 2004, listed Robert Glover as the qualifying party for Armani Construction (G-108250). Mr. Glover's qualifying party status was suspended in the original Final Order. However, Mr. Glover was not named in the Formal Complaint nor was he disciplined. Therefore, an Amended Final Order was presented to the board for consideration and approval. Following a discussion, a motion was made.

**Motion: A motion was made by Mr. Caswell that the Amended Final Order be accepted. The motion was seconded and passed.**

### **Vote on the Panel Hearing Officer Recommendation:**

C-03-04-04, CSA Construction and Repair, Respondent, G-107292, Stan Hopkins, owner & qualifying party vs CLB (Dave and Tiffany Singh), Complainants.

At the Final Order Hearing, the State was represented by Geoffrey Bonham, Esquire, assistant general counsel. Shirley Robinson, Esquire, served as advice counsel. Complainant, Tiffany Singh was present. Respondent Stan Hopkins was not present, but did receive a 30 day notice of the proceeding.

A panel hearing was held before hearing officer, Charles McAlister, on March 2, 2004. Mr. Bonham presented the Hearing Officer's Report and Recommendation from that hearing. The Complaint alleged that the Respondent entered into a contract with Dave and Tiffany Singh to construct a building to be used by the Singhs as a dentistry practice. The Respondent was paid \$329,964 in full for the project. However, two weeks after moving into the building, a mechanics lien was placed on the building by one of the building suppliers due to the failure of the Respondent to pay for materials. The Singhs loaned the Respondent the money to satisfy the lien, and in return, the Respondent agreed to pay the Singhs back at a rate of \$1500 monthly. The Respondent made the first payment, but the check was returned for non-sufficient funds. The check was not made good, nor have other repayments been made; other suppliers also filed liens on the building for \$12,934.30, \$14,089.99 and \$6,768.00. In each case the Respondent had received full payment from the Singhs. The Respondent failed to pay the suppliers and subcontractors.

In addition, problems related to substandard work were found after moving into the building. A Complaint was filed with the Department of Labor, Licensing and Regulation and assigned to Michael Anderson as the investigator. The Respondent was notified of an inspection, but did not attend. Mr. Anderson testified to having found the following problems:

- 1) Numerous nail pops and loose sheetrock throughout the building;

- 2) Two rock fountains built by the Respondent were incomplete and defective, and the fountains leaked causing water stains to the walls and carpet;
- 3) The outside drains were not properly installed, and the downspouts for the gutter system had standing water in the lines, indicating improper installation of the lines for draining water away from the building;
- 4) There was erosion at the retention pond caused by the failure to install riprap, as per the contract;
- 5) The building was not properly graded for drainage, and there was standing water at the foundation of the building due to the ground being sloped toward , as opposed to away, from the building.

Mr. Anderson further testified that the Respondent was asked to provide a list of current assets, liabilities and documented encumbrances to the board. This information was requested because there was a strong indication that the Respondent may have failed to maintain the minimum financial net worth required for his licensure group as required by statute. Mr. Hopkins never supplied the requested information to the board.

Mrs. Singh testified that continuous efforts to contact Mr. Hopkins were futile, and that they could not afford to pay for the repairs to be done.

The hearing officer recommended the following sanctions:

- 1) that the Respondent's general contractor's license and qualifying party status be revoked;
- 2) that the Respondent pay a \$5,000 fine;
- 3) that the Respondent be required to provide satisfactory proof to the board that he has satisfied all liens filed against the Singh's building and that he be required to reimburse the Singhs for any and all amounts paid out by them to satisfy such liens, should the Respondent ever apply for re-licensing; and
- 4) that the Order be effective upon service to the Respondent.

Following a brief discussion, a motion was made.

**Motion: A motion was made by Lewis Caswell that the Hearing Officer's Report and Recommendation be adopted. The motion was seconded and passed.**

Mr. Galloway announced that the NASCLA national annual meeting would be held in Newport, Rhode Island during the last week in September. Only the board administrator was approved to attend. However, he asked if there were any board members willing to pay for their transportation, the State would pay for their per diem and meals. None of the members indicated that he/she would be attending the meeting.

The next regularly scheduled board meeting will be held on Thursday, January 20, 2005, at 10:00 A.M. in Room 111 of the Synergy Office Park, Kingstree Building, 110 Centerview Drive, Columbia, South Carolina.

There being no further business, the meeting was adjourned at 11:10 A.M.

---

Ronald E. Galloway, Administrator