

**BOARD MEMBERS PRESENT:**

Daniel Lehman - Chairman  
Kim Lineberger, Vice Chairman  
Bill Neely  
Douglas Greer  
Frank Walker  
Mark Plyer

**ABSENT MEMBERS:**

Wendi Nance  
Lewis Caswell

**BOARD AND STAFF PRESENT:**

Sheridon Spoon, Advice Attorney  
Michael Anderson, Administrator  
Joyce Thurber, Program Coordinator  
Angela D. Scott, Program Assistant

**OTHERS PRESENT:**

Jeff Henson	Jane Shults
Bryan Bates	Steve Freshley
James Green	Bryan Summey
Roland Mangum	Kurt Becker

**NOTE: Public Notice of this meeting was properly posted at the Board office and provided to any requesting persons, organizations, or news media in compliance with Section 30-4-80 of the 1976 South Carolina Code of Laws, as amended, relating to the Freedom of Information Act.**

**Call to Order:**

On Thursday, April 17, 2008, Chairman Daniel Lehman called the Contractor's Licensing Board meeting to order at approximately 10:00 a.m.

**Approval of Agenda**

Chairman Lehman called for the approval of the agenda as previously noticed. After review, Mr. Plyer made a motion, seconded by Mr. Neeley, to approve the agenda. The motion was unanimously carried.

**Approval of Members Absence**

Chairman Lehman informed the Board that Mr. Caswell was not able to attend the meeting, due to a previously scheduled appointment. Mr. Neeley made a motion, seconded by Mr. Greer, to excuse members' absence. The motion was unanimously carried.

Chairman Lehman informed the Board that Ms. Nance was not able to attend the meeting, due to illness. Mr. Walker made a motion, seconded by Mr. Greer, to excuse members' absence. The motion was unanimously carried.

**Approval of Minutes**

Chairman Lehman called for the review and approval of the January 17, 2008, minutes. After review, Mr. Neeley made a motion, seconded by Mr. Walker, to approve the minutes. The motion was unanimously carried.

**Administrator's Remarks**

1. The Georgia Secretary of State Office will be requiring license for General and Residential Contractors. They are expecting approximately 11,000 licensees by July 2008.
2. Mr. Anderson welcomed and introduced to the Board Mr. Steve Freshley, Chief of Investigations, for the Office of Investigation.
3. Mr. Anderson informed the Board that he attended the NACLA meeting and was appointed to the National Exam Committee.

**Current Legislation of Interest**

Mr. Anderson informed the Board that the verbiage in Section 40-11-360 (A) (7) and (B) (4) under exemptions was changed from "wood frame farm storage" to "farm storage". This was effective March 31, 2008.

**Investigator Summary Report**

Mr. Anderson informed the Board that the Investigator Summary Report shows that there are 186 open cases and 320 closed cases since July 2006. He stated that 95% of the complaints are residential constructions.

**Chairman's Remarks**

Chairman Lehman asked the Board to continue to review the legislations as they come in. Also, to continue to review the statute to see what needs to be cleaned up or changed.

Mr. Anderson stated that he and Mr. Gary Wiggins are currently working on rewriting Chapter 11, General and Mechanical Contractors Practice Act and it will be brought to the Board for review when completed.

Chairman Lehman stated if any changes have been made to the Statute to please send it to the Board Members for review. Chairman Lehman stated that a few years ago he and Mr. Frank Walker spoke with the Fire Marshals Office regarding the UL requirements for fire alarm statute. He asked if staff has heard anything regarding this statute being repealed. Mr. Michael Anderson stated no, but staff would check on this. Chairman Lehman asked that staff e-mail the results to Board members.

Chairman Lehman thanked the Board for allowing him to serve as chairman.

**Old Business**

NONE

**New Business**

**Mr. Kurt Becker – Request waiver of the S.C. Alarm Examination**

The Board reviewed Mr. Kurt Becker's request for waiver for the S.C. Alarm Examination. Mr. Becker waived his right to counsel. Mr. Becker was sworn in by Mr. Eric Gore, court reporter.

Mr. Anderson informed the Board that Mr. Becker requested to appear before the Board asking for a waiver to be exempted from taking the PSI Alarm Examination. Mr. Becker has licenses in North Carolina, Tennessee, Maryland, Oklahoma, Virginia and Texas.

Mr. Becker testified that he has been in the business for over 20 years; he presently holds approximately 12 or more alarm monitoring licenses. He has taken and passed many examinations and did not know why he can not pass the PSI Alarm Examination having taken it three times. He asked the Board to please consider his qualifications and exempt him from taking the examination.

The Board went into executive session to obtain legal advice.

After hearing testimony, Mr. Walker made a motion, seconded by Mr. Neely, to deny Mr. Becker's examination waiver but to give him applicable time to retake the examination. The motion was unanimously carried.

**Ronald Leon Mangum – Request waiver of the S.C. Alarm Examination**

The Board reviewed Mr. Mangum's request for waiver of the S.C. Alarm Examination. Mr. Mangum waived his right to counsel. Mr. Mangum was sworn in by Mr. Eric Gore, court reporter.

Mr. Anderson informed the Board that Mr. Mangum requested to appear before the Board for a waiver to be exempted from taking the PSI Alarm examination. Mr. Mangum has an alarm license in Georgia and North Carolina.

Mr. Mangum testified that he represents Carter Brothers which was founded in 2001, but he has been in business for ten years. He received his low voltage license in Georgia.

After hearing testimony, Mr. Walker made a motion, seconded by Mr. Neeley, to go into executive session. Mr. Neeley, made motion, seconded by Mr. Greer to come out of executive session. Chairman Lehman stated no action was taken in executive session. Mr. Walker made motion to deny Mr. Mangum waiver request, seconded by Mr. Greer. The motion was unanimously carried.

**Approval of IRC Recommendations**

**January 23, 2008 IRC Recommendations:**

Chairman Lehman called for the approval of the January 23, 2008, IRC Recommendations. After review and discussion, Mr. Neeley made a motion, seconded by Mr. Greer, to approve the August 2, 2007, IRC Recommendations.

March 6, 2008 IRC Recommendations:

Chairman Lehman called for the approval of the March 6, 2008, IRC Recommendations. After review and discussion, Mr. Walker made a motion, seconded by Mr. Neeley, to approve the March 6, 2008, IRC Recommendations.

April 3, 2008, IRC Recommendations:

Chairman Lehman called for the approval of the April 3, 2008, IRC Recommendations. After review and discussion, Mr. Greer made a motion, seconded by Mr. Neeley, to approve the April 3, 2008, IRC Recommendations.

James D. Green:

The Board reviewed the work experience for Mr. James D. Green. Mr. Green waived his right to counsel. Mr. Green was sworn in by Mr. Eric Gore, court reporter.

Mr. Anderson informed the Board that Mr. Green was present to request a waiver for work experience for his General Contractors Building Classification.

Mr. Green testified that he has owned his construction company for the past twelve years and holds a Residential Builders license. He has been in both residential and general construction of most of his life.

After hearing testimony, Mr. Neeley made a motion, seconded by Ms. Lineberger to deny Mr. Green request, based on the fact that his experience does not meet the minimum requirement as required. The motion was unanimously carried.

Notification Changes

Mr. Anderson informed the Board that a licensee was served by certified and regular mail a Cease and Desist on three different occasions to the last known address. The attorney requested that the Cease and Desist be hand served to the licensee. The attorneys need to give a definition of properly served. Mr. Walker stated that once we have complied with the law there is nothing else we can do.

**Application Review Hearing**

Mr. Jeff Henson

The Board reviewed Mr. Henson's Mechanical Contractor's Application. Mr. Henson waived his right to counsel. Mr. Jeff Henson and Mr. Bryan Bates was sworn in by Mr. Eric Gore.

Mr. Anderson informed the Board that Mr. Henson's Mechanical Contractor's Application could not be approved at staff level because, Mr. Henson answered "no" to the background question that he did not have any outstanding judgments, liens or claims filed against him or his business.

Mr. Henson testified that he answered "no" to the question because he thought the complaint had been resolved. He contracted with Mrs. Barbara Martin to install a heating and air condition unit. There was a judgment issued in September 2007, which required him to install a 2 ½ ton unit in the home and refund her Two Hundred and Fifteen dollars. On several occasions he went to Mr. Martin's home to install the unit but was dismissed from the property. Mrs. Martin has filed three judgments against him for the same problem.

Mr. Bryan Bates testified that he was on the job when Mr. Henson made the first attempt to install the heating and air unit.

After hearing testimonies, Mr. Walker made a motion, seconded by Mr. Plyer, for the Board to go into executive session for legal advice. The motion was unanimously carried. The Board returned to public session. Mr. Neeley made a motion, seconded by Mr. Plyer, to approve Mr. Henson's application. Mr. Henson must properly satisfy the Martin's judgement before submitting his next renewal application. The motion was unanimously carried.

**Hearing Officer's Report and Recommendations**

Mr. Jamie Saxon was the hearing attorney

Mr. Frank Walker recused himself from participating because he was the hearing officer in these matters.

Case # 2007-140 Jane Shults, Emergency restoration Services Inc.

This matter was heard before a hearing officer designated by the Contractor's Licensing Board on January 8, 2008. Ms. Christal Bell, Esq. represented the state and asked the Board to adopt the hearing officer's recommendation. The hearing officer's recommendation was as follows:

1. The Respondent shall be publicly reprimanded.

Mr. Greer made a motion, seconded by Mr. Neely, to approve the Administrative Hearing Officer's Recommendation for Ms. Jane Shults. The motion was unanimously carried.

This matter was heard before a hearing officer designated by the Contractor's Licensing Board on January 8, 2008. Ms. Christa Bell Esq. represented the state and asked the Board to adopt the hearing officer's recommendation. The hearing officer's recommendation was as follow.

1. The respondent shall pay a fine of One Thousand Dollars. The fine shall be paid within sixty days of the receipt of the order.
2. The respondent's license is suspended indefinitely. This suspension shall be stayed and the respondent's license shall be reinstated in a probationary status only after he has paid the above-listed fine. Failure to pay the fine may prevent the respondent from being re-licensed.
3. The respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in any investigation of his practice and compliance with the provision of the order.

Mr. Neely made a motion, seconded by Mrs. Lineberger for the Board to go into executive session for legal advice. The motion was unanimously carried. Mr. Plyer made a motion, seconded by Mr. Greer to come out of executive session. The Board returned to public session. Mr. Neeley made a motion, seconded by Mr. Plyer, to modify the hearing officer's recommendation. The modification is under recommendation item number 2: deleting only after he has paid the above listed fine and replacing it with for a period of one year from the date of the final order. If the respondent is found by the Board to be in violation of the practice act during the probation period respondent's license may be suspended or revoked.

### **Public Comments**

Mr. Anderson asked to meet with Chairman Lehman to establish a Board policy concerning applicants that are currently licensed in other states for waiver of the PSI Alarm technical examination.. Staff needs some guidance since we currently do not currently have any waiver agreements for burglar or fire alarm examinations..

### **Date of Next Meeting**

Thursday, July 17, 2008 – 10:00 a.m. – Room 108

### **Adjournment**

There being no further business, Mr. Greer made a motion, seconded by Mr. Plyer, and the meeting was adjourned at 12:00 p.m.