

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD

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

Thursday, July 17, 2008

10:00 a.m.

Daniel Lehman, Chairman 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:

Daniel Lehman, Chairman, called the regular meeting of the Contractor's Licensing Board to order at 10:00 a.m. Other members present for the meeting included: Kim Lineberger, Vice Chairman. Bill Neely, Douglas Greer, Frank Walker, Mark Plyler, Lewis Caswell, and Wendi Nance.

Staff members participating in the meeting included: Sheridan Spoon, Deputy General Counsel, Jamie Saxon, Hearing Advisor, Christa Bell, Staff Attorney, Michael Anderson, Administrator, Gary Wiggins, Administrator, Stan Bowen, Administrator, Joyce Thurber, Program Coordinator, Angela D. Scott, Administrative Assistant, Sandra Dickart, Administrative Assistant, Ryan Holt, Office of General Council, and Eric Gore, Court Reporter

Others present participating in the meeting included: Larry Yates, Angelo Pacilio, Julian Barton, James Bailey and Carroll Shore.

Approval of Agenda:

Thursday, July 17, 2008

Motion

Mr. Caswell moved to approve the Thursday, July 17, 2008, agenda as previously noticed. Mrs. Lineberger seconded the motion, which carried unanimously.

Approval of Minutes:

Thursday, April 17, 2008

Motion

Mr. Neeley moved to approve the Wednesday, July 9, 2008, meeting minutes as presented. Mr. Greer seconded the motion, which carried unanimously.

Excused Members:

NONE

Chairman's Remarks:

Daniel Lehman

NONE

Administrator's Remarks:

Michael Anderson

1. Mr. Anderson informed the Board that PSI will be administrating National Examination and the examination will be an open book examination.
2. Mr. Frank Walker will be honored at McGrady Training Center on Friday, July 18, 2008, at 9:00 a.m.
3. There were concerns regarding a contractor being allowed to do concrete work under the building classification (§40-11-410). Currently as it is written a contractor can do masonry but not

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concrete. Mr. Anderson recommended that the Board consider making a policy that would allow contractors to do concrete work under the building classification (§40-11-410). Mr. Spoon advised that the Board currently have a policy posted on the internet and suggested staff review and update the language and present it at the next meeting for review.

4. Issues arose regarding an article written in the Charleston Regional Business Journal, titled "Green Roofs Add Visual Interest, Energy Savings To Buildings." Mr. Anderson stated this would usually listed under the roofing classification but he wanted to know whether the Board wanted to classify this as specialty roofing. A pamphlet was passed out and the Board was asked to review it for discussion at the next meeting.
5. The complaint section is up and running smoothly. The Agency Director has formed a central licensing section and they are in the process of making changes. The application process will be done electronically.
6. The NASCLA Convention will be held in September 2008.

Advisory Opinions:

Sheridon Spoon

NONE

Legislative Update:

NONE

Old Business:

NONE

New Business:

Recommendation of Investigation Review Committee:

April 3, 2008, IRC Recommendations:

Ms. Nance made a motion, to approve the recommendations of the Investigative Review Committee. Mr. Caswell seconded the motion, which carried unanimously.

May 1, 2008, IRC Recommendations:

Mr. Caswell made a motion, to approve the recommendations of the Investigative Review Committee. Mrs. Lineberger seconded the motion, which carried unanimously.

June 5, 2008, IRC Recommendations:

Ms. Nance made a motion, to approve the recommendations of the Investigative Review Committee. Mr. Neeley seconded the motion, which carried unanimously.

South Carolina Alarm Examination Waiver:

Mr. Kurt Becker

Staff received a request from Mr. Becker requesting that the Board reconsider the denial of his examination waiver.

Mr. Becker was not present.

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MOTION

Mr. Walker made a motion, to deny Mr. Becker's request. Mrs. Lineberger seconded the motion, which carried unanimously.

License Under the Grandfather Provision:

Mr. John Session

Mr. Session did not appear due to him being hospitalized, case was continued until next meeting.

Request To Accept Residential Experience For Limited Building Classification:

Mr. Frank Clark (Residential Builders Commission Board Member) Mr. Julian Barton, Lobbyist

Staff received a request from Mr. Frank Clark requesting that his is residential experience be used to qualify him for license under the limited building classification.

Mr. Clark was not present due to illness. Mr. Julian Barton appeared before the Board and offered the following testimony. Mr. Barton and Mr. Anderson were sworn in by Mr. Eric Gore.

Mr. Barton testified that Mr. Clark has worked under a licensed general contractor for a number of years and feels that he has the necessary experience to get license under the limited building classification. Mr. Barton requested that he, Mr. Clark, Mr. Anderson and the Association work together to draft a proposal and present it at the next meeting for approval.

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MOTION

Mr. Caswell made a motion, for Mr. Anderson, Mr. Barton, Mr. Clark and the Association work together to draft a proposal and present it at the next meeting. Mrs. Lineberger seconded the motion, which carried unanimously.

Plumbing Examination Waiver:

Angelo Pacilio

Staff received a request from Mr. Angelo Pacilio requesting a waiver to be exempt from taking the PSI Plumbing Examination.

Mr. Pacilio appeared before the Board and offered the following testimony. Mr. Pacilio waived his right to counsel. Mr. Pacilio and Mr. Anderson were sworn in by Mr. Eric Gore.

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Mr. Pacilio testified that he has a Master Plumbers and Building Sub Code Official and Construction Official Licenses in New Jersey. He hoped that the Board would review and look favorable upon his request to obtain a South Carolina Master Plumber's License.

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MOTION

Mr. Caswell made a motion, to deny Mr. Pacilio's waiver request. Mrs. Lineberger seconded the motion, which carried unanimously.

Burglar Alarm Registered Employee Request:

Mr. James Bailey and Encore Technology & Design, LLC

Mr. Bailey appeared before the Board because of his sled report. Since Mr. Bailey's application could not be processed in a normal manner he was notified by letter that he must appear before the Board to answer any questions the Board may have.

Mr. Bailey appeared before the Board and offered the following testimony. Mr. Bailey waived his right to counsel. Mr. Bailey and Mr. Anderson were sworn in by Mr. Eric Gore.

Mr. Bailey testified that he is currently employed with Encore Technology & Design, LLC. He was convicted several times for fraudulent checks and burglary. He made restitution and completed Pre Trail Intervention for the burglary charges.

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

MOTION

Mr. Caswell made a motion, to deny Mr. Bailey's request. Mrs. Lineberger seconded the motion, which carried unanimously.

GC-BD Classification:

Pleasant Air – Construction Company and Samuel Brown

Mr. Brown requested to appear before the Board because of his sled report. Since Mr. Brown's application could not be processed in a normal manner he was notified by letter that he must appear before the Board to answer any questions the Board may have.

Mr. Brown was not present to give testimony.

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MOTION

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Mr. Caswell made a motion, to deny Mr. Brown's request. Mr. Neely seconded the motion, which carried unanimously.

Reinstatement After Revocation and Compliance with Final Orders 2004-0015 & C03/04-117:

C. Douglas Shore & Company, Inc., and Carroll Shore

Staff received a request from Mr. C. Douglas Shore requesting that his General Contractor's License be reinstated.

Mr. Shore was not present to give testimony.

Mr. Anderson informed the Board that Mr. Shore has an outstanding penalty of Two Thousand, Five Hundred (\$2500) Dollars that has not been paid.

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

MOTION

Mr. Neely made a motion, to deny Mr. Shore's request. Mr. Greer seconded the motion, which carried unanimously.

Judgments:

Mr. John Casbarro

Mr. Neeley recused himself from participating and voting on this matter.

Mr. Casbarro requested to appear before the Board because of the number of judgments filed against him. Since Mr. Casbarro's application could not be processed in a normal manner he was notified by letter that he must appear before the Board to answer any questions the Board may have.

Mr. Casbarro was not present to give testimony.

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

MOTION

Mr. Greer made a motion, to deny Mr. Casbarro's request. Mrs. Lineberger seconded the motion, which carried unanimously.

Hearing Officer's Report and Recommendations

Mr. Jamie Saxon was the hearing attorney

Larry A. Yates and L.A. Yates & Associations Case # 2006-269

Mr. Frank Walker and Mr. Caswell recused themselves from participating and voting on this matter.

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Mrs. Christa Bell briefed the Board regarding the Hearing Officer's Recommendations in regard to Case #2006-269.

Mr. Yates appeared and thanked the Board for giving him the opportunity to present his case. He asked that they look at the evidence and consider the arguments from both sides. He stated that staff investigators and prosecutors should not be allowed to draft orders and wished that all Boards would be handled in the same manner. Also, he asked the Board to make sure everything listed in the final order is backed up by evidence.

MOTION

Ms. Nance moved that the Board enter executive session to seek legal advice on this matter. Mr. Greer seconded the motion, which carried unanimously.

The Board returned to public session. Mr. Greer made a motion, to come out of executive session. Ms. Nance seconded the motion, which carried unanimously.

MOTION

Mrs. Lineberger made motion, to uphold the Hearing Officer's recommendations. Ms. Nance seconded the motion, which carried unanimously.

Public Comments:

NONE

Date of Next Meeting

Thursday, October 16, 2008, Meeting Room 201-03

The next meeting of the Board is scheduled for Thursday, October 16 2008, in conference room 201-03.

Adjournment

Mr. Caswell moved the meeting be adjourned. Ms. Nance seconded the motion, which carried unanimously.

The July 17, 2008, meeting of the South Carolina Contractor's Licensing Board was adjourned at 12:30 p.m.