

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 202-02
Columbia, South Carolina 29210
Minutes

Thursday, January 21, 2010

10:00 a.m.

Kim Lineberger, Vice-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:

Kim Lineberger, Vice-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: Bill Neely; Douglas Greer; Mark Plyler, Frank Walker; Wendi Lance; and Lewis Caswell.

Staff members participating in the meeting included: Sheridon Spoon, Assistant Deputy General Counsel; Suzanne Hawkins, Staff Attorney; James Saxon, Hearing Advisor; Daniel Grigg, Hearing Advisor; Michael Anderson, Administrator; Joyce Thurber, Program Coordinator; Angela Scott, Administrative Assistant; John Reich, Deputy Director/State Fire Marshal; David Blackwell and Eric Gore, Court Reporter.

Others present participating in the meeting included: Catherine Cater and Annette McCorley.

Approval of Agenda:

Thursday, January 21, 2010

MOTION:

Mr. Caswell moved to approve the Thursday, January 21, 2010, Agenda as previously noted. Mr. Neely seconded the motion, which carried unanimously.

Excused Members:

Mr. Daniel Lehman received an excused absence.

Election of Officers:

Vice-Chairman Lineberger called for nominations from the floor for the Office of Chairman. Mr. Caswell moved to nominate Ms. Kim Lineberger to serve as Chairman. Mr. Walker seconded the motion, which carried unanimously. There being no further nominations, the nominations were closed and Ms. Kim Lineberger was elected by acclamation. Vice-Chairman Lineberger called for nominations for the Office of Vice-Chairman. Mr. Walker moved to nominate Mr. Mark Plyler to serve as Vice-Chairman. Mr. Caswell seconded the motion, which carried unanimously. There being no further nominations, the nominations were closed and Mr. Plyler was elected by acclamation.

Approval of Minutes:

Thursday, October 15, 2009

MOTION:

Mr. Neely moved to approve the Thursday, October 15, 2009, meeting minutes. Mr. Caswell seconded the motion, which carried unanimously.

Chairman's Remarks:

Kim Lineberger

NONE

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Administrator's Remarks:

Michael Anderson

1. **NASCLA** - Mr. Anderson reported that the NASCLA National General Contractor Building exam will begin on April 1, 2010. He has a Board of Directors Meeting in March and will further update the Board.
2. **State Ethics Commission 2010 Economic Interest Forms** – Mr. Anderson presented the Board with the State Ethics Commission 2010 Statement of Economic Interests (SEI) Form and informed them that the forms must be completed on-line and received within five days of the April 15, 2010, deadline. Late filing and failing to file will result in penalties starting at One Hundred (\$100.00) dollars.
3. **Mechanical Contractors Renewals Update** – Mr. Anderson reported that there were approximately 1,924 Mechanical Contractor's whom had not renewed in December 2009. The Board requested that second renewal notice be sent and it was mailed on December 12, 2009. Since that time 1,028 mechanical contractors have renewed and there are approximately 850 whom have not renewed.

Advisory Opinions:

Sheridon Spoon

NONE

Legislative Update:

NONE

Old Business:

NONE

New Business:

John Reich, Deputy Director/State Fire Marshal – Fire Sprinkler

Mr. John Reich, Deputy Director/State Fire Marshal and Mr. David Blackwell, State Fire Marshal Office gave a brief report on The Office of State Fire Marshal and the regulatory responsibility to ensure compliance with state fire safety regulations. This is accomplished through inspection activities by deputy state fire marshals in the field and code consultation and plans review services provided by the Engineering Services Section. In addition he presented a report regarding the Fire Sprinkler requirements and informed the Board of the Building Code Study Committee Hearings being held on January 26 – 27, 2010.

"Yes" answers on applications and financial statements

Mr. Anderson reported that the Board decided that all applications with a "yes" answer must be approved by the Administrator prior to issuance. One issue he is having is not receiving the on-line renewal applications that have a "yes" answer. He reported in December 2009, there were approximately 11 on-line renewal applications received with a "yes" answer and only 2 was forwarded to him for review. He presented the Board with a copy of a letter which the Office of Licensure and Compliance send to licensees who have "yes" answers to disciplinary questions. The licensee is given 10 days from the receipt of the letter to submit an explanation. Failure to submit an explanation may result in disciplinary

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actions by the Board. Mr. Anderson reported that he suggested to the Office of Licensure and Compliance that the licensee not be able to renew until it is approved by the Administrator or the Board.

Mr. Walker reported that the Board has requested for Mr. Christian to attend several of the meetings and he has refused. He asked whether a subpoena be sent to Mr. Christian requesting him to meet with the Board. Mr. Anderson stated that he would speak with Mr. Christian and Mr. Spoon regarding this matter.

Recommendation of Investigation Review Committee:

October 2009, IRC Recommendations:

MOTION:

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

November 2009, IRC Recommendations:

MOTION:

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

December 2009, IRC Recommendations:

MOTION:

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

Vice-Chairman Lineberger suggested that the Board members rotate attending the IRC meetings. The Board agreed and Mr. Anderson will be sending the IRC schedule via-email to all members.

Hearing Officer's Report and Recommendations for Final Orders:

Jamie Saxon and Daniel Grigg, were the Hearing Advisors. Mrs. Suzanne Hawkins represented the State. Mr. Frank Walker asked to be recused because he was the Hearing Officer.

Dap Electric Service and Larry Palmer – Case #: 2008-250

Dap Electric Service and Larry Palmer was not present.

MOTION:

Mr. Caswell made a motion to approve the Hearing Officer Recommendations to revoke the Respondent's contractor license; and Respondent shall pay a fine of Two Thousand, Five Hundred Dollars (\$2,500.00). The fine shall be paid within sixty (60) days of the Final Order. The fine shall not be deemed to be paid until it is received by the Board. Mr. Greer 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.)

Janlyn Construction Company and Roger Sermershem – Case #: 2008-216

Jamie Saxon and Daniel Grigg, were the Hearing Advisors. Mrs. Suzanne Hawkins represented the State. Mr. Frank Walker asked to be recused because he was the Hearing Officer.

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MOTION:

Mr. Greer made a motion to approve the Hearing Officers Recommendation to publicly reprimand the Respondent; and the Respondent shall pay fine of One Thousand (\$1,000.00) Dollars. The fine shall be paid within sixty (60) days of the date of the Final Order. This fine shall not be deemed to be paid until it is received by the Board; and within thirty (30) days of the date of the Final Order, the Respondent must retake the Code of Laws Take-Home Examination. Thereafter the Respondent must file written proof of compliance with the Board within fifteen (15) days of completing the requirement. Ms. Nance 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.)

M D Flowers & Sons Plumbing, LLC and Michael D. Flowers Case #: 2008-087

Jamie Saxon and Daniel Grigg, were the Hearing Advisors. Mrs. Suzanne Hawkins represented the State. Mr. Frank Walker asked to be recused because he was the Hearing Officer.

MOTION:

Mr. Caswell made a motion to approve the Hearing Officers Recommendations to publicly reprimand the Respondent; and the Respondent shall pay a fine of One Thousand Dollars (\$1,000.00). The fine shall be paid within sixty (60) days of the date of the Final Order. The fine shall not be deemed to be paid until it is received by the Board; and within (30) days of the Final Order, the Respondent must retake the Code of Laws Take-Home Examination. Thereafter, the respondent must file written proof of compliance with the Board within fifteen (15) days of completing the requirement. Mr. Plyer 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.)

Mr. Neely asked whether the Board may require a respondent whom is found guilty to pay the hearing cost.

Mr. Saxon advised that it is possible but it has to be requested prior to the hearing. He advised that the Board speak with Mr. Christa Bell or Mr. Suzanne Hawkins.

Public Comments:

NONE

Date of Next Meeting

Thursday, April 15, 2010, Meeting Room 202-02

The next meeting of the Board is scheduled for Thursday, April 15, 2010, in conference room 202-02.

Adjournment

Mr. Caswell moved for the meeting to be adjourned. Mr. Neely seconded the motion, which carried unanimously.

The January 21, 2010, meeting of the South Carolina Contractor's Licensing Board was adjourned at 12:45 p.m.