

*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, July 15, 2010**

**10:00 a.m.**

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Kim Lineberger, 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:**

Ms. Lineberger called the quarterly meeting of the Contractor's Licensing Board to order at 10:06 a.m. Other members present for the meeting included: Bill Neely; Mark Plyler, Frank Walker; Wendi Nance; and Lewis Caswell.

Staff members participating in the meeting included: Sheridon Spoon, Assistant General Counsel; Christa Bell, Staff Attorney; Lilia Ann Gray, Staff Attorney; James Saxon, Hearing Attorney; Michael Anderson, Administrator; Gary Wiggins, Administrator, Building Codes Council; Joyce Thurber, Program Coordinator, CLB; Angela Scott, Administrative Assistant; Steve Freshley, Office of Investigation and Enforcement and Eric Gore, Court Reporter.

Others present and participating in the meeting included: William Tager, Anytime Heating & Cooling; Diane Stallings; Tracey McCarley, Education Coordinator for the Office of Building Services; John Sessions of J. E. Sessions Plumbing and Thad Viers, Esq., representing Mr. Sessions.

**Approval of Agenda:**

*Thursday, July 15, 2010*

Mr. Saxon stated that the Final Order Hearing for A+ Security Vision LLC dba 24/7 Total Protection will be rescheduled for the October 21, 2010 Board meeting because the Notice of Final Order Hearing and the Hearing Officer's Recommendation were mailed to an incorrect address and were never received.

**MOTION:**

Mr. Caswell moved to approve the Thursday, July 21, 2010, Agenda as amended. Ms. Nance seconded the motion, which carried unanimously.

**Excused Members:**

Frank Walker moved to approve the absence of Dan Lehman, who was out-of-town attending a conference. The motion was seconded by Mark Plyler and was passed.

Frank Walker moved to approve the absence of Bill Neely, who was out of the country on vacation. The motion was seconded by Wendi Nance and was passed.

Frank Walker moved to approve the absence of Douglas Greer, who had a last minute conflict. The motion was seconded by Lewis Caswell and was passed.

**Approval of Minutes:**

*Thursday, April 15, 2010*

Sheridon Spoon stated that the word "Deputy" should be removed from his title in the listing of staff attending. Ms. Thurber will make the correction and redistribute the minutes.

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**MOTION:**

Mr. Caswell moved to approve the Thursday, January 21, 2010, meeting minutes with the noted correction of the title "Assistant General Counsel" for Sheridon Spoon. Mr. Walker seconded the motion, which carried unanimously.

**Chairman's Remarks:**

*None*

**Remarks for Information:**

*Administrators' Remarks: Michael Anderson*

- Mr. Anderson announced that he would be retiring on September 30, 2010, but would be willing to return as a hearing officer for Board administrative hearings and citation protest hearings if the Board desires.
- The new NASCLA accredited unlimited building exam began May 1<sup>st</sup>. It is just called the Unlimited Building Exam in the PSI Candidate Information Bulletin.
- The National Association of State Contractors Licensing Agencies (NASCLA) Annual Conference will be held in Charleston, South Carolina, August 22 – 25, 2010. Interested board members should submit their hotel reservation applications for the Mills House Hotel to Micheal Anderson by July 22<sup>nd</sup> for him to submit to NASCLA. John Curl, former board chairman of the S.C. Residential Builders Commission, is the current NASCLA President.

*Licensing Report from 4/15/2010 – 7/12/2010:*

\*More detailed licensing reports plus examinations taken from PSI are found in the Board notebooks under the FYI Section.

General Contractors	173 issued	24 reinstated	
Mechanical Contractors	119 issued	46 reinstated	
Burglar Alarm (main)	7 issued	218 renewed to-date	545 active
(branch)		9 renewed to-date	23 active
(registered employees)	150 issued		
Fire Alarm (main)	4 issued	143 renewed to-date	359 active
(branch)		5 renewed to-date	10 active
Fire Sprinkler (main)	7 issued	47 renewed to-date	233 active
(branch)	1 issued	7 renewed to-date	10 active

Ms. Lineberger asked if any licensing procedures had been established to-date? Mr. Anderson replied that we have asked for procedures, but none have been provided. She then asked how long was it taking for processing an application. Mr. Anderson stated that from what we are told by applicants calling, it takes four to five weeks for processing.

*Office of Investigation and Enforcement (OIE):*

Steve Freshley reported :

**Cases under investigation or pending:** 78

**Oldest cases:** 265 days

**Youngest cases:** 5 days

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*Office of General Counsel (OGC):*

Ms. Gray presented the report for Christa Bell, Esq.

**Open Cases - 52 ; Pending cases – 31 ; Consent Agreements issued - 13;**

**Administrative Hearings Scheduled – 4; Final Order Hearings – 3; Final Orders – 2;**

**Closed – 82.**

*Financial Reports:*

Tracey McCarley, Education Coordinator for Office of Building Services, was charged to ask the Board what kind of financial reporting they want to see from the new South Carolina Enterprise Information System (SCEIS), developed by the S.C. Budget and Control Board. Ms. Lineberger asked if there was a formatted standard quarterly report? She suggested the following reports: Revenues Generated, Board and Administration Expenses, and Salaries. She asked board members to send her any other type reports that they wanted, and she would communicate it through Mr. Anderson to Mrs. McCarley.

**Advisory Opinions:**

*Sheridon Spoon*

None

**Legislative Update:**

None

**Old Business:**

At the Board's request, Mr. Freshley of OIE and Mr. Anderson will establish a log with the actual expenses occurred during investigations on each case, to be maintained and provided to the litigation attorney at the evidentiary hearing, so that the cost of investigation charges could be added to the Final Order as an addition penalty, if appropriate, and pursuant to the Administrative Procedures Act.

**New Business:**

A. Natural and LP Gas Discussion - Mr. Anderson stated that he and Gary Wiggins had been in discussions with the Residential Builders Commission and the State Fire Marshal's Office regarding who can perform what work on natural and LP gas lines. He is working with them to develop a general policy.

B. Recommendation of Investigation Review Committee:

- *May 13, 2010, IRC Recommendations:* Upon review and discussion, a motion was made.

**MOTION:**

Lewis Caswell moved to approve the IRC Recommendations of May 13, 2010. The motion was seconded by Wendi Nance and was passed.

- *June 3, 2010, IRC Recommendations:* Upon review and discussion, a motion was made. Mr. Anderson was asked to verify repeat offenders at the IRC meetings.

**MOTION:**

Frank Walker moved to approve the IRC Recommendations of June 3, 2010. The motion was seconded by Mark Plyler and was passed.

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- July 1, 2010 IRC Recommendations: Upon review and discussion, a motion was made.

**MOTION:**

Lewis Caswell moved to approve the IRC Recommendation of July 1, 2010. The motion was seconded by Wendi Nance and was passed.

**Application Hearing:**

*Anytime Heating and Cooling and William Tager, Owner/Qualifying Party.*

Micheal Anderson, Administrator for the Board, presented the renewal application of Anytime Heating and Cooling to the Board, which could not be approved at staff level due to a “yes” answer on the background questions. Mr. Tager had acknowledged the felony on his original application in the year 2000. He had been convicted of a felony in 1993 of a “leud act” and is on the National Sex Offender Registry. He received two years of probation for the above charge.

Mr. Tager was present without legal counsel. Mr. Tager and his mother, Diane Stallings were sworn to give testimony. Mr. Tager testified that he was seeing a 14 year old girl when he was 17 years old. Her parents brought charges and he was convicted of a “leud act”. He has completed probation and has no other personal issues or any charges on his license.

**MOTION:**

Lewis Caswell moved to approve the renewal application of Anytime Heating and Cooling and William Tager as Qualifying Party pending a clear SLED report and the terms of the probation being completed. He further approved the Board Administrator to be able to accept and review the SLED report without coming back to the Board. The motion was seconded by Frank Walker and passed.

The hearing was adjourned.

**Application Hearing:**

*J.E. Sessions Plumbing and John Sessions*

Micheal Anderson presented the renewal application of J.E. Sessions Plumbing to the Board. The application could not be accepted at staff level because it was submitted after the date of expiration and the 90 days allowed for reinstatement. Mr. Sessions was represented by Thad Viers, Esq.

Mr. Anderson stated that Mr. Sessions had appeared before the Board in January of 2009 to request a license without testing because he doesn't read or write well and is not computer literate, based on his years of experience and reputation in Myrtle Beach, S.C. At this time he was granted a grandfather license as a Mechanical Contractor, Plumbing classification to expire 10/31/2009.

The South Carolina Code of Laws, (1976, as amended) states in Section 40-11-250 (B) *A license which has lapsed may be renewed within ninety days from date of expiration by filing a renewal application and upon payment of renewal and late fees. An entity whose license is lapsed for failure to renew must submit an application and meet all qualifications for initial licensure to engage in construction.*

Mr. Sessions had a Mechanical Contractor's license with a Grandfathered Plumbing classification, Group 1 (PB1). He failed to submit his renewal application until received March 5, 2010. The application and check were signed January 14, 2010, but not received until after the expiration date and late periods of January 31, 2010. Therefore the above provision of the statute would require testing and an initial application.

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Mr. Viers contended that LLR accepted his check and therefore his application was accepted. However the check was not deposited until March 5, 2010. It was explained that it is the procedure of the Office of Licensure and Compliance to deposit all checks upon receipt within five days, as required by the State Treasurer. Upon further discussion, a motion was made to go into Executive Session.

**MOTION:**

Lewis Caswell moved to go into Executive Session to seek advice from legal counsel. The motion was approved by Frank Walker and was passed.

**MOTION:**

Frank Walker moved to come out of Executive Session. The motion was seconded by Lewis Caswell and was passed.

**MOTION:**

Wendi Nance moved to approve the application with the stipulation that all the requirements are met for an initial application pursuant to Section 40-11-250 (B) of the S.C. Code of Laws. The motion was seconded by Lewis Caswell and was passed.

Mr. Anderson explained to Mr. Sessions that a plumbing exam and business management & law exam must be taken and passed before he could obtain a commercial license back. A license fee of \$350.00 is also needed.

The hearing was adjourned.

**Hearing Officer's Report and Recommendations for Final Orders:**

*A+ Security Vision, LLC dba 24/7 Total Protection, Lexington, South Carolina*  
*OIE Case #: 2008-66*

Ms. Gray stated that one of the partners, Shirley Towne, had been in touch with Ms. Thurber at the Board office. Ms. Towne stated to Ms. Thurber that neither partner had received the Hearing Officer's Recommendation, and therefore requested the Final Order Hearing be continued until the next Board meeting in October. Mr. Saxon stated that the hearing should be continued because of a lack of service and the Hearing Officer Report and Recommendation be re-sent to the address of record.

*Stalvey Construction Co., Inc. and Daron K. Stalvey, Qualifying Party Case # 2009-127*

Jamie Saxon served as the Hearing Attorney. Lilia Ann Gray, Esq. represented the Hearing Officer's Recommendation for Christa Bell, Esq. who was the attorney at the evidentiary hearing for the State. Daron Stalvey was not present.

Stalvey Construction is a licensed General Contractor with a Building (BD4) classification and a licensed Mechanical Contractor with a Plumbing (PB4) classification. Mr. Stalvey was indicted on charges of tax evasion and the hiring of unauthorized aliens in March 24, 2009 and arrested on April 14, 2009. On June 4, 2009, in a Plea Agreement, Mr. Stalvey agreed to plead guilty on count one (1), charging tax evasion, a violation of Title 26, US Code Section 7201, and count two (2), charging the hiring of at least ten (10) unauthorized aliens, a violation of Title 8, U.S. Code Section 1324 (a)(3) (A).

Ms. Gray presented The Hearing Officer's Recommendation from the March 25, 2010, evidentiary hearing. The recommendation stated that the General Contractor's license CLG #108112 and the

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Mechanical Contractor's license CLM # 108593, of Stalvey Construction Co., Inc., be revoked, and a Cease and Desist Order be issued requiring the Respondent to cease and desist from engaging in the practice of general or mechanical contracting, until such time, if ever, that he may be authorized by the Board in accordance with law to practice.

**MOTION:**

Lewis Caswell moved that the Hearing Officer's Report and Recommendation be accepted. Mark Plyler seconded the motion and was passed.

The hearing was adjourned.

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

***NABS Electric and John T. Inabinet, Jr., CLM # 104283 (Inabinet Electric)  
Case # 2009-108***

James Saxon served as the Hearing Attorney. Lilia Ann Gray, Esq. presented the Hearing Officer's Recommendation, who was the attorney for the State at the evidentiary hearing held April 29, 2010. The Respondent was not present. Frank Walker recused himself as he served as the Hearing Officer at the evidentiary hearing. Ms. Gray stated that proper service had been done and mailed to the official address of record at the post office box, but was left unclaimed.

The Respondent is licensed as Inabinet Electric, not NABS Electric, and John T. Inabinet was the qualifying party for Inabinet Electric, Mechanical Contractor with an Electrical classification (EL1) Grandfather license. The Respondent's license expired 10/31/2009. The Respondent pulled a permit for a job to upgrade electrical services from a residential Phase(1) to a commercial Phase (3) for a commercial business in Columbia, S.C. at a valued cost of \$975.00. However, Mr. Michael Brown dba M.V.S. Electric contracted with the owner of the business and performed the work in question. Mr. Brown's license was limited to a grandfathered electrical residential license from the Residential Builders Commission, and thus could not obtain the necessary permit for the commercial project in question. The allegation was that Mr. Inabinet sold his license by pulling the permit to M.V.S. Electric, and M.V.S. Electric signed the contract with the owner, which is a violation of the S.C. Code of Laws, Title 40, Chapter 11 Section 110 (A)(9) Aiding and abetting an unlicensed entity to evade the provisions of Chapter 11, combined with a conspiracy with an unlicensed contractor to commit a dishonorable , unethical act.

The Hearing Officer's Recommendation was presented as follows: (1) Respondent issued a Public Reprimand and admonished the electrical work in question which required more expertise than residential Single Phase work, making the situation particularly egregious to the Board; (2) Respondent must pay a fine of \$500.00; (3) Respondent must complete the technical portion of the Contractors' examination and file proof of compliance within fifteen (15) days of completing this requirement; (4) Respondent must complete the legal portion of the Contractors' examination and file proof of compliance within fifteen (15) days of completing this requirement; (5) Failure to abide by aforementioned requirements shall present reinstatement of license; (6) To take effect upon its service to Respondent.

After a discussion, a motion was made.

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**MOTION:**

Lewis Caswell moved to approve the Hearing Officer's Report and Recommendation on Inabinet Electric and John T. Inabinet. Mark Plyler seconded the motion and was passed.

The hearing was adjourned.

**Public Comments:**

*None*

**Date of Next Meeting**

The next meeting of the Board is scheduled for Thursday, October 21, 2010, in conference room 105.

**Adjournment**

Mr. Greer moved for the meeting to be adjourned. Mr. Neely seconded the motion, which carried unanimously. The April 15, 2010, meeting of the South Carolina Contractor's Licensing Board was adjourned at 12:22 p.m.