

SOUTH CAROLINA CONTRACTORS' LICENSING BOARD

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

Minutes

Thursday, July 17, 2014

10:00 a.m.

Lewis M. Caswell, Board Chair, 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:

Lewis M. Caswell, Board Chair, called the regular meeting of the South Carolina Contractors' Licensing Board to order at 10:00 a.m. Other Board members present for the meeting included: James E. Lady, Daniel B. Lehman, Kimberly L. Lineberger, Bill Neely, Jamie C. Patterson, Legrand Richardson, Jr., W. Franklin Walker, and Charles A. White.

Staff members participating in the meeting included: Georgia Lewis, Advice Counsel; Roger Lowe, Board Administrator; Rhonda Jackson, Program Coordinator; Erin Baldwin, Office of General Counsel; Todd Bond, OIE Chief Investigator; Crystal George and Kim Long, Administrative Assistants; and Nadine Garrett, Court Reporter.

Others present participating in the meeting included: Don Ligon, Representative of Southern Craftsmen Construction, James Murphy, Jeff Imobersteg, Jamie Griffin, David Stokes, Ronald Butts, Lance Nettles and Whitney Davis.

Approval of Agenda:

Thursday July, 17, 2014

MOTION:

Mr. Richardson made a motion to approve the July 17, 2014 agenda. Mr. White seconded the motion, which carried unanimously.

Approval of Minutes:

Thursday, April 17, 2014

MOTION:

Mr. Lady made a motion that the minutes of the April 17, 2014, meeting be approved with an update to reflect his attendance at that meeting. Mr. White seconded the motion, which carried unanimously.

Chairman's Remarks:

Lewis M. Caswell

Mr. Caswell had no opening remarks and the Board moved into the Agenda.

Administrator's Remarks:

Roger Lowe, Board Administrator

Introduction of Staff

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Mr. Lowe stated the Contractors' Licensing Board was now fully staffed and introduced staff members: Rhonda Jackson, Program Coordinator; Kim Long, Crystal George, Tracy Gunter, Chanda Davis, Lee English, Carol Paquet, and Iris Perez-Gonzalez.

Board Financial Information and PSI Examination Information

Mr. Lowe reviewed the Board's financial information for the month ending June 30, 2014, and PSI examination information.

New Renewal Fees in Effect

The new General Contractor renewal fees are in effect and the change has been well received.

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

Office of General Counsel Report:

Erin Baldwin

OGC Report – Ms. Baldwin reported that the OGC currently has 77 open cases, 61 cases pending action, 2 cases pending Consent Agreements or Memorandum of Agreements, 7 cases pending disciplinary hearings, 3 cases pending Final Order hearings and no cases pending Final Orders. Since April 21, 2014, 4 cases have been closed. The case that was on appeal to the Administrative Law Court has now been decided and the Judge ordered sanctions against Simpson Security, LLC. The ruling will be posted to the LLR website. Ms. Baldwin and Advice Counsel, Ms. Lewis, thanked the Board members who have been willing to serve as hearing officers.

Ms. Baldwin stated she will begin stepping back her involvement with the Contractors' Licensing Board. Mr. Zubin Billimoria and Mr. Andrew Rogers will be responsible for the majority of the Disciplinary hearings for the Contractors' Licensing Board.

Office of Investigation and Enforcement Report:

Todd Bond

OIE Status Report - Mr. Bond reported that for the period January 1, 2014 to July 17, 2014, the OIE has received a total of 105 new complaints with 89 current active investigations. A total of 75 cases have been closed to date. The average age of active cases is 94 days.

Recommendation of Investigation Review Committee

May 20, 2014, IRC Recommendations:

MOTION:

Mr. White made a motion to accept the recommendations made by the Investigative Review Committee at the May 20, 2014, IRC meeting. Mr. Richardson seconded the motion, which carried unanimously.

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July 1, 2014 IRC Recommendations:

MOTION:

Mr. Lady made a motion to accept the recommendations made by the Investigative Review Committee at the July 1, 2014, IRC meeting. Mr. Walker seconded the motion, which carried unanimously.

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

Old Business:

Structural Framing and Concrete Classification

Mr. Neely reported on behalf of the *ad hoc* subcommittee regarding the interpretation of a 2004 memo written by Ron Galloway to clarify when an entity may bid concrete or structural framing work. He provided a copy of the original memo with changes recommended by the committee. Mr. Lowe provided an outline of the type of work General Contractors with a BD classification could and could not do.

MOTION:

Mr. Lady made a motion to approve using the subcommittee's interpretation of the law along with the guidelines provided by Mr. Lowe. Mr. Lehman seconded the motion, which carried unanimously.

Residential Building Standards Clarification

Ms. Erin Baldwin from the Office of Disciplinary Counsel stated the ODC currently does not hold General Contractors building a home to the same standards as Residential Builders. Because of this, there is a perception by the public that homes built by General Contractors may be sub-standard. The Board discussed possible solutions to this issue.

MOTION:

Mr. Walker made a motion to table the discussion until the October 16, 2014, meeting, to allow Board members time to research this matter individually. Mr. Neely seconded the motion, which carried with a vote of 5 to 3.

Request that Citation Review Hearings heard by hearing officer be approved as Final Orders

Ms. Georgia Lewis, Advice Counsel, requested that Citation Review Hearings heard by a hearing officer be approved as final orders by the hearing officer.

MOTION:

Mr. Walker made a motion to accept Ms. Lewis' recommendation. Mr. Neely seconded the motion, which carried unanimously.

New Business:

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Administrator's request to allow one ODC Counsel to attend NASCLA Conference August 25th thru 29th

Mr. Lowe informed the Board that he will not be able to attend the NASCLA Conference in August due to a scheduling conflict. He requested Mr. Andrew Rogers from the Office of Disciplinary Counsel be allowed to attend in his place.

MOTION:

Mr. Patterson made a motion to allow Andrew Rogers to attend the NASCLA Conference in place of Mr. Lowe. Mr. Richardson seconded the motion, which carried unanimously.

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Disciplinary Hearing:

Southern Craftsman Construction and Daniel J. Ligon – Case 2012-186

Mr. Daniel J. Ligon was present, waived his right to counsel and was sworn in. Ms. Erin Baldwin represented the State. Mr. Ligon presented his case to the Board and answered questions from the Board.

MOTION:

Mr. Patterson made a motion to go into executive session to seek legal advice. Mr. Richardson seconded the motion, which carried unanimously.

MOTION:

Mr. Neely made a motion to come out of executive session and back into open session. Mr. Lady seconded the motion, which carried unanimously. Mr. Caswell stated no formal actions were taken during executive session.

Ms. Baldwin stated the code violation in the Order should be updated to reflect S.C. Code Ann. 40-11-110(A)(2) and not 40-11-110 (A)(4). The corrected Order will be prepared by her office. Mr. Ligon stated he did want to proceed with his case and did not want to revoke the signed Memorandum of Agreement and Stipulation of Facts.

MOTION:

Mr. Walker made a motion to go into executive session to seek legal advice. Ms. Lineberger seconded the motion, which carried unanimously.

MOTION:

Ms. Lineberger made a motion to come out of executive session and back into open session. Mr. Lady seconded the motion, which carried unanimously. Mr. Caswell stated no formal actions were taken during executive session.

MOTION:

Mr. Neely made a motion that the Memorandum of Agreement and Stipulation of Facts submitted be upheld with the change of the code violation to 40-11-110(A)(2); and the Respondent be fined \$1,500 to be paid within 90 days. Mr. Lehman seconded the motion, which carried unanimously.

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Hearing Officer Recommendation – Final Order Hearings:

Pennyworth Homes, Inc. and Ebe Walter – Case 2011-207

W. Franklin Walker was the hearing officer in this case and recused himself. The Respondent in this case was not present. Ms. Erin Baldwin represented the State.

MOTION:

Ms. Lineberger made a motion to uphold the hearing officer's report. Mr. Lady seconded the motion, which carried unanimously.

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Application Reviews/Appeals:

Jeffery T. Imobersteg, Jr. and Rehab Pros, Inc.

Jeffery T. Imobersteg, Jr. (CQG.20940). Staff was unable to process Mr. Imobersteg's application for licensure due to a Do Not Renew/Cease & Desist Order in his file. Mr. Imobersteg was present at the hearing, waived his right to counsel, and was sworn in. Mr. Imobersteg answered questions from the Board.

MOTION:

Mr. Neely made a motion to go into executive session for legal advice. Mr. White seconded the motion, which carried unanimously.

MOTION:

Mr. Lady made a motion to come out of executive session and back into open session. Mr. Richardson seconded the motion, which carried unanimously. Mr. Caswell stated no formal actions were taken during executive session.

MOTION:

Mr. Lady made a motion to approve Mr. Imobersteg's application for licensure. Mr. Richardson seconded the motion, which carried with a vote of 6 to 2.

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

Lawrence Thomas Nettles, Jr.

Lawrence Thomas Nettles, Jr. (BFRE License Application). Staff was unable to process Mr. Nettles' application for licensure due to matters appearing on his Criminal Background Check. Mr. Nettles was present at the hearing, waived his right to counsel, and was sworn in. Mr. James Griffin was sworn in as a witness appearing on behalf of the applicant. Mr. Nettles and Mr. Griffin answered questions from the Board.

MOTION:

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Mr. Lady made a motion to go into executive session for legal advice. Mr. Neely seconded the motion, which carried unanimously.

MOTION:

Mr. Patterson made a motion to come out of executive session and back into open session. Mr. Neely seconded the motion, which carried unanimously. Mr. Caswell stated no formal actions were taken during executive session.

MOTION:

Mr. Walker made a motion to approve Mr. Nettles' application for licensure. Mr. Lehman 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.)

Public Comments:

None

Date of Next Meeting:

Thursday, October 16, 2014, Meeting Room 108

The next meeting of the SC Contractors' Licensing Board will be held Thursday, October 16, 2014, beginning at 10:00 A.M., at the Synergy Business Complex, Kingstree Bldg., Room 108, in Columbia, SC.

Adjournment:

Mr. Richardson made a motion to adjourn the meeting. Mr. White seconded the motion, which carried unanimously.

The July 17, 2014 meeting of the South Carolina Contractors' Licensing Board was adjourned at 2:10 P.M.