

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD

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

Thursday, April 18, 2019

10:00 a.m.

Mr. Lady, 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:

James Lady, Board Chair, stated that a quorum of board members were present and called the regular meeting of the South Carolina Contractor's Licensing Board to order at 10:07 a.m. Other Board members present for the meeting included: Daniel Lehman, Legrand Richardson, Jr., Lewis Caswell, Kimberly Lineberger, Frank Walker, and Scott Appleton.

Staff members participating in the meeting included: Georgia Lewis (Advice Counsel), Rhonda Jackson (Program Coordinator), Shakera Thomas (Program Assistant), Erin Baldwin (Office of Disciplinary Counsel), Maurice Smith (OIE) and Cathy Young (Court Reporter).

APPROVAL OF AGENDA:

Motion:

Mr. Appleton made a motion to approve the April 18, 2019 agenda. Mr. Walker seconded the motion, which carried unanimously.

APPROVAL OF ABSENT BOARD MEMBERS:

Mr. Lehman made a motion to approve Mr. White's absence. Mr. Walker seconded the motion which carried unanimously.

APPROVAL OF MINUTES:

Thursday, January 17, 2019

Motion:

Mr. Caswell made a motion to approve the January 17, 2019 minutes. Mr. Walker seconded the motion, which carried unanimously.

APPLICATION/LICENSE REVIEWS:

- ***RODNEY TAYLOR (Pending renewal application)***

The renewal application could not be approved at staff level. Rodney Taylor was not present.

Motion:

Mr. Walker made a motion to deny the renewal application and also issue a cease and desist. Mr. Lehman seconded the motion, which carried unanimously.

- ***CHRISTOPHER O'HARA RIVERS (Pending renewal application)***

The renewal application could not be approved at staff level. Christopher O'Hara was not present.

Motion:

Mr. Caswell made a motion to deny the renewal application. Mr. Appleton seconded the motion, which carried unanimously.

- ***DAVID LANE/CAROLINA HOMES BY LANE (Pending renewal application)***

The renewal application could not be approved at staff level. David Lane was present by phone and was not represented by counsel. There were no witnesses present.

Motion:

Mr. Walker made a motion to approve the renewal application. Mr. Appleton seconded the motion, which carried unanimously.

- ***ROBERT SOLOMON/SOUTHERN LAND & WATER (Pending reinstatement application)***

The reinstatement application could not be approved at staff level. Robert Solomon was present and was not represented by counsel. There were no witnesses present.

Motion:

Mr. Walker made a motion to approve the reinstatement application. Mr. Richardson seconded the motion, which carried unanimously.

- ***WILLIS SPIVEY/SPIVEY CONSTR CO INC (Pending renewal application)***

The renewal application could not be approved at staff level. Willis Spivey was present and was not represented by counsel. There were no witnesses present.

Executive Session Motion (IN)

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

Executive Session Motion (OUT)

Mr. Appleton made a motion to come out of executive session. Mr. Lehman seconded the motion, which carried unanimously.

Motion:

Mr. Lehman made a motion to approve the renewal application. Mr. Caswell seconded the motion, which carried unanimously.

• ***CHANDLER WEEKES/WEEKES CONSTRUCTION INC (Pending revision application)***

The revision application could not be approved at staff level. Chandler Weekes was not present.

Motion:

Mr. Walker made a motion to approve the revision application as long as the license remains in good standing at the time of renewal. Mr. Caswell seconded the motion, which carried unanimously.

HEARING OFFICER RECOMMENDATION – FINAL ORDER HEARINGS:

• ***SC PROPERTY PROS LLC/JAMES THOMPSON (CASE NO. 2017-189)***

Mr. Lehman was the hearing officer in the case and recused himself from the hearing. James Thompson was not present. Erin Baldwin, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

Mr. Appleton made a motion to accept the Hearing Officer's recommendations. Ms. Lineberger seconded the motion, which carried unanimously.

• ***ALL AMERICAN RESTORATION & PAINTING/CHRISTOPHER LEPERA (CASE NO. 2017-150)***

Mr. Lehman was the hearing officer in the case and recused himself from the hearing. Christopher Lepera was present and was not represented by counsel. Erin Baldwin, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

Mr. Caswell made a motion to accept the Hearing Officer's recommendations. Mr. Appleton seconded the motion, which carried unanimously.

• ***PARAMOUNT EXTERIORS LLC/CHRISTOPHER DAVIS (CASE NO. 2018-180)***

Mr. Lehman was the hearing officer in the case and recused himself from the hearing. Christopher Davis was not present. Erin Baldwin, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

Ms. Lineberger made a motion to accept the Hearing Officer's recommendations. Mr. Appleton seconded the motion, which carried unanimously.

• ***GETCHELL DEVELOPMENT CO/ADAM GETCHELL (CASE NO. 2016-315)***

Mr. Richardson was the hearing officer in the case and recused himself from the hearing. Adam Getchell was not present. Erin Baldwin, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Executive Session Motion (IN)

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

Executive Session Motion (OUT)

Mr. Appleton made a motion to come out of executive session. Mr. Lehman seconded the motion, which carried unanimously.

Motion:

Mr. Caswell made a motion to accept the Hearing Officer's recommendation with an amendment of the penalty to remove number 1-letter of caution. The motion was seconded, which carried unanimously.

OFFICE OF DISCIPLINARY COUNSEL (ODC REPORT)

Erin Baldwin

Ms. Baldwin reported that ODC has 51 open cases, 36 cases pending action, 1 case is pending a memorandum of agreement, 4 cases are pending disciplinary hearings, 1 case is pending advice action, 4 cases are pending final order hearings and 3 cases are pending a final order. Since January 14, 2019, 12 cases have been closed and there are 2 cases on appeal at this time.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT (OIE REPORT)

Maurice Smith

• ***February 7, 2019 IRC Recommendations for Contractors cases:***

The IRC Committee recommended 17 cases be dismissed, 15 formal complaints, 5 citations, and 1 letter of caution - a total of 38 cases.

• ***February 7, 2019 IRC Recommendations for Burglar and Fire Alarm cases:***

The IRC Committee recommended 1 case be dismissed, 1 formal complaint, and 1 citation – a total of 3 cases.

Motion:

Mr. Walker made a motion to approve the report. Ms. Lineberger seconded the motion, which carried unanimously

• ***April 3, 2019 IRC Recommendations for Contractors cases:***

The IRC Committee recommended 10 cases be dismissed, 6 formal complaints, 10 citations, and 4 letter of cautions - a total of 30 cases.

• ***April 3, 2019 IRC Recommendations for Burglar and Fire Alarm cases:***

The IRC Committee recommended 6 citations and 1 letter of caution - a total of 7 cases.

Motion:

Mr. Caswell made a motion to approve the report. Mr. Appleton seconded the motion, which carried unanimously

NEW BUSINESS

• **“Delegation of authority to Board Chair to issue cease & desist orders for unlicensed practice” – Georgia Lewis, Advice Counsel**

Ms. Lewis stated that Mr. Lady, Board Chair, has the authority to issue cease and desist orders for unlicensed practice.

Motion:

Mr. Caswell made a motion to approve. Mr. Lehman seconded the motion, which carried unanimously.

BOARD FINANCIAL INFORMATION AND PSI EXAMINATION INFORMATION

Rhonda Jackson, Program Coordinator, directed the board to the secure website for review of the documents.

DATE OF NEXT MEETING:

Thursday, July 18, 2019; 10:00 A.M., Meeting Room 108, Kingtree Building

The next meeting of the SC Contractor’s Licensing Board will be held Thursday, July 18, 2019, beginning at 10:00 A.M., at the Synergy Business Complex, Kingtree Building, Room 108, in Columbia, SC.

ADJOURNMENT:

The meeting concluded at 12:16 p.m.