

SOUTH CAROLINA CONTACTOR'S LICENSING BOARD

Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building,
Columbia, South Carolina 29210
Via/Video Teleconference
Board Minutes

Thursday, October 22, 2020

10:00 a.m.

Mr. Daniel Lehman, Board Chair, announced that public notice of this meeting was properly posted at the Synergy Business Park, Kingstree Building and on the Agency's website, and provided to all requesting persons, organizations and news media in accordance with Section 30-4-80 of the South Carolina Freedom of Information Act. As a result of the COVID-19 public health emergency, this meeting is being conducted via teleconferencing with notice given to all parties of this teleconferencing platform.

WELCOME AND CALL TO ORDER:

Mr. Lehman, Board Chair, stated that a quorum of board members were present and called the regularly scheduled meeting of the South Carolina Contractor's Licensing Board to order at 10:06 a.m. Other Board Members present for the meeting included: James Lady, Legrand Richardson, Jr., Lewis Caswell, Kimberly Lineberger, Frank Walker, and Scott Appleton.

Staff members participating in the meeting included: Bob Horner (Advice Counsel), Molly Price (Board Administrator), Maggie Castles (Program Coordinator II), Zahid Chinwalla (Program Assistant), Erin Baldwin (Assistant Disciplinary Counsel), Gabe Coggiola (Assistant Disciplinary Counsel), Christina Bell (Assistant Deputy Director- OIE), Melina Mann (General Counsel), Ron Spiker (Chief Boiler Inspector), Jack Beasley (Assistant Deputy Director- POL), Nathan Ellis (Assistant State Fire Marshal), and Sean Cary (Court Reporter),

Public Members included Stuart Weeks (Fire Sprinkler Association), John Williams (Fire Sprinkler Association), Bob Summers (Fire Sprinkler Association) and Patrick Brown (BOASC).

APPROVAL OF AGENDA

Motion:

Mr. Appleton made a motion to approve the agenda. Mr. Richardson seconded the motion, which carried unanimously.

INTRODUCTION OF BOARD MEMBERS

Mr. Lehman introduced the following board members: Frank Walker, James Lady, Kimberly Lineberger, Legrand Richardson, Jr., Lewis Caswell, and Scott Appleton. He noted that Bob Horner would be serving as Advice Counsel.

APPROVAL OF EXCUSED ABSCENCES

None

APPROVAL OF MINUTES

Mr. Appleton made a motion to approve the July 16, 2020, meeting minutes with approved changes to adding "came out of the executive session, no votes taken" language. Mr. Richardson seconded the motion, which carried unanimously.

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BOARD CHAIRMAN REMARKS – DANIEL LEHMAN

Mr. Lehman thanked everyone for their attendance via WebEx and encouraged everyone's participation.

DISCIPLINARY HEARING – FAILURE TO COMPLY WITH FINAL ORDER

Case No: 2017-55

Mr. Lehman confirmed that a quorum was present. Mr. Gagne was present and was not represented by an attorney. Erin Baldwin Esq., represented the State. All persons testifying were sworn in by the court reporter. Disciplinary hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary. There were no witnesses present for the meeting.

Motion:

Mr. Lady made a motion to put this hearing on the agenda for the next meeting and give Mr. Gagne a chance to setup payment with Gateway. If the payment was not made, then at the next Board Meeting the license may be suspended. Ms. Lineberger seconded the motion, which carried unanimously, except for Mr. Walker who abstained from voting.

FINAL ORDER HEARING – MEMORANDUM OF AGREEMENT

Case Number: 2019-24

Mr. Smith was present and was not represented by an attorney. Gabe Coggiola, Esq., represented the State. All persons testifying were sworn in by the court reporter. Disciplinary hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary. There were no witnesses present for the meeting.

Motion:

Mr. Richardson made a motion to permanently revoke the license. Mrs. Lineberger seconded the motion, which carried unanimously.

STAFF REPORTS

Office of Disciplinary Counsel

Mr. Gage Coggiola gave the case report for the Office of Disciplinary Counsel.

Mr. Coggiola reported that as of October 20, 2020 ODC has 83 open cases, 56 cases pending action, 15 cases are pending consent agreements or memorandum of agreements, 7 cases are pending disciplinary hearings, and one case is on Appeal. Since July 10, 2020, 17 cases have been closed.

Office of Investigation and Enforcement

Ms. Christa Bell introduced herself and reported that from January 2020 to October 22, 2020, 329 Contractors Licensing Board cases have been received, 123 are in active investigation, and 15 have been closed. From January 2020 to October 22, 2020, 31 Burglar/Fire complaints have been received, 10 are in active investigation, and 17 have been closed.

Investigative Review Committee (IRC) Report

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Ms. Bell reported that there have been two IRC meetings for the Contractors Licensing Board since the Board last met, one on September 2, 2020 and the other on October 6, 2020.

At the September 2, 2020 meeting there were 8 dismissal recommendations, 3 formal complaint recommendations, 2 recommendations for a formal complaint with a citation, and 1 Letter of Caution recommendation. Ms. Bell remarked that there is another report under new business that the IRC would like for the Board to consider regarding citation cases.

Motion:

Mr. Walker made a motion to approve the September 2, 2020 IRC Report. Mr. Appleton seconded the motion, which carried unanimously.

At the October 6, 2020 meeting there were 9 dismissal recommendations, 8 formal complaint recommendations, 9 recommendations for a formal complaint with a citation, and 3 Letter of Caution recommendations. Ms. Bell remarked that these reports are separate from the Burglar/Fire cases.

Motion:

Mr. Richardson made a motion to approve the October 6, 2020 IRC report. Mr. Lady seconded the motion, which carried unanimously.

At the October 6, 2020 meeting for Burglar/Fire IRC there were 4 dismissal recommendations and 4 recommendations for a formal complaint with a citation.

Motion:

Mr. Richardson made a motion to approve the October 6, 2020, IRC report for Burglar/Fire. Mr. Appleton seconded the motion, which carried unanimously.

Administrator's Report – Molly F. Price

Mrs. Price gave the Board an update about renewals for Burglar, Fire and Sprinkler Contractors and General Contractors. Moreover, she introduced Zahid Chinwalla as the new Program Assistant for the Board. She also discussed renewals and office staffing. Ms. Price also expressed to the Board that they were in need of more professional IRC members and if the Board members had any in mind to please send her names.

Mrs. Price directed the Board to the PSI Exam and Survey statistics, licensure statistics and the Board's financial report located in their materials.

NEW BUISNESS:

Change in Reporting of Citation Cases: New OIE Board Report – Christa Bell

Ms. Bell explained that OIE was changing the way citation cases are being handled as part of the IRC process. Cases that result in citation and do not need additional action, will no longer go through the full IRC review process. However, the citations will still be presented to the Board as part of the IRC report.

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She reminded the Board members that citations are public documents that are placed on the Board website.

Code of Ethics – Bob Horner

Mr. Horner led a discussion about all boards looking at the possibility of adding a Code of Ethics. There was a discussion about the Board's current Practice Act and whether or not the board members felt this profession needed to add any additional language. Mr. Lady and Mr. Appleton indicated that the contractual nature of this profession already sets a standard for ethics that supports the current Practice Act.

Motion:

Mr. Walker made the motion that the adoption of a code of ethics was not warranted at this time. The Practice Act carefully regulates contractors. Mr. Appleton seconded the motion, which carried unanimously.

OLD BUSINESS:

Residential Multipurpose Fire Sprinkler Systems (2018 SCRC P2904.1) Licensure Requirements

Mr. Stuart Weeks of the Fire Sprinkler Association expressed to the Board that he felt they had made the wrong interpretation about the licensure requirements as it pertains to code section P2904.1. Mr. John Williams expressed that he agreed with Mr. Weeks. Chief Ellis from State Fire gave detail on the code requirements for a P2904 system, and stated that technical expertise and a license as a Fire Sprinkler Contractor or Mechanical Contractor are required to install that system. He also clarified that the license should be issued by the Contractors Licensing Board, not the Residential Builders Commission.

Mr. Patrick Brown with the Building Official's Association of South Carolina commented that the inspectors of the local jurisdiction will have the authority and knowledge to inspect a system installed according to section P2904 of the International Residential Code.

Mr. Caswell indicated that he felt the Board correctly considered all elements of the requirements and does not feel the Board should change their decision. Mr. Walker agreed.

It was noted for the record that Ms. Lineberger left the meeting.

Motion:

Mr. Caswell made a motion that the Board stands by its previous interpretation and original decision from the July 16, 2020, meeting. Mr. Lady seconded the motion, which carried unanimously.

Mr. Williams spoke after the vote and voiced his concern on the impact this decision would have on Residential dwellings.

Boiler Safety Act

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Executive Session of Legal Advice

Motion:

Mr. Lady made a motion to go into Executive Session for legal advice and allow Ms. Price and staff to remain. Mr. Caswell seconded the motion, which carried unanimously.

Motion:

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

It was noted for the record that no votes or decisions were made during the executive session.

Reconsider 2018 Interpretation and Approval of Boiler Safety Regulation Taskforce

Motion:

Mr. Lady made a motion to withdraw the previous policy/interpretation regarding whether or not an HT classification can install boilers from the April 19, 2018 meeting, effective October 22, 2020. Mr. Richardson seconded the motion, which carried unanimously.

Motion:

Mr. Lady made a motion to appoint a task force to look into the issue further and nominated Mr. Richardson as Chair. He asked that Mr. Richardson be allowed to add any members he may find beneficial to the taskforce to look into the issue further and bring a recommendation back to the Board. Mr. Caswell seconded the motion, which carried unanimously.

Mr. Richardson accepted the chair position for the task force.

It was noted for the record that Mr. Lady left the meeting.

Application Hearings

Fire Protection Service Corporation. DBA Link Interactive/Valerie Valenzuela (BFRE Initial Application)

The initial BFRE application for Ms. Valenzuela could not be approved at staff level. Valerie Valenzuela was present and was not represented by legal counsel. All persons testifying were sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion:

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

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Mr. Lehman remarked that he would like to see licensed companies come and speak for the Burglar/Fire registered employees when they are required to appear for an application hearing.

Mundy Construction Inc./Tony O. Mundy Jr. (CLG Renewal Application)

The renewal application for Mundy Construction / Tony O. Mundy Jr. could not be approved at staff level. Mr. Mundy was present and represented by Mr. David Anderson, esquire. All persons testifying were sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion:

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

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Motion:

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

The meeting concluded at 2:13pm