

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 108
Columbia, South Carolina

April 21, 2022

10:00 a.m.

WELCOME AND CALL TO ORDER:

Mr. Lehman, Board Chairman, called the regularly scheduled meeting of the South Carolina Contractor's Licensing Board to order at 10:02 a.m.

Mr. Lehman 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.

Staff members in attendance: Molly Price, Board Administrator; Zahid Chinwalla, Program Assistant; Erin Baldwin, Assistant Disciplinary Counsel; Shelby Sutusky, Assistant Disciplinary Counsel; Kimberly Williams, Paralegal; Donnell Jennings, Advice Counsel; Joseph Epting, Advice Counsel; and Todd Bond, Chief Investigator.

The Court Reporter was Nadine Garrett with Creel Court Reporting.

APPROVAL OF AGENDA

Motion:

Mr. Appleton made a motion to approve the April 21, 2022, agenda. Ms. Lineberger seconded the motion, which carried unanimously.

INTRODUCTION OF BOARD MEMBERS

Mr. Lehman introduced the following board members: Legrand Richardson Jr., James Lady, Kimberly Lineberger, William Edward Gibbs, and Scott Appleton.

APPROVAL OF EXCUSED ABSCENCES

None. All board members were present.

APPROVAL OF MEETING MINUTES

Ms. Lineberger made a motion to approve the January 13, 2022, Board Meeting minutes. Mr. Appleton seconded the motion, which carried unanimously.

BOARD CHAIRMAN REMARKS – DANIEL LEHMAN

Mr. Lehman informed the Board Members that Mr. Jennings will no longer serve as Advice Counsel for the Board and that he will be the new Assistant Deputy Director of the LLR Office of Investigations and Enforcement (OIE). He wished Mr. Jennings the best in his new role and thanked him for his service to the Board. He also introduced Mr. Epting and advised the Board that he will be the interim Advice Counsel for the Board for hearings.

STAFF REPORTS

Administrator's Report – Molly Price

Ms. Price directed the Board members to the PSI exam and survey statistics, licensure statistics and financial report located in their meeting materials. Ms. Price mentioned that the 8th Edition of the *South*

Carolina Business, Law and Project Management textbook with NASCLA was now published. Any examinee will have the option of using the 7th or 8th edition textbook in the exam until September 15, 2022. After that date, examinees will be required to have the 8th edition. Ms. Price also reported that the Board's cash balance as of February 28, 2022, is \$322,139.39.

Ms. Price stated that burglar, fire, and sprinkler contractor renewals will open by April 29, 2022 and licenses will have until July 31, 2022, to renew. All active general contractor licensees have also been notified that they can submit their updated financial documentation now to help with the backlog during the August – October renewal period. To date, approximately 1,000 licensees have already submitted their financials for approval.

Ms. Price provided the board members with an update on current legislative matters and bills that have been introduced since the last board meeting. She also reiterated to the Board that the Investigative Review Committee (IRC) is looking for new members and to please let us know if they know of any qualified individuals who would like to volunteer their time to serve on the committee.

Office of Investigation and Enforcement (OIE) – Todd Bond

Mr. Bond reported that since January 1, 2022, OIE has received 160 complaints related to general and mechanical contractors. There are currently 98 active investigations and 99 cases have been closed as of April 21, 2022. For burglar alarm, fire alarm, and fire sprinkler contractors, OIE has received 11 complaints since January 1, 2022. There are currently 8 active investigations and 4 case have been closed.

Investigative Review Committee Report (IRC) – Todd Bond

Mr. Bond reported that IRC meetings were held on March 3, 2022, and April 7, 2022. For the general and mechanical contractors, the IRC recommended 19 cases for dismissal, 19 cases for Formal Complaint, 3 cases for Formal Complaint Citation and 3 cases for Letters of Caution.

Motion:

Mr. Richardson made a motion to approve the Investigative Review Committee Reports from March 3, 2022, and April 7, 2022 for general and mechanical contractors. Mr. Appleton seconded the motion, which carried unanimously.

For the burglar and fire alarm cases, the IRC recommended 1 case for dismissal and 1 case for dismissal – cease and desist.

Motion:

Mr. Appleton made a motion to approve the Investigative Review Committee Reports from March 3, 2022, and April 7, 2022 for burglar and fire alarm. Ms. Lineberger seconded the motion, which carried unanimously.

Office of Disciplinary Counsel (ODC) – Erin Baldwin

Ms. Baldwin presented the Office of Disciplinary Counsel report as of April 6, 2022.

Final Order Hearing Procedure

Ms. Baldwin explained a process for how a few other LLR boards are currently handling Final Order hearings (FOH) related to Hearing Officer hearings and asked the Board if they would consider changing their current practice for Final Order hearings and when applicable, accept a document from the

Respondent that states that they accept the Hearing Officer's recommendation and that they do not wish to move forward with a FOH. She explained that any respondent who wishes to have a Final Order hearing in front of the Board would still have the option.

Motion:

Mr. Lady made a motion to approve the Final Order Hearing Procedure. Ms. Lineberger seconded the motion, which carried unanimously.

FINAL ORDER HEARINGS – HEARING OF RECOMMENDATION

Case No: 2019-224

Mr. Richardson, board member, recused himself from the hearing, since he was the Hearing Officer in this matter. Katherine Barroll, Office of Disciplinary Counsel, represented the State. Tracey Perlman, Esquire, represented the respondent. All persons testifying were sworn in by the court reporter.

Motion:

Mr. Lady made a motion to accept the Hearing Officer Hearing Recommendation as presented. Mr. Gibbs seconded the motion, which carried unanimously.

Mr. Richardson rejoined the Board meeting after the hearing.

Motion:

Mr. Appleton made a motion to change the order of the agenda to switch 9c and then 9b. Mr. Lady seconded the motion, which carried unanimously.

Case Nos. 2019-412 and 2020-57

Mr. Richardson, board member, recused himself from the hearing, since he was the Hearing Officer in this matter. Katherine Barroll, Office of Disciplinary Counsel, represented the State. Jamie Williams, Esquire, represented the respondent. The respondent, Michelle Peay, was present for the hearing. All persons testifying were sworn in by the court reporter.

Motion:

Mr. Lady made a motion to go into Executive Session for legal advice. Mr. Gibbs seconded the motion, which carried unanimously.

Motion:

Mr. Lady made a motion to come out of Executive Session. Mr. Appleton seconded the motion, which carried unanimously.

It was noted for the record that no votes were taken during Executive Session.

Motion:

Mr. Appleton made a motion to accept the Hearing Office Hearing Recommendation as presented. Mr. Lady seconded the motion, which carried unanimously.

Mr. Richardson rejoined the Board meeting after the hearing.

Case No. 2019-209

Katherine Barroll, Office of Disciplinary Counsel, represented the State. The respondent, Paul Lindsley, was not present for the hearing. All persons testifying were sworn in by the court reporter.

Motion:

Mr. Lady made a motion to accept the Notice of Hearing as being properly served on the Respondent. Mr. Appleton seconded the motion, which carried unanimously.

Motion:

Mr. Richardson made a motion for the respondents to pay a total penalty of \$5,000 and the license be revoked until such time that the penalty is paid and he appears before the Board. Mr. Lady seconded the motion, which carried unanimously.

APPLICATION HEARINGS

Prime Performance Plumbing Ltd Co. (CLM) / Erick F. Borjas (CQM. PQ) – Initial Application

The initial application could not be approved at staff level due to information on the applicant’s Affidavit of Eligibility. Mr. Borjas was present and was not represented by counsel. A quorum of the Board was present. Kaylynn Borjas testified as a witness for the respondent. 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.

The applicant, Mr. Borjas, withdrew his Mechanical Contractor’s application and will submit another application at a later date.

Electric City Electrical Contractors, LLC. (CLM)/ Christopher Allen Bridges (CQM.PQ) – Initial Application

The initial application could not be approved at staff level due to items appearing on the criminal history report for the qualifying party applicant. Mr. Bridges was present and was not represented by counsel. A quorum of the board was present. No witnesses testified at the hearing. 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. Lady made a motion to approve the Mechanical Contractor’s application. Ms. Lineberger seconded the motion, which carried unanimously.

Capalbo Remodeling & Construction (CLG)/ Nicole L. Dingle (CQG.PQ) – Initial Application

The initial application could not be approved at staff level due to South Carolina Residential Builders Commission’s September 14, 2021 order, denying Ms. Dingle’s application to become a Residential Home Builder and questions Board staff had about her relevant experience. Ms. Dingle was present and was not represented by counsel. A quorum of the board was present. No witnesses testified at the hearing. 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 accept the General Contractor’s application. Mr. Lady seconded the motion, which carried unanimously.

Revisions Home Renovation, LLC. – DBA – RHR Builders (CLG)/ Matthew Thraikill (CQG.PQ) – Initial Application

The initial application could not be approved at staff level due to items appearing on the criminal history report for the qualifying party applicant. Mr. Thraikill was present and was not represented by counsel. A quorum of the board was present. No witnesses testified at the hearing. 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:

Ms. Lady made a motion to approve the initial General Contractor’s License Application. Mr. Richardson seconded the motion, which carried unanimously.

NEW BUSINESS

Interpretation of S.C. Code Section 40-79-220(A) – Fire Alarm System Business Branch Office and Approval of Letter to Licensees

Ms. Price stated that the Board previously made an interpretation that Fire Alarm System Branch Offices were not required to be licensed under Section 40-79-220(A) and that this category should have been removed from the renewal application when that decision was made. However, there are currently 22 active licenses for Fire Alarm System Business Branch Offices and she would like to officially close those records out and notify the licensees prior to the start of renewals.

Motion:

Mr. Richardson made a motion dispose of the active Fire Alarm System Business Branch Office licenses and send a letter to impacted licensees. Mr. Lady seconded the motion, which carried unanimously.

Interpretation of S.C. Code Section 40-79-220(C)(1) – Fire Alarm System Business Registered Employee and Approval of Letter to Licensees

Ms. Price asked the Board for clarification regarding S.C. Code Section 40-79-220(C)(1) and if that section should include registered employees for Fire Alarm System businesses. She also advised the Board that there are approximately 7,249 active Burglar/Fire registered employees and only 172 of those registered employees are registered solely with Fire Alarm licenses. There are 3,955 registered employees that are registered with companies that have a Burglar Alarm and Fire Alarm license. Ms. Price mentioned that based on the discussions she has had with Mr. Lehman and others, it appears it was never intended for the Board to register employees for the Fire Alarm licenses.

Motion:

Mr. Lady made a motion to remove and close all Fire Alarm registered employee credentials and send the notification letter to the companies. Mr. Richardson, seconded the motion, which carried unanimously.

Notice of Technical Exam Waiver Agreement Termination (AC and Heating) from Georgia Conditioned Air Division Board

Ms. Price advised the Board that the Conditioned Air Contractors Division of the Georgia Construction Industry Licensing Board sent a letter on April 8, 2022, terminating the reciprocity agreement between South Carolina and Georgia, effective April 15, 2022. She stated that this will impact licensees who have been licensed by the Air Conditioning technical examinations in both states and are seeking reciprocity.

Motion:

Mr. Richardson made a motion to continue accepting the Georgia exam for six months until the fall Board meeting and to see what the intentions are of the Georgia Conditioned Air Division Board. He would also like the Board Administrator to send a letter to them and to request to work out a new reciprocity agreement. Mr. Appleton seconded the motion, which carried unanimously.

Request for Technical Exam Waiver Agreement with North Carolina State Board of Examiners of Plumbing, Heating, & Fire Sprinkler Contractors

Ms. Price advised the Board that the North Carolina State Board of Examiners is requesting a technical exam waiver agreement for the mechanical contractor's classifications of plumbing, heating, air conditioning, and packaged equipment. She stated that if she receives approval from the Board, that she will start working with the North Carolina State Board to gather information so she can present it at the next board meeting in July 2022. The Board discussed this matter and stated that they look forward to discussing more at their next meeting.

Travel Approval for 2022 NASCLA Annual Conference in Coronado, California (August 28 – September 1, 2022)

Ms. Price requested travel approval for all relevant LLR staff and up to two board members to attend the NASCLA Annual Conference in Coronado, California.

Motion:

Mr. Richardson made a motion to approve the travel approval for the 2022 NASCLA Annual Conference for any relevant LLR members to attend and two board members. Mr. Lady, seconded the motion, which carried unanimously.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Motion:

Mr. Richardson made a motion to adjourn. Mr. Appleton seconded the motion, which carried unanimously. The meeting concluded at 1:49 p.m.

Next Meeting is Thursday, July 14, 2022 at 10:00 a.m.