

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

January 13, 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 10:03 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; Chris Elliott, Assistant Disciplinary Counsel; Alice Douglas, Paralegal; Katherine Barroll, Assistant Disciplinary Counsel; Alexis Bell, Assistant Disciplinary Counsel; Donnell Jennings, Advice Counsel; and Todd Bond, Chief Investigator.

The Court Reporter was Kathy Bonne with Creel Court Reporting.

APPROVAL OF AGENDA

Motion:

Mr. Appleton made a motion to change the order of Item 9 on the agenda for January 13, 2022 and then approve the agenda. Ms. Lineberger seconded the motion, which carried unanimously.

INTRODUCTION OF BOARD MEMBERS

Mr. Lehman introduced the Board Members.

APPROVAL OF EXCUSED ABSCENCES

Ms. Lineberger made a motion to approve Mr. Lady from the meeting. Mr. Richardson seconded the motion, which carried unanimously.

APPROVAL OF MEETING MINUTES

Mr. Appleton made a motion to approve the October 21, 2021, Board Meeting minutes. Mr. Richardson seconded the motion, which carried unanimously.

BOARD CHAIRMAN REMARKS – DANIEL LEHMAN

Mr. Lehman informed the Board Members that Mr. Walker resigned from the Board. He stated that he appreciated his service and wished him the best in his future endeavors.

STAFF REPORTS

Administrator's Report – Molly Price

Ms. Price reported that the Board's cash balance as of November 30, 2021, is \$493,842.88. She directed the Board members to the PSI exam and survey statistics, licensure statistics and financial report located in their meeting materials. Ms. Price also mentioned that mechanical contractor license renewals will close on January 31, 2022 and there are currently 710 licensees who have not renewed. She stated that burglar alarm, fire alarm, and fire sprinkler contractor renewals will begin in April 2022. She also mentioned that the general contractor license renewals will begin in August. Ms. Price briefly discussed making updates to the *Business, Law and Project Management* textbook with NASCLA for the 8th Edition. She thanked the ODC attorneys for their assistance in reviewing the document and helping her submit needed changes. She reminded board members that Statement of Economic Interest filings are due by noon on March 30, 2022.

Ms. Price provided the board members with an update on current legislative matters. Senate Bill 888, if passed, would add the option of a voluntary contribution with any renewal or initial application for general and mechanical contractors. The voluntary contribution would be made to an accredited public institution of higher learning that offers courses in building sciences and civil engineering. Senate Bill 904, if passed, would amend the definition of "Alarm Business" and other definitions to remove camera and card access alarms from the list of exclusions. If the bill is passed, companies will require a license if they offer those services. Ms. Price also provided an update on House Bill 4762, which would double the threshold for job limits for general and mechanical contractors and also changes the \$5,000 exempt amount to \$10,000.

Ms. Price is also mentioned 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 in 2021 OIE received 505 complaints related to general and mechanical contractors. There are currently 98 active investigations and 517 cases were closed in 2021. For burglar alarm, fire alarm, and fire sprinkler contractors, OIE received 19 complaints in 2021. There are currently 2 active investigations and 25 cases were closed.

Investigative Review Committee Report (IRC) – Todd Bond

Mr. Bond reported that the IRC meetings were held on November 18, 2021 and January 6, 2022. For the general and mechanical contractor cases, the IRC recommended 11 cases for dismissal, 16 cases for Formal Complaint, and 2 cases for Formal Complaint Citation.

Motion:

Mr. Appleton made a motion to approve the Investigative Review Committee Report from October 6, 2021, along with the modification to Case 2018-55. Mr. Richardson seconded the motion, which carried unanimously.

Office of Disciplinary Counsel (ODC) – Chris Elliott

Mr. Elliott presented the Office of Disciplinary Counsel report as of January 10, 2022.

MEMORANDUM OF AGREEMENT

Case No: 2019-209

Katherine Barroll, Esq., represented the State. According to the Ms. Barroll, the respondent was not well and requested a continuance for this case to the next Board Meeting in April 2022.

Motion:

Mr. Appleton made a motion that the case not be continued after the April 2022 board meeting. Ms. Lineberger seconded the motion, which carried unanimously.

FINAL ORDER HEARING – HEARING OF RECOMMENDATION

Case No(s): 2018-220, 2018-257, 2018-403

Mr. Richardson, board member, recused himself from the hearing, since he was the Hearing Officer in this matter. Chris Elliott, Esq, represented the State. The respondent, Mr. Eaker, was not present for the hearing. All persons testifying were sworn in by the court reporter.

Motion:

Mr. Appleton made a motion to accept the Hearing Officer Hearing Recommendation as presented. Ms. Lineberger seconded the motion, which carried unanimously.

Mr. Richardson rejoined the Board Meeting after the hearing.

APPLICATION HEARINGS

David Robert Anderson (CLM.112567) / David Robert Anderson (CQM. 25712 PQ) – Renewal Application

The renewal application could not be approved at staff level due to items appearing on the criminal background report for the applicant. Mr. Anderson 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 go into Executive Session for legal advice. Mr. Gibbs seconded the motion, which carried unanimously.

Motion:

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

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

Motion:

Mr. Richardson made a motion to approve the renewal of the Mechanical Contractor's application with penalties of \$1,000 for failure to disclose the shoplifting conviction and \$500 for failure to disclose a sex offender registration violation. Mr. Appleton seconded the motion, which carried unanimously.

Brandi Lee Wren (CQM.Q)/ Treat and Woodman LLC. (CLM.113474) – Adding a Qualifying Party

The application could not be approved at staff level due to items appearing on the criminal history report for the qualifying party applicant. Ms. Wren 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 approved the Mechanical Contractor's application. Mr. Appleton seconded the motion, which carried unanimously.

Gabbidon Electrical Contractors LLC. (CLM.109696)/ Leonard Gabbidon (CQM.15785 PQ) – Renewal Application

The renewal application could not be approved at staff level due to outstanding monetary judgement related to construction. Mr. Gabbidon was present and was represented by counsel, F. Douglas Banks, Esq. 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. Lineberger made a motion to go into Executive Session for legal advice. Mr. Gibbs seconded the motion, which carried unanimously.

Motion:

Mr. Richardson 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.

The respondent withdrew the renewal application and stated that they would refile another application after appropriate documents are filed with the South Carolina Secretary of State.

Hoa Xuan Pham (CQG.Q)/ Superior Blacktop Services LLC. (CLG.118204) – Adding a Qualifying Party

The application could not be approved at staff level due to items appearing on the criminal history report for the qualifying party applicant. Mr. Pham was present and was represented by Tracey E. Pearlman, Esq. 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. Lineberger made a motion to approve the initial Mechanical Contractor's License Application. Mr. Gibbs seconded the motion, which carried unanimously.

Wasson Electric (CLM. 105083)/Robert Wasson (CQM.16467 PQ) – Renewal Application and Wasson Heating and Air (CLM.111469)/Barbara Russ (CQM.24170 PQ) – Renewal Application

The renewal applications could not be approved at staff level due to outstanding monetary judgements related to construction for the applicants. Mr. Wasson and Ms. Russ were present and 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 go into Executive Session for legal advice. Mr. Appleton seconded the motion, which carried unanimously.

Motion:

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

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

Motion:

Mr. Richardson made a motion to approve both applications with the provision that on the next renewal cycle the applicants appear back before the Board and show either satisfaction of the notes or progress towards getting the notes paid off. Mr. Appleton seconded the motion, which carried unanimously.

Nicholas Paz (BFRE Initial Application) for Dish Network Service LLC. (BAC.13869-FAC.13794)

The application could not be approved at staff level due to items appearing on the criminal history report for the applicant. Mr. Paz 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. Appleton made a motion to approve the application. Mr. Gibbs seconded the motion, which carried unanimously.

Mark Wise (BFRE Initial Application) for Audio Video Outfitters LLC. (BAC.13597)

The application could not be approved at staff level due to items appearing on the criminal history report for the applicant. Mr. Wise 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. Appleton made a motion to approve the application. Mr. Richardson seconded the motion, which carried unanimously.

ELECTION OF OFFICERS

Motion:

Mr. Appleton nominated Mr. Lehman as Chair for the Board. Ms. Lineberger seconded the motion, which carried unanimously.

Motion:

Mr. Appleton nominated Mr. Richardson as Vice Chair for the Board. Ms. Lineberger seconded the motion, which carried unanimously.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Motion:

Mr. Richardson made a motion to adjourn. Mr. Gibbs seconded the motion, which carried unanimously. The meeting concluded at 2:20 p.m.

Next Meeting is Thursday, April 21, 2022 at 10:00 a.m.