

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

July 14, 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; Shelby Sutusky, Assistant Disciplinary Counsel; Alice Douglas, Paralegal; Mary League, Advice Counsel; and Todd Bond, Chief Investigator.

The Court Reporter was Sean Cary with Creel Court Reporting, Inc.

APPROVAL OF AGENDA

Motion:

Mr. Richardson made a motion to approve the July 14, 2022, agenda. Mr. Appleton seconded the motion, which carried unanimously.

INTRODUCTION OF BOARD MEMBERS

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

APPROVAL OF EXCUSED ABSCENCES

Motion:

Mr. Gibbs made a motion to approve Kimberly Lineberger's absence from the meeting. Mr. Richardson seconded the motion, which carried unanimously.

APPROVAL OF MEETING MINUTES

Mr. Richardson made a motion to approve the April 21, 2022, Board Meeting minutes. Mr. Appleton seconded the motion, which carried unanimously.

BOARD CHAIRMAN REMARKS – Daniel Lehman

Mr. Lehman, Chairman, did not make any remarks.

STAFF REPORTS

Administrator's Report – Molly Price

Ms. Price welcomed all board members to the meeting and directed them to the PSI exam and survey statistics, licensure statistics and financial report located in their meeting materials. She stated that there were currently 9,805 active licenses and registrations for Burglar Alarm, Fire

Alarm, and Fire Sprinkler contractors. From those active licenses and registrations, only 2,889 were left to renew by July 31, 2022, and roughly 2,000 of those credentials are registered employees.

Ms. Price reported that the Board's cash balance as of May 31, 2022, was \$108,471.92.

She provided the board members with an update about the upcoming General Contractor license renewal process. She stated that emails had been sent out and that licensees have already been submitting their financial statements or bond documents to board staff for review and approval, prior to the renewal period beginning on August 1, 2022. To date, nearly 2,500 licensees have submitted their financial statements or surety bonds, out of the roughly 10,718 licensees that will need to renew. She stated that she hoped this new process would help staff and licensees with processing times during the three month renewal period.

Ms. Price provided the board members with an update on bills that had been passed into law since the last meeting. Senate Bill 888 was added to law and adds Section 40-11-40 to require the Board to provide an applicant for a new, reinstatement, or renewal contractor's license an opportunity, in writing, to make a voluntary contribution to be distributed to an accredited public institution of higher learning offering courses in construction science, building science, or civil engineering. The voluntary contributions will be added to contractor's license fee and transferred to the State Treasurer and credited to the appropriate institution. The act also authorizes the LLR agency to retain 5% of the amount distributed for administrative expenses associated with the collection and distribution of funds. Ms. Price explained to the board that LLR staff were working hard to make this voluntary contribution option part of the upcoming General Contractor renewals.

In addition, she also discussed House Bill 4889, which was also passed into law. This law adds Section 40-79-215 to the South Carolina Alarm System Business Act to prohibit an alarm business or contractor, or alarm business call center, from being fined or assessed a penalty by a local government for false alarms that are not attributed to improper installations, defective equipment, or operational error by the alarm business contractor. The bill took effective on May 16, 2022.

Ms. Price reiterated to the Board that the Investigative Review Committee (IRC) is looking for new members and to please let her know if they know of any qualified individuals who would like to volunteer their time to serve on the committee. Ms. Price spoke about a potential new member, William "Bill" Rich, who has offered his time to serve the IRC. Without any objection from the board members, Mr. Rich was accepted as the new IRC member for the Contractor's Licensing Board. She stated that she would be happy to follow up with other licensees who the board members recommend as well.

Furthermore, she provided the board members with the 2023 board meeting dates and stated that the next board meeting is scheduled for October 13, 2022.

Office of Investigation and Enforcement (OIE) – Todd Bond

Mr. Bond reported that since January 1, 2022, OIE has received 295 complaints related to general and mechanical contractors. There are currently 91 active investigations and 205 cases have been closed as of July 14, 2022. For burglar alarm, fire alarm, and fire sprinkler contractors, OIE has received 16 complaints since January 1, 2022. There are currently 6 active investigations and 9 cases have been closed.

Investigative Review Committee Report (IRC) – Todd Bond

Mr. Bond reported that an IRC meeting was held on June 23, 2022. For the general and mechanical contractors, the IRC recommended 9 cases for dismissal, 17 cases for Formal Complaint, and 1 case for a Letter of Caution.

Motion:

Mr. Appleton made a motion to approve the Investigative Review Committee Reports from June 23, 2022, for general and mechanical contractors. Mr. Lady seconded the motion, which carried unanimously.

For burglar and fire alarm cases, the IRC recommended 2 cases for dismissal.

Motion:

Mr. Appleton made a motion to approve the Investigative Review Committee Report from June 23, 2022, for burglar and fire alarm. Mr. Lady seconded the motion, which carried unanimously.

Office of Disciplinary Counsel (ODC) – Shelby Sutusky

Ms. Sutusky presented the Office of Disciplinary Counsel report.

DISCIPLINARY HEARING

Case No: 2018-277

Shelby Sutusky, Office of Disciplinary Counsel, represented the State. Respondent was not present at the hearing and requested that the matter proceed in their absence. Ms. Douglas testified as a witness for the State. All persons testifying were sworn in by the court reporter.

Motion:

Mr. Appleton 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. Richardson seconded the motion, which carried unanimously.

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

Motion:

Mr. Lady made a motion to accept the Memorandum of Agreement and to dismiss the case with a Letter of Caution. Mr. Appleton seconded the motion, which carried unanimously.

APPLICATION HEARINGS

Goldman's Clearing and Site Prep, LLC. (CLM)/ Jarrod E. Goldman (CQM) – Initial Application

The initial application could not be approved at staff level due to outstanding monetary judgements related to construction. Mr. Goldman was present and was not represented by counsel. A quorum of the Board was present. 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 Mechanical Contractor's application, pending receipt of the signed release of lien being received. Mr. Gibbs seconded the motion, which carried unanimously.

Performance Heating and Air, LLC. (CLM)/John Phillip Baldwin Jr. (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. Baldwin 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 approve the Mechanical Contractor's application. Mr. Lady seconded the motion, which carried unanimously.

The Board recessed for a five minute break.

Harry Daniel Ballzigler (CLM)/ (CQM.PQ) – Initial Application

The initial application could not be approved at staff level due to the required technical examination and the South Carolina Business Management and Law for Commercial Contractors examination not being passed by the Primary Qualifying Party applicant in accordance with S.C. Code of Laws Section 40-11-230(A). Mr. Ballzigler 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 go into Executive Session for legal advice and for Ms. Price to remain. Mr. Appleton seconded the motion, which carried unanimously.

Motion:

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

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

Motion:

Mr. Lady made a motion to deny the Mechanical Contractor's application. Mr. Richardson seconded the motion, which carried unanimously.

It was noted for the record that Mr. Ballzigler would be refunded his application fee.

NEW BUSINESS

Criminal History Guidelines for New Applicants and Parameters for Board Administrator Review

Ms. Price proposed new parameters for Board Administrator review and approval of criminal history for licensure applicants. She stated that the proposed guidelines could always be changed by the Board at a later date, but it was her hope that the proposed changes could help expedite the application and approval process for some licensure applicants.

Motion:

Mr. Lady made a motion to accept the criminal history guidelines with the exception of the moral turpitude language to be removed from the second paragraph. Mr. Appleton seconded the motion, which carried unanimously.

Approved Criminal History Guidelines and Parameters for Board Administrator Review:

Where an applicant with a criminal history submits a complete application, with all required supporting documentation, the Board Administrator may review and issue a license or registration provided that the applicant has not been convicted of or pled guilty or nolo contendere to a felony within the last ten (10) years.

A misdemeanor, regardless of the age of the conviction or plea, may be reviewed and the license or registration issued by the Administrator. However, if the misdemeanor conviction or plea is within the last ten (10) years and related to a crime of sex, violence, or drugs, a Board hearing must take place.

If the Administrator is not comfortable issuing the license or registration at staff level because of the extent or nature of the applicant's criminal history, the Administrator reserves the right to bring the application to the Board for a hearing.

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

Ms. Price stated that she has been working with Dale Dawson, North Carolina State Board of Examiners of Plumbing, Heating, & Fire Sprinkler Contractors, to develop a new exam waiver agreement. She presented a draft copy to the board members for their review and stated that the exam waiver agreement would go into effect once the legal language was finalized and it was approved by the Board. Ms. Price stated that this was only a technical exam waiver agreement and licensees would still have to meet the other licensure requirements.

Motion:

Mr. Richardson made a motion accept the exam waiver agreement of North Carolina after the final draft is complete. Mr. Lady seconded the motion, which carried unanimously.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Motion:

Mr. Appleton made a motion to adjourn. Mr. Lady seconded the motion, which carried unanimously. The meeting concluded at 11:40 a.m.

Next Meeting is Thursday, October 13, 2022 at 10:00 a.m.