

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

October 13, 2022

10:00 a.m.

WELCOME AND CALL TO ORDER:

Daniel Lehman, Board Chairman, called the regularly scheduled meeting of the South Carolina Contractor's Licensing Board to order at 10:00 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; Katherine Barroll, Assistant Disciplinary Counsel; and Mary League, Advice Counsel.

The Court Reporter was Cortney Glover with Creel Court Reporting, Inc.

APPROVAL OF AGENDA

Motion:

Mr. Richardson made a motion to approve the October 13, 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, Scott Appleton, and Kimberly Lineberger.

APPROVAL OF EXCUSED ABSCENCES

All board members were present for the meeting.

APPROVAL OF MEETING MINUTES

Mr. Richardson made a motion to approve the July 14, 2022, Board Meeting minutes. Mr. Gibbs seconded the motion, which carried unanimously.

BOARD CHAIRMAN REMARKS – Daniel Lehman

Mr. Lehman asked the Board to please take a moment to recognized Jim Dewitt and his wife, of Legends Security and Sound, who had recently passed away. He stated that Mr. Dewitt was a respected member of the alarm profession and to please keep their family in our prayers.

Mr. Lehman also recognized Mr. James Lady, board member, who had submitted his resignation from the board, effective at the close of business today. He thanked him for his service to the Board and wished him well.

STAFF REPORTS

Administrator's Report – Molly Price

Ms. Price welcomed all board members to the meeting. She 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 38,208 active licensure credentials for construction managers, general contractors, and mechanical contractors as of October 10, 2022. She stated that there are 9,715 active licenses and registrations for Burglar Alarm, Fire Alarm, and Fire Sprinkler contractors as of October 10, 2022.

Ms. Price provided the Board with an update on licensure renewals thus far for Alarm Businesses and General Contractors. She stated that she was very pleased with the progress of renewals and licensees utilizing the Agency's online services.

Ms. Price spoke about the voluntary contributions law that went into effect on July 15, 2022, and how it has been implemented into the renewal application process. As of October 4, 2022, the Board has collected approximately \$11,000 for accredited public institutions of higher learning offering courses in construction science, building science or civil engineering. She stated that the voluntary contribution option will also be implemented on the initial applications at the beginning of next year.

Ms. Price reported that the Board's cash balance as of September 30, 2022, was \$472,275.01.

Ms. Price informed the Board that the Carolinas Association of General Contractors has formed a committee to review the Board's statutes for potential changes. She stated that she has served the committee in an advisory role to answer any questions they may have about the administrative processes of licensure. So far, there have been three committee meetings and they will have a meeting in the next two weeks to continue the process. Mr. Appleton requested to see the committee's recommendations prior to the legislative process. Ms. Price stated that the Association has made it clear that they appreciate the Board's input and will hopefully have a draft available soon.

She also reminded the Board about the Board appointment Committee that is looking over the Alarm System Business Act. She stated that they will have their first meeting on November 10, 2022. Mr. Lehman asked if any of the Board members would like to participate as part of the committee.

Office of Investigation and Enforcement (OIE) – Molly Price

Ms. Price provided the OIE report on behalf of Mr. Bond. She reported that from January 1, 2022, to October 13, 2022, OIE has received 488 complaints related to general and mechanical contractors. There are currently 93 active investigations and 362 cases have been closed as of October 13, 2022. For burglar alarm, fire alarm, and fire sprinkler contractors, OIE has received 22 complaints since January 1, 2022. There are currently 8 active investigations and 14 cases have been closed.

Investigative Review Committee Report (IRC) – Molly Price

Ms. Price gave the IRC reports for Mr. Bond. She reported that IRC meetings were held on August 18, 2022, and October 4, 2022. For the general and mechanical contractors, the IRC recommended 23 cases for dismissal, 24 cases for Formal Complaint, 5 cases for formal complaints with citations and 4 cases for a Letters of Caution.

For burglar and fire alarm cases, the IRC recommended 1 case for dismissal, 1 case for dismissal with a Cease and Desist, 2 formal complaints, and 1 formal complaint with a citation.

Motion:

Mr. Appleton made a motion to approve the Investigative Review Committee Reports from August 18, 2022 and October 4, 2022, for general and mechanical contractors, and burglar and fire alarm. Ms. Linebeger seconded the motion, which carried unanimously.

Office of Disciplinary Counsel (ODC) – Katherine Barroll

Ms. Barroll presented the Office of Disciplinary Counsel report.

DISCIPLINARY HEARING- Final Order Hearing

Case No: 2019-409

Katherine Barroll, Office of Disciplinary Counsel, represented the State. The Respondent was present at the hearing and was not represented by counsel. All persons testifying were sworn in by the court reporter.

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. Lady seconded the motion, which carried unanimously.

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

Motion:

Mr. Appleton made a motion to accept the Memorandum of Agreement and assess a penalty of \$500.00 for Item B and \$500.00 for Item C for a total amount of \$1000.00. The payment will be due within 60 days from the date of the final order. In addition, the company would be publicly reprimanded. Mr. Lady seconded the motion, which carried unanimously.

The Board recessed for a five-minute break.

APPLICATION HEARINGS

AW Electrical (CLM)/ Phillip A. Wucherer (CQM.PQ) – Initial Application

The initial mechanical contractor application could not be approved at staff level due to items appearing on the criminal history report for the qualifying party applicant. Mr. Wucherer 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. Lady made a motion to approve the Mechanical Contractor application. Mr. Richardson seconded the motion, which carried unanimously.

Vincent Howard (BFRE) – Registered Employee Application for Safe Home Security Services, LLC. (BAC.13574)

Mr. Howard's Registered Employee application could not be approved at staff level due to items appearing on his criminal history report. Mr. Howard was present and was not represented by counsel.

Jim Dodd, qualifying party for the company, was also present at the hearing and testified as a witness. 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. Lady made a motion to go into Executive Session for legal advice. Ms. Linebeger 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 no votes were taken during Executive Session.

Motion:

Mr. Lady made a motion to approve Registered Employee application. Ms. Linebeger seconded the motion, which carried unanimously.

Kaufman Lynn Construction, Inc. (CLG.) / Brian W. Fish (CQG.27478 PQ) – Initial Application

The initial general contractor application could not be approved at staff level due to the company not meeting the required minimum net worth of \$250,000 in the provided audited financial statement, as required in South Carolina Code Ann Section 40-11-260 (A)(5)(b), or not providing a Surety Bond in lieu of required financial. Mr. Fish, qualifying party applicant, 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.

Mr. Fish withdrew the company application prior to a Board decision.

It was noted for the record that the company would be refunded the application fee, if they requested it at a later date.

OLD BUSINESS

Technical Exam Waiver Agreement Termination (AC and Heating) from Georgia Condition Division Board

Ms. Price was notified on April 8, 2022, that the Georgia Condition Division Board was terminating their reciprocity agreement with South Carolina for AC and Heating. At the April 2022 Board meeting, the Board made a motion to accept the Georgia exam for six months until the Fall Board meeting to see what their intentions were from the Georgia Condition Air Division Board. Ms. Price received a response from the Executive Director of their Board on October 11, 2022, that they were still looking into the matter and would the main concern was Georgia not currently having a Business and Law Exam for applicants who want to use the reciprocity agreement. In the State of South Carolina, all applicants are required to take the South Carolina Business, Law, and Management Exam for Commercial Contractors, regardless of whether the Board has a reciprocity agreement or not with another State.

Motion:

Mr. Richardson made a motion to continue accepting the Georgia Unrestricted Conditioned Air and Heating Exam for the purposes of our Air Condition (AC) and Heating (HT) Classification, in spite of the fact that Georgia has withdrawn reciprocity with us. Mr. Gibbs seconded the motion, which carried unanimously.

Ms. Janet Baumberger, South Carolina Residential Builders Commission, Administrator, attended the meeting.

NEW BUSINESS

Review and Approval of updated Residential Construction Standards

Ms. Baumberger informed the Board members that the Residential Builders Commission has recently updated the Residential Construction Standard. She stated that Stacey Hewson, Advice Council for the SC Residential Builders Commission, reviewed the standards and took into consideration other areas and from other states, to provide an update on some materials that are currently used that were not listed in the book previously. She reminded Board members that the construction standards are purely used by the investigators in the Office of Investigators and Enforcement within the agency for cases that involve substandard work.

Ms. Price advised the Board that the previous Residential Construction Standards were approved in 2015 for use by the Contractor's Board investigators.

Motion:

Mr. Richardson made a motion to adopt the most current version and any subsequent revisions to the residential construction standards. Mr. Appleton seconded the motion, which carried unanimously.

Ms. Bamberger left the board meeting.

2022 Regulatory Review

Ms. Price informed the Board that it is a standard practice of all boards to conduct a regulatory review every five years. Ms. Price went through the Board's previous Regulatory Review Report from 2017 and stated that she was pleased that everything that they wanted to change had been completed legislatively in 2020.

Motion:

Mr. Lady made a motion to authorize the Board Chair to sign a report, indicating no changes to the Chapter 29 regulations: 29-1, 29-3, 29-7, 29-8, 29-9, 29-12, 29-13, and 29-14, to revise 29-5 to confirm to the statute regarding the bond, 29-10 to update general cleanup, to address HT and Boiler Classifications, and for Chapter 71 to defer to the boiler committee that is created and make recommendations, subject to any scrivener's errors, or board administrative changes. Mr. Appleton seconded the motion, which carried unanimously.

PUBLIC COMMENTS

Mr. Lady stated that it has been a privilege to serve the Board since 2011 and he truly feels like he has done something to make a difference for the State.

The Board members all thanked Mr. Lady for his service.

ADJOURNMENT

Motion:

Mr. Richardson made a motion to adjourn. Mr. Appleton seconded the motion, which carried unanimously. The meeting concluded at 12:56 p.m.

The next meeting is scheduled for Thursday, January 26, 2023, at 10:00 a.m.