

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

January 26, 2023

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, Kingtree 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, Administrative Coordinator; Alexis Bell, Assistant Disciplinary Counsel; and Mary League, Advice Counsel.

Public members in attendance: Paul Calvo, Paul Calvo School of Contractors

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

APPROVAL OF AGENDA

Motion:

Mr. Richardson made a motion to approve the January 26, 2023, agenda. Mr. Appleton seconded the motion, which carried unanimously.

INTRODUCTION OF BOARD MEMBERS

Mr. Lehman introduced the following board members: Legrand Richardson Jr., 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. Appleton made a motion to approve the October 13, 2022, Board Meeting minutes. Ms. Lineberger seconded the motion, which carried unanimously.

Ms. Price informed the board that she did not include the Committee Meeting Minutes for Burglar Alarm Committee Meeting from November 10, 2022, and will include them in the April 2023 Board Meeting.

BOARD CHAIRMAN REMARKS – Daniel Lehman

Mr. Lehman did not make any remarks.

STAFF REPORTS

Administrator's Report – Molly Price

Ms. Price welcomed all board members to the meeting. She provided an update to the board members as it relates to the construction on the first floor of the Kingtree Building. She also mentioned that the administrative offices have moved over to the Congaree Building. Ms. Price informed the board

members of the new planned layout for larger conference rooms at the Kingstree Building on the first floor and the potential change of room numbers for future board meetings.

She directed them to the PSI exam and survey statistics, licensure statistics, financial report, and voluntary contributions report located in their meeting materials. Ms. Price stated that she has also been working with PSI to update the exams to the new state adopted codes.

She provided board members with an update on General Contractor license renewals. She stated that licensees who failed to renew by the October 31, 2022, renewal deadline had until January 31, 2023, to renew their license before they are required to submit a reinstatement application. Currently there are 1,167 lapsed licensees who can still renew before the deadline.

Ms. Price reminded everyone that Statement of Economic Interest filings for all board members are due by March 30, 2023. She stated that Mr. Chinwalla will provide the 2022 travel report to the Board members, once he receives it from the LLR finance department.

Ms. Price provided board members with a brief legislative update on bills that are currently pending. She also stated that she was continuing to work with the Carolinas AGC committee in their process of requesting statutory changes and that she would update the Board on their progress at the next meeting.

She informed everyone that the next meeting will be in April 20, 2023.

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 December 31, 2022, OIE received 592 complaints related to general and mechanical contractors and closed 461 cases. She stated that as of December 31, 2022, there were 87 active investigations in OIE.

From January 1, 2022, through December 31, 2022, OIE received 26 complaints for burglar, fire and fire sprinkler contractors, and closed 19 cases. There are currently 8 active investigations.

From January 1, 2023, through January 26, 2023, 25 complaints were received for general and mechanical contractors. 7 cases were closed during that time period and there are currently 89 active investigations.

From January 1, 2023 through January 26, 2023, 1 complaint was received for burglar, fire and fire sprinkler contractors and no cases were closed. There are currently 8 active investigations.

Investigative Review Committee Report (IRC) – Molly Price

Ms. Price gave the IRC reports for Mr. Bond. She reported that IRC meetings were held on November 17, 2022, and January 12, 2023. For the general and mechanical contractors, the IRC recommended 29 cases for dismissal, 23 cases for formal complaint, 4 cases for formal complaints with citations, and 1 case for a letter of caution.

For burglar, fire and fire sprinkler contractors, the IRC recommended 1 case for dismissal.

Motion:

Mr. Appleton made a motion to approve the Investigative Review Committee Reports from November 17, 2022, and January 12, 2023, for general and mechanical contractors, and burglar and fire alarm. Mr. Gibbs seconded the motion, which carried unanimously.

Office of Disciplinary Counsel (ODC) – Alexis Bell

Ms. Bell presented the Office of Disciplinary Counsel report.

DISCIPLINARY HEARING- Final Order Hearing

Case No: 2021-364

Alexis Bell, Office of Disciplinary Counsel, represented the State. The Respondent was present at the hearing and was represented by counsel, Jarrd Garracx, Esq. All persons testifying were sworn in by the court reporter. In accord with Board confidentiality statutes, the hearing is closed.

Motion:

Mr. Richardson made a motion to go into Executive Session for legal advice. Ms. Lineberger seconded the motion, which carried unanimously.

Motion:

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

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

Motion:

Mr. Richardson made a motion to dismiss the citation and give a verbal caution to the respondent. Ms. Lineberger seconded the motion, which carried unanimously.

Case No: 2020-331

Alexis Bell, Office of Disciplinary Counsel, represented the State. The Respondent was present at the hearing and was represented by counsel. All persons testifying were sworn in by the court reporter. In accord with Board confidentiality statutes, the hearing is closed.

Motion:

Ms. Lineberger made a motion to go into Executive Session for legal advice. Mr. Richardson seconded the motion, which carried unanimously.

Motion:

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

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

Motion:

Mr. Richardson made a motion that the respondent has admitted for violations 40-110-A(1), 40-110-A(4), 40-110-A(6). The company is issued \$500.00 per violation for each of the three violations and must pay the violations within sixty days from the date of the final order along with a public reprimand. Ms. Lineberger seconded the motion, which carried unanimously.

The Board recessed for a five-minute break.

Case No: 2021-88

Alexis Bell, 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. In accord with Board confidentiality statutes, the hearing is closed.

The hearing will not proceed since the respondent did not agree to the Memorandum of Agreement (MOA)/ Stipulation of Facts (SOF). The case is continued and will be scheduled for a Hearing Officer Hearing.

Case No: 2021-212

Alexis Bell, 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. Mr. Appleton recused himself from the hearing since he was the Hearing Officer in this matter. In accord with Board confidentiality statutes, the hearing is closed.

Motion:

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

Motion:

Mr. Gibbs made a motion to come out of Executive Session. Ms. Lineberger seconded the motion, which carried unanimously.

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

Motion:

Mr. Richardson made a motion to uphold the hearing officer recommendation. Ms. Lineberger seconded the motion, which carried unanimously.

After the hearing was completed, Mr. Appleton rejoined the Board Meeting in open session.

APPLICATION HEARINGS

Atlanta Wall Street Company (CLG.122728)/ Irwin D. Wilson (CQG. 30254 PQ) – Renewal Application

Applications for renewal, construction manager, and name revision could not be approved at staff level due to items appearing on the criminal history report for the qualifying party applicant. Mr. Wilson 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 go into Executive Session for legal advice and asked the Board Administrator to remain. Mr. Gibbs seconded the motion, which carried unanimously.

Motion:

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

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

The Respondent, Mr. Wilson withdrew his applications.

LGCY Installation Services, LLC (CLG.123941)/Mark Cram (CQG.32092 PQ) – Renewal Application

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. Jasmine Sullivan also testified as a witness for the respondent. 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. Lineberger 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. Lineberger seconded the motion, which carried unanimously.

KC Construction (CLG.115585) and Casey Laymon (CQG.23839 PQ) – Renewal Application

The general contractor renewal application could not be approved at staff level due to the company having outstanding monetary judgements related to construction. Mr. Laymon, qualifying party, was present and was represented by counsel, John Martin Foster, Esq. Mr. Lehman, Chairman, recused himself from the application hearing. 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. Appleton made a motion to go into Executive Session for legal advice. Ms. Lineberger seconded the motion, which carried unanimously.

Motion:

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

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

Motion:

Ms. Lineberger made a motion to approve the renewal application. Mr. Gibbs seconded the motion, which carried unanimously.

Mr. Lehman rejoined the Board after the hearing.

The Board recessed for a five-minute break.

GABBIDON DESIGN BUILD (CLG.107640)/ LEONARD GABBIDON (CQG.15785 PQ) – Renewal Application

The general contractor renewal application could not be approved at staff level due to disciplinary action taken against Mr. Gabbidon’s North Carolina General Contractor license and Qualifier status in April 2022. In addition, Mr. Gabbidon failed to provide evidence of the required net worth for licensure renewal in South Carolina. Mr. Gabbidon, qualifying party applicant, was present and was represented by counsel, Floyd Douglas Banks, Esq. 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 go into Executive Session for legal advice. Ms. Lineberger seconded the motion, which carried unanimously.

Motion:

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

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

Motion:

Ms. Richardson made a motion to deny the renewal application. Ms. Lineberger seconded the motion, which carried unanimously.

Mr. Lehman explained that the denial was based on an inability of the Board to determine if Applicant met the net worth requirement for license renewal, or to determine what legal entity the company is.

ELECTION OF OFFICERS

Ms. Price opened the floor for nominations for Board Chairman

Motion:

Mr. Richardson made a motion to nominate Mr. Lehman, as Chairman to the Board. Mr. Appleton seconded the motion, which carried unanimously.

Motion:

Mr. Lehman opened the floor for nominations for Vice Chairman for the South Carolina Contractor’s Licensing Board.

Motion:

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

PUBLIC COMMENTS

Mr. Paul Calvo, Paul Calvo School for Contractors, briefly introduced himself to the Board. He also explained the services that his school provides to new applicants who want to be general and mechanical contractors.

ADJOURNMENT

Motion:

Mr. Richardson made a motion to adjourn. Mr. Appleton seconded the motion, which carried unanimously. The meeting concluded at 3:27 p.m.

The next meeting is scheduled for Thursday, April 20, 2023, at 10:00 a.m.