

**MINUTES**  
**South Carolina Contractor's Licensing Board**  
**Board Meeting**  
**April 20, 2023, 10:00 a.m.**

April 20, 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 10:04 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, Administrative Coordinator; Katherine Barroll, Assistant Disciplinary Counsel; Chris Elliott, Assistant Disciplinary Counsel; Alexis Bell, Assistant Disciplinary Counsel; Maurice Smith, Investigator IV; and Mary League, Advice Counsel.

There were no public members in attendance.

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

**APPROVAL OF AGENDA**

**Motion:**

Mr. Appleton made a motion to approve the April 20, 2023, agenda, with modification to the date in Item 6c and deletion of Item 10c. Ms. Lineberger 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 November 10, 2022, Alarm System Regulatory Review Committee Meeting minutes. Mr. Gibbs seconded the motion, which carried unanimously.

Mr. Appleton made a motion to approve the January 26, 2023, Board Meeting minutes. Ms. Lineberger seconded the motion, which carried unanimously.

Mr. Appleton made a motion to approve the April 4, 2023, Alarm System Regulatory Review Committee Meeting minutes. Ms. Lineberger seconded the motion, which carried unanimously.

**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 notified the board members about the procedure of accessing the meeting materials documents and that they can always reach out to Mr. Chinwalla or herself if they need assistance.

She directed the board members to the PSI exam and survey statistics, licensure statistics, financial report, and voluntary contributions report located in their meeting materials.

Ms. Price informed the board members that staff were already working hard to prepare for mechanical contractor renewals that will open in August 2023 and that the automated e-mail will be sent to licensees soon so that they can start submitting their financial statement for approval.

She also provided board members with a brief legislative update on bills that are currently pending. Ms. Price provided information about House Bill 4115 that passed the House on April 6, 2023, and was referred to the Committee on Labor, Commerce, and Industry with the South Carolina Senate.

She stated that the Alarm System Regulatory Review Committee has been working with the Alarm Association on determining any administrative issues with the Practice Act. They are also working to identify areas of statute that may need additional clarification or changes.

Ms. Price notified everyone that the next board meeting will be on July 20, 2023.

### **Office of Investigation and Enforcement (OIE) – Maurice Smith**

Mr. Smith provided the OIE report. He reported that from January 1, 2023, to April 20, 2023, OIE received 198 complaints related to general and mechanical contractors and closed 107 cases. He also informed the board members that as of April 20, 2023, there were 72 active investigations in OIE.

From January 1, 2023, through April 20, 2023, OIE received 9 complaints for burglar, fire alarm, and fire sprinkler contractors, and closed 4 cases. There were 6 active investigations.

### **Investigative Review Conference Report (IRC) – Maurice Smith**

Mr. Smith presented the board members with the IRC reports. He reported that IRC meetings were held on March 9, 2023, and April 6, 2023. For the general and mechanical contractors, the IRC recommended 29 cases for dismissal, 29 cases for formal complaint, 17 cases for formal complaints with citations, and 2 cases for a letter of caution.

For burglar, fire alarm and fire sprinkler contractors, the IRC recommended 6 cases for formal complaint with citations.

### **Motion:**

Mr. Appleton made a motion to approve the Investigative Review Conference Reports from March 9, 2023, and April 6, 2023, for general and mechanical contractors, and burglar and fire alarm. Ms. Lineberger seconded the motion, which carried unanimously.

Mr. Smith left the board meeting.

### **Office of Disciplinary Counsel (ODC) – Chris Elliott**

Mr. Elliott presented the Office of Disciplinary Counsel report.

### **Waiver of Final Order Hearing Report (ODC) – Chris Elliott**

Mr. Elliott presented the Final Order Hearing Report to the board members for approval.

### **Case Nos: 2019-30 and 2019-259**

Mr. Richardson recused himself from the room, since he was the Hearing Officer for these cases.

#### **Motion:**

Ms. Lineberger made a motion to adopt the Hearing Officer Recommendation for Case Nos. 2019-30 and 2019-259. Mr. Appleton seconded the motion, which carried unanimously.

Mr. Richardson rejoined the Board Meeting.

### **Case No: 2017-282**

Mr. Appleton recused himself from the room, since he was the Hearing Officer for this case.

#### **Motion:**

Ms. Lineberger made a motion to adopt the Hearing Officer Recommendation for Case No. 2017-282. Mr. Gibbs seconded the motion, which carried unanimously.

Mr. Appleton rejoined the Board Meeting.

Mr. Smith and Mr. Elliott left the Board Meeting.

### **DISCIPLINARY HEARING- Final Order Hearing**

#### **Case No: 2020-337**

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 was closed.

#### **Motion:**

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

#### **Motion:**

Ms. Lineberger 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. Appleton made a motion to accept the Memorandum of Agreement and Stipulation of Facts and issue to the respondents, a civil penalty of \$500.00 for both violations, 40-11-110(A)(2) and 40-11-110(A)(3) to be paid in 30 days of the date of receipt of the final order and issue a formal reprimand. Ms. Lineberger seconded the motion, which carried unanimously.

If the Respondent wishes to appeal this Order, they must appeal to the Administrative Law Court within 30 days from receipt of the Order. This concluded the hearing.

Ms. Bell left the Board Meeting.

**Case No: 2020-71**

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. In accord with Board confidentiality statutes, the hearing was 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. Mr. Gibbs 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 accept the Memorandum of Agreement and find the respondent in violation of 40-11-110-A(1) and 40-11-110-A(6) in that they made a misrepresentation of material fact and obtaining a license certificate by failing to disclose a judgement related to construction on their Contractor's Licensing Board (CLB) reinstatement application, failing to disclose a suspension of the license with another licensing board on their 2016 CLB application, and failing to disclose a different judgement related to construction on the most recent renewal application. He further moved to issue the company a public reprimand and a \$1,000.00 fine and such fine to be paid in full, prior to reinstatement or issuance of a license by the Board. Mr. Appleton seconded the motion, which carried unanimously.

If the Respondent wishes to appeal this Order, they must appeal to the Administrative Law Court within 30 days from receipt of the Order. This concluded the hearing.

**Case Nos: 2020-21 and 2020-36**

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

**Motion:**

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

**Motion:**

Mr. Richardson 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 uphold the hearing officer recommendation and denying the motion to dismiss, and there is sufficient evidence to uphold the hearing officer recommendation even though the respondent presence was not there. Mr. Gibbs seconded the motion, which carried unanimously.

If the Respondent wishes to appeal this Order, they must appeal to the Administrative Law Court within 30 days from receipt of the Order. This concluded the hearing.

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

The Board recessed for a comfort break.

### **APPLICATION HEARINGS**

#### **Vivint Inc. (BAC.5569, FAC.3437)/ Lester Gobeli (BFS.21881. BAQ) – Renewal Application**

The applications for renewal could not be approved at staff level, due to disciplinary action that occurred against the company's license, certification, or registration in another jurisdiction. The licensee was present and was represented by Mitchell Willoughby, Esquire. Mr. Gobeli, Mr. Garen and Mr. Harrison were witnesses for the hearing and testified on behalf of 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. 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. Gibbs 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 accept the renewal application. Mr. Appleton seconded the motion, which carried unanimously.

#### **Rush Air (CLM)/Jamie Berry (CQM.32092 PQ) – Reinstatement Application**

Mr. Berry's reinstatement application could not be approved at staff level due to items appearing on his criminal history report. Mr. Berry was present and was not represented by counsel. Ms. Fagust, and Ms. Clark testified as witnesses for the applicant. 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 reinstatement application. Ms. Lineberger second the motion, which carried unanimously.

#### **Mechanical Construction Services, Inc. (CLG.109414/CLM.106935) / Brad Nelson (CQG/CQM) – Reinstatement Application**

The general and mechanical contractor renewal application could not be approved at staff level due to the company providing false information on their 2020 renewal application for the General Contractor's License and failure to notify the Contractor's Licensing Board of the Qualifying Party's disassociation with the company within fifteen days per S.C. Code Ann 40-11-230(B)(3). Mr. West signed a 30 day

waiver before hearing. Mr. Gary Stewart, respondent, appeared before the Board to represent the company. He was not represented by counsel.

**Motion:**

Mr. Gibbs made a motion to approve the General Contractors License and Mechanical Contractors License of the company. Ms. Lineberger seconded the motion, which carried unanimously.

The Board recessed for a comfort break.

**Construction Up, LLC. – (CLG.123058)/Kenny Kyei (CQG.26782) – Renewal Application**

The general contractor renewal application could not be approved at staff level due to Mr. Novellino's failure to disclose information on his initial General Contractor licensure application dated September 22, 2020. Company representatives and qualifying party, Mr. Kyei, were present and represented by counsel, Tracy R. Perlman, Esq. A quorum of the Board was present. Mr. Novellino was a witness and testified on behalf of the applicant. 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 approve the renewal application subject to a \$1,000.00 penalty for failing to provide a complete and accurate application, subject to payment within 30 days of the order. Ms. Lineberger seconded the motion, which carried unanimously.

**PUBLIC COMMENTS**

There were no public comments.

**ADJOURNMENT**

**Motion:**

Mr. Richardson made a motion to adjourn. Ms. Lineberger seconded the motion, which carried unanimously. The meeting concluded at 2:26 p.m.

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