

MINUTES
South Carolina Contractor's Licensing Board
Board Meeting
October 19, 2023, 10:00 a.m.

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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 9:59 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, Program Director; Zahid Chinwalla, Administrative Coordinator; Chris Elliott, Assistant Disciplinary Counsel; Clark Grady, Investigator, Office of Investigations and Enforcement (OIE) Maurice Smith, Investigator IV; Marcie Greene, Advice Counsel; Jonathan Eversfield, Administrative Assistant.

Public members in attendance were William Horne and Jeff Ball with the Town of Mount Pleasant, South Carolina.

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

APPROVAL OF AGENDA

Motion:

Mr. Appleton made a motion to approve the October 19, 2023, agenda. Ms. Lineberger seconded the motion with carried unanimously.

INTRODUCTION OF BOARD MEMBERS

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

APPROVAL OF EXCUSED ABSCENCES

There were no excused absences

APPROVAL OF MEETING MINUTES

Ms. Lineberger made a motion to approve the July 20, 2023, Board Meeting minutes. Mr. Appleton seconded the motion, which carried unanimously.

BOARD CHAIRMAN REMARKS – Daniel Lehman

Mr. Lehman welcomed everyone to the Board Meeting.

STAFF REPORTS

Program Director's Report – Molly Price

Ms. Price introduced Jonathan Eversfield, Administrative Assistant. She also advised the board members about the board executive position hiring search and the program area restructure.

She provided an update on the temporary swimming pool licenses. She stated that there were 160 temporary licenses that issued beginning on August 1, 2023. The application cutoff for the licenses was September 30, 2023. All applicants have six months from the date they were issued the license to pass the appropriate exams and submit their request to become fully licensed. Five temporary licensees have been approved to obtain their General Contractor license with the swimming pools classification.

She directed the Board members to the cash report and licensure statistics that were provided in the meeting materials. Since July 11, 2023, board staff have issued 150 mechanical contractor licenses and 175 general contractor licenses. 4,154 Mechanical Contractors have renewed their licenses through October 31, 2025 and there are 3,503 Mechanical Contractors who still need to renew their licenses by October 31, 2023. Late renewals will run through January 31, 2024, but all licenses not renewed by October 31, 2023, will be lapsed. She also informed the board members that there have been no major issues with renewals and the financial charges, but she noticed an increase in surety bonds during this renewal period. She stated that she will run some bond statistics and present them at the next board meeting.

Ms. Price briefly reviewed the PSI exam and survey statistics. She stated that as of September 8, 2023, there is a new roofing exam, updating swimming pools exam, and changes submitted for the limited building examination. She will continue reviewing the exams with PSI's subject matter experts over the coming months and notify any issues to the Board.

Ms. Price notified everyone that the next board meeting will be held on January 25, 2024.

Office of Investigation and Enforcement (OIE) Report – Maurice Smith

Mr. Smith reported that from January 1, 2023, through October 12, 2023, OIE received 396 complaints related to general and mechanical contractors. In addition, they currently have 53 active investigations and they have closed 284 cases.

From January 1, 2023, through October 12, 2023, OIE received 14 complaints for burglar alarm, fire alarm and fire sprinkler contractors. In addition, they currently have 4 active investigations have closed 9 cases.

Investigative Review Conference Report (IRC) – Maurice Smith

Mr. Smith reported that at their meeting on October 4, 2023, the IRC recommended 22 cases for dismissal, 19 cases for formal complaint, 8 cases for formal complaint with citations, and 2 cases for a letter of caution.

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

Motion:

Mr. Appleton made a motion to dispose of the matters per the IRC Report from October 19, 2023. Mr. Gibbs seconded the motion, which carried unanimously.

Mr. Smith left the board meeting.

Office of Disciplinary Counsel (ODC) – Chris Elliott

Mr. Elliott presented the ODC report to the board members.

DISCIPLINARY HEARING - Final Order Hearing

Case Nos: 2023-5, 2023-6, and 2023-7

Chris Elliott, Office of Disciplinary Counsel, represented the State. The Respondent was not present at the hearing. All persons testifying were sworn in by the court reporter. In accordance with Board confidentiality statutes, the hearing was closed. Mr. Richardson recused himself from the hearing.

Mr. Lehman moved to enter exhibits in the case.

Motion:

Mr. Appleton made a motion to approve the Hearing Officer's Recommendation. Mr. Gibbs seconded the motion, which carried unanimously.

Mr. Elliott left the meeting. Mr. Richardson rejoined the meeting.

APPLICATION HEARINGS

Dynasty Plumbing LLC (CLM) / Adam Covington (CQM PQ) – Initial Application

The initial mechanical contractor's application could not be approved at staff level due items appearing on Mr. Covington criminal background report. The respondent, Mr. Covington, 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 application. Mr. Appleton seconded the motion, which carried unanimously.

Heycon, LLC. (CLG.122552) / Kenneth M. Whetstone (CQG. PQ) – Primary Qualifying Party Application

Mr. Whetstone's primary qualifying party application could not be approved at staff level due to concerns with the work experience affidavit and his qualifications for licensure as a primary qualifying party. Mr. Whetstone 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. Mr. Appleton seconded the motion, which carried unanimously.

Motion:

Ms. Lineberger 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:

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

Michael Boatwright (DBA) Boatwright Construction (CLG.105292) / Michael Boatwright (CQG.15395 PQ) – Reinstatement Application

Mr. Boatwright’s reinstatement application could not be approved at staff level due to answering ‘yes’ to Question 2 on the background question “Has this entity or any owner, officer, partner, or member of this entity had a professional license or certificate, denied, suspended, revoked, or otherwise been disciplined in any state or jurisdiction, including South Carolina?” The Board has previously disciplined Mr. Boatwright, and the Residential Builders Commission revoked Mr. Boatwright’s license in 2010.

Mr. Boatwright 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. 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 approve the application. Ms. Lineberger seconded the motion, which carried unanimously.

Good Pwr, LLC (CLG/CLM) / Lee R. Hatley (CQG. 31418 PQ/CQM.30899 PQ) – Initial Applications

Mr. Hatley’s applications for a general contractor’s license and mechanical contractor’s license could not be approved at staff level due to Mr. Hatley answering “Yes” to question #2, which states, “Has this entity or any owner, officer, partner, or member of this entity had a professional license or certificate denied, suspended, revoked or otherwise been disciplined in any state or jurisdiction, including South Carolina?” Mr. Hatley has previously been disciplined by the North Carolina State Board of Examiners of Electrical Contractors, while acting as a qualified party for his prior employer, LGCY Installation Services.

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:

Ms. Lineberger 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. Ms. Lineberger 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 approve the application. Ms. Lineberger seconded the motion, which carried unanimously.

NEW BUSINESS

Section 40-11-360 (11) – Sign Foundations

Mr. Horne and Mr. Bell, representatives from the Town of Mount Pleasant Building Department, requested clarification from the Board about its interpretation of the scope of the exemption for the installation, repair, or maintenance of signs or billboards found at S.C. Code § 40-11-360.

Ms. Price stated that she has concerns about consistency and how this section is being interpreted throughout the state and that this was a common question she received.

Mr. Richardson provided his interpretation of the definition of the sign and billboards and other board members provided input on the subject.

Motion:

Mr. Appleton made a motion that as defined in state adopted Building Code in Appendix H, a sign and sign structure are not the same thing. The structure of the sign, including foundation, requires a license if the total cost of construction is over \$10,000.00. Sign structures are not included in the exemption. Ms. Lineberger seconded the motion, which carried unanimously.

Mr. Horne and Mr. Bell left the meeting.

Exam Waiver Agreements with the State of Alabama, Board of Heating, Air Conditioning and Refrigeration and the Alabama Licensing Board of General Contractors

Ms. Price informed the Board, that the State of Alabama Board of Heating, Air Conditioning, and Refrigeration and the Alabama Licensing Board of General Contractors are interested in a technical exam waiver agreement with the Board. She stated that they currently have a reciprocity agreement with the South Carolina Residential Builders Commission. Ms. Price provided the Board members with a comparison of the licensure classifications from Alabama and South Carolina. She also went through the list of classifications with the Board and the ones she recommended examination waiver agreements for.

Motion:

Ms. Lineberger made a motion to continue vetting both exams and allow Mr. Lehman to sign off on both exam waiver agreements. Mr. Richardson seconded the motion, which carried unanimously.

PUBLIC COMMENTS

No public comments.

ADJOURNMENT

Motion:

Mr. Appleton made a motion to adjourn. Ms. Lineberger seconded the motion, which carried unanimously. The meeting concluded at 12:16 p.m.

The next meeting is scheduled for Thursday, January 25, 2024, at 10:00 a.m.