

MINUTES
South Carolina Contractor's Licensing Board
Board Meeting
January 25, 2024, 10:00 a.m.

January 25, 2024

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 10:01 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; Erin Baldwin, Assistant Disciplinary Counsel; Marcie Greene, Advice Counsel;

Public member in attendance was Meronica W. Fulton.

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

APPROVAL OF AGENDA

Motion:

Mr. Richardson made a motion to continue Item 10c to the next meeting. Mr. Gibbs seconded the motion which carried unanimously.

Motion:

Mr. Richardson made a motion to continue Item 12 to the next meeting and make it the first agenda item. Mr. Gibbs seconded the motion which carried unanimously.

INTRODUCTION OF BOARD MEMBERS

Mr. Lehman introduced the following board members: Legrand Richardson Jr., Ed Gibbs, Terry Marcum.

APPROVAL OF EXCUSED ABSCENCES

Motion:

Mr. Richardson made a motion to approve Mr. Appleton and Ms. Lineberger absences from the board meeting. Mr. Gibbs seconded the motion which carried unanimously.

APPROVAL OF MEETING MINUTES

Motion:

Mr. Richardson made a motion to approve the October 19, 2023, Board Meeting minutes. Mr. Gibbs seconded the motion, which carried unanimously.

BOARD CHAIRMAN REMARKS – Daniel Lehman

Mr. Lehman welcomed Mr. Marcum to the Board Meeting and he hopes that he stays with the board for a long time.

STAFF REPORTS

Program Director's Report – Molly Price

Ms. Price officially introduced Ms. Fulton, new Board Executive, to the Board members. She advised the Board that she will begin her position on February 2, 2024, and appreciates her attending the Board meeting. Ms. Price welcomed and provided background to Mr. Marcum on the status of her past and present position as it relates to the Board. She also advised the board on how the meeting materials were structured for the board members for this meeting.

Ms. Price directed the Board members to the cash report and licensure statistics that were provided in the meeting materials. The board currently has 11,253 active general contractor licenses and 7,033 mechanical contractor licenses. There are 750 mechanical contractors who lapsed on October 31, 2023 and have yet to renew, with the final deadline of January 31, 2024. There are currently 537 burglar alarm company licenses, 24 burglar alarm branch licenses, 398 fire alarm company licenses, 226 fire sprinkler company licenses, and 26 fire sprinkler branch company licenses.

Ms. Price provided the number of general and mechanical contractors who renewed their license with a surety bond. This year is a huge year for renewals. Burglar, Fire, and Sprinkler renewals will begin in May 2024 and General Contractors in August 2024. Staff will start working soon to gather as much information as possible ahead of each renewal period.

Ms. Price briefly reviewed the PSI exam and survey statistics. Ms. Price also reminded the Board members that the deadline to file their Statement of Economic Interest is March 30, 2023. Mr. Chinwalla would send more updates as soon as we receive them from the South Carolina State Ethics Commission and the LLR Finance Office. She also gave a brief legislative update on House bill 4835 and House bill 4823.

Ms. Price also gave an update for the State of Alabama Reciprocity. An exam waiver agreement was finalized with the Alabama Board of Heating, Air Conditioning, and Refrigeration Contractors on January 9, 2024. She advised the Board that she was in the process of updating that information on the Contractor's Licensing Board website and is continuing to work through the agreement with the General Contractor Board of Alabama.

Ms. Price notified everyone that the next board meeting will be held on April 18, 2024.

Office of Investigation and Enforcement (OIE) Report – Molly Price

Ms. Price reported that from January 1, 2023, through December 31, 2023, OIE received 464 total complaints related contractors. In addition, there were 38 active investigations and closed 388 cases.

From January 1, 2023, through December 31, 2023, OIE received 16 total complaints for burglar alarm, fire alarm. In addition, there were no active investigations and closed 14 cases.

Investigative Review Conference Report (IRC) – Molly Price

Ms. Price reported that the IRC met on November 24, 2023 and January 9, 2024. The IRC recommended 24 cases for dismissal, 15 cases for formal complaint, 9 cases for formal complaint with citations, and 2 cases for a letter of caution for contractors.

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

Motion:

Mr. Richardson made a motion to approve the IRC report as presented. Mr. Gibbs seconded the motion, which carried unanimously.

Office of Disciplinary Counsel (ODC) – Erin Baldwin

Ms. Baldwin presented the ODC report to the board members.

DISCIPLINARY HEARING - Final Order Hearing

Case Nos: 2022-208

Erin Baldwin, 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. Ms. Price and Ms. Fulton left the meeting.

Mr. Lehman moved to enter exhibits in the case.

Motion:

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

Ms. Baldwin left the meeting. Mr. Richardson and Ms. Price rejoined the meeting.

APPLICATION HEARINGS

Archie Larue Evans (CLM)/ Archie L. Evans (CQM PQ) – Initial Application

The initial mechanical contractor's application could not be approved at staff level due items appearing on Mr. Evans' criminal background report. Furthermore, staff had questions related to his financial statement related to his financial group. The respondent, Mr. Evans, was present and was represented by Tracy Perlman, 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. Gibbs made a motion to go into Executive Session for legal advice. Mr. Richardson seconded the motion, which carried unanimously.

Motion:

Mr. Gibbs 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. Richardson made a motion to approve the application on the condition that Mr. Evans obtain and maintain a surety bond in the statutory amount for his licensure classification.. Mr. Gibbs seconded the motion, which carried unanimously.

Jason McFadden (CLM.114940) / Jason McFadden (CQM.27992 PQ) – Renewal Application

Mr. McFadden renewal application for a mechanical contractor’s license could not be approved at staff level due outstanding judgements related to construction. Mr. McFadden was present and was represented by Jarod Frazier, 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. Mr. Gibbs 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:

Mr. Richardson made a motion to deny the application pending resolution of financial statement and judgements. A reinstatement application must be submitted. Mr. Gibbs seconded the motion, which carried unanimously.

Wasson Electric (CLM.105083) / Robert Wasson (CQM.16467 PQ) and Wasson Heating and Air Services (CLM.111469)/ Barbara Russ (CQM.24170 PQ) – Renewal Applications

Mr. Wasson and Mr. Russ renewal applications for a mechanical contractor’s could not approved at staff level due outstanding judgements related to construction. Mr. Wasson and Ms. Russ were both present at the hearing and were 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. Gibbs 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:

Mr. Gibbs made a motion to approve the applications with the condition they must provide judgements and financials at the next renewal cycle. They must appear before another board hearing. Mr. Richardson seconded the motion, which carried unanimously.

NEW BUSINESS

Expiration of Temporary General Contractor's Licenses with the Swimming Pools Classification

Ms. Price briefly provided the licensure statistics as it relates to the temporary pool licenses. From August 1, 2023 through September 1, 2023, 162 licenses were issued. As of January 22, 2024, 142 active temporary licenses and 20 licenses have moved from temporary licenses status to full licenses with General Contractors. The remaining licenses expiration date ranges from January 27, 2024 through May 3, 2024, with the majority of the temporary licenses expiring in March 2024. The examination with PSI was updated on September 8, 2023. Since that date, there have been 112 exam attempts by applicants and 65 applications passed the exam their first time.

There were 2 licensees who requested and granted extensions with staff anticipating more requests in the near future. There is a pending legislation to add a residential pool specialty license to the Residential Builders Commission (RBC) Practice Act. If the legislation passes the RBC would likely begin issuing those licenses this summer. However, because the temporary licenses will expire prior to that date, in order to give those builders the ability to seek licensure with the RBC rather than the Contractor's Licensing Board and for efficiency purposes, Ms. Price asked the board to consider extending the expiration date for all remaining temporary pool licenses to June 30, 2024, with no further extensions beyond that date.

Motion:

Mr. Richardson made a motion to extend temporary licenses to June 30, 2024, with no extension and if the individual fails two or more they must request a third attempt from the Board staff and must be completed by June 30, 2024. Mr. Gibbs seconded the motion, which carried unanimously.

Travel Approval for NASCLA Mid-Year Meeting – March 4-7, 2024

Ms. Price informed the Board, that the Board of Directors will be having their mid-year meeting that she will be attending and is requesting travel approval for herself and Ms. Fulton. Ms. Price will be completing some things with that Board and then Ms. Fulton will replace her moving forward as the representative for the South Carolina Contractor's Licensing Board.

Motion:

Mr. Richardson made a motion to approve the travel request for the NASCLA Mid-Year Meeting for Molly and Meronica for March 4-7, 2024. Mr. Gibbs seconded the motion, which carried unanimously.

PUBLIC COMMENTS

No public comments.

ADJOURNMENT

Motion:

Mr. Richardson made a motion to adjourn. Mr. Gibbs seconded the motion, which carried unanimously. The meeting concluded at 12:38 p.m.

The next meeting is scheduled for Thursday, April 18, 2024, at 10:00 a.m.