

MINUTES
South Carolina Contractor's Licensing Board
Board Meeting
April 18, 2024, 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 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 per Section 30-4-80 of the South Carolina Freedom of Information Act.

Staff members in attendance: Molly Price, Program Director; Meronica W. Fulton, Board Executive; Zahid Chinwalla, Administrative Coordinator; Todd Bond, Office of Investigation and Enforcement, Alexis Bell, Assistant Disciplinary Counsel; Chris Elliott, Assistant Disciplinary Counsel; Ely Grote, Advice Counsel.

Public members who attended the meeting were Adria Jones, Director of Education Services, PHCC Academy of North Carolina Apprenticeship Program.

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

APPROVAL OF AGENDA

Motion:

Mr. Appleton made a motion to approve the agenda with the modification to remove Item 11f. Ms. Lineberger seconded the motion which carried unanimously.

INTRODUCTION OF BOARD MEMBERS

Mr. Lehman introduced the following board members: Legrand Richardson Jr., Ed Gibbs, Terry Marcum, John J. Williams, and Kimberly Lineberger.

APPROVAL OF EXCUSED ABSENCES

There were no excused absences.

APPROVAL OF MEETING MINUTES

Motion:

Mr. Richardson made a motion to approve the January 25, 2024, Board Meeting minutes. Mr. Gibbs seconded the motion, which carried unanimously.

Motion:

Mr. Richardson made a motion to approve the February 9, 2024, Alarm System 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

Board Executive Report – Meronica W. Fulton

Ms. Fulton welcomed Mr. John Williams, a new board member, who serves in the Fire Sprinkler Contractor seat. The board has now two vacancies for the general public seats.

Ms. Fulton directed Board members to the PSI report, cash balance, and licensure statistics provided in the meeting materials. Since the last board meeting, on January 25, 2024, there have been 1,296 exams taken for licensure, with an overall pass rate of 59.41%. Ms. Fulton advised the board there are currently 10,984 licensed general contractors and 7,265 licensed mechanical contractors and 1234 burglar, fire, and sprinkler licenses, which includes 352 new licenses issued between January 18, 2024 through April 8, 2024.

Additionally, Ms. Fulton advised the board that Burglar Alarm, Fire Alarm, and Fire Sprinkler contractors will begin their renewals in the first week of May, 2024 and final preparations are being made at staff level to start the process of renewals. General contractor's license renewals will begin in August 2024. To assist staff with expediting this process, the board has started notifying licensees that they can upload their financial documents for review. The next board meeting is scheduled for July 18, 2024.

Ms. Price provided the board members with a brief Program Director's report and legislative update. She gave an update on temporary swimming pool licensure. Currently, 110 active temporary licenses are valid until June 30, 2024. 56 temporary licenses have been converted to a fully licensed General Contractors Licenses. There is 1 temporary license that is under a temporary suspension order status.

Ms. Price also notified the board members the swimming pool examination was updated on September 8, 2023. Since that date, 202 exams have been administered. 112 licensees have passed the exam with a pass rate of 56%.

Ms. Price provided the following legislative updates: House Bill 4835 would amend S.C. Code Section 40-11-360; expanding the exemption from licensure requirements for owner's construction arm building or portable storage building with less than 50,000 square feet of floor space, as opposed to the current 5,000, and used only for poultry, in addition to the existing purposes of livestock and storage.

Additionally, Senate Bill 1171 would amend S.C. Code Section 6-10-30 to adopt the 2021 edition of the International Energy Conservation Code as the Energy Standard for commercial construction, and would apply to all new and renovated commercial buildings and additions constructed in state. The current edition is 2009. The bill, filed Tuesday, was referred to LCI.

Ms. Price informed the Board that Senate Bill 1139 would remove "residential" pools from the Contractor's Licensing Board practice act. Finally, Document Number 5244, of the Contractor's Regulation would add an exam for the non-structural classification effective May 24, 2024. A brief update on the burglar/fire regulatory review committee was provided.

Office of Investigation and Enforcement (OIE) Report – Todd Bond

Mr. Bond reported OIE received 476 total complaints related to contractors between January 1, 2024 and April 18, 2024. There are currently 48 active investigations and 78 cases have been closed.

Between January 1, 2024 and April 18, 2024, OIE received 7 total complaints for burglar alarm, fire alarm, and fire sprinkler contractors. There is currently 1 case in active investigation and no cases have been closed.

Investigative Review Conference Report (IRC) – Todd Bond

Mr. Bond provided the IRC Report for contractors. The IRC met on March 7, 2024 and April 4, 2024. The IRC recommended 24 cases for dismissal, 11 cases for formal complaint, 4 cases for formal complaint with citations, and 3 cases for a letter of caution.

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

Motion:

Ms. Lineberger made a motion to approve the IRC report as presented. Mr. Appleton seconded the motion, which carried unanimously.

Mr. Bond left the meeting.

Office of Disciplinary Counsel (ODC) – Chris Elliott

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

NEW BUSINESS

U.S. Department of Labor Approval and Registered Apprenticeships

Approval Request for PHCC Academy of North Carolina Apprenticeship Program (Heating, Air Conditioning, and Plumbing) – Adria Jones, Director of Education Services

Ms. Price briefly discussed Section 40-1-77 of “The Engine Act” of the LLR agency regarding apprenticeships. This section defines the purpose is to expand economic opportunities and build a skilled workforce according to industry standards by allowing a worker to earn a paycheck while he fulfills applicable licensing requirements. Per this statute, "Apprenticeship" means a United States Department of Labor-approved and registered apprenticeship or an industry-recognized apprenticeship for an occupation or profession licensed by a South Carolina regulatory board or commission under the South Carolina Department of Labor, Licensing and Regulation, as approved by the applicable licensing board. There are several different programs across the state and nationwide. Ms. Price was contacted by Ms. Jones from PHCC Academy of North Carolina regarding their Apprenticeship Program.

Ms. Adria Jones and Ms. Stephanie Blazik, Executive Director, for PHCC Plumbing and Cooling Contractors, gave a brief presentation on the PHCC Academy Apprenticeship Program. Their program deals with Heating, Air Conditioning, and Plumbing classifications. For an individual to be in this program, they must be employed by a licensed contractor.

Motion:

Mr. Appleton make a motion to approve PHCC Academy as the criteria for apprenticeship, per S.C. Code Section 40-1-77. Mr. Richardson, seconded the motion, which carried unanimously.

Mr. Jones and Ms. Blazik left the meeting.

Travel Approval for NASCLA Annual Conference (September 9-12, 2024) – Virginia Beach VA

Ms. Price informed the Board, that the NASCLA Annual Conference will held from September 9-12, 2024. She stated that Ms. Fulton has recently been appointed to the NASCLA Board of Directors in her previous seat, but that she still plans to remain active with NASCLA and is seeking election as Secretary of the Board.

Motion:

Mr. Appleton made a motion to approve the travel request for 3 staff and 2 board members to use board funds for travel for the NASCLA Annual Conference. Ms. Lineberger seconded the motion, which carried unanimously.

DISCIPLINARY HEARING - Final Order Hearing

Case No: 2022-47

Alexis Bell, Office of Disciplinary Counsel, represented the State. The Respondent was not present at the hearing. The court reporter swore-in all persons testifying. Following Board confidentiality statutes, the hearing was closed. Mr. Appleton recused himself from the hearing.

Motion:

Mr. Richardson made a motion to accept the Hearing Officer's Recommendation. Ms. Lineberger seconded the motion, which carried unanimously.

Case No: 2022-583

Alexis Bell, Office of Disciplinary Counsel, represented the State. The Respondent was not present at the hearing. The court reporter swore in all persons testifying. Following Board confidentiality statutes, the hearing was closed. Mr. Appleton recused himself from the hearing.

Motion:

Ms. Lineberger made a motion to accept the Hearing Officer's Recommendation. Mr. Richardson seconded the motion, which carried unanimously.

Case No: 2022-583

Alexis Bell, 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. By Board confidentiality statutes, the hearing was closed. Mr. Appleton recused himself from the hearing.

Motion:

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

Case No: 2022-371

Chris Elliott, Office of Disciplinary Counsel, represented the State. The respondent was not present at the hearing. The court reporter swore in all persons testifying. Per Board confidentiality statutes, the hearing was closed. Mr. Appleton recused himself from the hearing.

Motion:

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

Case No: 2023-189

Chris Elliott, Office of Disciplinary Counsel, represented the State. The respondent was not present at the hearing. The court reporter swore in all persons testifying. Following board confidentiality statutes, the hearing was closed. Mr. Appleton recused himself from the hearing.

Motion:

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

The meeting went back to open session. Mr. Appleton rejoined the meeting. Mr. Elliott and Ms. Bell left the meeting.

APPLICATION HEARINGS

John J. Palczuk (CLG.117637)/John J. Palczuk (CQG.22371 PQ) – Reinstatement Application

The general contractor's reinstatement application could not be approved at the staff level due to items appearing on Mr. Palczuk's criminal background report. The respondent, Mr. Palczuk, was present, represented by Tracy Perlman, Esq. A quorum of the Board was present. The court reporter swore-in all persons testifying. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion:

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

CCS Construction Company, LLC (CLG)/Paul Butler (CQG.PQ) – Initial Application

Mr. Butler initial application for a general contractor's license could not be approved at the staff level due to items appearing on his criminal background report. Mr. Patrick Dowery was also present at the hearing. Mr. Butler was present and was represented by Eric Laquiere, Esq. A quorum of the Board was present. The court reporter swore in all persons testifying. 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.

Marshall Gregory Swint (CLM)/Marshall Gregory Swint (CQM.PQ) – Initial Application

Mr. Swint initial application for a mechanical contractor's license could not be approved at staff level due items appearing on his criminal background report. 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. This hearing was closed and confidential. Mr. Swint was not represented by counsel.

Motion:

Mr. Richardson made a motion to approve the application. Mr. Gibbs seconded the motion, which carried unanimously.

Lucas Board Plumbing (CLM/110114)/Lucas Board (CQM.22715 PQ) – Renewal Application

Mr. Board's renewal application for a mechanical contractor's license could not be approved at staff level due to outstanding judgements related to construction. Furthermore, he failed to disclose a citation he received from the South Carolina Residential Builders Commission. 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. Mr. Board was not represented by counsel.

Motion:

Mr. Richardson 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. Mr. Richardson 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. Mr. Gibbs seconded the motion, which carried unanimously.

Sunergy Solar (CLM)/ Tim Tucker (CQM PQ) – Initial Application

Mr. Tucker initial application for a mechanical contractor's license could not be approved at staff level due to items appearing on his criminal background report. A quorum of the Board was present. The court reporter swore in all persons testifying. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary. Mr. Tucker was not represented by counsel.

Motion:

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

Motion:

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

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

Mr. Tucker's application hearing was continued for later in the day until Mr. Tucker could obtain proper authorization from his company to represent himself.

Taurus Development, LLC (CLG)/Taurus Taylor (CQG.25051 PQ)/Damon McDuffie (CQG.31653 PQ) – Initial Application

Mr. Taylor's initial application for a general contractor's license could not approved at the staff level due to outstanding judgments related to construction. A quorum of the Board was present. The court reporter swore in all persons testifying. Mr. McDuffie was not present at the hearing. A certified court reporter records application hearings in the event a verbatim transcript is necessary. Mr. Taylor was not represented by counsel.

Motion:

Mr. Appleton made a motion to deny the application. Mr. Gibbs seconded the motion, which carried unanimously.

Amendment for Purpose of Final Order Hearings

This was a closed and confidential session. Mr. Appleton recused himself from this session.

Motion:

Mr. Gibbs made a motion to include the statement that the final order for Case Nos: 2021-469, 2022-47, 2022-583, 2022-371, and 2023-189, that the license can be administratively suspended if the penalty is not paid by the subscribed time. Ms. Lineberger seconded the motion, which carried unanimously.

Mr. Appleton rejoined the meeting in open session.

Sunergy Solar (CLM)/ Tim Tucker (CQM PQ) – Initial Application -- Continued

Mr. Tucker retained proper authorization to represent the company and the hearing was continued.

Motion:

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

Motion:

Mr. Lineberger made a motion to come out of the 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. Richardson made a motion to approve the application. Ms. Lineberger seconded the motion, which carried unanimously.

ELECTION OF OFFICERS

Ms. Fulton opened the nominations for Chairman of the Board.

Motion:

Mr. Appleton made a motion nominated Mr. Richardson to the Chairman of the Board. Ms. Lineberger seconded the motion, which carried unanimously.

Mr. Richardson opened the nominations for Vice Chairman of the Board.

Motion:

Mr. Lehman made a motion to nominate Mr. Appleton to Vice Chairman of the Board. Mr. Gibbs seconded the motion, which carried unanimously.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Motion:

Mr. Appleton made a motion to adjourn. Ms. Lineberger seconded the motion, which carried unanimously. The meeting concluded at 1:24 p.m.

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