

***SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD***

**Synergy Business Park, Kingstree Building  
110 Centerview Drive, Kingstree Building, Room 105  
Columbia, South Carolina 29210  
Minutes**

**Thursday, April 21, 2016**

**10:00 a.m.**

Lewis M. Caswell, Board Chair, announced that the meeting was held in accordance with §30-4-80 of the South Carolina Freedom of Information Act by notice mailed to all requesting persons, organizations, and news media. In addition, notice was posted on the bulletin boards at the main entrance of the Kingstree Building.

**Welcome and Call to Order:**

Lewis M. Caswell, Board Chair, called the regular meeting of the South Carolina Contractor's Licensing Board to order at 10:00 a.m. Other Board members present for the meeting included: James E. Lady, Daniel B. Lehman, Kimberly Lineberger, Bill Neely, Legrand Richardson, Jr., and W. Franklin Walker.

Staff members participating in the meeting included: Georgia Lewis, Advice Counsel; Rhonda Jackson, Program Coordinator; Erin Baldwin, Office of General Counsel; Todd Bond, Office of Investigation and Enforcement; Crystal George, Program Assistant; Faith Howell, Administrative Assistant and Nadine Garrett, Court Reporter.

Others present participating in the meeting included: William Brown Singleton, Steve Jackson, Randall D. Williams, Shaun Laursen, Gregory Perry and Matthew Wofford.

**Approval of Agenda:**

*Thursday, April 21, 2016*

**MOTION:**

Mr. Lady made a motion to approve the April 21, 2016, Agenda. Mr. Neely seconded the motion, which carried unanimously.

**MOTION:**

Mr. Lady made a motion to approve amend the Agenda to reflect continuation of Tab D-Earnest Fleming, different advice counsel for Tab G-Steven Jackson's application review and Tab N to follow Tab H. Mr. Neely seconded the motion, which carried unanimously.

**Approval/Disapproval of Absent Board Member(s):**

**MOTION:**

Mr. Walker made a motion to approve the absence of Charles A. White. Mr. Richardson seconded the motion, which carried unanimously.

**Approval of Minutes:**

*Thursday, January 21, 2016*

**MOTION:**

Ms. Lineberger made a motion to approve the January 21, 2016 minutes. Mr. Walker seconded the motion, which carried unanimously.

**Chairman's Remarks:**

No remarks.

**Application/License Reviews:**

*Earnest Fleming and Fleming Construction, CLG. 112207 and CQG. 20829 (TAB D)*  
Review continued. Respondent's Attorney was not available.

***William Brown and Brown Singleton, LLC, CLG. 11789 (TAB E)***

Mr. Brown was present and represented by legal counsel, Attorney Randell Dewitt Williams. The purpose of this matter was to determine the general contractor's compliance with the Final Order. Per the Final Order, the licensee and complainant were to reach a reasonable payment plan. Both parties testified they were unable to negotiate a reasonable payment plan agreement within 180 days of the Final Order. Licensee asked for Board consideration of that order due to non-mutual agreement. The Board heard continuing testimony.

**MOTION:**

Mr. Richardson made a motion that the Board consider \$514.56 to be a reasonable and minimum amount that Mr. Brown should pay towards the judgment.

**MOTION:**

Mr. Richardson made a motion to amend his motion to include that the license be administratively suspended until he enters into an agreement to pay off the note with the minimum payment of \$514.56 per month.

**MOTION:**

Mr. Neely made a motion to go into executive session for legal advice. Mr. Richardson seconded the motion, which carried unanimously.

**MOTION:**

Mr. Neely made a motion to come out of executive session. Mr. Richardson seconded the motion, which carried unanimously. Executive session was only to receive legal advice. No votes or decisions were made during this time.

**MOTION:**

Mr. Lady made a motion to suspend the license after a finding that no reasonable attempt to negotiate an agreement to pay back the judgment has been made. If parties reach such an agreement and want to come back, then the board will entertain lifting the suspension. Mr. Neely seconded the motion, which carried unanimously.

Chair was advised after the last motion that the parties came to an agreement.

**MOTION:**

Mr. Lady made a motion to withdraw the Board's prior order today on this matter. Mr. Lehman seconded the motion, which carried unanimously.

**MOTION:**

Mr. Lady made a motion to suspend the license, but stay that suspension pending a filing of the written agreement with staff within 15 days and pending full compliance with that agreement. Mr. Richardson seconded the motion, which carried unanimously.

***Matthew Wofford and Peter Piping Plumbing, Inc. (TAB F)***

Mr. Wofford/Peter Piping Plumbing, Inc. was present and not represented by counsel. The purpose of this matter was to reconsider the Board's decision to deny the issuance of a mechanical contractor's license and to determine whether a mechanical contractor's license can be issued. The Board heard testimony by Mr. Wofford.

**MOTION:**

Mr. Lady made a motion to accept Mr. Wofford's application. Ms. Lineberger seconded the motion, which carried unanimously.

***Steven Jackson and Buildvision, Inc., CLG. 114948 and CQG. 11843 - (TAB G)***

Steven Jackson/Buildvision, Inc. was present and without counsel. Georgia Lewis, Advice Counsel recused herself. Mary League served as Advice Counsel in this matter. Mr. Jackson appeared before the Board and without counsel. The purpose of this matter was to consider the Final Order to suspend the general contractor's license. Testimony was heard.

**MOTION:**

Mr. Lady made a motion to go into executive session for legal advice. Mr. Richardson seconded the motion, which carried unanimously.

**MOTION:**

Mr. Lady made a motion to come out of executive session. Mr. Neely seconded the motion, which carried unanimously. No action was taken during executive session. No votes or decisions were made during this time.

**MOTION:**

Mr. Neely made a motion that the Final Order would stand and that Respondent has the opportunity to provide to staff proof that the remaining judgments have been or disposed of to satisfaction of staff. And if the staff is satisfied, then they can reinstate the license. Mr. Lehman seconded the motion, which carried unanimously.

**Office of Investigation and Enforcement (OIE):**

*Todd Bond*

**OIE Status Report** – Mr. Bond reported that as of today's meeting they receive 133 complaints. In comparison to this time last year there were only 83 cases received. There are 52 closed cases.

**Recommendation of Investigation Review Committee (IRC):**

*February 2, 2016, IRC Recommendations:*

The IRC Committee recommended 11 cases be dismissed, four Cease and Desist Orders, 5 formal complaints, 2 citations, 1 letter of caution and 1 case forwarded to the administrative Law court. That is a total of 24 cases.

**MOTION:**

Mr. Neely made a motion to accept the recommendations made by the Investigative Review Committee at the February 2, 2016 IRC meeting. Mr. Richardson seconded the motion, which carried unanimously.

*April 14, 2016, IRC Recommendations:*

The IRC Committee met on April 14, 2016. The Committee recommended 6 cases for dismissal, 1 Cease and Desist, 6 formal complaints, 5 citations and 1 letter of caution. That is a total of 19 cases.

**MOTION:**

Mr. Lady made a motion to accept the recommendations made by the Investigative Review Committee at the April 14, 2016 IRC meeting. Mr. Walker seconded the motion, which carried unanimously.

**Office of General Counsel (OGC) Report:**

*Erin Baldwin*

**OGC Report** – Ms. Baldwin reported that the OGC currently has 40 open cases. 2 of the 40 cases will be moved today. There will be several hearings coming up. Ms. Baldwin also reported that OGC is in the process of obtaining two additional attorneys due to the case load.

**Administrator's Remarks for Information:**

No remarks.

**Board Financial Report:**

Mr. Lowe reported that the Board took in four hundred ninety seven thousand, four hundred fifty-six dollars and twenty-five cents. The amount was not as high as it has been in recent years, but that is probably due to the drop in renewal fee.

**PSI Exam:**

Mr. Lowe reported to be in the 64 percent pass rate. The rate shows that the tests are substantially up to date. PSI will start testing under the 2015 codes and the 2012 codes will run concurrent now through 90 days past the implementation date of the new code which means there are no 2012 specific questions or 2015 specific questions during that period.

**New Business:**

***Recent Appeals to Administrative Law Court***

Mr. Lowe deferred the topic to advice counsel. Ms. Lewis reported that the Administrative Law Court does not inform us of when cases are appealed. However, we received two Appeals from the Administrative Law Court that affirmed the Hearing Officer's recommendations. The Office of Disciplinary Counsel drafted a Memorandum of Appeal and the ALC judge accepted it without argument. When a violation is found there has to be a finding of facts that supports that violation.

***PSI Pre-Qualifications For Examination***

Mr. Lowe informed the Board that he had been considering establishing pre-qualifications for examinations because of the increased license application hearings. The pre-qualification would be to pre-qualify a person to take the exam rather than them deciding they want to be a contractor and go through all the steps of looking on the website, complete an application, take two exams and then, when they bring the complete package into our office, that is when they find another obstacle in the way. Licensees would have to obtain approval from the Contractor's Licensing Board to take the PSI exam. Having licensees pre-qualify will dramatically cut down on the number of license applications the Board would have to review and help to protect the integrity of the exams.

**MOTION:**

Mr. Lady made a motion to accept the pre-qualification as suggested by Mr. Lowe. Ms. Lineberger seconded the motion, which carried unanimously.

**Old Business:**

***Billboards/Signs***

Mr. James Carpentier, speaking on behalf of the sign industry, Southern States Sign Association, International Sign Association and United States Council requested clarification for billboard and sign installation. Mr. Carpentier requested that the Board would consider not including the five thousand dollar exemption in the entire project of manufacturing the sign and installation of the sign, just the sign as well as a grace period of twelve to eighteen months.

**MOTION:**

Mr. Walker made a motion that the cost of manufacture of the sign itself not be included, only the installation of the sign and in that installation, the five thousand dollars exemption would apply. Secondly, that we institute a twelve month grace period to exact this and the twelve months would begin on the 1<sup>st</sup> of June 2017. Ms. Lineberger seconded the motion, which carried unanimously.

**Hearing Office Recommendation – Final Order Hearing:**

***Case Numbers 2014-11 and 2014-143- All Pro Construction Group and Gregory Penny, CLG.118543 and CQG.26406***

The respondent was present and without counsel. Mr. Walker recused himself as he was the Hearing Officer. The respondent was not present at the hearing. The Hearing Officer recommended that the license be revoked sine he performed work outside of the scope of his license. Testimony was heard from the State and Mr. Penny.

**MOTION:**

Mr. Lady made a motion to go into executive session for legal advice. Mr. Lehman seconded the motion, which carried unanimously.

**MOTION:**

Mr. Lady made a motion to come out of executive session. Ms. Lineberger seconded the motion, which carried unanimously. No action was taken during executive session. Executive session was from 1:07 p.m. until 2:35 p.m.

**MOTION:**

Mr. Lehman made a motion to accept the Hearing Officer's recommendation as far as the findings of the facts and the conclusion of the law with modifications of the penalty. Respondent shall be publicly reprimanded, Respondent's license, number CLG. 118543 and Respondent's certificate, number CQG. 26406 shall be put in a suspension status for a period of six months. At the completion of the six month period, the license and certificate shall be on a probationary status for a period of one year. During the probationary period, the Respondent shall not have any disciplinary action against his license. The financial penalty will be reduced to five hundred dollars per violation which will be a total of six thousand five hundred dollars, allowing him six months to pay the financial penalty which coincides with the six month suspension. If the conditions are not met, then his license and certificate shall be revoked. Mr. Lady seconded the motion, which carried unanimously.

**Memorandum of Agreement – Final Order Hearing:**

*Case No. 2014-228 – Port City Renovations, LLC and Shaun Laursen,  
CLG. 114941 and CQG. 23277*

The Respondent was present and without counsel. A Memorandum of Agreement and Stipulation of Fact was reached. The stipulation was read into the record today. The Respondent admits aforementioned acts presents grounds that constitute misconduct, further admits that as a result of the previous admission, the Respondent violated SC Code Annotated Section 40-11-110(A)(143) and SC Code Section 40-11-110(A)(4). Mr. Laursen gave testimony before the Board.

**MOTION:**

Mr. Lady made a motion to go into executive session for legal advice. Mr. Richardson seconded the motion, which carried unanimously.

**MOTION:**

Mr. Lady made a motion to come out of executive session. Mr. Richardson seconded the motion, which carried unanimously. Executive session was from 2:33 p.m. to 2:40 p.m.

**MOTION:**

Mr. Lady made a motion to accept the Memorandum of Agreement with one clarification, that item number three under what the Respondent admitted to, will be deleted as a duplication of item number two and that we issue a letter of caution. Mr. Walker seconded the motion, which carried unanimously.

**Date of Next Meeting:**

July 21, 2016 at 10:00 a.m. in Room 105.

**Executive Session:**

**MOTION:**

Mr. Neely made a motion to go into executive session for legal advice. Ms. Lineberger seconded the motion, which carried unanimously.

**MOTION:**

Mr. Neely made a motion to come out of executive session. Mr. Richardson seconded the motion, which carried unanimously. No action was taken during executive session. Executive session was from 2:33 p.m. until 2:40 p.m.

**Adjournment**

**MOTION:**

Mr. Lady made a motion to adjourn. Mr. Lineberger seconded the motion, which carried unanimously. There being nothing further, the meeting concluded at 2:44 p.m.