

SOUTH CAROLINA CONTRACTORS' LICENSING BOARD
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210
Minutes

Thursday, April 18, 2013

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 Contractors' Licensing Board to order at 10:00 a.m. Other Board members present for the meeting included: Bill Neely, Daniel B. Lehman, Kimberly L. Lineberger, Jamie C. Patterson, Legrand Richardson, Jr., and W. Franklin Walker.

Staff members participating in the meeting included: Sheridan Spoon, Advice Counsel, Roger Lowe, Board Administrator, Lil Ann Gray, Program Coordinator, Crystal George, Program Assistant, Todd Bond, OIE Chief Investigator, Christa Bell, Assistant General Counsel, and Nadine Garrett, Court Reporter.

Others present participating in the meeting included: Lee Harrelson, Joey Floyd, Esq., Carroll Hayward, Carroll Hayward, Jr., Adelaide Andrews, Esq., Theron Snype, Kyle Taylor, Randy Christie, Smilie Christie, Howard G. Wilson, Butch Bowers, Esq., Todd Carroll, Esq., Nathan Wilcox, Mark T. Leonard, JC Shawn Crow, George Thomas, and David Robert Anderson.

Approval of Agenda:

Thursday, April 18, 2013

MOTION:

Mr. Walker made a motion to approve the April 18, 2013 agenda. Ms. Lineberger seconded the motion, which carried unanimously.

Excused Members:

MOTION:

Mr. Walker made a motion that Mr. Lady receive an excused absence. Mr. Patterson seconded the motion, which carried unanimously.

MOTION:

Mr. Walker made a motion that Mr. White receive an excused absence. Mr. Richardson seconded the motion, which carried unanimously.

Approval of Minutes:

Thursday, January 17, 2013 and Monday, April 1, 2013

MOTION:

Mr. Neely made a motion to approve the January 17, 2013 minutes. Mr. Lehman seconded the motion, which carried unanimously.

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MOTION:

Mr. Walker made a motion to approve the April 1, 2013 minutes. Mr. Neely seconded the motion, which carried unanimously.

Chairman's Remarks:

Lewis Caswell

Mr. Caswell thanked the board members for their diligent work to comply with Governor Haley's February 12, 2013 Executive Order 2013-02 directive to review the SC Contractors' Licensing Board's current and proposed regulations, statutes and policies to determine whether any present "a burden on South Carolina's economy." The report was submitted through LLR and the process will continue.

Administrator's Remarks for Information:

Roger Lowe, Administrator

Mr. Lowe thanked the Board members for working with staff on the Governor's Task Force directive. Mr. Lowe requested that the Board members provide staff with any up dated contact information.

NASCLA Conference, Coeur d'Alene, Idaho – Mr. Lowe informed the Board that the National Association of Contractors' Licensing Agency (NASCLA) yearly meeting is scheduled for August 26, 2013 through August 29, 2013 in Coeur d'Alene, Idaho. The Board was informed that two board members are authorized to attend. The Board was asked to approve the attendance of two board members and one staff member.

MOTION:

Ms. Lineberger made a motion to approve two board members and one staff member, to be named at a later date, attending the NASCLA Conference scheduled for August 26, 2013 through August 29, 2013. Mr. Richardson seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

Mr. Lowe reviewed the Board's financial information and PSI examination information.

SC TN Reciprocity Examination classification clarification - Mr. Lowe requested that the Board review the existing South Carolina and Tennessee Reciprocity Examination Agreement and provide staff with direction regarding the Tennessee combined examination for Residential building and Commercial building.

MOTION:

Mr. Neely made a motion to accept the staff recommendation that the Tennessee combined technical examination for Residential and Commercial would be accepted for South Carolina's Unlimited Building technical examination and the Tennessee combined technical examination for Residential and Small Commercial would be accepted for South Carolina's Limited Building technical examination. Ms. Lineberger seconded the motion, which carried unanimously.

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Office of Investigations and Enforcement (OIE):

Todd Bond

OIE Status Report – Mr. Bond reported that since January 1, 2013, 35 cases were received with 55 active investigations. Eighteen (18) cases have been closed to date. The average age of currently active cases is 115 days.

IRC Professional Member Candidate: Mr. Bond recommended that Mr. Lee Harrelson serve on the IRC as a professional member.

MOTION:

Ms. Lineberger made a motion to approve Mr. Harrelson as a professional member of the IRC. Mr. Patterson seconded the motion, which carried unanimously.

Office of General Counsel (OGC):

Christa Bell

Consent parameters to include remedial action [Section 40-11-70(3)]

MOTION:

Mr. Neely made a motion to accept the information reported and proceed as currently operating. Mr. Richardson seconded the motion, which carried unanimously.

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Ms. Bell reported that OGC has 28 open cases, 13 cases pending action, 6 cases are pending consent agreements or memorandum of agreements, 4 cases are pending disciplinary hearings, 3 cases pending final order hearings and 2 cases are pending final orders. Since January 1, 2012, 46 cases have been closed and there are no cases on appeal at this time.

Old Business:

Section 40-11-410: Mr. Neely, chair of the *ad hoc* subcommittee, asked on behalf of the subcommittee to hold the item over until the next board meeting. There being no objections, the item will be placed on the agenda for the July meeting.

New Business:

Request for Interpretation – Mechanical Contractor Licensing Issue – City of Charleston-License Limitation Issue: Mr. Joey Floyd, attorney for WB Guimarin requested that the Board issue an interpretation on whether a licensed contractor can act as an unlicensed subcontractor when supervised by a licensed contractor without violating the SC Contractors' Licensing Board Practice Act.

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MOTION:

Mr. Richardson made a motion that the Board recognize and clarify that a licensed subcontractor can exceed his limitations when he is acting as a subcontractor to a properly licensed contractor. Ms. Lineberger seconded the motion, which passed unanimously.

Recommendation of Investigation Review Committee:

April 4, 2013, IRC Recommendations:

Mr. Bond reported to the Board that due to unavoidable circumstances, there was not a professional member present at the April 4, 2013 IRC.

MOTION:

Mr. Walker made a motion that the Board consider the April 4, 2013 IRC report without a professional outside member being present at the meeting. Mr. Lehman seconded the motion, which carried unanimously.

MOTION:

Ms. Lineberger made a motion to approve the recommendations of the Investigative Review Committee. Mr. Walker seconded the motion, which carried unanimously.

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Memorandum of Agreement – Final Order Hearing:

Piedmont Professional Plumbing, LLC and Howard Wilson (Case No.: 2012-22)

Mr. Wilson was present and sworn in. Mr. Wilson waived his right to counsel. Ms. Christa Bell represented the State. Mr. Wilson answered questions from the Board. Ms. Bell requested that the Board accept the Memorandum of Agreement (MOA) and impose an appropriate sanction.

MOTION:

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

MOTION:

Ms. Lineberger made a motion to come out of executive session and back into open session. Mr. Patterson seconded the motion, which carried unanimously.

MOTION:

Mr. Richardson made a motion that the sanctions for this license shall be a public reprimand, the license shall be suspended with the suspension stayed for 90 days in order to give Mr. Wilson a chance to (1) satisfy the judgment, and (2) to pay a civil penalty of \$1,000. Should you not take good care of both of those items, then the stay will be lifted and the license will be suspended. Mr. Neely seconded the motion, which carried unanimously.

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Application Reviews:

Vivint, Inc., (formally known as APX).

Vivint, Inc., (formally known as APX) – BAC. 5569. Staff unable to renew due to affirmative answers on renewal applications for years 2010 and 2012 regarding disciplinary action in other states (Remanded for Rehearing by ALC.) Mr. Butch Bowers, Esq. and Mr. Todd Carroll, Esq. appeared as attorneys for Vivint, Inc. Mr. Nathan Wilcox, general counsel and secretary for Vivint, Inc. appeared before the board and was sworn in. Mr. Wilcox answered questions from the Board.

MOTION:

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

MOTION:

Mr. Walker made a motion to come out of executive session and back into open session. Ms. Lineberger seconded the motion, which carried unanimously.

MOTION:

Mr. Walker made a motion to deny the request to renew the burglar alarm license pursuant to section 40-79-130(1)(b). Ms. Lineberger seconded the motion, which carried unanimously.

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Homesafe Fire Protection and Charles Stewart, Sr. – matter continued to the July 18, 2013 meeting.

David Robert Anderson

David Robert Anderson. Staff unable to issue license due to affirmative answer regarding criminal convictions. Mr. Anderson appeared before the Board and was sworn in. Mr. Anderson waived his right to legal counsel and answered questions from the Board.

MOTION:

Mr. Walker made a motion that a probationary license would be issued upon receipt of the PSI examination results, with the license to expire October 31, 2013. In order to renew the license, additional information must be submitted showing that all pending criminal charges have been cleared and Mr. Anderson's criminal probation has ended. Mr. Lehman seconded the motion, which carried with five affirmative votes and two negative votes.

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Amanda Michelle Truesdale (Guardian Eagle Security, LLC)

Amanda Michelle Truesdale (Guardian Eagle Security, LLC – BAC.13289) - Staff unable to approve Ms. Turesdale as a registered employee due to matters appearing on Criminal Background Check. Ms. Truesdale did not appear before the Board.

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MOTION:

Mr. Lehman made a motion to deny the application. Ms. Lineberger seconded the motion, which carried unanimously.

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Thomas Construction and George Thomas.

Thomas Construction and George Thomas – CLM.104071 (grandfather). License lapsed 10/31/2009; Reinstatement application received 02/07/2013. Request to waive technical examination requirement. Mr. Thomas appeared before the Board and was sworn in. Mr. Thomas waived his right to legal counsel and answered questions from the Board.

MOTION:

Mr. Patterson made a motion to deny the reinstatement without the technical examination. Mr. Richardson seconded the motion, which carried unanimously.

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Williams Construction & Development and Rommie Williams.

Williams Construction & Development and Rommie Williams – CLG.112570 (grandfather). License lapsed 10/31/2008; Reinstatement application (Interior Renovation – no technical examination required) received 01/08/2013. Unresolved issues with Office of General Counsel which are still being worked out.

MOTION:

Mr. Walker made a motion to grant a continuance until the July Board Meeting. Mr. Richardson seconded the motion, which carried unanimously.

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Austen Electric, Inc. and JC Shawn Crow

Austen Electric, Inc. and JC Shawn Crow. Staff unable to issue license. Applicant requesting the Board exempt the technical examination required for certification pursuant to section 40-11-290. Applicant is licensed in the states of Florida and Texas. Mr. Crow appeared before the Board and was sworn in. Mr. Crow waived his right to legal counsel and answered questions from the Board.

MOTION:

Ms. Lineberger made a motion to conditionally approve issuance of the license if PSI and staff determine that the Texas master electrician technical examination is the same or better than the South Carolina electrician technical examination. Mr. Patterson seconded the motion, which carried with six affirmative votes and one negative.

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Paragon Custom Construction Builders & Architects and Mark T. Leonard.

Paragon Custom Construction Builders & Architects and Mark T. Leonard – CLG. 108792/CQG. 21046. Licensee requests to add primary qualifying party. Staff unable to process revision. Prospective primary qualifying party has not been certified as a qualifying party for four or more consecutive years [Mr. Leonard last certified as primary qualifying party 10/31/2008.] (Must take and pass the technical or Code of Laws examination, or both, as required by the Board - [Section 40-11-230(A)].) Revision application received 03/27/2013. Request to waive technical examination requirement. Mr. Leonard appeared before the Board and was sworn in. Mr. Leonard waived his right to legal counsel and answered questions from the Board.

MOTION:

Mr. Neely made a motion to deny the request to waive the technical examination requirement. Mr. Patterson seconded the motion, which carried unanimously.

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Public Comments:

NONE

Date of Next Meeting:

Thursday, July 18, 2013, 10:00 A.M., Meeting Room 108, Kingstree Building.

Adjournment:

Mr. Lehman made a motion to adjourn the meeting. Mr. Patterson seconded the motion, which carried unanimously.

The April 18, 2013 meeting of the South Carolina Contractors' Licensing Board was adjourned at 3:51 p.m.