

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD

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

Minutes

Thursday, January 19, 2017

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: Scott Appleton, Charles A White, Daniel Lehman, James E. Lady, Kimberly L. Lineberger, Legrand Richardson, Jr, and W. Franklin Walker.

Staff members participating in the meeting included: Georgia Lewis, Advice Counsel, Roger Lowe, Program Administrator, Rhonda Jackson, Program Coordinator, Melissa Burroughs, Program Assistant, Tracey Perlman, Office of General Counsel, Todd Bond, OIE Chief Investigator and Cathy L. Young, Court Reporter.

Approval of Agenda:

Thursday, January 19, 2017

MOTION:

Mr. Richardson made a motion to approve the January 19, 2017 agenda. Mr. Appleton seconded the motion, which carried unanimously.

Mr. Lowe, Program Administrator, stated amendments to the agenda. Motley Construction will not be heard and Lee Moulton will be continued.

MOTION:

Mr. Walker made a motion to accept the amended agenda. Mr. Richardson seconded the motion, which carried unanimously.

Approval of Minutes:

Thursday, October 20, 2016

MOTION:

Mr. Lady made a motion to approve the October 20, 2016, minutes. Mr. White seconded the motion, which carried unanimously.

Election of Officers:

Mr. Caswell, Board Chair, announced the election of the Board Chair. Chairman Caswell called for nominations for the Office Chair. Mr. Walker moved to nominate Mr. Caswell to serve as Chair. Mr. Lady seconded the motion, which carried unanimously. There being no further nominations, the nominations were closed and Mr. Lewis Caswell was elected by acclamation.

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Mr. Caswell, Board Chair, announced the election of the Board Vice-Chair. Chairman Caswell called for nominations for the Office of Vice-Chair. Mr. Lady moved to nominate Mr. Frank Walker to serve as Vice-Chair. Mr. Lehman seconded the motion, which carried unanimously. There being no further nominations, the nominations were closed and Mr. Frank Walker was elected by acclamation.

MOTION:

Mr. Lehman made a motion to close election. Mr. White seconded the motion, which carried unanimously.

Chairman's Remarks:

Lewis Caswell

None made

Executive Session:

MOTION:

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

MOTION:

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

No votes or decisions were made during executive session.

Application/License Reviews:

Granite Construction

The general contractor's renewal application could not be approved at staff level. Mr. Bret Barton (an employee of Granite Construction) was present and was represented by legal counsel Mr. Kenneth Smith.

Mr. Legrand Richardson rescued himself from this hearing.

MOTION:

Mr. Lady made a motion to approve the request and allow renewal. Ms. Lineberger seconded the motion, which carried unanimously.

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Project Pro Construction LLC

The general contractor's initial application could not be approved at staff level. Mr. Cody Dumas was present and was not represented by legal counsel.

MOTION:

Mr. Richardson made a motion to deny the request for initial licensure without having to take South Carolina exams. Ms. Lineberger seconded the motion, which carried unanimously.

Hearing Officer Recommendation – Final Order Hearings:

Lee B Moulton (Case No.: 2014-199)

Ms. Tracey Perlman, Esq. represented the State and requested the case be continued

PGI INC. /Rodney Smith (Case No.: 2016-182)

Mr. White was the hearing officer in the case and recused himself from the hearing. PGI Inc. /Rodney Smith was not present. Ms. Tracey Perlman, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

Mr. Lady made a motion to accept the Hearing Officer's recommendation(s). Mr. Richardson seconded the motion, which carried unanimously.

Wade Lucas Quattlebaum/Dbu Roof Rite/Diamond Worldwide (Case No(s):2015-45; 2015-240)

Mr. Daniel Lehman was the hearing officer in the case and recused himself from the hearing. Wade Lucas Quattlebaum was not present. Ms. Tracey Perlman, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

Mr. Walker made a motion to accept the Hearing Officer's recommendation(s). Ms. Lineberger seconded the motion, which carried unanimously.

Application will not be accepted for renewal until all conditions from the Hearing Officer's recommendations have been met.

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Cool Care/Kenny Wardlaw (Case No.: 2015-202)

Mr. Legrand Richardson was the hearing officer in the case and recused himself from the hearing. Mr. Kenneth Wardlaw was present and represented by attorney Micah Leddy. Ms. Tracey Perlman, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

Mr. Walker made a motion to accept the Hearing Officer's recommendation(s). Mr. Lehman seconded the motion, which carried unanimously.

Ronald Carrigg (Case No.:2015-225)

Mr. Daniel Lehman was the hearing officer in the case and recused himself from the hearing. Ronald Carrigg was not present. Ms. Tracey Perlman, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation to dismiss the case.

MOTION:

Mr. Lady made a motion to accept the Hearing Officer's recommendation(s). Mr. Richardson seconded the motion, which carried unanimously.

Memorandum of Agreement – Final Order Hearings:

FTL Electric/Jeffrey T. Husta (Case No.: 2016-46)

Mr. Jeffrey Husta was present and waived his right to counsel.

MOTION:

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

MOTION:

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

MOTION:

Mr. Lady made a motion to accept the Memorandum of Agreement. Mr. Richardson seconded the motion, which carried unanimously.

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MOTION:

Mr. Lady made a motion to amend the Memorandum of Agreement to state Mr. Husta must bring forward a financial statement from an accountant and a plan to pay judgements. In addition staff must review licensee for any other judgements. Mr. Appleton seconded the motion, which carried unanimously.

Public Comments:

Representatives from Flash Floor came before the Board to due to being asked by the Better Business Bureau (BBB) to inquire as to whether or not they are required to hold a Concrete or Asphalt license for the types of repairs they do. David Banks (owner) and Martin Banks (attorney) discussed and demonstrated what their product does and that it is strictly cosmetic in that their products fill cracks and makes surfaces smooth. They requested a letter from the Board to give to the BBB that specifically says they do not need a license for the type of repairs they do.

MOTION:

Mr. Richardson made a motion that LLR staff produce a letter that states Flash Floor is not required to get a license due to the fact they are only doing structural/cosmetic repair. Mr. White seconded the motion, which carried unanimously.

Office of General Counsel (OGC Report)

Tracey Perlman

Ms. Perlman reported that OGC has 51 open cases, 30 cases pending action, 7 cases are pending disciplinary hearings, and 11 cases pending final order hearings. Since July 19, 2016, 17 cases have been closed and there is 1 case on appeal at this time.

Office of Investigations and Enforcement (OIE Report)

Todd Bond

OIE Status Report – Mr. Bond reported that from January-December 2016 there were a total of 427 complaints, 137 active investigations and 302 cases have been closed.

Recommendation of Investigation Review Committee (IRC)

November 10, 2016, IRC Recommendations:

The IRC Committee recommended 4 cases be dismissed, 3 cease and desist dismissals, 5 formal complaints and 4 formal complaint citations. That is a total of 16 cases.

MOTION:

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

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December 15, 2016, IRC Recommendations:

The IRC Committee recommended 8 cases be dismissed, 4 formal complaints, and 1 formal complaint citation. There is a total of 13 cases.

MOTION:

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

Board Financial Information and PSI Examination Information

Mr. Lowe directed the Board to the financial information for the month ending December 31, 2016 and PSI examination information for the month ending December 31, 2016. Both reports were included on the secure website for Board review.

Discussion of surrounding states financial requirements

Mr. Lowe directed the Board to this section of the secure website for review. The list consisted of information from Georgia, North Carolina, Tennessee, Alabama and Florida.

Approval of NASCLA

Mr. Lowe requested the Board approve two staff and two members to attend the NASCLA conference from August 28-31st, which will be held in Denver.

MOTION:

Mr. Walker made a motion to approve the request. Mr. Richardson seconded the motion, which carried unanimously.

Date of Next Meeting:

Thursday, April 20, 2017; 10:00 A.M., Meeting Room 108, Kingstree Building

The next meeting of the SC Contractor's Licensing Board will be held Thursday, April 20, 2017, beginning at 10:00 A.M., at the Synergy Business Complex, Kingstree Building, Room 105, in Columbia, SC

Adjournment:

MOTION

Mr. White made a motion to adjourn the meeting. Mr. Walker seconded the motion, which carried unanimously. There being nothing further, the meeting concluded at 2:22 p.m.