

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD

Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210
Board Minutes

Thursday, January 25, 2018

10:00 a.m.

Mr. 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, stated that a quorum of board members was present and 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, Daniel Lehman, James Lady, Legrand Richardson, Jr., and Charles White.

Staff members participating in the meeting included: Georgia Lewis (Advice Counsel), Roger Lowe (Board Administrator), Rhonda Jackson (Program Coordinator), Shakeria Thomas (Program Assistant), Daniel Gourley (Office of Disciplinary Counsel), Todd Bond (OIE, Chief Investigator), Holly Beeson (Office of Communications and Governmental Affairs) and Cathy Young (Court Reporter).

APPROVAL OF AGENDA:

Motion:

Mr. Lady made a motion to approve the January 25, 2018 agenda. Mr. Appleton seconded the motion, which carried unanimously.

APPROVAL OF MINUTES:

Thursday, October 19, 2017

Motion:

Mr. Richardson made a motion to approve the October 19, 2017 minutes. Mr. Lehman seconded the motion, which carried unanimously.

APPROVAL OF ABSENT BOARD MEMBERS:

Motion:

Mr. Lady made a motion to excuse Ms. Lineberger's absence. Mr. Appleton seconded the motion, which carried unanimously.

Mr. Lady made a motion to excuse Mr. White's absence. Mr. Richardson seconded the motion, which carried unanimously.

APPROVAL OF ABSENT BOARD MEMBERS:

Motion:

Mr. Lady made a motion to excuse Mr. Walker's absence. Mr. Appleton seconded the motion, which carried unanimously.

Mr. White made a motion to excuse Mr. Walker's absence. Mr. Lady seconded the motion, which carried unanimously.

CHAIRMAN'S REMARKS:

Mr. Lewis Caswell

Mr. Caswell announced that the election of officers would be moved to the end of the meeting.

APPLICATION/LICENSE REVIEW:

- ***TOMMY HARRIS/SKYLINE SECURITY (burglar-fire registered employee application pending)***

The registered employee application could not be approved at staff level. Tommy Harris was present by phone and was not represented by legal counsel. Mr. Harris had two witnesses present, Mikayla Allison and Rawan Akkary. Michael Perdue was also present by phone and was not represented by legal counsel.

Motion:

Mr. Lehman made a motion to deny the registered employee application. Mr. Richardson seconded the motion, which carried unanimously.

- ***KENNETH COLLIER/VIVINT INC (burglar-fire registered employee application pending)***

The registered employee application could not be approved at staff level. Kenneth Collier was not present.

Motion:

Mr. Appleton made a motion to deny the registered employee application. Mr. White seconded the motion, which carried unanimously.

- ***THOMAS THOMAS/PALMETTO RESIDENTIAL ALARMS LLC (burglar-fire registered employee application pending)***

The registered employee application could not be approved at staff level. Thomas Thomas was not present.

Motion:

Mr. Appleton made a motion to deny the registered employee application. Mr. Lehman seconded the motion, which carried unanimously.

- **GREGORY LEE/CORE CONSTRUCTION & DEVELOPMENT INC** (*Pending initial application*)

The initial application could not be approved at staff level. Gregory Lee was present and was represented by legal counsel, Charles Krawczyk.

Motion:

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

- **GREG MILLER** (*Pending initial application*)

The initial application could not be approved at staff level. Greg Miller was present and was represented by legal counsel, Hank Wall.

Motion: Mr. Lehman made a motion to deny the request. There was no second, which resulted in a failed motion.

Motion:

Mr. Lady made a motion to approve the request. Mr. White seconded the motion, which carried unanimously.

- **ARTHUR MCDONALD/MASTEC NORTH AMERICA INC** (*Pending renewal application*)

The renewal application could not be approved at staff level. Arthur McDonald was present and was represented by legal counsel, John Davidson. Mr. McDonald had two witnesses present, Rodney Simmons and David Edge.

Motion:

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

- **RHONDA PRESSLEY/EMCOR FACILITIES SERVICES INC** (*CLM.111563, Revision Application-Pending new qualifying party*)

The applicant was required to appear before the board before a revision application could be accepted. Rhonda Pressley was present and was not represented by legal counsel.

Motion:

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

FINAL ORDER HEARING: REQUEST FOR MODIFICATION

- **WILLIAM BROWN/BROWN SINGLETON LLC** (*Request for modification of final order 2013-212*)

The request could not be approved at staff level. William Brown was present and was not represented by legal counsel. Ashley Hatcher, complainant in case 2013-212 was also present and was not represented by legal counsel.

Executive Session Motion (IN)

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

Executive Session Motion (OUT)

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.

Motion:

After hearing from both parties Mr. Lady made a motion to accept the request for modification of the final order. Mr. Lehman seconded the motion, which carried unanimously.

HEARING OFFICER RECOMMENDATION – FINAL ORDER HEARINGS:

- ***CHRISTOPHER BEDSON/CNT FOUNDATIONS LLC (CASE NO. 2016-325)***
The hearing is continued until the April Board Meeting.

- ***SEAN BOYLES/S.D. BOYLES & COMPANY (CASE NO. 2016-424)***
Mr. White was the hearing officer in the case and recused himself from the hearing. Sean Boyles was present and was not represented by legal counsel. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

Mr. Lehman made a motion to accept the Hearing Officer's recommendations. Mr. Lady seconded the motion, which carried unanimously.

- ***MICHAEL NIERI/GREAT SOUTHERN HOMES (CASE NO. 2016-402)***
Mr. Walker was the hearing officer in the case and was not present. Michael Nieri was not present. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

Mr. Richardson made a motion to accept the Hearing Officer's recommendations. Mr. Appleton seconded the motion, which carried unanimously.

- ***DAREN ADKINS/APEX PLUMBING (CASE NO. 2016-138)***

Mr. Walker was the hearing officer in the case and was not present. Daren Adkins was not present. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

Mr. Lehman made a motion to accept the Hearing Officer's recommendations. Mr. White seconded the motion, which carried unanimously.

- ***GEORGE SMITH/BTS CONSTRUCTION (CASE NO. 2016-362; 2016-363; 2016-396)***

Mr. Walker was the hearing officer in the case and was not present. George Smith was not present. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

Mr. Lady made a motion to accept the Hearing Officer's recommendations. Mr. White seconded the motion, which carried unanimously.

- ***TYLER WHITE/ALDER HOLDINGS LLC (CASE NO. 2016-12; 2016-24; 2016-25; 2016-26)***

Mr. Walker was the hearing officer in the case and was not present. Tyler White was not present but was represented by legal counsel, Kenneth Crowder. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

Mr. White made a motion to accept the Hearing Officer's recommendations. Mr. Appleton seconded the motion, which carried unanimously.

- ***TYLER WHITE/ALDER HOLDINGS LLC (CASE NO. 2016-13 & 2016-14)***

Mr. Walker was the hearing officer in the case and was not present. Tyler White was not present but was represented by legal counsel, Kenneth Crowder. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

Mr. Lady made a motion to accept the Hearing Officer's recommendations. Mr. Appleton seconded the motion, which carried unanimously.

- ***LUIS ENDARA/MX SECURITY (CASE NO. 2016-9)***

Mr. Walker was the hearing officer in the case and was not present. Luis Endara was not present. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion: Mr. Appleton made a motion to accept the Hearing Officer's recommendations. Mr. Lady seconded the motion, which carried unanimously.

MEMORANDUM OF AGREEMENT – FINAL ORDER HEARINGS:

- ***DANIEL D. ANTHONY (CASE NO. 2016-83)***

Daniel Anthony was present, waived his right to counsel and was sworn in. Daniel Gourley, Esq. represented the State.

Executive Session Motion (IN)

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

Executive Session Motion (OUT)

Mr. Lady made a motion to come out of executive session. Mr. Appleton seconded the motion, which carried unanimously.

Motion:

Mr. Richardson made a motion to accept the Memorandum of Agreement. The sanctions against the Respondent will be a fine of \$7,580 to be paid to the homeowner by the October 2018 license renewal date. Mr. Lady seconded the motion, which carried unanimously.

OFFICE OF GENERAL COUNSEL (OGC REPORT)

Daniel Gourley

Mr. Gourley reported that OGC has 40 open cases, 20 cases pending action, 0 cases are pending a consent agreement or memorandum of agreement, 13 cases are pending disciplinary hearings, 5 cases are pending final order hearings and 1 case is pending a final order. Since October 10, 2017, 5 cases have been closed and there is 1 case on appeal at this time.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT (OIE REPORT)

Todd Bond

- ***December 14, 2017 IRC Recommendations for Contractors cases:***

The IRC Committee recommended 16 cases be dismissed, 1 cease and desist dismissal, 13 formal complaints, 15 formal complaint citations, 2 letter of cautions - a total of 47 cases.

Motion:

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

NEW BUSINESS

- **“Length of years of convictions”**

Roger Lowe, Administrator, asked for advice from the Board on the time frame for Contractor’s applications to be brought before the board. After some discussion they agreed that only Contractor’s applications with convictions within the last 10 years would need to be brought before the Board unless there is a concern from staff or the conviction is directly related to construction.

- **“Legislation-Financial Statements”**

Holly Beeson briefly presented the new legislation regarding financial statements and surety bonds. If the legislation is passed, companies will be able to submit a surety bond to show their net worth requirement in lieu of a financial statement. The amount of the surety bond must be at least ten times the required net worth amount.

BOARD FINANCIAL INFORMATION AND PSI EXAMINATION INFORMATION

Roger Lowe directed the board to the secure website for review of the documents.

ELECTION OF OFFICERS

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

Motion:

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

DATE OF NEXT MEETING:

Thursday, April 19, 2018; 10:00 A.M., Meeting Room 108, Kingstree Building

The next meeting of the SC Contractor’s Licensing Board will be held Thursday, April 19, 2018, beginning at 10:00 A.M., at the Synergy Business Complex, Kingstree Building, Room 108, in Columbia, SC.

ADJOURNMENT:

Motion:

Mr. Appleton made a motion to adjourn the meeting. Mr. White seconded the motion, which carried unanimously. There being nothing further, the meeting concluded at 3:37 p.m.