

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 20, 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: Mary League, Advice Counsel, Roger Lowe, Program Administrator, Melissa Burroughs, Program Assistant, Tracey Perlman, Office of General Counsel, Erin Baldwin, Office of General Counsel, Daniel Gourley, Office of General Counsel, Todd Bond, OIE Chief Investigator and Cathy L. Young, Court Reporter.

APPROVAL OF AGENDA:

Thursday, April 20, 2017

MOTION:

Mr. Walker made a motion to approve the April 20, 2017 agenda. Mr. Appleton seconded the Motion, which carried unanimously.

EXCUSED MEMBER(S):

Mr. Walker announced that he received notification that Mr. Charles White would be tardy for the board meeting.

MOTION:

Mr. Walker made a motion to accept Mr. White's tardiness. Mr. Lehman seconded the motion, which carried unanimously.

APPROVAL OF MINUTES:

Thursday, January 19, 2017

MOTION:

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

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APPLICATION/LICENSE REVIEWS:

- ***Motley Construction LLC/Alvin Motley, Jr.***

The general contractor's reinstatement application could not be approved at staff level. Mr. Alvin Motley was present and was not represented by legal counsel. Mr. Motley requested that his application be rescheduled and placed on the agenda for the next board meeting due to his wanting to seek legal representation and to gather additional information requested by LLR staff.

MOTION:

Mr. Richardson made a motion to approve Mr. Motley's request to be placed on the next board meeting's agenda. Mr. Lady seconded the motion, which carried unanimously.

- ***Scott Jones (AVSX Technologies)***

The burglar/fire registered employee application could not be approved at staff level. Mr. Jones nor a representative from AVSX Technologies was present.

MOTION:

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

- ***Veteran Electric & Construction Services, LLC DBA: VEC Services***

The dual application for general and mechanical contractor's license could not be approved at staff level. Mr. Phillip Michael Watts was present and was not represented by legal counsel.

MOTION:

Ms. Lineberger made a motion to move into a closed session. Mr. Richardson seconded the motion, which carried unanimously.

MOTION:

Mr. Lady made a motion to move back into open session. Mr. Appleton seconded the motion, which carried unanimously.

MOTION:

Mr. Richardson made a motion to approve the request after staff has had the opportunity to verify that Mr. Watts has enough work experience. Ms. Lineberger seconded the motion, which carried unanimously.

- ***Riverbend Construction LLC***

The general contractor's application could not be approved at staff level. Mr. Leslie Duffin Boyd was present and represented by legal counsel, Ms. Robyn Madden, Esq.

MOTION:

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

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HEARING OFFICER RECOMMENDATION – FINAL ORDER HEARINGS:

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

Mr. Charles White was the hearing officer in the case and was not present. Mr. Lee B Moulton was present, waived his right to counsel and was sworn in. Ms. Tracey Perlman, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

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

- ***Tweedy's Heating & Air LLC / John Tweedy (Case No. 2015-249)***

Mr. Daniel Lehman was the hearing officer in the case and recused himself from the hearing. Mr. John Tweedy was present, waived his right to counsel and was sworn in. 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. Walker seconded the motion, which carried unanimously.

- ***Dock Systems / R. W. Mitchell (Case 2015-268)***

Mr. Daniel Lehman was the hearing officer in the case and recused himself from the hearing. Mr. R.W. Mitchell 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. Walker seconded the motion, which carried unanimously.

- ***Waterbridge Marine Contractors / John Belcher / Jared Belcher (Case No(s) 2013-144, 2015-264, 2016-37 & 2016-50)***

Mr. Legrand Richardson was the hearing officer in the case and recused himself from the hearing. Mr. John Belcher nor Mr. Jared Belcher was present. Ms. Erin Baldwin, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

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

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- ***Schumacher Homes of SC Inc. / Richard J. Sanner (Case No. 2014-120)***

Mr. Legrand Richardson was the hearing officer in the case and recused himself from the hearing. Mr. Richard Sanner 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. Lehman made a motion to accept the Hearing Officer's recommendation(s). Mr. Appleton seconded the motion, which carried unanimously.

- ***The Oettinger Group / Jared Oettinger (Case 2016-4)***

Mr. Legrand Richardson was the hearing officer in the case and recused himself from the hearing. Mr. Jared Oettinger 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. Lehman seconded the motion, which carried unanimously.

MEMORANDUM OF AGREEMENT – FINAL ORDER HEARINGS:

- ***Christopher Alan Sandlin (Case No. 2016-14)***

Mr. Sandlin was not present. Mr. Daniel Gourley, Esq. represented the State.

MOTION:

Mr. Richardson made a motion to accept the Memorandum of Agreement. The sanctions will be public reprimand, \$5000.00 fine and license revocation. Mr. Lady seconded the motion, which carried unanimously.

- ***Colton Builders, Inc. / Jeffrey Scott Price (Case No. 2013-159)***

Mr. Lewis Caswell and Mr. James Lady recused themselves. Mr. Charles White was present for this case. Mr. W. Franklin Walker took over as chair for this case only. Mr. Jeffrey Scott Price was present and sworn in. Brian Wolf, Esq. appeared as attorney for Jeffrey Scott Price. Ms. Erin Baldwin, Esq. represented the State.

MOTION:

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

MOTION:

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

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MOTION:

Ms. Lineberger made a motion to accept the Memorandum of Agreement; based on the evidence the State did not meet the burden of proof. The sanctions against the Respondent will be a letter of caution is to be issued. Mr. Lehman seconded the motion, which carried unanimously.

• ***Thomas Masser (Case No. 2013-97)***

Mr. Thomas Masser was present, waived his right to counsel and was sworn in. Mr. Erin Baldwin, Esq. represented the State.

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. Ms. Lineberger seconded the motion, which carried unanimously.

MOTION:

Mr. Walker made a motion to accept the Memorandum of Agreement. The sanctions against the Respondent will be a non-disciplinary letter of caution. Mr. Richardson seconded the motion, which carried unanimously.

OFFICE OF GENERAL COUNSEL (OGC REPORT)

Tracey Perlman

Ms. Perlman reported that OGC has 48 open cases, 21 cases pending action, 16 cases are pending disciplinary hearings, and 7 cases pending final order hearings. As of April 11, 2017, 17 cases have been closed and there is 1 case on appeal at this time.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT (OIE REPORT)

Todd Bond- Recommendation of Investigation Review Committee (IRC)

• ***February 28, 2017, IRC Recommendations (Contractors):***

The IRC Committee recommended 5 cases be dismissed, 4 cease and desist dismissals, 8 formal complaints, 6 formal complaint citations, 2 letter of cautions and 7 relinquishments . That is a total of 32 cases.

MOTION:

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

• ***February 28, 2017, IRC Recommendations (Burglar-Fire):***

The IRC Committee recommended, 1 cease and desist dismissal, 4 formal complaints, and 1 formal complaint citation. That is a total of 6 cases.

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MOTION:

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

• ***April 5, 2017, IRC Recommendations (Contractors):***

The IRC Committee recommended 3 cases be dismissed, 2 cease and desist dismissals, 7 formal complaints, 7 formal complaint citation. That is a total of 19 cases.

MOTION:

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

• ***April 5, 2017, IRC Recommendations (Burglar-Fire):***

The IRC Committee recommended 1 case be dismissed, 1 cease and desist dismissal, and 2 formal complaint citations. That is a total of 4 cases.

MOTION:

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

NEW BUSINESS

• **Revision Application Review:**

Board Administrator, Mr. Roger Lowe, reported on suggested changes to the Contractor's Board revision application. Per Mr. Lowe there is no statutory requirement to ask about pending charges so that language could be removed from the application. The board reviewed suggested changes to the document.

MOTION:

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

• **Request for Committee to review "No Specific License Required List":**

Board Administrator, Mr. Roger Lowe, requested that a committee be formed from the board to review this list for clarity and/or additional wording. Committee members chosen were Scott Appleton (committee chair), Kimberly Lineberger and Legrand Richardson.

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• **CLB Citation Forms (Todd Bond):**

Mr. Todd Bond presented and provided the Board with copies of how the new form would look. Mr. Bond requested that changes to the form be approved so that the form could serve two purposes (Citation and Cease and Desist). Currently there are two separate forms that require two steps to complete by LLR investigators. The Board concluded that the request would not be approved at this time largely in part because there were violations listed on the form that did not require both a citation and cease and desist. The Board requested that Mr. Bond's department pull those violations from the list that did not require both and come before the Board again for approval.

• **Board Interpretation on Licensing for Playground Installation:**

Attorneys present were Elizabeth Martineau, Esq. and Wesley Peel, Esq. Both attorneys presented due to a pending lawsuit surrounding the topic. Chairman Caswell reported that the Board will make a decision based on what the law says on this specific topic; he also formed an Ad Hoc committee which consists of Scott Appleton (committee chair), Kimberly Lineberger and Legrand Richardson. Committee members were charged with having a report ready for the July board meeting.

BOARD FINANCIAL INFORMATION AND PSI EXAMINATION INFORMATION

Mr. Lowe directed the Board to the financial information for the month ending March 31, 2017 and PSI examination information for the month ending March 31, 2017. Both reports were included on the secure website for Board review.

DATE OF NEXT MEETING:

Thursday, July 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, July 20, 2017, beginning at 10:00 A.M., at the Synergy Business Complex, Kingstree Building, Room 108, in Columbia, SC.

ADJOURNMENT:

MOTION

Mr. Lehman made a motion to adjourn the meeting. Mr. White seconded the motion, which carried unanimously. There being nothing further, the meeting concluded at 2:10 p.m.