

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, April 19, 2018

10:00 a.m.

Mr. Lady, 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:

James Lady, 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, Legrand Richardson, Jr., Lewis Caswell, Kimberly Lineberger, Frank Walker, and Charles White.

Staff members participating in the meeting included: Georgia Lewis (Advice Counsel), Roger Lowe (Board Administrator), Shakera Thomas (Program Assistant), Daniel Gourley (Office of Disciplinary Counsel), Todd Bond (OIE, Chief Investigator), Ron Spiker (Chief Boiler Inspector) and Shirley Dallas-Gerrald (Court Reporter).

APPROVAL OF AGENDA:

Motion:

Mr. Lehman made a motion to approve the April 19, 2018 agenda. Mr. Appleton seconded the motion, which carried unanimously.

Mr. Lady, Board Chair, stated amendments to the agenda. Items under new business were moved to after Chairman's remarks.

Motion:

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

APPROVAL OF MINUTES:

Thursday, January 25, 2018

Motion:

Mr. Caswell made a motion to approve the January 25, 2018 minutes. Mr. Lehman seconded the motion, which carried unanimously.

APPROVAL OF ABSENT BOARD MEMBERS:

There were no absent members.

CHAIRMAN'S REMARKS:

Mr. James Lady

Mr. Lady announced that this was his first meeting as Board Chair.

NEW BUSINESS:

• **“North Carolina Electrical Reciprocity”**

Mr. Tim Norman of the North Carolina Board of Examiners for Electrical Contractors requested an updated reciprocal agreement with North Carolina be approved. It has been several years since the agreements have been updated and both Boards have had changes in their licensing procedures. Mr. Lowe, Board Administrator, stated that this agreement is long overdue and will be very convenient for licensed electrical contractors in both states. Georgia Lewis, Advice Counsel, stated that this agreement only waives the technical exam and not the business management & law exam that is required for all applicants.

Motion:

Mr. Walker made a motion to approve the updated reciprocal agreement with North Carolina.

Mr. Richardson seconded the motion, which carried unanimously.

• **“Boiler Safety Act”**

Mr. Tom Minor requested clarification from the board on whether boiler work can be done by an individual that holds a commercial heating license. Mr. Lowe, Board Administrator stated that individuals licensed prior to April 1, 1999 were given a 1P classification that allowed them to do boiler work. Individuals licensed after April 1, 1999 are given a 2P classification and are not allowed to engage in any boiler work. Ron Spiker, Chief Boiler Inspector, addressed the board regarding the Boiler Safety Act.

Executive Session Motion (IN)

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

Executive Session Motion (OUT)

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

Motion:

Mr. Richardson made a motion that the boiler license is required for an individual to engage in boiler work and that individuals with a heating license are not allowed to engage in boiler work. Mr. Lehman seconded the motion, which carried unanimously.

• **“Construction Manager Requirement”**

Rebecca Leach, Office of Communications & Governmental Affairs, was approached by a legislature regarding the requirements to hold a construction manager license. In order to be a construction manager one must be licensed as an architect, a contractor, or an engineer. Dr. Roger Liska and Alan Schmoll were present to ask the board if work and education would be considered as an option to obtain the construction manager license. The board decided that one of these three licenses must be held in order to be a construction manager and that legislative change to the statute would be required.

- **“Board Interpretation of 40-11-410 (4) (i) Specialty Roofing”**

Roger Lowe, Board Administrator, asked the board for clarification on whether an individual with a commercial specialty roofing license is able to perform work on residential roofs even though it does not specifically state that residential work can be performed.

Motion:

Mr. Walker made a motion that residential work is included with the commercial specialty roofing license. Mr. Lehman seconded the motion, which carried unanimously.

APPLICATION/LICENSE REVIEWS:

- ***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. Richardson made a motion to deny the registered employee application. Ms. Lineberger seconded the motion, which carried unanimously.

- ***BENJAMIN NIELSEN/VIVINT INC (burglar-fire registered employee application pending)***

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

Motion:

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

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

The registered employee application could not be approved at staff level. Tommy Harris was present and was not represented by legal counsel.

Motion:

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

- ***SKYLER NEWBY/ALDER HOLDINGS LLC (burglar-fire registered employee application pending)***
The registered employee application could not be approved at staff level. Skyler Newby was not present.

Motion:

Mr. Caswell made a motion to deny the request. Mr. Appleton seconded the motion, which carried unanimously.

- ***TYSON LARSEN/ALDER HOLDINGS LLC (burglar-fire registered employee application pending)***
The registered employee application could not be approved at staff level. Tyson Larsen was not present.

Motion:

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

- ***TERRY SPRINKLE/PROGUARD SYSTEMS INC (burglar-fire initial application pending)***
The initial application could not be approved at staff level. Terry Sprinkle was present and was not represented by counsel.

Motion:

Mr. Walker made a motion to deny the request. Mr. Lehman seconded the motion, which carried unanimously.

- ***RANDALL JONES/IHC SECURITY SERVICES INC (burglar-fire registered employee application pending)***
The registered employee application could not be approved at staff level. Randall Jones was present and was not represented by legal counsel.

Motion:

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

- ***DUSTIN SUTTON/DCS ELECTRICAL SERVICES LLC (initial mechanical contractors application pending)***
The initial application could not be approved at staff level. Dustin Sutton was present and was not represented by legal counsel.

Motion:

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

- ***HENRY S. M. JAMES/CUNNINGHAM WATERS CONSTRUCTION COMPANY INC***
(renewal application pending)

The renewal application could not be approved at staff level. Henry James was present and was not represented by legal counsel.

Motion:

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

REQUEST TO RESCIND CITATIONS:

- ***MARTIN MARTIN RENOVATIONS/MICHAEL HUTCHINS (CASE NO. 2016-367)***

Mr. Martin was not present. The state made a motion to rescind the citation and dismiss the citation appeal.

Motion:

Mr. Walker made a motion to rescind the citation and dismiss the citation appeal. Mr. Caswell seconded the motion, which carried unanimously.

- ***LIBERTY BUILDERS INC/SAMUEL DRIGGERS (CASE NO. 2017-100)***

Mr. Driggers was not present. The state made a motion to rescind the citation and dismiss the citation appeal.

Motion:

Mr. Caswell made a motion to rescind the citation and dismiss the citation appeal. Mr. Walker seconded the motion, which carried unanimously.

- ***RUSSELL DRIGGERS (CASE NO. 2017-215)***

Mr. Driggers was not present. The state made a motion to rescind the citation and dismiss the citation appeal.

Motion:

Mr. Appleton made a motion to rescind the citation and dismiss the citation appeal. Mr. Richardson seconded the motion, which carried unanimously.

HEARING OFFICER RECOMMENDATION – FINAL ORDER HEARINGS:

- ***DENNIS HAMPTON/CITYVIEW BUILDERS & SERVICES INC (CASE NO. 2016-69)***
Mr. Appleton was the hearing officer in the case and recused himself from the hearing. Dennis Hampton was not present. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

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

- ***JAMES MONTGOMERY/MONTGOMERY GENERAL CONTRACTING INC (CASE NO. 2016-375)***

Mr. Appleton was the hearing officer in the case and recused himself from the hearing. James Montgomery was not present. 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. Caswell seconded the motion, which carried unanimously.

- ***CHRISTOPHER BEDSON/CNT FOUNDATIONS LLC (CASE NO. 2016-325)***

Mr. Lehman was the hearing officer in the case and recused himself from the hearing. Christopher Bedson was present and was represented by legal counsel, Suzanne Hawkins. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Executive Session Motion (IN)

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

Executive Session Motion (OUT)

Mr. White 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 hearing officer recommendation findings of fact and conclusion of law but to amend the penalty to the issuance of a non-disciplinary letter of caution. Mr. Lady seconded the motion, which carried unanimously.

- ***ALFRED NYMAN/SEARS HOME IMPROVEMENT PRODUCTS INC (CASE NO. 2017-124)***

Mr. Lehman was the hearing officer in the case and recused himself from the hearing. Alfred Nyman was not present. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

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

- ***MARK COCHCROFT/MAC CONSTRUCTION (CASE NO. 2017-164)***

Mr. Lehman was the hearing officer in the case and recused himself from the hearing. Mark Cochcroft was not present. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

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

- ***JOSEPH J. STRONKOWSKY (CASE NO. 2016-436)***

Mr. Lehman was the hearing officer in the case and recused himself from the hearing. Joseph Stronkowski 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. Ms. Lineberger seconded the motion, which carried unanimously.

- ***RICHARD MITCHELL/J. STEVEN FAUST/CAROLINA COMFORT INC (CASE NO. 2016-425)***

Mr. Lehman was the hearing officer in the case and recused himself from the hearing. Richard Mitchell and J. Steven Faust were present and were not represented by counsel. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

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

- ***HENRY H. GRAHAM III/3G (CASE NO. 2016-99)***

Mr. Richardson was the hearing officer in the case and recused himself from the hearing. Henry Graham 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 with a revision to paragraph four that should read "new work". Mr. Lehman seconded the motion, which carried unanimously.

• ***JAY GASKINS/JD GASKINS CONSTRUCTION INC (CASE NO. 2016-168)***

Mr. Richardson was the hearing officer in the case and recused himself from the hearing. Jay Gaskins was present and was not represented by counsel. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

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

• ***TRU-BILT LLC (CASE NO. 2016-344)***

Mr. Richardson was the hearing officer in the case and recused himself from the hearing. There was no representative of Tru-Bilt LLC present. 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.

• ***ARDEAN BUGGS/ARDEAN BUGGS ACUTE REMODELING AND CONSTRUCTION (CASE NO. 2016-54)***

Mr. Richardson was the hearing officer in the case and recused himself from the hearing. Ardean Buggs was present and was not represented by counsel. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

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

• ***KENNETH CANTY/FREELAND CONSTRUCTION COMPANY (CASE NO. 2016-411)***

Mr. White was the hearing officer in the case and recused himself from the hearing. Kenneth Canty was present and was not represented by counsel. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

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

OFFICE OF DISCIPLINARY COUNSEL (ODC REPORT)

Daniel Gourley

Mr. Gourley reported that ODC has 54 open cases, 29 cases pending action, 2 cases are pending a consent agreement or memorandum of agreement, 14 cases are pending disciplinary hearings, 14 cases are pending final order hearings and 0 cases are pending a final order. Since January 4, 2018, 12 cases have been closed and there is 1 case on appeal at this time.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT (OIE REPORT)

Todd Bond

• ***April 5, 2018 IRC Recommendations for Contractors cases:***

The IRC Committee recommended 12 cases be dismissed, 11 formal complaints, 8 formal complaint citations, 3 letter of cautions - a total of 34 cases.

• ***April 5, 2018 IRC Recommendations for Burglar and Fire Alarm cases:***

The IRC Committee recommended 1 case be dismissed and 1 formal complaint citation - a total of 2 cases.

BOARD FINANCIAL INFORMATION AND PSI EXAMINATION INFORMATION

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

“Administrator Remarks”

Mr. Lowe advised the Board to the status of two bills in the legislature and that two Attorney General opinions had been handed down. The first concerning the requirement for licensing to perform connections to utilities when performing unregulated work such as setting equipment. The second was that the Board has the authority to use additional information, other than the net worth of an entity, to determine eligibility for a group classification.

DATE OF NEXT MEETING:

Thursday, July 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, July 19, 2018 beginning at 10:00 A.M., at the Synergy Business Complex, Kingstree Building, Room 108, in Columbia, SC.

ADJOURNMENT:

Motion:

Mr. Caswell made a motion to adjourn the meeting. Mr. Richardson seconded the motion, which carried unanimously. There being nothing further, the meeting concluded at 2:20 p.m.