

***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, October 18, 2018

10:00 a.m.

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Legrand Richardson, vice-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:**

Legrand Richardson, vice-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: Daniel Lehman, Kimberly Lineberger, Frank Walker, Charles White, and Scott Appleton.

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

**APPROVAL OF AGENDA:**

Mr. Richardson, vice-chair, stated an amendment to the agenda. Tab I was moved to after tab G on the agenda.

**Motion:**

Mr. Appleton made a motion to approve the October 18, 2018 agenda. Mr. Lehman seconded the motion, which carried unanimously.

**APPROVAL OF ABSENT BOARD MEMBERS:**

Ms. Lineberger made a motion to approve Mr. Caswell's absence and Mr. Lady's tardiness. Mr. White seconded the motion which carried unanimously.

**APPROVAL OF MINUTES:**

*Thursday, July 19, 2018 & October 8, 2018*

**Motion:**

Mr. Walker made a motion to approve the July 19, 2018 minutes. Mr. Appleton seconded the motion, which carried unanimously.

**Motion:**

Mr. Appleton made a motion to approve the October 8, 2018 minutes. Mr. Lehman seconded the motion, which carried unanimously.

**CHAIRMAN'S REMARKS:**

*Legrand Richardson, vice-chair*

The chairman announced that there would be a brief note from LLR Director Emily Farr.

**APPLICATION/LICENSE REVIEWS:**

- ***NORTHSTAR ELECTRIC COMPANY LLC / JAMES DAVIS (CLM initial application pending)***

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

**Executive Session Motion (IN)**

Mr. White made a motion to go into executive session to seek legal advice. Ms. Lineberger 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. Walker made a motion to deny the application. Mr. Lehman seconded the motion, which carried unanimously.

***\*Chairman Lady enters board meeting.***

- ***ELECTRICIAN IN CHARGE LLC / LA'SHAUN SMALLS (CLM initial application pending)***

The initial application could not be approved at staff level. La'Shaun Smalls was present and was not represented by legal counsel.

**Executive Session Motion (IN)**

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

**Motion:**

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

- ***SCVC LLC / EVERETTE EXLINE (CLG initial application pending)***

The initial application could not be approved at staff level. Everette Exline was present and was not represented by legal counsel.

**Executive Session Motion (IN)**

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

**HEARING OFFICER RECOMMENDATION – FINAL ORDER HEARINGS:**

- ***INSIDE MARKETING INC. (CASE NO. 2015-287; 2015-288; 2015-289; 2016-30)***

Mr. Walker was the hearing officer in the case and recused himself from the hearing. Mr. Lehman was the hearing officer in a previous case and recused himself from the hearing. Craig Stratton was present and was represented by legal counsel, Robyn Madden. Elyssia Stratton was present as a witness. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

**Executive Session Motion (IN)**

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

**Executive Session Motion (OUT)**

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

**Motion:**

Mr. Richardson made a motion to modify the hearing officer's recommended sanctions. Ms. Lineberger seconded the motion, which carried unanimously.

- ***CHRIS PINELLI DBA: PINELLI CONSTRUCTION / CHRISTOPHER PINELLI (CASE NO. 2016-400; 2017-28)***

Mr. Walker was the hearing officer in the case and recused himself from the hearing. Christopher Pinelli was present and was represented by legal counsel, Craig White. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

**Executive Session Motion (IN)**

Mr. Appleton 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 continue the case until the next meeting on January 17, 2019 and suspend the license until that date. Ms. Lineberger seconded the motion, which carried unanimously.

• ***ROCK OR DIRT LLC / JOHN E. BEEVER (CASE NO. 2017-116)***

Mr. Appleton was the hearing officer in the case and recused himself from the hearing. John Beever 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. Ms. Lineberger seconded the motion, which carried unanimously

**MEMORANDUM OF AGREEMENT – FINAL ORDER HEARINGS:**

• ***CUMMINGS CONSTRUCTION CO INC / GERARD B. CUMMINGS JR. (CASE NO. 2016-409)***

Gerard Cummings was present and was represented by legal counsel, Steven Spreewers. Daniel Gourley, Esq. represented the State.

**Motion:**

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

**OFFICE OF DISCIPLINARY COUNSEL (ODC REPORT)**

*Daniel Gourley*

Mr. Gourley reported that ODC has 42 open cases, 20 cases pending action, 2 cases are pending a consent agreement or memorandum of agreement, 3 cases are pending disciplinary hearings, 1 case is pending advice action, 10 cases are pending final order hearings and 5 cases are pending a final order. Since July 12, 2018, 19 cases have been closed and there is 1 case on appeal at this time.

**OFFICE OF INVESTIGATIONS AND ENFORCEMENT (OIE REPORT)**

*Todd Bond*

Mr. Bond reported that 333 complaints have been received this year with 104 active investigations and 339 cases closed to this date.

- ***August 16, 2018 IRC Recommendations for Contractors cases:***

The IRC Committee recommended 13 cases be dismissed, 6 formal complaints, 7 citations, and 1 letter of caution, a - a total of 27 cases.

**Motion:**

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

- ***October 10, 2018 IRC Recommendations for Contractors cases:***

The IRC Committee recommended 14 cases be dismissed, 1 cease & desist, 6 formal complaints, 7 formal complaint citations, and 1 letter of caution- a total of 29 cases.

**Motion:**

Ms. Lineberger made a motion to approve the report. Mr. Appleton seconded the motion, which carried unanimously

- ***October 10, 2018 IRC Recommendations for Burglar and Fire Alarm cases:***

The IRC Committee recommended 1 case for a formal complaint and 1 case be recommended for a letter of caution.

**Motion:**

Ms. Lineberger made a motion to approve the report. Mr. Lehman seconded the motion, which carried unanimously

## **NEW BUSINESS**

- **“Interpretation of Highway Classification”**

Roger Lowe, Administrator, asked for advice from the Board on whether all classifications (Asphalt Paving, Concrete Paving, Bridges, Grading, and Highway Incidental) must be obtained in order for a company to have the highway classification designated on their license. The Board stated that all classifications must be obtained to have the highway classification.

- **“Approval of NASCLA Electrical Exam”**

Roger Lowe, Administrator, asked for advice from the Board on accepting the NASCLA Electrical exam in addition to the PSI Electrical exam.

**Motion:**

Mr. Richardson made a motion to accept the exam. Mr. White seconded the motion, which carried unanimously

**BOARD FINANCIAL INFORMATION AND PSI EXAMINATION  
INFORMATION**

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

**DATE OF NEXT MEETING:**

*Thursday, January 17, 2019; 10:00 A.M., Meeting Room 108, Kingstree Building*

The next meeting of the SC Contractor's Licensing Board will be held Thursday, January 17, 2019, beginning at 10:00 A.M., at the Synergy Business Complex, Kingstree Building, Room 108, in Columbia, SC.

**ADJOURNMENT:**

**Motion:**

Mr. Lady made a motion to adjourn the meeting. There being nothing further, the meeting concluded at 4:14 p.m.