

***SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD***

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

**Minutes**

**Thursday, July 16, 2015**

**10:00 a.m.**

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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: James E. Lady, Daniel B. Lehman, Kimberly L. Lineberger, Bill Neely, W. Franklin Walker, and Charles A. White.

Staff members participating in the meeting included: Georgia Lewis, Advice Counsel; Roger Lowe, Board Administrator; Rhonda Jackson, Program Coordinator; Erin Baldwin, Andrew Rogers and Zubin Billimoria, Office of General Counsel; Kim Long, Administrative Assistant; and Andrea Taylor, Court Reporter.

Others present participating in the meeting included: Andrea Brisbin, Steven Epps, Dexter Graham, Valerie Lawrence, Timberly E. Molton, Ned Nicholson, Dana Raby, K. Michael Raby, and David Simmons.

**Approval of Agenda:**

*Thursday, July 16, 2015*

**MOTION:**

Mr. Lady made a motion to approve the July 16, 2015, agenda. Ms. Lineberger seconded the motion, which carried unanimously.

**Excused Member(s):**

**MOTION:**

Mr. White made a motion that Jamie Patterson and Legrand Richardson, Jr., receive an excused absence. Mr. Neely seconded the motion, which carried unanimously.

**Approval of Minutes:**

*Thursday, April 16, 2015*

**MOTION:**

Mr. White made a motion to approve the April 16, 2015 meeting minutes. Mr. Lady seconded the motion, which carried unanimously.

**Chairman's Remarks:**

*Lewis M. Caswell*

None.

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**Application Reviews:**

*Anthony Hazeltine (MX Security LLC, BAC.13621)*

Mr. Hazeltine's application was withdrawn prior to the meeting.

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*Cameron B. Bruce (Vivint Inc, BAC.5569 and FAC.3437)*

Staff was unable to approve the registered employee application due to matters appearing on Mr. Bruce's criminal background check. Mr. Bruce, nor a representative from Vivint Inc, appeared before the Board.

**MOTION:**

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

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*Kaden G. Cook (Vivint Inc, BAC.5569 and FAC.3437)*

Staff was unable to approve the registered employee application due to matters appearing on Mr. Cook's criminal background check. Mr. Cook, nor a representative from Vivint Inc, appeared before the Board.

**MOTION:**

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

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*Raby Construction Company LLC and K. Michael Raby (CLG.101136)*

Staff was unable to approve the revision application due to matters appearing on Mr. Raby's criminal background check. Mr. Raby appeared before the Board and was sworn in. Ms. Andrea Brisbin, Esq, represented Raby Construction LLC and Mr. Raby. Ms. Brisbin and Mr. Raby answered questions from the Board.

**MOTION:**

Mr. Walker made a motion to approve the revision application allowing Mr. Raby to be primary qualifying party on the license for Raby Construction LLC. Mr. White seconded the motion, which carried unanimously.

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**Hearing Officer Recommendation – Final Order Hearings:**

*Konstruktion Services Inc and Alice A. Pereira - Case No.: 2012-132*

The Respondents were not present. W. Franklin Walker was the hearing officer in the case and recused himself from the Final Order hearing. Zubin Billimoria, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

**MOTION:**

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

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*Brown Singleton LLC – Case No.: 2013-212*

The Respondent was not present. W. Franklin Walker was the hearing officer in the case and recused himself from the Final Order hearing. Zubin Billimoria, 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. Lehman seconded the motion, which carried unanimously.

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*Acme Plumbing LLC and Jamy C. Cote – Case Nos.: 2013-18,2014-79*

The Respondents were not present. W. Franklin Walker was the hearing officer in the case and recused himself from the Final Order hearing. Zubin Billimoria, 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. White seconded the motion, which carried unanimously.

*(This proceeding was recorded by a court report in order to produce a verbatim transcript if requested in accordance with the law.)*

*James C. Epley – Case No.: 2013-18*

The Respondent was not present. W. Franklin Walker was the hearing officer in the case and recused himself from the Final Order hearing. Zubin Billimoria, 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). Ms. Lineberger seconded the motion, which carried unanimously.

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*Dean Custom Air LLC and Paul R. Dean – Case No.: 2014-17*

The Respondents were not present. W. Franklin Walker was the hearing officer in the case and recused himself from the Final Order hearing. Zubin Billimoria, Esq., represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

**MOTION:**

Mr. White made a motion to accept the Hearing Officer's Recommendation(s). Mr. Neely seconded the motion, which carried unanimously.

*(This proceeding was recorded by a court report in order to produce a verbatim transcript if requested in accordance with the law.)*

*James Lawracy – Case No.: 2011-184*

James Lawracy was present, waived his right to counsel, and was sworn in. W. Franklin Walker was the hearing officer in the case and recused himself from the Final Order hearing. Erin Baldwin, Esq., represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

**MOTION:**

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

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*Sunview General Contracting Inc and Timberly E. Molton – Case Nos.: 2011-18, 2013-196*

Timberly E. Molton was present, waived his right to counsel, and was sworn in. W. Franklin Walker was the hearing officer in the case and recused himself from the Final Order hearing. Zubin Billimoria, 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. White seconded the motion, which carried unanimously.

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*Atlantic Roofing & Remodeling LLC and Wilbur J. Taylor, III – Case No.: 2014-124*

The Respondents were not present. W. Franklin Walker was the hearing officer in the case and recused himself from the Final Order hearing. Zubin Billimoria, Esq., represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

**MOTION:**

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

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*Bardi Heating & Air Conditioning Inc and Alex Bardi – Case No.: 2014-67*

The Respondents were not present. Ned Nicholson, Esq., appeared as attorney for the respondents. W. Franklin Walker was the hearing officer in the case and recused himself from the Final Order hearing. Zubin Billimoria, Esq., represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

**MOTION:**

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

**MOTION:**

Mr. Neely made a motion to come out of executive session and back into open session. Mr. White seconded the motion, which carried unanimously. Chairman Caswell stated no formal actions were taken during executive session.

**MOTION:**

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

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*Palmetto Security Solutions and Jonathan Stricklin – Case No.: 2011-191*

The Respondents were not present. Legrand Richardson, Jr., was the hearing officer in the case and was not present for the Final Order hearing. Zubin Billimoria, 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. Lehman seconded the motion, which carried unanimously.

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*Accutemp Heating & Air Conditioning LLC – Case No.: 2013-207*

The Respondents were not present. Legrand Richardson, Jr., was the hearing officer in the case and was not present for the Final Order hearing. Zubin Billimoria, Esq., represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

**MOTION:**

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

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**Memorandum of Agreement – Final Order Hearings:**

*David Simmons – Case No.: 2012-49*

David Simmons was present and sworn in. Steven Epps, Esq., appeared as attorney for Mr. Simmons and Simco, Inc., of Charleston. Andrew Rogers, Esq., represented the State. Mr. Epps presented his client's case and answered questions from the Board. Mr. Rogers requested that the Board accept the Memorandum of Agreement (MOA) and impose an appropriate sanction(s).

**MOTION:**

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

**MOTION:**

Ms. Lineberger made a motion to come out of executive session and back into open session. Mr. Walker seconded the motion, which carried unanimously. Chairman Caswell stated no formal actions were taken during executive session.

**MOTION:**

Mr. Lady made a motion to accept the Memorandum of Agreement and that the sanction for this license shall be a Two Thousand, Five Hundred Dollar (\$2,500) fine, to be paid within 30 days of the date of Final Order for violation of S.C Code Ann. §§40-11-110(A)(2), 40-11-260(A)(3), 40-11-300(A), 40-11-110(A)(21), and 40-11-370(B). Admitted violation of S.C. Code Ann. §40-01-110(1)(f) is dismissed. Ms. Lineberger seconded the motion, which carried unanimously.

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*The D Graham Group LLC and Dexter Graham – Case No.: 2013-130*

Dexter Graham appeared before the Board, waived his right to counsel, and was sworn in. Erin Baldwin, Esq., represented the State. Mr. Graham answered questions from the Board. Ms. Baldwin requested that the Board accept the Memorandum of Agreement (MOA) and impose an appropriate sanction(s).

**MOTION:**

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

**MOTION:**

Mr. Lehman made a motion to come out of executive session and back into open session. Mr. Walker seconded the motion, which carried unanimously. Chairman Caswell stated no formal actions were taken during executive session.

**MOTION:**

Mr. White made a motion to accept the Memorandum of Agreement and that the sanctions for this license shall be a Public Reprimand and a Five Hundred Dollar (\$500) fine to be paid within 60 days of the date of the Final Order for violation of codes §§40-11-110(A)(2) and 40-11-110(A)(4). Admitted violation of S.C. Code Ann. §40-11-110(A)(3) is dismissed. Mr. Lady seconded the motion, which carried unanimously.

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**Office of General Counsel Report:**

*Erin Baldwin*

**OGC Report** – Ms. Baldwin reported that the OGC currently has 50 open cases, 29 cases pending action, 3 cases pending Consent Agreements or Memorandums of Agreement, 17 cases pending disciplinary hearings, 0 cases pending Hearing Officer's Recommendations, and 0 cases pending Final Order hearings. Since April 1, 2015, 22 cases have been closed.

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**Office of Investigation and Enforcement Report:**

*Todd Bond*

**OIE Status Report** - Mr. Bond reported that for the period January 1, 2015, to July 16, 2015, the OIE has received a total of 164 new complaints with 34 current active investigations. A total of 165 cases have been closed to date.

**Recommendation of Investigation Review Committee**

*May 7, 2015, IRC Recommendations:*

The IRC Committee recommended 4 cases be dismissed, 3 cases be dismissed with a Cease and Desist, 3 cases receive a formal complaint with citation, and 3 cases receive a letter of caution.

**MOTION:**

Mr. Walker made a motion to accept the recommendations made by the Investigative Review Committee at the May 7, 2015, IRC meeting. Mr. Lady seconded the motion, which carried unanimously.

*June 18, 2015, IRC Recommendations:*

The IRC Committee recommended 5 cases be dismissed, 5 cases receive a formal complaint, 9 cases receive a formal complaint with citation, and 2 cases receive a letter of caution.

**MOTION:**

Mr. White made a motion to accept the recommendations made by the Investigative Review Committee at the June 18, 2015, IRC meeting. Mr. Lady seconded the motion, which carried unanimously.

*(This proceeding was recorded by a court report in order to produce a verbatim transcript if requested in accordance with the law.)*

**Administrator's Remarks:**

*Roger Lowe, Board Administrator*

Chairman Caswell, Mr. Lady, Ms. Lineberger, and Mr. White have been reappointed by the Governor to another term on the SC Contractor's Licensing Board.

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Senate Bill 280 to amend net worth requirements for General and Mechanical Contractors has stalled in the Senate LCI Committee. House Bill 4138 that would require Mechanical licensees with the Air Conditioning, Heating, or Packaged Equipment classifications to display their licenses in a conspicuous manner in their principal place of business, display on their work vehicles, and all advertising, proposals, and invoices has stalled in the House LCI Committee. Both bills will be taken up next legislative session.

Mechanical license renewals are in process now. Approximately 17% of licenses have renewed to date.

The result of the NASCLA Sting June 16<sup>th</sup> – 19<sup>th</sup>, 2015, found 13 unlicensed contractors, 1 unlicensed Fire Sprinkler contractor, and 1 unlicensed Burglar/Fire Alarm contractor.

Board members W. Franklin Walker and Charles White will be attending the NASCLA Conference in San Diego in August, along with the Board Administrator.

**Board Financial Information and PSI Examination Information**

Mr. Lowe directed the Board to the financial information for the month ending May 31, 2015, and PSI examination information for month ending June 30, 2015. Both reports were included on the secure website for Board review.

**Request to send Advice Counsel to FARB Conference, October 1<sup>st</sup> – 4<sup>th</sup>, 2015**

Mr. Lowe requested the Board approve sending Advice Counsel to the 2015 Federation of Associations of Regulatory Boards (FARB) Conference, to be held October 1<sup>st</sup> – 4<sup>th</sup>, 2015, in Colorado.

**MOTION:**

Mr. Lady made a motion to approve sending Advice Counsel to the 2015 FARB Conference. Ms. Lineberger seconded the motion, which carried unanimously.

*(This proceeding was recorded by a court report in order to produce a verbatim transcript if requested in accordance with the law.)*

**New Business:**

**Clarification of Qualifying Party Certification and the four-year rule to retest, Section 40-11-230(A) and (B)**

Mr. Lowe requested clarification on S.C. Code Ann. §§40-11-230(A) and 40-11-230(B).

**MOTION:**

Mr. Neely made a motion that the Board require a qualifying party who has not been attached to a license for four or more consecutive years to re-take the technical exam(s) in accordance with §40-11-230(A). Mr. Lady seconded the motion, which carried unanimously.

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**PSI Business Management and Law Exam for Waiver Applicants**

Mr. Lowe asked the Board if the Business Management and Law exam should be required for applicants obtaining licensure from a reciprocating state whose reciprocal agreement with the SC Contractor's Licensing Board specifically states the agreement includes both a technical and business management and law exam.

**MOTION**

Mr. White made a motion to require all waiver applicants to take the SC Business Management and Law exam. Mr. Lehman seconded the motion, which carried unanimously.

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**Public Comments:**

None

**Date of Next Meeting:**

*Thursday, October 15, 2015, Meeting Room 105*

The next meeting of the SC Contractor's Licensing Board will be held Thursday, October 15, 2015, beginning at 10:00 A.M., at the Synergy Business Complex, Kingstree Bldg., Room 105, in Columbia, SC.

**Adjournment:**

The July 16, 2015, meeting of the South Carolina Contractor's Licensing Board was adjourned at 3:05 P.M.