

SOUTH CAROLINA CONTRACTORS' LICENSING BOARD
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210
Minutes

Thursday, July 18, 2013

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 Contractors' Licensing Board to order at 10:00 a.m. Other Board members present for the meeting included: Bill Neely, James Lady, Daniel B. Lehman, Kimberly L. Lineberger, Legrand Richardson, Jr., W. Franklin Walker and Charles White.

Staff members participating in the meeting included: Sheridon Spoon, Advice Counsel, Erin Baldwin, OGC, Kristina Baker, OGC, Andrew Rogers, OGC, Roger Lowe, Board Administrator, Lil Ann Gray, Program Coordinator, Brenda Dunn, Administrative Assistant, Todd Bond, OIE Chief Investigator, Christa Bell, OIE, and Nadine Garrett, Court Reporter.

Others present participating in the meeting included: Charles Stewart, Sr., Jeffery Silverberg, Esq., Robert E. Mill, Jr., Roddrick Wood, Jesse Andersen, Melanie Andersen, David Hayder, Lee McKee, Gerald W. Brock, Lawrence Daniel Turner, Chris Simmons, James Clarkson, Dayle Koch, Emily Lucas, Hope Komar, Charles Phillips, Lawrence Milton, Esq., and Butch Bowers, Esq.

Approval of Agenda:

Thursday, July 18, 2013

MOTION:

Mr. Richardson made a motion to approve the July 18, 2013 agenda. Mr. Neely seconded the motion, which carried unanimously.

Excused Member:

MOTION:

Mr. White made a motion that Mr. Patterson receive an excused absence. Mr. Lehman seconded the motion, which carried with seven affirmative votes and one negative vote.

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

Approval of Minutes:

Thursday, April 11, 2013

MOTION:

Mr. Lady made a motion to approve the April 11, 2013 minutes. Ms. Lineberger seconded the motion, which carried unanimously.

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Approval of Minutes - Continued:

Thursday, April 18, 2013

MOTION:

Mr. Lady made a motion to approve the April 18, 2013 minutes. Mr. Neely seconded the motion, which carried unanimously.

Chairman's Remarks:

Lewis Caswell

A brief discussion was held on the final recommendations that were submitted to the Governor's Regulatory Review Task Force in compliance with Governor Haley's February 12, 2013 Executive Order 2013-02.

Administrator's Remarks for Information:

Roger Lowe, Administrator

NASCLA Conference

Mr. Lowe reminded the Board that the National Association of Contractors' Licensing Agency (NASCLA) yearly meeting will be held August 26th through August 29th in Coeur d'Alene, Idaho. Mr. Patterson previously indicated that he would attend. Mr. Walker advised that he would attend.

Mr. Lowe reviewed the Board's financial information for the month ending May 31, 2013 and PSI examination information.

Office of Investigations and Enforcement (OIE):

Todd Bond

OIE Status Report – Mr. Bond reported that since January 1, 2013, 62 cases were received with 51 active investigations. One hundred and two (102) cases closed to date.

Christa Bell

Ms. Bell advised the Board, for information purposes, that citations will be issued under Case Resolution Guidelines. Cases resolved by citation will continue to be reported to the Board in the IRC report.

Office of General Counsel (OGC):

Erin Baldwin

Ms. Baldwin introduced herself to the Board and explained that she was taking Ms. Bell's position in OGC. CLB cases will be divided between Andrew Rogers and herself based on case assignment from the IRC. Ms. Baldwin reported that OGC currently has 41 open cases. The OGC Case Load Statistics Report prepared for the Board indicates 24 cases pending action, 12 cases are pending disciplinary hearings, 3 cases pending final order hearings and 2 cases are pending final orders. Since January 1, 2012, 56 cases have been closed and there are no cases on appeal at this time.

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Old Business:

Section 40-11-410: Mr. Neely, chair of the *ad hoc* subcommittee, asked on behalf of the subcommittee to hold the item over until the next board meeting. There being no objections, the item will be placed on the agenda for the October meeting.

New Business:

Request from the Municipal Association of South Carolina (MASC) for Examination Reciprocity for HVAC Master Certification

Hope Komar, from MASC, requested that the Board approve an examination waiver for the MASC HVAC Master Certification.

MOTION:

Mr. Walker made a motion to accept staff's recommendation(s) that the MASC HVAC Master Certification be accepted for examination waiver for the Board's Air Conditioning technical examination, Heating technical examination, Packaged Equipment technical examination and Refrigeration technical examination. Mr. Lehman seconded the motion, which passed unanimously.

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Recommendation of Investigation Review Committee:

July 2, 2013, IRC Recommendation(s):

Mr. White made a motion to approve the recommendation(s) of the Investigative Review Committee. Mr. Richardson seconded the motion, which carried unanimously.

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Hearing Officer Recommendations – Final Order Hearings:

M & M Construction and Lee McKee (Case No.: 2011-106)

Mr. McKee was present, waived his right to counsel and was sworn in. Mr. Walker was the hearing officer on the case and recused himself from the hearing. Ms. Kristina Baker 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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David Hicks Services and Meyers David Hicks (Case No.: 2011-148)

Mr. Hicks was present, waived his right to counsel and was sworn in. Mr. Walker was the hearing officer on the case and recused himself from the hearing. Mr. Andrew Rogers 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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Charles Kirell (Case No.: 2012-52)

Mr. Kirell was not present. Mr. Walker was the hearing officer on the case and recused himself from the hearing. Ms. Kristina Baker 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.

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Application Reviews:

Vivint, Inc., (formally known as APX).

Vivint, Inc., (formally known as APX) – FAC.3437 M. Staff unable to renew due to affirmative answers on the 2012 Fire Alarm renewal application regarding disciplinary action in others states. Mr. Butch Bowers, Esq. appeared as attorney for Vivint, Inc. Mr. Bowers answered questions from the Board.

MOTION:

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

MOTION:

Mr. Neely made a motion to come out of executive session and back into open session. Mr. Lehman seconded the motion, which carried unanimously.

MOTION:

Mr. Lady made a motion to approve the 2012 Fire Alarm renewal application. Mr. Walker seconded the motion, which carried unanimously.

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Homesafe Fire Protection and Charles Stewart, Sr.

Homesafe Fire Protection and Charles Stewart, Sr. – FSC.163 and BFS.13846 FSQ. The 2012-2014 Fire Sprinkler Contractor renewal application submitted indicates that Mr. Stewart is a “Grandfather License” in lieu of providing a current NICET Level III or IV Technician Certification. Staff is unable to verify that Mr. Stewart qualified for certification to become a grandfather qualifying party for a fire sprinkler contractor before September 1, 1985 as required by Section 40-10-20(9). Mr. Stewart appeared before the Board and was sworn in. Mr. Jeffery Silverberg, Esq., appeared as attorney for Mr. Stewart and Homesafe Fire Protection. Ms. Christa Bell represented the State. Ms. Bell presented the Consent Agreement and requested the Board accept the Agreement. Mr. Silverburg and Mr. Stewart answered questions from the Board.

MOTION:

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

MOTION:

Mr. Lady made a motion to come out of executive session and back into open session. Ms. Lineberger seconded the motion, which carried unanimously.

MOTION:

Mr. Lady made a motion that the Board would accept the Consent Agreement conditioned upon the time period that Mr. Stewart and Homesafe Fire Protection would have to designate a qualifying party that meets the requirements of Section 40-10-40 be changed to six (6) months from the effective date of the Consent Agreement. Mr. Neely seconded the motion, which carried unanimously.

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Williams Construction & Development and Rommie Williams

Williams Construction & Development and Rommie Williams – CLG.112570 (grandfather). License lapsed 10/31/2008; Reinstatement application (Interior Renovation – no technical examination required) received 01/08/2013. Unresolved issues with Office of General Counsel (Christa Bell – OGC). Mr. Williams did not appear before the Board.

MOTION:

Ms. Lineberger made a motion to deny the Reinstatement application. Mr. Richardson seconded the motion, which carried unanimously.

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Lawrence Daniel Turner (Palmetto Consulting Network, LLC, BAC.1354)5.

Lawrence Daniel Turner (Palmetto Consulting Network, LLC, BAC13545). Ms. Gray advised the Board that subsequent to receipt of Mr. Turner’s Registered Employee Application from Palmetto Consulting Network, LLC, a second Registered Employee Application was received for Mr. Turner from Wize Guyz, Inc. Staff is unable to approve Mr. Turner as a registered

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employee due to matters appearing on Criminal Background Check. Mr. Turner and Chris Simmons of Wize Guyz, Inc. appeared before the Board and were sworn in. Mr. Turner waived his right to legal counsel, informed the Board that the Palmetto Consulting Network, LLC, should be withdrawn, and answered questions from the Board. Mr. Simmons waived his right to legal counsel and answered questions from the Board.

MOTION:

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

MOTION:

Mr. Walker made a motion to come out of executive session and back into open session. Mr. Neely seconded the motion, which carried unanimously.

MOTION:

Mr. Lady made a motion to approve the Registered Employee Application. Mr. White seconded the motion, which carried unanimously.

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Andersen Pool Plastering, Inc. and Jesse Andersen

Andersen Pool Plastering, Inc. and Jesse Andersen – CLG.104426 (grandfather). License lapsed 10/31/2012; Reinstatement application received 04/26/2013. Request to waive technical examination requirement. Mr. Andersen appeared before the Board and was sworn in. Mr. Andersen waived his right to legal counsel and answered questions from the Board.

MOTION:

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

MOTION:

Mr. Lady made a motion to come out of executive session and back into open session. Mr. Neely seconded the motion, which carried unanimously.

MOTION:

Mr. Walker made a motion to deny the request. Mr. Lady seconded the motion, and the motion carried unanimously.

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DH Construction and David Hayder.

DH Construction and David Hayder. Staff unable to issue license due to affirmative answer regarding criminal convictions. Mr. Hayder appeared before the Board and was sworn in. Mr. Hayder waived his right to legal counsel and answered questions from the Board.

MOTION:

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

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MOTION:

Mr. Walker made a motion to come out of executive session and back into open session. Mr. Lady seconded the motion, which carried unanimously.

MOTION:

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

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CCM Group, LLC, Robert E. Miller, Jr., and Roddrick Wood

CCM Group, LLC, Robert E. Miller, Jr., and Roddrick Wood – CLG.102496. Staff unable to process reinstatement application. License lapsed 10/31/2008; Reinstatement application received 05/31/2013. Primary qualifying parties have not been certified as a qualifying party for four or more consecutive years [Mr. Miller (CQG.12164) and Mr. Wood (CQG.20282) last certified as a primary qualifying party 10/31/2008.] (Must take and pass the technical or Code of Laws examination, or both, as required by the Board - [Section 40-11-230(A)].) Request to waive technical examination requirement. Mr. Miller and Mr. Wood appeared before the Board and were sworn in. Mr. Miller and Mr. Wood waived their right to legal counsel and answered questions from the Board.

MOTION:

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

MOTION:

Mr. Neely made a motion to come out of executive session and back into open session. Mr. Lady seconded the motion, which carried unanimously.

MOTION:

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

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SafeRack Engineering & Construction Services and Charles Phillips

SafeRack Engineering & Construction Services and Charles Phillips. Staff unable to issue license. Primary qualifying party has not been certified as a qualifying party for four or more consecutive years [Mr. Phillips (CQG.21644) last certified as a primary qualifying party 05/30/2007.] (Must take and pass the technical or Code of Laws examination, or both, as required by the Board - [Section 40-11-230(A)].) Request to retain qualifying party status without further examination pursuant to Section 40-11-230(D). Mr. Phillips appeared before the Board and was sworn in. Mr. Lawrence Melton, Esq., appeared as attorney for SafeRack Engineering & Construction Services and Mr. Phillips. Mr. Melton and Mr. Phillips answered questions from the Board.

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MOTION:

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

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Public Comments:

NONE

Date of Next Meeting:

Thursday, October 17, 2013; 10:00 A.M., Meeting Room 108, Kingstree Building.

Adjournment:

Mr. White made a motion to adjourn the meeting. Mr. Neely and Mr. Richardson seconded the motion, which carried unanimously.

The July 18, 2013 meeting of the South Carolina Contractors' Licensing Board was adjourned at 2:55 p.m.