

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD

Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210

Minutes

Thursday, July 20, 2017

10:00 a.m.

Mr. 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, stated that a quorum of board members were 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, 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: Georgia Lewis (Advice Counsel), Roger Lowe (Board Administrator), Rhonda Jackson (Program Coordinator), Carla Mitchell (Administrative Assistant), Tracey Perlman (Office of General Counsel), Erin Baldwin (Office of General Counsel), Todd Bond (OIE, Chief Investigator), Darra Coleman (OAC, Chief Advice Counsel), Ron Spiker (Boiler Inspector), and Cathy L. Young (Court Reporter).

APPROVAL OF AGENDA:

Thursday, July 20, 2017

Motion:

Ms. Lineberger made a motion to approve the July 20, 2017 agenda. Mr. Richardson seconded the motion, which carried unanimously.

APPROVAL OF MINUTES:

Thursday, April 20, 2017

Motion:

Mr. Lady made a motion to approve the April 20, 2017 minutes. Mr. White seconded the motion, which carried unanimously.

CHAIRMAN'S REMARKS:

Mr. Lewis Caswell

Mr. Caswell noted we had a full day's agenda and advised all presenters to be concise and to be aware of not being repetitive in relaying subject matter. The public was also made aware that the board would recess for lunch at 12:00 p.m. and reconvene approximately 30 minutes thereafter.

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APPLICATION/LICENSE REVIEW:

• **MOTLEY CONSTRUCTION LLC/ALVIN MOTLEY JR. (CLG.114525/CQG.23384-Lapsed)**

The general contractor's reinstatement application could not be approved at staff level. Alvin Motley Jr. was present and was represented by legal counsel, Wesley Peel, Esq. Mr. Motley also had a witness present, Rev. Larry Williams.

Motion:

Mr. Richardson made a motion to approve the request to reinstate the lapsed license and allow the renewal. Mr. Walker seconded the motion, which carried unanimously.

• **SHAWN EDENS/AVSX TECHNOLOGIES (BAC.13289/BFS.pending)**

The registered employee application could not be approved at staff level. Shawn Edens was not present.

Motion:

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

• **ALEXIS SULLIVAN/IHC SECURITY (BAC.54251/BFS.pending)**

The registered employee application could not be approved at staff level. Alexis Sullivan was not present.

Motion:

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

• **AUSTIN SARTE/SECURITY VISION (BAC.5469/BFS.pending)**

The registered employee application could not be approved at staff level. Austin Sarte was present and was represented by legal counsel, C. Scott Masel, Esq. He also had two (2) witnesses, Mr. Ryan Kelly and Ms. Michele Weissman, owner of Security Vision.

Motion:

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

• **ROBERT SOLOMON/SOUTHERN LAND & WATER (CLG.103406-Suspended/CQG.13461)**

The applicant was required to appear before the board before an application could be accepted. Robert Solomon was not present.

Motion:

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

• **SANTONIO DOCTOR/THE PLUMBING DOCTOR OF CHARLESTON (initial application)**

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The initial application could not be approved at staff level. Santonio J. Doctor was present and waived his right to legal counsel.

Motion:

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

HEARING OFFICER RECOMMENDATION – FINAL ORDER HEARING:

• **CHARLES STEWART/CONSTRUCTION MGMT SVCS (CASE NO. 2012-206)**

Mr. W. Franklin Walker was the hearing officer in the case and recused himself from the hearing. Charles Stewart was not present. Ms. Erin Baldwin, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

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

• **BRIAN SIGLER/SIGLER CONSTRUCTION (CASE NO. 2015-129)**

Mr. Daniel B. Lehman was the hearing officer in the case and recused himself from the hearing. Brian Sigler was not present. Ms. Tracey Perlman, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations.

Motion:

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

• **JEFFREY HAAS/SQUARE IT UP ROOFING (CASE NO. 2015-282)**

Mr. Legrand Richardson was the hearing officer in the case and recused himself from the hearing. Jeffrey Haas was not present. Mr. 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.

• **LA'SHAUN SMALLS/ANYTHING ELECTRICAL (2 LICENSES) (CASE NO. 2015-270, 2016-39, 2016-110: 2016-152)**

Mr. Scott Appleton was the hearing officer in the case and recused himself from the hearing. La'Shaun Smalls was present and waived his right to legal counsel. Ms. Tracey Perlman, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendations. Mr. Smalls addressed the Board.

Motion:

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

MEMORANDUM OF AGREEMENT – FINAL ORDER HEARING:

• **CASE NO. 2015-193**

GEORGE DEVITO / CONSTRUCTION DESIGN & SOLUTIONS; CLG.112613 / CQG.25664

George Devito was present and represented by legal counsel, Mr. George Campbell. Mr. Daniel Gurley, Esq. represented the State.

Executive Session Motion (IN):

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

Executive Session Motion (OUT):

Mr. Lehman made a motion to come out of executive session and back into open session. Mr. Lady seconded the motion, which carried unanimously. No votes or decisions were made during executive session.

Motion:

Mr. Lady made a motion to accept the Memorandum of Agreement and to issue the Respondent a \$3,000 fine and a Public Reprimand against the company and qualifying party. Mr. White seconded the motion, which carried unanimously.

OFFICE OF GENERAL COUNSEL (OGC REPORT)

Tracey Perlman

Ms. Perlman reported that OGC has 47 open cases, 29 cases pending action, 0 cases are pending consent agreements or memorandum of agreements, 7 cases are pending disciplinary hearings, 9 cases pending final order hearings and 1 case are pending final orders. Since July 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

• **May 25, 2017 IRC Recommendations for Contractors cases:**

The IRC Committee recommended 14 cases be dismissed, 3 cease and desist dismissals, 6 formal complaints, 8 formal complaint citations - a total of 31 cases.

Motion:

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

• **May 25, 2017 - IRC Recommendations for Burglar-Fire Alarm cases:**

The IRC Committee recommended 2 letter of cautions - a total of 2 cases.

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Motion:

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

• *July 13, 2017 - IRC Recommendations for Contractors cases:*

The IRC Committee recommended 15 cases be dismissed, 3 cease and desist dismissals, 7 formal complaints, 4 formal complaint citations, 1 letter of caution - a total of 30 cases.

Motion:

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

• **July 13, 2017 - IRC Recommendations for Burglar-Fire Alarm cases:**

The IRC Committee recommended 1 case be dismissed, and 1 relinquishments - a total of 2 cases.

Motion:

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

OLD BUSINESS

• **NO SPECIFIC LICENSE REQUIRED LIST – Committee Recommendation:**

(This board item was combined with the next item regarding playground equipment)

A member of the public, Mr. Guy Thornton of HCD Fabrication LLC in Florence, S.C., addressed the board regarding the installation of restaurant hood systems and whether there was a need for a contractor's license to perform this type of work. He stated the majority of his work is under \$5,000 (approximately \$3,500).

Motion

James Lady made the motion that no license is required for work under \$5,000; however, ductwork over \$5,000 would require licensing. Scott Appleton seconded the motion, which carried unanimously.

• **PLAYGROUND EQUIPMENT INSTALLATION - Committee Recommendation:**

A committee was formed at the April 20, 2017 Board Meeting to review the "No Specific License Required List". Each item on this list was reviewed by the committee and the list was updated for board review of the recommendations.

Motion:

Mr. Lady made a motion to approve the committee's recommendations as listed. Mr. Appleton seconded the motion, which carried unanimously.

• **DEFINITION OF BRIDGES:**

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A committee was formed at the April 20, 2017 Board Meeting to clarify the definition of a bridge in relation to the General Contractors "Bridges" classification. The board agreed a bridge is a structure including supports erected over a depression or an obstruction such as water, highway or railway; having a track or passageway designed for carrying vehicular traffic weighing over 2000 pounds.

Motion:

Ms. Lineberger made a motion to approve the committee's definition. Scott Appleton seconded the motion, which carried unanimously.

• **DISPLAY OF AC/HT/PK LICENSES:**

An Ad Hoc Committee was formed at the April 20, 2017 Board Meeting. Rhonda Jackson of the committee, did research on the guidelines other states utilize to display their licensees. A Task Force was appointed to include Mr. Legrand Richardson, Mr. Lady and departmental staff for further review and to return with a recommendation to the board at the October 19, 2017 board meeting.

Motion:

Mr. Walker made a motion to approve the appointment of a Task Force Committee. Mr. Appleton seconded the motion, which carried unanimously.

NEW BUSINESS

• **INITIAL AND RENEWAL APPLICATION REVIEWS TO CORRECT DISCIPLINARY QUESTIONS (requesting revision approval):**

Georgia Lewis and Roger Lowe discussed how the wording in the "discipline questions" asked on several board applications and renewal forms do not reflect the statute. Mr. Lowe made a request to the board to give staff authorization to update the questions to coincide with the statute.

Motion:

Mr. Lady made a motion to approve the request to authorize staff to revise the discipline questions on applications and renewals to coincide with the statute. Mr. Lehman seconded the motion, which carried unanimously.

• **STAFF GUIDANCE ON APPLICATIONS WHEN DISCIPLINARY SANCTIONS HAVE BEEN SATISFIED.**

Georgia Lewis discussed the issue of staff receiving applications with various sanctions imposed from out-of-state licensing boards that have been satisfied. Guidance was requested on how staff should proceed on approving and processing the applications.

Motion:

Mr. Walker made a motion that if the disciplinary sanctions have been satisfied and the license is in good standing, that staff can approve and process the application. Mr. Richardson seconded the motion, which carried unanimously.

REGULATORY REVIEW PURSUANT TO EXECUTIVE ORDER 2017-09:

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Darra Coleman, Chief Advice Counsel, gave an overview of Governor McMaster's Executive Order to review Cabinet level Agency regulations. The Board was asked to determine which of their promulgated regulations needed to be repealed or amended and which ones did not require any change. Also, the Board was asked to identify any new regulations that needed to be promulgated. The Board reviewed Regulations 29-1 through 29-12, and 29-70 through 29-110. Ron Spiker, Boiler Inspector, assisted with the Boiler Safety Regulations.

EXECUTIVE SESSION

- 1. REQUESTING LEGAL ADVICE ON INITIAL APPLICATIONS.**
- 2. UPDATE ON PENDING LEGAL ACTION.**

Motion:

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

Motion:

Mr. Lehman moved the Board come out of executive session and back into open session. Mr. Lady seconded the motion, which carried unanimously

BOARD FINANCIAL INFORMATION AND PSI EXAMINATION INFORMATION

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

DATE OF NEXT MEETING:

Thursday, October 19, 2017; 10:00 A.M., Meeting Room 108, Kingstree Building

The next meeting of the SC Contractor's Licensing Board will be held Thursday, October 19, 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. Lady seconded the motion, which carried unanimously. There being nothing further, the meeting concluded at 5:05 p.m.