

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

**Thursday, April 17, 2014**

**10:00 a.m.**

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

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 10:01 a.m. Other Board members present for the meeting included: James E. Lady, Daniel B. Lehman, Kimberly L. Lineberger, Legrand Richardson, Jr., W. Franklin Walker and Charles White.

Staff members participating in the meeting included: Georgia Lewis, Advice Counsel, Janet Baumberger (*for Roger Lowe*), Board Administrator, Crystal George, Program Assistant, Todd Bond, OIE Chief Investigator, Erin Baldwin, Assistant General Counsel, and Nadine Garrett, Court Reporter.

Others present participating in the meeting included: Tony Alexander, General Public, Timothy Hudson, General Public, Whitney Davis, Contractor, Curtis Daub, Contractor, Bill Ramsey, General Public and Leslie Hope, Office of Governor Affairs.

**Approval of Agenda:**

*Thursday, April 17, 2014*

**MOTION:**

Mr. Lady made a motion to approve the April 17, 2014 agenda. Ms. Lineberger seconded the motion, which carried unanimously.

**Excused Members:**

**MOTION:**

Mr. Lady made a motion to excuse Mr. Patterson's absence. Ms. Lineberger seconded the motion, which carried unanimously.

**MOTION:**

Mr. Walker made a motion to excuse Mr. Neely's absence. Mr. Lehman seconded the motion, which carried unanimously.

**Approval of Minutes:**

*Thursday, January 16, 2014*

**MOTION:**

Mr. Richardson made a motion to approve the January 16, 2014 minutes. Mr. Lehman seconded the motion, which carried unanimously.

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**Chairman's Remarks:**

*Lewis Caswell*

Mr. Caswell did not have opening remarks.

**Administrator's Remarks for Information:**

*Janet Baumberger, for Roger Lowe, Administrator*

Ms. Janet Baumberger recommended that the Board review documents in Tabs D through H for their information.

**Office of Investigations and Enforcement (OIE):**

*Todd Bond*

**OIE Status Report** – Mr. Bond reported that since January 1, 2014, 62 cases were received with twenty-eight (28) active investigations. Seventy-five (75) cases have been closed to date. The average age of currently active cases is fifty-eight (58) days.

**IRC Recommendations from April 2, 2014 meeting:** Mr. Bond recommended that three (3) cases be dismissed, three (3) cases be dismissed with a Cease and Desist, seven (7) cases receive formal complaints, and two (2) receive formal complaints with citation.

**MOTION:**

Ms. Lineberger made a motion to approve the April 2, 2014 IRC recommendations. Mr. Walker seconded the motion, which carried unanimously.

**MOTION:**

Mr. Lady made a motion to revise the Contractor's Licensing Board agenda for April 17, 2014, to add the February 18, 2014 IRC report. Mr. Lehman seconded the motion, which carried unanimously.

**IRC Recommendations from February 18, 2014 meeting:** The IRC recommended six (6) cases be dismissed, seven (7) cases receive formal complaints, eleven (11) cases receive formal complaints with citation, and one (1) case receive a letter of caution.

**MOTION:**

Mr. Walker made a motion to approve the February 18, 2014 IRC recommendations. Mr. Lady seconded the motion, which carried unanimously.

**Office of General Counsel (OGC):**

*Erin Baldwin*

Ms. Baldwin reported that OGC has fifty-nine (59) open cases, fifty-three (53) cases pending action, 0 cases are pending consent agreements or memorandum of agreements, three (3) cases are pending disciplinary hearings, 0 cases pending final order hearings and one (1) case pending final orders. Since January 1, 2014, five (5) cases have been closed and two (2) cases on appeal at this time.

Ms. Baldwin informed the Board that there will be an increase in the amount of hearings the Board usually presides over. Ms. Baldwin suggested that the Board consider having additional

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hearing officers that will be available two days per month for the remainder of this year as this will quickly address the increase of hearings.

**Unfinished Business:**

**NONE**

**New Business:**

**Motion to Dismiss Cease and Desist**

*Safe Security, Case No.: 2013-150*

Mr. William Randolph Perkins, COO, Safe Security came before the Board, via teleconference, to request the Cease and Desist issued on January 21, 2014 be dismissed.

**MOTION:**

Mr. White made a motion that the Board deny Safe Security's request to dismiss the Cease and Desist Order. Mr. Lady seconded the motion, which carried unanimously.

**Determination of PSI Air conditioning Examination**

Curtis C. Davis came before the Board to express his concern regarding hydronic piping questions on the PSI exam. Mr. Davis stated that hydronic piping was outside of the scope of his air conditioning license. Mr. Davis failed the exam by one point and suggested that if hydronic piping questions were not on the exam he would have passed. Mr. Davis' requested the Board review the exam questions to determine if a license can be granted.

**MOTION:**

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

**MOTION:**

Mr. Walker made a motion to come out of executive session. Mr. Walker seconded the motion, which carried unanimously. Executive session was from 11:42 a.m. to 12:01 p.m.

**MOTION:**

Mr. White made a motion to deny Mr. Davis' request to overrule PSI's failing grade. Mr. Lady seconded the motion, which carried unanimously.

**Application Review**

*Owens Electrical and Robert Owens*

Owens Electrical and Robert Owens did not appear before the Board.

**MOTION:**

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

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*Decon Environmental & engineering, Inc. and Tony J. Alexander*

Mr. Alexander appeared before the Board to request that an affirmative answer on his application as a primary qualifying party not hinder the Board from issuing a license.

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**MOTION:**

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

**MOTION:**

Ms. Lineberger made a motion to come out of executive session. Mr. Walker seconded the motion, which carried unanimously. Executive session was from 12:36 p.m. to 12:40 p.m.

**MOTION:**

Mr. Lady made a motion to accept the application with the qualifying party. Mr. White seconded the motion, which carried unanimously.

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*Timothy K. Hudson*

Mr. Timothy K. Hudson appeared before the Board and was not represented by counsel. Mr. Hudson requested that the Board determine his compliance for licensure regarding a prior conviction. Mr. Hudson did not complete and submit an application.

**MOTION:**

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

**MOTION:**

Ms. Lineberger made a motion to come out of executive session. Mr. Walker seconded the motion, which carried unanimously. Executive session was from 1:36 p.m. to 1:40 p.m.

**MOTION:**

Mr. Lady made a motion to not advise the licensee candidate until further steps in the licensing process have been taken. Mr. Richardson seconded the motion, which carried unanimously.

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**Clarification of Policy**

Section 40-11-340 of the Code of Laws covers Concrete and Structural Framing Work. Chairman Caswell announced that he received an email from Vice-Chairman Neely saying that he could not be at the meeting today, but asked us to move to continue until he can be present to make comments. Mr. Ron Galloway came before the Board for clarification of this Statute.

**MOTION:**

Mr. Lady made a motion to move to continue clarification until Mr. Neely can be present. Mr. Lehman seconded the motion, which carried unanimously.

**Public Comments:** Leslie Hope, Director of Governor Affairs stated that she also wanted clarification on Section 40-11-340.

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**Date of Next Meeting:** The Chairman announced that the next Contractor's Licensing Board meeting is Thursday, July 17, 2014 at 10:00 a.m., Room 108, Kingtree Building.

**Adjournment:** The April 17, 2014 meeting of the South Carolina Contractor's Licensing Board was adjourned at 3:51 p.m.

**MOTION:**

Mr. Lady made a motion to adjourn the meeting at 3:51 p.m. Mr. Lehman seconded the motion, which carried unanimously.

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