

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD

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

Minutes

Thursday, October 15, 2015

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 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, James C. Patterson, Legrand Richardson, Jr., 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, Office of General Counsel; Kim Long, Administrative Assistant; and Nadine Garrett, Court Reporter.

Others present participating in the meeting included: John Bailey, Joseph Caulder, III, Daniel Chapman, William T. Clark, Earnest Fleming, Joseph Greer, Joseph Henry, Leslie Bomar Hope, Antoine Iskandar, Tommy Owens, Timothy Sisk, and Andy White

Approval of Agenda:

Thursday, October 15, 2015

MOTION:

Mr. Patterson made a motion to approve the October 15, 2015, agenda. Mr. Walker seconded the motion, which carried unanimously.

Approval of Minutes:

Thursday, July 15, 2015

MOTION:

Mr. White made a motion to approve the July 15, 2015 meeting minutes. Mr. Richardson seconded the motion, which carried unanimously.

Chairman's Remarks:

Lewis M. Caswell

None.

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

Application Reviews:

Andy M. White (IHC Security Services Inc, BAC.5421 and FAC.3349)

The registered employee application could not be approved at staff level. Mr. Daniel Chapman, representative of IHC Security Services Inc, and Mr. Andy White appeared before the Board, waived their right to counsel, and were sworn in. Mr. Chapman and Mr. White answered questions from the Board.

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MOTION:

Mr. Lehman made a motion to deny the registered employee application at this time. Mr. Patterson seconded the motion, which carried unanimously.

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Morgan Master Electrician Company and Gary Morgan

The mechanical contractor's license application could not be approved at staff level. Mr. Gary Morgan appeared before the Board, waived his right to counsel, and was sworn in. Mr. Morgan answered questions from the Board.

MOTION:

Mr. Walker made a motion to approve the mechanical contractor's license application. Mr. Richardson seconded the motion, which carried unanimously.

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

Carolina Heating & Cooling Solutions and Joseph D. Caulder, III

The mechanical contractor's license application could not be approved at staff level. Mr. Joseph D. Caulder, III, appeared before the Board, waived his right to counsel, and was sworn in. Mr. Caulder and answered questions from the Board.

MOTION:

Mr. Patterson made a motion to approve the mechanical contractor's application. Mr. White seconded the motion, which carried unanimously.

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Fleming Construction Assoc LLC and Earnest Fleming

The general contractor's license application could not be approved at staff level. Mr. Earnest Fleming appeared before the Board and was sworn in. Mr. Joseph Henry, Esq., represented Mr. Fleming. Mr. Henry and Mr. Fleming answered questions from the Board.

MOTION:

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

MOTION:

Mr. Patterson 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. Neely made a motion to deny the general contractor's license at this time. Mr. Lady seconded the motion, which carried unanimously.

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Hearing Officer Recommendation – Final Order Hearings:

Greer Services LLC and Joseph H. Greer – Case No. 2014-95

Mr. Joseph Greer was present, waived his right to counsel, and was sworn in. Mr. William T. Clark appeared as a witness for Mr. Greer and was also sworn in. Mr. Legrand Richardson, Jr., was the hearing officer in the case and recused himself from the Final Order hearing. Ms. Erin Baldwin, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

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

MOTION:

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

MOTION:

Mr. Patterson made a motion to accept the Hearing Officer's recommendation(s). Mr. Neely seconded the motion, which carried by vote of 7 to 1.

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

P & I Construction LLC and Thomas Owens – Case No. 2012-180

Mr. Thomas Owens was present, waived his right to counsel, and was sworn in. Mr. Daniel B. Lehman was the hearing officer in the case and recused himself from the Final Order hearing. Ms. Erin Baldwin, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

Mr. Richardson made a motion to modify the Hearing Officer's Recommendation(s) to confirm the public reprimand and reduce the disciplinary fine to \$500. 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.)

Memorandum of Agreement – Final Order Hearing:

Arkiteknic Inc and Antoine Iskandar – Case No. 2014-102

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

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MOTION:

Mr. Patterson made a motion to accept the Memorandum of Agreement and issue a public reprimand. Mr. Walker 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 40 open cases, 25 cases pending action, 3 cases pending Consent Agreements or Memorandums of Agreement, 9 cases pending disciplinary hearings, 2 cases pending Final Order hearings, and 0 cases pending Final Orders. As of October 7, 2015, 13 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 October 15, 2015, the OIE has received a total of 214 complaints with 28 current active investigations. A total of 249 cases have been closed to date.

Recommendation of Investigation Review Committee

August 19, 2015, IRC Recommendations:

The IRC Committee recommended 6 cases be dismissed, 9 cases be dismissed with a Cease and Desist, 3 cases receive a formal complaint, 6 cases receive a formal complaint with citation, and 2 cases receive a letter of caution.

MOTION:

Mr. Lady made a motion to approve the recommendations of the Investigative Review Committee at the August 19, 2015, IRC meeting. Mr. White seconded the motion, which carried unanimously.

September 24, 2015, IRC Recommendations:

The IRC Committee recommended 2 cases be dismissed, 3 cases be dismissed with a Cease and Desist, 2 cases receive a formal complaint, and 6 cases receive a formal complaint with citation.

MOTION:

Mr. White made a motion to approve the recommendations of the Investigative Review Committee at the September 24, 2015, IRC meeting. Mr. Richardson 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:

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Roger Lowe, Board Administrator

Ms. Patterson has been reappointed by the Governor to another term on the SC Contractor's Licensing Board.

Board Financial Information and PSI Examination Information

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

New Business:

Ancillary Grading S.C. Code 40-11-410(1)

Mr. John Bailey, general contractor, and Mr. Lowe requested clarification on what is considered ancillary grading and can be performed by a general contractor with a building classification of licensure. After discussion, Chairman Caswell appointed an Ancillary Committee to come up with a recommendation to the Board for what should be considered as ancillary work. The committee is to have a recommendation by the January, 21, 2016, Board meeting. Ms. Lineberger will be Chairman of the committee. Other members on the committee are Mr. Lady, Mr. Neely, and Mr. Richardson.

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Public Comments:

None

Date of Next Meeting:

Thursday, January 21, 2016, Meeting Room 105

The next meeting of the SC Contractor's Licensing Board will be held Thursday, January 21, 2016, beginning at 10:00 A.M., at the Synergy Business Complex, Kingstree Bldg., Room 105, in Columbia, SC.

Adjournment:

The October 15, 2015, meeting of the South Carolina Contractor's Licensing Board was adjourned at 2:45 P.M.