

***SOUTH CAROLINA CONTRACTORS' LICENSING BOARD***

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

**Minutes**

**Thursday, July 19, 2012**

**10:00 a.m.**

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Kimberly Y. Lineberger, 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:**

Kimberly Y. Lineberger, 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: Lewis M. Caswell, W. Franklin Walker, James Lady, Charles A. White, Daniel B. Lehman, Bill Neely, and Legrand Richardson, Jr.

Staff members participating in the meeting included: James Saxon, Advice Counsel, Christa Bell, Assistant General Counsel, Andrew Rogers, Assistant General Counsel, Todd Bond, Chief Investigator - OIE, Lil Ann Gray, Program Coordinator, Shameko Putman-Williams, Administrative Assistant and Jill H. Vickers, Court Reporter.

Others present participating in the meeting included: Tadas Dabsys, Representative of PSI, Terence J. Pete, Sr., Representative of Home Depot, Duane Peay, Joseph Henry, Esquire, Joshua Taylor, Dallas Sanders, Charles W. Bass, Jr., and Lloyd Widener.

**Approval of Agenda:**

*Thursday July, 19, 2012*

**MOTION:**

Mr. Caswell made a motion to approve the July 19, 2012 agenda. Mr. White seconded the motion, which carried unanimously.

**Approval of Minutes:**

*Thursday, April 19, 2012*

**MOTION:**

Mr. Caswell made a motion to approve the April 19, 2012 meeting minutes. Mr. Walker seconded the motion, which carried unanimously.

**Excused Members:**

Mr. James C. Patterson received an excused absence.

**Chairman's Remarks:**

*Kim Lineberger*

Mrs. Lineberger welcomed everyone including new Board Member, Legrand Richardson, Jr. Mrs. Lineberger recognized former Board Members, Wendi Nance and Doug Greer, presenting each with a certificate of appreciation. The Administrative Law Court's decision in the APX Alarm Security Solutions matter was briefly discussed by the Board. The Board then moved into the Agenda.

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**Administrator's Remarks:**

*Lil Ann Gray, Program Coordinator*

**Legislative Update** - Ms. Gray reported for Mr. Wiggins on the Temporary License for Military Spouse, H.3710. Ms. Gray also advised the Board that the Emergency Licensure Regulation would have to be resubmitted to the next legislative session.

Ms. Gray advised the Board that computer lap tops would be available to the Board Members at the October 18, 2012 Board meeting.

**NASCLA Conference, Bend, Oregon** - Ms. Gray informed the Board that the NASCLA Conference was scheduled for September 30, 2012 through October 4, 2012 in Bend, Oregon. The Board was informed that two board members are authorized to attend with Mr. Walker indicating he would like to attend. The Board was asked to approve the attendance of two board members, Ms. Gray, as program coordinator and Christa Bell, Assistant General Counsel.

**MOTION:**

Mr. Caswell made a motion to approve Mr. Walker and one additional board member, to be named at a later date, Lil Ann Gray, and Christa Bell attending the NASCLA Conference scheduled for September 30, 2012 through October 4, 2012. Mr. Lady 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.)*

**Office of Investigation and Enforcement Report:**

*Todd Bond*

**OIE Status Report** - Mr. Bond reported that for the period January 1, 2011 to July 11, 2012, OIE has received a total of 99 new complaints with 81 current active investigations; 11 cases have been held over from 2011 and 70 cases from 2012. A total of 4 closed cases with 12 do-not-open cases and 1 case pending IRC. The average age of active cases is 96 days.

**Office of General Counsel Report:**

*Christa Bell*

**OGC Report** – Ms. Bell reported that OGC has 37 open cases, 9 cases pending action, 5 cases are pending consent agreements or memorandums of agreements, 4 cases are pending a disciplinary hearing, 7 cases are pending final order hearings, 12 cases are pending final orders, and 69 cases have been closed since January 2011. No cases are currently on appeal to the Administrative Law Court.

**Old Business:**

NONE

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**New Business:**

**Authority of Board Chair to sign Consent Agreements, Letters of Caution, and Cease and Desist Orders:**

**MOTION:**

Mr. Walker made a motion that the Board authorize the Chair to sign Consent Orders, Letters of Caution and Cease and Desist Orders, Mr. Caswell seconded the motion, which carried unanimously.

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**Recommendation of Investigation Review Committee:**

*June 19, 2012, IRC Recommendations:*

Mr. Caswell made a motion to approve the recommendations of the Investigative Review Committee. Mr. White 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.)*

**Consent Agreement Parameters Draft:**

*Todd Bond*

**MOTION:**

Mr. White made a motion to accept the recommendations for consent agreements and add the costs of investigation. Mr. Lady 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.)*

**Administrative Hearings (Final Order Hearings):**

*Fleming Construction and. Earnest Fleming, (Case Nos.: 2010-122, 2010-148, 2010-176, 2010-220, 2011-34 and 2011-39)*

Mr. Fleming was not present. Mr. Joseph Henry, Esq. appeared as attorney for Mr. Fleming. Ms. Suzanne Hawkins represented the State.

Mr. Henry requested that the Board vacate the decision of the Hearing Officer. Ms. Hawkins requested the Board deny Mr. Henry's request and uphold the Hearing Officer's Recommendation.

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**MOTION:**

Mr. Caswell made a motion to go into executive session for legal advice. Mr. Neely seconded the motion, which carried unanimously. Executive session for legal advice was from 11:06 a.m. to 11:23 a.m. with no formal actions taken.

**MOTION:**

Mr. Caswell made a motion to deny the motion to vacate the decision of the Hearing Officer. Mr. Lady seconded the motion, which carried unanimously.

**MOTION:**

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

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*Simpson Security, LLC and Isaac Quinn, (Case No: 2011-72)*

Mr. Simpson and Mr. Quinn were not present. Ms. Christa Bell represented the State and requested that the Board uphold the Hearing Officer's recommendations.

**MOTION:**

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

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*Summit Construction and Jerry M. Blackwell, (Case Nos.:2011-70, 2011-131 and 2011-132)*

Mr. Blackwell was not present. Ms. Christa Bell represented the State and requested that the Board uphold the Hearing Officer's recommendations.

**MOTION:**

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

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*Miller Mechanical and, Joseph Miller, (Case No: 2010-231)*

Mr. Miller was not present. Ms. Christa Bell represented the State and requested that the Board uphold the Hearing Officer's recommendations.

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**MOTION:**

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

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*R. W. Mitchell d/b/a Dock Systems, Inc., (Case No: 2011-56)*

Mr. Mitchell was not present. Mr. Andrew Rogers represented the State and requested that the Board uphold the Hearing Officer's recommendations.

**MOTION:**

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

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**Application Hearings:**

*Atlantic Design and Construction, LLC and Mark Bottai*

Atlantic Design and Construction, LLC and Mark Bottai – CLM.110492. Staff unable to renew due to outstanding judgment(s). Mr. Bottai did not appear before the Board due to his being out of the country.

**MOTION:**

Mr. Walker made a motion to deny the renewal application based upon the outstanding judgments. Mr. Neely 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.)*

*1 Call Services and Joshua Taylor*

1 Call Services and. Joshua Taylor - Application received July 2, 2012. Staff unable to issue license due to criminal conviction. Mr. Taylor appeared before the Board and was sworn in. Mr. Taylor answered questions from the Board.

**MOTION:**

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

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*McCoy Plumbing and William McCoy*

McCoy Plumbing and William McCoy - CLM.104993 (grandfather). License lapsed 10/31/2011; reinstatement application received 06/01/2012. Staff unable to issue the license due to the grandfather status of the Qualifying Party. Request to waive technical examination requirement. Mr. McCoy did not appear before the Board.

**MOTION:**

Mr. Caswell made a motion to deny the application. Mr. Walker 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.)*

*Sanders Plumbing Co. and Dallas Sanders*

Sanders Plumbing Co. and Dallas Sanders – Application received June 21, 2012. Staff unable to issue license due to criminal conviction. Mr. Sanders appeared before the Board and was sworn in. Mr. Sanders answered questions from the Board.

**MOTION:**

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

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*Chucks Heating & AC and Charles W. Bass, Jr.*

Chucks Heating & AC and Charles W. Bass, Jr. – CLG.100126. Application dated 07/02/2012. Staff unable to renew the license due to outstanding judgment(s). Mr. Bass appeared before the Board and was sworn in. Mr. Bass answered questions from the Board.

**MOTION:**

Mr. Caswell made a motion to go into executive session for legal advice. Mr. Neely seconded the motion, which carried unanimously. Executive Session for legal advice was from 12:45 p.m. to 12:48 p.m. with no formal actions taken.

**MOTION:**

Mr. Caswell made a motion to approve the renewal. Mr. White seconded the motion, which carried unanimously.

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*Heather Dayman and Onstar Security Systems, Inc.*

Heather Dayman (OnStar Security Systems, Inc., BAC.5550). Staff unable to approve Ms. Dayman as a registered employee due to matters appearing on Criminal Background Check. Mr. Risi, the owner of Onstar, appeared and advised the Board that Ms. Dayman could not attend the

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meeting because of a sick child. The Board continued the matter to the October 18, 2012 Board Meeting.

*Michael F. Guilbert and Onstar Security Systems, Inc.*

Michael F. Guilbert (Onstar Security Systems, Inc., BAC.5550). Staff unable to approve Mr. Guilbert as a registered employee due to matters appearing on Criminal Background Check. Mr. Risi, the owner of Onstar, appeared and advised the Board that Mr. Guilbert could not attend the meeting because he was still gathering information to submit to the Board. The Board agreed to defer Mr. Guilbert's request to be a registered employee and require that he resubmit his registered employee application.

*Duane A. Peay and Onstar Security Systems, Inc.*

Duane A. Peay (Onstar Security Systems, Inc., BAC.5550). Staff unable to approve Mr. Peay as a registered employee due to matters appearing on Criminal Background Check. Mr. Peay appeared before the Board and was sworn in. Mr. Peay answered questions from the Board.

**MOTION:**

Mr. Lehman made a motion to deny Mr. Peay's application. Mr. Walker seconded the motion, which carried unanimously.

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*Lloyd H. Widener, Jr.*

Lloyd H. Widener, Jr. – CQM.9602. Staff unable to issue license due to it being more than four years since Mr. Widener last served as a primary qualifying party. Mr. Widener appeared before the Board and was sworn in. Mr. Widener answered questions from the Board.

**MOTION:**

Mr. White made a motion to go into executive session for legal advice. Mr. Caswell seconded the motion, which carried out unanimously. Executive Session for legal advice was from 1:13 p.m. to 1:15 p.m. with no formal actions taken.

**MOTION:**

Mr. Richardson made a motion to waive the written test. Mr. White seconded the motion, which carried unanimously.

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**Section 40-11-410 Discussion:**

*Mr. Neely*

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**PSI Business Management and Law Examination Discussion:**

*Tadas Dabsys, Representative of PSI*

**MOTION:**

Mr. Walker made a motion to continue requiring the Business Management and Law Examination for license applicants and to address proposed statutory changes through the legislature. Mr. Caswell seconded the motion, which carried unanimously.

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**Public Comments:**

*Terence J. Pete, Sr., Representative of Home Depot*

**Date of Next Meeting:**

*Thursday, October 18, 2012, Meeting Room 105*

The next meeting of the Board is scheduled for Thursday, October 18, 2012, in conference room 105.

**Adjournment:**

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

The July 19, 2012 meeting of the South Carolina Contractors' Licensing Board was adjourned at 2:46 p.m.