

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 202-02
Columbia, South Carolina 29210
Minutes

Thursday, October 16, 2008

10:00 a.m.

Daniel Lehman, Chairman 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:

Daniel Lehman, Chairman, called the regular meeting of the Contractor's Licensing Board to order at 10:00 a.m. Other members present for the meeting included: Kim Lineberger, Vice Chairman. Bill Neely, Douglas Greer, Frank Walker, Mark Plyler, Lewis Caswell, and Wendi Nance.

Staff members participating in the meeting included: Sheridan Spoon, Deputy General Counsel, Eddy Lane, Hearing Advisor, Christa Bell, Staff Attorney, Michael Anderson, Administrator, Stan Bowen, Administrator, Dwight Hayes, Program Coordinator, Joyce Thurber, Program Coordinator, Angela D. Scott, Administrative Assistant, Suzanne Hawkins, Office of General Council, and Eric Gore, Court Reporter

Others present participating in the meeting included: John Session, Josh Freeman, Bert Shuler, Wayne Charpia, Robert Burgess, and Bryan Robertson.

Approval of Agenda:

Thursday, October 16, 2008

Motion

Mr. Greer moved to approve the Thursday, October 16, 2008 agenda as previously noticed. Mr. Walker seconded the motion, which carried unanimously.

Approval of Minutes:

Thursday, July 17, 2008

Motion

Mr. Neeley moved to approve the Wednesday, July 17, 2008, meeting minutes with the following corrections: Page 4 under Pleasant Air- Construction Company Samuel Brown – (add) Mr. Brown requested to appear; Page 5 under Mr. John Casbarro – (change to) Mr. Shore to Mr. Casbarro; and under Larry Yates - (add) Mr. Caswell recused himself from participating and voting on this matter. Ms. Nance seconded the motion, which carried unanimously.

Excused Members:

NONE

Chairman's Remarks:

Daniel Lehman

Chairman Lehman requested that Board receive copies of all proposed changes for regulations and legislation.

Administrator's Remarks:

Michael Anderson

1. Mr. Anderson informed the Board that staff is currently working on the legislation and has met with the Association of Mechanical Contractors and General Contractors to get some issues resolved. A special board meeting will be called to review proposed legislation.

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 202-02
Columbia, South Carolina 29210
Minutes

Thursday, October 16, 2008

10:00 a.m.

2. He informed the Board that LLR is going to online renewals.

Mr. Greer

Mr. Greer asked whether there was going to be any changes regarding net worth requirements.

Mr. Caswell

Mr. Caswell requested that Board see all requests, questions and concerns.

Mr. Walker

Mr. Walker stated the Board should be consulted prior to any changes being made, if the agency wants the Board's support. The Board should have been notified prior to the agency deleting the financial statement requirement.

Mr. Anderson

Mr. Anderson stated that a special meeting will be called to review all legislation changes.

Office of Licensure Compliance and Discipline:

Dwight Hayes

Mr. Dwight Hayes, from Office of Licensure and Compliance, informed the Board that the Compliance section is charged with determining compliance with Consent Agreements and Board Orders. When it is determined that a licensee is not in compliance action is taken in accordance with the Agreement or Order. In most cases, the Agreement or Order provides for the suspension of the license until such time as the licensee comes into compliance. In order to make this transition work accurately and faster they are recommending that the Board give the Administrator authority to sign Agreements and Orders administratively suspending a license pending compliance; and to re-instate licenses when they come into compliance. The cases would be brought before the Board for discussion and signature when appropriate.

After review and discussion, the Board requested that staff and Mr. Hayes draft the current process in which Consent Agreements and Orders are processed versus the changes and present it at the next meeting.

Advisory Opinions:

Sheridon Spoon

NONE

Legislative Update:

NONE

Old Business:

NONE

New Business:

Recommendation of Investigation Review Committee:

July 10, 2008, IRC Recommendations:

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

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 202-02
Columbia, South Carolina 29210
Minutes

Thursday, October 16, 2008

10:00 a.m.

August 7, 2008, IRC Recommendations:

Mr. Caswell made a motion, to approve the recommendations of the Investigative Review Committee with the exception of Case #2007-17. Mrs. Nance seconded the motion, which carried unanimously.

September 4, 2008, IRC Recommendations:

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

License Under the Grandfather Provision:

Mr. John Sessions

Staff received a request from Mr. Sessions requesting that the Board to grant him a license under the grandfather provision. Senator Ray Cleary, Mr. John Session and Mr. Michael Anderson were all sworn in by Mr. Eric Gore.

Mr. Session was present at this meeting.

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

MOTION

Mrs. Nance moved to enter into executive session to seek legal advice. Mr. Greer seconded the motion, which carried unanimously.

The Board returned to public session. Mrs. Nance made a motion, to come out of executive session. Mr. Caswell seconded the motion, which carried unanimously.

MOTION

Mr. Greer made a motion, to place this case in abeyance until Mr. Session submits an application. Mrs. Nance seconded the motion, which carried unanimously.

Application Review Hearings:

Mr. Josh Freeman

Mr. Freeman appeared before the Board because he answered "no" on his Mechanical Contractor's Application that he has never had a license, certification, or registration cancelled, surrendered, revoked, suspended, restricted or disciplined by any federal, state or local authority or contracted without a proper license. Due to Mr. Freeman's answer the application could not be processed in a routine manner by staff.

Mr. Freeman was present at this meeting.

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

MOTION

Mrs. Nance moved to enter into executive session to seek legal advice. Mr. Greer seconded the motion, which carried unanimously.

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 202-02
Columbia, South Carolina 29210
Minutes

Thursday, October 16, 2008

10:00 a.m.

The Board returned to public session. Mr. Plyer made a motion, to come out of executive session. Mr. Walker seconded the motion, which carried unanimously.

MOTION

Mr. Plyer made a motion, to deny Mr. Freeman's Mechanical Contractor's Application. Mr. Neely seconded the motion, which carried unanimously.

Waiver of Builder's Examination:

Mr. Bert Shuler and Shur-Bilt Building Systems

Staff received a request from Mr. Shuler requesting that he be exempt from taking the Builder's examination.

Mr. Shuler was present at this meeting.

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

MOTION

Mrs. Nance moved to enter into executive session to seek legal advice. Mr. Caswell seconded the motion, which carried unanimously.

The Board returned to public session. Mr. Walker made a motion, to come out of executive session. Mr. Caswell seconded the motion, which carried unanimously.

MOTION

Mr. Nance made a motion, directing staff to send Mr. Shuler an application to complete. Mr. Shuler must reapply as the qualifying party for Shur-Bilt Building Systems and his license will be approved. Mr. Caswell seconded the motion, which carried unanimously.

Application Review Hearings:

Wayne Charpia

Mr. Charpia appeared before the Board because he answered "no" on his General Contractor's Application that he has not had any lawsuits, judgments, liens or claims filed against him or his business, been arrested, charged indicted or convicted of violating any federal, state or local law or had a similar license in this state or any other state revoked, suspended or otherwise disciplined. Due to Mr. Charpia's answer the application could not be processed in a routine manner by staff.

Mr. Charpia was present at this meeting.

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

MOTION

Mrs. Nance moved to enter into executive session to seek legal advice. Mr. Neeley seconded the motion, which carried unanimously.

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 202-02
Columbia, South Carolina 29210
Minutes

Thursday, October 16, 2008

10:00 a.m.

The Board returned to public session. Mr. Walker made a motion, to come out of executive session. Mr. Neely seconded the motion, which carried unanimously.

MOTION

Mr. Walker made a motion, to deny Mr. Chapria's Contractors License until such time as he has resolved all issues with the Residential Builder's Commission and they have issued him a Residential Builder's license. Once Mr. Chapria's Residential Builder's license is issued his General Contractor's license will be issued. Mr. Neely seconded the motion, which carried unanimously.

Reconsideration of Order:

Sammy Brown

Staff received a request from Mr. Sammy Brown requesting the Board reconsider the Order. Mr. Brown was scheduled to appear at the July 2008, meeting but did not appear. The Board agreed to deny Mr. Brown's license.

Mr. Brown was not present at this meeting.

MOTION

Mr. Walker made a motion, to deny Mr. Brown request for reconsideration. Mrs. Lineburger seconded the motion, which carried unanimously.

Memorandum of Agreement:

Robert Burgess and Burgess Construction

Mrs. Christa Bell represented the State. Mr. Burgess was represented by Bryan Robertson, Esquire.

Mrs. Bell addressed the Board concerning Case#2007-114 and 2008-173.

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

MOTION

Mr. Caswell moved to enter into executive session to seek legal advice. Mr. Neeley seconded the motion, which carried unanimously.

The Board returned to public session. Mr. Neeley made a motion, to come out of executive session. Mr. Greer seconded the motion, which carried unanimously.

MOTION

Mr. Caswell made a motion, requesting that both review the Memorandum of Agreement and try to rectify the complaint or come back before the Board for a Hearing. Mrs. Lineberger seconded the motion, which carried unanimously.

Final Order Hearings:

Hearing Officer's Report and Recommendations

C. E. Owens Construction – Case #2005-70

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 202-02
Columbia, South Carolina 29210
Minutes

Thursday, October 16, 2008

10:00 a.m.

Mrs. Christa Bell represented the State. Mrs. Bell informed the Board that she received a fax stating all repairs were completed and asked the Board to accept the Hearing Officer's Recommendation to pay a fine of Five Hundred (\$500) Dollars.

Mr. Owens was not present.

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

MOTION

Mr. Walker made a motion, to accept the Hearing Officer's Recommendations. Mrs. Caswell seconded the motion, which carried unanimously.

Joe Judson & Associates:

Joe Judson & Associates, Case # 2007-062

Mrs. Christa Bell represented the state. Mrs. Bell asked that the Board adopt the Hearing Officer's Recommendations. Mr. Frank Walker asked to be recused.

Mr. Judson was not present to give testimony.

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

MOTION

Mr. Caswell made a motion, to adopt the Hearing Officer's recommendation. Mrs. Lineburger seconded the motion, which carried unanimously.

Public Comments:

Michael Anderson

Mr. Anderson informed the Board that he is on the NASCLA Exam Committee and the State is well represented.

Mr. Anderson informed the Board that Office of Building and Business is in the process of reviewing all revenue and fees being generated by the Board.

Mr. Anderson stated that Mr. James Johnson appeared before the Board in January has received his certification were he completed 4 roofing courses. He would like information on his probationary status.

MOTION

Mr. Walker made a motion, to put Mr. James Johnson on the January 2009, agenda. Mrs. Lineburger seconded the motion, which carried unanimously.

Mr. Anderson stated that he was contacted by Mr. Julian Barton regarding Mr. Frank Clark's residential experience. He informed him that he would present it to the Board as information.

Mrs. Christa Bell

SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 202-02
Columbia, South Carolina 29210
Minutes

Thursday, October 16, 2008

10:00 a.m.

Mrs. Bell introduced Ms. Suzanne Hawkins, of Office of General Counsel. She will be working with Contractor's Licensing, Residential Builders, and Manufactured Housing Boards.

Date of Next Meeting

Thursday, January 15, 2009, Meeting Room 201-03

The next meeting of the Board is scheduled for Thursday, January 15, 2009, in conference room 201-03.

Adjournment

Mr. Caswell moved for the meeting be adjourned. Mrs. Lingeberger seconded the motion, which carried unanimously.

The October 16, 2008, meeting of the South Carolina Contractor's Licensing Board was adjourned at 2:10 p.m.