

Transcript of the Testimony of  
**CONTRACTOR'S LICENSING BOARD MEETING**

**Date:** April 19, 2012



CREEL COURT REPORTING, INC.  
Condensed Transcript and Word Index

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SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION BEFORE THE CONTRACTOR'S LICENSING BOARD

BOARD MEETING

Thursday, April 19, 2012 10:02 a.m. - 1:23 p.m.

The South Carolina Contractor's Licensing board meeting was taken at the Synergy Office Park, Kingstree Building, Room 105, 110 Centerview Drive, Columbia, South Carolina, on the 19th day of April, 2012 before Jaime D. Newton, Court Reporter and Notary Public in and for the State of South Carolina.

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12 (Satisfaction of Judgment)
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14 (Booklet showing that there's no judgements related to construction against Michael E. Newton or Craftowne, LLC)
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16 (Two letter dated March 12, 2012 and April 12, 2012 and a copy of two checks.)
17 STIPULATIONS
18 It is stipulated and agreed that this hearing
19 is being taken pursuant to the Administrative
20 Procedures Act, the Practice Act and Regulations of
21 the Board.
22
23
24
25

APPEARANCES

- BOARD MEMBERS: Kimberly Lineberger, Chairman Jamie Patterson Frank Walker Lewis M. Caswell Daniel Lehman Charles White

ADVISING THE BOARD: Sheridan H. Spoon, Esquire

Also Present:

- Gary Wiggins, Administrator Lil Ann Gray, Program Coordinator Shameko Putman, Administrative Assistant

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CALL TO ORDER:

MADAM CHAIRMAN: It's 10:00 and we're going to go ahead and get started. Having determined that a quorum of the board members is present, I call this regularly scheduled quarterly board meeting of the South Carolina License Board to order. My name is Kimberly Lineberger and I'm the Chair with the South Carolina Contractors Licensing Board. The other members of the board are Lewis Caswell, Frank Walker, Daniel Lehman, Charles White and Jamie Patterson. The attorney advising the board is Sheridan Spoon. This notice and agenda for the April 19th, 2012 meeting of the South Carolina Licensing Board were posted in accordance with Section 30-4-80 of the South Carolina Code of Laws, 1976 as amended related to the Freedom of Information Act.

APPROVAL OF AGENDA:

MADAM CHAIRMAN: Is there a motion for the approval of the agenda?

MR. PATTERSON: So move, Madam Chairman.

MR. WALKER: Second.

MR. PATTERSON: I make a motion that we flip the agenda and do the application hearings first.

1 MADAM CHAIRMAN: Is there a second?  
 2 MR. WALKER: Second.  
 3 MADAM CHAIRMAN: Okay. All those in favor for  
 4 approving the revised agenda?  
 5 (Ayes are heard)  
 6 APPROVAL/DISAPPROVAL OF ABSENT BOARD MEMBER(S):  
 7 MADAM CHAIRMAN: Next on our agenda is the approval  
 8 or disapproval of absent board members. I  
 9 guess you saw the email Bill Neely is at a  
 10 funeral this morning, and Jim Lady's son had  
 11 surgery today. So if we could get a motion for  
 12 their approval of absence.  
 13 MR. PATTERSON: I make a motion.  
 14 MR. LEHMAN: Second.  
 15 MADAM CHAIRMAN: All those in favor?  
 16 (Ayes are heard)  
 17 APPROVAL OF MINUTES - JANUARY 19, 2012:  
 18 MADAM CHAIRMAN: Thank you. If you'll now take a  
 19 look at the minutes for the January 19th board  
 20 meeting and let's see if we can get a motion  
 21 for those approval. Look behind your second  
 22 tab.  
 23 MR. WALKER: Madam Chairman, I move that we accept  
 24 the minutes as written.  
 25 MR. PATTERSON: Second.

1 Investigation's and Enforcement report, and Tom  
 2 is here to present that.  
 3 OFFICE OF INVESTIGATIONS AND ENFORCEMENT (OIE):  
 4 MR. BOND: Yes, ma'am. Between January 1st of this  
 5 year and April the 9th when I pulled this  
 6 report we have received a total of 56 new  
 7 complaints. Currently there are 73 active  
 8 investigations in OIE; 30 that have been held  
 9 over from 2011, 43 from 2012. The closed  
 10 figure is the number of cases from the 56 that  
 11 have been closed since the beginning of this  
 12 year, or two do not open case and one pending  
 13 IRC.  
 14 MADAM CHAIRMAN: Are there any questions about that  
 15 report? I have one question. The oldest  
 16 active case is 248 days. Is that in appeal, or  
 17 why is that still held over so long?  
 18 MR. BOND: I would have to look specifically at that  
 19 case off the top of my head. If it says oldest  
 20 active case, that's one under active  
 21 investigation. Yeah, that's not quite a year,  
 22 but it's getting close to that. I would have  
 23 to look specifically at that case. I could  
 24 give you that answer later, certainly.  
 25 MADAM CHAIRMAN: Okay. That would be great.

1 MADAM CHAIRMAN: All those in favor of accepting the  
 2 minutes as written?  
 3 (Ayes are heard)  
 4 MS. GRAY: Madam Chair, we're checking on Director  
 5 Pisarik arrival, and we'll be able to provide  
 6 you with that information if she'll be able to  
 7 appear today.  
 8 MADAM CHAIRMAN: Okay. Great.  
 9 MS. GRAY: Thank you.  
 10 CHAIRMAN'S REMARKS:  
 11 MADAM CHAIRMAN: I'd just like to welcome everybody  
 12 here today. We have a pretty busy schedule, so  
 13 if everybody could help us stay on line. Gary,  
 14 do you have any remarks? Anything you want to  
 15 bring to us?  
 16 ADMINISTRATOR'S REMARKS FOR INFORMATION:  
 17 MR. WIGGINS: The only remarks that we have, Madam  
 18 Chair, is that the regulations did go through  
 19 the House and Senate. They've passed  
 20 Committee, which should be just a short time  
 21 now before -- or actually adopted into law, so  
 22 that the regulations will be worked on back in  
 23 the fall.  
 24 MADAM CHAIRMAN: Okay. If you'll take a look behind  
 25 tab number one is your Office of

1 MS. GRAY: Madam Chair?  
 2 MADAM CHAIRMAN: Yes.  
 3 MS. GRAY: Ms. Pisarik has arrived and like to  
 4 introduce Ms. Pisarik as the new Director of  
 5 LLR.  
 6 INTRODUCTION OF NEW DIRECTOR:  
 7 MS. PISARIK: Good morning. I won't take up too  
 8 much of your time because you all have business  
 9 to attend to. But I did want to take the time  
 10 to introduce myself to you all. I haven't had  
 11 much of an opportunity to work with the  
 12 Contractor's Board, but I have been at LLR  
 13 about a year now, or a little under a year now.  
 14 But I interpret my job as the Director of LLR  
 15 to be here to support the boards and to do what  
 16 I can to make your job easier. So if there's  
 17 ever any concern that you have, please contact  
 18 me. I'm going to hand out my business cards.  
 19 I'm happy to come to any of your board meetings  
 20 and give you updates on anything that you  
 21 request, or happy to meet with you individually  
 22 or in my office about any issues that you may  
 23 have with LLR. And I'm always happy to hear  
 24 suggestions that you have to make LLR a better  
 25 place and for us to do a better job to support

1 you all so you can your business done.  
 2 MADAM CHAIRMAN: Thank you.  
 3 MS. PISARIK: You're welcome. So here's my card.  
 4 And again, feel free to reach out to me at any  
 5 time.  
 6 MADAM CHAIRMAN: Thank you.  
 7 MS. PISARIK: Sure. Thank you, and I look forward  
 8 to working with all of you.  
 9 MADAM CHAIRMAN: Thank you. Okay. Staying with our  
 10 agenda. Office of General Counsel, tab two.  
 11 OFFICE OF GENERAL COUNSEL (OGC):  
 12 MS. GRAY: We don't have a representative right now.  
 13 So the current information is in your notebook  
 14 under tab two. And it gives you the case  
 15 information. Currently there are 42 open  
 16 cases. Fifteen are pending action. Six are  
 17 pending either a consent agreement -- Ms. Bell  
 18 has arrived, so I'll differ to Ms. Bell and let  
 19 her take over.  
 20 MS. BELL: Good morning.  
 21 MADAM CHAIRMAN: Good morning.  
 22 MS. BELL: I think you were at the point of pending  
 23 CA-6?  
 24 MS. GRAY: Yes, ma'am.  
 25 MS. BELL: A then one is actually scheduled pending

1 MR. LEHMAN: It would be nice to get an update on  
 2 that.  
 3 MADAM CHAIRMAN: It sure would. Yes.  
 4 OLD BUSINESS:  
 5 MADAM CHAIRMAN: Okay. Moving on to old business.  
 6 Does anybody have any old business that needs  
 7 to be brought up?  
 8 NEW BUSINESS - IRC RECOMMENDATIONS FOR MARCH 27,  
 9 2012:  
 10 MADAM CHAIRMAN: Okay. Moving on to new business,  
 11 to the IRC recommendations.  
 12 MR. BOND: The Contractor's Licensing Board IRC met  
 13 on March the 27th. They heard 13 cases -- or  
 14 they reviewed 13 cases at the time. The  
 15 recommendations were two cases for dismissal,  
 16 four for formal complaint, and one for formal  
 17 complaint with a cease and desist, and six for  
 18 citation.  
 19 MADAM CHAIRMAN: And are our representatives  
 20 attending the IRCs?  
 21 MR. BOND: They have been notified of the meetings  
 22 and, yes, ma'am, they will be.  
 23 MADAM CHAIRMAN: They're attending?  
 24 MR. BOND: Yes, ma'am.  
 25 MADAM CHAIRMAN: Is there any way that you can -- on

1 hearings. But I know we were working on doing  
 2 some other schedules, so we should have some  
 3 other schedules soon. Six are pending final  
 4 order hearings, and 14 are pending final  
 5 orders. And then 62 have been closed since  
 6 January of last year.  
 7 MS. GRAY: Thank you.  
 8 MS. BELL: And I'll be glad to entertain any  
 9 questions you may have.  
 10 MADAM CHAIRMAN: Are there any questions?  
 11 MR. LEHMAN: Yeah, I have one. Didn't we have one  
 12 case to go to appeal? Did that get resolved  
 13 last year?  
 14 MS. BELL: Right.  
 15 MADAM CHAIRMAN: We did, yes.  
 16 MS. BELL: Yes. And I believe Ms. Hawkins -- that  
 17 was the AP -- we can talk about that, because  
 18 that's at the administrative law clerk. But I  
 19 believe -- was that the APX?  
 20 MR. LEHMAN: Yes. Yes.  
 21 MS. BELL: I believe they -- I don't know if they  
 22 got an order, but they did have arguments over  
 23 at ALC. And Ms. Hawkins is going to be in here  
 24 later and she can give you a little more detail  
 25 on the status of that.

1 the report you can tell us who attended the  
 2 meeting.  
 3 MR. BOND: Absolutely. Absolutely.  
 4 MADAM CHAIRMAN: We kind of liked to know.  
 5 MR. BOND: And actually I can tell you, we're  
 6 working on standardizing our IRC reports across  
 7 all of the boards. And so -- actually, I've  
 8 been put in charge of that. So I'll recommend  
 9 having that in there. Having a list of the  
 10 attendees in there.  
 11 MADAM CHAIRMAN: Okay. That would be great.  
 12 MR. BOND: Okay.  
 13 MADAM CHAIRMAN: Are there any other questions,  
 14 specifics to the case? Is there a motion to  
 15 approve the IRC?  
 16 MR. CASWELL: I move. Madam Chair, I move that it  
 17 be approve those as presented.  
 18 MADAM CHAIRMAN: Is there a second?  
 19 MR. WHITE: I'll second.  
 20 MADAM CHAIRMAN: All those in favor?  
 21 (Ayes are heard)  
 22 MR. BOND: Thank you. And I'll go look up that one  
 23 that we were talking about.  
 24 MADAM CHAIRMAN: Okay. That'll be interesting.  
 25 APPLICATION HEARINGS:

1 MADAM CHAIRMAN: So we're going to flip our  
 2 schedule, so we want to go to the application  
 3 hearings. We'll start with Brian Hunt. I  
 4 think it's behind tab five. Is he here?  
 5 MS. GRAY: Notice was provided to Mr. Hunt, and we  
 6 have received no information from Mr. Hunt of  
 7 his not intending to appear.  
 8 MADAM CHAIRMAN: So we will proceed. This hearing is  
 9 called to order. This is in the matter of  
 10 Brian Hunt and Elevation Electric. Does any  
 11 member of the board have any reason to recuse  
 12 himself or herself from consideration of this  
 13 application? The purpose of this hearing is to  
 14 determine whether this applicant should be  
 15 granted a license as Elevation Electric,  
 16 license number CLM103061MC, grandfather clause.  
 17 Everyone is reminded that these proceedings are  
 18 being recorded and that all witnesses must be  
 19 sworn before they testify. All remarks should  
 20 be directed to the Chairman or Presidents.  
 21 Gary, is the application package complete in  
 22 our materials?  
 23 MS. GRAY: Yes, it is. And I'll be answering for  
 24 Mr. Wiggins. Lil Ann Gray, Program  
 25 Coordinator. Mr. Hunt's license lapsed October

1 MR. ELLIOTT: My name is Tom Elliott. I'm counsel  
 2 for Mr. McCall.  
 3 MADAM CHAIRMAN: Okay. This hearing is called to  
 4 order. This is in the matter of Dependable  
 5 Home Service, license number CLM103667MC. It's  
 6 a grandfather license. The purpose of this  
 7 hearing is to determine whether the applicant  
 8 should be granted a license. Everyone is  
 9 reminded that these proceedings are being  
 10 recorded and that all witnesses must be sworn  
 11 in before they testify. All remarks should be  
 12 directed to the Chairman. Lil Ann Gray, is  
 13 this application complete, and what questions  
 14 does staff have?  
 15 MS. GRAY: Yes, ma'am. The application is complete.  
 16 Mr. McCall and Dependable Home Services was  
 17 originally licensed as a grandfather. The  
 18 license lapsed October 31st, 2011. The  
 19 reinstatement application was received February  
 20 15th, 2012. Mr. McCall has requested a waiver  
 21 of the technical examination requirement and  
 22 board staff is unable to issue a license  
 23 because this application was received more than  
 24 90 days. If I may ask, has everybody been able  
 25 to locate in their notebooks the information?

1 31st, 2011. The reinstatement application was  
 2 received February 6th, 2012, more than 90 days  
 3 after expiration. Mr. Hunt had requested a  
 4 waiver of the requirement to take the technical  
 5 examination as he was originally licensed as a  
 6 grandfather. Board staff was unable to issue  
 7 at staff level due to that being more than 90  
 8 days and having been grandfathered.  
 9 MADAM CHAIRMAN: Did staff subpoena any other  
 10 persons here today to answer questions?  
 11 MS. GRAY: No, we did not.  
 12 MADAM CHAIRMAN: And the applicant is not present.  
 13 So is there a motion considering this  
 14 application?  
 15 MR. CASWELL: Madam Chair, I move that we deny the  
 16 motion.  
 17 MR. WHITE: I second.  
 18 MADAM CHAIRMAN: All those in favor?  
 19 (Ayes are heard)  
 20 MADAM CHAIRMAN: Okay. We'll move onto the next  
 21 application hearing for Dependable Home  
 22 Services.  
 23 MR. ELLIOTT: Madam Chair, should Mr. McCall sit  
 24 here?  
 25 MADAM CHAIRMAN: Yes, please.

1 And I apologize. We changed up sort of a way  
 2 of putting them in the notebooks this time.  
 3 MADAM CHAIRMAN: Is everybody good? Okay. Let the  
 4 record show that the applicant is present and  
 5 represented by counsel. Would you please go  
 6 ahead and swear him in.  
 7 MR. McCALL, having been duly sworn, testifies as  
 8 follows:  
 9 MADAM CHAIRMAN: And, Counselor, would you give us  
 10 your full name and address for the record.  
 11 MR. ELLIOTT: Yes, ma'am. My name is Thomas E.  
 12 Elliott, Jr. My address is 1443 Franklin  
 13 Street, Columbia, South Carolina, 29201. I'm  
 14 a member of the Richland County Bar.  
 15 MADAM CHAIRMAN: Yes, sir. Are you ready to show us  
 16 why your client should be granted a license?  
 17 MR. ELLIOTT: Yes, ma'am. If the board would allow  
 18 me to make a brief statement, and then  
 19 certainly Mr. McCall would be happy to answer  
 20 any questions that the board would have.  
 21 MADAM CHAIRMAN: Yes, sir. Please go ahead.  
 22 MR. ELLIOTT: May it please. Mr. McCall has been in  
 23 the contracting business for approximately 35  
 24 years. He has been working since 1978 at this  
 25 discipline. He's been primarily heating and

1 air since 1984 and, of course, was  
 2 grandfathered in as indicated by the Chairman  
 3 at the creation of the licensing requirement.  
 4 He has, to our knowledge, never been cited for  
 5 any complaint with this board, the Better  
 6 Business Bureau, has never been the subject of  
 7 a lawsuit relative to his contracting business.  
 8 He apologizes to this board for the delinquency  
 9 in making his reinstatement request. He  
 10 received it in February of last year and just  
 11 in the course of business forgot to meet the  
 12 deadline. He is now under a temporary license,  
 13 I understand, having paid a penalty, subject to  
 14 the decision of this board relative to his  
 15 having to take the technical exam. We ask,  
 16 based upon his experience, his good record at  
 17 his discipline, that the board accept his  
 18 apology, accept the penalty that he has paid,  
 19 and allow him to proceed without having to take  
 20 further examination. I give him to you for  
 21 what questions you'd have.  
 22 MADAM CHAIRMAN: Does the board have any questions?  
 23 MR. CASWELL: Mr. McCall, the only thing you're  
 24 asking us to do is to waive the technical exam,  
 25 right? Everything else is in order?

1 MR. McCALL: Yes, sir. I'm sorry that -- I received  
 2 the letter on February the 11th, which was on  
 3 a Saturday. Monday morning I called and tried  
 4 to see what I could do. I know it's my  
 5 responsibility, but I get these licenses every  
 6 two years and I just didn't realize it was out.  
 7 And I'm sorry to have to have just assumed. I  
 8 didn't receive the letter in the mail until  
 9 February the 11th. And the minute I contacted  
 10 the board -- or LLR, I called and tried to pay  
 11 the thing and get it straightened out.  
 12 MR. CASWELL: Do we have information about when the  
 13 application has been mailed in?  
 14 MS. GRAY: Yes, sir. According to the records of  
 15 LLR, the renewal notice was processed and  
 16 mailed August 16th, 2011. According to the  
 17 history maintained by the records, Mr. McCall  
 18 had a similar issue during the 2009 renewal  
 19 period. At that point in time he had called in  
 20 and felt he should not be penalized by having  
 21 to pay a late charge because he received his  
 22 renewal notice late. At that point in time the  
 23 late charge was, in fact, waived. So that was  
 24 during the 2009 renewal period.  
 25 MR. ELLIOTT: Madam Chairman, may I speak to that?

1 MADAM CHAIRMAN: Sure.  
 2 MR. ELLIOTT: In that circumstances I understand  
 3 that, from Mr. McCall, he had applied for  
 4 reinstatement at that time in 2009 timely. The  
 5 form was not properly filled out. So he sent  
 6 it in and the subsequent application was then  
 7 late. He was fined. He asked that it be  
 8 waived. And as indicated, the board did, in  
 9 fact, waive that penalty at that time.  
 10 MADAM CHAIRMAN: Is that right, Ms. Gray? Can you  
 11 help us in the paperwork to determine where we  
 12 can see that?  
 13 MS. GRAY: There is in the paperwork behind the  
 14 credential print document, there is a  
 15 credential history that shows December 14th,  
 16 2009, a notation in record, "Customer called  
 17 into agency to renew his license. He addressed  
 18 a concern that he did not receive his renewal  
 19 notice and that he should not have to be  
 20 penalized for the late fee because of it. Ms.  
 21 Simmons informed customer the two renewal  
 22 notices were sent to the correct address, via  
 23 his confirmation. He wanted to speak with the  
 24 supervisor because he did not think that it was  
 25 fair." In the notes there's nothing about the

1 information that may have been submitted  
 2 timely, but it was after the October 31st, 2009  
 3 renewal period. That was the expiration date.  
 4 You'll note in the credential history that was  
 5 noted on December 14th.  
 6 MR. McCALL: Can I speak about that, please?  
 7 MADAM CHAIRMAN: Yes, sir.  
 8 MR. McCALL: I mailed it in on time. I can't  
 9 remember exactly what wasn't filled out right,  
 10 but it wasn't filled out right. They mailed  
 11 the whole thing back to me with the check. I  
 12 filled it out again. Sent it back in. And  
 13 then they notified me of a penalty. They  
 14 actually notified me of a penalty when I sent  
 15 the check back. But it was actually sent in on  
 16 time to start with. But then by the time it  
 17 got in and out, because I didn't fill out the  
 18 application -- something on the application  
 19 wasn't filled out right. Something to do with  
 20 -- where you have to get a -- I can't even  
 21 think of the word. I'm trying to think. Your  
 22 -- what word am I trying to use? I can't even  
 23 remember what it was now. But anyway,  
 24 something on the application wasn't filled out  
 25 right. They sent it back to me. And by the

1 time I got it sent back again, they deemed it  
 2 late. And then they tried to charge me a  
 3 penalty on it and I just didn't think it was  
 4 right because I sent it in on time to start  
 5 with.  
 6 MADAM CHAIRMAN: Right. And they waived that  
 7 penalty.  
 8 MR. McCALL: That was the issue on it. Yes, ma'am.  
 9 MADAM CHAIRMAN: But now, the second time.  
 10 MR. McCALL: The second time I just didn't receive  
 11 the notice until February the -- this here. I  
 12 received the notice on February the 11th.  
 13 That's when I got the thing in the mail to  
 14 renew my license. And then I contacted the LLR  
 15 just as soon as I could on Monday morning. And  
 16 then I came down here and tried to get it  
 17 squared away, and paid for it and went through  
 18 the whole process.  
 19 MR. CASWELL: Ms. Gray, we mail out applications as  
 20 late as January or February again?  
 21 MS. GRAY: No, sir. The records do not indicate any  
 22 other mailing other than renewal notices going  
 23 out August 16th, 2011.  
 24 MR. McCALL: Application for renewal. It wasn't  
 25 nothing to do with delinquent. Just the

1 MR. WHITE: The waiver.  
 2 MADAM CHAIRMAN: And there's a second. All those in  
 3 favor?  
 4 (Ayes are heard)  
 5 MADAM CHAIRMAN: Passes.  
 6 MR. ELLIOTT: Thank you, Madam Chairman. May we  
 7 withdraw at this time?  
 8 MADAM CHAIRMAN: Yes, please.  
 9 MR. ELLIOTT: Thank you.  
 10 MADAM CHAIRMAN: Yes.  
 11 MR. McCALL: Thank you all.  
 12 MADAM CHAIRMAN: Our next application hearing is  
 13 Randolph Technology. And if Curtis Randolph  
 14 would have a seat, please. This hearing is  
 15 called to order. This is in the matter of  
 16 Curtis A. Randolph and Randolph Technology.  
 17 Does any board member have a reason to recuse  
 18 himself from consideration of this application?  
 19 The purpose of this hearing is to determine  
 20 whether the applicant should be granted a  
 21 license under CLM101415MC, it's from 2011,  
 22 October 31st. Everyone is reminded that these  
 23 proceedings are being recorded and that all  
 24 witnesses must be sworn before they testify.  
 25 All remarks should be directed to the Chairman.

1 application for renewal.  
 2 MS. GRAY: The records just show that the renewal  
 3 notices were processed August 16th, 2011.  
 4 There were no additional mail outs.  
 5 MADAM CHAIRMAN: And they were mailed to the address  
 6 on file?  
 7 MS. GRAY: Yes, ma'am.  
 8 MR. WHITE: May I ask a question?  
 9 MADAM CHAIRMAN: Yes.  
 10 MR. WHITE: Ms. Gray, has there been any -- you've  
 11 been in business for 35 years, is that correct?  
 12 MR. McCALL: Yes, sir.  
 13 MR. WHITE: Any incidences prior to the 9th of 2009  
 14 where he missed the thing for his license?  
 15 MS. GRAY: The records do not indicate that.  
 16 MADAM CHAIRMAN: Are there any more questions? Do  
 17 we have a motion?  
 18 MR. WHITE: We don't need to discuss it, do we?  
 19 Yeah, I make a motion that we approve it.  
 20 MR. WALKER: Second.  
 21 MADAM CHAIRMAN: A motion that we approve?  
 22 MR. WHITE: The reinstatement.  
 23 MADAM CHAIRMAN: The reinstatement.  
 24 MR. WHITE: Yes.  
 25 MADAM CHAIRMAN: The waiver?

1 Ms. Gray, is the complete application package  
 2 in our materials, and what questions did staff  
 3 have?  
 4 MS. GRAY: Staff was unable to renew the license for  
 5 Randolph Technology and Curtis A. Randolph due  
 6 to an outstanding judgement. The judgement at  
 7 that time was held by B&D Marine and Industrial  
 8 Boilers, Inc. against Randolph Technologies,  
 9 Inc., and it was entered February 3rd, 2011 in  
 10 the amount of \$8,939.05. Mr. Randolph has just  
 11 handed to me a satisfaction of judgement for  
 12 the B&D Marine and Industrial Boilers that was  
 13 recorded in the Clerk of Court's office April  
 14 12th, 2012 indicating that the Defendant,  
 15 Randolph Technology is discharged and the  
 16 judgement declared satisfied. And the  
 17 plaintiff authorized the Clerk of Court for  
 18 Charleston County to cancel said judgement of  
 19 record. So that would resolve the one issue  
 20 that prevented staff from issuing the license.  
 21 MADAM CHAIRMAN: Ms. Gray, can we get a copy of  
 22 that?  
 23 MS. GRAY: Yes.  
 24 (Randolph's Exhibit Number One was marked for  
 25 identification purposes.)

1 MADAM CHAIRMAN: Upon receipt of the satisfaction of  
 2 judgement do we have a motion?  
 3 MR. WALKER: I've got a question for Mr. Randolph.  
 4 MADAM CHAIRMAN: Okay. Mr. Randolph, if you'll go  
 5 ahead and state your name, and for the record  
 6 let's go ahead and swear him in.  
 7 CURTIS A. RANDOLPH, having been duly sworn,  
 8 testifies as follows:  
 9 MR. WALKER: Mr. Randolph, why did it take you till  
 10 April the 12th to pay this judgement?  
 11 MR. RANDOLPH: Say again? I don't hear well.  
 12 MR. WALKER: Why did it take you until April 12th to  
 13 pay this judgement?  
 14 MR. RANDOLPH: We didn't realize it was out there  
 15 until we received a letter from the licensing  
 16 board indicating that. And as soon as we --  
 17 and when I say we, my attorney and I. And as  
 18 soon as we realized that it was out there,  
 19 that's when we took care of it. But we didn't  
 20 have any idea that it was there. We knew we  
 21 had some issues with B&D Boiler, and an  
 22 attorney and I, we was working through that and  
 23 we thought we had solved that process, until we  
 24 found out that this judgement was out there.  
 25 And when we did, we took care of it.

1 But we had no knowledge that it -- even after  
 2 we had received the letter from the board.  
 3 MR. CASWELL: Ms. Gray, let me ask you. How did the  
 4 board know there was a judgement? How did the  
 5 LLR know there was a judgement?  
 6 MS. GRAY: We received notification of the  
 7 judgement, I believe, from third party, and at  
 8 that point moved forward to advise the  
 9 applicant of the situation. We had received  
 10 information from Mr. Randolph and his attorney  
 11 that they had been confused. That they thought  
 12 they were working, and had not realized a  
 13 judgement was entered. But we had been advised  
 14 by a third party of the judgement.  
 15 MR. LEHMAN: Do we have a copy of that notice?  
 16 MS. GRAY: Of the third party?  
 17 MR. LEHMAN: Yes.  
 18 MADAM CHAIRMAN: Are there any further questions?  
 19 MR. WHITE: I have a question. Was the third party  
 20 part of the negotiations, or do you not know?  
 21 MS. GRAY: I can do some research on that and get  
 22 back to you, but I don't know that right now.  
 23 MR. WHITE: Okay. That's fine.  
 24 MR. LEHMAN: I have one other question.  
 25 MADAM CHAIRMAN: Yes.

1 MR. WALKER: You said you had issues with the -- do  
 2 you have other issues that are going to turn  
 3 into judgements?  
 4 MR. RANDOLPH: No. No, no.  
 5 MR. WALKER: I have no further questions.  
 6 MR. CASWELL: I'm a little bit confused about the  
 7 timing. A follow up to that question. It says  
 8 that your application was received January the  
 9 30th and March the 15th this letter was sent  
 10 back to you telling you that they would not  
 11 renew it because of the judgement. It took  
 12 another month to get the judgement out, is that  
 13 right?  
 14 MR. RANDOLPH: Well, what happened, now, as I  
 15 mentioned earlier, my attorney and I was  
 16 working with B&D Boiler, but we thought we had  
 17 worked through those issues. And even when the  
 18 letter came from the licensing board, we done  
 19 the research and couldn't find it, because we  
 20 thought we had it solved. And then through  
 21 some communication back with the licensing  
 22 board, we realized, after I spoke with some  
 23 folks in the licensing board, what the  
 24 judgement actually was. And then that's when  
 25 we went and verified it and took care of it.

1 MR. LEHMAN: Other than the judgement there was no  
 2 other concerns?  
 3 MS. GRAY: Mr. Randolph had initially indicated on  
 4 his renewal that there were no judgements. He  
 5 had marked no. But I believe Mr. Randolph has  
 6 provided this board with an explanation as to  
 7 that concern that we had.  
 8 MR. LEHMAN: That was the only concern?  
 9 MS. GRAY: That was it.  
 10 MR. LEHMAN: Okay.  
 11 MR. CASWELL: Was the application received timely  
 12 for renewal?  
 13 MS. GRAY: We received the application on January  
 14 30th, 2012. It was right at the deadline. It  
 15 was within the 90 day window.  
 16 MR. CASWELL: I move that we grant Mr. Randolph his  
 17 license.  
 18 MR. LEHMAN: Second.  
 19 MADAM CHAIRMAN: All those in favor?  
 20 (Ayes are heard)  
 21 MADAM CHAIRMAN: Thank you, Mr. Randolph.  
 22 MR. RANDOLPH: Thank you. We surely appreciate you  
 23 all.  
 24 MADAM CHAIRMAN: Atlantic Design and Construction.  
 25 Do we have anybody here from Atlantic Design

1 and Construction? Mark?  
 2 MR. SPOON: Mr. Bottai, B-O-T-T-A-I.  
 3 MR. WIGGINS: Madam Chairman.  
 4 MADAM CHAIRMAN: Yes.  
 5 MR. WIGGINS: I spoke with Ms. Bottai yesterday on  
 6 the telephone. The situation is her husband is  
 7 in Afghanistan. She has no solid knowledge  
 8 about the judgement. She was going to appear  
 9 today but could not get the information back to  
 10 us in time. So called late yesterday  
 11 afternoon, about 5:30, 6:00 and left a message  
 12 on her voice mail giving her the option of  
 13 pulling this item if she desired and having the  
 14 information to us at the next meeting. She did  
 15 not return the call, but I assume that's what  
 16 happened, because when I spoke with her on the  
 17 phone her plans were to come and make the  
 18 presentation but she didn't have the proper  
 19 information.  
 20 MADAM CHAIRMAN: And he's in Afghanistan?  
 21 MR. WIGGINS: I'm sorry?  
 22 MADAM CHAIRMAN: And where is he at?  
 23 MR. WIGGINS: He's deployed in Afghanistan.  
 24 MR. WALKER: Madam Chairman, I make a motion that we  
 25 postpone this until the next meeting.

1 several of the judgements have been satisfied  
 2 and cancelled of record. And an email was  
 3 received from Mr. Koeppler, who is the credit  
 4 manager at Thomas Supply Company. I believe  
 5 this is the remaining outstanding judgement.  
 6 MR. BAKER: Yes, ma'am.  
 7 MS. GRAY: Did you have something to supplement on  
 8 the Thomas Supply?  
 9 MR. BAKER: They told me to make up ten things.  
 10 Here is one that I collected.  
 11 MS. GRAY: Okay. We already have those as being  
 12 satisfied and cancelled.  
 13 MR. BAKER: Right.  
 14 MS. GRAY: And Mr. Koeppler has indicated that Mr.  
 15 Baker is working to resolve his debt with  
 16 Thomas Supply, that he has paid \$4,000 in  
 17 payments over the last 90 days, and that they  
 18 would further let us know whether Mr. Baker  
 19 stopped paying the payments. So we do have  
 20 information indicating that Mr. Baker has  
 21 entered into a repayment arrangement with one  
 22 of the judgement creditors. The other  
 23 judgements that were of record do appear to  
 24 have been satisfied and cancelled of record.  
 25 Because of the payment agreement the board was

1 MADAM CHAIRMAN: Is there a second?  
 2 MR. PATTERSON: Second.  
 3 MADAM CHAIRMAN: All those in favor?  
 4 (Ayes are heard)  
 5 MADAM CHAIRMAN: Bill Baker Electric.  
 6 MR. BAKER: Good morning.  
 7 MADAM CHAIRMAN: Good morning. Bill, just have a  
 8 seat. Let me call this case. This hearing is  
 9 called to order. This is in the matter of  
 10 William L. Baker, Bill Baker Electric. The  
 11 purpose of this hearing is to determine whether  
 12 the applicant should be granted a license under  
 13 license number CLM106755. Everyone is reminded  
 14 that these proceedings are being recorded and  
 15 that all witnesses must be sworn before they  
 16 testify. All remarks should be directed to the  
 17 Chairman. Ms. Gray, is the complete package in  
 18 our material, and what is the concern that  
 19 staff had?  
 20 MS. GRAY: Yes, ma'am. The complete application  
 21 package is in your notebook there. Staff is  
 22 unable to renew this license because of  
 23 outstanding judgements. You will note that Mr.  
 24 Baker has submitted information as part -- and  
 25 it is part of your packet, to indicate that

1 unable to issue the license, and would ask the  
 2 board to review the matter and provide  
 3 guidance, direction.  
 4 MADAM CHAIRMAN: Mr. Baker, are you represented by  
 5 counsel?  
 6 MR. BAKER: No, ma'am.  
 7 MADAM CHAIRMAN: You understand that you have the  
 8 opportunity to be represented by counsel?  
 9 MR. BAKER: Yes, ma'am.  
 10 MADAM CHAIRMAN: And you chose not to?  
 11 MR. BAKER: Yes, ma'am.  
 12 MADAM CHAIRMAN: Would you please stand and go ahead  
 13 and be sworn in.  
 14 WILLIAM L. BAKER, having been duly sworn, testifies  
 15 as follows:  
 16 MADAM CHAIRMAN: And do any of the board members  
 17 have any questions of Mr. Baker or the staff?  
 18 MR. CASWELL: Mr. Baker, you signed an application  
 19 on the date of 10/31/11 that you had no  
 20 judgements. Was that a true statement when you  
 21 signed it?  
 22 MR. BAKER: It was not true, and it was an  
 23 oversight. My wife filled out that paperwork,  
 24 and said she had to send the check in for the  
 25 license. I signed it. It just didn't cross my

1 mind right at that time. I wasn't thinking  
 2 about that.  
 3 MR. CASWELL: At that time how many judgements were  
 4 outstanding?  
 5 MR. BAKER: Three. Two of them have been paid off  
 6 completely. Thomas Supply, I've got a letter  
 7 here showing they had a judgement for \$51,577.  
 8 In the course of a little over a year it's paid  
 9 down to less than \$19,000 right now. I've got  
 10 the judgement stating the amounts if you all  
 11 would like to see that.  
 12 MS. GRAY: We've made that part of the packet.  
 13 MR. BAKER: Okay. Let me just say that I got caught  
 14 up in the construction industry and the  
 15 economy. I had, in the later part of 2009, a  
 16 contractor who owed me \$70,000 and he committed  
 17 suicide. I've also got a judgement against a  
 18 construction company on a house that they owe  
 19 me \$7,000 for. I've got a judgement on that  
 20 house. A lien on it, so to speak. But in  
 21 about a year's period I had to write off about  
 22 \$100,000 in bad debts that I just couldn't  
 23 collect because people was going out of  
 24 business and the construction industry and the  
 25 whole economy had collapsed, and I got caught

1 right up in it. I've been in business 39 years  
 2 and I've never had a problem like this before.  
 3 I'm sure I've been late on a payment or two  
 4 sometimes, but I've never been in this kind of  
 5 turmoil. But I was advised by my accountant  
 6 and my lawyer maybe I should file bankruptcy,  
 7 and after some serious thought I said no. I'm  
 8 going to work my way through this, and I am.  
 9 MADAM CHAIRMAN: I think our biggest concern, Mr.  
 10 Baker, is that you just were not honest on the  
 11 application, was my biggest concern. Had you  
 12 just said yes and give us the explanation, you  
 13 wouldn't be sitting here today probably.  
 14 That's out biggest issue.  
 15 MR. BAKER: Yeah, I understand. I just -- my wife -  
 16 - if you'll look at the application, you can  
 17 see the difference in the writing. She filled  
 18 it out and said today's the deadline. We've  
 19 got to mail them a check, like she does with  
 20 all our bills, and I just signed the  
 21 application and really didn't read it and  
 22 didn't think about that being on there.  
 23 MADAM CHAIRMAN: Yes, sir. We understand that.  
 24 MR. CASWELL: We understand that. But your name is  
 25 signed on it. That means that you had reviewed

1 it and you left it in there.  
 2 MR. BAKER: Yes, sir.  
 3 MADAM CHAIRMAN: Are there any other questions from  
 4 the  
 5 board members?  
 6 MR. LEHMAN: The Thomas Supply is the only  
 7 outstanding judgement at this time?  
 8 MR. BAKER: Yes, sir.  
 9 MR. CASWELL: Are you still a customer of theirs?  
 10 MR. BAKER: Yes, sir. I sure am. I still have an  
 11 account there.  
 12 MR. CASWELL: In view of all the circumstances  
 13 surrounding this, the fact that he's making an  
 14 effort to pay it off, and if we take his  
 15 license he won't be able to pay it off --  
 16 MR. BAKER: Yes, sir.  
 17 MR. CASWELL: I move that we grant the license.  
 18 MR. WALKER: I second.  
 19 MR. BAKER: Thank you.  
 20 MADAM CHAIRMAN: All those in favor?  
 21 (Ayes are heard)  
 22 MR. BAKER: Thank you very much.  
 23 MADAM CHAIRMAN: Thank you. The next application  
 24 hearing is Craftowne, Michael Newton. This  
 25 hearing is called to order. This hearing is in

1 the matter of Craftowne, LLC and Michael  
 2 Newton. The purpose of this hearing is to  
 3 determine whether the applicant should be  
 4 granted a license. Everyone is reminded that  
 5 these proceedings are being recorded and that  
 6 all witnesses must be sworn before they  
 7 testify. All remarks should be directed to the  
 8 Chairman. Ms. Gray, is the complete  
 9 application package in our materials, and what  
 10 questions did staff have?  
 11 MS. GRAY: Yes, ma'am. The completed application.  
 12 This is an application for a new license. And  
 13 the concerns and the issues are that staff is  
 14 unable to issue the new license due to  
 15 outstanding judgements against Mr. Newton and  
 16 former companies that he was associated with.  
 17 MADAM CHAIRMAN: Did staff subpoena any other  
 18 persons to be here today?  
 19 MS. GRAY: No, ma'am.  
 20 MADAM CHAIRMAN: Is the applicant present?  
 21 MR. NEWTON: Yes.  
 22 MADAM CHAIRMAN: Thank you, sir. Are you  
 23 represented by counsel?  
 24 MR. NEWTON: No, ma'am.  
 25 MADAM CHAIRMAN: And you understand that you have

1 the opportunity to be represented?  
 2 MR. NEWTON: Yes, ma'am.  
 3 MADAM CHAIRMAN: And you chose not to?  
 4 MR. NEWTON: Yes, ma'am.  
 5 MADAM CHAIRMAN: And would you please state your  
 6 name and address for the record and be sworn  
 7 in.  
 8 MR. NEWTON: I'm Michael E. Newton, 114 Shadowood  
 9 Drive, Clemson, South Carolina, 29631.  
 10 MICHAEL E. NEWTON, having been duly sworn, testifies  
 11 as follow:  
 12 MADAM CHAIRMAN: Mr. Newton, at this time can you  
 13 tell the board members why we should grant your  
 14 license?  
 15 MR. NEWTON: Can I hand out -- I have information.  
 16 MADAM CHAIRMAN: Yes, please.  
 17 MR. SPOON: Mr. Newton, just for the record, can you  
 18 tell us what that is before you hand it out.  
 19 MR. NEWTON: It's information that I was going to --  
 20 just all documents related to judgements.  
 21 MR. SPOON: Okay. Can you bring one copy up this  
 22 direction, please. All right. Now, tell us  
 23 what this is again.  
 24 MR. NEWTON: Basically this is a booklet that I have  
 25 put together that will show that there's no

1 --  
 2 MR. NEWTON: It's Craftowne --  
 3 MADAM CHAIRMAN: Craftowne.  
 4 MR. NEWTON: -- Homes. Or it's actually Craftowne,  
 5 LLC. I'm sorry.  
 6 MADAM CHAIRMAN: And who are the owners and the  
 7 qualifying parties in that company?  
 8 MR. NEWTON: The qualifying party is me, and the  
 9 owner is Santa Rosa, LLC, which is owned by my  
 10 wife and I.  
 11 MADAM CHAIRMAN: Okay. You can go ahead and  
 12 proceed.  
 13 MR. NEWTON: Basically what this book is again --  
 14 I'll just right quick. It's a book that will  
 15 show that there -- if you'll open to section  
 16 one -- and let me give these to you just so  
 17 it'll make it quicker. There's two pages.  
 18 There's an extra table of contents. That way  
 19 they won't have to keep going back and forth.  
 20 MS. GRAY: And if I may, for the record, there are  
 21 two judgements that we are looking at. One  
 22 held by Cornerstone National Bank in the amount  
 23 of \$98,874.08, and the second is Wells Fargo  
 24 Bank in the amount of \$101,112.86. Both are  
 25 money judgements as a result of foreclosure

1 judgements related to construction against  
 2 Michael E. Newton or Craftowne, LLC.  
 3 MR. SPOON: All right. You want to make that a part  
 4 of the record today, sir?  
 5 MR. NEWTON: Yes.  
 6 (Newton's Exhibit Number One was marked for  
 7 identification purposes.)  
 8 MADAM CHAIRMAN: Would the record show that this had  
 9 been made a part of our records. And you can  
 10 go ahead and distribute the books. Mr. Newton,  
 11 before you get started I have one question.  
 12 Can you kind of get us up to speed. You were  
 13 a qualifying party for another company?  
 14 MR. NEWTON: Yes.  
 15 MADAM CHAIRMAN: And what was the name of that  
 16 company?  
 17 MR. NEWTON: The company was Newton Built, LLC.  
 18 MADAM CHAIRMAN: Newton Builders?  
 19 MR. NEWTON: Newton Built.  
 20 MADAM CHAIRMAN: Newton Built.  
 21 MR. NEWTON: Yes.  
 22 MADAM CHAIRMAN: And you owned that company?  
 23 MR. NEWTON: I was a partner of that company.  
 24 MADAM CHAIRMAN: A partner. And the new company  
 25 that we're trying to license now, Craft Home is

1 actions against Mr. Newton and other parties.  
 2 MR. CASWELL: Who is the judgement against? Who's  
 3 named in the judgement?  
 4 MS. GRAY: The Cornerstone judgement for 98,000 is  
 5 against Tiger Management and Investment, LLC,  
 6 Eric Newton and Michael E. Newton. So it is  
 7 against Mr. Newton individually. The Wells  
 8 Fargo Bank is against Robert Newton, Jr., Eric  
 9 Newton, and Michael E. Newton, also  
 10 individually.  
 11 MR. NEWTON: Is it all right to proceed?  
 12 MADAM CHAIRMAN: Yes, please.  
 13 MR. NEWTON: If you'll turn to section one you'll  
 14 see that the later that I received from the LLR  
 15 basically is saying that my license cannot be  
 16 issued at a staff level based on monetary  
 17 judgements related to construction. I have no  
 18 judgements related to any construction. I  
 19 currently -- or since 2009 have built 24 houses  
 20 and done numerous remodels and additions and  
 21 have no -- all my bills are paid. Have no  
 22 judgements against Craftowne or myself in that  
 23 regard. And what I'm showing in this book is  
 24 that all the related judgements are related to  
 25 investment properties through other LLCs that

1 I was a member of. If you'll turn to section  
 2 2A, it will show the two lots. It's lots 193E  
 3 and 194E at the Reserves. This is a  
 4 subdivision located in Pickens County, and  
 5 these two lots were purchased as investment  
 6 property. Payments were made on the lots --  
 7 well, let's go ahead and flip to the section B  
 8 You can see the closing statement on the first  
 9 lot. It was dated August 20th, 2005. Payments  
 10 were made on all the lots until the LLC was  
 11 depleted of funds. The first is a closing  
 12 statement of lot 193E and it shows the amount  
 13 of the principle loan of 281,400. And if  
 14 you'll flip three pages you'll come to the  
 15 second closing statement of 194E at the  
 16 Reserves. And I've highlighted it. It shows  
 17 the Tiger Management Investments lot 194  
 18 section E, and the principle amount of the new  
 19 loan is 324,615. And then if we go on to C,  
 20 I've got copies of both of the deeds to both of  
 21 the lots. The first one is in the name of  
 22 Tiger Management Investments, LLC lot 193. If  
 23 you flip three more pages you will have the  
 24 second deed. It's Tiger Management Investments  
 25 lot 194. But if we go to D, it's all the

1 a picture of the lot 193 where you can see the  
 2 sign over to the left side of the lot. If  
 3 you'll notice on the right side of the picture  
 4 there's a green transformer. That would be the  
 5 other property line. And then the next picture  
 6 shows the green transformer, which you can see  
 7 ribbon. A red ribbon there. And then the  
 8 final picture shows it going on around the  
 9 whole end of the cul-de-sac. Basically both  
 10 lots took up the whole end of the cul-de-sac.  
 11 And I think it's pretty evident by what I have  
 12 here that there's no construction involved in  
 13 that and it's clearly investment property. And  
 14 if we go on to section 3A, this is Cornerstone  
 15 Bank against the Village at Berkeley. And I  
 16 have a plat showing the subdivision. And then  
 17 there should be two plats. One showing all the  
 18 different lots. And if you go into the next  
 19 section, which is section B, it should show the  
 20 loan amount. It shows that Tiger Management  
 21 Investments is the primary party. And the  
 22 subdivision is the Village at Berkeley,  
 23 principle loan amount. And then on C, shows  
 24 the amount of debt and --  
 25 MADAM CHAIRMAN: Mr. Newton, I think we're pretty

1 foreclosure paper, and it shows the -- the  
 2 parties' interest in the foreclosure is Robert  
 3 Newton, Jr., Eric B. Newton, Michael E. Newton,  
 4 and Tiger Management Investments, Cornerstone  
 5 Bank and the Reserves at Lake Keowee. If  
 6 you'll flip one more page it'll show the total  
 7 amount of the deficiency gain that was -- this  
 8 is from Wells Fargo. And then if you'll go to  
 9 section E, E1, I've got a copy of the LLC  
 10 articles of organization. It shows when it was  
 11 organizing to the July 13th, 2001. And then if  
 12 you'll flip on to section two, I have the  
 13 operating agreement of the LLC. And in that  
 14 operating agreement -- I didn't copy the whole  
 15 agreement because it would be, of course, very  
 16 thick, and what I'm trying to show is the  
 17 percentages of ownerships on the second page.  
 18 And then the third page is where all the  
 19 partners sign. And if you'll go to three it's  
 20 the Articles of Termination of the LLC. And  
 21 then in F I have pictures. The first picture  
 22 you come to is the rear entrance subdivision  
 23 sign. The next picture would be of the street  
 24 sign, which the lots are located on them. And  
 25 then as you look at the first picture it shows

1 clear about what's going on, and we appreciate  
 2 your thoroughness. Do we have a motion from  
 3 the board?  
 4 MR. CASWELL: I move that we go into executive  
 5 session for legal advice.  
 6 MADAM CHAIRMAN: Is there a second?  
 7 MR. PATTERSON: Second.  
 8 MADAM CHAIRMAN: Everybody, what we're doing now,  
 9 we're going to talk to our attorney about some  
 10 issues, and then we'll ask you to come back in  
 11 and we'll let you know.  
 12 MR. NEWTON: Okay.  
 13 MADAM CHAIRMAN: Give us just a few minutes.  
 14 MR. NEWTON: Okay. Should I leave this --  
 15 MADAM CHAIRMAN: Yeah. You can leave everything  
 16 right there.  
 17 (Off the Record)  
 18 MR. CASWELL: I move that we go back into regular  
 19 session and come out of executive session.  
 20 MADAM CHAIRMAN: Is there a second?  
 21 MR. WALKER: Second.  
 22 MADAM CHAIRMAN: All those in favor?  
 23 (Ayes are heard)  
 24 MR. LEHMAN: Madam Chair, I'd like to make a motion  
 25 to approve the application.

1 MADAM CHAIRMAN: Is there a second?  
 2 MR. WALKER: I second.  
 3 MADAM CHAIRMAN: All those in favor?  
 4 (Ayes are heard)  
 5 MADAM CHAIRMAN: Thank you all. Second is Frank  
 6 Walker. Mr. Newton, we approved your  
 7 application.  
 8 MR. NEWTON: Okay. Thank you.  
 9 MADAM CHAIRMAN: Thank you. We do have one  
 10 question.  
 11 MR. NEWTON: Yes, ma'am.  
 12 MADAM CHAIRMAN: Do you build strictly residential?  
 13 MR. NEWTON: Well, I have my residential builders  
 14 license and it's coming up for renewal, and  
 15 that's why I wanted to reinstate and get it all  
 16 in one name and operate under one entity.  
 17 MADAM CHAIRMAN: And do you build commercial  
 18 builders?  
 19 MR. NEWTON: No. I wanted to be able to remodel  
 20 like commercial.  
 21 MADAM CHAIRMAN: Okay. That was our question.  
 22 Thank you. Is John Busche. The hearing is  
 23 called to order. It's in the matter of John F.  
 24 Busche. The purpose of this hearing is to  
 25 determine whether the applicant should be

1 29445.  
 2 JOHN F. BUSCHE, having been duly sworn, testifies as  
 3 follows:  
 4 MADAM CHAIRMAN: Mr. Busche, would you please tell  
 5 the board why we should grant the license.  
 6 MR. BUSCHE: I guess my story is different than  
 7 most. I was in the construction business. I  
 8 was starting my electric company in 2001. It  
 9 was a previous electric company and continued  
 10 to grow up to -- 2008 was my best year. After  
 11 that same year I probably grossed at 1.6  
 12 million in sales, but at the same year wrote  
 13 off over \$300,000 in bad debt. Ninety percent  
 14 of my work was new construction. You know,  
 15 over half my customers went bankrupt, went out  
 16 of business. Over the last three years watched  
 17 it go down from 25 employees to barely enough  
 18 to just work for me. Last year I did close it.  
 19 I did go to work with another company. That  
 20 went for about three months and then I was laid  
 21 off from him because he couldn't afford me  
 22 anymore. Came time for renewal, what I did  
 23 was, instead of renewing my license in my old  
 24 company name, which was Old South Electric, I  
 25 just, I guess, completed a new application to

1 granted a license, license number CLM103855LC.  
 2 Everyone is reminded that these proceedings are  
 3 being recorded and that all witnesses must be  
 4 sworn before they testify. All remarks should  
 5 be directed to the Chairman. Ms. Gray, is the  
 6 complete package in our materials, and what are  
 7 the concerns that staff had?  
 8 MS. GRAY: Yes, ma'am. There is a complete  
 9 application in your materials. Staff was  
 10 unable to renew the license due to outstanding  
 11 judgements.  
 12 MADAM CHAIRMAN: Okay. Is the applicant present?  
 13 MR. BUSCHE: Yes.  
 14 MADAM CHAIRMAN: Mr. Busche, are you represented by  
 15 counsel?  
 16 MR. BUSCHE: No.  
 17 MADAM CHAIRMAN: And you understand that you have  
 18 the opportunity to be represented?  
 19 MR. BUSCHE: Yes.  
 20 MADAM CHAIRMAN: And you deny that?  
 21 MR. BUSCHE: Yes.  
 22 MADAM CHAIRMAN: Would you please stand and state  
 23 your name and be sworn in.  
 24 MR. BUSCHE: John F. Busche. Address, 137  
 25 Londonderry Road, Goose Creek, South Carolina,

1 just have the license put into my name. I've  
 2 since got work at Bosch at night. Working  
 3 there at night. And then during the day I  
 4 still do electrical work to make ends meet.  
 5 This came up. I also had a residential  
 6 building company, which I think the majority of  
 7 my liens that are against me are for that. I am  
 8 aware of the liens and debts that I have. I  
 9 have spoke with a bankruptcy attorney and have  
 10 been advised it's probably what's best to do,  
 11 but he said make sure that you're at rock  
 12 bottom and on your way up before you apply. So  
 13 I thought I was there, and then I got this  
 14 letter saying that I may not have a license  
 15 anymore, so don't know yet. Just, you know,  
 16 right now my customers that I do do work during  
 17 the day for, you know, still do remodeling work  
 18 and work that I do by myself and do require a  
 19 permit. Most jurisdictions in the area I work  
 20 in, you know, even though it might be a lesser  
 21 amount, less than \$5,000, they still require  
 22 you to be a licensed electrician to pull a  
 23 permit, so.  
 24 MADAM CHAIRMAN: And most of the liens that you  
 25 have, are they related to construction?

1 MR. BUSCHE: Yes. Like I said, some of them were  
 2 from a building business I had. At the very  
 3 end had two. I had one spec home and I had one  
 4 contract home. When the house was finished  
 5 with the contract home the people were unable  
 6 to get permit financing at the time, so I got  
 7 stuck with that one, too. But I have since  
 8 lost both of those. And that business has been  
 9 closed, too.

10 MR. CASWELL: What is the total of the judgement for  
 11 outstanding debts dollar-wise?

12 MR. BUSCHE: I do not know. It's in the 100,000s  
 13 though. The majority of them were, you know,  
 14 for the companies. I think some of them are  
 15 also personal, you know, along with that, so.

16 MS. GRAY: In your material you do have copies of the  
 17 judgements. And as Mr. Busche did say, it is  
 18 in access of \$100,000. And the interest does  
 19 continue to accrue on those judgements.

20 MR. CASWELL: And what kind of work are you doing?  
 21 You have a full-time job now and you're doing  
 22 electrical work on the side?

23 MR. BUSCHE: Yes. I'm a maintenance electrician at  
 24 Bosch at night. I work 11:00 to 7:00. And  
 25 during the day I've been doing -- the customer

1 MADAM CHAIRMAN: Thank you, Mr. Busche. Your  
 2 application was denied.

3 MR. BUSCHE: Can I ask a question?

4 MADAM CHAIRMAN: Sure.

5 MR. BUSCHE: If I did file bankruptcy and these debts  
 6 were resolved, can I --

7 MADAM CHAIRMAN: Yes, absolutely. It just needs to  
 8 be cleaned up.

9 MR. BUSCHE: The other thing is if -- I know that  
 10 you can be a qualifying party for another  
 11 company. Does this prevent me from doing that?

12 MADAM CHAIRMAN: Yeah, I think you would need to  
 13 talk to staff about that.

14 MR. SPOON: Ms. Gray?

15 MS. GRAY: Qualifiers do have to list any judgements  
 16 against them or any businesses they've been  
 17 associated with.

18 MADAM CHAIRMAN: That's something you would just --  
 19 if you find somebody else to work for you would  
 20 need to talk to Ms. Gray and see where that  
 21 goes.

22 MR. BUSCHE: I mean, but would it be something that  
 23 we'd have to come back to the board again for  
 24 or --

25 MS. GRAY: Is the question can you serve as a

1 that I have I've been doing remodel jobs and,  
 2 you know, screen porch additions and service  
 3 calls.

4 MR. CASWELL: You realize that you can do this up to  
 5 a certain size work without a license?

6 MR. BUSCHE: Yes. But in like the city of  
 7 Charleston -- I don't know if you're familiar  
 8 with it. You cannot pull an electrical permit  
 9 unless you're a licensed electrician. Even a  
 10 homeowner can't even pull their own permit  
 11 unless they specifically take a electrical  
 12 test, so. I know that's the rule of \$5,000.  
 13 But there's some requirements out there, some  
 14 jurisdictions out there that won't license.  
 15 They won't give you an electrical license if  
 16 you're not a licensed electrician.

17 MADAM CHAIRMAN: Is there a motion from the board?

18 MR. WALKER: Madam Chairman, in light of the fact  
 19 that these are all construction and business  
 20 related and contractor related debts, I make a  
 21 motion that we deny the request.

22 MADAM CHAIRMAN: Is there a second?

23 MR. PATTERSON: Second.

24 MADAM CHAIRMAN: All those in favor?  
 25 (Ayes are heard)

1 qualifier?

2 MR. BUSCHE: Yeah.

3 MS. GRAY: And you would have to list your  
 4 judgements, which is the issue right now.

5 MR. BUSCHE: Right.

6 MS. GRAY: So you would have the same issues that  
 7 you currently have now, because you are  
 8 attempting to be the qualifier for this company  
 9 --

10 MR. BUSCHE: Right.

11 MS. GRAY: -- currently. So you would have the same  
 12 issue if you tried to be a qualifier for any  
 13 other company.

14 MR. BUSCHE: I mean, even if I wasn't owner of the  
 15 company or --

16 MS. GRAY: Exactly. As a qualifier, your judgement  
 17 information is also a part of the application  
 18 process.

19 MR. BUSCHE: Okay.

20 MADAM CHAIRMAN: All we can advise is if you find  
 21 somebody, then go through the application  
 22 process and we'll look at it at that time.

23 MR. BUSCHE: Another question. If I do file  
 24 bankruptcy, do you have to have it completely  
 25 done, or can it just be applied for? Because

1 I know it takes a real long time.  
 2 MR. SPOON: It's speculative at this point to try  
 3 and tell you or give you legal advise. And  
 4 within this format I'd hate to give you a  
 5 verbal sort of informal off the cuff  
 6 interpretation, especially in a bankruptcy  
 7 situation. It would have to be looked at when  
 8 you submit a future application.  
 9 MR. BUSCHE: The \$300 renewal fee that I submitted  
 10 back in October, would that be refunded?  
 11 MS. GRAY: Yes, sir.  
 12 MR. BUSCHE: Yes?  
 13 MS. GRAY: Yes.  
 14 MADAM CHAIRMAN: Yes.  
 15 MR. BUSCHE: I guess that's it.  
 16 MADAM CHAIRMAN: When can you get that, Ms. Gray?  
 17 MS. GRAY: We will have it processed within 24  
 18 hours.  
 19 MADAM CHAIRMAN: Okay. So it should go off in the  
 20 mail tomorrow.  
 21 MR. BUSCHE: Thank you.  
 22 MADAM CHAIRMAN: JJ&Z Builders. This hearing is  
 23 called to order. This is in the matter of JJ&Z  
 24 Builders, LLC and Christopher J. Polk. The  
 25 purpose of this hearing is to determine whether

1 MR. POLK: I'm not.  
 2 MADAM CHAIRMAN: And you understand that you have  
 3 the opportunity to be represented by counsel?  
 4 MR. POLK: Yes, ma'am.  
 5 MADAM CHAIRMAN: And you chose not to?  
 6 MR. POLK: Would you please state for the record  
 7 your name and your address and be sworn in, and  
 8 anybody else who's going to testify needs to be  
 9 sworn in.  
 10 MR. POLK: Okay. Chris Polk, 1506 Brookstone Drive,  
 11 Graniteville, South Carolina, 29829.  
 12 CHRIS POLK, having been duly sworn, testifies as  
 13 follows:  
 14 MADAM CHAIRMAN: Are you going to testify?  
 15 MR. GREENWAY: If you all ask me questions.  
 16 MADAM CHAIRMAN: Swear him in.  
 17 MR. SPOON: Go ahead and get him sworn in.  
 18 COURT REPORTER: What's your name?  
 19 MR. GREENWAY: Jay Greenway.  
 20 COURT REPORTER: Jay Greenway?  
 21 MR. GREENWAY: Uh-huh (affirmative response).  
 22 JAY GREENWAY, having been duly sworn, testifies as  
 23 follows:  
 24 MADAM CHAIRMAN: Mr. Polk, can you tell us at this  
 25 time why you think the board should grant your

1 the applicant should be granted a building  
 2 license. Ms. Gray, is the complete application  
 3 in our package, and what is the question that  
 4 staff had?  
 5 MS. GRAY: Yes, ma'am. The completed application is  
 6 before you. There is an outstanding judgement  
 7 in the amount of \$21,329.92 held by Pratt  
 8 Dudley Builders Supply Company. At the time  
 9 the application was submitted no answers were  
 10 given for the judgement. However, subsequent  
 11 thereto, I spoke with Mr. Polk. The judgement  
 12 is against Mr. Polk personally and other  
 13 companies that he had been associated with in  
 14 the past five years -- or had been associated  
 15 with. Mr. Polk has provided me with copies of  
 16 his bankruptcy petition and schedules  
 17 indicating that the judgement held by Pratt  
 18 Dudley Builders Supply was, in fact, included  
 19 in the bankruptcy, and Mr. Polk has also  
 20 provided subsequent thereto the order of  
 21 discharge granted to him. That is all a part  
 22 of your record.  
 23 MADAM CHAIRMAN: And the applicant is present?  
 24 MR. POLK: Yes, ma'am.  
 25 MADAM CHAIRMAN: Are you represented by counsel?

1 license?  
 2 MR. POLK: The license is for JJ&Z, which Jay is an  
 3 owner of and I'm the qualifier. And when we  
 4 filled out the application I checked no  
 5 judgements because it asked if I was an officer  
 6 or whatever else in the company I was  
 7 previously. I didn't know it was asking me  
 8 personally. I didn't get it. And that's just  
 9 my mistake. I'm not trying to hide it. I'm  
 10 glad to provide all the documentation. So when  
 11 I said no judgements, I was not an officer or  
 12 an owner in the last company that has the  
 13 judgements against it. And I'm just trying to  
 14 move my qualifying status over to JJ&Z, because  
 15 one of the things about coming to work with Jay  
 16 and these guys is that I would help them  
 17 provide a South Carolina license so that we can  
 18 do work in South Carolina. I'm from South  
 19 Carolina, and we have property now in South  
 20 Carolina. So none of it got cleaned up until  
 21 recently, in which my Chapter 13 was converted  
 22 to a 7, and then the 7 was finally discharged  
 23 just a month ago on the 14th or 15th of March.  
 24 Whatever that date is. And so my request is  
 25 that you would allow me to be a qualifier,

1 since I filed bankruptcy to cover the judgement  
 2 personally. I didn't realize that it affected  
 3 my qualifying status. And still on the  
 4 application it says -- Ms. Gray pointed out  
 5 that it says and you, but I missed the and you  
 6 part. I just saw officer, owner, this, that  
 7 and the other. In fact, it's my mistake, and  
 8 it's not an attempt to lie or hide it. You  
 9 can't hide this kind of information. So I've  
 10 gotten gainful employment with Jay and his  
 11 company, and that's what I've had to do over  
 12 the last few years. And now that I have this  
 13 opportunity, we need a license in South  
 14 Carolina. I'd like to be the qualifier for  
 15 that. As a matter of fact, they've already  
 16 purchased land in South Carolina and closed on  
 17 it, and the outcome of this meeting will  
 18 determine my outcome.  
 19 MR. CASWELL: Now, on these judgements who did you  
 20 owe money to and how did you owe it to them?  
 21 MR. POLK: Well, they came against me personally.  
 22 But it was with a company that I was working  
 23 with before, building their houses. And it's  
 24 a family owned business. But I didn't own it.  
 25 It was my dad's. I was working for him. And

1 But I just did it as a personal guarantee.  
 2 It's not because I was the owner, because I  
 3 surely wasn't.  
 4 MADAM CHAIRMAN: Any other questions from the board?  
 5 Do we have a motion?  
 6 MR. CASWELL: So you're applying strictly as a  
 7 qualifying party for JJ&Z?  
 8 MR. POLK: Yes, sir. I have no ownership. I'm not  
 9 an officer. I'm just an employee.  
 10 Superintendent, in fact, that will build their  
 11 houses. I am building their houses in Georgia  
 12 now, because they're licensed in Georgia, and  
 13 I'm trying to help them make the move into some  
 14 of the areas in South Carolina I'm familiar  
 15 with. So just a qualifier.  
 16 MR. CASWELL: Has JJ&Z applied for a license in  
 17 South Carolina?  
 18 MR. POLK: This is what brought this to my  
 19 attention, that there was a problem.  
 20 MS. GRAY: This is the application for JJ&Z with Mr.  
 21 Polk serving as the primary qualifying party.  
 22 It came to life that Mr. Polk had the  
 23 judgement.  
 24 MR. CASWELL: That's all right. I see.  
 25 MADAM CHAIRMAN: Do I have a motion?

1 it's a building supply. Pratt Dudley Building  
 2 Supply is a building supply in Augusta,  
 3 Georgia. And that judgement is actually for  
 4 the materials on two foreclosed spec houses.  
 5 That material is. Because we went through the  
 6 same thing that a lot of people did. We got  
 7 caught kind of with too much property out  
 8 there. We made some unfortunate investments,  
 9 or my dad did, and some subdivisions, they were  
 10 coming on line and I had to go get a job, job.  
 11 I had -- I had to get away from the family  
 12 business because it's been shut down, and I've  
 13 had to go to work, subsequently, for other  
 14 people because that business is no longer  
 15 there.  
 16 MR. PATTERSON: Why did they go after you personally  
 17 when you're not the owner? Did you sign for  
 18 the --  
 19 MR. POLK: I may have on that one. Because I think  
 20 that's one of the accounts that I helped my dad  
 21 open. I may have signed for it as a personal  
 22 guarantee. I don't remember. We were just  
 23 opening lots of accounts back then. But I must  
 24 have, in order for them to come after me  
 25 personally, signed a personal guarantee there.

1 MR. CASWELL: Madam Chair, I move that we grant him  
 2 the license as the qualifying party.  
 3 MADAM CHAIRMAN: Is there a second?  
 4 MR. WALKER: Second.  
 5 MADAM CHAIRMAN: All those in favor?  
 6 (Ayes are heard)  
 7 MR. POLK: Thank you, Madam Chairman. Thank you  
 8 very much.  
 9 MADAM CHAIRMAN: Field of Diamonds. This hearing is  
 10 called to order. This is in the matter of  
 11 Field of Diamonds, LLC to the d/b/a Carolina  
 12 Stone Crafters and Randy Lively. The purpose  
 13 of this hearing is to determine whether the  
 14 applicant should be granted a license.  
 15 Everyone is reminded that these proceedings are  
 16 being recorded and that all witnesses must be  
 17 sworn before they testify. All remarks should  
 18 be directed to the Chairman. Ms. Gray, is the  
 19 complete application package in our materials,  
 20 and what questions does staff have concerning  
 21 this application?  
 22 MS. GRAY: The completed application is in front of  
 23 you. The issue in this matter is that there is  
 24 an outstanding judgement. There was a yes  
 25 answer on the application, so there are

1 outstanding judgements and staff is unable to  
 2 issue the license because of that situation.  
 3 MADAM CHAIRMAN: Is the applicant present?  
 4 MR. LIVELY: I am. Yes, ma'am.  
 5 MADAM CHAIRMAN: And are you represented by counsel?  
 6 MR. LIVELY: I am not.  
 7 MADAM CHAIRMAN: And you understand that you have  
 8 the opportunity to be represented by counsel?  
 9 MR. LIVELY: Yes, ma'am.  
 10 MADAM CHAIRMAN: And you chose not to?  
 11 MR. LIVELY: That is correct.  
 12 MADAM CHAIRMAN: Okay would you please stand and  
 13 state your name and be sworn in.  
 14 MR. LIVELY: Sure. My name is Randy Lively.  
 15 Address is 101 Whileaway Court, Taylors, South  
 16 Carolina, 29687.  
 17 RANDY LIVELY, having been duly sworn, testifies as  
 18 follows:  
 19 MADAM CHAIRMAN: Mr. Lively, would you tell the  
 20 board why we should grant your license?  
 21 MR. LIVELY: Yes, ma'am. I've been contracting in  
 22 South Carolina since 2003. I've actually been  
 23 in the building trade since 1991. Since 2003  
 24 I have conducted business, everything from  
 25 handyman to building custom homes. Just a

1 them the situation between me and the  
 2 homeowners, which had deteriorated. The  
 3 homeowners themself -- we had a verbal  
 4 agreement that the homeowners would take over  
 5 the payments and pay the remaining amounts.  
 6 The lady, one of the homeowners, actually went  
 7 in, made one of the payments, but she did not  
 8 follow up on the last payment. After that the  
 9 shutter company then came after me and then a  
 10 judgement was issued against me.  
 11 MADAM CHAIRMAN: And that's in the amount of \$9,000?  
 12 MR. LIVELY: Should be like \$6,700 and something, I  
 13 think.  
 14 MS. GRAY: The judgement is actually against Lively  
 15 Custom Homes, LLC. It is not against Mr.  
 16 Lively personally. It's in the amount of  
 17 \$6,919.50, together with court cost.  
 18 MR. CASWELL: You contracted with them to buy the  
 19 shutters?  
 20 MR. LIVELY: Yes, sir.  
 21 MR. CASWELL: The shutter company?  
 22 MR. LIVELY: Yes, sir. As a proxy for the clients.  
 23 Yes, sir.  
 24 MR. CASWELL: Did you sign the purchase order when  
 25 you signed the contract to buy the shutters and

1 number of different items. If I could, I would  
 2 like to present to the board copies of  
 3 testimonies of clientele that I have of doing  
 4 business throughout the last ten years, 12  
 5 years here in the state of South Carolina.  
 6 MADAM CHAIRMAN: Well, our questions are mainly  
 7 concerning on your judgements.  
 8 MR. LIVELY: Okay. Well, I think that, in looking  
 9 at this, this will help to shed some light as  
 10 to how we conduct business and what have you.  
 11 MADAM CHAIRMAN: Sir, if you could just explain the  
 12 judgements to us.  
 13 MR. LIVELY: Yes, ma'am. The judgement has to do  
 14 with building a -- I was actually contacted and  
 15 contracted with a client to take over a home,  
 16 building a custom home at Lake Keowee. And  
 17 during the course of building the clients  
 18 decided to do shutters inside their home.  
 19 There was some additions made to the original  
 20 scope of work concerning those. Towards the  
 21 end of the projects the clients ran out of  
 22 money and owed me money, owed my  
 23 subcontractor's money, and didn't pay the  
 24 shutter company and what have you. The shutter  
 25 company then came after me. I explained to

1 pay for them?  
 2 MR. LIVELY: Right off I don't remember if there was  
 3 a contract or how that actually -- how the  
 4 contract or how the agreement actually went,  
 5 sir.  
 6 MR. CASWELL: But it was a subcontract of some kind.  
 7 Even if it was verbal there was a contract.  
 8 They agreed to furnish and you agreed to pay  
 9 for it?  
 10 MR. LIVELY: Yes, sir.  
 11 MR. CASWELL: And what was the homeowner's role  
 12 going to be in that?  
 13 MR. LIVELY: Well, it was a cost plus contract, and  
 14 so I took command. They chose the shutters  
 15 they wanted to do and what have you. The  
 16 agreement was then that they would then -- I  
 17 would pay for the shutters. They would then  
 18 reimburse me is what they would do. Here  
 19 again, towards the end of the project we had  
 20 another agreement to where they would actually  
 21 pay for the shutters. They would finish paying  
 22 for the shutters themselves. There was a  
 23 number of different subcontracts were owed  
 24 money. They said they would actually pay for  
 25 them themselves. We had the verbal agreement.

1 The lady went in, made the first payment of  
 2 2,900, \$3,000, something like that, and then  
 3 they refused then to pay the remaining amount.  
 4 Over \$6,000 on the shutters.  
 5 MR. CASWELL: Who owned the property?  
 6 MR. LIVELY: John and Janet Sharp.  
 7 MR. CASWELL: Nobody filed a lien?  
 8 MR. LIVELY: I tried to, sir, but the homeowner  
 9 refused to -- I didn't have it served. I just  
 10 sent it by mail. And so the homeowners seen my  
 11 name and information on the envelop and he  
 12 refused it, and by the time I received it back  
 13 to get it back to them -- I did file a lien but  
 14 it wasn't properly served, I guess is what I  
 15 should say.  
 16 MADAM CHAIRMAN: And this is for a new license that  
 17 you're applying for, is that true?  
 18 MR. LIVELY: This is for Carolina Stone Crafters.  
 19 This is a different -- this is not the Lively  
 20 Custom Homes. The judgement has to do with  
 21 just Lively Custom Homes.  
 22 MADAM CHAIRMAN: Which was yours?  
 23 MR. LIVELY: That is correct. Yes, ma'am.  
 24 MADAM CHAIRMAN: And the company to be licensed now  
 25 belongs to you also?

1 judgement is paid.  
 2 MR. LIVELY: Okay. Thank you.  
 3 MADAM CHAIRMAN: Thank you. McKenzie Plumbing.  
 4 This hearing is called to order. This is in  
 5 the matter of McKenzie Plumbing and Electric  
 6 and Daniel McKenzie. The purpose of this  
 7 hearing is to determine whether the applicant  
 8 should be granted a license. Everyone is  
 9 reminded that these proceedings are being  
 10 recorded and that all witnesses must be sworn  
 11 before they testify. All remarks should be  
 12 directed to the Chairman. Ms. Gray, is the  
 13 complete application package in our materials,  
 14 and what questions did staff have concerning  
 15 the application?  
 16 MS. GRAY: Yes, ma'am. The completed application is  
 17 in your materials. Staff was unable to  
 18 reinstate the license due to outstanding  
 19 federal tax liens. McKenzie Plumbing and  
 20 Electric lapsed October 31st, 2011.  
 21 Reinstatement application was received December  
 22 8th, 2011. At that time it was brought to  
 23 staff's attention, I believe by Mr. McKenzie's  
 24 accountants, that there was, in fact, a federal  
 25 tax lien that had been filed. Subsequent

1 MR. LIVELY: That is correct.  
 2 MR. WALKER: Are you going to make any attempts to  
 3 pay this judgement off?  
 4 MR. LIVELY: I'm not planning to, sir.  
 5 MADAM CHAIRMAN: Is there a motion concerning this -  
 6 -  
 7 MR. WALKER: I make a motion that we deny his  
 8 request.  
 9 MR. CASWELL: Second.  
 10 MADAM CHAIRMAN: All those in favor?  
 11 (Ayes are heard)  
 12 MADAM CHAIRMAN: It's been denied, Mr. Lively.  
 13 MR. LIVELY: May I ask the reason why you felt like  
 14 that, sir?  
 15 MR. WALKER: You've got a judgement against you and  
 16 you're not going to pay it.  
 17 MR. LIVELY: Yeah, but I had an agreement with the  
 18 clients and they said they would pay for the  
 19 shutters and --  
 20 MR. WALKER: That's why we got courts.  
 21 MADAM CHAIRMAN: Thank you, sir.  
 22 MR. LIVELY: So then if I pay the judgement and then  
 23 reapply then --  
 24 MADAM CHAIRMAN: We would look at it then, yes.  
 25 MR. CASWELL: You can certainly reapply once the

1 information received indicates that this lien  
 2 was filed in 2008 but had not been disclosed  
 3 until this recent period of time.  
 4 Additionally, Mr. McKenzie's CPA has provided  
 5 staff with documentation that a offer and  
 6 compromise has been filed with the IRS. As an  
 7 aside, the IRS has up to six months to respond  
 8 to those offer and compromises, so there is a  
 9 payment offer in place. It has not yet been  
 10 accepted or denied by the IRS. Based upon all  
 11 of this, staff was unable to reinstate.  
 12 MADAM CHAIRMAN: And can you tell us how much the  
 13 total outstanding liens are? I'm sure it's in  
 14 here somewhere.  
 15 MS. GRAY: Yes, ma'am. The actual tax lien amount  
 16 in your material is -- and this was dated  
 17 August 29th, 2008, so there has been additional  
 18 interest. At the time it was \$21,079.25.  
 19 MADAM CHAIRMAN: And on the application was it  
 20 marked as being an outstanding judgement? Yes  
 21 or no?  
 22 MS. GRAY: Let's see. I apologize. Let's see here.  
 23 It was indicated yes, have you had any  
 24 judgements, liens or claims, and was noted as  
 25 IRS back taxes. And that's the application

1 dated October 20th, 2011 but not received until  
 2 December 8th, 2011.  
 3 MADAM CHAIRMAN: Is the applicant present?  
 4 MR. McKENZIE: Yes.  
 5 MADAM CHAIRMAN: Are you represented by counsel?  
 6 MR. McKENZIE: No.  
 7 MADAM CHAIRMAN: And you understand that you have  
 8 the opportunity to be represented?  
 9 MR. McKENZIE: Correct.  
 10 MADAM CHAIRMAN: Would you please stand and be sworn  
 11 in. State your name and address.  
 12 MR. McKENZIE: Daniel Doug McKenzie, 1168 Sunset  
 13 Drive, Latta, South Carolina, 29565.  
 14 DANIEL DOUG McKENZIE, having been duly sworn,  
 15 testifies as follows:  
 16 MADAM CHAIRMAN: Mr. McKenzie, can you explain to  
 17 the board why we should grant your license?  
 18 MR. McKENZIE: Well, it all started with payroll  
 19 tax, where they said I didn't send the paper,  
 20 correct forms in. My accountant went back to  
 21 them. They did send them in. This happened  
 22 over a few months. In the meantime they took  
 23 out like 8,700 out of my savings account. So  
 24 the next few years -- well, I got in touch with  
 25 them and they said they were going to reimburse

1 MR. McKENZIE: Right. That's the last one we got.  
 2 (McKenzie's Exhibit Number One was marked for  
 3 identification purposes.)  
 4 MADAM CHAIRMAN: Are there any questions of the  
 5 board members?  
 6 MR. CASWELL: Mr. McKenzie, this is because of nine  
 7 years of tax problems?  
 8 MR. McKENZIE: We've been negotiating back and  
 9 forth, yeah. But I didn't think it was going  
 10 against my license because it's personal. It's  
 11 nothing to do with McKenzie Plumbing, you know,  
 12 other than I am McKenzie Plumbing, I reckon,  
 13 where you all resolve this.  
 14 MR. WALKER: Madam Chairman, you know my experience  
 15 with the IRS in other situations. I make a  
 16 motion to grant his license.  
 17 MADAM CHAIRMAN: Is there a second?  
 18 MR. CASWELL: Second.  
 19 MADAM CHAIRMAN: All those in favor?  
 20 (Ayes are heard)  
 21 MR. McKENZIE: I appreciate it.  
 22 MADAM CHAIRMAN: Yes, sir. Good luck.  
 23 MR. McKENZIE: Thank you.  
 24 MADAM CHAIRMAN: Moving right along. Aero Service  
 25 Corp. This hearing is called to order. This

1 me. They never did. So the next year I filed  
 2 but I did not send them any money, other than  
 3 normal, and they still haven't -- haven't got  
 4 reimbursed. Accountant's been working on it.  
 5 We just haven't had anything. So we offered a  
 6 compromise. And this is the last letter. They  
 7 said they'll let me know within 45 days. If  
 8 you want to -- I've got a copy for everybody  
 9 that wants to see it.  
 10 MADAM CHAIRMAN: So the lien is for payroll taxes?  
 11 MR. McKENZIE: Well, no. They got the money on  
 12 payroll taxes. It was personal taxes where  
 13 when I filed my taxes I just didn't -- I said,  
 14 well, they owe me money, but it don't work that  
 15 way unfortunately. But we are trying to get it  
 16 resolved now.  
 17 MS. GRAY: And the letter that Mr. McKenzie was  
 18 referring to is in your information packet from  
 19 the IRS indicating that they would contact him  
 20 by April 26th of this year.  
 21 MR. McKENZIE: Well, I got another one since then  
 22 saying it would be within 45 days.  
 23 MS. GRAY: Oh, okay.  
 24 MR. McKENZIE: They changed locations.  
 25 MS. GRAY: Forty-five days.

1 is in the matter of Aero Service Corporation,  
 2 license number CLM2016. The purpose of this  
 3 hearing is to determine whether the applicant  
 4 should be granted a license. Everyone is  
 5 reminded that these proceedings are being  
 6 recorded and that all witnesses must be sworn  
 7 before they testify. All remarks should be  
 8 directed to the Chairman. Ms. Gray, is the  
 9 complete application package in our materials,  
 10 and what questions did staff have concerning  
 11 this application?  
 12 MS. GRAY: Yes, ma'am. There is a complete  
 13 application in your packet. Staff was unable  
 14 to renew due to an outstanding federal tax  
 15 lien. We had received information that the  
 16 company was making payments to the IRS. But we  
 17 had not received any documentation to that  
 18 effect to confirm that, so we were unable to  
 19 issue at staff level.  
 20 MADAM CHAIRMAN: Is the applicant present?  
 21 MR. GARRISON: Yes, ma'am.  
 22 MADAM CHAIRMAN: Are you represented by counsel?  
 23 MR. GARRISON: No, ma'am.  
 24 MADAM CHAIRMAN: And you understand that you have  
 25 the opportunity to have counsel?

1 MR. GARRISON: Yes, ma'am.  
 2 MADAM CHAIRMAN: And you chose not to?  
 3 MR. GARRISON: Yes, ma'am.  
 4 MADAM CHAIRMAN: Would you please stand and state  
 5 your full name and address and be sworn in.  
 6 MR. GARRISON: Henry J. Garrison, 229 Coinbow  
 7 Circle, Mount Pleasant, South Carolina 29464.  
 8 HENRY J. GARRISON, having been duly sworn, testifies  
 9 as follows:  
 10 MADAM CHAIRMAN: Okay. Sir, would you take a few  
 11 minutes and tell the board why you think your  
 12 license should be granted.  
 13 MR. GARRISON: Basically, we got caught up in the  
 14 economy issue, and our company was having a  
 15 hard time getting work in the door, and I  
 16 wasn't able to cut back on the overhead  
 17 expenses in a fast enough fashion. We were at  
 18 one point running close to 50 people. We're  
 19 down to, counting me, nine employees. And  
 20 unfortunately we didn't stay up to snuff on our  
 21 payroll taxes. And so, needless to say, we are  
 22 in a situation with them that we are making  
 23 payments to the IRS on a monthly basis and  
 24 they're monitoring that. Now, the license  
 25 people asked did I give you a copy of the

1 checks that come back from the IRS being  
 2 cashed. And this company that we had hired,  
 3 tax consultant, stated in no uncertain terms,  
 4 do not sign anything to the IRS. And so I  
 5 stuck by that. And when I talked to the IRS  
 6 lady she understands that. She knows I'm not  
 7 obligated and have to sign any documents. All  
 8 I have to do is continue to agree what we  
 9 agreed to. And that's the crux of the thing.  
 10 I'm not trying to walk away. But in order to  
 11 continue to move forward I got to have a  
 12 license to do so. Now, we have cut back on our  
 13 license level and are requesting a license  
 14 level four, because we don't have the financial  
 15 level to do the five. Classification five.  
 16 But we are moving forward, but without a  
 17 license it's just going to fall apart and end.  
 18 And I'm 63-years-old. I'm not walking away  
 19 from it. I intend to get out of it. Until we  
 20 can get to where I'm financially at a point, my  
 21 attorney said I just needed to get to that  
 22 point and come together with a dollar amount  
 23 and offer to settle with the IRS. And so  
 24 that's where we're at.  
 25 MADAM CHAIRMAN: Do the board members have any

1 agreement. Well, we don't have a copy of an  
 2 agreement. We had enlisted the services of a  
 3 tax solution company back when this started and  
 4 we only utilized them for a couple of weeks.  
 5 And in that time frame the gentleman said what  
 6 we need to do is just offer a \$500 a month  
 7 payment to them and work on staying current  
 8 with the IRS and doing that. Well, prior to  
 9 all this happening I had a quadruple bypass  
 10 surgery back last June. And so this just kind  
 11 of put me in a whole tailspin. Needless to  
 12 say, being out of the business for almost seven  
 13 weeks, my company has continued to suffer. And  
 14 so I came back in and eventually met with the  
 15 IRS lady, sat down and we discussed this, and  
 16 one of the things she said, are you feel like  
 17 that you can continue and pull this company  
 18 back out of the issues. And I said, yes,  
 19 ma'am. I intend to. I don't walk away from  
 20 the debt. I know I've had some problems and  
 21 issues and we work through these issues with  
 22 our people and try to continue to stay focused  
 23 on taking care of our clients. And what we do  
 24 -- the only documents that we have to back up  
 25 the payments is we've supplied copies of the

1 questions? Do we have a motion?  
 2 MR. GARRISON: Of course, without a license I'm  
 3 dead. I'm gone.  
 4 MADAM CHAIRMAN: Yes, sir.  
 5 MR. GARRISON: And I'll have to walk away, and  
 6 unfortunately nobody gets paid in that respect.  
 7 And I'm just asking the board's mercy to allow  
 8 me to continue moving forward.  
 9 MR. WHITE: I have a question. How many years is  
 10 the lien for? I see over there a tax year  
 11 ending 3/31/2011 but --  
 12 MR. GARRISON: Excuse me?  
 13 MR. WHITE: How many years back taxes on your --  
 14 MR. GARRISON: It's not quite a year. It's three-  
 15 quarters is what I remember. Three-quarters.  
 16 MR. WHITE: Three quarters of a year.  
 17 MS. GRAY: It's for the tax period ending. It's not  
 18 multiple tax years. It's that one --  
 19 MR. WHITE: Okay. It's just that --  
 20 MS. GRAY: The March 31st, 2011 tax period.  
 21 MR. LEHMAN: I make a motion to grant the license.  
 22 MADAM CHAIRMAN: Is there a second?  
 23 MR. WHITE: I second.  
 24 MADAM CHAIRMAN: All those in favor?  
 25 (Ayes are heard)

1 MADAM CHAIRMAN: We granted your license.  
 2 MR. GARRISON: Thank you very much. Appreciate it.  
 3 MADAM CHAIRMAN: Winston Anderson. This hearing is  
 4 called to order. This is in the matter of  
 5 Winston Anderson and Profile Mechanical. The  
 6 purpose of this hearing is to determine whether  
 7 the applicant should be granted a license.  
 8 Everyone is reminded that these proceedings are  
 9 being recorded and that all witnesses must be  
 10 sworn before they testify. All remarks should  
 11 be directed to the Chairman. Ms. Gray, is the  
 12 complete application package in our materials,  
 13 and what questions did staff have?  
 14 MS. GRAY: Yes, ma'am. The completed application is  
 15 in your packet. Mr. Anderson was seeking to be  
 16 added as a primary qualifying party, or as a --  
 17 and a qualifying party to the existing  
 18 credentials for the company Profile Mechanical.  
 19 The issues, Mr. Anderson had taken the exam  
 20 back in '98?  
 21 MR. ANDERSON: Yes, ma'am.  
 22 MS. GRAY: 1998, and had not been a qualifying party  
 23 continuous -- for the past four years in a  
 24 continuous fashion. He had served as the  
 25 primary qualifying party in '98, '99, but since

1 five years, and when I changed jobs in '98 I  
 2 went to work at Robertson Air Tech. While at  
 3 Robertson Air Tech I was encouraged to take the  
 4 air conditioning and heating exam, which I did  
 5 and I subsequently passed. I transferred my  
 6 credentials when I changed jobs to Freeman  
 7 Mechanical. And I think I also transferred my  
 8 credentials to the next company. It was a  
 9 Teaching Mechanical. When I talked to staff  
 10 and they were helping me with my documentation  
 11 I was told that the records don't go back  
 12 further than four years. So unfortunately in  
 13 your packet I cannot find my Teaching  
 14 Mechanical application, but I do have my  
 15 Robertson Air Tech and my Freeman applications  
 16 in the packet. Upon leaving Teaching  
 17 Mechanical I went to Wade Crow Engineering as  
 18 a design engineer and worked on construction  
 19 projects there. And then I went to Spartanburg  
 20 County and my role was facilities manager, and  
 21 there were construction projects there. I was  
 22 made an offer by Profile Mechanical last year  
 23 to come back into contracting, and I accepted  
 24 that offer to come over and, of course,  
 25 encouraged for the company to add another

1 that time has not served in that position. He  
 2 now wishes to reapply and be recertified as a  
 3 qualifying party. However, the test exam dates  
 4 is beyond the staff's ability to approve, and  
 5 as a result we are unable to grant the request.  
 6 MADAM CHAIRMAN: Is the applicant present?  
 7 MR. ANDERSON: Yes, ma'am.  
 8 MADAM CHAIRMAN: Are you represented by counsel?  
 9 MR. ANDERSON: No, ma'am.  
 10 MADAM CHAIRMAN: And you understand that you have  
 11 the opportunity to be represented by counsel?  
 12 MR. ANDERSON: Yes, ma'am.  
 13 MADAM CHAIRMAN: And you chose not to?  
 14 MR. ANDERSON: Yes, ma'am.  
 15 MADAM CHAIRMAN: Would you please stand and state  
 16 your full name and address and be sworn in.  
 17 MR. ANDERSON: Winston Anderson, 125 Royal Burgess  
 18 Drive, Campobello, 29322.  
 19 WINSTON ANDERSON, having been duly sworn, testifies  
 20 as follows:  
 21 MADAM CHAIRMAN: Mr. Anderson, would you address the  
 22 board and let us know why you think we should  
 23 approve the application?  
 24 MR. ANDERSON: I started in mechanical contracting  
 25 in 1993 at Piedmont Mechanical and worked there

1 qualifier. We have a single qualifier. So in  
 2 my discussions with the staff and putting my  
 3 application in, I asked back a little before  
 4 Christmas consideration of the section -- I  
 5 think it's 40-11-230, section D, about  
 6 individuals who have met the requirements of a  
 7 qualifying party but then go to work for firms  
 8 where you cannot be a qualifying party. And I  
 9 obviously cannot be a contracting qualifying  
 10 party for an engineering firm, or for a county  
 11 government. So briefly that's my case. I'll  
 12 answer any questions the board may have to the  
 13 best of my ability.  
 14 MR. CASWELL: Take it back on the time line. When  
 15 is the last time you were working for a  
 16 mechanical contractor in which you were the  
 17 qualifying party, or a qualifying party?  
 18 MR. ANDERSON: 2001.  
 19 MADAM CHAIRMAN: And since 2001 you were working at  
 20 Spartanburg County?  
 21 MR. ANDERSON: Wade Crow Engineering and then  
 22 Spartanburg County.  
 23 MADAM CHAIRMAN: If the board members want to take a  
 24 look at that section, it's 40-11-230.  
 25 MR. WHITE: Madam Chair, can I make a motion to go

1 into executive session?  
 2 MADAM CHAIRMAN: Do I hear a second?  
 3 MR. CASWELL: Second.  
 4 MADAM CHAIRMAN: All those in favor?  
 5 (Ayes are heard)  
 6 (Off the Record)  
 7 MADAM CHAIRMAN: Do we have a motion to come out of  
 8 executive session?  
 9 MR. LEHMAN: So move.  
 10 MADAM CHAIRMAN: Second?  
 11 MR. WHITE: Second.  
 12 MADAM CHAIRMAN: Okay. We are out of executive  
 13 session now and back onto the Winston Anderson  
 14 hearing. Is there a motion from the board?  
 15 MR. PATTERSON: I make a motion that we approve Mr.  
 16 Anderson contingent upon him giving an  
 17 affidavit of employment by the engineering firm  
 18 and the county firm. That would apply to  
 19 section 40 of the statute.  
 20 MADAM CHAIRMAN: Is there a second?  
 21 MR. ANDERSON: May I -- sorry.  
 22 MADAM CHAIRMAN: Hold on. Is there a second to that  
 23 motion?  
 24 MR. CASWELL: Second.  
 25 MADAM CHAIRMAN: All those in favor?

1 MR. ANDERSON: So use the verbiage out of section D?  
 2 MADAM CHAIRMAN: Yes. And have them notarize the  
 3 letter, and that can go with your application  
 4 and then that would be granted.  
 5 MR. ANDERSON: All right. Is there a standard  
 6 affidavit form available, or just write one up?  
 7 MS. GRAY: Just write one up.  
 8 MADAM CHAIRMAN: Yeah, just a standard.  
 9 MR. CASWELL: And that applies also to the county.  
 10 MR. ANDERSON: Yes, sir.  
 11 MR. CASWELL: Crow and the county.  
 12 MR. ANDERSON: Okay.  
 13 MADAM CHAIRMAN: Thank you.  
 14 MR. ANDERSON: Thank you.  
 15 MADAM CHAIRMAN: Our next hearing, Island  
 16 Residential. This hearing is called to order.  
 17 This is in the matter of Island Residential  
 18 Construction doing business as Island  
 19 Commercial Construction and Steve Walker. The  
 20 purpose of this hearing is to determine whether  
 21 the applicant should be granted a license.  
 22 Everyone is reminded that these proceedings are  
 23 being recorded and that all witnesses must be  
 24 sworn in before they testify. All remarks  
 25 should be directed to the Chairman. Ms. Gray,

1 (Ayes are heard)  
 2 MADAM CHAIRMAN: Mr. Anderson, what we're talking  
 3 about. If you look at that same -- if you'll  
 4 look at section D.  
 5 MR. ANDERSON: Yes, ma'am.  
 6 MADAM CHAIRMAN: If you can give the staff an  
 7 affidavit from your former employer --  
 8 MR. ANDERSON: May I hand it out?  
 9 MADAM CHAIRMAN: Sure.  
 10 MR. ANDERSON: I thought that might come up, so I've  
 11 got that prepared.  
 12 MADAM CHAIRMAN: Well, that's all staff needs. Give  
 13 it to Ms. Gray and it'll be done.  
 14 MR. ANDERSON: What I did is that's the Wade Crow.  
 15 That's the Spartanburg County. That's the  
 16 current vice president of Wade Crow, and that  
 17 is the current director of administrative  
 18 services for Spartanburg County.  
 19 MS. GRAY: If I may pass it to the Chair for review.  
 20 You may need more information.  
 21 MADAM CHAIRMAN: Yes. What we need, Mr. Anderson,  
 22 is an affidavit from your previous employer  
 23 that states that you were actively associated  
 24 with the construction industry in your  
 25 qualifying status.

1 is the complete application package in our  
 2 materials, and what questions did staff have  
 3 concerning this application?  
 4 MS. GRAY: Yes, ma'am. The completed application is  
 5 in the material. Staff was unable to approve  
 6 this application for issuance of a general  
 7 contractor's limited building classification  
 8 based upon the work experience provided by the  
 9 applicant. However, staff was able to issue  
 10 the license for a general contractor's  
 11 speciality interior renovation R4. Mr. Walker  
 12 has asked to appear before the Board to have  
 13 his experience reviewed to determine whether  
 14 the board would accept his experience under the  
 15 qualification of other experiences approved by  
 16 the board for issuance of the limited building  
 17 classification.  
 18 MADAM CHAIRMAN: Is the applicant present?  
 19 MR. WALKER: Yes, ma'am.  
 20 MADAM CHAIRMAN: Are you represented by counsel?  
 21 MR. WALKER: No, ma'am.  
 22 MADAM CHAIRMAN: And you understand that you have  
 23 the right to be represented by counsel?  
 24 MR. WALKER: Yes, ma'am.  
 25 MADAM CHAIRMAN: And you chose not to?

1 MR. WALKER: Yes, ma'am.  
 2 MADAM CHAIRMAN: Would you please stand and state  
 3 your full name and address and be sworn in.  
 4 MR. WALKER: Steven Mark Walker, 21 Mises Road,  
 5 Beaufort, South Carolina.  
 6 STEVEN MARK WALKER, having been duly sworn,  
 7 testifies as follows:  
 8 MADAM CHAIRMAN: Mr. Walker, would you please tell  
 9 the board why you think your application should  
 10 be granted?  
 11 MR. WALKER: Yes, ma'am. I work for Alcoa South  
 12 Carolina, which was an unlimited B5 general  
 13 contractor's license, from 1994 to 2006 when  
 14 they went out of business basically. I started  
 15 my own commercial construction company in 2005  
 16 understanding that this was going to happen,  
 17 though I was not the qualifier of that company.  
 18 We ran that company until 2008 when business  
 19 kind of turned south, and we've just let it go.  
 20 Throughout that time I've also had my own  
 21 residential license since 1999 and I still am  
 22 in business as a residential contractor. I've  
 23 been a member of the International Code Council  
 24 for ten years. I served on the General  
 25 Occupancy Committee for the International Code

1 board has been directed to look, so this comes  
 2 under the other experience. And since  
 3 residential building is a part of the general  
 4 building class, this question is before you to  
 5 see whether or not that type of experience  
 6 could be substituted for the overall general  
 7 experiences required from a commercial  
 8 standpoint.  
 9 MR. WALKER: I think his question was if I had my  
 10 application in five months ago would it have  
 11 been approved.  
 12 MS. GRAY: We would still have the same issue, the  
 13 mix of the experience.  
 14 MADAM CHAIRMAN: And you're doing residential work  
 15 now, right?  
 16 MR. WALKER: I'm doing residential work now. But I  
 17 think if my license had been in five -- if I  
 18 had applied five months ago, I would have had  
 19 two years experience in the last five years,  
 20 because my license lapsed --  
 21 MS. GRAY: I apologize. That would have been  
 22 correct. I apologize.  
 23 MADAM CHAIRMAN: Okay.  
 24 MR. WALKER: Madam Chairman, I'll make a motion that  
 25 we approve his application.

1 Council. So I've kept my hand in -- up to  
 2 speed on codes and whatnot. I just feel like  
 3 my -- I missed it by five months. I hadn't  
 4 worked two years in the last five. When I put  
 5 my application in I had only worked one year,  
 6 seven months or something like that.  
 7 MR. CASWELL: What did you do for Alcoa?  
 8 MR. WALKER: I started out as their estimator and I  
 9 ended up being manager of the construction  
 10 company. We built on Dataw Island. Mostly  
 11 residential. And then we built two office  
 12 buildings, pump houses, did a lot of commercial  
 13 type stuff on the golf courses. Then for my  
 14 own company, we built at Cherokee Plantation  
 15 and on Dataw building various living quarters.  
 16 And I built a tennis center, a golf pro shop.  
 17 MR. WALKER: Ms. Gray?  
 18 MS. GRAY: Yes, sir.  
 19 MR. WALKER: For the sake of making sure that I  
 20 understand. Is five months really the  
 21 difference? Would he have met it if he had  
 22 applied five months earlier?  
 23 MS. GRAY: Well, there's a significant amount of  
 24 residential building experience in here, and  
 25 the mix of commercial is not quite where the

1 MR. PATTERSON: Second.  
 2 MADAM CHAIRMAN: All those in favor?  
 3 (Ayes are heard)  
 4 MADAM CHAIRMAN: Okay. It's approved.  
 5 MR. WALKER: Thank you very much.  
 6 MR. WALKER: I would like to make one statement for  
 7 the record. My last name is Walker and his  
 8 last name is Walker. I have never seen him, I  
 9 don't know who he is, or any of that.  
 10 MR. WALKER: And me likewise.  
 11 MADAM CHAIRMAN: That's all of our application  
 12 hearings.  
 13 MS. GRAY: Madam Chair?  
 14 MADAM CHAIRMAN: Yes.  
 15 MS. GRAY: Before we move into the disciplinary  
 16 matters, Mr. Bond has come back with the  
 17 additional information that you requested.  
 18 MADAM CHAIRMAN: Okay.  
 19 MR. BOND: You asked about the case that was 248  
 20 days old.  
 21 MADAM CHAIRMAN: Yes.  
 22 MR. BOND: Fortunately I have good news on this one.  
 23 It was returned to us for additional  
 24 information from the -- it was presented to an  
 25 IRC in January, additional information. It has

1 already been turned back in to me in the  
 2 intervening ten days between the time to go to  
 3 the next IRC. So that case is no longer in  
 4 active status. It's now pending IRC.  
 5 MADAM CHAIRMAN: Great. Ms. Gray, we're trying to  
 6 figure out our time schedule here. We have to  
 7 make a break between 1:00 and 2:00.  
 8 MS. GRAY: Yes, ma'am.  
 9 MADAM CHAIRMAN: Is there one of these cases that we  
 10 could handle in that time period?  
 11 MS. GRAY: Ms. Bell advises that two of her  
 12 respondents she does not believe are here, so  
 13 those matters could probably move forward very  
 14 quickly.  
 15 MADAM CHAIRMAN: Okay. Which --  
 16 MS. BELL: B and D.  
 17 MS. GRAY: B would be Coastal Conditioned Air and  
 18 Electrical and Warren Dixon, and D would be  
 19 Inabinet Construction.  
 20 MS. BELL: Yes, that's correct.  
 21 MS. GRAY: Inabinet Electric and John Inabinet, Jr.  
 22 MADAM CHAIRMAN: Can we go to D first?  
 23 MS. BELL: Sure.  
 24 MADAM CHAIRMAN: Ms. Gray, I know we had a script  
 25 somewhere.

1 a copy of the hearing officer's  
 2 recommendations, including his or her findings  
 3 of fact and conclusions of law and  
 4 recommendation for final disposition of the  
 5 case was filed with the board. Also filed with  
 6 the board was a copy of the transcript of the  
 7 hearing. All these materials have been  
 8 provided to the board members. The board will  
 9 now hear a brief argument from both sides with  
 10 respect to the hearing officer's  
 11 recommendation. The parties are instructed  
 12 that the board's decision on whether the  
 13 recommendation will be approved as written,  
 14 modified or rejected will be based upon the  
 15 record of the case that was filed with the  
 16 board. The board will hear from the state  
 17 followed by the respondent. Ms. Bell.  
 18 MS. BELL: Good afternoon. Christa Bell on behalf  
 19 of the state. I would ask in these particular  
 20 cases that you would uphold the hearing  
 21 officer's recommendation. Also, I believe that  
 22 the -- I've been informed by Ms. Gray that the  
 23 respondent is not in compliance with previous  
 24 orders of the board, and has some outstanding  
 25 issues as well.

1 MS. GRAY: It should say board hearings.  
 2 HEARING OFFICER RECOMMENDATIONS - FINAL ORDER  
 3 HEARINGS:  
 4 MADAM CHAIRMAN: We'll go ahead and get started.  
 5 This hearing is called to order. This is in  
 6 the case of LLR versus Inabinet Construction,  
 7 Inabinet Electric, and John T. Inabinet, Jr.,  
 8 being held in Columbia, South Carolina on this  
 9 19th day of April 2012. My name is Kimberly  
 10 Lineberger and I'm the Chair of the South  
 11 Carolina Licensing Board. The other members  
 12 present are Jamie Patterson, Frank Walker,  
 13 Lewis Caswell, Daniel Lehman, and Charles  
 14 White. Attorney advising the board is Sheridan  
 15 Spoon. Representing the state is Christa Bell.  
 16 Is the respondent present?  
 17 MS. BELL: No.  
 18 MADAM CHAIRMAN: And was the respondent represented  
 19 by counsel?  
 20 MS. BELL: He was not.  
 21 MADAM CHAIRMAN: This matter is before the board for  
 22 consideration of the hearing officer's  
 23 recommendation. The evidentiary hearing was  
 24 conducted by a hearing officer appointed by  
 25 this board. At the conclusion of the hearing

1 MADAM CHAIRMAN: Is there a recommendation from the  
 2 board?  
 3 MR. WALKER: I make a motion we accept the final  
 4 order and recommendations by the hearing  
 5 officer.  
 6 MR. CASWELL: Second.  
 7 MADAM CHAIRMAN: All those in favor?  
 8 (Ayes are heard)  
 9 MADAM CHAIRMAN: Ms. Bell, we accepted that.  
 10 MS. BELL: Thank you.  
 11 MADAM CHAIRMAN: Now, we can do the Coastal  
 12 Conditioned, case B.  
 13 MR. CASWELL: Madam Chair, I recuse myself from this  
 14 hearing, because I was the hearing officer.  
 15 MADAM CHAIRMAN: Yes, sir. This hearing is called  
 16 to order. This hearing is in the case of LLR  
 17 versus Coastal Conditioned Air and Electrical  
 18 and Warren Dixon being held in Columbia, South  
 19 Carolina, on the 19th day of April, 2012. My  
 20 name is Kimberly Lineberger and I'm the Chair  
 21 of the South Carolina Contractor's Licensing  
 22 Board. Other members of the board present are  
 23 Jamie Patterson, Frank Walker, Dan Lehman and  
 24 Charles White. The attorney advising the board  
 25 is Sheridan Spoon. Representing the state is

1 Christa Bell. Is the respondent present?  
 2 MS. BELL: He is not present today, and it appears  
 3 that he was present -- well, he was not present  
 4 at the underlying hearing, but he was  
 5 represented by counsel at that hearing.  
 6 MADAM CHAIRMAN: Thank you, Ms. Bell. This matter  
 7 is before the board for consideration of the  
 8 hearing officer's recommendation. The  
 9 evidentiary hearing was conducted by a hearing  
 10 officer appointed by this board. At the  
 11 conclusion of the hearing, a copy of the  
 12 hearing officer's recommendation, including his  
 13 or her findings of fact and conclusions of law  
 14 and recommendation for final disposition of the  
 15 case was filed with the board. Also filed with  
 16 the board was a copy of a transcript of the  
 17 hearing. All these materials have been  
 18 provided to board members. The board will now  
 19 hear brief arguments with both sides with  
 20 respect to the hearing officer's  
 21 recommendation. The parties are instructed  
 22 that the board's decision on whether the  
 23 recommendation will be approved as written,  
 24 modified or rejected will be based upon the  
 25 record of the case that was filed with the

1 Dan Lehman and Charles White. The attorney  
 2 advising the board is Sheridan Spoon.  
 3 Representing the state is Suzanne Hawkins. Is  
 4 the respondent present?  
 5 MR. NICHOLSON: Yes, he is.  
 6 MADAM CHAIRMAN: And is the respondent represented  
 7 by counsel?  
 8 MR. NICHOLSON: Yes. William H. Nicholson, III,  
 9 Greenwood.  
 10 MADAM CHAIRMAN: This matter is before the board for  
 11 consideration of the hearing officer's  
 12 recommendation. An evidentiary hearing was  
 13 conducted by a hearing officer appointed by  
 14 this board. At the conclusion of the hearing  
 15 a copy of the hearing officer's recommendation,  
 16 including his or her findings of fact and  
 17 conclusions of law and recommendation for final  
 18 disposition of this case was filed with the  
 19 board. Also filed with the board was a copy of  
 20 the transcript of the hearing. All these  
 21 materials have been provided to board members.  
 22 The board will now hear brief argument from  
 23 both sides with respect to the hearing  
 24 officer's recommendation. The parties are  
 25 instructed that the board's decision on whether

1 board. The board will hear from the state  
 2 followed by the respondent.  
 3 MS. BELL: Good afternoon again. Christa Bell on  
 4 behalf of the state. Laura Cook was actually  
 5 the attorney that handled this matter on behalf  
 6 of the Office of General Counsel. She is no  
 7 longer with the agency. I am here in her  
 8 stead. And we have no objection to the hearing  
 9 officer's recommendation.  
 10 MADAM CHAIRMAN: Is there a recommendation from the  
 11 board? Is there a motion?  
 12 MR. LEHMAN: I make a motion we uphold the hearing  
 13 officer's recommendation.  
 14 MR. WHITE: I second it.  
 15 MADAM CHAIRMAN: All those in favor?  
 16 (Ayes are heard)  
 17 MS. HAWKINS: This is tab A.  
 18 MADAM CHAIRMAN: This hearing is called to order.  
 19 This is in the case of LLR versus UNIREAL,  
 20 Incorporated, being held in Columbia, South  
 21 Carolina on this 19th day of April, 2012. My  
 22 name is Kimberly Lineberger and I'm the Chair  
 23 of the South Carolina Contractor's Licensing  
 24 Board. Other members of the board present are  
 25 Jamie Patterson, Frank Walker, Lewis Caswell,

1 the recommendation will be approved as written,  
 2 modified or rejected will be based upon the  
 3 record of the case that was filed with the  
 4 board. The board will hear from the state  
 5 followed by the respondent.  
 6 MS. HAWKINS: Good afternoon. I'm Suzanne Hawkins  
 7 for the state. We would simply ask that you  
 8 uphold the hearing officer's recommendations as  
 9 they are written. You've seen, as I'm sure you  
 10 review the transcript, that all we alleged was  
 11 substandard work. We approved six issues of  
 12 substandard work. And, therefore, we'd ask  
 13 that you uphold the sanctions that are  
 14 recommended by the hearing officer.  
 15 MADAM CHAIRMAN: Thank you, Ms. Hawkins.  
 16 MR. NICHOLSON: Okay. On behalf of the respondent,  
 17 all of the items that were listed have been  
 18 corrected, and I think Mr. Dempsey has  
 19 confirmed that. The hearing officer's  
 20 recommendation is that there would be a fine  
 21 imposed which would be suspended if this work  
 22 was corrected. These items were corrected  
 23 within 60 days. That has been done. He also  
 24 said that the -- it should be stated that the  
 25 respondent should be allowed to petition for an

1 expungement if that were corrected. We  
 2 strongly, and I say strongly, disagree that  
 3 there was anything proven on any of these six  
 4 items. If you look at the record there were no  
 5 photographs. There were no measurements. In  
 6 fact, in the hearing officer's statement at the  
 7 end he said, I'm asking him to fix the bowed  
 8 wall if we can determine that the bowed wall  
 9 was out of tolerances. He stated that at the  
 10 end of it. If this board will not entertain a  
 11 motion to dismiss this action at this point, I  
 12 move to open the prior hearing for evidentiary  
 13 findings on exactly what was determined by  
 14 photographs and measurements to be the case at  
 15 the house. Now, everything has been corrected  
 16 to everybody's satisfaction at this point. But  
 17 I represent UNIREAL). Mr. Burdette is here.  
 18 He appeared at the prior hearing. He is a man  
 19 who's had over 20 years of experience with this  
 20 agency. He's built 300 to 400 houses. Dozens  
 21 of commercial buildings. I would say 80 to  
 22 \$100 million worth of work. Has never had a  
 23 letter to this agency. The year in question  
 24 here he was voted 2008 residential contractor  
 25 of the year for South Carolina. But he

1 this house, and this should be dismissed if he  
 2 doesn't have access. So he was given access.  
 3 He made the corrections. I would move to  
 4 dismiss it at this point to try to shorten this  
 5 proceeding. I don't see the difference between  
 6 issuing a reprimand and immediately expunging  
 7 it, you know. But I don't think there's a  
 8 foundation for the findings of the hearing  
 9 officer in this case.

10 MS. HAWKINS: If I could just respond briefly.

11 MADAM CHAIRMAN: Yes.

12 MS. HAWKINS: We did have a four hour hearing in  
 13 this matter and all of these issues regarding  
 14 access and payment were hashed out fully before  
 15 that hearing officer. We have these  
 16 recommendations here. In addition to that, Mr.  
 17 Nicholson did request that the case be  
 18 dismissed at the hearing and Mr. Curl, who  
 19 heard all the evidence and all the testimony,  
 20 did not recommend that. He's recommended to  
 21 you what we're asking you to uphold here today.  
 22 Thank you.

23 MADAM CHAIRMAN: Are there any questions from the  
24 board?

25 BOARD MEMBER: Could we ask Mr. Dempsey to verify

1 strongly objects to a public reprimand based on  
 2 the evidence that's been presented. Now, I can  
 3 go through each of these items, but I think  
 4 it's undisputed that there were no photographs.  
 5 There were no measurements. And, you know,  
 6 without going into each one, which I don't know  
 7 that you have time before lunch, but -- and I  
 8 would like the opportunity to do that. But he  
 9 has corrected this. He did send a letter. And  
 10 this is Respondent's Two, August 24th, 2010,  
 11 before this action was started, saying he's  
 12 willing to make the corrections. He just had  
 13 been prevented from doing so and prevented  
 14 access by this homeowner. This had been a very  
 15 acrimonious relationship with this homeowner.  
 16 If you note in the record, the hearing officer  
 17 was surprised himself. This homeowner moved in  
 18 still owing \$100,000. Only paid that after my  
 19 law firm was hired. Mechanic's lien was  
 20 started. And there's some other issues with  
 21 the money situation. But it was an acrimonious  
 22 relationship. I think it was -- the only way  
 23 this was done is that the hearing officer was  
 24 able to say this is -- I want him to address  
 25 these areas and I want him to have access to

1 that it's been satisfied?

2 MADAM CHAIRMAN: Sure.

3 MR. DEMPSEY, having been duly sworn, testifies as  
4 follows:

5 MR. SPOON: And again, Mr. Dempsey, let me just jump  
 6 in right here. I want to just caution you. I  
 7 think you are being asked to speak to in terms  
 8 of the order, and there may be another person  
 9 that's more appropriate to do that. But let me  
 10 just check my assumptions to see if I'm right.  
 11 Page two of the hearing officer's order -- page  
 12 two, item two, fourth line down, "The  
 13 respondent must verify the timely completion of  
 14 all work with the board. In compliance with  
 15 the final order shall not be deemed completed  
 16 until the board receives such verification."  
 17 Before you speak, has that been received?  
 18 That, in all likelihood may have been sent to  
 19 the board office rather than to the  
 20 investigative part. So I'm just curious if we  
 21 can --

22 MS. HAWKINS: If I can just speak to that. I  
23 believe --

24 MR. SPOON: Because I know counsel indicated that he  
25 had corrected the items. And that was, of

1 course, a stipulation in the order. So I'm  
 2 just asking whether that has been received from  
 3 the respondent in writing as the order would  
 4 require.  
 5 MS. HAWKINS: I think rather than that, what they  
 6 did is ask Mr. Dempsey to come back out and  
 7 reinspect, rather than submitting their own  
 8 independent verification of any repairs that  
 9 were made.  
 10 MR. SPOON: Okay.  
 11 MS. HAWKINS: If that answers your question.  
 12 MR. SPOON: All right.  
 13 MS. GRAY: And board has not received any  
 14 information.  
 15 MR. SPOON: And that's fine. I would just caution  
 16 you again. We're not in an evidentiary mode.  
 17 Just for you to verify whether or not you  
 18 received -- if you had evidence of completion  
 19 when you inspected.  
 20 MR. DEMPSEY: Yes. I met with the parties at the  
 21 house, the owner, complainant, and he was very  
 22 pleased with the items that had been corrected  
 23 and he had no more issues. And I looked at  
 24 each item and it had been addressed.  
 25 MR. WHITE: He said he had no more issues?

1 didn't finish -- I mean, I didn't even comment  
 2 on what I wanted to comment. I made a motion to  
 3 dismiss. So, I mean, I don't see how you can  
 4 accept it without argument. I said I'm trying  
 5 to cut this short because, you know, we  
 6 finished this work. I felt strongly there  
 7 wasn't a basis for it. I didn't tell you my  
 8 arguments as to why there was not a basis for  
 9 it. My letter says I have 20 minutes to  
 10 respond to comment on it.  
 11 MR. SPOON: The question before the board is whether  
 12 to either accept the hearing officer's  
 13 recommendation -- and it is a recommendation,  
 14 or to reject it or to modify it. The board has  
 15 had the opportunity to review the record. They  
 16 reviewed the transcript of the case. And they,  
 17 of course -- to your point of the corrective  
 18 action issue, of course, the board has found,  
 19 based on the comments -- your representation as  
 20 counsel, both here and at the hearing, and also  
 21 with Mr. Dempsey, that there is, in fact --  
 22 that is acceptable to being found that  
 23 corrective action was taken. And therefore,  
 24 the terms of the order with respect to the fine  
 25 being contingent upon that happening, that

1 MR. DEMPSEY: That there was no issues that he had.  
 2 MR. WHITE: Okay. I didn't understand what you  
 3 said. I'm sorry.  
 4 MADAM CHAIRMAN: Do I have a motion to go into  
 5 executive session?  
 6 MR. WALKER: So move.  
 7 MR. CASWELL: Second.  
 8 MADAM CHAIRMAN: All those in favor?  
 9 (Ayes are heard)  
 10 MADAM CHAIRMAN: Give us a few minutes.  
 11 (Off the Record)  
 12 MADAM CHAIRMAN: Do we have a motion to come out of  
 13 executive session?  
 14 MR. CASWELL: So move.  
 15 MADAM CHAIRMAN: Second?  
 16 MR. WALKER: Second.  
 17 MADAM CHAIRMAN: Do we have a motion from the board?  
 18 MR. WHITE: Yeah. I make a motion that we accept the  
 19 hearing officer's recommendations.  
 20 MADAM CHAIRMAN: And is there a second?  
 21 MR. LEHMAN: Second.  
 22 MADAM CHAIRMAN: All those in favor?  
 23 (Ayes are heard)  
 24 MADAM CHAIRMAN: Thank you, sir.  
 25 MR. NICHOLSON: Well, I would object to it. I

1 civil penalty of \$1,000 is not paid.  
 2 MR. NICHOLSON: We're not at all worried about the  
 3 \$1,000. My client is concerned that there is  
 4 a finding here that there was settling in this  
 5 house. There was absolutely no settling. And  
 6 it's listed on three or four items. And  
 7 there's not a legal basis. There's no  
 8 evidentiary basis for including that in the  
 9 findings. The hearing officer himself -- I  
 10 mean, you're basically saying we're going to  
 11 accept an order, when the hearing officer says  
 12 I don't know whether the wall was bowed. I  
 13 cannot determine that. So when you go back out  
 14 there, if it is determined that it was against  
 15 tolerances, then I want it fixed. But you're  
 16 accepting an order and making a finding of that  
 17 when there's no basis for that in the record.  
 18 That in itself is -- you cannot just blindly  
 19 accept everything that he says when within his  
 20 order it says I do not have evidence to make  
 21 this finding.  
 22 MR. SPOON: Okay. And your comments are well taken  
 23 and on the record. The board has upheld the  
 24 hearing officer's report and commendation  
 25 with respect to, correct me if I'm wrong, item

1 one, which is the public reprimand, and the  
 2 applicable parts of item two based on their  
 3 review of the record and the arguments heard  
 4 that there was by preponderance of the  
 5 evidence, the state proved that the work was  
 6 substandard, and further that the respondent,  
 7 as we've learned today, went back to the  
 8 location and made corrective action to the  
 9 satisfaction of the investigator who testified.  
 10 And beyond that --  
 11 MR. NICHOLSON: Well, in several items it was  
 12 determined there was not a problem, so.  
 13 MR. SPOON: It's a moot point right now, I would  
 14 have to suggest, because they found that the  
 15 corrective action was satisfactory. And that's  
 16 one of the stipulations in the order, and the  
 17 respondent has complied with that part of it.  
 18 So beyond that I don't know what else to say.  
 19 MR. NICHOLSON: Well, I move to open the previous  
 20 hearing for more evidence based on what was  
 21 actually found at the house, because there is  
 22 not an evidentiary basis for the findings in  
 23 the hearing officer's report. If this goes on  
 24 appeal then I need to make that motion, because  
 25 there needs to be more evidence placed in the

1 Mr. Curl. So whatever statement he may have  
 2 made at the hearing, this is what he submitted  
 3 to you as his recommendation. Thank you.  
 4 MR. NICHOLSON: And I'm reading from his statement  
 5 at the end of this hearing, if that bowed wall  
 6 is, in fact, bowed more than is what within  
 7 tolerances that are allowable in the  
 8 residential construction standards, it needs to  
 9 be addressed. How can he make a finding when  
 10 he makes a statement that he doesn't know  
 11 whether it is out of the tolerances?  
 12 MR. SPOON: Let me just say on behalf of the board -  
 13 - and the board can correct me if I'm wrong.  
 14 The board, prior to going into executive  
 15 session, considered what they understood it to  
 16 be -- and again, please correct me if I'm  
 17 wrong. I'm speaking on your behalf. But prior  
 18 going into going into executive session they  
 19 considered what they understood to be really  
 20 two motions in the alternative. One being  
 21 dismiss the case. The other one being  
 22 basically a motion for a rehearing. Those  
 23 motions have been considered. The board's  
 24 decision and disposition of the case is to  
 25 accept the hearing officer's recommendation,

1 record if this man is going to have a public  
 2 reprimand.  
 3 MS. HAWKINS: Obviously we reject to that motion.  
 4 As I've stated, we had a four hour hearing on  
 5 these issues. Mr. -- what's his name,  
 6 Burdette?  
 7 MR. NICHOLSON: Burdette.  
 8 MS. HAWKINS: Mr. Burdette had notice of that  
 9 hearing. He was present. He had counsel. He  
 10 had every opportunity to prepare for that  
 11 hearing. Any evidence that he wanted to put in  
 12 or object to he had a full opportunity to do  
 13 that that day. And the motion that was made at  
 14 the end of the hearing was precisely to this  
 15 point and the evidence was not sufficient. Mr.  
 16 Curl heard that, had heard all the witnesses'  
 17 testimony, and he gave you these  
 18 recommendations today. And I would like to  
 19 point out in the recommendation there is no  
 20 statement that it is -- it's not certain that  
 21 there is a bowed wall. Item C says there was  
 22 a bowed wall on the residence's marriage line  
 23 with a cracked ceiling above the adjacent  
 24 opening in violation of SCRCS chapter three,  
 25 number five. This recommendation was signed by

1 uphold that, with the understanding from the  
 2 testimony today that the corrective action was  
 3 taken. They're upholding the findings of fact  
 4 with the hearing officer with respect to  
 5 matters that were alleged. They're upholding  
 6 the public reprimand portion of the order.  
 7 And, of course, the civil penalties are not  
 8 going to be due and payable because of the  
 9 corrective action having been done to the  
 10 board's satisfaction. So that's their  
 11 decision. I guess you're making the same  
 12 motion now that you had made previously, and I  
 13 just want to let you know, sir, that they were  
 14 aware of that and have considered that.  
 15 MR. NICHOLSON: I was not allowed to make comments.  
 16 I was not allowed to make comments on the  
 17 evidence presented at the hearing.  
 18 MR. SPOON: Well, I'll leave it up to the board now  
 19 to see if they want to reconsider what their  
 20 decision to this point is.  
 21 MR. NICHOLSON: And one thing I don't understand  
 22 about -- and Ms. Hawkins said she didn't even  
 23 know that this could be expunged. She said  
 24 that's the first she ever heard that a public  
 25 reprimand could be expunged. What is the

1 procedure for doing that?  
 2 MR. SPOON: In the engine it says the board has to  
 3 have a policy on expungement. It's actually in  
 4 the engine there on 40-1. To my knowledge the  
 5 board does not have a procedure for  
 6 expungement. In my view, I tried to discuss  
 7 with the board a bit about expungement versus  
 8 dismissal, and all I would say is that to my  
 9 knowledge the board does not have such a policy  
 10 on expungement. It's actually not in the  
 11 contractor's act, but it is addressed in the  
 12 engine. I don't believe that this board has  
 13 that policy. It really pertains to final  
 14 orders that are out there that have not been  
 15 appealed and are past the time for appeal. And  
 16 the expungement issue comes into play when at  
 17 some point down the road, a year or two years  
 18 down the road, the respondent can make a  
 19 request to have that removed, not only from  
 20 their record, but also from the public posted  
 21 on the website and things of that nature where  
 22 it's publicized. But mainly to have it  
 23 removed. Just as it would be in a criminal  
 24 matter. And I am not a criminal lawyer, so.  
 25 But that is addressed in the engine of the

1 I didn't think any new evidence could be  
 2 addressed.  
 3 MR. CASWELL: No, it isn't.  
 4 MR. NICHOLSON: Well, I'm not talking about new  
 5 evidence. I'm talking about argument on the  
 6 transcript. Mr. Burdette offered to --  
 7 MADAM CHAIRMAN: The transcript speaks for itself.  
 8 MR. NICHOLSON: -- offered to correct anything that  
 9 was wrong if he was allowed access. He sent a  
 10 letter to that effect on August 24th, 2010.  
 11 MS. HAWKINS: So he can just make his argument, or  
 12 are you guys going to decide whether he can or  
 13 cannot make a further argument at this point?  
 14 MADAM CHAIRMAN: I think we've heard enough. I  
 15 think you're -- and correct me if I'm wrong,  
 16 but I think your next avenue is to appeal it at  
 17 ALJ.  
 18 MR. NICHOLSON: Well, is there no due process? I  
 19 mean, I don't understand what the due process  
 20 is here.  
 21 MADAM CHAIRMAN: Sir, your due process was at the  
 22 hearing officer. What we do is take all of the  
 23 recommendations and the evidence that we've  
 24 been presented and take a brief introduction  
 25 from you guys and then we take our legal

1 board.  
 2 MR. NICHOLSON: But you're saying there's no way  
 3 that this man can have this expunged?  
 4 MR. SPOON: He can have what?  
 5 MR. NICHOLSON: If this public reprimand stands,  
 6 there's no way he can have it expunged?  
 7 MR. SPOON: All I'm saying is -- and I'm not -- you  
 8 know, you're welcome to research it  
 9 independently. My understanding of that issue  
 10 is it is addressed in a brief fashion in the  
 11 engine, item 40, chapter one, and it says that  
 12 a board may have a policy on expungement or  
 13 orders if it so chooses, and certainly this  
 14 board can do that. I don't think they have --  
 15 as of this date, I don't think they have such  
 16 a policy.  
 17 MR. NICHOLSON: So I will not be allowed my 20  
 18 minutes to respond?  
 19 MR. CASWELL: Madam Chair, as far as I'm concerned,  
 20 we have the transcript of the hearing. I read  
 21 them carefully. I don't know what the attorney  
 22 can say to convince me otherwise, so I don't  
 23 know of any reason for us to continue in this  
 24 hearing.  
 25 MADAM CHAIRMAN: Well, correct me if I'm wrong, but

1 advise.  
 2 MR. NICHOLSON: Well, it says in the rules that you  
 3 -- the rule that you sent me said I would be  
 4 allowed 20 minutes to respond.  
 5 MADAM CHAIRMAN: Yeah. I'm not aware of such a  
 6 rule. I've been here ten years and I'm not  
 7 aware of such a rule.  
 8 MR. WALKER: I thought it was five minutes.  
 9 MR. NICHOLSON: So the hearing officer says that we  
 10 can expunge it but I'm told that's not the  
 11 case? I'm sent a letter bringing me to this  
 12 hearing saying I'm going to have 20 minutes,  
 13 and then you say I don't have it? Do you want  
 14 to see the letter?  
 15 MS. HAWKINS: I don't know if anyone has been timing  
 16 this. I think we've been at this for far  
 17 longer than 20 minutes. I don't know that he's  
 18 had a total of 20 minutes. Mr. Nicholson did  
 19 not stand and request to say anything further  
 20 before you went into executive session.  
 21 MR. NICHOLSON: I did. I said I make a motion to  
 22 dismiss to cut this short, because the hearing  
 23 officer said I recommend no fine. If he  
 24 completes it, then he can have it expunged.  
 25 That's what he said. And that is the basis --

1 MADAM CHAIRMAN: It doesn't say that in our report  
 2 though.  
 3 MR. NICHOLSON: You read the transcript, didn't you?  
 4 MADAM CHAIRMAN: It doesn't say it in the -- what we  
 5 have authority to approve or disapprove. It's  
 6 not in the recommendation that we can do that.  
 7 MS. HAWKINS: If I could just object to this whole  
 8 argument that's developing between the board  
 9 and Mr. Nicholson. He's requested further time  
 10 to argue. I would request a ruling by the  
 11 board on that request.  
 12 MADAM CHAIRMAN: We deny. We deny the request.  
 13 Thank you.  
 14 MS. HAWKINS: I'm happy to move forward or to  
 15 adjourn. Whichever suits you all better.  
 16 MADAM CHAIRMAN: We have one, Fleming Construction.  
 17 Do you have an estimated time? Lewis has 30  
 18 minutes.  
 19 MS. HAWKINS: We're willing to try. Feel free to  
 20 cut us off.  
 21 MADAM CHAIRMAN: Can we ask one question? Is there  
 22 such a letter with the 20 minute rule?  
 23 MS. HAWKINS: Yes.  
 24 MS. GRAY: In the notice of final hearing, it's the  
 25 very last paragraph, and that 20 minutes comes

1 Frank Walker, Lewis Caswell and Charles White.  
 2 The attorney advising the board is Sheridan  
 3 Spoon. Representing the state is Suzanne  
 4 Hawkins. Is the respondent present?  
 5 MR. HENRY: The respondent is not present. I am  
 6 here on his behalf. I am Joseph Henry of  
 7 Columbia for Mr. Fleming and Fleming  
 8 Construction.  
 9 MADAM CHAIRMAN: This matter is before the board for  
 10 consideration of the hearing officer's  
 11 recommendation. The evidentiary hearing was  
 12 conducted by a hearing officer appointed by  
 13 this board. At the conclusion of the hearing  
 14 a copy of the hearing officers recommendation  
 15 included his or her findings of fact and  
 16 conclusions of law in recommendation for final  
 17 disposition of the case was filed with the  
 18 board. Also filed with the board was a copy of  
 19 the transcript of the hearing. All these  
 20 materials have been provided to board members.  
 21 The board will now hear a argument from both  
 22 sides with respect to the hearing officers  
 23 recommendation. The parties are instructed  
 24 that the board's decision on whether the  
 25 recommendation will be approved as written,

1 in for oral arguments, and advice counsel could  
 2 probably better interpret it. But it does  
 3 appear that it's tied to if briefs are  
 4 submitted to the report.  
 5 MADAM CHAIRMAN: If briefs are submitted.  
 6 MR. WALKER: At the end of the hearing you tell them  
 7 that they'll be a final order hearing where the  
 8 board considers recommendations and no new  
 9 evidence can be presented. So why do you put  
 10 20 -- shouldn't we take out the 20 minute deal?  
 11 MS. GRAY: That would be for advice counsel.  
 12 MR. WHITE: If it's in the letter --  
 13 MR. GRAY: Again, you do have a copy of the notice  
 14 of final hearings so that you can read the  
 15 exact language. It does require consultation  
 16 between counsel and an agreement to be paid  
 17 between counsel for submission of briefs.  
 18 MADAM CHAIRMAN: Okay. We'll move on. The hearing  
 19 is called to order. This is the case of LLR  
 20 versus Fleming Construction and Ernest Fleming,  
 21 being held in Columbia, South Carolina on the  
 22 19th day of April 2012. My name is Kimberly  
 23 Lineberger and I'm the Chair of the South  
 24 Carolina Contractor's Licensing Board. The  
 25 other members of the board are Jamie Patterson,

1 modified or rejected will be based upon the  
 2 record of the case that was filed with the  
 3 board. The board will hear from the state  
 4 followed by the respondent.  
 5 MR. HENRY: Madam Chairman, before we get started, I  
 6 would have a motion to set aside the findings  
 7 of the hearing officer based upon the fact that  
 8 Mr. Fleming was not allowed to come into the  
 9 hearing at the time the hearing was conducted  
 10 in that he noticed the board that he --  
 11 notified the hearing officer of a serious motor  
 12 vehicle accident in which he was involved on  
 13 the day that the hearing -- day before the  
 14 hearing. He sent in a request for a  
 15 continuance. That request was denied based  
 16 upon his failure to submit a copy of his  
 17 medical records. He offered to submit a letter  
 18 from his physician. He received a herniated  
 19 disc in that wreck. He's also a candidate for  
 20 surgery on that disc. He had a serious motor  
 21 vehicle accident. He was not able to attend  
 22 the hearing. Has informed that the hearing was  
 23 not subject to -- the rules of evidence were  
 24 not subject to state law and that they were  
 25 going to proceed unless he submitted his

1 medical records to the board prior to the  
 2 hearing date. Mr. Fleming did not submitted  
 3 his medical records as that would be a  
 4 violation of HIPAA for the board to even  
 5 request them, but it would also be a violation  
 6 of his right to privacy. We do not believe  
 7 that he was given due process. And based upon  
 8 that, we would ask that the hearing officer's  
 9 findings be rejected outright.

10 MS. HAWKINS: If I could respond to that. Mr. Saxon  
 11 was involved in that, so it's unfortunate that  
 12 he's not here today. But Mr. Fleming did  
 13 request a continuance. He informed us that he  
 14 had been in a car accident. I do not recall it  
 15 being the day before the hearing, because I  
 16 believe some time passed and we were waiting to  
 17 hear back from him. Mr. Saxon simply requested  
 18 -- as you know, Madam Chair, that you always  
 19 request some documentation of what the medical  
 20 condition is and why it would prevent a  
 21 respondent from coming in here for their  
 22 hearing. I'm sure if he had submitted a letter  
 23 from the physician describing why he could not  
 24 attend, that would have been acceptable and a  
 25 continuance would have been granted, because

1 I've seen that happen dozens of times. Nothing  
 2 was submitted. The continuance was therefore  
 3 not granted and the hearing moved forward. So,  
 4 therefore, we would request that we move  
 5 forward and ask that you uphold the hearing  
 6 officer's recommendations.

7 MR. SPOON: And, Mr. Henry, just for purposes of  
 8 clarifying, your motion that you're making is  
 9 really implicit in the proceedings that are  
 10 here today, because this is a hearing officer's  
 11 report and the recommendation. And, of course,  
 12 that's what arguments that you would make. Not  
 13 so much as a motion to dismiss. This may be  
 14 just terminology. But certainly in requesting  
 15 that the board not accept the hearing officer's  
 16 -- not uphold, not accept the hearing officer's  
 17 report or recommendation. What they're asked  
 18 to do today is either accept it, not accept it,  
 19 or accept it with modification. So  
 20 understanding that -- and I'm agreeing with  
 21 what you're saying to the extent that it's  
 22 implicit in what the board's question is before  
 23 that in asking that it not be upheld. But it  
 24 would not be dismissed necessarily so much as  
 25 it might be set for a hearing before the full

1 board would be another option.  
 2 MR. HENRY: That would be probably an acceptable  
 3 alternative. Our position is that my client  
 4 was not given due process because he was not at  
 5 the hearing based upon good excuse. As a  
 6 result of having been involved in a car  
 7 accident, and having a series injury sustained  
 8 in that accident, he was not present. As a  
 9 result of that, we're asking that the board not  
 10 entertain the recommendations, because the  
 11 recommendations were obtained without my  
 12 client's participation, and with justification  
 13 for him not being there. So it would be  
 14 patently unfair to have my client be subjected  
 15 to recommendations that were made on a case  
 16 involving his livelihood without him having the  
 17 opportunity to participate due to a collateral  
 18 matter behind his control. And so we would ask  
 19 that the recommendations not be entertained and  
 20 that a hearing be set before the board, or that  
 21 the matter be reopened up entirely.

22 MADAM CHAIRMAN: Mr. Henry, do you have  
 23 documentation showing us that accident? That  
 24 it occurred and when it occurred?

25 MR. HENRY: I don't have any documentation because

1 the board's rules don't allow me to submit any  
 2 additional information. What I'm understanding  
 3 is that he tried to submit that information  
 4 before the hearing. I was not involved as his  
 5 representation at the hearing. At the hearing  
 6 phase of this case. So I don't have any  
 7 documentation to that effect. This is what my  
 8 understanding is procedurally from talking with  
 9 my client and an interview with him about his  
 10 case. He indicated that because of the  
 11 accident he tried to have this postponed. It  
 12 had been acknowledged that he did make a  
 13 request for a continuance. That request was  
 14 denied. It was based upon an accident that  
 15 he's represented to me that he was involved in.  
 16 He does have a physician who can confirm that  
 17 he is a candidate for surgery as a result of  
 18 that accident. And I think we can submit a  
 19 letter from that physician. If it wasn't  
 20 allowed in the first hearing, we can certainly  
 21 submit that as backup for this position.

22 MS. HAWKINS: And once again, not only was it not  
 23 disallowed the first time around, it was  
 24 requested. The letter from the physician was  
 25 requested to verify the disability and the

1 severity of the disability that would prevent  
2 him from coming to the hearing. He did not  
3 submit any such letter from a physician. His  
4 full medical records were not requested. Just  
5 a physician statement regarding his inability.

6 MADAM CHAIRMAN: Where is he at today? Why is he  
7 not here?

8 MR. HENRY: He had to rush his sister to the  
9 hospital. She is in the hospital as we speak.

10 He's at the hospital with her. I can call him  
11 and let you speak with him. Yes. His sister  
12 has a serious heart condition. She's in the  
13 hospital. She had to be hospitalized. Not  
14 yesterday but the day before. He's been at the  
15 hospital with her ever since. That's why he's  
16 not here today.

17 MADAM CHAIRMAN: Suzanne, do we have documentation  
18 where we requested -- I know Jamie's not here,  
19 but is it in the file?

20 MS. HAWKINS: Right.

21 MADAM CHAIRMAN: Can we see that? Do we have that?

22 MS. HAWKINS: I don't have those emails saved, and I  
23 searched for them this morning and my archives  
24 don't go back that far. I didn't know that Mr.  
25 Saxon wouldn't be here until mid morning this

1 state that he made the request because of his  
2 car accident. I was told he was in a car  
3 accident. So there is knowledge that he was in  
4 a car accident. There's a letter --

5 MS. HAWKINS: There's knowledge of his  
6 representation that he was in a car accident.  
7 There was never any documentation provided.  
8 That was the exact problem, that there was no  
9 documentation.

10 MR. WALKER: Madam Chair, if I can make a motion.

11 MADAM CHAIRMAN: Yes. Yes, we have a motion.

12 MR. WALKER: I make a motion that we suspend this  
13 and take it up at our July meeting. That is  
14 not to say we'll have another hearing. We're  
15 going to take it up at the July meeting to  
16 decide whether we're going to take it.

17 MR. HENRY: May I make a request for the board? If  
18 we are able to submit his documentation from  
19 his physician, who will confirm the seriousness  
20 of this injury that he sustained as a result of  
21 the car accident, can you also have as a part  
22 of your recommendation that he be scheduled for  
23 a new hearing? Because that would be the  
24 justification for him not having appeared at  
25 the first hearing. He did make the hearing

1 morning. I don't. So all I have is my memory,  
2 since I was copied on all those emails. Mr.  
3 Fleming did submit a letter to the chief judge  
4 of the ALC just laying out that he requested  
5 this continuance and that his medical records  
6 were requested. I do have a copy of that if  
7 you all just want to look at it. It doesn't  
8 tell you anything more than what we've  
9 represented to you here today.

10 MR. HENRY: Given the posture that we are currently  
11 in, I would certainly think that it would be  
12 encumbered upon the board to take this matter  
13 under advisement, perhaps scheduling a hearing  
14 before the full board in order to afford my  
15 client a fair opportunity to present his side  
16 of the case. With what we have today, it would  
17 certainly be -- it would be unfair just to go  
18 forward with what we have, not having given  
19 this man the opportunity to present his case  
20 before the board with knowledge that he was in  
21 a serious car accident.

22 MADAM CHAIRMAN: Do we have --

23 MR. PATTERSON: We don't have that knowledge.

24 MR. HENRY: Well, there is a letter from him to the  
25 ALC. There was an acknowledgment from the

1 officer aware that he had this issue. Since  
2 those records were not in the --

3 MR. WALKER: Excuse me. That's not my motion.

4 MR. HENRY: I understand that's not your motion.  
5 I'm asking you whether or not you would  
6 consider amending the motion to include that  
7 information. Because if you receive  
8 documentation from him showing that that's the  
9 case, you'll be right back at square one.

10 MR. WALKER: I'll consider it when we see it.

11 MADAM CHAIRMAN: Yeah.

12 MR. WHITE: I'll second the motion to take this up  
13 in July.

14 MADAM CHAIRMAN: We have a motion to carry this over  
15 to the next board meeting. Is there second?

16 MR. WHITE: Second.

17 MADAM CHAIRMAN: All those in favor?

18 (Ayes are heard)

19 MR. HENRY: When is the July meeting?

20 MS. GRAY: July 19th.

21 MADAM CHAIRMAN: Thank you.

22 MR. HENRY: Thank you.

23 MADAM CHAIRMAN: Thank you, Ms. Hawkins.

24 MS. HAWKINS: Thanks.

25 PUBLIC COMMENTS:

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1 MADAM CHAIRMAN: Are there any public comments? Any  
2 questions? Gary?  
3 MR. WIGGINS: Madam Chairman, just one comment. I  
4 failed to mention this under the  
5 administrator's remarks, but I just wanted to  
6 point out that Lil Ann Gray is the point person  
7 now for the Contractor's Licensing Board. We  
8 needed a full-time person there attending to  
9 all of the activities of the board. Ms. Lil  
10 Ann is taking that over.  
11 MADAM CHAIRMAN: Right.  
12 MR. WIGGINS: And I just wanted to point that out.  
13 You all received her information they sent out  
14 on her being hired as part of our program. And  
15 also, Shameko Putnam is with us now. She is  
16 our new administrative assistant. So we have  
17 that spot filled in. It looks like we're  
18 coming up to full speed.  
19 MADAM CHAIRMAN: Great. That sounds wonderful.  
20 MR. WIGGINS: Thank you.  
21 MADAM CHAIRMAN: Is there a motion to adjourn?  
22 MR. CASWELL: Yes.  
23 MR. WHITE: Second.  
24 MADAM CHAIRMAN: Second?  
25 MR. WHITE: Second.

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1 MADAM CHAIRMAN: All those in favor?  
2 (Ayes are heard)  
3 (There being nothing further, the board meeting  
4 concluded at 1:23 p.m.)

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