



State Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors

1109 Dresser Court Raleigh, North Carolina 27609
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A. G. Williams, Chairman

P. K. Selby, T. G. Proffit, H. W. Stanford III, H. J. Summey, R. M. Boone, S. K. Hensley

RECALL: 35 Million Sprinklers

Defective sprinklers still in use after four years.

In July 2001, the U.S. Consumer Product Safety Commission (CPSC) and Central Sprinkler Company, an affiliate of Tyco Fire Products LP, of Lansdale, Pa., announced a voluntary replacement program. The company is providing free parts and labor to replace 35 million Central fire sprinklers with O-ring seals. The program also includes a limited number of O-ring models sold by Gem Sprinkler Company and Star Sprinkler, Inc., now owned by Tyco, totaling about 167,000 sprinkler heads.

The defective sprinkler heads are used in nursing homes, hospitals, schools and other buildings, almost two-thirds of them are still in use. No deaths or injuries have been as-

sociated to the recalled sprinklers. But, Tyco Fire & Building Products, says there have been several claims of property damage. To date, Tyco has replaced 12 million sprinklers and identified 6 million more to be replaced by mid-2007.

Gib Mullan, head of compliance at the CPSC, says the recall is going "extremely well" and the replacement rate is better than average for such a big recall-the fourth largest in commission history.

All of the sprinklers that have been recalled use valves sealed with rubber O-rings that can corrode and fail to open. The faulty sprinklers include both "wet" systems, which use pipes filled with water, and "dry" systems, in which the pipes are empty of water until the sprinklers are activated. These tend to be used in colder climates.

"What we're trying to do is replace older technology with a newer one that doesn't use an O-ring," says Tyco Vice President Carmine Schiavone.

Tyco will keep offering free replacement of its defective heads for as long as the company is receiving "significant" flow of claims, Schiavone says.

Tyco has spent more than \$2 million publicizing the recall. The company is trying to raise awareness among sprinkler installers, Schiavone says, because it often takes a trained eye to spot the flawed sprinklers. Tyco also has a website with info (www.sprinklerreplacement.com) and a toll-free number (866-505-8553) to help consumers.

Sources: USA Today, National Fire Sprinkler Association, Tyco Fire & Building Products

ATTENTION LICENSEES

**To renew your license for 2007 you must take
4 of your 6 CE hours in**

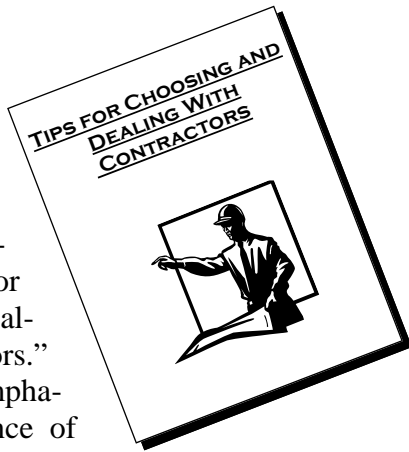
**North Carolina Code changes and Amendments.
(except for fire sprinkler licensees)**

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Consumer Awareness Pamphlet

The Board has a consumer awareness pamphlet available entitled "Tips for Choosing And Dealing with Contractors." The pamphlet emphasizes the importance of using licensed contractors and contractors who are insured. It also emphasizes the importance of written contracts and of obtaining permits and inspections. These matters are important to the consumer. Copies of the pamphlet are available from the Board's office. You may find the pamphlet useful in contacts with potential customers.



NOTICE OF PUBLIC HEARINGS

March 14, 2006—8:30 a.m.

The Board is considering whether or not to create its own examination for fire sprinkler inspection technicians so as to alleviate current availability and content issues. In addition the Board wishes to receive comments concerning the employees contracted through labor supply firms as a modification of the current requirement of a W-2.

Written comments may be sent to the Board office and must be received on or before 5:00 p.m. March 14, 2006

April 11, 2006—8:30 a.m.

The Board is considering whether or not to create a Limited Residential Water Heater license. The Board wishes to receive comments concerning the issuance of such a license.

Written comments may be sent to the Board office and must be received on or before 5:00 p.m. April 17, 2006.

To review Proposed Rules go to:
<http://www.ncoah.com/rules/register>

Continuing Education—Your Evaluations Matter

By Scott Waterhouse, Education Program Manager

I recently attended a continuing education conference and expo in Charlotte a few weeks back and spoke with many licensees about the CE program. Some had good comments and others had suggestions to improve the courses, instructors and locations.

One licensee stated he had attended courses to get his continuing education credits and the instructor was boring. I asked if he made his comments known on the evaluation form handed out in the class. He said; "I don't want to get anyone in trouble." It is important to all licensees that the Board receives honest opinions regarding the courses, instructor and/or anything else that has to do with the continuing education program.

You, the licensees of this Board, are the ones who can make our program better. The evaluations you fill-out are your way of giving the Board insight and input on

how to improve our program. If we don't receive honest evaluations then we must assume that everything is working fine.

I have two good friends who on occasions complain about how politicians run our country. My first question to them was, "Did you vote for him/her?" Their reply was, "no, we don't vote." "So, I told them if you don't vote you shouldn't complain." The evaluation form is the same thing. If you give excellent or above average on all the categories on the form and then go out and complain about the course, what's being gained to improve the CE program? Being honest and forth coming on the evaluation form is how to make your CE program better. Remember, your evaluation does matter.

If you have questions or comments contact Scott Waterhouse at the Board's office for assistance.

Formal Hearings Information

Ever wonder what happens in a formal hearing?

You may have an opportunity to find out. The Board is considering continuing education credit for licensees who attend Formal Hearings.

If this sounds like something you might be interested in, send us an email to info@nclicensing.org. More information will follow in future newsletters.

Yellow Pages A MUST

In accordance with 21 NCAC 50.0406 paragraph (c) *The license number and qualification of the firm will be displayed on firm contracts, proposals, permit applications, and telephone yellow page advertising.*

It is imperative that firms list their license number in all telephone yellow page (specialty ads, *not the line ad*) type books.

Veterans' NICET Exam Fees are Eligible for Reimbursement

Select veterans who take NICET Work Element exams are now eligible for test fee reimbursement by the Department of Veterans Affairs. The reimbursement is available to qualified examinees who tested on or after January 11, 2005. Education benefits cover the cost of the exam whether the applicant passes or fails. Applicants can request reimbursement for multiple exams. For qualifications and procedures, please visit <http://www.gibill.va.gov/education/pamphlets/lcweb.htm>, or call 1-888-GIBILL (1-888-442-4551).

The VA initiated its benefits program to help military personnel transition into civilian occupations. NICET was approved by the Department of Veterans Services, State Approving Agency in Richmond, VA, for the program under the provisions of Section 122 of Public Law 106-419 that extends the coverage of the G.I. Bill.

Consent Agreement Report

A Consent Agreement is an affidavit taken from unlicensed individuals performing plumbing, heating and fire sprinkler work without a license. These individuals sign a Consent Agreement stating that they will not perform any work requiring a license until they are properly licensed to do so. If you see these businesses or individuals in the field please report them to this office.

<u>Name</u>	<u>City/Town</u>	<u>Consent Agreement</u>
Alexieff, Illya	Raleigh, NC	08/17/2005
Becton, Gary	Garner, NC	11/03/2005
Berry, Terry	Morganton, NC	11/04/2005
Blue, Robert	Raeford, NC	08/15/2005
Clark, Mark	Shreveport, LA	08/30/2005
Crandell, Stuart	Wilmington, NC	09/06/2005
Cullis, Peter	Raleigh, NC	09/13/2005
Dickens, Billy Jr.	Sanford, NC	11/17/2005
Fowler, Mark	Gibsonville, NC	09/27/2005
Frazier, Charles	Matthews, NC	11/10/2005
Jernigan, Ray	La Grange, NC	10/18/2005
Jones, Stephen	Raleigh, NC	08/17/2005
Marisette, William	Holly Springs, NC	09/12/2005
McCall, Vann	Indian Trail, NC	09/27/2005
Moore, Kenneth	Bennett, NC	10/26/2005
Mounce, Edward	Charlotte, NC	07/06/2005
Ogburn, Joseph	Fuquay Varina, NC	08/17/2005
Parsons, Donald	Kings Mountain, NC	08/02/2005
Penley, Jason	Bessemer City, NC	08/05/2005
Peterson, Tim	Bladenboro, NC	09/21/2005
Robinson, Rick	Whiteville, NC	09/21/2005
Rogers, Thomas	Reidsville, NC	10/17/2005
Saunders, Mike	New Bern, NC	10/18/2005
Shue, Jeffery	Concord, NC	10/19/2005
Simmons, Lorenzo	Fayetteville, NC	09/19/2005
Skinner, Joel	Charlotte, NC	08/02/2005
Stansbury, Gary	Kinston, NC	10/18/2005

Permit Warning Letters

<u>Name</u> <u>Warning</u>	<u>City/Town</u>	<u>Permit</u>
Allen, Charles	Hampstead, NC	10/31/2005
Arrowood, Samuel	Spindale, NC	11/04/2005
Baldree, Larry	Greenville, NC	08/24/2005
Bost, Nonnie	Salisbury, NC	08/18/2005
Carpenter, Jimmy	Knightdale, NC	12/02/2005
Davis, Forrest	Staley, NC	08/17/2005
Dziedzic, Gary	Raleigh, NC	10/10/2005
Hollyfield, Ralph	Raleigh, NC	09/07/2005
Jackson, Julius	Durham, NC	10/13/2005
Jones, Edward	Elm City, NC	11/22/2005
Jones, James	Matthews, NC	05/23/2005
Leonard, Ashley	Wilmington, NC	11/27/2005
Lindsay, Charles	Charlotte, NC	11/01/2005
Little, Joe	Cornelius, NC	08/03/2005
Markham, Kenneth	Apex, NC	10/05/2005
May, Robert	Durham, NC	08/18/2005
Meyers, James	Concord, NC	06/23/2005
Morton, Kelly	Charlotte, NC	11/09/2005
Nichols, William	Fort Mill, SC	06/02/2005
Pierce, J. O.	Roanoke Rapids, NC	09/01/2005
Rhew, Stephen	Angier, NC	11/18/2005
Richardson, Donald	Pleasant Hill, NC	08/10/2005
Talley, David	Reidsville, NC	10/17/2005
Turner, Frederick	Castle Hayne, NC	11/03/2005
Ward, James	Richfield, NC	11/01/2005

Attorney's Report

ARRINGTON, WILLIAM 1/13/04
d/b/a ARRINGTON PLUMBING CO.
Enfield NC

Allegations of violation of prior order of the Court.
Motion and Order to Show Cause forwarded to Judge for execution.
Order of Contempt and Arrest obtained and forwarded to Sheriff for service on defendant.

Order of Contempt and Arrest entered 10/19/05 finding the defendant guilty of criminal contempt of court and sentencing him to 180 days in the Halifax County Jail to run consecutively beginning at the completion of the sentence now being served.

CECIL, RONALD JASON 7/6/05
d/b/a SOUTHERN SPRINKLER
Rock Hill, NC

Plumbing contracting without a license.
Permanent Injunction Judgment filed 9/21/05 in Union County Superior Court enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

CHURCH, DANNY, d/b/a 5/19/05
DANNY CHURCH BUILDING & REPAIRS
Snow Hill, N.C.

Allegations of heating contracting without a license.
Complaint filed 6/2/05.
Permanent Injunction Judgment filed 11/9/05 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

COX, DON SCOTT, President 2/20/05
COX MECHANICAL SERVICES, LLC
Monroe, NC
License #21688 H-3-II

Allegations of incompetence in the business of heating contracting.
Formal hearing postponed 4/11/05 at request of counsel for Respondent.
Consent Order issued on 9/13/05 suspending the license of Respondent for 12 months, effective 7/12/05. At conclusion of suspension, Respondent's license shall be reinstated upon submission of proof Respondent has taken and passed the Board Contractor Business Class and Contractor Mechanical Class, upon production of letters to the Board from the homeowners in the Notice of Hearing that all matters are satisfactorily resolved or all reasonable efforts to obtain such letters have been attempted and proof that Respondent has committed no further violations of Article 2, Chapter 87 of the General Statutes since approval of the consent Order.

DUPONT, MARK 7/26/05
Burlington NC

Allegations of heating contracting without a license.
Complaint and Summons filed 9/6/05.
Service of Process obtained 9/15/05.
Trial conducted 12/5/05 Alamance County Superior Court.
Permanent Injunction Judgment filed 12/5/05 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

DEUEL, SCOTT 2/24/05
Wilmington, NC

Heating contracting without a license.
Complaint for injunction filed.
Judgment filed 9/6/05 in New Hanover County Superior Court enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

EGGERTON, FRED

Asheville NC
Allegations of violation of prior Order of the Court by heating and plumbing contracting without a license.
Show Cause hearing held 4/26/05 Buncombe County Superior Court.
Order filed 10/7/05 finding the Defendant in criminal contempt of a prior Order of the Court, sentencing him to serve 30 days in the Buncombe County Jail which sentence was suspended upon condition the Defendant pay a fine in the amount of \$500.00 to the Clerk of Superior Court, Buncombe County within 60 days of the date of the Order, perform no work requiring license under Article 2 of Chapter 87 of the NC General Statutes except in his own residence till properly licensed to do so and not subcontract such work without a valid general contractor's license.

GOUGH, DANNY G. 11/4/02
Partner, **ENERGY SOLUTIONS, LTD. PARTNERSHIP**
Lewisville NC License #07444 PH-1,2&3-I
Formal hearing held 1/14/03.

Order issued 1/20/03 suspending the license of the respondent and that of the firm to engage in business as a plumbing and heating contractor for a period of 6 months. The Board provided that the suspension period may be reduced and license returned to active status if respondent personally appears before the Board and makes a satisfactory showing that the types of problems shown in this proceeding will not be repeated.
Order served on respondent 2/2/03 and the suspension took effect on that date.

Respondent filed a Motion and Notice of Judicial Review on 2/10/03 in Yadkin County Superior Court.

Request for Reconsideration was heard by the Board on 3/11/03.
Order on Reconsideration was issued by the Board on 3/18/03 declining to exercise its discretion to reduce the period of suspension, finding the jurisdiction of this matter is in the Superior Court and the Board will take no further action on this matter during pending of appeal.

Record before the Board filed with the Court 4/2/03. The suspension was stayed by the Court on 6/27/03 pending hearing of the appeals.
Appeal heard 10/20/03 Yadkin County Superior Court.

The decision of the Board was affirmed by the Superior Court on 11/14/03, effective 11/19/03, and the remaining period of suspension was served by the Respondent. License of the Respondent has now been restored.

Notice of Appeal to the North Carolina Court of Appeals was filed by Respondent on 1/27/04.

Record on Appeal settled by Court and filed in Court of Appeals. Brief filed by Mr. Gough.

Brief by Board filed October 20, 2004.

Court entered Order in February 2005 that case be decided without oral argument.

Court of Appeals its opinion on 7/19/05 upholding the Board decision of January 2003 on Mr. Gough, and finding that Mr. Gough's due process rights were not violated.

In addition, the Court of Appeals denied Mr. Gough's "Emergency Motion Requesting Judicial Notice of Attempted Fraud and Motion for Sanctions.

GUZMAN, JAVIER WIGBERTO Morganton, NC
Board denied Petitioner permission to sit for Heating, Group 3 examination on 8/23/05.

Request by Petitioner for Hearing before the Board filed 9/21/05.

Hearing held 11/8/05.

Order issued 11/17/05 approving Petitioner's request to sit for the Heating, Group 3, Class I examination. After Petitioner acquires license from the Board, it shall be subject to a one year probation on condition there be no charge or conviction of any Federal or state penal statute excluding minor traffic offenses, and no violation of G.S. 87-23.

Attorney's Report

HOUSER, WILLIAM FRANKLIN
and

Myrtle Beach, SC

**DENVER MECHANICAL & ELECTRICAL
CONTRACTORS, INC.**

Denver, NC

Allegations of license peddling and lack of supervision in the business of heating contracting.

Formal hearing held 10/24/05.

Consent Order issued by the Board on 12/1/05 accepting the surrender of license of William Franklin Houser and providing that a request for reinstatement of license will not be considered until after a period of 3 years and when Mr. Houser appears before the Board in person and addresses the matters raised in the Notice of Hearing. The license of Denver Mechanical & Electrical Contractors, Inc., is placed on probation for a period of 2 years with provisions that Respondent corporation shall have written contracts signed by the licensee and customer for each installation for which licensee is responsible, obtain permits as required for each contract prior to commencement of work, maintain job files or other written records of contracts made and installations performed; maintain a service log of all contracts and service calls; implement procedures adequate to prove that the licensee of the firm personally visits each site prior to every request for inspection; implement procedures within the firm adequate to assure that final inspections is requested within 5 days of substantial completion of each installation, implement procedures to call for reinspection, if necessary, within 10 days and commit no violation of Article 2, Chapter 87 or the Rules of the Board. In the event of violation of the probation, license of the corporation will be suspended for a period of 2 years and disciplinary action may be taken with respect to the qualifications of the individuals whose license is listed in the name of the firm.

JONES, CECIL DEAN

General Partner

CECIL JONES & SON MECHANICAL

License #17048 H-3-II

Waynesville NC

Allegations of failure to satisfy the conditions of a prior Order by the Board and incompetence in the business of installation of heating systems at a resort area consisting of several cabins in that Respondent failed to seal sheet metal return serving downstairs to structure; installed return in floor of closet; installed a 10" supply register in return register upstairs with a closable damper, which is not allowed in the return; installed return register too close to the wall such that baseboard now covers the return grille; installed a 10" flexible return duct in the downstairs return box which is the only return feeding the 2 ton unit; failed to allow proper clearance in the installation between the ground and the outside condensing unit; failed to seal sleeves for the Freon line set; installed the condensate drain piping back-graded; failed to properly insulate the Freon suction line set; removed the factory cover and installed a piece of un-insulated sheet metal over the blower in the air handler; failed to seal the joints formed at the Freon copper tubing; installed a piece of wood inside the air handler to support the coil; installed an undersized 4" flexible duct in a return feeding the upstairs of house; left a piece of plastic inside the air handler; installed a flexible supply duct too close to the end of a supply trunk duct; failed to seal the take-off fitting where it connects to the sheet metal supply duct; used toe space under kitchen cabinet as part of the supply duct; used CPVC glue on the PVC condensate drain line and failed to use primer on the PVC glue joints; failed to seal the hold in the foundation; installed the copper high pressure Freon line in direct contact with a dissimilar metal; installed the high pressure pipe on the Freon line set measuring 3/8"; installed an improperly sealed vapor barrier on a flexible duct; installed a pad under the condensing unit which is too small; and failed to install a supply register in the family room in the basement; used a piece of rolled sheet metal as the line set sleeve in the foundation. Formal hearing held 11/8/05.

Order issued 11/17/05 revoking the license of Respondent. No request for reinstatement of license will be considered for a period of 3 years

and then only upon presentation of satisfactory evidence that the issues in the findings of fact have been resolved and will not be repeated.

KENNEDY, TERENCE PATRICK

Charlotte NC

License #20184 H-3-II

Allegations of misconduct in the business of heating contracting in that Respondent left access opening to attic space too small at 18" wide and obstructed by a flexible duct behind the door not allowing the door to open fully; failed to install large enough service platform; failed to properly insulate register boot; failed to use primer on PVC condensate piping; installed a service platform 23" deep, in violation of the North Carolina State Building Code; failed to entirely insulate refrigerant piping; use incorrect tape of UL 181 B-FX rather than UL 181 D on duct board; installed flexible ductwork with too tight radius at unit and rag; installed 14 x 14 sized filter grille which is marginal for the 1-1/2 ton capacity unit; failed to properly insulate wye fitting; installed duct disconnected from the first floor unit; used dissimilar metal to support copper refrigerant piping; failed to seal rain shield; installed rain shield below unit bottom and not rodent proofed; installed packaged unit obstructing crawl space door; failed to adequately support flexible ductwork leaving it within 4" of ground; failed to seal take off collars; failed to insulate boots; used R-4.2 duct; installed undersized return air ductwork for 4 ton system; failed to install filter in return air; and installed filter sitting directly on top of collar opening, not utilizing entire filter.

Formal hearing held for 8/9/05.

Order issued 8/19/05 suspending the license of Respondent and firm for a period of 6 months effective 9/19/05.

HELP WANTED ADMINISTRATIVE OFFICER

The State Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors seeks to employ a person for the position of **ADMINISTRATIVE OFFICER** in the Winston Salem, Greensboro, Durham or surrounding region.

The Board's Administrative Officer's main duties will be to investigate and report on alleged violations of the licensing laws and rules of plumbing, heating and fire sprinkler contractors. A high school diploma required; technical school graduate and/or experience in the plumbing or heating industry or inspections preferred. North Carolina drivers license with good driving record. Word processing skills necessary. Must be motivated and a self-starter.

Apply immediately; position may close without notice. Salary commensurate with experience; excellent benefits and auto provided. No phone calls. Please send resume to:

Administrative Officer
State Board of Examiner of Plumbing,
Heating & Fire Sprinkler Contractors
1109 Dresser Ct.
Raleigh, NC 27609

Attorney's Report

PARKER, JOSEPH RANDALL

Four Oaks, NC

License #18457 H-3-I

Allegations of misconduct in the business of heating contracting in that Respondent failed to line areas with appropriate duct material, failed to properly insulate supply boots, failed to adequately seal vapor barrier in crawlspace, failed to properly construct inner liner of flexible ductwork,



installed 2 supply ducts that terminate under lavatory cabinets, failed to properly insulate sheet metal returns, installed running trap on condensate drain contrary to manufacturer's installation instructions, failed to properly construct the trap with primer, failed to seal returns airtight where they come in contact with floor joist, failed to properly space hanger son condensate drain, failed to properly seal the PVC sleeve extending through foundation, improperly back-graded condensate drain and failed to pipe or trap secondary drain for unit, failed to carry out heat gain/loss calculation prior to installation, failed to properly seal seams on sheet metal air ducts, used silicone caulking as fire stopping from crawlspace to first floor, failed to properly support condensate drain, failed to use panduit straps on flexible duct joint, failed to properly seal vapor barrier on duct wrap, installed inadequate service platform for air handler, failed to install secondary drain and pan drain for air handler, failed to properly seal joint at sheet metal panning and roof truss.

Formal hearing held 8/9/05.

Order issued 8/19/05 revoking the license of Respondent and firm to engage in business as a heating contractor.

PASSMORE, BOBBY

7/6/05

Carolina Beach, NC

Allegations of heating contracting without a license.

Complaint forwarded to Clerk for filing on 7/20/05.

Consent Order filed 11/7/05 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

RONEY, PAUL MICHAEL

3/30/05

Reidsville NC

d/b/a **QUALITY WELL AND PLUMBING**

Plumbing contracting without a license in contempt of prior order of the Court. Contempt hearing held 8/1/05.

Order of Contempt filed 9/21/05 found the defendant guilty of 4 counts of contempt, sentenced him to serve 60 days in the Rockingham County Jail, which sentence is suspended upon payment of restitution by the defendant homeowners, Ms. Preston, Ms. Chatman and Ms. Cortez by 11/1/05, and service of 4 days active time in the Rockingham County Jail.

ROWELL, HAROLD License #22723 P-I 2/7/05 Asheville NC

Allegations of misconduct in the business of plumbing contracting in that respondent failed to obtain a permit prior to beginning installation in violation of the North Carolina State Building Code; failed to obtain a final inspection in violation of the North Carolina State Building Code; installed the water service line above ground and failed to protect the line from freezing or physical damage; installed water distribution line tied to the copper water distribution piping which cannot be installed inside the building; failed to properly support the water distribution piping; installed a hose bib without a vacuum breaker; installed copper piping to serve the new pressure gauge; failed to install a thermal expansion device on the water heater; installed cut-off valves on both the cold and hot water inlet pipes to the water heater and failed to pipe the pressure and temperature valve to a safe termination; failed to use primer on the glue joint of the new drain line serving a water closet; failed to replace the old cleanout where the drain from the tub connects to the existing drainage system; exceeded the hydraulic gradient for the tub drain by installing the vent connection from the tub 14" from the floor; terminated a flex duct and sealed the outlet with unlisted duct

tape; terminated the dryer vent in the crawlspace; failed to properly support a section of 2" drain line serving the kitchen sink and the washer machine; installed a 2" long sweep to serve the washer machine which has not been vented; failed to install a sleeve where the washer machine drain passes through the foundation wall; installed an under-sized drain line serving the washer machine, kitchen sink and a lavatory; failed to install a cleanout on the drain line serving the washer machine, kitchen sink and a lavatory; failed to install escutcheons over the drain or water lines from the kitchen sink into the crawlspace; failed to install a vent to serve the washer machine outlet; failed to install the shower trim on the tub/shower faucet; cut an existing stud in order to install the copper pipe shower riser in the wall behind the tub/shower; failed to fire stop the tub hole where the overflow pipe connected to the tub trap; used silicone to seal the top of the overflow to the tub instead of the factory provided gasket; and installed unprotected copper water piping in the wall. At the hearing, there was substantial evidence or accusations of mishandling of client funds and taking advantage of elderly clients.

Formal Hearing held 6/14/05. Order issued 7/8/05 suspending the license of respondent as a Plumbing, Class I contractor until final determination of the civil litigation between Respondent and the Cunningham family now pending in the North Carolina Court of Appeals. In the event the result of the civil litigation is such as to establish misconduct or bad character on the part of Respondent in connection with Mr. and Mrs. Cunningham, then the license as a plumbing contractor will not be reinstated, but will be revoked. If the civil litigation is concluded favorably to the Respondent so as to constitute no reflection on the character of Respondent, license as a plumbing contractor will be reinstated and the suspension terminated.

TCHAKAROV, ANTON DIMITROV, FTE Columbia SC

DELTA MECHANICAL, INC.

License #24101 P-II

Allegations of misconduct in the business of plumbing contracting in that Respondent entered into a Resolution Agreement March 18, 2004, in which Respondent agreed his license be placed on probation for 12 months. The Resolution Agreement was approved by the Board and became final and effective July 13, 2004. By the terms of the approved Resolution Agreement, Respondent was on probation, the terms of the probation being Respondent assure that all permits are obtained prior to commencing work for all jobs that require a license from Board; that all requests for inspections be made within ten days of substantial completion of all phases of work; that all failed inspections shall have code violations corrected and a request for re-inspection be made within five days of all failed inspections; assure all jobs shall pass first inspection at least 80% of the time; that licensee personally and thoroughly review all phases of work to assure the installation meets or exceeds minimum standard of North Carolina State Code prior to all inspection requests; assure that all employees shall either hold an active plumbing license or are *bona fide* employees where taxes are withheld; licensee agrees that his/her record and the records of the company shall be available for review by the Board's staff any time during normal working hours or upon written request records of company shall be produced within five business days; and shall commit no violation of Article 2, Chapter 87 or Rules of the Board with regard to any qualification administered by the Board. The staff alleged that Delta Mechanical, Inc., is a corporation located in Mesa, Arizona, with an office in Columbia, S.C. Delta Mechanical, Inc., has no office in the State of North Carolina. Delta Mechanical, Inc., has a contractual arrangement with Home Depot for the installation of microwaves, water heaters, dishwashers, range hoods, drop-in ranges, washers and dryers and other appliances. Delta Mechanical has three unlicensed persons in North Carolina whose entire duties are to install water heaters pursuant to the contract of Delta Mechanical with Home Depot. Delta Mechanical has no license in North Carolina. During the year 2004, Delta Mechanical, Inc., installed over 2000 water heaters in North Carolina. In none of the water heater installations carried out for Home Depot was a three-party contract executed

Attorney's Report

between Home Depot, the homeowner and Delta Mechanical as set out in G.S. 87-21(i).

Respondents, pursuant to ongoing contract with Home Depot, installed water heaters with code violations. As of January 2005, Respondents had 378 outstanding and open permits in Mecklenburg County covering the period between November 2003 and September 2004. In all cases no inspection requests had been made as of January 2005. In all 378 cases, more than 12 months had passed after issuance of a permit without inspection. As of January 2005, Respondents had 31 active permits acquired between January 2004 and September 2004, in which no inspection had been requested. In addition, Respondents had requested inspection on four installations where the job had failed inspection but remained in a state of noncompliance without reinspection. In connection with an installation carried out by Respondents, Respondents: failed to obtain a permit prior to beginning installation; failed to properly insulate water heater; failed to obtain an inspection; and installed a relief valve which was trapped.

Formal hearing held 10/11/05. Consent Order issued 10/11/05 suspending the license of Respondent, Anton Dimitrov Tchakarov for 12 months. License will be reinstated, if at the end of the suspension, the open permits and code violations referenced in paragraphs 8,9,10,11 and 12 of the Findings of Fact of the Order have received and passed final inspection; and Respondent Tchakarov has participated in no violations of Article 2, Chapter 87 of the General Statutes or the Rules of the Board. Following restoration of license, license will be on probation for a period of 12 months. During the period of probation Respondent, Tchakarov, shall, with respect to all work carried out under his license: maintain a written record (e.g. spreadsheet, list, etc.) of contracts made and installations performed; maintain a service log of all contracts and service calls by date of initial call and including date of first response; maintain job files or other written records of contracts made and installations performed; have written contracts signed by the Respondent and customer for each installation for which Respondent is responsible, prior to commencement of work; obtain permits as required for each contract prior to commencement of work, except in the event of a night or weekend installation. In such cases, Respondent Tchakarov shall apply for a permit no later than the next business day after commencement of work; request final inspection within 10 days and obtain final inspection within 20 days after installation and any reinspection within 10 days of first inspection, participate in no installation which does not comply with G.S. 87-21(i), comply with the supervision requirements set forth in the Board rules; and, commit no violation of Article 2, Chapter 87 or the Rules of the Board with regard to any qualification administered by the Board. During the period of probation, the foregoing records and contracting activities of Respondent shall be monitored by staff of the Board. In the event of violation by Respondent Tchakarov during the suspension or violation of the probation, license will be revoked. Respondent represents that he will comply with the foregoing, but if necessary to request waiver based on substantial compliance, he will show the Board documentation that the consumer has been informed prior to installation of the safety need and legal requirement for inspection, documentation regarding subsequent follow-up communications with the consumer regarding the requirement for inspection, in an effort to show Respondent Tchakarov has made every reasonable effort to obtain inspection.

With respect to Delta Mechanical, Inc., any license issued in the name of Delta Mechanical, Inc., and used in the state of North Carolina, will be on probation for two years. The conditions of probation are that with respect to all work carried out requiring license from this Board, Delta shall: maintain a written record (e.g. spreadsheet, list, etc.) of contracts made and installations performed; maintain a service log of all contracts and service calls by date of initial call and including the date of first response; maintain job files or other written records of contracts made and installations performed; have written contracts signed by the Respondent and customer for each installation for which Respondent is responsible, prior to commencement of work; obtain permits as required

for each contract prior to commencement of work, except in the event of a night or weekend installation. In such cases, Respondent shall apply for a permit no later than the next business day after commencement of work; request final inspection within 10 days and obtain final inspection within 20 days after installation and any reinspection within 10 days of the first inspection; the open permits and code violations referenced in paragraphs 8,9,10,11 and 12 of the Findings of Fact shall receive and pass final inspection within the first 12 months after entry of this Order; there be no open permits issued for installation contracts being carried out by Delta Mechanical, Inc., which are more than 30 days old as indicated on the records of Mecklenburg County, Wake County, and the City of Raleigh or other counties spot-checked by the Board staff, excepting only permits for plumbing or heating projects having a project cost in excess of \$1000.00, no installations which were actually contracted between homeowner and an unlicensed person or firm be performed by Delta Mechanical, Inc., except where Delta Mechanical, Inc., has a contract for the installation by the homeowner which complies with the requirements of G.S. 87-21(i). After 30 days from the date of this Consent Order, Delta Mechanical, Inc., will not contract or perform work requiring license from this Board in North Carolina, except when it has in its employment, a licensee whose license is issued in the name of Delta Mechanical, Inc., and who resides and has his business location in North Carolina and whose duties are to supervise all work requiring license. After three months from the date of this Consent Order, Delta Mechanical, Inc., will not contract or perform work requiring license from this Board except when it has in its employment, two licensees whose licenses are issued in the name of Delta Mechanical, Inc., and whose residence and business locations are in North Carolina and at least one hundred (100) miles apart and whose duties are to supervise all work requiring license; all persons performing installations or holding license from this Board will be paid by Delta Mechanical, Inc. as W-2 employees and not on a 1099 or cash, the foregoing requirements will apply to the license of any individual employed by Delta Mechanical, Inc. whose license is placed in the name of the firm during the two year probation. During the period of probation, the foregoing records and the contracting activities of the Respondent shall be monitored by staff of the Board. In the event of violation of probation by Delta, license of Delta Mechanical, Inc. will be suspended for a period of one year. Delta represents that it will comply with the foregoing, but if necessary to request waiver based on substantial compliance, it will show the Board documentation that consumer has been informed prior to installation of safety need and legal requirement for inspection, of Delta's insistence that it will decline to perform the work in the absence of agreement that the inspection will occur, documentation regarding subsequent follow-up communications with the consumer regarding the requirement for inspection, in an effort to show Respondent Delta has made every reasonable effort to obtain inspection. In the event that either Respondent contends that in isolated cases it has made every reasonable effort to obtain final inspection and should be excused from its legal obligation, either Respondent may petition the Board for relief, describing its efforts made and the circumstances supporting a determination that such violation of statute should be allowed to continue. The Board may or may not grant a waiver based on all circumstances existing at that time.

TYNDALL, JOHN L. 10/13/05 Fayetteville NC

Allegations of contempt of prior order of the Court.

Show Cause hearing held 11/28/05.

Order of Contempt filed 11/29/05 sentencing defendant to four days electronic house arrest and to pay the costs of the action.

Report continued on page 8

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info@nclicensing.org**

(Attorney report continued from page 7)

WOODRUFF, HENRY

7/26/05

Sharpsburg NC

Heating contracting in violation of injunction and prior order of the Court.

Contempt hearing held 10/17/05.

Order of Contempt entered 10/28/05 finding the Defendant in contempt of the prior order of the Court, sentencing him to 30 days in the Nash County Jail, which sentence is suspended for 5 years on condition of defendant's compliance with the condition that he refrain, directly or indirectly, from any future violation of the 8/2/02 Order of the Court, and ordering him to pay court costs by 11/18/05.

Mandatory Code Year Each licensee must take 4 of their 6-CE hours in NC Code Changes and Amendments

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