



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

1109 Dresser Court Raleigh, North Carolina 27609  
919/875-3612 – Fax 919/875-3616 - Website: www.nclicensing.org

**A. G. Williams, Chairman**

**P. K. Selby, T. G. Proffit, H. J. Summey, R. M. Boone, S. K. Hensley, J.N. Royal**

### Attention Contractors—Whose License Is It?

The Board staff frequently receives phone calls from licensees or future licensees about the use of their license for a company. There has long been a misconception about who this Board licenses. While we realize that in other states plumbing, heating & fire sprinkler contractor licenses may be issued to the company and then the company finds a qualified individual to perform the work, that is not how it is done in North Carolina.

The State Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors issues contracting licenses to individuals. All licensees who receive a contractor's license get just that, a license to contract business. Once an individual receives a contractor's license from this Board, they may choose to leave the license in their individual name

or put it in the name of their own company or one they work for. However, it is done; the license must be listed in the name of how the licensee is doing business (see As-



sumed Names in the *Laws & Rules* book). A licensee working for a company that is going to use his license **MUST** have their license is-

sued in that company name. We realize that some companies think it is their license, but that is not the case. If that license leaves the company – that license goes with him!

Another important thing to look at is that a lot of licensees think it is okay to let someone else use their license. That is **NOT** okay, the Board considers that selling a license, and that is illegal. NCAC 50.0403(a) states, "A licensed contractor shall not permit the use of his license by any other person." Selling or letting someone else use your license may result in disciplinary action being brought on the licensee, and the decision could be revocation of the license.

Licensees, know the rules of the Board and guard your license, it is your livelihood.

### **WELCOME BOARD MEMBERS**

#### **Gov. Easley Reappoints Selby**

Gov. Mike Easley has reappointed Patricia K. Selby to a full term as the public member on the Board. Ms. Selby is retired from Vance-Granville Community College.

#### **Gov. Appoints Royal**

Gov. Easley also appointed John N. Royal as the Engineer member on the Board. Mr. Royal is a graduate of North Carolina State University where he earned a Bachelor of Science Degree in Mechanical Engineering. He is the Director of Building Construction and Maintenance at NC State University. Mr. Royal is an active volunteer with the SPCA of Wake County and is an avid swimmer, cyclist, runner, and Triathlete.

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## **Decision on Fire Sprinkler Inspection Technician Exam**

At the March 14, 2006 public hearing, testimony was heard concerning the Administrative Rules relating to the Board's implementation of an examination for the inspection technicians. One of the issues was whether or not to continue the exam or phase it out, which would cause applicants for the technician's exam to have to obtain their NICET II certification in Inspection & Testing of Water based Systems. Comments heard were varied and led the Board to the following decision:

The exam will be available for any person performing NFPA-25 inspections until December 31, 2007 at which time the Board will reevaluate the issue as to whether to continue administering the exam or not.

Correspondence has been sent to fire sprinkler inspection contractors informing them of how they and their employees who need the license should proceed.

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### **New Rules Affecting Contractors**

#### **21 NCAC 50.0301**

##### **QUALIFICATIONS DETERMINED BY EXAMINATION**

- (b) Each person being examined by the Board for a contractor license shall be required to read, interpret and provide answers to both the business and law and the technical part of the examination required by G.S. 87-21(b).
- (c) Applicants for licensure as a fire sprinkler contractor, unlimited classification, must take and pass the business and law part of the exam administered by the Board.
- (d) Technicians who obtained license without examination must either pass the technical examination offered by the Board or submit evidence of Level II Certification in "Inspection and Testing of Water-based Protection Systems" by NICET in lieu of examination no later than July 1, 2006 or Technician license will lapse.

*(NOTE: If licensee has not obtained NICET certification or has not passed the Board's exam, the license has lapsed and is not valid to do work.)*

#### **21 NCAC 50.0512**

##### **EMPLOYEES EXEMPTED FROM LICENSURE**

- (a) An unlicensed person who is directly and regularly employed in the ordinary course of business by a contractor licensed pursuant to G.S. 87, Article 2 is not required to have a license and shall not be subject to an action for injunctive relief brought by the Board. Factors establishing whether the individual is directly employed in the ordinary course of business of such contractor include, the following:
  - (1) Whether the individual is on the licensed contractor's payroll;
  - (2) Whether taxes are withheld from the payment to the individual and the contractor performs such other acts as are lawfully required by the employer;
  - (3) Whether the licensed contractor exercises control and supervision over the method, manner and details of the individual's work; and
  - (4) Whether the licensed contractor, and not the unlicensed person, is and remains obligated to the property owner or general contractor for the work.
- (b) Persons acting as independent contractors, consultants or subcontractors, or paid as such, are not bona fide employees; provided that licensed contractors may utilize employees shared with a labor supplier under a written contract which may allocate payroll or tax withholding obligations to the labor supplier while reserving control, supervision and obligation to the owner or general contractor to the license of the Board, and provided the license upon whose qualifications the license of the employing contractor is based remains a person meeting all four of the indicia of employment set out in paragraph (a) of this Rule and is not contracted by or acting as a labor supplier.

## New Rules Affecting Contractors *(continued)*

### 21 NCAC 50.1401

#### CONTINUING EDUCATION REQUIREMENTS

- (a) Prior to renewal of license for the year beginning January 1, 2008, and for renewals thereafter, each license holder of a Fire Sprinkler Contractors license must have completed six hours of approved classroom continuing education for each calendar year.
- (f) Holders of Fire Sprinklers Contractor's licenses, licensed pursuant to the minimum requirements of certification for NICET Level III, subfield of Automatic Sprinkler System Layout, and Testing of water-based Fire Protection Systems shall obtain continuing education in the process of maintaining current NICET certification. Such persons shall submit evidence of continued NICET certification to the Board. At least six hours of continuing education shall be classroom education carried out by personal attendance at courses approved pursuant to this section.

### 21 NCAC 50.1402

#### EXEMPTIONS AND CREDITS

- (c) Licensees who are unable to fulfill the required number of hours as the result of illness as certified by an attending physician and who will not be engage in bidding, supervising or other activities for which license is required may petition the Board in writing for an exemption or request of approval of an individualized plan tailored to their physical limitations. Such request shall be approved within 90 days consistent with the requirements applicable to all licensees.
- (f) Licensees sitting on the Resolution Review Committee or attending formal hearings other than as a Respondent shall receive credit for such hours, but are not relieved of the necessity to obtain the code hours required by 21 NCAC 50.1401(b)(1).

### **AFSA Introduces Thomas S. Waller Memorial Scholarship**

The fire sprinkler industry lost a true leader with the passing of Thomas S. Waller on May 10, 2005. Tom Waller was passionate about fire sprinklers, not only as a way to make a living, but also as a way to save lives. He worked tirelessly to promote and improve this industry.

Tom was enthusiastic about education. He spent countless hours working on training programs for the fire sprinkler industry. He also devoted many, many hours to educating the public about fire sprinklers.

Because of Tom Waller's devotion to the fire sprinkler industry, education and children, AFSA's Board of Directors decided that an appropriate tribute to this man was to honor his name with a memorial scholarship. It will be presented to students who are junior or seniors majoring in Fire Protection and Safety Technology at Oklahoma State University, a nationally recognized fire protection program.

The first recipient of the scholarship is Matthew Garner. Garner will be a senior at OSU in the fall of 2006. He is a 4.0 student, and an officer in the Society of Fire Protection Engineers student chapter, the Fire Protection Society, and the American Society of Safety Engineers. He also works a part-time to help pay for school, and he serves as a tutor and as a "success coach" for freshmen at OSU.

*Information courtesy of Sprinkler Age, May 2006*

### **New Laws & Rules Book Now Available**

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

Raleigh, North Carolina

### **LAWS & RULES**



**General Statutes Chapter 87, Article 2  
21 North Carolina Administrative  
Code Chapter 50 and  
Other Laws, Regulations and Material  
Related to the Construction Industry**

**Send Check or Money Order to:  
State Board of Examiners  
Cost \$11.51  
Please include return address for shipping**

NEW ADMINISTRATIVE OFFICER

The Board welcomes Rob Priddy to the staff of Administrative Officers. Rob's prior experience was in Quality Engineering and as a Plumbing Contractor.

## New Coverage Areas for Administrative Officers

Dale Dawson—Lead Administrative Officer—(828)-712-7300

<b>Eric Hall 828-234-2719</b>	<b>John Todaro 704-975-5305</b>	<b>Wayne Mixon 919-602-9095</b>	<b>Will Enecks 252-916-4966</b>	<b>Rob Priddy 336-416-0413</b>
Alleghany	Anson	Bladen	Beaufort	Alamance
Alexander	Cabarrus	Brunswick	Bertie	Caswell
Ashe	Cleveland	Chatham	Camden	Durham
Avery	Davidson	Columbus	Carteret	Forsyth
Buncombe	Davie	Cumberland	Chowan	Guilford
Burke	Gastonia	Duplin	Craven	Orange
Caldwell	Mecklenburg	Harnett	Currituck	Person
Catawaba	Montgomery	Hoke	Dare	Randolph
Cherokee	Moore	Johnston	Edgecombe	Rockingham
Clay	Richmond	Lee	Franklin	Stokes
Graham	Rowan	New Hanover	Gates	Surry
Haywood	Scotland	Pender	Granville	Yadkin
Henderson	Stanly	Robeson	Greene	
Iredell	Union	Sampson	Halifax	
Jackson		Wake	Hertford	
Lincoln			Hyde	
Macon			Jones	
Madison			Lenoir	
McDowell			Martin	
Mitchell			Nash	
Polk			Northampton	
Rutherford			Onslow	
Swain			Pamlico	
Transylvania			Pasquotank	
Watauga			Perquimans	
Wilkes			Pitt	
Yancey			Tyrrell	
			Vance	
			Warren	
			Washington	
			Wayne	
			Wilson	

# Attending Formal Hearings



## What happens in a formal hearing?

Now You Can Find Out and Receive  
Continuing Education Credit

### Procedures for attending Hearings

1. You must call the Boards' office and register to attend hearings. Seating space is limited and walk-ins will not be allowed.
2. You will be notified of times when you register. Please arrive on time. No one will be admitted once hearings begin.
3. Sign-in and out to receive CE credit.
4. Turn off all phones and pagers during hearings.
5. Attendees are only allowed to observe. Do not make verbal comments during the formal proceedings.
6. Please wait for a break, during the hearings, if you have to leave the room.

### 2006 HEARING SCHEDULE

July 11	August 8 (Asheville)
September 12	October 10
November 14	December 12

## 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>
Anthony, Stemper	Holly Ridge, NC	04/03/2006
Bailey, Bobby	Durham, NC	04/20/2006
Baker, Donald	Franklinville, NC	01/11/2006
Bedoya, Jhon	Gastonia, NC	02/27/2006
Belmonte, Anthony	Charlotte, NC	01/03/2006
Benjamin, James	Winston Salem, NC	08/11/2005
Blum, Verlin	Jacksonville, NC	01/19/2006
Carswell, Gary	Shelby, NC	02/21/2006
Cottrell, William	Hope Mills, NC	01/11/2006
Day, James Jr.	Havelock, NC	03/07/2006
Fowler, James	Hope Mills, NC	08/30/2005
Gardner, Phillip	Gastonia, NC	02/21/2006
Ghantt, Wesley	Gastonia, NC	02/20/2006
Gilmore, Michael	Raleigh, NC	01/18/2006
Golden, Brad	Morehead City, NC	03/07/2006
Hammer, Roger	Goldston, NC	12/08/2005
Hamrick, Mark	Lawndale, NC	01/19/2006
Horton, Robert	Charlotte, NC	02/16/2006
Huntington, Daryl	Fort Mill, SC	10/07/2005
Johnson, Tony	Shelby, NC	03/13/2006
Mahan, Larry	Thomasville, NC	01/10/2006
Maas, Eric	Greenville, NC	04/18/2006
Matthews, David	Rock Hill, SC	03/09/2006
McDonald, James	Kinston, NC	03/07/2006
McNeill, Jackie	Asheboro, NC	01/11/2006
Miller, Randall	Statesville, NC	03/13/2006
Morris, Steven	New Bern, NC	03/07/2006
Morton, Leon	Chapel Hill, NC	04/20/2006
Nash, Michael	Youngsville, NC	02/17/2006
Nichols, Dalvin	Farmville, NC	04/19/2006
Parker, Jeffery	Raeford, NC	10/05/2005
Phillips, Roger	Lexington, NC	01/18/2006
Rush, Ayaris	Fayetteville, NC	01/11/2006
Scarlett, William	Mebane, NC	01/09/2006
Schenck, Ray	Charlotte, NC	12/05/2005
Simms, Christopher	Charlotte, NC	12/05/2005
Simpson, Troy	Winston Salem, NC	08/03/2005
Smith, Archie	Virginia Beach, VA	07/19/2005
Smith, Garland	Richlands, NC	03/08/2006
Springsteadah, Michael Herbert	Rock Hill, SC	03/29/2006
Tart, Kenneth	Fayetteville, NC	01/11/2006
Vanegas, Elider De Jesus Bedoya	Gastonia, NC	02/27/2006

## Permit Warning Letters

<u>Name</u>	<u>City/Town</u>	<u>Permit Warning</u>
Boulware, Melvin	Charlotte, NC	02/02/2006
Carter, Dempsey Jr.	Bowling Green, SC	09/26/2005
Crawford, Bruce	Marion, NC	01/25/2006
Davis, Scott	Gastonina, NC	02/20/2006
Hart, Curtis	Vass, NC	01/11/2006
Hunt, Henry	Maxton, NC	02/13/2006
Kimberlin, William B.	China Grove, NC	03/15/2006
Mansfield, Perry	Oak Island, NC	11/01/2005
Poe, Michael	Raleigh, NC	09/21/2005
Rogers, Harold	Thomasville, NC	12/19/2005
Smith, Buddy	Mayodan, NC	01/09/2006
Stewart, Daniel	Belmont, NC	02/27/2006
Taylor, Duke	Wake Forest, NC	03/10/2006

# Attorney's Report

**DAVIS, LARRY EUGENE**  
**d/b/a ALL-STAR PLUMBING**

7/26/05

Kernersville, NC

License #11778 P-I

Allegations of misconduct in the business of plumbing contracting in that Respondent represented the experience and education of an Applicant to the Board to sit for a Plumbing Class I license examination. At the time of the application, the true facts were that the Applicant was employed as the bookkeeper for Larry Davis Plumbing, LLC. Respondent acknowledged falsely representing the experience of the Applicant. Formal hearing held 1/10/06.

Order issued by the Board on 1/23/06 revoking Respondent's license to engage in business as a plumbing contractor. Any current employee of All-Star Plumbing who seeks to apply for examination may provide any available evidence of experience, and provide corroboration from Larry Davis, provided all such information shall be validated by the Board staff independent of the statements of Larry Eugene Davis.

**HAYNIE, JERRY MILTON**

11/18/05

**DBA RELIABLE SERVICE PLUS HEATING & COOLING**

Winston-Salem, NC

License #20050 H-3-I

Allegations of incompetence in the business of heating contracting in that Respondent failed to obtain a permit prior to beginning installation; failed to obtain inspections, contracted to install a 2.5 ton system which was undersized for the application; installed a mismatched system consisting of a 1.5 Ton air handler and a Trane 2 Ton condensing unit instead of 2.5 Ton Unit he contracted to install; contracted to provide free service calls for 2 years but failed to respond to service calls; enticed homeowner to drop action in Small Claims Court by promising to fix system before case went to court, but failed to repair system even after case was dropped; wired emergency heat to operate every time heat came on; failed to install panduit strap over tape on inner liner of flexible duct joint; used unapproved, unlisted tape on seam of sheet metal; installed pan drain fitting to emergency pan measuring 1/2" IPS reduced from a larger size, causing a reduction on pan drain; installed a drain with threaded portion only 1/2"; failed to provide a catwalk to access service side of air handler; used a piece of rubber hose rather than pipe to connect condensate drain to pan drain on air handler; failed to install a trap on condensate drain; failed to seal joint between sheet metal duct and new air handler; installed air handler graded away from condensate drain on front side of air handler; failed to install a pad under condensing unit; failed to perform a load calculation prior to beginning installation; contracted to install two 3-ton units, but installed a 4-ton system upstairs and a 2-1/2-ton system downstairs although residence required a 3-ton system upstairs and needed 1.1-ton capacity downstairs; installed a 201 sq. in. supply plenum for 4 ton system rather than minimum 288 sq. in. and undersized numerous supplies; failed to properly support flex duct and used ceiling tile to support sheet metal supply boot and flexible duct; removed a duct after rough-in inspection; installed Freon line set and condensate drain from upstairs unit on outside of house; used a light fixture to support a flexible duct; used a piece of tape to cover a hole in sheet metal return duct. After commencement of investigation the installation failed inspection

September 16, 2004, September 30, 2004, October 5, 2004, October 13, 2004, and October 19, 2004. Respondent contracted beyond the scope of his license; abandoned the project without justification; failed to install flexible ductwork in accordance with the Air Diffusion Council requirements due to improper flexible duct joint construction; reduced gas piping prior to reaching the equipment; installed gas piping sediment trap with no change of direction; installed the unit on top of piers with no internal reinforcement and without anchoring the unit to the piers; and cut hole in the building wall for no purpose. The Respondent displays a pattern of failing to obtain final inspections. In September of 2004, Respondent had more than 40 open permits, at least 25 of which were more than six months old. At the end of 2004 it became necessary for the Inspection Department to stop all inspections until open permits were cleared up. Formal hearing held 2/14/06.

Order issued by the Board on 3/2/06 placing respondent's license as a heating group 3 contractor on supervised probation for two years with provisions that respondent: maintain a written record of contracts made and installations performed; have written contracts signed by Respondent and customer for each installation for which Respondent is responsible, including within each contract the scope of work included and not included, the specifications of the equipment to be installed, the estimated date of completion and the terms of payment; collect no more than 50% of the contract price prior to passage of final inspection; obtain permits as required for each contract prior to commencement of work; implement procedures within the business adequate to assure that final inspection is requested within five days of substantial completion of each installation, and that the results of the inspection request are known and of record in the business within a like period of time; implement procedures to call for reinspection, if necessary, within ten (10) days after the request for final inspection; take steps to assure that each system installed through the use of pre-existing ductwork complies with manufacturer's installation instructions, accepted design standards and the North Carolina State Building Code; retain a copy of a heat loss/heat gain calculation for each new installation or changeout; maintain a service log of all contracts and service calls by date of initial call including the date of first response; in addition, within 12 months after the effective date of this Order set out below, the Respondent shall have enrolled in and satisfactorily completed a minimum of four (4) technical courses relating to: (1)HVAC Design, (2) Business Management, (3) HVAC Load Calculation, and (4) Recordkeeping; Respondent shall present evidence to the Board of a passing grade in each such course by the end of 12 months from the effective date of this Order set out below; during the period of probation, Respondent shall submit quarterly reports documenting his compliance with the provisions of this probation order; no violation of Article 2, Chapter 87 or the Rules of the Board with regard to any qualification administered by the Board. In the event of violation of the conditions of probation, license will be suspended for a period of two years.

**HICKS, CRAIG DONOVAN**

10/19/04

**d/b/a AFFORDABLE HEATING & AIR CONDITIONING**

# Attorney's Report

Clayton, NC

License #19169 H-3-I

Respondent received a permit warning letter in January 2003, and was placed on probation for one year. Respondent then failed to obtain permits, secure inspections, provide adequate supervision, obtained money and abandoned jobs, failed to complete jobs in a timely manner, failed to provide adequate design of ductwork in systems, failed to size equipment properly, failed to respond to complaints in a timely manner, and failed to comply with a prior Probation Order. Respondent failed to comply with the provisions of a Resolution Agreement to attend the Contractor Business class. Subsequent to the foregoing, the Board received additional complaints that respondent failed to use conduit on high voltage wiring to furnace; failed to provide proper venting; failed to provide proper condensate line; failed to install and protect gas line properly (no drip leg); failed to obtain a permit and inspection; failed to respond to consumer complaints despite notification, contracted the job without license as a result of previous suspension of license; failed to obtain permit or inspection in violation of North Carolina State Building Code and the Rules of the Board; failed to carry out appropriate heat loss calculations; represented to the homeowner that inspection was not necessary and would cost several hundred dollars; failed to supervise personnel; failed to design the duct system properly or to size equipment properly; failed to use splicing collars on flex duct; failed to insulate metal duct; used improper flex duct take-offs; failed to insulate supply boots; failed to seal ductwork; installed improper duct takeoff; failed to pipe condensate line away from house; stripped electric wires too far back, resulting in exposed wiring and safety hazard; failed to repair vapor barrier with holes in flex duct; failed to indicate heat strip on nameplate; failed to remove old ductwork; and failed or refused to return to complete and correct the installation.

Formal hearing held 3/8/05.

Order issued by the Board on 3/15/05 revoking the license of Respondent as a heating group No. 3 contractor.

A Petition for Judicial Review was filed by the Petitioner in Superior Court on 4/22/05.

Record before the Board filed 5/23/05.

Argument on Administrative appeal held 11/8/05, Wake County Superior Court.

Order issued and filed on 2/23/06 by Judge Jolly affirming the final agency decision and dismissing the Petition with prejudice.

**KELLY, BRIAN KEITH, aka, KEITH BRIAN KELLY**  
Contracting without license in violation of prior Court Orders.

3<sup>rd</sup> Amended Motion and Order for Show Cause prepared.

Contempt Hearing held 12/12/05 Gaston County Superior Court.

Order issued 1/17/06 finding the defendant in contempt of prior orders of the Court, sentencing the Defendant to serve 510 days in the Gaston County Jail and pay \$2,500.00 fine to the Clerk of Superior Court of Gaston County.

**KHARBAT, RAMZI MOHAMMED**

7/18/05 and 8/5/05

Owner, **HEAT WAVE HVAC**

Castle Hayne, NC

License #20787 H-3-I

Allegations of misconduct, negligence and incompetence in the business of heating contracting in that Respondent has two open permits in his name for year 1999, 39 open permits for 2002, 32 open permits for 2003, 51 open permits for 2004 and 16 open permits for 2005, a total of approximately 140 open permits as of May 2005. Failed to obtain a permit prior to beginning installation of a heating system, failed to obtain timely final inspection; installed new condenser and failed to obtain a permit; failed to add return air plenum; failed to add filter rack and filter; failed to seal all connections and joints on supply and return side; installed a mismatched system; installed a 1-1/2 inch plywood constructed return box which does not meet the flame spread requirements; installed a return filter area which is undersized for 2.5 ton system; terminated gas line inside return air plenum; failed to complete firestopping inside closet and failed to seal hole in floor; failed to protect flex duct inside closet which is being restricted; terminated condensate drain line under house; installed a used unit outside; failed to seal lineset outside; failed to properly support line set outside; failed to complete firestopping at ceiling leaving an area of the ceiling torn out allowing attic area to mix with air inside house; failed to properly insulate suction line allowing condensation to drip inside closet; left improper clearances to single wall vent pipe; failed to properly connect ductwork to cooling coil; failed to install a return opening large enough for two ton system; demanded payment of \$10,000 several weeks after beginning installation and represented rough-in would be completed and inspected by October 1, 2004, and failed to do so; failed to install air handler in an accessible area as per code; failed to add return to downstairs system; installed a return near garage entrance which is choked; failed to insulate tee under house; failed to insulate hanger on end of trunkline under house; installed refrigerant lines which are too small; failed to properly support unit or handle primary and secondary condensate lines, allowing condensate to overflow, causing water damage to ceiling; wedged a board at one end of unit to make condensation flow toward drain pipe; installed return duct bent too tightly which restricts airflow; left gaps in insulation covering refrigerant line; failed to install system which would properly heat and cool residence forcing homeowner to hire another contractor to repair system at a cost of \$6,038.41; installed a mismatched system consisting of a York 2001 Model condensing unit hooked up to a Goodman Air handler; installed three gas packs rather than two as contracted; placed system in operation without ever hooking ductwork to one of the pieces of equipment; installed 18" round duct for supply and return instead of required 22"; used tape as mechanical fasteners, allowing supply air to blow out of side of unit; failed to properly support gas piping; installed termination vent shield for heat exchanger upside down on one unit nearly burning warning label off; installed reduced and undersized gas piping to both units; installed a crimped and restricted gas line; failed to install a cutoff for gas piping at the unit; was informed by local Code

# Attorney's Report

(continued from page 5)

Code Enforcement Officials a Heating Group 2 license would be required for installation of 5-Ton system; failed to obtain a final inspection in violation of the North Carolina State Building Code, with two units being in service for 1-1/2 years; contracted beyond the scope of his license to install the system; installed undersized gas piping; failed to install cutoff; installed wood inside return air plenum box which does not meet proper flame spread requirements of 3/8 inch wood.

Formal Hearing held 9/13/05.

Order issued 10/5/05 by the Board which suspended license of Respondent for a period of one year; at the conclusion of the suspension, Respondent's license shall be reinstated, but only if, within 12 months from the date of the Order, Respondent produces evidence adequate to establish that Respondent: obtained a passing score on a regularly scheduled written Heating Group 3, Class I examination; satisfactorily completes a minimum of seven technical courses relating to HVAC Design, Business Management, HVAC Duct Design and Insulation, Contractor Laws and Rules, HVAC Code Requirements, and HVAC Load Calculation and Recordkeeping, has obtained letters from all homeowners listed in the Notice of Hearing in this matter indicating their issues have now been resolved to their satisfaction; and obtains a letter from the New Hanover County Inspection Department verifying all open permits set out on the list contained in the hearing record have passed final inspection, or Respondents have made all reasonable efforts to arrange and accomplish final inspection — excepted from the requirements are two open permits from 1999; despite the suspension of license, Respondents shall be allowed to make any corrections necessary for the systems to pass inspection. In the event of completion of one years suspension and return of license to Respondent, license of Respondent shall be placed on probation for one year. In the event of violation of the probation, the license will be revoked. In the event of failure to comply with the requirements of the Order during the suspension, license shall be revoked.

Petition for Review and Motion for Stay filed by Petitioner.

Hearing on Motion to Stay held 12/1/05. Motion denied. Order remains in effect.

Record before the Board filed 12/6/05 in Wake County Superior Court. Notice of Dismissal with Prejudice filed 4/5/06 dismissing the administrative appeal.

**KISER, DONALD W.** License #14656 Matthews, NC  
Request by the Respondent for modification or relief of the prior Order of the Board.

Hearing held 2/14/06.

Order issued by the Board on 3/2/06 ordering that the approved Resolution Agreement remain in force, except that the date for compliance with the course requirement be extended to December 31, 2006 and that the Board will authorize the staff to accept an alternate course submitted by Mr. Kiser provided it meets the educational objectives of the course designated pursuant to the original Order and provided Respondent completes and passes such course.

**MAYTON, KERRY LEE**

10/13/05

**KERRY L. MAYTON HEATING & AIR CONDITIONING CO.** Burlington, NC License #19419H-3-I

Allegations of incompetence and misconduct in the business of heating contracting in that Respondent contracted to install a heating group 3 system, obtained a draw on the contract and abandoned the job; failed to obtain a permit prior to beginning installation, installed a jumper wire in November 2004 to bypass low voltage control wiring with the result that auxiliary heat has been used since that date; failed to rodent-proof the lower rail in the unit; installed a 3 sided rain shield; failed to seal the rain shield where it connects to the house; failed to properly attach the condensate drain; failed to use primer or glue on the glue joints; installed flexible duct joint such that the connection to the package unit has failed and the unit is drawing air from the crawlspace and sending it back into the house through the return; failed to use a take-off or fitting to connect the smaller supply branch duct to the larger supply trunk; failed to respond to homeowner's requests for service since November 2004, forcing homeowner to continue to rely on alternative heat sources; failed to adequately supervise the installation in violation of the Rules of the Board; used improper tape on the ductwork; failed to properly seal floor register; installed ductwork in a living space which failed to meet clearances for habitation; and failed to obtain a final inspection in violation of the North Carolina State Building Code and Board rules.

Formal hearing held 1/10/06.

An Order was issued by the Board on 1/23/06 revoking the license of Respondents both as individual and as a corporation, to engage in business as a heating contractor. Application for reinstatement of license will be considered by the Board only upon submission of documents to the Board indicating Respondent has made restitution to homeowners named in the Notice.

**PHILLIP, MAURICE**

10/7/05

Fayetteville NC

Allegations of heating contracting without a license.

Complaint and Summons filed 10/27/05.

Alias & Pluries Summons filed 11/9/05.

Service obtained 11/28/05.

Court Injunction filed 3/1/06 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

**TCHAKAROV, ANTON DIMITRI**

**DELTA MECHANICAL** Columbia, SC License #24101 P-II  
Request by Respondent for modification of Order issued by the Board.

Hearing held 2/14/06.

Order issued 3/2/06 by the Board providing that if the Respondent fully complies with Paragraph 8(k), Page 17, of the Consent Order by February 28, 2006, such action is effective compliance with its Order. The Board takes no position as to compliance or non-compliance with the other terms of the Order but reminds Respondent that Board Rules require permits, request for inspection and inspection of all work for which license is required. Respondent is encouraged to read and comply with provisions of 21 NCAC 50.0402(a) and 21 NCAC 50.0402(b).



## Contractor Outreach Programs

Recently, the Board instituted two new educational programs, one in plumbing and one in HVAC, designed to help licensed contractors and their installers better understand current codes, recent code changes, interpretations issued by the Department of Insurance, installation violations found by local inspectors and violations found by investigators of the Board.



Typically these outreach meetings are held in conjunction with the local inspection departments and create an opportunity to have the licensing board representative, the local inspectors and the licensee in an open type forum to cover important topics that affect contractors and their installers' everyday. These programs are usually held in the evenings and typically last two hours in length. They are designed to use hands on materials as well as a power point program to cover the topic items. In addition, these meetings employ a limited question and answer period designed to try and answer some of the pressing questions that our licensee have about our industry. Though this program is in its early stages, it has proven to be very successful.

It is very important to note that these meetings are not continuing education classes and the Board cannot give licensees continuing education credit hours, but these meeting do provide training for licensees and their installers covering frequently failed inspection items. The core program will be the same taught everywhere, but each meeting is modified to try and cover local issues. Anyone interested in hosting one of these meetings held their area; please contact Dale Dawson with the Board's office at 828-712-7300.

## Good Guys & Gals Award

For the ninth consecutive year, PHCC - North Carolina hosted the SkillsUSA North Carolina state competitions in HVAC and plumbing during its annual convention and Expo. This year's event was held April 6 at the Greensboro Coliseum Complex with 25 students participating. PHCC-North Carolina and Charlotte Plumbing, Heating and Cooling Contractors Association sponsor the winning students and teachers to attend the National SkillsUSA Competitions taking place June 18-24 in Kansas City, Missouri.



This year's top winners and instructors are:

### Plumbing:

1<sup>st</sup> Place:

Dustin Coffey – Student

Mike Swanson - Instructor

Caldwell County Career Center – Hudson, NC

### HVAC:

1<sup>st</sup> Place:

Christ Craft – Student

John Masters – Instructor

Bertie High School - Windsor, NC

SkillsUSA North Carolina is a professional and skill development organization designed to be an integral part of the vocational-technical education curriculum. It provides students the opportunity to apply learned skills, develop leadership abilities, communicate effectively, work independently and gain recognition and self-confidence.

## ATTENTION LICENSEES

To renew your license for 2007 you must take 4 of your 6 CE hours in North Carolina Code changes and Amendments.

**If You Would Like To Be Removed From The Board's Mailing List, Please email us at:  
info@nclicensing.org**

**CONTINUING EDUCATION REQUIREMENTS  
for  
Fire Sprinkler Inspection Contractors and  
Fire Sprinkler Inspection Technicians**

If you have an inspection contractor or inspection technician license you will need to complete the required six hours of continuing education. The code-books necessary for these courses will be the NFPA codes.

To renew for 2007 you will need six hours of Board approved courses. Of those six hours, you will need four hours of code and the other two hours can be in the areas of business technical, or health & safety.

Please contact AFSA Carolinas at 336-885-5007 to register for classes being held in November.

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

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