

**July 2010**

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Former Chairman

Plumbing Contractor

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

Volume 10, Issue 1

## Residential Fire Sprinkler License

In October of 2007 the Board started discussions on the need for a Residential Fire Sprinkler Installation Contractor license and determined that it was inevitable that this license would need to be created. While thought was being placed into the creation of this new license, a presentation was made by Floyd Fritz, Fire Marshall of the Village of Pinehurst Fire Department and also a member of the North Carolina Fire Marshall's Association, who urged that the creation of this license was necessary to provide protection to the citizens of North Carolina with the installation of residential fire sprinkler systems. This presentation was also attended by many members of the fire community as well as the representatives of the North Carolina Department of Insur-

ance. The Board began working on drafting rules and regulations that would create this license. After many months of hard work by the board and staff, the rules creating a new Residential Fire Sprinkler Installation Contractor license were approved by the North Carolina Rules Review Commission and required that the board start issuing this license, effective July 1, 2010. Since the approval of these rules many persons within our industry have worked very hard in order to make this new license a reality.

A committee was established to create a 16 hour course based on NFPA 13D. The committee consisted of the following persons: Floyd Fritz, Randall Strother, Randall Harris, Dan Austin, Anthony Spencer, Robert

Zarybnicky, and Dale Dawson. After many months of work and many different meetings the committee developed a complete 16 hour training course. Next, a committee was established to (cont. on page 2)



## Ronald Boone Elected to Chair the Board — John Royal Re-Appointed

On June 8, 2010, Ronald M. Boone was elected to serve as Chairman of the Board. Mr. Boone was appointed to the Board in 2004 and has served as Vice Chairman of the Board and Chair of the Education Committee during his tenure. At this same meeting, Stephen K. Hensley was elected to serve as Vice Chairman and Patricia Selby was elected to continue serving as Secretary-Treasurer. Mr. Boone replaces H. Jack Summey, who served in the position as Chairman of the Board since April of 2008. Mr. Jack Summey's term has expired but he

continues to serve the Board at the pleasure of Governor Perdue until a new Board Member is appointed.

John Royal, who was originally appointed to complete the unexpired term of Herb Stanford, has been appointed by Governor Perdue to serve a full term with the Board. Mr. Royal was originally appointed to the Board in April of 2006. Mr. Royal currently serves as the Chairman of the Board's Continuing Education Committee. Mr. Royal's new term is set to expire on April 25, 2016.

### Inside this issue:

<i>Continuing Education Corner</i>	2
<i>Important Numbers</i>	3
<i>Examination Information</i>	4
<i>Trade Name Information</i>	5
<i>New Fee Structure</i>	6
<i>Resolution Agreements</i>	15
<i>Attorney's Report</i>	37

# Residential Fire Sprinkler License (cont. from page 1)

create the examination that would be used for licensure based on NFPA 13D and the Board Laws and Rules. This committee consisted of: Committee Chairman and Board Member Stephen Hensley, Randal Strothers, Bernie Parsons and Dale Dawson. This committee created an exam bank of 180 questions that will be encompassed into three different Residential Fire Sprinkler Installation Contractor examinations. The Board would like to extend a thank you to all of the persons who served on both committees.

We are pleased to announce that the North Carolina Fire Marshall's Association has agreed to put on the required 16 hour course (a minimal fee may be charged by the North Carolina Fire Marshall's As-

sociation for this class). Our first class was held on June 9 & 10, 2010 at the Village of Pinehurst Fair Barn, located at 200 Beulah Hill Rd., Pinehurst, NC. Our first class was a success and over 85 licensed plumbing contractors attended. After our first round of examination 58 of the 62 applicants who have taken the examination have passed. Our next course is tentatively scheduled for August 10 & 11, 2010 in Wilmington, NC. Further details about this class (course location and registration) will be published on our web site ([www.nclicensing.org](http://www.nclicensing.org)). Applications for examination to obtain this license must be submitted after the course has been completed. Applications for this license will only be accepted from persons who currently hold an active Plumbing

Class I or Plumbing Class II license issued from our board, have held that license for a minimum of three years, and who have completed the approved 16 hour course on NFPA 13D. Please make sure that the application you submit is complete and includes the required criminal records check.

It is important for those wishing to obtain this license to remember several items: 1. Check with your Liability Insurance Carrier to make sure you are familiar with your liability insurance increases. 2. Fully understand that the creation of this license **does not** mandate that a sprinkler system is required to be installed in all residential homes. Currently, the code **does not** mandate that a sprinkler system be installed in all residential structures.

## Continuing Education Corner

By Erik Rogers, Continuing Education Coordinator

The Board has just finalized our C.E. schedule for July-December 2010. While you will not see the schedule in this newsletter, you can access it by visiting our website at [www.nclicensing.org](http://www.nclicensing.org).

Upon reviewing the schedule you may notice some changes. The Board has adopted new rules regarding continuing education requirements; which took effect January 1, 2010. Among the new rules is a requirement that all licensees (except Fire Sprinkler Licensees) shall obtain a minimum two (2) hours of the six (6) hours annually required continuing education to be specifically on codes related to the license qualification they hold. However, because the schedule for January-June 2010 had been published as of January 1, 2010, the Board will fully enforce this requirement beginning with classes taken after January 1, 2011. The

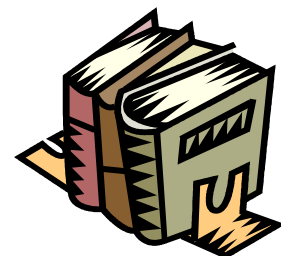
Board has removed other previous course requirements because they felt that licensees should have greater choice in the types of classes the licensee wishes to attend while still remaining current in code related topics. This requirement took effect on January 1, 2011.

A provision passed in North Carolina Senate Bill 687, which became effective July 28, 2009, allows plumbing license holders to perform well seal installation, protection and sanitation under G.S. 87-98.4. Those licensees who choose to perform well seal work must have attended a continuing education class covering those specific well topics within the previous 2 years to be eligible for that work. As such, several of our providers have made well seal

classes available as part of your normal 6 hours of education.

Also within the new rules is the creation of a Residential Fire Sprinkler qualification, which is covered in detail on pages 1-2 of this newsletter. As part of the education requirements, a licensee who holds this qualification shall be required to complete 6 hours of education applicable to their plumbing license and an additional 4 hours for the Residential Fire Sprinkler license.

Should you have any questions or comments, please e-mail me at [ce@nclicensing.org](mailto:ce@nclicensing.org).



## IMPORTANT TELEPHONE NUMBERS

Department of Labor 919-807-2796

Department of Revenue 877-252-3052

Secretary of State 919-807-2225

Electrical Licensing Board 919-733-9042

GC Licensing Board 919-571-4183

Department of Insurance 919-661-5880

Henry Webster (Plumbing & Gas) Extension 238

Janie Sutton (Mechanical & Energy) Extension 237

Richard Strickland (Fire Code) Extension 255

### Office Staff Directory

Office # 919-875-3612

Fax # 919-875-3616

		Ext.
DeJaya Soltys (DJ)	Executive Assistant/ Licensing Coordinator	203
Sharon Pittman	Legal Coordinator	205
Hannah Whaley	Complaint Coordinator	211
Erik Rogers	C. E. Coordinator	213
	Receptionist	
Eric Hall	Business and IT Manager	216
Dale Dawson	Executive Director	224
Karen Jolliffe	Examination Coordinator	230

E-mail inquires to [information@nclicensing.org](mailto:information@nclicensing.org)



### Administrative Officers / Field Staff

Fax: 919-875-3616

John Todaro / South Central Region  
704-975-5305

Moises "Jimmy" Jimenez / Southeastern Region  
910-409-7127

Tom Johnston / North Central Region  
336-906-9141

Derek Farmer / Northeastern Region  
919-602-9095

David Boulay / Western Region  
828-234-2719

# Examination Application Process

By Karen Jolliffe, Examination Coordinator

Over the course of the past five months we have received over five hundred examination applications. Of those applications nearly one-third are being returned to the applicant due to lack of information required. Listed below you will find information about the application process.

To access application forms you can go to our website:

[www.nclicensing.org](http://www.nclicensing.org) and click on the "Download Forms" button. Scroll down to "New Applicant Forms" or you can contact our office at **919-875-3612** to request an application be sent to you. Each application will be given details of the number of years/hours required to be eligible to take the exam.

If you worked for an employer who holds a North Carolina license then that licensee will need to fill out 1-B form of the application.

If you have worked for yourself as an out of state contractor, or worked for yourself doing service, maintenance or repair in North Carolina you must fill out form 1-C and you will need to submit six (6) signed, notarized statements: (2) from local inspectors, (2) from general contractors and (2) from customers/homeowners verifying your installation service or repair experience.

If you operated your own business then we would require a copy of your tax returns and your profit and loss statements.

The most common reasons applications are returned are:

- Correct fees are not included

- with application

- Applications are not properly signed and notarized

- W-2's or 1099's were not provided

- A criminal background report using [www.certifiedbackground.com](http://www.certifiedbackground.com) was not provided or an updated criminal background report was not provided if it has been over six months since the last one.

- Not enough documented information detailing experience was provided.

A "Book Reference List" is available on our website under the "Exam Information" tab. This list will show you all the books used for testing. Under "Download Forms," there is a Book Order form for the two books we offer here at the Board; the **2007 Laws & Rules (General Statutes, Chapter 87 Article 2, and 21 North Carolina Administrative Code Chapter 50) and Business & Project Management for Contractors**.

Exams are ongoing, meaning once an applicant has been approved to take the exam he or she must take the exam within 30 days of the date of the approval letter. Applicants who fail to meet this timeline must submit another examination fee (the application fee for license without examination and the application and examination fee are non-refundable). The exam is conducted in two parts, a business and law portion and a technical portion. If an applicant fails to pass any examination they must wait 90 days to retest. An applicant who fails to pass any exam may take the failed portion without retaking the portion passed within six (6) months, but after six (6) months the applicant

must retake both portions of the exam. A minimum passing grade of 70 is required.

An applicant who has failed his/her exam and wishes to review the questions that were answered wrong, they must submit, in writing, a request to review his or her examination. Review sessions are held once a month at the Board's office in Raleigh.

If an applicant fails an examination three (3) times the applicant must present evidence of 6 months of additional practical experience involving both design and installation of systems of the type for which a license is sought; together with at least 24 hours of additional classroom education approved by the Board or must wait one year and then reapply.

Once the applicant passes their examination they will be required to pay the annual license fee of \$130. Applicants who pass the examination after October 1 may renew their license for the remainder of the year by paying \$65.00 within forty-five (45) days of the date of receiving your congratulatory letter. If the applicant does not plan to use their license before **January 1**, they have the option of waiting until January 1<sup>st</sup> to activate their license by submitting the annual licensing fee of \$130.00. If an applicant wishes to exercise this option, they must complete and return the congratulatory letter informing us of their intent, within forty-five (45) days of the date of receiving your congratulatory letter, and payment must be received no later than the month of January.

If you have further questions, please call Karen Jolliffe at (919) 875-3612 ext. 230.

# Is Your License Listed Correctly?

Often, questions arise over how a license is issued and how the license may be used. The Board issues licenses to individual persons who have made application to the Board and met the requirements, including passing the exam(s) required for the license classification(s) being sought. During the most recent renewal cycle, approximately 1,000 licenses were identified as potentially being listed in an incorrect name.

Once a license is issued to the individual, that license number remains with the individual as long as the requirements for annual renewals are satisfied. The individual may then list the license in the name of a business for the purpose of engaging in activities which require a license, and is required to do so if he/she is the only licensee employed by the firm.

Any firm offering, bidding, contracting, performing, or accepting payment for work which requires a license must have at least one licensee with the proper qualifications listed as the "qualifier" for the firm. In addition, the firm may have "sub-licensees" listed in addition to the qualifier.

Following are descriptions and examples of how a license is to be listed:

**Individual:** The person must offer, contract, perform, and accept payment for work in his/her individual name, **exactly** as listed on the license, for example: **John Doe**.

**Sole Proprietorship:** The individual holding the license is the sole owner of the company, for example: John Doe is the owner of **John Doe Plumbing**.

**General Partnership:** The individual holding the license is a partner or full-time employee of a company with more than one owner that is not a corporation or LLP.

**Corporation or LLP:** The individual holding the license is an owner, partner, officer, or full-time employee of a firm that is incorporated or listed as a limited liability partnership in North Carolina and actively listed with the N.C. Secretary of State, or a firm that is incorporated in another state and has a current and valid Certificate of Authority from the N.C. Secretary of State.

**Assumed or Designated Trade Name:** The individual holding the license is employed by a corporation which conducts business under a different name, for example: **Doe Construction Services, Inc. doing business as (dba) Doe**

**Plumbing.**

**Government:** The individual holding the license is a full-time employee of a county, city, town, municipality, village, hospital, university, or other qualifying agency. **It is important to note** that governmental agencies, such as city and county maintenance departments, school system maintenance departments, and similar organizations **must** have a licensee listed in the name of the agency if work requiring a license is being performed by the organization, even on property owned by the agency.

Once an individual's license is listed as a qualifier or sub-licensee, the licensee's ability to engage in activities which require a license is restricted to the company, organization, or agency with which the license is listed. The individual is prohibited from performing any activities requiring a license under any other name, including the licensee's personal name.

If you are in doubt about how your company is or should be set-up (sole proprietorship, partnership, LLP, corporation, etc.), you should consult a tax professional or attorney. The Board cannot provide advice concerning business structures.

## Annual Renewals Due by December 31st — Re-examination for Three Year Expiration

Renewal invoices will be mailed out to all active licensees around October 1, 2010. Please remember that all licenses expire at midnight on December 31, 2010. Unless the license has been renewed, all tasks which require a license (bidding, contracting, performing work, etc.) must stop until the license is renewed. Licenses renewed after January 31, 2011, are also subject to a \$25.00 late fee.

Despite popular belief, the opportunity to renew a license during January without a late fee being charged **is not** a 31 day grace period during which work may continue after the license expires. Individuals or firms who continue to work following expiration of the license on December 31<sup>st</sup> are subject to discipline from the Board for working without a license, just as an unlicensed individual or firm would be.

In addition, if your license has been expired since December 31, 2007, you have until December 31, 2010 to renew your license. Failure to renew the license by December 31, 2010 will result in the license being retired and would require that the licensee reapply and pass the required examination for the licenses sought. In order to renew the license all continuing education requirements for all years not previously renewed must be met as well.



## New Fees as of July 1, 2010

As you may recall from the information contained in the previous newsletter and on our website, a number of rule changes were approved by the legislature last year. The new rules were published in the Board's December 2009 newsletter, and are also available by visiting [www.nclicensing.org](http://www.nclicensing.org). Many of the changes became effective January 1, 2010, while others became effective July 1, 2010.

The following is a list of fee increases that were approved and became effective on July 1, 2010. All of our forms have been updated to reflect the changes. To ensure that any forms that you submit are processed in a timely manner, please make sure that you are using the updated version by visiting [www.nclicensing.org](http://www.nclicensing.org) and downloading any forms that you may need.

**Forms received in our office after June 30<sup>th</sup> that are not accompanied by a check or money order for the correct amount will not be processed and will be returned to the sender for additional payment, resulting in a processing delay.**

Annual licensee fee (Plumbing, Heating, Fuel Piping)	\$130.00
Annual license fee (Fire Sprinkler licenses: Installation and/or Inspection Contractor, Inspection Technician, Maintenance Technician, Residential Installation Contractor)	\$130.00
Inspector (currently certified and employed as Inspector, not allowed to engage in activities requiring a license)	\$ 30.00
Application fee without examination (Fire Sprinkler Maintenance or Fire Sprinkler Inspection Technician with NICET certification)	\$ 30.00
Sub-licensee	\$ 30.00
Copy (reprint) of license	\$ 20.00
License Verification (per license record search)	\$ 25.00
Business & Project Management Book	\$ 45.00

The Current Continuing Education Schedule  
Is Available On Line At  
[WWW.NCLICENSING.ORG](http://WWW.NCLICENSING.ORG)

# Renewal Information

By Dejaya (DJ) Soltys, Licensing Coordinator

Thanks to all of the licensees who made this past renewal season go so smoothly. We had to return very few renewals this year as a result of your attention to detail so 2010's renewal season passed with nary a hitch. But as October (and Renewal season 2011) will be here sooner than we all expect; here are a few things everyone should remember when renewing:



\* Make sure to return the renewal form with your signature and payment; remember we cannot process a renewal check without the form. (If you have misplaced the form, you may download one from our website.)

\* If you have sub-licensees, please have them sign the sub-licensee page.

\* If you would like to add new sub-licensees, please download the Add Sub-Licensee form-this form does require an extra \$30 fee.

\* If your address has changed during 2010, please download a change of address form and send it along with your renewal to ensure that your license will be delivered to you in a timely manner.

\* If you have changed businesses or business names dur-

ing 2010, please download a Trade Name Change form and send it along with your renewal-this form does require an extra \$30 fee.

\* Make sure you and your sub-licensees have taken the requisite hours of Continuing Education *before* sending your renewal; as we will only hold it for a short time before returning it to you.

\* All licenses do expire on December 31, 2010 so your help with these items is vital in the processing of renewals to guarantee everyone is ready to get back to work on January 1, 2011.

\* Only checks or money orders are accepted. "Counter or Started" checks without pre-printed account holder information will not be accepted.

If you have any questions concerning your license or renewal please feel free to contact me at (919) 875-3612, ext. 203.

## Licensees Required to Bring Code Books to Continuing Education Classes!

Licensees are required to have the latest version of all pertinent code books at all code related CE classes associated to the classification of licenses they hold. If a licensee does not have the appropriate code book(s), they should check with the course provider to see if the code book(s) will be available for purchase at the class location. Code book(s) can also be purchased through the Department of Insurance at (919) 661-5880. Licensees who do not have with them the proper code book(s) will be turned away from the continuing education class and will not receive any C. E. credit hours.





North Carolina Department of Health and Human Services  
Division of Public Health • Epidemiology Section  
Occupational and Environmental Epidemiology Branch  
1912 Mail Service Center • Raleigh, North Carolina 27699-1912  
Tel 919-707-5950 • Fax 919-870-4808

Beverly Eaves Perdue, Governor  
Lanier M. Cansler, Secretary

Jeffrey P. Engel, M.D.  
State Health Director

## NEWS ALERT - June 2010

### EPA Rule Changes and Proposed Rules Lead-Based Paint Renovation, Repair and Painting Rule

North Carolina's Lead Hazard Management Program for Lead-Based Paint Renovation, Repair and Painting (LHMP-RRP) Rule became effective January 1, 2010. In North Carolina, the Health Hazards Control Unit (HHCU), certifies firms and renovators who perform renovations in housing and child-occupied facilities built before 1978, and accredits training courses and training providers who wish to teach the required renovator and/or dust sampling technician courses for certification purposes.

Since the North Carolina LHMP-RRP rules adopt the EPA regulations by reference, future regulatory changes to the EPA RRP rules will be applicable to renovation work performed in North Carolina.

1. On Thursday, May 6, 2010, the Environmental Protection Agency (EPA) issued the "Lead: Amendment to the Opt-Out and Recordkeeping Provisions in the Renovation, Repair and Painting Program." This amendment was posted in the Federal Register / Vol. 75, No. 87, starting on page 24802. To summarize, this change removes the "Opt-Out" provision and adds additional record keeping requirements which becomes effective July 6, 2010. To review this amendment, go to <http://www.gpoaccess.gov/fr/>.
2. On Thursday, May 6, 2010, the EPA issued the "Lead: Clearance and Clearance Testing Requirements for the Renovation, Repair and Painting Program: Proposed Rule". The proposed rule was posted in the Federal Register / Vol. 75, No. 87, starting on page 25038. EPA is seeking comments on this proposed rule. If you plan on commenting, please provide your comments in writing to the EPA within sixty days of the posted date. To review this proposed rule, go to <http://www.gpoaccess.gov/fr/>.
3. The EPA has recently revised the "2008 Renovate Right" brochure. In an effort to streamline the information to the industry, EPA has provided an advance release so that individuals have the time necessary to print copies. Copies of the new "2010 Lead-Safe Certified Guide to Renovate Right" brochure can be found on the HHCU's Lead website listed below. The EPA has stated that the "2010 Lead-Safe Certified Guide to Renovate Right" brochure must be handed out starting July 6, 2010.

The HHCU is providing this information as a service. In the event that information within this document conflicts with published rules or regulations, the published rules and regulations take precedence. Please continue to visit our website at <http://www.epi.state.nc.us/epi/lead/lhmp.html> for more information.



North Carolina Public Health  
Working for a healthier and safer North Carolina  
Everywhere. Everyday. Everybody.



Location: 5505 Six Forks Road, 2<sup>nd</sup> Floor, Room D-1 • Raleigh, N.C. 27609



## Website Information

Below is a list of available forms that can be downloaded from the website. To access the forms that have been placed on our website you can go to [www.nclicensing.org](http://www.nclicensing.org) and click on the "Download Forms" button.:

### Examination Applications

- Plumbing, Heating, & Fuel Piping Examination
- Fire Sprinkler Installation Contractor
- Fire Sprinkler Inspection Contractor
- Fire Sprinkler Inspection Technician with NICET Certification
- Fire Sprinkler Inspection Technician without NICET Certification
- Fire Sprinkler Maintenance Technician
- Residential Fire Sprinkler Installation Contractor

### Examination Book Reference

- Examination Book Reference List

### Licensee Forms

- Trade Name Change
- Licensee Address Change
- Request for Copy (reprint) of License
- Request for Register of Licensees
- Request for Verification of License

### Sub licensee Forms

- Sub licensee Address Change
- Add a Sub licensee
- Delete a Sub licensee

### Consumer Forms

- Consumer Complaint Form

### Order Forms

- Reference Books

### License Renewal Forms (will be updated to 2011 forms on 01/01/2011)

#### Licensees with No Sub licensees

- Licensee with No Sub licensee – 2010 renewal
- Licensee with No Sub licensee – 2010 & Multi-year renewal

#### Licensee with Sub licenses

- Licensee with Sub licensee – 2010 renewal
- Licensee with Sub licensee – 2010 & Multi-year renewal



**BOARD MEMBERS**

J. N. ROYAL  
 H. J. SUMMEY, JR.  
 R. M. BOONE  
 S. K. HENSLEY  
 P. K. SELBY  
 W. T. TUCKER  
 W. H. EUBANKS

**OFFICERS**

H. J. SUMMEY, JR. *Chairman*  
 R. M. BOONE *Vice Chairman*  
 P. K. SELBY *Secretary Treasurer*

**EXECUTIVE OFFICE**

1109 DRESSER COURT  
 RALEIGH, N.C. 27609  
 OFFICE PHONE No.: 919/875-3612  
 FAX No.: 919/875-3616  
[www.nclicensing.org](http://www.nclicensing.org)

**State Board of Examiners of Plumbing, Heating  
 & Fire Sprinkler Contractors**  
 Raleigh, N.C.

December 4, 2009

George Wagner  
 Executive Director  
 American Fire Sprinkler Association  
 Virginia Chapter  
 4558 Sandy Valley Rd.  
 Mechanicsville, VA 23111

RE: Subcontracting of Fire Sprinkler Inspections from Unlicensed Persons

Dear Mr. Wagner:

In a recent meeting, you raised questions on behalf of fire sprinkler inspection contractors as to the propriety of contracting fire sprinkler inspection work from persons other than the owner of the property. After review and discussions, I am writing this letter to express the consensus of the Board.

We understand the situation which is the basis of the inquiry is that some property management firms or maintenance contractors are purporting to contract with property owners to arrange for annual fire sprinkler inspections with the expectation that the work would be subcontracted to a properly licensed fire sprinkler inspection contractor.

It has been the Board's position, which is supported by North Carolina General Statute, that the only person who can contract Fire Sprinkler Inspections shall be a person who holds a North Carolina Fire Sprinkler Inspection Contractor license. This provides the licensee with the opportunity to communicate directly with the building owner and eliminates any third-party involvement which may lead to miscommunication or improper performance of the contract.

Article II, Chapter 87 provides that no person can contract fire sprinkler inspection work who does not hold a license as a fire sprinkler inspection contractor. Unless the person who contracts the inspection work with the property owner holds license as a fire sprinkler inspection contractor, the act is illegal

and violates Article 2, Chapter 87 unless there is some applicable exemption. There are very few exemptions. Persons who contract the work without license are subject to criminal prosecution and to be enjoined by the Court.

In the typical situation involving an NFPA 25 fire sprinkler inspection, there is no other plumbing, mechanical, electrical or general construction work going on. As a consequence, the limited exceptions for the contracting of work in another trade by a licensed general electrical, mechanical or plumbing contractor would not apply. Accordingly, it would not be proper for any of the following to contract fire sprinkler inspections with the owner:

Plumbing contractors, mechanical contractors, elevator contractors, electrical contractors, fire extinguisher contractors, fire sprinkler installation contractors, fire suppression contractors, fire alarm contractors, general contractors, maintenance companies.

There is a further duty applicable to the fire sprinkler inspection contractor. Just as all other licensees of the Board, a licensed fire sprinkler inspection contractor may not subcontract from an unlicensed contractor, for to do so is aiding and abetting illegal contracting by unlicensed persons, be they maintenance companies or otherwise.

The Board will, however, draw a distinction for licensed property managers. These firms are licensed by the Real Estate Commission, to provide property management of properties on behalf of the owner. Typically, such firms handle the leasing of property, rent collection, repairs and maintenance all as the agent or alter ego of the owner. The Board does not authorize the property management firm to carry out the maintenance work, but rather to act in the stead of the owner with authority to solicit and contract individuals to perform tasks which require license.

The staff of the Board will continue to apply discretion and common sense to any complaints regarding contracts made prior to this date, but will expect that ignorance or confusion will not be an excuse in the future.

Please advise if you have further questions.

Sincerely,



Dale L. Dawson  
Executive Director

cc: Jeffery Dunn – Carolina Chapter of AFSA  
Joe Collins– Viking Fire Protection

860912

## Permit Warning Letter

A Permit Warning Letter is issued to licensees who have been found to have performed work without a permit having been issued prior to commencing work. Section .0402(a) of the Board Laws and Rules book states in part that “A licensed contractor shall ensure that a permit is obtained from the local Code Enforcement Official before commencing any work for which a license is required by the board.” If you have questions as to when a license is required, please feel free to contact any of our administrative offices. If it is found that multiple jobs have been performed without first obtaining permits, the Board may take additional disciplinary action against the individual and the firm. The following individuals were issued permit warning letters for failure to ensure a permit was obtained prior to commencing work:

Name	City	Date
Almond, Donald G.	Albemarle	8/31/2009
Ball, James C.	Mebane	12/2/2009
Bare, Robert C.	Greensboro	10/1/2009
Berry, Thomas	Greensboro	6/17/2010
Blythe, Robert T.	Flat Rock	10/19/2009
Boulware, Melvin E.	Denver	3/22/2010
Bradham, Rodney M.	Charlotte	4/19/2010
Bridges, James B.	Belmont	10/15/2009
Bright, Bobby G.	Hope Milles	10/30/2009
Brooks, Samuel E.	Morehead City	6/25/2010
Brown, John T.	Liberty	11/5/2009
Burkhalter, Vernon, Jr.	Charlotte	11/20/2009
Carroll, Ricky N.	Elizabethtown	9/16/2009
Carther, Richard L.	Kernersville	4/12/2010
Chastain, Johnny R.	Candler	5/12/2010
Clontz, Thomas N., Jr.	Morganton	9/29/2009
Delcid, Carlos R.	Charlotte	6/2/2010
Devega, Darryl	Wilmington	1/15/2010
Dodson, Ricky A.	Mebane	1/20/2010
Dorton James W., III	Monroe	1/21/2010
Drew, Richard S.	Myrtle Beach, SC	11/17/2009
Egger, Scott	Boone	10/21/2009
Ertolacci, Frank J.	Raleigh	10/15/2009
Eubanks, Patrick R.	Farmville	3/10/2010
Fairfax, Alex L.	Whiteville	9/10/2009
Farag, Magdy M.	Castle Hayne	11/18/2009
Foyles, James R. Sr.	Kinston	12/16/2009
Freeman, Arlan J.	Reidsville	3/19/2010
Gallagher, John K.	Charlotte	9/15/2009
Gault, Mark R.	Gastonia	5/20/2010
Gentry, Clifton R.	New Bern	10/14/2009
Ginn, Jeffrey F.	Greenville	3/9/2010
Gleaves, Anthony L.	Charlotte	11/17/2009
Goodniht, Michael D.	Concord	3/11/2010
Gunter, Joseph M.	Huntersville	10/7/2009
Harrison, William T.	Horse Shoe	3/9/2010
Hayes, James P.	Eatonton, GA	12/11/2009
Hill, Bart W.	Clemmons	5/12/2010
Hinson, Harold D.	Monroe	10/6/2009
Holt, Richie L.	Flat Rock	1/28/2010
Horn, Ronald T.	Hampstead	11/19/2009
Houston, Jerry D.	Grifton	9/9/2009

Name	City	Date
Isaac, Bobby D.	Lincolnton	2/19/2010
Johnston, Donald	Hayesville	5/4/2010
Jones, John H.	Balsam	2/18/2010
Jones, Roger D.	Pink Hill	2/16/2010
Kendrick, Harvey	Ruffin	3/10/2010
Jones, Roger D.	Pink Hill	2/16/2010
Kendrick, Harvey	Rufin	3/10/2010
King, Gregory E.	Kannapolis	3/4/2010
Kinlaw, Anthony J.	Tabor City	9/10/2009
Lathe, Warren	Charlotte	8/19/2009
Lofland, Robert N.	Statesville	9/23/2009
Lovings, Randy R.	Browns Summit	3/29/2010
McArthur, Jerry F.	Lumberton	3/12/2010
McCraw, Ronald	Gastonia	9/25/2009
McKinney, Jack L.	Zionville	10/21/2009
Meyers, James	Concord	8/11/2009
Miller, Doug	Denver	11/18/2009
Moore, William G	Browns Summit	3/25/2010
Mountain, Brian M.	Raleigh	3/25/2010
Mullins, Steve F.	Colfax	10/1/2009
Norris, Van A.	Boone	3/16/2010
Oates, Theodius	Fayetteville	9/17/2009
Oates, Theodoro	Fayetteville	9/17/2009
Parks, George R.	Clayton	6/25/2010
Pernell, G. Carlton	Smithfield	9/2/2009
Phillips, Jonathan	Hendersonville	3/19/2010
Polk, William C.	Sneads Ferry	12/29/2009
Pridgen, Donald J.	Whiteville	9/10/2009
Riggan, Henry C.	Henderson	12/4/2009
Rowe, Wilbert L.	Wilmington	11/18/2009
Royal, Ransom D.	Winston Salem	11/3/2009
Sampson, Randy	Browns Summit	11/12/2009
Scheppele, Wayne M.	Mooreville	11/20/2009
Sechrist, Dennis W.	Mount Airy	4/20/2010
Shonborn, Kent A.	Indianapolis, IN	12/10/2009
Smith, Richard L., Jr.	High Point	12/9/2009
Takes, Michael E.	Boiling Springs, SC	5/13/2010
Tatum, William C.	Gibsonville	3/9/2010
Vogt, George B.	Elizabeth City	3/18/2010
Wilson, Rodney E.	Winston Salem	5/25/2010
Young, Shelton D.	West End	2/25/2010
Young, Stanley H.	Bakersville	11/24/2009

## 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 individuals in the field, please report them to this office.

Name	City	Date
Alford, Mike	Raleigh	3/11/2010
Allen, Ronnie W.	Durham	12/10/2009
Allman, Tab F.	Rockwell	4/30/2010
Babbitt, Jason	Charlotte	1/8/2010
Baker, Donald R.	Wallace	3/10/2010
Beatty, Randy	Easley, SC	11/20/2009
Bishop, Donald S.	Mooreville	10/6/2009
Black, Daniel C.	Greenville	3/10/2010
Black, James N., Jr.	Leland	1/15/2010
Bland, Stacy E.	Greenville	5/17/2010
Bolton, Cecil T.	Roxboro	1/7/2010
Brackett, Joe	Stanley	2/23/2010
Brinn, Gary L.	Washington	12/17/2009
Buffolino, Guiseppe	Little River, SC	3/31/2010
Carr, Keith L	Fayetteville	5/5/2010
Chubb, Paul	Cameron	12/7/2009
Collins, Jonathan P.	Burnsville	3/4/2010
Collins, Kevin	Albemarle	1/22/2010
Collins, Redell	Lumberton	1/10/2009
Long, Joseph W.	Lexington	1/25/2010
Manale, Damon	North Charleston	4/26/2010
Mandarelli, Brian A.	Newport	1/13/2010
Mann, Keneth S.	Autryville	4/5/2010
Marshburn, Matthew B.	Oak Island	2/4/2010
Masemore, Thomas	Gray Court, SC	11/20/2009
McNeill, William C.	Maxton	11/10/2009
Mitchell, Willie	Asheboro	12/15/2009
Modery, Paul	Climax	12/17/2009
Monaco, Glenn G.	Charlotte	6/8/2010
Morgan, Willard G.	Lake Troxaway	11/6/2009
Nappi, Louis R.	Hampstead	6/3/2010
Nessler, Carey L.	Magnolia	4/22/2010
Noble, Ken	Raleigh	9/15/2009
Oliver, Patricia	Selma	9/3/2009
Oxendine, James D.	Pembroke	1/7/2010
Overby, Daniel L.	China Grove	6/3/2010
Perrin, Kevin	Indian Trail	1/22/2010
Crutti, Jay N	Ararat	2/16/2010
Cutts, Glenn E.	Durham	1/7/2010
Czonij, Diane	Greensboro	3/5/2010
Davis, William L.	Durham	12/10/2009
Dement, Jason	Hendersonville	3/30/2010
Diaz, Gaudencio A.	Clinton	1/15/2010
Douthit, Bernie	Iron Station	2/2/2010
Duffy, Michael W.	Oakboro	1/22/2010
Eggers, Scott E.	Boone	5/18/2010
Estes, Walter J., III	Sherriffs Ford	2/3/2010
Ferguson, Clyde N.	Raleigh	3/10/2010
Fields, Allen N	Castle Hayne	11/18/2009
Ford, Richard S.	Fayetteville	3/24/2010
Gamble, Chris	Clyde	10/28/2009
Garner, Jason R.	Waxhaw	1/7/2010
Gaylord, Ervin L	Greenville	1/27/2010

Name	City	Date
Gee, Derien	Winston Salem	5/14/2010
Gillen, John J.	Cleveland, GA	4/23/2010
Gjuraj, Marjan	Kanapolis	5/26/2010
Gjuraj, Marjan	Terrell	5/26/2010
Goodrich, Greg	Hardeeville, SC	12/18/2009
Guibe, Harry E.	Weaverville	4/22/2010
Harris, Susan S.	Wilson	10/19/2009
Heath, Christopher E.	Winterville	3/9/2010
Hernandez, Eriberto M.	Whiteville	5/18/2010
Hester, Rainey	Hurdle Mills	3/25/2010
Ivestr, Donald	Casar	10/20/2009
Jobe, Christopher J.	Franklin	1/28/2010
Johnson, Nicholas	Albemarle	9/2/2009
Jones, James R.	Kings Mountain	12/29/2009
King, William S.	Julian	4/9/2010
Kinney, Noel D.	Asheboro	12/2/2009
Kulinski, Thomas D.	Rock Hill, SC	5/18/2010
Leak, Christopher C.	Winston Salem	6/3/2010
Lemacks, Russell J.	Moncure	9/24/2009
Perry, Robert E., Sr.	Orient, OH	2/19/2010
Proctor, Robert C.	High Point	5/4/2010
Quinn, Neil C.	Winterville	1/27/2010
Quinn, William E.	Greensville	1/27/2010
Robbins, Ryan S.	Kitty Hawk	11/3/2009
Sanderson, Gary D., Jr.	Shannon	1/28/2010
Scharper, Alfred J.	Southport	10/20/2009
Scott, Charles A.	Canton	5/19/2010
Shaw, Joseph B., Jr.	Westfield	1/20/2010
Shipp, Steven L.	Concord	8/11/2009
Shrader, Jack L.	Robersonville	4/8/2010
Simmons, Joel D.	Clinton	9/14/2009
Simms, Marty S.	High Point	6/3/2010
Smallpiece, Junior A.	Raleigh	11/16/2009
Stanley, Ronald L.	Thomasville	10/19/2009
Sullins, Billy	Waco	6/17/2010
Thompson, Sames Y.	Jamestown	3/19/2010
Tilley, Roger G.	Westfield	5/24/2010
Twiddy, Earl G.	Grandy	11/3/2009
Van Heerden, Ockert J.	Wilmington	11/19/2009
Vance, Ronald R.	Collettsville	3/2/2010
Vera, Edwardo	Charlotte	9/14/2009
Wainwright, Eric F.	Mint Hill	11/23/2009
Weaver, Jonathan W.T.	Greenville	5/17/2010
Weddle, Christopher H.	Winston Salem	5/12/2010
Wentz, Steven R.	Indian Trail	6/8/2010
Williams, John E.	Smithfield	9/16/2009
Wilmoth, Jackie D.	Dobson	2/22/2010
Wilson, Vern L.	Monroe	1/8/2010
Wood, Bruce W.	Greer, SC	5/11/2010
Wood, John K.	Ayden	1/14/2010
Woodley, Horace E.	Columbia	2/25/2010
Woolard, Lawrence C., Sr.	Winston Salem	1/7/2010
Zickafoose, Joseph B.	Salisbury	6/3/2010



## **2010 North Carolina HVAC/R Apprentice Contest**

The seventh annual North Carolina HVAC/R Apprentice Contest will be held on Monday, October 18<sup>th</sup> 2010 at the NC State Fairgrounds in Raleigh, NC, during the North Carolina State Fair.

The contest is opened with a discussion by a representative of the NC Occupational Safety Department who covers safety topics that are pertinent to the work that the apprentices will be doing during the contest. The apprentices compete in a series of technical and trade skills stations that test the apprentice's abilities in brazing, electrical trouble shooting, air-flow measurement, refrigerant recovery, system operational analysis, writing customer service reports and customer interviews. The contest also includes a comprehensive written exam. The stations and written exam are modified from year to year to provide a variety of skills tests.

The contest is open to all HVAC/R apprentices registered with the N.C. Department of Labor, Apprenticeship and Training Bureau and who will not have completed their apprenticeship prior to October 18, 2010. Each apprentice must be sponsored by a registered apprentice program or Apprenticeship Committee.

Apprentices who desire to compete must complete a contest application. For applications and additional information about the contest contact the NC Department of Labor, Apprenticeship and Training Bureau in Raleigh, NC. Phone (919) 733-7533 or visit the web site at [www.nclabor.com/appren/](http://www.nclabor.com/appren/)

Cash prizes provided by the North Carolina Department of Agriculture are awarded to the first through tenth place contestants. A wide variety of companies and organizations also share in sponsoring the contest by providing cash and other prizes that are distributed to the participants in the contest.

## **2010 North Carolina Plumber/Pipefitter Apprentice Contest**

The 24th annual North Carolina Plumber/Pipefitter Apprentice Contest will be held on Friday, October 22nd 2010 at the NC State Fairgrounds in Raleigh, NC, during the North Carolina State Fair.

The contest is opened with a discussion by a representative of the NC Occupational Safety Department who covers safety topics that are pertinent to the work that the apprentices will be doing during the contest. The apprentices compete in a series of technical and trade skills stations that test the apprentice's abilities in soldering, DWV system design, water distribution system design, code compliance and tool safety. The contest also includes a comprehensive written exam.

The contests is open to all Plumber/Pipefitter apprentices registered with the N.C. Department of Labor, Apprenticeship and Training Bureau and who will not have completed their apprenticeship prior to October 22, 2010. Each apprentice must be sponsored by a registered apprentice program or Apprenticeship Committee.

Apprentices who desire to compete must complete a contest application. For applications and additional information about the contest contact the NC Department of Labor, Apprenticeship and Training Bureau in Raleigh, NC. Phone (919) 733-7533 or visit the web site at [www.nclabor.com/appren/](http://www.nclabor.com/appren/)

Cash prizes provided by the North Carolina Department of Agriculture are awarded to the first through tenth place contestants. A wide variety of companies and organizations also share in sponsoring the contest by providing cash and other prizes that are distributed to the participants in the contest.

### Letters of Caution Report

Upon completion of investigations, a Letter of Caution can be issued to a licensee where it is determined through an investigation that a violation has occurred by one of our licensees. The Letter of Caution is issued to address and affirm issues they should improve upon or be more mindful of for future jobs:

Name	City	Date	Name	City	Date
Carter, G. Randal	Raleigh	3/12/2010	Lilly, Rex D.	Vanceboro	5/21/2010
Clontz, Thomas N. Jr.	Morganton	9/29/2009	Liverman, Henry J.	Kill Devil Hills	2/8/2010
Dodson, Ricky A.	Mebane	1/20/2010	Lockamy, Oliver B.	Newton Grove	12/29/2009
Dorgham, Gamal K.	Raleigh	4/14/2010	Messer, Herman	Summerfield	11/30/2009
Eggers, Scott E.	Boone	5/18/2010	Moore, William G.	Browns Summit	3/25/2010
Farmer, John r., Jr.	Ahoskie	3/5/2010	Nelson, Frank M., Jr.	Dudley	11/17/2009
Faulkner, Christopher S.	Washington	9/14/2009	Parks, Timothy F.	Kenly	4/7/2010
Garfield, Johnson, Jr.	Charlotte	11/17/2009	Riggan, Henry C.	Henderson	12/4/2010
Gentry, Clifton R.	New Bern	10/14/2009	Piver, Douglas W.	Whiteville	3/5/2010
Giguere, William A.	Newton Grove	9/10/2009	Rose, Max S.	Asheville	5/7/2010
Hamilton, John W.	Fuquay Varina	4/14/2010	Scheppele, Wayne M.	Mooreville	11/20/2009
Harrison, William T.	Horse Shoe	3/9/2010	Sumner, Albert B., Jr.	Cameron	2/24/2010
Hinson, Harold D.	Monroe	10/6/2009	Travis, Harvey L., Jr.	Stedman	9/16/2009
Isaac, Bobby D.	Lincolnton	2/19/2010	Vickers, Michael K.	East Bend	3/2/2010
Jackson, Carlton R.	Greensboro	12/02/2009	Wall, Donald W., Jr.	Raleigh	10/13/2009
Jackson, David W.	Forest City	3/2/2010	White, Richard A.	Wendell	2/8/2010
Jones, Barry K.	Forest City	10/7/2009	Young, Shelton D.	West End	2/25/2010
King, Gregory E.	Kannapolis	3/4/2010			

### Field Resolution Agreements and Resolution Review Committee Agreements

A Field Resolution Agreement is a voluntary agreement by which a licensee enters into some type of sanctions against their license in place of appearing before the Resolution Review Committee or the Full Board at a formal hearing. All of the Agreements are reviewed by a member of the Resolution Review Committee and then presented to a Board hearing panel for approval prior to the agreement being adopted as a final agency decision. If a complaint has not been resolved in the field through a Field Resolution Agreement, then the case can be referred to the Resolution Review Committee. During the Resolution Review Committee meeting, a licensee can enter into a Review Committee Resolution Agreement in place of appearing before the Board at a formal hearing; the agreement is then presented to a Board hearing panel for approval prior to the agreement being adopted as a final agency decision. Cases that cannot be resolved through the use of Field Resolution Agreements or Review Committee Resolution Agreements are forwarded to formal hearings before the Board. Listed below are the different agreements entered into by the field staff and the Resolution Review Committee that have been approved by the Board. The information below does not contain all of the facts or details of each case. Specific details of any of the following cases can be obtained by e-mail ([information@nclicensing.org](mailto:information@nclicensing.org)) or upon written request to the Board's office.

**Baker, Randy Wayne**  
**Waco Mechanical Company**  
**Youngsville, NC**  
**License# 19885, H-3-I**

Allegations of misconduct and selling license in the business of heating contracting in that the licensee allowed the use of his license by unlicensed persons, engaged in business under a different name or style of business than appears on his license, obtained a permit and allowed his license number to appear on a permit on a job while the licensee was licensing with

another firm. Resolution Conference held 11/30/2009. Randy Wayne Baker signed Proposed Resolution Agreement 11/30/2009.

The license of Randy Wayne Baker, number 19885 H-3-I, and that of the firm shall be suspended for a period of six (6) months. Upon successful completion of the suspension, his license, number 19885 H-3-I, and that of the firm shall be placed on probation for a period of eighteen (18) months. In the event the licensee

violates the conditions of the probation, his license will be suspended for a period of eighteen (18) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Barrett, Cassandra**  
**Barrett Mechanical, Inc.**  
**Denver, NC**  
**License# 28519, H-3-I**

Allegations of misconduct and incompetence in the business of heating con-

## Field Resolution Agreements and Resolution Review Committee Agreements

tracting in that the licensee failed to obtain a permit prior to commencing work, and failed to ensure proper system operation. Resolution Conference held 09/23/2009. Cassandra Barrett signed a modified Proposed Resolution Agreement 09/23/2009.

The prior probation order approved by the Board on 08/10/2009 was modified as follows: 1) The license of Cassandra Barrett, number 28519 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months; 2) Outstanding payments owed from the homeowner for this installation or repairs for this job must be resolved through the court system; and, 3) Barrett shall enroll in and attend the Special Board Laws & Rules course. In the event the licensee violates the conditions of the probation, her license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated she must comply with all of the probation provisions listed above.

**Bernicki, William P.**  
**Southeastern Mechanical and Air Conditioning**  
**Lumberton, NC**

**License# 22088, H2&H-3-I**  
 Allegations of misconduct, incompetence, and violation of the probation order in that the licensee failed to maintain load calculations, and failed to submit probation documents per the probation agreement approved by the Board on 11/18/2008. Resolution Conference held 02/25/2010. William Bernicki signed a Resolution Conference Agreement 02/25/2010.

The license of William Bernicki, number 22088 H-2&3-I, and the license of the firm shall be suspended for a period of three (3) months. Upon successful completion of the suspension, his license and the firm shall be placed on supervised probation for a period of two (2) years. In the event the licensee violates the

conditions of probation, his license will be suspended for a period of one (1) year, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Bibb, Lewis Bradley**  
**Intram Company**  
**Hickory, NC**

**License# 23916, FS & FSIC**  
 Allegations of misconduct and working without a license in that the licensee contracted and performed work outside his current licensing qualifications by completing fire sprinkler inspections without being properly licensed by the board. Resolution Conference held 03/31/2010. Lewis Bibb signed a Resolution Conference Agreement 03/31/2010.

The license of Lewis Bibb, number 23916 FS & FSIC, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Black, David Y.**  
**Wadesboro, NC**  
**License# 17779, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee obtained money and abandoned the job by being paid \$3,000 of the \$3,400 to install under slab plumbing and installation of plumbing for the new home, and then failing to notify the homeowner that the work would not be completed. David Black signed a Proposed Resolution Agreement 12/30/2009. Proposed Resolution Agreement approved 02/15/2010.

The license of David Y. Black, number 17779-P-I, and the license

of the firm shall be suspended for a period of three (3) months. In the event, the licensee violates the conditions of suspension, his license will be suspended an additional three (3) months, with the requirement that prior to the license ever being reinstated; he must comply with all of the suspension provisions.

**Blanton, Robert E.**  
**First Ocean Air, Inc.**  
**Longwood, NC**  
**License# 18363, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to perform a load calculation and duct design, violated the minimum standard of the North Carolina State Mechanical Code, failed to provide supervision, failed to carry out adequate ductwork installation and system design, and failed to renew license after the license expired on December 31, 2005, thus the Order dated October 8, 2007 never went in to effect. Resolution Conference held 11/12/2009. Robert E. Blanton signed Proposed Resolution Agreement 11/12/2009.

The Review Committee approved that the applicant, Robert E. Blanton, be allowed to sit for the Heating Group 3, Class I examination. Upon passing the Heating Group 3, Class 1 examination, his license, number 18363 H-3-I, and that of the firm shall be placed on supervised probation for a period of three (3) years. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of two (2) years, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Bostic, William**  
**Solar Pro**  
**Asheboro, NC**  
**License# 11358, PH-3-I**

Allegations of misconduct in the business of plumbing and heating

## Field Resolution Agreements and Resolution Review Committee Agreements

contracting in that the licensee allowed the use of his license by unlicensed persons by issuing 1099's to unlicensed employee(s). Resolution Conference held 01/21/2010. William Bostic signed Resolution Conference Agreement 01/21/2010.

The license of William Bostic, number 11358 PH-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

**Bouldin, Don**  
**Bouldin's Heating & Air Conditioning, Inc.**  
**Supply, NC**

**License# 24548, H-3-II**  
 Allegations of misconduct in the business of heating contracting in that the licensee contracted and performed the installation of a 3.5 ton split heat pump system in a multi-family structure, and contracted and performed heating group three class I work at eight (8) different commercial buildings without proper license classifications. Don Bouldin signed a Proposed Resolution Agreement 04/21/2010. Review Committee approved the Proposed Resolution Agreement 05/12/2010.

The license of Don Bouldin, license number 24548 H-3-II, and that of the firm shall be placed on a supervised probation for a period of 24 months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Bowman, Larry**  
**Bowman Heating & A/C Co., Inc.**  
**Hickory, NC**

**License# 19392, H-3-I**  
 Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to have his license number listed on the permit for which he installed the mechanical system in a newly constructed home, and he violated the State Mechanical Code. Larry Bowman signed a Proposed Resolution Agreement 10/07/2009. Proposed Resolution Agreement approved 12/01/2009.

The license of Larry Bowman, number 19392 H-3-I, and that of the firm shall be placed on unsupervised probation for six (6) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Brittain, Doug**  
**Doug Brittain Plumbing & Gas Service Co**  
**Morganton, NC**  
**License# 9199, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee billed for work and then placed a lien against the property to obtain money, yet failed to complete the work (job abandonment) and failed to complete his contractual obligations. Resolution Conference held 03/31/2010. Doug Brittain signed a Resolution Conference Agreement 03/31/2010.

The license of Doug Brittain, number 9199 P-I, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being rein-

stated, he must comply with all of the probation requirements.

**Brown, John Taft**  
**Jessup Company**  
**Greensboro, NC**  
**License# 18746, PH1&3-I, H2**

Allegations of misconduct in the business of heating contracting in that the licensee failed to provide adequate supervision for work performed under his license, and failed to obtain permits prior to commencing work. John T. Brown signed a Proposed Resolution Agreement 11/05/2009. Proposed Resolution Agreement approved 12/22/2009.

The license of John Taft Brown, number 18746 PH1&3, H2, and that of the firm shall be placed on probation for twelve (12) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Bryant, Richard Dennis**  
**Bryant Heating & A/C, Inc.**  
**Hillsborough, NC**  
**License# 07624, H-3-I**

Allegations of misconduct and incompetence in that the licensee contracted to install a (5) ton Lennox gas pack and all associated duct work, during the course of completion of the work he failed to obtain a permit, failed to perform a load calculation and/or duct design, violated the State Mechanical Code, and failed to rectify any issues found during the investigation of the complaint. Richard Bryant signed a Proposed Resolution Agreement 02/18/2010. Review Committee approved Proposed Resolution Agreement 03/14/2010.

Per the request of the licensee, the license of Richard Dennis Bryant, number 07624, shall be surrendered to the Board. The surrender of the license to the Board will be treated

## Field Resolution Agreements and Resolution Review Committee Agreements

as a license revocation. In the event, the licensee requests to re-establish his license, he must answer to the specific charges in the complaint(s), and he may have to reexamine per the General Statutes Chapter 87, Article 2. If the licensee performs any licensed work after the license surrender has been accepted by the Board, then he may be prosecuted as an unlicensed person in the court system.

**Bryant, Richard Patrick**  
**All Weather Heating & Cooling,**  
**Inc.**

**Bahama, NC**

**License# 17093, H2&3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee violated the minimum standard of the North Carolina State Mechanical Code, failed to provide adequate supervision, and obtained money and failed to complete installation (did not install the contracted Energy Recovery Ventilator). Resolution Conference held 12/01/2009. Richard Patrick Bryant signed Proposed Resolution Agreement 12/01/2009.

The license of Richard Patrick Bryant, number 17093 H-2&3-I, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Carter, Christopher B.**  
**Carter Quality Plumbing, LLC**  
**Lancaster, SC**

**License# 23068, P-I**

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days

of substantial completion of work, failed to obtain final inspections, failed to provide supervision, violated the minimum standard of the North Carolina State Plumbing Code, and engaged in business under a different name or style of business than appears on his license. Resolution Conference held 03/30/2010. Christopher Byron Carter signed a Resolution Conference Agreement 03/30/2010.

The license of Christopher Carter, number 23068 P-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Christian, Tilford**  
**Christian Plumbing**  
**Carolina Beach, NC**  
**License# 12858, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to without taxes and paid an unlicensed individual using a 1099 Form in violation of the Board rule 21 NCAC 50.0512. Tilford Burton Christian signed a Proposed Resolution Agreement 12/28/2009. Proposed Resolution Agreement approved 01/29/2010.

The license of Tilford Christian, number 12858 P-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event, the licensee violates the conditions of suspension, his license will be suspended an additional ninety (90) days, with the requirement that prior to the license being reinstated; he must comply with all of the probation requirements.

**Collins, Robert R. (legal name**

**of W.H. Collins)**  
**Maxton, NC**  
**License# 05657, P-I**

Allegations of misconduct, incompetence, and selling license in the business of plumbing contracting in that the licensee failed to provide adequate supervision, violated the minimum standard of the North Carolina State Plumbing Code, sub-contracted work from an unlicensed individual, and allowed the use of his license by unlicensed persons. Resolution Conference held 12/02/2009. Robert R. Collins signed Proposed Resolution Agreement 12/02/2009.

The license of Robert R. Collins, number 05657 P-I, and the license of the firm shall be suspended for a period of six (6) months. Upon successful completion of the suspension, his license, number 05657 P-I, and that of the firm shall be placed on probation for a period of twelve months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Cuevas, Raul**  
**Quality Refrigeration of NC, Inc.**  
**Leland, NC**

**License# 17416, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee contracted heating group two work without valid license qualifications, and failed to provide adequate supervision for work performed under his license. Raul Cuevas signed a Proposed Resolution Agreement 10/01/2009. Proposed Resolution Agreement approved 11/16/2009.

The license of Raul Cuevas, number 17416 H-3-I, and that of the firm shall be placed on unsupervised probation for twelve (12) months. In the event the licensee violates the conditions of the probation, his license



## Field Resolution Agreements and Resolution Review Committee Agreements

will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Davis, Bennie L.  
Raleigh, NC**

**License# 19106, H-1,2&3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to provide supervision and allowed his license to be listed on permits where the licensee did not sign contracts or supervised installations, allowed the use of his license by an unlicensed branch office, and operated two offices with the use of only one license. Resolution Conference held 05/04/2010. Bennie L. Davis signed a Resolution Conference Agreement 05/04/2010.

The license of Bennie L. Davis, number 19106 H-1,2&3-I, and that of the firm shall be placed on supervised probation for a period of two (2) years. In the event the licensee violates the conditions of probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Davis, Tracy Lee  
Tech Services, Inc.  
Conway, SC**

**License# 19962, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee hired individuals to perform the rough in installation of hvac systems and paid the same individuals via 1099's in the form of a check and did not withhold taxes from the payment for work performed. Tracy Lee Davis signed Proposed Resolution Agreement 09/03/2009. Review Committee approved Resolution Agreement 10/05/2009.

The license of Tracy Lee Davis, number 19962, H-3-I, and that of

the firm shall be placed on unsupervised probation for a period of twelve months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Depriest, Blake Allen  
BLAKO Plumbing Service  
Wilson, NC**

**License# 29215, P-I**

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee contracted to install a new shower stall, water closet, replace water lines servicing the home, and install water lines to service a hose bib, but failed to obtain a permit prior to commencing work, failed to respond to the customer in a timely manner, obtained money and abandoned the job, and violated the State Plumbing Code. Blake Depriest signed a Proposed Resolution Agreement 12/14/2009. Review Committee approved Proposed Resolution Agreement 03/26/2010.

The license of Blake Depriest, number 29215 P-I, and that of the firm shall be placed on probation for a period of 12 months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Dillard, Travis  
Vans Heating & Air LLC  
Charlotte, NC**

**License# 22062, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to respond

to customer service calls in a timely manner, and he obtained money and abandoned the job by not honoring his contractual obligations to provide service to new homeowners for a period of twelve (12) months. Resolution Conference held 01/19/2010. Travis Dillard received certified mail 12/29/2009; failed to appear at conference.

The Review Committee determined that Travis Dillard, although duly served with the Invitation Letter, failed to appear at the Resolution Conference on 01/19/2010. Therefore, the license of Travis Dillard, number 22062, to engage in business as a heating contractor will be suspended until such time that he appears before the Resolution Review Committee.

Resolution Agreement hand delivered to Dillard on 02/16/2010.

**Disher, Barry Lee  
B&B G.A.S., Inc.  
Walnut Cove, NC**

**License# 22937, FP**

Allegations of misconduct and violation of prior probation order in the business of fuel piping in that the licensee failed to comply with the probation requirements. Resolution Conference held 02/26/2010.

Barry Disher signed a Resolution Conference Agreement 2/26/2010.

The license of Barry Lee Disher, number 22937 FP, and the license of the firm shall be suspended for a period of thirty (30) days. Upon successful completion of the suspension, his license and that of the firm shall be placed on supervised probation for a period of two (2) years. In the event the licensee violates the conditions of probation or suspension, his license will be revoked.

**Dixon, George A.  
3GP LLC  
Matthews, NC**  
**License# 11783, P-I**  
Allegations of misconduct in the

## Field Resolution Agreements and Resolution Review Committee Agreements

business of plumbing contracting in that the licensee subcontracted work to an unlicensed individual, submitted false information to the Board in the form of a sworn statement, and submitted to the Board a false sworn statement verifying work for an application. Resolution Conference held 11/13/2009. George Dixon signed Proposed Resolution Agreement 11/13/2009.

The license of George A. Dixon, number 11783 P-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Dorsett, Larry**  
**Precision Sprinkler Company Inc.**  
**Garner, NC**  
**License# 23689, FS**

Allegations of misconduct in the business of fire sprinkler contracting in that the licensee contracted with an unlicensed company to supply supplemental labor for work that requires a license. Larry Clifton Dorsett signed Proposed Resolution Agreement 09/15/2009. Review Committee approved Resolution Agreement 10/20/2009.

The license of Larry Dorsett, number 23689, FS, and that of the firm shall be placed on unsupervised probation for a period of twelve months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Duncan, Chevis Wilson**  
**Duncan Plumbing**  
**Rutherfordton, NC**  
**License# 24391, P-II**

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee failed to request inspections within 10 days of substantial completion of work, allowed the use of his license by unlicensed persons by issuing 1099's to unlicensed employees, engaged in business under a different name or style of business than appears on his license, contracted work while his license was expired, and during the past six licensing renewals, renewed his license late each year by more than 30 days after the license expired while continuing to contract and perform work. Resolution Conference held 04/01/2010. Chevis Duncan signed a Resolution Conference Agreement 04/01/2010.

The license of Chevis Duncan, number 24391 P-II, and that of the firm shall be placed on unsupervised probation for a period of three (3) years. In the event the licensee violates the conditions of probation, his license will be suspended for a period of nine (9) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Eller, Wiley**  
**Honest Heating and Air LLC**  
**Wilmington, NC**  
**License# 23079, H-3-I**

Allegations of misconduct and selling license in the business of heating contracting in that the licensee allowed unlicensed individuals to use his license, allowed his license to appear on permits where he did not contract the installations, did not receive contractual payments for the work performed, and did not review the installations, violated the State Mechanical Code, and failed to obtain a final inspection within 10 days of substantial completion of the work. Wiley Eller signed a Pro-

posed Resolution Agreement 03/25/2010. Review Committee approved Proposed Resolution Agreement 04/22/2010.

The license of Wiley Mack Eller, number 23079 H-3-I, and the license of the firm shall be suspended for a period of six (6) months. Upon successful completion of the suspension, his license, number 23079 H-3-I, and that of the firm shall be placed on probation for a period of eighteen (18) months. In the event the licensee violates the conditions of the suspension or probation, his license will be suspended for a period of one (1) year, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Elms, Nathan**  
**Matthews, NC**  
**License# 30039, PH3-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee submitted an application for examination for P-I license, was approved and took the examination, but the information submitted was false and Mr. Elms did not have the required minimum 4,000 hours experience to take the examination. Resolution Conference held 11/13/2009. Nathan J. Elms signed Proposed Resolution Agreement 11/13/2009.

The license of Nathan J. Elms, number 30039 PH3-I, shall be surrendered to the Board. The action of surrendering his plumbing license qualification to the Board will be considered as a licensing qualification revocation.

**Fairfax, Alex**  
**Fairfax Heating and Cooling-Whiteville, NC**  
**License# 13323, H-2&3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee violated the minimum standard of

## Field Resolution Agreements and Resolution Review Committee Agreements

the North Carolina State Mechanical Code, failed to carry out adequate ductwork installation and system design, and subcontracted work from an unlicensed individual. Resolution Conference held 05/03/2010. Alex Fairfax signed a Resolution Conference Agreement 05/03/2010.

The license of Alex Fairfax, number 13323 H-2&3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Faraq, Magdy Mahmoud**  
**Four Star Heating & Air**  
**Wilmington, NC**

**License# 28698, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to specify payment terms, work schedule or scope of work properly in a contract, violated the State Mechanical Code, failed to obtain a permit prior to commencing work, and failed to obtain a final inspection within 10 days of substantial completion of the work. Magdy Faraq signed a Proposed Resolution Agreement 11/18/2009. Proposed Resolution Agreement approved 12/22/2009.

The license of Magdy Faraq, number 28698 H-3-I, and that of the firm shall be placed on unsupervised probation for twelve (12) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Foley, Robert Zackery**  
**Cana, NC**  
**License# 21320, H-3-I**

Allegations of misconduct and selling license in the business of heating contracting in that the licensee received money from an unlicensed contractor to assist in the installation of a new air handler, outdoor unit, and all new duct work. Robert Foley signed a Proposed Resolution Agreement 02/22/2010. Review Committee approved Proposed Resolution Agreement 03/14/2010.

The license of Robert Foley, number 21320, H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Froning, Mark**  
**Johnson Controls, Inc.**  
**Raleigh, NC**

**License# 19718, PH-1,2&3-I**

Allegations of misconduct and selling license in the business of plumbing and heating contracting in that the licensee allowed his license to be listed on permits where the licensee did not sign the contract, allowed the use of his license by an unlicensed branch office on an installation at the Grove Park Inn in Asheville, NC and Mission Hospital in Asheville, NC, and operated two offices with the use of only one license. Resolution Conference held 05/04/2010. Mark Froning signed a Resolution Conference Agreement 05/04/2010.

The license of Mark Froning, number 19718 PH-1,2&3-I, and that of the firm shall be placed on supervised probation for a period of two (2) years. In the event the licensee violates the conditions of probation, his license will be sus-

pended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Ginn, Jeffrey Floyd**  
**Ginn's Electric**  
**Greenville, NC**

**License# 24434, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to contract directly with the homeowner, did not receive the contractual payment from the homeowner, failed to obtain a permit prior to commencing work, failed to provide adequate supervision for work performed under his license, engaged in business under a different name or style of business than appears on his license, violated the State Mechanical Code by installing an improperly supported condensate drain line in crawl space area, installing a condensate drain line, which was not sleeved and sealed through the foundation wall, in crawl space area, and during the course of installation, cut and failed to repair the factory installed vapor barrier liner under the mobile home. Jeffrey Ginn signed a Proposed Resolution Agreement 03/09/2010. Review Committee approved Proposed Resolution Agreement 03/26/2010.

The license of Jeffrey Ginn, number 24434 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of 12 months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Goins, Donald**  
**Mount Airy, NC**  
**License# 16029, P-I**

Allegations of misconduct in the business plumbing contracting in

## Field Resolution Agreements and Resolution Review Committee Agreements

that the licensee obtained a permit for an unlicensed contractor to disconnect from the homeowners well and reconnect to the newly installed city water. Donald Ray Goins signed a Proposed Resolution Agreement 01/20/2010. Review Committee approved Proposed Resolution Agreement 03/14/2010.

The license of Donald Goins, number 16029, P-I, and that of the firm shall be placed on an unsupervised probation for a period of twenty-four (24) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Gooch, Brian Lee**  
**Brian Gooch Plumbing**  
**Durham, NC**

**License# 13974, P-I**

Allegations of misconduct and selling license in the business of plumbing contracting in that the licensee allowed the use of his license by unlicensed persons, and engaged in business under a different name or style of business than appears on his license. Resolution Conference held 04/20/2010. Brian Lee Gooch signed a Resolution Conference Agreement 04/20/2010.

The license of Brian Lee Gooch, number 13974 P-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation.

**Graham, Raymond**  
**Durham, NC**  
**License# 06790, P-I**

Allegations of misconduct in the

business of plumbing contracting in that the licensee obtained a permit for work for which he did not hold an executed contract, and he failed to comply with the Board rules and regulations on bona-fide employees. Raymond Graham signed a Proposed Resolution Agreement 12/10/2009. Review Committee approved Proposed Resolution Agreement 03/26/2010.

The license of Raymond Graham, number 06790, P-I, and that of the firm shall be placed on an unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Gunter, Joseph**  
**Gunters Heating & Air Cond.**  
**Service**  
**Huntersville, NC**

**License# 12329, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work for the duct modification, failed to provide adequate supervision, failed to carry out adequate ductwork installation and system design, failed to perform load calculation and duct design, violated the minimum standard of the North Carolina State Mechanical Code, allowed the use of his license by unlicensed persons by issuing 1099's to employees who were unlicensed. Resolution Conference held 01/19/2010. Joseph Gunter signed Resolution Conference Agreement 01/19/2010.

The license of Joseph Gunter, number 12329 H-3-I, and that of the firm shall be placed on super-

vised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

**Hall, Ralph K.**  
**Hall Heating & Air**  
**Lenoir, NC**  
**License# 6163, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to provide supervision, allowed the use of license by unlicensed persons, and obtained a permit and allowed his license number to appear on a permit on a job where the licensee did not hold the contract with the homeowner or general contractor and did not receive the contractual payment for the job. Resolution Conference held 03/31/2010. Ralph Hall signed a Resolution Conference Agreement 3/31/2010.

The license of Ralph Hall, number 6163 H-3-I, and the license of the firm shall be surrendered to the Board which will be considered a revocation of his license.

**Hancock, William**  
**Quality Plumbing**  
**Cherryville, NC**  
**License# 18582, P-II**

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to comply with the Board rule 21 NCAC 50.0512 and paid an unlicensed individual in the form of cash without withholding taxes, and he contracted plumbing class two work without valid license qualifications. William J. Hancock signed a Proposed Resolution Agreement 10/07/2009. Proposed Resolution Agreement approved 11/25/2009.

The license of William J. Hancock, number 18582 P-II, and that of the

## Field Resolution Agreements and Resolution Review Committee Agreements

firm shall be placed on probation for twelve (12) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Harrelson, James Terry**  
**T.A.G. Heat/Air Cond.**  
**Ellenboro, NC**  
**License# 18551, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee contracted failed to comply with 21 NCAC 50, section .0512 and paid an individual via a form 1099. James Terry Harrelson signed Proposed Resolution Agreement 09/29/2009. Review Committee approved Resolution Agreement 10/20/2009.

The license of James Harrelson, number 18551, H-3-I, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Hayes, Alan**  
**Northwestern Heating**  
**Boone, NC**  
**License# 17468, H2&H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee violated the Board's Laws & Rules 20 NCAC .0402(b), .0403, and .0406 by allowing an unlicensed contractor to utilize his license. Alan Kent Hayes signed a Proposed Resolution Agreement 10/21/2009. Proposed Resolution Agreement approved 11/27/2009.

The license of Alan Hayes, number 17468 H-2, H-3-I, and that of the

firm shall be placed on unsupervised probation for twelve (12) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Haynes, Arthur**  
**Fuquay Plumbing**  
**Fuquay Varina, NC**  
**License# 23963, P-I**

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee violated the minimum standard of the North Carolina State Plumbing Code, and allowed the use of his license by unlicensed persons. Resolution Conference held 12/01/2009. Arthur Danny Haynes signed a Proposed Resolution Agreement 12/01/2009.

The licensee, Arthur Danny Haynes, number 23963 P-I, did not admit any fault or guilt to any of the work contracted or performed in reference to complaint file number 2009-1034; however, he agreed to the disciplinary action of the Review Committee in order to resolve the complaint. The license of Arthur Danny Haynes, number 23963 P-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Hensley, Jerry O'Neal, II**  
**Southern Air of Granite Falls, Inc.**  
**Granite Falls, NC**  
**License# 21607, H-3-I**  
 Allegations of misconduct and in-

competence in the business of heating contracting in that the licensee failed to ensure proper system operation and violated the State Mechanical Code by failing to ensure that the outdoor unit and air handler were level, failure to use primer and glue on the condensate line, failure to properly seal supply & return to existing flex duct connections, failure to properly install the thermostat wire, and failure to properly insulate refrigerant line.

Jerry O'Neal Hensley II signed Proposed Resolution Agreement 09/15/2009. Review Committee approved Resolution Agreement 10/05/2009. The license of Jerry O'Neal Hensley II, number 21607, H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Higgins, Herbert R.**  
**Higgins Seminars**  
**Cary, NC**  
**License# 13731, H-2**

Allegations of misconduct in the business of providing continuing education in that the instructor certified to the Board that a licensee attended a 2009 continuing education class for the licensee's 2010 license renewal, when in fact the licensee did not receive actual instruction. Resolution Conference held 02/24/2010. Herbert R. Higgins signed a Resolution Conference Agreement 02/24/2010.

For a period of three (3) years, the Board will not approve courses wherein Herbert R. Higgins, license number 13731 H-2, is the Continuing Education Provider or Instructor. In addition a Letter of Caution shall be issued to Herbert R. Higgins.



## Field Resolution Agreements and Resolution Review Committee Agreements

**Hill, Daniel H.**  
**Daniel Hill Plumbing**  
**Mars Hill, NC**  
**License# 20400, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to withhold taxes and paid an unlicensed individual using a 1099 Form in violation of the Board rule 21 NCAC 50.0512. Daniel Hill signed a Proposed Resolution Agreement 11/23/2009. Proposed Resolution Agreement approved 12/10/2009.

The license of Daniel Haywood Hill, number 20400 P-I, and that of the firm shall be placed on unsupervised probation for six (6) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Holt, Ritchie Lee**  
**Champion Service Experts Flat Rock, NC**  
**License# 26954, H-2, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain a permit prior to commencing work, and failed to request a final inspection within 10 days of substantial completion of work. Ritchie Lee signed a Proposed Resolution Agreement 01/28/2010. Review Committee approved Proposed Resolution Agreement 05/11/2010.

The license of Ritchie Holt, number 26954, H-2, H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Ivey, Anthony**  
**Durham Plumbing Repair, Inc.**  
**Durham, NC**  
**License# 9224, P-I**

Allegations of misconduct and gross negligence in the business of plumbing contracting in that the licensee failed to provide adequate supervision of his employees, and created risk of personal injury or property damage. Resolution Conference held 04/20/2010. Anthony Ivey signed a Resolution Conference Agreement 04/20/2010.

The license of Anthony Ivey, number 9224 P-I, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of thirty (30) days, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Jackson, Randy**  
**J&H Mechanical Service**  
**Erwin, NC**  
**License# 18512, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to ensure proper system operation by installing an improperly sized air handler unit that was not matching according to AHRI standards and guidelines. Randy Jackson signed a Proposed Resolution Agreement 10/30/2009. Proposed Resolution Agreement approved 11/27/2009.

The license of Randy Lee Jackson, number 18512 H-3-I, and that of the firm shall be placed on unsupervised probation for six (6) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated he must comply

with all of the probation provisions.

**Jocoy, Matthew**  
**Jocoy's Plumbing, LLC**  
**Cashiers, NC**  
**License# 29392, P-II**

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee engaged in business under a different name or style of business than appears on his license, violated the State Plumbing Code by failing to use purple primer on drain lines throughout the home during the trim out phase, and at another job location failed to install a P-trap for the drain on the bathtub above the kitchen which resulted in water damage, and failed to install a cap on the vent for a sink that was planned but never installed in the kitchen island. Matthew Jocoy signed a Proposed Resolution Agreement 01/25/2010. Resolution Conference held 03/29/2010. Review Committee recommended to accept the Proposed Resolution Agreement dated 01/25/2010.

The license of Matthew Jocoy, number 29392, P-II, and that of the firm shall be placed on unsupervised probation for a period of twelve months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Johnson, Paul David**  
**Innovative Air, Inc**  
**Waxhaw, NC**  
**License# 18111, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to carry out adequate ductwork installation and system design, violated the minimum standard of the North Carolina State Mechanical Code, and allowed the use of license by unlicensed persons.

## Field Resolution Agreements and Resolution Review Committee Agreements

Resolution Conference held 11/13/2009. Paul Johnson signed a Proposed Resolution Agreement 11/13/2009.

The license of Paul David Johnson, number 18111 H-3-I, and the license of the firm shall be suspended for a period of six (6) months. In the event the licensee violates the conditions of the suspension, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Jones, James R**  
**Eastside Plumbing Specialists**  
**Mt. Olive, NC**  
**License# 9035 P-II**

Allegations of misconduct in the business of plumbing contracting in that the licensee contracted to perform licensed plumbing work in commercial structures and did not hold the required license to do the work. James Jones signed a Proposed Resolution Agreement 03/11/2010. Review Committee approved Proposed Resolution Agreement 03/26/2010.

The license of James Jones, number 09035 P-II, and that of the firm shall be placed on unsupervised probation for a period of 12 months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Jones, John Howard**  
**Comfort Control**  
**Balsam, NC**  
**License# 28727, H-3-I**

Allegations of misconduct, incompetence, and violation of probation order in the business of heating contracting in that the licensee failed to respond to the customer in a timely

manner, and failed to install a residential gas furnace according to the factory instructions, he failed to obtain a permit prior to commencing work, and failed to submit the warranty information on the unit, and violated the twelve month unsupervised probation approved by the Board on 10/22/2009. John Howard Jones signed a Proposed Resolution Agreement 02/18/2010. Review Committee approved Proposed Resolution Agreement 03/14/2010.

The license of John Howard Jones, number 28727, H-3-I (expired), and that of the firm shall be placed on a supervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Keistler, Willie H., Jr.**  
**Charlotte, NC**  
**License# 05719, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to comply with 21 NCAC 50.0512, and paid sub-contractors, who were not bona-fide employees of this company or firm, on a 1099 form. Willie H. Keistler signed Proposed Resolution Agreement 09/15/2009. Review Committee approved Resolution Agreement 10/20/2009.

The license of Willie H. Keistler, Jr., number 05719, H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he

must comply with all of the probation provisions.

**Kendrick, Harvey Lee**  
**Kendrick Heating & Air Condition**  
**Ruffin, NC**  
**License# 10523, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee assisted unlicensed individuals to perform work which required a license by subcontracting to those individuals the installation of a new electric furnace in a mobile home. Harvey Kendrick signed a Proposed Resolution Agreement 03/10/2010. Review Committee approved Proposed Resolution Agreement 03/22/2010.

The license of Harvey Lee Kendrick, number 10523, H-3-I, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Kilby, Jerry Clinton**  
**Lowes Home Centers**  
**Statesville, NC**  
**License# 27791, FSM**

Allegations of misconduct in the business of plumbing contracting in that the licensee contracted and performed work outside of his current licensing by wiring 24 tankless water heaters and subcontracting the plumbing of the tankless water heaters to an unlicensed plumber when he did not hold an active plumbing license. Resolution Conference held 4/01/2010. Jerry Kilby signed a Resolution Conference Agreement 04/01/2010.

The license of Jerry Kilby, number 27791 FSM, and that of the firm shall be placed on unsupervised probation for a period of twelve (12)

## Field Resolution Agreements and Resolution Review Committee Agreements

months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Kimery, Clifford H.  
Kimery's Heating & Roofing  
Albemarle, NC**

**License# 03587, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to provide supervision, failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, and contracted and performed work outside current licensing qualifications. Resolution Conference held 11/11/2009. Clifford H. Kimery signed a Proposed Resolution Agreement 11/11/2009.

The license of Clifford Kimery, number 03587 H-3-I, and the license of the firm shall be placed on supervised probation for eighteen (18) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Klingensmith, Melvin  
Mel Equipment  
Waxhaw, NC  
License# 22993, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee paid unlicensed individuals as sub-contractors on a 1099 form, and failed engaged in business under a different name or style of business than appears on his license. Melvin Klingensmith signed a Proposed Resolution Agree-

ment 09/16/2009. Klingensmith failed to submit a trade name change by 10/01/2009; conference recommended. Resolution Conference held 11/12/2009. Review Committee recommended to accept the Proposed Resolution Agreement dated 09/16/2009.

The license of Melvin Klingensmith, number 22993, P-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

**Koblich, Gary William  
Holly Springs Heating & Air,  
Inc.  
Holly Springs, NC  
License# 19115, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee allowed the use of his license by unlicensed persons, allowed his license number to appear on a permit on a job where he did not hold the contract with the homeowner or general contractor and did not receive the contractual payment for the job. Resolution Conference held 02/24/2010. Gary Koblich signed a Resolution Conference Agreement 02/24/2010.

The license of Gary Koblich, number 19115 H-3-I, and the license of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation require-

ments.

**Kumm, Johannes A.  
Carolina Affordable Plumbing  
Inc.  
Monroe, NC  
License# 19771, H-3-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to without taxes and paid an unlicensed individual using a 1099 Form in violation of the Board rule 21 NCAC 50.0512. Johannes Kumm signed a Proposed Resolution Agreement 11/03/2009. Proposed Resolution Agreement approved 12/22/2009.

The license of Johannes A. Kumm, number 19771 P-I, and that of the firm shall be placed on unsupervised probation for twelve (12) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Lathe, Warren S., IV  
Modern Plbg. Co. of Charlotte,  
Inc.  
Charlotte, NC  
License# 01213, P-I**

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee failed to meet the minimum hours of employment requirement per board rules, failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to provide supervision, allowed the use of his license by unlicensed persons, paid employees and failed to withhold payroll taxes, utilized two offices under one plumbing license (a Stanley office and a Charlotte office). Resolution Conference held 09/23/2009. Warren Lathe signed a Resolution Confer-

## Field Resolution Agreements and Resolution Review Committee Agreements

ence Agreement 09/23/2009.

The license of Warren S. Lathe, IV, number 1213, P-I, and that of the firm shall be placed on supervised probation for a period of three (3) years. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of one (1) year, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

**Lester, Daniel**  
**Lexington, NC**  
**License# 23057, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee paid an unlicensed individual using a 1099 Form in violation of the Board rule 21 NCAC 50.0512. Daniel Lester signed a Proposed Resolution Agreement 10/12/2009. Proposed Resolution Agreement approved 11/27/2009.

The license of Daniel Lester, number 23057 P-I, and that of the firm shall be placed on unsupervised probation for twelve (12) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Lineberry, Scott**  
**Green Heating & Cooling of NC Inc.**  
**Charlotte, NC**  
**License# 20041, H-3-I**

Allegations of misconduct, incompetence, and selling license in the business of heating contracting in that the licensee violated the minimum standard of the North Carolina State Fuel Gas Code, allowed the use license by unlicensed firm, operated two offices with the use of only one license, failed to provide supervision, failure to execute the contract, and subcontracted work

from an unlicensed individual/firm. Resolution Conference held 01/19/2010. Scott Lineberry signed Resolution Conference Agreement 01/19/2010.

The license of Scott Lineberry, number 20041 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

**Loomis, Paul W.**  
**Assured Quality Heating & Air, Inc.**  
**Franklin, NC**  
**License# 23377, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee engaged in business under a different name or style of business than appears on his license, failed to complete a load calculation and duct design for installations, violated the State Mechanical code. Paul Loomis signed a Proposed Resolution Agreement 01/25/2010. Proposed Resolution Agreement approved 02/15/2010.

The license of Paul Loomis, number 23377, H-3-I (Expired), and that of the firm shall be placed on probation for a period of twelve months after the license is renewed. In the event, the licensee violates the conditions of probation, his license will be suspended for a period of six months, with the requirement that prior to the license being reinstated; he must comply with all of the probation requirements.

**Mackey, Robert**  
**Gordon's Heating & Air Condi-**

**tioning, Inc.**  
**Charlotte, NC**  
**License# 09823, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to provide adequate supervision, failed to carry out adequate ductwork installation and system design, failed to perform load calculation and duct design, violated the minimum standard of the North Carolina State Mechanical Code, and subcontracted work from an unlicensed individual. Resolution Conference held 01/21/2010. Robert Mackey signed Resolution Conference Agreement 01/21/2010.

The license of Robert Mackey, number 9823 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of eighteen (18) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

**Mahaffey, Kenneth R.**  
**Taz Mechanical and Construction, Inc**  
**Greenville, SC**  
**License# 21237, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee subcontracted licensed work to an unlicensed contractor, allowed an unlicensed plumber to work under his licensed, and failed to provide adequate supervision for work performed under his license. Kenneth Mahaffey signed a Proposed Resolution Agreement 11/20/2009. Proposed Resolution Agreement approved 12/04/2009.

## Field Resolution Agreements and Resolution Review Committee Agreements

The license of Kenneth Mahaffey, number 21237 P-I, and that of the firm shall be placed on probation for twelve (12) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Maney, Kenneth**  
**Advanced Heat & Air, Inc.**  
**Waynesville, NC**  
**License# 23842, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work for the installation of the zoning system, and failed to carry out adequate ductwork installation and system design in that the system was not operating correctly and the temperature difference between floor was greater than 4 degrees. Resolution Conference held 01/18/2010. Robert Mackey signed Resolution Conference Agreement 01/18/2010.

The license of Kenneth Maney, number 23842 H-3-I, and that of the firm shall continue on its current supervised probation implemented by the Resolution Agreement approved by the Board as a final agency decision on August 11, 2009 with the following additional requirement: return to the home located at 1407 West Deep Creek Rd., Bryson City, NC by June 11, 2010 and correct any and all system operation issues. Contact the homeowners in advance and arrange a time to perform this work. Prior to commencing any work, if necessary, obtain a permit from the local code enforcement official and receive a final inspection. By the final day of the probation, August 11, 2010, submit to the board documentation to show that the system operation issues have been resolved. In the event the licensee violates the condi-

tions of probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

**Mansfield, Matthew**  
**Mansfield Sales and Services, Inc.**  
**Oak Island, NC**  
**License# 28975, H-3-I**

Allegations of misconduct and selling his license in the business of heating contracting in that he allowed his license number to appear on permits where he did not provide general supervision for the work performed nor did he hold executed contracts with the property owners. Matthew Mansfield signed a Proposed Resolution Agreement 04/23/2010. Review Committee approved Proposed Resolution Agreement 05/12/2010.

The license of Matthew Mansfield, number 28975 H-3-I, and that of the firm shall be placed on a supervised probation for a period of eighteen (18) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Marcom, Steven**  
**Steve Marcon Service Co.**  
**Wake Forest, NC**  
**License# 20876, FP**

Allegations of misconduct and incompetence in the business of fuel piping contracting in that the licensee failed to obtain a permit prior to commencing work, contracted or performed the installation of a wood burning stove with duct installation which was outside his license qualification. Steven Marcom signed a Proposed Resolution Agreement 01/21/2010.

Proposed Resolution Agreement approved 02/15/2010.

The license of Steven Marcom, number 20876 FP, and that of the firm shall be placed on unsupervised probation for a period of 6 months. In the event, the licensee violates the conditions of probation, his license will be suspended for a period of nine months, with the requirement that prior to the license being reinstated; he must comply with all of the probation requirements.

**Mattox, Randal**  
**Preventive Maintenance Service of America, Inc.**  
**Eden, NC**  
**License# 22484, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to request final inspections within 10 days of substantial completion of the work for which license was required. Randal Mattox signed a Proposed Resolution Agreement 09/22/2009. Proposed Resolution Agreement approved 11/02/2009.

The license of Randal Mattox, number 22482 H-3-I, and that of the firm shall be placed on unsupervised probation for twenty-four (24) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**McLeod, Jonathan**  
**Robbins, NC**  
**License# 27085, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to provide adequate supervision, failed to specify payment terms, work schedule or scope of



## Field Resolution Agreements and Resolution Review Committee Agreements

work properly in contract, and failed to complete contractual obligation. Resolution Conference held 04/20/2010. Jonathan McLeod signed a Resolution Conference Agreement 04/20/2010.

The license of Jonathan McLeod, number 27085 H-3-I, and the license of the firm shall be placed on probation for a period of twenty four (24) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**McCurry, Benny Lee**  
**McCurry Heating & Air, Inc.**  
**Burnsville, NC**

**License# 19145, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to carry out adequate installation and system design, failed to size equipment properly, and violated the minimum standard of the North Carolina State Mechanical Code. Resolution Conference held 04/01/2010. Benny McCurry signed a Resolution Conference Agreement 04/01/2010.

The license of Benny McCurry, number 19145 H-3-I, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Miller, Douglas**  
**Douglas Heat & Cool former licensee of Barrett Air Conditioning**  
**Belmont, NC**  
**License# 15365, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to properly supervise the installation, failed to pull the required permit and have the modification to the return inspected as required by law. Douglas Miller signed a Proposed Resolution Agreement 11/18/2009. Proposed Resolution Agreement approved 12/10/2009.

The license of Douglas Miller, number 15365 H-3-I, and that of the firm shall remain on probation until 05/12/2010, pursuant to the previous Resolution Agreement approved by the Board. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Miller, Michael**  
**Diamond Mechanical Services**  
**Rock Hill, SC**

**License# 28722, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee engaged in business under a different name or style of business than appears on his license, and violated the State Mechanical Code by failing to power the condensate pump with wire, failing to wire the control wiring to the condensate pump auxiliary switch, failing to seal the collar at the return air, installing a return air duct too small for a 2-1/2 ton unit, and failing to insulate the return air duct in the crawl space. Michael L. Miller signed a Proposed Resolution Agreement 3/11/2010. Resolution Conference held 04/01/2010. Review Committee recommended to accept the Proposed Resolution Agreement dated 03/11/2010.

The license of Michael Miller, number 28722-H-3-I, and that of the firm shall be placed on probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Mills, Bobby G.**  
**Monroe, NC**  
**License# 04683, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to provide adequate supervision, failed to carry out adequate ductwork installation and system design, and violated the minimum standard of the North Carolina State Mechanical Code. Resolution Conference held 01/20/2010. Bobby Mills signed Resolution Conference Agreement 01/20/2010.

The license of Bobby G. Mills, number 4683 H-3-I, and that of the firm shall be placed on supervised probation for a period of two (2) years. In the event the licensee violates the conditions of probation, his license will be suspended for a period of one (1) year, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

**Myers, Glenn L.**  
**Glenn Lewis Myers Plumbing & Repair**  
**High Point, NC**  
**License# 05791, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee allowed the use of his license by unlicensed persons by issuing 1099's to unlicensed em-

## Field Resolution Agreements and Resolution Review Committee Agreements

ployee(s). Glenn Myers signed a Proposed Resolution Agreement 12/16/2009. Proposed Resolution Agreement approved 02/15/2010.

The license of Glenn Myers, number 05791, P-I, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. In the event, the licensee violates the conditions of probation, his license will be suspended an additional period of forty-five (45) days, with the requirement that prior to the license ever being reinstated; he must comply with all of the probation provisions.

**Oliver, Larry W.**  
**Larry W. Oliver Plumbing**  
**Selma, NC**

**License# 23345, P-II**  
 Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee contracted and received payment for work in the name of an unlicensed firm, licensee contracted and performed work outside of scope of license, licensee commenced work prior to obtaining a permit, and licensee performed work with numerous code violations. Resolution Conference held 11/30/2009. Larry W. Oliver signed a Proposed Resolution Agreement 11/30/2009.

The license of Larry W. Oliver, number 23345 P-II, and the license of the firm shall be placed on unsupervised probation for a period of six (6) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of nine (9) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Pendergrass, Mark**  
**Coast Mechanical Contractors,**  
**Inc.**  
**Wilmington, NC**  
**License# 00684, PH-1,2&3-I; FS,**  
**FSIC**  
 Allegations of misconduct and mis-

conduct in the business of fire sprinkler contracting in that the licensee failed to properly install and designed a fire sprinkler system in that the licensee installed vertically dry pendent fire sprinkler drops that could not be drained after flow testing had been performed and are subject to freezing, and utilized drawings for the fire sprinkler system that was not designed by the licensee or a North Carolina PE. Resolution Conference held 05/03/2010. Mark Allen Pendergrass signed a Resolution Conference Agreement 05/03/2010.

The license of Mark Pendergrass, number 684 PH-1, 2&3-I; FS, FSIC, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Pringle, Phillip**  
**Pringle's Heat & Air**  
**Newton, NC**

**License# 24173, H-2&3-I**  
 Allegations of misconduct in the business of heating contracting in that the licensee contracted and performed work outside his current licensing qualifications by installing (3) 5-ton Carrier heat pumps prior to his obtaining the required license by examination. Phillip Pringle obtained Heating Group 2 license by examination 03/19/2010. Resolution Conference held 03/31/2010. Phillip Pringle signed a Resolution Conference Agreement 03/31/2010.

The license of Phillip Pringle, number 24173 H-2&3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the

event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Rains, Steven Wayne**  
**Steve Rains Plumbing**  
**Council, NC**

**License# 27363, P-I**  
 Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee failed to ensure that a permit had been issued in his name for the work performed, failed to have a written contract documenting the payment terms, work schedule or scope of work, failed to complete work in a timely manner, and failed to comply with the Board rules and regulations on "bona-fide employees". Steven Wayne Rains signed a Proposed Resolution Agreement 09/02/2009. Review Committee approved Resolution Agreement 10/05/2009.

The license of Steven Wayne Rains, number 27363, P-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Richardson, Mark**  
**Richardson Heating & Cooling**  
**Robbins, NC**

**License# 17560, H-3-I**  
 Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, and failure to respond to the field staff to resolve the complaint

## Field Resolution Agreements and Resolution Review Committee Agreements

after repeated attempts to schedule meetings by the field staff. Resolution Conference held 10/27/2009. Mark Richardson signed Resolution Conference Agreement on 10/27/2009.

The license of Mark Wayne Richardson, number 17560, H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

**Roberts, Harold**  
**Durham, NC**  
**License# 20558, P-I**

Allegations of misconduct and selling license in the business of plumbing in that he allowed his license number to appear on a permit where he did not perform general supervision, the work was performed by individuals who were not employees of the licensee, and he failed to renew his license in a timely manner. Harold Roberts signed a Proposed Resolution Agreement 02/05/2010. Review Committee approved Proposed Resolution Agreement 04/22/2010.

The license of Harold Roberts, number 20558 P-I, shall be surrendered to the Board. The act of surrendering the license will be treated as a revocation.

**Romero, Carlos**  
**Dowty Air Conditioning**  
**Morehead City, NC**  
**License# 20286, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee allowed his license number to appear on a permit on a job where the licensee did not hold the contract with the homeowner or general contractor and did not re-

ceive the contractual payment for the job. Resolution Conference held 02/25/2010. Carlos Romero signed a Resolution Conference Agreement 02/25/2010.

The license of Carlos Romero, number 20286 H-3-I, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Rowe, Wilbert**  
**Le'Ro Enterprises HVAC**  
**Wilmington, NC**  
**License# 17223, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee violated the State Mechanical Code by failed to properly seal and insulate register boots, improperly supporting portions of the flex duct, return duct installed without minimum clearance to ground level (4 inch min clearance), flex duct connections to register boots improperly connected, failed to obtain a permit prior to commencing work, failed to comply with the Board rules and regulations on "bona-fide employees" by not withholding taxes. Wilbert Rowe signed a Proposed Resolution Agreement 11/20/2009. Proposed Resolution Agreement approved 12/04/2009.

The license of Wilbert Rowe, number 17223 H-3-I, and that of the firm shall be placed on unsupervised probation for twelve (12) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement

that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Sampson, Randy M.**  
**Custom Air, Inc.**  
**Greensboro, NC**  
**License# 23706, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee violated the minimum standard of the North Carolina State Mechanical Code,

failed to request final inspection(s) within 10 days of substantial completion of the work, failed to obtain permit(s) prior to commencing work. Randy Sampson signed a Proposed Resolution Agreement 11/12/2009. Proposed Resolution Agreement approved 12/04/2009.

The license of Randy Sampson, number 23706 H-3-I, and that of the firm shall be placed on probation for eighteen (18) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Schmidt, Roy Alvin**  
**Royce Tech, Inc**  
**Hillsborough, NC**  
**License# 21687, H-1-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to carry out adequate piping installation, and violated the minimum standard of the North Carolina State Mechanical Code. Resolution Conference held 12/01/2009. Roy Schmidt signed a Proposed Resolution Agreement 12/01/2009.

The license of Roy Schmidt, number 21687 H-1-I, and the license of the firm shall be placed on unsupervised probation for six (6) months. In the event the licensee violates the conditions of the probation, his license

## Field Resolution Agreements and Resolution Review Committee Agreements

will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Shipley, David**  
**Cullowhee, NC**  
**License# 24527, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to obtain permit(s) prior to commencing work, engaged in business as Shipley's Plumbing yet license is listed as David Kenneth Shipley, and failed to respond to consumer in a timely manner. Resolution Conference held 01/18/2010. David Shipley signed Resolution Conference Agreement 01/18/2010.

The license of David Shipley, number 24527 P-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

**Sherron, Michael**  
**Robbins, NC**  
**License# 20008, H-3-I**

Allegations of misconduct and selling license in the business of heating contracting in that the licensee allowed the use of his license by unlicensed persons. Resolution Conference held 04/19/2010. Michael Sherron signed a Resolution Conference Agreement 04/19/2010.

The license of Michael Sherron, number 20008 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of eighteen (18) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with

the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Silvers, Dolph**  
**Dolph & S. W. Silvers Construction**  
**Burnsville, NC**  
**License# 5957, P-I**

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to provide adequate supervision, violated the minimum standard of the North Carolina State Plumbing Code, allowed the use of license by unlicensed persons by paying an unlicensed person in cash for this installation without withholding taxes, engaged in business under a different name or style of business than appears on his license, and created risk of personal injury by improper installation and design. Resolution Conference held 03/29/2010. Dolph Silvers signed a Resolution Conference Agreement 03/29/2010.

The license of Dolph Silvers, number 5957 P-I, and the license of the firm shall be suspended for a period of ninety (90) days. Upon successful completion of the suspension, his license, number 5957 P-I, and that of the firm shall be placed on supervised probation for a period of eighteen (18) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of nine (9) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Smith, Christopher Alan**  
**Thomasville, NC**

**License# 22664, H-2&3-I**

Allegations of misconduct and job abandonment in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, obtained money and failed to complete installation (job abandonment), and contracted work while his license was suspended. Resolution Conference held 03/30/2010. Christopher Alan Smith signed a Resolution Conference Agreement 03/30/2010.

The license of Christopher Alan Smith, number 22664 H-2&3-I, shall be revoked by the Board.

**Smith, Timothy Lee**  
**C&L Plumbing Services**  
**Benson, NC**  
**License# 12557, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to obtain a permit prior to commencing work, and as the master licensee for the firm he failed to provide adequate supervision. Timothy Smith signed a Proposed Resolution Agreement 01/08/2010. Proposed Resolution Agreement approved 02/15/2010.

The license of Timothy Lee Smith, number 24527 P-I, and that of the firm shall be placed on probation for a period of twelve (12) months. In the event, the licensee violates the conditions of probation, his license will be suspended for a period of 9 months, with the requirement that prior to the license ever being reinstated; he must comply with all of the probation provisions.

**Sowers, William**  
**Greensboro, NC**  
**License# 21515, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to obtain final inspections, and contracted work while license was expired. Resolution Conference held 01/21/2010. William Sowers

## Field Resolution Agreements and Resolution Review Committee Agreements

signed Resolution Conference Agreement 01/21/2010.

The license of William Sowers, number 21515 H-3-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

**Spell, Mickie**  
**Spell's Mechanical Service, Inc.**  
**Autryville, NC**  
**License# 10574, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to perform a proper residential load calculation. Resolution Conference held 12/02/2009. Mickie Wilton Spell signed a Proposed Resolution Agreement 12/02/2009.

The license of Mickie Spell, number 10574 H-3-I, and the license of the firm shall be placed on unsupervised probation for twelve (12) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Swann, Glenn**  
**Swann Heating and Air**  
**Huntersville, NC**  
**License# 13075, H-3-II**

Allegations of misconduct in the business of heating contracting that the licensee failed to comply with the Board rules on "bona-fide employees" and paid subcontractors on a 1099 form. Glenn G. Swann signed a Proposed Resolution Agreement 09/14/2009. Review Committee approved Resolution Agreement 10/20/2009.

The license of Glenn Swann, number 13075, H-3-II, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Tanner, Mark**  
**R&B Climate Control**  
**Fortmill, SC**  
**License# 28808, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain a permit prior to commencing work, and failed to respond to the consumer in a timely manner. Mark Tanner signed a Proposed Resolution Agreement 03/01/2010. Review Committee approved Proposed Resolution Agreement 03/22/2010.

The license of Mark Tanner, number 28808, H-3-I, and that of the firm shall be placed on a supervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of four (4) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Telgarez, James A.**  
**Telgarez Plumbing**  
**Asheboro, NC**  
**License# 11009, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to withhold taxes and paid an unlicensed individual using a 1099 Form in violation of the Board rule 21 NCAC 50.0512. James Telgarez

signed a Proposed Resolution Agreement 11/23/2009. Proposed Resolution Agreement approved 12/10/2009.

The license of James Telgarez, number 11009 P-I, and that of the firm shall be placed on unsupervised probation for six (6) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of forty-five (45) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions..

**Thomason, Karl**  
**Karl Thomason Plumbing, LLC**  
**Hickory, NC**  
**License# 12568, P-I**

Request for modification of the probation approved by the Board on 04/24/2009. Resolution Conference held 11/11/2009. Karl Thomason signed a Proposed Resolution Agreement 11/11/2009.

The Review Committee recommended that the Proposed Resolution Agreement signed on January 29, 2009 and approved by the Board on April 24, 2009 remains in full force; that Mr. Thomason not be required to attend the December 4, 5 & 6, 2009 scheduled Special Plumbing Code and Design course; that Mr. Thomason shall enroll in the next available Special Plumbing Code and Design course (after the December 4, 5 & 6, 2009 class currently scheduled) approved by the Board's Executive Director and present evidence to the staff of the Board of a passing grade in such course, the Board's staff will notify the licensee of the date and location of the approved course; and if Mr. Thomason does not attend the course as outlined above, even if the next scheduled course is after the end of the probation, then his failure to attend and pass the course will be considered a violation of the probation.

## Field Resolution Agreements and Resolution Review Committee Agreements

### **Thornton, Timothy Thornton's Heating & Air Conditioning, Inc. Graham, NC**

#### **License# 18082, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee at one job location failed to install a HVAC system that would maintain a maximum temperature differential of 4 degrees Fahrenheit room-to-room and/or floor-to-floor, and at another job location failed to obtain a permit prior to commencing work, violated the State Mechanical Code, and failed to perform a load calculation. Timothy Thornton signed a Proposed Resolution Agreement 03/09/2010. Review Committee approved Proposed Resolution Agreement 03/22/2010.

The license of Timothy Thornton, number 18082, H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

### **Tripp, Richard Brandon Tripp & Sons Snow Hill, NC License# 22523, H2&3-I (sublicensee)**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee violated the State Mechanical Code by improperly connecting the duct work to transition collars in several locations (no Panduit strap installed on liner), improperly installing significant portion of supply and return duct (4 inch minimum clearance to ground level not achieved and portions of duct on ground), improperly sealing metal seams on sheet metal

plenums and transitions, improper supports on portions of the flex duct, and failure to insert metal collar in duct splice. Richard Tripp signed a Proposed Resolution Agreement 12/17/2009. Review Committee approved Proposed Resolution Agreement 03/26/2010.

The license of Richard Tripp, number 22523 H2, 3-I, and that of the firm shall be placed on unsupervised probation for a period of 12 months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

### **Turnage, Larry Turnage Heating and A/C Ocean Isle Beach, NC License# 12287, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to resolve in a timely manner the operational issues for the hvac system designed and installed for the homeowner. Larry Turnage signed a Proposed Resolution Agreement 09/03/2009. Review Committee approved Resolution Agreement 10/05/2009.

The licensee, Larry Turnage, number 12287, H-3-I, voluntarily agreed to surrender his license to the Board. Upon surrendering the license to the Board, the license will be considered as revoked. In the event the licensee requests to re-establish his license, then he will have to answer to the charges from specific complaint(s) and possible reexamine per General Statutes Chapter 87, Article 2. If the revoked licensee performs any work that requires a license after

the license surrender has been accepted by the Board, then he will be prosecuted as an unlicensed person in the court system.

### **Vogt, George Burton Climatemasters Elizabeth City, NC License# 21495, PH1,2&3-I (sublicensee)**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain a permit prior to commencing work, and failed to complete a load calculation which resulted in the unit being improperly sized. George Vogt signed a Proposed Resolution Agreement 03/18/2010. Review Committee approved Proposed Resolution Agreement 03/23/2010.

The license of George Vogt, number 21495 H3-I, H2, H1, P-I, and that of the firm shall be placed on a supervised probation for a period of (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

### **Walker, Ander Call One Enterprises Greensboro NC License# 08040, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee paid an unlicensed individual using a 1099 Form in violation of the Board rule 21 NCAC 50.0512. Ander Walker signed a Proposed Resolution Agreement 10/05/2009. Proposed Resolution Agreement approved 11/16/2009.

The license of Ander Walker, number 08040 P-I, and that of the firm shall be placed on unsupervised probation for six (6) months. In the event the licensee violates the condi-

## Field Resolution Agreements and Resolution Review Committee Agreements

tions of the probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Wall, Stephen H.**  
**Tarheel Heating & Cooling**  
**Greensboro, NC**  
**License# 19240, H2&H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to perform a load calculation, duct design, and system design. Resolution Conference held 02/25/2010. Stephen H. Wall signed a Resolution Conference Agreement 02/25/2010.

The license of Stephen Wall, number 19240 H-2&3-I, and the license of the firm shall be on unsupervised probation for a period of nine (9) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**White, Ronald M.**  
**Ocean Breeze Heating & Air,**  
**LLC**  
**Hampstead, NC**  
**License# 28436, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to perform load calculation, and violated the minimum standard of the North Carolina State Mechanical Code. Resolution Conference held 12/02/2009. Ronald M. White signed a Proposed Resolution Agreement 12/02/2009.

The license of Ronald M. White,

number 28436 H-3-I, and the license of the firm shall be placed on unsupervised probation for twelve (12) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Willis, Christopher**  
**Tri-Plex, Heating & Cooling,**  
**Inc.**  
**Beaufort, NC**  
**License# 22199, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain a permit prior to commencing work, failed to respond to the customer in a timely manner, and he violated the State Mechanical Code and had the following installation errors: supply duct branch line transitions at primary trunk line (take off collars) not sealed, return box in crawl space not sealed at transition to return duct, return duct not installed with minimum 4 inch clearance to ground level, supply duct not installed with minimum 4 inch clearance to ground level, metal collars not inserted on several spliced flex duct connections, inner liner not taped properly and panduit strap improperly installed on branch line at transition collar (1 location), panduit strap improperly installed on flex duct transition (1 location), portion of flex duct improperly supported (excessive sag), portions of flex duct not installed properly (restricted in some areas), register boots improperly attached to floor (visible gap between register boot and floor). Christopher Willis signed a Proposed Resolution Agreement 01/13/2010. Proposed Resolution Agreement approved 02/15/2010.

The license of Christopher Duane Willis, number 22199 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event, the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the license ever being reinstated; he must comply with all of the probation provisions.

**Wilson, Robert James**  
**Heritage Operating LP d/b/a**  
**Vess Propane**  
**Burnsville, NC**  
**License# 28917, FP**

Allegations of misconduct in the business of fuel piping in that the licensee paid an unlicensed individual using a 1099 Form in violation of the Board rule 21 NCAC 50.0512. Robert James Wilson signed a Proposed Resolution Agreement 10/12/2009. Proposed Resolution Agreement approved 11/25/2009.

The license of Robert James Wilson, number 28917 FP, and that of the firm shall be placed on unsupervised probation for six (6) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Woodard, K. Warren**  
**Woodard Electric Service, Inc.**  
**Haynesville, NC**  
**License# 05520, PH-1,2&3-I**

Allegations of misconduct and selling license in the business of plumbing and heating contracting in that the licensee allowed the use of his license by unlicensed persons. Resolution Conference held 09/21/2009. K. Warren Woodard signed a Resolution Conference Agreement 09/21/2009.

The license of K. Warren Woodard, Jr., number 5520, PH-1,2&3-I, and that of the firm shall be placed on



## Field Resolution Agreements and Resolution Review Committee Agreements

unsupervised probation for a period of six (6) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated she must comply with all of the probation provisions listed above.

**Woodard, Monte**  
**Woodard Plumbing**  
**Contractors**  
**Jacksonville, NC**  
**License# 22223, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to comply with the Board rules and regulations on bona-fide employees by failing to withhold taxes and issued 1099's to his employees for the tax year. Monte Woodard signed a Proposed Resolution Agreement 03/01/2010. Review Committee approved Proposed Resolution Agreement 03/14/2010.

The license of Monte Woodard, number 22223, P-I, and that of the firm shall be placed on a unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

**Wilcox, David**  
**Gastonia, NC**  
**License# 17260, PH3-II, H2**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain a permit prior to commencing work, failed to obtain an inspection, failed to complete the job, failed to meet the minimum standard of the NC Code (code violations), failed to respond to warranty/homeowner complaint issues, failed

to properly design and install a HVAC system, allowed complaint issues to be addressed by another contractor at the expense of the homeowner, license was issued in his individual name but he was operating under a business name, and he failed to appear before the RRC after two different invitations. Invitation Letter delivered by certified mail to David Wilcox 09/09/2009. Resolution Conference held 09/22/2009/ licensee failed to appear.

Review Committee found that David Neil Wilcox, although duly served with the Invitation Letter, failed to appear at the Resolution Conference scheduled on September 22, 2009. Therefore, based on the determinations of fact, the license of David Neil Wilcox, number 17260, PH3-II, H2, shall be suspended until such time that Mr. Wilcox appears before the RRC. Mr. Wilcox must submit evidence that the homeowner in this case has been reimbursed the funds spent to have an outdoor thermostat installation. Mr. Wilcox has to submit evidence that he has obtained permits, inspections and a final inspection on this job. When Mr. Wilcox appears before the RRC and submits evidence as outlined above, the license of David Neil Wilcox shall be placed on 24 month supervised probation. If Mr. Wilcox appears and does not submit evidence, then his license is revoked. If Mr. Wilcox fails to renew his license within 3 years of expiration, Mr. Wilcox shall appear before the RRC for discipline prior to being allowed to sit for any examinations. John Todaro hand delivered results of conference to licensee on 10/08/2009.

**Young, Stanley**  
**Young's Fuel Service**  
**Bakersville, NC**  
**License# 21915, FP**

Allegations of misconduct in the

business of fuel piping contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to provide adequate supervision for work performed under his license, violated the minimum standard of the State Gas Code, and engaged in business under a different name or style of business than appears on his license. Stanley Howard Young signed a Proposed Resolution Agreement 11/24/2009. Proposed Resolution Agreement approved 12/22/2009.

The license of Stanley Young, number 21915 FP, and that of the firm shall be placed on probation for twelve (12) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Zimmerman, Joseph G.**  
**ABC Plumbing Company, Inc.**  
**Clayton, NC**  
**License# 07364, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee entered into a contract to perform licensed plumbing work with an unlicensed general contractor, failed to obtain a permit prior to commencing work, and failed to provide adequate supervision for work performed under his license. Joseph Zimmerman signed a Proposed Resolution Agreement 10/06/2009. Proposed Resolution Agreement approved 11/27/2009.

The license of Joseph G. Zimmerman, number 07364 P-I, and that of the firm shall be placed on unsupervised probation for six (6) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

## Attorney's Report

### **ABSHER, MICHAEL STEVEN Bessemer City NC**

Violation of prior Order of the Court in that Defendant contracted to install a heating, group 3 system at a residence in Kings Mountain, N.C. without first obtaining a valid license and in violation of a Judgment of Permanent Injunction entered on 8/3/01.

Motion and Order for Show Cause served on 7/24/09.

Evidentiary Hearing held 2/8/2010.

Order of Contempt filed 2/17/2010 finding the Defendant guilty of contempt of prior Order of the Court and sentencing him to serve 30 days in the Gaston County Jail.

### **ALLEN, RICHARD C. d/b/a RICK'S PLUMBING & HEATING A/C Lenoir NC**

#### **License No. 08168 PH-3-I**

On 5/12/1993, a letter of caution was entered on the license record of Respondent. An Order was issued by the Board on 5/9/2000, by reason of abandonment of a job and poor duct design and installation. A Resolution Agreement was entered on 4/13/2004, based on failure to obtain permits and inspections. License expired December 31, 2004, was renewed April 1, 2005. At the time of renewal on April 1, 2005, Respondent took an oath that no work requiring license had taken place between December 31, 2004 and April 1, 2005. Respondent's license expired December 31, 2005 and was renewed on March 23, 2007. The staff of the Board contended that on or about February 25, 2005, America's Homeplace, Inc. sub-contracted to install a heating system at new construction for the amount of \$10,844.04. Although Respondent was paid for the rough-in and trim out, he failed to return to complete the installation. In the course of the installation, Respondent failed to obtain a permit prior to beginning installation in violation of the North Carolina State Building Code sub-contracted the above installation while

license was expired; failed to return calls to the general contractor and abandoned the installation; failed to install thermostat on main floor; failed to install cover on equipment; failed to insulate refrigerant line for full length of equipment; installed a floor register with no ductwork; left job with floor cut out for supply vent; failed to install return in ceiling; failed to install ductwork in attic; left equipment partially installed in attic serving second floor; and failed to connect refrigerant lines on equipment in both attic and crawl space. Respondent contended the foregoing paragraph is not true, that he had great difficulty collecting payment from the general contractor and that it became necessary to stop work until the general contractor demonstrated an ability to pay for the job as well as some previous jobs on which Respondent was unpaid. Respondent further contended any concern as to quality of work would have been addressed if payment problems had been addressed properly.

Formal hearing held 12/7/09.

Consent Order issued 12/7/09 took no action as to the Plumbing qualification of Respondent and suspended the Heating, Group 3, Class I license for 90 days. Upon completion of the 90 day suspension the Heating license of Respondent is placed on probation for 2 years with provisions that Respondent have written contracts signed by licensee and customer for each installation; maintain job files or other written records of contracts made and installations performed including a heat loss/heat gain calculation for each installation; perform a room by room load calculation on all new construction and a whole house load calculation on all changeouts or replacement of HVAC equipment; enroll in both the Board Disciplinary Business Class and the Board Laws and Rules Class and

commit 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 probation, license and all qualifications will be suspended for a period of one (1) year, together with other sanctions as indicated by any new violations of G.S. 87-23.

### **BLACK, JOHN PAUL d/b/a JOHN BLACK HEATING & AIR Charlotte NC**

Heating contracting without a license.

Complaint filed 3/5/09.

Alias and Pluries Summons to Sheriff of Rowan County 7/7/09.

Judgment of Permanent Injunction filed 12/1/2009 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

### **BLUE, ROBERT D. d/b/a BLUE'S HEATING AND AIR Raleigh NC**

Heating contracting without a license.

Complaint and Summons filed 5/7/09 Hoke County Superior Court.

Service of process obtained.

Judgment entered 3/10/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

### **BAKER, GREGG Bailey NC**

Violation of prior Order of the Court.

Contempt hearing held 1/25/2010 Wake County Superior Court.

Defendant found guilty of Contempt of Court.

Appeal from 1/27/10 Order filed by Defendant to North Carolina Court of Appeals. Appeal later withdrawn.

## Attorney's Report

Hearing held 5/4/10 modifying the sanction posed by the 1/27/10 Order by reason of illness. Defendant ordered to be confined in the Wake County Jail for a period of 10 days to begin on 5/4/10.

### **BRYANT, MYRON and DREAM AIR**

**Cove City, NC**

Heating contracting without a license.

Summons and Complaint filed with Craven County Superior Court.

Obtained service 6/29/09.

Judgment of Permanent Injunction filed 12/16/2009 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

### **BULLARD, GARY DEAN d/ b/a CAROLINA AIR, HEATING & COOLING**

**Carthage NC**

**License #23549 H-3-I**

Respondent Bullard's license has been issued as Carolina Air Heating & Cooling since 11/5/07. From July 20, 2001 to December 11, 2003, and from January 11, 2005 to November 5, 2007 Mr. Bullard was the licensee for TLP Heating and Air, Inc., which now does business as 72 Degrees Heating and Air Conditioning, TLP H&A, Inc. Sanford, N.C. Jonathan McLeod, License #27085 became a sublicensee of TLP Heating and Air, Inc. on 2/18/05, and became the primary licensee on 11/5/07. Between 7/25/05 and 11/5/07, Mr. McLeod operated the Aberdeen branch office. TLP Heating and Air, Inc. now does business as 72 Degrees Heating and Air Conditioning, TLP H&A, Inc., in Sanford, N.C. (hereafter 72 Degrees). On or about 3/24/03, 72 Degrees, with Respondent Bullard as its licensee, contracted to install and installed a heating and air conditioning system consisting of a 4-Ton 12 SEER Payne Split System including two zone systems and a bypass damper, ductwork,

controls, refrigerant piping, registers, grilles, and diffusers at a new residence under construction in Sanford, N.C. In connection with the installation, staff contends that in the event of a hearing, the evidence would show that Bullard and 72 Degrees failed to obtain a permit prior to beginning installation in violation of the North Carolina State Building Code; failed to request inspections within 10 days of substantial completion of work; failed to obtain final inspections; failed to provide adequate supervision; failed to carry out adequate ductwork installation and system design; used a joist space as a plenum for the main return air which was too small; installed zone system sensors in wrong locations; failed to install a 4-1/2 inch trap on the air handler; failed to use duct sealant at air handler joint; failed to seal one of the cold air return ducts; failed to install a system which would adequately heat and cool the residence despite numerous service calls. Respondent Bullard continued to license TLP Heating and Air Conditioning, Inc., after selling the business. Respondent contends that in the event of a hearing, evidence would be presented contrary to the allegations of the Board, that the allegations of the Board are not admitted.

Consent Order issued 2/8/2010 placing the license of Respondent Bullard on probation for 12 months with provisions that Respondent Bullard, 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 and retain a copy of the permit in the job file for each particular installation; maintain job files or other written records of contracts made and installations performed including a heat loss/heat gain calculation for each installation which involves installation or

replacement of a condenser; maintain a service log of all contracts and service calls by date of initial call including the date of first response; perform a room by room load calculation on all jobs where gas furnaces, heat pumps, air handlers or condensing units are installed and maintain a copy of all load calculations in job files; perform a whole house load calculation on all jobs where gas furnaces, heat pumps, air handlers or condensing units are replaced and maintain a copy of all load calculations in job files; perform duct designs on all jobs where gas furnaces, heat pumps, air handlers or condensing units are installed or replaced and maintain a copy of all duct designs in job files; implement procedures within his firm adequate to assure that all systems installed shall maintain the required maximum temperature difference of four (4) degrees between floors and room to room; prior to the end of the probation. Licensee is to examine each job personally immediately prior to each inspection request; implement procedures to call for reinspection, if necessary, within five (5) days after the request for final inspection; implement procedures and supervision adequate to assure that systems pass both rough-in and final inspection without reinspection on 80% of the permits; and, produce a letter from the complainant, prior to the end of the probation to the effect the code and performance problems in the system have been corrected, whether by Respondent, by 72 Degrees or by a third party; and commit no violation of Article 2, Chapter 87 or the Rules of the Board with regard to any qualification administered by the Board.

### **BULLOCK, LARRY RANDALL and BARNEY BULLOCK d/b/a BULLOCK'S PLUMBING Kittrell NC**

License #07706 (Previously issued to Larry Bullock, License Retired)

Plumbing contracting without a license.

## Attorney's Report

Complaint and Summons filed 1/16/09.

Defendant served on 8/24/09

Judgment of Permanent Injunction filed 11/5/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**BYERLY, MICHAEL**  
**Asheville NC**

Plumbing contracting without a license.

Summons and Complaint filed 6/8/09.

Judgment of Permanent Injunction filed 12/21/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**CALDWELL, CHARLES JUNIOR**  
**Zebulon NC**

Heating contracting without a license.

Permanent Injunction Judgment filed 4/6/2010 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**CARLSON, DOUG**  
**Shelby NC**

**License 28591 P-I**

Misconduct in the business of plumbing contracting in that Respondent failed to obtain permits prior to beginning installation in violation of the North Carolina State Building Code; failed to carry out adequate installations and design; subcontracted with an unlicensed individual; and failed to co-operate with staff of the Board during the investigation.

Hearing held 2/8/2010.

Order issued by the Board 2/22/2010 placing the license of Respondent on probation for 1 year with provisions that Respondent take affirmative

steps to improve his communications with local inspectors and respect for the job to be carried out by personnel of their departments; co-operate with and comply with reasonable requests of Board staff in monitoring this Order or in investigation of any further complaints; provide documentation to the Board within 120 days that he has obtained permits and passed final inspections for the installations listed in the Notice of Hearing; maintain a written record 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; obtain permits as required by the rules of this Board for each contract prior to commencement of work; and commit no violation of Article 2, Chapter 87 or the Rules of the Board with regard to any qualification administered by the Board.

**CORBI, MICHAEL JAMES**  
**d/b/a ALL PRO PLUMBING**  
**CONTRACTORS, LLC**  
**Charlotte NC**

**License #29076 P-II**

Allegations of misconduct in the business of plumbing contracting. An Order was issued by the Board on 8/2/2006, Granting applicant's request to sit for a regularly scheduled Plumbing Class I and Class II examination. Respondent passed the P-II examination on April 30, 2007. License No. 29076 P-II was issued in the individual name of Michael James Corbi on 4/30/2007. On or about June 16, 2006, Respondent, doing business as All Pro Plumbing Contractors, LLC, contracted with Adsol Construction to install and installed a

plumbing system at Deep Gap, at 1426 Sterling Road, Charlotte, N.C. at 528 McDonald Ave., Charlotte. At the time of the installation, Respondent was not licensed by the Board. Respondent was engaged in contracting without license at the time he represented to the Board in July 2006 that he understood the license requirement and his responsibility to abide by the law. Formal hearing held 12/7/09. Order issued 12/16/09 placing the license of Respondent on probation for 12 months with provisions that Respondent maintain written record of contracts made and installations performed; have written contracts signed by the Respondent and customer for each installation; obtain permits as required, enroll in the Special Board Laws and Rules course approved by the Board, and commit no violation of Article 2, Chapter 87 or the Rules of the Board.

**CREECH, CHRISTOPHER NELSON**

**d/b/a C & J Plumbing Services**  
**Walnut Cove NC**

**License 23055 P-I**

Allegations of contracting work while license expired in that Letter of Warning on the license record of Respondent on November 30, 2007, ordering him to enroll in, attend and pass the Board approved disciplinary business course offered by Umpire Technology. Respondent failed to attend the course and on February 10, 2009, license was placed on suspension for 90 days. During October 2008, Respondent contracted to install and installed a plumbing system consisting of the removal of the whirlpool tub, changing shower drain to two piece shower drain, correction drain pipes at lavatories, re-installing tub upon completion of tile installation and repair/replace section of sewer pipe under house that was improperly supported

## Attorney's Report

causing sewage to back up as well as replace washing machine box and repair water distribution lines going to it, at a residence in Madison, N.C. Respondent undertook the job in order to correct an installation improperly carried out by an unlicensed person. In the course of the work, Respondent failed to obtain a final inspection in violation of the North Carolina State Building Code; contracted business during the period of time license was expired; failed to perform a water test on the shower stall causing it to fail to pass inspection; and operated a plumbing business in the state of North Carolina under a business name other than the one under which license was issued. In the prior proceeding, the Board encouraged Respondent to take and pass specific coursework. Respondent opted to have his license suspended rather than take advantage of the classes offered, and stated he made the decision as a result of frustration with the course provider and concerns about money. Formal hearing held 9/8/09. An Order was issued by the Board on 9/23/09 ordering the Respondent to enroll in, attend and pass the Special Board Laws and Rules course by December 31, 2009; and at the next available setting, enroll in, attend and pass the Special Contractor Business Management course offered by Umpire Technology approved by the Board and present evidence to the staff of the Board of a passing grade in such course. The Board's staff will notify the licensee of the date and location of the approved course and such date will become the deadline for compliance with this requirement. If Respondent fails to take and pass either course by the deadline for each, as ordered by the Board, then license of Respondent shall be suspended for one year beginning on the first day of the next month following the deadline for such course. At the conclusion of the one year suspension, license will not be reinstated until the foregoing course

requirements are met and Respondent is current on continuing education and license renewal fees.

**CRIBB, JOSH**  
**Individually and d/b/a**  
**CRIBB'S HEAT & AIR**  
**Whiteville NC**

Violation of prior Order of the Court.  
 Contempt hearing held 3/15/2010 in Columbus County Superior Court.  
 Order of Contempt and Order of Arrest filed 3/22/2010 finding the defendant in contempt of the previous order of the Court, ordering him to make restitution to the homeowner in the amount of \$960.00 and sentencing him to be incarcerated for five days in the Columbus County Jail.

**GREENE, J. B.**  
**d/b/a J. B. GREENE HEATING**  
**COMPANY**  
**Boone NC**  
**License #04939 H-3-I**

Incompetence and lack of supervision in the business of heating contracting in that Respondent failed to obtain a permit prior to beginning installation in violation of the North Carolina State Building Code; failed to install an adequate condensate drain system; failed to use primer at all joints in the condensate lines; failed to handle the installation of the coil properly, resulting in water overflowing onto the floor and water damage; taped the flex duct improperly; failed to properly seal flex duct with UL 181 BFX tape; and left a 2" gap in the insulation of the refrigerant line resulting in condensation problems. The Respondent has successfully completed the provisions in the probation Order issued by the Board on February 11, 2008. The installation above was older than the job in the probation Order and was received after the issuance of the probation Order on February 11, 2008. Respondent did not admit

all the foregoing, but agreed on the need to conclude the matter and avoid the time, expense and inconvenience of a hearing.

Formal hearing rescheduled for 5/11/2010 at request of counsel for Respondent.

Formal hearing held 5/11/2010. Consent Order issued 5/11/2010 placed a letter of caution on the license record of Respondent, ordered him to enroll in the Special Board Laws and Rules class, and ordered that he, in the future, cooperate with the staff of the Board and local code enforcement officials and, in the event complaints are received by the Board cooperate with the investigation by the Board.

**HARDEE, HERMAN WILSON, JR.**

**Raeford NC**

Heating contracting without a license.

Complaint and Summons filed 10/19/09.

Permanent Injunction Judgment filed 12/28/2009 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**HARRIS, WAYNE LAMAR**  
**Fayetteville NC**

Plumbing contracting without a license.

Complaint and Summons filed.

Defendant served 8/21/09.

Judgment of Permanent Injunction filed 11/6/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**HOUGH, BERNARD B., III**  
**Charlotte NC**

Heating contracting without a license.

Summons and Complaint filed with Union County Superior Court 7/23/09.

## Attorney's Report

Judgment of Permanent Injunction filed 12/10/2009 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**HUNTINGTON, DARYL L.**  
**Fort Mill SC** Heating contracting without a license.

Summons and Complaint filed 9/21/09.

Permanent Injunction Judgment filed 11/17/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**LARKIN, RODNEY and RODNEY LARKIN MASONRY AND HOME IMPROVEMENT**  
**Teachey NC**  
Heating contracting without a license.

Summons and Complaint filed with Duplin County Superior Court.

Obtained service 7/29/09.

Permanent Injunction Judgment filed 10/12/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**LEONARD, MICHAEL SHANE**  
**Wilmington NC**  
Heating contracting without a license.

Summons and Complaint filed with New Hanover County Superior Court 6/23/09.

Judgment of Permanent Injunction filed 3/31/2010 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**MARSHALL, DONALD WAYNE**  
**d/b/a WAYNE'S HEATING AND COOLING**

**Cana VA**  
Heating contracting without a license.

Summons and Complaint filed.

Service of process obtained.

Permanent Injunction Judgment filed 5/4/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**MAY, TONY DANIEL**  
**Durham NC**

Heating contracting in violation of prior Court order in that defendant contracted to install a heating group 3 system for a residence in Durham, N.C. without first obtaining a valid license from plaintiff.

Order of Contempt filed 2/10/2010 finding the defendant in contempt of the prior order of the Court, sentencing him to serve 30 days in the Durham County Jail which sentence was suspended providing the Defendant pay a fine in the amount of \$500.00 to the Clerk of Durham County Superior Court by 2/11/2010.

**McALLISTER, SCOTT**  
**d/b/a DGM MECHANICAL/HELM BLDRS.**

**Apex NC**  
Allegations of heating contracting without a license.

Complaint filed in Wake County Superior Court on 5/6/09.

Summons and Complaint served in Wake County on 5/14/09.

Motion for extension of time received on 6/4/09

Answer filed 7/13/09 by Defendant denying the allegations.

Permanent Injunction Judgment filed 5/27/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**McRAINEY, HAROLD B.**  
**d/b/a McRainey Investments and McRainey Air Conditioning Company**  
**Fayetteville NC**  
Heating contracting without a license.

Complaint filed in Cumberland County 10/21/09.

Permanent Injunction Judgment filed 12/29/2009 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**MIDGETT, KENNETH**  
**Powells Point NC**  
Violation of prior Order of the Court.

Contempt hearing held 4/12/2010 in Currituck County Superior Court. Defendant found guilty of one count of Contempt of Court.

Defendant sentenced to 30 days incarceration in Currituck County Jail.

**MILLER, BARRY LEE JR.**  
**d/b/a M&R HEATING & AIR HOME IMPROVEMENTS**  
**Wilson NC**  
Heating contracting without a license.

Summons and Complaint filed 9/22/09.

Judgment of Permanent Injunction filed 12/23/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**NICHOLS, WILLIAM T.**  
**President, W. T. Nichols Plumbing Co., Inc.**  
**Fort Mill SC**  
**License #12130 P&H-1, 2&3-I**  
Allegations of misconduct in the business of plumbing and heating contracting, denied by Respondent. License was issued in the corporate

## Attorney's Report

name of W. T. Nichols Plumbing Co., Inc. on 4/30/2002, and renewed in that name for the years 2004, 2005, 2006 and 2007. A Sale of Assets Agreement was entered into between William Thomas Nichols, President, W. T. Nichols Mechanical Co., Inc. and Tavernay Services, LLC and Robert Dunlap on 6/10/2005. Under the agreement, ownership and control was transferred to Tavernay Services, LLC and Mr. Nichols agreed to consult with the new owner at \$14.00 per hour, and agreed to leave his license in the name of W. T. Nichols Mechanical Co., Inc. for two years. The license of Respondent Nichols was used by both All Star Services of Charlotte and by Tavernay Services, LLC in obtaining permits was used by both All Star and Tavernay to acquire 56 mechanical and 35 plumbing permits when Respondent was no longer active in the business. Respondent regrets and was unaware of the actions set out in the succeeding paragraphs. Respondent contends he was to have been notified at any point when his license was needed on a project, and that he was unaware of the work being carried out. Respondent states his license was used without his permission, but because he has retired and has no use for the license, he has offered to surrender license. With due regard to his retirement, the complexity of a hearing and the nature of the actions taken by the purchasers of his business, Respondent prefers to tender his license to the Board. Consent Order issued 1/12/2010 at which time the Board accepted surrender of license by Respondent. License will not be reinstated until after a period of one year and Respondent takes and passes a regularly scheduled examination.

**O'BRYAN, GLEN D.** d/  
b/a **O'BRYAN PLUMBING, INC.**  
**Shelby NC**  
**License #20714 P-I**  
Misconduct in the business of

plumbing contracting in that Respondent failed to obtain permits prior to beginning installation in violation of the North Carolina State Building Code after direct conversation with the local inspector; violated the minimum standard of the North Carolina State Plumbing Code and manufacturers installation instructions; sub-contracted from an unlicensed individual; failed to cooperate with staff of the Board during the investigation; failed to use primer on numerous CPVC piping joints; failed to install an air gap between the temperature and pressure relief valve piping and the drain line; piped the PEX directly to and from the water heater; installed a ½" diameter hot water discharge from the water heater; and installed outside hot water pipe from the water heater with inadequate diameter.

Formal Hearing held for 2/8/2010.

Order issued by the Board 2/22/2010 suspending the license of Respondent for a period of 6 months. Within 120 days of the date of this Order, Respondent shall provide documentation to the Board that he has obtained permits and final inspections for the installations listed in the Notice of Hearing. Mr. O'Bryan's license shall remain active only for correction of these jobs during the suspension. Upon completion of 6 months suspension and return of license to Respondent, license of Respondent shall be placed on probation for 3 years with provisions that he maintain a written record 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 cus-

tomers for each installation for which Respondent is responsible; obtain permits as required for each contract prior to commencement of work; during the period of probation, Respondent shall submit quarterly reports documenting his compliance with the provisions of this probation order by either sending them directly to the Board's office or contacting the Board's Field Representative that the documents are ready for his review; and, commit no violation of Article 2, Chapter 87 or the Rules of the Board with regard to any qualification administered by the Board. A specific requirement of the Order is that Respondent take affirmative steps to create and maintain a co-operative and professional working relationship with local code enforcement officials; further that Respondent co-operate with and comply with reasonable requests of Board staff in monitoring this Order or in investigation of any further complaints.

**OVERBEE, BILLY DALE**  
**d/b/a DALE'S HEATING & AC**  
**New Bern NC**

Heating contracting without license through use of license of Warren Craig Wilber.

Summons and Complaint filed 9/21/09.

Judgment of Permanent Injunction filed 1/14/2010 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**PATE, MARVIN**  
**d/b/a ATLANTIC PLUMBING**  
**COMPANY**  
**Kinston NC**

Allegation of violations of prior Order of the Court.

Contempt hearing held for 3/1/2010 in Onslow County Superior Court.

Order of Contempt filed 3/3/2010



## Attorney's Report

finding the Defendant in criminal contempt of Court and sentencing him to 45 days in the Onslow County Jail.

**PATRICK, TREVOR** d/  
b/a **FREEZE HEATING & AIR**  
**Castle Hayne NC** Heat-  
ing contracting without license.

Complaint and Summons filed  
5/14/09.

Judgment of Permanent Injunction  
filed 12/4/2009 enjoining defendant  
from engaging in business as a  
plumbing, heating or fire sprinkler  
contractor until properly licensed to  
do so.

**PUGH, RYAN**  
d/b/a **RYJO, INC., HANDYMAN**  
**MATTERS**  
**Trinity NC**  
Plumbing contracting without a li-  
cense.

Complaint and Summons filed in  
Guilford County.  
Permanent Injunction Judgment  
filed 12/29/2009 enjoining defendant  
from engaging in business as a  
plumbing, heating or fire sprinkler  
contractor until properly licensed to  
do so.

**ROBERTSON, FLOYD VINCENT**  
**Greensboro NC**

Allegations of misconduct in the busi-  
ness of plumbing contracting in that  
among the conditions of Respondent's  
license being placed on probation  
June 13, 2006, were the conditions  
that he obtain permits for all water  
heaters installed without permits,  
maintain written contracts for all  
work and meet other requirements  
set forth in the Resolution Agree-  
ment. As part of that process, Re-  
spondent was cautioned regarding  
the necessity for executed three-way  
agreements in connection for any  
work carried out in conjunction with  
a retailer. A significant part of the  
business of Respondent is the instal-  
lation of hot water heaters and other  
appliances sold by Sears, Home De-

pot or Lowes or other retailers who  
desire to sell the equipment and  
include the installation as part of a  
single transaction. In this proceed-  
ing, there was no evidence that the  
retailer was operating through the  
use of its own license as a plumbing  
contractor. Respondent contracted  
with Sears to install and installed  
an electric hot water heater at a  
residence in Burlington, N.C.  
There was no agreement jointly  
executed by Sears and Respondent  
and running to the benefit of the  
property owner. Sears received  
payment for the installation from  
the homeowners. Respondent failed  
to secure P-T vent to water heater  
as required by the Plumbing Code,  
and failed to install the water  
heater on an 18" stand as required  
in the selected location. Sears was  
not exempt from the requirement  
that it have license as a plumbing  
contractor at the time it entered  
into a contract with the property  
owner. Any retailer may choose to  
become licensed at any location.  
Respondent made a contract with  
the property owner for installation  
of an expansion tank but made no  
agreement with the owner for in-  
stallation of the hot water heater.  
The testimony of Respondent was  
that he does not routinely employ a  
contract including the elements  
required in G.S. 87-21(1) in connec-  
tion with installation of hot water  
heaters sold by retailers to custom-  
ers with installation included. Re-  
spondent presently handles instal-  
lation on behalf of more than 50  
retail places of business. The per-  
sons used by Respondent to per-  
form the installations own their  
own vehicles, have no withholding  
for workers compensation, retire-  
ment or income tax, and do not re-  
ceive an IRS form W-2 from Re-  
spondent. In the case at hand, the  
cost of extra service needed by the  
customer was paid directly to the  
person who performed the work.  
The persons work primarily from  
their own residence.

Formal hearing was held 9/9/09.

An Order was issued on 9/23/09 sus-  
pending the license of Respondent for  
120 days and, upon completion of the  
suspension and return of license, the  
license is placed on probation for one  
year with conditions that Respon-  
dent, by December 31, 2010, shall  
enroll in and pass the Special Plumb-  
ing Code and Design course and the  
Special Board Laws and Rules course  
approved by the Board and present  
evidence to the staff of the Board of a  
passing grade in both courses by De-  
cember 31, 2010. The Board's staff  
will notify the licensee of the date  
and location of the approved courses;  
beginning January 1, 2010, and for  
12 months thereafter, Respondent  
shall submit copies of three-way con-  
tracts including the information re-  
quired by G.S. 87-21(i), signed by the  
Buyer, the retailer and the licensee  
and bearing the license number and  
telephone number of the Respondent  
for every hot water heater installed  
by the Respondent, under agreement  
with a retailer. A copy of each con-  
tract is to be provided to the Board by  
the 10<sup>th</sup> day of the month following  
the installation. If there are no hot  
water heater installations, Respon-  
dent shall include a signed statement  
to that effect by the 10<sup>th</sup> day of each  
month; all water heater installations  
or other work requiring license from  
the Board shall be carried out by per-  
sons who are employees of Respon-  
dent and for which Respondent car-  
ries workers compensation, withholds  
taxes and social security on all com-  
pensation of such personnel; Respon-  
dent shall provide to the Board copies  
of W-2's issued to such persons for  
2010; maintain a written record of  
contracts made and installations per-  
formed; maintain a service log of all  
contracts and service calls by date of  
initial call and including the date of  
first response; obtain permits as re-  
quired for each contract prior to com-  
mencement of work; and commit no  
violation of Article 2, Chapter 87 or  
the Rules of the Board with regard to  
any qualification administered by the

## Attorney's Report

Board.

Appeal to Court filed by Petitioner.  
Partial Stay of Board Order entered by Court.

Record Before the Board filed  
11/11/09.

Order filed 2/17/2010 affirming the Board's decision and dissolving stay.

**ROSS, CHRISTOPHER NEAL d/  
b/a TABLE ROCK HEATING &  
AIR SYSTEMS, LLC.  
Morganton NC**

Noncompliance with previous Order issued by the Board. The Board entered an Order, effective on April 13, 2007, placing Respondents' license on probation for twelve (12) months, including conditions that Respondent failed to comply with the obligation to make corrections and refund money. Respondent further failed to comply with the Order in that he has failed to comply with the provisions of paragraphs 1(a) and 1(s) of the 2007 order. During April 2009, Respondent contracted to install a heating group 3 system for the residence located at 205 Riverside Drive, Morganton, N.C. Respondent's license was suspended at the time of the agreement. On or about February 27, 2009, Respondent, doing business as Table Rock Heating & Air, contracted to remove an existing oil furnace and install a new gas furnace at a residence owned by Brenda Margaret Kersey located at 1530 Robin Hood Drive, Morganton, N.C. for the contract sum of \$5,000.00. Respondent's license was suspended at the time of the installation. In the course of performance of the contract, Respondent began work and obtained a draw on the contract in the sum of \$2,520.00. Respondent abandoned the job site, removed all tools and equipment, has never returned to complete the contract, with the result that the property owner hired a second contractor to complete the installation. Respondent failed to obtain a permit, failed to properly seal or insulate the new ductwork; failed to install furnace vent; in-

stalled an undersized gas line; and installed a ½" od copper low pressure line, requiring conversion to a 2 lb. system.

Formal hearing held 12/7/09.

Order issued 12/16/2009 revoking the license of Respondent as a Heating, Group 3, Class I contractor.

**SANDERS, TIMOTHY  
d/b/a Timothy Sanders Con-  
struction  
Charlotte, NC**

Heating and plumbing contracting without a license.

Summons and Complaint filed  
1/7/10.

Service of process obtained on  
1/27/10.

Judgment of Permanent Injunction filed 4/28/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**SATTERFIELD, TONY LEON  
d/b/a TONEY SATTERFIELD  
Durham NC**

Heating contracting without a NC license. Holds license in Virginia.

Summons and Complaint filed  
9/21/09.

Service obtained 9/22/09.

Judgment of Permanent Injunction filed 12/16/2009 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**SELF, DAVID  
High Point, NC**

Installing water heater without a license.

Alias & Pluries Summons mailed for filing on 1/11/10.

Service of Process obtained.

Judgment of Permanent Injunction filed 4/26/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**72 DEGREES HEATING & AIR  
CONDITIONING TLP H&A, INC.  
License #23549 H-2&3-I  
Carthage NC**

Respondent Bullard's license has been issued as Carolina Air Heating & Cooling since 11/5/07. From July 20, 2001 to December 11, 2003, and from January 11, 2005 to November 5, 2007 Mr. Bullard was the licensee for TLP Heating and Air, Inc., which now does business as 72 Degrees Heating and Air Conditioning, TLP H&A, Inc. Sanford, N.C. Jonathan McLeod, License #27085 became a sublicensee of TLP Heating and Air, Inc. on 2/18/05, and became the primary licensee on 11/5/07. Between 7/25/05 and 11/5/07, Mr. McLeod operated the Aberdeen branch office. TLP Heating and Air, Inc. now does business as 72 Degrees Heating and Air Conditioning, TLP H&A, Inc., in Sanford, N.C. (hereafter 72 Degrees). On or about 3/24/03, 72 Degrees, with Respondent Bullard as its licensee, contracted to install and installed a heating and air conditioning system consisting of a 4-Ton 12 SEER Payne Split System including two zone systems and a bypass damper, ductwork, controls, refrigerant piping, registers, grilles, and diffusers at a new residence under construction in Sanford, N.C. In connection with the installation, staff contends that in the event of a hearing, the evidence would show that Bullard and 72 Degrees failed to obtain a permit prior to beginning installation in violation of the North Carolina State Building Code; failed to request inspections within 10 days of substantial completion of work; failed to obtain final inspections; failed to provide adequate supervision; failed to carry out adequate ductwork installation and system design; used a joist space as a plenum for the main return air which was too

## Attorney's Report

small; installed zone system sensors in wrong locations; failed to install a 4-1/2 inch trap on the air handler; failed to use duct sealant at air handler joint; failed to seal one of the cold air return ducts; failed to install a system which would adequately heat and cool the residence despite numerous service calls. Respondent Bullard continued to license TLP Heating and Air Conditioning, Inc., after selling the business. Respondent contends that in the event of a hearing, evidence would be presented contrary to the allegations of the Board, that the allegations of the Board are not admitted.

A Consent Order was issued on 2/8/10 placing the license of Respondent, 72 Degrees Heating & Air Conditioning, TLP H&A, Inc. on probation for 12 months during which time the firm, regardless of the identity of any licensee upon whose qualifications the firm is licensed, will comply with provisions and 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 and retain a copy of the permit in the job file for each particular installation; maintain job files or other written records of contracts made and installations performed including a heat loss/heat gain calculation for each installation which involves installation or replacement of a condenser; maintain a service log of all contracts and service calls by date of initial call including the date of first response; perform a room by room load calculation on all jobs where gas furnaces, heat pumps, air handlers or condensing units are installed and maintain a copy of all load calculations in job files; perform a whole house load calculation on all jobs where gas furnaces, heat pumps, air handlers or condensing units are replaced and maintain a copy of all load calculations in job files; perform duct designs on all jobs where gas furnaces, heat pumps, air handlers or condens-

ing units are installed or replaced and maintain a copy of all duct designs in job files; implement procedures within the firm adequate to assure that all systems installed shall maintain the required maximum temperature difference of four (4) degrees between floors and room to room; prior to the end of the probation, representative of the Respondent firm shall enroll in and attend the Special Board Laws and Rules Course presented by the Board. The Board staff will notify the licensee of the date and location of the approved course; implement procedures within the firm adequate to assure that final inspection is requested within ten (10) days of substantial completion of each installation, and that the results of the inspection request are known and of record in the firm within a like period of time. A licensee of the Board shall examine each job personally immediately prior to each inspection request; implement procedures to call for reinspection, if necessary, within five (5) days after the request for final inspection; implement procedures and supervision adequate to assure that systems pass both rough-in and final inspection without reinspection on 80% of the permits; present evidence to the Board that the firm has purchased Title 21, Chapter 50 of the North Carolina Administrative Code (Board Laws and Rules), Vol. III, Mechanical, Vol. I-A, Administration and Enforcement, and Vol. VII, Residential One and Two Family Dwelling (CABO), Fuel Gas Code and Plumbing Code of the North Carolina State Building Code; and, produce a letter from the complainant, prior to the end of the probation to the effect the code and performance problems in the system have been corrected, whether by Respondent, by Bullard or by a third party; provide notice to Bullard of any complaint related to a job carried out prior to December 2007; and com-

mit no violation of Article 2, Chapter 87 or the Rules of the Board with regard to any qualification administered by the Board.

**SCHARDIEN, JOHN PETER d/  
b/a ALL COUNTY SERVICE CO.  
Leland NC**

**License #14232 H-3-II**

Misconduct in the business of heating contracting in that Respondent disputes the requirement of a prior Order that he provide heat loss/heat gain calculations.

Correspondence mailed to Respondent in an effort to avoid necessity for hearing.

Response received from Respondent 8/26/09.

Formal hearing held 1/12/2010.

Order issued 2/3/2010 suspending the license of respondent for 30 days from 3/1/2010. Respondent is given the opportunity to avoid activation of the license suspension if he complies with the prior Consent Order of the Board by March 1, 2010, by submitting the 7 heat gain/heat loss calculations identified in Finding of Fact #6 and any additional specific jobs by March 1, 2010, or within 30 days of identification of additional jobs by staff and notification to Respondent of same by letter to his address of record; consistent with NCAC provisions, all other load calculations shall be submitted within 30 days of the date of final inspection; Respondent shall cooperate with Board staff in the implementation of the Orders of the Board; failure to comply will result in immediate suspension without need for further hearing; and the prior Order dated July 29, 1999, otherwise remains in effect. Should Respondent elect the suspension, upon completion of the one (1) year suspension and the return of license to Respondent, the license of Respondent shall be placed on probation for twenty-four (24) months under the following terms Respondent shall: maintain a written record of contracts made and installa-

## Attorney's Report

tions 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 including a heat loss/heat gain calculation for each installation which involves the replacement of a condenser which load calculation shall be submitted by Respondent to Board staff within 30 days of final inspection; have written contracts signed by the Respondent and customer for each installation for which Respondent is responsible; obtain permits as required for each contract prior to commencement of work; during the period of probation, Respondent shall submit quarterly reports documenting his compliance with the provisions of this probation order by either sending them directly to the Board's office or contacting the Board's Field Representative that the documents are ready for his review; 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 any period of probation, the foregoing records and the contracting activities of the Respondent shall be monitored by the staff of the Board. In the event of any additional violation of the probation, his license will be suspended for a period of one (1) year and the Board may impose revocation, suspension, or such other additional sanctions as indicated by any violations of G.S. 87-23 and this Order.

### **SMITH, CHRISTOPHER ALAN** **Thomasville, NC**

Allegations of heating contracting without a license.

Alias & Pluries Summons mailed to Sheriff 1/27/2010.

Permanent Injunction Judgment filed 4/14/2010 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

### **STANDARD, MICHAEL DAVID** **d/b/a NEW SOUTH PLUMBING** **& PIPING CO.**

**Marshville NC**

**License #22182 P-I**

Allegations of misconduct in the business of plumbing contracting. The Board staff developed evidence tending to show that during November 2007, Respondent, doing business as New South Plumbing & Piping Co. subcontracted with The Column Doctor to install and installed a plumbing system consisting of all new water distribution piping, new building drains/waste/vents and new fixtures for a total renovation at a residence owned by Todd Tri-makas at 929 Nottingham Dr., Charlotte, N.C. In the course of the installation, Respondent installed the drain line branch for the first floor full bath with inadequate grade; back-graded the shower drain line for the first floor full bath; back-graded the clothes washer drain line where it went from vertical to horizontal before the trap; installed a 2" drain line at the horizontal where 3" is required; back-graded the 3" combination drain line from the washing machine and laundry tub; failed to install the proper number of cleanouts for the clothes washing machine drain line due to the number of consecutive bends in the line; failed to secure the clothes washer box; back-graded portions of the main building drain line in the crawl space; back-graded the building drain at the connection to the existing cast iron at the foundation; installed a 2" horizontal wet vent without grade from the double lavatory for the first floor full bathroom serving the water closet and shower; installed a leaking lavatory supply line in an upper floor bathroom resulting in damage to the upper and lower floor; and caused sewage to back up into the house as a result of the inadequately de-

signed and installed building drain system. Respondent contends the project passed rough-in and final inspection, that the project broke down as a result of disputes between the property owner and general contractor, that he and all other subs were locked out of the property, that the water leak and its consequences would have been corrected given reasonable opportunity. Respondent further contends that Board staff did not demonstrate an open mind and he concluded it would be useless to attempt less formal resolution. Board staff contends numerous opportunities were provided. The evidence is adequate to demonstrate violation of G.S. 87-23 and the rules of the Board.

Formal hearing held 1/12/2010.

Consent Order issued 1/12/2010 which placed the license of Respondent on unsupervised probation for 12 months during with provisions the Respondent obtain permits; maintain job files or changes in contracts documented through change orders signed by both the licensee and the homeowner or general contractor prior to commencing work on the agreed changes; enroll in the Special Board Laws and Rules course approved by the Board; personally and thoroughly review all phases of work prior to each inspection request to assure that all installations meet or exceed the minimum standards of the Code and the Rules of this Board; and, commit 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 probation, license will be suspended for a period of 1 year. In the future Respondent will participate in good faith in meetings with Board staff or the Resolution Review Committee to address any future complaint.

### **STRAUB, LEONARD III** **Salisbury NC**

Heating contracting without a li-

## Attorney's Report

cense.

Complaint and summons filed  
9/21/09.

Judgment of Permanent Injunction  
filed 12/30/09 enjoining defendant  
from engaging in business as a  
plumbing, heating or fire sprinkler  
contractor until properly licensed to  
do so.

**TERRY, DANIEL and 1<sup>ST</sup>  
CHOICE HEATING & AIR  
Raleigh NC**

Heating contracting without a li-  
cense.

Summons and Complaint filed with  
Wake County Superior Court.

Obtained service on 7/11/09.

Permanent Injunction Judgment  
filed 10/22/09 enjoining defendant  
from engaging in business as a  
plumbing, heating or fire sprinkler  
contractor until properly licensed to  
do so.

**WILLIAMS, CHESTER A.  
Myrtle Beach SC**

Plumbing contracting without a li-  
cense.

Summons and Complaint filed with  
Brunswick County Superior Court.

Service obtained on Defendant.

Permanent Injunction Judgment  
filed 9/28/09 enjoining defendant  
from engaging in business as a  
plumbing, heating or fire sprinkler  
contractor until properly licensed to  
do so.

**WILLIAMS, JAMES STEELE, III  
d/b/a D. O'BRIEN SERVICE CO.,  
INC.  
Wilmington NC**

**License #13062 H-3-I & II**

Lack of supervision in the business  
of heating contracting due to busi-  
ness operation during full-time em-  
ployment with fire department.

Hearing held 9/9/08.

Order issued 9/22/08 requiring Re-

spondent to keep time records re-  
flecting which hours of each day  
he worked for O'Brien Service Co.,  
Inc., and names of the installation  
project on which he worked during  
those hours and also to keep re-  
cords indicating hours he was ac-  
tually on duty with the Wilming-  
ton Fire Dept. for two years from  
date of the Order. The Order  
strongly urged O'Brien Service  
Co., Inc., to add an additional sub-  
license in order to assist in meet-  
ing supervisory obligations during  
the times when Respondent Wil-  
liams is employed elsewhere.  
During the two year period of  
time, the records and contracting  
activities shall be monitored by  
the staff of the Board.

Order appealed to Superior Court  
by Respondent.

Record before the Board filed with  
Wake County Superior Court on  
11/21/08.

Argument heard on 3/12/09.

Order filed 3/16/09 denying the  
Motion to Stay the Board Order.

Judgment entered by the Court  
11/6/2009 upholding the decision  
of the Board.

**WILLIAMS, WILLIS RAY  
d/b/a AIRE SERV HEATING &  
AIR CONDITIONING OF  
ELIZABETH CITY  
Elizabeth City NC  
License #19376 H-3-II  
(revoked)**

Request for formal hearing from  
Respondent.

An Order was issued by the Board  
on May 23, 2007, placing the li-  
cense of Respondent on probation  
until June 23, 2008 and ordered  
him to comply with numerous pro-  
visions. Respondent failed to com-  
ply with the provisions of the  
Board Order in that he failed to  
refund in full the unearned funds  
in the amount of \$7,000.00 to the

homeowners and failed to submit  
quarterly reports to the Board. Re-  
spondent took and passed the  
classes. A second Order was issued  
by the Board on December 9, 2008,  
extending the time within which the  
sum of \$7,000.00 could be paid to  
the persons named in the prior Or-  
der of the Board to April 15, 2009.  
Respondent failed to produce the  
reports required by the probation  
Order. The December 9, 2008 Order  
also provided that in the event re-  
ports for the period of probation  
were not received by April 15, 2009,  
or proof of the payment of \$7,000.00  
to the homeowner was not provided  
to the Board by April 15, 2009, the  
license of Respondent would be per-  
manently revoked. Respondent  
failed to refund the entire amount of  
\$7,000.00 as ordered and was noti-  
fied by Board staff that the Revoca-  
tion Order was being implemented  
effective as of April 15, 2009. Re-  
spondent submitted a request for  
hearing with regard to the imposi-  
tion of the revocation. A new Com-  
plaint was received. Respondent  
was contacted for service on a sys-  
tem initially installed by him in  
2006. At the time of installation,  
the owner was provided with a five  
year warranty and service agree-  
ment. In May 2008, it was neces-  
sary for the property owner to con-  
tact the Respondent. The Respon-  
dent refused to come to the job or  
honor the warranty and instructed  
the property owner to obtain work  
on the system by others. Formal  
hearing held 11/10/09.

Order issued 11/23/09 permanently  
revoking license of Respondent.



**STATE BOARD OF EXAMINERS OF PLUMBING,  
HEATING & FIRE SPRINKLER CONTRACTORS**

1109 Dresser Ct  
Raleigh, NC 27609

Phone: 919-875-3612  
Fax: 919-875-3616  
E-mail: [information@nclicensing.org](mailto:information@nclicensing.org)

**Notice of Change of Address**

**License Holder:** \_\_\_\_\_  
*Last Name First Middle*

**License #:** \_\_\_\_\_ **E-Mail Address:** \_\_\_\_\_

**Physical Home Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Physical Business Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Telephone: Bus.** (       ) \_\_\_\_\_ **Home:** (       ) \_\_\_\_\_

**Signature:** \_\_\_\_\_  
(Must be signed by the licensee in order to be processed)

**Mail to:** State Board of Examiners of Plumbing,  
Heating & Fire Sprinkler Contractors  
1109 Dresser Ct.  
Raleigh, NC 27609

**Fax to: 919-875-3616**