

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

May 2013

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

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Raleigh, NC 27609

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[www.nclicensing.org](http://www.nclicensing.org)

## Split System HVAC Partial Replacement: Compatibility & Responsibility

Due to economics, it may sometimes be in the best interest of the customer to replace only one piece of equipment in a split heating and/or air conditioning system. This could be the outdoor heat pump/condenser or the indoor coil and/or air handler unit.

When this occurs both the installation contractor and building code enforcement official bear responsibility for certain code provisions that apply.

The North Carolina Department of Insurance Engineering Division recently issued a Informal Code Interpretation regarding the partial equipment replacement on split systems. It is published on Page 3 of this Newsletter. This and other interpretations relating to the licenses issued by the Board can be found quickly and easily on the Interpretations page of the Board's website at [www.nclicensing.org](http://www.nclicensing.org).

The interpretation, as well as all code interpretations issued by the Department of Insurance Engineering Division, may also be found on the NCDOI website ([www.ncdoi.com](http://www.ncdoi.com)) by navigating through the following page/menu sequence: Office of State Fire Marshal, Engineering and Codes Division, State Building Codes, Code Interpretations, Mechanical.

From the Board's perspective, replacement of any piece of equipment (or duct-work) requires a license of the proper group and class, as well as a whole house block load calculation to ensure that the equipment and or system is properly sized.

For buildings with a total interconnected space cooling capacity in excess of fifteen (15) tons, this work requires a Heating Group 2 (H2) license.

For buildings other than single family detached dwellings with a total interconnected space cooling capacity of fifteen (15) tons or less, this work requires a Heating Group 3, Class I (H3-I) license.

For all single family detached dwellings, regardless of the total cooling capacity, this work requires a Heating Group Class I or II (H3-I or H3-II) license.

The block load calculation is required due to the fact that changes to the structure and/or the site, as well as the use of the structure, may have altered the load and system requirements since the original installation. The possibility also exist that the equipment and/or system may have been improperly sized by the original installation contractor.

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## Heat Exchanger Replacements Are Not A Minor Repair

Recently the question has arisen as to whether or not the replacement of a heat exchanger requires a heating license of the appropriate group and class. Following a lengthy review and discussion of the subject, the following interpretation has been issued by the Board.

### Question:

Does the replacement of a heat exchanger require a license, or is it exempt from the license requirement as a "minor repair"?

### Answer:

The replacement of a heat exchanger does require a license, and is not exempt from the license requirement as a "minor repair".

### Basis for interpretation:

#### 21 North Carolina Administrative Code 50.0506 MINOR REPAIRS AND ALTERATIONS

(e) Any connection, repair or alteration which if poorly performed creates risk of fire or exposure to carbon monoxide, open sewage or other gases is not a minor repair, replacement or alteration.

### Background:

The importance of competency when replacing a damaged or defective heat exchanger must not be overlooked. The heat exchanger is the only barrier between the products of combustion and the occupants of the home or business served by the furnace. If not performed correctly, the replacement of the heat exchanger can expose the occupants to deadly carbon monoxide gas.

Carbon monoxide gas is often referred to as "the silent killer" due to the fact that it is colorless and odorless. In the absence of a warning from a properly functioning carbon monoxide detector, the occupants may have no warning of the danger. The effects of low level exposure to carbon monoxide poisoning can result in heart, lung, and nerve system disorders, while exposure to higher levels of carbon monoxide are often swift and serious; the victim becomes sleepy, falls unconscious, and death follows. Carbon monoxide has a cumulative effect...it builds up in the body over time, so even a low level exposure can lead to death over time.

With the increased technologies now being used in heating equipment, the replacement of the heat exchanger often also requires the disconnection/reconnection and removal/replacement of a number of other components including the fuel gas line, exhaust flue, condensation tubing, control circuits and relays.

### What you need to know:

This is a job for a ***properly trained and experienced*** individual who holds the appropriate license or works as an employee of a properly licensed contractor and under his/her direct supervision. An individual who performs a heat exchanger replacement incorrectly that results in property loss, personal injury or death may be held civilly and criminally liable. This liability extends to employers who allow their employees to perform work without the required supervision.



## INFORMAL CODE INTERPRETATION

NC Department of Insurance  
Office of the State Fire Marshal—Engineering Division  
1202 Mail Service Center, Raleigh, NC 27699-1202  
919-661-5880

### Compatible/Properly Matched Partial Replacement of a Split System Heat Pump or Air Conditioner

**Code:** 2012 Mechanical Code Date: January 22  
**Section:** 304.1

**Code:** 2012 Energy Code Date: January 22, 2013,  
**Section:** 403.6.2

**Code:** 2012 Residential Code Date: January 22, 2013  
**Section:** NI 103.6.2

#### Question:

When the outdoor section of a split system air conditioner or residential heat pump unit must be replaced with a new condensing unit (or heat pump) and where the existing air handler unit/coil is remaining for use with the new condensing unit or heat pump, what is the responsibility, per the code, of the installing contractor to assure that the condensing unit (or heat pump) and the air handler/coil is code compliant for use together? What about vice versa? Also, what is the responsibility of the inspector to assure that the equipment is compatible (properly matched) for use together?

#### Answer:

This interpretation applies to a condenser (or heat pump) replacement or an AHU replacement or an indoor coil replacement, although the most common situation is a replacement of the condenser (or heat pump).

In order for the code to consider a condensing unit (or heat pump) and air handler/coil compatible, Section 301.4 would require the replacement appliance to be listed and labeled, and Section 304.1 would also require the proposed combination meet the manufacturer's installation instructions. If the proposed combination is provided in the manufacturer's installation instructions, then this combination would be considered code-compliant. If the proposed combination is prohibited in the manufacturer's installation instructions, it would not be code compliant with Section 304.1. If the proposed combination is not addressed by the manufacturer's installation instructions, the compatibility would be determined at the discretion of the installing contractor using any needed resources such as personal experience, manufacturer's input, and/or input from a registered design professional as necessary to assure a compatible match.

#### Inspector responsibilities:

The code official is responsible for verifying code compliance of the technical codes. This will primarily include Section 304.1 Manufacturer's instructions, Section 302 Protection of Structure, and Section 307 for indoor unit replacements.

#### Footnotes:

1. This listing is referring to the code-defined listing and labeling requirements, such as UL, ETL, etc., but not AHRI, which is a rating.
2. If the manufacturer's instructions do not address the proposed combination, it is not the intent of the code or this interpretation of the code, to deny a permit or inspection for a proposed installation. Proceed with the permit/inspection of the applicable portions of the code, and the performance will be addressed by the Board, as referred to in footnote #3 below.
3. Section 101.5 of the Mechanical Code references the requirements of other agencies or licensing boards in addition to the requirements in the building codes. Refer to <http://nclicensing.org/> for the NC State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors requirements in regards to split system replacement Board requirements.

## Permits Required on Almost All Water Heater Replacements

*This is a reprint of an article that appeared in the March and September 2011 Board newsletters.*

*It is being published again due to the number of calls and complaints that are still being received concerning this issue.*

It is time to dispel a very large myth...or what can be referred to as a new “urban legend”: That all replacement water heaters can be installed without a permit. The replacement of most water heaters **does** require a permit, regardless of the “word on the street”. Several years ago, legislation was enacted that allowed some water heaters to be replaced without the normally required permits or inspections. The fact is that most of the replacements **do** require a permit.

We have worked numerous complaints against licensed contractors who have performed water heater replacements from single family structures to commercial structures where permits were not purchased in direct violation of this new legislation. These contractors have been disciplined for listening to the word on the street and not actually confirming the language in the legislation. In addition there are some inspection departments who are telling licensees that permits are not required, again based on misinformation and not the actual legislation. This newsletter article is an effort to clarify the requirements.

In order for a water heater replacement to be installed without a permit, **all** of the following conditions must be met:

- The work is restricted to one- or two-family dwellings only (no buildings with three or more dwelling units and no commercial buildings)
- The work has to be performed by a North Carolina Licensed Plumbing Contractor with a currently active license (or a bona-fide employee of a North Carolina Licensed Plumbing Contractor);
- The licensee is required to personally examine the work at completion
- The licensee is required to ensure that a leak test has been performed on the gas piping (of a gas-fired water heater)
- The energy use rate or thermal input is not greater than the water heater which is being replaced
- The replacement is required to be installed in accordance with the current edition of the North Carolina State Building Code (Plumbing)
- There is no change in fuel type
- There is no change in energy source
- There is no change in location
- There is no change in capacity
- There is no change in routing or sizing of venting or piping

A contractor is not required to obtain a permit or inspection for the water heater replacement only if **all** of the above listed items are true for that particular replacement. If any of the items listed above are missing or not accomplished on a water heater replacement then A PERMIT IS REQUIRED.

If someone files a complaint against a licensee for performing a water heater installation without a permit or it is otherwise brought to the attention to the Board, we will investigate each complaint to make sure all of the requirements listed above have been met. Any jobs where all of the above requirements are not met will result in a verified complaint against the licensee and sanctions will be instituted.

If you have any doubt about the need for a permit it is always better to err on the side of caution and secure the permit before commencing the work. If you have questions, please contact the administrative officer in your area. Their contact information, as well as a map and listing of the counties in their regions is available on the Administrative Officers page of our website at [www.nclicensing.org](http://www.nclicensing.org).

## North Carolina State Agencies

<b>NC Department of Insurance</b>	<b>919-661-5880</b>	NC Department of Labor	919-807-2796
• William "Bill" Moeller (Plumbing & Gas Interpretations)	Ext. 238	NC Department of Revenue	919-252-3052
• Dan Dittman (Mechanical & Energy Interpretations)	Ext. 237	NC Electrical Licensing Board	919-733-9042
• Richard Strickland (Fire) (Fire Code Interpretations)	Ext. 255	NC General Contractor Licensing Board	919-571-4183
• Judy McGee (Building Code Bookstore)	Ext. 240	NC Irrigation Contractors Licensing Board	919-872-2229
		NC Refrigeration Licensing Board	919-779-4711
		NC Secretary of State	919-807-2225
		NC Well Commission	919-707-5882

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

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### David Boulay

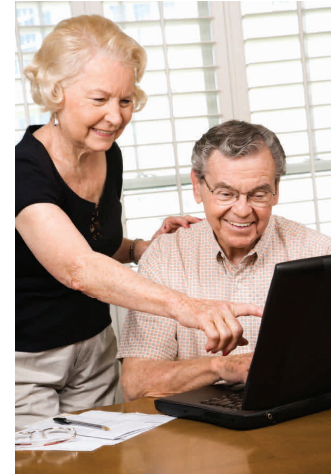
Western Region  
828-234-2719 or [dboulay@nclicensing.org](mailto:dboulay@nclicensing.org)

To view a regional map and listing of counties, please visit our website at [www.nclicensing.org](http://www.nclicensing.org) and click on the "Administrative Officers" button.

## Website Information: [www.nclicensing.org](http://www.nclicensing.org) (Download Forms)

Online license renewal is now available for licensees who wish to do so and can pay the renewal fee with a MasterCard or Visa. The online renewal link can be found on the home page of our website. You will also find a link to a step-by-step tutorial available to guide licensees through the process. If you do not have your username and password, or have any other questions regarding online renewal, please contact DJ Soltys at 919-875-3612, ext. 203.

You may obtain any of the following forms 24 hours a day, 7 days a week by visiting our website and clicking on the Download Forms button on the left side of the screen.



### Consumer Forms

Consumer Complaint against licensed or unlicensed contractors

### Change of Address or Status

1. Address Change: Licensee
2. Address Change: Sub-licensee
3. Trade Name Change (Licensee or firm name in which business is conducted)
4. Add Sub-licensee
5. Delete Sub-licensee

### Renewal Forms

1. Reinstatement Form—Previous Sub-licensees
2. Renewal form—2013 without Sub-licensees
3. Renewal form—2013 with Sublicensees
4. Renewal form—2013 and previous Year(s) without Sub-Licensees

### New Applicant Forms

1. Plumbing, Heating, & Fuel Piping Contractor Examination Application
2. Plumbing, Heating, & Fuel Piping Technician Examination Application
3. Residential Fire Sprinkler Installation Contractor Examination Application
4. Fire Sprinkler Installation & Inspection Contractor Examination Application
5. Fire Sprinkler Inspection Technician Examination Application (no NICET)
6. Fire Sprinkler Inspection Technician Application (NICET)
7. Fire Sprinkler Maintenance Technician Application

### Order Forms

1. Books - Board's Laws & Rules and Business & Project Management for Contractors
2. Request for Copy (Reprint) of License
3. Request for Register of Licensees
4. Request for Verification of License

You can also access our website at one of the following easy to remember addresses:

- [www.ncplumbing.org](http://www.ncplumbing.org)
- [www.ncheating.org](http://www.ncheating.org)
- [www.ncfiresprinkler.org](http://www.ncfiresprinkler.org)



## Disciplinary Actions

The Board is required by law to investigate every complaint received. If the findings of the investigation indicate that a violation of the laws and rules enforced by the Board have occurred by a licensed or unlicensed individual and/or firm, a number of disciplinary actions are available to the Board.

Recent actions are reflected in the four reports that follow:

- Letter of Caution Report
- Consent Agreement Report
- Field Resolution and Resolution Review Committee Report
- Attorney's Report

### Letter 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:

<u>Name</u>	<u>City/Town</u>	<u>Date</u>	<u>Name</u>	<u>City/Town</u>	<u>Date</u>
Carpenter, Robert W.	Englehard	1/29/2013	Johnson, Terry Wade	Four Oaks	2/19/2013
Coleman, Kenneth D.	Indian Trail	4/12/2013	Lail, Michael W.	Maiden	4/19/2013
Cote, Jude	Charlotte	3/7/2013	Smith, Matthew A.	Durham	4/22/2013
Daw, Selby	Belhaven	2/27/2013	White, Joe Elvis	Youngsville	4/24/2013
Fensterer, William R.	Marion	4/19/2013	Wilson, Larry	Burlington	4/15/2013

### 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 performing contracting activities in the field, please report them to this office.

<u>Name</u>	<u>City/Town</u>	<u>Date</u>	<u>Name</u>	<u>City/Town</u>	<u>Date</u>
Cabrera, Jose	Greensboro	2/1/2013	Kirby, Edward D.	Aberdeen	2/18/2013
Carter, Eric	Hendersonville	2/27/2013	Kropp, James J.	Wilmington	3/21/2013
Conrad, Craig	Hickory	2/5/2013	Lusk, Larry M.	Leicester	2/27/2013
Cooper Jr, Larry Donnell	Charlotte	2/27/2013	Marceau, Randy	Mount Gilead	2/14/2013
Cortright III, Edward G.	Fairview	3/15/2013	Martin, Hampton	Ellerbe	1/8/2013
Cretsinger, Kevin	Boone	2/11/2013	Nunez, Marlon	Charlotte	1/7/2013
Dickerson, Wilton J. Jr.	Hillsborough	2/5/2013	Parker, Randy	Surf City	3/20/2013
Edmondson, Stephen A.	Siler City	3/14/2013	Pevia, Ralph S.	Fairmont	4/1/2013
Few, Joel	Heath Springs, SC	3/14/2013	Pruitt, Ralph E.	Oak Island	3/22/2013
Goins, Charles F.	Reidsville	2/10/2013	Ray, Gregory A.	Nashville, GA	2/7/2013
Hawkins, Dwight	Gastonia	3/13/2013	Rosdhal, James	Greensboro	2/27/2013
Heflin, Steven W.	Asheville	3/15/2013	Shepard, Kyle	Spindale	1/31/2013
Hensley, Jonathan	Elon	1/29/2013	Sires, Ronnie L.	Pageland, SC	3/13/2013
Hinton, J.L.	Rocky Mount	3/28/2013	Smith, Stephen	Huntersville	1/31/2013
Jessup, Joel L.	Siler City	3/15/2013	Stewart, Rodney C.	Dunn	1/30/2013
Johnson, Aronald Jr.	Hope Mills, SC	2/7/2013	Todd, Joseph	Kings Mountain	3/6/2013
Jones, Jackie E. Jr.	Jacksonville	3/20/2013	West, William III	Whiteville	2/28/2013
King, Gilbert	Selma	3/14/2013			

## Resolution Review Committee Report

A Field Resolution Agreement is a voluntary agreement by which a licensee enters into some type of sanctions against their license instead 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.

**Adams, Thomas Chadwick  
American Air, Heating &  
Cooling Company, Inc.  
Rock Hill, SC  
License# 24314 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, failed to provide adequate supervision for work performed under his license, and failed to request final inspection within 10 days of substantial completion of the work. Thomas Chadwick Adams signed a Proposed Resolution Agreement. The license of Thomas Adams, number 24314 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of 12 months. Among other things during the probation, licensee shall enroll in, attend and complete the series of Special Fuel Gas Code and Design courses, and enroll in, attend and complete the Special Board Laws & Rules course. If 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 provisions listed above.

**Boles, W. Harold  
Boles Hardware Company  
Pinnacle, NC  
License# 05737, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to obtain a permit prior to commencing work, failed to

obtain final inspections within ten (10) days of substantial completion of the work, and failed to provide adequate supervision for work performed under his license.

W. Harold Boles signed a Proposed Resolution Agreement on 03/14/2013. The license of W. Harold Boles, number 05737 P-I, and that of the firm shall be placed on unsupervised probation for a period of 12 months. Among other things during the probation, licensee agreed to obtain the permit for the installation of the heat pump performed at 1206 Perch Rd. and obtain a final inspection, and enroll in, attend and complete the Special Board Laws & Rules course. If 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 provisions listed above.

**Bridgers, Robbie Edward  
Renfrow Heating & Air  
Kenly, NC  
License# 30557, 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, and violated the minimum standard of the North Carolina State Mechanical Code.

Resolution Conference held 02/20/2013.

Robbie Bridgers signed a Resolution Conference Agreement 02/20/2013.

The license of Robbie Bridgers, number 30557 H-3-I, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. Among other things during the probation, enroll in, attend and complete the series of Special Mechanical Code courses, and enroll in, attend and complete the Special Board Laws & Rules course. 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.

**Caroon, Dwight Elmo  
Dixon Heating & Air  
Conditioning Co., Inc.  
New Bern, NC  
License# 15988, H-3-I  
(sublicensee to #15664)**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to provide adequate supervision, and violated the minimum standard of the North Carolina State Mechanical Code.

Resolution Conference held 02/14/2013.

Dwight Caroon signed a Resolution Conference Agreement 02/14/2013.

The license of Dwight Caroon, number 15988 H-2&3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, licensee shall enroll in,



attend and complete the series of Special Mechanical Code courses, and enroll in, attend and complete the Special Board Laws & Rules course. 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.

**Cooper, Donald Glenn  
Diversified Maintenance Specializing in Plumbing, LLC  
Holly Ridge, NC  
License# 12442, P-I**

Allegations of misconduct 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 by being employed with Diversified Maintenance Specializing in Plumbing, LLC formerly known as Diversified Maintenance since around the beginning of 2010 working as a full time employee with the firm, permitting and obtaining inspections, but failed to have his license listed in the name of the firm, failed to renew his license in a timely manner and allowed his license to expire. Donald Glenn Cooper signed a Proposed Resolution Agreement on 01/17/2013.

The license of Donald Glenn Cooper, number 12442 P-I, and that of the firm shall be placed on a supervised probation for a period of 12 months.

Among other things during the probation, assure that his license has been renewed prior to the expiration of the license on December 31st of each year, submit to the Board's office by 02/01/2013 a copy of his W-4's and by the end of the probation submit a copy of his W-2's, enroll in, attend and complete the Special Board Laws & Rules course approved by the Board's Executive Director within 90 days of approval of this agreement, and during the period of probation the licensee shall submit quarterly reports to the Board's office documenting his compliance with the provisions of this probation order. If 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 provisions listed above.

**Darst, Glenn Allen  
Pro Plumbing & Piping, Inc.  
Durham, NC**

**License# 19514, P-I**  
Allegations of misconduct and selling his license in the business of plumbing contracting in that the licensee subcontracted work from an unlicensed individual, allowed the use of his license by unlicensed persons, 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 nor receive the contractual payment for the job.

Resolution Conference held 02/19/2013.

Glenn Allen Darst, Jr. signed a Resolution Conference Agreement 02/19/2013.

The license of Glenn Darst, number 19514 P-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things, during the probation, the licensee is required to enroll in, attend and complete the series of Special Contractor Business Management courses, and enroll in and attend the Special Board Laws & rules class. 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.

**Davis, Forest T.  
FORVIS Heating & Air  
Siler City, NC**

**License# 18503, 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, violated the minimum stand-

ard of the North Carolina State Mechanical Code, failed to comply with the previous probation, and failed to comply with 21NCAC50.0408(c) in that the licensee moved several times and changed phone numbers without notifying the board within 30 days. Resolution Conference held 02/21/2013.

Forrest T. Davis signed a Resolution Conference Agreement on 02/21/2013. The license of Forrest T. Davis, number 18503 H-3-I, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. Among other things during the probation, licensee shall enroll in, attend and complete the Special Board Laws & Rules course. 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.

**Dickinson, Robert Waldo  
The Air Conditioning Store  
Concord, NC**

**License# 16011, H-2&3-I**  
Allegations of misconduct in the business of heating contracting in that the firm allowed a permit to be obtained and the licensee's 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, licensee allowed the use of his license by unlicensed persons by issuing 1099's to unlicensed persons.

Resolution Conference held 01/22/2013.

Robert Waldo Dickinson signed a Resolution Conference Agreement 01/22/2013.

The license of Robert Dickinson, number 16011 H-2&3-I, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. Among other things during the probation, within 90 days of approval of this agreement, the licensee is required to enroll in and attend the Special Board Laws & rules class. 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.

**Dixon, Joseph Perry Jr.**  
**Dixon Heating & Air Conditioning Co., Inc.**  
**New Bern, NC**  
**License# 15664, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to provide adequate supervision, and violated the minimum standard of the North Carolina State Mechanical Code.

Resolution Conference held 02/14/2013.

Joseph P. Dixon signed a Resolution Conference Agreement on 02/14/2013. The license of Joseph P. Dixon, number 15664 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, licensee shall enroll in, attend and complete the series of Special Mechanical Code courses, and shall enroll in, attend and complete the Special Board Laws & Rules course. 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.

**Drew, David T.**  
**Nascair, LLC**  
**Charlotte, NC**  
**License# 25377, 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 perform load calculation(s), and violated the minimum standard of the North Carolina

State Mechanical Code. Resolution Conference held 01/21/2013.

David Drew signed a Resolution Conference Agreement 01/21/2013. The license of David Drew, number 25377 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, licensee shall enroll in, attend and complete the series of Special Mechanical Code courses, and enroll in, attend and complete the Special Board Laws & Rules course. If allowed by the homeowner, within ninety (90) days of the approval of this agreement, the licensee shall return to this structure (located at 11900 Tanton Ln., Charlotte, NC) and increase the size of the return box beneath the unit and install duct liner inside the return air box. The contractor shall contact the building owner in advance, arrange a time to perform this work and shall receive a final inspection with the 120 days from approval of this order. This work shall be performed at the expense of the contractor. Within five (5) days from signing this agreement the contractor shall send a certified letter to the homeowner to gain access to perform the above listed work and obtain a final inspection. In the letter the licensee shall ask that the homeowner to contact the licensee within five (5) days to schedule access to the structure. If the licensee receives no response within the seven (7) days of sending the original letter, the licensee shall send a second certified letter with return receipt. If the licensee does not receive a response from the homeowner as outlined above, then the licensee shall be relieved of this responsibility. 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.

**Drummond, William F.**  
**One Hour Heating & Air Conditioning**

**Durham, NC**  
**License# 13548, PH-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee filled out and signed the Board application Form I-C confirming the experience of an applicant, who is a licensed electrician but not an bona fide employee of One Hour Heating & Air Conditioning, where the licensee permitted the applicant to occasionally assist the employees of One Hour Heating & Air Conditioning with the installation of the HVAC equipment. William Drummond signed a Proposed Resolution Agreement 02/05/2013. The license of William Drummond, number 13548 PH-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things, during the probation, the licensee is required to enroll in and attend the Special Board Laws & rules class, submit to the Board's office within the next thirty (30) days copies of all employee W-4's and by the end of the probation submit a copy of all employee W-2's, and subcontract work that requires a license only to properly licensed subcontractors. 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.

**Emory, David Richard**  
**Asheville, NC**  
**License# 17432, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee contracted with the Buncombe County Schools to remove the existing galvanized piping and install copper water supply lines at a school, during the course of the installation, the licensee failed to obtain the required permit prior to starting work in violation of GS 87-21 section .0402. David Emory signed a Proposed Resolution Agreement on 01/28/2013. The license of David Richard Emory, number 17432 P-I, and that of the firm shall be placed on unsupervised proba-

tion for a period of (12) months. Among other things during the probation, licensee shall enroll in, attend and complete the Special Board Laws & Rules course.

**Griffin, John Robert**  
**Foothills Heating and Air**  
**Hickory, NC**

**License# 20784, H-2-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain a permit prior to commencing work for the removal of the existing heat pump and the installation of a new 2 ½ ton ton American Standard heat pump with a gas furnace tying into the existing duct work.

John Robert Griffin signed a Proposed Resolution Agreement on 02/05/2013. The license of John Robert Griffin, number 20784 H-2-3-I, and that of the firm shall be placed on unsupervised probation for a period of (12) months. Among other things during the probation, licensee shall enroll in, attend and complete the Special Board Laws & Rules course. If 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 provisions listed above.

**Eubank, Franklin**  
**Eubank Plumbing**  
**& Mechanical, LLC**  
**Pollockville, NC**

**License# 17129, PH-I-I**

Allegations of misconduct and incompetence in the business of plumbing and heating 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 by issuing 1099's to unlicensed persons. Resolution Conference held

02/14/2013.

Franklin Eubank signed a Resolution Conference Agreement on 02/14/2013. The license of Franklin Eubank, number 17129 PH-I-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months.

Among other things during the probation, licensee must enroll in, attend and complete the series of Special Plumbing Code and Design courses, and submit to the Board's office within the next thirty (30) days copies of all employees W-4's and by the end of the probation submit a copy of all employees W-2's. 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.

**Griffin, William Allen**  
**Griffin's Plumbing**  
**Macclesfield, NC**

**License# 20503, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to obtain a permit prior to commencing work, failed to obtain final inspections within ten (10) days of substantial completion of the work, and violated the State Plumbing Code.

William Allen Griffin signed a Proposed Resolution Agreement on 02/22/2013. The license of William Allen Griffin, number 20503 P-I, and that of the firm shall be placed on unsupervised probation for a period of 12 months. Among other things during the probation, licensee shall enroll in, attend and complete the series of Special Fuel Gas Code and Design courses, and enroll in, attend and complete the Special Board Laws & Rules course. If 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 provisions listed above.

**Hartsell, Bryan Robert**  
**Advanced Air Heating**  
**& Cooling Services**  
**Mooreville, NC**

**License# 23416, H-3-I**

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

tracting 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, violated the minimum standard of the North Carolina State Mechanical Code, and failed to perform

load calculation(s).

Resolution Conference held

01/22/2013.

Bryan Hartsell signed a Resolution Conference Agreement 01/22/2013. The license of Bryan Hartsell, number 23416 H-3-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. Among other things during the probation, licensee shall enroll in, attend and complete the series of Special Mechanical Code courses, enroll in, attend and complete the Special Board Laws & Rules course, and submit quarterly reports to the Board's office documenting compliance with the provisions of this probation order. 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.

**Hawkins, Gerald Lee**  
**Hawkins, NC**

**License# 17883, P-I**

Allegations of misconduct in the business of fuel piping contracting in that, although the licensee retired from Heritage Propane on 10/10/2012, on 11/20/2012, the licensee signed the 2010-04 form PHFP I-B for an exam applicant verifying the applicant's water heater, water and fuel piping installation and service experience, and listed his license as the qualifier for Heritage Propane, and after the licensee retired from Heritage Propane, the Catawba County Building Inspection records show that the license of Gerald Hawkins was used on four (4) separate occasions to contract and permit gas line installations.

Gerald Hawkins signed a Proposed Resolution Agreement 02/05/2013. The license of Gerald Lee Hawkins,

number 17883 FP, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things, during the probation, the licensee is required to enroll in and attend the Special Board Laws & rules class. 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.

**Herring, Kevin Douglas**  
**Herring Heating and**  
**Air Conditioning, Inc.**  
**Mount Olive, NC**  
**License# 27750, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee contracted with a licensed well contractor to perform the installation of the geothermal loop for the system to include the vertical piping in the well and the horizontal piping from the well to the system, during the course of the installation, the licensee failed to properly supervise the installation of the geothermal loop installed by the well contractor, failed to have a written contract with the well contractor documenting the scope of work to be performed or the design parameters for the geothermal loop, failed to perform a heat loss/heat gain calculation for the above reference system but sized the system based on tonnage per square foot and CFM requirements, failed to perform a duct design, failed to size the geothermal loop for the installation (allowed the well contractor to size the loop installed), and failed to request final inspection within 10 days of substantial completion of the work due to the fact to the well contractor's involvement with the installation of the geothermal loop, and the loop was covered up and not inspected.

Kevin Douglas Herring signed a Proposed Resolution Agreement on 01/15/2013.

The license of Kevin Herring, number 27750 H-3-I, and that of the firm shall be placed on unsupervised probation

for a period of twelve (12) months. Among other things during the probation, by 03/01/2013, the contractor shall return to the home located at 101 Farmingdale Dr., and perform a thorough Manual J load calculation and Manual D duct design. If the load calculation reveals that the equipment and or duct system is improperly sized, then the contractor shall obtain a permit from the local inspection department, replace the undersized or oversized equipment and/or ductwork with properly sized ductwork, air handler(s) and condensing unit(s) and obtain a final inspection by March 1, 2013. The contractor shall ensure that the geothermal loop is properly sized and inspected by the local code enforcement official. The contractor shall submit evidence to the board by March 1, 2013 of the final inspection and shall submit a copy of his load calculation and duct design. After complaint to the Board, the licensee obtained a permit, received a final approved inspection on 02/08/2013, and submitted a copy of his load calculation to the Board's office on 02/26/2013. In addition, licensee shall enroll in, attend and complete the series of Special Mechanical Design courses, enroll in, attend and complete the Special Board Laws & Rules course. If 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 provisions listed above.

**Hix, Marvin Eugene**  
**Four Oaks, NC**  
**License# 14741, H-1,2&3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to provide 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 02/20/2013.

Marvin Eugene Hix signed a Resolution Conference Agreement on 02/20/2013. The license of Marvin Eugene Hix,

number 14741 H-1,2&3-I, and that of the firm shall be placed on unsupervised probation for a period of twenty-four (24) months. Among other things during the probation, licensee shall enroll in, attend and complete the Special Board Laws & Rules course. 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.

**Johnson, Peter Wallace**  
**Peter Johnson Plumbing**  
**Asheville, NC**  
**License# 28743, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee paid an unlicensed individual in the form of cash and with a form 1099 in violation of GS 87-21 section .0512, the unlicensed individual was not a bona-fide employee of Peter Johnson Plumbing, and engaged in business under a different name or style of business than appears on his license by operating under the name of Peter Johnson Plumbing while his license was listed in his individual name.

Peter Wallace Johnson signed a Proposed Resolution Agreement on 03/15/2013.

The license of Peter Johnson, number 28743 P-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, by 03/29/2013, licensee must assure that his license has been listed with the Board in the name that he currently operates his business, licensee shall enroll in, attend and complete the Special Board Laws & Rules course, submit to the Board's office within the next thirty (30) days copies of all employee W-4's and by the end of the probation submit a copy of all employee W-2's, and subcontract work that requires a license only to properly licensed subcontractors. If 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 provisions listed above.

**Kapustiak, Paul  
Raleigh, NC**

**License# 22678, H-2&3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to provide supervision, failed to carry out adequate ductwork installation and system design, and violated the minimum standard of the North Carolina State Mechanical Code. Paul Kapustiak signed a Resolution Conference Agreement on 02/20/2013. The license of Paul Kapustiak, number 22678 H-2&3-I, and that of the firm shall be placed on unsupervised probation for a period of twenty-four (24) months. Among other things during the probation, licensee shall enroll in, attend and complete the Special Board Laws & Rules course. 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.

**Khemlani, Sunder Issardas Jr.  
Bostick Plumbing, Inc.  
Greensboro, NC**

**License# 24160, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee installed a new 1 horsepower submersible well point at a home without a proper license to perform well pump installations. Sunder Khemlani signed a Proposed Resolution Agreement on 03/12/2013. The license of Sunder Khemlani, number 24160 P-I, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. Among other things during the probation, licensee shall enroll in, attend and complete the Special Board Laws & Rules course, and licensee shall enroll in, attend and complete the Special Well Contractor Code Course. If the licensee violates the conditions of probation, his license will be suspended for a period of two (2) months, with

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

**Kilgore, James  
S. B. Parker Company  
New Bern, NC**

**License# 30035, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain permits prior to commencing work. James Kilgore signed a Proposed Resolution Agreement 01/31/2013. James Kilgore voluntarily surrendered his license, number 30035 H-3-I, to the Board. The act of surrendering the license to the Board will be recorded as a licensing revocation. In the event the licensee requests to re-establish his license, he will have to answer to the charges in this specific complaint (s) and possibly reexamine per the General Statutes Chapter 87, Article 2.

**Martin, Derrick G.  
Martin's Heating &  
Air Conditioning  
Wilmington, NC**

**License# 30015, H-3-I**

Allegations of misconduct and working without a license in the business of plumbing and heating contracting in that the licensee failed to perform a through room by room heat loss/heat gain calculation in accordance with Manual J, failed to perform a duct design in accordance with Manual D prior to commencement of work, failed to obtain a final inspection within 10 days of substantial completion of the work, performed the installation of the plumbing work for the vanity sink and the installation of a water closet without a license, violated the State Mechanical Code in the following areas: (1) register boots not secured properly (register boots not fastened properly to framing); and (2) Condensate drain line not supported properly (condensate drain line needed to be supported every 4 ft). Derrick Martin signed a Proposed Resolution Agreement on 02/05/2013. The license of Derrick Gilliam Martin, number 30015 H-3-I, and that of the

firm shall be placed on a supervised probation for a period of 12 months. Among other things during the probation, by 02/28/2013, the contractor shall return to the home located at 117 Gaddy Dr., and perform a thorough Manual J load calculation and Manual D duct design. If the load calculation reveals that the equipment and or duct system is improperly sized, then the contractor shall obtain a permit from the local inspection department, replace the undersized or oversized equipment and/or ductwork with properly sized ductwork, air handler(s) and condensing unit(s) and obtain a final inspection by 02/28/2013. The contractor shall submit evidence to the board by 02/28/2013 of the final inspection and shall submit a copy of his load calculation and duct design. By the 02/28/2013, the contractor shall obtain a permit from the local code enforcement official, return to the home located at 117 Gaddy Dr. and correct any and all code violations that still exist. The contractor shall contact the property owner in advance, arrange a time to perform this work, and shall receive a final inspection by 02/28/2013. This work shall be performed at the expense of the contractor. Licensee shall enroll in, attend and complete the Special Board Laws & Rules course, enroll in, attend and complete the series of Special Mechanical Code courses, enroll in, attend and complete the series of Special Mechanical Design courses, perform no work outside his licensing classification until he is properly licensed to work in these other fields, and submit quarterly reports to the Board's office documenting his compliance with the provisions of this probation order. If 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 provisions listed above.

**Matthews, Robert Casey  
Rob Matthews Heating**

**& Cooling, Inc.  
Garner, NC**

**License# 22271, H-3-II**

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain a permit prior to commencing work for the installation of a new gas pack system, and failed to obtain final inspections within ten (10) days of substantial completion of the work.

Robert Matthews signed a Proposed Resolution Agreement on 02/28/2013. The license of Robert Matthews, number 22271 H-3-II, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, licensee shall enroll in, attend and complete the Special Board Laws & Rules course. If 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 provisions listed above.

**Miller, Christopher Leon  
LMS Electrical &  
Mechanical Contractors, Inc.  
Lakeview, SC**

**License# 23594, H-2&3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain final inspections within ten (10) days of substantial completion of the work, failed to perform a proper duct design, failed to perform a room by room heat loss/heat gain calculation (new system), failed to supervise the above referenced installation, and violated the State Mechanical Code in the following areas: 1) flexible duct restricted in multiple locations; 2) roof truss system cut and altered to accommodate installation of air handler unit; and 3) duct work not supported properly.

Christopher L. Miller signed a Proposed Resolution Agreement on 03/13/2013.

The license of Christopher L. Miller, number 23594 H-2&3-I, and that of the firm shall be placed on unsupervised

probation for a period of eighteen (18) months. Among other things during the probation, by 05/01/2013, the contractor shall return to the home located at 2526 Vestal Ave., and perform a thorough Manual J load calculation and Manual D duct design. If the load calculation reveals that the equipment and or duct system is improperly sized, then the contractor shall obtain a permit from the local inspection department, replace the undersized or oversized equipment and/or ductwork with properly sized ductwork, air handler(s) and condensing unit(s) and obtain a final inspection by 05/01/2013. The contractor shall submit evidence to the board by 05/01/2013 of the final inspection and shall submit a copy of his load calculation and duct design. By 05/01/2013, the contractor shall return shall obtain a permit from the local code enforcement official, return to this structure and correct any and all code violations that still exist. The contractor shall contact the building owner in advance, arrange a time to perform this work and shall receive a final inspection by 05/01/2013. This work shall be performed at the expense of the contractor. Licensee shall enroll in, attend and complete the series of Special Mechanical Code courses, and enroll in, attend and complete the Special Board Laws & Rules course. If 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 provisions listed above.

**Mountain, Brian Michael  
Triangle Plumbing & Backflow  
Raleigh, NC**

**License# 29594, 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, and violated the minimum standard of the North Carolina State Plumb-

ing Code.

Resolution Conference held 02/20/2013.

Brian Mountain signed a Resolution Conference Agreement on 02/20/2013. The license of Brian Mountain, number 29594 P-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, licensee shall enroll in, attend and complete the series of Special Plumbing Code and Design courses, and licensee shall enroll in, attend and complete the Special Board Laws & Rules course. 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.

**Nelson, Mark Stuart  
Nelson Heating & Cooling, LLC  
Greensboro, NC**

**License# 17528, 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, and failed to perform a load calculation.

Resolution Conference held 01/24/2013.

Mark Stuart Nelson signed a Resolution Conference Agreement 01/24/2013.

The license of Mark Stuart Nelson, number 17528 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months.

The license of Mark Stuart Nelson, number 17528 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, licensee shall enroll in, attend and complete the Special Board Laws & Rules course. 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.

**Osuna, Rafael Jose**  
**City Air Experts, LLC**  
**Charlotte, NC**  
**License# 30008, H-2&3-I**

Allegations of misconduct in the business of heating contracting in that the licensee allowed the use of his license by unlicensed persons by pulling two permits for an unlicensed firm while being active on the job and not holding the contract.

Resolution Conference held 01/22/2013.

Rafael Osuna signed a Resolution Conference Agreement 01/22/2013.

The license of Rafael Osuna, number 30008 H-2&3-I, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. Among other things during the probation, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course, ensure that he subcontracts work that requires a license only to or from properly licensed subcontractors, and submit quarterly reports to the Board's office documenting his compliance with the provisions of this probation order. 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.

**Parham, George William**  
**Providence Plumbing LLC**  
**York, SC**  
**License# 29680, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee allowed the use of his license by unlicensed persons (selling license).

Resolution Conference held 01/21/2013.

George Parham signed a Resolution Conference Agreement 01/21/2013. The license of George Parham, number 29680 P-I, and that of the firm shall be

placed on supervised probation for a period of twenty-four (24) months. Among other things during the probation, licensee shall enroll in, attend and complete the Special Board Laws & Rules course, and submit quarterly reports to the Board's office documenting compliance with the provisions of this probation order. 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.

**Perkins, Mark Baldwin**  
**Adjustable Plumbing/Heating & Cooling Services, LLC**  
**Concord, NC**  
**License# 31407, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to permit the mechanical installation, which is a violation of GS 87-21 section .0402, failed to properly supervise the mechanical installation which is a violation of GS 87-21 section .0406 and .0505(a), failed to perform a load calculation for the change out, which is a violation of GS 87-21 section .0505, and failed to meet minimum mechanical code standards which is a violation of GS 87-21 .0505 (b) in the following areas: return is undersized- (currently 200 square inches- needs to be 360 square inches), no sleeve on exterior wall penetration, refrigerant line not properly supported, improper transition on liquid line- used 1/2 " copper on 3/8" line, no arma-flex on refrigerant suction line, duct work not properly insulated and or sealed, stacked masonry blocks- no mortar – no cap block, no primer or glue on condensate line, debris from old furnace still in crawl space, improper transition on return plenum- no flange installed, improper supply plenum construction and connection (no screws utilized only taped), thermostat wire not properly supported, no receptacle within 25' of condensing unit, mechanical contractor wired condensing unit, outdoor wire – "NM" not approved

for outdoor application, and failed to properly seal thimble after removing furnace.

Mark Perkins signed a Proposed Resolution Agreement on 02/20/2013. The license of Mark Baldwin Perkins, number 31407 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, by 03/08/2013, the contractor shall return to the home located at 3415 37th Street Court and perform a thorough Manual J load calculation. If the load calculation reveals that the equipment is improperly sized, then the contractor shall obtain a permit from the local inspection department, replace the undersized or oversized equipment with properly sized air handler(s) and condensing unit(s) and obtain a final inspection by 03/15/2013. The contractor shall submit evidence to the board by 03/22/2013 of the final inspection and shall submit a copy of his load calculation. By 03/08/2013, the contractor shall obtain a permit from the local code enforcement official, return to this structure and correct any and all code violations that still exist. The contractor shall contact the home owner in advance, arrange a time to perform this work and shall receive a final inspection by 03/15/2013. This work shall be performed at the expense of the contractor. After complaint to the Board, the licensee obtained a permit and submitted a load calculation. Licensee shall enroll in, attend and complete the Special Board Laws & Rules course, and enroll in, attend and complete the series of Special Mechanical Code courses. If 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 provisions listed above.

**Ryder, James Warren**  
**Granite Falls, NC**  
**License# 29453, P-I & H-3-II**

Allegations of misconduct, incompetence, and selling license in the business of heating contracting in that the

licensee failed to provide supervision, failed to perform load calculation(s), violated the minimum standard of the North Carolina State Mechanical Code, allowed the use of his 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

01/22/2013.

James Warren Ryder signed a Resolution Conference Agreement

01/22/2013.

The license of James Ryder, number 29453 P-I & H-3-II, and that of the firm shall be placed on supervised probation for a period of eighteen (18) months. Among other things during the probation, licensee shall enroll in, attend and complete the series of Special Mechanical Code courses, enroll in, attend and complete the Special Board Laws & Rules course, and submit quarterly reports to the Board's office documenting compliance with the provisions of this probation order. 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, Quaid Allen**  
**S.G.S. Mechanical Contractors,**  
**LLC**

**Stanley, NC**

**License# 22282, H-3-I**

Allegations of misconduct and incompetence 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, and violated the minimum standard of the North Carolina State Mechanical Code.

Resolution Conference held

01/21/2013.

Quaid Smith signed a Resolution Conference Agreement 01/21/2013.

The license of Quaid Smith, number

22282 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months.

Among other things during the probation, licensee shall enroll in, attend and complete the series of Special Mechanical Code courses, enroll in, attend and complete the Special Board Laws & Rules course. 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.

**Stout, Paul David**

**Paul D Stout Heating**  
**& Air Conditioning Co.**  
**Asheboro, NC**

**License# 22882, H-3-I**

Allegations of misconduct and incompetence 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, and violated the minimum standard of the North Carolina State Mechanical Code.

Resolution Conference held

01/24/2013.

Paul Stout signed a Resolution Conference Agreement 01/24/2013.

The license of Paul Stout, number 22882 H-3-I, and that of the firm shall be placed on supervised probation for a period of eighteen (18) months. Among other things during the probation, licensee shall enroll in, attend and complete the series of Special Mechanical Code courses, enroll in, attend and complete the Special Board Laws & Rules course, submit quarterly reports to the Board's office documenting his compliance with the provisions of this probation order. 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.

**Strader, Dwain Reynolds**  
**Cellusun Heat & Air**  
**Reidsville, NC**

**License# 13048, H-2&3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain a permit prior to commencing work.

Dwain Reynolds Strader signed a Proposed Resolution Agreement on

02/20/2013.

The license of Dwain Strader, number 13048 H-2&3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, assure that all installations that have been performed under his license, that have not been permitted or inspected, shall receive approved final inspections within sixty (60) days, licensee shall enroll in, attend and complete the Special Board Laws & Rules course. If 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 provisions listed above.

**Sutton, James Cecil**  
**Cecil's Refrigeration**  
**Kinston, NC**

**License# 16501, 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, violated the minimum standard of the North Carolina State Mechanical Code, failed to perform load calculation(s), allowed the use of license by unlicensed persons by issuing 1099's to unlicensed persons, and failed to provide adequate supervision.

Resolution Conference held

02/15/2013.

James Cecil Sutton signed a Resolution Conference Agreement on 02/15/2013. The license of James Cecil Sutton, number 16501 H-3-I, and that of the

firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, submit to the Board's office within the next sixty (60) days copies of all employees' W-4's and by the end of the probation submit a copy of all employees W-2's for any employees' who performs work that requires a license from this board, enroll in, attend and complete the series of Special Mechanical Code courses, and enroll in, attend and complete the Special Board Laws & Rules course. 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.

**Whitson, David Allen**  
**Superior Installation, Inc.**  
**Spruce Pine, NC**  
**License# 20902, H-2-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain a permit prior to commencing work in violation of GS 87-21 section .0402, failed to properly supervise and meet minimum mechanical code in a violation of GS 87-21 section .0505 (a) (b), and violated the State Mechanical Code in the following areas: failed to use primer on the condensate line, failed to install an approved trap on condensate line, failed to properly the support line set, failing to properly seal/rodent proof underpinning (skirt), arma-flex was torn on the line set, no receptacle installed near outdoor unit, failed to properly seal the exterior wall penetration, improper seal on coil, failed to properly insulate the line set at the coil, and the heat pump appeared to be oversized. David Whitson signed a Proposed Resolution Agreement on 01/15/2013. The license of David Whitson, number 20902 H-2-3-I, and that of the firm shall be placed on an unsupervised probation for a period of twelve (12) months. Among other things during the probation, by 01/31/2013, the contractor shall return to the home located at 1911 Green Mountain Drive,

Burnsville, NC and perform a thorough Manual J load calculation. If the load calculation reveals that the equipment is improperly sized, then the contractor shall obtain a permit from the local inspection department, replace the undersized or oversized equipment with properly sized air handler(s) and condensing unit(s) and obtain a final inspection by February 8th, 2013. The contractor shall submit evidence to the board by 02/28/2013 and shall submit a copy of his load calculation. By 01/31/2013 the contractor shall obtain a permit from the local code enforcement official, return to this structure and correct any and all code violations that still exist. The contractor shall contact the building owner in advance, arrange a time to perform this work and shall receive a final inspection by 02/08/2013. This work shall be performed at the expense of the contractor. The contractor shall submit a copy of the final inspection to the board by 02/28/2013. After complaint to the Board, in lieu of performing the agreed upon repairs, the licensee voluntarily elected to remove the equipment and refund the homeowner \$3,650.00. Among other things during the probation, licensee shall enroll in, attend and complete the Special Board Laws & Rules course, and enroll in, attend and complete the series of Special Mechanical Code courses. If 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 provisions listed above.

**Tillman, Gregory Alvin**  
**Air Specialties of Pinehurst, Inc.**  
**Aberdeen, NC**  
**License# 08831, 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, violated the minimum standard of the North Carolina State

Mechanical Code, and failed to provide adequate supervision.

Resolution Conference held 02/21/2013.

Gregory Alvin Tillman signed a Resolution Conference Agreement on 02/21/2013.

The license of Gregory Alvin Tillman, number 8831 PH-I, 2&3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, enroll in, attend and complete the series of Special Mechanical Code courses, and enroll in, attend and complete the Special Board Laws & Rules course. 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.

**Tyer, Mitchell**  
**Angier, NC**  
**License# 11865, P-I**

Allegations of misconduct allowed the use of his license by unlicensed persons by issuing 1099's to unlicensed persons.

Resolution Conference held 02/18/2013.

Mitchell Tyer signed a Resolution Conference Agreement on 02/18/2013.

The license of Mitchell Tyer, number 11865 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 11865 P-I, and that of the firm shall be placed on 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 twenty-four (24) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

## Attorney's Report

The Attorney's Report contains information pertaining to cases that have been adjudicated in a formal proceeding of the Board or in the courts of North Carolina. Disciplinary actions against licensed contractors are typically imposed during a Formal Hearing of the Board. Court action is necessary when unlicensed individuals are in violation of the Board's Laws and Rules or in circumstances where licensees are found to be in violation of any order(s) issued by the Board.

**BROCK, JOE**  
d/b/a **THE PLUMBER/  
UPGRADE PLUMBING**  
**Dobson, NC**

Plumbing contracting without a license. Summons and complaint filed 12/14/11. Order Granting Summary Judgment filed 3/4/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

**BURNS, DOUGLAS W.**  
d/b/a **CONVICTED  
CONSTRUCTION**  
**Beech Mountain, NC**

Plumbing contracting without a license. Permanent Injunction Judgment filed 3/26/13 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**CARON, TOM**  
d/b/a **NEW DIMENSIONS  
ENTERPRISES LLC**  
**Black Mountain, NC**

Plumbing contracting without a license. Permanent Injunction Judgment filed 2/20/13 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**CHILDRESS, PHILLIP GRAY**  
d/b/a **CHILDRESS SERVICE CO.**  
**Morehead City, NC**

Heating contracting without a license. Permanent Injunction Judgment filed 3/11/13 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**LENTZ, RODNEY ALLEN**  
d/b/a **QUALITY SYSTEMS  
OF THE CAROLINAS**  
**Monroe, NC**

Heating contracting without a license in contempt of prior order of the Court. Contempt hearing removed from 4/23/12 in Union County Superior Court due to service problems. Order of Contempt filed 3/18/13 find-

ing the Defendant in contempt of prior Order of the Court and ordering him to be remanded to the custody of the Sheriff of Union County to serve a 30 day jail sentence in the Union County jail for a violation of the Court's Order which 30 day sentence is not to be served concurrently with any other jail sentences the Defendant is serving but rather shall serve at the conclusion of all such other jail sentences.

**LLOYD, JOSH**  
d/b/a **LLOYD'S HEATING  
& AIR**  
**Lancaster, SC**

Heating contracting without a license. Permanent Injunction Judgment filed 12/18/12 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**MARTINEZ-BONAUDI, MARIO**  
d/b/a **AIR HANDLERS II**  
**Jacksonville, NC**

Heating contracting without a license. Permanent Injunction Judgment filed 3/25/13 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**POWELL, RICHARD JR.**  
**Franklin, NC**

Plumbing installation without a license. Consent Judgment of Permanent Injunction Judgment filed 3/28/13 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**ROBINSON, LARRY FITZGERAL**  
d/b/a **Robinson HVAC Service**  
**Goldsboro, NC**

Plumbing contracting without a license. Permanent Injunction Judgment filed 3/19/13 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**SANTIAGO, RAYMOND S.**  
d/b/a **Affordable Plumbing Service**  
**Vass, NC**

Plumbing contracting without a license. Summons and complaint filed 3/26/12. Permanent Injunction Judgment filed 9/27/12 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so. Consent Order issued 10/12/12 denying Applicant's application for examination prior to July 1, 2013.

**SEATE, JOHN BARRY**  
d/b/a **RESCOM, INC.**  
**Charlotte, NC**

Violation of prior order of the Court and Contempt of Court Order of Contempt filed 4/10/13, Defendant found in Civil Contempt sanctioned with 30 day suspended sentence and \$500 fine.

**SIMMS, WARREN RAY**  
d/b/a **PLUMB-AIR  
HEATING, INC.**  
**Winston-Salem, NC**

Heating contracting without a license. Permanent Injunction Judgment filed 6/21/12 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**STEWART, MATTHEW W.**  
d/b/a **72 DEGREES OF HICKORY**  
**Hickory, NC**

License #24489 H-1, 2 & 3-1 Misconduct in the business of heating contracting. Consent Order issued 2/11/13, Defendant placed on 1 year unsupervised probation.

**WALKER, ROY DAVID, JR.**  
d/b/a **WALKER SALES  
& SERVICE, INC.**  
**Winnabow NC**

Heating contracting in violation of prior Order of the Court. Motion and Order for Show Cause filed. Order of Contempt filed 2/18/13, Defendant sentenced to serve 4 days in Forsyth County Jail.