



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

November 2013

BOARD MEMBERS

William H. Eubanks
Chairman
Plumbing Inspector
Wilmington, NC

Thomas G. Proffit
Vice-Chairman
Plumbing Contractor
Lenoir, NC

John N. Royal
Secretary/Treasurer
NCSU Engineer
Raleigh, NC

William H. Sullivan III
Air Conditioning Contractor
Greensboro, NC

Jeffrey R. Dunn
Fire Sprinkler Contractor
Dunn, NC

Robert J. Owens
Public Member
Raleigh, NC

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

1109 Dresser Court
Raleigh, NC 27609

919-875-3612

www.nclicensing.org

Robert J. Owens appointed to Board

On October 26, 2013, Governor Pat McCrory appointed Robert J. Owens to serve as the 'Public Member' of the Board.

A graduate of Clemson University and a licensed professional engineer, Mr. Owens has worked in the engineering field since the 1960's.

He also has an extensive background in business management. In the early 1970's, he co-founded a North Carolina based engineering firm that grew to over 700 employees in a period of 14 years. He then served for a number of years Executive Vice President for an international engineering firm, responsible for engineering quality assurance and business management.

Mr. Owens currently operates a consulting firm specializing in engineering and construction. His services include conducting arbitrations and expert witness testimony in legal cases involving engineering and construction.



Proposed Rule Changes

In 2013, a new law was enacted by the General Assembly which requires the Board to create a limited plumbing license. A committee consisting of plumbing and irrigation industry professionals and Board members was established to create a set of proposed rules to meet the requirements of the General Statutes.

A public hearing was held on December 9, 2013 at the Board's office, where the Board heard public comments from a number of interested parties concerning the proposed rules, which are printed in this publication beginning on page 16.

The public comment period will remain open through January 14, 2014.

Comments may be submitted to the following:

Dale Dawson

1109 Dresser Court

Raleigh, NC 27609

E-mail: ddawson@nclicensing.org

Phone: 919-875-3612, 216

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Patricia Selby Completes Lengthy Service with Board

On October 25th, 2013, Patricia Selby completed 14 years of service as a member of the Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors.

A native of New York City, Mrs. Selby relocated to North Carolina in 1991 following a lengthy career in healthcare administration. She served the next 10 years in management roles as an employee of the State of North Carolina; 5 years with the Employment Security Commission and 5 years with Vance-Granville Community College.

Mrs. Selby was appointed to the Board by former Governor James B. Hunt, Jr. in 1999 to fill the unexpired term of another individual as the "public member". Unlike the other board members who are required to hold contractor, code enforcement, or engineer credentials, the general statutes which govern the Board require that the public member must be an individual with "no tie to the construction industry to represent the interests of the public at large."

She was reappointed in 2006 by former Governor Mike Easley to serve a full 7 year term. Mrs. Selby was elected by her peers to fill the crucial role of Secretary/Treasurer, which she held until leaving the Board.

During her tenure on the Board, Mrs. Selby attended numerous classes regarding plumbing, heating and fire sprinklers in the interest of gaining knowledge which would allow her to better understand the issues of the construction industry. She also became intimately familiar with the daily operations of the Board, allowing her to play a vital role in the decision-making process of the many issues addressed by the Board on a regular basis.

She was instrumental in steering the Board in a new direction of improved efficiency, effectiveness and fiduciary accountability, and played a major role in a renewed focus on customer service and a sweeping technology upgrade of the Board's daily operations.

During this time the Board implemented five new licensing categories, Field Resolution Agreements, Resolution Review Conferences and established a quarterly Laws and Rules class. It was also during this time that the Continuing Education program experienced a full life cycle and was replaced by the Disciplinary Education Program.

Mrs. Selby's experience in management, administration and public policy, combined with her common sense approach and interest in the citizens of our state have resulted in an impressive legacy. She has been a vital part of the Board for the past 14 years, and the unique perspective that she brought to the table will be missed.

A Fond Farwell...

After serving on this wonderful board for many years, witnessing tremendous growth and many changes, my terms have expired and I must reluctantly leave.

Upon joining the board as the 'public member' I wasn't certain what to expect and I wondered if I could be an asset; however, the one thing that was certain was my determination to represent the public to the best of my ability

As a board member, I served on many hearing panels where disciplinary actions were required. The decisions to place a license under probation, suspension or revocation were not taken lightly, and were always based on what was best for the consumer and the licensee. I feel that a very important part of discipline is education in the identified areas of deficiency, which hopefully results in improved performance on the part of the licensee.

The board has not been without its challenges, and in late 2007 found it necessary to take a different direction with regards to management and administration. This was a difficult task in a difficult time and would not have been possible without the actions of my colleagues on the Executive Committee, Chairman Tommy Proffit and Vice-Chairman Jack Summey. Selecting Dale Dawson to serve as Executive Director set the organization on a new course and has benefited the board, licensees and citizens tremendously.

There were many other changes during my tenure, including the creation of continuing education and the elimination of the program a decade later. Both decisions were made based on what the board felt was best for the licensees and the citizens of our state.

I could go on and on about how the board has made great strides in protecting the consumers and encouraging licensees to be better at their craft, but I won't. Suffice it to say that I will truly miss being a part of the State Board of Examiners for Plumbing, Heating and Fire Sprinkler Contractors; a Board that I know in my heart has the licensees and the consumers at the forefront of everything that they do.

Patricia 'Pat' Selby



Renewal Reminder

All licenses issued by the Board expire on December 31st of every year and must be renewed annually in order to engage in activities requiring licensure. There is no grace period. Licenses renewed after January 31st will also be subject to a \$25.00 late renewal processing fee.

Renewal notices were mailed to all licensees in early October, and a follow-up mailing was conducted in early December. Currently active licensees may renew online by using the username and password contained on the renewal notice, and a MasterCard or VISA. As in years past, you may also bring or mail the renewal form and a check or money order to the Board's office. If you do not have the renewal form that was mailed, you may download it from the Forms page of our website (see page 5 of this newsletter for more information).

If the license is not renewed by December 31st all bidding, contracting, and work on jobs requiring a license must cease on January 1st until the license has been restored to active status.

North Carolina State Agencies

NC Department of Insurance	919-661-5880	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

Office Staff Directory

Office Phone: 919-875-3612
Office Fax: 919-875-3616
E-mail: information@nclicensing.org

Dale Dawson

Executive Director
Extension 224 or ddawson@nclicensing.org

Eric Hall

Business & Technology Manager
Extension 216 or ehall@nclicensing.org

Dejaya (DJ) Soltys

Executive Assistant / Licensing Coordinator
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Extension 205 or spittman@nclicensing.org

Karen Jolliffe

Exam Coordinator
Extension 230 or kjolliffe@nclicensing.org

Lauren Getzie

Complaint Coordinator
Extension 211 or complaint@nclicensing.org

Maddison Dirks

Receptionist
Extension 213 or mdirks@nclicensing.org

Administrative Officer (Field Staff) Directory

Fax for all Administrative Officers: 919-875-3616

John Todaro

Senior Administrative Officer
South Central Region
704-975-5305 or jtodaro@nclicensing.org

Moises "Jimmy" Jimenez

Southeastern Region
910-409-7127 or mjimenez@nclicensing.org

Tom Johnston

North Central Region
336-906-9141 or tjohnston@nclicensing.org

Derek Farmer

Northeastern Region
919-602-9095 or dfarmer@nclicensing.org

David Boulay

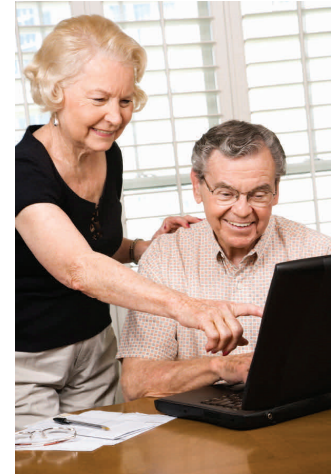
Western Region
828-234-2719 or dboulay@nclicensing.org

To view a regional map and listing of counties, please visit our website at www.nclicensing.org and click on the "Administrative Officers" button.

Website Information: 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 '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—2014 without Sub-licensees
3. Renewal form—2014 with Sublicensees
4. Renewal form—2014 and previous Year(s) without Sub-Licensees
5. Renewal form—2013 without Sub-licensees (can be used until 12/31/2013)
6. Renewal form—2013 with Sub-licensees (can be used until 12/31/2013)
7. Renewal form—2013 and Previous Year(s) without Sub-licensees (can be used until 12/31/2013)

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
- www.ncheating.org
- 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>
Acosta, Ezquiel	Charlotte, NC	7/24/2013	Kerney, Patrick	Dania, FL	7/9/2013
Adcock, Richard	Timberlake, NC	10/2/2013	Ladd, Richard D.	Statesville, NC	10/2/2013
Balance, Jeffrey	Pikeville, NC	8/29/2013	McCall, James D.	Wilmington, NC	10/10/2013
Benson, Russell	Bladenboro, NC	7/3/2013	Miller, Christopher M.	Durham, NC	8/4/2013
Benson, Russell	Fairview, NC	7/10/2013	Miller, Herbert	Roxboro, NC	9/13/2013
Boysen, Brian	Knightdale, NC	10/11/2013	Miller, Robert D.	Dillon, SC	9/30/2013
Brandli, John	Zebulon, NC	10/2/2013	Mills, Roy F. III	Sanford, NC	9/18/2013
Bryant, Roger D.	Madison, NC	7/22/2013	Moran, Jeffrey	Cary, NC	5/23/2013
Earley, Troy	Fairview, NC	7/12/2013	Roberson, Diane	Kenly, NC	8/28/2013
Franks, Charles	Belmont, NC	7/24/2013	Staten, Lawrence	Fayetteville, NC	10/4/2013
Halliger, Michael	Leicester, NC	7/10/2013	Swaim, Danny	Greensboro, NC	7/24/2013
Hanf, Philip J.	Morehead City, NC	8/29/2013	Taylor, John	Fayetteville, NC	7/2/2013
Harrower, Steven	Asheville, NC	7/11/2013	Timberlake, Wesley	Franklinton, NC	0/16/2013
Johnston, Ryan D.	Greensboro, NC	10/9/2013	Warner, Steven	Asheville, NC	7/11/2013
Jones, Mickey R.	Leland, NC	9/4/2013	Williams, Barry S.	Holden Beach, NC	7/24/2013

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>
Alford, Bruce W.	Leicester, NC	10/4/2013	Mack, Terry K.	Canton, NC	10/8/2013
Campbell, Berlester	Fairmont, NC	9/19/2013	McKeand, Gary R.	Charlotte, NC	10/9/2013
Cato, Tony L.	Pageland, SC	10/12/2013	Rivenbark, Gary T.	Salisbury, NC	9/10/2013
Cordones, Greg	Durham, NC	9/25/2013	Sanner, Daniel P.	Waynesville, NC	9/6/2013
Crisafi, Salvatore J.	Raleigh, NC	7/25/2013	Shaw, James A. Jr.	Wilmington, NC	10/11/2013
Denton, Cory G.	Rolesville, NC	0/7/2013	Spence, Ronald J.D.	Asheville, NC	10/4/2013
Fortunes, Christopher M.	Apex, NC	9/25/2013	Stallings, Harold "Pete"	Willow Springs, NC	10/3/2013
Garrison, John M.	Concord, NC	9/9/2013	Torres, Ivan	Charlotte, NC	9/4/2013
Hargrove, Tracy	Waynesville, NC	10/3/2013	Tubbs, David A.	Lincolnton, NC	10/3/2013
Hemingway, Willie W.	Elizabethtown, NC	9/19/2013	Walston, Johnny G. Jr.	Farmville, NC	8/22/2013
Hobbs, Terry S.	Stony Point, NC	9/10/2013	Watson, Danny E.	Lincolnton, NC	10/3/2013
Kilpatrick, William B.	Brevard, NC	8/27/2013	Worley, Harry W.	Waynesville, NC	10/8/2013
Locklear, Tracy III	Shannon, NC	9/19/2013	Wray, Lawrence	Raleigh, NC	8/19/2013

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) or upon written request to the Board's office.

**Barriga, Julio E.
Agua Source LLC
Pineville, NC**

License# 26688, P-I

Allegations of misconduct 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, and subcontracted work from an unlicensed individual.

Resolution Conference held 07/25/2013.

Julio Barriga signed a Resolution Conference Agreement 07/25/2013.

The license of Julio Barriga, number 26688 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 must 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.

**Beatty, Starlin L.
Beatty's Plumbing Company, LLC
Cape Carteret, NC
License# 13930, 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 provide supervision, and violated the minimum standard of the North Carolina State Plumbing Code.

Resolution Conference held 09/03/2013.

Starlin Beatty signed a Resolution Conference Agreement 09/03/2013.

The license of Starlin Beatty, number 13930 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 must enroll in, attend and complete the Special Board Laws & Rules course, assure that all outstanding or expired permits shall receive a final inspection with the next ninety (90) days from today, and submit quarterly reports to the Board's office during the probation. 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.

**Boyd, Chadwick Ray
LeGrande's Enterprises, Inc.
Conway, NC
License# 29452, 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 provide adequate supervision, violated the minimum standard of the North Carolina State

Plumbing Code, and violated the minimum standard of the North Carolina State Fuel Gas Code.

Resolution Conference held 07/23/2013.

Chadwick Boyd signed a Resolution Conference Agreement 07/23/2013.

The license of Chadwick Boyd, number 29452 P-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, licensee shall submit to the Board's office within the next fifteen (15) days copies of all employees W-4's for 2011 and 2012 and by the end of the probation submit a copy of all employees W-2's for 2013 and 2014. After complaint to the Board, the licensee submitted copies of W-4's for his employees. In addition, licensee shall enroll in, attend and complete the series of Special Plumbing Code and Design courses, 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. In the event the licensee violates the conditions of suspension, 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.

**Bressette, Daniel
Pop's Repairs
Kill Devil Hills, NC
License# 18937, H-3-I**

Allegations of misconduct and working without a license in that the HVAC contractor contracted and performed the installation of a temporary water line without a plumbing license; performed other small plumbing projects such as changing faucets and snaking drain lines as well as the repair of fill valves for toilets and wax ring replacements.

Daniel Bressette signed a Proposed Resolution Agreement 07/11/2013 .

The license of Daniel Bressette, number 18937, H-3-I and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things, the licensee shall perform no work outside his licensing classification held until properly licensed to work in these other fields, and the 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 ninety (90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Brown, Richard T.
A.C.A.R., Inc.
New Bern, NC
License# 15623, H2&3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to request inspections within 10 days of substantial completion of the work.

Richard T. Brown signed a Proposed Resolution Agreement 08/29/2013.

The license of Richard T. Brown, number 15623 H2&H3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probationary period, by 09/20/2013, obtain approved final inspections of all open permits or submit evidence of his efforts to obtain final inspections for each job listed in the Proposed Resolution Agreement dated 08/29/2013, 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 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.

No objection or request for hearing has been received in the 30-day period.

Buie, Jeffrey N.
C & J Plumbing LLC
Concord, NC
License# 27444, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to provide adequate supervision for work performed under his license.

Jeffrey Buie signed a Proposed Resolution Agreement 08/28/2013.

The license of Jeffrey Buie, number 27444 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 probationary period, licensee shall enroll in, attend and complete the series of Special Plumbing 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.

Cook, Joey Melvin
City of Concord
Mount Pleasant, NC
License# 14598, H1, 2&3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee performed work for the City of Concord while no one was licensing the City of Concord, and failed to assure permits were obtained prior to performing installation (s) that require a license.

Resolution Conference held 07/24/2013.

Joey Cook signed a Resolution Conference Agreement 07/24/2013.

The license of Joey Cook, number 14598 H-I, 2&3-I, and that of the firm shall be placed on unsupervised proba-

tion 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. 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.

Currie, Clyde T.
A.Z. Price Mechanical
Contractors, Inc.
Charlotte, NC
License# 00009, PH-1,2&3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to perform a load calculation prior to commencing work, and failed to install a properly sized unit.

Clyde Currie signed a Proposed Resolution Agreement 08/27/2013.

The license of Clyde Currie, number 00009 PH-I, 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 probationary period, if allowed by the homeowner, within 60 days of the approval of this agreement, the contractor shall return to the home located at 2412 Yorkdale Drive and install a properly sized split air conditioner system (per the contractors sensible and latent load calculations) to meet the sensible and latent output of the equipment. The contractor shall obtain a permit from the local inspection department, replace the equipment with properly sized air handler(s) and condensing unit(s), modify the duct system to meet the equipment size and obtain a final inspection within 90 days of approval of this order. After complaint to the Board, the licensee returned to the job, and obtained an approved final inspection. Licensee shall also 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 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.

**Lucas, Robert M.
Robert M Lucas
Heating & Air, Inc.
Germanton, NC
License# 22056, 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, did not have adequate knowledge to recall if a load calculation was performed, installed an inadequate size unit for the home, failed to properly size the line set on the system; at another job location, failed to respond to the customer in a timely manner which led to the homeowner hiring another contractor to make repairs to the system at an additional cost to the homeowner.

Robert Lucas signed a Proposed Resolution Agreement 08/07/2013.

The license of Robert Lucas, number 22056, H-3-I and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things, the licensee shall enroll in, attend and complete the series of Special Mechanical Design courses, and shall enroll in, attend and complete the Special Board Laws & Rules course. In addition, within thirty (30) days of the approval of this order the contractor shall return to the home located at 9058 Fantasy Road 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 within thirty (30) days of approval of this order. The contractor shall submit evidence to the board within forty-five (45) days of the final inspection and shall submit a copy of his load calculation. After complaint to the Board, the licensee returned, made corrections, and obtained a final inspection. In the event the licensee violates the conditions of probation, his license will be suspended for a peri-

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

**Marlowe, Thomas A.
Double M Services LLC
Nakina, NC
License# 10389, PH-3-I**

Allegations of misconduct and violation of prior probation order in that by 12/21/2012, Mr. Marlowe was to submit to the Board a load calculation and duct design for the installation he performed at 8624 Hallsboro Road. On or about 12/18/2012, licensee submitted an e-mail asking for a 14 day extension, which was granted, but he failed to submit the load calculation by the deadline. Although board staff requested the load calculation and duct design, as of the date of the conference held on 09/03/2013, a load calculation and a duct design had not been submitted in violation of the agreement. In addition, licensee allowed the use of his license by unlicensed persons.

Resolution Conference held 09/03/2013.

Thomas Marlowe signed a Resolution Conference Agreement 09/03/2013.

The license of Thomas Marlowe, number 10389 PH-3-I, and the license of the firm shall be suspended for a period of six (6) months. The license will be restored at the end of the suspension, provided that within 30 days of approval of this order, the licensee shall submit to the Board a complete, thorough and proper load calculation and duct design for the installation performed at 8624 Hallsboro Road. In the event the licensee violates the conditions of suspension, his license shall remain suspended until such time as he complies with all of the suspension provisions. Upon successful completion of the suspension, his license, number 10389 PH-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.

**Marshall, Brandon R.
Marshall Heating & Air, L.L.C.
Mocksville, NC
License# 28623, H-3-II**

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 system design, and violated the minimum standard of the North Carolina State Mechanical Code.

Resolution Conference held 07/22/2013.

Brandon Marshall signed a Resolution Conference Agreement 07/23/2013.

The license of Brandon Marshall, number 28623 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, within thirty (30) days of the approval of this order, the contractor shall return to the homes located at 1460 Brookwood and 3540 Lakewood and perform thorough Manual J load calculations. If the load calculations reveal that the equipment is improperly sized, 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 within ninety (90) days of approval of this order. The contractor shall submit evidence to the board within ten (10) days of the final inspection and shall submit a copy of his load calculation. Within thirty (30) days of the approval of this order, the contractor shall return to the home located at 1460 Brookwood Dr. and reinstall a proper filter access as well as properly seal the sheet metal shroud. The contractor shall obtain a permit from the local inspection department, reinstall a proper filter access as well as properly seal the sheet metal shroud and obtain a final inspection within ninety (90) days of approval of this order. The

contractor shall submit evidence to the board within ten (10) days of the final inspection. After complaint to the Board, the licensee completed the work at both addresses. In addition, the licensee shall enroll in, attend and complete the series of Special Mechanical Code courses, and the 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.

Marshall, Harold L.
Gwyn Electrical &
Plumbing Co., Inc.
Winston Salem, NC
License# 14763, H-3-I
(sub-licensee)

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 system design, and violated the minimum standard of the North Carolina State Mechanical Code.

Resolution Conference held 07/23/2013.

Harold L. Marshall signed a Resolution Conference Agreement 07/23/2013.

The license of Harold Marshall, number 14763 H-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, within 90 days from today, the licensee shall assure that all open permits receive a final inspection or the licensee shall demonstrate his continued efforts to obtain the final inspection. The licensee shall submit to the board a copy of all final inspections or documentation of their continued efforts to obtain the same within 100 days from today. On multilevel structures, the contractors shall either

provide a separate HVAC system for each floor or to install automatically controlled zoning equipment for each level with individual thermostats on each level to control the temperature for that level. The seasonal adjustment needed to maintain the four degrees Fahrenheit room-to-room and floor-to-floor maximum temperature differential shall not be accomplished through the use of manual dampers. The licensee shall enroll in, attend and complete the series of Special Mechanical Design courses, and all licensees of the firm 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 six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

Mills, John M.
Knightdale Plumbing, Inc.
Knightdale, NC
License# 15010, 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.

John Mills signed a Proposed Resolution Agreement 08/21/2013.

The license of John M. Mill, number 15010 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 probationary period, 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 employees W-4's and by the end of the probation submit a copy of all employees W-2's. After complaint to the Board, the licensee submitted copy of his employee's W-4 as required. 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.

Mitchell, Warren Doles
Capital Heating and Air
Winston Salem, NC
License# 21326, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to attend the Board's Special Mechanical Code Course and the Special Fuel Gas Code Course.

After submitting a request to modify the class requirements, licensee voluntarily signed a Proposed Resolution Agreement surrendering his license on 07/19/2013.

Resolution Review Committee agreed to accept the surrender of the license of Warren Doles Mitchell, number 21326 H-3-I. The act of surrendering the license will be considered as a license revocation.

Moore, Michael R.
Vidant Medical Center
Greenville, NC
License# 17523, 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, and failed to obtain permit(s) and obtain final inspections.

Michael Moore signed a Proposed Resolution Agreement 08/22/2013.

The license of Michael R. Moore, number 17523 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 probationary period, by 08/30/2013, licensee must list his license with the Board in the name that he currently operates his business. After complaint to the Board, the licensee submitted a "Trade Name Change Form" in order to list his license in the proper name. Licensee must also enroll in, attend and complete the Special Board Laws & Rules. 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 rein-

stated he must comply with all of the probation provisions listed above.

Nelson, Gregory A.

Lenoir, NC

License# 20734, 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(s), and contracted work while license his was expired.

Resolution Conference held 07/26/2013.

Gregory Allen Nelson signed a Resolution Conference Agreement 07/25/2013.

Upon renewal of the license of Gregory Allen Nelson, number 20734 H-3-I, his license and the ability of the firm to obtain a qualifying licensee shall be suspended for a period of three (3) months. Among other things during the suspension, the license will be restored at the end of the suspension, provided that the licensee shall enroll in, attend and complete the Special Board Laws & Rules course. Upon successful completion of the suspension, his license, number 20734 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.

Nicholson, Michael

Affordable Plumbing, Heating and A/C, LLC

Greensboro, NC
License# 17199, PH-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to provide adequate supervision for work performed under his license by allow-

ing employees to install a 1.5 ton unit when the load calculation required 2.6 tons of cooling, failed to obtain a permit prior to commencing work, and violated the State Mechanical Code.

Michael Nicholson signed a Proposed Resolution Agreement 07/17/2013.

The license of Michael Nicholson, number 17199, PH-3-I and that of the firm shall be placed on unsupervised probation for a period of eighteen (18) months. Among other things, the licensee shall enroll in, attend and complete the series of Special Mechanical Code courses, within ten (10) days of the approval of this order the contractor shall obtain a permit from the local code enforcement official, return to this structure and correct any and all code violations including sizing issues that still exist, and the 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 four (4) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Norfleet, Julius E.

After Hours Plumbing

Repair, LLC.

Bayboro, NC

License# 28278, P-I

Allegations of misconduct 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, employed by and performed work that requires a license for a firm (Potash Corp./PSC Phosphates Company), which firm did not hold a license, and submitted false information in verifying experience for an examination applicant.

Resolution Conference held 09/04/2013.

Julius Norfleet signed a Resolution Conference Agreement 09/04/2013.

The license of Julius Norfleet, number 28278 P-I, and that of the firm shall be placed on unsupervised probation for a

period of twelve (12) months. During the probationary period, the licensee shall enroll in, attend and complete 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.

Rayburn, Scott A.

Scotts Air, LLC

Hope Mills, NC

License# 30577, H-3-I

Allegations of misconduct 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.

Scott Rayburn signed a Proposed Resolution Agreement 08/22/2013.

The license of Scott Rayburn, number 30577 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 probationary period, by 09/22/2013, the licensee shall obtain a final inspection of all open permits or submit evidence of his efforts to obtain final inspection for each job. The licensee shall submit a letter to each homeowner, certified mail return receipt, notifying the homeowner that the installation performed is required by state law to be inspected by the local inspection department and that failure to have the installation inspected could lead to the electrical or gas service being disconnected from the structure by the local code enforcement official. The letter should ask that the homeowner notify the licensee within 10 days of receipt of the letter to schedule a date for inspection. Within 15 days of sending the original letter, the licensee shall send a second letter, certified mail return receipt, to those homeowners who have failed to respond in the timeframe prescribed above, notifying the homeowner that the installation performed is required by law to be inspected by the local inspection department and that failure to have the

installation inspected could lead to the electrical or gas service being disconnected from the structure. A copy of both letters shall also be sent to the appropriate local code enforcement official's office and to the Board's office. After complaint to the Board, the licensee obtained approved final inspections on all the open permits. Licensee must enroll in, attend and complete the Special Board Laws & Rules. 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.

Sellers, James Bobby
Sellers Heating and
Air Conditioning
C l e m m o n s , N C
License# 24207, H-3-I

Allegations of misconduct in the business of heating 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 a 1099 to an unlicensed individual, who provided additional help on some installation projects.

James Sellers signed a Proposed Resolution Agreement 08/07/2013.

The license of James Bobby Sellers, number 24207, H-3-I and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course, 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 provisions.

Stambach, Ricky L.
Rapidserv, LLC
Moncure, NC
License# 14701, H-1, 2&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 proper load calculation(s), and violated the minimum standard of the North Carolina State Mechanical Code.

Resolution Conference held 07/23/2013.

Ricky Stambach signed a Resolution Conference Agreement 07/23/2013.

The license of Ricky Stambach, number 14701 H-1, 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, within 20 days of approval of this order, the contractor shall obtain a permit for the installation he performed at 6241 Broadway. Within 30 days of the approval of this order, the contractor shall return to the home located at 6241 Broadway Rd., Sanford, NC and perform a thorough Manual J load calculation. If the load calculation reveals that the equipment is improperly sized, then the contractor shall replace the undersized or oversized equipment with properly sized air handler(s) and condensing unit(s) and obtain a final inspection within 60 days of approval of this order. The contractor shall submit evidence to the board within five (5) days of the final inspection and shall submit a copy of his load calculation. If the homeowner does not allow the contractor to return and make the proper repairs, then the contractor shall be relieved of this requirement. After complaint to the Board, the homeowner declined contractor's offer to make corrections. In addition, the licensee shall enroll in, attend and complete the series of Special Mechanical Design courses, and the 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.

Shell, Richard Wayne
Shell Refrigeration
Roanoke Rapids, NC
License# 09623, 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 comply with the Board rules and regulations on bona-fide employees by allowing four (4) full time employees, who were not W-2 tax paid employees of the firm, to perform service work as well as installations; and failed to properly rodent proof duct work, and the return duct was located less than 4 inches from the ground.

Richard Shell signed a Proposed Resolution Agreement 07/29/2013.

The license of Richard Wayne Shell, number 09623, H-3-I and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things, 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, assure that the installation performed at 663 Trueblood Road has been permitted and receives an approved final inspections within 30 days from the date of this agreement if allowed to return, address any code violations present in the work, and shall submit to the Board's office within the next 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. After complaint to the Board, the licensee submitted W-4's his employees, and received a final inspection for work at 663 Trueblood Rd. 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 provisions.

Toney, Mark L.
M & T Plumbing, Inc.
Kings Mountain, NC
License# 16168, P-I

Allegations of misconduct, incompetence, and gross negligence 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 Fuel Gas Code, and created risk of personal injury or property damage, Resolution Conference held 07/24/2013.

Mark Toney signed a Resolution Conference Agreement 07/24/2013.

The license of Mark Toney, number 16168 P-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, the licensee shall enroll in, attend and complete the series of Special Fuel Gas Code and Design courses, enroll in, attend and complete the Special Board Laws & Rules course, and during the period of probation at least two of the licensee's employees shall sit for the Plumbing Technician License examination. If 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 provisions listed above.

Williams, Dennis R.
Jacksonville, NC
License# 18530, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee violated the probation, contracted and performed work outside his current licensing qualification, and failed to provide supervision.

Resolution Conference held 09/03/2013.

Dennis Williams signed a Resolution Conference Agreement 09/03/2013.

The license of Dennis Williams, number 18530 H-3-I, and the license of the firm be suspended for a period of six (6) months. Among other things, the license will be restored at the end of the suspension, provided that the licensee shall withdraw, license number 18530 H-3-I, from the business name of Comfort Heating & Cooling and shall list his license in his personal name. The licensee agrees to remove the license on or before September 15, 2013. After complaint to the Board, the licensee listed his license in his individual name. In the event the licensee violates the conditions of suspension, his license will be revoked.

Wood, Jr., Danny Ray
3rd Tradition Heating
and Cooling, Inc.
Waynesville, NC
License# 19922, H2&3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to attend a scheduled Resolution Conference on 07/10/2013, failed to resolve open and expired permits in the City of Waynesville and Haywood County, failed to comply with the suspension order approved by the Board on 03/14/2011, and at another job location, failed to return to perform a load calculation for the structure, and submit the load calculation to the Board's Administrative Officer for review.

Resolution Conference held 07/10/2013. Licensee failed to appear. Resolution Conference results from 07/10/2013 hand delivered to Danny Wood on 08/05/2013.

The Review Committee recommended that based on Danny Wood's failure to appear before the Resolution Review Committee, and Mr. Wood's failure to resolve the problems as outlined above, it is the decision of the Resolution Review Committee that the license of Danny Ray Wood, Jr. be permanently revoked. This decision shall be hand delivered to only Danny Ray

Wood, Jr. with a notification that he can appeal this decision. Licensee did not appeal the permanent revocation of his license.

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.

Arentte, John
d/b/a Worsley Operating Corp.
Wilmington, NC

Heating contracting without a license. Request Board Counsel to issue cease and desist letter. Cease and Desist letter issued on 8/26/13.

Beard, Christopher Paul
d/b/a Oakfield Builders
Fayetteville, NC

A civil action was instituted in Cumberland County Superior Court resulting in the entry of an Order of Contempt on August 7, 2013 finding Christopher Paul Beard, individually and d/b/a Oakfield Builders, guilty of Criminal Contempt of a July 10, 2010 Judgment of Permanent Injunction which orders the Defendant to refrain from engaging in business as a plumbing or heating contractor at all such times as he is not properly licensed to do so. The Order of Contempt sentenced Mr. Beard to a 30 day jail to be served in the custody of the NC Division of Adult Correction.

Broome, David
d/b/a David's Heating & A/C
Seneca, SC

License #11745 H-1-2-3-1
 Misconduct in the business of heating contracting. Respondent attempted to install heat pumps with lack of supervision, and contracted work from an unlicensed office using the license of the Seneca office. Consent Order issued accepting the surrender of license by the Respondent. Prior to any request for reinstatement of license in the future, the Respondent shall appear before the Board to address the matters set forth in the Notice of Hearing and shall not make such request prior to two years from the date of the Order.

Cox, Jay L.
d/b/a Cox Refrigeration, Inc. /
Shell Refrigeration
Greenville, NC

Heating contracting without a license. Judgment of Permanent Injunction filed 8/16/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

Franks, Marvin Wayne
Gastonia, NC

Plumbing and heating contracting without a license. Judgment of Permanent Injunction filed 8/30/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

Garriston, Dean
d/b/a Green River Cabin LLC
Campobello, SC

Heating contracting without a license. Judgment of Permanent Injunction filed 9/6/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

Grogan, Mike
d/b/a Around the Clock Plumbing
Raleigh, NC

Heating contracting without a license. Judgment of Permanent Injunction filed 9/13/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

Hamilton, Gary Lynn
d/b/a The Elite Plumbing Co., Inc.
Gastonia, NC

Heating contracting without a license. Judgment of Permanent Injunction filed 8/16/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting

until properly licensed.

Hopkins, Roy Page
Winterville, NC

Heating contracting without a license. Judgment of Permanent Injunction filed 8/16/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

Hudler, Kelly
Taylorsville, NC

Heating contracting without a license in contempt of prior Orders of the Court. Show Cause Hearing held 9/10/13. Obtained Finding of Contempt sentencing Defendant to 150 days active jail time. Order forwarded for service of Defendant.

Long, William
d/b/a Long Service All
Greensboro, NC

Heating contracting without a license. Judgment of Permanent Injunction filed 8/19/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

McAndrew, Michael Porter
d/b/a Andy Lewis Heating & Air
Conditioning
Charlotte, NC
License #29036 H-3-1

Lack of supervision in the business of heating contracting. Order issued placing Respondent on supervised probation for a period of one year. In the event of violation of the terms of the probation, license of the firm and Mr. McAndrew will be suspended for a period of ninety (90) days.

Attorney's Report

Myrick, Titus Wayne
Rocky Mount, NC

Heating contracting without a license in contempt of prior Order of the Court.

A civil action was instituted in Nash County Superior Court resulting in the entry of an Order of Contempt on September 27, 2013 finding Defendant guilty of Criminal Contempt of a prior Judgment of Permanent Injunction which orders the Defendant to refrain from engaging in business as a plumbing or heating contractor at all such times as he is not properly licensed to do so. The Order of Contempt sentenced Mr. Myrick to 10 consecutive days in Nash County Jail.

Newton, Mark
d/b/a Air Solutions
Monroe, NC

Plumbing contracting without a license. Judgment of Permanent Injunction filed 7/16/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

Overman, Richard Dale
Graham, NC

Heating contracting without a license. Judgment of Permanent Injunction filed 8/6/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

Passmore Jr., Thomas Lyle
d/b/a Piedmont Piping Mechanical Contractors, Inc.
Harrisburg, NC

License no. 16848 PH-1-2-3-1
 Misconduct in the business of fuel piping contracting.

Respondents engaged in business in a name other than the exact name in which the license was issued. Respondents' failed to properly complete a project, failed to properly supervise a project, and failed to obtain permits prior to beginning installation. A Consent Order was issued placing Re-

spondent's license on probation for one (1) year.

Robinson, Ronald Lewis
d/b/a The Regent Apartments
Greensboro, NC

Heating contracting without a license. Judgment of Permanent Injunction filed 9/24/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

Thomas, Michael A.
d/b/a Blue Ridge Walk In Tubs
Asheville, NC

Plumbing contracting without a license. Judgment of Permanent Injunction filed 9/12/13 enjoining the Defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed.

Proposed Rules

SECTION .0300 – EXAMINATIONS

21 NCAC 50 .0301 QUALIFICATIONS DETERMINED BY EXAMINATION

(a) In order to determine the qualifications of an applicant, the Board shall provide an examination in writing or by computer in the following categories:

Plumbing Contracting, Class I Plumbing Contracting, Class II
 Heating, Group No. 1 - Contracting, Class I Heating, Group No. 1 - Contracting, Class II Heating, Group No. 2 - Contracting, Class I Heating, Group No. 3 - Contracting, Class I Heating, Group No. 3 - Contracting, Class II
 Heating, Group No. 3 -
 Fuel Piping Contractor
 Fire Sprinkler Inspection Technician Fire Sprinkler Installation Contractor Fire Sprinkler Inspection Contractor
 Limited Fire Sprinkler Maintenance Technician
 Residential Fire Sprinkler Installation Contractor
 Plumbing Technician
 Heating Group No. 1 Technician Heating Group No. 2 Technician Heating Group No. 3 Technician Fuel Piping Technician

Limited Plumbing Contractor

(b) Each person being examined by the Board for a contractor license other than a Fire Sprinkler Installation or Inspection Contractor license shall be required to read, interpret and provide answers to both the business and law part and the technical part of the examination required by G.S. 87-21(b).

(c) Applicants for licensure as a fire sprinkler installation contractor, must submit evidence of current certification by the National Institute for Certification and Engineering Technology (NICET) for Water-based Fire Protection System Layout as the prerequisite for licensure. Current certification by NICET is in lieu of separate technical examination conducted by the Board. Applicants for licensure as a fire sprinkler installation contractor must take and pass the business and law part of the exam administered by the Board. Persons licensed based upon NICET certification must maintain such certification as a condition of license renewal.

(d) Applicants for licensure in the Fire Sprinkler Inspection Technician classification must pass the technical examination offered by the Board. The Board will accept the results of NICET examination resulting in Level II Certification in "Inspection and Testing of Water-based Systems" by NICET in lieu of the Board administered examination. Persons who obtain license as a Fire Sprinkler Inspection Technician based on NICET certification must maintain such certification as a condition of license renewal.

(e) Applicants for the Fire Sprinkler Inspection Contractor classification must submit evidence of Level III certification in "Inspection and Testing of Water-based Fire Systems" by NICET in lieu of technical examination. Contractors who obtain license by NICET certification must maintain such certification thereafter as a condition of license renewal. Applicants for licensure as a fire sprinkler inspection contractor must take and pass the business and law part of the examination administered by the Board in addition to demonstrating NICET certification as set out herein.

(f) Applicants for a license in the Limited Fire Sprinkler Maintenance Technician classification must obtain a license based on maintenance experience, education and job classification set forth in Rule .0306 and passage of a test administered by the Board.

(g) Applicants for a license as a Residential Fire Sprinkler Installation Contractor must obtain a license based on experience set forth in Rule .0306 and must take and pass the technical part of the Residential Fire Sprinkler Installation Contractor examination.

(h) Applicants for license as a Plumbing, Heating or Fuel Piping Technician must obtain a license based on experience set forth in Rule .0306 and must take and pass the Class I technical and Board laws and rules examination related to the category for which a technician license is sought.

(i) Applicants for plumbing, heating or fuel piping technician license who present a current plumbing or heating journeyman certificate obtained after examination from a local inspection department as defined in G.S. 143-151.8 in the same classification for which technician license is sought are not required to take the technical portion of the Board administered exam if application is made on or before December 31, 2012.

(j) Applicants who hold active Plumbing, Heating or Fuel Piping Technician license obtained by examination may obtain the Plumbing, Heating or Fuel Piping Contractor license in the same category by meeting the experience requirement listed in 21 NCAC 50 .0306(a) for the specific contractor license sought and passage of the business portion of the examination only.

(k) Applicants for license as a Limited Plumbing Contractor shall obtain a license based on experience set forth in Rule .0306 and shall be required to read, interpret and provide answers to both the business and law part and the technical part of the Limited Plumbing Contractor examination.

(l) If application is made on or before 120 days from the effective date of this subsection, Applicants for Limited Plumbing Contractor license who present a current active License from the North Carolina Irrigation Contractor Licensing Board are not required to take the Board administered examination, provided the Applicant:

(1) Presents evidence of certification as a Backflow Inspector by one of the municipalities in North Carolina, or evidence to establish 1,000 hours of experience in the maintenance, service or repair of components of plumbing systems, and

(2) Completes a plumbing code and Board Laws and Rules course offered by the Board.

Authority G.S. 87-18; 87-21(a); 87-21(b).

Proposed Rules

21 NCAC 50 .0306 APPLICATIONS: ISSUANCE OF LICENSE

- (a) All applicants for licensure or examination shall file an application in the Board office on a form provided by the Board.
- (b) Applicants for plumbing or heating examination shall present evidence at the time of application to establish two years of full-time experience in the installation, maintenance, service or repair of plumbing or heating systems related to the category for which a license is sought, whether or not a license was required for the work performed. Applicants for fuel piping examination shall present evidence at the time of application to establish one year of experience in the installation, maintenance, service or repair of fuel piping, whether or not a license was required for the work performed. Up to one-half the experience may be in academic or technical training related to the field of endeavor for which examination is requested. The Board shall prorate part-time work of less than 40 hours per week or part-time academic work of less than 15 semester or quarter hours.
- (c) The Board shall issue a license certificate bearing the license number assigned to the qualifying individual.
- (d) Fire Sprinkler Installation Contractors shall meet experience requirements in accordance with NICET examination criteria.
- (e) Applicants for examination or licensure in the Limited Fire Sprinkler Inspection Technician classification shall submit evidence adequate to establish that the applicant has either:
- (1) 4000 hours experience involved in inspection and testing of previously installed fire sprinkler systems, consistent with NFPA-25, as a full-time employee of a Fire Sprinkler Inspection Contractor or fire insurance underwriting organization;
 - (2) 4000 hours experience involved in inspection and testing of previously installed fire sprinkler systems, consistent with NFPA-25 as a full time employee of a hospital, manufacturing, government or university facility and under direct supervision of a Fire Sprinkler Inspection Contractor or a Fire Sprinkler Inspection Technician;
 - (3) 4000 hours experience involved in installation of fire sprinkler systems as a full-time employee of a Fire Sprinkler Installation Contractor; or
 - (4) a combination of 4000 hours experience in any of the categories listed in this Paragraph.
- (f) Applicants for licensure in the Fire Sprinkler Inspection Contractor classification shall meet experience requirements in accordance with NICET certification criteria.
- (g) Applicants for initial licensure in the Fire Sprinkler Maintenance Technician classification must submit evidence of ~~4000~~ 2000 hours experience at the place for which license is sought as a full-time maintenance employee in facility maintenance with exposure to periodic maintenance of fire protection systems as described in 21 NCAC 50. 0515 of this ~~Chapter or 2000 hours of such experience, together with six hours classroom instruction in courses approved by the Board consisting entirely of training in fire system maintenance, repair and restoration to service.~~ Chapter. Applicants who have held Fire Sprinkler Maintenance Technician license previously at a different facility are not required to demonstrate experience in addition to the experience at the time of initial licensure but shall submit a new application for the new location at which they wish to be licensed.
- (h) Applicants for licensure in the Residential Fire Sprinkler Installation Contractor classification must hold an active Plumbing Class I or Class II Contractor license issued by this Board for a minimum of two years and must document attendance at a 16 hour course approved by the Board pursuant to the Rules in this Chapter covering NFPA 13D Multipurpose Residential Plumbing and Residential Fire Sprinkler Systems. Residential Fire sprinkler Installation Contractors must maintain Plumbing Contractor license as a condition of renewal of the Residential Fire sprinkler Installation Contractor license.
- (i) Applicants for license as a plumbing or heating technician shall present evidence adequate to establish 3,000 hours of full-time experience in the installation, maintenance, service or repair of plumbing or heating systems related to the category for which a technician license is sought, whether or not a license was required for the work performed. Applicants for license as a fuel piping technician shall present evidence adequate to establish 1,500 hours of experience in the installation, maintenance, service or repair of fuel piping, whether or not a license was required for the work performed. Up to one-half the experience may be in academic or technical training related to the field of endeavor for which examination is requested.
- (j) Applicants for Limited Plumbing Contractor license shall present evidence at the time of application to establish 1500 hours of full-time experience in the installation, maintenance, service or repair of plumbing systems, whether or not a license was required for the work performed. Up to one-half the experience may be in academic or technical training related to the field of endeavor for which examination is requested. The Board shall prorate part-time work of less than 40 hours per week or part-time academic work of less than 15 semester or quarter hours.
- (k) In lieu of the requirements of Paragraph (j) of this Rule, Applicants for Limited Plumbing Contractor License who present a current active License from the North Carolina Irrigation Contractor Licensing Board, may take the examination, provided the Applicant demonstrates that they hold certification as a Backflow Inspector from one of the municipalities in North Carolina, or demonstrate 500 hours of experience in the maintenance, service or repair of components of plumbing systems.

Authority G.S. 87-18; 87-21(b).

Proposed Rules

SECTION .0500 – POLICY STATEMENTS AND INTERPRETATIVE RULES

21 NCAC 50 .0518 LIMITED PLUMBING CONTRACTOR LICENSE

License in the Limited Plumbing Contractor classification, is required of persons who do not possess license as a plumbing contractor, but seek to install, repair or replace:

- (1) Exterior building sewer piping as defined in the North Carolina Plumbing Code;
- (2) Exterior water service piping two inch diameter or less, as defined in the North Carolina Plumbing Code;
- (3) Exterior backflow preventers connected to water service piping two inches in diameter or less or,
- (4) Water purification systems or components of water purification systems.

Authority G.S. 87-21; 87-18.

SECTION .1100 – FEES

21 NCAC 50 .1102 LICENSE FEES

- (a) Except as set out in this Rule, the annual license fee for plumbing, heating and fuel piping contractor licenses by this Board is one hundred thirty dollars (\$130.00).
- (b) The annual license fee for a licensed individual who holds qualifications from the Code Officials Qualification Board, is employed full-time as a local government plumbing, heating or mechanical inspector and who is not actively employed or engaged in business requiring license from this Board is twenty-five dollars (\$25.00).
- (c) The initial application fee for license without examination conducted by the Board is thirty dollars (\$30.00).
- (d) The annual license fee for a contractor or fire sprinkler inspection technician whose qualifications are listed as the second or subsequent individual on the license of a corporation, partnership, or business with a trade name under Paragraphs (a) or (c) of this Rule is thirty dollars (\$30.00).
- (e) The annual license fee for fire sprinkler installation contractor and fire sprinkler inspection contractor licenses by this Board is one hundred thirty dollars (\$130.00).
- (f) The annual license fee for Fire Sprinkler Maintenance Technician is one hundred thirty dollars (\$130.00).
- (g) The annual license fee for Residential Fire Sprinkler Installation Contractor is one hundred thirty dollars (\$130.00).
- (h) The annual license fee for Fire Sprinkler Inspection Technician is one hundred thirty dollars (\$130.00).
- (i) The annual license fee for all Fuel Piping Technician license listed with a Class A Gas Dealer is one hundred thirty dollars (\$130.00).
- (j) The annual license fee for Plumbing, Heating or Fuel Piping Technician licensees listed under a licensed Plumbing, Heating or Fuel Piping Contractor is sixty five dollars (\$65.00).
- (k) The annual license fee for a Limited Plumbing Contractor is one hundred thirty dollars (\$130.00).

Authority G.S. 87-18; 87-21; 87-22.