



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

November 2014

## 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

### Jeffrey R. Dunn

Fire Sprinkler Contractor  
Dunn, NC

### William H. Sullivan III

Air Conditioning Contractor  
Greensboro, NC

### Robert J. Owens

Public Member  
Raleigh, NC

### D. Hunter Edwards Jr.

Heating Contractor  
Charlotte, NC

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

1109 Dresser Court  
Raleigh, NC 27609

Phone: 919-875-3612

## Feds Mandate New Efficiency Standards

On April 24, 2014, the Department of Energy and the American Public Gas Association (APGA) reached a settlement agreement on the implementation of the Federal Regional Standards. Conditions under the terms of the agreement are outlined below.

**Federal Regional Standards for cooling equipment  
will go into effect as planned on January 1, 2015.**

**All air conditioners (A/C) and heat pumps (H/P)  
(split system and packaged)  
manufactured after December 31, 2014  
must comply with these Federal Regional Standards.**

The Federal Regional Standards for **air conditioners** sold in the south is based on the date of installation; however, the industry will have an 18 month sell-through or grace period (starting on 1-1-2015). Original equipment manufacturers, distributors and dealers will be allowed to buy, sell, ship and/or install non-compliant products (13 SEER) during this period as long as they are manufactured prior to January 1, 2015.

**Split system and packaged heat pumps** are not subject to the 18 month sell-through or grace period, as the standard applied is based on the date of manufacture. Split system and packaged heat pumps manufactured before January 1, 2015 can be sold after January 1, 2015 for as long as inventory exists.

The Department of Energy (DOE) will issue, and publish on its appliance and equipment standards website, an enforcement policy statement clarifying the agency's policy for enforcing the Federal Regional Standards for split system air conditioners. The industry will work with the DOE to develop these enforcement standards.

### Requirements for North Carolina (and other southeastern states):

#### Packaged Units

A/C: 14 SEER  
H/P: 14 SEER, 8.0 HSPF

#### Split Systems

A/C: 14 SEER  
H/P: 14 SEER, 8.2 HSPF

*The Federal Regional Furnace Efficiency Standards, which were originally scheduled for implementation in May of 2013, will be removed. A new rulemaking process will begin to evaluate future changes to furnace efficiency standards.*

## Table of Contents

New Federal Efficiency Standards Mandated .....	1	Website Information.....	6
Annual License Renewal.....	2	Letter of Caution Report.....	7
Grace Period Following Loss of Licensee.....	3	Consent Agreement Report.....	7
Attorney's Comment.....	4	Resolution Committee Report.....	8
Important Numbers.....	5	Attorney's Report.....	13

## Renewal Reminder

If you haven't yet renewed your license, time is running out! 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. Renewal notices will be mailed to all licensees in early October, and will contain your user name and password if you wish to use the online renewal service and a credit card. The form may also be submitted to our office with check or money order as in years past.

### **THERE IS NO GRACE PERIOD!**

If the license is not renewed by December 31st all bidding, contracting, and work on jobs requiring a license must cease until the license has been restored to active status. Local inspection departments have the right to deny permit applications if a license is expired.

Without fail, we receive calls throughout the months of January, February and even into March from contractors in a panic because they cannot obtain permits for a job that they need to start immediately. We cannot renew licenses over the telephone, and cannot renew licenses while you wait if you visit our office.

If you wish to renew the license immediately, it may be renewed online if it expired in 2014 and there are no changes to the trade name or sub-licensees. If submitting your renewal form and payment to our office, please understand that it may take 2-3 days to process the renewal and reactivate the license.

Licenses renewed after January 31st will also be subject to a \$25.00 late renewal processing fee. This is simply an opportunity to renew during January without paying a late fee, and is not a grace period during which licensed activities can be continued without renewal.

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 6 of this newsletter for more information).

## Grace Period Following Loss of Licensee

There is an unfortunate misunderstanding among many business owners that there is a 30, 45, 60, 90, 120 or 180 day grace period that they may continue activities requiring a license after the qualifying licensee for the firm has quit, been fired, died, or is no longer a full-time active employee of the company for any reason.

### **THERE IS NO GRACE PERIOD!!!**

The day that the licensee is no longer able to execute bids, quotes, and or contracts, or supervise the work being performed by the other employees of the firm, all activities which require a license must cease, even on jobs which are already permitted or in progress. Activities cannot be resumed until a Trade Name Change form and any related forms are processed by the Board staff and the new licensee is reflected on the Board's website.

**Example 1:** Lee holds a plumbing contractor license, and serves as the qualifier for the plumbing company which he owns. Lee's wife, 3 sons and 2 daughters all work for the company, but none hold a license. Lee has a massive heart attack and though he survives, becomes permanently disabled and unable to work. The firm's license became inactive the moment that Lee experienced the heart attack and became unable to perform or supervise work requiring a license. The family was unable to find another qualified licensee who was willing to work for them and list his or her license in the firm name, and before any of Lee's children can go through the application and examination process, the company fails financially and leaves the remaining 6 family members without a job.

**Solution:** Lee should have insisted that at least one or more of his children obtain a license from the Board and become listed as a sub-licensee. When Lee suffered his medical emergency, they could have submitted a Trade Name Change form to the Board and been back in business legally within a matter of days, allowing the family owned company to continue doing business for many more years.

**Example 2:** Tom owns a very successful HVAC company with 20 employees but does not hold a license. His lifelong friend, John, holds all of the heating contractor qualifications from the Board and has served as the firm's qualifier for the 20 years that they have been in business. Unfortunately, Jim and Tom have a major disagreement one Monday morning over John's excessive workload and John storms out of the office never to return. Tom is unable to find a licensee who is willing to work for him and he doesn't have the hands-on installation experience to qualify for the license. Uncertain of the company's future, none of the employees will commit to the licensing process. After 20 years of success, Tom's HVAC company fails and puts 40 employees out of work.

**Solution:** Tom should have encouraged other employees to obtain their license over the years. They could have then been listed as sub-licensees and could have taken a great deal of responsibility off of John by assisting him with field supervision of the jobs and possibly prevented John from leaving. If John was intent on leaving, Tom could have offered the lead position to one of John's sub-licensees and the company could have been back to full steam before the end of the week.

## Attorney's Comment

A committee and staff at the General Assembly has embarked on a study whether all licensing boards, including the Plumbing Heating and Fire Sprinkler Board, should be abolished, combined with other boards, or placed inside State Government. As attorney to the Board, I view this as a major threat to self-regulation of the industry and, in fact, of all occupations and professions.

Most of you know that, since 1931, this Board has collected a limited amount of money from you and used a cross-section of industry folks to protect the public and regulate the industry. In my view the Board has done a good job for 83 years with a limited amount of money.

Let me make a few succinct comments:

- Sending your money to the Department of Commerce or some other large bureaucracy will not give you more bang for the buck. In fact, you will pay the same amount or more, a chunk will be raked off the top, and there will be less money, net, to get rid of bad apples or stop unlicensed ripoff artists.
- Forcing the Board to use the State computer system would be a disaster just like medicaid—the Board has a pretty good computer system already.
- Most industry people say that the umbrella agency in Virginia and other states is not nearly as responsive as your Board has been to you.
- Forcing your license renewal, or your complaint, or your license application to go through a large bureaucracy downtown before it can be handled by the Board will add cost and delay.
- This Board is pretty efficient and frugal----It's my experience that nearly every Board I have observed is more efficient and frugal than the rest of State government.
- The ability of this Board to raise its own money when it must, and hire and fire when necessary, makes the Board far more effective and efficient than having this Board and your fees absorbed in the State budget---besides, the entire budget of this board wouldn't run state government until lunchtime.

Send me an email to [JNF@youngmoorelaw.com](mailto:JNF@youngmoorelaw.com) if you're willing to help us tell the Legislature: "If it ain't broke, don't fix it."

## 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

### Office Staff Directory

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

### Dale Dawson

Executive Director  
Extension 224 or [ddawson@nclicensing.org](mailto:ddawson@nclicensing.org)

### Eric Hall

Business & Technology Manager  
Extension 216 or [ehall@nclicensing.org](mailto:ehall@nclicensing.org)

### Dejaya (DJ) Soltys

Executive Assistant / Licensing Coordinator  
Extension 203 or [dsoltys@nclicensing.org](mailto:dsoltys@nclicensing.org)

### Sharon Pittman

Legal Coordinator  
Extension 205 or [spittman@nclicensing.org](mailto:spittman@nclicensing.org)

### Karen Jolliffe

Exam Coordinator  
Extension 230 or [kjolliffe@nclicensing.org](mailto:kjolliffe@nclicensing.org)

### Kerry Waldroup

Complaint Coordinator  
Extension 211 or [complaint@nclicensing.org](mailto:complaint@nclicensing.org)

### Maddison Dirks

Receptionist  
Extension 213 or [mdirks@nclicensing.org](mailto: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](mailto:jtodaro@nclicensing.org)

### Moises "Jimmy" Jimenez

Southeastern Region  
910-409-7127 or [mjimenez@nclicensing.org](mailto:mjimenez@nclicensing.org)

### Tom Johnston

North Central Region  
336-906-9141 or [tjohnston@nclicensing.org](mailto:tjohnston@nclicensing.org)

### Derek Farmer

Northeastern Region  
919-602-9095 or [dfarmer@nclicensing.org](mailto:dfarmer@nclicensing.org)

### David Boulay

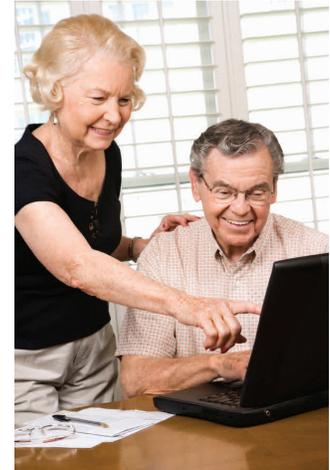
Western Region  
828-234-2719 or [dboulay@nclicensing.org](mailto:dboulay@nclicensing.org)

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 '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 - 2015 - Previous Sub-licensees
2. Renewal form - 2015 without Sub-licensees
3. Renewal form - 2015 with Sublicensees
4. Renewal form -2015 and previous Year(s) without Sub-Licensees
- \* **Note: 2014 Renewal Forms will be available through December 31, 2014.**

### New Applicant Forms

1. Plumbing, Heating, & Fuel Piping Contractor Examination Application
2. Restricted Limited Plumbing Contractor Application
- 3.. Plumbing, Heating, & Fuel Piping Technician Examination Application
4. Residential Fire Sprinkler Installation Contractor Examination Application
5. Fire Sprinkler Installation & Inspection Contractor Examination Application
6. Fire Sprinkler Inspection Technician Examination Application (no NICET)
7. Fire Sprinkler Inspection Technician Application (NICET)
8. 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>
Belue, Benjamin D.	Flat Rock	11/11/2014	McHone, James S.	Mount Airy	9/18/2014
Caton, James M.	Winnabow	9/5/2014	Shelton, Scott M.	Charlotte	9/16/2014
Efird, Georg J.	Asheville	11/10/2014	Slusher, David M.	Wilmington	9/5/2014
Gibbs, Mark A.	Raleigh	7/31/2014	Smith, Michael D.	Asheville	11/12/2014
Gibson Jr., Benjamin S.	Jacksonville	9/4/2014	Smith, Stuart J.	Arden	11/12/2014
Hadley, Michael B.	Jacksonville	9/4/2014	Tate, Steve A.	Mount Airy	9/18/2014
Idol, Christopher D.	Kernersville	9/17/2014	Williams, Clifford E.	Jacksonville	9/4/2014
Mastropietro, Raymond J.	Fletcher	8/28/2014	Zimmerman, Joseph G.	Clayton	9/16/2014

### 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>
Albea, Greg	Mills River	10/17/2014	Orr, Jr. Joseph G.	Old Fort	10/2/2014
Donar, Ernest L.	Etowah	10/2/2014	Parrish, Justin L.	Woodland	9/10/2014
Driver, Dustin	Conway	9/10/2014	Phillips, Scott W.	Fayetteville	9/26/2014
Gallegos Jr., Jose M.	Selma	10/8/2014	Pullen, Howard R.	Supply	9/16/2014
Gallegos, Jose M.	Selma	8/25/2014	Roberts, Donald W.	Fletcher	10/24/2014
Heath, David M.	Hendersonville	10/17/2014	Sayers, Dennis D.	Emerald Isle	9/2/2014
Henderson, Christopher A.	Charlotte	8/11/2014	Smith, Charles W.	Salisbury	9/4/2014
Jacobs, William	Hope Mills	10/15/2014	Vargas, Francisco V.	Clayton	10/8/2014
Kennedy, John M.	Hendersonville	10/2/2014	Wallace, Darrell J.	Lincolnton	9/4/2014
Lucas-Rivera, Sergio	Selma	10/8/2014	Weatherman Jr., Ben A.	King	9/25/2014
Mandragon, Ivan	Greensboro	10/21/2014	Welch, Charles M.	Supply	9/3/2014
McNeill, Johnny	Burlington	9/11/2014			

## 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 re-

**Brewster, Billie Joe**  
**Academy Mechanical Repair, Inc.**  
**Concord, NC**

**License # 32474, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to provide adequate supervision, failed to obtain permit(s) prior to commencing work, failed to obtain final inspections, violated the minimum standard of the North Carolina State Mechanical Code, and physically damaged the homeowner's sheetrock ceiling.

Resolution Conference held 09/15/2014. Billie Joe Brewster signed a Resolution Conference Agreement 09/15/2014.

The license of Billie Brewster, number 32474 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. By 09/25/2014, the licensee shall remove the lien applied to the property located at 2626 Les Lane, Denver, NC and the licensee will forfeit the outstanding balance due from the homeowner of \$1,950.00. After complaint to the Board, the licensee filed a lien cancellation for the property at 2626 Les Ln. Among other things, during the probation, the licensee shall enroll in, attend and complete the Special Mechanical Code course, and the Special Board Laws & Rules course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the proba-

tion provisions listed above.

**Craven, Dwayne Scott**  
**Alpine Air, LLC**  
**Concord, NC**

**License # 9808 H-3-I**

Allegations of misconduct, incompetence, and selling his license 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 supervision, failed to execute contracts, failed to perform load calculation(s), violated the minimum standard of the North Carolina State Mechanical Code, allowed the use of license by unlicensed persons by issuing 1099's to unlicensed persons, not actively employed with the firm, 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 the installation was not performed by bona-fide employees of the firm.

Resolution Conference held 09/17/2014. Dwayne Craven signed a Proposed Resolution Agreement 09/17/2014.

The license of Dwayne Craven, number 9808 H-3-I, and the license of the firm be suspended for a period of twelve (12) months. During the suspension, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course. Upon successful completion of the suspension, the licensee shall be placed on supervised

probation for a period of twenty-four (24) months. In the event of violation of any of the conditions of probation, license of the individual and of the firm shall be revoked.

**Goforth, Lee G.**  
**Southern Superb**  
**Gold Hill, NC**

**License # 30574 H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in the licensee violated the minimum standard of the North Carolina State Mechanical Code, allowed the use of his license by unlicensed persons by issuing 1099's to unlicensed persons, and allowed the use of license by unlicensed individual.

Resolution Conference held 09/17/2014. Lee Goforth signed a Proposed Resolution Agreement 09/17/2014.

The license of Lee Goforth, number 30574 H-3-I, shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, the licensee shall enroll in, attend and complete the Special Contractor Business Management course, and enroll in, attend and complete the Special Board Laws & Rules course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

**Hatcher, Timothy L.**  
**Greensboro, NC**  
**License # 7868 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, obtained money and failed to complete installation (job abandonment), failed to perform proper load calculation(s), violated the minimum standard of the North Carolina State Mechanical Code, failed to carry out adequate ductwork installation and system design, allowed the use of license by unlicensed persons by paying persons in cash, failed to respond to consumer in a timely manner/poor business practices, violated his probation, 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 09/18/2014. Timothy Hatcher signed a Proposed Resolution Agreement 09/18/2014.

The license of Timothy Hatcher, number 7868 H-3-I, and the license of the firm shall be suspended for a period of twelve (12) months. Among other things during the suspension, the licensee shall refund to the homeowner at Sedalia Rd \$250.00 per month until the licensee has refunded a total of \$2,500.00, and enroll in and complete the Special Mechanical Code Class prescribed in the previous probation. In the event of violation of any of the conditions of suspension, license of the individual and of the firm will remain suspended until such time as the licensee and the firm complies with all of the suspension provisions. Upon successful completion of the suspension, the license of Timothy Hatcher, number 7868 H-3-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be revoked.

**Horne, Jonathon D.**  
**Horne Heating &**  
**Air Conditioning Co.**  
**Charlotte, NC**

**License # 16764 H-1, 2&3-I**

Allegations of misconduct and working without a license in the business of plumbing contracting in that the licensee submitted to the Board a false sworn statement verifying work experience on his application for examination, contracted and performed work outside his current licensing qualifications, the licensee/applicant is denied to set for the Plumbing Class I or Class II examination because of the lack of required experience.

Resolution Conference held 09/17/2014. Jonathon Horne signed a Proposed Resolution Agreement 09/17/2014.

The license of Jonathon Horne, number 16764 H-1,2&3-I, shall be placed on unsupervised 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, and ensure that he does not contract or perform any work outside his licensing qualification held until he is properly licensed to work in those other fields. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

**Johnson, Jeremy M.**  
**Cape Fear Air Conditioning**  
**and Heating Company, Inc.**  
**Fayetteville, NC**

**License# 30052 H-2&3-I**

Allegations of misconduct and working without a license in the business of heating contracting in that the licensee contracted and performed the removal of an existing 7.5 ton, rooftop, gas package unit, and the installation of a new 7.5 ton rooftop, gas package unit on the Northwood Temple Family Life Center without valid license qualifications at the time of the installation.

Jeremy Johnson signed a Proposed

Resolution Agreement 09/26/2014.

The license of Jeremy Johnson, number 30052 H-2&3-I, shall be placed on unsupervised 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. At his own expense, hire a licensed H-2 contractor, which contractor shall obtain a permit, review the above referenced installation, correct any and all code violations found, and obtain a final inspection by September 10, 2014. After complaint to the Board, the licensee obtained his Heating Group 2 license qualification, and found an H2 contractor to obtain a permit. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

**Maness, Jiles**  
**Maness Heating & Air Inc.**  
**Greensboro, NC**  
**License# 02773 H-1, 2&3-I**  
**(Retired)**

Allegations of misconduct and working without a license in the business of heating contracting in that the licensee contracted and performed work while his license was retired, and violated the 09/27/2007 Board order.

Resolution Conference held 09/18/2014. Jiles Maness signed a Proposed Resolution Agreement 09/18/2014.

The Resolution Review Committee recommended that Jiles Gilmer Maness III be allowed to sit for any examination if he submits a complete and thorough application for examination. Upon passage of the exam, the license of Jiles Maness, number 2773, 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, enroll in, attend and complete the Special Board Laws & Rules course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of

twelve (12) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

**Miller, Thomas D.**  
**Independence Oil & LP/Gas, Inc.**  
**West Jefferson, NC**  
**License # 28219 FP**

Allegations of misconduct and gross negligence in the business of fuel piping in that the licensee failed to provide supervision, violated the minimum standard of the North Carolina State Fuel Gas Code, converted a propane gas heater to natural gas in violation of the manufacturer installation instructions, and created risk of personal injury or property damage.

Resolution Conference held 09/18/2014. Thomas Miller signed a Proposed Resolution Agreement 09/18/2014.

The license of Thomas Miller, number 28219 FP, shall be suspended for a period of twelve (12) months. The license will be restored at the end of the suspension, provided that licensee shall enroll in, attend and complete the Special Board Laws & Rules course, and enroll in, attend and complete the series of Special Fuel Gas Code and Design courses. In the event of violation of any of the conditions of suspension, license of the individual shall remain suspended until such time as the licensee complies with all of the suspension provisions. Upon successful completion of the suspension, the license of Thomas Miller, number 28219 FP, and any firm he may qualify shall be placed on supervised probation for a period of twelve (12) months. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

**Neese, Lawrence Eugene**  
**Neese's Plumbing Repair & Septic Tank Service, Inc.**  
**Jamestown, NC**

**License# 09239 P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee verified the work experience of an applicant, Donald Rothrock, as an employee of the firm for the calendar year of 2013, but the applicant was paid with no taxes withheld and received a 1099 in violation of the board administrative rule 50.0512.

Lawrence Neese signed a Proposed Resolution Agreement 10/07/2014.

The license of Lawrence Neese, number 09239 P-I, shall be placed on unsupervised probation for a period of six (6) months. Among other things during the probation, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course, and shall 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 copies of the completed Form W-4, Employee's Withholding Allowance Certificate for the firm's employees. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of two (2) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

**Phillips, Rodney Dale**  
**Monroe, NC**

**License # 09727, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee submitted false information to the board in the form of a sworn statement verifying plumbing experience for Jonathon Horne. The licensee now admits between 75 and 100 hours of experience in the last 5 years for Mr. Horne under his license. Mr. Phillips stated he did not notice that the form confirmed 7200 hours experience on the form.

Resolution Conference held 09/16/2014. Rodney Dale Phillips signed a Resolution Conference Agreement 09/16/2014.

The license of Rodney Dale Phillips,

number 9727 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 shall enroll in, attend and complete the Special Board Laws & Rules course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

**Pieper, William L.**  
**Hot Wire Electric**  
**Denver, NC**

**License # 10615, H-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 perform an adequate and proper load calculation(s), and violated the minimum standard of the North Carolina State Mechanical Code.

Resolution Conference held 09/15/2014. William Louis Pieper signed a Resolution Conference Agreement 09/15/2014.

The license of William Louis Pieper, number 10615 H2&3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. By 10/15/2014, the contractor shall return to the home located at 177 Stone Field Drive and perform a proper and thorough Manual J load calculation. By 10/20/2014, the licensee shall submit a copy of the new load calculation to the board for review. 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 10/25/2014. In addition the licensee shall make the

proper plenum duct connections to assure that there is adequate air flow throughout the house and shall wire the low voltage wiring from the condensate pump to the heat pump thermostat. By 11/01/2014, the contractor shall submit evidence of compliance with this section. All of the work performed shall be at the expense of the licensee. Among other things, during the probation, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course, and attend and completed the series of Special Mechanical Code courses. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

**Pittman, Dexter Wayne**  
**Main Street Heating & Cooling**  
**Benson, NC**  
**License # 30014 H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee submitted and received approval for a proposal to replace and install a 5 ton heat pump unit, including the ductwork, serving a portion of the structure at 500 Military Cutoff Rd in Wilmington, failed to obtain a permit and inspection, failed to perform a heat loss/heat gain calculation and duct design for the job, contracted and performed Heating Group Two work without valid license qualifications, and the following installation/code violations were found 1) Branch supply duct at air diffuser not installed properly; no Panduit strap on inner liner; 2) Flexible duct restricted in several locations (inner portion and insulation/vapor barrier compressed); and 3) Flex duct installed lacks minimum turn on radius (1 location).

Dexter Wayne Pittman signed a Proposed Resolution Agreement 09/17/2014.

The license of Dexter Pittman, number 30014 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, the 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 of violation of any of 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 the licensee and the firm agrees to comply with all of the probation provisions.

**Poeta, Daniel Wayne**  
**Horizon Heating &**  
**Air Conditioning, LLC**  
**Hendersonville, NC**  
**License # 30744 H-1, 2, &3-I**

Allegations of misconduct in the business of heating contracting in that the licensee contracted with unlicensed general contractor, John Kennedy who owns and operates Trinity E & C, Inc., to install a new air handler at a home, failed to pull the required permit for the air handler installation, failed to perform the required load calculation for the heat pump installation in violation of violation of GS 87-21 section NCAC 50.0505., violated GS 87-21 section 50.0402 for contracting from an unlicensed contractor and failing to pull the required mechanical permit for the installation.

Daniel Poeta signed a Proposed Resolution Agreement 10/15/2014.

The license of Daniel Poeta, number 30744 H-1,2&3-I, and that of the firm shall be placed on unsupervised probation for a period of 12 months. By 10/29/2014 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 11/03/2014. The contractor shall submit evidence to the board by 11/10/2014 of the final inspection. This work shall be performed at the expense of the contractor. After complaint to the board, the licensee obtained a permit and received an approved final inspection. Licensee shall also enroll in, attend and complete the Special Board Laws & Rules course. In the event of violation of any of the

conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

**Spencer, John F.**  
**Spencer's Plumbing Service Inc.**  
**Midland, NC**  
**License # 11569, P-II**

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, and failed to obtain final inspections.

Resolution Conference held 09/16/2014. John F. Spencer signed a Resolution Conference Agreement 09/16/2014.

The license of John F. Spencer, number 11569 P-II, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. Among other things, during the probation, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

**Stephens, Robert Jeffrey**  
**Two Amigos Heating & Air, LLC**  
**Dover, NC**  
**License # 29750 H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to ensure that a permit was obtained prior to commencing the installation of a 1.5 ton outdoor condensing unit and line –set to an existing air handler unit, failed to perform a minimum of a block load heat loss/heat gain calculation, failed to ensure that the equipment installed was compatible with the exist-

ing air handler unit, and failed to ensure that the seer rating for the system was rated at a minimum of 13 SEER, and failed to request final inspection within 10 days of substantial completion of the work.

Robert Stephens signed a Proposed Resolution Agreement 09/24/2014.

The license of Robert Stephens, number 29750 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of 12 months. The licensee shall provide information to the local code enforcement official documenting compatibility of the equipment installed to include information on the Seer rating for the system. In the event that the licensee is unable to verify equipment compatibility and ensure that the system meets the current SEER rating in accordance applicable codes, the licensee shall replace the condensing unit or air handler unit so that the system is compatible and meets the current Seer rating requirements. The licensee shall contact the building owner in advance, arrange a time to perform this work and shall receive a final inspection by 10/24/2014. After complaint to the board, the licensee obtained an approved final inspection. 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, always assure that all equipment installed is the proper match for the S.E.E.R. rating per the written contracts, assure that all equipment installed is properly listed and labeled for use together (no miss matched equipment). In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

**Stroupe, Zachary Scott**  
**Zach Stroupe Plumbing**  
**Gastonia, NC**  
**License # 23004, 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, violated the minimum standard of the North Carolina State Plumbing Code, and allowed the use of license by unlicensed persons by issuing 1099's to unlicensed persons.

Resolution Conference held 09/16/2014. Zachary Scott Stroupe signed a Resolution Conference Agreement 09/16/2014.

The license of Zachary Scott Stroupe, number 23004 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 shall enroll in, attend and complete the Special Plumbing Code and Design courses, and the Special Board Laws & Rules course, In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

**Transou, Robert H.**  
**Transou's Heating & A/C**  
**Germanton, NC**  
**License # 09837 H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee violated prior probation order, failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, and failed to obtain final inspections.

Resolution Conference held 09/18/2014. Robert Transou signed a Proposed Resolution Agreement 09/18/2014.

The license of Robert Transou, number 9837 H-3-I, shall be placed on supervised probation for a period of eighteen (18) months. In the event of violation of any of the conditions of probation, license of the individual and

of the firm will be suspended for a period of nine (9) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

**Walker, Tony Dale**  
**Indoor Comfort Solutions, Inc.**  
**Holly Ridge, NC**  
**License # 18087 H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee, while employed at Climate Control Heating and Cooling Inc. from around May 2010 until around July 2013 as a sub-licensee under the license number of 09080 for Michael Hadley, designed the complete hvac system for a new construction home, the qualifier for the firm designed the loop for the geothermal system, the sub-licensee performed the duct design and load calculations, in lieu of performing a room by room calculation since it was new construction, the sub-licensee performed a block load, heat loss/heat gain calculation, and failed to perform a duct design in accordance with Manual D.

Tony Walker signed a Proposed Resolution Agreement 09/17/2014.

The license of Tony Walker, number 18087 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of 12 months. Licensee shall also enroll in, attend and complete the Special Board Laws & Rules course, and enroll in, attend and complete the Special Mechanical Design courses. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

**Wilson, Jerry W.**  
**Energy United Propane, LLC**  
**Gastonia, NC**  
**License # 21892 FP**

Allegations of misconduct and incompetence in the business of fuel piping in that the unlicensed individual, who was the sales and service manager for the firm's Denver office, contracted with the homeowner to install a new Noritz tankless water heater which included tying into the plumbing supply lines and the installation of fuel piping in the home, during the course of the installa-

tion, the licensee only performed the fuel piping for the water heater installation but failed to obtain the required permit prior to commencing work, and license performed fuel piping work for the Denver, NC office, while he was the qualifier for the Gastonia, NC office.

Jerry Wilson signed a Proposed Resolution Agreement 09/30/2014.

The license of Jerry Wilson, number 21892 FP, and that of the firm shall be placed on unsupervised probation for a period of 12 months. Among other

things, licensee shall enroll in, attend and complete the Special Board Laws & Rules course, and assure that he will only qualify the office where he has his license listed with the board. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

## 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.

**Anderson, Sean R.**  
**Fayetteville, NC**

Heating contracting without a license. Judgment of permanent injunction filed 8/25/14 enjoining the Defendant from engaging in business as a plumbing or heating contractor until licensed to do so.

**Anthony, Kevin Wayne**  
**King's Mountain, NC**

Heating contracting without a license. Judgment of permanent injunction filed 8/8/14 enjoining the Defendant from engaging in business as a plumbing or heating contractor until licensed to do so.

**Biancone, Russel A.**  
**Mooreville, NC**

Heating contracting without a license. Judgment of permanent injunction filed 9/25/14 enjoining the defendant from engaging in business as a plumbing or heating contractor until licensed to do so.

**DeSha, Mel T.**  
**Mels Plumbing and Electric**  
**Louisburg, NC**

Order entered 8/8/14 Finding That respondent violated the probation order entered in April 2012 in failing to train employees as required, failed to provide records as required by the probation Order. The term of probation was extended an additional year and Respondent is required to complete a 16 hour course in Contractor Business Management, a course on the board Laws and Rules, personally visit every jobsite before every inspection request and meet other requirements, with

permanent revocation as the consequence of further violations. Order issued imposing supervised probation for an additional 12 months.

**Ducote, Jason**  
**d/b/a JD's Services**  
**Newport, NC**

Plumbing contracting without license. Judgment of Permanent Injunction filed 9/2/14 enjoining the Defendant from engaging in business as a plumbing or heating contractor until licensed to do so.

**Earley, Robert Allen**  
**Canton, NC**

Plumbing contracting without a valid license. Judgment of Permanent Injunction filed 9/12/14 enjoining the defendant from engaging in business as a plumbing or heating contractor until licensed to do so.

**Greenhill, Walter Ray**  
**Greenhill Heating,**  
**Air & Electrical**  
**Timberlake, NC**

Violation of Judgment of Permanent Injunction filed 3/9/01. Order entered 9/3/14 finding Defendant in contempt for violating the terms of the preliminary injunction ordering the Defendant to pay restitution as condition of suspended jail sentence of 30 days.

**Haney, Mark Anthony**  
**Reliable Plumbing**  
**Gastonia, NC**

Formal hearing on 8/11/14. Order issued on 9/4/14 allowing Mr. Haney to

sit for P-I examination upon submission of current Application for Exam. Upon passing the exam and obtaining a license, he will be on supervised probation for 1 year.

**Howard, Darrell Ray**  
**Raleigh, NC**

Order issued 5/16/13 denying license application. Respondent submitted new license application on 12/20/13. Formal hearing on 7/8/14. Order dated 8/8/14 allowing submission of Application with 3 current letters of recommendation within

90 days. Upon passing the exam, he will have 2 years of supervised probation.

**Ingram, Philander and**  
**Commercial Controls, Inc.**  
**Charlotte, NC**

Allegations of misconduct and license peddling. Formal Hearing held 9/11/14. Order dated 9/26/14 imposing supervised probation for 12 months in addition to the current probation order.

**Jimenez-Sierra, Jacobo**  
**Sims, NC**

Application. Formal hearing on 8/11/14. Order dated 9/4/14 allowing applicant to sit for H 3-II examination. Proof of Green Card was presented together with evidence responsive to credibility concerns.

**Keen, Charles Kennety (Frosty)**  
**Wilson, NC**

Allegations of plumbing contracting without a license. Judgment of Permanent Injunc-

tion filed 9/29/14 enjoining the Defendant from engaging in business as a plumbing or heating contractor until licensed to do so.

**King, Shannon Dale**

**Faison, NC**

Formal hearing on application for P-I exam. Industrial experience evaluated. Formal hearing on 9/9/14. Order entered 10/3/14 allowing Applicant to sit for P-I exam. Upon passing exam and obtaining a license, he will be on supervised probation for 1 year, subject to several conditions.

**Mitchell, Charles**

**Goldsboro, NC**

Contracting without license in violation of prior Court Order. Order to

Show Cause issued. Order of contempt filed on 10/6/14 finding the Defendant in contempt of court and sentencing him to 60 days of active jail time.

**Popelaski, Steve**

**d/b/a Steve's Appliance and HVAC**

**Apex, NC**

Heating contracting without a license. Judgment of Permanent Injunction filed 8/25/14 enjoining the defendant from engaging in business as a plumbing or heating contractor until licensed to do so.

**Ramsey, Gerald**

**Gastonia, NC**

Heating contracting without a license. Judgment of Permanent Injunction filed 9/29/14 enjoining the Defendant from engaging in business as a plumbing or heating contractor until licensed to do so.

**Wilhite, Travis Ray**

**Kannapolis, NC**

Allegations of Heating Croup 3-Class II without a license. Judgment of permanent injunction filed 10/7/14 enjoining Defendant from engaging in business as a plumbing or heating contractor until licensed to do so.

***On behalf of the Board Members and Staff, we appreciate the opportunity that we have had to serve our applicants, licensees, and the citizens of North Carolina over the past year.***

***We look forward to continuing our service to you in 2015, and would like to take this opportunity to wish everyone a safe and enjoyable holiday season, with best wishes for a happy and prosperous new year.***