



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

March 2015

## BOARD MEMBERS

### **William H. Eubanks**

Chairman  
Plumbing Inspector  
Wilmington, NC

### **Thomas G. Proffit**

Vice-Chairman  
Plumbing Contractor  
Lenoir, NC

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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

## William H. Sullivan III Reappointed to Board



William H. "Bill" Sullivan III was recently reappointed as a member of the State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors by Governor Pat McCrory.

Mr. Sullivan was originally appointed to office on March 14, 2012 by former Governor Beverly Perdue to fill an unexpired term as the Air Conditioning Contractor member.

The owner of Sullivan Mechanical, Inc., located in Greensboro, NC., Mr. Sullivan has been a licensee of the Board since 1968. He holds PI, HI-I, H2, and H3-I qualifications issued by the Board, and holds License 00003 which was originally issued to his grandfather on June 8, 1931.

Mr. Sullivan is a third-generation HVAC contractor and third-generation Board member. His grandfather, William Sullivan Sr. served on the Board from 1931-1959, and as Chairman from 1943-1959. His father, William Sullivan Jr. served on the Board from 1959-1961. Mr. Sullivan's vast knowledge and experience in the plumbing, heating and air conditioning industry has been extremely valuable to the Board during his first three years of service as a Board member, and he will certainly continue to be a valuable asset to the Board.

## D. Hunter Edwards Jr. Appointed to Board



D. Hunter Edwards Jr. was recently appointed as a member of the State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors by Governor Pat McCrory.

Mr. Edwards was appointed on May 13, 2014 to fill an unexpired term as the Heating Contractor member.

The owner of MSS Solutions, LLC, located in Charlotte, NC, Mr. Edwards has been a licensee of the Board since 1995. He holds Heating Group 1-Class 1, Group 2 and Group 3-Class 1 qualifications issued by the Board.

Mr. Edwards has extensive knowledge and experience in the heating and air conditioning profession, as well as a strong background in financial and business management. He is a valued member of the Board, and like the other Board members, is committed to fulfilling the responsibilities of the position by representing the interests of both the licensees and the citizens of our great state.

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## Are Your Employees or Laborers Legal?

During the course of investigating approximately 700 complaints last year, a number of these complaints were either filed regarding contractors utilizing illegal laborers, or during the process of investigating complaints filed for other reasons, the Board's Administrative Officers discovered that illegal laborers were being used.

First, let's clearly define from the Board's perspective what constitutes a legal or illegal employee or laborer.

North Carolina Law, as enacted by the North Carolina General Assembly in General Statute 87.25 states in part "An employee in the course of his work as a bona fide employee of a licensee of the Board shall not be construed to have engaged in the business of plumbing, heating, or fire sprinkler contracting, as the case may be."

The key phrase in this law is 'bona fide', which the Miriam-Webster dictionary defines as "real or genuine". However, the Board's definition, which is contained in the North Carolina Administrative Code, provides us with a much more detailed definition to be used in the context of plumbing, heating, and fire sprinkler contracting activities, as indicated below.

### 21 NCAC 50 .0512 EMPLOYEES EXEMPTED FROM LICENSURE

**An unlicensed person who is directly and regularly employed in the ordinary course of business by a contractor licensed pursuant to G.S. 87, Article 2 is not required to have a license and shall not be subject to an action for injunctive relief brought by the Board. Factors establishing whether the individual is directly and regularly employed in the ordinary course of business of such contractor include the following:**

- 1) whether the individual is on the licensed contractor's payroll;
  - 2) whether taxes are withheld from the payment to the individual and the contractor performs such other acts as are lawfully required of an employer;
  - 3) whether the licensed contractor exercises control and supervision over the method, manner and details of the individual's work; and
  - 4) whether the licensed contractor, and not the unlicensed person, is and remains obligated to the property owner or general contractor for the work.
- (b) Persons acting as independent contractors, consultants or subcontractors, or paid as such, are not bona fide employees.
- (c) Licensed contractors may utilize employees shared with a labor supplier under a written contract which may allocate payroll or tax withholding obligations to the labor supplier while reserving control, supervision and obligation to the owner or general contractor to the licensee of the Board, and provided the licensee upon whose qualifications the license of the employing contractor is based remains a person meeting all four of the indicia of employment set out in Paragraph (a) of this Rule and is not contracted by or acting as a labor supplier.

So, what does this lengthy definition mean to a contractor who uses employees or laborers to perform the work that has been contracted under his/her license?

- Employees must be listed on payroll documents by their full legal name and social security number.
- Employees should be paid by company check or direct deposit to the financial institution of their choice. Cash payments are discouraged, but if made, must be clearly and accurately documented.
- The payroll documents, regardless of the method of payment, must include the employee's tax withholding information, and taxes must be withheld and submitted to the state and federal revenue departments.
- The payroll documents must include the employer's portion of state and federal taxes, as well as Social Security (FICA).
- The employer must exercise direct supervision over the employee, with the authority to hire, fire, direct, supervise, and discipline the employee in the course of his/her employment.
- The employer must pay the employee the current minimum wage in accordance with state and/or federal law.
- The employer must carry Worker's Compensation insurance coverage on the employee.

## 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
• Jessica Yelverton (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

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### Maddison Dirks

Receptionist  
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### Administrative Officer (Field Staff) Directory

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### John Todaro

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### Moises "Jimmy" Jimenez

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### Tom Johnston

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### Derek Farmer

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

### David Boulay

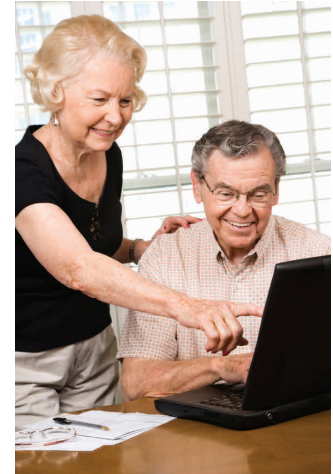
Western Region  
828-234-2719 or [dboulay@nclicensing.org](mailto:dboulay@nclicensing.org)

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
5. Renewal form - 2015 and Previous Year(s) with Sub-Licensees

### 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
9. Book Reference List for All Applicants

### 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>
Adams, Thomas C.	Rock Hill, SC	12/15/2014	Marini, Kenneth A.	Browns Summit, NC	12/22/2014
Boysen, Brian D.	Wake Forest, NC	1/6/2015	Miller Jr., Charles W.	Greensboro, NC	12/3/2014
Foster, Raymond W.	Bridgeton, NC	1/9/2015	Rider, Stephen C.	Iron Station, NC	12/19/2014
Gordon, Brian L.	Greensboro, NC	12/16/2014	Tilgham, Junior L.	Clayton, NC	1/12/2015
Gragg, Michael W.	Lenoir, NC	12/18/2014	Vigna, Christopher R.	Charlotte, NC	12/4/2014
Guest, Robert L.	Hope Mills, NC	1/8/2015	Walston, Wallace R.	Knightdale, NC	1/6/2015
Hamilton, Keith M.	Garner, NC	1/5/2015			

### 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>
O'Neil, Lennox	Asheville, NC	1/23/2015
Richardson, Tony	Warenton, NC	1/22/2015
Rousseau, Lars	Bakersville, NC	1/6/2015

### Resolution Review Committee Report

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

**Absher, Michael**  
**Energy Management Heating**  
**& Air Conditioning, Inc.**  
**Gastonia, NC**  
**License# 32098 H-2 & 3-I**

Allegations of misconduct and violation of the prior probation order in the business of heating contracting in that the licensee violated the probation approved by the board on 03/12/2014 by failing to attend the Special Disciplinary Mechanical Code Classes, sessions A, B & C.

Resolution Conference held 12/17/2014.

Michael Absher signed a Proposed Resolution Agreement 12/17/2014.

The license of Michael Absher, number 32098 H-2 & 3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things, during the probation, the licensee shall comply with all of the terms of the probation approved by the Board on 03/12/2014 which includes enrolling in, attending and completing the series of Special Mechanical Code courses, and if the licensee completes the Mechanical Code education sessions A, B & C (as listed above) successfully, then active probation shall end upon satisfactory evidence submitted to the board that the licensee has completed all three sessions (sessions A, B & C). 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.

**Bagwell, Stacy A.**  
**Kenwell Plumbing Co.**  
**Wilson, NC**  
**License# 16350 P-I**

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee violated the minimum standard of the North Carolina State Plumbing Code.

Resolution Conference held 1/08/2015. Stacy Bagwell signed a Proposed Resolution Agreement 01/08/2015.

The license of Stacy Bagwell, number

16350 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 series of Special Plumbing Code and Design 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, 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.

**Brannan, Larry M.**  
**Jackson Springs, NC**  
**License# 09415,**  
**PHI, 2 & 3-I, FS-RC**

Allegations of misconduct in the business of heating contracting in that the licensee provided a written statement and completed the Current/Past NC Licensed Employer Statement for an applicant, David L. Richardson, to sit for the Heating Group 3 examination, verifying that the applicant worked under his license and direct supervision; however, the licensee's license has not been listed in the name of the NC Department of Public Safety – Division of Prisons.

Larry Brannan signed a Proposed Resolution Agreement 08/12/2014.

The license of Larry Brannan, number 09415 PHI, 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, the licensee shall enroll in, attend and complete the Special Board Laws and 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 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

**Bryant, Bryan**  
**High Point, NC**  
**License# 31544 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 carry out adequate ductwork installation and system design, failed to perform load calculation (s), violated the minimum standard of the North Carolina State Mechanical Code, engaged in business under a different name or style of business than appears on his/her license, and allowed the use of license by unlicensed persons by paying cash without withholding taxes to the unlicensed person.

Resolution Conference held 12/17/2014.

Bryan Bryant signed a Proposed Resolution Agreement 12/17/2014.

The license of Bryan Bryant, number 31544 H-3-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. Among other things, during the probation, within thirty (30) days, the licensee shall assure that his license has been listed with the Board in the name that he currently operates his business, 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, 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 listed above.

**Cutchins, James C., Jr.**  
**James C. Cutchins, Jr., Plumbing**  
**Wendell, NC**  
**License# 6722 P-I**

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee violated the minimum standard of the North Carolina State Plumbing Code, 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 01/08/2015.

James Cutchins signed a Proposed Resolution Agreement 1/08/2015.

The license of James Cutchins, number 6722 P-I, and that of the firm shall be placed on unsupervised 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 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.

**Dunagan, Mitchell W.  
Mitchell Dunagan Plumbing Company  
Cleveland, GA  
License# 23701 P-II**

Allegations of misconduct in the business of plumbing contracting in that the licensee allowed the use of license by unlicensed persons by subcontracting installation to an unlicensed contractor.

Resolution Conference held 12/19/2014.

Mitchell Dunagan signed a Proposed Resolution Agreement 12/19/2014.

The license of Mitchell Dunagan, number 23701 P-II, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things, during the probation, licensee shall enroll in, attend and complete the Special Board Laws & Rules course. 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.

**Edwards, Wesley T.  
Upgrade Plumbing  
Mount Airy, NC  
License# 21537 P-II**

Allegations of misconduct in the business of plumbing contracting in that

the licensee violated the probation approved by the board on 09/11/2012 in that the licensee failed to attend the courses as outlined in the probation agreement, because of the violation the license was suspended for 12 months without objection from the licensee, and since the suspension the licensee has since taken one of the plumbing classes, attended the L & R class, and properly submitted quarterly reports. Resolution Conference held 12/18/2014.

Wesley Terry Edwards signed a Proposed Resolution Agreement 12/18/2014.

The license of Wesley Terry Edwards, number 21537 P-II, and that of the firm, shall be reinstated to the active status upon approval of this agreement and then shall be placed on supervised probation for a period of twenty-four (24) months. Among other things, during the probation, licensee shall enroll in, attend and complete the series of Special Plumbing Code and 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 twenty-four (24) 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.

**Fairfax, Jason S.  
Cornerstone Construction Company  
Lumberton, NC  
License# 26801, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee violated 21 NCAC 50.0512 by paying an unlicensed individual, Derwin Roberson, from 2012 through 2014 on a part time basis to perform the installation on new construction homes and existing structures of sewer lines, building drains, water service piping, water distribution piping, installation of lavatories, water closets, bath tubs, shower (fixtures), and pex and copper water distribution lines, but failed to have taxes withheld from the payment to the unlicensed individual, failed to have taxes withheld from the pay of any employees of Cor-

nerstone Construction Company, and failed to comply with 21 NCAC 50.0404 by allowing work for which a license is required to be performed while he was actively employed as an instructor with Fayetteville Technical Community College.

Jason Samuel Fairfax signed a Proposed Resolution Agreement 12/17/2014.

The license of James Fairfax, number 26801 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 and Rules course, shall submit to the Board's office within the next thirty (30) days copies of all employee W-4's and by the end of the probation submit a copy of all employee W-2's, and subcontract work that requires a license only to properly licensed subcontractors. In the event 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

**Godwin, Gene K.  
Godwin Heating & Cooling  
Gastonia, NC  
License# 09515 H-2&3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee violated the minimum standard of the North Carolina State Mechanical Code, failed to carry out adequate ductwork installation and system design, and allowed the use of license by unlicensed persons by paying cash without withholding taxes to unlicensed persons.

Resolution Conference held 12/17/2014.

Gene Godwin signed a Proposed Resolution Agreement 12/17/2014.

The license of Gene Kelly Godwin, number 9515 H-3-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. Among other things, during the probation, licensee shall enroll in, attend and complete the Special Board

Laws & Rules course, and enroll in, attend and complete 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 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 listed above.

**Johnson, Robert N.  
Gable, SC**

**License# 30822 H-3-I**

Allegations of misconduct in the business of heating contracting.

Robert N. Johnson signed a Proposed Resolution Agreement on 01/09/2015 to resolve complaint file numbers 2012-394 and 2014-66.

Based on the active complaint files listed above, the licensee voluntarily agreed to surrender his license to the Board with the understanding that the act of surrendering his license is considered as a licensing revocation.

**Matthews, Robert C., Jr.  
Rob Matthews Heating  
& Cooling, Inc.**

**Garner, NC**

**License# 22271 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 perform load calculation(s), and violated the minimum standard of the North Carolina State Fuel Gas Code. Resolution Conference held 01/07/2015.

Robert Matthews signed a Proposed

Resolution Agreement 01/07/2015. The license of Robert C. Matthews, Jr., number 22271 H-3-II, and that of the firm shall be placed on supervised probation for a period of eighteen (18) months. Among other things, during the probation, licensee shall enroll in, attend and complete the series of Special Fuel Gas Code and 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 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 listed above.

**Miller, Douglas  
Doug's Heating & Cooling, Inc.  
Belmont, NC**

**License# 15365 H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to provide supervision, failed to carry out adequate ductwork installation and system design, violated the minimum standard of the North Carolina State Mechanical Code, violated the minimum standard of the North Carolina State Fuel Gas Code, and failed to provide load calculation upon request by the board.

Resolution Conference held 12/15/2014.

Douglas Miller signed a Proposed Resolution Agreement 12/15/2014. The license of Douglas Miller, number 15365 H-3-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. Among other things, during the probation, licensee enroll in, attend and complete the Special Board Laws & Rules course, enroll in, attend and complete the series of Special Fuel Gas Code and Design courses,

and enroll in, attend and complete 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 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 listed above.

**Newton, Everette J.  
Joe Newton Plumbing, Inc.  
Spruce Pine, NC**

**License# 10728, P-I, RFSC**

Allegations of misconduct in the business of plumbing contracting in that an unlicensed general contractor Joe Erwin of Joe's Home Improvement & Grading contracted with an employee of Joe Newton Plumbing, who is paid in cash and receives a 1099 form, to plumb the addition on home which included structural, electrical and plumbing installations, licensee obtained the required permit, supervised the plumbing installation, and received a percentage of the plumbing installation in violation of GS 87-21, Article 2 and sections 21 NCAC 50.0402, 50.0403 and 50.0406.

Everette Newton signed a Proposed Resolution Agreement 01/16/2015. The license of Everette Newton, number 10728 P-I, RFSC 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 and Rules course, assure that he contracts with a licensed general contractor or the property owner, submit to the Board's office within the next thirty (30) days copies of all employee W-4's and by the end of the probation submit a copy of all employee W-2's, and subcontract work that requires a license only to



properly licensed subcontractors. In the event 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

**Noffsinger, David**  
**NCWATERHEATERS.COM**  
**Benson, NC**  
**License# 30155 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, and violated the minimum standard of the North Carolina State Fuel Gas Code.

Resolution Conference held  
 01/09/2015.

David Noffsinger signed a Proposed Resolution Agreement 01/09/2015. The license of David Noffsinger, number 30155 P-I, and that of the firm shall be placed on unsupervised 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 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.

**Pernell, G. Carlton**  
**Pernell, Inc.**  
**Smithfield, NC**  
**License# 07401 H-1, 2 & 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 work, failed to obtain final inspections, and failed to provide adequate supervision.

Resolution Conference held  
 01/07/2015.

George Carlton Pernell signed a Proposed Resolution Agreement

01/09/2015.

The license of G. Carlton Pernell, number 7401 H-1, 2&3-I, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. Among other things during the probation, within 90 days from approval of this order, the licensee shall assure that all of the outstanding permits from the Johnston County Inspection Department have received a final inspection or the licensee has demonstrated his continued efforts to obtain the final inspection, 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 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 listed above.

**Welborn, Farron D.**  
**Hometown Plumbing Services**  
**Mayodan, NC**  
**License# 20141 P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to provide adequate supervision, allowed the use of license by unlicensed persons by issuing 1099's to unlicensed persons, engaged in business under a different name or style of business than appears on his/her license, and engaged in business and allowed work to be performed under his license while the licensee was activity employed for the City of Greensboro.

Resolution Conference held  
 12/17/2014.

Farron Welborn signed a Proposed Resolution Agreement 12/17/2014. The license of Farron Dayne Welborn, number 20141 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, if that licensee holds employment elsewhere, no work that requires a license may be performed by the firm or employees of firm based on the qualification of that licensee during the hours the licensee is com-

mitted or active in employment elsewhere, 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 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 listed above.

**Wilson, Larry**  
**L. M. Wilson, Inc.**  
**Burlington, NC**  
**License# 14266 H-2&3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, and failed to obtain final inspections. Resolution Conference held  
 12/15/2014.

Larry Wilson signed a Proposed Resolution Agreement 12/15/2014.

The license of Larry Wilson, number 14266 H-2&3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event 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.

## 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.

**BIRCH, LEVERN W.**  
**d/b/a V&B MECHANICAL**  
**Midway Park, NC**

Heating contracting without a license. Judgment of Permanent Injunction filed 12/30/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

**BLANKENSHIP,**  
**ALEXANDER WILLIAM**  
**A&W SERVICES**

**Franklinville, NC**  
 Heating contracting without a valid license. Judgment of Permanent Injunction filed 12/30/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

**BLUE, ROBERT**  
**d/b/a RD BLUE SERVICE**

**Raleigh, NC** Heating contracting without a license in contempt of a prior order of the Court. Hearing held 9/8/14. Order of Contempt filed 11/14/14 finding Defendant in contempt and sentencing the Defendant to a 30 day suspended jail sentence.

**BOND, TERRY**  
**WINDMILL MECHANICAL**  
**Canton, GA**

Heating contracting without a valid license. Judgment of Permanent Injunction filed 1/23/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

**BOONE, JAMES W.**  
**JAMES W. BOONE PLUMBER**  
**Pleasant Hill, NC**

Plumbing contracting without a valid license. Judgment of Permanent Injunction filed 1/23/15 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

**CONNOR, ANTHONY WAYNE**  
**Hickory, NC**

Allegations of incompetence, misconduct, failure to obtain permit and failure to supervise. Formal hearing held and order issued November 6, 2014, finding Respondent al-

lowed his license to be used by Fred Shade, an unlicensed non-employee. Respondent has been disqualified for similar conduct in the past. License was permanently revoked.

**DAVIS, DERICK GRANT**  
**J&D FIX ALL**  
**Asheville, NC**

Heating contracting without a valid license. Judgment of Permanent Injunction filed 1/16/15 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

**DEAN, Christopher**  
**Selma, NC**

Heating contracting without a license in violation of Judgment of Permanent Injunction Contempt hearing held 12/2/14. Defendant found in contempt by Order filed 12/19/14 and sentenced to 60 days active jail time.

**ELLINGTON, James T.**  
**d/b/a Building Services Unlimited**  
**Bailey, NC**

Heating contracting without a license. Judgment of Permanent Injunction filed 12/23/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

**FIELDS, JASON**  
**d/b/a Jason's Home Improvements**  
**Raeford, NC**

Plumbing contracting without a valid license. Judgment of Permanent Injunction filed 12/5/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

**FINK, BRANDON**  
**Greensboro, NC**

Allegations of heating contracting without a license. Judgment of Permanent Injunction filed 12/23/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

**FOSTER, DAVID**  
**RELIABLE HEATING & AIR**  
**Hickory, NC**

Heating contracting without a valid license. Judgment of Permanent Injunction filed 12/1/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

**HAM, CHRISTOPHER WILLIAM**  
**Fremont, NC**

Heating contracting without a valid license. Judgment of Permanent Injunction filed 1/12/15 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

**HEINSOHN, DAVID**  
**D/B/A HOUSE DOCTOR**  
**OF FAYETTEVILLE**

**Fayetteville, NC**  
 Plumbing contracting without a valid license. Judgment of Permanent Injunction filed 1/23/15 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

**HICKS, DAVID**  
**DAVID HICKS HOME**  
**IMPROVEMENT**

**Greensboro, NC** Plumbing contracting without a valid license. Judgment of Permanent Injunction filed 1/26/15 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

**HUDLER, JOSHUA BRANDON**  
**HUDLER & SONS HVAC & APPLI-**  
**ANCE REPAIR REFRIGERATION**

**Sneads Ferry, NC**  
 Heating contracting without a valid license. Judgment of Permanent Injunction filed 11/17/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

**JONES, GARLAND CHRISTOPHER**  
**JONES PLUMBING**  
**Cornella, GA**

Plumbing contracting without a valid license. Judgment of Permanent Injunction filed 1/14/15 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

**JONES, ROBERT TODD**  
**360 DEGREE REPAIR CO.**  
**Greensboro, NC**

Plumbing contracting without a valid license. Judgment of Permanent Injunction filed 2/3/15 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

**LINARD, JAYSON CRAIG**  
d/b/a **SOUTHERN WATER**  
**PURIFICATION**  
**Greensboro, NC**

Plumbing contracting without a valid 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.

**McCLAMROCK, RONNIE WAYNE**  
**Ron's Heating & Air Conditioning**  
**Kannapolis, NC**  
Heating contracting without a valid license. Judgment of Permanent Injunction filed 12/30/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

**McWHIRT, JEFFREY LEE**  
**J&D Fix All Asheville, NC**  
Heating contracting without a valid license. Judgment of Permanent Injunction filed 1/16/15 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

**PETERS, GROVER**  
**Hickory, NC**

Plumbing contracting without a valid license. Judgment of Permanent Injunction filed 12/5/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

**QUILLIN, EDDIE**  
d/b/a **Eddie's Home Improvements**  
**Lexington, NC**  
Plumbing contracting without a valid license. Judgment of Permanent Injunction filed 1/23/15 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

**REASON, DONNIE**  
**Reason Plumbing**  
**Wilson, NC**  
Plumbing contracting without a valid license. Judgment of Permanent Injunction filed 1/16/15 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

**SCAGLIONE, JAMES E.**  
**ENERGY UNITED PROPANE**  
**Mooreville, NC**  
Plumbing contracting with an expired license. Judgment of Permanent injunction filed 12/30/14.

**WILLIAMS, ROY**  
**THE WRIGHT COMPLANY**  
**Middlesex, NC**  
Plumbing contracting without a valid license. Judgment of Permanent Injunction filed 12/30/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.