

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

July 2016

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

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Components and Concepts of Supervision

(Editor's note: The following article was submitted by the Board's Attorneys, John N. (Nick) Fountain and Reed N. Fountain. Nick Fountain has served as the Board's Attorney for over four decades and Reed Fountain has served in the same capacity for over a decade.)

All licensees of this Board should be aware of their responsibility to supervise work done under their license. The Board frequently gets questions regarding the reasons for this rule, what the rule means, and what possible consequences the licensee may face if he/she fails to provide adequate supervision. This article will answer these questions with explanations.

First, one should realize that the requirements for supervision are not something that was dreamed up by the Board; instead, they are fundamental statutory license requirements which date back to 1931 when the Board was first created by the North Carolina Legislature. Under G.S. (General Statute) 87-26, the Board is authorized to issue license(s) to corporations, partnerships or businesses with a trade name. In order to accomplish this, a currently active licensee must list his/her license in the name of the firm. That licensee, referred to as the 'qualifier' or 'master licensee' then becomes responsible for executing the contracts of the firm and is required to provide general supervision over the work performed by the firm.

The second requirement of this arrangement, specified by the G.S. 87-25, allows one or more "bona fide" employees of a firm to work under the supervision of the qualifier, with the employee(s) being exempt from the requirement that the employee(s) be licensed. It is very important to note that any person doing work which requires a license while not an employee of a licensee may be guilty of a crime under G.S. 87-25 or placed under court order or injunction by the courts under G.S. 87-25.1.

Based on these two statutes, the two core requirements are that any work which requires a license must be performed by licensee or a bona fide employee of a licensee; and that the licensee signs all contracts and supervises the work. With this statutory framework, the Board has further defined the requirements with several rules.

The Board has provided a definition of general supervision in Board Rule 21 NCAC 50.0505(a). There are four components of this supervision rule. Those may be stated as:

- 1) the level of supervision necessary and sufficient to ensure that the contract is performed in workman like manner and with requisite skill;
- 2) assurance that the installation is made properly, safely and in accordance with the applicable code and rules;
- 3) the requirement that review(s) of the work performed under the license be carried out by the licensee while the work is in progress in order to address items 1 and 2 above;
- 4) an alternative to item 3 above is that a licensed technician who has listed his/her license as a 'sub-licensee' of the firm can act on behalf of the master licensee by performing the review and supervising the work; however, the technician cannot engage in the actual contracting process.

The first element of supervision set out above has sometimes been called the "proof in the pudding" rule; in other words, if there is anything wrong with the job, it gives the appearance that the supervision must not have been good enough. A comment that licensees often use in an attempt to defend lack of code compliance and/or poor quality workmanship is this statement: "It passed inspection, so the supervision must have been good enough."

Unfortunately, both of the previous conditions are a bit of oversimplification.

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Despite the fact that supervision may have been very good, including personal reviews of the work and procedures which help assure quality, there still may be evidence that mistakes were made on the job. In that instance, the Board will certainly take into account all the effort which the licensee had made in an effort to assure quality.

With regard to the second requirement, that the work must comply with applicable codes and rules; the licensee is assumed to have been on the job a greater amount of time than the inspector and therefore bad work cannot be excused simply by claiming it passed inspection. It is important to remember that the codes are the minimum requirement and that good contractors strive to go beyond the code, and supervision should come from the licensee. It is impossible for an inspector to examine every aspect of a job, and they should not be expected to train employees or provide 'punch lists'.

The practical application of the third requirement--review of the work while the work is in progress ---involves some interpretation. A licensee involved in new residential construction may have several houses going simultaneously, while a licensee carrying out many change-outs can have difficulty seeing every job before every inspection request. On the other hand, a licensee involved in a large commercial project may be at the job every minute, but have difficulty being at all ends of the plant or complex simultaneously considering the number of crews working on the project.

The fourth item, the option to utilize technicians as supervisors, was devised by the Board to help licensees be both practical and assure supervision by people who can sufficiently supervise the job, identify potential issues and instruct employees on how to perform the work as it should be.

If the Board investigates a complaint and it is apparent that the licensee spent a large amount of his/her time preparing bids and rarely went to a job, or the property owner says "I never met the licensee before today", then the Board may conclude the licensee bit off more than he could chew, or the firm should have had more licensees or licensed technicians.

Another means by which the Board has guided licensees on supervision is the so-called 1500 hour rule set out in Board Rule 21 NCAC 50.0404. This rule requires a licensee in each branch and limits the temptation to use part-time or retired licensees by requiring that the licensee for each branch be on duty at least 1500 hours or all the time when work is being carried out if the firm does not have 1500 hours' worth of work. The licensee in that branch has to be working at the branch, has to have responsibility to make, modify, set the terms of contracts and exercise the general supervision. The collateral benefit of this Rule is that the licensee is obliged to not be a figurehead, but to have real authority over everything going on at the branch or at the facility if the firm only has one main office.

At the beginning of this article we referenced the connection between supervision and the statutory exemption of bona fide employees from the requirement to have their own license. The bona fide employee requirement results in several policies or rules related to assurance of supervision. In order for a worker to avoid the need to have his/her own license, the worker must be a "bona fide" employee under the Statutes.

The Board enforces this requirement by insisting that workers be W-2 employees and not independent contractors paid on a 1099. By definition, an independent contractor is not an employee and is certainly not a bona fide employee. The Board Rule 21 NCAC 50.0512(b) makes clear that independent contractors, consultants or subcontractors or persons paid as such are not bona fide employees. The same Rule spells out other details or tests such as whether there is withholding of taxes on the individual and whether the contractor does other things often required of an employer such as worker's compensation, whether the licensee controls and supervises method, and details of the work. It is also likely that competition is fairer if everybody plays by these rules, but for the board the issue is supervision.

The purpose of all the concepts or requirements discussed here is to assure that the supervision of the work is real, and that the quality of the work assured. By establishing laws and rules, the General Assembly and the Board play a strong role in ensuring that the consumer is protected and the contractor is successful. Long term survival as a licensed contractor depends on the reputation and reality of work quality, timeliness, good business practices and fair dealing with employees, suppliers and customers.

If you have any questions regarding supervision requirements, or any other statute or rule of the Board, please contact the Board's office or your regional Administrative Officer. Contact information can be found on page 3.

North Carolina State Agencies

NC Department of Insurance	919-661-5880	NC Department of Labor	919-807-2796
• William "Bill" Moeller (Plumbing & Gas Interpretations)	Ext. 238	NC Department of Revenue	919-252-3052
• Dan Dittman (Mechanical & Energy Interpretations)	Ext. 237	NC Electrical Licensing Board	919-733-9042
• Richard Strickland (Fire) (Fire Code Interpretations)	Ext. 255	NC General Contractor Licensing Board	919-571-4183
• 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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Receptionist/Office Assistant
Extension 213 or kdew@nclicensing.org

Administrative Officer (Field Staff) Directory

Fax for all Administrative Officers: 919-875-3616

Vacant

South Central Region
919-875-3612 or complaint@nclicensing.org

Kevin Thibodeaux

Coastal Region
910-409-7127 or kthibodeaux@nclicensing.org

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336-906-9141 or tjohnston@nclicensing.org

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919-602-9095 or dfarmer@nclicensing.org

David Boulay

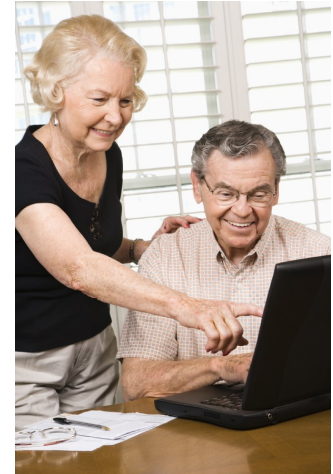
Western Region
828-234-2719 or dboulay@nclicensing.org

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

Website Information: www.nclicensing.org (Download Forms)

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

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



Compliant Form

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. Renewal form - 2016 without Sub-licensees
2. Renewal form - 2016 with Sublicensees
3. Renewal form -2016 and Previous Year(s) without Sub-Licensees
4. Renewal form - 2016 and Previous Year(s) with Sub-Licensees
5. Reinstatement For—2016 Sub-licensees returning to Contractor status

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
10. Request for Exam Review (for applicants who have failed a recent exam)

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

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 three 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>
Allen, Ronnie W.	Durham, NC	2/23/2016	Hodgkins, Richard F.	Blairsville, GA	3/15/2016
Clayton, Thomas	Burlington, NC	11/23/2015	Hursey, Jeffery K.	Mocksville, NC	3/22/2016
Curtis, Tony L.	Murphy, NC	3/15/2016	Loflin, Nathan R.	Raleigh, NC	3/15/2016
Donaldson, Travis E.	Mooresville, NC	3/2/2016	Parrish, Douglas	Zebulon, NC	1/21/2016
Freeze, Joel W.	Mooresville, NC	3/9/2016	Peterson, Michael T.	Sparta, MI	2/10/2016
Hardin, Wade	Fayetteville, NC	3/14/2016	Sanson, James D.	Greensboro, NC	3/8/2016

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>
Creamer, David P.	Garner, NC	4/26/2016	Santiago, Fernando	Raleigh, NC	4/7/2016
Glick, Johnna	Leland, NC	4/21/2016	Smith, Curtis R.	Mebane, NC	4/21/2016
Lucas, Michael	Greensboro, NC	4/21/2016	Williams, Joshua T.	Washington, NC	5/6/2016

Resolution Review Committee Report

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

Abbott, Jeremy C.
Abbott Plumbing &
Drain Cleaning Service
Conover, NC
License# 28795, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to obtain a permit prior to commencing work for the installation of a Rinnai tank less water heater, violated the State Plumbing Code in that the fuel piping was improperly sized, the temperature and pressure relief valve was not properly piped to the floor, licensee removed end from manufacturer cord and spliced in piece of extension cord- reattached original manufacturer end, and contractor wired the water heater- without an electrical license. Jeremy Abbott signed a Proposed Resolution Agreement 05/17/2016.

The license of Jeremy Abbott, number 28795 P-I, and that of the firm shall be placed on unsupervised probation for a period of twelve months. Among other requirements during the probation, by 05/31/2016, the licensee agreed to provide to the Board a copy of the receipt documenting that the licensee has made restitution in the amount of \$1700.00 to Mr. & Mrs. Johnson, enroll in, attend and complete the Special Board Laws & Rules course, the series of Special Fuel Gas Code and Design courses, and 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 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.

Crawford, Calvin
Crawford Heating and Cooling
Charlotte, NC
License# 23497, H-3-II

Board Order dated 03/22/2016 suspended Crawford's license and the firm to engage in business as a contractor for two (2) years; followed by supervised probation for two (2) years.

Calvin Crawford submitted a request to voluntarily surrender his license on 05/13/2016. Board correspondence sent to licensee by certified mail on 05/19/2016 acknowledging receipt of his request to surrender his license.

Drew, Richard
Myrtle Beach's One Hour
Heating & Air Conditioning
Myrtle Beach, SC
License# 13497, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to provide supervision, failed to size equipment properly, and failed to

carry out adequate ductwork installation and system design.

Resolution Conference held 05/16/2016.

The license of Richard Drew, number 13497 H-3-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. Among other requirements, during the probation, the licensee shall enroll in, attend and complete the series of Special Mechanical Design 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 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.

Hix, Marvin
Four Oaks, NC
License# S.14741, H-I, 2&3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to provide adequate supervision for work performed under his license at Environmental Heating & Air of NC Inc..

Marvin Hix signed a Proposed Resolution Agreement 01/21/2016.

The license of Marvin Hix, number 14741 H-I, 2&3-I, shall be placed on a 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 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.

Hohing, Keith R.
Herlocker Mechanical Systems, Inc.
Pineville, NC
License# S.09359, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee signed for and verified the mechanical experience application form for the applicant, Michael Smith, in which he verified by signing that the applicant had been a bona fide employee of the firm; however, the applicant had been paid in cash and/or with a form 1099 in violation of NCAC 21 section 50.0512.

Keith Hohing signed a Proposed Resolution Agreement 04/28/2016.

The license of Keith Hohing, number 09359, H-3-I, and that of the firm shall be placed on a unsupervised probation for a period of twelve (12) months. Among other requirements 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 sus-

pending 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.

Ifkiren, Abdelkrim
Fuquay Varina, NC
License# 30646, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee allowed hvac installations to be performed by the firm which he licensed, Environmental Heating & Air of NC, Inc while he was actively employed at UNC School Systems in violation of 21 NCAC 50.0404.

Abdelkrim Ifkiren signed a Proposed Resolution Agreement 01/22/2016.

The license of Abdelkrim Ifkiren, number 30646 H-3-I, and the license of the firm, Environmental Heating & Air of NC, Inc., be suspended for a period of twelve (12) months.

Among other requirements, during the suspension, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course. Upon successful completion of the suspension, his license, number 30646 H-3-I, and that of the firm 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 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.

Lanier, Arthur G.
Beulaville, NC
License# 18051, H-3-II

Allegations of misconduct in the business of heating contracting in that Lanier failed to comply with an order entered into on or about May 9, 2000 that resulted in a hearing for failure to comply, and then he failed to comply with a consent order entered into on or about July 10, 2001 in that the license was suspended from on or about July 10, 2001 through on or about January 28, 2005, and upon completion the license was placed under a 9 month probation that was never completed.

Resolution Conference held 05/17/2016.

Resolution Review Committee approved for Lanier to sit for the examination. In the event he successfully passes the examination and is awarded a licensed, then his license, number 18051, and that of the firm shall be placed on supervised probation for a period of twelve (12) months.

Among other requirements during the probation, the licensee shall assure that he has renewed his license prior to the expiration of the license on December 31st of each year,

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.

McAninch, John
Jayco Plumbing & Electric, Inc.
Banner Elk, NC
License# 14782, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee presented an Affidavit in support of the examination application of Justin Richard Mattar in which he represented that Matter was an employee from 2014 and 2015. Licensee failed to withhold taxes for Matter and paid him on a Form 1099-MISC Form without withholding taxes in violation of the Board rule 21 NCAC 50.0512

John McAninch signed a Proposed Resolution Agreement 05/06/2016.

The license of John McAninch, number 14782, P-I, and that of the firm shall be placed on a unsupervised probation for a period of twelve (12) months. Among other requirements during the probation, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course, and submit to the Board's office within the next thirty (30) days copies of all employees W-4's and by the end of the probation submit a copy of all employees W-2's. In the event 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.

Moorer, Antonio M.
Moorer and Sons HVAC & R Inc.
Hubert, NC
License# 30632, H-2&3-I

Allegations of misconduct in the business of heating contracting in that the licensee knowingly allowed the use of license by unlicensed persons (Ricky Samuel) by pulling a permit for a job contracted by Mr. Samuel, 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 05/17/2016.

The license of Antonio Moorer, number 30632 H-2&3-I, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. Among other re-

quirements during the probation, the licensee enrolls 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.

Nichols, Michael K.
All Kool Htg, A/C & Elec. Co.
Greensboro, NC
License# 21266, H-3-I

Allegations of misconduct in the business of heating contracting in that the allowed his license number to appear on a permit on a job where he did not hold the contract with the homeowner or general contractor and did not receive the contractual payment for the job, and allowed others to use license. Michael Nichols signed a Proposed Resolution Agreement 04/13/2016.

The license of Michael Nichols, number 21266, H-3-I, and that of the firm shall be placed on a supervised probation for a period of twelve (12) months. Among other requirements during the probation, the licensee agreed to return to the home located at 4542 Oak Grove Church Road and fix any and all issues with unit and obtain a final inspection. After complaint to the Board, the Certificate of Compliance was issued 04/19/2016. 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 four (4) 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.

Snow, Robert J.
Pine Knoll Shores, NC
License# 15825, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to install a properly designed zone system. Resolution Conference held 05/16/2016.

The license of Robert J. Snow, number 15825 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other requirements during the probation, licensee must assure that on every newly installed residential heating system, air conditioning system or both shall be designed and installed to maintain a maximum temperature differential of four degrees Fahrenheit room-to-room and floor-to-floor. On multilevel structures, contractors shall either provide a separate HVAC system for each floor or to install automati-

cally controlled zoning equipment for each level with individual thermostats on each level to control the temperature for that level. The seasonal adjustment needed to maintain the four degrees Fahrenheit room-to-room and floor-to-floor maximum temperature differential shall not be accomplished through the use of manual dampers. The licensee must 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.

Stone, Steven C.
Carolina Home Services Group, Inc.
Myrtle Beach, SC
License# 15078, H-3-II

Allegations of misconduct and incompetence in the business of heating contracting failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections in an appropriate time frame, failed to provide supervision in that the licensee never appeared at the job and never performed a review of the work, even after complaints by the homeowner and a formal complaint to the board, listed license in the name of Air Control Experts, Inc., then went to work for another firm full-time while work requiring a license is being performed while the licensee is active in employment elsewhere, and licensee failed to submit a copy of the original load calculation upon request by Board staff.

Resolution Conference held 05/17/2016.

The license of Steven C. Stone, number 15078 H-3-II, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. Among other requirements during the probation, licensee must 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.

Tsakas, George
Omega Air Conditioning, Incorporated
High Point, NC
License# 21547, H2&3-I

Allegations of misconduct in the business of heating contracting in that the licensee presented an Affidavit in support of the examination application of Daniel Gonzalez in which he represented that Gonzalez was an employ-

ee during from 2014 and 2015. Mr. Gonzalez was paid using a 1099 form and a W-2 form in violation of the Board rules 21 NCAC 50.0512.

George Tsakas signed a Proposed Resolution Agreement 04/27/2016.

The license of George Tsakas, number 21547, H-2&3-1, and that of the firm shall be placed

on an unsupervised probation for a period of twelve (12) months. Among other requirements during the probation, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course, and submit to the Board's office within the next thirty (30) days copies of all employees W-4's and by the end of the probation submit a copy of all

employees W-2's. In the event 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

Caldwell, William L. Charlotte, NC

Allegations of heating contracting without a valid license in violation of judgment of permanent injunction Order of Contempt filed 4/9/16 finding Defendant in contempt and ordering defendant to serve 6 active days of jail time with an additional 24 days being suspended.

Cannon, Stephen Winterville, NC

Allegations Defendant has violated terms of injunction by engaging in business as a plumbing contractor without a license. Order of contempt filed 4/18/16 finding defendant in contempt and defendant sentenced to 30 days in jail with agreement to pay restitution.

Coley, Dusty Lee d/b/a Carolina Appliance Richfield, NC

Allegations of heating contracting without license. Judgment of permanent injunction filed 6/2/16 enjoining defendant from engaging in heating contracting until licensed to do so.

Della Valle, Sigfrido Armando Lake Lure, NC

Allegations of plumbing and heating contracting without a valid license. Judgment of permanent injunction filed 4/22/16 enjoining defendant from engaging in plumbing and heating contracting until licensed to do so.

Faircloth, Donald Swannanoa, NC

Allegations of heating contracting without a valid license. Judgment of permanent injunction filed 4/28/16 enjoining defendant from engaging in heating contracting until licensed to do so.

Hannon, Kevin Barry d/b/a K&D Heating and Air Winterville, NC

Allegations of heating contracting without a license. Judgment of permanent injunction via summary judgment filed 4/26/16 enjoining defendant from engaging in heating contracting until licensed to do so.

Nichols, Nathan d/b/a Nate's Diverse Services Laurel Springs, NC

Allegations of plumbing contracting without a license. Judgment of permanent injunction filed 6/8/16 enjoining defendant from engaging in plumbing contracting until licensed to do so.

Noriega, Roberto Bessemer City, NC

Allegations of plumbing contracting without a valid license. Judgment of permanent injunction filed 4/6/16 enjoining defendant from engaging in plumbing contracting until licensed to do so.

Parker, Tracy

Allegations of heating contracting without a license in violation of permanent injunction. Show cause papers issued 3/24/16. Hearing held 5/16/16. Defendant found in contempt and sentenced to 20 days suspended jail sentence.

Samuel, Ricky d/b/a A&R Heating & Air Jacksonville, NC

Allegations of heating contracting without a valid license. Judgment of permanent injunction filed 4/22/16 enjoining defendant from engaging in heating contracting without a license to do so.

Seda, Steven Concord, NC

Allegations of heating contracting without a valid license. Judgment of permanent injunction filed 5/3/16 enjoining defendant from engaging in heating contracting until licensed to do so.

Taylor, Clarence Durham, NC

Allegations of heating contracting without a license. Judgment of permanent injunction filed 5/10/16 enjoining defendant from engaging in heating contracting until licensed to do so.

Toon, Jacquelyn Windsor, NC

Allegations of plumbing contracting without a valid license. Judgment of permanent injunction filed enjoining defendant from engaging in plumbing contracting until licensed to do so.

Williams, Richard Sanford, NC

Allegations of heating contracting without a valid license in violation of judgment of permanent injunction. Order of contempt filed 4/29/16 finding defendant in contempt of Court and sentencing him to 30 day suspended jail sentence.

Wilson, Thomas d/b/a A Affordable Plumbing and Maintenance of Harkers Island

Allegations of plumbing contracting without a valid license. Judgment of permanent injunction filed 4/22/16 enjoining defendant from engaging in plumbing contracting until licensed to do so.



State Board of Examiners of Plumbing,
 Heating & Fire Sprinkler Contractors
 1109 Dresser Ct., Raleigh, NC 27609
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 Fax: (919) 875-3616

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