



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

March 2016

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

New Sales Tax Rules Effective March 1, 2016

On March 1, 2016, new laws regarding the collection of sales tax became effective. In recent weeks, there has been much confusion regarding the new requirements. The Board has received dozens of telephone calls and e-mails with questions regarding this matter. The Board is not responsible for enforcing these tax laws, and is not able to provide licensees with advice. Contractors with questions of how the new requirements will affect them should contact a tax attorney and/or accountant for professional advice.

Jim Pendergrass, Executive Director of the Plumbing Heating Cooling Contractors of North Carolina (PHCC-NC) has also received many questions from their membership. In an attempt to get answers, Mr. Pendergrass contacted the North Carolina Department of Revenue.

Eric Wayne, Director of the Sales and Use Tax Division, North Carolina Department of Revenue has provided the following answers to questions that have been asked by contractors.

Q: Will we be required to charge (and remit) sales tax on any and every billing?

A: I do not believe there is enough information presented to properly respond to this question. However, a person who is not a "retailer" or a "retailer-contractor" on or after March 1, 2016, the person is not liable for sales and use tax on the gross receipts derived from the sale of repair, maintenance, and installation services."

Q: What about contracts and work that is already bid?

A: Regarding contracts and work that is already bid, please see the important notice issued on Tuesday, February 23, 2016 on the Department's website that addresses application of the tax laws effective March 1, 2016 for purchases on or after such date to fulfill a lump-sum or unit-price contract that was entered into, or awarded pursuant to a bid submitted prior to March 1, 2016. http://www.dorncc.com/taxes/sales/impnotice022316_e589j.pdf

Table of Contents

Sales Tax Information.....	1	Letter of Caution Report.....	8
Important Numbers.....	6	Consent Agreement Report.....	8
Website Information.....	7	Resolution Committee Report.....	9
		Attorney's Report.....	17

Q: If this is just for "service", what defines service as opposed to a small contract job? Sometimes half of our work is small jobs (1-8 hours + material) to our repeat customers.

A: This question is not entirely clear as I am not entirely sure of the business operations of the person asking the question. However, see the definition of repair, maintenance, and installation services below: N.C. Gen. Stat. § 105-164.3(33g) defines "**repair, maintenance, and installation services.**" The term includes the following activities:

- a. To keep or attempt to keep tangible personal property or a motor vehicle in working order to avoid breakdown and prevent repairs.
- b. To calibrate, restore, or attempt to calibrate or restore tangible personal property or a motor vehicle to proper working order or good condition. This activity may include replacing or putting together what is torn or broken.
- c. To troubleshoot, identify, or attempt to identify the source of a problem for the purpose of determining what is needed to restore tangible personal property or a motor vehicle to proper working order or good condition.
- d. To install or apply tangible personal property except tangible personal property installed or applied by a real property contractor pursuant to a real property contract.

The person should be reminded that "a real property contract" as of March 1, 2016, is "*[a] person that contracts to perform construction, reconstruction, installation, repair, or any other service with respect to real property and to furnish tangible personal property to be installed or applied to real property in connection with the contract and the labor to install or apply the tangible personal property that becomes part of real property. The term includes a general contractor, a subcontractor, or a builder for purposes of G.S. 105164.4H. The term does not include a person engaged in retail trade.*"

A person that is a "retailer" that makes a charge for installation charges as part of the sales price of real property is liable for tax on the full amount of the charges. Likewise, a person that is a "retailer" who may only install tangible personal property owned by others must charge tax on the installation services. Again, I don't think there is sufficient details to provide specific guidance.

Q: Does this include labor?

A: A person that is a "retailer" that makes a charge for installation charges as part of the sales price of real property is liable for tax on the full amount of the charges. Likewise, a person that is a "retailer" who may only install tangible personal property owned by others must charge tax on the installation services. Again, I don't think there are sufficient details to provide specific guidance.

Q: Does the amount have to be shown broken out?

A: I am unclear as to what amount is being asked if it has to be broken out. However, a person that is solely a real property contractor, typically issues a lump-sum invoice. If by chance the person is a retailer-contractor, it will depend. If the person is in "retail trade," labor is taxable no matter if separately stated or not.

Q: How will the taxes be remitted?

A: If a person is a retailer, the retailer should collect and remit the taxes to the Department of Revenue on the retail sales price of tangible personal property (including installation) or on the gross receipts derived from repair, maintenance, and installation services. A person who needs to register to collect sales and use tax may do so at the following location on the Department's website:

<http://www.dorn.com/electronic/registration/index.html>

Q: Will the General Public be informed of the new tax charges on their invoices by the NC Dept of Revenue prior to the effective date?

A: The Department has issue a number of various publications regarding the upcoming sales and use taxes March 1, 2016. Much of the information has been provided to all persons with active sales and use tax accounts, some has been shared directly with various professional and industry groups, and the Department has been contacted by a number of reporters with various questions.

Q: Will the Sales Tax submittal forms be redone to reflect the current changes?

A: There is no need to alter the sales and use tax form for changes effective March 1, 2016. Any gross receipts and corresponding sales tax for items that are subject to tax on March 1, 2016, shall be reported along with other Sales and Receipts at the State, Local, and Transit lines of the returns, as applicable. http://www.dorn.com/downloads/fillin/e500_10-14_webfill.pdf

Q: Do we show the Sales Tax charged on the labor as a separate invoice line item?

A: If the person is a retailer and provided the labor is part of the sales price of an installed item or if the person is a retailer and selling repair, maintenance, and installation services that does not meet the exception from retailer, it does not matter if the charge for the labor is separately stated or not. If by chance there is some type of labor that is not subject to tax, it is best to separately state such and properly identified the charge on the invoice or other documentation given to the purchaser at the time of the sale. However, again, I think more information would be helpful in responding to this inquiry.

Q: How will we account for the sales tax paid on materials and then for labor when reporting sales tax expenses for income tax?

A: You should discuss with question with your income tax preparer. It will depend on how your accounting/point of sale system is set up for income tax purposes. However, a person engaged in the business of selling materials and labor and as a retailer, should not pay sales or use tax at the time of purchase to its vendors but rather should issue a certificate of exemption indicating the items are for resale. Again, more information would be helpful and the person likely should consult with their accountant

Q: How soon do you expect a clarification on who, and under what circumstances, we will be required to charge sales tax on labor?

A: The Department has issued all of the written guidance necessary for a person to make an informed decision as to any sales and use tax responsibilities relative to the changes effective March 1, 2016.

Q: How should this apply to Propane or Heating Oil retail marketers that also do HVAC retail repairs?

A: If the receipts the majority of the revenue (greater than 50%) from selling propane gas at retail, such person is in "retail trade" and must charge sales tax on the gross amount of the HVAC retail repairs in addition to the retail sales or propane gas, tanks, etc. Like with the propane gas, the person would want to purchase any tangible personal property or repair, maintenance, and installation services without payment of tax from its vendors by issuance of a certificate of exemption or providing the required data elements if the purchase is a remote purchase.

Q: I could not understand if we are supposed to charge sales tax for a service call.

A: It will depend on the purpose for a service call as to whether such is part of the sales price of tangible personal property subject to sales and use tax or if such is part of the gross receipts derived from the retail sale of repair, maintenance, and installations services. If the business is a retailer, any charge to troubleshoot, diagnose, etc. is subject to sales and use tax.

Q: If we are, do we charge tax on both the part and the labor?

A: If the person is a "retailer," tax should be charged on the total sales price of the item sold (parts and labor).

Q: How do the sales tax revisions differentiate between personal property repair, and our work, which is maintaining real property?

A: The definition of "repair, maintenance, and installation services," is applicable to tangible personal property or a motor vehicle, unless the person is a retailer in "retail trade," and therefore, liable for sales tax on repair, maintenance, and installation services that include "to install or apply tangible personal property" that becomes part of or affixed to real property.

Q: Will we need to charge sales tax on an extended labor only warranty we sell at the time an HVAC system is installed?

A: If the person is a "retailer," the sales price of the parts and any installation labor is subject to tax. A person that solely operates as a "real property contractor" as previously defined above, should not charge sales tax to customers. The term "retailer" as defined effective March 1, 2016 provides the following two exceptions and a person that meets either exception is not a retailer liable for collecting sales and use tax on transactions with customers.

1. A person that solely operates as a real property contractor.
2. A person whose only business activity is providing repair, maintenance, and installation services where the person's activities do not otherwise meet the definition of a retail trade.

Q: Will we need to charge sales tax on an extended labor only warranty we sell after an HVAC system is installed?

A: If the transaction meets the definition of "service contract," then the sales price of the contract to maintain or repair and HVAC system is subject to tax on or after March 1, 2016. The definition of

"service contract" effective March 1, 2016 is "[a] contract where the obligor under the contract agrees to maintain or repair tangible personal property, regardless of whether the property becomes a part of or is affixed to real property, or a motor vehicle. Examples of a service contract include a warranty agreement other than a manufacturer's warranty or dealer's warranty provided at no charge to the purchaser, an extended warranty agreement, a maintenance agreement, a repair contract, or a similar agreement or contract."

Q: Will we need to charge sales tax on a Maintenance Agreement we sell at the time an HVAC system is installed?

A: Yes, for contracts sold on or after March 1, 2016, provided the maintenance agreement meets the definition of service contract as amended and stated immediately above in response to the last bullet item.

Q: Will we need to charge sales tax on a Maintenance Agreement we sell after an HVAC system is installed?

A: Yes, for contracts sold on or after March 1, 2016, provided the maintenance agreement meets the definition of service contract as amended and stated above.

Q: The statutes say that labor purchased for resale is exempt from sales and use tax. What constitutes resale from a labor standpoint? Does that mean that services we provide a first or second-tiered contractor doing work for an end user is essentially reselling that labor? Does it mean that even if a contractor is NOT tax exempt for the goods and materials they purchase from us, that the labor would be because it is part of the work being sold to the end user?

A: A person that is a retailer that elects to purchase labor from another party for resale should not pay tax on the labor charge. For instance, a person that is a retailer may elect to use a third party to install doors and windows. The retailer should not pay tax on the purchase price of the labor (assuming the 3rd party is wholesale or retailer) but the retailer should charge sales tax on the installed product to the consumer. This is not speaking to a general contractor who solely operates as a real property contractor that subs out parts of a real property contract to a subcontractor that only provides labor relative to the real property contract.

Q: Along the same lines, if we are asked to do repair work for a tax exempt organization, such as a hospital and the labor is not being resold, is the labor to be considered non-taxable and exempt as well just like any goods or materials purchased from us?

A: Nonprofit organizations generally must pay the applicable sales tax to a retailer. Certain nonprofit entities are allowed a semi annual refund of taxes paid provided the entity files a refund claim with the Department. I believe more information is necessary to properly respond to this question.

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

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

Dale Dawson

Executive Director
Extension 224 or ddawson@nclicensing.org

Eric Hall

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

Dejaya (DJ) Soltys

Executive Assistant / Licensing Coordinator
Extension 203 or dsoltys@nclicensing.org

Sharon Pittman

Legal Coordinator
Extension 205 or spittman@nclicensing.org

Karen Jolliffe

Exam Coordinator
Extension 230 or kjolliffe@nclicensing.org

Kerry Waldroup

Complaint Coordinator
Extension 211 or complaint@nclicensing.org

Kimberly Dew

Office Assistant
Extension 213 or kdew@nclicensing.org

Administrative Officer (Field Staff) Directory

Fax for all Administrative Officers: 919-875-3616

Tom Johnston

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

David Boulay

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

Kevin Thibodeaux

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

Scott Bilsky

Administrative Officer
Eastern Region
919-602-9095 or sbilsky@nclicensing.org

Vacant

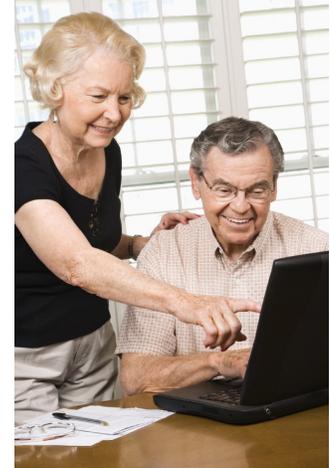
Administrative Officer
South Central Region
704-975-5305

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

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

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

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



Consumer Forms

Consumer Complaint against licensed or unlicensed contractors

Change of Address or Status

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

Renewal Forms

1. Renewal form - 2016 without Sub-licensees
2. Renewal form - 2016 with Sub-licensees
3. Renewal form -2016 and Previous Year(s) without Sub-Licensees
4. Renewal form - 2016 and Previous Year(s) with Sub-Licensees
5. Reinstatement Form - 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

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

- www.ncplumbing.org
- www.ncheating.org
- www.ncfiresprinkler.org

Disciplinary Actions

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

Recent actions are reflected in the four reports that follow:

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

Letter of Caution Report

Upon completion of investigations, a Letter of Caution can be issued to a licensee where it is determined through an investigation that a violation has occurred by one of our licensees. The Letter of Caution is issued to address and affirm issues they should improve upon or be more mindful of for future jobs:

Name	City/Town	Date
Clark Jr., William D.	Winston Salem, NC	12/15/2015
Cooke, Cassandra W.	Wake Forest, NC	11/17/2015
DiMone, Sean A.	Leland, NC	12/30/2015
Espin, Christopher M.	Charlotte, NC	12/30/2015
Harward Jr., William A.	Kannapolis, NC	12/17/2015
Hunt, Steven W.	Charlotte, NC	12/17/2015
Loyd, Paul E.	Oxford, NC	11/19/2015
Mulchi, Kenneth L.	Monroe, NC	12/17/2015
Patterson, Edward R.	Dunn, NC	12/17/2015

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.

Name	City/Town	Date
Baird, John B.	Siler City, NC	12/14/2015
Bermudez-Labra, Guillermo	Concord, NC	12/16/2015
Bido, Angel A.	Charlotte, NC	12/9/2015
Callier, Jeffrey M.	Wilmington, NC	12/29/2015
Carlson, Kevin J.	Chesapeake, VA	1/6/2016
Cherry, Joe A.	North Carolina	12/10/2015
Cook, James W M	Greensboro, NC	1/13/2016
Fesperman, Jim	Highlands, NC	12/4/2015
Fowler, Thomas L.	Belmont, NC	12/16/2015
Jacobs, Justin L.	Shannon, NC	1/27/2016
Kakavitsas, Ange	Rockwell, NC	12/18/2015
Radmann, Martin C.	Cornelius, NC	12/8/2015
SanJuan, Alvaro	Nashville, TN	1/4/2016
Slifkin, Paul S.	Wilmington, NC	12/29/2015
Smith, Scott S.	Sparta, NC	1/12/2016
Steele, Oscar	Charlotte, NC	1/28/2016
Stewart III, Charles	Oxford, NC	8/31/2015
Valdez, Jorge A.	Charlotte, NC	12/9/2015

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

Auld, William B.
d/b/a Andrews Auld Heating & Cooling
Franklin, NC

License# 22363, H-2-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain permits prior to commencing work and failed to request final inspection within 10 days of substantial completion of the work for approximately seventy-nine (79) open and/or expired permits dating back to January 2013 with the Macon County Building Inspection Department. William Bruce Auld signed a Proposed Resolution Agreement 12/04/2015.

The license of William Bruce Auld, number 22363 H-2-3-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, by 02/04/2016, the licensee shall obtain a final inspection of all open and expired permits or submit evidence of his efforts to obtain final inspection for each job. The licensee shall submit a letter to each homeowner, certified mail return receipt, notifying the homeowner that the installation performed is required by state law to be inspected by the local inspection department and that failure to have the installation inspected could lead to the electrical or gas service being disconnected from the structure by the local code enforcement official. The letter should ask that the homeowner notify the licensee within 10 days of receipt of the letter to schedule a date for inspection. Within 15 days of sending the original letter, the licensee shall send a second letter, certified mail return receipt, to those homeowners who have failed to respond in the timeframe prescribed above, notifying the homeowner that the installation performed is required by law to be inspected by the local inspection department and that failure to have the installation inspected could lead to the electrical or gas service being discon-

nected from the structure. A copy of both letters shall also be sent to the appropriate local code enforcement official's office and to the Board's office. The licensee shall also enroll in, attend the Special Board Laws & Rules course. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Billingsley, Donnie J.

Air Pro
Highlands, NC

License# 27254, H-3-II

Allegations of misconduct in the business of heating contracting in that the licensee failed to perform a load calculation for the installation of two (2) Trane gas furnaces, (2) 2 ½ ton air conditioning units, a 2 ton Trane heat pump and all associated duct work in violation of NCGS §87-21, NCAC 50.0505 (f), failed to properly permit the mechanical installation in violation of GS 87-21 section .0402, and violated the State Mechanical Code; condensing units were not properly installed- not properly supported/level; direct vent (combustion) line appeared to be improperly graded for furnace; duct work was not properly sealed and/or insulated; duct work laying on ground- did not meet minimum clearance per code; failed to use primer on condensate lines; failed to properly label LP fuel piping inside furnace; failed to properly support air handler-utilized packing material and two boards to support air handler in attic; no manual "D" or "J" performed, and equipment appeared to be oversized for home.

Donnie Billingsley signed a Proposed Resolution Agreement 11/24/2015. The license of Donnie Billingsley, number 27254 H-3-II, 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, by 12/31/2015, the contractor shall return to the home located at 334 Fountainhead Drive, and perform a thorough Manual J load calculation. If the load calculation reveals that the equipment is improperly sized, then the contractor shall obtain a permit from the local inspection department, replace the undersized or oversized equipment with properly sized air handler(s) and condensing unit(s) and obtain a final inspection by 01/17/2016. The contractor shall submit evidence to the board by 01/24/2016 of the final inspection and shall submit a copy of his load calculation and duct design. The licensee shall also enroll in and attend the Special Board Laws & Rules course. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Bond, Jerry M.
d/b/a Rapid Repair Experts
Raleigh, NC

License# 29640 H-2&3-I

Allegations of misconduct and incompetence in the business of heating contracting in that, while the licensee licensed Alpine the Peak of Comfort and was employed for the firm from August 5, 2014 through November 6, 2014, the licensee failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to provide adequate supervision, and violated the minimum standard of the North Carolina State Mechanical Code.

Resolution Conference held 11/20/2015. The license of Jerry Bond, number 29640 H-2&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, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Bowers, Ted W.
Ted Bowers Plumbing
New London, NC
License# 10897, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee obtained a permit and allowed his license number to appear on a permit for a commercial plumbing installation to install plumbing supply, drain, waste and vent lines for which he did not hold an executed contract with the property owner or receive all contractual payments for the job in violation of 21 NCAC 50.0402 (b), split money received for the job with an plumbing class two contractor who was neither a W-2 employee or on his company payroll, and permitted the use of his license by another person in violation of NCGS §87-21, 21 NCAC 50.0403.

Ted Bowers signed a Proposed Resolution Agreement 12/17/2015.

The license of Ted Wilson Bowers, number 10897 P-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, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Brooks, Samuel E.
Coastal Home Services, Inc.
Morehead City, NC
License# 28539 H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee contracted and performed work outside current licensing qualifications at the following locations: Cinema at Atlantic Station, Atlantic Beach, NC, Bogue First Baptist Church, Atlantic Beach, and Amos Misquotes, Atlantic Beach.

Resolution Conference held 11/16/2015. The license of Samuel Brooks, number 28539 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 Special Board Laws & Rules course. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Edwards, Randy T.
Gentech Heating &
Air Conditioning, LLC
Princeton, NC
License# 23272 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 carry out adequate ductwork installation and system design, violated the minimum standard of the North Carolina State Mechanical Code, and allowed the use of license by not withholding taxes from unlicensed employees.

Resolution Conference held 11/20/2015. The license of Randy Edwards, number 23272 H-2&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, the licensee shall enroll in, attend and complete the series of Special Mechanical Code courses, and the Special Board Laws & Rules course. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Flood, James C.
Fayetteville, NC
License# 12321, H-3-I

Allegations of misconduct, incompetence, and violation of previous probation order in the business of heating contracting in that the licensee violated the prior probation order approved by the board on 06/19/2012, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, violated the minimum standard of the North Carolina State Mechanical Code, installation performed in a poor workman like manner/poor workmanship, failed to respond to consumer in a timely manner/

poor business practices, and failed to provide adequate supervision.

Resolution Conference held 11/17/2015.

Licensee failed to appear.

Review Committee recommended that the license of James C. Flood Jr., number 12321 H-3-I, and the license of the firm be suspended for a period of twenty-four (24) 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, the license of James C. Flood, Jr., number 12321 H-3-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. During the probation, the licensee shall 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 shall be revoked.

Results of conference hand delivered to James Flood on 01/28/2016.

Fowler, Gary M.
Belmont, NC
License# 06458, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to withhold taxes and paid an unlicensed individual using a 1099 Form in violation of the Board rule 21 NCAC 50.0512, failed to provide adequate supervision for work performed under his license by failing to review the water heater installation when the unit was originally installed in violation of GS 87-21, section NCAC50.0402, and the improperly installed water heater failed causing damage to the home.

Gary Fowler signed a Proposed Resolution Agreement 12/11/2015.

The license of Gary Fowler, number 6458 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, the licensee 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, enroll in, attend the Special Board Laws & Rules course, and the series of Special Plumbing Code and Design courses. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Goodwin, Marvin W.
Goodwin Heating and Air
Wadesboro, NC

License# 23889, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee violated the State Mechanical Code, failed to provide Manual "J", failed to provide Manual "D", failed to seal duct work with 1 hour protection from garage, carbon detectors are required outside all sleeping areas, failed to properly label amps on furnace and air handler, failed to provide a source of heat for back bedroom, duct work blocked attic access, failed to provide information showing air handler is approved for residence and not a mobile home, gas line was undersized for length and btu on furnace, gas line needed to be pressurized and inspected, condensation at the boot in the rear bedroom to the left, vehicular barrier required at garage, failed to properly seal gas line at exterior wall penetration, and failed to perform a duct design when he contracted and performed the mechanical installation in violation of NCGS §87-21, 21 NCAC 50.0404 and .0505.

Marvin Goodwin signed a Proposed Resolution Agreement 12/17/2015.

The license of Marvin Goodwin, number 23889 H-3-I and that of the firm shall be placed on supervised probation for a period of twelve months (12 months). Among other requirements during the probation, by 12/31/2015, the contractor return to 469 Pee Dee Avenue and correct any and all code violations that still exist, the licensee shall contact the building owner in advance, arrange a time to perform this work and shall receive a final inspection by 01/04/2016, work shall be performed at the expense of the contractor, by 12/31/2015, the contractor shall provide a duct design for the mechanical installation at 469 Pee Dee Avenue, Norwood, NC, the contractor shall submit evidence to the board by 01/11/2016 of the duct design, by 12/31/2015, shall obtain a final inspection of the (3) open and expired permits listed above, and the contractor shall submit evidence to the board by January 11th, 2016 of the final inspection and shall submit a copy of his load calculation. After complaint to the Board, the licensee failed to submit the required documents by 01/11/2016. The licensee shall enroll in, attend and complete the series of Special Mechanical Code courses, the Special Board Laws & Rules course. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Haws, Brian L.
Mechanical HVAC Services, Inc.
Wake Forest, NC

License# 29985 H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to request inspections within 10 days of substantial completion of work, and violated the minimum standard of the North Carolina State Mechanical Code.

Resolution Conference held 11/16/2015. The license of Brian Haws, number 29985 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of eighteen (18) months. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Hayes, Ashvill
S & W Preventive Maintenance
& Repair
Benson, NC

License# 19740 H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee subcontracted work from an unlicensed individual, allowed the use of license by unlicensed persons, failed to remove his license from a corporate name that was dissolved on or about August 20, 2012, and failed to notify the board of address and phone changes within 30 days.

Resolution Conference held 11/20/2015. The license of Ashvill Hays, number 19740 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of eighteen (18) months. Among other requirements during the probation, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Holland, Stanley
Holland's Plumbing Co.
New London, NC

License# 16055, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee

failed to obtain a permit prior to commencing work, failed to comply with the Board rules and regulations on bona-fide employees by failing to withhold taxes for an unlicensed individual in violation of of the Board rule 21 NCAC 50.0512, failed to place a sediment trap on the gas line, failed to install the drain line for the drain pan properly, failed to provide a means for thermal expansion, installed an improperly sized drain line serving the washer machine, failed to provide a vent for the washer machine and installed a "S" trap, failed to protect the CSST gas lines installed outside the home with a sleeve and the penetrations of the CSST tubing through the foundation were also not sleeved, and failed to mechanically fasten to the structure the outside frost proof hose bibs.

Stanley Holland signed a Proposed Resolution Agreement 01/21/2016.

The license of Stanley Holland, number 16055 P-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, the licensee shall enroll in, attend and complete the series of Special Plumbing Code and Design courses, and the Special Board Laws & Rules course. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Jeffcoat, Eric P.
High Country Fire Places, Inc.
Statesville, NC

License# 28765, FP

Allegations of misconduct in the business of fuel piping contracting in that the licensee presented an affidavit in support of the examination application of David Jackson in which he represented that Jackson was an employee. Jeffcoat failed to withhold taxes for Jackson and paid Jackson on a Form 1099-MISC Form for the years 2013 and 2014 without withholding taxes in violation of the Board rule 21 NCAC 50.0512 and NCGS §87-21.

Eric Jeffcoat signed a Proposed Resolution Agreement 02/01/2016.

The license of Eric Jeffcoat, number 28765, FP, 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, 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 employee W-4's and by the end of the probation submit a copy

of all employee W-2's. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Lathe, Warren S. IV
Monroe, NC

License# 19520, 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 for the installation of a new 250 gallon domestic hot water storage tank, and final inspection failed due to the following issues: inspection failed for the following issues: (1) T & P not installed properly and drain not installed, and, (2) inlet and outlet connections not approved, dissimilar metals (galvanized copper), and engaged in business under a different name or style of business than appears on his license by operating as Lathe Plumbing while his license was listed in his individual name.

Warren Lathe signed a Proposed Resolution Agreement 01/06/2016.

The license of Warren Lathe, number 19520 P-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, within thirty (30) days of approval of the agreement, licensee must ensure that the job at the Four Points Sheraton receives a final inspection, licensee shall enroll in, attend and complete the Special Board Laws & Rules course, and, within the next twenty (20) business days from 01/06/2016, assure that his license has been listed with the Board in the name that he is currently operating his business. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Lussier, Jeffrey W.
Reliable Mechanical Services
Indian Trail, NC

License# 29426, H-3-II

Allegations of misconduct in the business of heating contracting in that the licensee failed to call in the inspection for the heat pump installation which is a violation of NCGS§ 87-21 section 50.0402.

Jeffrey Lussier signed a Proposed Resolution Agreement 01/28/2016.

The license of Jeffrey Lussier, number

29426 H-3-II, and that of the firm shall be placed on unsupervised probation for a period of twelve months. By 04/11/2016, licensee must provide the board with documentation showing that the (26) open permits in Cabarrus County have been addressed, assure that all installations that have been performed under his license, that have not been permitted or inspected, shall receive an approved final inspections by 04/01/2016, and enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

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

License# 30015 H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee violated probation for the third time.

Resolution Conference held 11/18/2015.

The license of Derrick Martin, number 30015 H-3-I, and the license of the firm be suspended for a period of ninety days. Among other requirements during the suspension, licensee shall meet all of the requirements of the previous probation order prior to the reinstatement of the license including completion of the Special Mechanical Code courses and the Special Mechanical Design courses. Upon successful completion of the suspension, his license, number 30015 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, licensee shall enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Mays, Jeffrey
Dynamic Mechanical Service, LLC
Snow Camp, NC

License# 28667 H-3-I, H2

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

Resolution Conference held 11/16/2015.

The license of Jeffrey Ryan Mays, number 28667 H-3-I, H2 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 enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Mills, Steven A.
Steven A. Mills Plumbing
Youngsville, NC

License# 10232, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to obtain a permit prior to commencing the installation of a gas water heater, failed to request final inspection within 10 days of substantial completion of the work, operated his business out of multiple locations in violation of 21 NCAC 50.0405, violated the State Plumbing Code. Steven Mills signed a Proposed Resolution Agreement 12/08/2015.

The license of Steven Mills, number 10232 P-I, and that of the firm shall be placed on a supervised probation for a period of eighteen (18) months. Among other requirements during the probation, licensee shall only operate one office with his license, assure that a licensed contractor of the firm shall either be in the office or on the jobs a minimum of 1500 hours annually for all jobs contracted and installed. if the licensed contractor cannot meet the 1500 hour minimum requirement, then the licensed contractor shall be either in the office or on the jobs all hours work that requires a license is being performed, submit to the Board's office within the next sixty (60) days copies of all employees W-4's and by the end of the probation submit a copy of all employees W-2's, and enroll in, attend and complete the series of Special Fuel Gas Code and Design courses. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Mitchell, Hugh B.
Mitchell Mechanical, LLC
Jefferson, AL

License# 12002, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee subcontracted plumbing work that required

a license to unlicensed subcontractors, Castillo's Plumbing, CVP Plumbing Services, New Generation Plumbing, Triangle Servitek, LLC, and Tracy Drake, and licensee's firm made lump sum payments directly to the unlicensed firms and/or unlicensed individuals and issued 1099's for the unlicensed firms at the end of each year.

Hugh Mitchell signed a Proposed Resolution Agreement 01/05/2016.

The license of Hugh Mitchell, number 12002, and that of the firm shall be placed on a supervised probation for a period of eighteen (18) months. Among other requirements during the probation, licensee must enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

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 obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, licensee violated a prior probation order in that Mr. Pernell was to have all of the outstanding permits based on complaint file number 2014-616 to receive a final approved inspection by May 10, 2015, and licensee failed to secure permits for the thirteen (13) jobs where no permits were secured prior to commencing work and where three (3) additional permits were secured but the jobs were not inspected (based on complaint file number 2015-402). Resolution Conference held 11/20/2015. The license of G. Carlton, number 7401 H-1, 2&3-I, and the license of the firm is suspended for a period of six (6) months. Among other requirements during the suspension, the licensee the license will be restored at the end of the suspension, provided that the licensee ensures that all outstanding permits issued to Mr. Pernell and Pernell, Inc. shall receive a final approval inspection, submit evidence to the board of obtaining final inspections for all outstanding permits during the suspension, if all of the open and outstanding permits listed in complaint file number 2014-616 and 2015-402 have received a final inspection by the close of business on February 1, 2016 and evidence has been submitted to the board by the close of business on Feb-

ruary 2, 2016 documenting that the permits have received a final approved inspection, then the active suspension shall be reduced from six (6) months suspension to two (2) months suspension. Upon successful completion of the suspension, 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 twenty-four (24) months. In addition to other requirements during the probation, licensee must enroll in, attend and complete the series of Special Contractor Business Management courses. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Powell, Christopher S.

Four Seasons Heating and Cooling, Inc.

Beaufort, NC

License# 30550 H-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, and failed to obtain final inspections.

Resolution Conference held 11/17/2015.

The license of Christopher Powell, number 30550 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 enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Raines, Steve K.

d/b/a Cooks Mechanical Services Arden, NC

License# 33102, H-1, 2&3-I

Allegations of misconduct in the business of heating contracting in that the licensee engaged in business under a different name or style of business than appears on his license by allowing his license to be listed in his individual name while conducting business as Cooks Mechanical Services (CMS) between 10/21/2015 through 01/08/2016, in December 2015, CMS contracted to perform the installation of (2) mini-splits while his license was listed in his individual name in violation of NCGS §87-21, 21

NCAC 50.0407(a), failed to obtain permits for 3 mechanical installations prior to commencing work in violation of NCGS §87-21, 21 NCAC 50.0402, mechanical installations were performed by workers from the CMS office location in Tennessee, which is not listed in NC, failed to provide proper supervision for the mechanical installations, and failed to meet the minimum mechanical code in violation of NCGS §87-21, sections 21 NCAC 50.0402, .0406 and .0505.

Steve Raines signed a Proposed Resolution Agreement 01/05/2016.

The license of Steve Raines, number 33102, H-1-2-3-1, and that of the firm shall be placed on a supervised probation for a period of twelve months. Among other requirements during the probation, licensee shall personally call for all inspections and be on-site when an inspection is being performed, and by 01/25/2016, the contractor shall obtain a permit from the local code enforcement official, return to the structures listed above and correct any and all code violations that still exist, the contractor shall contact the building owner in advance, arrange a time to perform this work and shall receive a final inspection by 02/01/2016, this work shall be performed at the expense of the contractor; a copy of the final inspection needs to be forwarded to the board by 02/08/2016. After complaint to the board, the licensee received an approved final inspection on all 3 mechanical installations on 01/28/2016. Licensee must shall enroll in, attend and complete the series of Special Mechanical Code courses, the Special Board Laws & Rules course. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Ramadan, Asim

Ramadan Heating & Air Charlotte, NC

License# 25555, H-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 Keonte L. Hemingway in which he represented that Hemingway was an employee of Ramadan Heating & Air. Licensee paid Mr. Hemingway on a Form 1099-MISC Form without withholding taxes in violation of the Board rule 21 NCAC 50.0512 for the year of 2013, and part of the year for 2014.

Asim Ramadan signed a Proposed Resolution Agreement 12/08/2015.

The license of Asim Ramadan, number

2555 H-3-I 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, licensee shall enroll in, attend and complete the Special Board Laws & Rules course, submit to the Board's office within the next thirty (30) days copies of all employees W-4's and by the end of the probation submit a copy of all employees W-2's. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Rapp, Michael S.
Rapp's Heating & Air Conditioning
Rock Hill, SC

License# 23611, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain a permit prior to commencing work for the installation of a condensing unit and cooling coil, failed to perform a load calculation for the installation, violated the State Mechanical Code by failing to maintain 1" clearance from a combustible material due to the fact the PVC drainage fitting was too close to the furnace flue piping, and engaged in business under a different name or style of business than appears on his license by operating as GLM Development Group, LLC dba Rapp's Heating and Air Conditioning, while his license was listed in his individual name.

Michael Rapp signed a Proposed Resolution Agreement 01/06/2016.

The license of Michael Rapp, number 23611 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, within the next twenty (20) business days from 01/06/2016, assure that his license has been listed with the Board in the name that he currently operates his business. After complaint to the board, the licensee completed a trade name change to Rapp's Heating & Air Conditioning. Licensee must shall enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Smith, Bruce C.
Burke County Public Schools
Morganton, NC

License# 17577, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to notify the Board within 30 days and remove his license as the qualifier for Burke County Schools, although he retired from the school system in May 2015, in violation of NCGS §87-21, NCAC 50.0408 (c).

Bruce Smith signed a Proposed Resolution Agreement 11/18/2015.

The license of Bruce Smith, number 17577, H-3-I, and the license of the firm, be surrendered to the Board. The act of a voluntary surrender of the license will be considered as a licensing revocation.

Stewart, Scott R.
Advanced Plumbing Services LLC
Kannapolis, NC

License# 28747, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to comply with the Board rules and regulations on bona-fide employees by failing to withhold taxes and issued 1099's to individuals paid to perform licensing plumbing work for his firm, and engaged in business under a different name or style of business than appears on his license by having his license listed as a sole proprietorship while his current business was a limited liability corporation.

Scott Stewart signed a Proposed Resolution Agreement 01/07/2016.

The license of Scott Stewart, number 28747 P-I, 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, with twenty (20) business days from 01/07/2016, assure that his license has been listed with the Board in the name that he currently operates his business, 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. Licensee must shall enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Sy, Matthew R.
Comfort Systems of York County,
LLC
Rock Hill, SC
License# 31373, H-3-I

Allegations of misconduct in the business of plumbing contracting in that the licensee as the qualifier for Comfort Systems of York County, LLC, contracted and allowed to be performed water filtration system installations in the name of the firm without proper plumbing, class one license qualifications, and allowed a permit for water purification systems to be obtained with the license qualifications of Edward Patterson, license number 28854 P-I, although Patterson's license was not listed in the name of Comfort Systems of York County, LLC.

Matthew Sy signed a Proposed Resolution Agreement 01/07/2016.

The license of Matthew Sy, number 31373 H-3-I 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, perform no work outside licensing classification held until properly licensed to work in these other fields, licensee must shall enroll in, attend and complete the Special Board Laws & Rules course, If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Teneyck, Peter M.
Pinnacle Plumbing, LLC
Wilmington, NC
License# 31565, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee paid an individual to perform specific jobs tasks that required a plumbing license, who was not on the firm payroll, with a Form 1099-MISC Form without withholding taxes in violation of the Board rule 21 NCAC 50.0512.

Peter Teneyck signed a Proposed Resolution Agreement 12/10/2015.

The license of Peter Teneyck, number 31565 P-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, 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 employee W-4's and by the end of the probation submit a copy of all employee W-2's. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Vance, Gary L.

**Vance Comfort Zone & Refrigeration, LLC
Angier, NC**

License# 19156 H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain permit (s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to provide adequate supervision, and failed to carry out adequate ductwork installation and system design.

Resolution Conference held 11/19/2015.

The license of Gary Vance, number 19156 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 enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Whitaker, Jonathan

**J.W. Heating and Air, Inc
Greensboro, NC**

License# 18090, H-3-I

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

Jonathan Whittaker signed a Proposed Resolution Agreement 01/19/2016.

The license of Jonathan Whittaker, license, number 18090 H-3-I 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, assure that all installations that have been performed under his license, that have not been permitted or inspected, shall receive an approved final inspections within 90 DAYS (ninety days), and licensee shall enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Wilkins, Otis

**Otis Wilkins Plumbing
Lumberton, NC**

License# 16182, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to comply with the Board rules and regulations on bona-fide employees by paying an unlicensed individual on a Form 1099-MISC Form without withholding taxes in violation of the Board rule 21 NCAC 50.0512.

Otis Wilkins signed a Proposed Resolution Agreement 01/28/2016.

The license of Otis Wilkins, number 16182 P-1, and that of the firm shall be placed on an unsupervised probation for a period of twelve (12) months. Among other require-

ments during the probation, 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 employee W-4's and by the end of the probation submit a copy of all employee W-2's. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Winslow, Jonathan

Service Experts Heating & Air Conditioning, LLC

Charlotte, NC

License# 31323, H-3-I

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

Jonathan Winslow signed a Proposed Resolution Agreement 01/05/2016.

The license of Jonathan Winslow, number 31323 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 shall enroll in, attend and complete the Special Board Laws & Rules course. If the licensee violates any conditions of the probation, his individual license 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 must comply with all of the probation provisions.

Important Reminders

In order to properly manage the 14,000 active licensees of the Board, there are two very important rules which licensees must follow with regards to the way that their license is listed with the Board.

Licensees are required to provide the Board with a current mailing and physical address within thirty (30) days of any change. This helps to ensure that licensees will receive important mailings such as annual renewal notices and any special mailings that the Board may send. A Change of Address form is on the last page of this newsletter. There is no processing fee, and the form may be mailed, e-mailed or faxed to the Board's office.

All licensees are also required to list their license with the Board in the way that you are conducting business, whether it be in the licensee's individual name or as the qualifier for a sole proprietorship, partnership, corporation, LLC, D/B/A, or governmental agency. A licensee may only list his/her license in one name, and must conduct all licensed activities (bidding, quoting, contracting, performing work, pulling permits, requesting inspections, receiving payment, etc.) in that name. Engaging in any activities which require a license in any name other than that which is officially registered with the Board may place the licensee in the same situation as someone who is working without a license. The Board may impose disciplinary actions which may require the licensee to attend disciplinary education, and the license may be placed on probation, suspension or even permanently revoked. In order to change the way that the license is listed with the Board, the licensee must complete and submit a Trade Name Change form to the Board's office. Documentation is required for corporations and LLCs, the form must be notarized, and there is a \$25.00 processing fee.

Both forms may be found on the Forms page of our website: <http://nclicensing.org/forms.asp>

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.

Arce, Robert Jr.

Fort Mill, SC

Allegations of heating without a valid license. Judgment of permanent injunction filed 12/15/15 enjoining defendant from heating contracting until licensed to do so.

Babbitt, Jason

Wilcox Bros. Irrigation Co.

Charlotte, NC

Allegations of plumbing contracting without a valid license. Judgment for permanent injunction filed on 1/18/16 enjoining defendant from plumbing contracting until licensed to do so.

Bales, Robert A.

d/b/a Bales Heating & Air

Lenoir, NC

Allegations of heating contracting without a valid license. Judgment for permanent injunction filed 12/31/15 enjoining defendant from heating contracting until licensed to do so.

Barbour, Christopher

d/b/a NC Mechanical

Wallace, NC

Allegations of heating contracting without a valid license. Judgment for permanent injunction filed 12/31/15 enjoining defendant from heating contracting until licensed to do so.

Buchanan, Jeffrey

d/b/a Buchanan Irrigation

Indian Trail, NC

Allegations of plumbing contracting without a license. Judgment of permanent injunction filed 1/20/16 enjoining defendant from plumbing contracting until licensed to do so.

Caldwell, James E.

d/b/a Carolina Chiller Service, LLC

Lexington, NC

Allegations of heating contracting without a license. Judgment for permanent injunction filed 12/16/15 enjoining defendant from heating contracting until licensed to do so.

Carreon, Alejandro Lopez

Archdale, NC

Allegations of heating contracting with a valid license. Judgment for permanent injunction filed 1/28/16 enjoining defendant from heating contracting until licensed to do so.

Cheney, Texas Neil

d/b/a Speedy Plumbing Services

Leland, NC

Allegations of plumbing contracting without a valid license. Judgment for permanent injunction filed 12/11/15 enjoining defendant from plumbing contracting until licensed to do so.

Cook, Larry

Andy's Service

Glen, NC

Allegations of heating contracting without a license. Judgment for permanent injunction filed 12/29/15 enjoining defendant from heating contracting until licensed to do so.

Hemrick, Jerry

d/b/a Hemric HVAC and Refrigeration

Winston-Salem, NC

Allegations of heating contracting in violation of 3/21/14 judgment of permanent injunction. Following hearing, Defendant found in contempt of Court by Order of contempt filed 1/5/16 and sentenced to 30 days suspended jail sentence.

Horner, Tommy F.

Elon, NC

Allegations of heating contracting without a license. Judgment of permanent injunction filed 1/29/16.

Kaylor, Grant

d/b/a Comfort Granted

Hickory, NC

Allegations of Heating contracting without a valid license. Judgment of permanent injunction filed 1/15/16 enjoining defendant from heating contracting without a license to do so.

Kreutzer, Kevin S.

Matthews, NC

Allegations of HVAC contracting without a valid license. Judgment of permanent injunction filed 12/16/15 enjoining defendant from heating contracting until licensed to do so.

Massey, Steven K.

Charlotte, NC

Allegations of heating contracting without a valid license. Judgment of permanent injunction filed 12/21/15 enjoining defendant from heating contracting until licensed to do so.

Robinson, Willie E.

d/b/a LVR Plumbing

Clayton, NC

Allegations of plumbing contracting without a valid license. Judgment of permanent injunction filed 12/9/15.

Smith, Sidney

As an Authorized Representative of

LIC Properties, LLC

d/b/a Carolina Fresh Water

Greensboro, NC

Allegations of heating contracting without a valid license. Judgment of permanent injunction filed 1/12/16 as against LIC Properties LLC, d/b/a Carolina Fresh Water enjoining defendants from plumbing contracting until licensed to do so.

Speas, Troy

Harrisburg, NC

Allegations of misconduct and selling license. Order issued 11/18/15 permanently revoking Respondent's license as H-1-I and H-2-I but allowing respondent to retain his license as a H-3-I contractor.

Steurer, Michael D.

As an Authorized Representative of

Performance Air Conditioning

& Heating, LLC

Mooreville, NC

Allegations of heating contracting without a license. Judgment of permanent injunction filed 12/18/15.

Tobin, Bart Lee

Angier, NC

Repeated Probation Violations. Board issued Order 9/18/15 denying reactivation of license and revoking license. Furthermore, Respondent may not apply for reinstatement prior to 9/1/2020 and must complete the Special Contractor Business Management and Special Board Laws & Rules Course and be re-examined pursuant to G.S. 87-22.

Toomey, Gerald

d/b/a Toomey's Home Improvement

Clover, SC

Allegations of plumbing contracting without a license. Judgment of permanent injunction filed 1/29/16 enjoining defendant from plumbing contracting until licensed to do so.

Wease, Toney
d/b/a Unlimited Resources
Forest City, NC

Allegations of engaging in or offering to engage in plumbing contracting without a valid license. Complaint for Injunctive Relief filed 8/17/15. Defendant Served. Proposed Consent Order not returned by Defendant. Answer filed pro se. Discovery served 12/1/15. Judgment of permanent

injunction filed 12/31/15.

Wheeler, Samuel
S&W Preventative Maintenance
Raleigh, NC

Allegations of engaging in or offering to engage in heating contracting without a valid license. Judgment of permanent injunction filed 12/11/15.

Winslett, Brian E.
d/b/a Affordable Furnace Services
Asheville, NC

Allegations of heating contracting without a valid license. Judgment of permanent injunction filed 12/8/15 enjoining defendants from heating contracting until licensed to do so.

