

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

November 2016

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

1109 Dresser Court
Raleigh, NC 27609

Phone: 919-875-3612

Important Sales and Use Tax Requirement Updates

The North Carolina Department of Revenue has issued a number of important documents regarding sales and use taxes resulting from laws enacted by the 2016 General Assembly.

The documents include information regarding Real Property Contracts, Repair, Maintenance, Installation Services and Service Contracts.

The information contained in these documents is far beyond the scope of a newsletter article. Contractors are urged to carefully review all of these documents, as all three may affect the way in which you or your firm collects and remits sales taxes.

The information may be accessed by visiting the Department of Revenue website at www.dornc.com. There are several articles currently under the HEADLINES section on the left side of the page which contain links to these important documents that will affect the way that virtually every licensee of the Board handles sales tax collection and submittal.

If you have any questions regarding these requirements, you should contact a qualified accountant or tax attorney. The Board cannot provide information or advice to licensees or firms regarding sales and use taxes, nor can our staff respond to any tax-related questions. Questions regarding Sales and Use Tax should be directed to the North Carolina Department of Revenue at 1-877-252-3052.

Only 1 Month Remaining Before All Licenses Expire

All licenses issued by the Board expire on December 31st!!!

As of November 30th the Board's records indicated that there were still 5,800 of our 14,000 licensees (approximately 41%) who have not yet renewed their license for 2017.

If not renewed by December 31st, the license will be expired on January 1st. This means that the licensee cannot legally engage in any work which requires a license. Local inspection departments will check to see if the license is valid before issuing permits, and if the license is expired the permit will not be issued.

Licenses that expired in 2016 may be renewed through January 31, 2017 without a late renewal processing fee. On February 1, 2017, the late renewal fee of \$25.00 will be added to the renewal fee.

Licenses that expired in 2013 may be renewed before December 31, 2016, by paying all back fees. On January 1, 2017, licenses that expired in 2013 will be placed in 'Retired' status and cannot be renewed. In order to reinstate a retired license, the individual must reapply to the Board and pass the business and technical examinations.

Current year licenses may be renewed using our online portal. Paper renewal forms may be downloaded from our website and mailed to or brought by our office for processing.

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Proposed Rule Changes - Notice of Public Hearing

On July 22, 2016, the House Bill 742 was signed into law, which amended North Carolina General Statute 87-21. This change requires the State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors to begin issuing a number of new licenses created by the amendment. The new licenses will be known as the State and Local Government Technician license, and will be issued for plumbing as well as for heating groups 1, 2 and 3. The effective date is October 1, 2016; however, before licenses can be issued the Board must establish new rules to address the new licenses.

The Board has submitted the proposed rules to the State as required by law, and will be conducting a public hearing on the proposed rules in order to receive public comment. The text of the amendment, as well as the proposed rules, were published in the September 2016 edition of the Board's newsletter, and can also be found on the Board's website at www.nclicensing.org.

Public Hearing - Proposed Rule Changes
8:30 a.m. - December 13, 2016
Main Board Room
1109 Dresser Court
Raleigh, NC 27609

Written comments regarding the proposed rules may be submitted to:
Dale Dawson, Executive Director
State Board of Examiners of Plumbing,
Heating & Fire Sprinkler Contractors
109 Dresser Court
Raleigh, NC 27609

Unintended Consequences of Recent Legislation

Editors Note: The following article was written by the Board's legal counsel to address issues arising from recent legislative actions.

This article supplements the posting on the Board website concerning the current inability of the Board to issue new licenses in some categories because of legislative changes in July 2016. These categories include plumbing or heating technicians, residential fire sprinkler contractors, fire sprinkler inspection contractors, fire sprinkler inspection technicians and fire sprinkler maintenance technicians. This article will provide the background, explain the harm to the public and industry, outline how the Board is minimizing damage in the short term, and detail the steps being taken to address the situation.

The Board has not forgotten that all these licenses were created at the request of the business community and to address industry needs, public safety and convenience. The Board is also aware that the fire sprinkler contractors and technicians have received the most harm from the unfortunate occurrence, and need the most guidance as to the best means to conduct business between now and when the legislature returns to correct its prior action.

The Board's staff and counsel have already met with the Plumbing, Heating and Cooling Contractors Association (PHCC), the propane gas industry and the North Carolina Fire Sprinkler Association (AFSA), because all are impacted to some degree by the unfortunate repeal of a key statutory provision by the 2016 General Assembly on the last day of the session.

Background

On July 1, 2016, the General Assembly ratified HB 742, a bill originally intended to address licensure issues of professional engineers. In the hurried last 48 hours of the session, provisions were added related to employment of technicians by school systems and to allow moonlighting by a licensee employed by the schools. Unfortunately, while inserting the school technician language, the General Assembly deleted language providing the Board its authority to create restricted classifications, technicians or specialty licenses. This inadvertent repeal took effect October 1, 2016. The elimination of that statutory authorization to the Board undermines the ability of the Board to grant new licenses to plumbing or heating technicians, residential fire sprinkler contractors, fire sprinkler inspection contractors, fire sprinkler inspection technicians and fire sprinkler maintenance technicians. This situation has already been set forth on the Board website, but an update and greater detail is provided here.

Harm to contractors, business and the public

The unintended consequence of this unexpected repeal is to make things more difficult and more burdensome to business and the contractor community rather than otherwise. Without a mechanism to license fire sprinkler inspection contractors and technicians, some industrial facilities, nursing homes and others would have to wait for a licensed fire sprinkler (installation) contractor to find time to restore every system taken down for repair, testing or otherwise. Surprise inspections are standard procedure in some of these industries. Restoring fire sprinkler systems is critical to the safety of persons in facilities and requires license from the Board; in fact, the Board created the fire sprinkler maintenance technician license and the fire sprinkler inspection contractor license for the very reason that surprise inspections are part of the standard process by state regulators, and yet the State cannot allow systems in nursing homes to be out of operation for days until restoration can be scheduled. It is also the reality that there is huge risk from restoration efforts by unproven but well-meaning people. These risks include loss of life, personal injury, destruction of property and significant litigation expense. A fire sprinkler system put back in service improperly is worse than no system, because the perception of safety is created, but the system won't work if there is a fire. Likewise, the Board created plumbing and heating technician licenses to offer a supervision alternative for contractors facing difficulty supervising multiple projects while the work is in progress.

Actions being taken by the Board

The Board has formulated a plan to address licensure problems between the effective date of the recent change, October 1, 2016, and the anticipated corrective action by the General Assembly in the February-March 2017 timeframe.

The Board and its staff are aware that there are business firms which have no license other than one of the affected licenses and would be put out of business if appropriate interim action is not taken by the Board immediately, and if prompt corrective action is not taken by the General Assembly in early 2017.

The interim steps being taken by the Board are as follows:

- All contractor and technician licenses issued prior to October 1, 2016 will continue to be renewed unless and until a permanent solution is put in place by the Legislature.
- No new examinations for the affected classifications will be administered.
- No new licenses in the affected classifications will be issued.

The Board holds the view that the foregoing steps accomplishes the least harm to the public and licensee community. The Board is not taking money from applicants when it will not be able to give them a license, and the Board is not giving examinations to people when it cannot issue them a license. On the other hand, the Board will continue to renew licenses during this interim period so as not to put contractors out of business or create significant harm to healthcare facilities, industrial plants and retail operations which depend upon nonstop readiness of fire sprinkler systems, many as a condition of keeping the doors open.

New applications for technician license. The Board will modify its usual procedure and will accept applications for technician license in the fire sprinkler inspection technician, fire sprinkler maintenance technician and plumbing, heating and fuel piping technician categories. No money will be accepted; however, the applications will be processed to the point of readiness for issuance once the legislative correction bill passes.

If a technician applicant makes application based upon NICET Level 2 certification, the Board will process the application up to the point of verification of eligibility, but not accept money or issue the license at present.

Licenses for plumbing, heating or fire sprinkler installation contractors are not affected by this recent legislation.

The Board understands that it will be particularly important for contractor firms to retain personnel and minimize turnover in licensed technician personnel as well as licensed contractor personnel at this time. Some firms may find it necessary to shift personnel to cover all facilities. Holders of license may have to do more fieldwork than in the recent past. While the Board is understanding of the problem, compliance with the law remains a necessity and safety a priority. The Board's staff is available to answer questions, but has no authority to rewrite the law or waive requirements.

Longterm correction measures

The General Assembly will need to readopt the language inadvertently repealed back in July 2016. The legislature will return to Raleigh on January 11, 2017. The Board, along with the Plumbing, Heating and Cooling Contractors Association, the Propane Gas Association and the N.C. Chapter of American Fire Sprinkler Association, intend to bring this matter to the attention to the General Assembly, the collective goal being adoption of a correction bill. It is anticipated that corrective legislation will be introduced within a matter of days after the General Assembly convenes. It is reasonable to expect that 60-90 days will be required to accomplish final legislative action. We know of no opposition.

What you can do

Your help will be needed to make sure these corrections are carried out by the 2017 General Assembly. The days of leaving industry issues for somebody else to handle are over. You should be in touch with your industry association to find out the best means for you to help. None of us created this problem but support from all of us may be necessary to assure prompt effective correction. We don't need collateral damage while this problem is addressed; therefore close communication and coordination is required, to be sure any corrective legislation is effective and does not create further unintended consequences. As we go forward, rest assured updates will be posted on the Board website as changes occur.

North Carolina State Agencies

NC Department of Insurance	919-647-0000 800-634-7854	NC Department of Labor	919-807-2796
• William "Bill" Moeller (Plumbing & Gas Interpretations)	919-647-0007	NC Department of Revenue	919-252-3052
• Dan Dittman (Mechanical & Energy Interpretations)	919-647-0012	NC Electrical Licensing Board	919-733-9042
• Dan Austin (Fire Code Interpretations)	919-647-0011	NC General Contractor Licensing Board	919-571-4183
• Monna Gillespie (Building Code Bookstore)	919-647-0001	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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Administrative Officer (Field Staff) Directory

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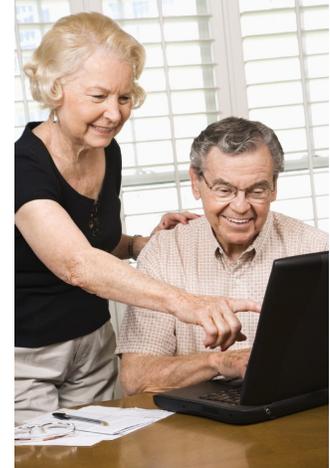
Western Region
828-234-2719 or dboulay@nclicensing.org

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 - 2017 without Sub-licensees
 2. Renewal form - 2017 with Sublicensees
 3. Renewal form -2017 and Previous Year(s) without Sub-Licensees
 4. Renewal form - 2017 and Previous Year(s) with Sub-Licensees
 5. Reinstatement For—2017 Sub-licensees returning to Contractor status
-
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. Fire Sprinkler Installation Contractor Examination Application
4. Book Reference List for All Applicants
5. Request for Exam Review (for applicants who have failed a recent exam)

Military & Military Spouse Applicant Forms

1. Active Duty or Veteran: Plumbing, Heating, Fuel Piping and Fire Sprinkler Installation Contractor
2. Military Spouse: Plumbing, Heating, Fuel Piping and Fire Sprinkler Installation Contractor

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>
Adams, Michael R.	Murphy, NC	6/28/2016	McKinney, James R.	Chapel Hill, NC	8/8/2016
Alexander, Frank H.	Holly Springs, NC	8/30/2016	Parker, Michael J.	Swannanoa, NC	8/11/2016
Bartlett Jr., Charles R.	Weaverville, NC	7/29/2016	Paul, Shawn W.	Newton, NC	7/13/2016
Godwin, Jeromy G.	Clayton, NC	6/30/2016	Piscopo, Anthony	Raleigh, NC	7/21/2016
Hughes, James R.	Creedmoor, NC	8/30/2016	Polovitch, Michael C.	Pantego, NC	8/19/2016
Johnson, Jimmy A.	Durham, NC	6/22/2016	Rodgers, Taylor W.	Stanley, NC	7/21/2016
Joyner, Anthony R.	Stokesdale, NC	6/20/2016	Travis, Carl R.	Cornelius, NC	7/20/2016
Lucas, Joseph	Charlotte, NC	8/2/2016	Violette, Kevin S.	Davidson, NC	8/16/2016
Marmol, Jose O.	Cornelius, NC	9/12/2016	Wyatt, Timothy G.	Millers Creek, NC	6/24/2016

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>
Antunez, Jose	Winston Salem, NC	8/29/2016	Huynh, Hien N	Southport, NC	10/6/2016
Clark, Charles	Rockingham, NC	10/4/2016	Johnson Jr., Von F.	Mooreville, NC	9/20/2016
Davis Jr., Edward R.	Gastonia, NC	9/29/2016	Luis, Jose	Selma, NC	10/6/2016
Ferland, Richard	Garner, NC	10/4/2016	Strickland, William D.	Graham, NC	9/21/2016
Hooper, Keith	Glenville, NC	9/30/2016	Worley, Albert	Fairmont, NC	10/5/2016
Hutchins, Jeff	Clayton, NC	8/16/2016			

Resolution Agreements

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.

Britt, Ervin
Raleigh Air, Inc.
Clayton, NC

License# 32563, H-3-II

Allegations of misconduct in the business of heating contracting in that the licensee paid an unlicensed individual, Daniel Morgan, to perform various mechanical jobs requiring a license and paid him by used of a company check and 1099 form in violation of the Board rule 21 NCAC 50.0512, engaged in business under a different name or style of business than appears on his license in violation of 21 NCAC 50 .0407(a).

Ervin Britt signed a Proposed Resolution Agreement on 09/29/2016.

The license of Ervin Britt, number 32563 H-3-II, 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 employee W-4's and by the end of the probation submit a copy of all employee 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 listed above.

Eastridge, William K.
Eastridge Heating & A/C, Inc.
Indian Trail, NC

License# 08868, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to perform a Manual J load calculation for the replacement of two (2) heat pumps, failed to obtain mechanical and electrical permits prior to commencing work, and failed to request final inspections within 10 days of substantial completion of the work.

William Eastridge signed a Proposed Resolution Agreement on 08/02/2016.

William Eastridge submitted a voluntary request to surrender his license on 09/02/2016.

Board approved Proposed Resolution Agreement for a 12-month probation on 09/06/2016.

Certified mail sent to Eastridge acknowledging acceptance of license surrender with 30-day right to appeal.

Freeman, Matthew St. John
Freeman's Plumbing
Clover, SC

License# 18417, P-I

Allegations of misconduct in the business of

plumbing contracting in that on or about the year 2014, the licensee failed to obtain permits and final inspections for the removal and relocation of an electric water heater and the installation of the (2) tank less water heaters, and violated the State Plumbing Code.

Matthew Freeman signed a Proposed Resolution Agreement on 09/29/2016.

The license of Matthew Freeman, number 18417 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 enroll in, attend and complete the series of Special Plumbing Code and Design courses and the Special Board Laws & Rules course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

Guthrie, Jimmy B., Jr.
J. B.'s Heating & Cooling
Arden, NC

License# 16034 H-1,2&3-I

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

Resolution Conference held 08/10/2016.

The license of Jimmy Guthrie, number 16034 H-1, 2&3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other requirements during the probation, the licensee shall enroll in, attend and complete the series of Special Mechanical Code course and the Special Board Laws & Rules course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

Hardy, Roger D.
Salisbury, NC
License# 28647, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee, as the former licensed qualifier

for Bay Mechanical, Inc., contracted and performed the installation of a York gas furnace, a dual fuel heat pump system and a (3) zone duct system; thereafter, the homeowner experienced temperature variances throughout the home, system was not properly balanced, which led to the firm reinstalling the duct system and a third zone for the main level of the home at no cost to the homeowner.

Roger Hardy signed a Proposed Resolution Agreement on 10/05/2016.

Review Committee recommended to accept that the license of Roger Hardy, number 28647, H-3-I, and the license of the firm, be surrendered to the Board.

Harpe, David C.
Trinity Climate Control, LLC
Raleigh, NC

License# 23860, H-3-I

Allegations of misconduct in the business of heating in that the licensee failed to obtain a permit prior to commencing work, and violated the State Mechanical Code.

David Harpe signed a Proposed Resolution Agreement on 09/28/2016.

The license of David Harpe, number 23860 H-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 shall enroll in, attend and complete the Special Board Laws & Rules course. Upon successful completion of the suspension, his license, number 23860 H-3-I and that of the firm shall be placed on supervised probation for a period of twelve (12) months. In the event of violation of any of the conditions of probation, license of the individual will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

Harrison, William T.
AAA Plumbing & Home Repair
Horse Shoe, NC

License# 21605 P-I

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee failed to obtain permit(s) prior to commencing work, violated the minimum standard of the North Carolina State Plumbing Code, installation performed in a poor workman like manner / poor workmanship, failed to hold a detailed written and signed contract with the homeowner, failed to respond to consumer in a timely manner/poor business practices, and removed items purchased by the homeowner from the home without permission from the homeowner.

Resolution Conference held 08/11/2016. The license of William T. Harrison, number 21605 P-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 submit to the Board's office within five (5) days of approval of this order copies of all employees W-4's and by the end of the probation submit a copy of all employees W-2's, on jobs other than new construction, shall accept no more than 25% payment on a contract prior to commencing any work and shall not accept any further payments until a final inspection has been approved by the Local Code Enforcement Official, and enroll in, attend and complete the series of Special Plumbing Code and Design course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of nine (9) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

**Holliday, Johnnie
Lincolnton, NC
License# 22401, FP, H-2-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee contracted to install a 3 ton heat pump and a (2) zone duct system in a house and failed to ensure proper system operation. Johnnie Holliday signed Proposed Resolution Agreement on 07/21/2016. The license of Johnnie Holliday, number 22401 FP, H-2-3-I, and the license of the firm, shall be surrendered to the Board. The act of surrendering the license to the Board will be considered as a licensing revocation.

**Lacey, John W.
Consolidated Properties Management
& Development, LLC
Asheville, NC
License# 23385, P-II**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to ensure proper system operation. John Lacey signed Proposed Resolution Agreement on 08/31/2016. The license of John Lacey, license, number 23385 P-II, shall be surrendered to the Board. The act of surrendering the license to the Board will be considered as a licensing revocation.

**Lipe, David J.
Blossman Gas of North Carolina, Inc.
Asheville, NC
License# 21849 FP**

Allegations of misconduct and incompetence in the business of fuel piping in that the licensee failed to provide supervision and subcontracted work to an unlicensed individual. Resolution Conference held 08/10/2016.

The license of David Lipe, number 21849 FP, 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. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

**Long, John B., III
Barney's Plumbing, Inc.
Clayton, NC
License# 10801, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee paid an unlicensed individual, Charles Shytle, to perform various plumbing jobs requiring a license and paid him by used of a company check and 1099 form in violation of the Board rule 21 NCAC 50.0512. John Long signed a Proposed Resolution Agreement on 09/28/2016.

The license of John Long, number 10801 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 employee W-4's and by the end of the probation submit a copy of all employee W-2's. In the event of violation of any of the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

**Mazzilli, Mark
Mill Spring, NC
License# 29130, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee contracted and performed included the installation of a 10 ton and an 8 ½ ton unit which was outside the limitations of his license requirements, and failed to properly permit the mechanical installation which in a violation of NCGS §87-21, section .0402. Mark Mazzilli signed a Proposed Resolution

Agreement on 09/29/2016. The license of Mark Mazzilli, number 29130 H-3-I, and that of the firm shall be placed on an unsupervised probation for a period of 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, his license and the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

**Samson, Stephen D.
Premier Indoor Comfort Systems, LLC
Bryson City, NC
License# 25026 H-2&3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee violated probation, failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to provide adequate supervision, operated for approximately one year and six months under a LLC, which was administratively dissolved by the North Carolina Secretary of State, job contracted under a contract for a Georgia office that does not hold a North Carolina license, violated the minimum standard of the North Carolina State Mechanical Code, and failed to perform proper load calculation(s) in that the license did not perform the load calculation and a North Carolina Licensed P.E. did not perform the load calculation.

Resolution Conference held 08/11/2016. The license of Stephen Samson, number 25026 H-2&3-I, and the license of the firm is suspended for a period of thirty (30) days. Upon successful completion of the suspension, his license, number 25026 H-2&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 nine (9) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

**Smith, Antonio L.
T. Smith Plumbing Contractors, Inc.
Gastonia, NC
License# 29966, P-I**

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

new plumbing supply, drain, waste and vent lines in a home and violated the State Plumbing Code in violation of violation of NCGS§ 87-21 section .0505, and at another job location failed to obtain a permit in violation of NCGS§ 87-21 section .0402.

Antonio Smith signed a Proposed Resolution Agreement on 09/29/2016.

The license of Antonio Smith, number 29966 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 the series of Special Plumbing Code and Design courses. In the event of violation of any of the conditions of probation, his license and the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

Stroup, Eddie

**Stroup Heating & A/C
Shelby, NC**

License# 17238, 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, violated the minimum standard of the North Carolina State Mechanical Code, and failed to perform proper load calculation(s). Eddie Stroup signed a Proposed Resolution

Agreement on 05/19/2016.

The license of Eddie Stroup, number 17238 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, the licensee shall enroll in, attend and complete the series of Special Mechanical Code courses, and the Laws & Rules class. By 05/29/2016, the contractor shall return to the home located at 816 Hill Side Street, perform a thorough Manual J load calculation. If

the load calculation reveals that the equipment is improperly sized, and then the contractor shall obtain a permit from the local inspection department, replace the under-

sized or oversized equipment with properly sized air handler(s) and condensing unit(s) and obtain a final inspection by 06/05/2016.

The contractor shall submit evidence to the board by 06/12/2016 of the final inspection and shall submit a copy of his load calculation. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

Thigpen, Robert C.

**R. C. Thigpen Inc.
Clinton, NC**

License# 08318, 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, and failed to perform a load calculation in violation of 21 NCAC 50.0505.

Robert Thigpen signed a Proposed Resolution Agreement on 10/05/2016.

The license of Robert Clayton Thigpen, number 8318 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of 6 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, his license and the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

Weber, Jonathan L.

**Weber Heating & Air
Hendersonville, NC**

License# 20675, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to perform a load calculation for the installation of a new 70,000 btu gas furnace and a 2 ton Air Ease air conditioning unit, failed to obtain a permit prior to commencing work, failed to obtain final inspections within ten (10) days of substantial completion of the work, violated the State Mechanical Code, and failed to properly vent

the gas furnace which allowed gas from the garage to enter the system.

Jonathan Weber signed a Proposed Resolution Agreement on 09/09/2016.

The license of Jonathan Weber, number 20675 H-3-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 enroll in, attend and complete the Special Board Laws & Rules course, and the series of Special Mechanical Code courses. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three 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.

Williams, Toby T.

**Williams Plumbing Company, LLC
Mt. Pleasant, SC**

License# 29857, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee subcontracted plumbing work for a new hotel in Asheville, NC to an unlicensed firm (Estrada Plumbing) and an unlicensed individual (Jose Francisco Estrada-Riano).

Resolution Conference held 08/10/2016.

The license of Toby T. Williams, number 29857, P-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (months-four) months. Among other requirements during the probation, the licensee shall submit to the Board's office within five (5) days of approval of this order copies of all employees W-4's as of July 1, 2016 and by the end of the probation submit a copy of all employees W-2's for all workers who performed work in North Carolina, subcontract work that requires a license only to properly licensed subcontractors, and enroll in, attend and complete the Special Board Laws & Rules course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

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.

**Alfarone, Richard
Sanford, NC**

Allegations of plumbing contracting without a license. Judgment of permanent injunction filed 8/18/16 enjoining respondent from engaging in plumbing contracting until licensed to do so.

**Anderson, Ricky Omer
Fletcher, NC**

Allegations of heating contracting without a license. Judgment of Permanent Injunction filed 9/27/16 enjoining respondent from engaging in heating contracting until licensed to do so.

**Anderson, Timothy W.
Fletcher, NC**

Allegations of heating contracting without a license. Judgment of Permanent Injunction filed 9/27/16 enjoining respondent from engaging in heating contracting until licensed to do so.

**Cantu, Timothy
CTS**

Farmville, NC
Allegations of plumbing contracting without a license. Judgment of permanent injunction filed 4/26/16 enjoining defendant from engaging in plumbing contracting until licensed to do so.

**Carruth, Michael "Casey"
d/b/a Carruth Plumbing
Landrum, SC**

Allegation of Plumbing contracting without a license. Judgment of permanent injunction filed 8/26/16 enjoining respondent from engaging in plumbing contracting until licensed to do so.

**Coley, Jeff
Richfield, NC**

Allegations of heating contracting in violation of permanent injunction in violation of 8/22/1994 injunction. Defendant found in civil contempt after 8/15/16 hearing and Defendant instructed to refrain from further violations.

**Elias, Lewis Weimar, III
aka Clemmons Service Company, Inc.
Winston-Salem, NC**

Allegations of heating contracting without a license. Complaint for injunctive relief filed 7/9/16. Judgment of permanent injunction filed 8/27/16 enjoining respondent from engaging in heating contracting until licensed to do so.

**Gauthier, Brian Dale
High Point, NC**

Allegations of heating contracting without a license. Judgment of permanent injunction filed 8/26/16 enjoining respondent from engaging in heating contracting until licensed to do so.

**Goodman, Jeramy
d/b/a Homepro's Heating & Cooling**

Allegations of failure to carry out adequate load calculation, failure to discuss and clarify equipment location, ductwork and equipment at time of contract; failure to maintain adequate licensee control of significant contractor decisions, failed to design and install systems which would function to design standards, failure to provide adequate supervision. Consent Order signed and approved by Board on 6/16/16. Respondents placed on supervised probation to last 12 months, or until a series of special mechanical courses, the Special Mechanical Design course and the Board, Laws & Rules course are successfully completed.

**Joerg, Joseph
d/b/a Ram Aire
Mechanical Service, Inc.**

Ramseur, NC
Allegations of fuel piping contracting without a valid license. Judgment of permanent injunction filed 7/15/16 enjoining respondent from engaging in contracting until licensed to do so.

**Jones, Daniel
Leicester, NC**

Allegations of plumbing contracting without a valid license. Judgment of permanent injunction filed 9/27/16 enjoining respondent from engaging in plumbing contracting until licensed to do so.

**Malone, A.J.
d/b/a Water Works Plumbing & Root-
er, Inc.**

**aka Plumbing Pros
Kerndon, VA**
Allegations of plumbing contracting without a license. Judgment of permanent injunction filed 9/20/16 enjoining respondent from engaging in plumbing contracting until licensed.

**Moore, Donald
Durham, NC**

Allegations of plumbing and heating contracting without a license. Complaint for injunctive relief filed 8/5/16. Judgment of permanent injunction filed 9/20/16 enjoining respondent from engaging in plumbing and heating contracting until licensed to do so.

**Perez, Alphonso
Pineville, NC**

Allegation of plumbing contracting without a license. Judgment of permanent injunction filed 8/30/16 enjoining respondent from engaging in plumbing contracting until licensed to do so.

**Rea, Tom
d/b/a Benjamin Franklin Plumbing
Charlotte, NC**

Allegations of failure to obtain permit prior to commencing work, failure to request inspection, contracted for work that was not installed, contracted to replace water service line that did not need to be replaced. Consent Order for supervised probation for 18 months approved by the Board.

**Sessoms, Timothy
Kenly, NC**

Failure to obtain permit, code violations and improper installation of a gas furnace. The Board Ordered Respondent's license be suspended for 6 months followed by 3 years of supervised probation. Courses are to be completed during the period of suspension. In the event of violation of suspension or probation, the license will be revoked.

**Turpin, Ricky J.
Randleman, NC**

Allegations of plumbing contracting without a license. Judgment of permanent injunction filed 8/18/16 enjoining respondent from engaging in plumbing contracting until licensed to do so.

**Walker, Joseph Thomas
d/b/a Walker Plumbing
Wilmington, NC**

Allegations of plumbing contracting without a license. Judgment of permanent injunction filed 9/27/16 enjoining respondent from engaging in plumbing contracting until licensed to do so.

**Waters, Mickey Boyinton
Raleigh, NC**

Allegations of plumbing contracting without a license. Judgment of permanent injunction filed 8/26/16 enjoining respondent from engaging in plumbing contracting until licensed to do so.

**Wrightson, Ean
d/b/a Pro Solutions Services
Statesville, NC
Mooresville, NC**

Allegations of heating contracting without a license. Judgment of permanent injunction filed 6/20/16 enjoining respondent from engaging in plumbing contracting until licensed to do so.

