



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

May 2018

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

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HVAC Design Control and the Responsibility of the Licensee

Recently the Board held a formal hearing to address over 35 complaints made against a single contractor regarding HVAC systems installed by the licensee's firm.

Most of the complaints originated in homes that were built by the same tract builder and located in the same sub-division. It appears that the fact pattern was that the tract builder had several standard floor-plans, each which provided a small HVAC equipment room on the second floor near the top of the stairs. All of the plenum, supply and return ductwork was expected to be installed in the space between the two floors of the house, in space equal to the depth of the floor joists.

During the hearing, another licensed contractor testified that his firm had reviewed the house plans, including the space provided for HVAC and the equipment room. After the review, his firm declined to perform the installations due to their belief that the space provided was inadequate and customer complaints were quite likely. This contractor also stated that he was not surprised when his firm began to receive calls regarding the homes in question, requesting them to assist the purchasers of the homes with redesign and/or reinstallation of the HVAC systems.

Nearly all of the owners who had purchased the homes complained of inadequate performance, significant temperature variations, and failure to meet the four-degree difference rule of the Board. The licensed contractor who was the subject of the hearing contended that the load calculations showed that the equipment selected was of adequate size to heat and cool the square footage of the structures.

The reality was that this equipment may have been barely adequate, but only with a nearly perfect duct system. In the cases discussed, the ductwork was deficient in both design and installation.

The Board held the heating contractor responsible to provide adequate ductwork and equipment to meet the four degree design standard of the Board. There was substantial evidence that the ductwork in the equipment room, the cramped space beneath the equipment room, and between and among the truss flooring system could never meet the design standards of the Board, and could not be modified to do so without tearing out virtually all of the ceilings and perhaps boxing in the plenums in a way not contemplated by the tract builders plan.

As a result of the numerous complaints against the licensee's firm, which had been in business for two generations, they went out of business before the Board hearing was held. Nevertheless, the licensee was still subject to discipline by the Board.

The question for licensed HVAC contractors is this: Who is better off today?

Is it the contractor who declined the project based on his knowledge of the design requirements, or the contractor who allowed the system design to be dictated by someone else?

Licensees are reminded that it is the responsibility of the licensee to use his or her knowledge to design a system that will function as intended and meet the performance standards set forth by the Board.

Why would anyone take a job when complaints and problems down the road are a virtual certainty, putting their license in jeopardy along with the future of the firm and the livelihood of the employees?

The Board's rules clearly address the licensee's responsibility with regards to the design and installation of HVAC systems, as well as the supervision of the work. Important excerpts of the rules are on the next page.

Table of Contents

HVAC Design & the Licensee's Responsibility.....1	Letter of Caution Report.....5
Board Rules—HVAC Design.....2	Consent Order Report.....5
Important Numbers.....3	Resolution Review Committee Report.....6
Website Information.....4	Attorney's Report.....9

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Relevant portions of Board Rule NCAC 50.0505 are as follows:

- (a) The general supervision required by G.S. 87-26 is that degree of supervision which is necessary and sufficient to ensure that the contract is performed in a workmanlike manner and with the requisite skill and that the installation is made properly, safely and in accordance with applicable codes and rules. General supervision requires that review of the work done pursuant to the license be performed by a licensee of the firm while the work is in progress. If a Plumbing, Heating or Fuel Piping Contractor licensed by this Board employs a properly licensed Plumbing, Heating or Fuel Piping Technician, whose Technician license is listed under the name of that licensed contractor, then the licensed technician may review and supervise work in lieu of the licensed contrac-

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

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David Boulay

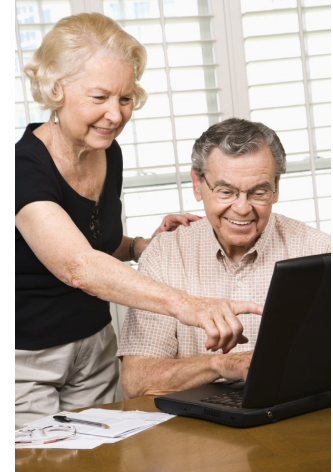
Western Region
828-234-2719 or dboulay@nclicensing.org

To view a regional map and listing of counties, please visit our website at www.nclicensing.org and click on the "Administrative Officers" button, or simply [click here](#).

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 - 2018 without Sub-licensees
2. Renewal Form - 2018 with Sublicensees
3. Renewal Form - 2018 and Previous Year(s) without Sub-Licensees
4. Reinstatement Form - 2018 Sub-licensees returning to Contractor status

New Applicant Forms

1. Plumbing, Heating, and Fuel Piping Contractor Examination Application
2. Restricted Limited Plumbing Contractor Examination Application
3. Fire Sprinkler Installation & Inspection Contractor Examination Application
4. Residential Fire Sprinkler Installation Contractor
5. Plumbing, Heating & Fuel Piping Technician
6. State & Local Government Technician Examination Application
7. State & Local Government Technician Application (without examination)
8. Fire Sprinkler Inspection Technician Examination Application
9. Fire Sprinkler Inspection Technician Application (without examination)
10. Fire Sprinkler Maintenance Technician
11. Book Reference List for All Applicants
12. Request for Exam Review (for examinees 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 four reports that follow:

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

Letter of Caution Report

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

<u>Name</u>	<u>City/Town</u>	<u>Date</u>	<u>Name</u>	<u>City/Town</u>	<u>Date</u>
Baker, Edgar	Macclesfield, NC	1/10/2018	Moore, Brent A.	Supply, NC	12/20/2017
Belk Jr, Donald	Waxhaw, NC	1/9/2018	Petrey, Winston S.	Boone, NC	12/7/2017
Bond, Larry	St. Pauls, NC	12/18/2017	Sims, Glenn A.	Hamlet, NC	11/20/2017
Caudle, Scott L.	Southport, NC	12/20/2017	Starling, Timothy A.	Selma, NC	11/27/2017
Chrismon, Steven B.	Browns Summit, NC	11/30/2017	Thornton, Thomas J.	Fuquay Varina, NC	1/10/2018
Kendrick Jr., Roger L.	Randleman, NC	1/16/2018	Turnage, Larry W.	Ocean Isle Beach, NC	12/18/2017
Miller, David B.	Franklin, NC	2/2/2018			

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>
Beddington II, Robert	Advance, NC	3/16/2018	Jones, Earl C.	Hendersonville, NC	3/8/2018
Bentley, Kevin T.	Taylorsville, NC	1/4/2018	Kesel, Sergey	Raleigh, NC	4/12/2018
Brinn, Kevin D.	Mebane, NC	3/21/2018	Koonce, Corey L.	Kinston, NC	2/15/2018
Child, Prince B.	Rocky Mount, NC	4/18/2018	Koonce, Corrie A.	Kinston, NC	2/14/2018
Connor, George R.	Charlotte, NC	2/20/2018	Oneal IV, Durward B.	Canton, NC	2/24/2018
Frizzell, Wesley D.	Canton, NC	2/24/2018	Pace, John M.	Hendersonville, NC	3/8/2018
Garren, Brian S.	Dana, NC	3/8/2018	Razon, Kristin	Lillington, NC	4/10/2018
Heath, David M.	Hendersonville, NC	3/8/2018	Razon, Luis R.	Lillington, NC	4/10/2018
Hollins, Rodney J.	Raeford, NC	3/1/2018	Schwarz, William J.	Fuquay Varina, NC	4/18/2018
Honorate, Joel	Charlotte, NC	2/20/2018	TeCarr, Rob E.	Raleigh, NC	3/8/2018

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.

Arrington, Richard C.
Arrington Technologies Inc.
Madison, NC
License# 20226 H-3-II

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to provide adequate supervision, violated the minimum standard of the North Carolina State Mechanical Code, failed to obtain a permit prior to commencing work, and failed to comply with the Board rules and regulations on bona-fide employees by failing to withhold taxes and issued 1099's to an unlicensed individual.

Richard Arrington signed Proposed Resolution Agreement 01/31/2018.

The license of Richard Arrington, license, number 20226 H-3-II, 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 enroll in, attend and complete the series of Special Mechanical Code 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 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.

Baker, Terry D.
TD Baker Plumbing Inc.
Timberlake, NC
License# 17082 P-I

Allegations of misconduct in the business of plumbing contracting in that licensee presented an Affidavit in support of the examination application of Kyle Baker in which he represented that Baker was an employee, paid taxes at the end of the year using the 1099 form in violation of the Board rule 21 NCAC 50.0512.

Terry Baker signed Proposed Resolution Agreement 02/08/2018.

The license of Terry David Baker, number 17082 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, licensee shall enroll in, attend and complete the Special Board Laws & Rules 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 employees W-2's. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of THREE (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

Bonetti, James M.
Total Comfort Services, Inc.
Wilmington, NC
License# 28871 H-3-II

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain a permit prior to commencing licensed work, and failed to perform a load calculation.

James Bonetti signed Proposed Resolution Agreement on 01/24/2018.

The license of James Bonetti, number 28871 H-3-II, 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, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course; within 14 days from signing this agreement the licensee shall obtain a final inspection of this project. After complaint to the Board, the licensee completed the job and obtained an approved final inspection. 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.

Edwards, Ricky Lynn
Edwards Heating & Air
Jacksonville, NC
License# 22377 H-2&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.

Ricky Edwards signed Proposed Resolution Agreement on 02/12/2018.

The license of Ricky Edwards, number 22377 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. 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.

Foran, Edward
Bluestream Mechanical LLC
Weddington, NC
License# 29146 P-I

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee allowed the use of his license by unlicensed persons, violated the minimum standard of the North Carolina State Plumbing Code, and failed to provide supervision.

Resolution Conference held 02/27/2018

The license of Edward James Foran, number 29146 P-I, and the license of the firm will be suspended for a period of ninety (90) days. Among other requirements during the suspension, licensee shall enroll in, attend and complete the Special Board Laws & Rules course. Upon successful completion of the suspension, his license, number 29146 P-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.

Hedges, Edgar L.

America First Heating & Cooling, LLC

Monroe, NC

License# 21380 H-3-II

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, failed to obtain final inspections, failed to provide supervision, failed to size equipment properly, violated the minimum standard of the North Carolina State Mechanical Code, failed to notify the Board of a change in address within 30 days as required by rule, and violated probation.

Resolution Conference held 02/27/2018

The license of Edgar Hedges, number 21380 H-3-II, and that of the firm shall be placed on unsupervised probation for a period of eighteen (18) months. Among other requirements during the probation, within ninety (90) days of approval of this order the licensee shall assure that all outstanding permits have received a final inspection, and 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 six (6) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

Jenkins, Ronnie Dean

Jacksonville Heating Contractors, Inc

Jacksonville, NC

License# 20107 H-2&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.

Ronnie Jenkins signed Proposed Resolution Agreement on 02/12/2018.

The license of Ronnie Jenkins, number 20107 H-2&3-I, and that of the firm shall be placed on a supervised probation for a period of twelve (12) months. Among other requirements during the probation, assure that all installations that have been performed under

his license in 2017 and 2018, that have not been permitted or inspected, shall receive an approved final inspections within 180 days, 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 six (6) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

Lohr, Joseph

Air Masters

Kernersville, NC

License# 31342 H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to withhold taxes and paid an unlicensed individual, Jose Escobar, using a 1099 Form in violation of the Board rule 21 NCAC 50.0512.

Joseph Lohr signed Proposed Resolution Agreement on 02/20/2018.

The license of Joseph Lohr, number 31342 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, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course, and submit to the Board's office within the next thirty (30) days copies of all employees W-4's and by the end of the probation submit a copy of all employees W-2's. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

McAndrew, Michael P.

Andy Lewis Heating & Air Conditioning LLC

Charlotte, NC

License# 29036 H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to carry out adequate ductwork installation and system design, failed to provide proper supervision, violated the minimum standard of the North Carolina State Mechanical Code, and installation performed in a poor workman like manner / poor workmanship,

Michael McAndrew signed Proposed Resolution Agreement on 02/27/2018.

The license of Michael McAndrew, number 29036 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, by 04/13/2018 submit to the board a full copy of the manual J8 load calculation & duct design as well as evidence of obtaining a final inspection for all work performed on this job (6124 Montpelier Rd.), shall enroll in, attend and complete the series of Special Mechanical Code 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 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.

Meacham, Gregory Lee

Humphrey Heating and Air Conditioning, Inc.

Jacksonville, NC

License# 14211 H-2&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.

Gregory Lee Meacham signed Proposed Resolution Agreement on 02/12/2018.

The license of Gregory Meacham, number 14211 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, assure that all installations that have been performed under his license in 2017 and 2018, that have not been permitted or inspected, shall receive an approved final inspections within 180 days, 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 six (6) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

Rapp, Michael S.

Rock Hill, NC

License# 23611 H-3-I

Allegations of misconduct and working without a plumbing license in that the licensee installed tankless water heaters and water lines.

Michael Rapp signed Proposed Resolution Agreement on 02/27/2018.

The license of Michael Rapp, number 23622,

H-3-I, and that of the firm shall be placed on a supervised probation for a period of twelve months. Among other requirements during the probation, by 01/09/2018, licensee shall 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 submitted a trade name change requesting listing his license in his individual name. The licensee shall enroll in, attend and complete the series of Special Fuel Gas 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 six (6) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

Romero, Carlos

Hialeah, FL

License# 20286 H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee violated the probation approved on 09/12/2017 Carlos Romero signed Proposed Resolution Agreement on 02/20/2018.

Carlos Romero who holds license, number 20286 Heating Group 3, Class I, voluntarily agreed to surrender his license to the Board. The act of surrendering his license will be considered as a licensing revocation. If Romero requests to re-establish his license, he will have to reappear before the Board's Resolution Review Committee or a formal hearing before the Board to seek reinstatement of his license and reinstatement of his disciplinary actions and possible reexamine per General Statutes Chapter 87, Article 2 (if the license has been expired for 3 or more years).

Stroup, Eddie D.

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 violated his probation, failed to obtain permit prior to commencing work, failed to obtain final inspection within 10 days of completion, failed to provide any supervision, even after the installation was completed, failed to provide load calculation upon request, failed to assure installation was performed per the minimum standard of the North Carolina Code, failed to obtain permit prior to commencing work, failed to obtain final inspection within 10 days of com-

pletion, failed to provide any supervision, even after the installation was completed, failed to provide load calculation upon request, failed to assure installation was performed per the minimum standard of the North Carolina Code, and violated the manufacturer installation instructions.

Resolution Conference held 02/26/2018

The license of Eddie Stroup, license, number 17238 H-3-I and the license of the firm will be suspended for a period of three (3) months. Among other requirements during the suspension, Within 30 days of the activation of the suspension the licensee shall submit evidence that he has completed the board disciplinary Mechanical Code course, session C. If the licensee has not completed session C the licensee shall attend and complete session C before the suspension will be closed as successfully completed. 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 suspension, license of the individual and of the firm shall be revoked. Upon successful completion of the suspension, his license, number 17238 H-3-I and that of the firm shall be placed on supervised probation for a period of thirty-six (36) months. If allowed by the homeowner and if the equipment installed is still in service at this home, by 04/13/2018, return to the home located at 1211 Ridgemount Ave., correct all existing code violations, perform an additional load calculation and assure that the equipment installed is properly sized and installed. If the load calculation reveals that the equipment is under or oversized the licensee shall replace the equipment with the properly sized equipment. All of the above work shall be performed at the expense of the licensee. By 04/23/2018 the licensee shall submit to the board of evidence of an approved final inspection and a copy of the load calculation. The licensee shall enroll in, attend and complete the series of Special Contractor Business Management courses. In the event of violation of any of the conditions of probation, license of the individual and of the firm shall be revoked.

Thomson, James M.

Morganton, NC

License# 30478 H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain final inspections, failed to assure that the total scope of work was listed on the permit, failed to provide supervision, failed to perform proper load calculation(s) and duct design, violated the minimum standard of the North Carolina

State Mechanical Code, installation performed in a poor workman like manner / poor workmanship, and failed to respond to consumer in a timely manner/poor business practices.

Resolution Conference held 03/01/2018.

The license of James Thomson, number 30478 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, by 04/01/2018, the licensee shall return to the homes located at 420 Club Circle and 485 Highway 16 North, perform a thorough room by room Manual J load calculation, a thorough Manual D duct design and a Manual S equipment sizing calculation. If the calculations reveal that the equipment and / or ductwork is improperly sized, the contractor shall assure a permit has been obtained before commencing work from the local inspection department, replace the improperly sized equipment and / or ductwork with properly sized equipment and / or ductwork, assure that the installation meets the NC Code and obtain a final inspection by 04/05/2018. The contractor shall submit evidence to the board by 04/13/2018 of the final inspection and shall submit a copy of all of the calculations. This work shall be performed at no expense to the homeowners. The licensee shall enroll in, attend and complete the series of Special Mechanical Code 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 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.

Tucker, Steven D.

Tucker Plumbing Service

Charlotte, NC

License# 15843 P-I

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee failed to provide adequate supervision, violated the minimum standard of the North Carolina State Plumbing Code, allowed the use of license by unlicensed persons by issuing 1099's/cash to unlicensed persons without withholding taxes, installation performed in a poor workman like manner / poor workmanship, and failed to respond to consumer in a timely manner/poor business practices.

Resolution Conference held 02/27/2018.

The license of Steven Tucker, number 15843

P-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 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 six (6) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

Wilson, Robert Allen
Carolina Beach, NC
License# 28287 P-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 obtain a final inspection within ten (10) days of substantial completion of the work.

Robert Allen Wilson signed Proposed Resolution Agreement on 01/26/2018.

The license of Robert Wilson, number 28287 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. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

Attorney's Report

The Attorney's Report contains information pertaining to cases that have been adjudicated in a formal proceeding of the Board or in the courts of North Carolina. Disciplinary ac-

tions 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.

Absher, Michael S.
Charlotte, NC

Allegations of failure to obtain permits and inspection as well as system operation issues. Formal Hearing was 12/14/15 resulting in a permanent revocation Order on 1/6/16. Mr. Absher filed an appeal. Record before the Board filed in Wake County Superior Court on 3/24/16. Argument before Superior Court 1/22/18. Revocation Order of the Board affirmed by the Court. Revocation has been in effect since February 2016. Since the filing of the appeal Mr. Absher engaged in heating contracting without a valid license after revocation in violation of prior Judgment of Permanent Injunction. Order of Contempt entered by the Court on 2/15/18 sentencing Defendant to 30 days in the Gaston County Jail to be served on weekends.

Alger, Toby S.
Wilmington, NC

Allegations of heating contracting without a license. Judgment of Permanent Injunction filed 3/13/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Cordova-Puentes, Jose
Willow Springs, NC

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 2/16/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Cubbage, Louis
Statesville, NC

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 3/23/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Doggett, Christopher
Bostic, NC

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 3/14/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Dura, Lenny J.
Waxhaw, NC

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 2/23/18 enjoining respondent from engaging in business as plumbing or heating contractor until properly licensed to do so.

Garrison, Paul B.
Lexington, NC

Allegations of heating contracting without a valid license. Judgment of Permanent Injunction filed 3/14/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Gomes, Kevin A.
High Point, NC

Probation violation. Formal hearing held 9/12/17. Order issued on 9/26/17 and served on 9/27/17, finding Respondent failed to comply with prior Board Order despite repeated reminders and nearly seven years.

The Board suspended license for 12 months beginning after renewal of license, and after compliance with other requirements of the prior Order. Respondent was reminded that reexamination is required if license remains inactive more than three years.

Hamorsky, Richard
Charlotte, NC

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 2/26/18 enjoining respondent from engaging in business as plumbing or heating contractor until properly licensed to do so.

Hutchins, John Edwards
Raleigh, NC

Finding of failure to obtain permit, poor workmanship and misuse of license; Formal Hearing on 1/9/18. Order for 12 months of supervised probation issued on 1/16/18.

Hyatt, Kevin
d/b/a K&C Heating & Cooling
Asheville, NC

Allegations of heating contracting without a valid license in violation of 6/30/14 Judgment of Permanent Injunction. Order of Contempt and Order of Arrest filed 2/19/18. Defendant sentenced to 60 days in Wake County Jail.

Jackson, Jimmie
Fayetteville, GA

Allegations of contracting without a valid license. Judgment of Permanent Injunction filed 3/14/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

**Marshburn, Mitchell Ray
Wilmington, NC**

Failed to begin or perform a job as contracted even though partial payment was made prior to work starting. Respondent requested additional payments without having completed the project. He further damaged the property by damaging phone lines and flooding Respondent's home. Respondent's license was suspended due to violation of probation. He failed to appear before the Review Committee, has not been forthcoming with Board staff and has failed to renew his license. Consent Order approved by Board on 2/12/18 suspending license through 1/1/2020, and subject to restitution.

**Mills, Charles
Edgemoor, SC**

Allegations of heating contracting without a valid license. Judgment of Permanent Injunction filed 2/12/18 enjoining respondent from engaging in business as plumbing or heating contractor until properly licensed to do so.

**Mills, David L.
Nags Head, NC**

Finding of probation violation in failing to complete coursework timely as directed. Formal Hearing held January 9, 2018. Order issued 1/16/18 imposed unsupervised probation for 12 months. Any violation will result in 90 day suspension.

**Nicely, Christopher
Asheville, NC**

Allegations of heating contracting without a license in contempt of prior order of the Court. Defendant found in Contempt of Court by Order entered 3/28/18 and sentenced to 6 days active jail time and 24 days of suspended jail time.

**Oviedo, Junior L.
Fayetteville, NC**

Allegations of heating contracting without a valid license. Judgment of Permanent Injunction filed 2/12/18 enjoining respondent from engaging in business as plumbing or heating contractor until properly licensed to do so.

**Pavlic, Johnathan
N.C. Fireplace Company, Inc.
Sanford, NC**

Allegations of fuel piping contracting without a license. Permanent Injunction by Summary Judgment entered by Court 3/5/18.

**Phung, John Q.
Charlotte, NC**

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 2/26/18 enjoining respondent from engaging in business as plumbing or heating contractor until properly licensed to do so.

**Potts, Corey Ray
Raleigh, NC**

Allegations of installation of pipes for fire sprinkler at improper grade, numerous leaks and use of foreign substance similar to Crisco in system to conceal issues. Board Order issued 9/7/17 suspending individual and corporate license. No provision for completion of work in process. Motion for reconsideration or modification denied. Court Order entered 9/21/17 denying motion for stay, temporary Restraining Order and Preliminary Injunction in 17 CVS 11235. --- Second Formal Hearing on 12/11/17. Order found contracting during suspension and revoked Firm and licensee's license to engage in business as a fire sprinkler contractor. Order served on 1/3/18. Revocation in effect.

**Sawchak, David
Cornelius, NC**

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 2/26/18 enjoining respondent from engaging in business as plumbing or heating contractor until properly licensed to do so.

**Thomas, Jeff
Apex, NC**

Allegations of heating contracting without a valid license. Judgment of Permanent Injunction filed 2/5/18 enjoining respondent from engaging in business as plumbing or heating contractor until properly licensed to do so.

**Thorne, Christopher
Apex, NC**

35 cases of poor design and installation including undersized ductwork systems resulting in part failures and inadequate heating and cooling as well as installation of ductwork between floors such that repair or replacement required removal of flooring. These homes were new construction for a large tract builder. Order issued by the Board on 3/5/18. License of Christopher Claude Thorne and Stewart's Heating & Air Conditioning suspended for 24 months to be followed by 12 months of supervised probation.

**Torres, Ivan
Charlotte, NC**

Allegations of heating contracting without a valid license. Judgment of Permanent Injunction filed 3/21/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

