



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

September 2018

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Heating Contractor
Raleigh, NC

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

1109 Dresser Court
Raleigh, NC 27609

Phone: 919-875-3612

Annual License Renewals

All licenses issued by the Board will expire on December 31, 2018. Licenses not renewed by that date will not be valid on January 1, 2019, and the licensee can not legally engage in any contracting activities, including bidding, quoting, contracting, obtaining permits or performing any work which requires a license. Practically every local permitting office across the state checks the status of the license before issuing a permit, and will deny the permit if the license is not current. They also have the authority to issue stop work orders on any job in progress if the license is not renewed.

Annual license renewals are set to begin on Monday, October 15, 2018. The Board has recently updated the licensing software, so the online renewal site will look a bit different than in years past, and the online renewal process will also be a bit different.

As in the past, paper renewal notices will be mailed to all currently active licensees, as well as licensees whose license expired in 2015, 2016 and 2017. The notices contain your username and password, in the event that you wish to renew online. Renewal notices are mailed to the address of record. Licensees are responsible for updating any change of address with the Board within 30 days of such change.

If you do not receive a renewal notice by October 31st and wish to renew by mailing a paper form to the office, please visit the Forms page of our website and download the appropriate form.

If you wish to renew online and did not receive a form with your username and password, please contact the Board's office for assistance.

Well Certification Exemption Requirements

Prior to 2009, licensed plumbing contractors who engaged in any activities involving a well needed a Class D Certification from the North Carolina Well Commission. However, in 2009, the General Assembly passed a bill which allowed licensed plumbing contractors to perform certain activities involving wells without the certification; however, in order to exercise this exemption, the plumbing contractor must have completed a Well Seal, Installation, Protection and Sanitation Class within the two years prior to the work being done.

The Education tab of the Board's website contains links to education providers who periodically offer the course.

PHCCNC is currently offering this two classes in October, with plans for a future class in the Raleigh area at a later date.

- Tuesday, October 23, 2018 - Fletcher, NC

- Tuesday, October 30, 2018 - Charlotte, NC

Additional information can be found at <http://www.phccnc.com/education/>

Table of Contents

| | | | |
|--|---|---|----|
| Annual Renewals | 1 | Website Information..... | 4 |
| Well Certification Exemption Requirements..... | 1 | Letter of Caution Report..... | 5 |
| Exam Reference Material Changes..... | 2 | Consent Order Report..... | 5 |
| Exam Procedure Changes..... | 2 | Resolution Review Committee Report..... | 5 |
| Exam Coordinator..... | 2 | Attorney's Report..... | 12 |
| Important Numbers..... | 3 | | |

Changes to Exam Reference Materials

On January 1, 2019, the 2018 Edition of the North Carolina State Building Codes will become effective. This includes the Administrative Code and Policies, Energy Conservation Code, Mechanical Code, Fuel Gas Code, Plumbing Code and Residential Code.

The technical portions of the plumbing, heating, and fuel gas piping examinations have been updated to reflect any changes in the new codes. Examinees will need to bring the new code books to the testing center if testing on or after January 1, 2019. Those who may have taken and failed a technical exam prior to January 1st using the 2012 codes will be taking the updated exam based on the new codes.

The Fire Sprinkler Inspection Technician and Residential Fire Sprinkler Installation Contractor exams have also been updated to reflect changes in the NFPA Standards used as references.

Please visit the Exam Information page of the Board's website to view or download the updated Book Reference List.. Applicants should also read the important requirements regarding the materials that are required and allowed when testing. Individuals who arrive at the testing center with prohibited materials will not be allowed to take the exams and may face disciplinary action by the Board.

If you have any questions regarding reference materials, please contact the Board office for assistance. Please see page 2 of this newsletter

Changes to Exam Procedures Coming in 2019

For many years, examinees were required to wait up to two weeks after testing to receive their official results by mail. In mid-2018, the Board changed this policy and examinees began receiving their test results immediately upon completing the exam at the PSI testing center.

The Board has also changed the long-standing policy of requiring applicants to test at one of the seven PSI testing centers located in North Carolina. Applicants may now test at any PSI testing center in the nation. Those wishing to do so must include a note indicating this when submitting their application.

The biggest changes to examination policy will become effective on January 1, 2019. On that date, examinees will be required to bring all reference materials to the test site for their scheduled exam(s). This includes all code books, reference manuals, ductilators, etc. Please see the Exam Information page of our website for important requirements regarding exam reference materials. Applicants who appear at the testing center with prohibited materials will not be allowed to test and may face disciplinary action by the Board.

Emily Rabon Assumes Exam Coordinator Duties

Earlier this year, Karen Jolliffe retired after ten years of dedicated service to the Board, and specifically to the thousands of applicants that she assisted with the application and examination process. During her tenure, over four-thousand applicants earned licensure by the Board.

Emily Rabon, who joined the Board staff as a Receptionist / Office Assistant in October, 2016, has now assumed the duties of Exam Coordinator. As the first point of contact for callers and visitors to the Board's office, Emily became very familiar with the experience requirements and documentation, the application and examination process, and many other things related to licensure. As the Exam Coordinator, she will receive and process all examination applications and maintain communication with applicants, as well as coordinating and conducting exams and exam reviews.

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

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

Dale Dawson

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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

Emily Rabon

Exam Coordinator
Extension 230 or erabon@nclicensing.org

Kerry Waldroup

Complaint Coordinator
Extension 211 or complaint@nclicensing.org

Marielle Warren

Receptionist/Office Assistant
Extension 213 or mwarren@nclicensing.org

Administrative Officer (Field Staff) Directory

Fax for all Administrative Officers: 919-875-3616

Jonathan Yerkes

South Central Region
919-975-5305 or jyerkes@nclicensing.org

Kevin Thibodeaux

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

Tom Johnston

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

Scott Bilsky

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

David Boulay

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

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

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

Online license renewal is available for licensees who wish to use it and 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 *(Note: Items 4-7 available through 12/31/2018)*

1. Renewal Form - 2019 without Sub-licensees
2. Renewal Form - 2019 with Sublicensees
3. Renewal Form—2019 and Previous Year(s) without Sub-Licensees
4. Renewal Form - 2018 without Sub-licensees
5. Renewal Form - 2018 with Sublicensees
6. Renewal Form - 2018 and Previous Year(s) without Sub-Licensees
7. Reinstatement Form - 2018 Sub-licensees returning to Contractor status

New Applicant Forms

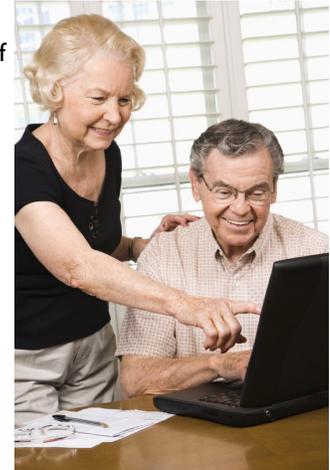
1. Plumbing, Heating, and Fuel Piping Contractor Examination Application
2. Restricted Limited Plumbing Contractor Examination Application
3. Fire Sprinkler Installation & Inspection Contractor Examination Application
4. Residential Fire Sprinkler Installation Contractor
5. Plumbing, Heating & Fuel Piping 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)
13. Re-examination Application
14. License Activation (for examinees who have passed required 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> |
|----------------------|------------------|-------------|---------------------|------------------|-------------|
| Bass III, Raymond A. | Fayetteville, NC | 5/17/2018 | Sanders III, Talton | Charlotte, NC | 5/31/2018 |
| Jones, James M. | Apex, NC | 5/23/2018 | Smith, Michael J. | Concord, NC | 5/3/2018 |

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> |
|-----------------------|--------------------|-------------|------------------------|------------------|-------------|
| Ayala, Luis A. | Winter Springs, FL | 6/27/2018 | Lester, Levi R. | Raeford, NC | 8/2/2018 |
| Baker, Christopher B. | Apex, NC | 7/19/2018 | McKellar, Robert L. | St. Pauls, NC | 7/25/2018 |
| Bridges, Mason G. | Wake Forest, NC | 6/27/2018 | Newton, Paul E. | Wilmington, NC | 8/3/2018 |
| Castano, Yesid | Winter Springs, FL | 6/27/2018 | Santay, Mario | Tarboro, NC | 6/29/2018 |
| Clay, Wanda L. | Graham, NC | 7/16/2018 | Saunders, Joshua | Kitty Hawk, NC | 8/2/2018 |
| Dixon, Devin T. | Carthage, NC | 8/2/2018 | Smith Sr., Jonathan R. | Ahoskie, NC | 8/16/2018 |
| Everett, Jason | Camden, NC | 8/17/2018 | Temple, Steven W. | Godwin, NC | 7/31/2018 |
| Garner, John F. | Raleigh, NC | 7/31/2018 | Woods, Michael | Mebane, NC | 8/9/2018 |
| Lambert, John D. | Mount Airy, NC | 7/23/2018 | Woods, Raymond | Mebane, NC | 8/9/2018 |

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.

**Atiyha, Mahmoud A.
Anderson's A/C & Heating LLC
Greenville, NC**

License# 33643 H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee issued 1099s to unlicensed individuals, who were not on the company payroll but performed installation of HVAC equipment, installation of duct work, and service repairs, were issued 1099s.

Mahmoud Atiyha signed Proposed Resolution Agreement on 06/29/2018.

The license of Mahmoud Atiyha, number 33643 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 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 the probation provisions. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-23 and this Order.

**Beckman, Louis
Beckman Mechanical Inc.
Matthews, NC**

License# 22543 H1, 2&3-I

Allegations of misconduct in the business of heating contracting in that the licensee allowed his license to be used to qualify two (2) firms in violation of NCGS §87-21 section (s), .0405 and .0406, violated the State Mechanical Code, failed to properly permit and supervise a mechanical installation,

Louis Beckman signed Proposed Resolution Agreement on 05/17/2018.

The license of Louis Beckman, number 22543 H-3-1, and that of the firm shall be placed on a supervised probation for a period of eighteen months. Among other requirements during the proba-

tion, by 06/01/2018, license shall be immediately withdrawn from the business name of Bay Mechanical, Inc. and that this license shall be listed with the Board in Beckman Mechanical, Inc. 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 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. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-23 and this Order.

**Blevins, Graylen P.
Graylen Blevins, EHP
Sparta, NC**

License# 17382 H1,2&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 Timothy Coleman in which he represented that Coleman was an employee of Graylen Blevins EHP. Licensee paid Mr. Coleman on a Form 1099-MISC Form without withholding taxes in violation of the Board rule 21 NCAC 50.0512.

Graylen Blevins signed Proposed Resolution Agreement on 05/30/2018.

The license of Graylen Blevins, number 17382 PH-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 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. The Board may im-

pose such additional sanctions as indicated by any new violations of G.S. 87-23 and this Order.

**Boyles, Scott W.
Logan Heating and
Air Conditioning, Inc
Winston Salem, NC**

License# 18148 H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to carry out adequate installation and system design.

Resolution Conference held 06/21/2018.

The license of Scott Boyles, license, number 18148 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 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. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-23 and this Order.

**Campbell, Patrick D.
d/b/a Campbell Innovations
Valdese, NC**

License# 22183 P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee paid his employees in cash and or with a form 1099 and failed to properly list his license with the board.

Patrick Campbell signed Proposed Resolution Agreement on 06/27/2018.

The license of Patrick Campbell, number 22183, 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, by 07/10/2018, assure that his license has been listed with the Board in the name that he currently operates his business, 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. After complaint to the Board, the licensee listed his license in the company name and submitted a signed statement affirming that he does not have any W4 employees. 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 the probation provisions. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-23 and this Order.

Carter, Mykel R.
The Cool Guys Company
Wendell, NC
License# 32968 H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain a permit prior to installation of a new HVAC system, failed to perform a load calculation, and failed to request final inspection within 10 days of substantial completion of the work.

Mykel Carter signed Proposed Resolution Agreement on 06/07/2018.

The license of Mykel Carter, number 32968 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 the series of Special Mechanical Code courses. Within five (5) business days of the approval of this order the contractor shall return to the home located at 10523 Cokesbury Lane 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 within ten (10) days of approval of this order. The contractor shall submit evidence to the board within fifteen (15) days 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 three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all the probation provisions. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-23 and this Order.

Cohen, Thomas M.
J. Newton Cohen, Inc.
Salisbury, NC
License# 17411 H-1, 2&3-I

Allegations of misconduct, incompetence, and working without a license in the business of heating contracting in that the licensee failed to obtain permit (s) prior to commencing work, failed to assure the permit application covered all of the work being performed (permit description only listed "replacing gas package unit"), failed to provide supervision, failed to carry out adequate duct-work installation and system design, failed to complete job in a timely manner, failed to perform load calculation(s), violated the minimum standard of the North Carolina State Mechanical Code, violated the minimum standard of the North Carolina State Fuel Gas Code, contracted work while license was expired, and licensee failed to execute the contract.

Resolution Conference held 06/21/2018.

The license of Thomas Cohen, license, number 17411 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 Special Board Laws & Rules course and the series of Special Mechanical Code courses. In order to resolve the complaint, the licensee refunded to the homeowners

the total amount paid (\$4,320.00) with the understanding that the licensee would be allowed to remove the package unit and rain shield only and leave all of the duct work and black iron gas piping. After complaint to the board, per the agreement, the licensee removed the equipment and the homeowner was refunded for the cost of the installation. 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. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-23 and this Order.

Conner, Richard
Clear Water Plumbing
Morganton, NC
License# 20371 P-I

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

Resolution Conference held 06/22/2018.

The license of Richard Conner, number 20371 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. 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. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-23 and this Order.

Darnell III, Hobson D.
South East Plumbing Co., Inc.
Julian, NC
License# 13952 P-I

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to provide supervision, violated the minimum standard of the North Carolina State Plumbing Code, failed to respond to consumer in a timely manner/poor business practice.

Resolution Conference held 06/20/2018.

The license of Hobson Dewey Darnell, III, number 13952 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 refund to the homeowner the amount of \$475.00. Within sixty (60) days of approval of this order submit evidence to the board that the homeowner has been reimbursed. Within thirty days of approval of this order the licensee shall submit to the board copies of all employee W-2's for the nine employees for the years 2015, 2016 & 2017. 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. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-23 and this Order.

Garrett, George E., Jr.
Charlotte, NC
License# 8871 H-2&3-II

Allegations of misconduct in the business of heating contracting in that the licensee subcontracted licensed hvac work to an unlicensed individual and obtained a

permit and allowed his license number to appear on a permit on a job where the licensee did not perform the work, but the work was performed by unlicensed individuals who were not bona fide employees.

George Garrett signed Proposed Resolution Agreement on 02/21/2018.

The license of George Garrett Jr., number 8871 H-2&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, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course, assure that all work performed under permits that are obtained by said licensee are performed only by said licensee, and bona fide members of their firm, who are on the firm's payroll, receiving a W-2 taxes withheld, and sell no HVAC equipment to unlicensed persons. In the event of violation of any of the conditions of probation, his license 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 the probation provisions. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-23 and this Order.

Hanf, Philip J.
Alexander, NC
License# 13069 H-3-II

Allegations of misconduct in the business of heating contracting in that the licensee allowed the use of his license by pulling a permit for an unlicensed person for the sum of \$150.00.

Resolution Conference held 06/22/2018.

The license of Philip Hanf, number 13069 H-3-II, and that of the firm shall be placed on 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. 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 the probation provisions listed above. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-23 and this Order.

Hickey, Edward A.
Edward A. Hickey Plumbing, Inc.
Stoneville, NC
License# 19721 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 on a job where the licensee did not hold the contract with the homeowner or general contractor and did not receive the contractual payment for the job.

Edward Hickey signed Proposed Resolution Agreement on 05/04/2018.

The license of Edward Hickey, number 19721 P-1, 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 21 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, 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 the probation provisions. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-23 and this Order.

Kuykendall, Curtis
CMT Construction
Morganton, NC
License# 19049 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 perform load calculation(s), failed to provide proper supervision, allowed the use of license by unlicensed persons by issuing 1099's to unlicensed persons, and violated the minimum standard of the North Carolina State Mechanical Code.

Resolution Conference held 06/19/2018.

The license of Curtis Kuykendall, number 19049 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, by July 19, 2018 refund to the homeowner \$500.00. The licensee shall submit evidence to the board that the \$500.00 has been refunded. The licensee completed the payment as agreed. 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 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 the probation provisions listed above. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-23 and this Order.

Lawing, Edwin L.
Lawing's Heating & A/C
Hickory, NC
License# 20116 H2&3-I

Allegations of misconduct in the business of heating contracting in that the licensee verified an Affidavit in support of the examination application of Kenneth Kincaid in which he represented that Kincaid was an employee of Lawing Heating & A/C, Inc. Licensee paid Mr. Kincaid on a Form 1099-MISC Form without withholding taxes in violation of the Board rule 21 NCAC 50.0512

Edwin Lawing signed Proposed Resolution Agreement on 05/30/2018.

The license of Edwin Lawing, number 20116, H-2-3-I, and that of the firm shall be continued on unsupervised probation until January 9th, 2019. Among other requirements during the probation, the licensee 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 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 the probation provisions listed above. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-23 and this Order.

Lowery, Jimmy
Jimmy Lowery Plumbing
& Septic Inc.
Monroe, NC
License# 11474 P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee verified an Affidavit in support of the examination application of Calvin Sinclair in which he represented that Sinclair was an employee of Jimmy Lowery Plumbing and Sewer Contracting. Licensee paid Mr. Sinclair on a Form 1099-MISC Form without withholding taxes in violation of the Board rule 21 NCAC 50.0512

Jimmy Lowery signed Proposed Resolution Agreement on 06/12/2018.

The license of Jimmy Lowery, number 11474 P-I, and that of the firm shall be placed on an unsupervised probation for period of (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, his 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 the probation provisions listed above. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-23 and this Order.

Marsh, Anthony R.

Accurate Backflow
and Plumbing Service, Inc.
Apex, NC

License# 18233 P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to obtain a permit prior to commencing work and violated the State Plumbing Code.

Anthony Marsh signed Proposed Resolution Agreement on 05/02/2018.

The license of Anthony Marsh, number 18233 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, 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 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 the probation provisions listed above. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-23 and this Order.

Medlin, Robert L.
Subzero Heating & Cooling, Inc.
Randleman, NC
License# 09314 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, failed to obtain final inspections, violated the minimum standard of the North Carolina State Mechanical Code, violated the minimum standard of the North Carolina State Fuel Gas Code, failed to provide adequate supervision, and failed to perform load calculation(s).

Resolution Conference held 06/19/2018.

The license of Robert L. Medlin, number 9314 H-3-I and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. Among other requirements during the probation, the licensee shall enroll in, attend and complete the series of Special 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 twelve (12) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all the probation provisions listed above. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-23 and this Order.

**Moore, Lenoid
d/b/a Roto-Rooter Plumbers
Arden, NC**

License# 12898 P-I

Allegations of misconduct, incompetence, and violation of prior probation order in the business of plumbing contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, violated probation, failed to provide supervision during a 1 year and 7-month period, violated the minimum standard of the North Carolina State Plumbing Code, and allowed the use of his license when he was not actively engaged in the business.

Resolution Conference held 06/18/2018.

The license of Lenoid Moore, number 12898 P-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. In the event of violation of any of the conditions of suspension, license of the individual and of the firm will be suspended for an additional six (6) month period, with the stipulation that at the end of the suspension period if the licensee and the firm has not complied with the suspended provisions listed above then the license shall remain suspended until the licensee and the firm comply with all the suspension provisions. Upon successful completion of the suspension, his license, number 12898 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, whenever commission-based sales or commission-based type sales are used, in whole or in part, for work that requires a license, the licensee of the firm shall confirm that the item estimated, quoted, sold, installed or replaced was something that needed replacing or that the homeowner independently approached the technician or firm asking for a quote to have the unit/item to be estimated, quoted, sold, installed or replaced. The licensee understands it is his full responsibility to assure that only items that need to be sold or items individually requested by the homeowner should be sold and that any fraud or upselling shall be considered as misconduct against his license. The licensee shall enroll in, attend and complete the series of Special Plumbing Code and Design courses. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all the probation provisions listed above. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-23 and this Order.

**Schwartz, Dennis W.
d/b/a Benjamin Franklin Plumbing
Morganton, NC
License# 20623 P-I**

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee violated the minimum standard of the North Carolina State Plumbing Code, failed to provide adequate supervision, and operating and contracting in a different name than is listed on the license.

Resolution Conference held 06/19/2018.

The license of Dennis Wayne Schwartz, number 20623 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 twenty (20) days from the date of the conference, assure that his license has been listed with the Board

in the name that he currently operates his business; the licensee shall enroll in, attend and complete the series of Special Plumbing Code and Design courses and the Special Board Laws & Rules course. After complaint to the board, the licensee completed a trade name change from Benjamin Franklin Plumbing 241 LLC to the correct name. 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 the probation provisions listed above. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-23 and this Order.

**Shores, Richard Jr.
Shores Plumbing &
Heating, Inc.
Mocksville, NC
License# 06208 PH-3-I**

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

Resolution Conference held 06/05/2018.

The license of Richard Shores, number 06208, PH-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 twenty-one (21) days, obtain permit and final inspection for 182 Providence Trail on the HVAC installation and adjust get more air to second floor room, licensee shall enroll in, attend and complete the Special Board Laws & Rules course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of four (4) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all the probation provisions listed above. The Board may impose such additional sanctions as indicated by any

new violations of G.S. 87-23 and this Order.

Smith, Bradley J.
Lifetime Water System
Hampstead, NC
License# 28262 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 an employee in violation of the Board rule 21 NCAC 50.0512.

Bradley Smith signed Proposed Resolution Agreement on 07/05/2018.

The license of Bradley Smith, number 28262, 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, 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. After complaint to the Board, the licensee listed his license in the company name and submitted a signed statement affirming that he does not have any W4 employees. 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 the probation provisions. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-23 and this Order.

Smith, Sidney E., Jr.
d/b/a 72 Degrees
Hickory, NC
License# 33826 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 in a

timely manner, was licensee of the firm (Efficient Comfort Systems, Inc. DBA 72 Degrees) and was actively employed elsewhere while work requiring a license was performed by staff of the firm, and failed to provide supervision.

Resolution Conference held 06/18/2018.

The license of Sidney Earl Smith, Jr., number 33826 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 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 the probation provisions listed above. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-23 and this Order.

Vaughn, Anthony W., II
Vaughn's Heating & Cooling
Rosman, NC
License# 25313 H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to perform a load calculation to properly size and design a mechanical installation.

Anthony Vaughn signed a Proposed Resolution Agreement 05/15/2018.

The license of Anthony Vaughn, number 25313 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, by May 29th, 2018, the contractor shall return to the home located at 345 Center Ridge Road and perform a thorough Manual J load calculation and a Manual D duct design. If the load calculation reveals that the equipment is improperly sized, or the duct work 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/or

properly size and install new duct work; address code violations; obtain a final inspection by June 6th, 2018. The contractor shall submit evidence to the board by June 10th, 2018 of the final inspection and shall submit a copy of his load calculation and duct design. After complaint to the board, the job was corrected and received an approved final inspection. 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 the probation provisions listed above. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-23 and this Order.

Zaffuto, Michael T.
Palmetto Plumbers, Inc.
Greenville, SC
License# 33172 P-I

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee licensed the Wilmington, NC office while living in Simpsonville, SC and only visited the Wilmington, NC office two days per month, which continued for more than 4 months after being informed by Board staff of the supervision violation, failed to provide supervision, and operated a firm in a different name than the license is listed.

Resolution Conference held 06/18/2018.

The license of Michael Zaffuto, number 33172 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, perform no work that requires a license in the Wilmington, NC office until a licensed contractor has been employed, his license has been listed and he is actively engaged in the Wilmington, NC office or you, as the licensed contract, is full-time engaged in the Wilmington, NC office; or that the licensee is engaged full-time in the

Wilmington, NC office and lists his license with the Board in the name that the business is being operated in. Licensee agreed to do this within the next twenty (20) business days from today. 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 twelve (12) months, with the requirement that prior

to the suspended license being reinstated the licensee and the firm agrees to comply with all the probation provisions listed above. The Board may impose such additional sanctions as indicated by

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.

Baer, Gregory George Newton, NC

Formal Hearing on Request for Reinstatement of license held 4/11/18 at 8:30 am in Charlotte. Order issued April 19, 2018 denying Mr. Baer's reinstatement request.

Beane, Kathleen E. Asheville, NC

Allegations of plumbing contracting without a license. Judgment of Permanent Injunction filed 7/30/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Bonfoglio, Jason Mooresville, NC

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 7/3/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Brown, Sheldon Fuquay-Varina, NC

Allegations of heating contracting without a valid license. Judgment of Permanent Injunction filed 7/11/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Clark, William Canton, NC

Allegations of heating contracting without a license. Judgment of Permanent Injunction filed 6/26/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Crawford, Michael A. Eden, NC

Allegations of failure to properly grade and trap a drain and failure to cooperate with the Board. Consent Order signed by Respondent

approved by the Board at the June Board Meeting. Respondent placed on 18 months' supervised probation. Included in the terms of the Consent Order is a requirement to complete Special Plumbing Code and Design course and the Special Board Laws & Rules class.

Creech, Marshall L. Kenly, NC

Allegations of heating contracting without a valid license. Judgment of Permanent Injunction filed 8/7/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Dulin, Joshua Newton, NC

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 7/27/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Farris, David L. Morganton, NC

Allegations of heating contracting without a valid license. Judgment of Permanent Injunction filed 7/25/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Gist, Ron Christopher Wilmington, NC

Allegations of plumbing work without a valid license. Judgment of Permanent Injunction filed 7/11/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Helmstetter, Brian Rutherford, NC

Finding of code violations, and inspection failures and refusal to return to job. Formal

Hearing on April 12, 2018 in Charlotte. Order issued by the Board on April 19, 2018. Licensee was given one month to avoid revocation by correcting and obtaining final inspection of the job. If corrected, license is suspended six months followed by twenty-four months' probation. No appeal received.

Herron, Christopher Waynesville, NC

Allegations of heating contracting without a license. Judgment of Permanent Injunction filed 7/23/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Johnson, Randy Lee North Wilkesboro, NC

Allegations of heating contracting without a valid license. Judgment of Permanent Injunction filed 7/11/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Kernodle, Clyde Carolina Beach, NC

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 7/27/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Marshall, Brandon R.

Allegations of completing work requiring license while suspended, failure to permit, failure to inspect. Consent Order signed by Respondent approved by the Board during June Board Meeting. Board Order accepted the surrender of Respondent's license with condition that no reinstatement requests will be considered for a period of 4 years.

Martin, Johnny C. Georgetown, SC

Allegations of plumbing contracting without a

any other violation of Code of State Plumbing Ordinance filed 6/21/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

**McCraw Phillip H.
Mooresboro, NC**

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 6/18/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

**Moretz, Michael J.
Morganton, NC**

Allegations of heating contracting without a valid license. Judgment of Permanent Injunction filed 7/27/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

**Nystrom III, Harold K.
Windsor, VA**

Allegations of heating contracting without a valid license. Judgment of Permanent Injunction filed 6/1/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

**Rybak, Joseph
Morganton, NC**

Allegations of license peddling and deceit. Notice of Hearing issued for Formal Hearing on 3/13/18. Hearing held July 25, 2018 in Charlotte. Panel found no violation.

**Sigmon, Nickolas Deane
Hickory, NC**

Allegations of heating contracting without a license. Judgment of Permanent Injunction filed 6/6/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

**Silvers, Jeffrey D.
Burnsville, NC**

Allegations of plumbing contracting without a license. Judgment of Permanent Injunction filed 7/3/18 enjoining respondent from engaging in business as plumbing or heating contractor until properly licensed to do so.

**Underwood, Brian James
Mooresboro, NC**

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 6/18/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

**Wagoner, Luke A.
Leland, NC**

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 6/21/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

**Wardwell, Jeffrey A.
Maiden, NC**

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 7/5/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

**Wilborne III, Reginald
Hubert, NC**

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 7/25/18 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

**Williams, Gregory
Garner, NC**

Allegations of heating contracting without a valid license. Judgment of Permanent Injunction filed 5/9/18 enjoining respondent from engaging in business as plumbing or heating contractor until properly licensed to do so.

do so.

