

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

July 2019

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

www.nclicensing.org

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Components and Concepts of Supervision

(Editor's note: The following article is a reprint of an article that was published in the July 2016 edition of the newsletter. It is being reprinted because the Board continues to see issues regarding failure of licensees to provide proper supervision. The article was authored by the Board's Attorneys, John N. (Nick) Fountain and Reed N. Fountain. Nick Fountain has served as the Board's Attorney for over four decades and Reed Fountain has served in the same capacity for over a decade.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

North Carolina State Agencies

NC Department of Insurance	919-647-0000 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
• Lori Miller (Building Code Bookstore)	919-647-0029	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

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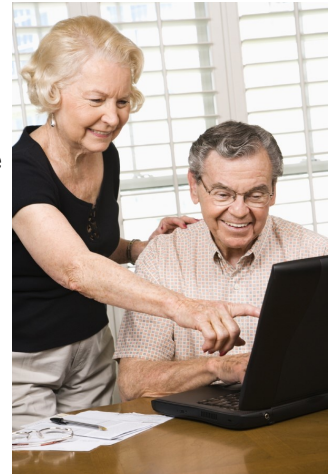
Administrative Officer
Region 5
910-409-7127 or kthibodeaux@nclicensing.org

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. 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 - 2019 without Sub-licensees
2. Renewal Form - 2019 with Sublicensees
3. Renewal Form - 2019 and Previous Year(s) without Sub-Licensees
4. Reinstatement Form - 2019 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 (for examinees who wish to retake an exam)
14. License Activation (for examinees who have passed required exam)
15. Customer Affidavit

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

(may be submitted and paid online, or paper form may be downloaded and mailed with payment)

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>
Burdette, Brandon T.	Bryson City, NC	04/01/2019	Hinson, Harold D.	Monroe, NC	04/25/2019
Compton, Danny L.	Newport, NC	03/14/2019	Johnson, Herman	Graham, NC	04/25/2019
Halliger, Michael J.	Leicester, NC	02/25/2019	Walker, Nakwan J.	Garner, NC	04/10/2019
Harvey, Lee. T.	Richlands, NC	01/09/2019	Williams, Keith	Pittsboro, NC	04/12/2019
Hill, Clarence D.	Mebane, NC	04/11/2019			

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>
Anderson, Lawrence	Whiteville, NC	01/28/2019	Lindsey, Michael C.	Raleigh, NC	05/30/2019
Arvey, Randal C.	City, NC	05/31/2019	Martin, Stephanie	Greensboro, NC	05/23/2019
Bount Jr., Timothy M.	Elizabeth City, NC	06/06/2019	Monteith, James M.	Bryson City, NC	05/31/2019
Brown, Christopher M.	Columbus, NC	06/18/2019	Ocean, William L.	Durham, NC	06/29/2019
Brown, Stacey	Raleigh, NC	05/29/2019	Page, Charles	Dunn, NC	04/23/2019
Bruton II, Robert L.	Fayetteville, NC	06/04/2019	Russell, Albert L.	Scranton, NC	05/30/2019
Draper, Thomas D.	Conway, NC	05/03/2019	Sims, Barry R.	Pineville, NC	05/14/2019
Floyd, George F.	Elizabeth City, NC	06/06/2019	Smith, Jeffrey A.	Supply, NC	03/29/2019
Gozan, Pierre T.	Raleigh, NC	05/29/2019	Smith, Jerimiah T.	Supply, NC	03/29/2019
Gupton, Brian C.	Newport, NC	06/14/2019	Thomas, Daniel	Lexington, NC	04/01/2019
Hinson, Jefferey	Winston Salem, NC	06/13/2019	Warren, David W.	Cary, NC	05/22/2019
Kern, Michael	Hope Mills, NC	05/21/2019	Weddell, James A.	Hendersonville, NC	06/25/2019
Kizhnerman, Beth	Greensboro, NC	04/03/2019			

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.

Adams, Spencer
Moore County Heating & Air, Inc.
Seven Lakes, NC
License# 19663 H-3-I

Allegations of working outside scope of his license.

Spencer Adams signed a Proposed Resolution Agreement on 06/03/2019.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Spencer Adams, number 19663 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. The terms of the Proposed Resolution Agreement also included a requirement for the licensee to enroll in and complete the Special Board Laws & Rules course.

Blanton, Paul L.
Shallotte, NC
License# 31026 H-3-II

Allegations of working outside his licensing qualification, the firm contracted commercial HVAC work (two split system installations) yet the licensee of the firm only holds a Heating Group Class II license, failure to provide supervision, licensee was the only qualifying licensed contractor for the firm and was out on medical leave from 11/16/2018 until 01/14/2019 while the firm was still operating, failure to obtain permit(s) prior to commencing work, failure to request inspections within 10 days of substantial completion of work, failure to obtain final inspections, violation of the minimum standard of the North Carolina State Mechanical Code, violated the minimum standard of the North Carolina State Fuel Gas Code, and installation performed in a poor workman like manner / poor workmanship including improper flue pipe connections. Resolution Conference held 06/03/2019.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Paul Blanton, number 31026 H-3-II, and that of the firm shall be placed on supervised probation for a period of thirty-six (36) months. The terms of the Proposed Resolution Agreement also included a requirement for the licensee to submit a copy of the load calculation for the equipment installation performed at 3081 South Shore Dr. within thirty (30) days of institution of the probation, within ninety (90) days of approval of this probation the licensee shall assure that all outstanding permits issued under his license receive a final inspection, in addition, during this same time period the licensee shall assure that all expired permits issued under his license have new permits issued and receive final inspections, complete the Special Board Laws & Rules course, complete the series of Special Mechanical Code courses, and complete the series of Special Fuel Gas Code and Design courses.

Boone, Ronald M.
Carolina Climate Control
Pink Hill, NC
License# 7067 H-2&3-I

Allegations of failure to provide adequate supervision, violation of the minimum standard of the North Carolina State Mechanical Code, failure to assure proper load calculation(s) or to maintain proper load calculation and to provide them upon request. Resolution Conference held 06/06/2019.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Ronald Boone, number 7067 H-2&3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months.

Brown, Michael P.
Paradise Plumbing
Swansboro, NC
License# 29761 P-II

Allegations of failure to obtain permit(s) prior to commencing work, failure to request inspections within 10 days of substantial completion of work, failure to obtain final inspections, violation of the minimum standard of the North Carolina State Plumbing Code, damaged the homeowner's structure and failed to make repairs to the structure, installation performed in a poor workman like manner / poor workmanship, failure to provide adequate supervision, allowed the use of license by unlicensed persons by hiring an unlicensed person to perform plumbing work that requires a license, paid that person \$10.00 in cash and failed to withhold taxes (not a bona-fide employee), and left an open drain line in the crawlspace, misconduct, contractual issues, and license issuance. Resolution Conference held 06/06/2019.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Michael Brown, number 29761 P-II, and that of the firm shall be placed on unsupervised probation for a period of eighteen (18) months. The terms of the Proposed Resolution Agreement also included requirements for the licensee to enroll in and attend the Special Board Laws & Rules course and the series of Special Plumbing Code and Design courses. Within thirty (30) days of the approval of this agreement the contractor shall return to the homes located at 205 Ocean Spray Dr., obtain a permit from the local inspection department, replace all of the plumbing work previously installed, reinstall all of the removed plumbing work to meet the minimum standard of the North Carolina State code, assure that the open drain line has been properly capped, replace all of the damaged floor insulation and the belly board vapor barrier, and obtain a final inspection within forty-five (45) days of approval of this order. The contractor shall submit evidence

to the board of the final inspection within sixty (60) days of approval of this order. This work shall be performed at no expense to the homeowners.

Bruton, Robert L.
Plumb Good Plumbing
Fayetteville, NC
License# 17861 P-II

Allegations of paying unlicensed individual by use of a 1099 in violation of the Board rules.

Robert Bruton signed a Proposed Resolution Agreement on 06/04/2019.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Robert Bruton, number 17861 P-II, and that of the firm shall be placed on a unsupervised probation for a period of twelve (12) month. The terms of the Proposed Resolution Agreement also included a requirement for the licensee to enroll in and complete the Special Board Laws & Rules course.

Foster, Casey Wayne
d/b/a Standard Heating
& Air Conditioning
Morganton, NC
License# number 33600 H-3-I

Allegations of failure to obtain a permit prior to commencing work, violation of the State Mechanical Code, failure to obtain a final inspection, and selling license.

Casey Foster signed a Proposed Resolution Agreement 04/13/2019

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Foster, number 33600 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of eighteen months. The terms of the Proposed Resolution Agreement also included a requirement for the licensee, by 05/07/2019, return to the homes located at 125 VFW Road and 104 Northwood Court, and perform a thorough Manual J load calculation, Manual D duct design and a Manual S equipment sizing calculation. If the calculations reveal that the equipment or ductwork is improperly sized, then the contractor shall obtain a permit from the local inspection department, replace the improperly sized equipment and ductwork with properly sized equipment and ductwork and obtain a final inspection by 05/14/2019. This work shall be performed at no expense to the homeowners. In addition, the licensee shall enroll in, attend and complete the Special Board Laws & Rules course.

Davis, Tracy L.
Tech Services, Inc.
Conway, SC
License# 19962, H-3-I

Allegations of failure to perform load calculation(s), violation of the minimum standard of

the North Carolina State Mechanical Code, and failure to balance the system at commissioning to assure air distribution evenly throughout the home.

Resolution Conference held 06/03/2019.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Tracy Davis, number 19962 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. The terms of the Proposed Resolution Agreement also included a requirement for the licensee to complete the Special Board Laws & Rules course.

Deel, Robbie K.

Deel & Carter Heat & Air, LLC

Eden, NC

License# 29448 H-3-I

Allegations of paying an unlicensed individual by use of a 1099 in violation of the Board rules and violation of the State Mechanical Code.

Robbie Deel signed a Proposed Resolution Agreement on 06/05/2019.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Robbie Deel, number 29448, H-3-I, and that of the firm shall be placed on a unsupervised probation for a period of twelve (12) months. The terms of the Proposed Resolution Agreement also included a requirement for the licensee to enroll in and complete the Special Board Laws & Rules course. By 06/19/2019, the contractor shall return to this structure and correct any and all code violations that still exist. The contractor shall contact the building owner in advance, arrange a time to perform this work. This work shall be performed at the expense of the contractor. 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.

Ezell, William

AC Doctors, Inc.

Burgaw, NC

License# 31748 H-3-I

Allegations of failure to perform a duct design on both complaints, and failure to carry out adequate ductwork installation and system design on both complaints.

William Ezell signed a Proposed Resolution Agreement 06/04/2019.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of William Ezell, number 31748 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. The terms of the Proposed Resolution Agreement also included a requirement for the licensee enroll in, attend and complete the Special

Board Laws & Rules course. In addition, within ninety (90) days of approval of this agreement the licensee shall return to the homes located at 295 Hawk Hollow Trail and 237 Hawk Hollow Trail and perform flow hood balancing to assure that the proper CFM's are being delivered to each room as per the Manual J CFM requirements.

Holloman, Nicholas

Hollomans Heating & Air LLC

Clinton, NC

License# 32858 H-3-I

Allegations of failure to assure that the total scope of work was listed on the permit, failure to obtain permit for duct work installation prior to commencing work, failure to perform load calculation and duct design, failure to carry out adequate ductwork installation and system design, and violation of the minimum standard of the North Carolina State Mechanical Code.

Resolution Conference held 06/04/2019.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Nicolas Holloman, number 32858 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. The terms of the Proposed Resolution Agreement also included a requirement for the licensee to enroll in, attend and complete the series of Special Mechanical Code courses. In addition, within ninety (90) days of approval of this agreement the licensee shall return to the home and assure that a steel lintel (or other approved support) has been installed to support the brick opening that was created for the duct work from the package unit to the crawlspace. The licensee shall obtain confirmation from the local inspector that the lintel installation has been performed properly and correctly to support the remaining brick structure above the HVAC flex duct penetration at the package unit. Within 100 days of approval of this order the licensee shall submit documentation from the inspection department that this issue has been resolved.

Hollowell, Jeffrey A.

Lighthouse Plumbing

Newport, NC

License# 30244 P-I

Allegations of failure to obtain a permit prior to commencing work, failure to obtain a final inspection, and violations of the State Plumbing Code.

Jeffrey Hollowell signed a Proposed Resolution Agreement on 04/24/2019.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Jeffrey Hollowell, number 30244 P-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. The terms

of the Proposed Resolution Agreement also included a requirement for the licensee to enroll in and complete the Special Board Laws & Rules course.

Hudson, James

Leonard's HVAC

Fayetteville, NC

License# 33025 H-3-I

Allegations of misconduct, contractual issues, and license issuance.

James Hudson signed a Proposed Resolution Agreement on 04/16/2019.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of number 33025 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. The terms of the Proposed Resolution Agreement also included requirements for the licensee to enroll in and attend the Special Board Laws & Rules course.

Hudson, Marcus A.

Clear Water Mechanical

Beaufort, NC

License# 31512 PH-I,2&3-I

Allegations of operation of two firms as a sole firm with a single license (signs outside business, truck lettering, permits obtained by GC's, etc.), license listed as a sole proprietorship but the firm is actually a North Carolina corporation, licensee resides in Pikeville, NC yet the home office is in Beaufort, NC and also performs work on Camp Lejuene, failure to perform proper supervision in the (office/field) failing to assure all permits were being obtained under the proper license number and firm name, failure to obtain final inspections in that multiple permits were voided after not having received final inspections.

Resolution Conference held 06/03/2019.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Marcus Hudson, number 31512 PH-I,2&3-I, and that of the firm shall be placed on supervised probation for a period of eighteen (18) months. The terms of the Proposed Resolution Agreement also included a requirement for the licensee to complete the Special Board Laws & Rules course.

Kelly, Arthur M.

A. M. Kelly Plumbing Co.

Alliance, NC

License# 15552 P-I

Allegations of failure to obtain a permit prior to commencing work, selling license, and failure to provide adequate supervision.

Arthur M. Kelly signed a Proposed Resolution Agreement on 02/13/2019.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Arthur

Kelly, , number 15552 P-I, and that of the firm shall be placed on a supervised probation for a period of twelve (12) months. The terms of the Proposed Resolution Agreement also included a requirement for the licensee to enroll in and complete the Special Board Laws & Rules course. 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;

Kelly, Kevin A.
Union Services of Union County, LLC
Monroe, NC
License# 29494 H-3-I

Allegations of failure to provide adequate supervision, failure to size equipment properly, failure to perform proper load calculation (s), and violation of the minimum standard of the North Carolina State Mechanical Code. Resolution Conference held 06/04/2019. The Review Committee found that the allegations were supported by the evidence and recommended that the license of Kevin Kelly, number 29494 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. The terms of the Proposed Resolution Agreement also included a requirement for the licensee to complete the Special Board Laws & Rules course.

Moorrees, Ian Pitoy
Asheville Air, Inc.
Asheville, NC
License# 27933 H-3-I

Allegations of failure to ensure that the applicant for whom he verified experience to sit for the license exam met the required hours and actual experience (number of hours and duties) while working under his license and direct supervision.

Ian Moorrees signed a Proposed Resolution Agreement on 05/24/2019.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Ian Moorrees, number 27933 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve months. The terms of the Proposed Resolution Agreement also included a requirement for the licensee to enroll in and complete the Special Board Laws & Rules course.

Prescott, Josiah T.
JTP III, Inc.
Cedar Point, NC
License# 22630 H-3-II

Allegations of failure to obtain 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, allowed the use of license by unlicensed persons, and installation performed under permit created risk of personal injury and property damage. Resolution Conference held 06/05/2019.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Josiah Prescott, number 22630 H-3-II, and that of the firm shall be placed on supervised probation for a period of eighteen (18) months. The terms of the Proposed Resolution Agreement also included a requirement for the licensee to complete the Special Board Laws & Rules course.

Rice, Robert W.
Plumbob LLC
Franklinton, NC
License# 27301 P-I

Allegations of failure to obtain a permit prior to commencing work, and failure to obtain final inspections within ten (10) days of substantial completion of the work.

Robert Rice signed a Proposed Resolution Agreement 05/06/2019

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Robert Rice, number 27301 P-I, and that of the firm shall be placed on an unsupervised probation for a period of twelve (12) months. The terms of the Proposed Resolution Agreement also included a requirement for the licensee enroll in, attend and complete the Special Board Laws & Rules course and the series of Special Plumbing Code and Design courses.

Scott, Mark S.
Scott Plumbing & Heating Co Inc.
New Bern, NC
License# 17793 H-2&3-I

Allegations of failure to obtain permit(s) prior to commencing work, failure to request inspections within 10 days of substantial completion of work, failure to obtain final inspections, failure to provide adequate supervision, failure to carry out adequate ductwork installation and system design, failure to perform load calculation(s), and violation of the minimum standard of the North Carolina State Mechanical Code, Resolution Conference held 06/06/2019.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Mark S. Scott, number 17793 H-2&3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) month. The terms of the Proposed Resolution Agreement also included a requirement for the licensee to complete the Special Board Laws & Rules course and the licensee shall enroll in, attend and complete the series of Special Mechanical Code courses.

Smith, Jeffrey M.
Whiteville, NC
License# 23123 P-I

Allegations of failure to provide supervision, the firm obtained money and failed to complete installation (job abandonment), violated the minimum standard of the North Carolina State Plumbing Code, installation performed in a poor workman like manner / poor workmanship, allowed the use of license by unlicensed persons by the firm issuing 1099's to unlicensed persons, and according to the copies of the checks (front and back) in the complaint file, it shows that J. Smith was paid a check, number 641 in the sum of \$1,700.00 and a check, number 1019 in the sum of \$500.00 (both dated June 28, 2019). Resolution Conference held 06/05/2019.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Jeffrey Smith, number 23123 P-I, and the license of the firm be suspended for a period of twelve (12) months. The terms of the Proposed Resolution Agreement also included a requirement for the licensee to complete the Special Board Laws & Rules. Within thirty (30) days of approval of this agreement the licensee shall refund to the homeowner the amount of \$665.00 which was paid to hire someone else to complete the plumbing work at the home located at 217 Short Street.

Todd, Donald W.
Beaufort, NC
License# 28489 P-I

Allegations of failure to obtain permit(s) prior to commencing work. The unlicensed general contractor listed the homeowner as the person performing the plumbing work and the licensee failed to assure the permit reflected his license name and number, failure to provide adequate supervision, violation of the minimum standard of the North Carolina State Plumbing Code, and subcontracted work from an unlicensed general contractor. Resolution Conference held 06/06/2019.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Donald Todd, number 28489 P-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. The terms of the Proposed Resolution Agreement also included a requirement for the licensee to enroll in, attend and complete the series of Special Plumbing Code and Design courses.

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.

**Autry, Wesley M.
Benson, NC**

Allegations of heating contracting without a license. Judgment of Permanent Injunction filed 4/29/19 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

**Barnhill, Thomas
Angier, NC**

Allegations of heating contracting without a license. Judgment of Permanent Injunction filed 4/8/19 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

**Bellflower, Jeremy
Roanoke Rapids, NC**

Allegations of plumbing contracting without a license. Judgment of Permanent Injunction filed 4/29/19 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

**Blanks, Monseh
Charlotte, NC**

Allegations of plumbing contracting without a license. Judgment of Permanent Injunction by Summary Judgment filed 4/2/19 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

**Brown Jr., Isadore
Blair, SC**

Allegations of heating contracting without a valid license. Judgment of Permanent Injunction filed 6/3/19 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

**Carpenter Jr., John P.
West End, NC**

Allegations of heating contracting without a license. Judgment of Permanent Injunction filed 4/25/19 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so. Defendant served 5/9/19.

**Casebier II, Kenneth R.
Beulaville, NC**

Allegations of heating contracting without a valid license. Judgment of Permanent Injunction filed 4/10/19 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

**Hudler, Kevin D.
Conover, NC**

Allegations of heating contracting without a license in contempt of prior order of the Court. Order of Civil Contempt filed 4/29/19 finding Defendant in contempt for willful violation of the prior injunction and ordering Defendant to pay \$1,200 fine and ordering a 30 days suspended sentence.

**Jacobs, Ryan
Pembroke, NC**

Allegations of heating contracting without a license in violation of permanent injunction. Order of Contempt filed 5/16/19 ordering the Defendant to pay \$500.00 fine and 30 days suspended jail sentence.

**Lanouette, Michael Maurice
Lanou's Plumbing**

Pfafftown, NC
Allegations of plumbing contracting without a license. Judgment of Permanent Injunction filed 4/2/19 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

**Lecei, Daniel
Kenly, NC**

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 4/8/19 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

**Mann, Kenneth S.
Autryville, NC**

Allegations of heating contracting without a valid license in violation of prior Judgment of Permanent Injunction. An Order of Contempt was filed 4/8/19 finding Defendant in Civil Contempt for violation of the underlying Injunction Judgment and sentencing the Defendant to a 60 day suspended sentence and a \$1000.00 fine.

**McCracken, Tyler H.
Fayetteville, NC**

Allegations of heating contracting without a valid license. Judgment of Permanent Injunction by Summary Judgment filed 4/2/19 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

**Phongsavanh, Sammy
High Point, NC**

Allegations of heating contracting without a valid license. Judgment of Permanent Injunction filed 4/16/19 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

**Reid, Troy
Charlotte, NC**

Allegations of heating contracting without a license. Judgment of Permanent Injunction filed 5/3/19 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

**Warren, Joshua B.
Arden, NC**

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 4/29/19 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

