

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

November 2020

BOARD MEMBERS

William H. Sullivan III
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Greensboro, NC

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Raleigh, NC

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

www.nclicensing.org

1109 Dresser Court
Raleigh, NC 27609

Time is Running Out to Renew Your License

All licenses issued by the Board will expire on December 31, 2020!

Licenses not renewed by December 31st will not be valid on January 1, 2021. The licensee can not legally engage in any activity for which a license is required until the license is renewed. This includes, but is not limited to, bidding, quoting, contracting, obtaining permits, or performing any work which requires a license. Most, if not all, local permitting offices across the state routinely check the status of the license before issuing a permit and will deny the permit if the license is not current.

As of October 15th, with only six weeks remaining before the expiration of all licenses, **there are still over 6,000 licensees who have not yet renewed their licenses.**

Please renew your license as soon as possible, so you aren't one of those who is denied a permit in January because you allowed your license to expire.

Annual license renewals began on October 1, 2020, and renewal invoices were mailed to all active licensees. The notices contain the username and password, and licensees are encouraged 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 did not receive a renewal notice 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.

Fees for licensees and sub-licensees were increased for the 2021 renewal, but are not retroactive and do not apply to previous years that have not yet been renewed.

Renewal invoices were also mailed to licensees whose license expired in 2017, 2018 & 2019; however, those licenses can not be renewed online. You must mail in the completed paper renewal form with a check or money order. For those who expired in 2017, if your renewal is not postmarked by December 31, 2020, your license will be retired. After that, the only way to reinstate it is to take and pass the required examination(s).

Disciplinary Classes Cancelled for Remainder of 2020 Due to COVID-19

Effective November 12, 2020, all scheduled Disciplinary Education classes have been cancelled through the end of 2020. This is in response to the increasing and record number of COVID-19 cases in North Carolina. The Board hopes to resume the normal quarterly scheduling of all classes in early 2021; however, any decisions going forward will be based on the latest pandemic information. When available, 2021 Disciplinary Education schedules will be posted on the Education page of the Board's website. Required attendance dates will be extended for all licensees affected by these actions.

North Carolina State Agencies

NC Department of Insurance	919-647-0000 800-634-7854	NC Department of Labor	919-807-2796
• Mark Burns (Plumbing Interpretations)	919-647-0006	NC Department of Revenue	919-252-3052
• David Rittlinger (Mechanical & Gas Interpretations)	919-647-0008	NC Electrical Licensing Board	919-733-9042
• Dan Dittman (Energy Interpretations)	919-647-0012	NC General Contractor Licensing Board	919-571-4183
• Charlie Johnson (Fire Code Interpretations)	919-647-0094	NC Irrigation Contractors Licensing Board	919-872-2229
• Lori Miller (Building Code Bookstore)	919-647-0029	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

Office Staff Directory

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(Faxes are forwarded to field staff)

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Senior Administrative Officer
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Administrative Officer
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Kevin Thibodeaux

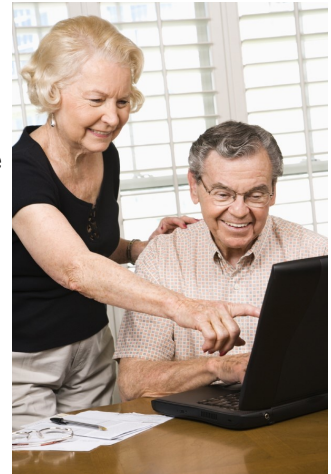
Administrative Officer
Region 5
910-409-7127 or kthibodeaux@nclicensing.org

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—2021 without Sublicensees (available)
2. Renewal Form—2021 with Sublicensees
3. Renewal Form—2021 and Previous Years with or without Sublicensees

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. Private Educational Institution Technician Application
9. Private Educational Institution Technician Application (without examination)
10. Fire Sprinkler Inspection Technician Examination Application
11. Fire Sprinkler Inspection Technician Application (without examination)
12. Fire Sprinkler Maintenance Technician
13. Book Reference List for All Applicants
14. Request for Exam Review (for examinees who have failed a recent exam)
15. Re-examination Application (for examinees who wish to retake an exam)
16. 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

Online Ordering

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
5. Request for Listing of Current Applicants

Disciplinary Actions

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

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

Letter of Caution Report

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

Name	City/Town	Date
Powell, Daniel	Durham, NC	08/10/2020

Consent Agreement Report

A Consent Agreement is an affidavit taken from unlicensed individuals performing plumbing, heating and fire sprinkler work without a license. These individuals sign a Consent Agreement stating that they will not perform any work requiring a license until they are properly licensed to do so. If you see these individuals performing contracting activities in the field, please report them to this office.

Name	City/Town	Date	Name	City/Town	Date
Aschbrenner, Matt	Statesville, NC	09/17/2020	Sterling, Kathy	Greensboro, NC	08/31/2020
Brown, Bryan	Booneville, NC	10/1/2020	Stoner, Mark A.	Roanoke, VA	10/07/2020
Henderson, Donald	Greensboro, NC	09/1/2020	Thomas, Orlando	Greensboro, NC	09/01/2020
Hill, David A.	Mt. Airy, NC	09/17/2020	Wheeler, Brian	Rougemont, NC	08/31/2020
Snow, John M.	Mt. Airy, NC	09/17/2020			

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

Butler, Tommie
Divine Heating & Cooling, Inc
Snow Camp, NC
License# 28742 H-3-I

Allegations licensee failed to perform a load calculation for the installation of a 5-ton Goodman heat pump and all associated duct work in 2017 in violation of GS 87-21 section .0505 and violated the State Mechanical Code.

Tommie Butler signed a Proposed Resolution Agreement on 08-27-2020.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Tommie Butler, number 28742 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 include a requirement, if allowed by the homeowner, by 10/01/2020, the contractor shall return to the homes and perform a thorough Manual J load calculation, Manual D duct design and a Manual S equipment

sizing calculation. The licensee shall also enroll in, attend, and complete the Special Board Laws & Rules course.

Chaisson, Richard
Rick's Heating & A/C
Zionville, NC
License# 21342 H-3-II,

Allegations licensee violated the State Mechanical Code, and on the job, there were installation issues and system operation issues.

Richard Chaisson signed a Proposed Resolution Agreement on 07/23/2020.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Richard Chaisson, number 21342 H-3-II, and that of the firm shall be placed on supervised probation until April 17th, 2022. The terms of the Proposed Resolution Agreement also include a requirement, by August 7th, 2020, the contractor shall return to the home, and perform a thorough Manual J load calculation, Manual D duct design and a Manual S equipment sizing calculation. The licensee shall also enroll in, attend, and complete the Special Board Laws & Rules course.

Davis, John

**A Precise Comfort
King, NC**

License# 30448 H-3-I

Allegations licensee failed to obtain permit(s) prior to commencing work, contracted a complete HVAC installation for the sum of \$7,825.00, received a down payment of \$3,912.50 and only cut in supply vents into the floor and installed some of the register boots, then ceased all work, abandoning the job after receiving more funds than work performed; and failed to respond to the board's investigator.

Resolution Conference held 07/02/2020.

Licensee failed to appear.

Proposed Resolution Agreement hand delivered to licensee 08/12/2020.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of John Davis, license number 30448, H-3-I, and that of the firm shall be suspended for a period of twelve (12) months. Among other requirements, the license will be restored at the end of the suspension, provided that within thirty (30) days of approval of this agreement John Michael David shall refund to the homeowner the sum of \$3,912.50. The licensee shall enroll in, attend, and complete the Special Board Laws & Rules course. Upon successful completion of the suspension, John Michael Davis's license, number 30448 H-3-I, and that of the firm shall be placed on supervised probation.

Gerner, Arthur

**Aircon Carolina Inc.
Greensboro, NC**

License# 15268 H-1,2&3-I, P-I

Allegations licensee failed to withhold taxes and paid an unlicensed individual using a 1099 Form in violation of the Board rule 21 NCAC 50.0512.

Arthur Gerner signed a Proposed Resolution

Agreement 08/18/2020

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Arthur Gerner, number 15268 H1,2&3-I,P-I and that of the firm shall be placed on a unsupervised probation for a period of twelve (12) months. 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.

Gonzales, Keith

High Point, NC

License# 32891 FSIC

Allegations licensee failed to adhere to procedures for inspection of fire suppression systems in violation of 21 NCAC 50.0513.

Keith Gonzales signed a Proposed Resolution Agreement on 08/17/2020.

The Review Committee found that the allegations were supported by the evidence and recommended accepting the signed Proposed Resolution Agreement. The license of Keith Gonzales, number 32891 FSIC, and the license of the firm, be surrendered to the Board.

Gorsuch, Mark A.

**M. G. M. Environmental
Youngsville, NC**

License# 23053 H-3-I

Review Committee found that the license of Mark Allen Gorsuch, license, number 23053 H-3-I, and the firm M.G.M. Environmental was placed on probation from January 11, 2005 through January 11, 2006. The licensee did not comply with the stipulation of his probation and he was found to have been in violation of the agreement. The license of Mark Allen Gorsuch, number 23053 H-3-I, and the firm M.G.M. Environmental expired on December 31,2005 and was never renewed. The license of Mark Allen Gorsuch, number 23053 H-3-I, and the firm M.G.M. Environmental was then suspended from April 11,2006 through April11, 2008, but the licensee failed to comply with the stipulations of the suspension order, which resulted in a permanent revocation of the license, number 23053 H-3-I, and the firm M.G.M. Environmental on or about April 11,2008.

Resolution Conference held 09/04/2020.

The Review Committee found that the allegations were supported by the evidence and recommended that the license Mark Allen Gorsuch shall be permitted to sit for the Heating Group 3, Class I examination. Upon passage of the complete Heating Group 3, Class I examination and payment of the annu-

al license fee, that the license of Mark Allen Gorsuch, number 23053 H-3-I, and the license of the firm be suspended for a period of twelve (12) months. Among other requirements during the suspension, the licensee shall enroll in, attend, and complete the series of Special Mechanical Code courses and the Special Board Laws &

Rules course. Upon successful completion of the suspension, the license of Mark Gorsuch, number 23053 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 Mechanical Design courses.

Hartley, Andy G.

**Rosewood Plumbing, Inc.
Goldsboro, NC**

License# 13662 P-II

Allegations 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, installation performed in a poor workman like manner / poor workmanship, failed to provide supervision on the water heater installation and piping for the relocation, and violated the minimum standard of the North Carolina State Plumbing Code.

Resolution Conference held 09/01/2020.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Andy Hartley, number 13662 P-II, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. The terms of the Proposed Resolution Agreement also include a requirement, within 60 days from approval of this agreement, the licensee shall present evidence to the board that a permit has been pulled for this work, all of the code violations corrected and that final inspection has been received from the local inspection department. If the homeowner will not cooperate to allow the licensee access to the home, then the licensee shall engage the Board's Administrative Office to try and obtain access for the licensee to perform this work. The licensee shall enroll in, attend, and complete the series of Special Plumbing Code and Design courses.

Legard, Richard

**Marsh Propane Gas, Inc.
Asheville, NC**

License# 22021 FP

Allegations licensee improperly listed his license in his individual name and qualified more than one business location with his

license qualifications.

Richard Legard signed a Proposed Resolution Agreement on 08/19/2020.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Richard Legard, number 22021 FP, and that of the firm shall be placed on unsupervised probation for a period of twelve months. Among other requirements during the probation, by 08/26/2020, the licensee shall assure that his license has been listed with the Board in the name of the firm he qualifies. 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. The licensee shall enroll in, attend, and complete the Special Board Laws & Rules course.

Long, Andrew S.

**Long Heating & Air Conditioning, Inc.
Greenville, NC**

License#30470 H-2&3-I

Allegations licensee allowed the use of license by unlicensed persons by issuing 1099's to unlicensed persons to perform work that requires a license from the board, and submitted false information to the board for the examination application of Heather Renee Jones.

Resolution Conference held 09/02/2020.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Andrew Long, number 30470 H-2&3-I, and the license of the firm be suspended for a period of three (3) months. The suspension of his license and that of the firm, as listed above, shall be held in abeyance (not instituted) and his license, number 30470 H-2&3-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. The terms of the Proposed Resolution Agreement also include a requirement to enroll in, attend, and complete the Special Board Laws & Rules course.

Marshall, Kenneth B.

**Air Marshall
Kittrell, NC**

License# 17870 H-3-I

Allegations 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), and violated the minimum standard of the North Carolina State Mechanical Code.

Resolution Conference held 09/01/2020.

The Review Committee found that the allega-

tions were supported by the evidence and recommended that the license of Kenneth Marshall, number 17870 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 include requirements to, within thirty (30) days of approval of this agreement the licensee shall submit evidence to the Board that the HVAC installation he performed has received a final inspection. The licensee shall enroll in, attend, and complete the Special Board Laws & Rules course.

Merrill, Leonard C., Jr.

**Hendersonville, NC
License# 32488 P-I**

Allegations licensee violated the State Plumbing Code, improper system operation, installation issue on job, and failed to obtain a final inspection.

Leonard Merrill signed a Proposed Resolution Agreement on 07/21/2020.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Leonard Merrill, license, number 32488 P-I, and that of the firm, M & M Plumbing and Gas, shall be placed on unsupervised probation. The terms of the Proposed Resolution Agreement also include a requirement for the licensee, by August 10th, 2020, the contractor shall obtain a permit from the local code enforcement official, return to this structure and correct any and all code violations and issues that still exist. The contractor shall contact the building owner in advance and arrange a time to perform this work. Licensee shall enroll in, attend, and complete the Special Board Laws & Rules course.

Mills, Michael L.

**Mills Plumbing
Rocky Mount, NC**

License# 20618 P-I

Allegations licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, violated the minimum standard of the North Carolina State Plumbing Code, violated the minimum standard of the North Carolina State Fuel Gas Code, installation performed in a poor workman like manner/poor workmanship, and created a potential risk of personal injury.

Resolution Conference held 09/03/2020.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Michael Mills, number 20618 P-1, 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 include requirements to enroll in, attend and complete the series of Special Plumbing Code and Design courses and enroll in, attend, and complete the Special Board Laws & Rules course.

Myers, Joe C., Jr.

**GRC HVAC LLC
Louisburg, NC**

License# 7798 PH-2&3-I

Allegations licensee allowed the use of the license in that the licensee pulled 24 permits for the replacement HVAC units contracted and installed by Gabriel Castanon of G R C Air Conditioning, LLC. The work was performed before the licensee had any knowledge about this project, licensee has not been signing all contracts, licensee has not been performing supervision over all HVAC work, licensee acknowledged that the firm has performed more than 15 HVAC replacements and that the licensee has not performed any load calculations on any of the HVAC work for the new firm. The licensee acknowledged that he did not do loads since the jobs were replacements.

Resolution Conference held 09/01/2020.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Joe Carroll Myers, number 7798 PH-2&3-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. The terms of the Proposed Resolution Agreement also include requirements to enroll in, attend and complete the series of the series of Special Mechanical Design courses and enroll in, attend, and complete the Special Board Laws & Rules course.

Noble, Harlan

Comfort Wizards, Inc.

Garner, NC

License# 24600 H-2&3-I

Allegations licensee failed to carry out adequate ductwork installation and system design, failed to provide adequate supervision, violated the minimum standard of the North Carolina State Mechanical Code, placed the system into service before completing the job and without an obtaining an inspection, and failed to respond to the board investigator in reference to this complaint.

Resolution Conference held 09/02/2020.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Harlan Noble, number 24600 H-3-I, 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 include requirements to enroll in, attend and complete the series of the series of Special Mechanical Design courses and enroll in, attend, and complete the Special Board Laws & Rules course.

Osborne, Steven
American Industrial LLC
Greensboro, NC

License# 33692 H-1,2&3-I, Sublicensee

Allegations licensee had his current employer sign off on his P-I Board exam application when the work was performed while he was an employee at his previous employer.

Resolution Conference held 09/21/2020.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Steven Osborne, number 33692 H-1,2&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 include requirements to re-submit exam documents which accurately reflect required work experience obtained while employed at firm where experience was earned and the licensee shall enroll in, attend and complete the Special Board Laws & Rules course.

Powell, Perry D.
Skyline Construction Group, LLC
Raleigh, NC

License# 11052 PH-3-I

Allegations licensee violated probation in that he failed to submit to the board a trade name change by March 28, 2019 to list his license in the name of Powell HVAC, failed to attend the Board's Laws and Rules class within 90 days of the institution of his probation, and failed to submit to the board by June 14, 2019 copies of all employee W-4's and W-2's.

Resolution Conference held 09/02/2020.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Perry Powell, number 11052 PH-3-I, and the license of the firm be suspended for a period of three (3) months. During the suspension, the licensee shall enroll in, attend, and complete the

Special Board Laws & Rules course. Upon successful completion of the suspension, his license, number 11052 PH-3-I, and that of the firm shall be placed on supervised probation for a period of eighteen (18) months.

Regan, Ronald
Regan & Son Heating & Air Conditioning, Inc.
Roxboro, NC

License# 8357, H1,2&3-I

Allegations 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 proper load calculation(s) and grossly oversized the HVAC system, and violated the minimum standard of the North Carolina State Mechanical Code.

Resolution Conference held 09/02/2020.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Ronald Reagan, number 8357 H-1,2&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 include requirements, within sixty (60) days of the approval of this order, the contractor shall return to the homes and perform a thorough and detailed Manual J load calculation, Manual D duct design and a Manual S equipment sizing calculation. The licensee shall enroll in, attend, and complete the series of the series of Special Mechanical Design courses and enroll in, attend, and complete the Special Board Laws & Rules course.

Seibert, Cody A.
Southport, NC

License# 34345 H-3-I

Allegations licensee received an injunction from the NC Courts on May 21, 2018 in reference to violating the Board's statutes for working without a license, contracted and installed licensed work before obtaining his license, said work was performed November 2018 after the injunction, license obtained his license on or about December 6, 2018 without examination, under the military exemption, at another job performed after he obtained his license but before the institution of

the 12-month active suspension imposed on 01/14/2020, there were code violations, no permits or inspections, installation issues, and allegations of gross negligence and misconduct, and violated suspension in that the licensee contracted and / or performed work that requires a license while his license was suspended.

Resolution Conference held 09/01/2020.

Permanent Revocation Notice hand delivered 09/04/2020 to licensee.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of Cody Allen Seibert, number 34345 H-3-I, and that of the firm (Cool Breeze Heating & Air) shall be permanently revoked.

Wooten, James "Adam"
Advanced Eco-Air, Inc.

Asheville NC

License# 34456, H-3-II

Allegations licensee improperly listed his license with the Board in violation of GS 87-21, qualified more than one business location with his license, failed to obtain a permit prior to commencing work, failed to perform a load calculation for the installation of a new gas furnace, failed to provide adequate supervision, and violated GS 87-21 and the Board laws and rules sections .0402, .0405 & .0505.

James Wooten signed a Proposed Resolution Agreement on 07/16/2020.

The Review Committee found that the allegations were supported by the evidence and recommended that the license of James Wooten, license, number 34456, H3-II, and that of the firm, shall be placed on a supervised probation for a period of twelve months. The terms of the Proposed Resolution Agreement also include requirements, by 07/17/2020, that the licensee assure that his license has been listed with the Board in the name that he currently operates his business, assure that he only qualifies one location, by 07/30/2020, the contractor shall return to the homes, and perform a thorough Manual J load calculation and a Manual S equipment sizing calculation. Licensee shall enroll in, attend, and complete the Special Board Laws & Rules course.

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.

Blanton, Paul
Southport, NC

Closed matter related to Mascetti handled in Resolution Committee.

Bowers, Thomas
Oakboro, NC

Allegations of heating contracting without a license. Judgment of Permanent Injunction filed 8/28/20 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Campbell, Rick
Franklin, NC

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 9/30/20 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Cunningham, Robert T.
Sylva, NC

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 8/26/20 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so. Defendant served 9/1/20.

Garcia, Jorge A.
Durham, NC

Allegations of plumbing contracting without a license. Judgment of Permanent Injunction filed 9/18/20 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Garvey, Thomas M.
Wilmington, NC

Allegations of license peddling, operating two businesses on a single license and failure to supervise. Formal Hearing held July 14, 2020. Order issued on 7/23/2020 placing Respondent's license on 24 months supervised probation including laws and rules and code classes.

Gerrald, Robert P.
Whiteville, NC

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 8/12/20 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so. Defendant served 9/17/20.

Gonzalez, Carlos A.
Asheville, NC

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 8/26/20 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so. Defendant served 9/2/20.

Hardy, Ricky
Winston Salem, NC

Allegations of heating contracting without a license. Judgment of Permanent Injunction filed 8/14/20 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Johnson, Benji
Whitakers, NC

Allegations of heating contracting without a license in violation of underlying injunction. Order filed 9/15/20 finding Defendant in Contempt of Court and imposing a 30 day suspended sentence, 24 months of unsupervised probation and a fine of \$500.00 to the Wake County Clerk's office.

Jones, Kevin R.
Winston-Salem, NC

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 9/2/20 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Lewis, Billy Ray
Rockingham, NC

Allegations of heating contracting without a valid license in violation of prior Judgment of Permanent Injunction and failure to pay fine as part of term of suspended sentence of prior Order of Contempt. Defendant found in Contempt of Court on 9/28/20 and sentenced to 30 days in jail and a \$500 fine.

Newell, Christopher
Rapp's Does It All, LLC
Columbus, NC

Allegation of probation violation was resolved in Resolution Meeting. Matter closed.

Newman, Robert C.
Blue Ridge, GA

Allegations of plumbing contracting without a license. Complaint for injunctive relief filed 6/22/20. Defendant served 6/29/20. Judgment of Permanent Injunction filed 7/23/20 enjoin-

ing the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Overbee, Billy
New Bern, NC

Allegations of heating contracting without a license in violation of underlying injunction. Proposed Motion & Order to Show Cause forwarded to Judge on 10/11/19 requesting hearing for February 10, 2020. Received correspondence from Clerk to calendar motion to be heard regarding Order to Show Cause. Matter calendared for hearing on 2/10/2020 continued at request of attorney for Defendant. Show Cause hearing set for 5/4/20 but continued as all hearings and deadlines continued past June 1 by Order of Supreme Court due to Covid-19. New hearing set for 8/31/20. Hearing held on 8/31/2020 and Defendant found to be in Contempt of Court and sentenced to 30 days of house arrest.

Patterson, Antonio B.
Florence, SC

Allegations of heating contracting without a valid license. Judgment of Permanent Injunction filed 8/19/20 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Penny, Michael S.
Godwin, NC

Formal Hearing on exam application and character issue. Exam application approved by Board Order issued 7/17/2020.

Rutenberg, Joshua
Gastonia, NC

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 8/14/20 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

Silvers, Alexander T.
Morganton, NC

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 9/9/20 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

**Smith, James R.
Wilmington, NC**

Formal Hearing. Consent Order. License surrender accepted by Board.

**Sutherland, Paul
Winston-Salem, NC**

Allegations of plumbing contracting without a license. Judgment of Permanent Injunction filed 7/24/20/20 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so. Defendant served 8/17/20.

**Vance, John E.
Henderson, NC**

Allegations of heating contracting without a valid license in violation of prior Judgment of Permanent Injunction. Order filed 9/15/20 finding the Defendant in Contempt of Court and imposing a 90 day suspended sentence, 24 months of unsupervised probation and a fine of \$500.00.

**Vasquez, Antelmo D.
Asheville, NC**

Allegations of plumbing contracting without a valid license. Judgment of Permanent Injunction filed 9/11/20 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so. Defendant served 9/22/20.

**Willett, Jared S.
Waynesville, NC**

Allegations of heating contracting without a valid license. Judgment of Permanent Injunction filed 8/26/20 enjoining the Defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so. Defendant served 9/2/20.

**Winkler, Dale Thomas
d/b/a DJ'S Heating Services
Boone, NC**

Formal hearing conducted 5/13/14. Order issued. Formal hearing for reconsideration of Board Order held on 7/8/14. Request denied. Petition for Discretionary review filed in Watauga Superior Court. Record before the Board prepared and filed in Watauga County. Briefs served by parties. Oral arguments before Court 4/20/15. Court affirms Board rul-

ing. Order granting Stay signed by Judge Gavenus on 7/10/15. Winkler filed appeal to NC Court of Appeals. Record on Appeal docketed in Court of Appeals. Argument held 4/12/16 in Court of Appeals. Case remanded to Board. Board Order issued on 12/20/16 for 12 months unsupervised probation to include completion of courses.

Remaining Issue is Winkler's motion for attorney's fees. Attorney fees awarded against Board. Appeal to Court of Appeals as to proper interpretation of statute. Brief of Winkler filed mid-December 2017. Board's reply Brief filed 1/16/18. Oral arguments heard 3/7/18. Decision relating to attorney's fees was reversed on appeal. On 9/24/18, Jeff Gray petitioned the Supreme Court for discretionary review. The Supreme Court has granted the request for review. Winkler has filed his brief with the Supreme Court. Our responsive brief has been filed. Oral argument heard 1/6/2020. Decision anticipated summer or fall of 2020. Ruling in favor of Board- no award of attorney's fees to Mr. Winkler. Order issued releasing deposit back to Board and funds obtained. Matter closed.