



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

1109 Dresser Ct., Raleigh, NC 27609 Office 919-875-3612 Fax 919-875-3616

December 2009

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IMPORTANT HVAC NEWS

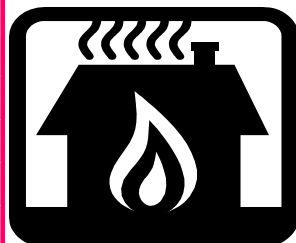
HVAC SYSTEM DESIGN AND INSTALLATION STANDARDS FURTHER DEFINED

For many years it has been the Board's position that our HVAC licensees should not only be selling heating and air conditioning equipment; they should also be selling COMFORT. It has also been a long standing Board policy that the only way for a licensee to determine the proper sizing of equipment for a residential or commercial building is to perform a thorough load calculation. The widely accepted old rule of thumb, 600 sq. ft. to the ton or some variation of that, is not acceptable and has never been acceptable.

The large majority of developers, builders, homeowners, and general contractors base their decisions solely on price with little, if any, consideration given to the size of equipment or type of system being installed.

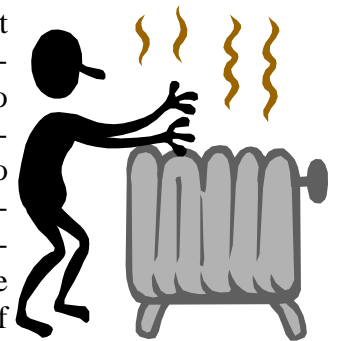
The Board has investigated numerous complaints involving a contractor who has installed a single system, without any type of automated zoning, to serve a two story home or larger, not based on logic but based on offering the uninformed customer a low price.

There have also been numerous complaints involving licensees who have installed a single system for a two story home with manual dampers. This configuration requires that the occupant have the knowledge and physical ability to crawl around the attic or the crawlspace seasonally to adjust air flow, again all based on offering the lowest price possible. Consider this: When having to seasonally adjust manual dampers, how does the homeowner know when the air flow is properly adjusted? The reality is they have no means of determining or verifying that the air flow is correct.



These philosophies, based solely on providing the lowest price, were flawed from the beginning and licensees of this Board (should) know there is no way to maintain a reasonable comfortable temperature difference either room to room or floor to floor using either of these design and installation methods.

(Continued on Next Page)



IMPORTANT HVAC NEWS

FURTHER DEFINED HVAC SYSTEM DESIGN AND INSTALLATION STANDARDS

(Continued from Previous Page)

HVAC contractors who invest the time and effort necessary to properly design a system that will provide year-round comfort for the occupants are admittedly at a competitive disadvantage with regards to pricing. However, the contractor who fails to properly design and install an adequate system is also placing himself/herself at a huge disadvantage by jeopardizing their reputation and their license.

While the customer may initially be pleased with the low cost, that customer quickly becomes displeased with a system that doesn't heat and/or cool their home efficiently and effectively.

When consumers cannot maintain reasonable comfort levels in their homes, they either learn to live with this deficiency or they file complaints with our Board. Last year the five Administrative Officers employed by this Board investigated more than 600 complaints. A large majority of those complaints (about 80%) were related to heating and air conditioning installations.

The Board and its staff are required by North Carolina General Statutes to investigate every complaint filed with the Board. For a number of years, the Board has used electronic digital temperature and humidity monitors, as well as flow hoods, to assist the investigators in determining if a system is designed, installed, and operating properly. This practice will continue, with contractors responsible for improperly designed, installed, or poorly performing systems being subject to disciplinary action by the Board.

In order to further address these issues and communicate the Board's position on the matter more clearly, the following rules have been passed, and will become effective (mandatory) on January 1, 2010:

21 NCAC 50 .0505 GENERAL SUPERVISION AND STANDARD OF COMPETENCE

(d) Every newly installed residential heating system, air conditioning system or both shall be designed and installed to maintain a maximum temperature differential of 4 degrees Fahrenheit room-to-room and floor-to-floor. On multilevel structures, contractors are required to either provide a separate HVAC system for each floor or to install automatically controlled zoning equipment for each level with individual thermostats on each level to control the temperature for that level. The seasonal adjustment needed to maintain the 4 degree Fahrenheit room-to-room and floor-to-floor maximum temperature differential shall not be accomplished through the use of manual dampers.

(e) All licensed HVAC contractors are required to perform a thorough room-by-room load calculation for all new residential structures prior to installing heating systems, air conditioning systems, or both which calculations shall be specific to the location and orientation where the HVAC system or equipment is to be installed. A written record of the system and equipment sizing information shall be provided to the owner or general contractor upon request and a copy shall be maintained in the job file of the licensee for a minimum of six (6) years.

(f) When either a furnace, condenser, or air handler in an existing residential heating or air conditioning system is replaced, the licensed HVAC contractor is required to perform a minimum of a whole house block load calculation. When a furnace, condenser or air handler in a residential heating or air conditioning system is replaced, it is the responsibility of the licensee to ensure that all systems and equipment are properly sized. The licensee may utilize industry standards, reference materials, evaluation of the structure, and load calculations. A written record of the system and equipment sizing information shall be provided to the homeowner, owner or general contractor upon request and a copy shall be maintained in the job file of the licensee for a minimum of six (6) years. If a load calculation was not performed or if a load calculation was performed and it is later determined by the Board that the unit installed was undersized or oversized, the installation will be considered as evidence of incompetence.

PERMITS FOR WATER HEATER REPLACEMENTS

SESSION LAW 2009-532

HOUSE BILL 1409

Effective October 1, 2009 new legislation, approved by the North Carolina General Assembly and signed by the Governor, provides an exemption for permits on certain water heater replacements. The exemption applies to water heaters (gas and electric) that meet the following criteria:

1. The exemption applies to one and two family dwellings only;
2. The installation of the water heater must be performed by a licensee or bona-fide employee of a licensee who holds the appropriate plumbing license issued by our board;
3. The licensee shall personally examine the water heater installation at the completion of the installation and must ensure that a leak test has been performed on the gas piping;
4. The energy use rate or thermal input is not greater than that of the water heater which is being replaced;
5. There is no change in fuel, energy source, location, capacity, or routing or sizing of venting and piping, AND
6. The replacement is installed in accordance with the current edition of the State Building Code.

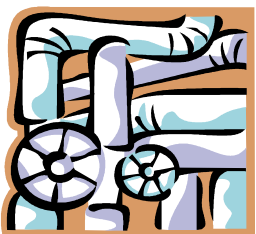
If a licensee fails to comply with any of the provisions outlined above, then a permit will be required and the exemption will not apply. As in the past, our board will investigate all complaints against licensees who fail to obtain the required permit prior to commencing work for all installations that require a license and permit. For example, if the employee of a licensee performs a water heater installation and upon completion the licensee does not personally review the installation, then the licensee no longer meets the exemption specified by the statute. In addition, this new legislation does not change the requirement that a license is required for all water heater installation and replacements.

GEOTHERMAL HVAC INSTALLATIONS

Over the last several years with the increased popularity of geothermal HVAC system installations there has been an increased misunderstanding on the licensing requirements for these installations. Although incorrect, there is a widely held belief in the industry that well contractors can perform the piping installation on geothermal installations, be it vertical or horizontal. The act of drilling the well and grouting the well casing is not governed by our licensing board, but the task of installing the piping (open loop or closed loop) is regulated by the Board's Laws and Rules. The installation of piping does require either an H-3 license (for systems 15 tons or below) or an H-2 license for systems larger than 15 tons. The definition of H-3 and H-2 reads in part as follows:

The phrase "heating, group number two" means an integral system for heating or cooling a building consisting of an assemblage of interacting components producing conditioned air to raise or lower the temperature, and having a mechanical refrigeration capacity in excess of fifteen tons, and which circulates air.

The phrase "heating, group number three" shall be deemed and held to be a direct heating or cooling system of a building that raises or lowers the temperature of the space within the building for the purpose of comfort in which electric heating elements or products of combustion exchange heat either directly with the building supply air or indirectly through a heat exchanger using an air distribution system of ducts and having a mechanical refrigeration capacity of 15 tons or less. A heating system requiring air distribution ducts and supplied by ground water or utilizing a coil supplied by water from a domestic hot water heater not exceeding 150 degrees Fahrenheit requires either plumbing or heating group number one license to extend piping from valved connections in the domestic hot water system to the heating coil and requires either heating group number one or heating group number three license for installation of coil, duct work, controls, drains and related appurtenances.



Licensees who hold H-1 licenses **cannot** perform the geothermal piping installations since their license (H-1) only covers hot water or steam piping systems. It is illegal for a well contractor to contract the geothermal piping installation even if the geothermal piping installation is subcontracted to a licensee who holds the appropriate license. In addition, it is illegal for a licensee (H-2 or H-3) to subcontract these installations from a well contractor. Well contractors can only contract or perform work that is classified as well construction activities through their board. Should anyone have any questions or concerns please contact our office for further details.



Engineering

Wayne Goodwin | Commissioner of Insurance

Tim Bradley | Assistant State Fire Marshal

November 13, 2009

Dale Dawson, Executive Director
State Board of Examiners of Plumbing,
Heating and Fire Sprinkler Contractors
1109 Dresser Ct.
Raleigh, NC 27609

RE: Public Utilities Delineation

Dale,

This letter is in response to your question regarding where the public utility ends and the NC Plumbing Code begins. To avoid any confusion, this letter replaces previous letters on this subject written by previous Deputy Commissioners including Grover Sawyer or Lee Hauser.

To give some background, North Carolina General Statute 143-138(b) exempts public utilities that meet the definition contained in G.S. 62-3. While the definition provides thresholds and criteria for a public utility, the concentration for this letter is that generally the equipment owned by the water purveyor is viewed by this department as the public utility.

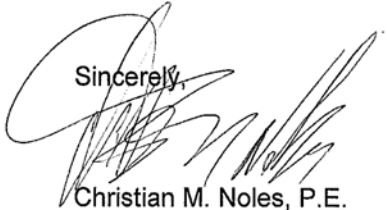
There is no question regarding the equipment owned by the purveyor is part of the public utility, but the equipment purchased, installed and/or maintained by the owner is within the scope of the NC Plumbing Code and subsequently requires a permit in accordance with G.S. 153A – 357 or G.S. 160A-417. In the example of a backflow preventer; purveyors may specify the type of device allowed for connection to their system, but if it is purchased, installed and/or maintained by the owner it is within the scope of Section 608 of the NC Plumbing Code.

With respect to lawn irrigation systems, a system that is shared with the potable water system is addressed by Section 608.16.5 of the 2009 NC Plumbing Code. However lawn irrigation systems with a direct connection to the public utility are not prescriptively addressed by the plumbing code. Section 101.3 of the 2009 NC Plumbing Code addresses the intent of the code by providing "...minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of plumbing equipment and systems."

When delineating the public utility from the dedicated lawn irrigation systems, the same approach applies as previously stated, equipment not owned by the public utility would be installed in accordance with the NC Plumbing Code and require a permit. It should be noted that G.S. 89G- 1(4) defines elements that are not part of the irrigation system, which include water service lines, water meters and backflow preventers.

Please let us know if we can be of additional assistance.

Sincerely,



Christian M. Noles, P.E.
Deputy Commissioner
Office of State Fire Marshal

IMPORTANT NOTICE REGARDING LATE RENEWAL

G.S. 87-22 states in part... "In the event of failure on the part of any person, firm or corporation to renew the license certificate annually and pay the required fee during the month of January in each year, the Board shall increase the license by twenty-five dollars (\$25.00) to cover any additional expense associated with late renewal."

The late fee will not apply to renewals received in the office that are post-marked by January 31st. Renewals post-marked February 1 or later must include the additional \$25.00 late fee in order to be processed.

The month of January is **not** a grace period for the license. All licenses not renewed by December 31, 2009 will expire at midnight on that date and all activity requiring a license (bidding, contracting, performing work, etc.) must cease until the license is renewed.

PLUMBING CONTRACTORS EXEMPT FROM WELL CONTRACTOR CERTIFICATION REQUIREMENTS SENATE BILL 687

After several meetings between Representative Julia Howard, Senator Tony Foriest, the State Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors, NCDENR and the North Carolina Well Contractors Association, legislation was submitted and approved to allow for an exemption from Level D Well Contractor licensure to licensed plumbing contractors. In order to become exempt from this licensure, licensed plumbing contractors must meet the following requirements:

Plumbing contractor shall maintain documentation of having attended a continuing education course that covered well seal installation, protection, and sanitation within the last two years prior to the work being performed. The licensed plumbing contractor shall be on site when the well seal is removed and must remain on site until the well has been sanitized and the well seal has been reinstalled.

The Board is working with Continuing Education providers to assure continuing education courses are available to plumbing contractors which meet the prescribed standard.



Website Information

Below is a list of available forms that can be downloaded from the website. To access the forms that have been placed on our website you can go to www.nclicensing.org and click on the "Download Forms" button.:

Examination Applications & Application

- Plumbing, Heating, & Fuel Piping Examination
- Fire Sprinkler Installation Contractor
- Fire Sprinkler Inspection Contractor
- Fire Sprinkler Inspection Technician with NICET Certification
- Fire Sprinkler Inspection Technician without NICET Certification
- Fire Sprinkler Maintenance Technician

Examination Book Reference

- Examination Book Reference List

Licensee Forms

- Trade Name Change
- Licensee Address Change
- Request for Copy (reprint) of License
- Request for Register of Licensees
- Request for Verification of License

Sub licensee Forms

- Sub licensee Address Change
- Add a Sub licensee
- Delete a Sub licensee

Consumer Forms

- Consumer Complaint Forms

Order Forms

- Reference Books

License Renewal Forms

Licensees with No Sub licensees

- Licensee with No Sub licensee – 2010 renewal
- Licensee with No Sub licensee – 2010 & Multi-year renewal

Licensee with Sub licenses

- Licensee with Sub licensee – 2010 renewal
- Licensee with Sub licensee – 2010 & Multi-year renewal



All Current and Up-To-Date Continuing Education Course Schedules are Available at

WWW.NCLICENSING.ORG



IMPORTANT TELEPHONE NUMBERS

Department of Labor	919-807-2760
Department of Revenue	919-733-3673
Secretary of State	919-807-3200
Electrical Licensing Board	919-733-9042
GC Licensing Board	919-571-4183
Department of Insurance	919-661-5880
Henry Webster	Extension 238
Billy Hinton	Extension 239

Engineering

Wayne Goodwin | Commissioner of Insurance

Tim Bradley | Assistant State Fire Marshal

August 24, 2009

Dale Dawson
Executive Director
State Board of Examiners of Plumbing,
Heating and Fire Sprinkler Contractors
1109 Dresser Court
Raleigh, NC 27609

Dale,

Subsequent to the meeting between the office of State Fire Marshal, Department of Environment and Natural Resources (DENR) and the State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors, I want to document the understanding between the three organizations regarding design, installation and testing.

To provide background, NC General Statute 143-215.1 and 130A-335, 336 require that sewer lines are required to be permitted by DENR. For sewers not tributary to subsurface disposal systems, 15A NCAC 02T .0303 (1) states that the discharge from a single building sewer by gravity means and approved by the local inspector is deemed permitted. When more than one building sewer connects before discharging to the sewer system, it will be referred to as a sewer collector for the purposes of this letter.

While plumbing systems, including building sewer and combination building sewers, is contained in the NC Plumbing Code, there are specific DENR rules that address sewer collectors. These rules can be different than the prescriptive requirements contained within the plumbing code.

Due to the scoping of the NC Plumbing Code, the DENR rules and the licensure guidelines of the contractors, representatives from all three organizations have agreed that the good design practice for the sewer collector would require the more stringent criteria between the plumbing code and the DENR rules.

In effect, when a building sewer line or multiple building sewer lines connect together (sewer collector) on the premises, a plumbing inspection for both the sewer and the sewer collector shall be performed by the local plumbing inspector using the plumbing code for both. However when DENR rules are more stringent for sewer collectors, the more stringent DENR rule would be used by the local plumbing inspector. In addition for sewer collectors where DENR rules apply, there should be plans and specifications prepared by the Professional Engineer that would reflect DENR rules / criteria. When there is a question to what is more stringent that cannot be answered by the designer or code official, OSFM or DENR should be contacted

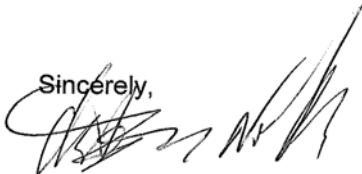
If there are any questions, please contact any of the agencies:

Office of State Fire Marshal – (919) 661-5880

DENR – (919) 733-6900

State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors –
(919) 875-3612

Sincerely,



Christian M. Noles, P.E.
Deputy Commissioner
Office of State Fire Marshal

NORTH CAROLINA BUILDING CODE COUNCIL

Rule Citation: 2009 NC Fuel Gas Code, Section 406.7, Purging of Gas Piping

Effective Date: October 15, 2009

Findings Reviewed and Approved by the Codifier: October 6, 2009

Reason for Action: This amendment is in response to an inadequate performance procedure prescribed in the NC Fuel Gas code. Subsequent to an investigation by the US Chemical Safety Board following an explosion at the ConAgra Plant in the spring of 2009, it was determined that the procedure allowing a gas line to be purged within a building could lead to another accident before the Permanent Rule is completed. In short, the Code allows a technician to determine the amount of Natural or LP gas within a building by sense of smell. The new language requires equipment to detect the dangerous concentration of gas within the enclosed space. The odorant added to the gas was intended to determine the presence, not the concentration of the gas.

NC FUEL GAS CODE

406.7 Purging. Purging of piping shall comply with Sections 406.7.1 through 406.7.4.

406.7.1 Removal from service. Where gas piping is to be opened for servicing, addition, or modification, the section to be worked on shall be turned off from the gas supply at the nearest convenient point, and the line pressure vented to the outdoors., or to ventilated areas of sufficient size to prevent accumulation of flammable mixtures. The remaining gas in this section of pipe shall be displaced with an inert gas as required by Table 406.7.1.

Exception: If the line pressure cannot be vented to the outdoors; the building and all effected spaces shall be evacuated of personnel not purging the gas lines, quantities of flammable gas shall not exceed 25% of the lower explosive limit as measured by a combustible gas detector, eliminate all ignition sources and provide adequate ventilation to prevent accumulation of flammable gases.

TABLE 406.7.1

LENGTH OF PIPING REQUIRING PURGING WITH INERT GAS FOR SERVICING OR MODIFICATION

NOMINAL PIPE SIZE (Inches)	LENGTH OF PIPING REQUIRING PURGING
2½	> 50 feet
3	> 30 feet
4	> 15 feet
6	> 10 feet
8 or larger	Any length

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

406.7.2 Placing in operation. Where piping full of air is placed in operation, the air in the piping shall be displaced with fuel gas, except where such piping is required by Table 406.7.2 to be purged with an inert gas prior to introduction of fuel gas. The fuel gas flow shall be continued without interruption until the vented gas is free of air. After purging, the vent shall then be closed. Where required by Table 406.7.2, the air in the piping shall first be displaced with an inert gas, and the inert gas shall then be displaced with fuel gas.

TABLE 406.7.2

LENGTH OF PIPING REQUIRING PURGING WITH INERT GAS BEFORE PLACING IN OPERATION

NOMINAL PIPE SIZE (Inches)	LENGTH OF PIPING REQUIRING PURGING
3	> 30 feet
4	> 15 feet
6	> 10 feet
8 or larger	Any length

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

406.7.3 Discharge of purged gases. The open end of piping systems being purged shall not discharge into confined spaces or areas where quantities of flammable gas can exceed 25% of the lower explosive limit as measured by a combustible gas detector. All potential sources of ignition shall be identified and eliminated or controlled. Precautions shall be taken to maintain the concentration of the flammable gas below 25% of the lower explosive limits, such as adequate ventilation, control of the purging rate and other measures, as appropriate.

406.7.4 Placing appliances and equipment in operation. After the piping system has been placed in operation, all appliances and equipment shall be purged and then placed in operation, as necessary.

406.7.5 Personnel Training. Personnel performing purging operation shall be trained to the hazards associated with purging and shall not rely on odor when monitoring the concentration of combustible gas.

Consent Agreement Report

A Consent Agreement is a sworn affidavit taken from unlicensed individuals who have contracted or performed plumbing, heating, air conditioning, fuel piping or 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 in the field contracting or installing work that requires a license, please report them to this office.

Name	City/Town	Date	Name	City/Town	Date
Akor, Ike I.	Montgomery Village, MD	05/07/09	Hooper, Bruce	Gastonia, NC	02/25/09
Alexander, Ben	Wilson, NC	06/11/09	James, Harvey L.	Walnut Cove, NC	06/01/09
Alexander, Charles F.	Wilmington, NC	06/02/09	Jeter, Oscar	Ft. Washington, MD	05/05/09
Allen, Steve C.	Clyde, NC	06/01/09	Jones, Brandon	Rocky Mount, NC	07/08/09
Amstutz, Dominick J.	Hendersonville, NC	03/17/09	Kinder, James	Durham, NC	07/30/09
Anderson, Kimberly M.	Conetoe, NC	04/13/09	Lewis, Mark R.	Fayetteville, NC	07/02/09
Barnes, David W.	Wilson, NC	08/20/09	Martin Grant L.	Richburg, SC	08/18/09
Barton, Larry W.	Pembroke, NC	06/01/09	Massey, Myron A.	Charlotte, NC	08/17/09
Beal, Donnie N.	Fayetteville, NC	05/06/09	McKinney, Johnny J.	Tarboro, NC	07/08/09
Bentley, Thomas N.	Fayetteville, NC	05/07/09	McKittrick, Herb J.	Lansing, NC	04/21/09
Bishop, Gary L.	Bryson City, NC	08/21/09	McNeel, Scott W.	Charlotte, NC	08/18/09
Bray, David	Eden, NC	07/28/09	Mitchell, Jeff W.	Franklinton, NC	07/29/09
Cantrell, Terry	Rutherfordton, NC	03/17/09	Mitchell, Jimmy	Kenly, NC	04/02/09
Carroll, Robert B.	Fayetteville, NC	07/02/09	Nauta, Johnny B.	Lumber Bridge, NC	05/06/09
Carter, David P.	Whiteville, NC	05/05/09	Payne, Elijah	Hope Mills, NC	05/07/09
Cottrell, James	Greensboro, NC	04/28/09	Reason, Donnie P.	Wilson, NC	08/20/09
Critzer, Ronald L.	Rocky Mount, NC	04/13/09	Riddle, Andrew B.	Hendersonville, NC	05/01/09
Davis, Mark L.	Spring Lake, NC	05/06/09	Shockley, Russell P.	Collinsville, VA	07/16/09
Ebron, Jerry L.	Wilson, NC	05/08/09	Sims, Ricky L.	Union Mills, NC	04/15/09
Fisher, Homer P.	Fayetteville, NC	09/17/09	Tickle, Daniel M.	Sunset Beach, NC	07/29/09
Gerald, Jay F.	Wilmington, NC	04/21/09	Traver, Jay E.	Charlotte, NC	04/01/09
Greene, Arthur	Fayetteville, NC	09/17/09	Vinson, Thomas J.	Charlotte, NC	08/19/09
Harris, Jimmy	Brevard, NC	08/31/09	Vittoa, Stephen H.	Fayetteville, NC	09/16/09
Hill, Thurston M.	Lexington, NC	05/06/09	Walker, Samuel D.	Raleigh, NC	05/13/09
Hilliard, Rodney W.	Bailey, NC	07/20/09	Williams, Tareyton	Leland, NC	05/18/09
Holliday, Charles E., II	Cherryville, NC	02/24/09	Woodlock, John C.	Wilmington, NC	04/21/09
Hodnett, Gordon	Collinsville, VA	07/16/09			

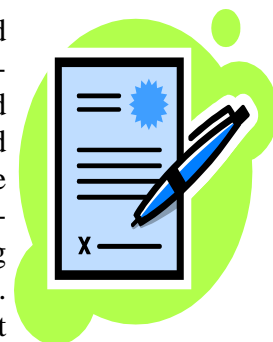
Listed below is an excerpt form the Annual Report the Board submits to the Governor’s office.

The number of persons who applied to the board for examination	1275
The number who were refused examination	6
The number who took the examination	1269
The number to whom initial licenses were issued	497
The number of official complaints received involving licensed and unlicensed activities	607
The number of disciplinary actions taken against licensees, or other actions taken against nonlicensees, including injunctive relief:	
Disciplinary action against Licensees	274
Actions against nonlicensees, including injunctive relief...	137
The number of licenses suspended or revokedSuspensions	28
Revoked	10
The number of licenses terminated for any reason other than failure to pay the required renewal fee.....	10



Permit Warning Letters

A Permit Warning Letter is issued to licensees who have been found to have performed plumbing, heating, air conditioning, fuel piping or fire sprinkler work without a permit having been issued prior to the commencement of the work. Section .0402(a) of the Laws and Rules book states in part that “A licensed contractor shall assure that a permit is obtained from the local Code Enforcement Official before commencing any work for which a license is required by the Board.” If you have questions concerning permits, contact your local inspection office. If it is found that multiple jobs have been performed without first obtaining permits, the Board may take additional disciplinary action against the individual and firm. The following individuals were issued permit warning letters for failure to assure a permit was obtained prior to commencing work:



Name	City/Town	Date	Name	City/Town	Date
Carl R. Baker	Charlotte, NC	05/22/09	Martin, Danny C.	Wilmington, NC	07/01/09
Barrett, Cassandra L.	Denver, NC	07/01/09	McCaskill, John E.	Fayetteville, NC	07/02/09
Bishop, Ronald J.	Brevard, NC	09/01/09	McKee, Patrick M.	New Bern, NC	04/08/09
Boone, Matthew J.	Charlotte, NC	04/29/09	Meyer, Thomas J.	Kill Devil Hills, NC	01/28/09
Caldwell, William L.	Charlotte, NC	01/15/09	Ortlam, Charles L.	Kannapolis, NC	09/10/09
Campbell, Timothy G.	Raleigh, NC	06/30/09	Poplin, Steven G.	Concord, NC	08/18/09
Canella, Craig J.	Conover, NC	04/08/09	Rains, Steven W.	Council, NC	09/02/09
Carroll, Jay A.	Greensboro, NC	06/29/09	Sellers, Earl L.	Robbinsville, NC	04/13/09
Caudle, Donald E.	Charlotte, NC	08/18/09	Shelton, Phillip W.	Bunn, NC	12/02/08
Dawson, Herman S.	Carolina Beach, NC	06/25/09	Shuford, William K.	Shelby, NC	08/06/09
Day, Elmer W., Jr.	Mocksville, NC	06/18/09	Simmons, Jimmy L.	Supply, NC	07/29/09
Dean, Paul R.	Bluffton, SC	06/25/09	Suggs, Cecil L.	Little River, SC	04/15/09
Dixon, Joseph P., Jr.	New Bern, NC	04/08/09	Whaley, Joel T.	Fort Mill, SC	08/19/09
Elkins, Virgil A.	Morganton, NC	04/01/09	Tarlton, James V., Jr.	Hickory, NC	05/22/09
Fields, Danny D.	Stanley, NC	08/26/09	Wheeler, Linton D.	Canton, NC	06/29/09
Foy, Howard J., Jr.	Mooresville, NC	08/18/09	Whitaker, Michael A.	Indian Trail, NC	08/18/09
Goude, Francis L.	Conway, SC	04/15/09	Wilcox, David N.	Gastonia, NC	11/04/08
Hefner, Billy W.	Charlotte, NC	08/18/09	Wilkerson, Calvin C.	Hope Mills, NC	07/31/09
Holliman, Donald D.	North Wilkesboro, NC	05/06/09	Williams, Charles T., IV	Avon, NC	05/07/09
Johnson, Billy G.	Mount Airy, NC	08/13/09	Williamson, Kermit D.	Clinton, NC	02/16/09
Julian, Jeff D.	Stanfield, NC	05/07/09	Willis, Walston D.	Reidsville, NC	07/27/09
Lombardo, David R.	Raleigh, NC	05/27/09	Windham, Paul E.	Walnut Cove, NC	05/01/09
Lynch, Charles	Asheville, NC	07/15/09			

Annual Renewals Due by December 31st—Re-examination for Three Year Expiration

Renewal invoices were mailed out to all active licensees on October 1, 2009. Please remember that all licenses expire at midnight on December 31, 2009. Unless the license has been renewed, all tasks which require a license (bidding, contracting, performing work, etc.) must stop until the license is renewed. Licenses renewed after January 31, 2010, are also subject to a \$25.00 late fee.

Despite popular belief, the opportunity to renew a license during January without a late fee being charged *is not* a 31 day grace period during which work may continue after the license expires. Individuals or firms who continue to work following expiration of the license on December 31st are subject to discipline from the Board for working without a license, just as an unlicensed individual or firm would be.



In addition, if your license has been expired since December 31, 2006, you have until December 31, 2009 to renew your license. Failure to renew the license by December 31, 2009 will result in it your license being retired and would require that the licensee reapply and pass the required examination for the licenses sought. Also, to renew the license all continuing education requirements must be met as well.

Letters of Caution

A Letter of Caution is a document used to notify a licensee of violations found, but which violations do not constitute the need for discipline (i.e. probations, suspensions, etc.). This is a total voluntary process between the field staff or the Resolution Review Committee and the licensee. All of the Letters of Caution are reviewed and approved by the Executive Director. If a complaint has not been resolved in the field through or if the licensee objects to a Letter of Caution, 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. Listed below are the different Letters of Caution entered into by the field staff and the Resolution Review Committee that have been reviewed and approved .

Name	City/Town	Date	Name	City/Town	Date
Atzenhoffer, Joseph P.	Bryson City, NC	05/13/09	Lovin, Kenneth, R.	Monroe, NC	08/17/09
Carver, Aaron W.	Staley, NC	05/27/09	Martin, Danny Carl	Wilmington, NC	07/01/09
Cecil, Gary W.	Asheboro, NC	07/22/09	Medley, Terry	Rockwell, NC	05/28/09
Edwards, Joseph E.	Kernersville, NC	07/02/09	Noble, Woodrow B.	Raeford, NC	09/16/09
Guthrie, Jimmy B.	Arden, NC	05/22/09	Parker, Larry E.	Lumberbridge, NC	07/31/09
Hamlett, Robert	Greensboro, NC	06/03/09	Pendergrass, Mark A.	Wilmington, NC	07/29/09
Hearn, Walter T.	Atlantic Beach, NC	07/16/09	Pickler, James W.	Lexington, SC	07/22/09
Huggins, Mace F.	Hendersonville, NC	06/12/09	Spivey, H. Mack	Sanford, NC	07/29/09
Jenkins, Jeffrey W.	Kernersville, NC	08/18/09	Stickels, Bradley K.	Fairview, NC	07/20/09
Johnson, Billy J.	Mount Airy, NC	08/13/09	Stikeleather, William	Matthews, NC	05/26/09
Keller, David A.	Morganton, NC	08/17/09	Tarlton, James V.	Hickory, NC	05/22/09
King, Ronnie F.	Myrtle Beach, SC	05/22/09	Wilkerson, Calvin C.	Hope Mills, NC	07/31/09
Kluttz, Christopher R.	Salisbury, NC	05/10/09	Williams, Billie L.	Pinebluff, NC	07/16/09
Lackey, J. P.	Bryson City, NC	05/22/09			

New Webpage Added

A new page has recently been added to our website and can be accessed by clicking on the "Interpretations" link. The page contains interpretations, legislation, emergency rules, and other information of interest. The material may be searched by topic or by agency. Users may also submit material for consideration by following the instructions at the bottom of the page. The page will be updated frequently as information becomes available.

PHCC-NORTH CAROLINA CELEBRATES 100TH ANNIVERSARY

Starting January 1, 2010 the Plumbing-Heating-Cooling Contractors of North Carolina (PHCC-NC) will begin a year-long celebration of the association's 100th anniversary. More than simply marking a historic milestone, the celebration will bring recognition to the industry and educate the public on the contributions that the professional plumbing-heating-cooling contractor makes to the health, safety and comfort of society. To further expand its reach to North Carolina industry professionals, the association has initiated a plan for local chapters in various parts of the state with 6 new chapters planned for 2010 and 6 for 2011. Two highlighted events for 2010 are PHCC-NC's EXPO (tradeshow) and Annual Convention, April 29 – May 1, in Greensboro, NC and Summer Convention, July 29 – August 1 at Wrightsville Beach, NC.



Since 1910, PHCC-North Carolina has provided leadership in the advancement of the plumbing and mechanical trades. With a three-pronged focus of education, legislative representation and improving members' profitability, PHCC-NC is the leader in promoting the interest of our industry and its contractors. For further information, contact Dianne Gulli, PHCC-NC Executive Director, 919-532-0522 .

Below is a letter from Board Attorney Nick Fountain to Phil Edwards Chief Plumbing/Mechanical Inspector with the Mecklenburg County Inspection Department providing an official interpretation on the licensing requirement for the installation of irrigation backflow prevention devices. Licensed Irrigation Contractors cannot perform these installations unless they hold a State Plumbing Contractor license issued from our Board.

October 29, 2009

Mr. Phil Edwards
Mecklenburg County Building Inspection Dept.
PO Box 31097
Charlotte, NC 28231

Re: Licensing Requirements Installation of Backflow Prevention Devices Irrigation Systems on Private Property

Dear Phil:

As counsel to the State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors, I have been asked to clarify the license requirements for installation of backflow devices secondary to installation of irrigation systems on private property. I understand the question has taken on renewed interest because of a state requirement that new irrigation systems be separately metered.

Plumbing License Required

The first question in determining who is qualified to install the backflow prevention device is which license is required. Under G.S. 87-21, the installation of plumbing on private property or in a building requires license as a plumbing contractor issued by the State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors. In this discussion, it would not matter whether the irrigation system is connected to piping within a structure or to a separate meter on private property. G.S. 87-21(a)(1) defines plumbing to include a system of pipes, fixtures and appurtenances installed "upon the premises, or in a building, to supply water thereto..." This statement, and not the Building Code or local ordinances, determines whether or not license as a plumbing contractor is required. This same statute requires plumbing to be carried out by plumbing contractors.

Limited Scope of Work By Irrigation Contractors

An irrigation contractor may not install backflow prevention devices. The definition of an irrigation system is explicit in excluding any work upstream of the backflow prevention assembly. G.S. 9G-1(4), effective January 1, 2009, provides as follows:

- (4) *Irrigation system. – All piping, fittings, sprinklers, drip tubing, valves, control wiring of 30 volts or less, and associated components installed for the delivery and application of water for the purpose of irrigation that are downstream of a well, pond or other surface water, potable water or groundwater source, or grey water source and **downstream of a backflow prevention assembly**. Surface water, potable water or groundwater sources, water taps, utility piping, water service lines, water meters, **backflow prevention assemblies**, storm water systems that service only the interior of a structure, and sanitary drainage systems are not part of an irrigation system. (emphasis added)*

Permitting and Inspection Questions Are Separate From Licensure Requirements

Licensing requirements for plumbing systems are controlled by the State Board of Examiners of

Plumbing, Heating and Fire Sprinkler Contractors while permit and inspection requirements are handled or overseen by the Department of Insurance. There is one exception. In order to assure an appropriate level of competence and public safety, the State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors has adopted a rule which requires that licensees of the Board obtain a permit from the local permitting authority for any work for which a license is required. A failure to obtain the appropriate permit is evidence of incompetence or misconduct in the event such a person comes before the Board. The rule in question is 21 NCAC 50.0404(a) which provide in pertinent part as follows:

“A licensed contractor shall assure that a permit is obtained from the local code enforcement official before commencing any work for which a license is required by the Board...”

It is not for this Board to determine which department of city government should issue and inspect the work; nevertheless, the Board will require that the contractor have the permit such that the work receives a second look for the protection of the public. I have been provided information indicating that Charlotte-Mecklenburg inspections may have received erroneous or outdated information with regard to the licensure requirements set out above.

Please understand that the State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors is the only reliable and definitive source of information as to the application of license requirements for plumbing work on the premises or in a building or the installation of the backflow prevention assembly. Information contrary to the Statutes set out above, whether obtained from the Department of Insurance, from the Irrigation Contractor's Licensing Board or otherwise is both mistaken and unreliable.

Enforcement

It is the longstanding practice of the State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors to obtain injunctive relief and to place persons in contempt of court in situations where work requiring license is performed by persons who do not have the required license. We hope that your office will take steps to make certain that unlicensed plumbers or irrigation contractors are not misled by unreliable information leading them to contract work without license and risk court action. Likewise, it would be unfortunate if plumbing contractors are led to believe that permit is not required for a backflow prevention assembly because the obtaining of permit is part of the minimum standard of competence and conduct required of licensees of the State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors.

Please advise if you have any questions.

Sincerely yours,

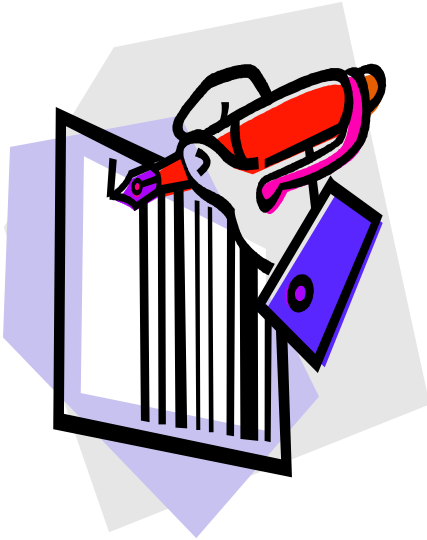
YOUNG MOORE AND HENDERSON, P.A.

By

John N. Fountain

cc: Chris Noles
Henry Webster
Dale Dawson
James Bartl
Dr. Ronald Sneed
Chris Reitzel

Plumbing Code – Section 614



There is a section in the 2009 North Carolina Plumbing Code, **Section 614 – Partial Sprinkler Protection in One- and Two-Family Dwelling** that allows, per the code, for the installation of one or two sprinkler heads in a one to two family dwelling connected to the domestic water system. This section of the code **CONFLICTS** with the licensing law. Even though this section is in the plumbing code, only Licensed Fire Sprinkler Installation Contractors shall install any fire sprinkler systems and those installations shall meet NFPA 13D. Please do not be misled by the fact that this section is in the plumbing code, and understand that licensed plumbing contractors **CANNOT** perform these fire sprinkler installations. Starting on July 1, 2010, our board will be issuing a Residential Fire Sprinkler Contractor license, but again those licensee still cannot perform installations consistent with Section 614 since board rules require Residential Fire Sprinkler Contractors to perform their installations within the guidelines of our rules and must meet NFPA 13D as their minimum standard.

Licensees Required to Bring Code Books to Continuing Education Classes!

Licensees are required to have the latest versions of all pertinent code books at all code related CE classes associated to the classification of license they hold.

If a licensee does not have the appropriate code book(s), they should check with the course provider to see if the code book(s) will be available for purchase at the class location. Code book(s) can also be purchased through the Department of Insurance at (919)661-5880.



Office Staff Directory

Office #	919-875-3612	
Fax #	919-875-3616	
		Ext.
D J Soltys	Executive Assistant/ Licensing Coordinator	203
Sharon Pittman	Legal Coordinator	205
Hannah Whaley	Complaint Coordinator	211
Erik Rogers	C E Coordinator / Receptionist	213
Eric Hall	Business and IT Manager	216
Dale L. Dawson	Executive Director	224
Karen Jolliffe	Examination Coordinator	230

E-mail inquires to information@nclicensing.org

Administrative Officers / Field Staff

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Jimmy Jimenez
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Tom Johnston
North Central Region
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North Eastern Region
919-602-9095

David Boulay
Western Region
828-234-2719

New Residential Fire Sprinkler License

After twelve months of work, the Board is pleased to announce the addition of another license classification to be offered to plumbing contractors. On October 13, 2008, Floyd Fritz, Fire Marshall for the Village of Pinehurst made a request to the Board to create a limited Residential Fire Sprinkler License for plumbing contractors to install NFPA 13D Multipurpose Residential Fire Sprinkler systems. After thorough consideration by the Board, it was decided that it would be in the best interest of the citizens of North Carolina to pursue the creation of this new license.

After several discussions on the necessary qualifications, responsibility and educational requirements for this new license, the Board published the necessary proposed language and held a public hearing on June 9, 2009. In attendance at the hearing were representatives from both North Carolina Fire Marshall Associations, Habitat for Humanity, and two of the state plumbing trade associations, as well as others. A number of the attendees addressed the Board with their opinions and concerns on this topic and other proposed rule changes.

At the conclusion of the Public Hearing, the Board took additional written comment into consideration in crafting the final language that would be presented to the North Carolina Rules Review Commission. The Board is pleased to announce that the proposed language for all of the rule changes presented to the Commission have been approved and will become effective during 2010. The new rules are published in their entirety elsewhere in this newsletter.

The qualifications, requirements, and scope for the new Residential Fire Sprinkler License are as follows:

- All applicants for this new license must demonstrate that they have held a active North Carolina Plumbing Class I or Plumbing Class II license for a minimum of three (3) years,
- Applicants must attend a 16 hour course, approved by the Board, based on NFPA 13D Multipurpose Fire Sprinkler system installations. The Board is currently working with the North Carolina Fire Marshall Association, the North Carolina Department of Insurance, and the Carolina's Chapter of the American Fire Sprinkler Association along with several other industry individuals to create this required course.
- This license only covers NFPA 13D multipurpose (or "combination") Fire Sprinkler systems installed in single family dwellings.
- The first license will not be issued until July 1, 2010. This license is a separate qualification and will require a separate licensing fee in addition to that which is required for any other license issued by the Board.
- This license does not allow the holder to design NFPA 13D Multipurpose Residential Fire Sprinkler systems. All system designs shall be performed by a Board licensed Fire Sprinkler Installation Contractor or a licensed North Carolina Professional Engineer. Any modifications to a designed system must be redesigned again by the design professional
- Holders of this license will still need to obtain six (6) hours of approved continuing education hours annually for their plumbing qualifications, and must also obtain a separate four (4) hours of approved continuing education hours on NFPA 13D Residential Fire Sprinkler systems.



Traditional stand alone fire sprinkler systems shall be installed by Fire Sprinkler Installation Contractors and cannot be installed by the holder of a Residential Fire Sprinkler Contractor license.

After the course development process and the creation of the examination has been completed, all plumbing contractors will be notified by mail on the steps necessary to obtain this license, if the licensee desires to do so.

The Board appreciates the assistance of the representatives from the fire service and fire sprinkler industry, as well as others who worked to make this license a reality. It is our belief that this opportunity to provide licensed installation contractors for NFPA 13D Multipurpose Fire Sprinkler Systems will greatly contribute to improving the safety of the citizens of North Carolina.

NEW ADMINISTRATIVE RULES

21 NCAC 50 .0202 OBTAINING FORMS

Forms may be obtained on request from the State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors, 1109 Dresser Court, Raleigh, North Carolina, 27609, or via document download from the Board's official website at <http://www.nclicensing.org>.

SECTION .0300 – EXAMINATIONS

21 NCAC 50 .0301 QUALIFICATIONS DETERMINED BY EXAMINATION

(a) In order to determine the qualifications of an applicant, the Board shall provide an examination in writing or by computer in the following categories:

- Plumbing Contracting, Class I
- Plumbing Contracting, Class II
- Heating, Group No. 1 - Contracting, Class I
- Heating, Group No. 1 - Contracting, Class II
- Heating, Group No. 2 - Contracting, Class I
- Heating, Group No. 3 - Contracting, Class I
- Heating, Group No. 3 - Contracting, Class II
- Fuel Piping Contractor
- Fire Sprinkler Inspection Technician
- Fire Sprinkler Installation Contractor
- Fire Sprinkler Inspection Contractor
- Fire Sprinkler Maintenance Technician
- Residential Fire Sprinkler Installation Contractor

(b) Each person being examined by the Board for a contractor license other than a Fire Sprinkler Installation or Inspection Contractor license shall be required to read, interpret and provide answers to both the business and law part and the technical part of the examination required by G.S. 87-21(b).

(c) Applicants for licensure as a fire sprinkler installation contractor, must submit evidence of current certification by the National Institute for Certification and Engineering Technology (NICET) for Fire Protection Engineering Technician, Level III, subfield of Automatic Sprinkler System Layout as the prerequisite for licensure. Current certification by NICET is in lieu of separate technical examination conducted by the Board. Applicants for licensure as a fire sprinkler installation contractor, must take and pass the business and law part of the exam administered by the Board.

(d) Applicants for licensure in the Fire Sprinkler Inspection Technician classification must either pass the technical examination offered by the Board or submit evidence of Level II Certification in "Inspection and Testing of Water-based Protection Systems" by NICET in lieu of examination.

(e) Applicants for the Fire Sprinkler Inspection Contractor classification must submit evidence of Level III certification in "Inspection and Testing of Water-based Fire Protection Systems" by NICET in lieu of technical examination. Contractors who obtain license by NICET certification must maintain such certification thereafter as a condition of license renewal. Applicants for licensure as a fire sprinkler inspection contractor must take and pass the business and law part of the examination administered by the Board in addition to demonstrating NICET certification as set out herein.

(f) Applicants for a license in the Limited Fire Sprinkler Maintenance Technician classification must obtain a license based on maintenance experience, education and job classification set forth in Rule .0306.

(g) Applicants for a license as a Residential Fire Sprinkler Installation Contractor must obtain a license based on experience set forth in Rule .0306 and must take and pass the technical part of the Residential Fire Sprinkler Installation Contractor examination.

21 NCAC 50 .0306 APPLICATIONS: ISSUANCE OF LICENSE

(a) All applicants for licensure or examination shall file an application in the Board office on a form provided by the Board.

(b) Applicants for plumbing or heating examination shall present evidence at the time of application to establish two years of full-time experience in the installation, maintenance, service or repair of plumbing or heating systems related to the category for which a license is sought, whether or not a license was required for the work performed. Applicants for fuel piping examination shall present evidence at the time of application to establish one year of experience in the installation, maintenance, service or repair of fuel piping, whether or not a license was required for the work performed. Up to one-half the experience may be in academic or technical training related to the field of endeavor for which examination is requested. The Board will prorate part-time work of less than 40 hours per week or part-time academic work of less than 15 semester or quarter hours.

(c) The Board shall issue a license certificate bearing the license number assigned to the qualifying individual.

(d) Fire Sprinkler Installation Contractors in the unlimited classification shall meet experience requirements in accordance with NICET examination criteria.

(e) Applicants for examination or licensure in the Limited Fire Sprinkler Inspection Technician classification shall submit evidence adequate to establish that the applicant has either:

- (1) 4000 hours experience involved in inspection and testing of previously installed fire sprinkler systems, consistent with NFPA-25, as a full-time employee of a Fire Sprinkler Inspection Contractor or fire insurance underwriting organization; or
- (2) 4000 hours experience involved in inspection and testing of previously installed fire sprinkler systems, consistent with NFPA-25 as a full time employee of a hospital, manufacturing, government or university facility and under direct supervision of a Fire Sprinkler Inspection Contractor or a Fire Sprinkler Inspection Technician; or
- (3) 4000 hours experience involved in installation of fire sprinkler systems as a full-time employee of a Fire Sprinkler Installation Contractor; or
- (4) a combination of 4000 hours experience in any of the categories listed in this Paragraph.

NEW ADMINISTRATIVE RULES

(f) Applicants for licensure in the Fire Sprinkler Inspection Contractor classification shall meet experience requirements in accordance with NICET certification criteria.

(g) Applicants for initial licensure in the Fire Sprinkler Maintenance Technician classification must submit evidence of 4000 hours experience at the place for which license is sought as a full-time maintenance employee in facility maintenance with exposure to periodic maintenance of fire protection systems as described in 21 NCAC 50.0515 of this Chapter or 2000 hours of such experience, together with six hours classroom instruction in courses approved by the Board consisting entirely of training in fire system maintenance, repair and restoration to service. Applicants who have held Fire Sprinkler Maintenance Technician license previously at a different facility are not required to demonstrate experience in addition to the experience at the time of initial licensure but shall submit a new application for the new location at which they wish to be licensed.

(h) Applicants for licensure in the Residential Fire Sprinkler Installation Contractor classification must hold an active Plumbing Class I or Class II Contractor license issued by this Board for a minimum of three years and must document attendance at a 16 hour course approved by the Board pursuant to these Rules covering NFPA 13D Multipurpose Residential Plumbing and Residential Fire Sprinkler Systems.

21 NCAC 50 .0307 REFUND OF DEPOSIT

The application fee for license without examination, and the application and examination fee for an examination shall not be refunded.

21 NCAC 50 .0308 REVIEW OF EXAMINATION

(a) Any person who fails to pass an examination may, on written request, review his or her examination at a time and place determined by the Board.

(b) In the event an applicant fails an examination for a particular qualification three times, the applicant must present evidence of six months additional practical experience involving both design and installation of systems of the type for which a license is sought together with at least 24 contact hours of additional classroom education approved by the Board.

21 NCAC 50 .0309 EXPANDING SCOPE OF LICENSE

Any licensee holding a license as an individual, or a licensee whose name appears on the certificate of license issued in the name of a corporation, partnership, or business that has a trade name, may be examined for the purpose of expansion of his license qualifications upon payment of the required application and examination fee, providing that the individual meets the requirements for licensing in the classification sought.

21 NCAC 50 .0310 APPLICATION FOR LICENSURE BY RECIPROCITY

The Board shall grant license by reciprocity only pursuant to reciprocal licensing agreements worked out with various states after mutual review of the applicable licensing standards and examinations.

21 NCAC 50 .0402 PERMITS

(a) A licensed contractor shall ensure that a permit is obtained from the local Code Enforcement official before commencing any work for which a license is required by the Board except as set out in Paragraph (c) of this Rule. The contractor shall also ensure that a request for final inspection is made by himself, the general contractor or the owner within 10 days of substantial completion of the work for which a license is required, absent agreement with the owner and the local Code Enforcement official. Absent agreement with the local Code Enforcement official the licensee is not relieved by the Board of responsibility to arrange inspection until a certificate of compliance or the equivalent is obtained from the local code enforcement official or the licensee has clear and convincing evidence of his effort to obtain same.

(b) A licensed contractor shall not allow a permit to be obtained or his license number to appear upon a permit except for work which he or his employees perform, over which he will provide general supervision until the completion of the work for which he holds an executed contract with the licensed general contractor or property owner and for which he receives the contractual payment.

(c) A plumbing permit is not required for replacement of a water heater in a one or two-family dwelling if there is no change in fuel, energy source, location, capacity, routing or sizing of venting or piping and if the energy use rate or thermal input is not increased and if the licensee personally examines the work at completion and if the licensee ensures that leak test has been performed on any fuel piping.

21 NCAC 50 .0404 ACTIVE EMPLOYMENT

(a) In each business location, branch or facility of any kind from which work requiring a license pursuant to G.S. 87, Article 2 is:

- (1) solicited or proposed; or
- (2) from which contracts for such work are negotiated or entered into; or
- (3) from which requests for such work are received, accepted, or dispatched; or
- (4) from which such work is carried out;

there shall be on duty the lesser of 1500 hours annually, or all hours during which the activities described herein are carried out, at least one individual who holds license in the classification required for the work being proposed or performed, whose license is listed in the name of the particular firm or business at that location, and who is engaged in the work of the firm at the business location or at firm job sites and who has the responsibility to make, modify, terminate and set the terms of contracts, and to exercise general supervision, as defined in Rule .0505 of this Chapter, of all work falling within his license qualification. Evidence of compliance shall be required as a condition of renewal or retention of license, and falsification shall constitute fraud in obtaining license. The standards set forth in Rule 21 NCAC 50 .0512 shall be applied.

(b) If a licensee uses his or her license to qualify a firm and that licensee holds employment elsewhere, no work that requires a license can be performed by the firm based on the qualification of that licensee during the hours the licensee is committed or active in employment elsewhere.

NEW ADMINISTRATIVE RULES

(c) A field or project office used solely to carry out an existing contract or contracts entered into by the main license office and from which none of the other activities in Rule .0404(a) are conducted shall not be deemed a separate place of business or branch requiring compliance with Rule .0404(a).

21 NCAC 50 .0405 MULTIPLE LICENSES

(a) In order to maintain the identity of firms and allow effective supervision, each licensed contractor shall qualify only the business location where he is primarily located.

(b) A licensee may be listed on only one contractor license at any given time, whether the license is issued in the name of the individual or in the name of a firm; provided, however, that the fire sprinkler maintenance technician qualification may be listed separately in the name of the employer to which restricted.

(c) A licensee other than the holder of a Fire Sprinkler Maintenance Technician license, may, upon deletion of his name and qualifications from a firm license, reinstate his personal license, either as an individual or in the name of some other corporation, partnership, or business that has a trade name, upon compliance with G.S. 87-26.

21 NCAC 50 .0408 CHANGE OF TRADE NAME

(a) The trade name under which a license is issued may be changed upon request to and approval by the Board pursuant to these Rules. If the Board approves the name change, the last license issued to the licensee must be returned to the Board before the new license will be sent to the licensee.

(b) A contractor license shall be issued or renewed using any corporate name, partnership name, or trade name which is not substantially similar to a name already in use according to the records of the Board.

(c) The licensee shall notify the Board of any change in location, telephone number, physical address or mailing address from that shown on the last license renewal invoice within 30 days after the change takes place.

SECTION .0500 - POLICY STATEMENTS AND INTERPRETATIVE RULES

21 NCAC 50 .0501 AIR CONDITIONING FURTHER DEFINED

(a) Heating Group 2 systems are defined in G.S. 87-21(a)(3). Multiple units serving interconnected space and aggregating more than 15 tons are included Heating Group 2 systems in the foregoing whether or not separately ducted or controlled.

(b) The installation of heating and air conditioning systems or components located in single family dwellings and systems of 15 tons or less capacity in non-residential structures require Heating Group 3 license except where:

- (1) heat is provided by hot water or steam in a Heating Group 1 system, or
- (2) cooling is provided by a unitary appliance such as a window unit in which case a license is not required.

21 NCAC 50 .0505 GENERAL SUPERVISION AND STANDARD OF COMPETENCE

(a) The general supervision required by G.S. 87-26 is that degree

of supervision which is necessary and sufficient to ensure that the contract is performed in a workmanlike manner and with the requisite skill and that the installation is made properly, safely and in accordance with applicable codes and rules. General supervision requires that review of the work done pursuant to the license be performed by a licensee of the firm while the work is in progress.

(b) The provisions of the North Carolina Building Code, including the provisions of codes and standards incorporated by reference, adopted by the Building Code Council of North Carolina are the minimum standard of competence applicable to contractors licensed by the Board. Licensees shall design and install systems which meet or exceed the minimum standards of the North Carolina State Building Code, manufacturer's specifications and installation instructions and standards prevailing in the industry.

(c) Work performed under Rule .0513, Rule .0514, and Rule .0515 shall be performed by the licensed technician pursuant to the license held by that person.

(d) Every newly installed residential heating system, air conditioning system or both shall be designed and installed to maintain a maximum temperature differential of 4 degrees Fahrenheit room-to-room and floor-to-floor. On multilevel structures, contractors are required to either provide a separate HVAC system for each floor or to install automatically controlled zoning equipment for each level with individual thermostats on each level to control the temperature for that level. The seasonal adjustment needed to maintain the 4 degree Fahrenheit room-to-room and floor-to-floor maximum temperature differential shall not be accomplished through the use of manual dampers.

(e) All licensed HVAC contractors are required to perform a thorough room-by-room load calculation for all new residential structures prior to installing heating systems, air conditioning systems, or both which calculations shall be specific to the location and orientation where the HVAC system or equipment is to be installed. A written record of the system and equipment sizing information shall be provided to the owner or general contractor upon request and a copy shall be maintained in the job file of the licensee for a minimum of six (6) years.

(f) When either a furnace, condenser or air handler in an existing residential heating or air conditioning system is replaced, the licensed HVAC contractor is required to perform a minimum of a whole house block load calculation. When a furnace, condenser or air handler in a residential heating or air conditioning system is replaced, it is the responsibility of the licensee to ensure that all systems and equipment are properly sized. The licensee may utilize industry standards, reference materials, evaluation of the structure, and load calculations. A written record of the system and equipment sizing information shall be provided to the homeowner, owner or general contractor upon request and a copy shall be maintained in the job file of the licensee for a minimum of six (6) years. If a load calculation was not performed or if a load calculation was performed and it is later determined by the Board that the unit installed was undersized or oversized, the installation will be considered as evidence of incompetence.

(g) A licensed plumbing contractor involved in installation or replacement of a well pump or pumping equipment which includes installation or reinstallation of a well seal is required to be present on site until the well is disinfected and sealed.

NEW ADMINISTRATIVE RULES

21 NCAC 50 .0506 MINOR REPAIRS AND ALTERATIONS

(a) The connection of a factory installed and inspected mobile home drainage system to an existing approved premises sewer system, which premises sewer system extends from the septic tank or municipal sewer system, constitutes a minor repair or replacement. The connection of a factory installed mobile home water system to an existing potable water supply on the premises constitutes a minor repair or replacement.

(b) The initial installation or the subsequent replacement of any water heater in any structure requires a license in plumbing except where installed by a property owner personally in property not intended or used for sale or rental.

(c) The installation of a water purification system which interrupts the potable water supply does not constitute a minor repair or replacement within the meaning of G.S. 87-21(c).

(d) Any connection, repair, or alteration which requires interruption of the potable water supply and if poorly performed creates risk of contamination of the potable water supply is not a minor repair, replacement or alteration.

(e) Any connection, repair or alteration which if poorly performed creates risk of fire or exposure to carbon monoxide, open sewage or other gases is not a minor repair, replacement or alteration.

(f) The failure to enumerate above any specific type of repair, replacement or alteration shall not be construed in itself to render said repair, replacement or alteration as minor within the meaning of G.S. 87-21(c).

(g) A license in plumbing contracting or a license issued pursuant to Article 7A, Chapter 87 of the General Statutes is required of a person who installs pumps or pumping equipment, installs, breaks or reinstalls a well seal or disinfects a well.

21 NCAC 50 .0508 HEATING: GROUP 3 LICENSE REQUIRED

(a) A license in heating, group No. 3 is required for the installation or replacement of a furnace, air handler, heat pump, package unit, ductwork or condenser in a heating, group No. 3 system.

(b) A license in heating, group No. 3 is required to install or replace a self-contained fireplace unit if the unit utilizes ducts or a blower to distribute air to areas not immediately adjacent to the fireplace itself.

(c) A license in heating, group No. 3 is required when air conditioning of 15 tons or less is added to an already installed heating, group No. 3 system.

(d) A heating, group No. 2 license is required for the installation or replacement of equipment or ductwork in a Heating Group No. 2 system, unless exempted by G.S. 87-21(a)(3).

21 NCAC 50 .0513 FIRE SPRINKLER INSPECTION TECHNICIAN LICENSE

(a) License in the Fire Sprinkler Inspection Technician classification is required of the technician who carries out periodic inspection of fire sprinkler systems consistent with NFPA-25.

(b) Periodic observation and testing of systems other than NFPA-25 system certification may be carried out by Fire Sprinkler Maintenance Technicians licensed under Rule .0515 of this Chapter. Insurers who carry out inspections for the

limited purpose of underwriting or rating for insurance purposes, in situations where the physical tasks are carried out by the on-site Fire Sprinkler Maintenance Technician licensee of the insured, are not required to be licensed pursuant to this Rule. All NFPA-25 reports and system tags must display the name and signature of the licensee who performed the actual inspection as well as the licensee number of the inspection contractor; except that where the Fire Sprinkler Inspection Technician license is issued in the name of a manufacturing, government, university or hospital facility as set out in this Rule, the NFPA-25 report and system tags must display the name, signature and license number of the Inspection Technician.

(c) Licenses shall be issued based on experience and examination or on experience and certification, as described in Rules .0301 and .0306 of this Chapter and expire annually.

(d) The duties of fire sprinkler inspection technicians may be carried out as employees of fire sprinkler inspection contractors or as full-time employees at a manufacturing, government, university or hospital facility. Fire Sprinkler Inspection Technician licenses shall be issued and listed either as sublicensees of fire sprinkler inspection contractors or as a fire sprinkler inspection technician license in the name of the manufacturing, government, university or hospital facility where the fire sprinkler inspection technician is employed.

21 NCAC 50 .0514 FIRE SPRINKLER INSPECTION CONTRACTOR LICENSE

(a) License in the Fire Sprinkler Inspection Contractor classification is required of persons who engage in the business of contracting to perform or performing independent testing and inspections of fire sprinkler systems consistent with NFPA-25. Insurers who carry out inspections for the limited purpose of underwriting or rating for insurance purposes, in situations where the physical tasks are carried out by the on-site Fire Sprinkler Maintenance technician licensee of the insured, are not required to be licensed pursuant to this Rule.

(b) Where the NFPA-25 inspection is carried out by a Fire Sprinkler Inspection Contractor, the NFPA-25 report and system tags must display the name, signature and license number of the Fire Sprinkler Inspection Contractor.

(c) Licenses shall be issued based on experience and examination, as described in Rules .0301 and .0306 of this Chapter and expire annually.

21 NCAC 50 .0515 FIRE SPRINKLER MAINTENANCE TECHNICIAN LICENSE

(a) License in the Fire Sprinkler Maintenance Technician classification is required of the technician who carries out periodic maintenance observation or testing of water-based fire protection systems. Licenses shall be issued based on experience and training, as described in Rules .0301 and .0306 of this Chapter and expire annually. This license is limited to work on the systems at the locations of the employer of the licensee for which experience was demonstrated. Upon termination of employment at the location for which certified, the Fire Sprinkler Maintenance Technician license shall lapse, and a new license shall be obtained for

NEW ADMINISTRATIVE RULES

the systems at the new place of employment by compliance with the requirements of Rule .0306 of this Chapter. Insurers who carry out inspections for the limited purpose of underwriting or rating for insurance purposes, in situations where the physical tasks are carried out by the on-site Fire Sprinkler Maintenance Technician licensee of the insured, are not required to be licensed pursuant to this Rule.

(b) Persons holding a Fire Sprinkler Maintenance Technician license may only:

- (1) Operate and lubricate hydrants and control valves;
- (2) Adjust valve and pump packing glands;
- (3) Bleed moisture and condensation from air compressors, air lines and dry pipe system auxiliary drains;
- (4) Clean strainers;
- (5) Check for painted, damaged or corroded sprinklers, corroded or leaking piping and verify control valves are open;
- (6) Replace painted, corroded or damaged sprinkler head, using identical serial numbers;
- (7) Replace missing or loose hangers;
- (8) Replace gauges;
- (9) Clean water motor gong;
- (10) Perform air compressor maintenance;
- (11) Reset dry pipe valves;
- (12) Exercise fire pumps, not including conduct of a flow measurement test;
- (13) Perform periodic maintenance observation or testing, not including the annual NFPA-25 inspections; or
- (14) Perform repairs other than the foregoing on an emergency basis where necessary to restore a system to operation, provided the holder of the Fire Sprinkler Maintenance Technician license documents his efforts and inability to obtain the services of the holder of a license as a Fire Sprinkler Installation Contractor prior to performing the repairs, but obtains such services within 72 hours thereafter.

21 NCAC 50 .1006 INFORMAL PROCEDURES

(a) The Board and party or parties may agree at a pre-hearing conference to simplify the hearing by: decreasing the number of issues to be contested at the hearing; accepting the validity of proposed evidence; accepting the findings in another case with relevance to the case at hand; or agreeing to such other matters as may expedite the hearing.

(b) The Board may establish a resolution committee consisting of the Executive Director and one or two persons appointed by the Executive Director to conduct an informal conference when it appears there may not be a need for a formal hearing. At least two Resolution Committee members must be present and participate in Committee proceedings. Any party who does not agree with a proposal for resolution resulting from an informal conference may notify the Board within 30 days. The matter will subsequently be heard de novo by a majority of the Board or as otherwise provided by 21 NCAC 50 .1005, or this Rule. If there is no

objection to the proposed resolution within 30 days, the proposed resolution will be received and considered by a majority of the Board as a recommendation by the staff, any Board member involved and the licensee for adoption.

(c) As a part of the contested case hearing process, the Board may elect to conduct a summary proceeding in a contested case. The procedure for a summary proceeding is substantially as follows:

- (1) After issuance of a notice of hearing in accordance with 21 NCAC 50 .1004, the matter is considered by a single board member without a record. Each party may tender affidavits, documents and a closing statement. Live testimony shall not be received.
- (2) Each party may present a suggestion as to the terms of a Recommended Order. The board member will consider the materials and suggestions and issue a Recommended Decision in summary proceeding. If there is no objection within 30 days, the Recommended Order shall be received and considered by a majority of the Board as a recommendation by the staff, any Board member involved and the respondent for adoption.
- (3) Any party who does not agree with the recommended decision may notify the Board within 30 days.

(d) Any matter not resolved pursuant to the procedure in Paragraph (b) or (c) of this Rule shall be heard de novo by a majority of the Board or as otherwise provided by 21 NCAC 50 .1005. The de novo hearing shall be conducted as other contested case hearings are conducted pursuant to 21 NCAC 50 .1000. The Board member who conducted the summary proceedings shall be disqualified from the de novo hearing.

SECTION .1400 – CONTINUING EDUCATION

21 NCAC 50 .1401 CONTINUING EDUCATION REQUIREMENTS

(a) Beginning with renewals of license for years beginning on or after January 1, 2003, each holder of a Plumbing, Heating or Fuel Piping license, must have completed six hours of approved continuing education for each calendar year as a condition of license renewal.

(b) Beginning with renewals of license for years beginning on or after January 1, 2010, as part of and not in addition to the requirements set out in Paragraph (a) of this Rule, each applicant for license renewal, other than fire sprinkler licensees, must complete two hours of instruction devoted entirely to N.C. Building Code including recent changes or amendments' to those codes annually.

(c) Courses accredited for renewal of Plumbing, Heating or Fuel Piping license, must be in areas related to plumbing, heating, air conditioning or fuel piping contracting such as the technical and practical aspects of the analysis of plans and specifications, estimating costs, fundamentals of installation and design, equipment, duct and pipe sizing, code requirements, fire hazards and other business ethics, taxation, payroll, cash management, bid and contract preparation, customer relations subjects as those may relate

NEW ADMINISTRATIVE RULES

to engaging in business as a plumbing, heating or fuel piping contractor or to plumbing or heating systems.

(d) Persons holding multiple qualifications from the Board must complete at least six hours annually, but are not required to take hours each year in each qualification, except Plumbing Contractor licensees who also hold a Residential Fire Sprinkler Installation Contractor license must obtain six hours continuing education annually in plumbing and four hours continuing education annually in residential fire sprinkler installation. Licensees with multiple qualifications shall take instruction so as to remain current in all areas of contracting work in which engaged.

(e) Licenses may not be renewed without documentation of course attendance, course name, course number, content and teacher. Falsification or misstatement of continuing education information shall be grounds for failure to renew licenses and disciplinary action, including revocation or suspension of licenses.

(f) Individuals who obtained licensure by means of the NICET certification as a Fire Sprinkler Installation Contractor, Fire Sprinkler Inspection Contractor, or Fire Sprinkler Inspection Technician, must maintain current certification with NICET as a condition of annual license renewal, and shall present evidence of same to the Board. In addition, licensees in this class must also obtain six hours of Board-approved continuing education classes for each calendar year as a condition of license renewal.

(g) Beginning with renewals of license on or after January 1, 2003, each holder of a Fire Sprinkler Installation Contractors or Fire Sprinkler Inspection Contractor or Technician license not required to be current on the continuing education requirements of NICET must complete six hours of approved continuing education in areas related to fire sprinkler contracting during the preceding calendar year as a condition of license renewal. Licensees in the Fire Sprinkler Maintenance Technician classification shall obtain four hours of approved classroom continuing education annually relevant to the systems they maintain.

21 NCAC 50 .1402 EXEMPTIONS AND CREDITS

(a) Licensees shall not carry over continuing education hours from one calendar year to the next.

(b) Newly licensed individuals shall have no continuing education requirements for the calendar year in which they first become licensed.

(c) Licensees who are unable to fulfill the required number of hours as the result of illness as certified by an attending physician and who will not be engaged in bidding, supervising or other activities for which license is required may petition the Board in writing for an exemption or request approval of an individualized plan tailored to their physical limitations. Such requests shall be approved within 90 days consistent with the requirements applicable to all licensees.

(d) Licensees who are over the age of 65, and who shall not be engaged in bidding, supervising or other activities for which license is required during the coming year, except as an employee of another licensee, may apply to the Board and obtain an exemption. If exemption is granted and the licensee thereafter wishes to engage in activity requiring license, the continuing education must be completed and satisfactory proof provided to the Board before any activity requiring license is undertaken.

(e) Instructors in Board-approved courses shall receive continuing education credit for lecture hours in approved courses.

(f) Members of the Board, Board Staff and Resolution Review Committee shall receive continuing education credit for hours spent in hearings, resolution review conferences or in monitoring continuing education courses. Licensees sitting on the Resolution Review Committee or attending formal hearings other than as a Respondent shall receive credit for such hours, but are not relieved of the necessity to obtain the code hours required by 21 NCAC 50 .1401(b)(1).

(g) Licensees who have been called to active duty with any branch of the United States Military Service are not required to obtain continuing education credit hours during times they are deployed on active duty outside North Carolina and will not be required to obtain continuing education credit hours for the license year in which they return to North Carolina from active duty. The licensee will be required to obtain continuing education credit hours the years following return from deployment on active duty outside North Carolina. In order to qualify for exemption from continuing education credit hours based on active military duty, the licensee must submit a copy of the military orders documenting their active duty military deployment and return.

21 NCAC 50 .1404 COURSE REQUIREMENTS AND LIMITATIONS

(a) In order for course credit to be obtained, the course must be approved and consist of instruction in areas related to plumbing, heating, air conditioning and fire sprinkler contracting or inspection contracting such as the technical and practical aspects of the analysis of plans and specifications, estimating costs, fundamentals of installation and design, equipment, duct and pipe sizing, and NFPA code requirements, fire hazards and other subjects as those may relate to engaging in business as a plumbing, heating, fuel piping or fire sprinkler contractor or to plumbing or heating or fire sprinkler systems. Business ethics, taxation, payroll, cash management, bid and contract preparation, customer relations or similar subjects related to plumbing or heating contracting shall also be approved.

(b) In order for course credit to be obtained, the course must be taught by the instructor or alternate listed when the course was approved by the Board, absent specific request and approval of the course as modified prior to the delivery of the program.

(c) Courses shall have a minimum of two hours of actual instruction and a maximum of six hours of actual instruction, per day.

(d) Courses shall be held in facilities conducive to learning. Such facilities include community colleges, technical schools, or community centers.

(e) Courses shall be open to all interested licensees that the host facility can reasonably accommodate and for audit by Board representatives; courses may not be restricted to employees, dealers or members of a particular firm or group.

(f) Once listed on the six-month course roster, a course may not be cancelled during that six month period.

(g) Though courses may have commercial sponsors, the courses shall not include promotion of products or services of a particular firm or manufacturer.

(h) Correspondence, home study, license exam preparation

NEW ADMINISTRATIVE RULES

(cram) courses shall not be approved.

(i) For the information of all licenses, the Board shall maintain a calendar of all courses available during a six-month period.

(j) Licensees are required to bring with them to any continuing education course a current code book relevant to any particular course where building code is being taught.

(k) The maximum number of students allowed in any Board-approved continuing education class shall be 100.

21 NCAC 50 .1405 APPROVAL OF COURSES

(a) To obtain approval of a course a provider or proposed provider must submit a written application to the board on or before the first day of September of each year for courses to be offered the following January through June and on or before the first day of March each year for courses to be offered the following July through December. The application must include:

- (1) two complete sets of written course materials and a detailed course outline; and
- (2) an application cover sheet on a form supplied by the Board identifying the applicant, the name, training and experience of all speakers, the proposed date(s) of the course, the host facility, the place where applications for enrollment should be sent, the cost, and the total continuing education hours being offered.

(b) Preliminary review of course applications shall be carried out by a committee appointed by the Board, that shall include some providers of approved courses. Committee recommendations shall be presented to the Board for final approval.

(c) As a condition of course approval, providers shall agree to submit to the board, in the form provided by the Board, an alphabetical listing of all licensees who attended and completed the course and a copy of any course materials distributed to participants together with certification that the course was provided consistent with the application. The foregoing information shall be submitted within 15 days of the course date set out on the application.

(d) Providers who fail to provide the information set forth in Paragraph (c) of this Rule shall not thereafter be approved to conduct a course.

(e) Licensees may select courses other than those offered by pre-approved providers while attending out of state educational functions. In order to obtain approval, the licensee must submit a written application for approval on a form obtained from the Board upon completion of each such course. In lieu of such form, an advertising brochure may be submitted, provided the brochure includes the topic, content of lecture material, date, time, location, name and qualifications of speaker and the number of contact hours received upon completion of the program. The licensee must also provide independent verification of attendance. Board evaluation of courses not pre-approved may result in disapproval.

21 NCAC 50 .0516 RESIDENTIAL FIRE SPRINKLER INSTALLATION LICENSE

License in the Residential Fire Sprinkler Installation Contractor classification is required of persons who engage in the business of contracting to perform or performing the installation of multipurpose single family residential water-based plumbing and fire sprinkler piping systems consistent with NFPA-13D. All multipurpose single family residential plumbing and fire sprinkler piping systems are required to be hydraulically calculated and designed by a licensed North Carolina Fire Sprinkler Installation Contractor or a North Carolina Licensed Professional Engineer for each specific installation. Residential Fire Sprinkler Installation Contractors are required to perform each installation consistent with the calculation and design. Any single purpose single family residential water-based fire sprinkler system shall be installed by a licensed Fire Sprinkler Installation Contractor.

21 NCAC 50 .1102 LICENSE FEES

(a) Except as set out in this Rule, the annual license fee for plumbing, heating and fuel piping licenses by this Board is one-hundred thirty dollars (\$130.00).

(b) The annual license fee for a licensed individual who holds qualifications from the Code Officials Qualification Board, is employed full-time as a local government plumbing, heating or mechanical inspector and who is not actively employed in business requiring license from this Board is twenty-five dollars (\$25.00).

(c) The initial application fee for license without examination conducted by the Board is thirty dollars (\$30.00).

(d) The annual license fee for a contractor or inspection technician whose qualifications are listed as the second or subsequent individual on the license of a corporation, partnership, or business with a trade name under Paragraphs (a) or (c) of this Rule is thirty dollars (\$30.00).

(e) The annual license fee for fire sprinkler installation contractor and fire sprinkler inspection contractor licenses by this Board is one hundred thirty dollars (\$130.00).

(f) The annual license fee for Fire Sprinkler Maintenance Technician is one hundred thirty dollars (\$130.00).

(g) The annual license fee for Residential Fire Sprinkler Installation Contractor is one hundred thirty dollars (\$130.00).

21 NCAC 50 .1104 FEES FOR COPIES OF RECORDS AND RETURNED CHECKS

The Board charges the following fees:

- | | |
|---|-----------------------------------|
| (1) copies of license | \$20.00 |
| (2) abstract of license record | \$25.00 per license record search |
| (3) processing fee for returned checks | maximum allowed by law |
| (4) copy of Board rules | \$10.00 |
| (5) processing fee for late renewal | \$25.00 |
| (6) Business and Project Management for Contractors | \$45.00 |

Field Resolution Agreements and Resolution Review Committee Agreements

A Field Resolution Agreement is a voluntary agreement by which a licensee enters into some type of licensing sanctions against their license in place 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 their 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 their 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, but 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.

Allen, Burris

Roto-Rooter Services Company

Charlotte, NC

License# 22749, P-I

Allegations of misconduct and violation of a prior probation order in the business of plumbing contracting in that the licensee violated the probation, failed to obtain permit (s) prior to commencing work after having received a permit warning letter, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections in a timely manner, and failed to provide adequate supervision.

Resolution Conference held 08/18/2009. Burris Allen signed a Resolution Conference Agreement 08/18/2009.

The license of Burris Allen, number 22749 P-I, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Bennett, Mary

Ocean Air Heating & Cooling, Inc.

Longwood, NC

License# 28252, H-3-I

Allegations of misconduct, incompetence, and violation of a prior suspension order in the business of heating contracting in that the licensee performed work while license was suspended, violated the minimum standard of the North Carolina State Mechanical Code, failed to provide adequate supervision.

Resolution Conference held 07/15/2009.

Mary Bennett signed Resolution Conference Agreement 07/15/2009.

The license of Mary Bennett, number 28252 H-3-I, and the license of the firm shall be permanently revoked pursuant to the resolution agreement approved by the Board on February 10, 2009.

Bishop, Ronald

Bishop's Plumbing & Repair

Brevard, NC

License# 11409, P-II

Allegations of misconduct and working without a license in that the licensee failed to obtain a permit prior to commencing work, and contracted plumbing group class one work without a license.

Ronald Bishop signed Proposed Resolution Agreement 09/01/2009

Review Committee approved Resolution Agreement 09/10/2009.

The license of Ronald Bishop, number 11409, P-II, and that of the firm shall be placed on unsupervised probation for a period of twelve months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Boice, George

First Quality Heating & Air Service

Waxhaw, NC

License# 18145, H-2&3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to meet the minimum 1500 hour annual requirement, failed to contract and perform work for the firm (owner of firm submitted proposals, contracted and permitted installations requiring a license), failed to review work while it was in progress (was called as needed upon completion of a job), failed to ensure that employees of firm working under his license are bona fide employees (employees were paid via 1099), and failed to provide adequate supervision while work requiring a license was performed by the firm.

George Boice signed Proposed Resolution Agreement 08/19/2009

Review Committee approved Resolution Agreement 09/07/2009.

Field Resolution Agreements and Resolution Review Committee Agreements

The license of George Boice, number 18145, H-2&3-I, and that of the firm shall be placed on probation for a period of two (2) years. In the event the licensee violates the conditions of probation, the license will be suspended for a period of one (1) year, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Boyles, Scott
Logan Heating and Air Conditioning, Inc.
Clemmons, NC
License# 18148, H-3-I

Allegations of misconduct in the business of heating contracting in that the HVAC equipment installed failed to maintain the maximum of 4 degree temperature difference, room to room / floor to floor.

Scott Boyles signed Proposed Resolution Agreement 12/10/2008.

Proposed Resolution Agreement approved 05/27/2009.

The license of Scott Boyles, number 18148 H-3-I, and that of the firm shall be placed on unsupervised probation for eight (8) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of four (4) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Brewington, Charles
Brewington Heating & Air Conditioning Inc.
Charlotte, NC
License# 09801, 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 provide adequate supervision, failed to size equipment properly, and violated the minimum standard of the North Carolina State Mechanical Code.

Resolution Conference held 05/27/2009.

Charles Brewington signed Resolution Conference Agreement 05/27/2009.

The license of Charles Brewington, number 9801, and that of the firm shall be placed on supervised probation for eighteen (18) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Curry, Charles
Curry Heating & Cooling, Inc.
Gastonia, NC
License# 8065, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee allowed his license number to

appear on permit(s) and on installation(s) performed by unlicensed persons.

Resolution Conference held 05/27/2009.

Charles Curry signed Resolution Conference Agreement 05/27/2009.

The license of Charles Curry, number 8065 H-3-I, and that of the firm, shall be placed on unsupervised probation for six (6) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Curtis, Danny
Dannyz Plumbing, Inc.
Graham, NC
License# 20523,

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to obtain a permit prior to commencing work, and performed work on an expired license.

Danny Curtis signed Proposed Resolution Agreement 05/19/2009.

Proposed Resolution Agreement approved 06/11/2009.

The license of Danny Curtis, number 20523 P-I, and that of the firm, shall be placed on unsupervised probation for fifteen (15) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Davis, David
Black Mountain, NC
License# 18161, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee obtained money and abandoned the job.

David Davis signed Proposed Resolution Agreement 08/14/2009

Review Committee approved Resolution Agreement 08/24/2009.

The license of David DeWayne Davis, license number 18161, H-3-I, and the license of the firm shall be suspended for a period of twelve months. In the event the licensee violates the conditions of suspension, his license will be indefinitely suspended, with the requirement that prior to the license ever being reinstated; he must comply with all of the provisions listed above.

Dean, Paul
Dean Custom Air, LLC
Bluffton, SC
License# 29407, H2&3-I

Field Resolution Agreements and Resolution Review Committee Agreements

Allegations of misconduct in the business of heating contracting in that the licensee operated two business locations under one license, failed to obtain a permit prior to commencing work, and failed to provide adequate supervision for work performed under his license.

Paul Dean signed Proposed Resolution Agreement 06/25/2009.

Proposed Resolution Agreement approved 07/01/2009.

The license of Paul Dean, number 29407 H-2 & 3-I, and that of the firm shall be placed on probation for a period of 12 months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Doyle, Terry

Action Plumbing Service and Drain Co.

Fayetteville, NC

License# 17429, P-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to comply with the Board rules on bona-fide employees.

Terry Doyle signed Proposed Resolution Agreement 06/08/2009.

Proposed Resolution Agreement approved 07/28/2009.

The license of Terry Doyle, number 17479 P-I, and that of the firm shall be placed on unsupervised probation for a period of 12 months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Easter, Terry

High Point, NC

License# 12318, H-3-I, H2

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to ensure proper system operation.

Terry Easter signed Proposed Resolution Agreement 03/27/2009.

Proposed Resolution Agreement approved 06/09/2009.

The license of Terry Easter, number 12318 H-3-I & H-2, and that of the firm, shall be placed on unsupervised probation for nine (9) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

Embry, Michael B.

Michael's Heating and Cooling Co.

Thomasville, NC

License# 28276, H-3-II

Allegations of misconduct, incompetence, and violation of prior probation order 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, obtained money and failed to complete installation (job abandonment), failed to complete job in a timely manner, failed to carry out adequate ductwork installation and system design, violated the minimum standard of the North Carolina State Mechanical Code, failed to install gas piping correctly, violated the minimum standard of the North Carolina State Fuel Gas Code, contracted work while license was expired, contracted and performed work outside current licensing qualifications, and violated previous probation order approved July 7, 2008.

Resolution Conference held 05/27/2009/ Failed to Appear. Proposed Resolution Agreement sent by certified mail & received 06/10/2009.

The license of Michael Embry, number 28276, and the license of the firm, shall be suspended for two (2) years. Upon successful completion of the suspension, the license of Michael Embry, number 28276 H-3-II, and that of the firm shall be placed on probation for a period of twenty four (24) months. In the event the licensee violates the conditions of the probation, his license will be permanently revoked.

Faries, Paul

Pilot Mechanical, Inc

Pilot Mountain, NC

License# 23927, H-3-I, H-2, H-1-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to provide adequate supervision for work performed under his license and he violated the State Mechanical Code.

Paul Faries signed Proposed Resolution Agreement 08/12/2009

Review Committee approved Resolution Agreement 09/04/2009.

The license of Paul Faries, license number 23927, H-3-I, H-2, H-1-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Fields, Danny

Danny's Heating & Air, Inc.

Stanley, NC

Field Resolution Agreements and Resolution Review Committee Agreements

License# 17134, H-2, 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 commencing work, and violated the State Mechanical Code.

Danny Fields signed Proposed Resolution Agreement 08/26/2009

Review Committee approved Resolution Agreement 09/04/2009.

The license of Danny Dale Fields, license number 17134, H-2, H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Fogle, Brian

Monroe, NC

License# 19530, P-I

Allegations of violation of a prior suspension order in the business of plumbing contracting in that the licensee failed to comply with the previous suspension requirements of the Resolution Agreement approved on 08/11/2008.

Resolution Conference held 07/17/2009.

Brian Fogle signed a Resolution Conference Agreement 07/17/2009.

The license of Brian Fogle, number 19530 P-I, and the license of the firm, shall be suspended until September 3, 2010. Upon successful completion of the suspension, the license, number 19530 P-I, and that of the firm shall be placed on supervised probation for a period of three (3) years. In the event Brian Fogle violates the conditions of probation, his license will be permanently revoked.

Francis, Betty

Murfreesboro, NC

License# 15905, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee violated the State Mechanical Code, and failed to provide adequate supervision for work performed under her license.

Betty Francis signed Proposed Resolution Agreement 05/26/2009.

Proposed Resolution Agreement approved 07/02/2009.

The license of Betty Francis, number 15905 H3-I, and the license of the firm shall be permanently surrendered to the board.

Gentry, Charles Duane

Gentry Heating, Inc.

Swannanoa, NC

License# 22305, H2&3-I

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

Resolution Conference held 07/20/2009.

Charles Gentry signed a Resolution Conference Agreement 07/20/2009.

The license of Charles Gentry, number 22305 H-2&3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Gideon, Jeremy

Glenn Gideon Heating & Cooling

Burgaw, NC

License# 26943, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to ensure proper system operation, accepted licensed work from an unlicensed individual, and allowed his license number to appear on a permit for which he did not hold an executed contract with the general contractor or the property owner. Jeremy Gideon signed a Proposed Resolution Agreement 04/03/2009.

Recommendation to review Proposed Resolution Agreement at conference.

Resolution Conference held 07/15/2009.

Review Committee recommended accepting Proposed Resolution Agreement dated 04/03/2009.

The license of Jeremy Gideon, number 26943 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of 12 months. In the event the licensee violates the conditions of the probation, the license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated she must comply with all of the probation provisions listed above.

Goude, Francis

Budget Heating & Air

Conway, SC

License# 17356, H-3-I, H2

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to ensure proper system operation, failed to provide adequate supervision, failed to obtain a permit prior to commencing

Field Resolution Agreements and Resolution Review Committee Agreements

work, and violated the State Mechanical Code.
Francis Goude signed Proposed Resolution Agreement 04/15/2009.
Proposed Resolution Agreement approved 05/27/2009.
The license of Francis Goude, number 17356 H-2,3-I, and that of the firm, shall be placed on probation for eighteen (18) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Gray, Perry
Modern Plumbing & Supply
Roan Mountain, TN
License# 15693, P-I

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee failed to respond to the consumer in a timely manner, and failed to provide adequate supervision for work performed under his license.

Perry Gray signed Proposed Resolution Agreement 05/05/2009.

Proposed Resolution Agreement approved 05/27/2009.
The license of Perry Gray, number 15693 P-I, and that of the firm, shall be placed on unsupervised probation for twelve (12) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Green, Kenneth
Kenneth Green Plumbing
Waynesville, NC
License# 20529, P-II

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee failed to comply with the Board rules and regulations on "bona-fide employees", and engaged in business under a different name or style of business than appears on his license.

Kenneth Green signed Proposed Resolution Agreement 08/27/2009

Review Committee approved Resolution Agreement 09/04/2009.

The license of Kenneth Green, license number 20529, P-II, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Groulx, Robert
Neighborhood Handyman Service, Inc.
Charlotte, NC
License# 24754, 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 adequate supervision, failed to complete job in a timely manner, violated the minimum standard of the North Carolina State Plumbing Code, engaging in business under a different name or style of business than appears on his license, and improperly advertising services.

Resolution Conference held 05/29/2009.

Robert Groulx signed Proposed Resolution Agreement 05/29/2009.

The license of Robert Groulx, number 24754 P-I, and that of the firm, shall be placed on supervised probation for twenty-four (24) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Hardy, Roger
Hardy Comfort Systems
Thomasville, NC
License# 28647, H-3-I

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee failed to obtain permits prior to commencing work, failed to ensure proper system operation, and violated the State Mechanical Code.

Roger Hardy signed a Proposed Resolution Agreement 04/15/2009.

Proposed Resolution Agreement approved 06/09/2009.

The license of Roger Hardy, number 28647, H-3-I, and that of the firm, shall be placed on unsupervised probation for eighteen (18) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

Harker, Kevin Scott
Wilmington, NC
License# 18101, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee subcontracted work that requires a license to unlicensed individuals.

Field Resolution Agreements and Resolution Review Committee Agreements

Kevin Scott Harker signed a Proposed Resolution Agreement 04/21/2009.

Proposed Resolution Agreement approved 05/19/2009.

The license of Kevin Harker, number 18101, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation provisions listed above.

Helms, Jerry

First Call Heating & Air

Monroe, NC

License# 14643, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to ensure proper system operation, and violated the State Mechanical Code.

Jerry Helms signed a Proposed Resolution Agreement 05/18/2009.

Proposed Resolution Agreement approved 06/11/2009.

The license of Jerry Helms, number 14643 H-3-I, and that of the firm, shall be placed on unsupervised probation for nine (9) months. In the event the licensee violates the conditions of the probation, his license will be placed on supervised probation for a period of eighteen (18) months

Hobby, David

Christian Plumbing Services, Inc.

Murphy, NC

License# 06793, P-I

Allegations of misconduct, incompetence, and working without a license 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 adequate supervision, failed to perform load calculation, violated the minimum standard of the North Carolina State Plumbing Code, and contracted and performed work outside current licensing qualifications.

Resolution Conference held 05/22/2009.

David Hobby signed Resolution Conference Agreement 05/22/2009.

The license of David Hobby, number 6793 P-I, and that of the firm, shall be suspended for six (6) months. Upon successful completion of the suspension, the license of David Hobby, number 6793 P-I, and that of the firm shall be placed on probation for a period of twenty four (24) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the

suspended license being reinstated he must comply with all of the probation provisions.

Howell, Kenneth Perry

Kens Heating & A/C Services

Timberlake, NC

License# 29176, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee obtained a deposit to perform work, became unable to perform the work, and failed to return the deposit.

Resolution Conference held 07/17/2009.

Kenneth Howell signed a Resolution Conference Agreement 07/17/2009.

The license of Kenneth Howell, number 29176 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Hoyle, Alan Hal

Hoyle Services

Lincolnton, NC

License# 15303, H-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 request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to perform load calculation, violated the minimum standard of the North Carolina State Mechanical Code, engaged in business under a different name or style of business than appears on his license, and contracted and performed work outside current licensing qualifications (Plumbing & Heating Group I).

Resolution Conference held 07/21/2009.

Alan Hal Hoyle signed a Resolution Conference Agreement 07/21/2009.

The license of Alan Hoyle, number 15303 H-3-I, and that of the firm shall be placed on supervised probation for a period of eighteen (18) months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Hunt, Billie Joe

L. A. Plumbing & Construction Services

Lexington, NC

License# 27133, P-I

Field Resolution Agreements and Resolution Review Committee Agreements

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to obtain a permit prior to commencing work, and failed to comply with the Board rules and regulations on bona fide employees.

Billie Hunt signed Proposed Resolution Agreement 07/06/2009.

Proposed Resolution Agreement approved 08/06/2009.

The license of Billie Hunt, number 27133 P-I, and that of the firm shall be placed on probation for fifteen (15) months. In the event the licensee violates the conditions of the probation, the license will be suspended for a period of nine (9) months, with the requirement that prior to the suspended license being reinstated the licensee must comply with all of the probation provisions listed above.

Johnston, Jason

Smokey Mountain Heating and Cooling, LLC

Asheville, NC

License# 29021, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee violated the State Mechanical Code.

Jason Johnston signed Proposed Resolution Agreement 12/12/2008.

Proposed Resolution Agreement approved 05/27/2009.

The license of Jason Johnston, number 29021 H-3-I, and that of the firm shall be placed on unsupervised probation for twelve (12) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Jones, Dexter

Dexter's Ref Heating & Cooling

Pembroke, NC

License# 13336, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee violated the State Mechanical Code, failed to provide adequate supervision for work performed under her license, failed to ensure proper system operation, failed to secure final inspection, and he accepted a contractual payment for licensed work from an unlicensed individual.

Dexter Jones signed Proposed Resolution Agreement 06/01/2009.

Proposed Resolution Agreement approved 07/04/2009.

The license of Dexter Jones, number 13336 H-3-I, and that of the firm shall be placed on probation for a period of 12 months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of

the probation provisions.

Jones, John

Comfort Control

Whittier, NC

License# 28727, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to submit accurate information to the board on the 2007 renewal form.

Resolution Conference held 08/19/2009.

John Jones signed a Resolution Conference Agreement 08/18/2009.

The license of John Jones, number 28727 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Justice, David

Turkey, NC

License# 03330, H-3-I

Allegations of misconduct, incompetence, and selling license in the business of heating contracting in that the licensee violated the minimum standard of the North Carolina State Mechanical Code, subcontracted work from an unlicensed individual (unlicensed general contractor), and allowed the use of his license by unlicensed persons (paid employee without withholding taxes).

Resolution Conference held 07/15/2009.

David Justice signed a Resolution Conference Agreement 07/15/2009.

The license of David Justice, number 03330 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Kalnen, Martin Patrick

M & P Electrical Heating And Air Conditioning Service

Castle Hayne, NC

License# 19662, H-2&3-I

Allegations of incompetence in the business of heating contracting in that the licensee failed to carry out adequate ductwork installation and system design, violated the minimum standard of the North Carolina State Mechanical Code, and failed to design and install a system that would maintain the maximum of 4 degree temperature difference, room to room / floor to floor.

Field Resolution Agreements and Resolution Review Committee Agreements

Resolution Conference held 07/14/2009.

Martin Patrick Kalnen signed a Resolution Conference Agreement 07/14/2009.

The license of Martin Kalnen, number 19662 H-2&3-I, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

King, Bobby
Praise Heating and Air
Turkey, NC
License# 20079, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee accepted a contractual payment for licensed work from an unlicensed individual.

Bobby King signed Proposed Resolution Agreement 05/28/2009.

Proposed Resolution Agreement approved 07/04/2009.

The license of Bobby King, number 20079 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of 12 months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Kish, Jeffrey Bryant
Charlotte, NC
License# 21633, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain a permit, and allowed others to use his license.

Jeffrey Kish signed a Proposed Resolution Agreement 04/29/2009.

Proposed Resolution Agreement approved 05/18/2009.

The license of Jeffrey Bryant Kish, number 21633, and that of the firm shall be suspended for a period of six (6) months. In the event the licensee violates the conditions of suspension, his license will be suspended for an additional six (6) months, with the requirement that prior to the license being reinstated, he must comply with all of the suspension provisions.

Leonard, Mario
Woodcrest Heating & Cooling Co.
Raleigh, NC
License# 14340, H1, 2&3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee violated the State Mechanical Code, failed to request final inspection

within 10 days of completing work, obtained money and abandoned the job, and failed to respond to the consumer in a timely manner.

Mario Leonard signed a Proposed Resolution Agreement 04/08/2009.

Proposed Resolution Agreement approved 04/24/2009.

The license of Mario Leonard, number 14340, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation provisions listed above.

Lynch, Charles
Quality Air
Asheville, NC
License# 14873, H1&3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to ensure proper system operation, failed to obtain a permit prior to commencing work, violated the State Mechanical Code, and failed to request a final inspection within 10 days of substantial completion of the work.

Charles Lynch signed Proposed Resolution Agreement 07/15/2009.

Proposed Resolution Agreement approved 07/28/2009.

The license of Charles Lynch, number 14873 H-1-I, H-3-I, and that of the firm shall be placed on probation for twelve (12) months. In the event the licensee violates the conditions of the probation, the license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

McGregor, Robert
Atlantic Beach, NC
License# 19454, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to provide supervision, and listed his license in the name of a firm but did not comply with the Supervision rule and the Active Employment (.0404) rule.

Resolution Conference held 07/14/2009.

Robert McGregor signed a Resolution Conference Agreement 07/14/2009.

The license of Robert McGregor, number 19454 H-3-I, and the license of the firm shall be suspended for a period of twelve (12) months. Upon successful completion of the suspension, his license, number 19454 H-3-I, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. In the event the licensee

Field Resolution Agreements and Resolution Review Committee Agreements

violates the conditions of probation, the license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

McKee, Patrick
Airtech Mechanical Services, Inc.
Morehead City, NC
License# 25330, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain a permit, and violated the State Mechanical Code. Patrick McKee signed Proposed Resolution Agreement 04/08/2009.

Proposed Resolution Agreement approved 04/24/2009. The license of Patrick McKee, number 25330, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates 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, he must comply with all of the probation provisions listed above.

McQueen, Steven
McQueen's HVAC Services
Clayton, NC
License# 23017, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to complete a contract and refused to return unless payment was received, and failed to maintain detailed contracts and change orders.

Resolution Conference held 08/26/2009.

Steven McQueen signed a Resolution Conference Agreement 08/26/2009.

The license of Steven McQueen, number 23017 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Maney, Kenneth
Advanced Heat & Air, Inc.
Waynesville, NC
License# 23842, H-3-I

Allegations of misconduct and working without a license in the business of heating contracting in that the licensee contracted heating group two work without a license.

Kenneth Maney signed Proposed Resolution Agreement 06/26/2009.

Proposed Resolution Agreement approved 07/10/2009. The license of Kenneth Maney, 23842, H-3-I, and that of

the firm shall be placed on probation for a period of twelve months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Melton, Maurice
Tobaccoville, NC
License# 8096, H-1,2&3-I, FSIC

Allegations of misconduct in the business of fire sprinkler contracting in that the licensee permitted the use of his license by an unlicensed person/firm to facilitate an NFPA 25 inspection in violation of 21NCAC50.0403(a) & 21NCAC50.0514(a), failed to fulfill the active employment clause by not having his license listed in the name of American Extinguisher Sales & Service 21NCAC50.0404 (a), utilized his license to qualify more than one business 21NCAC50.0405(a), and his license number and qualification were not displayed on the contract/proposal/invoice 21NCAC50.0406(c).

Resolution Conference held 08/17/2009.

Maurice Melton signed a Resolution Conference Agreement 08/17/2009.

The license of Maurice Melton, license, number 8096 H-1,2&3-I, FSIC, and that of the firm shall be placed on unsupervised probation for a period of four (4) months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of thirty (30) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Mendenhall, Charles
Mendenhall Mechanical Serv. Corp.
Durham, NC
License# 08145, H1, 2& 3-I

Allegations of misconduct in the business of heating contracting in that the licensee violated the State Mechanical Code and failed to comply with the Board rules on bona employees.

Charles Mendenhall signed Proposed Resolution Agreement 06/04/2009.

Proposed Resolution Agreement approved 07/02/2009.

The license of Charles Mendenhall, number 08145 H1-I, H2, H3-I, and that of the firm shall be placed on unsupervised probation for a period of 6 months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Field Resolution Agreements and Resolution Review Committee Agreements

Nifong, Derick
P & H Construction Company, Inc.
Lexington, NC
License# 15534, P-I

Allegations of misconduct and selling license in the business of plumbing contracting in that the licensee subcontracted work from an unlicensed individual, allowed the use of his license by unlicensed persons, and submitted false information to the Board in the form of a sworn statement verifying examination experience.

Resolution Conference held 05/29/2009.

Derick Nifong signed a Resolution Conference Agreement 05/29/2009.

The license of Derick Nifong, number 15534 P-I, and that of the firm, shall be placed on unsupervised probation for eighteen (18) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Novak, David
Novak Mechanical
Grimesland, NC
License# 15027, PH-1,2&3-I

Allegations of misconduct in the business of plumbing and heating contracting in that the licensee secured a permit for and allowed an unlicensed person to perform work under his license.

Resolution Conference held 04/27/2009.

David Novak signed Resolution Conference Agreement 04/27/2009.

The license of David Novak, number 15027, and that of the firm shall be suspended for a twelve (12) months. Upon approval by the Board the suspension will then be held in abeyance, then the license of David Novak and that of the firm shall be placed on probation for a period of twenty four (24) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of two years with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation provisions listed above.

Pereira, Henry
Henry Pereira Heating & Cooling
Lewisville, NC
License# 24171, H-3-I

Allegations of misconduct and violation of a prior probation order in the business of heating contracting in that the licensee failed to refund the sum of \$1,688.20 for the corrections to the job located at 5060 Fiddlers Run Dr., failed to submit evidence that the jobs located at 1325 Bridgton Cape Court and at 3046 Cameron Village Court in Winston

-Salem were resolved, and failed to submit quarterly probation reports for the period of January 13, 2009 through April 12, 2009.

Resolution Conference held 05/27/2009.

Henry Pereira signed Resolution Conference Agreement 05/27/2009.

The license of Henry Pereira, number 24171 H-3-I, and that of the firm, shall be suspended for a period of six (6) months. Upon successful completion of the suspension, the license of Henry Pereira, number 24171 H-3-I, and that of the firm, shall be placed on probation for a period of twelve (12) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of eighteen (18) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Rash, James
Appalachian Heating, Cooling & Plumbing
Asheville, NC
License# 22285, P-I, H-1-I, H-3-I

Allegations of misconduct and incompetence in the business of plumbing and heating contracting in that the licensee violated the board rules and regulations on "bona-fide employees".

James Rash signed Proposed Resolution Agreement 08/20/2009

Review Committee approved Resolution Agreement 09/04/2009.

The license of James Rash, number 22285, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Scott, George
Aire 1, LLC
Matthews, NC
License# 18789, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee violated the minimum standard of the North Carolina State Mechanical Code, and failed to carry out adequate ductwork installation and design.

Resolution Conference held 05/27/2009.

George Scott signed Resolution Conference Agreement 05/27/2009.

The license of George Scott, number 18789 H-3-I, and that of the firm, shall be placed on unsupervised probation for six (6) months. In the event the licensee violates the

Field Resolution Agreements and Resolution Review Committee Agreements

conditions of the probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Shelton, Phillip
Superior Plumbing
Bunn, NC
License# 15815, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to obtain permit(s) prior to commencing work, violated the minimum standard of the North Carolina State Plumbing Code, and he contracted work while his license was expired.

Resolution Conference held 04/27/2009.

Phillip Shelton signed Resolution Conference Agreement 04/27/2009.

The license of Phillip Shelton, number 15815, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. In the event the licensee violates 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, he must comply with all of the probation provisions listed above.

Shuford, William
Bill Shuford Heating & A/C, Inc.
Shelby, NC
License# 16889, H-2&3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain permits prior to commencing work, and failed to ensure proper system operation.

William Shuford signed Proposed Resolution Agreement 08/20/2009

Review Committee approved Resolution Agreement 09/11/2009.

The license of William Shuford, number 16889-H-2&3-I, and that of the firm shall be placed on probation for a period of 12 months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Shuping, Clyde
Raleigh, NC
License# 17231, PH-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, failed to provide

supervision, failed to carry out adequate ductwork installation, failed to perform load calculation and duct design, violated the minimum standard of the North Carolina State Mechanical Code, and subcontracted work from an unlicensed individual.

Resolution Conference held 04/28/2009.

Clyde Shuping signed Resolution Conference Agreement 04/27/2009.

The Heating Group 3 Class I classification of Clyde Shuping under license number 17231, shall be permanently revoked. The plumbing license qualifications of Clyde Shuping under number 17231, and the license of the firm shall be suspended for a period of twelve (12) months. Upon successful completion of the suspension, his license, number 17231 P-I, and that of the firm shall be placed on probation for a period of twenty four (24) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of two (2) years with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation provisions listed above.

Smith, Clyde
C. E. Holt Refrigeration, Incorporated
Charlotte, NC
License# 07396, H-2&3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to provide adequate supervision for work performed under his license, he obtained a permit for an unlicensed individual and did not hold a contract with the property owner.

Clyde Smith signed Proposed Resolution Agreement 08/21/2009

Review Committee approved Resolution Agreement 09/10/2009.

The license of Clyde Smith, number 07396, H-2&3-I, and that of the firm shall be placed on probation for a period of eighteen (18) months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Smith, Gary Fred
Gary Smith Plumbing
Taylorsville, NC
License# 18451, P-II

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to comply with the Board rules on "bona-fide employees", subcontracted work to an unlicensed individual, and engaged in business under a different name or style of business than appears on his license.

Field Resolution Agreements and Resolution Review Committee Agreements

Gary Smith signed Proposed Resolution Agreement 05/07/2009.

Proposed Resolution Agreement approved 04/24/2009.

The license of Gary Smith, number 18451, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates 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, he must comply with all of the probation provisions listed above.

Smith, Gregory

A+ Heating & Cooling, Inc.

Ash, NC

License# 15070, H-3-I

Allegations of misconduct, incompetence, and violation of probation order in the business of heating contracting in that the licensee failed to request inspections within 10 days of substantial completion of work, failed to provide adequate supervision, failed to carry out adequate ductwork installation, violated the minimum standard of the North Carolina State Mechanical Code, and he violated the prior probation order of December 11, 2007.

Resolution Conference held 04/27/2009.

Gregory L. Smith signed Resolution Conference Agreement 04/27/2009.

The license of Gregory L. Smith, number 15070 H-3-I, and the license of the firm shall be suspended for a period of six months, beginning when this agreement is approved by the Board. The six (6) month suspension can be reduced to 90 days if the licensee appears and attends the Special Board Laws & Rules course presented by the Board on May 5, 2009. Upon successful completion of the suspension, the license of Gregory L. Smith, and that of the firm shall be placed on probation for a period of two (2) years. In the event the licensee violates the conditions of probation, his license will be suspended for a period of two (2) years with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation provisions listed above.

No objection or request for hearing has been received in the 30-day period.

Stewart, Scott

Kannapolis, NC

License# 28747, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to list his license in the name of firm, S&R Plumbing Services, and allowed the firm to contract and perform work for which a license is required in his license number, secured permits for firm without having license listed accordingly (secured permits

in individual name for work contracted and performed by the firm), failed to supervise the installation of work for which a license is required until significant permitting issues began to surface (failed inspections), failed to review installations while the work was in progress (water heater installations were performed by business partner and employees of the firm), and issued 1099's to employees working under his license for the firm.

Scott Stewart signed Proposed Resolution Agreement 08/18/2009

Review Committee approved Resolution Agreement 09/11/2009.

The license of Scott Stewart, number 28747, P-I, and that of the firm shall be placed on probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Stroud, Danny

Mocksville, NC

License# 14307, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to secure final inspections.

Danny Stroud signed Proposed Resolution Agreement 05/14/2009.

Proposed Resolution Agreement approved 05/20/2009.

The license of Danny Stroud, number 14307, shall be placed on unsupervised probation for a period of nine (9) months. In the event the licensee violates 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, he must comply with all of the probation provisions listed above.

Suggs, Cecil

North Myrtle Beach Htg & A/C, Inc.

Little River, SC

License# 10369, 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 commencing work, and violated the State Mechanical Code.

Cecil Suggs signed a Proposed Resolution Agreement 04/15/2009.

Proposed Resolution Agreement approved 05/20/2009.

The license of Cecil Suggs, number 10369, shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions

Field Resolution Agreements and Resolution Review Committee Agreements

of probation, his license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation provisions listed above.

Szydio, Thomas
Award Plumbing
Franklin, NC
License# 20264, 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".

Thomas Szydio signed Proposed Resolution Agreement 05/14/2009.

Proposed Resolution Agreement approved 06/11/2009.

The license of Thomas Szydio, number 20264 P-I, shall be placed on unsupervised probation for six (6) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Wallen, Arthur
Arthur's Plumbing
Gastonia, NC
License# 17612, P-I

Allegations of misconduct and violation of prior probation order in the business of plumbing contracting in that the licensee violated the probation by failing to submit quarterly reports as per the probation order issued on May 13, 2008;

Resolution Conference held 07/22/2009.

Arthur Wallen signed a Resolution Conference Agreement 07/22/2009.

The license of Arthur Wallen, number 17612 P-I, and the license of the firm be placed on supervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Watkins, J. Walter
Wendell, NC
License# 11937, PH1,2&3-I

Allegations of misconduct and incompetence in the business of plumbing and heating contracting in that the licensee failed to ensure proper system operation, and failed to obtain a permit prior to commencing work.

J. Walter Watkins signed a Proposed Resolution Agreement 04/01/2009.

Proposed Resolution Agreement approved 05/27/2009.

The license of James Walter Watkins, number 11937 H1, H2, H3-I, P-I, shall be suspended for a period of six (6) months. Upon successful completion of the suspension, his license, number 11937 H1, H2, H3-I, P-I, shall be placed on probation for a period of 12 months. In the event the licensee violates the conditions of suspension or probation, his license will be suspended for a period of two (2) years, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Wheeler, Linton
Linton's Gas Piping & Service, Inc.
Canton, NC
License# 21009, FP

Allegations of misconduct and selling license in the business of heating contracting in that the licensee accepted a contractual payment for licensed work from an unlicensed firm, he failed to obtain a permit prior to commencing work, and failed to obtain a final inspection within 10 days of substantial completion of the work

Linton Wheeler signed Proposed Resolution Agreement 06/29/2009.

Proposed Resolution Agreement approved 07/10/2009.

The license of Linton Wheeler, number 21009, FP, and that of the firm shall be placed on probation for a period of twelve months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Whitaker, Michael
Empire Heating & Cooling, LLC
Indian Trail, NC
License# 29813, H-3-II

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain a permit prior to commencing work, engaged in business under a different name or style of business than appears on his license, failed to ensure proper system operation by improperly sizing the unit and failure to complete a duct design for the installation.

Michael Whitaker signed Proposed Resolution Agreement 08/18/2009

Review Committee approved Resolution Agreement 08/22/2009.

The license of Michael Whitaker, number 29813, H-3-II, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of twelve (12) months, with

Field Resolution Agreements and Resolution Review Committee Agreements

the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Williams, Thomas
First Call Heating & Air, and Heating
Monroe, NC
License# 10335, 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 provide adequate supervision, failed to carry out adequate ductwork installation and system design, failed to size equipment properly, failed to perform load calculation and duct design, violated the minimum standard of the North Carolina State Mechanical Code.

Resolution Conference held 05/28/2009.

Thomas A. Williams signed Resolution Conference Agreement 05/28/2009.

The license of Thomas A. Williams, number 10335 H-3-I, and that of the firm shall be placed on supervised probation for a period of eighteen (18) months. In the event the licensee violates the conditions of the probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Williamson, Kermit
Farmers Hardware
Clinton, NC
License# 11122, P-I

Allegations of misconduct 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 provide supervision, violated the minimum standard of the North Carolina State Plumbing Code, and allowed the use of license by unlicensed persons (issued 1099's to an unlicensed employee).

Resolution Conference held 04/27/2009.

Kermit Williamson signed Resolution Conference Agreement 04/27/2009.

The license of Kermit Williamson, number 11122, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of ninety (90) days with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation provisions listed above.

Windham, Paul
Windham Heating and Air
Walnut Cove, NC
License# 22257, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain permit and secure inspections, violated the State Mechanical Code, and failed to ensure proper system operation.

Paul Windham signed Proposed Resolution Agreement 04/16/2009.

Proposed Resolution Agreement approved 06/08/2009.

The license of Paul Windham, number 22257, shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation provisions listed above.

Woolard, Michael
B & W Heating & Cooling
Ash, NC
License# 20007, H-3-I

Allegations of misconduct and violation of the prior probation order in the business of heating contracting in that the licensee violated the terms of probation from the Resolution Agreement approved by the Board on April 24, 2009, allowed the use of his license by unlicensed persons, and engaged in business under a different name or style of business than appears on his license.

Resolution Conference held 08/26/2009.

Michael Woolard signed a Resolution Conference Agreement 08/26/2009.

The license of Michael Woolard, number 20007 H-3-I, and that of the firm shall be suspended for a period of twelve (12) months. Upon successful completion of the suspension, the license of Michael Woolard, number 20007 H-3-I, and that of the firm shall be placed on probation for a period of twenty-four (24) months. In the event the licensee violates the conditions of probation, the license will be revoked.

Young, Johnny
Kure Beach Heating & Air, LLC
Wilmington, NC
License# 19472, H-2&3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to provide adequate supervision, failed to carry out adequate ductwork installation and system design, failed to perform

Field Resolution Agreements and Resolution Review Committee Agreements

duct design, violated the minimum standard of the North Carolina State Mechanical Code, and violated manufacture installation instructions.

Resolution Conference held 08/25/2009.

Johnny Young signed a Resolution Conference Agreement 08/25/2009.

The license of Johnny Young, number 19472 H-2&3-I, and

that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, the license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Attorney's Report

ARMSTRONG, CRAIG

d/b/a DRAIN CLEAN PLUMBING

Conover NC

Plumbing contracting without a license.

Complaint and Summons filed.

Judgment of Permanent Injunction filed 5/4/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

BEAM, WARREN J., JR.

d/b/a JB's REFRIGERATION

Fayetteville NC

Heating contracting without a license.

Complaint and Summons filed 1/27/09.

Defendant served 2/3/09.

Consent negotiations unsuccessful.

Motion for Summary Judgment and Notice heard 5/18/09.

Summary Judgment entered 5/18/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

BEEKER, JOSEPH L., JR.

Salisbury NC

Heating contracting without a license.

Complaint and Summons filed 3/4/09.

Service obtained on 3/8/09.

Judgment of Permanent Injunction filed 6/11/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

COOKE, LARRY L.

d/b/a COOKE & SONS A/C HEATING

Charlotte NC

License #9139 H-3-I

Allegations of failure to comply with the provisions of the Resolution Agreement.

Formal hearing held 7/14/09.

Consent Order issued 7/14/09 entering a Letter of Caution on the license record of Respondent and accepting reimbursement to the Board in the amount of \$400.00 for investigatory expenses.

COON, CHARLES M.

Charlotte NC

Heating contracting without a license.

Complaint and Summons filed with Clerk of Mecklenburg County.

Judgment of Permanent Injunction filed 6/1/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

CRIBB, JOSH

d/b/a Cribb's Heat & Air

Whiteville NC

Heating contracting without a license.

Complaint and summons filed.

Negotiations for consent order unsuccessful.

Judgment filed 5/29/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

CUNNINGHAM, MICHAEL

CUNNINGHAM, JOSEPH

d/b/a ACTION PLUMBING CO.

Hendersonville NC

Allegations of violation of previous Order of the Court.

Contempt proceedings held 8/17/09 in Henderson County.

Order of Contempt was filed 8/31/09 ordering the Defendant, Joseph Cunningham, to refrain from further violations of G. S. Article 2, Chapter 87, the prior Order of the Court, not to individually or in the name of any business entity, engage in the business of plumbing or offer to engage in the business of plumbing unless under the direct supervision of a licensee of the Plaintiff Board and ordering Defendant Joseph Cunningham not to individually or in the name of any business entity represent himself to be licensed or advertise to perform plumbing, or negotiate any contracts for the performance of plumbing. No action was taken as to Defendant Michael Cunningham although he was in court and was cautioned as to the above restrictions placed upon Joseph Cunningham.

Attorney's Report

DAVIS, CHRIS**d/b/a DAVIS ENTERPRISES**

Greensboro NC

Plumbing contracting without a license.

Complaint and Summons filed 1/13/09.

Judgment of Permanent Injunction filed 7/7/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

DAW, PHILIP BRANDON

Turkey, NC

Heating and plumbing contracting without a license.

Summons and Complaint filed.

Permanent Injunction Judgment filed 6/3/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

DEEB, EDWARD M.**d/b/a ED "D" FIXER**

Pinehurst NC

Plumbing contracting without a license.

Complaint and Summons mailed to Moore County on 5/5/09 for filing.

Permanent Injunction Judgment filed 6/4/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

DUNN, LONNIE N.**d/b/a, DUNN AC AIR, aka DUNN HEATING AND COLLING**

Norwood NC

Heating contracting without a license.

Complaint and Summons filed.

Judgment of Permanent Injunction filed 5/19/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

FURMAN, ROGER**d/b/a New Age Service Co.**

Kannapolis, NC 2808

Heating contracting without a license.

Complaint and Summons filed 2/4/09.

Judgment of Permanent Injunction filed 6/9/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

GHANTT, WESLEY**d/b/a Ghatt's Heating & Cooling Repair**

Gastonia, NC

Heating contracting without a license.

Complaint and Summons filed 2/5/09.

Default Judgment filed 5/1/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

GLADDEN, PERRY

Gastonia NC

Allegations of violation of prior Order of the Court.

Motion and Order to Show Cause filed.

Order of Contempt filed 9/23/09 finding the Defendant guilty of criminal and civil contempt of prior Order of the Court and sentencing him to serve 30 days in the Gaston County Jail.

JEFFRIES, TONY

Zebulon NC

Heating contracting without a license.

Summons and Complaint filed at Wake County Superior Court on 2/4/09.

Judgment of Permanent Injunction filed 6/12/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

JONES, FLETCHER**d/b/a JONES MECHANICAL & HOME IMPROVEMENT**

Charlotte NC

Heating contracting without a license.

Complaint and summons filed 1/13/09.

Judgment of Permanent Injunction filed 6/12/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

LENTZ, RODNEY**d/b/a Quality Systems of the Carolinas**

Monroe, NC

Violation of prior Order of the Court.

Motion and Order to Show Cause filed.

Contempt hearing held 5/26/09.

Order of Contempt entered by Judge Spainhour 6/1/09 finding the Defendant in contempt of prior Order of the Court, sentencing him to serve 30 days in the Union County Jail and ordering him to pay a fine of \$500.00 to the Clerk of Union County Superior Court.

LOVE, RANDALL WAYNE**d/b/a RON'S HEATING & AIR CONDITIONING SERVICE SPECIALISTS**

Wadesboro NC

Allegations of contracting in violation of prior Order of the Court.

Contempt hearing scheduled 10/5/09 Union County Superior Court.

Order of Arrest entered on 10/6/09 for Defendant's failure to appear.

LUSK, LARRY

Vale NC

Attorney's Report

Heating contracting without a license.

Complaint and Summons filed.

Judgment of Permanent Injunction filed 7/7/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

MIDGETT, KENNETH

Grandy NC

Engaging in business as a heating contractor without a license.

Complaint and Summons filed 5/19/09.

Judgment of Permanent Injunction filed 8/18/09 in Currituck County Superior Court enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

OWENS, ETHANIEL

d/b/a OWENS HOME IMPROVEMENT

Autryville NC

Plumbing contracting without a license.

Complaint and Summons filed 1/16/09.

Judgment of Permanent Injunction filed 6/43/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

PATE, MARVIN

d/b/a ATLANTIC PLUMBING CO.

Kinston NC

Violation of prior Order of the Court.

Motion and Order to Show Cause filed.

Contempt hearing held 4/27/09 Onslow County Superior Court.

Order of Contempt filed 5/5/09 finding the defendant guilty of criminal contempt of prior Order of the Court and sentenced him to be incarcerated in either the Onslow County Jail or Sampson County Jail for a period of 45 days.

PHAIRE, RODNEY HILTON,

d/b/a HILTON MECHANICAL CONTRACTORS

Charlotte, NC

License #22539 H-3-I

Allegations of misconduct in the business of heating contracting in that Respondent install a Heating, Group 3 system for the amount of \$6,500.00, obtained a draw in the sum of \$2,000.00, in order to commence the work, abandoned the job and never returned to perform the contract with the result that the property owner hired a second contractor at a loss of \$2,000.00. Respondent also contracted to install and installed a heating, group 3 system and abandoned the job, failed and refused to return calls, and complete the job forcing the general contractor to hire another contractor to complete the installation; and misrepresented the status of the project in order to obtain payment.

Formal hearing held 5/12/09.

Order issued 5/27/09 revoking the license of Respondent.

PRESSLEY, CHARLES T.

d/b/a PRESSLEY SERVICE, INC.

Charlotte NC

License 16195 H-1&3-I

Allegations of misconduct in business of heating contracting in that Respondent failed to comply with provisions of a probation Order issued by the Board and failed to obtain a permit prior to beginning installation; failed to request or obtain inspections in violation of the North Carolina State Building Code; contracted a plumbing installation without proper license; failed to install die-electric or brass transition unions between the water heater galvanized nipples and the copper pipe; incorrectly installed T & P piping; installed a gas shut-off valve near the ceiling of the room, approximately 8 feet above the floor, where it was not readily accessible; installed a gas line from ceiling area down to the floor with no gas shut-off valve; failed to properly install electrical wiring; terminated pressure and temperature relief valve piping approximately 22.5" above the floor rather than the 6" above floor as required by the Code; and installed single wall vent connector back-graded. The firm in question was owned and operated by Respondent, despite the fact that the license of Donald Ray Kisiah was the license under which the firm operated. Respondent contends that the installation occurred in error as a result of his having received information from an employee that the request from the customer was for installation of a boiler. Respondent further contends the installation was immediately brought to the attention of the local inspection department.

Objection by Respondent to findings of Review Committee.

Requested formal hearing.

Formal hearing held 7/14/09.

Consent Order issued 7/14/09 suspending the license of Respondent for a period of 6 months beginning 3/16/09.

Upon completion of the period of suspension and return of license and issuance of license in the name of S & R Services, Inc., license of Respondent is placed on probation for 3 years with provisions that Respondent have written contracts signed by the licensee and customer for each installation for which licensee is responsible; shall perform no work outside licensing classification currently held until properly licensed to work in another classification; document all changes in contracts with written change orders signed by both the licensee and the homeowner and/or general contractor prior to commencing performance of the agreed changes; obtain permits as required for each contract prior to commencement of work and retain a copy of the permit in the job file for each particular installation; maintain a service log of all contracts and service calls by date of initial call including the date of first response; maintain job files or other written records of contracts made and installations performed including a heat loss/heat gain

Attorney's Report

calculation for each installation which involves installation or replacement of a condenser, gas furnace, heat pump, and/or air handler; perform and maintain a copy of all duct designs on all jobs where gas furnaces, heat pumps, air handlers or condensing units are installed or replaced, whether connected to new or existing duct systems; shall personally and thoroughly review all phases of work to assure all installations meet or exceed the minimum standard of the North Carolina State Code prior to all inspection requests; document that all employees who perform work under Respondent's license either hold an active heating license or are bona fide employees of the firm and are issued W-2 forms indicating Federal and State taxes are withheld; subcontract work that requires a license only to properly licensed subcontractors; within six (6) months after this Order becomes effective, the Respondent shall enroll in a Special Board Laws and Rules course or equivalent course approved by the staff of the State Board of Plumbing, Heating and Fire Sprinkler Contractors at a community college or similar institution and present evidence to the Board of a passing grade in such course to the Board by the end of probation; during the period of suspension and probation, Respondent shall sit for the Heating, Group 2, examination at least once during each 12 month period until the probation ends or he passes the Heating, Group 2 examination; implement procedures within his firm adequate to assure that final inspection is requested within ten (10) days of substantial completion of each installation, and that the results of the inspection request are known and of record in the firm within a like period of time; implement procedures to call for reinspection, if necessary, within five (5) days after the request for final inspection; implement procedures and supervision adequate to assure that systems pass both rough-in and final inspection without reinspection on 80% of the permits; present evidence to the Board that he has purchased Title 21, Chapter 50 of the North Carolina Administrative Code (Board Laws and Rules), 2009 North Carolina Mechanical Code, 2009 North Carolina Administrative and Enforcement Code, 2009 North Carolina Energy Code and 2009 North Carolina Fuel Gas Code; commit no violation of Article 2, Chapter 87 or the Rules of the Board with regard to any qualification administered by the Board; and, take steps to assure that each system installed through the use of pre-existing ductwork complies with manufacturer's installation instructions, accepted design standards and the North Carolina State Building Code.

RICHMOND, DANIEL GERARD

d/b/a WAKEFIELD HEATING AND AIR

Raleigh NC

Heating contracting without a license.

Alias & Pluries Summons to Clerk 4/16/09.

Motion for Default Judgment to Defendant 6/2/09.

Answer filed 7/8/09 by counsel for Defendant denying the allegations.

Hearing held for 9/2/09.

Judgment of Permanent Injunction filed 9/3/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

SHELBY, ANTHONY

d/b/a ANTHONY SHELBY'S HEATING & AIR

Greensboro NC

Complaint and Summons filed 5/13/09.

Judgment of Permanent Injunction filed 8/20/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

SWAIN, COLE HUMPHREY

Wilmington NC

Application for license denied.

Order issued by the Board on 4/29/09 denying Respondent's request to sit for Plumbing, Class I examination conducted by the Board and allowing Applicant to reapply after 36 months from the effective date of the Order and upon presentation of evidence to the Board that Applicant has not received additional criminal charges or convictions other than minor traffic matters.

TANNER, TIMOTHY L.

and TANNER'S A/C ENTERPRISES, LLC

Monroe NC

Heating contracting without a license.

Summons and Complaint filed with Union County Superior Court.

Permanent Injunction Judgment filed 9/2/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

TIMMONS, SAMUEL, JR.

d/b/a SAMUEL TIMMONS PLUMBING

& REPAIR COMPANY

Greensboro NC

License #11012 P-I

Allegations of misconduct in the business of plumbing contracting in that Respondent incorrectly graded the grease line causing the need to have it re-graded; failed to add metal jacket to Fernco coupling on bathroom side; failed to complete the installation even though owner paid him more than the contract amount; failed or refused to respond to calls from owner; failed to complete the project in a timely manner; contracted business in a name other than as license listed; and failed to specify payment terms, work schedule or scope of work properly in contract.

Formal hearing held 7/14/09.

Order issued 8/7/09 ordering the Respondent to enroll in, attend and pass the Special Contractor Business Management Court and the Special Board Laws and Rules Course within a period of 12 months from effective date of Order. In the event of failure to comply with course requirements,

Attorney's Report

license of Respondent shall be placed on probation for 12 months with provisions that Respondent take and pass courses outlined above, maintain written record of contracts made and installations performed, maintain a service log of all contracts and service calls, maintain job files or other written records of contracts made and installations performed, have written contracts signed by Respondent and customer for each installation, obtain permits as required for each contract prior to commencement of work, during the period of probation, Respondent shall submit quarterly reports documenting his compliance with provisions of this probation order and commit no violation of Article 2, Chapter 87 or the Rules of the Board. In the event of violation of the terms of the probation, license of Respondent will be suspended for one year and thereafter until compliance with the probation terms.

VANCE, JOSEPH VAN

Morganton NC

Heating contracting without a license.

Complaint and summons filed.

Permanent Injunction Judgment filed 9/16/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

WARD, JAMES EDWARD

d/b/a **APOLLO HEATING & COOLING**

Concord NC

License #15149 H-1 & 3-II

Misconduct in the business of heating contracting in that Respondent failed to obtain a permit in violation of the North Carolina State Building Code; failed to obtain an inspection in violation of the North Carolina State Building Code; installed a Payne furnace rather than the Carrier unit called for in the proposal; altered the name brand of the furnace on the original proposal; failed to repair the ceiling damaged when one of his technicians fell through the living room ceiling; backed up and caused water damage to the ceiling in the living room; failed to install drain pans.

At another installation, Respondent to properly insulate boots; installed flex duct with too tight radius at boots; failed to properly support flex duct; failed to seal return collar; failed to properly support condensate PVC every 4 feet; installed coil larger than unit and with no transition; installed condensate pipe back-graded near outside wall; installed B-vent within 1" of combustible material; installed flexible duct with too tight radius; installed drip leg of gas pipe with no change in direction; failed to paint gas pipe; failed to properly support flex duct, leaving ductwork in contact with the ground; used flex insulation at square to rounds at unit; and installed improperly sized ductwork. At a third installation, Respondent failed to obtain a permit prior to beginning installation, failed to support the indoor air handling unit on mortared masonry block; failed to properly support refrigerant piping leaving it lying on the

ground; failed to seal field-installed takeoff collars at the duct; failed to install properly manufactured takeoff collars; failed to install condensate pump wired into the control circuit of the system; failed to seal or insulate floor register boots; failed to insulate refrigerant piping entirely to the unit. This hearing represented the ninth and tenth complaint concerning the contractor.

Consent Order issued by the Board on 4/24/09 suspending the license of Respondent as a Heating, Group 1 & 3, Class II contractor for a period of two years. Upon completion of one year suspension, license may be returned to Respondent on condition that he enroll in the disciplinary code course offered by the Board and present evidence to the Board of a passing grade in such course no later than 12 months from the date of this Order. In the event license is restored at the end of one year, the second year of suspension shall be stayed on conditions of satisfactory completion of a two year probation with conditions. In the event of violation of the probation, the stays will be lifted and the remaining license will be suspended for a period of one (1) year, being the year of suspension stayed pursuant to Paragraph 2 above.

WASHAM, MARK WESLEY

d/b/a PRECISION MECHANICAL & CONTROLS, LLC.

Mooreville NC

License #14255 H-1,2&3, I

Allegations that Respondent failed to obtain a permit prior to beginning installation in violation of the North Carolina State Building Code; failed to obtain a final inspection in violation of the North Carolina State Building Code; failed to properly secure gas line; failed to use purple primer on the condensate line; failed to properly support flex line coming off of the unit; used improper tape; failed to properly seal between the trunk and flex line; failed to install a drain pan; installed exhaust gas line vent penetrating exterior wall of the home; installed a cap after removal of existing furnace gas line; failed to adequately level the unit; and advised the homeowner that the new unit had a one year labor warranty and a Trane extended warranty was available for \$470.00 and accepted a check from the homeowner in the amount of \$470.00 and failed to provide warranty information to the homeowner. Respondent denies portions of the allegations, contends that financial difficulties with the manufacturer rendered performance impossible but, nevertheless, desires to resolve matters.

Formal hearing held 8/10/09.

Consent Order issued 8/10/09 suspending the license of Respondent for 45 days with provisions that during the period of suspension Respondent be allowed to complete two jobs on the list provided to the Board prior to adoption of the Order; take steps to assure that a permit is obtained from the local inspection department for the installation performed at 11811 Bailey Rd., Cornelius, N.C., and that

Attorney's Report

any code violations are corrected and the system receives a passing final inspection by the end of the suspension; perform no other work that requires a license, except as a bona-fide employee of another properly licensed contractor; pay to the Board all current and past renewal fees; and bring current all continuing education credit hours. Upon completion of 45 days suspension and return of license to Respondent, license of Respondent shall be placed on probation for 24 months during which period Respondent shall have; document all changes in contracts by written Change Orders; obtain permits prior to commencement of work; maintain job files or other written records of contracts made and installations performed including a room-by-room heat loss/heat gain calculation for each new installation which involves installation of gas furnaces, heat pumps, air handlers or condensing units; maintain written records including a whole house heat loss/heat gain calculation for each installation which involves replacement of gas furnaces, heat pumps, air handlers or condensing units whether connected to new or existing duct systems; install no system using different brand components without verification from the supplier or factory that this complies with manufacturer's specifications and does not impair the equipment warranty; personally review all phases of work to assure all installations meet or exceed the minimum standard of the North Carolina State Building Code prior to inspection requests; within 6 months after this Order becomes effective, the Respondent shall enroll in the Special Contractor Business Management and Special Board Laws and Rules courses approved by the staff of the State Board of Plumbing, Heating and Fire Sprinkler Contractors and present evidence to the Board of a passing grade in such courses to the Board by the end of probation. The Board staff will notify the Respondent of the date and location of the approved courses.

WHITE, ROBERT L.

d/b/a **RL WHITE HEATING & AIR SERVICE & REPAIR**

Morganton NC

Heating contracting without a license.

Complaint and Summons filed 4/3/09.

Defendant served 4/6/09.

Judgment of Permanent Injunction filed 8/21/09 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

WILLIAMS, JAMES EUGENE

d/b/a **MECHANICAL CONCEPTS LLC
HEATING & AIR CONDITIONING**

Greensboro NC

License #16521 H-3-I

Allegations of job abandonment and misconduct in the business of heating contracting in that Respondent substi-

tuted Bryant single stage units rather than models contracted; failed to perform load calculations or duct design on the equipment to be installed; failed to balance the system at the time it was placed in operation; failed to adequately support vent and combustion air pipe in attic every five feet; installed improper slope combustion air and left the vent pipe backgraded towards furnace resulting in the discharge of hazardous gases; failed to install rubber condensate drain hose leaving it crimped where it leaves fan and connects to condensate trap inside cabinet; failed to leave 3 foot clearance from concentric vent termination and plumbing vent per manufacturer's instructions; used improper glue fitting on vent in attic on vertical up flow; failed to install clamp on hose from condensate trap on unit in attic over garage; failed to insulate core on return air flex in attic; failed to install U.L. 181-B tape on all joints on flex in attic; failed to insulate pump line in attic; failed to maintain proper radius on flex duct over ceiling of great room; refused to provide the model and serial numbers of the units to the homeowner; failed to follow contract installation specifications; installed one furnace with three leaks one of which was in an exhaust pipe allowing harmful gases to leak back into living area; failed to install adequate vents in the master bedroom; failed to include a damper in the flex duct required to efficiently control the system; failed to properly set up electronic air cleaners; failed to wire in overflow switches on condensate pumps; failed to change orifices on one unit from natural gas to propane; and failed to assure the system was constructed in a workmanlike manner.

Formal hearing held 7/14/09.

Order issued 8/7/09 ordering Respondent to enroll in, attend and pass the Special Contractor Business Management Course and Special Mechanical Code and Design Course within a period of 12 months after effective date of the Order and in event of failure to comply with the course requirements, license of Respondent shall be placed on probation for a period of 12 months. During the period of probation, Respondent shall take and pass courses outlined above, maintain written record of contracts made and installations performed, maintain a service log of all contracts and service calls, maintain job files or other written records of contracts made and installations performed, have written contracts signed by Respondent and customer for each installation, obtain permits as required for each contract prior to commencement of work, during the period of probation, Respondent shall submit quarterly reports documenting his compliance with provisions of this probation order and commit no violation of Article 2, Chapter 87 or the Rules of the Board. In the event of violation of the terms of the probation, license of Respondent will be suspended for one year and thereafter until compliance with the probation terms.

Attorney's Report

WILLIAMS, JOHN BRIAN

d/b/a **THE WILLIAMS GROUP**

Matthews NC

Allegations of violation of probation order of May 13, 2004. A Resolution Agreement was issued by the Board on November 15, 2005, suspending the license of Respondent for a period of one year. The Resolution Agreement further provided for a one year probation after the suspension and a three year suspension in the event of violation of the suspension or probation. Respondent violated the terms of the probation order in that he failed to obtain a permit prior to beginning installation in violation of the North Carolina State Building Code; failed to connect the new piping to the water meter; installed water service line approximately 4" below grade instead of the minimum of 12" below grade required by Code; left cast iron building drain leaking at the 1/8th bend and the straight pipe cut to transition to PVC; failed to sleeve the building drain line at the foundation or provide a relieving arch; failed to properly seal the opening through the foundation; installed PVC building drain supports approximately 4' 11" apart instead of the maximum of 48" required by Code; installed building drain level or back-graded; and left old cast iron pipe and fittings in the crawl space. The terms of probation were violated and the three year suspension put into effect August 16, 2008, effective upon renewal of license. During December 2007, Respondent contracted to install and began installation of a plumbing system while the license of Respondent was on probation and expired, and the installation was the basis for the suspension set out in the previous paragraph. Respondent: contracted during a time his license was expired; used the license number of his brother, Barry Williams, without his consent, to obtain a permit in violation of the North Carolina State Building Code and the Rules of the Board; failed or refused to return to the job site to complete the installation or respond to the owner's telephone calls even though Respondent was paid \$9,100.00 over and above materials cost, resulting in the necessity for the owner to hire another contractor to make corrections and complete the installation; and subcontracted plumbing work without a general

contractor's license. Respondent also contracted to install an irrigation system, retained money from the Homeowner's Association, but despite repeated requests did not complete the installation or refund the money. Respondent contracted the installation while license was suspended; obtained funds from the property owners and abandoned the installation; and violated the terms of prior consent agreements adopted as Orders of the Board. Respondent again contracted to remodel a two story condominium and in connection with the installation failed to obtain permits; continued performance of the job while license was suspended; failed to install an accessible air admittance valve; failed to install a grille for the air admittance valve; used an unapproved vent for the washing machine vent; terminated the washing machine emergency drain pan in the basement; left a PEX ball valve open in the basement; failed to support water distribution lines; failed to complete installation in seven weeks as agreed; left the drain line open resulting in damages of \$2,500.00 to the adjacent property and failed to pay the judgment of homeowner despite promising to do so. Respondent contracted to install a plumbing system in a barbershop. In connection with the installation of the system, Respondent attempted to use the license of his brother, Barry Williams; Respondent obtained a down payment for the work, but abandoned the installation; attempted to carry out the installation without plans approved by the City; and carried out the job while license was suspended. On March 5, 2007, Respondent executed an affidavit to the Board stating that he had neither altered, installed, re-stored or offered to install plumbing or mechanical work since the suspension of his license on November 15, 2005. The statement was false. Respondent again contracted to install a water service line and failed to obtain a permit; represented himself as his brother Barry Williams; and violated the terms of the probation order by carrying out the installation without permit.

Formal hearing held 6/8/09.

Order issued by the Board 6/24/09 permanently revoking the license of Respondent as a Plumbing, Class I contractor.

The Current Continuing Education Schedule
Is Available On Line At
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