



March 2011

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Thomas G. Proffit

Plumbing Contractor

Lenoir, NC

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

H. Jack Summey Jr. Completes Term With Board

On May 5, 2010, H. Jack Summey, Jr. completed his term with the State Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors. Mr. Summey was appointed by former Governor Mike Easley in 2003 and



served seven years on the Board.

During his tenure, Mr. Summey held the offices of Vice-Chairman from April 2007 to April 2008, and Chairman from April 2008 to April 2010. During Mr. Summey's term with the Board, the Board implemented mandatory continuing education, the implementation of Field Resolution Agreements, Disciplinary Education Programs, Limited Fire Sprinkler Licensing, and had a reduction in overall expenses. While serving as Vice Chairman and Chairman of the Board, Mr. Summey led the agency through a complete reorganization of the

Board office and staff, the creation and implementation of a new Residential Fire Sprinkler Installation Contractor license, the purchase of a new updated computer system and the implementation of new security features at the Board's office.

Mr. Summey's knowledge and experience in the plumbing, heating and air conditioning trades, combined with his leadership, were of great value to the Board and our industry. The Board and its staff would like to express our gratitude to Mr. Summey for his dedicated and distinguished service to the industry, the Board Members and the Board's staff.

Thomas G. Proffit Appointed By Governor Perdue

On May 5, 2010, Governor Beverly Perdue appointed Thomas G. "Tommy" Prof-



fit to serve a seven year term as the Plumbing Contractor Member on the Board. Mr. Proffit is originally from Caldwell County and started in the HVAC/Plumbing trade in 1967. In 1980, Mr. Proffit took a position as an inspector with the Union County Inspection Department and in 1984, Mr. Proffit took a position with the Mecklenburg County Inspection Department where he served as a Plans Reviewer for Building, Plumb-

ing and Mechanical Plans. Mr. Proffit holds a Plumbing Class I, Heating Group 2, and a Heating Group 3 Class I license issued by the Board and previously held Plumbing, Mechanical, Building and Electrical Inspector Certification issued by the North Carolina Department of Insurance. Mr. Proffit and his wife of 21 years, Kathy, reside in Lenoir, NC. The Board Members and staff welcome Mr. Proffit and look forward to working with him during this seven year term.

W. Tom Tucker Steps Down From Position With Board

On December 2, 2010, W. Tom Tucker resigned his term with the State Board of Examiners of



Plumbing, Heating & Fire Sprinkler Contractors. Mr. Tucker was appointed by then Governor Mike Easley in 2007 for a seven year term on the Board. On November 2, 2010, Mr. Tucker won the District 35 seat in the North Carolina Senate. Senator Tucker began his term as a NC State Senator on January 26, 2011.

During Mr. Tucker's tenure, he was very involved in the complete Board staff reorganization, was a staunch supporter of reducing Board expenses and streamlining the Board's daily operations. During Mr. Tucker's term with the Board, the Board im-

plemented Limited Residential Fire Sprinkler Licensing, a reduction in overall Board expenses, the purchase of a new updated computer system and the implementation of new security features at the Board's office.

Mr. Tucker's knowledge and experience in the heating and air conditioning trades, combined with his leadership, were of great value to the Board and our industry. The Board and its staff would like to express our gratitude to Mr. Tucker for his dedicated and distinguished service to the industry, the Board Members and the Board's staff.

Donald Jeffery "Jeff" Curtis Appointed By Governor Perdue

On December 2, 2010, Governor Beverly Perdue appointed Donald Jeffery "Jeff" Curtis to serve the unexpired term of W. Tom Tucker as the Air Conditioning Contractor Member on the Board. Mr. Curtis is originally from Cleveland County and started in the HVAC trade with his father in 1986. In 1997, Mr. Curtis took a position as an inspector with the City of Kings Mountain Inspection Department, then in 1998 took a position with the Gaston County Inspection Department. In 2001, Mr. Curtis was hired by the Town of Sunset Beach

Inspection Department as the Director of Building Inspection. Mr. Curtis holds a Plumbing Class I, Heating Group 2, and a Heating Group 3 Class I license issued by the Board and holds Plumbing, Mechanical, Building and Electrical Inspector Certifications issued by the North Carolina Department of Insurance. Mr. Curtis and his wife of 15 years, Laura, reside in Sunset Beach, NC with their two sons. The Board Members and staff welcome Mr. Curtis and look forward to working with him during his term with the Board.



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Licensees Required to Bring Code Books to Continuing Education Classes!

Licensees are required to have the latest version of all pertinent code books at all code related CE classes associated to the classification of licenses 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. Licensees who do not have with them the proper code book(s) will be turned away from the continuing education class and will not receive any Continuing Education credit hours.



Continuing Education Corner / Erik Rogers, Continuing Education Coordinator

As we embark on 2011, with the introduction of new rules and new license qualifications, we feel it is important to discuss the education requirements which allow renewal of licensees.

For Plumbing, Heating and Fuel Piping licensees, when course submissions are accepted from our providers, we review the information to be presented to determine which license types would benefit from that course.

Courses which cover business topics and safety topics are approved for license types which are allowed to contract business using that license; however, this does not include FS-IT and FS-M license types. Technical and code topics are specific to certain license types.

Plumbing and Heating licensees may attend courses which cover North Carolina Fuel Gas code, in addition to the Plumbing or Mechanical codes, while Fuel Piping licensees will not receive credit for code classes outside of Fuel Gas code classes.

Licensees who hold one or more of the following qualifications are required to complete 6 hours of continuing education approved for their license type annually.

Plumbing, Class I or Class II (P-I or P-II)

Heating, Group 1, Class I or Class II (H-1-I or H-1-II)

Heating, Group 2 (H-2)

Heating, Group 3, Class I or Class II (H-3-I or H-3-II)

Fuel Piping (FP)

Fire Sprinkler Installation Contractors (FS)

Fire Sprinkler Inspection Contractors (FS-IC)

Fire Sprinkler Inspection Technician (FS-IT)

The class must include a minimum of 2 hours instruction on the most recent edition of the North Carolina Codes relevant to their license qualifications. Licensees with multiple qualifications are required to take instruction so as to remain current in all areas of contracting work in which they are engaged in.

Residential Fire Sprinkler Installation Contractor licensees must also attend 4 hours of education specific to residential fire sprinkler systems, in addition to the required 6 hours for the plumbing qualification.

Fire Sprinkler Maintenance Technician licensees must attend 4 hours annually relevant to the systems they maintain using guidelines from 21 NCAC. 50.0515.

We hope this information helps to determine what education you must attend annually to allow renewal of your license. Remember, you must meet the requirements before your renewal can be processed.

Attendees are required to take the latest version of all pertinent code books to all code-related CE classes. You may contact the CE provider to see if books are available for purchase at the site, or contact the Department of Insurance at (919) 661-5880 to purchase code books.

If you have any questions regarding continuing education requirements, please feel free to contact me at 919-875-3612, ext. 213.

Reference Materials for Examinations / Karen Jolliffe, Examination Coordinator

Updated editions of the Laws and Rules (containing General Statutes Chapter 87, Article 2, and 21 NC Administrative Code Chapter 50) and Contractors Guide to Business, Law and Project Management are now being sold and are available only from the Board's office in Raleigh.

The new version of the Laws and Rules book is the January 2011 edition (cream-colored cover) and the Contractors Guide to Business, Law and Project Management new edition is the Fourth Edition

A book order form can be downloaded by visiting our website, www.nclicensing.org, and clicking on "Download Forms" then click on Books – Board Laws and Rules and Business & Project Management for Contractors. We accept checks or money orders ONLY.

To access application forms you can go to our website: www.nclicensing.org and click on download forms button. Scroll down to "New Applicant Forms" or you can contact our office at **919-875-3612** to request an application to be sent to you. If you have further questions, please feel free to call me at: **919-875-3612 ext. 230**.

The Current Continuing Education Schedule Is Available Online At WWW.NCLICENSING.ORG



Recovery from a Suspended License / Sharon Pittman, Legal Coordinator

What happens if your license has been suspended? First of all, understand that the Board takes no pleasure in suspending a contractor's license. However, the Board has a responsibility to protect the public health, safety, and welfare. In those cases where the license of a contractor has been suspended for good cause, the goal is to remedy those problems that resulted in the suspension. So what do you do if this happens?

The first thing to do if your license is suspended is stop performing or bidding on work that requires a license. When the suspension goes into effect, it is as if you do not have a license. Therefore, you cannot continue any work that would require a license. If you continue to perform work that requires a license, then you run the risk of being caught and treated as an unlicensed individual.

The second thing that you do is strive to do your best to comply with any of the things that are required of you during the suspension. Sometimes during the suspension a contractor has to attend a class. If you have to attend a class, the Board's staff will notify you of the available date and time of the class. It is the responsibility of the licensee to attend the class and, if applicable, take and obtain a passing grade on the exam. If you have any questions about what is required of you during a suspension, the Board's staff and administrative officers are here to help you. One phone call to ask for assistance may be the one step you take that helps you move towards getting your license back to active status.

If your license is suspended and you just do these two things, then you will be well on your way to complying with the suspension and getting your license back. Remember if your license is suspended, there is a reason why it has been suspended. A suspended license is not the end of the road, but it can be an opportunity to stop and reflect on your work as a contractor and improve. If you have any questions concerning a suspended license, please feel free to contact me at **(919) 875-3612, ext. 205**.

PERMITS ARE NEEDED ON ALMOST ALL WATER HEATER REPLACEMENTS

It is time to dispel a very large myth...or what can be referred to as a new urban legend about all replacement water heaters not needing to be permitted. The replacement of most water heater **REQUIRES** a permit, regardless of the “word on the street”. Last year, legislation was submitted and approved to allow “**some**” water heaters to be replaced without having to get permits or inspections. What the “word on the street” is not saying, is that most of the replacements will require a permit. We have worked numerous complaints against licensed contractors who have performed water heater replacements from single family structures to commercial structures where permits were not purchased, in direct violation of this new legislation. These contractors have been disciplined for listening to the “word on the street” and not actually confirming the language in the legislation. In addition, there are some inspection departments who are telling licensees that “permits are not required” based again on the “word on the street” and not the actual legislation. This newsletter article is an effort to dispel this myth. In order for a water heater replacement to be installed without a permit, all of the following items have to happen (if one of the following requirements is missing, then **a permit is required**):

- The work is restricted to one– or two-family dwellings only (no buildings with three or more dwelling units and no commercial buildings).
- The work has to be performed by a North Carolina Licensed Plumbing Contractor (or a bona-fide employee of a North Carolina Licensed Plumbing Contractor);
- The licensee is required to personally examine the work at completion
- The licensee is required to ensure that a leak test has been performed on the gas piping;
- The energy use rate or thermal input is not greater than the water heater which is being replaced;
- The replacement is required to be installed in accordance with the current edition of the State Building Code (plumbing section);
- There is no change in fuel;
- There is no change in energy source;
- There is no change in location;
- There is no change in capacity; or
- There is no change in routing or sizing of venting or piping;

Only if all of the above listed items are true on each water heater replacement can a contractor be allowed to refrain from obtaining a permit or inspection for the water heater replacement. If any of the items listed above is missing or not accomplished on a water heater replacement then **A PERMIT IS REQUIRED**. If it is brought to the attention to the Board or someone files a complaint against a licensee for performing a water heater installation without a permit, we will investigate each complaint to make sure all of the requirements listed above have been met. Any jobs where all of the above requirements are not met will result in a verified complaint against the licensee and sanctions will be instituted. If you have any doubt about the need for a permit it is always better to err on the side of caution and secure the permit before commencing the work. You are encouraged to contact the administrative officer in your area. Visit www.nclicensing.org and click on the “Administrative Officers” button to see a list of the administrative officers, the counties in their respective regions, and their contact information.

Residential Fire Sprinkler Course

As you may know, on July 1, 2010 the Board began issuing the new Residential Fire Sprinkler Contractor License for persons interested performing the installation of multipurpose residential fire sprinkler systems. In order to qualify for this new licensure there are specific requirements that must be met. Currently, the only persons who can qualify for this license are North Carolina Licensed Plumbing Contractors who have held their license (Plumbing Class I or Plumbing Class II) a minimum of three (3) years. Once interested individuals meet this requirement, they must attend a 16-hour course approved by the board on NFPA 13D. Upon completion of the course, qualified persons will then be required to submit an application for examination in order to take a 60-question examination based upon NFPA 13D and Board Laws and Rules, on which they must obtain a passing grade of 70 in order for this license to be issued. In an effort to try and provide this course within a reasonable distance to everyone we have set the following Residential Fire Sprinkler Course schedule:

February 23 & 24, 2011 – Rocky Mount, NC

May 11 & 12, 2011 – Asheville, NC

August 2 & 3, 2011 – Greensboro, NC

November 2 & 3, 2011 – Charlotte, NC

All class sizes are limited to a maximum of 50 students and space is available on a first come -first served basis. Specific details about course location are available on our web site at www.nclicensing.org. Persons interested in attending this course can e-mail their name, license number, and which course they are interested in attending to dsoltys@nclicensing.org. There is a \$25.00 registration fee payable at the door and all students are required to bring with them the 2010 Edition of NFPA 13D manual, which can be purchased at www.nfpa.org (order item # 13D10) for \$37.50. Only persons who meet the requirements to qualify for this license will be allowed to attend this course. To date, 71 individuals have obtained this new Residential Fire Sprinkler Contractor License and are in a unique position for homes where the homeowners want a residential fire sprinkler system installed. Individuals who do not hold this new license will not be able to bid the plumbing installation if the homeowner seeks to have the residential sprinkler system installed. Be prepared and register for this class as soon as possible.

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

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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. 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 900 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 became 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.

Administrative Officers, “Field Staff”....what do they do?

WHAT DO THE BOARD'S ADMINISTRATIVE OFFICER DO?



One of the Board's primary functions is to protect the health, welfare, and safety of the general public. Although the licensing statutes and guidelines for application to obtain a license in North Carolina are a matter of public record and can be referenced at any time, the Board also has the authority to investigate complaints regarding licensee's of the Board who commit any violations of the licensing laws and unlicensed individuals who contract and/or perform either plumbing, heating or fire sprinkler contractor work without the required licenses.

From early 1980's through 1999 the Board had 3 Administrative Officers that covered the state; however, due to the increasing number of licensee's and complaints, it was determined that there was a need to increase the amount of Administrative Officers to meet the demand for investigations.

Currently, the Board has five (5) Administrative Officers, also known as Field Representatives, that cover the entire state. The duties and responsibilities of the Administrative Officers are pri-

marily to investigate complaints which range from contractual issues and system operation issues, to design and installation issues; basically anything that involves trade practices, licensing laws and guidelines, and overall installation and supervision.

In addition to the investigation of the complaints, the “Field Staff”, also play a significant role in maintaining working relationship with contractors and the local Inspection Department jurisdictions within their respective areas. The working relationships are developed through training and participation in Inspector Workshops held throughout the state and attendance at annual contractor trade organization meetings which include the North Carolina Plumbing Inspectors Association, North Carolina Mechanical Inspectors Association, North Carolina Mechanical Contractors Association, North Carolina, Plumbing, Heating, & Cooling Contractors Association, and several other associations who help maintain industry standards and information dissemination of changes within the trade industry.

The Board's current Administrative Officers have undergone a very in depth and lengthy training program to ensure that they are well educated and versed in the Laws and Rules of the Board, North Carolina General Statutes regarding trade practices, and compliance requirements for the respective trades. The Administrative Officers are not classified as inspectors and North Carolina Inspectors Certifications are not a prerequisite for the position;

however, they are required to know code requirements in order to effectively identify problems found through the course of investigations. The experience held by the field staff, as a whole, range from investigative and interview techniques, formal training in the plumbing, heating and/or fire sprinkler trades, report writing, and public relations.

The Board's Administrative Officers can be contacted with regard to licensing questions or concerns, complaint issues, or any other issues involving the respective trade licenses. Although Administrative Officers are located throughout the state, there is also a significant amount of communication among them which helps to facilitate accurate and complete information to both the Board's licensee's and the general public with regard to complaints or any other matters handled by the Board's staff.

Administrative Officers can be contacted with regard to any concern involving licensing issues or complaint issues and their contact information to include their respective jurisdictions can be found on the Board's public website www.nclicensing.org.

It is the intent of the Board to ensure that both their licensee's and the general public have every opportunity available to contact our staff so that any questions, complaints, or concerns can be handled in a timely manner. Although Field Staff are not always looked at as the bearers of good news, they definitely play a big role in maintaining the prevailing standards for the Board's licensees and the trade industry.

Has Your Licensee Been Renewed for 2011?

Eric Hall, Business and Technology Manager

All licenses expire on December 31st of each year, and there is no “grace period”. If the license is not renewed, all activities requiring a license including bidding, contracting, and performing work must stop until the license is properly renewed. Licensees who continue to engage in such activities without a license are considered to be working without a license and are subject to disciplinary action by the Board.

Unfortunately many licensees do not realize that their license has not been renewed until they attempt to obtain a permit and the local inspection office refuses to issue it because the license is expired.

We currently do not have the ability to process renewal forms and payments over the telephone or internet. All renewals must be mailed or delivered in person to our office, and the license is not valid until processed, which may take up to three business days after receipt.

In order to process the renewal, we need the appropriate renewal form completed with the signature(s) of the licensees and a check or money order for the correct payment amount. Renewals postmarked February 1st or later must also include a \$25.00 late processing fee.

If your license has been renewed, you should have received it in the mail a few days after it was processed. You can also check your license status by visiting www.nclicensing.org and clicking on the “License Search” button. Enter your license number in the appropriate box and click on the “Go” button. If the result is “License Not Found” the license has not been renewed and is not valid. If the license has been renewed, your information will be displayed with an expiration date of 12/31/2011.

The most common reasons for license expiration include forgetting to submit the renewal, believing

that someone else such as a family member or co-worker has submitted it for you, failing to obtain the required continuing education hours prior to submitting the renewal, or the renewal being lost in the mail and never reaching our office.

Each year a large number of licensees do not receive their renewal forms because they have changed addresses but failed to submit a Change of Address form to the Board, which is required within thirty days of the change. Renewal forms are mailed from our office in early October to the last known address of the licensee. Even if the licensee does not receive the form, it is still his/her responsibility to insure that the license is renewed.

Renewal forms and Change of Address forms are available by visiting our website at www.nclicensing.org and clicking on the “Download Forms” button.

PLUMBING CONTRACTORS EXEMPT FROM WELL CONTRACTOR

CERTIFICATION REQUIREMENTS

SENATE BILL 687

After several meetings between Representative Julia Howard, Senator Tony Foriest, the State Board or 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.



What you NEED to know about Load Calculations

John J. Todaro, Senior Administrative Officer

Effective January 1, 2010 the Board adopted new Rules .0505 (e) and (f) that require licensed heating contractors to perform thorough room-by-room heating and cooling load calculations for new residential structures per Rule .0505 (e) and to perform a minimum of a block load heating and cooling load calculation when equipment is being replaced per Rule .0505 (f).

In order to perform an accurate heating and cooling load calculation the contractor must take the time to thoroughly evaluate the home where the equipment is going to be changed out or must consult with the owner or general contractor on how this new home is going to be constructed. There are several important factors to know, like: the orientation of the home, the design conditions for inside and outside, the type of insulation if it is fiberglass, spray foam, cellulose and the R-value of the insulation for the walls, ceilings and floors, the type of windows, and type of construction to name a few. The number of people to consider for a load calculation varies between Manual J 7 & 8. According to Manual J 7th Edition the

number of people should be the number of bedrooms times 2 and per Manual J 8th Edition the number of people should be no greater than the number of bedrooms plus 1 and the people should be included in the area(s) where they would most likely be located at peak time. Other areas where caution should be taken while performing load calculations is with duct loss and gain and ventilation loads.

When the load calculation is performed and completed you will have a total load that is the sum of the sensible and latent loads of the structure. As a contractor you are required to select equipment that will be large enough to satisfy both the sensible load and latent load of the structure. Equipment performance has been tested by the manufacturer or AHRI (Air-Conditioning, Heating and Refrigeration Institute) for third party certification of performance ratings. For example, a load calculation reveals that the structure has a sensible gain of 26,350 BTUH and a latent gain of 3,400 BTUH for a total heat gain of 29,750 BTUH. Most con-

tractors would divide the total by 12,000 BTUH per ton and come up with a 2-1/2-ton unit but in reality the 2-1/2-ton unit would be undersized. This is because typically most equipment is only capable of removing 70 to 75% of the total heat capacity in sensible which for a 2-1/2-ton unit would be 21,000 to 22,500 BTUH which causes a short fall of approximately 4,000 to 5,300 BTUH in sensible capacity. Below is an example of the performance data that is typically published by a manufacturer. At an outdoor temperature of 95 degrees F, 1000 CFM (400 CFM/ton), return air conditions of 75 degrees F DB and 62 degrees F WB (50% RH), the unit is capable of 20.1 MBTUH or 20,100 BTUH therefore if 26,350 BTUH is required per the load calculation this unit would not be able to satisfy the sensible gain of the structure meaning the home on a design day would not cool to the design indoor temperature.

As a contractor if you should have concerns about the capacity of your unit, do not know how to arrive at the information of the ratio between the total capacity and sensible capacity, or have questions about equipment selection, you should contact either your distributor or the manufacturer of the equipment and they can provide you with the information, the performance data, or the AHRI Certified performance data so hopefully your customers in the future should have a properly sized unit in their home.

For third party certifications you can also visit AHRI's website at <http://www.ahrinet.org> or <http://www.ahridirectory.org/ahridirectory/pages/home.aspx> for certified products performances.

If you intend to use different manufacturer's brands to make up the components of a system, you need to make sure they have been tested together and they have an AHRI Certification because you will not know the capacity of that system and in the event of a complaint, this information will be requested of you. If you are unable to produce it this can result in you changing equipment or discipline against your license.

Air on Evaporator Coil			Temperature of Air on Condenser Coil															
CFM	WB (°F)	Net Capacity ¹ (MBh)	Total Input (kW) ²	Sensible Capacity (MBh)						Net Capacity ¹ (MBh)	Total Input (kW) ²	Sensible Capacity (MBh)						
				Return Dry Bulb (°F)								Return Dry Bulb (°F)						
				90	85	80	75	70	65			90	85	80	75	70	65	
				75°F						85°F								
750	77	36.3	2.1	19.3	15.7	12.2	-	-	-	36.0	2.3	17.9	14.3	10.7	-	-	-	
	72	34.1	2.0	22.6	19.1	15.5	11.9	-	-	33.3	2.3	21.8	18.2	14.6	11.1	-	-	
	67	31.8	1.9	26.0	22.4	18.9	15.3	11.7	-	30.6	2.2	25.6	22.1	18.5	15.0	11.4	-	
	62	30.1	1.8	30.1	28.1	24.6	21.0	17.4	13.9	27.8	2.2	27.8	26.4	22.8	19.3	15.7	12.1	
	57	28.2	1.8	28.2	27.9	24.3	20.8	17.2	13.6	27.3	2.2	27.3	26.7	23.1	19.6	16.0	12.4	
875	77	37.6	2.3	21.4	17.7	13.5	-	-	-	36.6	2.4	20.5	16.0	11.8	-	-	-	
	72	35.2	2.2	25.7	21.5	17.2	13.0	-	-	33.8	2.4	24.5	20.3	16.1	11.9	-	-	
	67	32.8	2.1	29.9	25.2	21.0	16.8	12.6	-	31.1	2.4	28.6	24.6	20.4	16.2	12.0	-	
	62	31.0	1.9	31.0	30.0	27.3	23.1	18.9	14.7	28.2	2.3	28.2	27.5	25.2	21.0	16.7	12.5	
	57	29.2	2.0	29.2	29.0	27.1	22.8	18.6	14.4	27.7	2.3	27.7	27.4	25.5	21.3	17.1	12.9	
1000	77	38.8	2.5	23.5	19.7	14.8	-	-	-	37.1	2.6	23.1	17.8	12.9	-	-	-	
	72	36.3	2.4	28.7	23.8	19.0	14.1	-	-	34.3	2.5	27.3	22.5	17.6	12.8	-	-	
	67	33.9	2.3	33.9	28.0	23.1	18.2	13.4	-	31.5	2.5	31.5	27.2	22.3	17.5	12.6	-	
	62	32.0	2.1	32.0	32.0	30.0	25.2	20.3	15.4	28.6	2.4	28.6	28.6	27.5	22.6	17.8	12.9	
	57	30.1	2.2	30.1	30.1	29.8	24.9	20.1	15.2	28.2	2.4	28.2	28.2	27.9	23.0	18.1	13.3	
1125	72	36.7	2.5	31.3	25.8	20.3	14.7	-	-	34.3	2.6	29.9	24.4	18.9	13.3	-	-	
	67	34.2	2.4	34.2	31.3	24.7	19.1	13.6	-	31.5	2.6	31.5	29.3	23.9	18.4	12.8	-	
	62	32.3	2.2	32.3	32.3	31.3	25.8	20.2	14.7	28.6	2.5	28.6	28.6	28.0	22.5	17.0	11.4	
	57	30.4	2.3	30.4	30.4	30.3	24.7	19.2	13.7	28.1	2.5	28.1	28.1	28.0	22.4	16.9	11.4	
	72	37.1	2.6	34.0	27.8	21.5	15.3	-	-	34.3	2.8	32.5	26.3	20.1	13.9	-	-	
1250	67	34.6	2.6	34.6	34.6	26.2	20.0	13.8	-	31.5	2.7	31.5	31.5	25.5	19.3	13.1	-	
	62	32.6	2.3	32.6	32.6	32.6	26.4	20.2	13.9	28.6	2.6	28.6	28.6	28.6	22.4	16.1	9.9	
	57	30.7	2.4	30.7	30.7	30.7	24.5	18.3	12.1	28.1	2.6	28.1	28.1	28.1	21.9	15.7	9.5	
				95°F						105°F								
750	77	35.7	2.6	16.4	12.9	9.3	-	-	-	32.5	2.8	15.1	11.5	8.0	-	-	-	
	72	32.6	2.6	20.9	17.3	13.7	10.2	-	-	29.5	2.8	19.7	16.2	12.6	9.1	-	-	
	67	29.4	2.5	25.3	21.7	18.2	14.6	11.1	-	26.5	2.9	24.4	20.8	17.3	13.7	10.1	-	
	62	25.5	2.6	25.5	24.7	21.1	17.5	14.0	10.4	23.8	2.9	23.8	23.2	19.6	16.1	12.5	8.9	
	57	26.4	2.6	26.4	25.5	21.9	18.4	14.8	11.2	23.3	2.9	23.3	22.8	19.3	15.7	12.1	8.6	
875	77	35.6	2.6	19.6	14.4	10.1	-	-	-	32.4	2.9	19.1	13.2	8.8	-	-	-	
	72	32.4	2.6	23.4	19.2	15.0	10.8	-	-	29.5	2.9	22.3	18.1	13.9	9.6	-	-	
	67	29.3	2.6	27.3	24.1	19.9	15.6	11.4	-	26.5	2.9	25.4	22.9	19.0	14.8	10.5	-	
	62	25.4	2.6	25.4	25.0	23.0	18.8	14.6	10.4	23.8	2.9	23.8	23.5	21.6	17.3	13.1	8.9	
	57	26.3	2.6	26.3	25.8	23.9	19.7	15.5	11.3	23.3	2.9	23.3	23.0	21.2	16.9	12.7	8.5	
1000	77	35.4	2.6	22.8	15.9	11.0	-	-	-	32.4	2.9	23.2	14.9	9.5	-	-	-	
	72	32.3	2.6	26.0	21.1	16.3	11.4	-	-	29.4	2.9	24.8	20.0	15.1	10.2	-	-	
	67	29.2	2.6	29.2	26.4	21.5	16.7	11.8	-	26.5	2.9	26.5	25.1	20.7	15.8	10.9	-	
	62	25.3	2.6	25.3	25.3	25.0	20.1	15.3	10.4	23.8	2.9	23.8	23.8	23.5	18.6	13.8	8.9	
	57	26.2	2.6	26.2	26.2	26.0	21.1	16.2	11.4	23.3	2.9	23.3	23.3	23.0	18.2	13.3	8.5	
1125	72	31.9	2.7	28.5	23.0	17.5	11.9	-	-	30.2	3.0	27.5	22.0	16.5	10.9	-	-	
	67	28.8	2.7	28.8	27.4	23.1	17.6	12.1	-	27.2	3.1	27.2	26.5	22.5	17.0	11.5	-	
	62	24.9	2.8	24.9	24.9	24.8	19.2	13.7	8.2	24.4	3.0	24.4	24.4	24.3	18.8	13.2	7.7	
	57	25.8	2.8	25.8	25.8	25.7	20.2	14.6	9.1	23.9	3.0	23.9	23.9	23.7	18.2	12.7	7.1	
	72	31.4	2.9	31.1	24.9	18.7	12.5	-	-	31.0	3.1	30.2	24.0	17.8	11.6	-	-	
1250	67	28.4	2.9	28.4	28.4	24.7	18.5	12.3	-	27.9	3.2	27.9	27.9	24.4	18.2	12.0	-	
	62	24.6	2.9	24.6	24.6	24.6	18.3	12.1	5.9	25.1	3.2	25.1	25.1	25.1	18.9	12.7	6.5	
	57	25.5	2.9	25.5	25.5	25.5	19.2	13.0	6.8	24.4	3.2	24.4	24.4	24.4	18.2	12.0	5.8	

IMPORTANT TELEPHONE NUMBERS

Department of Labor	919-807-2796
Department of Revenue	877-252-3052
Secretary of State	919-807-2225
Electrical Licensing Board	919-733-9042
GC Licensing Board	919-571-4183
Department of Insurance	919-661-5880
Henry Webster (Plumbing & Gas)	Extension 238
Janie Sutton (Mechanical & Energy)	Extension 237
Richard Strickland (Fire Code)	Extension 255

Office Staff Directory

Office # 919-875-3612
Fax # 919-875-3616

		Ext.
DeJaya Soltys (DJ)	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 Dawson	Executive Director	224
Karen Jolliffe	Examination Coordinator	230

E-mail inquires to information@nclicensing.org



Administrative Officers / Field Staff
Fax: 919-875-3616

John Todaro / South Central Region
704-975-5305

Moises "Jimmy" Jimenez / Southeastern Region
910-409-7127

Tom Johnston / North Central Region
336-906-9141

Derek Farmer / Northeastern Region
919-602-9095

David Boulay / Western Region
828-234-2719

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

- 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
- Residential Fire Sprinkler Installation Contractor

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 Form

Order Forms

- Reference Books

License Renewal Forms

Licensees with No Sub licensees

- Licensee with No Sub licensee – 2011 renewal
- Licensee with No Sub licensee – 2011 & Multi-year renewal

Licensee with Sub licenses

- Licensee with Sub licensee – 2011 renewal
- Licensee with Sub licensee – 2011 & Multi-year renewal



TO SUB-CONTRACT OR NOT TO SUB-CONTRACT

Recently we have received a large number of complaints where licensed contractors are sub-contracting work that requires a license to persons who do not hold a license or are not on the licensed contractors payroll, where taxes are being withheld. It appears to be more predominant in tract housing and apartment complex plumbing and heating installations, but does happen in all other areas in our industry. The Board has investigated many complaints where unlicensed installers are sub-contracting installations and are more concerned with completing the job as soon as possible in order to make more money on the project. This directly leads to sloppy, poorly designed and sub-standard installation. The General Statutes of North Carolina state that the only person exempted from having to hold a license is a "bona-fide employee of a licensee of our Board." (G.S. 87-25, last sentence.) Several years ago the Board issued the following definition of a "bona-fide employee":



.0512 EMPLOYEES AS EXEMPTED FROM LICENSURE

(a) As used in G.S. 87-25, the phrase "bona-fide employee" shall mean and refer to an individual who is directly and regularly employed in the ordinary course of business by a contractor licensed pursuant to G.S. 87, Article 2. Factors establishing whether the individual is directly and regularly employed in the ordinary course of business of such contractor include, without limitation, the following:

- (1) whether the individual is on the licensed contractor's payroll;
- (2) whether the licensed contractor withholds taxes from the payment to the individual and performs such other acts as are lawfully required of an employer;
- (3) whether the licensed contractor exercises control over the method and manner of the individual's work; and
- (4) whether the licensed contractor, and not the individual, is and remains obligated to the owner for the work.

(b) Persons acting as independent contractors, consultants or subcontractors, or paid as such, are not bona fide employees; provided that licensed contractors may utilize employees shared with a labor supplier under a written contract which may allocate payroll or tax withholding obligations to the labor supplier while reserving control, supervision and obligation to the owner or general contractor to the licensee of the Board, and provided the licensee upon whose qualifications the license of the employing contractor is based remains a person meeting all four of the indicia of employment set out in Paragraph (a) of this Rule and is not contracted by or acting as a labor supplier.

According to the above rules, anyone performing plumbing, heating, fire sprinkler or fuel piping installations is required to be on a licensed contractor's payroll where taxes are being withheld and receiving W-2s or they must hold an active license themselves. We have and will continue to prosecute anyone found subcontracting to unlicensed persons. If you are a licensed contractor who presently is sub-contracting work that requires a license to unlicensed persons and these persons are not on your payroll as bona-fide employees or do not hold their own licenses, then you are opening yourself to a complaint from the Board for allowing the unlicensed person to use your license. Violations of license peddling could lead to suspension or possible revocation of your license. In addition, the unlicensed person will be pursued for working without a license. This rule is very clear and enforcement will take place.

-RETRACTION-

On page 34 of the July 2010, edition of the Newsletter for the State Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors it was reported that the license of George Burton Vogt, number 21495 H3-I, H2, P-I, and that of the firm, Climatemasters of Elizabeth City, NC, was placed on a supervised probation for a period of (12) months. The license of George Burton Vogt, number 21495, and any firm he qualifies, is on supervised probation; however, the correct name of the firm should have been listed as Technicare, Inc., which was formerly owned and operated by the licensee George Burton Vogt, Jr. The firm, Climatemasters d/b/a B & M Contractors, Inc., located in Elizabeth City, NC is not on probation.

Permit Warning Report

A Permit Warning Letter may be issued to a licensee who has been found to have performed work without a permit having been issued prior to commencing work. Section .0402(a) of the Board Laws and Rules book states in part that "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." If you have questions as to when a license is required, please feel free to contact any of our administrative offices. 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 the firm. The following individuals were issued permit warning letters for failure to ensure a permit was obtained prior to commencing work that requires a license:

Name	City	Date	Name	City	Date
Adams, Spencer E.	West End, NC	10/20/2010	Jenkins, Ronnie D.	Richlands, NC	09/02/2010
Alcorn, Richard T.	Eden, NC	05/04/2010	Kelly, Richard W.	Southport, NC	12/22/2010
Ammons, Timothy S.	Matthews, NC	09/01/2010	Klein, Brian L.	Fuquay Varina, NC	09/17/2010
Bamford, Bruce W.	Brevard, NC	11/15/2010	Knight, Jonathan C.	Lenoir, NC	06/15/2010
Barnes, Nicholas A.	Garland, NC	10/07/2010	Lanier, Charles E.	Lexington, NC	08/26/2010
Beasley, Cameron S.	Boone, NC	03/15/2010	Long, Bruce T.	Leland, NC	08/17/2010
Bloomfield, Kevin R.	Concord, NC	06/03/2010	Lowe, Ronald D.	Matthews, NC	06/02/2010
Brown, James E.	Indian Trail, NC	07/29/2010	Lucas Jeffrey L.	Sims, NC	08/27/2010
Brown, Jerry M.	Garner, NC	11/10/2010	Lucas, Joseph J., Jr.	Charlotte, NC	08/12/2010
Burgess, Jim M.	Brevard, NC	09/17/2010	Lupo, Edward	Greensboro, NC	11/03/2010
Carter, William O.	Kernersville, NC	06/22/2010	Lussier, Jeffrey W.	Matthews, NC	09/30/2010
Chandley, Dennis R.	Alexander, NC	09/22/2010	Marshall, Brandon R.	Mocksville, NC	08/05/2010
Coombs, Woodrow T.	Castle Hayne, NC	08/19/2010	Packer, Kenneth R.	Fayetteville, NC	05/06/2010
Coston, James P.	Richlands, NC	08/26/2010	Packer, Kenneth R.	Fayetteville, NC	11/04/2010
Crawford, Max A.	Salisbury, NC	11/16/2010	Poole, Cheryl M.	Wilmington, NC	06/08/2010
Deal, P. Davis	Statesville, NC	09/29/2010	Ramsey, Randle W.	Jacksonville, NC	09/02/2010
Deeck, Gary J.	Albemarle, NC	10/26/2010	Reeves, Jerry R.	Wilmington, NC	08/17/2010
Edwards, Donald F.	Lincolnton, NC	07/29/2010	Reinhardt, Joby D.	Hickory, NC	06/29/2010
Glovan, Donald B.	Fletcher, NC	11/29/2010	Reinhardt, Joby D.	Hickory, NC	09/20/2010
Gorman, Patrick T.	Newport, NC	09/02/2010	Richardson, Donald	Pleasant Hill, NC	09/01/2010
Gould, Christopher D.	Hendersonville, NC	07/01/2010	Sharpe, James E.	Mount Gilead, NC	10/06/2010
Griffin, Albert W.	Yadkinville, NC	08/17/2010	Shearer, Frank A.	Fletcher, NC	09/08/2010
Gschwend, Phillip J.	Tryon, NC	10/20/2010	Somers, Boyd W.	Reidsville, NC	07/19/2010
Guffey, Dayle R.	Gastonia, NC	03/16/2010	Spillane, William J.	Statesville, NC	08/24/2010
Guffey, Dayle R.	Gastonia, NC	06/18/2010	Thomas, Bobby L.	Greenville, NC	10/14/2010
Harrell, Mark B.	Wilmington, NC	09/22/2010	Walker, Aaron G.	Wake Forest, NC	08/10/2010
Hayes, Alan K.	Boone, NC	06/17/2010	Wampler, Arthur H.	Oak City, NC	07/13/2010
Hudler, Elmer L.	Sneads Ferry, NC	08/26/2010	Warlick, Mark W.	Vale, NC	07/20/2010
Hunt, Danny R.	Fayetteville, NC	11/04/2010	Wooten, David J., Jr.	Smithfield, NC	10/13/2010
Hurley, Charles M.	Mebane, NC	05/25/2010			

Do you see work being done **without** a license? Do you know of a job done **without** the required permits? We want to know about it! Complaints can be filed by any person from contractors to homeowners to inspectors alike. The complaint form is available on our website at www.nclicensing.org and can be submitted to our office by mail or fax.

Don't forget—if we want to see a change in our industry's standards, we must ALL hold ourselves and our colleagues accountable for following the laws that are in place.

Questions? Call Hannah Whaley (919)875-3612 ext: 211

Consent Agreement Report

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

<u>Name</u>	<u>City</u>	<u>Date</u>
Airhart, William F.	Burlington, NC	09/29/2010
Allman, Harry E.	Webster, NC	07/26/2010
Alper, Glenn	Asheville, NC	08/31/2010
Anthony, Kevin W.	Kings Mountain, NC	11/17/2010
Barber, Perry	Raleigh, NC	11/24/2010
Baugess, Tony D.	Elkin, NC	10/13/2010
Beal, Ricky	Goldston, NC	10/14/2010
Beale, Mark W.	Raleigh, NC	11/03/2010
Best, Richard A.	Loris, SC	10/28/2010
Bowman, Harold A.	Winston Salem, NC	06/22/2010
Cable, Oliver C.	Gastonia, NC	11/17/2010
Camancho, John M.	Salisbury, NC	07/14/2010
Carter, Eric P.	Hendersonville, NC	07/22/2010
Carter, Pamela	Wake Forest, NC	08/19/2010
Clinard, William C.	High Point, NC	10/13/2010
Coggins, Rodney D.	Sylva, NC	07/26/2010
Coltrane, Scotty L.	Franklinville, NC	09/22/2010
Cox, Jay	Charlotte, NC	08/12/2010
DuBose, Calvin	Stanley, NC	11/17/2010
Dugan, Daniel J., Jr.	Wilmington, NC	10/20/2010
Duncan, Alton S.	Spindale, NC	07/15/2010
Edwards, Austin L.	Cana, VA	07/08/2010
Everette, William K.	Nashville, NC	06/25/2010
Farmer, Pete L.	Gastonia, NC	08/19/2010
Foley, Patrick J.	Concord, NC	08/25/2010
Fort, Dan C.	Gastonia, NC	07/26/2010
Gains, Ben P.	Goldston, NC	10/15/2010
Green, Patrick I.	Lakeview, NC	10/28/2010
Gunshinan, Chester J.	Butner, NC	10/19/2010
Havrun, Thomas P.	Huntersville, NC	10/11/2010
Heffner, Jonathan	Gastonia, NC	08/11/2010
Hintz, Greg	Neenah, WI	08/02/2010
Hoffman, Scott J.	Thomasville, NC	06/28/2010
Houghtaling, David F.	Huntersville, NC	10/11/2010
Howard, Allen	Wilson, NC	09/17/2010
Hunt, John T., Jr.	Concord, NC	09/29/2010
Hutson, Donald R.	Mount Airy, NC	07/06/2010
Johnson, Donald L.	Kenansville, NC	12/22/2010
Johnson, Morris B.	Louisburg, NC	09/03/2010
Jones, Eddie L., Jr.	Jacksonville, NC	11/24/2010
Karkour, Jose G.	Greensboro, NC	09/27/2010
Keeter, Scott	Rutherfordton, NC	10/06/2010
King, Ricky R.	Leicester, NC	09/08/2010
Kornegay, Marshall R.	Benson, NC	11/16/2010

<u>Name</u>	<u>City</u>	<u>Date</u>
Peaden, Jarvis W., Sr.	Wilson, NC	12/02/2010
Penny, Newton	Raleigh, NC	09/23/2010
Phelps, Timothy C.	Lexington, NC	11/04/2010
Phillips, Jason L.	Blountville, TN	09/08/2010
Pittman, Robert L.	Black Creek, NC	12/01/2010
Preston, Richie A.	Portsmouth, OH	10/25/2010
Roddenberry, Gadson	Lexington, NC	06/25/2010
Rodgers, Bruce E.	Wilson, NC	09/17/2010
Ross, James W.	Bessemer City, NC	08/18/2010
Sanford, Glen	Lexington, NC	08/12/2010
Sensing, John D.	Bessemer City, NC	08/31/2010
Shivar, Donald R., Jr.	Pollocksville, NC	11/24/2010
Smith, Wiley S.	Reidsville, NC	11/02/2010
Speight, Christopher J.	Raeform, NC	08/05/2010
Stroup, Jason W.	Shelby, NC	09/21/2010
Sutton, Robert S.	Wilmington, NC	11/19/2010
Vandiver, James H., III	Ballground, GA	11/30/2010
Wells, Bobbie	Washington, NC	11/05/2010
Whitmore, Mark A.	Haw River, NC	08/25/2010
Woolcombe, Terence A.	Winston Salem, NC	07/02/2010
Lindsey, Robert D.	Hendersonville, NC	09/27/2010
Locklear, Henry T.	Red Springs, NC	10/28/2010
Lomax, Randall L.	Wilmington, NC	07/30/2010
Looper, David E.	Banner Elk, NC	10/13/2010
Marlow, Timothy E.	Supply, NC	07/02/2010
McCarthy, Shaun P.	Wilson, NC	09/15/2010
McSweeney, William	Greensboro, NC	07/21/2010
Metzger, Steven E.	Fayetteville, NC	11/04/2010
Miller, David	Gastonia, NC	11/17/2010
Mills, John A.	Greenville, NC	07/29/2010
Mutio, Edward	Wake Forest, NC	08/19/2010
Nix, Harold S.	Forest City, NC	09/22/2010

Questions about permit warnings,
letters of caution, or consent
agreements? Contact the office and
we will be glad to help.
(919)875-3612

Letters of Caution Report

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

Name	City	Date	Name	City	Date
Boothe, Wade W.	Wendell, NC	07/02/2010	Norris, Paul V.	N. Myrtle Beach, SC	06/01/2010
Casey, Dean	Wake Forest, NC	09/16/2010	Parker, Larry E., Jr.	Lumberbridge, NC	09/28/2010
Edwards, Donald F.	Lincolnton, NC	07/29/2010	Parrish, Terry L.	Clayton, NC	09/29/2010
Hileman, Robert R.	Asheville, NC	09/07/2010	Poole, Cheryl M.	Wilmington, NC	06/08/2010
Howard, Joseph L.	Leland, NC	07/15/2010	Semones, John A.	Lewisville, NC	09/10/2010
Long, Bruce T.	Leland, NC	08/17/2010	Smith, Wilbur R.	Cary, NC	10/26/2010
Lucas, Thomas	Wilson, NC	10/05/2010	Thomas, Bobby L.	Greenville, NC	10/14/2010
Lynn, Derek M.	Garner, NC	09/30/2010	Vowell, Lisa C.	Roanoke Rapids, NC	11/15/2010
Marshall, Brandon R.	Mocksville, NC	08/05/2010	Wampler, Arthur H., Jr.	Oak City, NC	07/13/2010
Medlin, Ricky E.	Marshville, NC	08/25/2010	Wells, Edward A.	Raleigh, NC	09/03/2010
Meinke, Peter H.	Apex, NC	09/08/2010	Wells, Richard L.	Angier, NC	10/12/2010
Mitchell, Jon R.	Lexington, NC	11/04/2010	Woodard, Gregory W.	Wilson, NC	09/27/2010

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 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 approval prior to the agreement being adopted as a final agency decision. If a complaint has not been resolved in the field through a Field Resolution Agreement, then the case can be referred to the Resolution Review Committee. During the Resolution Review Committee meeting, a licensee can enter into a Review Committee Resolution Agreement in place of appearing before the Board at a formal hearing; the agreement is then presented to a Board hearing panel for approval prior to the agreement being adopted as a final agency decision. Cases that cannot be resolved through the use of Field Resolution Agreements or Review Committee Resolution Agreements are forwarded to formal hearings before the Board. Listed below are the different agreements entered into by the field staff and the Resolution Review Committee that have been approved by the Board. The information below does not contain all of the facts or details of each case. Specific details of any of the following cases can be obtained by e-mail (information@nclicensing.org) or upon written re-

Adams, Barry Nelson

Adams Services

Rock Hill, SC

License# 24454, H1,2 & 3-I

Allegations of misconduct and working without a license in the business of plumbing contracting in that the licensee contracted the installation of a replacement gas water heater, and contracted and performed the installation of replacement of a 2" PVC water service piping at a restaurant without valid license qualifications. Barry Adams signed a Proposed Resolution Agreement 09/30/2010. Proposed Resolution Agreement recommended for approval on 10/18/2010.

The license of Barry Adams, number 24454 H1, 2&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 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.

Adams, Spencer

Seven Lakes Heating and Air, Inc.

West End, NC

License# 19663, H-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 respond to the customer in a timely manner, failed to

obtain permits prior to commencing work, failed to obtain final inspections within ten days of completion, violated the State Mechanical Code, and at another job location failed to provide the installation maintenance and operation manuals, warranty documentation, and receipt for work performed. Spencer Adams signed a Proposed Resolution Agreement 10/20/2010. Proposed Resolution Agreement approved 11/26/2010.

The license of Spencer Adams, number 19663 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of 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.

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Adams, Travis Grey
Travis Heating and Air
Conditioning, Inc.
Huntersville, NC
License# 24869, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to perform load calculations, and contracted work while the license was expired by greater than 8 months. Resolution Conference held 11/18/2010. Travis Adams signed a Resolution Conference Agreement 11/18/2010.

The license of Travis Adams, number 24869 H-3-I, and that of the firm shall be placed on supervised probation for a period of eighteen (18) months. The license will be monitored to ensure that the licensee renews his license prior to the expiration of the license on December 31st of each year. The 2011 licensee was renewed prior to the end of December 31, 2010. In the event the licensee violates the conditions of probation, his license will be suspended for a period of nine (9) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

Anderson, Dean
Anderson Heating & Air
Fayetteville, NC
License# 14139, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to comply with the Board rules and regulations on bona-fide employees, and presented an Affidavit in support of the examination application of James Anthony Woody, Jr. in which he represented that Woody was an employee. Anderson failed to withhold taxes for Mr. Woody and paid Mr. Woody on a Form 1099-MISC Form without withholding taxes. Dean Anderson signed a Proposed Resolution Agreement 07/22/2010. Review Committee approved the Proposed Resolution Agreement 08/12/2010.

The license of Dean Anderson, number 14139 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, 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.

Bailey, Bobby
Baileys PHC
Durham, NC
License# 29969, P-I

Allegations of misconduct and working without a license in the business of heating contracting in that the licensee failed to obtain a permit prior to commencing work, and contracted to install a 2 ton straight A/C & Coil and all associated electronics without valid license qualifications. Bobby Bailey signed a Proposed Resolution Agreement 07/08/2010. Proposed Resolution Agreement not approved; submitted to Review Committee. Resolution Conference held 09/08/2010; Review Committee recommended approving Proposed Resolution Agreement.

The license of Bobby Bailey, number 29969 P-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, his license will be suspended for a period of nine (9) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Barnes, Nicholas Alan
All Around Heating & Air
Garland, NC
License# 29992, 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 respond to the customer in a timely manner, failed to obtain a permit, and failed to obtain a final inspection within 10 days of com-

pleting the work. Nicholas Barnes signed a Proposed Resolution Agreement 10/07/2010. Proposed Resolution Agreement approved 11/26/2010.

The license of Nicholas Barnes, number 29992 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of eighteen (18) 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.

Baity, Darold
Baitys', Inc.
Winston Salem, NC
License# 04427, H-1&3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to carry out adequate ductwork installation and system design, failed to perform load calculation and duct design, and violated the minimum standard of the North Carolina State Mechanical Code. Resolution Conference held 07/26/2010. Darold Baity signed a Resolution Conference Agreement 07/26/2010.

The license of Darold Baity, license number 4427 H-1&3-I, and the license 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 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.

Barbano, James
Planet Plumbing Inc.
Hickory, NC
License# 28991, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee subcontracted with Timothy Dean Lowman, an unlicensed plumber, who owns and operates Plumbing Tech, to assist him in replacing the water lines for a restau-

Field Resolution Agreements and Resolution Review Committee Agreements

rant, the licensee also paid Timothy Dean Lowman in cash and failed to withhold taxes in violation of the Board rule 21 NCAC 50.0512. James Barbano signed a Proposed Resolution Agreement 06/16/2010. Review Committee approved Proposed Resolution Agreement 06/22/2010.

The license of James Barbano, number 28991, P-1, 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 three (3) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

Batten, Stuart
Performance Heating & Cooling, Inc.
Wilson, NC

License# 13303, H1, 2&3-I

Allegations of misconduct working without a license in the business of plumbing contracting in that the licensee subcontracted, without valid license qualifications, the installation of a 50 gallon water heater to a licensed plumbing. Stuart Batten signed a Proposed Resolution Agreement 09/20/2010. Proposed Resolution Agreement recommended for approval on 10/01/2010.

The license of Stuart J. Batten, license number 13303 H1, 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, 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.

Bowers, James Michael
Bowers Heating & Air, Inc.
Troutman, NC

License# 29304, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to respond to the consumer in a timely manner. James

Bowers signed a Proposed Resolution Agreement 06/08/2010. Review Committee approved Proposed Resolution Agreement 06/22/2010.

The license of James Bowers, number 29304, H-3-I, and that of the firm shall be placed on a 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 three (3) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

Bridgers, Robbie Edward
Renfrow HVAC Service
Kenly, NC

License# 30557, H3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee engaged in business under a different name or style of business than appears on his/her license, failed to sign contracts and have his license number appear on contracts. Robbie Bridgers signed a Proposed Resolution Agreement 09/16/2010. Proposed Resolution Agreement recommended for approval on 10/01/2010. The license of Robbie Bridgers, number 30557 H3-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, 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.

Brinson, Gregory
Brinson & Sons Heating & Air, Inc.
Wilmington, NC

License# 15620, H2&3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee performed the installation of a complete HVAC system but did not verify any of the heat loss/heat gain calculations, and the installed equip-

ment, which included a 2.5 ton air handler and 2 ton condensing unit, was improperly matched. Gregory Brinson signed a Proposed Resolution Agreement 06/19/2010. Proposed Resolution Agreement approved 09/06/2010.

The license of Gregory Scott Brinson, license number 15620 H2&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, 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.

Brooks, Samuel
Coastal Home Services, Inc.
Morehead City, NC

License# 28539, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to perform a load calculation for the installation of a 2 ton split HVAC system, failed to obtain a permit prior to commencing work, violated the State Mechanical Code by failing to leave installation instructions, failing to put primer on new drain line connections, terminated drain line below grade, existing duct new zone damper missing insulation, failing to install bypass duct for zone damper system, and the air handler cabinet had excessive sweating. Samuel Brooks signed a Proposed Resolution Agreement 06/25/2010. Review Committee approved the Proposed Resolution Agreement 07/04/2010.

The license of Samuel Brooks, license number 28539 H-3-I, and that of the firm shall be placed on a 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 requirements.

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Bryant, Robert L.
Airflo Heating & Cooling
High Point, NC
License# 02801, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee allowed his license number to appear on a permit on a job where he did not hold the contract with the homeowner or general contractor and did not receive the contractual payment for the job. Robert Bryant signed a Proposed Resolution Agreement 03/03/2010. Resolution Conference held 05/19/2010 to review disciplinary action. Review Committee recommended approving the Proposed Resolution Agreement dated 03/03/2010.

The license of Robert Bryant, number 02801, 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, 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 requirements.

Burke, Robert Daniel
Burke & Burke Heating & Air of
Chatham, Inc.
Siler City, NC
License# 11696, H2 & H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain a permit prior to commencing work, and failed to install a compatible air handler with a Goodman condensing unit. Robert Burke signed a Proposed Resolution Agreement 11/23/2010. Proposed Resolution Agreement approved 11/29/2010.

The license of Robert Daniel Burke, number 11696 H2, H-3-I, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. Within sixty (60) days, the licensee agreed to return to the property at Ashley Forest Rd. in Chapel Hill, install a compatible air handler and provide the homeowner and the board with proof that the air handler being installed is compatible with the

outdoor unit installed, contact the homeowners in advance and arrange a time to perform this work, prior to commencing any work, obtain a permit from the local code enforcement official and receive a final inspection within 10 days of substantial completion. The licensee must enroll in and attend the Special Board Laws & Rules course presented by the Board prior to the end of the probation. 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.

Cairnes, Frank
A Plus Heating & Air Conditioning
Horse Shoe, NC
License# 05985, PH-3-I

Allegations of misconduct, incompetence, and selling license in the business of plumbing and heating contracting in that the licensee failed to provide supervision, failed to perform load calculation and duct design, violated the minimum standard of the North Carolina State Mechanical Code, allowed the use his license by an unlicensed person, Calvin Hensley, who presented himself to the homeowner as the owner and operator of A Plus Heating & Air Conditioning, allowed the use of his license by the firm, A Plus Heating & Air Conditioning, while operating a separate electrical business, and the licensee did not meet the minimum 1500 hours requirement of employment by the firm, A Plus Heating & Air Conditioning. Resolution Conference held 06/14/2010. Frank Cairnes signed a Resolution Conference Agreement 06/14/2010.

The license of Frank Cairnes, license number 5985 PH-3-I, and the license of the firm shall be suspended for a period of six (6) months. Upon successful completion of the suspension, the license of Frank Cairnes, number 5985 PH-3-I, and that of the firm shall be placed on supervised probation for a period of two (2) years. In the event the li-

censee violates the conditions of probation, his 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 listed above.

Cash, Randy Garland
Randy Cash Plumbing Company
Fayetteville, NC
License# 21305, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee contracted and performed plumbing work while his license was expired. Randy Cash signed a Proposed Resolution Agreement 10/22/2010. Proposed Resolution Agreement approved 11/26/2010.

The license of Randy Cash, number 21305 P-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, 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.

Christopher, James Thomas
Aberdeen, NC
License# 20853, FP

Allegations of misconduct in the business of fuel piping contracting in that the licensee, who did not have his license listed in the company name, verified work experience for an individual in the name of that company, and under his own company name, the licensee verified work experience for an individual who did not work for the licensee, was not on his payroll or a full time employee of his company. James Christopher signed a Proposed Resolution Agreement 10/28/2010. Proposed Resolution Agreement approved 11/26/2010.

The license of James Christopher, number 20853 FP, 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 three (3) months, with the require-

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

Cobb, Douglas Cherryville, NC

License# 24487, H-2&3-I

Allegations of misconduct, incompetence, and working without a license in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to carry out adequate ductwork installation and system design, violated the minimum standard of the North Carolina State Mechanical Code, contracted work while his license was expired, and failed to respond to consumer in a timely manner/poor business practices. Resolution Conference held 07/27/2010. Douglas Cobb signed a Resolution Conference Agreement 07/27/2010.

The license of Douglas Cobb, license number 24487 H-2&3-I, and the license of the firm shall be suspended for a period of twelve (12) months. Upon successful completion of the suspension, the license of Douglas Cobb, number 24487 H-2&3-I, and that of the firm shall be placed on supervised 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.

Crawford, Max Alan Crawford & Son Heating & Air, Inc. Salisbury, NC

License# 28828, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, and failed to specify work schedule or scope of work properly in detailed contract. Resolution Conference held 11/16/2010. Max Crawford signed a Resolution Conference Agreement 11/16/2010. A Letter of Caution will be issued

against the license of Max Alan Crawford, number 28828 H-3-I. The licensee must enroll in and attend the Special Board Laws & Rules course presented by the Board within the next six (6) months.

Dawson, Herman Dawson's Service Company Carolina Beach, NC

License# 24014, 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 inspection(s) within 10 days of substantial completion of work, failed to obtain final inspection(s), failed to perform load calculation, violated the minimum standard of the North Carolina State Mechanical Code, allowed the use of license by unlicensed persons by issuing 1099's to unlicensed employees, and failed to hold a signed three-way contract with the homeowner and the retail merchant and failed to have his license number and phone number appear on the contract as specified by G.S. 87-21(j). Resolution Conference held 09/09/2010. Herman Dawson signed a Resolution Conference Agreement 09/09/2010.

The license of Herman Dawson, number 24014 H2&3-I, and that of the firm shall be placed on unsupervised probation for a period of eighteen (18) 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.

Deal, John M. John Deal Plumbing Valdese, NC

License# 09026, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to have his license listed in the name of his business, continued to bid and contract licensed work on an expired license, paid an employee with cash and/or a from 1099, which is a viola-

tion of 21 NCAC 50.0512, failed to return to the home to properly install the water heater although he was paid in full, failed to obtain a permit prior to commencing work, violated the State Plumbing Code by failing to install a drain pan for the installation of a new Whirlpool electric water heater, failing to install a expansion tank, and the T&P valve was not plumbed within six inches of the floor as required by the code. John Deal signed a Proposed Resolution Agreement 04/08/2010. Review Committee approved the Proposed Resolution Agreement 04/22/2010.

The license of John Deal, license number 09026 P-I, and that of the firm shall be placed on a 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 six (6) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

Dean, Robert Norman R & L Heating Walnut Cove, NC

License# 18822, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to carry out adequate ductwork installation and system design, and violated the minimum standard of the Manual J. Resolution Conference held 11/18/2010.

Robert Norman Dean signed a Resolution Conference Agreement 11/18/2010.

The license of Robert Norman Dean, number 18822 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. The licensee must enroll in and attend the Special Board Laws & Rules course presented by the Board prior to the end of the probation. 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 requirements.

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Deeck, Gary Joseph
Deeck Mechanical Incorporated
Albemarle, NC

License# 20095, H-1,2&3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain a permits prior to commencing work and secure inspections, failed to ensure proper system operation, and mismatched equipment. Gary Deeck signed a Proposed Resolution Agreement 10/26/2010. Proposed Resolution Agreement approved 11/26/2010.

The license of Gary Deeck, number 20095 H-1, 2 & 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 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.

Delcid, Carlos Roberto
Airomatic Heating and Cooling
Charlotte, NC

License# 30021, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain a permit prior to commencing work, failed to comply with the Board rules and regulations on bona-fide employees by failing to withhold taxes and issued 1099's to Steve Wentz, who owns and operates Steve Wentz Heating & Air, and split profits from the installation of HVAC systems with Steve Wentz. Carlos Delcid signed a Proposed Resolution Agreement 06/02/2010. Review Committee approved Proposed Resolution Agreement 06/22/2010.

The license of Carlos Delcid, number 30021-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, 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 requirements.

Elliott, James Edward
Carolina Comfort Heating & Air
Kannapolis, NC

License# 17271, P-II

Allegations of misconduct in the business of plumbing contracting in that the licensee contracted to perform licensed plumbing work for commercial structures and did not hold the required license to do the work. James Elliott signed a Proposed Resolution Agreement 05/26/2010. Review Committee approved Proposed Resolution Agreement 06/22/2010.

The license of James Elliott, number 30021-H-3-I, and that of the firm shall be placed on a 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 six (6) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

Farrell, James Bryant
James B. Ferrell Plumbing
Sneads Ferry, NC

License# 18039, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee accepted a contract for the installation of a complete plumbing system from an unlicensed individual, and obtained a permit and allowed his license number to appear on a permit on a job where the licensee did not receive the contractual payment for the job. James Farrell signed a Proposed Resolution Agreement 08/06/2010. Review Committee approved the Proposed Resolution Agreement 08/20/2010.

The license of James Farrell, number 18039 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, 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.

Flor, Carlos
Safe Way Sprinkler Company, Inc.
Mebane, NC

License# 22396, FS & FSIC
(sublicensee)

Allegations of misconduct in the business of fire sprinkler contracting in that the licensee operated two offices with the use of only one license, failed to provide adequate supervision, and allowed Fire Sprinkler Inspections to be performed under his license by a person whose Fire Sprinkler Inspection technician License had expired. Resolution Conference held 07/16/2010. Carlos Flor signed a Resolution Conference Agreement 07/16/2010.

The license of Carlos Flor, license number 22396 FS & FSIC, and the license 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 six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Ford, Kerry Ray
Ford Heating & Air Conditioning
Tryon, NC

License# 19667, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to carry out adequate ductwork installation and system design, failed to perform a proper load calculation and duct design, and violated the minimum standard of the North Carolina State Mechanical Code. Resolution Conference held 05/17/2010. Kerry Ford signed a Resolution Conference Agreement 05/17/2010.

The license of Kerry Ford, number 19667 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, his license will be suspended for a period of three (3)

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

Foster, David Lind

Mooreville, NC

License# 23391, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the failed to obtain permit(s) prior to commencing work, violated the minimum standard of the North Carolina State Plumbing Code, and contracted and performed work outside his current licensing qualifications. Resolution Conference held 05/21/2010. David Foster signed a Resolution Conference Agreement 05/21/2010.

The license of David Foster, number 23391 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, 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 requirements.

Francis, Durward

Forestville Air

Rolesville, NC

License# 16393, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain final inspections, and failed to perform load calculation and duct design. Resolution Conference held 07/14/2010. Durward Francis signed a Resolution Conference Agreement 07/14/2010.

The license of Durward Francis, license number 16393 H-3-I, and the license 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 six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Frymier, Greg

**Frymiers Heating & Air Conditioning
Hampstead, NC**

License# 29129, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee engaged in business under a different name or style of business than appears on his/her license, and failed to obtain final inspection(s). Grey Frymier signed a Proposed Resolution Agreement 08/16/2010. Proposed Resolution Agreement approved 09/06/2010.

The license of Greg Frymier, license number 29129 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, 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.

Fulcher, Charles R.

R. Charles Fulcher

Wilson, NC

License# 07691, H1,H2, H3-I, P-I

Allegations of misconduct in the business of heating contracting in that the licensee allowed an unlicensed individual, Shaun P McCarthy, who was not a bona-fide employee as defined by 21 NCAC 50.0512., to assist in a plumbing installation at a rental property. Charles Fulcher signed a Proposed Resolution Agreement 10/04/2010. Proposed Resolution Agreement recommended for approval on 10/13/2010.

The license of Charles Fulcher, number 07691 H1, H2, H3-I P-I, and the license of the firm be suspended for a period of 90 days. Upon successful completion of the suspension, his license, number 07691 H1, H2, H3-I P-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 suspension or 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.

Gault, Mark Robert

Gastonia, NC

License# 15687, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to renew his license certificate annually for the years of 2009 and 2010, failed to complete a load calculation for the replacement of an existing gas pack unit, failed to obtain a permit prior to commencing work, failed to obtain a final inspection within 10 days of substantial completion of the work, failed to ensure proper system operation after several attempts to repair the gas pack unit it continued to function improperly, and for the installation of a new Carrier heat pump, the licensee failed to obtain a permit and inspection, and assisted an unlicensed individual in the installation of the heat pump. Mark Gault signed a Proposed Resolution Agreement 05/20/2010. Review Committee approved the Proposed Resolution Agreement 05/26/2010.

The license of Mark Gault, license number 15687 H-3-I, and that of the firm shall be placed on a 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 three (3) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

Geiger, Michael T

**Carolina Builder Services, Inc.
Franklin, NC**

License# 12466, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee qualified three (3) business locations with one license in violation of G.S. 87-21, NCAC 50, sections .0404 & .0405., allowed a company to use his license number to obtain permits when his license was not

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listed in the name of that company, and failed to provide adequate supervision for work performed under his license. Michael Geiger signed a Proposed Resolution Agreement 10/08/2010. Proposed Resolution Agreement approved 11/14/2010.

The license of Michael Geiger, number 12466 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, 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.

Gladden, Charles Richard
C & S HVAC
Lincolnton, NC
License# 23641, H1, 2&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 perform load calculation, and violated the minimum standard of the North Carolina State Mechanical Code. Resolution Conference held 09/22/2010. Charles Gladden signed a Resolution Conference Agreement 09/22/2010.

The license of Charles Richard Gladden, license number 23641 H1, 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, 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.

Goldstein, Brian
Patriot Plumbing
Mills River, NC
License# 23877, P-II

Allegations of misconduct in business of plumbing contracting in that the

licensee failed to pull the required permits, failed to contract the installation, failed to supervise the work being performed, failed to close out permits, failed to meet the 1500 hour minimum requirement, and paid an employee with cash or via form 1099. Brian Goldstein signed a Proposed Resolution Agreement 07/22/2010. Review Committee approved the Proposed Resolution Agreement 08/12/2010.

The license of Brian Goldstein, number 23877 P-II, 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 six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Gomes, Kevin
Integration Incorporated dba
Pronto Plumbing
Greensboro, NC
License# 18003, P-I

Allegations of misconduct and violation of prior probation order in the business of plumbing contracting in that the licensee violated probation approved by the Board on 03/16/2009 by failing to have a written contract prior to commencing work, failing to review the installation prior to inspection, failed to be on the job while the work was being performed, allowed the use of license by unlicensed persons, and obtained a permit and allowed your license number to appear on a permit on a job where the licensee did not hold the contract with the owner or licensed general contractor and did not receive the contractual payment for the job. Resolution Conference held 09/23/2010. Kevin Gomes signed a Resolution Conference Agreement 09/23/2010.

The license of Kevin Gomes, license number 18003 P-I, and that of the firm shall be suspended for a period of three (3) months. Upon successful completion of the suspension, his

license, number 18003 P-I, and that of the firm shall be placed on supervise 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 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.

Guy, G. Michael
ABI Mechanical
Concord, NC
License# 14639, H-2&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 supervision, failed to perform load calculation and proper duct design, and violated the minimum standard of the North Carolina State Mechanical Code. Resolution Conference held 11/17/2010. G. Michael Guy signed a Resolution Conference Agreement 11/17/2010.

The license of G. Michael Guy, number 14639 H-2&3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Within 90 days of the approval of this order, the contractor shall obtain a permit from the local code enforcement official, return to the structure on N. Hillcrest Rd. in Siler City, NC, correct any and all code violations that still exist and assure that the duct and zoning systems is properly designed and assure that the HVAC equipment is properly size per Manual J. The Licensee shall contact the building owner in advance, arrange a time to perform this work and shall receive a final inspection with the next 120 days. This work shall be performed at the expense of the contractor. The licensee must enroll in and attend the Special Board Laws & Rules course presented by the Board prior to the end of the probation. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3)

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

Haddock, Phillip Morgan Winterville, NC

License# 07037, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to comply with the Board rules and regulations on bona-fide employees by failing to withhold taxes in violation of the Board rule 21 NCAC 50.0512, and accepted a subcontract from Ashley Gardner of OS-SE, Inc, who was not licensed to contract plumbing work, to perform the installation of a drain line and water supply to a sink. Phillip Haddock signed a Proposed Resolution Agreement 10/21/2010. Proposed Resolution Agreement approved 11/26/2010.

The license of Phillip Haddock, number 07037 P-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, 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.

Hardy, Roger Dale Patriot Heating & Air, LLC Thomasville, NC

License# 28647, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee did not perform a proper block load heating and cooling calculation, and violated the minimum standard of the North Carolina State Mechanical Code. Resolution Conference held 09/23/2010. Roger Hardy signed a Resolution Conference Agreement 09/23/2010.

The license of Roger Hardy, license number 28647 H-3-I, and that of the firm shall be placed on supervised 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 pe-

riod 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.

Haskell, Gregg Haskell Plumbing and Utilities, Inc. Chapel Hill, NC

License# 19327, P-I

Allegations of misconduct in the business of plumbing contracting in that the license failed to obtain final inspections, and subcontracted work from an unlicensed individual. Resolution Conference held 09/10/2010. Gregg Haskell signed a Resolution Conference Agreement 09/10/2010.

The license of Gregg Haskell, license number 19327 P-I, and that of the firm shall be placed on a 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 six (6) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

Herring, Billy Douglas Herring Heating and Air Conditioning, Inc. (Sublicensee)

Mount Olive, NC

License# 04498, PH-3-I

Allegations of incompetence in the business of heating contracting in that the licensee violated the State Mechanical Code. Billy Douglas Herring signed a Proposed Resolution Agreement 09/21/2010. In the signed Proposed Resolution Agreement, the licensee asserted that the items were code compliant when the installation was performed and completed. Proposed Resolution Agreement recommended for approval on 10/13/2010.

The license of Billy Douglas Herring, number 04498 PH-3-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 proba-

tion, 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.

Higgins, Kelly Saluda, NC

License# 27543, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, and violated the minimum standard of the North Carolina State Mechanical Code. Resolution Conference held 06/14/2010. Kelly Higgins signed a Resolution Conference Agreement 06/14/2010.

The license of Kelly Higgins, license number 27543 H-3-I, and the license 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 one (1) year, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Hollingsworth, William Hollingsworth Heating & Air, Inc. Rocky Point, NC

License# 22570, H-3-I

Allegations of misconduct and working without a license in the business of heating contracting in that the licensee failed to obtain final inspections, and contracted work while the license of the firm was suspended. Resolution Conference held 07/16/2010. William Hollingsworth signed a Resolution Conference Agreement 07/16/2010.

The license of William Hollingsworth, license number 22570 H-3-I, and the license of the firm shall be placed on supervised 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 twelve (12) months,

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

Howington, David Sr.

**Safe Way Sprinkler Company, Inc.
Mebane, NC**

**License# 24639, FSIT
(sublicensee)**

Allegations of misconduct and working without a license in the business of fire sprinkler inspections in that he operated two offices with the use of only one license, and contracted and performed work outside his current licensing qualifications. Resolution Conference held 07/16/2010. David Howington signed a Resolution Conference Agreement 07/16/2010.

The license of David Howington, license number 24639 FSIT, and the license 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 six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Howington, Laurene

**Safe Way Sprinkler Company, Inc.
Mebane, NC**

License# 24639, FS

Allegations of misconduct and working without a license in the business of fire sprinkler inspections in that he operated two offices with the use of only one license, and contracted and performed work outside his current licensing qualifications. Resolution Conference held 07/16/2010. Laurene Howington signed a Resolution Conference Agreement 07/16/2010.

The license of Laurene Howington, license number 18026 FS, and the license 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 six (6) months, with the requirement that prior to the suspended license being reinstated he

must comply with all of the probation provisions.

Huneycutt, Bryan

**Speedway Plumbing, Inc.
Concord, NC**

License# 19871, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee allowed the use of his license by unlicensed persons, Juan J. "a.k.a. Angel" Lozada, who owns and operates Lozada Plumbing, and Oscar Delcid, who operates Oscar Plumbing, and paid these individuals on a 1099- Miscellaneous Form for plumbing installations. Resolution Conference held 06/16/2010. Bryan Huneycutt signed a Resolution Conference Agreement 06/16/2010.

The license of Bryan Huneycutt, license number 19871 P-I, and the license 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 listed above.

Hunt, Danny Ray

Vic's Heating & Air Conditioning

Fayetteville, NC

License# 24442, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that licensee failed to obtain a permit prior to commencing work, failed to have a written contract for the installation of a new HVAC system, failed to perform a heat loss/heat gain calculation to confirm the equipment size, violated the State Mechanical Code, and failed to provide adequate supervision for work performed under his license. Danny Hunt signed a Proposed Resolution Agreement 11/04/2010. Proposed Resolution Agreement approved 11/26/2010.

The license of Danny Hunt, number

24442 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 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.

Ingram, Philander

**Commercial Controls, Inc.
Charlotte, NC**

License# 25644, H-2&3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to carry out adequate ductwork installation and system design, failed to perform load calculation and duct design, violated the minimum standard of the North Carolina State Mechanical Code, and allowed the use of license by unlicensed persons by issuing 1099's to unlicensed employees. Resolution Conference held 06/17/2010. Philander Ingram signed a Resolution Conference Agreement 06/17/2010.

The license of Philander Ingram, license number 25644 H-2&3-I, and the license of the firm shall be placed on supervised probation for a period of nine (9) 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 listed above.

Jenkins, Ronnie

**Jacksonville Heating Contractors, Inc.
Jacksonville, NC**

License# 20107, H2&3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain a permit(s) prior to commencing work, and failed to obtain final inspection(s) within 10 days of substantial completion of the work. Ronnie Jenkins signed a Proposed Resolution Agreement 09/02/2010. Proposed Resolution Agreement approved 10/04/2010.

The license of Ronnie Jenkins, license

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number 20107 H2&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, 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.

Jenkins, Timmy
Jenkins Heating & Air
Conditioning
Wadesboro, NC

License# 19201, H-3-II

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee installed propane tubing on a commercial property and attempted to permit the installation without valid license qualifications. Timmy Jenkins signed a Proposed Resolution Agreement 06/21/2010. Review Committee approved the Proposed Resolution Agreement 07/20/2010.

The license of Timmy Jenkins, license number 19201 H-3-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, 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 requirements.

Jones, Andrew Jefferson
J & J Mechanical, Inc.
Kinston, NC

License# 17809, PH-1,2&3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to provide supervision, violated the minimum standard of the North Carolina State Mechanical Code, violated the minimum standard of the North Carolina State Fuel Gas Code, falsified gas piping tests by using damaged pressure gauges, and failed to install gas piping correctly. Resolution Conference held 07/15/2010.

Andrew Jefferson Jones signed a Res-

olution Conference Agreement 07/15/2010.

The license of Andrew Jones, license number 17809 PH-1, 2&3-I, and the license of the firm shall be placed on supervised 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 twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Jones, Roger Dean
Pink Hill, NC

License# 16775, PH-1, 2&3-I

Allegations of misconduct, incompetence, and selling license in the business of heating contracting in that the licensee allowed the use his license by unlicensed person, failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to provide supervision, and violated the minimum standard of the North Carolina State Mechanical Code. Resolution Conference held 07/16/2010. Roger Dean Jones signed a Resolution Conference Agreement 07/16/2010.

The license of Roger Jones, number 16775 PH-1, 2&3-I, and the license of the firm shall be suspended for a period of ninety (90) days. In the event the licensee violates the conditions of suspension, his 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 suspension provisions.

Kallenbach, John
First Response Fire Protection
of Fuquay-Varina, Inc.
Fuquay Varina, NC
License# 24232, FS

Allegations of misconduct in the business of fire sprinkler contracting in that the licensee assisted with the installation of a commercial plumbing system, and allowed

the employees of a plumbing contractor to assist with the installation of a fire sprinkler system. John Kallenbach signed a Proposed Resolution Agreement 07/06/2010. Review Committee approved the Proposed Resolution Agreement 07/16/2010.

The license of John Kallenbach, license number 24232 FS, 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 requirements.

Lombardo, David
Capitol Plumbing, LLC
Raleigh, NC
License# 20157, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee subcontracted work to an unlicensed individual, William David Rourk of Rourk Plumbing. Resolution Conference held 09/10/2010. David Lombardo signed a Resolution Conference Agreement 09/10/2010.

The license of David Lombardo, number 20157 P-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, 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.

Lupo, Edward
Edward Lupo Plumbing
Greensboro, NC
License# 17509, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee subcontracted work from an unlicensed general contractor, and failed to obtain a permit prior to commencing work. Edward Lupo signed a Proposed Resolution Agreement 11/03/2010. Proposed Resolution

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Agreement approved 11/29/2010.

The license of Edward Lupo, number 17509 P-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, his license will be suspended for a period of two (2) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Lynch, Thomas Ray
Cordova, NC**

License# 06205, P-I

Allegations of misconduct and selling his license in the business of plumbing contracting in the licensee failed to provide adequate supervision, violated the minimum standard of the North Carolina State Plumbing Code, allowed the use of license by unlicensed persons, and obtained a permit and allowed his license number to appear on a permit on a job where the licensee did not hold the contract with the homeowner or general contractor and did not receive the contractual payment for the job. Resolution Conference held 05/20/2010. Thomas Lynch signed a Resolution Conference Agreement 05/20/2010.

The license of Thomas Ray Lynch, number 6205 P-I, shall be suspended for a period of sixty (60) days. Upon successful completion of the suspension, his license, number 6205 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, 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.

**Mabe, Claud
Lower Creek Electric & Plumbing**

Morganton, NC

License# 04667, H-3-I

Allegations of misconduct and selling license in the business of heating 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 allowed the use of license by Tim Lowan, an unlicensed plumbing contractor. Resolution Conference held 06/15/2010. Claud Mabe signed a Resolution Conference Agreement 06/16/2010.

The license of Claud Mabe, license number 4667 PH-3-I, and the license 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 thirty (30) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

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

Allegations of misconduct and violation of the prior probation order, approved by the board on 08/11/2009, in that the licensee failed to submit the required quarterly reports. Resolution Conference held 09/21/2010. Kenneth Maney signed a Resolution Conference Agreement 09/21/2010.

The license of Kenneth Maney, number 23842 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 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.

**Mayland Technical College
Mitchell County Continuing Education
Spruce Pine, NC**

Allegations of misconduct by a continuing education provider in that the provider held an unapproved

continuing education course that had not been listed as approved on the continuing education schedule for July 1, 2010 through December 31, 2010. Resolution Conference held 11/15/2010. Linda Wright, Director of Mitchell County Continuing Education for Mayland Community College signed a Resolution Conference Agreement 11/15/2010.

Any courses submitted by the Continuing Education Provider, Mayland Community College, for the period of January 1, 2011 through June 30, 2011 shall not be approved and shall be removed from consideration. By April 1, 2011, Mayland Community College will be able to submit courses for approval for classes scheduled on or after July 1, 2011 and each period thereafter as long as Mayland Community College follows all of the rules of Continuing Education as provided in Title 21, Chapter 50 of the North Carolina Administrative Code.

**Mays, Roger
Mays Heating & A/C
New London, NC**

License# 20212, H-2, H-3-I

Allegations of misconduct in the business of heating contracting in that licensee presented an Affidavit in support of the examination application of Roger L. Mays Jr., in which he represented that Roger Mays Jr. was an employee. The licensee failed to withhold taxes for Mr. Roger Mays, Jr. and paid him on a Form 1099-MISC Form without withholding taxes in violation of the Board rule 21 NCAC 50.0512. Roger Mays signed a Proposed Resolution Agreement 10/06/2010. Proposed Resolution Agreement approved 11/26/2010.

The license of Roger Mays, number 20212 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, 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.

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Messer, Gregory Scott
1st Choice Plumbing Septic and
Sewer, Inc.
Candler, NC

License# 29447, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee engaged in business under a different name or style of business than appears on his/her license, and failed to respond to the customer in a timely manner and complete work. Gregory Messer signed a Proposed Resolution Agreement 08/23/2010. Proposed Resolution Agreement approved 10/01/2010.

The license of Gregory Messer, license number 29447 P-I, and that of the firm shall be suspended for a period of six (6) months. Upon successful completion of the suspension, license number 29447, 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 or suspension, 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.

Miller, Aki Marchand
Rutherfordton, NC
License# 29686, P-I

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee violated the minimum standard of the North Carolina State Plumbing Code, and contracted work while his license was expired. Resolution Conference held 09/21/2010. Aki Miller signed a Resolution Conference Agreement 09/21/2010.

The license of Aki Miller, number 29686 P-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, 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.

Mizell, Jimmy Ray
Mizell Enterprise
Stokes, NC
License# 21789, FP

Allegations of misconduct in the business of fuel piping contracting in that the licensee subcontracted work from an unlicensed general contractor, Ashley Gardner of OS-SE, Inc for the installation of fuel piping. Mr. Mizell was a fulltime employee of one company working eight hours a day, but allowed his own business, Mizell Enterprise to enter into contracts and proposals that required a license when he was not present. Jimmy Mizell signed a Proposed Resolution Agreement 10/02/2010. Proposed Resolution Agreement approved 11/26/2010.

The license of Jimmy Mizell, number 21789 FP, and that of the firm shall be placed on unsupervised probation for a period of eighteen (18) 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.

McLaughlin, Stephen Dean
Charlotte Mechanical, LLC
Charlotte, NC
License# 21299, P-I, H2 & H1&3-I

Allegations of misconduct in the business of heating contracting in that the licensee presented an Affidavit in support of the examination application for Rafael E. Gonzalez in which he represented that Gonzalez was an employee of his from 2006 through 2009. Mr. Gonzalez had been employed by the Licensee since March 6, 2006 on a full time basis as a W-2 employee; however, on certain projects in 2007, Summers failed to withhold taxes for Mr. Gonzalez, and paid Mr. Gonzalez on a Form 1099-MISC Form without withholding taxes in violation of the Board rule 21 NCAC 50.0512. Stephen McLaughlin signed a Proposed Resolution Agreement 08/10/2010.

Resolution Conference held 11/17/2010 to review disciplinary action. Review Committee recommended to approve the Proposed Resolution Agreement dated 08/10/2010.

The license of Stephen McLaughlin, number 21299-P-I, H2 & H1& H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Within thirty (30) days, the licensee is required to submit to the Board's office copies of all employees W-4's and by the end of the probation submit a copy of all employees W-2's. The licensee must enroll in and attend the Special Board Laws & Rules course presented by the Board prior to the end of the probation. 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 requirements.

McMahan, Danny Joe
All Right Heating & Cooling,
Inc.
Thomasville, NC
License# 16548, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to perform load calculation, violated the minimum standard of the North Carolina State Mechanical Code, failed to perform proper supply duct sizing, had improper slope on the coil, and installed an improper condensate trap in violation of the manufacture installation instructions. Resolution Conference held 11/16/2010. Danny Joe McMahan signed a Resolution Conference Agreement 11/16/2010. A Letter of Caution will be issued against the license of Danny Joe McMahan, number 16548 H-3-I. The licensee must enroll in and attend the Special Board Laws & Rules course presented by the Board within the next twelve (12) months.

Nichols, Michael
A-Plus Heating, Cooling & Electrical
Archdale, NC
License# 21266, H-3-I

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Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to perform load calculation, and violated the minimum standard of the North Carolina State Mechanical Code. Resolution Conference held 09/09/2010.

Michael K. Nichols signed a Resolution Conference Agreement 09/9/2010.

The license of Michael K. Nichols, license number 21266 H-3-I, and that of the firm shall be placed on a supervised probation for a period of eighteen (18) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of nine (9) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

Parks, George Randall
Parks Plumbing
Clayton, NC

License# 17832, 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, and failed to comply with the State Plumbing Code by not redesigning the drain system for the home and replacing the correct flex coupling with the incorrect flex coupling. George Parks signed a Proposed Resolution Agreement 06/25/2010. Review Committee approved the Proposed Resolution Agreement 07/12/2010.

The license of George Randall Parks, license number 17832 P -I, and the license 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 thirty (90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions listed above.

Parks, Michael Gray
Coastal Carolina Air
Conditioning
New Bern, NC

License# 14126, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that 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, failed to perform proper load calculation, and violated the minimum standard of the North Carolina State Mechanical Code. Resolution Conference held 11/08/2010. Michael Parks signed a Resolution Conference Agreement 11/08/2010.

The license of Michael Gray Parks, number 14126 H-3-I, and that of the firm shall be suspended for a period of ninety (90) days. Upon successful completion of the suspension, his license, number 14126 H-3-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. In the event the licensee violates the conditions of probation, his license will be revoked.

Phillips, James Oliver
Home Comfort Solutions, Inc.
Candler, NC

License# 24480, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to provide supervision, failed to carry out adequate ductwork installation, and violated the minimum standard of the North Carolina State Mechanical Code. Resolution Conference held 11/15/2010. James Phillips signed a Resolution Conference Agreement 11/15/2010.

The license of James Oliver Phillips, number 24480 H-3-I, and that of the firm shall be placed on unsuper-

vised probation for a period of twelve (12) months. The licensee must enroll in and attend the Special Board Laws & Rules course presented by the Board prior to the end of the probation. 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 requirements.

Phillips, Jonathan Patrick
Phillips Heating & Air Conditioning
Hendersonville, NC

License# 29151, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting 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, failed to perform load calculation and duct design, and subcontracted work from an unlicensed general contractor, James Simmons, who owns and operates JES General Contracting and Consulting. Resolution Conference held 05/18/2010. Jonathan Phillips signed a Resolution Conference Agreement 05/18/2010.

The license of Jonathan Patrick Phillips, license number 29151 H-3-I, and that of the firm shall be placed on supervised probation for a period of thirty (30) 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 requirements.

Piver, Douglas Wayne
Douglas Piver Plumbing
Whiteville, NC

License# 17792, P-II

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee failed to complete the job in a timely manner due to lack of communication between the licensee and the builder, violated the State Plumbing Code in that the

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plumbing was offset (3" plumbing drain line was not in correct location of walls and needed to be moved), leaks were in the plumbing system, project failed inspection several times for minor issues and leaks, drain lines were improperly graded (2 locations), the plumbing drain line installed restricted the already installed HVAC duct supply run (ductwork was moved), and the licensee failed to comply with the Board rules and regulations by hiring an unlicensed individual. David Tedder, and failing to withhold taxes from his pay. Douglas Piver signed a Proposed Resolution Agreement 05/18/2010. Review Committee approved the Proposed Resolution Agreement 06/01/2010.

The license of Douglas Piver, license number 17792 P-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, 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 requirements.

Poole, James Edward
Southern Comfort Mechanical
of North Carolina, Inc.
Henderson, NC

License# 28834 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, failed to request inspections within 10 days of substantial completion of work, failed to perform load calculation and duct design, violated the minimum standard of the North Carolina State Mechanical Code, failed to install gas piping correctly, and failed to respond to consumer in a timely manner. Resolution Conference held 11/08/2010. James Poole signed a Resolution Conference Agreement 11/08/2010.

The license of James Edward Poole, number 28834 H-2, 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, his license will be suspended for a period of nine (9) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Proctor, William Ralph
O&W Plumbing, LLC
Whiteville, NC

License# 19352, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee accepted a subcontract for the plumbing installation of a solar water heater system and the piping associated with the installation from an unlicensed individual, Stacy E. Bland of Solar World NC, and at another job location, the licensee accepted a subcontract for the plumbing installation associated with a solar water heater system from Jonathan W.T. Weaver of Emerald Energy Solutions, and the licensee obtained permits and allowed his license number to appear on permits on jobs where the licensee did not hold the contract with the homeowner and did not receive the contractual payment for the job. William Proctor signed a Proposed Resolution Agreement 05/17/2010. Review Committee approved the Proposed Resolution Agreement 06/01/2010.

The license of William Proctor, license number 19352 P-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, 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 requirements.

Reinhardt, Joby Dean
Dean's Heating and Air
Conditioning, Inc.
Hickory, NC

License# 15398, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain a permit prior to commencing work, failed to obtain a final inspection, failed to complete a load calculation for the installation of the gas pack unit which is a violation of GS 87-21, NCAC 50, section .0505 (e), failed to without taxes and paid an unlicensed individual, Tommy Reinhardt, using a 1099 Form in violation of the Board rule 21 NCAC 50.0512, and violated the State Mechanical Code. Joby Reinhardt signed a Proposed Resolution Agreement 09/20/2010. Proposed Resolution Agreement recommended for approval on 10/05/2010.

The license of Joby Reinhardt, number 15398 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, his license will be suspended for a period of nine (9) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Richardson, Donald W.
Central Heating & Air Cond. of
Roanoke Rapids
Pleasant Hill, NC

License# 14688, H1, 2 & 3-I

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain a permit for installation of an air handler prior to commencing work, installed mismatched equipment, failed to obtain a final inspection within 10 days of substantial completion of the work, and violated the State Mechanical Code. Donald W. Richardson signed a Proposed Resolution Agreement 09/01/2010. Proposed Resolution Agreement recommended for approval on 10/01/2010.

The license of Donald W. Richardson, number 14688 H1, 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, his

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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.

Rountree, Marvin
Marvin's Maintenance
Rocky Mount, NC
License# 20395, H-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, failed to perform load calculations, violated the State Mechanical Code, and failed to request final inspection within 10 days of substantial completion of the work. Resolution Conference held 11/09/2010. Marvin Rountree signed a Resolution Conference Agreement 11/09/2010.

The license of Marvin Rountree, number 20395 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 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.

Russell, James Allen
Albemarle, NC
License# 18563, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee presented an Affidavit in support of the examination application of Mark Eller in which he represented that Mark Eller was an employee. The applicant, Mark Eller, was never an employee of Mr. Russell, or on the payroll of a firm where Russell listed his license qualifications. James Russell signed a Proposed Resolution Agreement 11/08/2010. Proposed Resolution Agreement approved 11/26/2010.

The license of James Russell, number 18563 P-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, 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.

Rydman, Blaine Allan
Blaze-Air, Inc.
Winston-Salem, NC
License# 08813, H2&3-I

Allegations of misconduct in the business of heating contracting in that the licensee subcontracted H-2 work to an H-3 contractor. Blaine Rydman signed a Proposed Resolution Agreement 02/17/2010. Resolution Conference held 05/19/2010 to review proposed disciplinary action. Review Committee recommended approving the Proposed Resolution Agreement dated 02/17/2010.

The license of Blaine Rydman, license number 08813 H2&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, 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 requirements.

Seamon, James
Rite-Way Plumbing, Inc.
Fort Mill, SC
License# 28751, P-I

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee violated the minimum standard of the North Carolina State Plumbing Code, failed to properly install a commercial plumbing system per the engineered design, engaged in business under a different name or style of business than appears on his license. Resolution Conference held 07/28/2010. James Seamon signed a Resolution Conference Agreement 07/28/2010.

The license of James Seamon, license number 28751 P-I, and the license 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 three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

Seymour, Louis
MSR Heating and Air, Inc.
Fayetteville, NC
License# 7245, 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 failed to execute contracts. Resolution Conference held 09/08/2010. Louis Seymour signed a Resolution Conference Agreement 09/8/2010.

The license of Louis Seymour, license number 7245 H2&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, 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 requirements.

Shaffer, Michael
Cool Breeze Heating & Air Conditioning
Winston-Salem, NC
License # 10783, H-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 properly perform load calculation and duct design, violated the minimum standard of the North Carolina State Mechanical Code, and failed to specify payment terms, work schedule or scope of work properly in a contract. Resolution Conference held

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06/17/2010. Michael Shaffer signed a Resolution Conference Agreement 06/17/2010.

The license of Michael Shaffer, license number 10783 H-3-I, and the license 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 listed above.

Shytle, Michael
Pye-Barker Fire & Safety, Inc.
Myrtle Beach, SC

License # 23887, FS & FSIC
 Allegations of misconduct in the business of fire sprinkler contracting and inspections in that the licensee operated multiple offices with the use of a license from one of the other branches offices, and allowed the use of his license by unlicensed persons. Resolution Conference held 06/15/2010. Michael Shytle signed a Resolution Conference Agreement 06/15/2010.

The license of Michael Shytle, license number 23887 FS & FSIC, and the license 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 listed above.

Stewart, Larry Levant
Stewart's Heating & Air **Con-**
dition
Florence, SC
License# 19024, H-3-I

Allegations of misconduct and selling license in the business of heating contracting in that the licensee allowed his license number to appear on a permit on a job where he did not hold the contract with the homeowner or general contractor and did not receive the contractual payment for the job, failed to comply with the Board rules and

regulations on bona-fide employees, and accepted monthly payments from an unlicensed individual, Nick Kaltsunis of Nick's Heating & Air, for the use of his license. Larry Stewart signed a Proposed Resolution Agreement 06/18/2010. Review Committee approved the Proposed Resolution Agreement 07/04/2010.

For those violations, Larry Levant Stewart, license number 19024, H-3-I, voluntarily agreed to surrender his license to the Board.

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 violated the State Mechanical Code, failed to perform, at a minimum, a block load heat loss heat gain calculation to confirm the equipment size, and failed to provide adequate supervision for work performed under his license. Cecil Suggs signed a Proposed Resolution Agreement 10/06/2010. Proposed Resolution Agreement approved 11/26/2010.

The license of Cecil Suggs, number 10369 H-3-I, is voluntarily surrendered to the Board. The Licensee understands that by surrendering his license to the Board it will be considered as a license revocation.

Summers, Ryan Scott
Elite Plumbing of Cape Fear
Wilmington, NC
License# 25912, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee presented an Affidavit in support of the examination application of Christopher Allen Van Patten in which he represented that Van Patten was an employee. Summers failed to withhold taxes for Mr. Van Patten and paid Mr. Van Patten on a Form 1099-MISC Form without withholding taxes in violation of the Board rule 21 NCAC 50.0512. Ryan Scott Summers signed a Proposed Resolution Agree-

ment 10/29/2010. Proposed Resolution Agreement approved 11/26/2010.

The license of Ryan Scott Summers, number 25912 P-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, 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.

Tolbert, Ronald
Cozy Bear Heating & Air Inc.
Garner, NC
License# 23437, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to request final inspection within 10 days of substantial completion of the work, and violated the State Mechanical Code. Ronald Tolbert signed a Proposed Resolution Agreement 10/27/2010. Proposed Resolution Agreement approved 11/26/2010.

The license of Ronald Tolbert, number 23437 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, 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.

Travis, Harvey Lee
Travis Air
Fayetteville, NC
License# 28830, H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to provide adequate supervision, failed to perform load calculation and then after the complaint was filed submitted an inaccurate load calculation, and violated the minimum standard of the North Carolina State Mechanical Code. Resolution Conference held 09/08/2010. Harvey Lee Travis signed a Resolution Conference Agreement 9/8/2010.

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The license of Harvey Lee Travis, license number 28830 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, 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.

Turner, Michael Larry
Michael Turner Plumbing Co.
Cherryville, NC
License# 13428, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee allowed the use of his license by unlicensed persons. Resolution Conference held 09/21/2010. Michael Turner signed a Resolution Conference Agreement 09/21/2010.

The license of Michael Turner, license number 13428 P-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, 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.

Underwood, David
Clayton, NC
License# 15452, P-I

Received request from licensee to modify 2-year suspension approved by Board on 11/18/2008. Resolution Conference held 07/27/2010. David Underwood signed Resolution Conference Agreement on 07/27/2010. Resolution Review Committee recommended that the licensee, David Underwood, successfully completed 20 ½ months of the ordered suspension without any infractions. Furthermore, Mr. Underwood's request is reasonable and does substantial justice.

The 2-year suspension order will be modified to terminate earlier than 11/18/2010, and the two (2) year probation will began. The license of Da-

vid Underwood, number 15452 P-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. In the event the licensee violates the conditions of probation, the 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.

VanNest, John Matthew
Mac-Vann Plumbing, Inc.
Fuquay Varina, NC
License# 19245, P-I

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to hold a written contract with a labor supplier, and failed to assure tax withholding was allocated by the labor supplier. Resolution Conference held 09/09/2010. John VanNest signed a Resolution Conference Agreement 09/9/2010.

The license of John VanNest, license number 19245 P-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, his license will be suspended for a period of two (2) months, with the requirement that prior to the suspended license being reinstated, he must comply with all of the probation requirements.

Vaughn, Jamie
J's HVAC Unlimited LLC
Mount Airy, NC
License # 22627, H-2&3-I

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to carry out adequate ductwork installation, improper ERV installation and system design, failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, and failed to obtain final inspections. Resolution Conference held 05/20/2010. Received Request to

Modify Review Committee Decision issued on 05/20/2010. Resolution Conference held 06/16/2010 to hear modification request. Jamie Vaughn signed a Modified Resolution Conference Agreement 06/16/2010.

The license of Jamie Vaughn, license number 22627 H2&3-I, and the license 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 listed above.

Walker, Aaron
HVAC "R" US
Wake Forest, NC
License# 18423, 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, failed to request final inspection within 10 days of substantial completion of the work, and violated the State Mechanical Code. Aaron Walker signed a Proposed Resolution Agreement 08/10/2010. Proposed Resolution Agreement not approved; forwarded to the Review Committee. Resolution Conference held 11/08/2010. Review Committee approved Proposed Resolution Agreement on 11/08/2010.

The license of Aaron Walker, number 18423 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, 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.

Ward, Randall Keith
Ward Plumbing & Heating, Inc.
Sylva, NC
License# 08656, H2, PH1&3-I
 Allegations of incompetence in the

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business of plumbing and heating contracting in that the licensee violated the State Plumbing and Mechanical Codes in that the licensee used PVC as water distribution inside the home, failed to use primer on drain, waste and vent on trim out in certain areas of the home, PVC not properly supported/piece of PVC used, for the mechanical installation there was no supply/return/thermostat serving the loft area, no zoning or separate equipment serving loft area, un-insulated boots were discovered in the master bedroom, and improperly taped boots. Randall Ward signed a Proposed Resolution Agreement 06/04/2010. Review Committee approved the Proposed Resolution Agreement 06/01/2010.

The license of Randall Ward, license number 08656, H2, PH1&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, 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 requirements.

Whaley, Joel
Joel's Plumbing Service
Fort Mill, SC
License# 24375, P-II

Allegations of misconduct in the business of plumbing contracting in that the licensee violated the State Plumbing Code. Joel Whaley signed a Proposed Resolution Agreement 08/12/2010. Review Committee approved the Proposed Resolution Agreement 08/20/2010.

The license of Joel Whaley, number 24375 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, his license will be suspended for a period of two (2) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

White, Christopher F.
Climate East
Simpson, NC
License# 18813, H-3-I

Allegations of misconduct in the business of heating contracting in that the licensee obtained permit(s) and allowed his license number to appear on permit(s) on a job where the licensee did not hold the contract with the homeowner or general contractor and did not receive the contractual payment for the job, reviewed and supervised installations contracted by unlicensed individuals and/or companies, and provided employees to assist in jobs contracted by unlicensed individuals and/or companies. Christopher White signed a Proposed Resolution Agreement 12/02/2010. Proposed Resolution Agreement approved 12/21/2010.

The license of Christopher White, number 18813, H-3-I, and that of the firm shall be placed on a supervised probation for a period of twelve (12) months. The licensee must enroll in and attend the Special Board Laws & Rules course presented by the Board prior to the end of the probation. 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.

Wooten, David
Smithfield, NC
License# 17627, H3-I, P-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 failed to perform a load calculation. David Wooten signed a Proposed Resolution Agreement 10/13/2010. Proposed Resolution Agreement approved 11/14/2010.

The license of David Wooten, Jr., number 17627 PH3-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, 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.



Attorney's Report

ARMSTRONG, RONALD C.

d/b/a **DRAIN KING**

Conover NC

Permanent Injunction Judgment filed on 5/4/09.

Evidence of new violation received.

Motion and Order to Show Cause forwarded to Sheriff for Service on 9/22/09.

Hearing held to 5/3/2010.

Order of Contempt filed 10/15/10 finding Defendant guilty on the First Count of contempt of court, and sentenced him to 10 days incarceration in the Catawba County Jail and fined him the amount of \$500.00 payable to the Clerk of Catawba County Court by August 2, 2010. Defendant was also found guilty of Contempt on the Second Count and was sentenced to 10 days incarceration in the Catawba County Jail which sentence was suspended upon compliance by Defendant with electronic house arrest for a period of 90 days to begin on May 14, 2010.

BAER, GREGORY GEORGE

d/b/a **SUNQUEST, INC.**

Newton NC

License #16989 H-3-I

Allegations of incompetence in the business of heating contracting in that respondent installed radiant floor tubes and associated manifolds, a solar hot water heater, a mini-duct system and a geothermal heat pump and in the course of the installation, designed and installed a system that failed to properly heat or cool the residence, installed a 3 ton HVAC system when the house needed a 4 ton system, improperly installed the radiant floor tubes underneath the subfloor rather than above, failed to properly size the heat pump, installing a unit too small for the home, provided inadequate on-site supervision of the work to the extent he never met the properly owner prior to the hearing.

Formal hearing held 10/9/09.

Order issued 11/8/09 placing the license of respondent as a plumbing or heating contractor on suspension for a period of 90 days. Upon completion of the suspension period and return of license, the license of Respondent shall be placed on probation for 5 years with provisions that Respondent maintain a written record of contracts made and installations performed; a service log of all contracts and service calls by date of initial call; obtain permits as required; provide the Board with a receipt within 90 days of the date of this Order that he has made restitution in the amount of \$7,500.00 to the homeowner named in the Notice of Hearing; commit no violation of Article 2, Chapter 87 or the Rules of the Board with regard to any qualification administered by the Board. During the period of probation, the foregoing records and the contracting activities of the Respondent shall be monitored by the staff of the Board. In the event of violation of the probation, license will be

revoked. In lieu of the probation, and at the option of the Respondent, Respondent may elect to accept suspension of license for three years, including the 90 day suspension set out in Paragraph 2 above. This election must be exercised, if at all, by notifying the Board within 30 days of the date of this Order.

Petition for Judicial Review filed 12/8/2009 in Wake County Superior Court.

Record before the Board filed 1/6/2010.

Order filed 6/22/10 in Wake County Superior Court overruling exceptions in the Petition for Judicial Review, denying Petitioner's request for reversal of the Board Order and affirming the Order of the Board dated November 8, 2009.

BAKER, GREGG

Bailey NC

Violation of prior Order of the Court.

Contempt hearing held 1/25/2010 Wake County Superior Court.

Defendant found guilty of Contempt of Court.

Appeal from 1/27/10 Order filed by Defendant to North Carolina Court of Appeals. Appeal later withdrawn.

Hearing held 5/4/10 modifying the sanction posed by the 1/27/10 Order by reason of illness. Defendant ordered to be confined in the Wake County Jail for a period of 10 days to begin on 5/4/10.

BARTLETT, VERNON R.

d/b/a **BARTLETT'S HOME REPAIRS**

Seven Springs NC

Heating contracting without a license.

Summons and Complaint filed 5/18/10.

Permanent Injunction Judgment filed 6/29/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

BENNETT, JAMES RICHARD

d/b/a **OCEAN AIR HEATING & COOLING, INC.**

Ash NC

Heating contracting without a license.

Complaint filed.

Trial rescheduled to 9/20/2010 in Brunswick County Superior Court.

Defendant, James Richard Bennett, dismissed as defendant. Permanent Injunction Judgment filed on 9/9/10 enjoining defendants First Ocean Air Heating & Cooling, Inc., Ocean Air Heating and Cooling, Inc. and 1st Ocean Air Inc. from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

BOYSKIN, CURTIS

Charlotte, NC

Heating contracting without a license.

Summons and Complaint filed 1/16/10.

A&P Summons filed 2/8/10.

Attorney's Report

Service of process obtained 3/8/10.

Judgment of Permanent Injunction filed 7/23/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

BRYANT, BRYAN

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

High Point NC

Heating contracting without a license.

Summons and Complaint filed 3/25/10.

Permanent Injunction Judgment was filed 8/19/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

BUTLER, TERRY MICHAEL, JR.

Boone NC

Plumbing contracting without a license.

Summons and Complaint filed.

Permanent Injunction Judgment filed 11/12/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

CHRISTIE, ERNEST III

d/b/a Christie Plumbing Service

Durham, NC

Plumbing contracting without a license

Judgment of Permanent Injunction filed 12/9/10 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

CLARK, ROGER B.

d/b/a **CLARK HEATING & A/C INC.**

Lincolnton NC

License #9637 H-2&3-I

Allegations of incompetence in the business of heating contracting in that Respondent failed to design a system in compliance with design and code requirements for rest home installation; failed to design and install a system which would maintain temperature within an acceptable range room to room; failed to design and install high efficiency systems as required by the property owner; failed to install adequate drain pans; failed to properly insulate supply boots; failed to tape ductwork and use panduit strap properly; failed to secure vapor barriers; failed to support refrigerant lines properly; made alterations to the system with the addition of seven supply lines without permit after final inspection; failed to install float switches on condensate pans; failed to install a return in each habitable room as required for adult care facilities; failed to return to the property and complete all necessary corrections; failed to firestop roof and floor penetrations as required; and attempted to utilize

exit corridor as return air duct in violation of Sec. 601.2 of the 2006 and 2009 State Mechanical Code. As a result of the improper and inadequate design and installation work of the Respondents, the property owners subjected to citations by the Department of Health and Human Services of the State of North Carolina and compelled to spend significant amounts of money in an effort to correct deficiencies. The Respondent carried out his load calculations using outdated programming which did not size the equipment properly. Respondent was provided opportunities to address deficiencies in the system but did not address even the deficiencies which might have been carried out with minimal cost. The health conditions of Respondent contributed to the inadequate supervision and deficiencies in workmanship outlined in the foregoing Findings of Fact. Limitations of movement continue to impact the ability of Respondent to provide effective supervision in the future. Respondent undertook this installation in an adult care facility without prior experience with the special rules and requirements applicable to such facilities. Order issued 10/27/10 revoking the license of Respondent as a Heating Group 2 and Heating Group 3, Class I contractor and reducing the license classification to Heating Group 3, Class II which is suspended for one year. Upon completion of suspension and issuance of Heating Group 3, Class II license to Respondent, license of Respondent shall be placed on supervised probation for three years, during which probation Respondent shall maintain written contracts signed by both the licensee and the homeowner and/or licensed general contractor prior to commencing work on all installations which require a license, and maintain a copy of all contracts in job files for job contracted or installed; obtain permits as required for each contract prior to commencement of work and pass final inspection before receiving final payment for the work; within one (1) year after this Order becomes effective, the Respondent shall enroll in and pass the Special Mechanical Code and Design course; during the period of probation, Respondent shall submit quarterly reports documenting his compliance with the provisions of this probation order by either sending them directly to the Board's office or contacting the Board's Field Representative that the documents are ready for his review; commit no violation of Article 2, Chapter 87 or the Rules of the Board with regard to any qualification administered by the Board.

CONNOR, GASTON

d/b/a **GASTON CONNOR PLUMBING**

Leicester NC

Plumbing contracting without a license.

Summons and complaint filed 4/14/10.

Service obtained 4/20/10.

Attorney's Report

Judgment of Permanent Injunction filed 7/26/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

CROWDER, IRVIN

Waltonburg NC

Heating contracting without a license.

Permanent Injunction Judgment filed 12/2/10 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

DELCID, OSCAR

d/b/a **OSCAR PLUMBING**

Macon GA

Plumbing contracting without a license.

Summons and Complaint filed.

Service obtained via certified mail.

Permanent Injunction Judgment filed 6/22/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

DUNN, LONNIE N.

individually and d/b/a **DUNN HEATING AND COOLING CO.**

Norwood NC

Violation of prior Order of the Court.

Contempt hearing held 7/12/2010 in Stanly County Superior Court.

Order of Contempt filed 7/23/10 finding the Defendant guilty of criminal contempt or the prior Order of the Court and sentencing him to serve 8 days in the Stanly County Jail.

DUNNING, WILLIAM SCOTT

d/b/a **BUILDING PERFORMANCE SPECIALISTS**

Wilmington NC

Plumbing contracting without a license.

Summons and Complaint filed 5/24/10.

Permanent Injunction Judgment filed 9/7/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

EDWARD, LESTER

Newport NC

Plumbing and heating contracting without a license.

Summons and Complaint filed 5/18/10.

Judgment of Permanent Injunction filed 8/24/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

EDWARDS, THOMAS EUGENE & JACQUELINE DAVIS

Greenville NC

Plumbing contracting without a license.

Complaint and Summons forwarded to Clerk of Pitt County Superior Court 3/1/2010.

Service of process obtained 3/14/10.

Judgment of Permanent Injunction filed 7/1/10 enjoining Defendant, Thomas Edwards from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

Permanent Injunction Judgment filed 7/9/10 enjoining Defendant, Jacqueline Davis from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

ELLISON, ELLISON

d/b/a **E. CAROLINA HEATING AND AIR CONDITIONING, INC.**

Fayetteville NC

License #17837 H-3-I

Allegations of incompetence and lack of supervision in that Respondent failed to seal all joints and seams; failed to properly terminate flex duct; failed to tape and seal flex and transitions at AHU; installed insulation on linesets which needed repair; used plywood for duct at return in attic; failed to leave installation instructions at units; failed to calculate square footage of each area for number of returns; failed to seal all existing supply and return openings from old system; installed flex duct compressed; failed to provide adequate supervision; failed final inspection multiple times between the initial final inspection on December 1, 2006 and ultimate passage on July 17, 2007; contracted business in a name other than that in which license is issued failed to seal duct boxes to unit; failed to properly support flex duct; failed to properly support duct trunk line; left repair tears in insulation; failed to obtain a permit for gas piping prior to beginning installation. Respondent testified that the work under scrutiny in this proceeding was work carried out by him personally with a helper. The Board found the evidence did not support the contention of Respondent that the complaints received by the Board with respect to the jobs disputed in the Order are the result of unfair or unduly demanding inspection standards by the local authority having jurisdiction.

Formal hearing held 8/10/09.

Order issued by the Board on 8/29/09 revoking the license of Respondent as a Heating, Group 3, Class I contractor.

Petition for Judicial Review and Request for Stay filed by Defendant on 10/1/09.

Record Before the Board filed 10/28/09.

Attorney's Report

Hearing on Request for Stay and merits held in Wake County Superior Court on 4/26/2010.
Matter remanded to the Board to address new evidence.
Formal hearing held 5/11/10.
Order issued 5/24/10 revoking Respondent's license.

EMBRY, MICHAEL BRIAN
MICHAEL'S HEATING AND COOLING CO.

Thomasville NC

License #28276 H-3-II

Formal Hearing

Contracting while license suspended and expired in that Respondent failed to comply with the provisions of a Resolution Agreement issued on 5/28/09 and failed to obtain a permit prior to beginning installation in violation of the North Carolina State Building Code; installed three 8" flex ducts with R4 insulation; installed ¾" drain which ran 15' reduced down to 3/8" vinyl tubing, severely reducing condensation flow; failed to install an overflow protection device or auxiliary drain; connected a 6" flex to an 8" collar; installed air handler tilted 3" in opposite direction of correct down grade flow; failed to correctly attach light in attic space; failed to correctly support flex duct; failed to install R8 insulation on supply plenum; mounted outdoor unit on four cement blocks; failed to seal or tape joints; failed to install outside wiring in conduit; failed to cap off gas line after removal from old furnace; left combustion vent hanging to the side allowing water damage; installed three 6" flex ducts in R4 insulation; failed to provide for adequate work space around unit; failed to install heat strips; installed a 14 x 20 filter grill for 800 CFM's in violation of Manual J; failed to lock off gas meter to avoid tampering which could introduce natural gas in the attic space; installed electrical in panel and attic which could be hazardous to the tenant; failed to install insulation around ceiling vents; failed to mark KWS on access door, failed to begin the installation on schedule; attempted to conceal his actions by representing that the work was done by a third party; and attempted to obtain permits for other work requiring license at the adjacent property.
Formal hearing held for 7/13/10.

Order issued 8/5/10 permanently revoking the license of Respondent as a Heating, Group 3, Class II contractor.

Injunction:

Complaint for Injunction filed 5/18/10.

Heating contracting without a license.

Judgment of Permanent Injunction filed 10/13/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

EVANS, RICKEY HENRY
d/b/a FOUR SEASONS HEATING & A/C OF DURHAM

Durham NC

Fuel piping contracting without a license.

Contempt hearing held 8/17/2010.

Order of Contempt filed 8/19/10 finding the Defendant guilty of two counts of criminal contempt of the prior Order of the Court and sentencing him to serve 60 days in the Durham County Jail to be carried out on 30 consecutive weekends.

FAIRCLOTH, DAVID WAYNE

Whiteville NC

Plumbing and heating contracting without a license.

Summons and Complaint filed 4/27/10.

Defendant served in person on 5/23/10

Motion for default judgment filed on 7/2/10.

Judgment of Permanent Injunction filed 8/24/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

GASKINS, DAVID NEAL

d/b/a **PIEDMONT CLIMATE CONTROL**

Clover SC

Heating contracting without a license.

Judgment of Permanent Injunction filed 12/1/10 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

GILMORE, MICHAEL

d/b/a **CAROLINA CUSTOM SERVICE**

Raleigh NC

Heating contracting without a license.

Complaint and Summons filed 5/20/10.

Judgment of Permanent Injunction filed 8/24/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

GREEN, CARLOS ANTON

d/b/a **CA GREEN CONTRACTING SERVICES**

Jacksonville NC

Plumbing contracting without a license.

Complaint and Summons filed.

Service of Process obtained on 3/30/10.

Judgment of Permanent Injunction filed 7/12/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

GREENE, J. B.

d/b/a **J. B. GREENE HEATING COMPANY**

Boone NC

License #04939 H-3-I

Incompetence and lack of supervision in the business of heating contracting in that Respondent failed to obtain a permit prior to beginning installation in violation of the North Carolina State Building Code;

Attorney's Report

failed to install an adequate condensate drain system; failed to use primer at all joints in the condensate lines; failed to handle the installation of the coil properly, resulting in water overflowing onto the floor and water damage; taped the flex duct improperly; failed to properly seal flex duct with UL 181 BFX tape; and left a 2" gap in the insulation of the refrigerant line resulting in condensation problems. The Respondent has successfully completed the provisions in the probation Order issued by the Board on February 11, 2008. The installation above was older than the job in the probation Order and was received after the issuance of the probation Order on February 11, 2008. Respondent did not admit all the foregoing, but agreed on the need to conclude the matter and avoid the time, expense and inconvenience of a hearing. Formal hearing rescheduled for 5/11/2010 at request of counsel for Respondent.

Formal hearing held 5/11/2010.

Consent Order issued 5/11/2010 placed a letter of caution on the license record of Respondent, ordered him to enroll in the Special Board Laws and Rules class, and ordered that he, in the future, cooperate with the staff of the Board and local code enforcement officials and, in the event complaints are received by the Board cooperate with the investigation by the Board.

GREER, WAYNE BENNETT
d/b/a **EASTWOOD HEATING & COOLING, INC.**
Wend End NC

Heating contracting without a license.

Complaint and summons mailed to Clerk 4/8/10.

Judgment of Permanent Injunction filed 7/27/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

GRIGAS, LEONARD MICHAEL
d/b/a **ALL COMFORT HEATING & COOLING, LLC**
Hampstead NC

License #17459 H-3-I

Peddling license to unlicensed contractor in that Respondent agreed to license the firm of All Comfort Heating & Cooling, LLC, owned by Allen Nicholas Fields. Respondent continued work as Leonard Grigas HVAC, but also obtained permits in the name of All Comfort Heating & Cooling, L.L.C. Respondent contracted with Alfred Murray to install and installed a heating group 3 system consisting of a 2 ton Rheem package Heat Pump at Castle Hayne, N.C. All Comfort Heating and Cooling, LLC received payment for the installation and performed the necessary work. The system did not function to design standards and contained code violations. The system failed to control humidity properly.

Respondent objected to recommendation of Review Committee and disputed the allegations.

Consent Order issued 9/15/10 placing the license of respondent on probation for 24 months with provisions that Respondent have written contracts signed by the licensee and customer for each installation for which licensee is responsible; obtain permits; maintain job files; perform a room-by-room load calculation on all jobs where gas furnaces, heat pumps, air handlers or condensing units are installed and maintain a copy of all load calculations in job files; perform a whole house load calculation on all jobs where gas furnaces, heat pumps, air handlers or condensing units are replaced and maintain a copy of all load calculations in job files; document all change orders signed by both the licensee and the homeowner and/or general contractor prior to commencing agreed to changes; be in the office or on the jobs contracted by firm a minimum of 1500 hours annually for all jobs contracted and installed under Respondent's license; maintain files for all employees who perform work under Respondent's license providing evidence that each employee either hold an active heating license or are bona fide employees with taxes withheld from wages; enroll in and attend the Special Board Laws & Rules course presented by the Board prior to the end of the probation; submit quarterly reports to the Board's office at 1109 Dresser Court, Raleigh, N.C. 27609, documenting his compliance with the provisions of this probation Order; and, commit no violation of Article 2, Chapter 87 or the Rules of the Board with regard to any qualification administered by the Board.

HAIRSTON, DAVID

Winston-Salem NC

Plumbing contracting without a license.

Complaint and Summons refiled 8/17/10.

Judgment of Permanent Injunction filed 11/23/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

HATCHER, DONALD RATHION
d/b/a **D. HATCHER CONSTRUCTION**

Jacksonville NC

Plumbing contracting without a license.

Permanent Injunction Judgment filed 10/26/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

HEERA, HAJI

Castle Hayne NC

Heating contracting without a license.

Summons and Complaint mailed to Clerk for filing 4/27/10.

Permanent Injunction Judgment filed 6/28/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

Attorney's Report

HOLMQUIST, DAVID LYONS

Wilmington NC

Heating contracting without a license.

Permanent Injunction Judgment filed 11/16/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

HOOPER, GARY N.

d/b/a **ACTIVE AIR CONTROL SYSTEMS**

Gastonia NC

Heating contracting in violation of prior Order of the Court.

Contempt proceedings held in Gaston County Superior Court on 8/23/10.

Order of Contempt filed 8/23/10 finding the defendant guilty of two counts criminal contempt of prior order of the Court and sentencing him to serve 20 consecutive days in the Gaston County Jail beginning at noon on 8/23/10.

HORTON, DALE

d/b/a **DALE'S HEATING AND AIR CONDITIONING**

Stanley NC

Contracting without a license in violation of prior order of the Court.

Show Cause hearing held 11/1/10.

Order of Contempt entered 11/3/10 finding the Defendant guilty in contempt of prior Order of the Court, sentencing him to be confined in the County Jail of Randolph County for a period of 30 days, which sentence is suspended on the successful compliance of the condition the Defendant engage in no further violations of the August 10, 1993, Judgment, provisions of Article 2, Chapter 87 of the General Statutes or the Rules adopted by the Board for the enforcement thereof. In the event Defendant engages in acts which violate the foregoing, the Defendant shall serve the 30 days sentence together with such other sentence as may then be imposed for any violation of prior Orders of the Court in this matter.

HORTON, ROBERT MICHAEL

d/b/a **AIR COMFORT SERVICES, INC.**

Charlotte NC

Heating contracting without a license.

Permanent Injunction Judgment filed 6/22/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

HOUGH, BERNARD B., III

d/b/a **BH SERVICES HEATING & COOLING**

Albemarle NC

Violation of prior Order of the Court.

Heating contracting without a license.

Contempt hearing held 11/8/10.

Order of Contempt filed 11/8/10 finding Defendant guilty

of one count of criminal contempt of prior Order of the Court and sentencing him to serve six days in Union County Jail beginning 11/12/10.

HUDLER, KELLY M.

d/b/a **KJ'S HEATING & AIR**

Taylorsville NC

Heating contracting without a license.

Summons & Complaint filed on 6/17/10.

Injunction Judgment filed 10/4/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

JOHNSON, GREGORY

d/b/a **R. J. PLUMBING COMPANY**

Willard NC 28478

License #18405 P-I

Allegations of misconduct and job abandonment in the business of plumbing contracting in that Respondent subcontracted from Rodney Larkin Masonry & Home Improvement to install and began installation of a plumbing system at a residence. Despite being paid in full, Respondent stopped work when disagreement arose between Mr. Larkin and the homeowner. After complaint to the Board, Respondent completed the installation. Rodney Larkin does not hold license from the Board and violated the law in contracting the HVAC and plumbing installation. In carrying out the project, Respondent failed to connect drain line for kitchen sink; failed to prime and glue transition cap for drain line connected to lavatory in bathroom; failed to install drain line for pressure relief valve for water heater; failed to install expansion tank; installed drain line with improper grade level on exterior portion of structure; failed to finish cleanout on drain exit from house and failed to install flush with any finished floor surfaces; failed to install vacuum breakers on all outside water hose bibs; failed to secure hose bib to exterior walls; and aided Mr. Larkin in contracting without license, thereby increasing the risk of harm to the homeowner. At the hearing, the Board was informed that Mr. Larkin has been placed under a court injunction to prevent further contracting without license..

Formal hearing held 6/7/10.

Order issued by the Board on 6/25/10 entering a Letter of Warning on the license record of Respondent.

KALTSUNIS, NICK

d/b/a **NICK'S HEATING-AIR**

Loris, SC

Heating contracting without a license.

Summons and Complaint filed 7/27/10.

Permanent Injunction Judgment filed 9/20/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

Attorney's Report

KLEIN, RALPH

Bryson City, NC

Violation of prior Order of the Court.

Motion and Order to Show Cause filed.

Hearing held 7/7/2010 Macon County Superior Court.

Order filed 10/6/10 finding Defendant guilty of contempt of Court.

LOMAX, GWENDOLYN BUTLER

d/b/a **LOMAX REFRIGERATION**

Carolina Beach NC

Plumbing contracting without a license.

Summons and complaint filed.

Permanent Injunction Judgment filed 9/29/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

LOWMAN, TIMOTHY D.

d/b/a **PLUMBING TECH**

Hickory NC

Plumbing contracting without a license.

Judgment of Permanent Injunction filed 11/22/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

MARTIN, JEFFREY SHAWN

d/b/a **JEFF'S HEATING & COOLING, LLC**

Aynor SC

Heating contracting without a license.

Judgment of Permanent Injunction filed 12/1/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

MARSHALL, DONALD WAYNE

d/b/a **WAYNE'S HEATING AND COOLING**

Canva VA

Heating contracting without a license.

Summons and Complaint filed.

Service of process obtained.

Permanent Injunction Judgment filed 5/4/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

McALLISTER, SCOTT

d/b/a **DGM MECHANICAL/HELM BLDRS.**

Apex NC

Allegations of heating contracting without a license.

Complaint filed in Wake County Superior Court on 5/6/09.

Summons and Complaint served in Wake County on 5/14/09.

Motion for extension of time received on 6/4/09

Answer filed 7/13/09 by Defendant denying the allegations.

Permanent Injunction Judgment filed 5/27/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

McCLURE, JOHN McCLURE

individually and d/b/a **JOHN McCLURE**

PLUMBING AND APPLIANCES

Gastonia NC

Violation of prior Order of the Court.

Contempt hearing held 10/25/10.

Order of Contempt entered 10/28/10 finding the Defendant in criminal contempt of prior Order of the Court, fining him \$500.00 and sentencing him to serve 30 days active time in the Gaston County Jail.

MIDGETT, KENNETH

Powells Point NC

Violation of prior Order of the Court.

Contempt hearing held 4/12/2010 in Currituck County Superior Court. Defendant found guilty of one count of Contempt of Court.

Defendant sentenced to 30 days incarceration in Currituck County Jail.

MUSE, L. C.

Carthage NC

Heating contracting without a license.

Summons and Complaint forwarded to Clerk 3/11/10.

Service of process obtained 3/18/10.

Permanent Injunction Judgment filed 6/9/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

NANCE, SHANNON and

THE MULCH YARD & AIR WORKS MECHANICAL

Randleman NC

Heating contracting without a license.

Judgment of Permanent Injunction filed 12/7/10 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

NEWMAN, BRUCE

Brevard NC

Allegations of violation of prior order of the Court.

Contempt hearing held 3/8/2010 in Transylvania County Superior Court.

Judgment entered 3/10/10 by Judge Winner, finding Defendant in criminal contempt of Judgment, fined him in the amount of \$500.00 and ordered him to serve 5 days of a 30 day sentence.

Attorney's Report

PANOS, WYATT DAMON **d/b/a PANOS BUILT, INC.**

Swansboro NC

Plumbing contracting without a license.

Complaint and Summons filed 4/14/10.

Service obtained 4/19/10.

Permanent Injunction Judgment filed 6/28/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

PATE, NORMAN CLAYTON

Kinston NC

Application for examination previously denied.

Formal hearing requested by Applicant.

Formal hearing held 2/8/2010.

Order issued 2/24/2010 denying applicant's request to sit for examination by the Board at this time. Applicant may reapply 24 months after the effective date of this Order and upon proof of possession of a valid North Carolina Drivers license and no further criminal or traffic violations.

PHILIP, MAURICE

Hope Mills NC

Heating contracting without a license and violation of the prior Order of the Court.

Defendant served 7/1/09.

Contempt hearing held 9/14/09 Cumberland County Superior Court.

Proposed Order of Contempt forwarded to Judge for execution on 9/17/09.

Order of Contempt filed 2/22/10 finding Defendant in contempt and ordering him to serve 50 days in jail.

Defendant has failed to serve sentence.

Amended Order of Contempt filed 11/4/10 finding the Defendant guilty and ordering him to serve 20 days in the Cumberland County Jail and Ordering that the 30 day suspended sentence contained in the 1/25/2008

Order of Contempt be activated such that Defendant serve a total of 50 days in the Cumberland County Jail.

RANDALL, RONALD L.

Weaverville NC

License #12541 P-I

Misconduct in the business of plumbing contracting in that Respondent presented an Affidavit in support of the examination application of Aaron Warren Pike in which he represented that Pike was an employee of Respondent from 2007 through 2009. Respondent failed to withhold taxes for Mr. Pike and paid Mr. Pike on a Form 1099. Respondent allowed Mr. Pike to work under his license when Mr. Pike was not a full-time employee. Respondent has engaged in business under

a different name or style of business than appears on his license record. Respondent failed to understand that the applicant was entitled to credit even for experience gained in violation of the law, yet Respondent acted improperly in representing to the Board that the applicant was an employee while representing to the IRS that the person was not. Upon commencement of the investigation by the Board, Respondent terminated all his non-employees and, when it was called to his attention, promptly changed his license record with the Board to include his trade name. Prior to the hearing, Respondent had taken the Laws and Rules class offered by the Board.

Formal hearing held 9/14/10.

Order issued 9/30/10 recognized the steps the Respondent had taken to correct the matter and entered a Letter of Warning on the license record of Respondent.

REELS, BILLY WELL

d/b/a BILLY REELS CONSTRUCTION

Beaufort NC

Plumbing and heating contracting without a license.

Complaint and Summons forwarded to Clerk for filing 3/12/10.

Service of process obtained 4/1/10.

Judgment of Permanent Injunction filed 6/18/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

REAMS, BRANDON SHANE

d/b/a Elite Heating & Air

Nashville, NC

Contempt hearing held 9/13/10.

Order of Arrest for Failure to Appear filed 9/23/10 continuing the matter until Defendant is located, detained and held by the sheriff of Nash County and can be brought forward to personally appear before the presiding Judge in Nash County Superior Court.

Hearing held 10/11/10.

Order of Contempt filed 10/11/10 finding Defendant guilty of criminal contempt of Court and sentencing him to serve 15 consecutive days in the Nash County Jail. Defendant received credit for 13 days already served.

REAMS, DANNY

d/b/a Elite Air

Nashville, NC

Heating contracting without a license.

Summons and Complaint filed 5/18/10

Judgment of Permanent Injunction filed 8/27/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

Attorney's Report

REAVILL, MARK

Millers Creek NC
 Plumbing contracting without a license.
 Complaint and summons filed 10/16/09.
 Received answer of Defendant.
 Discovery documents to Defendant 3/12/10.
 Permanent Injunction Judgment filed 8/27/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

RHEW, TIM W.

d/b/a **TWR A/C & MAINTENANCE REPAIR SERVICE**

Haw River NC
 Heating contracting without a license.
 Summons and Complaint mailed to Clerk for filing on 5/17/10.
 Judgment of Permanent Injunction filed 9/16/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

ROURK, WILLIAM DAVID

d/b/a **ROURK PLUMBING**

Sumter SC
 Plumbing contracting without a license.
 Permanent Injunction Judgment filed 12/1/10 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

SANDERS, TIMOTHY

d/b/a **Timothy Sanders Construction**

Charlotte, NC
 Heating and plumbing contracting without a license.
 Summons and Complaint filed 1/7/10.
 Service of process obtained on 1/27/10.
 Judgment of Permanent Injunction filed 4/28/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

SCRIBNER, RANDY WILLIAM

d/b/a **ADVANTAGE MECHANICAL**

Stanley NC
 License #17571 PH-3-I
 Misconduct in the business of plumbing contracting in that Respondent failed to obtain a permit prior to beginning installation in violation of the North Carolina State Building Code; installed temperature and relief valve piping with flexible connector, with pipe running uphill in violation of the State Plumbing Code; failed to install a secondary drain pan as called for my manufacturer's installation instructions; failed to install expansion de-

vice near the water heater as required by the State Plumbing Code. Respondent represented the outdoor unit of an HVAC system was beyond repair. The proposal called for payment of 50% prior to commencement of the work. The property owner chose to pay 100% prior to performance of the work. Respondent subsequently told the property owner the replacement was not necessary. Respondent did not return the \$3,500.00 for nearly two years. The homeowner made numerous requests for the money and Respondent repeatedly promised the money but did not pay it back. Respondent represented to the Better Business Bureau there was an installment plan, but made no installment payments. Respondent represented he would return the money after the unit purchased for the job had been sold, but did not repay the money even after the unit was sold. After the complaint to the Board and after the Board investigator carried out witness interviews and reviewed the complaint process with Respondent, Respondent repaid the money on March 9, 2010. Respondent took advantage of the good faith, kindly attitude and basic decency of homeowner. Homeowner arranged for another firm to replace the heating and cooling system in the fall of 2009, at substantial cost.

Formal hearing held 9/14/10.

Order issued 9/30/10 suspending the license of Respondent for 2 years. At the conclusion of the two year suspension of license, Respondent may not regain license until Respondent presents proof to the Board that he has taken and passed the Special Board Laws & Rules class offered by the Board; and the Contractor Business Disciplinary Class approved by the Board.

SELF, DAVID

High Point, NC

Installing water heater without a license.
 Alias & Pluries Summons mailed for filing on 1/11/10.
 Service of Process obtained.
 Judgment of Permanent Injunction filed 4/26/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

SIMMONS, JAMES

d/b/a **JES GENERAL CONTRACTING & CONSULTING**

Asheville NC
 Plumbing and heating contracting without a license.
 Summons and Complaint mailed to Clerk for filing 5/17/10.
 Permanent Injunction Judgment filed 8/10/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

Attorney's Report

SIMPSON, WILLIAM G.

d/b/a **CREATIVE CAROLINA LANDSCAPES**

Monroe NC

Plumbing contracting without a license.

Permanent Injunction Judgment filed 8/31/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

STAMEY, DAVID RONALD

d/b/a **H. C. E.**

Canton NC

License #15831 H-3-I

Misconduct in the business of heating contracting in that a Consent Order was entered into by the Respondent on July 8, 2008, based on deficient duct and system designs and installation on the Gibson, Morgan, Keener and Britt jobs described in the Order. The Consent Order suspended the license of Respondent until November 8, 2008, to be followed by probation until November 8, 2011, with numerous conditions of probation, including that Respondent: "(f) within eighteen (18) months after this Order becomes effective, the Respondent shall enroll in and pass the Board Disciplinary Code Class, the Board Disciplinary Business Class, and the Board course on Laws and Rules and present evidence to the Board of a passing grade in such course by the end of eighteen (18) months; (g) complete double the usually required continuing education during the second and third year of the probation; (h) within twenty-four (24) months of the date of this Order, provide a letter to the Board from each property owner named in the Notice of Hearing in this matter to the effect that all issues have been resolved, that final inspection has been made and passed for each installation named in the Notice of Hearing;" The probation period had not expired as of the date of this hearing; however, the eighteen months period for coursework set forth in item (f) above expired on January 8, 2010. During that period and up to the date of the hearing, the Respondent had taken the Laws and Rules course but did not take and pass both the Code class and the Business class as required by the Consent Order. Item (h) of the Consent Order required Respondent to obtain a letter from each property owner named in the Notice of Hearing to the effect the issues had been resolved as to those jobs; Respondent was obliged to obtain such letters by July 8, 2010. Respondent did not obtain the letters and did not demonstrate effort to obtain the letters or progress in addressing the problems nor justification for the lack of effort. Two Property owners reduced their obligation to Judgment; Respondent made no reduction in the Judgments. One property owner indicated he had not been contacted. Another property owner indicated the sys-

tem remains lacking in a final inspection and did not indicate any effort by Respondent to redress the situation. Respondent testified to the economic difficulty he had encountered; however the absence of effort could not be explained solely by finances. Order issued 10/27/10 revoking the license of Respondent.

TURNER, MARK STEPHEN

Shelby, NC

Plumbing contracting without a license.

Complaint and Summons filed.

Service of process obtained.

Permanent Injunction Judgment filed 10/5/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

WALKER, BILLY RAY

d/b/a **WALKER HVAC & ELECTRIC**

Gastonia NC

Heating contracting without a license.

Summons and Complaint filed.

Judgment of Permanent Injunction filed 9/15/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

WILKINS, DAN

d/b/a **D & I HEATING & COOLING**

Murphy NC

Heating contracting without a license.

Complaint and Summons filed 4/14/10.

Judgment of Permanent Injunction filed 8/11/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

WILSON, JAN C.

Vice President **NEILL GRADING AND CONSTRUCTION COMPANY, INC.**

Hickory NC

License #07572 P-I

Misconduct in the business of plumbing contracting in that Respondent subcontracted with an unlicensed individual to install sewer lines from the main tap to the home for 12 homes and for the Town of Lawndale Town Hall on Richard Street and Wallace Street in Lawndale, North Carolina. Respondent received payment for the installation. Swinks Tree Service performed the necessary work. The work was carried out without permits or inspection and was covered up by Swink. Swink was neither a licensed contractor nor an employee of Respondents. Respondents contend the town obtained a block grant to update its water and sewer systems, that Respondents obtained the contract to carry out the water

Attorney's Report

and sewer main installation and that part of the utility contract included making sewer hookups upon request at a fixed price per hook up. Respondents further contend Mr. Swink was not a person known to them, but was a person suggested to Respondents by town personnel. Respondents contend that it is clear in hindsight that Mr. Swink should have been put on the payroll and certainly that permits and inspections should have been obtained. Respondents regret the entire occurrence and contend there was no effort to ignore the Rules of the Board nor to conceal the arrangement or the work.

Consent Order issued 11/9/10 placing license of Respondent on unsupervised probation for six months with provisions that Respondent have written contracts signed by the licensee and customer for each installation for which licensee is responsible; obtain permits as required for each contract prior to commencement of work; purchase permits on jobs only where the licensee and the firm hold the contract; where the licensee and the firm receive all of the contractual payments, where licensee supervises the work and where the installation is performed by bona fide employees of the licensee or subcontracted to properly licensed persons; within six (6) months after this Order becomes effective, the Respondent, Wilson, shall enroll in the Special Board Laws and Rules course approved by the Board's Executive Director and present evidence to the staff of the Board of a passing grade in such course by the end of the period of probation. Within 120 days from the date of this Order, provide evidence to the Board that permits have been obtained on any of the jobs involved in the Notice of Hearing where not previously obtained; that final inspection has been made and passed and inspection fees paid on any job involved in the Notice of Hearing; and commit no violation of Article 2, Chapter 87 or the Rules of the Board with regard to any qualification administered by the Board.

WOOD, ZACHARIAH R.
d/b/a **AVALANCHE H.V.A.C.**
Rolesville NC

Heating contracting without a license.

Permanent Injunction Judgment filed 11/4/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

WRAY, MAURY D.,
COOPER, RICHARD D.
McNUTT SERVICE GROUP, INC.
Arden NC
License #15133 H-3-I
Incompetence in the business of HVAC contracting in

that in the course of an HVAC installation at a residence in Transylvania County, Respondents failed to design the system and size the equipment properly, installed an inadequate number of supply outlets; failed to design and install a system which could maintain design temperature throughout the house; installed a unit that was oversized for the area of the home; installed a unit which would clang loudly as a result of refrigerant pressure secondary to over-sized equipment, occasioning the unit to trip out on high head pressure; failed to insulate the flue properly resulting in condensation damage; attempted to correct an airflow issue with an inadequate bypass; installed incorrect low voltage wiring; failed to properly set the pin settings on the air handler on the outdoor unit; an air volume test gave results of 1280 cfm combined when it should have been 800 on air conditioning and 720 on heat per manufacturer's instructions; and installed a York air handler with a new condensing unit which is mismatched and cannot obtain the 15 SEER rating. Respondents deny the allegations in the Notice of Hearing and contended that, in the event of a hearing, the evidence would demonstrate that the system was properly designed, that certain problems were the result of informed choices made by the property owner,. Respondents further contend that they have addressed all issues in the installation and have obtained the homeowner's acknowledgement of the same. Consent Order issued 10/14/10 which placed the license of Respondents, McNutt Service Group, Inc., Maury D. Wray, Vice President McNutt Service Group, Inc. number 14335 H-3-I and Richard D. Cooper license number 14335 H-3-I on unsupervised probation for 12 months on condition of compliance with provisions Respondents shall, to the extent said actions have not already been taken if allowed by the homeowner, obtain an active permit from the local code enforcement official, return to the structure in Brevard, N.C., perform a thorough and detailed room by room Manual J load calculation for all areas of this house and submit a copy of the load calculation to the Board within 60 days of this Order. If load calculations indicate equipment previously installed by Respondents is too large or too small, replace the equipment with appropriately sized equipment and appropriately sized ductwork, correct any and all existing code violations, correct and replace any and all equipment necessary to properly install the HVAC system and bath exhaust ducting and perform a flow hood analysis to assure the ducting system is properly balanced. Respondents shall contact the building owner in advance in writing, arrange a time to perform this work, perform the necessary work and receive a final inspection within 90 days from the date of this Order and perform work at no expense to the homeowner.

Attorney's Report

If the homeowner does not allow the contractor to return and perform work, the licensee is relieved from this requirement of this Order, the Respondent shall have written contracts signed by the licensee and customer for each installation for which licensee is responsible; make restitution to the homeowner in the amount of \$250.00 as previously agreed; 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; within 6 months after this Order becomes effective, each licensee shall enroll in the Special Board Laws and Rules course approved by the Board's Executive Director and present evidence to the staff of the Board of a passing grade in such course by the end of the period of probation. The Board's staff will notify the licensees of the date and location of the approved course; if either has taken the class within the past 12 months, that person need not take the class again; utilize procedures within the firm adequate to assure that room by room load calculations on all jobs are performed where gas furnaces, heat pumps, air handlers or condensing units are installed and maintain a copy of all load calculations in job files; utilize procedures within the firm adequate to assure that whole house load calculations on all jobs are performed where gas furnaces, heat pumps, air handlers or condensing units are replaced and maintain a copy of all load calculations in job files; utilize procedures within the firm adequate to assure that final inspection is requested within 5 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; utilize procedures to call for reinspection, if necessary, within 10 days after the re-

quest for final inspection; make certain that a licensee of the Board personally and thoroughly reviews all phases of work to assure that all installations meet or exceed the minimum standard of the North Carolina State Building Code prior to all inspection requests; and commit no violation of Article 2, Chapter 87 or the Rules of the Board with regard to any qualification administered by the Board.

YATES, GARY D., President
COLLEGE LAKES SERVICE COMPANY, INC.
 Fayetteville NC

License #11119 H-1, 2&3-I

Allegations of violation of prior order of probation.

Formal hearing continued at request of Respondent.

Formal hearing held 8/9/10.

Consent Order issued 8/10/10 in which the Board accepted the surrender of Respondent's license.

ZEMACK, WILLIAM T.

Monroe, NC

Plumbing contracting without a license.

Complaint and summons filed.

Permanent Injunction Judgment filed 9/22/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

The Current Continuing Education Schedule
 Is Available On Line At
WWW.NCLICENSING.ORG

2010 North Carolina HVAC/R Apprentice Contest

The seventh annual North Carolina HVAC/R Apprentice Contest was held on Monday, October 18th 2010 at the NC State Fairgrounds in Raleigh, NC, during the North Carolina State Fair with four contestants. This year's winner was Joshua Nowlin of ColonialWebb Contractors.

The contest opened with a discussion by a representative of the NC Occupational Safety Department who covers safety topics that are pertinent to the work that the apprentices were performing during the contest. The apprentices competed in a series of technical and trade skills stations that tested the apprentice's abilities in brazing, electrical trouble shooting, air-flow measurement, refrigerant recovery, system operational analysis, writing customer service reports, customer interviews and also included a comprehensive written exam. The contest was open to all HVAC/R apprentices registered with the N.C. Department of Labor, Apprenticeship and Training Bureau and who will not have completed their apprenticeship prior to October 18, 2010.



Executive Director Dale Dawson with first-place winner **Joshua Nowlin** of Colonial Webb Contractors

2010 North Carolina Plumber/Pipefitter Apprentice Contest

The 24th annual North Carolina Plumber/Pipefitter Apprentice Contest was held on Friday, October 22nd 2010 at the NC State Fairgrounds in Raleigh, NC, during the North Carolina State Fair with seven plumbing contestants and six pipe fitter contestants. This year's winner was Azzan Sandy of Southern Piping Co.

Just prior to the contest, a representative of the NC Occupational Safety Department led a discussion on safety topics that would apply during the competition. Apprentices took a comprehensive written examination and competed in a series of technical and trade skills stations that tested their abilities in water

distribution and DWV system design, and code compliance. The contest was open to all Plumber / Pipefitter apprentices who are registered with the N.C. Department of Labor Apprenticeship and Training Bureau and who will not have completed their apprenticeship prior to October 22, 2010.



Executive Director Dale Dawson with first-place winner **Azzan Sandy** of Southern Piping Co.



**STATE BOARD OF EXAMINERS OF PLUMBING,
HEATING & FIRE SPRINKLER CONTRACTORS**

1109 Dresser Ct
Raleigh, NC 27609

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

Notice of Change of Address

License Holder: _____
Last Name First Middle

License #: _____ **E-Mail Address:** _____

Home Physical Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Home Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Business Physical Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Business Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Telephone: Bus. () _____ **Home:** () _____

Signature: _____
(Must be signed by the licensee in order to be processed)

Mail to: State Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors
1109 Dresser Ct., Raleigh, NC 27609

Fax to: 919-875-3616