



*June - July 2008*

## **BOARD MEMBERS**

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*Chairman*  
*Plumbing Contractor*  
*Hendersonville, NC*

**Ronnie M. Boone**  
*Vice Chairman*  
*Air Conditioning Contractor*  
*Wallace, NC*

**Patricia K. Selby**  
*Secretary-Treasurer*  
*Public Member*  
*Wake Forest, NC*

**John N. Royal**  
*Board Member*  
*NCSU Engineer*  
*Raleigh, NC*

**Stephen K. Hensley**  
*Board Member*  
*Fire Sprinkler Contractor*  
*Jamestown, NC*

**W. Tom Tucker**  
*Board Member*  
*Heating Contractor*  
*Waxhaw, NC*

**William. H. Eubanks**  
*Board Member*  
*Inspector*  
*Wilmington, NC*

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

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

## **Tommy Proffit Completes Term with Board**

On May 5, 2008, Thomas G. "Tommy" Proffit completed his term with the State Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors. Mr. Proffit was appointed by Governor Mike Easley in 2001 and served seven years on the Board.

During his tenure, Mr. Proffit held the offices of Secretary/Treasurer 2002 to 2005, Vice-Chairman 2005 to 2007, and Chairman from 2007-2008. During Mr. Proffit's term with the Board, the Board instituted the mandatory continuing education program, Resolution Committee Conference, Field Resolution Agreements, Disciplinary Education Programs, Limited Fire Sprinkler Licensing, oversaw the purchasing of our current office building, served as Chairman of the Building committee and a reduction in overall expenses. While serving as Chairman of the Board, Mr. Proffit led the agency through a complete reorganization of the Board office and staff.



Mr. Proffit'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. Proffit for his dedicated and distinguished service to the industry, the Board Members and the Board's staff.

## **Governor Easley Appoints William H. Eubanks**

On May 5, 2008, Governor Mike Easley appointed William H. Eubanks to serve a seven year term as Inspector Representative on the Board. Mr. Eubanks is currently employed with the New Hanover Building Inspection Department as Chief Plumbing Inspector.



Mr. Eubanks is originally from Onslow County and started in the plumbing trade in 1977. In 1986, Mr. Eubanks took a position with the New Hanover County Inspection Department as a Plumbing Inspector and served in that position until 1991, when he was promoted to Assistant Chief Plumbing Inspector. In 2004, Mr. Eubanks was named as Chief Plumbing Inspector. Mr. Eubanks holds a Plumbing Class I license issued by the Board as well as a Plumbing Inspector Certification issued by the North Carolina Department of Insurance. Mr. Eubanks and his wife of 28 years, Judith, reside in Wilmington, NC. The Board Members and staff welcome Mr. Eubanks and look forward to working with him during this seven year term.

## **Examination Cheating**

*by Attorney J. N. Fountain*

Over the course of the last eighteen to twenty-four months, numerous exam applicants have been caught attempting to carry unauthorized materials into the examination room, including cheat sheets, sketches, formulas and definitions. Those people have not been allowed to take the examination, and if they were caught on the way out, their examination and score have been declared ineligible and a one year delay imposed before being allowed to take the examination again, whether the person would have passed or failed the particular test.

Most disappointing of all is that one of the cram course operators has been caught and disciplined by the Board for coaching exam applicants on how to cheat on the Board administered examination. This person even went so far as to fake pages from the mechanical code in an effort to so as to conceal material from detection. The result is that this cram course operator's license and continuing education provider status have been disciplined by the Board. Call it a collapse in morality or a failure of leadership, increased effort to restore integrity to the industry is needed.

Most of the people reading this newsletter worked hard to get their license, are proud of it, and do not want the license cheapened by people who ignore the difference between right and wrong and adopt a system of beliefs which is simply expressed as "It's okay if you don't get caught." It is important for new people coming into the industry to actually know what they are doing.

Because of the actions of one cram course operator and a fraction of the examination applicants, it has become necessary for the Board to end the practice of allowing exam takers to carry their own codebook and manuals into the examination. The Board has begun furnishing the books at the examination site which will aid in ensuring examination integrity. The unfortunate side effect is that some exam applicants will attempt to pass the examination without owning their own code books and manuals, a practice which may well cause those persons to have complaints against them later.

Many licensees talk of their problems in locating skilled people who will become the future of the industry. That being said, however, the industry cannot be advanced by cheating on the examination or producing licensees who don't know and can't demonstrate the skills necessary to be an effective contractor, whether those skills relate to heating system design, knowledge of the plumbing codes, or the ability to estimate both direct and indirect costs of a project. Both the applicant and the public are better served if weakness in a skill area is discovered and corrected at the beginning rather than at a point when it risks the failure of the business and loss of all the investment of time and money.

The number of licensees is not keeping up with the growth of our state. The Board urges licensees to encourage exam applications, encourage good preparation and encourage involvement of multiple licensees within a particular contracting firm.. If you know of cheating in any area related to our industry, please advise and help clean it up.

### **Licenses That Expired On December 31, 2005**

In order to avoid re-examination, the Board requires that all licenses expired on December 31, 2005 must have fees paid through 2008, 18 hours of continuing education obtained (4 of which must be in code changes and amendments) and the appropriate form **completed and received correctly no later than December 31, 2008**. General Statutes 87-22 provides in part "...the Board requires re-examination upon failure of a licensee to renew license within three years after expiration."

Board Rule 21NCAC50.0409 REINSTATEMENT OF EXPIRED LICENSE – A license which expires may be reinstated within three years of the date of expiration upon written request and upon payment of the current license fee, the license fee for the unpaid prior years together with the processing fee impose by GS 87-22.

## Board Names Executive Director

Following the resignation of former Executive Director Sandra O'Brien at the October 8, 2007 business meeting of the Board, Dale L. Dawson was appointed as the Interim Executive Director. Following a lengthy selection process, the Board unanimously approved Mr. Dawson's permanent appointment as Executive Director for the State Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors during the April 15, 2008 business meeting.

Having worked as a licensed plumber for a number of years in the 1980's and early 1990's, Dale began his career with the Board on December 1, 1992. He served as a field investigator assigned to the western region of the state for approximately thirteen years, becoming the Field Staff Supervisor in 2003 and working throughout the state. In 2007, he also assumed responsibility for management of the Board's office staff, and was named Assistant Executive Director.

With over fifteen years of experience as a Board employee, as well as previous experience as a contractor, Dale brings a vast amount of knowledge and real-world experience to the Director's position. He has been closely involved with all aspects of the Board's responsibilities including complaint investigations, resolution conferences, formal hearings, legal proceedings, examinations, continuing education, licensing, and administration. He has also traveled the state extensively, representing the Board by participating in a wide variety of industry meetings, workshops, seminars, and conferences. A former contractor himself, Dale also has a great appreciation for the challenges that licensees and their firms face in today's ever-changing economy and business world.

Combined with his experience, the Board is confident that Dale's strong leadership and sound management skills will allow the organization to operate more effectively and efficiently, resulting in an improved level of service for the citizens of our state and the licensees of the Board.

Dale and his wife, Tina, have recently relocated to the Raleigh area from their home near Asheville. Their son, Jarred, is currently serving in the United States Air Force as a Loadmaster assigned to C-130 transport aircraft. Jarred's wife, Brittany, is also serving in the Air Force, and they currently reside at the Little Rock Air Force Base in Arkansas.

### Office Staff Directory

**Office #**            **919-875-3612**

**Fax #**                **919-875-3616**

		<b>Ext.</b>
Dale L. Dawson	Executive Director	224
Eric Hall	Business and IT Manager	216
Sharon Pittman	Legal Activities Coordinator	205
Karen Jolliffe	Examination Coordinator	230
Jennifer Beasley	Licensing Coordinator	210
Erik Rogers	C E Coordinator	225
Kim Atkins	Complaint Coordinator	211
Judy Stewart	Complaint Clerk	223
Jamie Spence	Office Assistant	207
Hannah Whaley	Receptionist	213
Betty Boucher	Transcriptionist	215

### Administrative Officers / Field Staff

**Fax: 919-875-3612**

**John Todaro**  
**South Central Region**  
**704-975-5305**

**Jimmy Jimenez**  
**South Eastern Region**  
**910-409-7127**

**Tom Johnston**  
**North Central Region**  
**339-906-9141**

**Derek Farmer**  
**North Eastern Region**  
**919-602-9095**

**David Boulay**  
**Western Region**  
**828-234-2719**

## Board Staff Changes and Promotions

During the past six months, a number of changes have occurred in the Board's staff. On December 1, 2007, Eric Hall was appointed as Business and Information Technology Manager. Eric began his career with the Board on September 1, 2004 as the Western Region Field Investigator. Eric came to the Board with over 21 years of fire service experience, including a number of years as Fire Chief for the City of Conover. He and his wife of 22 years, Betty, have recently relocated to the Raleigh area. Eric's knowledge and experience has already proven to be very valuable to the Board, and will continue to be well into the future.

David Boulay filled the position vacated by Eric as the Western Region Field Investigator, and began work on February 11, 2008. David has over 10 years experience performing pre-sentence investigations for the Administrative Office of the Courts, and is also a North Carolina licensed General Contractor. David and his wife, Jackie, reside in Haywood County, and have three foster children.

On February 16, 2008, the Board welcomed two full-time employees, Hannah Whaley and Jaime Spence, after both had worked for several months through a staffing agency.

Hannah serves as Receptionist, staffing the front desk, assisting visitors, and operating the telephone switchboard. A native of Greensboro, Hannah lives in the Selma area.

Jaime serves as a Licensing Specialist, and is also cross-trained to serve in the Receptionist role when necessary. Jaime and her husband reside in the Raleigh area.

On January 31, 2008, Dolores Carmona resigned as Exam Coordinator after 10 years of service to the Board. During her tenure with the Board, Dolores worked very hard to ensure the integrity of the various examinations administered by the Board. We are deeply appreciative to her, and wish her well in her future endeavors.

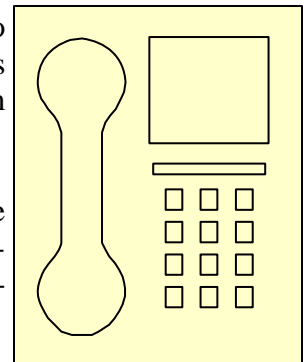
On March 24, 2008, Karen Jolliffe was appointed to the position of Exam Coordinator, after serving in the position for several months through a staffing agency. Karen has worked very hard to learn the examination process and is concentrating on providing quality service to licensing applicants. Karen and her husband reside in the Raleigh area.

The Board is very optimistic about the future and the talented team that has been assembled.

## Board Office Upgrades Telephone System

A new state-of-the-art telephone system was recently installed in the Board's office to allow staff members to serve callers more efficiently. It replaces a system that was over 15 years old, which had been moved from the previous offices. The old system has a number of limitations and was beginning to experience operational problems.

In the past, if a number of calls were being received at the same time, callers would be placed on hold by the receptionist until they could be answered. With the new system, callers may use the automatic attendant to dial the extension number of the person they wish to speak to, without waiting for the receptionist to route their call.



Every attempt is made by the staff to answer calls as they arrive; however, there are times when they may be unable to do so. If you are directed to a voice mailbox, please leave the necessary information needed to return your call. Our policy is to return all calls on the same day received when possible, but no later than the following business day. In the event that an employee is out of the office for more than one day, you will be redirected to another staff member who will be happy to assist you.

## **Continuing Education Update**

*by Erik Rogers, Continuing Education Coordinator*

We are rapidly approaching the second half of 2008 and the Board has approved the schedule for Continuing Education classes, which can be found at the back of this newsletter and also by visiting the Board website at [www.nclicensing.org](http://www.nclicensing.org).

I would like to take a moment to graciously thank all of our licensees and providers who have been of such great assistance and shown tremendous patience with all the changes in the C.E. program through the end of last year and the beginning of 2008. It has been an ordeal at times, but we have emerged and now look forward to the future.

There is an issue of importance I wish to touch on regarding license renewals. We have had a number of licensees who have presented license renewal applications who have taken the same class more than once in the last three years.

North Carolina Administrative Code, Title 21, Chapter 50, Section .1403, sub-section (a) provides in part: Except with prior approval by the Board, a licensee shall receive no credit for a course for which the licensee has previously received credit in the current or two preceding calendar years. Approval shall be granted only for courses on building code content and changes therein.



We interpret this rule on a “rolling three year” basis. This means a licensee who has taken a class in 2006 will not receive credit should they take it again before the calendar year of 2009. For any licensees who take a class in duplicate, renewals are subject to be returned for failure to meet the continuing education requirement.

The Board and I will continue to work hard on behalf of our licensees and in close conjunction with our providers to further improve our C.E. program to the benefit of everyone. If you have any questions or comments, please contact me at the office by calling (919) 875-3612, or via e-mail at [ce@nclicensing.org](mailto:ce@nclicensing.org).

### **Licensees Required to Bring Code Books to Continuing Education Classes!**

Licensees are required to have the latest versions of all pertinent code books at all code related CE classes associated to the classification of license they hold. Plumbing classes would require the North Carolina Plumbing Code, North Carolina Accessibility Code and/or the North Carolina Fuel Gas Code. Mechanical classes would require the North Carolina Mechanical Code, North Carolina Energy Code and/or the North Carolina Fuel Gas Code. Fuel Gas classes would require the North Carolina Fuel Gas Code. Prior to attending class, the licensee will need to verify with the course provider which code book(s) are required for that specific course.

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.



### ***Consent Agreement Report***

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

<b><u>Name</u></b>	<b><u>City/Town</u></b>	<b><u>Agreement</u></b>
Benjamin L. Barnes	Sneads Ferry, NC	07/23/2007
Carl T. Mounts	Raeford, NC	11/06/2007
Bobby P. Tant	Fayetteville, NC	11/06/2007
Donald J. Hurd	Eden, NC	10/19/2007
Kevin Gregory	Manson, NC	09/05/2007
Mark Barr	Mount Airy, NC	09/14/2007
Richard Boody	High Point, NC	10/02/2007
James Houston	Wilmington, NC	10/11/2007
Michael Powlas	Wilmington, NC	10/05/2007
Dana Riddle	Castle Hayne, NC	12/07/2007
Marion Blanton	Castle Hayne, NC	12/07/2007
Jackie Ainsworth	Castle Hayne, NC	12/07/2007
Henry Cordoza	Fayetteville, NC	10/31/2007
Joe Brock	Mount Airy, NC	09/20/2007
Dennis Burke	Covington, LA	09/27/2007
John Morgan	Oak Island, NC	09/24/2007
Jesse Hannible	Wilmington, NC	11/20/2007
Patrick Michael Nolan	Indian Trail, NC	12/20/2007
William Jefferson	Wendell, NC	11/05/2007
David Waddell	Leland, NC	10/30/2007
Donnie Holder	Mount Airy, NC	10/22/2007
Paul Wilkerson	Liberty, NC	10/22/2007
William Ward	Greensboro, NC	12/13/2007
Bobby Bailey	Durham, NC	02/01/2008

<b><u>Name</u></b>	<b><u>City/Town</u></b>	<b><u>Permit Warning</u></b>
Thomas Bynum	Belmont, NC	02/05/2007
Richard Latino	Charlotte, NC	11/06/2007
Charles Ferguson	Winston-Salem, NC	10/17/2007
Norman Nichols	Hope Mills, NC	10/05/2007
Wesley Edwards	Mount Airy, NC	09/27/2007
Wayne Paycer	Mooreville, NC	08/09/2007
William Kluttz	Charlotte, NC	08/16/2007
Floyd Miner	Easley, SC	06/26/2007
Paul Blair	Gastonia, NC	07/18/2007
Michael McCarty	Jamestown, NC	09/25/2007
Stephen Derose	Morehead City, NC	09/20/2007
Robert Cranston	Stokesdale, NC	04/24/2007
Gary Sharpe	Charlotte, NC	08/16/2007
Larry Griffin	Charlotte, NC	08/10/2007
Charles Kupfer	Indian Trail, NC	08/16/2007
James Fraser	High Point, NC	07/13/2007
Conrad Williams	Greenville, NC	08/08/2007
Jimmie Eanes	High Point, NC	06/22/2007
Furman Richardson	Leland, NC	01/15/2008
Michael Moody	Pine Hall, NC	09/20/2007
Corey Ray Potts	Raleigh, NC	01/30/2008
Preston Bunn	Kinston, NC	03/15/2007
Christopher Helms	Indian Trail, NC	09/19/2007

### ***Permit Warning Letters***

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



## Resolution Review Committee and Proposed Resolution Agreements

Starting in 2003 the Board instituted several new disciplinary procedures. The procedure worked using two different methods; field agreements and the establishment of a Resolution Review Committee. The first method gives our Administrative Officers (Field Representatives) the authority to enter into Proposed Resolution Agreement in the field with a licensee for discipline based on complaint(s) investigated. The Administrative Officer is required to use judgment in evaluating the complaints and, if he feels comfortable, can offer a recommended discipline to the licensee that the Administrative Officer feels will be consistent with sanctions issued by the Board. If the licensee does not agree to the sanctions, which are entered into voluntarily by the licensee, then the Administrative Officer forwards the complaint file(s) to the office for action by the Board's Resolution Review Committee. If the licensee accepts the Proposed Resolution Agreement from the Administrative Officer, the agreement is tendered to a member of the Resolution Committee for review and approval. Once the licensee signs the agreement, he has the opportunity to withdraw the agreement anytime before it is tendered to the Board for acceptance as an Order from the Board. If the licensee withdraws from the agreement, then the complaint file(s) are forwarded to the Board's Resolution Review Committee for action. Once the agreement has been approved by a member of the Board's Resolution Review Committee, the Proposed Resolution Agreement is presented to the Board for acceptance as an Order by the Board. The approval is not automatic and is subjected to the scrutiny by the Board before a vote is made for approval. If the Board withdraws an agreement the case is typically referred to a formal hearing.

The Resolution Review Committee was established by



the Board as a method to try and resolve complaint without the use of the formal hearing process. This reduces the burden on the Board members for Formal Hearings as well as reducing the overall costs to all licensees. The committee's authority is much the same as the Administrative Officers and all sanctions against licensees are totally voluntary. In cases where the Administrative Officer is not comfortable entering into an agreement with a licensee or in cases where the licensee chooses not to enter into a Proposed Resolution Agreement, the case is forward to the Board's Resolution Review Committee. The licensee will then receive a request for appearance before the Resolution Review Committee where the Administrative Officer who performed the investigation on the file(s) will detail to the Committee members their investigation and the licensee will have the opportunity to offer any additional information or evidence. After deliberation, the Resolution Review Committee will submit to the licensee a Proposed Resolution Agreement. If the licensee accepts the agreement, which is voluntary, the Proposed Resolution Agreement is tendered to the full Board for acceptance as an Order issued by the Board.

By employing the above methods the Board has been able to be better stewards of the licensing fees; thus saving a significant amount of money each year. The program has been very successful and has been applauded by many licensees as a fair opportunity to bring closure to complaints. In the first five months of 2008, the Resolution Review Committee held 42 review conferences resulting in 14 Proposed Resolution Agreements. In the same period, the Field Staff negotiated 20 Proposed Resolution Agreements. Listed below are the results of the Resolution Review Committee and the Field Staff actions:

### Discipline from Proposed Resolution Agreements:

Letter's of Cautions	2
Letter's of Warning	2
Probations	26
Suspensions	5
Revocation	1
Disciplinary Classes	8
Closed for No Cause	3
Cases to Formal Hearings	4

## To Secure A Permit or Not To Secure A Permit! That's The Question ...

*By Dale Dawson, Executive Director*

Our office and field staff receives question after question from Licensees and Inspectors about when a permit is required or not required. The Board was created in 1931 to regulate licensees of our Board. In doing so, the General Assembly gave the Board the authority to create rules as part of the North Carolina Administrative Code, specifically under Title 21, Chapter 50 of the North Carolina Administrative Code (Title 21 N.C.A.C. Chapter 50). The creation of any rules within the North Carolina Administrative Code must follow stringent guidelines with final approval through the North Carolina Rules Review Commission. During my 15 plus years with the Board there has always been a rule that says a permit is required for any task that requires a license. The current rule, section .0402(a) reads as follows:

### **.0402 PERMITS**

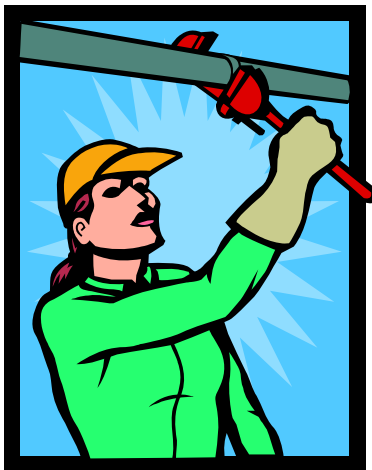
- (a) A licensed contractor shall assure that a permit is obtained from the local Code Enforcement official before commencing any work for which a license is required by the Board. The contractor shall also assure that a request for final inspection is made within 10 days of substantial completion of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

According to this all licensees are required to “assure that a permit is obtained from the local Code Enforcement official before commencing any work for which a license is required by the Board.” An example would be for the installation or subsequent replacement of a water heater per rule .0506(b), which reads as follows:

### **.0506 MINOR REPAIRS AND ALTERATIONS**

- (b) The initial installation or the subsequent replacement of a hot water heater in any structure requires a license in plumbing contracting.

Since this rule, .0506(b), requires a license in plumbing contracting for the installation or subsequent replacement of all water heater, then all plumbing licensee's must obtain a permit prior to commencing all water heater installations or replacements and must request an inspection within ten (10) days of substantial completion of the installation.



### **Licenses Retire At The End of 2008**

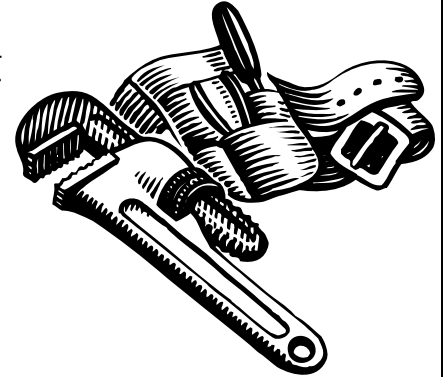
If your license has been expired since December 31, 2005, you have until December 31, 2008 to renew it. Failure to renew the license will result in it being retired and you would have to retake the exam to get it back. Also, to renew the license all continuing education requirements must be met as well.



## Working Outside of Your Licensing Qualification

*By John Todaro, Senior Administrative Officer*

Did you know that if you are found working outside of your license qualification(s) you would be considered to be working without a license? According to General Statutes 87-25, Violations Made Misdemeanor; Employees of Licensees Excepted, states that any person, firm or corporation who shall engage in or offer to engage in plumbing, heating or fire sprinkler work without the proper license is in violation of the General Statutes and shall be guilty of a Class 2 misdemeanor.



What does this mean? If you offer, sub-contract, or perform work that you do not hold the proper license for you can be prosecuted no differently than any other person who is operating without a license. Here are some examples of working without proper license qualifications:

**Example # 1** You hold a Plumbing Class II (P-II) license and contract work to replace a water heater in a commercial structure,

**Example # 2** You hold a Heating Group 3 Class I (H-3-I) license and contract or sub-contract to install the equipment and/or ductwork on a Heating Group 2 job,

**Example # 3** You hold a Heating Group 1 Class I (H-1-I) license and replace a water heater used for domestic hot water,

**Example # 4** You hold a Fuel Piping (FP) license and you contract to install a heating and air conditioning system or ductwork for a residence,

**Example # 5** You hold a Fire Sprinkler (FS) license and you offer and perform NFPA-25 inspections,

**Example # 6** You hold a Fire Sprinkler Inspection Contractor (FS-IC) license and you contract to make modifications or repairs to a fire sprinkler system.



There are many more scenarios that can occur and the aforementioned is only a sampling. If you find yourself in a situation where you are unsure if you would be contracting outside of your license qualifications, please contact your local administrative officer for assistance. Their contact information is available on our website at [www.nclicensing.org](http://www.nclicensing.org) and on page four of this newsletter.

## Boiler Code Book



Effective August 15, 2007 anyone taking the Heating, Group 1, Class I examination will no longer be allowed to use their copy of the Uniform Boiler and Pressure Vessel Act, published by the Department of Labor, Boiler and Pressure Vessel Division. This publication is available to download from the Department of Labor. To secure the creditability of the publication each test site will provide copies to be used by the applicant while testing. If taking the Heating, Group 1, Class I examination check with the proctor prior to entering the exam area.

## **2008 North Carolina Plumber/Pipefitter Apprentice Contest**

The 22nd annual North Carolina Plumber/Pipefitter Apprentice Contest will be held on Monday, October 24<sup>th</sup> 2008 at the NC State Fairgrounds in Raleigh, NC, during the North Carolina State Fair.

The contest is 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 will be doing during the contest. The apprentices compete in a series of technical and trade skills that test the apprentice's abilities in DWV system design, water distribution system design, code compliance and tool safety. The contest also includes a comprehensive written exam.

The contests is open to all Plumber/Pipefitter apprentices registered with the N.C. Department of Labor, Apprenticeship and Training Bureau and who will not have completed their apprenticeship prior to October 24, 2008. Each apprentice must be sponsored by a registered apprentice program or Apprenticeship Committee.

Apprentices who desire to compete must complete a contest application. For applications and additional information about the contest contact the NC Department of Labor, Apprenticeship and Training Bureau in Raleigh, NC. Phone (919) 733-7533 or visit the web site at [www.nclabor.com/appren/](http://www.nclabor.com/appren/)

Cash prizes provided by the North Carolina Department of Agriculture are awarded to the first through tenth place contestants. A wide variety of companies and organizations also share in sponsoring the contest by providing cash and other prizes that are distributed to the participants in the contest.

## **2008 North Carolina HVAC/R Apprentice Contest**

The fifth annual North Carolina HVAC/R Apprentice Contest will be held on Monday, October 20<sup>th</sup> 2008 at the NC State Fairgrounds in Raleigh, NC, during the North Carolina State Fair.

The contest is 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 will be doing during the contest. The apprentices compete in a series of technical and trade skills stations that test the apprentice's abilities in brazing, electrical trouble shooting, air-flow measurement, refrigerant recovery, system operational analysis, writing customer service reports and customer interviews. The contest also includes a comprehensive written exam. The stations and written exam are modified from year to year to provide a variety of skills tests.

The contest is 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 20, 2008. Each apprentice must be sponsored by a registered apprentice program or Apprenticeship Committee.

Apprentices who desire to compete must complete a contest application. For applications and additional information about the contest contact the NC Department of Labor, Apprenticeship and Training Bureau in Raleigh, NC. Phone (919) 733-7533 or visit the web site at [www.nclabor.com/appren/](http://www.nclabor.com/appren/)

Cash prizes provided by the North Carolina Department of Agriculture are awarded to the first through tenth place contestants. A wide variety of companies and organizations also share in sponsoring the contest by providing cash and other prizes that are distributed to the participants in the contest.

# Attorney's Report

## **ABSHER, STEVEN JAMES**

**President, GANTT PLUMBING, INC.**

Raleigh, NC

License #26494 H-3-I and P-II

Allegations of incompetence and lack of supervision in the business of heating contracting in that Respondent: failed to do a gas pressure test; failed to perform Manual "D" and "J" calculations for the subject installation, over-fused the air conditioning unit; failed to have a permit on site; failed to obtain a final inspection; failed to label the gas line, seal the gas line sleeve at the foundation penetration; failed to seal and secure bottom of supply plenum to coil; failed to seal bottom of transition duct to supply plenum; failed to provide access platform on service side of coil; failed to splice return flex per manufacturer's instructions with sleeve coupling; failed to use full size return plenum; failed to seal return backside and bottom connections; failed to secure drain pan under coil; failed to insulate refrigerator lines completely to coil cabinet; failed to install correct size refrigeration lines for RCC48C2C – 3-1/2 or 4 ton; failed to provide 30 inch clearance on service side of outdoor condenser; failed to remove the operating manual from inside the furnace, resulting in a fire when the furnace was turned on causing substantial smoke damage to the residence and health problems for the owners; failed to respond to service calls from homeowner and failed to complete or correct installation; failed to properly terminate "B" vent; failed to properly support and grade "B" vent; failed to install chimney liner where such are required; failed to properly seal duct transitions with mastic; and failed to properly seal duct wrap.

Respondent disputes some of the matters set forth in the previous paragraph and represents that all jobs have now been corrected. Respondent has no intention of engaging in heating contracting hereafter. By reason of the length of the hearing, the complexity of the issues and other factors, Respondent has elected to tender his license as a heating contractor in the state of North Carolina and will not further contest the allegations of the Notice of Hearing. Formal hearing held 6/12/07.

The Board accepted the surrender of License Number 26494 H-3-I as a heating contractor on behalf of the Respondent Absher. No action was taken by the Board with regard to the Plumbing, Class II classification license of Respondent. No request for reinstatement will be considered without personal appearance before the Board after a period of 4 years.

The license of Gantt Plumbing, Inc. is revoked. No license will be issued in the name Gantt Plumbing or Heating until personal appearance before the Board by the principals and proposed licensee of such firm and imposition of such conditions as may be necessary for protection of the public.

## **BAISDEN, TODD**

**d/b/a SELECT AIR HEATING AND COOLING, INC.**

Hickory, NC

Allegations of misconduct in the business of heating contract-

ing in that Respondent contracted to install and began installation of a heating, group 3 system for nine units of an apartment building. Respondent was paid approximately 50% of the total compensation but failed or refused to return to the job site to complete the installation.

Formal hearing held 2/11/08.

Order issued 2/20/08 permanently revoking license of respondent.

## **BARRETT, JAMES**

**d/b/a ATLANTIC WATER TREATMENT**

Castle Hayne, NC

Allegations of plumbing contracting without a license in contempt of prior order of the Court.

Hearing held on 11/26/07 in New Hanover County Superior Court.

Order of Contempt filed 12/4/07 finding the defendant the amount of \$500.00 and sentencing him to serve 10 days active time in the Pender County Jail.

## **BASS, DAVID LEE**

**d/b/a BASS & MORTON HVAC**

Monroe NC

License #23662 H-2&3-I

Allegations of incompetence and misconduct 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; failed to install a barometric damper in the venting system; failed to follow installation instructions which called for the return air to have a minimum of an 18" plenum and instead installed a one (1) inch end cap; failed to install support under unit to code which is a minimum of 4" x 8" x 16" support of mortared brick to support furnace; failed to seal the connector at the chimney opening; failed to properly connect and support flexible ductwork; repeatedly failed to diagnose an oil leak in the oil filter assembly resulting in spillage of oil into the crawl space; The installation indicated a lack of knowledge of oil-fired systems, code violations and ineffective supervision. At another installation consisting of a Trane Dual Fuel System gas pack and also a Fujitsu mini-split ductless heat pump system Respondent failed to obtain a permit prior to beginning installation, failed to protect gas piping from corrosion, installed gas piping sediment trap with no change of direction, failed to protect control wiring; installed unit on an improperly sized equipment pad; failed to seal weather tight the duct enclosure to the house or the unit; failed to install the mini-split heat pump according to manufacturer's instructions; notched 50% (1-3/4") of 2" x 4" studs for condensate drain; notched 64% in non-bearing wall (2-1/4") of 2" x 4" behind the bathroom to route condensate piping; failed to install ductless split system in an area with proper dimensions for air flow per manufacturers installation instructions.

# Attorney's Report

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The Respondent disputes all the foregoing allegations and contends the evidence would be otherwise in the event of a full and complete hearing. Consent Order issued 7/10/07 placing the license of Respondent as a heating Group 2 and 3, Class I contractor on probation for 1 year with provisions that Respondent maintain a written record of contracts made and installations performed, maintain a service log of all contracts and service calls, maintain job files or other written records of contracts made and installations performed; have written contracts signed by the Respondent and customer, obtain permits as required for each contract, make restitution to the Board in the amount of \$400.0 for investigatory expenses by the end of probation; implement procedures within his firm adequate to assure that final inspection is requested within 10 days of substantial completion of each installation; implement procedures to call for reinspection, if necessary, within 5 days of failed inspection; implement procedures to assure all changes in contracts be documented through written change orders signed by both licensee and customer prior to commencement of agreed changes; take steps to assure personal and thorough review of all phases of work to assure all inspections meet manufacturer's installation instructions, accepted design standards and the North Carolina State Building Code prior to inspection requests; commit no violation of Article 2, Chapter 87 or the Rules of the Board.

## **BIERMANN, DAVID**

d/b/a **Submetering Technology LLC**

Glen Allen, VA

Plumbing contracting without a license.

Permanent Injunction Judgment filed 3/6/07 as to Defendant, Biermann and Submetering Technology, LLC, enjoining defendants from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed to do so.

## **BOUND, ED**

d/b/a **MR. ED'S HOME IMPROVEMENT**

Concord NC

Allegations of heating contracting without a license.

Complaint for injunction filed 3/30/07.

Permanent Injunction filed in Cabarrus County Superior Court on 6/20/07 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

## **BOWENS, ERNEST**

Williamston, NC

Allegations of contracting without license in contempt of prior Order of the Court.

Contempt hearing held 1/7/08 in Martin County Superior Court.

Order of Contempt filed by the Court 2/13/08 finding the Defendant in contempt of prior order of the Court and sentencing him to 3 days incarceration in the Martin County Jail.

## **BROOKS, JAMES L.**

d/b/a **JAMES BROOKS CONSTRUCTION**

a/k/a **Brook's Construction Co.**

Albemarle, NC

Allegations of plumbing contracting without a license.

Complaint for injunction filed 9/11/07, service of process obtained.

Judgment filed 3/3/08 enjoining defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed to do so.

## **BURKE, JAMES BARRY,**

d/b/a **BARRY'S PLUMBING REPAIR**

Burlington NC

Allegations of plumbing contracting without a license.

Complaint for injunction filed.

Permanent Injunction Judgment filed 6/20/07 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

## **CHAN, FRANCIS**

dba, **NORINA CO.**

Carrboro, NC

Allegations of heating contracting after revocation of license on 5/30/2002.

Complaint for injunction filed.

Failure of service of process in Durham County – insufficient address.

Complaint and Summons filed 7/24/07.

Service of process obtained.

Consent Order filed 10/25/07 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

## **CHAVIS, PRESTON FOSTER, JR.**

Fayetteville NC

License #22602 H-3-I Retired

Allegations of working while license not in force.

Complaint for Injunction filed 3/16/07.

Judgment of Permanent Injunction filed 6/20/07 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

## **CHONG, YOUNG JAE**

dba, **C F PLUMBING**

Jamestown, NC

License #20821 P-I

Allegations of violation of probation Order in that Respondent failed to comply with provisions as required by the Resolution Agreement of 6/14/05, despite requests and reminders by the Board staff.

Order issued 10/19/07 revoking the license of Respondent.

## **CONYERS, BOB**

Greenville, NC

Allegations of heating contracting without a license in

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violation of prior order of the court.  
Motion and Order for Show Cause in progress.  
Contempt Hearing rescheduled for 9/7/07.  
Order issued 10/23/07 finding defendant in contempt of prior Order of the Court, sentencing him to 4 days active time with 26 days suspended and ordering him to pay restitution to the homeowner.  
Defendant has failed to report to Sheriff to serve active jail time and has failed to pay restitution.

## **CONZ, EDWARD**

Mooresville NC  
Plumbing contracting without a license.  
Complaint for injunction forwarded to Clerk of Superior Court of Iredell County on 1/11/2007.  
Injunction Judgment filed 6/11/07 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

## **COX, TONY O.**

d/b/a **AFFORDABLE PLUMBING SERVICE & REPAIR**  
Burlington NC  
Allegations of plumbing contracting without a license.  
Injunction Judgment filed 7/25/07 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

## **CREECH, CHRISTOPHER NELSON**

Walnut Cove, NC  
d/b/a **C&J PLUMBING**  
License #23055 P-I  
Allegations of incompetence in the business of plumbing contracting in that Respondent subcontracted a commercial plumbing installation from a plumbing, Class II licensee, thereby aiding the other person in contracting beyond his qualifications; contracted installations under a name other than that in which his license is listed in violation of the Rules of the Board; used employees not on his payroll; installed bar joists spaced at intervals greater than 6'; installed PVC and PEX piping hangers spaced at intervals greater than 6'; failed to install a 3" cleanout to serve the building drain that received discharge of laundry sink and washer machine outlet; installed a 3" x 3" x 2" x 2" sanitary cross to serve addition of three barber style sinks; failed to connect the 1-1/2" vent from the washer machine toward the existing 3" main vent stack; failed to pipe the P & T valve on the new water heater toward the floor; failed to install a thermal expansion device on the new water heater; and installed drain line that terminated at the washer machine area. .  
Order issued 11/30/07 placing a letter of warning on the license record of Respondent and directing that, within 1 year from the effective date of Order, he enroll in, attend and pass the Board approved disciplinary contract business course offered by Umpire Technology. In the event Re-

spondent fails to enroll, attend and pass the course within 12 months, license will be suspended for 90 days.

## **DELTA MECHANICAL**

Columbia SC  
License #24101 P-II  
Allegations of failure of Delta Mechanical and other Respondents to comply with certain provisions of the Order issued by the Board on October 11, 2005.  
Consent Order issued 7/10/07 in which:  
1. The Respondent, Anton Dimitrov Tchakarov agreed to surrender his license as a Plumbing contractor which may not be reinstated until compliance with the Order has been achieved.  
2. The license of Delta Mechanical, Inc. is revoked effective September 8, 2007, except that Delta Mechanical, Inc is allowed to operate the business solely for completion of final inspection on all outstanding permits issued prior to date of the Order.  
3. The license of Carolina Mechanical, Inc. is placed on probation for 2 years subject to provisions that no permits be obtained or work undertaken except within a 50 mile radius of Charlotte, 3 way written contracts, as required by N.C. General Statutes, be obtained prior to completion of work, and compliance with Board requirements with respect to inspections and reinspections, obtain final inspections on all open permits existing at the time of the Order within 9 months, and allowing Carolina Delta 60 days from date of the Order to wrap up its operations in Greensboro.  
4. A new license will be issued to a new corporate entity controlled by the same person or persons controlling Carolina Delta Mechanical, Inc. and Delta Mechanical, Inc., upon presentation of appropriate qualification. The license of the new corporate entity shall be placed on probation for 2 years subject to conditions that no permits be obtained or work undertaken except within a 50 mile radius of Raleigh, 3 way written contracts, as required by N.C. General Statutes, be obtained prior to completion of the work, and compliance with Board requirements with respect to inspections and reinspection. The new entity created to do business in the Raleigh or Triangle Area develop a business process adequate to inform each retail customer the job will not be installed without agreement by the customer to make the house available for inspection on a date available to the local Inspection Department within 10 days of completion of the work.  
5. The license of Respondents Bobev, Petrov and Kostov are placed on a 2 year probation subject to conditions that within 12 months of date of the Order each take and pass the Board's Contractor Business course and Contractor Code course, have written contracts signed by licensee and customer for each installation, obtain permits as required for each contract prior to commencement of work, have written contracts signed by the licensee and customer for each installation for which licensee is responsible; obtain permits as



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required for each contract prior to commencement of work and retain a copy of the permit in the job file for each particular installation except in the event of a night, weekend or holiday installation. In such cases, each shall apply for a permit no later than the next business day after commencement of work.

## **DICKENS, BILLY GENE, JR.**

Sanford NC

Allegations of heating contracting without a license.

Complaint for injunction filed.

Injunction Judgment filed 7/19/07 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

## **FLAGG, GEORGE WADEN, JR.**

aka, WADEN WOODARD,

dba, REVISIONS GENERAL CONTRACTING SERVICES

Holly Springs, NC

Allegations of heating contracting without a license.

Complaint for injunction filed.

Permanent Injunction Judgment filed 11/14/07 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

## **FOX, JAMES ALLEN**

owner, Fox Heating & Cooling

Cameron, NC

Allegations of incompetence in the business of heating contracting in that Respondent failed to obtain a permit prior to beginning installation; installed return air duct panned in floor joist such that the joist restricts air flow; installed upstairs return duct pinched down to fit in ceiling joist; failed to seal HVAC line sets; failed to properly seal flex duct joint connections; failed to insulate supply boot; left a hole in flex duct vapor barrier; failed to hook up condensate drain lines to pan and unit; failed to seal metal collar with mastic at trunk line; failed to properly support the system allowing water to accumulate and damage the system failed to properly brace walk; failed to provide adequate access to attic unit; failed to vent bathroom fans; failed to install a system that would adequately heat and cool the residence; and failed to provide adequate supervision.

Formal hearing held 5/7/07.

Order issued by the Board on 5/24/07 suspending the license of Respondent Fox as a Heating, Group 2 and 3, Class I contractor for a period of 6 months, ordering that Respondent Fox, during the period of suspension, take and pass the contractor Business Management Disciplinary Class approved by Board. In the event of failure to take and pass the Class, H-2 & H-3 license qualification shall be permanently revoked. After return of license to Respondent Fox, his license as a Heating, Group 2 & 3 Class I contractor shall be placed on probation for 12 months during which Respondent Fox shall maintain a written record of contracts made and installations performed, maintain a

service log of all contracts and service calls by date of initial call and include the date of first response, maintain job files or other written records of contracts made and installations performed, have written contracts signed by the Respondent and customer for each installation for which Respondent is responsible, obtain permits as required for each contract prior to commencement of work, submit quarterly reports documenting his compliance with provisions of probation order to Board's office and commit no violation of Article 2, Chapter 87 or the Rules of the Board. In the event of violation of the probation, license will be suspended for a period of 6 months plus such other sanctions as indicated by any new violations. No action is taken as to the P-II qualification of Respondent Fox.

## **FURR, DONALD BLAKE**

President, DONALD FURR PLUMBING, INC.

Charlotte, NC

License #07499 P-I

Allegations of incompetence 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; failed to insulate water lines with 6.5 R-value insulation; failed to secure water lines to wall; failed to install change of direction for the gas piping sediment trap; used sleeve of black steel pipe, a dissimilar metal, for the copper line run through it; capped off, rather than removed, old water lines from water heater; failed to install vent for the washer machine standpipe; used a piece of pipe to support washer machine standpipe so it had positive grade; hydraulic gradient of washer machine standpipe was violated; used 1/2" diameter cold water line to water heater rather than 3/4" diameter line required by code; used dissimilar metal hangers to support copper gas tubing; failed to properly support copper gas tubing allowing the support to be removed or pulled away; failed to properly support PVC drain piping; failed to replace existing galvanized piping as indicated on the contract/proposal; installed back-graded combination and wye fittings where new drain line connected to the building drain; installed building drain line through a PVC fitting as a sleeve, and sealed it with mortar rather than an approved flexible/pliable sealant; failed to install the building drain line through the foundation a minimum of 3" below grade as required by the Code; failed to properly support PEX piping every 32" as required by Code; failed to properly support PVC properly every 4' as required by Code; installed trap under two bathtubs which leaked water into crawl space; installed a cleanout too close to the foundation; failed to properly support the end of the building drain line; and failed to make corrections after promising to do so. Formal hearing held 9/11/07.

Order issued 9/27/07 by the Board placing the license of Respondent as a plumbing contractor on probation for a period of 1 year with provisions that Respondent provide the Board with a copy of the final inspection Report within 180 days of the date of this Order

# Attorney's Report

adequate to establish that the deficiencies noted in the Findings of Fact have been corrected and code compliance achieved; within one hundred eighty (180) days after this Order becomes effective, the Respondent shall enroll in the Contractor Business Disciplinary Course approved by the State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors and present evidence to the Board of a passing grade in such course by the end of the period of probation; during the period of probation, Respondent shall submit quarterly reports 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.

## **GARY, RUSSELL**

Charlotte, NC

Allegations of heating contracting without a license.

Complaint for injunction mailed to Clerk of Superior Court 7/20/07.

Respondent served 8/4/07.

Default Judgment filed 11/15/07 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

## **GREENE, J. B.**

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

Boone, NC

License #04939 H-3-I

Allegations of installation of a system which failed to properly heat and cool the residence by reason of temperature variances throughout the home that were not within the acceptable 4 degree range; failed to respond to calls from homeowner; and failed to provide adequate supervision; and acquiesced in ongoing operations of the business by his son, who has not obtained license from the Board. The allegations were denied

Consent Order issued 2/11/08 placing the license of respondent on unsupervised probation for 6 months with various provisions, including that Respondent personally review each job site prior to entering into a contract; personally review the work prior to calling for a rough-in inspection; personally review the work prior to calling for a final inspection; obtain permits as required for each contract prior to commencement of work, have written contracts signed by the licensee and customer which state clearly the scope of the work, the terms of payment and anticipated date of completion for each installation for which licensee is responsible; ensure that all changes in contracts shall be documented through written change orders signed by both the licensee and the homeowner and/or general contractor prior to commencing agreed changes and commit no violation of Article 2, Chapter 87 or the Rules of the Board with regard to any qualification administered by the Board.

## **GRIFFIN, R. A.**

**d/b/a ALL GOOD SERVICE COMPANY, INC.**

High Point, NC

Defendant previously enjoined, found in contempt and sentenced to active imprisonment.

Allegations of violation of prior Order of the Court.

New contempt proceedings scheduled for 12/4/06, Guilford County Superior Court, deferred pending service on defendant.

Hearing held 4/2/2007 in Guilford County Superior Court.

Defendant found guilty of contempt of court. Prayer for Judgment until 4/16/07

Hearing rescheduled for 4/16/07 to be held in combination with criminal hearings on that date for imposing sentence on four counts of contempt.

Defendant failed to appear on 4/16/07. Order of Contempt filed 7/23/07 finding the defendant guilty of 4 counts of criminal contempt of the prior Order of this Court, sentencing him to serve 120 days in the Guilford County Jail or Farm as determined by Sheriff and fining the defendant the sum of \$2,000.00 payable to the Clerk of Guilford County Superior Court.

## **HICKS, SCOTT GAYLON**

**d/b/a A&S AIR CONDITIONING & HEATING**

Youngsville, NC

Allegations of heating contracting without a license.

Complaint for injunction mailed 7/23/07.

Service of process obtained; Entry of Default mailed 9/10/07; Moved for Default Judgment 9/25/07.

Default Judgment filed 12/3/07 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

## **IDOL, JAMES RODNEY**

Owner, **CAROLINA EXPRESS PLUMBING**

Kernersville, NC

License #21263 P-II

Allegations of incompetence and misconduct in the business of plumbing contracting in that Respondent contracted and was paid to install a plumbing system and subcontracted the system to another contractor. Respondent contracted a Plumbing, Class I installation on a Plumbing, Class II license.

Formal hearing held 11/13/07.

Order issued 11/30/07 placing a Letter of Warning on the license record of Respondent and requiring that, within 1 year from the effective date of the Order, attend and pass the Board approved disciplinary contractor business course offered by Umpire Technology. In the event of failure to enroll, attend and pass the course, the license will be suspended for 90 days.

## **JOHNSON, BILLY RAY**

Durham, NC

License #16536 (expired)

Allegations of heating contracting without a license in that Respondent contracted to install a 4 ton split heat pump system and, despite being paid in full in advance, failed to

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obtain a permit and failed to install a system which would function properly.

Formal hearing scheduled 11/13/07 with regard to expired license.

Consent Order issued 11/13/07 suspending license of Respondent until 11/13/09. License will not be activated unless Respondent takes and passes the Board Disciplinary Business Course, presents evidence from the owner that he has resolved all issues and complies with the mandatory examination provisions of G.S. 87-22.

## **JONES, RAYMOND DWIGHT**

### **FTE, CITY PLUMBING**

Asheville, NC

Allegations of plumbing contracting without a license.

Complaint for injunction forwarded to Clerk of Superior Court 7/24/07.

Permanent Injunction Judgment filed 10/26/07 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

## **KEENE, JAMES DARREN**

Weaverville, NC

Request for reinstatement of license.

Hearing held 9/11/07.

Order issued 9/27/07 allowing Respondent to sit for Heating, Group 3, Class I examination. Prior to sitting for the examination, Respondent shall provide the Board evidence from homeowner, Kathy Milligan, confirming successful completion of the installation on her property and reimbursement of out-of-pocket expenses and a final inspection has been carried out and passed. Upon completion and passing of the examination, license to engage in business as a heating, group 3, class I contractor will be issued and placed on probation for two years with provisions that Respondent have written contracts, obtain permits as required for each contract; maintain written record of contracts, maintain a service log of all contracts and service calls, maintain job files or written records of contracts made and commit no violation of Article 2, Chapter 87 or the Rules of the Board.

## **KELLY, TIMOTHY JAMES**

d/b/a **AS GUARD**

Salisbury, NC

Allegations of heating contracting without a license.

Complaint for injunction mailed to Clerk of Rowan County Superior Court 7/13/07.

Service of process obtained 7/26/07.

Moved for Entry of Default 10/4/07.

Default Judgment filed 12/18/07 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

## **KHARBAT, ABDALLAH**

Wilmington, NC

Heating contracting without a license.

Complaint filed April 2007.

Permanent Injunction filed on 7/23/07 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

## **KLEIN, RALPH JOSEPH**

Bryson City, NC

License #22995 H-3-II

A Consent Order was issued on April 10, 2002, suspending the license of Respondent for a 2 months from January 1, 2002 to March 1, 2002. Upon completion of the suspension and return of license to the Respondent, the license of Respondent was placed on probation for 1 year to April 10, 2003.

At Mr. Klein's request, the Board staff extended the time for compliance with the terms of the probation order. By the terms of the Order, the six month deadline for completion of coursework ran out October 10, 2002. The staff of the Board agreed to an extension to January 28, 2003, then to June 2003 and eventually to February 2005. The staff modified the course requirements of subsection (e) of the Order so as to accept a consolidated business management course offered by Umpire Technologies. The Respondent failed to enroll in and pass Level 3 Building Code course, even after the staff indicated it would accept a Level 1 Building Code course, within the six month period mandated by the Order nor within the period of additional time provided by Board staff, and failed to take the required fuel piping course mandated by the Order. During the period the probation had been extended by Board staff, Respondent verbally contracted to install and installed a Heating Group 2 system and contracted beyond his license qualification as a Heating, Group No. 3, Class II contractor in that a Heating, Group No. 3, Class II license is limited to single family dwellings and not commercial work; failed to obtain a permit in violation of the North Carolina State Building code; misrepresented the job as being performed by John Bottiger, as licensee; and failed to have a written contract as required by the Board Order.

Respondent also contracted to install and installed a heating group 3 system and discharged the exhaust directly onto the regulator after improper field modifications of the discharge apparatus; failed to correct problems responsible for the odor of gas and fumes both outside and inside the residence; failed to provide adequate control of gas pressures; damaged the internal regulator of the gas valve due to high entering pressure. After inspection by the local Code Enforcement Official and examination by another licensed contractor, the furnace was declared unsafe to use and gas and power to the unit was turned off.

The evidence at the hearing made clear the failure to diagnose and correct the gas pressure problem resulted in the full force of gas pressure from the propane tank being applied to the equipment. This overloaded the system, allowed excess fuel to enter, causing multiple explosions and ruining the components of the system downstream from the fuel tank.

# Attorney's Report

The residents were exposed to severe risk of personal injury or property. Decision from N. C. Court of Appeals filed 3/18/08 upholding the decision of the Board and Superior Court.

## **LAMB, LONNIE**

Elizabeth City, NC

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

Contempt hearing held 1/14/08.

Order of Contempt filed 1/15/08 finding Defendant guilty of Contempt of prior Order of the Court and sentencing him to serve 30 days in the Albemarle District Jail beginning 1/18/08.

## **LOVICK, JOHN CHRISTOPHER**

d/b/a **JOHN CHRISTOPHER'S PLUMBING REPAIR**

Asheville, NC

License #20035 P-II

Review committee accepted surrender of license 6/8/04.

Respondent has requested reinstatement of license.

Formal hearing held 9/11/07.

Order issued 9/25/07 ordering Respondent to arrange for all corrections noted in Exhibit 2 of the Exhibits in this hearing to be carried out and a subsequent final inspection to be made and passed by the Local Code Enforcement Official. After compliance with the foregoing requirements, the foregoing corrections having been made, and not before, Respondent may sit for the Plumbing Class II License Examination. If Respondent passes the examination, License as a P-II contractor shall be reinstated.

## **MANESS, JILES G.**

d/b/a **MANESS HEATING & AIR, INC.**

Greensboro, NC

License #02773 H-1, 2&3-I (expired)

Allegations of violation of probation order entered into on 9/24/03 in that he had 177 open permits establishing significant firm permits arranged by his business at times when supervision by Respondent was lacking.

Implementation of suspension of license effective

12/12/2006. Hearing requested by Respondent.

Hearing held 9/11/07.

Order issued by the Board 9/27/07 directing that the license of Respondent not be renewed or reinstated until such time as Respondent presents evidence to the Board that all permits open as of the date of the Notice of Hearing have passed final inspection. If license remains inactive beyond 12/31/08, re-examination is also required pursuant to statute.

## **MELTON, MICHAEL DAN**

d/b/a **MRM SERVICES**

Sylva, NC

Allegations of heating contracting without a license.

Complaint for injunction mailed to Clerk of Jackson County Superior Court 7/20/07.

Service of process obtained 7/26/07.

Consent Order filed 10/15/07 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

## **MOOSE, PAUL LEVON, JR.**

Gastonia, NC

Allegations of heating contracting without a license.

Complaint for injunction filed 3/15/07.

Service of process obtained 3/16/07.

Default Judgment filed 6/13/07 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

## **MOUNTAIN, BRIAN**

d/b/a **TRIANGLE PLUMBING AND BACKFLOW**

Raleigh, NC

Plumbing contracting without a license.

Complaint for injunction filed in Wake County Superior Court 4/9/07.

Injunction judgment filed 3/27/08 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

## **NEWCOMER, HARRY**

individually and d/b/a **A-1 APPLIANCE**

High Point, NC

Heating contracting without a license.

Complaint for injunction filed 2/7/07.

A&P Summons forwarded to Sheriff on 2/27/07.

Service obtained 9/21/07

Judgment of Permanent Injunction filed 12/10/07 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

## **OWENS, NAAMAN F., Jr.**

d/b/a **OWENS & ASSOCIATES CONSTRUCTION CO.**

Lumberton, NC

Heating contracting without a license.

Complaint for Injunction filed 6/26/07; service of process obtained; Extension of time to answer extended to 8/31/07 by Court.

Judgment filed 12/13/07 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

## **PITT, WILLIAM TRAFTON**

d/b/a **W. T. PITT PLUMBING AND REMODELING CO.**

Greensboro, NC

License #23879 P-II

Allegations of misconduct in the business of plumbing contracting in that Respondent failed to obtain a rough-in or final inspection in violation of the North Carolina State Building Code; replaced main vent with an Air Admittance Valve; installed Air Admittance Valve inside the wall covered and restricted from air flow because of the wall

# Attorney's Report

insulation; failed to secure shower stem; failed to properly secure and caulk toilet; installed PEX water line which does not exit perpendicular to the wall; relocated a floor supply register without disconnecting the duct from the boot leaving it in a position where grill cannot be removed because of quarter round molding; installed a quarter bend at the base of a stack where direction of the flow is from the vertical to the horizontal; failed to glue the closet flange to the PVC closet riser, with the result that each time the toilet is flushed water leaks into the crawlspace; installed tub drain arm backgraded; failed to draft stop the 2" stack which penetrates the floor from crawlspace; failed to provide proper supervision; used non-employees to perform the work; demanded payment in full before the installation was completed or inspected; and failed to complete installation, forcing homeowner to hire another contractor to make corrections and complete installation. Respondent represented that he had surgery followed by pneumonia at the time of this job, that the two persons who performed the work described above appeared reliable at the time of employment and have now been discharged. Respondent further represents that this job is not typical of his work. Respondent acknowledged the job demonstrates the results of poor supervision. A Judgment of Permanent Injunction was filed May 5, 2000, enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board. Subsequently, Respondent obtained a license. Formal hearing held 10/9 /07.

Order issued by the Board on 10/9/07 placing the license of Respondent on probation for 12 months with provisions that Respondent enroll in Special Plumbing Code and Design Course and obtain a passing grade by the end of the probation period; personally and thoroughly review all phases of work to assure installations meet or exceed minimum standard of the NC State Building Code, assure all employees who perform work under Respondent's license are bona fide employees issued W-2 forms and that payroll taxes are withheld, assure all advertisements, letterheads, invoices, proposal and contract forms list the name in which the contractor is operating business and commit no violation of Article 2, Chapter 87 or the Rules of the Board.

## **PHILIP, MAURICE**

individually and d/b/a **PHILIP'S HEATING**

Fayetteville, NC

Allegations of heating contracting without a license, in contempt of order of Court.

Show cause hearing held 8/13/07 and Defendant found in contempt. Sentencing held open pending Defendant appearing in Court.

Order filed and forwarded for service on 9/3/07.

Second Contempt proceeding in progress and scheduled for hearing in Cumberland County Superior Court on 2/11/08.

Hearing on contempt held on 1/24/08 in Cumberland County Superior Court.

Order of Contempt filed 1/25/08 finding the Defendant in contempt of prior Order of the Court, fining him in the amount of \$500.00 and sentencing him to serve 30 days in custody of the Sheriff of Cumberland County.

## **QUINN, KEVIN JOSEPH, (\*)**

d/b/a **DELTA MECHANICAL INC. (formerly)**

Columbia, SC

License #25543 P-I

Allegations of misconduct in the business of heating contracting in that Respondent failed to comply with provisions in previous Order issued by the Board on 10/11/2005.

Formal hearing held 11/13/2007.

Order issued 11/30/07 revoking the Plumbing, Class I license of Respondent.

## **RAYMES, JEFFERY**

d/b/a **RAYMES PLUMBING**

Raeford, NC

Plumbing contracting without a license.

Complaint for injunction filed 3/22/07.

Injunction Judgment entered 6/28/07 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

## **RAYMES, ROLLIN O.,**

d/b/a **ROLLIN RAYMES PLUMBING**

Fayetteville, NC

License #04901 P-I

Allegations of peddling license in that Respondent's son contracted to install plumbing systems at five locations and Respondent permitted use of his license in connection with acquisition of permits for performance of said contracts even though Respondent was not a party to the contracts.

Order issued 10/19/07 revoking the license of Respondent.

## **RITCHIE, JAMES**

d/b/a **FIRE STAR HEATING & COOLING**

Charlotte, NC

Heating contracting without a license.

Complaint filed 7/26/06 with Mecklenburg County Clerk of Superior Court.

Injunction Judgment filed 7/25/07 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

## **ROMAN, DAVID**

d/b/a **RITE AWAY MAINTENANCE, INC.**

Charlotte, NC

Heating contracting without a license.

Complaint for injunction filed and Service obtained on 7/30/07.

Entry of Default filed 9/13/07.

Motion for Default Judgment filed 9/19/07.

Response by Defendant received 10/12/07.

Motion for Summary Judgment filed with the Court.

Order of Summary Judgment filed 2/13/08 enjoining



# Attorney's Report

defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed to do so.

Any future violation of the order shall be punished pursuant to the provisions of law for civil or criminal contempt of court.

## **SCHARDIEN, JOHN PETER**

d/b/a **ALL COUNTY SERVICE CO.**

Leland, NC

License #14232 H-2&3-I

Allegations of misconduct in the business of heating contracting in that Respondent permitted his license to be used in connection with acquisition of the permit despite the fact he was not a party to contract with Heat Wave Heating & Cooling.

Consent Order issued 1/8/08 in which Respondent agreed to a 3 year probation and to comply with provisions that he have written contracts for each installation for which licensee is responsible; obtain permits as required for each contract prior to commencement of work; maintain job files or other written records of contracts made and installations performed; maintain a service log of all contracts and service calls and commit no violation of Article 2, Chapter 87.

## **SHARPE, JERRY R.**

d/b/a **TARHEEL SERVICE, INC. HEATING & AIR CONDITIONING** Burlington, NC

License 3825 H-3-I

Incompetence in the business of heating contracting in that Respondent installed a 2.5 ton gas pack unit at a property where a fire occurred in December 2005, thereafter he installed ductwork and requested the supply of gas be reconnected. A subsequent inspection revealed Respondent failed to obtain a permit prior to beginning installation, failed to properly support flex duct, failed to insulate metal supply boots, failed to adequately wrap duct connection with tape; failed to use panduit strap on duct, failed to install a drip leg or sediment trap, used improper materials for gas line, failed to paint gas line, failed to properly sleeve the gas line at the foundation penetration and failed to properly support the gas line at the unit.

Formal hearing held 1/8/08.

Order issued 1/14/08 revoking the license of Respondent.

## **SKIDMORE, DWIGHT EDWARD**

President, **ANDY LEWIS HEATING & AIR CONDITIONING, LLC** Charlotte, NC

License #18449 H-2 & 3-I

Allegations of incompetence in the business of heating contracting in that Respondent failed to correctly install and support flue pipe; failed to adequately protect flex gas line entering furnace; installed thermostat wires in passageway to furnace; failed to correctly support flex duct; failed to properly seal return air panning; failed to leave adequate ground clearance under furnace; used improper supports of dry stacked brick under furnace; used duct tape as duct in place

of approved duct material causing duct leaks; installed an oversized return air plenum and used duct tape and mastic to patch the opening; used ductboard collars to connect metal air ducts; used three different brands of flue pipe without proper connectors; failed to install horizontal flue pipe with appropriate rise; failed to tape inner liner of all new flex duct connections in accordance with manufacturer's instructions; altered b-vent flue pipe by cutting it in violation of manufacturer's instructions and listing; routed the flexible gas connector inside the unit cabinet; failed to install a sediment trap on the gas piping; failed to provide adequate supervision; failed inspection on multiple occasions; demonstrated a lack of competence sufficient to complete the installation correctly from December 2005 to March 2006; and misrepresented that inspection had been requested and corrections made.

Respondent disputes some of the matters set forth above and represents to the Board that all matters have now been corrected and inspection passed, but concurs in the result of the Order.

Consent Order executed and issued 6/12/07 placing the license of Respondent Dwight Edward Skidmore and Andy Lewis Heating & Air Conditioning, LLC, on supervised probation for 6 months with provisions that Respondent have written contracts signed by the licensee and customer for each installation for which license is required by Board; obtain permits as required for each contract prior to commencement of work and retain the permit number in the job file for each particular installation; maintain job files or other written records of contracts made and installations performed including a printout of a heat loss/heat gain calculation for each installation which involves installation or replacement of a condenser; install no system using different brand components without verification from the supplier or factory that this complies with manufacturer's specifications and does not impair the equipment warranty; implement procedures within his firm adequate to assure that final inspection is requested within 5 days of substantial completion of each installation, and reinspection, if necessary, within ten (10) days after the request for final inspection, and assure that systems pass both rough-in and final inspection without reinspection on 80% of the permits; take steps to assure that each system installed through the use of pre-existing ductwork complies with manufacturer's installation instructions, accepted design standards and the North Carolina State Building Code; and take steps necessary to assure that a licensee in the firm personally examines each installation prior to each call for final inspection.

## **SPIVEY, CARNELL**

d/b/a **SPIVEY'S PLUMBING AND RESIDENTIAL SERVICES, INC.** Windsor, NC

License #12757 P-I

Allegations of misconduct in the business of plumbing contracting in that Respondent failed to obtain a permit prior to beginning installation, failed to obtain final inspection, failed to correct improper electrical connection, failed to

# Attorney's Report

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install a pressure tank, failed to install dielectric unions, failed to pipe pressure/temperature relief valve within 6 inches of the floor, and left installation with the thermostat setting at the highest temperature.

Consent Order issued 10/9/07 placing license of Respondent on probation until 7/31/2008 with provisions that Respondent shall personally and thoroughly review all phases of work to assure all installations meet or exceed the minimum standard of the North Carolina State Building Code prior to all inspection requests, commit no violation of Article 2, Chapter 87 or the Rules of the Board, and during the period of probation submit quarterly reports to the office of the Board, documenting compliance with the provisions of this Order.

**TEW, JAMES CORBETT**  
d/b/a **PLUMB RITE PLUMBING**

Ocean Isle Beach, NC  
License 02100 P-I

Allegations of incompetence in the business of plumbing contracting in that Respondent failed to install below grade the building drain which penetrated through the foundation wall, failed to secure the exterior wall hydrant to the foundation wall, failed to install a long sweep quarter bend directly under the water closet, failed to install a cleanout at the junction of the building drain and building sewer, failed to install a cleanout at the end of the building drain line, failed to secure in place the sheer nut on the vacuum breakers, installed 5 quarter bends where the direction of the flow is from the vertical to horizontal, failed to reinstall a sleeve after the building drain was repiped through the foundation, failed to provide proper hanger spacing on several of the horizontal PVC drain line leaving some in excess of the 4" maximum allowed by code; failed to install a section of 2" drain pipe with adequate grade, failed to install one of the hangers on a horizontal section of the building drain to provide support and was unable, due to health reasons, to provide adequate supervision..

Formal hearing held 1/8/2008.

A Consent Order was issued on 1/8/08 in which Respondent agreed to a 12 month probation during which time he will comply with provisions that he implement procedures within his firm adequate to assure that a 30 minute employee training meeting be held on a monthly basis covering code violations found by the local inspectors and/or recent changes in the code; implement procedures within his firm adequate to assure that a licensee of the firm to personally and thoroughly review all phases of work to assure all installations meet or exceed the minimum standard of the North Carolina State Building Code prior to all inspections requests; present evidence to the Board that he has purchased Title 21, Chapter 50 of the North Carolina Administrative Code, North Carolina Plumbing Code, North Carolina Administrative and Enforcement Code, North Carolina Energy Code and North Carolina Fuel Gas Code; enroll in the Special Plumbing Code and Design course approved by the

Board's Executive Director and present evidence to the Board of a passing grade in such course by the end of probation. The Board's staff will notify the licensee of the date and location of the approved course. In the alternative, Respondent shall obtain a minimum of 12 continuing education hours annually for the next three licensing renewals, with the requirement that 50% of the required annual hours be on the codes applicable to the license held; arrange for the foregoing records to be available for review by the staff of the Board anytime during normal working hours; commit no violation of Article 2, Chapter 87 or the Rules of the Board with regard to any qualification administered by the Board.

**THIGPEN, ROBERT CLAYTON**  
**R. C. THIGPEN, INC.**

Clinton, NC

License #8318 H-3-I

Allegations of failure to comply with provisions of Board's Order in that he did not complete the installation corrections in 30 days as directed.

Formal hearing held 9/11/07.

Order issued by the Board on 9/27/07 ordering that the Probation Order previously imposed will remain in effect until 12/18/07, that in the absence of evidence of violations of the Probation Order, license of Respondent will be returned to Respondent in good standing.

**TRUELOVE, ROBERT LEE**  
d/b/a **PIEDMONT METRO AIR-SERV OF THE TRIANGLE, INC.**

RTP, NC

License #10166 H-3-I

Allegations of failure to comply with provisions of Board's Order entered 3/22/2005.

Request by counsel for Respondent for hearing before the Board.

Order entered 10/11/07 allowing Respondent to renew the Plumbing, Class I license subject to a 2 year probation and allowing Respondent to hire a Heating, Group 3 licensee provided the firm in which license is listed shall be subject to a 2 year probation with provisions that Respondent furnish the Board evidence that all future permits are completed and pass final inspection for 2 year probationary period. Respondent shall be allowed to sit for the Heating, Group 3 examination and, within 180 days before sitting for any examination conducted by the Board, Respondent shall take and provide evidence to the Board of a passing grade in the Board Disciplinary Business Course.

**TYSON, KENNETH**

Monroe, NC

Heating contracting without a license.

Permanent Injunction Judgment filed 12/19/07 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed by the Board.

# Attorney's Report

## **WATLINGTON, WILLIE**

### **d/b/a WATLINGTON REPAIR SERVICE**

Burlington, NC

Heating contracting without a license.

Complaint filed in Alamance County Superior Court.

Service obtained 1/4/08.

Permanent Injunction Judgment filed 3/3/08 enjoining defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed to do so.

## **WHITLEY, RONALD G.**

### **d/b/a ALL SEASONS COOLING, HEATING, PLUMBING & ELECTRICAL**

Pine Level, NC

License #13298 H-3-II

Allegations of violation of a prior order of the Board issued on April 11, 2006, in that Respondent failed to pass a designated Mechanical Disciplinary class by the end of the probationary period. Respondent appeared and presented evidence that the course was not available at an earlier date, that he had suffered a heart condition and was seriously affected by medication at the time of the classes, and that he had complied with the other requirements of the prior Order.

Formal hearing held 11/13/07.

Order issued 11/30/07 extending the probation Order until June 30, 2008, deleting the course requirement set out in Paragraph 6(h) of the Findings of Fact, ordering the Respondent to take Course Number AHR-180-01(007482) HVACR Customer Relations and Course Number AHR-211-01(007484) Residential Systems Design at Johnston County Community College on or before June 30, 2008 and present evidence to the Board of a passing grade. In the event Respondent fails to take or pass the course or fails to comply with other conditions of probation, the license of Respondent and the firm shall be suspended for a period of 6 months.

## **WILLIAMS, WILLIS RAY**

### **d/b/a Will's HVAC Service, Inc.**

Elizabeth City, NC

License #19376 H-3-I

Allegations of incompetence in the business of heating contracting in that Respondent attempted to install a water-to-air heat pump and failed to obtain a permit prior to beginning installation attempted to install an attic system and serve both first floor and second floor with ductwork from attic, used multiple and unnecessary chases through second floor rooms to do so; failed to assure that wells for water supply could in fact be installed and failed to provide

any means for discharge of wastewater; placed an air handler in attic but connected it to nothing; failed to hook supply ducts to supply side of air handler in second floor attic; enclosed ductwork in sheetrock prior to inspection; failed to complete chase around ductwork in second floor room; failed to leave allowance for electrical outlet at sheetrock chase around ductwork running through a second floor bedroom; failed to design and install a system that would adequately heat or cool residence and failed to meet industry standards

Formal hearing held 5/7/07.

Order issued 5/23/07 placing license of Respondent as a heating contractor on probation for one year with provisions that Respondent shall maintain a written record of contracts made and installations performed, obtain permits as required for each contract prior to commencement of work; enroll in and pass both the Contractor Business Disciplinary Course and the Contractor HVAC Disciplinary Course and present evidence of passage within 12 months after effective date of the Order; refund \$7,000 of the payment collected in advance from homeowner.

In the event of violation of the probation, license will be suspended until compliance with probation order. In the event Respondent chooses not to accept the terms of the probation order, Respondent may elect to accept an active suspension of license for a period of 18 months.

## **YATES, GARY D.**

### **d/b/a COLLEGE LAKES SERVICE COMPANY, INC**

Fayetteville, NC

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

Allegations of incompetence in that Respondent failed to obtain final inspections on numerous installations, failed to provide adequate support for condensate drain line, failed to provide itemized invoice, made numerous appointments for service and inspection but failed to appear, installed a system with drain below outside grade, failed to install a system that would adequately heat and cool the residence, installed flex duct with improper connection on supply side of air handler located in crawl space, and failed to install condensation pump correctly. Formal hearing held 3/11/08. Consent Order issued 3/11/08 placing the license of Respondent on probation for two years with provisions that Respondent have written contracts permits job files and service log, enroll in and pass the Board Contractor Disciplinary Business Class offered by Umpire Technologies, personally review each job site before each request for a rough-in or final inspection, and commit no violation of Article 2, Chapter 87 or the Rules of the Board with regard to any qualification administered by the Board.

## **THE END IS COMING! The End of HCFC-22, That Is...**

*Submitted by former Board Member Herb Stanford*

The next major milestone in HCFC phase-out will occur in 18 short months:

- After December 31, 2009, it will no longer be permissible to manufacture new equipment charged with HCFC-22.
- And, as of January 1, 2010, HCFC-22 will only be available – in limited quantities – for servicing existing equipment.

Then, in 2020, the production and importation of HCFC-22 will stop completely.

Thus, for HCFC-22 equipment that is in place after 2010, only recycled and reclaimed HCFC-22 will be available. Then, in 2020, there will be no more HCFC-22 at all.

In the ten years between 2010 and 2020, will there be enough stockpiled virgin and recovered, recycled/reclaimed HCFC-22 to service and maintain all the equipment that is already in place until it is time to retire it? The short answer is "probably not"...it all depends on you, the contractor, doing the right thing...beginning right now...by recovering HCFC-22 for recycling.

According to the EPA, by 2015 we could go through a period when there will not be enough HCFC-22 to service equipment that remains in use. Thus, as HCFC-22 becomes less available and more expensive, the competition for dwindling supplies may put you in the position not being able to support your customers' needs.

What can you do?

First, recover all HCFC-22 from service calls and equipment replacements that you possibly can. Unless you can reuse that refrigerant in equipment owned by the same customer, then you must send it to a recycler. Recycled HCFC-22 will then be available for sale to you and other contractors as needed to support your customers needs until 2020.

Second, begin an educational program with your customers to explain what is happening and eliminate the sale of new HCFC-22 equipment *immediately*. Equipment installed today, obviously, will be in use well past 2010 (and maybe past 2020). *Any HCFC-22 equipment you sell between today and 2010 will impose an unnecessary burden on your customers!*

This educational program should focus on two factors:

1. New HFC-410A equipment is far more efficient (call it "green") than HCFC-22 equipment and higher first costs will be recovered well within the service life of the equipment.
2. After 2015, HCFC-22 will become more difficult to find and its costs will increase dramatically. Then, after 2020, it won't be available at all.

Selling only new HFC-410A equipment today is the right thing to do and many contractors are already following this guideline.

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

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*Last Name First Middle*

License Number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

Physical Home Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Physical Business Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: Bus. (    ) \_\_\_\_\_ Home (    ) \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*(Must be signed by licensee in order to be processed)*

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

**Fax to: 919-875-3612**