



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

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

November 2008

BOARD MEMBERS

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Plumbing Contractor
Hendersonville, NC

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2009 License Renewal Forms

All licensees who were active in 2008 should have now received their 2009 license renewal form. This renewal form will look very different from past years as it has been redesigned to make the process of renewing licenses easier for the licensees and easier for internal processing. The forms require only the minimum information, but must include the signature of all licensees listed under each license and must contain the last four digits of each licensee's social security number for identity verification purposes. This redesigned form is only one page (one side) for all licensees with no sublicenses and one page (front and back) for all licenses that have sublicenses. We hope by simplifying this form that it will be easier for all parties involved and speed up the processing of the renewals. Should you have any questions, please feel free to contact any staff member in our office for assistance.



PLEASE DO NOT CALL THE BOARD'S OFFICE TO SEE IF YOUR RENEWAL HAS BEEN PROCESSED, AS THIS CAUSES A SLOWDOWN IN PROCESSING

Special Thanks To James Peace and Ronnie Hahn

The Board Members and Staff would like to extend their gratitude to James G. Peace and Ronnie J. Hahn for their years of service and dedication to the Board's Resolution Review Committee. In April 2002, the Board created the Resolution Review Committee in an effort to better handle consumer and field complaints and as a means of reducing and controlling legal expenses. After its inception, James Peace was appointed to the Resolution Review Committee as one of the original panel members. Mr. Peace is a retired Plumbing Inspector from the City of High Point, holds a Plumbing Class I license (# 03990) and served a seven year term with the Board (April 1994 – April 2001). Mr. Peace's background as a licensee of the Board and a former inspector made him a valuable member of the committee.

Ronnie Hahn was added to the Review Committee after one of the original members left the Board's employment. Mr. Hahn was the former owner of Associated Fire Protection, Inc. and holds a Fire Sprinkler Contractor license (# 16333). Mr. Hahn served an eight year term as a Board Member and was the original Fire Sprinkler Member appointed to the Board by the Governor (April 1990-April 1998). Mr. Hahn's experience as a successful businessman also proved valuable to the Resolution Review Committee.

We sincerely appreciate Mr. Peace and Mr. Hahn's time, efforts, knowledge and experience while serving on the Resolution Review Committee, and wish them the best in the future.

Website Information

After much work the Board's staff is proud to announce that we have recently added many of the most used forms to our website for easy access by our licensees. To access the forms that have been placed on our website you can go to www.nclicensing.org and click on the "Download Forms" button. Below is a list of available forms that can be downloaded from the website:

Examination Applications & Application

- Plumbing, Heating, & Fuel Piping Examination
- Fire Sprinkler Installation Contractor
- Fire Sprinkler Inspection Contractor
- Fire Sprinkler Inspection Technician
- Fire Sprinkler Maintenance Technician

Licensee Forms

- Trade Name Change
- Licensee Address Change

Sub licensee Forms

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

Consumer Forms

- Consumer Complaint Forms

Order Forms

- Reference Books

License Renewal Forms

Licensees with No Sub licensees

- Licensee with No Sub Licensee – 2009 renewal
- Licensee with No Sub licensee – Multi-year renewal

Licensee with Sublicenses

- Licensee with Sub licensee – 2009 renewal
- Licensee with Sub licensee – Multi-year renewal



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

www.nclicensing.org

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 imposed by GS 87-22.

Continuing Education Corner

By Erik Rogers, Continuing Education Coordinator

We are in the midst of the 2009 license renewal season and there are several issues that I would like to discuss. The Board has approved the C.E. schedule for January through June 2009; the schedule is available at the back of this newsletter and can be viewed at our website: www.nclicensing.org.

We have received a number of 2009 license renewal applications with no continuing education. Please remember that all licensees must attend 6 hours of continuing education annually as a condition of license renewal. When viewing classes, you must be aware of several things prior to selecting the class you wish to attend. We cannot provide education credit if you do not meet the following requirements:

- You must select classes that are eligible for your license type. You can not receive credit, for example, if you hold a plumbing license and take a course for HVAC.
- If you select a class that is duplicate of a class that you have taken in the last 2 years you cannot receive credit for the duplicate class (21 NCAC 50.1403a). We track duplicate courses by course number. You may find a list of all courses you have taken at our website, click on the C.E. credit hours button. Once at that page, enter your license number and you can view all classes that you have taken since the beginning of the C.E. program. This includes the course number of the classes that you have taken.

During 2009 licensees must take 6 hours of C.E. classes in order to renew license for 2010, of this 6 hours all licensees must take 4 hours of North Carolina Code changes and amendments applicable to the license types they hold.

No continuing education hours may be carried forward; licensees must attend 6 hours during every calendar year. (21 NCAC 50.1401a) (21 NCAC 50.1402a)



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 or fire sprinkler work without a license. These individuals sign a Consent Agreement stating that they will not perform any work requiring a license until they are properly licensed to do so. If you see these individuals in the field contracting or installing work that requires a license, please report them to this office.

<u>Name</u>	<u>City/Town</u>	<u>Date</u>	<u>Name</u>	<u>City/Town</u>	<u>Date</u>
Maung K. Myint	Myrtle Beach, SC	03/26/2008	Gary James Kratz	Pembroke, NC	06/16/2008
Aaron Etheredg	Wilmington, NC	01/25/2008	Christopher Robinson	Hickory, NC	08/12/2008
Keither M. Gooding	New Bern, NC	02/06/2008	Timothy Locklear	Lumberton, NC	06/16/2008
Kenneth W. Hart	Grover, NC	02/25/2008	Tom Letulle	Tarboro, NC	07/14/2008
Anthony S. Crawford	Yadkinville, NC	02/20/2008	Harold Mills	Hayesville, NC	06/24/2008
Kevin J. Mitchell	Elizabeth City, NC	03/03/2008	Nocario Reyes	Raleigh, NC	07/11/2008
Timothy L. Stewart	Nashville, NC	03/07/2008	Glen Elwood Kirkman	Greensboro, NC	07/11/2008
Anthony G. West	Charlotte, NC	12/18/2007	Norm Schaaf	Asheville, NC	04/30/2008
Lee Quick	Knightsdale, NC	04/02/2008	William Scott Dunning	Wilmington, NC	06/05/2008
Westley D. Kirkland	Randleman, NC	10/29/2007	Daniel Allen Wolfe	Wilmington, NC	06/05/2008
Jeffrey B. Earney	Matthews, NC	12/18/2007	Richard Whitener	Hickory, NC	07/25/2008
Daniel A. Coble	Rockingham, NC	12/12/2007	Christopher Howard	Leicester, NC	04/23/2008
Danny L. Stout	Asheboro, NC	09/20/2007	Matthew Bond	Windsor, NC	07/17/2008
Gregg A. Albert	Greensboro, NC	10/29/2007	Benjamin Shefton, Jr.	Fayetteville, NC	07/14/2008
Alton M. Alderman	King, NC	01/16/2008	Charles Faint	Reidsville, NC	06/16/2008
Scott Rodgers	Fuquay Varina, NC	02/04/2008	Christopher M. Groves	Eure, NC	04/23/2008
Richard Hurst	Kittrell, NC	01/25/2008	James Untz	Kernersville, NC	05/28/2008
Wayne Nicholson	Reidsville, NC	03/10/2008	Dillard Alex Brown, Jr.	Lenoir, NC	06/16/2008
Shane Broadhurst	Hillsborough, NC	03/19/2008	Kam Delano Knight	Clayton, NC	05/27/2008
John L. Schmidt	Henrico, NC	04/21/2008	Carmen Massey	Cary, NC	05/16/2008
Robert A. Hatchel	Burlington, NC	05/01/2008	Michael A. Ray	Glade Valley, NC	05/13/2008
Floyd Eric Hobart	Stella, NC	05/02/2008	Ahmed Adel Ramadan	Raleigh, NC	05/22/2008
Bradley Wayne Byers	Clinton, NC	04/10/2008	William Basen	Durham, NC	06/13/2008
Daniel W. Wright	Charlotte, NC	02/26/2008	Antoine George	Charlotte, NC	04/09/2008
John Woodruff	Battleboro, NC	05/09/2008	Brandon D. McKenzie	Charlotte, NC	04/09/2008
Kenneth Eaton	State Road, NC	05/28/2008	Robin Lawing	Flat Rock, NC	07/23/2008
Jerry Driver	Battleboro, NC	05/07/2008	Howard Eldreth	Bristol, TN	07/01/2008
Dannie Hugh Robinson	Dunn, NC	05/06/2008	David Igo	Richfield, NC	04/09/2008
James M. Stallings, III	Hubert, NC	05/05/2008	Craig Armstrong	Conover, NC	07/24/2008
Joe Winters	Millers Creek, NC	04/22/2008	Wilbur Latham Smith	Wilmington, NC	07/25/2008
Daniel Richmond	Raleigh, NC	07/28/2008	John Dean White	Durham, NC	06/27/2008
John Alan Mull	Clyde, NC	05/28/2008	Fred Leach	Rowland, NC	07/28/2008
William Scott Ham	York, SC	06/28/2008	James Williams Stephens	Burlington, NC	07/28/2008
Bennett Hampton	Greensboro, NC	07/01/2008	Vernon Randall Rhodes	Kernersville, NC	07/31/2008
Michael R. Gans	Wilmington, NC	07/10/2008			

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.

Permit Warning Letters

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

<u>Name</u>	<u>City/Town</u>	<u>Date</u>	<u>Name</u>	<u>City/Town</u>	<u>Date</u>
Curtis Hart	Vass, NC	04/07/2008	Raymond R. Moore, Jr.	Salisbury, NC	06/26/2008
James C. Rogers	Wake Forest, NC	04/01/2008	Shaun Michael Leary	Myrtle Beach, SC	06/19/2008
William C. Caulder	Raeford, NC	04/07/2008	John Wesley Williams	Ocean Isle Beach, NC	06/19/2008
Joseph J. Gennari	Ft. Lauderdale, FL	05/12/2008	Dennis Chandley	Asheville, NC	04/28/2008
Darold T. Baity	Winston Salem, NC	04/23/2008	Bryan Keith Huneycutt	Harrisburg, NC	07/29/2008
Danny Edward Eaton	Trinity, NC	07/20/2007	Paul C. Houghton, Jr.	Clayton, NC	05/08/2008
James Meyers	Concord, NC	08/09/2007	William Bernicki	Lumberton, NC	08/13/2008
Arnold W. Vowell	Roanoke Rapids, NC	04/10/2008	Stanley Holland	Princeton, NC	05/08/2008
Johnny Lee Faison	Raleigh, NC	04/25/2008	William Bonner Hall III	Greensboro, NC	06/30/2008
Anthony Ray Joyner	Stokesdale, NC	05/27/2008	Harold Nystrom Jr.	Suffolk, VA	06/02/2008
Gary Lee Gandy	Sneads Ferry, NC	04/25/2008	James Dean Stewart	Brevard, NC	07/24/2008
Jeffrey Wayne Allen	Jacksonville, NC	04/24/2008			

**During 2009 all Plumbing, Heating, and Fuel Piping
licensees are required to take
4 of the 6 CE hours in North Carolina
Code Changes & Amendments**

Office Staff Directory

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

		Ext.
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
Elizabeth Rose	Office Assistant	229
Hannah Whaley	Receptionist	213
Betty Boucher	Transcriptionist	215

Administrative Officers / Field Staff

Fax: 919-875-3616

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

Resolution Agreements

A Resolution Agreement is a voluntary agreement where licensees entered into some type of licensing sanctions against their license in place of appearing before the Full Board at a formal hearing. All of the Agreements are reviewed by a member of the Resolution Review Committee and then presented to a Board hearing panel for their approval prior to the agreement being adopted as a final agency decision. Listed to the right are the statistics of the agreements that have been entered into by the Board's Administrative Officers and the Resolution Review Committee, and have been approved by the Board.

Discipline from Resolution Agreements:

(June 1, 2008 to November 5, 2008)

Review Conferences Held	55
Field Staff Agreements	32
Letter of Cautions	8
Letter of Warnings	1
Probations	36
Suspensions	13
Revocations	0
Disciplinary Classes	21
Cases to Formal Hearings	2

TO SUB-CONTRACT OR NOT TO SUB-CONTRACT

(Reprinted from a previous newsletter)

Recently we have received a large number of complaints where licensed contractors are sub-contracting work that requires a license to persons who do not hold a license or are not on the licensed contractors payroll, where taxes are being withheld. It appears to be more predominant in tract housing and apartment complex plumbing and heating installations, but does happen in all other areas in our industry. During my 11 plus years with the Board I have investigated many complaints where unlicensed installers are sub-contracting installations and are more concerned with completing the job as soon as possible in order to make more money on the project. This directly leads to sloppy, poorly designed and sub-standard installation. The General Statutes of North Carolina state that the only person exempted from having to hold a license is a "bona-fide employee of a licensee of our Board." (G.S. 87-25, last sentence.) Several years ago the Board issued the following definition of a "bona-fide employee":



.0512 EMPLOYEES AS EXEMPTED FROM LICENSURE

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

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

(b) Persons acting as independent contractors, consultants or subcontractors, or paid as such, are not bona-fide employees.

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

2008 North Carolina Plumber/Pipefitter Apprentice Contest

Article by Hannah Whaley, Pictures by Kim Atkins



On the cool, crisp, Fall morning of October 24th Dale Dawson, Executive Director of the State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors passed out a written exam consisting of 20 multiple choice questions to the seven contestants, eager to prove their skills at the 2008 Plumbing and Pipefitter Apprenticeship Contest at the North Carolina State Fair. The contestants were given a total of thirty minutes to complete this examination, after which they were released to look over plans for the rough installation they would be taking on over the next several hours.

The work required the placement of piping for a lavatory, washing machine, water closet, and shower systems in the allotted workspace. Contestants were judged in areas such as code compliance, safety, neat workmanship, productivity, and accuracy. The work was overseen by various judges, lead by head Judge Danny Teeeters, Chief Plumbing and Mechanical Inspector for Guilford County Inspection Department.

The awards ceremony took place at 2:30pm and was hosted by Commissioner of Labor Cherie Berry. First place was won by Daniel Fallon of C.L. Warters Company. Each contestant was awarded prize money, complimentary tools from companies sponsoring the event, and the immense satisfaction that comes from a full day's work and a job well done.



Attorney's Report

ALLEN, CHARLES DAVID

Hampstead, NC

License #19525 P-I

Allegations of misconduct in the business of plumbing contracting in that Respondent failed to obtain a permit prior to beginning the installation and failed to obtain any inspections. Obtained draws on a contract and never returned to perform the contract, with the result the property owner hired a second contractor to complete the installation. Respondent failed to comply with an agreement to resolve this matter with a permit warning and payment of \$1,000.00 to the property owner. A Consent Order was issued 4/14/08 suspending the license of Respondent for three months and directing restitution of \$940.00 to the homeowner.

BOHANNON, ROBERT TODD

Thomasville, NC

Denial of Application for reexamination due to allegations that Applicant, during examination review in early 2007, wrote down questions from the examination on the back of the Strengths and Weaknesses Report and carried examination questions from the review site. Hearing held 12/11/07.

Order issued 2/1/08 permitting Applicant to retake the business part of the Plumbing, Class I exam within 60 days of the date of Order without retaking the technical part of exam, but requiring a score of 75 and in the event of failure, beginning the examination process anew.

Order issued 2/1/08 permitting Applicant to retake the business part of the Plumbing, Class I exam within 60 days of the date of Order without retaking the technical part of exam, but requiring a score of 75 and in the event of failure, beginning the examination process anew.

CARPENTER, ROBERT D.

d/b/a **HOPE MILLS HEATING & AIR CONDITIONING**

Hope Mills, NC

License #08652 H-2&3-I

Allegations of incompetence in the business of heating contracting in that Respondent failed to design and install a duct system appropriate for the type of unit installed, failed to properly install flashing, complete installation, complete final inspection, failed to carry out corrective action after two final inspections and abandoned the installation. Respondent failed to maintain open lines of communication with the City of Fayetteville Inspection Department and refused to carry-out the corrective action requested by the City. Formal hearing held 3/11/08.

Order issued 4/3/08 suspending Respondent's license for one year and ordering him to enroll in the Contractor Business Disciplinary Course, a Mechanical Code class and a class in Duct Design and Load Calculation and present evidence to the Board of a passing grade in

each such course by the end of the period of suspension. Respondent shall obtain a final inspection and take the necessary steps to obtain a certificate of compliance from the City of Fayetteville Inspection Department for his installation at 455 West Russell St., Fayetteville, N.C., with 30 days of the effective date of the Order. In the event of failure to comply with the conditions of the Order, Respondent's license shall be permanently revoked.

CARTER, JAMIE CRAIG

Gastonia NC

Heating contracting without a license.

Complaint for Injunction filed.

Judgment of Permanent Injunction entered 9/11/08 by the Gaston County Superior Court enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

CONTE, JEFFREY MARK

d/b/a **CLIMATE CONTROL OF SALISBURY**

Salisbury NC

License #22794 FP

Heating contracting without a license.

Judgment of Permanent Injunction filed 6/6/08 in Rowan County Superior Court enjoining defendant from engaging in business as a plumbing or heating contractor until properly licensed to do so.

DANIELS, WILLIAM C.

d/b/a **BLUEWATER PLUMBING OF SOUTHPORT, INC.**

Southport NC

License #14919 P-II

Allegations of misconduct in the business of plumbing contracting in that Respondent failed to properly support PVC and Pex piping; failed to properly support DWV stack bases; used improper number of drainage fixtures on a 2" drain line; installed quarter bends where the direction of the flow is from the vertical to the horizontal; failed to leave minimum of 3" ground cover where the building drain exits the building; failed to install sleeve where building drain exits the building; installed sleeve for water service line which does not penetrate through the foundation wall; failed to seal the annular space; installed a 3" cleanout to service a 4" building drain line; failed to install a cleanout at the base of several stacks; failed to contact local public utilities to report the grinder sump was installed and ready for them to install their pump; left a leak under the

Attorney's Report

sink and shower valve; failed or refused to respond to calls by homeowner to return and make corrections forcing owner to hire another contractor at an additional cost of \$450.00; failed to provide proper supervision; over-bored four studs on left side of the building for a lavatory arm; failed to install nail guards on piping on left front of the building; and after two failed inspections, instructed his employee to falsify the test on the DWV system

Formal hearing held 4/14/08.

Order issued 4/24/08 permanently revoking the license of Respondent.

DAVIS, KEVIN SCOTT

Vice President – **A/C CYCLE HEATING & COOLING, INC.**

Castle Hayne, NC

License # 17421 H-2-I

Allegations of failure of supervision in the business of heating contracting in that Respondent failed to seal metal collar, improperly installed and left excessive flex duct restrictions, failed to insulate register boot, failed to properly support flex duct, installed torn vapor barrier, failed to sleeve condensate line through foundation wall, installed restricted return duct at return air plenum, failed to sleeve or seal refrigerant lines through foundation wall, installed a 20x20 main return air grill which is undersized for a 5 ton unit, installed undersized 3/4" Freon line, installed a 12" undersized bypass, failed to adjust bypass damper, failed to secure Freon line, failed to install a system which would adequately cool the residence and failed or refused to make corrections to the system. Respondent contends that in the event of a hearing the evidence would indicate he was not made aware of the job being carried out by the corporation and was not able to provide appropriate supervision. .

Formal hearing held for 8/11/08.

Consent Order issued 8/11/08 suspending the license of Respondent until August 11, 2010. Prior to reactivation Respondent must take and pass the H-3 Class I examination conducted by the Board and present evidence of compliance with the continuing requirements of the Board during suspension. Upon restoration of license, license is placed on probation for one year subject to the conditions that Respondent have written contracts for each installation, obtain permits as required, personally examine the work at each job-site before request for rough-in or final inspection; maintain service log of all contracts, enroll in the Contractor Disciplinary Business course conducted on be-

half of the Board by Umpire Technology and present evidence of a passing score by the end of the 12 month period, and take and pass a Board conducted course on the Board's laws and Rules.

DUNN, JONATHAN SCOTT

Four Oaks, NC

Allegations of misconduct during 2007 examination in that Applicant attempted to take unauthorized materials into the examination.

Formal hearing held 2/11/08.

Order issued 2/20/08 allowing the Applicant to retake the examination for license on any date after April 1, 2008. Applicant must pass both parts of the examination.

EAGLE, GLENN F.

d/b/a EAGLE PLUMBING & REPAIRS, Inc.

Salisbury, NC 28146

License #06784 P-I

Staff contends allegations of incompetence in the business of plumbing contracting in that Respondent installed undersized 3/4" water service line into the building which was upfitted with several flush valve fixtures requiring a minimum of 1" line and installed a well pressure tank to relieve water pressure problems as a result of the undersized water line; installed PEX water distribution line supported at 49" intervals rather than the required 32"; installed copper water distribution piping in direct contact with block and cement; installed the building drain line with a slight back-grade; installed PVC piping supported at 66" intervals rather than 48" as required by the N. C. Building Code; installed 2 of the 4 water closets in the women's restroom floor-mounted rather than wall-hung as proposed; installed sill cock on hot water side of water distribution piping in restroom; installed an undersized water heater for men's restroom which was unable to provide adequate hot water for lavatories; installed an S-trap on the right lavatory; installed a fixture arm back-graded; failed to install a vent in either lavatory; installed an inline trap on the 3 compartment sink; failed to permanently attach the vacuum breaker to the sill cock; directly connected the beer trough drains to the drain; supported PEX water distribution piping by strapping to an electrical conduit at the rear of the building; failed to install a solid sleeve for the PEX piping going through the block wall which allowed the PEX to be in contact with the block; failed to use materials for which quotes were submitted and approved before work was started; .

Attorney's Report

and submitted invoice after work was completed for additional work with no explanation of extra charge. Respondent denied the allegations and contends the evidence would indicate this work was carried out by his son, that the property owner was on a budget and various changes occurred during the period resulting in a breakdown in communications.

Formal hearing requested by counsel for Respondent

Consent Order issued 6/2/08 placing license of Respondent on probation for one year with provisions that Respondent have written contracts signed by the licensee and customer for each installation for which licensee is responsible; obtain permits as required for each contract prior to commencement of work and retain a copy of the permit in the job file for each particular installation; personally examine the work at each jobsite before each request for rough-in or final inspection; maintain a service log of all contracts and service calls by date of initial call including the date of first response; within six (6) months after this Order becomes effective, the individual Respondent shall enroll in the Board Disciplinary Code Class or equivalent course approved by the staff of the State Board of Plumbing, Heating and Fire Sprinkler Contractors and present evidence to the Board of a passing grade in such course to the Board by the end of the probation; Respondent is admonished that the course is unlikely to be available more than twice in a year; and commit no violation of Article 2, Chapter 87 or the Rules of the Board with regard to any qualification administered by the Board.

FRIZZELL, MILTON
D/B/A FRIZZELL PLUMBING COMPANY

Greenville, NC

License #05118 P-H-1-I

Allegations of misconduct in the business of plumbing contracting in that Respondent failed to provide on-site supervision in violation of the Rules of the Board, failed to install water closet proper distance from wall to centerline in public restrooms, failed to properly install escutcheons to resist rodents and provide professional appearance, and failed to provide backflow prevention for hose bibs.

Formal hearing held 5/13/08.

Order issued by the Board 6/2/08 revoking the license of Respondent.

HANNIBLE, JESSE

Wilmington, NC

Heating contracting without a license.

Suit for injunction filed 3/31/08.

Permanent Injunction Judgment filed 8/8/08 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

HARKER, JAMES A., III

d/b/a **AIRMASTERS HEATING & AIR CONDITIONING**

and **JEFFERY HARKER**

Wilmington, NC

License #9298 H-3-I

Allegations of inadequate supervision in the business of heating contracting in that Respondent failed to properly wire the air handler causing a fire at a residence on or about November 17, 2007, placing the lives of the residents of the home in jeopardy; failed to install a junction box at the disconnect; performed work beyond their license qualifications; failed to obtain a permit prior to beginning installation in violation of the North Carolina State Building Code; failed to obtain a final inspection in violation of the North Carolina State Building Code; installed condenser unit with improperly sized 40 amp breaker rather than a 25 amp; mounted disconnect to air handler on top of air handler; installed disconnect fed straight into the air handler on a 90 amp breaker; installed air handler too close to structural support preventing service to unit; panned off the return side of unit minimizing efficiency; and terminated condensate line underneath the house directly off air handler. Respondent has been warned previously about the responsibility and risk of failing to obtain permits and inspections. Substantial question has been raised as to whether the health of Mr. Harker III allows him to effectively supervise of the work of the firm in compliance with the rules of the Board. The Respondent's firm is being operated by Jeff Harker without adequate supervision by Respondent James A. Harker, III. Subsequent to the fire described above, Respondent, James A. Harker III, allowed his license to expire on December 31, 2007. Applicant, Jeffrey Harker, has taken but failed the license examination. The actions of Applicant, Jeffrey Harker, present the issue whether he possesses good character such that he should be permitted to obtain license. The actions of Respondent, James A. Harker III, constitute a violation of G.S. 87-23 and the rules of the Board.

Formal hearing held 4/14/08.

Consent Order issued 4/14/08 directing that the license of Respondent, James H. Harker

Attorney's Report

Ill and firm will not be renewed until Jeffrey Harker takes and passes a Heating, Group 3, Class I examination or until three years from the date of the Order, whichever is sooner. Applicant, Jeffrey Harker, is permitted to sit for the Heating, Group 3 Examination and shall take the examination at least twice during the next 12 months, unless he passes on the next attempt. Applicant, Jeffrey harker, shall take and pass the Board Disciplinary Code Class and present satisfactory proof to the Board that he has passed the course within the next 12 months. Firm shall undertake no work for which license is required until there is an active license listed in the name of the firm and proper supervision. In the event of violation of the Order, license may be revoked or further application for examination disallowed.

HAYNIE, JERRY MILTON

Owner, **RELIABLE SERVICE PLUS HEATING & COOLING**

Winston-Salem, NC

License #20050 H-3-I

Petition by Respondent for Modification or Reconsideration of prior Order of Board.

Hearing held 1/9/08.

Order issued 2/11/08 allowing Respondent's request for reconsideration with modifications that within 30 days 3/11/08 Respondent shall obtain all required continuing education hours and pay all fees connected with renewal and reactivation of license.

Upon activation of license, license is suspended until April 2, 2009.

Appeal filed Wake County Superior Court 3/12/08.

Respondent notified by Board staff that Respondent failed to comply with Order and revocation put into effect.

License currently in state of revocation.

Notice of Voluntary Dismissal filed 6/9/08 dismissing the appeal by the Petitioner Haynie with prejudice.

JACKSON, CHARLES

JACKSON'S REFRIGERATION & AC CO., INC.

Saint Pauls, NC

License #22437 H-3-I

Allegations of misconduct in the business of heating contracting in that Respondent failed to complete the installation in a timely manner; contracted beyond the scope of his license in that the installation required a Heating Group 2 license and Respondent holds only a Heating Group 3 license; installed thermostats 75 inches from the floor level; failed to properly install the split systems leaving one leaking and one which

would not operate; failed to properly connect, prime and grade condensate drain line; failed to properly secure wiring for air handlers installed in ceiling space; failed to properly support ductwork; failed to properly attach supply duct to register boot; failed to conduct business in the name in which license is listed; attempted to collect an additional \$44,030.51 in order to complete the installation despite prior receipt of \$38,200.00 on a \$40,000.00 contract.; failed to obtain a permit prior to beginning installation in violation of the North Carolina State Building Code; abandoned the job despite payment of \$2,060.00 and \$1,330.00, and failed to return and complete the installation; failed to maintain adequate supervision of the installation; and forced the homeowner to hire another contractor to complete the installation at substantial additional cost.

Formal hearing held 5/13/08.

Order issued 6/2/08 revoking the license of Respondent.

JAMES, LAVELLE d/b/a LE MAINTENANCE

Hope Mills, NC

Heating contracting without a license

Injunction proceedings filed on 3/27/08.

Injunction Judgment filed 9/30/08 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

KELLY, BRIAN KEITH

Belmont, NC

Heating contracting in violation of prior Order of Contempt.

Contempt hearing held 9/8/08, Gaston County Superior Court.

Order of Contempt filed 9/8/08 in Gaston County Superior Court finding defendant guilty of 22 counts of criminal contempt, sentencing him to a total of 830 days incarceration which sentence is reduced to 460 days to begin on September 23, 2008.

KHARBAT, RAMZI MOHAMMED

d/b/a Heat Wave HVAC

Wilmington, NC 28403

Heating contracting without a license in violation of Court Order.

Show Cause hearing scheduled for 5/5/08, New of the Order on the Defendant, and sentencing him to 30 days in the New Hanover County Jail to begin upon service of the Order on Defendant.

Attorney's Report

Hanover County Superior Court.
Order filed 8/21/08 in the New Hanover County Superior Court finding the Defendant guilty of criminal contempt of prior Orders of the Court, ordering him to pay a fine of \$500.00 to the Clerk of the New Hanover County Superior Court within 30 days of service

LYONS, KENNETH JAMES

d/b/a **LYONS PLUMBING REPAIR**

Rocky Mount, NC

Allegations of plumbing contracting without a license.

Complaint for injunction filed 9/5/07.

Summons returned 10/28/07 unserved by Nash County – submitted to Sheriff of Edgecombe County on 11/28/07 for Service.

Alias and Pluries Summons forwarded to Clerk on 11/28/07 for filing.

Defendant filed Answer.

Consent negotiations in progress.

Motion for Hearing on Judgment requested by Reed Fountain for 6/2/08.

Response to proposed Consent Order due 5/15/08 from Defendant.

Respondent returned unsigned Consent Order with check for Court Costs.

Consent Order returned to Defendant for execution.

Judgment of Permanent Injunction filed 6/2/08 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

McCORKLE, STEPHEN GRAY

Charlotte NC

License #10819 H-2&3-I (Revoked)

Request for reinstatement of license.

Hearing held 4/14/08.

Order issued 4/30/08 granting Respondent's request for reinstatement of license provided the Respondent sit for and pass the examination for any classification of license sought. Respondent is encouraged but not required, to participate in the Board Disciplinary Business class and the Code class as a means to prepare for renewed involvement in the profession and is informed that if complaints are filed against him in the future, and found to be proven, his license will be revoked.

MEISTER, JUDY

North Wilkesboro, NC

Cease and Desist Demand – Defamation – 1,000

email postings, some stating Board staff had been paid off or Board undermined investigation.

Cease and desist letter mailed to Ms. Meister on 1/16/07 by Atty. Fountain.

Certified Receipt signed 1/19/07.

Further libelous web postings occurred.

Complaint for Libel prepared on behalf of Board staff and filed in Superior Court on 9/27/07.

Amended Complaint served.

Motion for Entry of Default and Entry of Default served 1/31/08. Motion to set aside default filed by Defendant.

Trial held 4/21/08.

Permanent Injunction Judgment filed 4/29/08 ordering Defendant to cease publishing in any way remarks injurious to the reputation of Plaintiff or exposing Plaintiff to further ridicule or allegations of crimes of moral turpitude or immoral conduct and ordering her to, within 20 days of the date of the Judgment, to remove posting from website gowilkes.com and post retraction.

MITCHELL, CHARLES

Rocky Mount, NC

Contempt proceeding hearing held 4/21/08 in Nash County Superior Court.

An Order of Contempt and Order of Arrest was filed 4/30/08 finding the Defendant guilty of contempt of the prior Order of the Court, ordering the Sheriff to commit the Defendant to the Nash County Jail for a period of 30 consecutive days, to be served at the conclusion of the term of 15 days ordered by the Court on 7/26/06, ordering the Defendant to pay a fine of \$500.00 to the Clerk of Nash County Superior Court and ordering him to pay the sum of \$2,500.00 for the use and benefit of Annie Jewel Wilson, homeowner, in the above action.

NEWPORT, GARY

d/b/a **TRIAD ONE CONTRACTING SEMINARS**

Winston-Salem, NC

Allegations of fraud to obtain license and aiding and abetting cheating on examination in that Respondent provided slip sheets or crib sheets with typeface, dimension and text approximating actual pages in the Building Code for use by applicants while taking the examination.

Formal hearing held on 3/11/08.

Order issued 4/15/08 directing that continuing education courses offered by Triad One Contracting Seminars or taught by Respondent, are no longer approved for continuing education credit as of the

Attorney's Report

effective date of this Order and placing the license of Respondent as a Plumbing, Class I, Heating, Group 1, 2, and 3, Class I contractor on probation for 1 year. Conditions of the probation are that the Respondent, modify all printed course material on handouts in the exam course to show the name of Respondent firm; modify all material to a font size different from the font and form used in the Plumbing and Mechanical Code volumes or the other exam reference material; place on the cover, cover page and first sheet of each section of material or handout the following statement: "Taking this material or any study material to the exam site or into the examination room may result in a two year delay in licensure or denial of the right to take any Board examination for two years;" neither request nor receive nor present to a class any material described as an actual test question from a past or future Board exam; accumulate and provide to the Board at the end of the probation a list of all persons who have taken his exam preparation course during the period of probation; provide to the Board a written article suitable for printing in the Board newsletter explaining the risks and consignment of efforts to cheat on an examination, as contrasted with study which creates knowledge and the ability to use and apply the Codes and manuals which are references for the examination; attend and pass both the Board Disciplinary Business Class and the Board Disciplinary Code Class; maintain a written record of any plumbing or heating contracts made and installations performed in the use of license by the Board; maintain a service log of any plumbing or heating contracts and service calls by date of initial call and including the date of first response; maintain job files or other written records of any plumbing or heating contracts made and installations performed; have written contracts signed by the Respondent and customer for any plumbing or heating installation for which Respondent is responsible and during the period of probation, the foregoing records and the contracting activities of the Respondent shall be monitored by the staff of the Board. In the event of violation of the probation, license will be suspended for a period of one (1) year. The Board may impose revocation, suspension, or such other

sanctions as indicated by any new violations of G.S. 87-23.

PISTOLE, RICHIE C.
d/b/a PISTOLE HVAC

Conover, NC

Allegations of heating contracting without a license. Complaint for injunction filed 7/31/07.

Awaiting service of process.

Alias and Pluries issued 12/1/07.

Judgment of Permanent Injunction issued 5/29/08 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

RONEY, PAUL MICHAEL, JR.
d/b/a A-1 WELL & PUMP SERVICE

Eden, NC

Allegations of contempt of prior order of the Court. Show cause hearing held 4/14/08 in Rockingham County.

Order of Contempt issued 5/9/08 finding Defendant in contempt of prior Orders of the Court and ordering him to be incarcerated for 30 days in the Rockingham County Jail, to remit Jail fees of \$150.00, and to pay court costs of \$125.00.

SKINNER, DAINE WENDEL, LLC
d/b/a KINGDOM FIRE PROTECTION, LLC

Concord, NC

License #24533 FS and FSIT

Allegations of misconduct in the business of fire sprinkler contracting in that Respondent during the period from June 17, 2003, through May 9, 2007, A-1 Fire Protection Company, Inc., contracted with customers to install and installed numerous fire sprinkler systems at various locations in North Carolina. A-1 Fire Protection Company, Inc., received payment for the installations and performed the necessary work and Respondent permitted use of his license in connection with performance of said contracts even though he was not a salaried employee of A-1 Fire Protection Company, Inc. During this period of time, Respondent was also engaged in business full-time as Premier Design Services of North Carolina. Consent Order issued 9/8/08 terminating the license of Respondent as a fire sprinkler technician by agreement and placing the license of individual Respondent and that of the firm as a fire sprinkler contractor on probation for 3 years with provisions that during the period of probat-

Attorney's Report

ion the Respondent have written contracts signed by the licensee and customer for each installation for which licensee is responsible; obtain permits as required for each contract prior to commencement of work and retain a copy of the permit in the job file for each particular installation; maintain job files or other written records of contracts made and installations performed; personally visit each jobsite immediately prior to all inspections by the local authority having jurisdiction; in addition to the continuing education ordinarily required by the Board, take and complete a continuing education course on the laws and rules of the Board within six (6) months of the date of this Order; remain employed full-time with Kingdom Fire Protection LLC during the entire period of probation; receive no compensation in any form for any sprinkler system design, installation or supervisory activity except from Kingdom Fire Protection LLC; Kingdom Fire Protection LLC is to be involved in no fire sprinkler system design or installation activity except where it has an executed contract for both the design and installation of the particular system; Kingdom Fire Protection LLC, will utilize no personnel except persons who are bona fide employees employed full time and receiving a W-2 from Kingdom Fire Protection LLC; implement procedures within his firm adequate to assure that final inspection is requested within five (5) days of substantial completion of each installation, and that the results of the inspection request are known and of record in the firm within a like period of time; submit quarterly reports by the 15th day of June, September, December and March of each year of the probation, listing the location of all jobs carried out or in progress during the preceding quarter, the name of the entity with whom contracted and the contact information for such entity and attach a copy of each contract; and commit no violation of Article 2, Chapter 87 or the Rules of the Board with regard to any qualification administered by the Board.

STAMEY, DAVID RONALD
H.C.E., LLC
Canton, NC
License #15831 H-2-I

Allegations of incompetence 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 obtain a final inspection in violation of the North Carolina State Building Code; installed a system that would not adequately cool the residence; failed to carry out a load calculation; installed the new unit on a pre-existing undersized pad; installed mismatched equipment consisting of a new 4-Ton 11 SEER outdoor unit and a pre-existing 3-Ton coil and air handler; installed oversized equipment; failed to return and repair the system when it failed to operate; failed to seal and secure ductwork and left ductwork on the ground; failed to install appropriate size ductwork; used cardboard taped to floor joist on end of "panned" return; installed no return on the second floor; and failed to connect the condensation overflow switch. Consent Order issued 7/8/08 placing the suspending the license of Respondent for a period of four (4) months. During the period of suspension, Respondent may complete all jobs under contract and permitted as of June 30, 2008. Upon completion of four (4) months suspension and return of license to Respondent, license of Respondent shall be placed on probation for three (3) years during which probation the Respondent shall have written contracts signed by the licensee and customer for each installation for which licensee is responsible, including therein the scope of work, payment terms and estimated date of completion; obtain permits as required for each contract prior to commencement of work and retain a copy of the permit in the job file for each particular installation; maintain job files or other written records of contracts made and installations performed including 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; maintain a service log of all contracts and service calls by date of initial call including the date of first response; within eighteen (18) months after this Order becomes effective, the Respondent shall enroll in and pass the Board Disciplinary Code Class, the Board Disciplinary Business Class, and the Board course on Laws and Rules and present evidence to the Board of a passing grade in such course by the end of eighteen (18) months;

Attorney's Report

complete double the usually required continuing education during the second and third year of the probation; within twenty-four (24) months of the date of this Order, provide a letter to the Board from each property owner named in the Notice of Hearing in this matter to the effect that all issues have been resolved, that final inspection has been made and passed for each installation named in the Notice of Hearing; implement procedures within his firm adequate to assure that final inspection is requested within five (5) days of substantial completion of each installation, and that the results of the inspection request are known and of record in the firm within a like period of time; implement procedures to call for reinspection, if necessary, within ten (10) days after the request for final inspection; commit no violation of Article 2, Chapter 87 or the Rules of the Board with regard to any qualification administered by the Board; and, take steps to assure that each system installed through the use of pre-existing ductwork complies with manufacturer's installation instructions, accepted design standards and the North Carolina State Building Code.

TONEY, DONALD RICHARD
d/b/a **ALL ABOUT PLUMBING**

Allegations of contempt of prior order of the Court in contracting without a license.
Hearing held 7/14/08, Gaston County Superior Court

resulting in guilty verdict.

Order of Contempt issued 7/28/08 remanding the defendant to the custody of the Sheriff of Gaston County for 30 days for each separate violation of the Court's Order, a total of 60 days. 30 day of which were suspended and Defendant placed on unsupervised probation for 24 months upon conditions that Defendant pay to the Clerk of Superior Court for the benefit of homeowner Broom \$975.00 and homeowner White \$1,575.00 within 120 days of 7/14/08 and defendant commit no further violations of the Order of the Court.

TURNER, RASCOE
aka, **ROSCOE TURNER**
dba, **ROSCOE TURNER, INC.,**
and **ALL AMERICAN ELECTRICIAN ASSOCIATION**

Windsor, NC

Allegations of heating contracting without a license in violation of prior Order of Contempt.

Contempt Hearing held 6/30/08.

Order of Contempt filed 7/21/08 finding the defendant guilty of criminal contempt and sentencing him to 30 days incarceration in the Hertford County Jail, of which sentence, 15 days were suspended if the Defendant does not violate prior Orders of the Court.

The Order also fined the Defendant \$500.00 payable to the Clerk of Superior Court with 30 days of the date of the Order.

The Current Continuing Education Schedule Is Available On Line At

WWW.NCLICENSING.ORG

If you have questions on continuing education, please contact

Erik Rogers at
(919) 875-3612 ext. 225

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

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Telephone: Bus. () _____ Home () _____

Signature: _____ Date: _____

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

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Heating & Fire Sprinkler Contractors
1109 Dresser Ct.
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