

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

September 2011

## BOARD MEMBERS

Stephen K. Hensley  
Chairman  
Fire Sprinkler Contractor  
Jamestown, NC

William E. Eubanks  
Vice-Chairman  
Plumbing Inspector  
Wilmington, NC

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

D. Jeffery Curtis  
Air Conditioning  
Contractor  
Sunset Beach, NC

John N. Royal  
NCSU Engineer  
Raleigh, NC

Thomas G. Proffit  
Plumbing Contractor  
Lenoir, NC

Ronald D. Long  
Heating Contractor  
Gastonia, NC

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

1109 Dresser Court  
Raleigh, NC 27609

**The Board has scheduled a Public Hearing on  
Proposed Rule Changes for September 12, 2011.  
Please see page 2 for additional information.**

## Ronald M. Boone Completes Term With Board



On May 23, 2011, Ronald "Ronnie" Boone completed his term with the State Board of Examiners of Plumbers, Heating and Fire Sprinkler Contractors.

Mr. Boone was appointed by former Governor Mike Easley in 2004 and served seven years on the Board.

During his term, Mr. Boone held the offices of Vice-Chairman from April 2009 to April 2010, and Chairman from April 2010 to April 2011.

During his tenure the Board implemented Field Resolution Agreements, Disciplinary Education Programs, and the Residential Fire Sprinkler Installation Contractor License.

While serving as Vice-Chairman and Chairman, Mr. Boone led the agency

through a complete upgrade of the Board's information technology systems.

Mr. Boone's knowledge and experience in the heating and air conditioning business, combined with his extensive business experience and leadership, were of great value to the Board and the industry.

The Board and the staff would like to express our gratitude to Mr. Boone for his dedicated and distinguished service to the industry, the Board, and the staff.

Mr. Boone is the owner/president of Boone Refrigeration, Inc., located in Wallace, NC.

## Ronald D. Long Appointed By Governor Perdue



On May 23, 2011, Governor Beverly Perdue appointed Ronald Long to serve a seven year term on the Board.

Mr. Long is the owner of Gastonia Sheet Metal Works, Inc., located in Gastonia, NC. A licensee of the Board since 1968, he holds a H1-1, H2, and H-3-1 license.

This will be Mr. Long's second term as a Board member, having previously served a seven year term from 1997 through 2004.

Mr. Long's vast knowledge and experience in the heating and air conditioning industry will enable him to serve the Board and the industry well during his term.

## Board Schedules Public Hearing on Proposed Rule Changes

The Board will hold a Public Hearing on Proposed Rule Changes on Monday, September 12, 2011. The hearing will be held in the meeting room of the Hyatt Place Raleigh—North, which is located at 1105 Navaho Drive in Raleigh.

Individuals who wish to speak at the hearing must register in advance by sending an e-mail to [information@nclicensing.org](mailto:information@nclicensing.org). The Proposed Rule Changes are printed beginning on page 34 of this newsletter.

## 2011 Apprentice Contests To Be Held At State Fair in October

### HVAC/R Apprentice Contest

The 9th Annual North Carolina HVAC/R Apprentice Contest will be held on Friday, October 25, 2011 at the NC State Fairgrounds in Raleigh, NC, during the North Carolina State Fair.

The contest will be opened with a discussion by a representative of the NC Occupational Safety Department covering safety topics that are pertinent to the work that the apprentices will be performing during the contest. The apprentices will compete in a series of technical and trade skills stations that test the individual's abilities in brazing, electrical trouble shooting, air-flow measurement, refrigerant recovery, system operational analysis, customer interviews, and writing customer service reports. The contestants will also be required to complete a comprehensive written examination. The practical skills stations and written examination are modified from year to year to provide a variety of circumstances and questions to determine the level of knowledge and abilities of the apprentice.

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 25, 2011. 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, by phone at (919) 733-7533 or visit the website at [www.nclabor.com/appren/](http://www.nclabor.com/appren/).

Cash prizes provided by the NC Department of Agriculture are awarded to the 1st through 10th 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.

### Plumber/Pipefitter Apprentice Contest

The 25th Annual North Carolina Plumber/Pipefitter Apprentice Contest will be held on Friday, October 25, 2011 at the NC State Fairgrounds in Raleigh, NC, during the North Carolina State Fair.

The contest will be opened with a discussion by a representative of the NC Occupational Safety Department covering safety topics that are pertinent to the work that the apprentices will be performing during the contest. The apprentices will compete in a series of technical and trade skills stations that test the individual's abilities in DWV system design, water distribution system design, code compliance and tool safety. The contestants will also be required to complete a comprehensive written examination. The practical skills stations and written examination are modified from year to year to provide a variety of circumstances and questions to determine the level of knowledge and abilities of the apprentice.

The contest 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 25, 2011. 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, by phone at (919) 733-7533 or visit the website at [www.nclabor.com/appren/](http://www.nclabor.com/appren/).

Cash prizes provided by the NC Department of Agriculture are awarded to the 1st through 10th 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.



## Table of Contents

<b>Board Member Changes..... 1</b>	<b>Web Site Information..... 6</b>	<b>Board History..... 12</b>
<b>Public Hearing..... 2</b>	<b>License Status.....7</b>	<b>Permit Warnings..... 14</b>
<b>Apprentice Contests..... 2</b>	<b>Water Heater Permits.....8</b>	<b>Letters of Caution..... 14</b>
<b>Table of Contents.....3</b>	<b>Complaint Response.....9</b>	<b>Consent Agreements..... 15</b>
<b>Technology Updates..... 3</b>	<b>Applicant Verification.....10</b>	<b>Continuing Education.....15</b>
<b>Continuing Education..... 4</b>	<b>Corporate Information.....10</b>	<b>Resolution Agreements..... 16</b>
<b>Obituary..... 4</b>	<b>Renewal Information.....11</b>	<b>Attorney’s Report..... 29</b>
<b>Important Numbers..... 5</b>	<b>Residential Fire Sprinklers..... 11</b>	<b>Proposed Rule Changes..... 34</b>

### Board Completes Long-Awaited Technology Update Project

After several years of planning, preparation, and budgeting, the Board is nearing completion of a comprehensive technology upgrade. This will allow the Board staff to work more efficiently and will improve the quality and quantity of data processing and storage capability with regard to licensing records, complaint files, and other daily tasks that the staff has responsibility for.

In 2008, the Board increased the use of the technology that was available at the time to reduce staffing levels. The staff was reduced by three full-time and three part-time positions, and the need to utilize temporary staffing workers during “renewal season” was eliminated. The savings realized from these actions in the four years since provided a large portion of the funding for the technology update project.

The project included improvements to all hardware and software, much of which had been placed in service from 2000 to 2005. Gradually increasing capabilities from a single server in 2000, the Board currently has five state of the art servers insuring ample data processing and storage capabilities for both current and anticipated future needs. The system is also designed with several levels of redundancy to ensure the continued operation of the network (and the uninterrupted flow of information) in the event of a single-server failure.

In addition to the five new servers, the hardware improvements also include a robust security firewall and a high-capacity backup device. All software was also updated to the latest versions, increasing productivity and insuring current and future compatibility with industry standards.

The project will allow “in-house hosting” of the website and electronic document scanning and storage, which were previously hosted on off-site servers contracted through third-party providers. This allows staff members instant access and improved control. Our website was also given a “facelift” to make it appear more modern and user friendly.

The Board’s e-mail servers were upgraded to allow members of the field staff to access the system remotely, and allows all field staff members to use a standard e-mail address (\_\_\_\_@nclicensing.org) instead of personal accounts through various providers, as has been necessary in the past. This also allows the Board to retain all electronic communications by the field staff in order to comply with records retention requirements.

Perhaps the most appreciated benefit of the upgrade, and the one that the majority of licensees will appreciate most, will be the ability to complete a large majority of the annual license renewals on-line using electronic payment. This will eliminate the need to mail the renewal form and payment to the Board’s office for many licensees.

While not every business transaction will be able to be conducted online, the annual license renewals make up the majority of document and payment processing tasks that the staff is responsible for.



visit us online at [www.nclicensing.org](http://www.nclicensing.org)

## Continuing Education Required Prior to License Renewal

The time for annual license renewal is quickly approaching, and licensees are reminded that you must have your required continuing education credits completed prior to submitting your renewal documents and fees.

Licensees who have not yet completed the required hours or have not yet registered for a class are urged not to wait until the last few months of the year to attend a class. Board rules limit the classes to a maximum number of one-hundred students and the classes often fill up and leave continuing education providers with no way to accommodate additional students, particularly in November and December.

Additional classes cannot be added to the published Continuing Education Schedule, as it is approved by the Board in June. Another factor in the winter months is the weather, and classes are occasionally cancelled out of concern for the safety of the students or if the facility hosting the class is closed due to inclement weather.

Plumbing contractors who also hold the Residential Fire Sprinkler Installation Contractor license are reminded that ten (10) hours of continuing education is required, six (6) hours for the plumbing license and an additional four (4) hours for the fire sprinkler qualification.

You may search for available classes by visiting our website at [www.nclicensing.org](http://www.nclicensing.org) and clicking on the "C.E. Class" button on the left side of the page. The search can be as wide-ranging or as narrowly tailored as you wish by using the various drop-down criteria boxes. Once the list of classes is displayed, clicking on the class title will open a window with the education provider's contact information and other class information. You must contact the provider to register for the class. The Board staff cannot register licensees for continuing education classes.

Unfortunately a number of licensees attend classes for a number of years while under the impression that their attendance automatically renews their license, which is not the case. Licensees are responsible for submitting a renewal form to the Board with the appropriate payment each year in order to renew the license.

Licensees who were initially licensed in 2011 are not required to obtain continuing education hours in order to renew for 2012; however, if there was an existing qualification from a previous year and an additional qualification was earned in 2011, this exemption does not apply.

## Former Executive Secretary Passes

Fred Oliver Bates, Jr., 82, of Raleigh, died March 14, 2011 at The William M. Dunlap Center for Caring in Raleigh.

He was born March 28, 1928. He was a US Army veteran of Korea and a graduate of the University of North Carolina at Chapel Hill where he attended the school of law.

Mr. Bates served the State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors for 29 years, first as Assistant Executive Secretary from 1964-1967 and then as Executive Secretary from 1967-1993.

The industry experienced many changes during his time with the Board, and he served both the Board and the industry well.

He was awarded the Order of the Long Leaf Pine by Governor James B. Hunt in 1993, a prestigious recognition for individuals who have a proven record of extraordinary service to the state.

Mr. Bates is survived by his wife of over 50 years, four sons, seven grandchildren and many nieces and nephews.

His funeral was held in Raleigh on March 17th, and a graveside service was held on March 19th in his hometown of Murphy, NC.

Mr. Bates was an exemplary leader during his tenure with the Board and is owed a debt of gratitude for his dedication and efforts on the part of both the Board and the industry.



visit us online at [www.nclicensing.org](http://www.nclicensing.org)

## Important Telephone Numbers

### North Carolina State Agencies

NC Department of Insurance	919-661-5880	NC Department of Labor	919-807-2796
• Henry Webster (Plumbing & Gas Interpretations)	Extension 238	NC Department of Revenue	919-252-3052
• Janie Sutton (Mechanical & Energy) (Mechanical & Energy Interpretations)	Extension 237	NC Electrical Licensing Board	919-733-9042
• Richard Strickland (Fire) (Fire Code Interpretations)	Extension 255	NC Irrigation Contractors Licensing Board	919-872-2229
• Judy McGee (Building Code Bookstore)	Extension 240	NC General Contractor Licensing Board	919-571-4183
		NC Refrigeration Licensing Board	919-779-4711
		NC Secretary of State	919-807-2225

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

### Office Staff Directory

Office Phone: 919-875-3612  
Office Fax: 919-875-3616

#### Dale Dawson

Executive Director  
Extension 224 or [ddawson@nclicensing.org](mailto:ddawson@nclicensing.org)

#### Eric Hall

Business & Technology Manager  
Extension 216 or [ehall@nclicensing.org](mailto:ehall@nclicensing.org)

#### Dejaya (DJ) Soltys

Executive Assistant / Licensing Coordinator  
Extension 203 or [dsoltys@nclicensing.org](mailto:dsoltys@nclicensing.org)

#### Sharon Pittman

Legal Coordinator  
Extension 205 or [spittman@nclicensing.org](mailto:spittman@nclicensing.org)

#### Karen Jolliffe

Exam Coordinator  
Extension 230 or [kjolliffe@nclicensing.org](mailto:kjolliffe@nclicensing.org)

#### Hannah Whaley

Complaint Coordinator  
Extension 211 or [hwhaley@nclicensing.org](mailto:hwhaley@nclicensing.org)

#### Erik Rogers

Receptionist / Continuing Education Coordinator  
Extension 213 or [ce@nclicensing.org](mailto:ce@nclicensing.org)

### Administrative Officer (Field Staff) Directory

Fax for all Administrative Officers: 919-875-3616

#### John Todaro

Senior Administrative Officer  
South Central Region  
704-975-5305 or [jtodaro@nclicensing.org](mailto:jtodaro@nclicensing.org)

#### Moises "Jimmy" Jimenez

Southeastern Region  
919-409-7127 or [mjimenez@nclicensing.org](mailto:mjimenez@nclicensing.org)

#### Tom Johnston

North Central Region  
336-906-9141 or [tjohnston@nclicensing.org](mailto:tjohnston@nclicensing.org)

#### Derek Farmer

Northeastern Region  
919-602-9095 or [dfarmer@nclicensing.org](mailto:dfarmer@nclicensing.org)

#### David Boulay

Western Region  
828-234-2719 or [dboulay@nclicensing.org](mailto:dboulay@nclicensing.org)

To view a regional map and listing of counties, please visit our website at [www.nclicensing.org](http://www.nclicensing.org) and click on the "Administrative Officers" button.

visit us online at [www.nclicensing.org](http://www.nclicensing.org)



## Website Information: [www.nclicensing.org](http://www.nclicensing.org)

While our office is open only during business hours, our website is available 24 hours a day, 7 days a week. Many tasks, such as obtaining information and forms, can be done at any time by simply visiting [www.nclicensing.org](http://www.nclicensing.org) and clicking on the appropriate button.

### Change of Address or Status

- Address Change: Licensee
- Address Change: Sub-licensee
- Trade Name Change (Licensee or firm name in which business is conducted)
- Add Sub-licensee
- Delete Sub-licensee

### Continuing Education Forms

- Continuing Education Exemption Form (Age or Medical)
- Continuing Education Exemption Form (Active-Duty Military only)
- Continuing Education Request for Approval of Non-Approved Course
- Continuing Education Provider Application and Handbook

### Renewal Forms

- Renewal Form - 2011 without Sub-Licensees
  - Renewal Form - 2011 with Sub-Licensees
  - Renewal Form - 2011 and Previous Year(s) without Sub-Licensees
  - Renewal Form - 2011 and Previous Year(s) with Sub-Licensees
- \* 2012 Renewal Forms will be available after October 1, 2011 \***

### New Applicant Forms

- Plumbing, Heating, & Fuel Piping Examination Application
- Residential Fire Sprinkler Contractor Installation Examination Application
- Fire Sprinkler Installation & Inspection Contractor Examination Application
- Fire Sprinkler Inspection Technician Examination Application (no NICET)
- Fire Sprinkler Inspection Technician Application (NICET)
- Fire Sprinkler Maintenance Technician Application

### Order Forms

- Books - Board's Laws & Rules and Business & Project Management for Contractors
- Request for Copy (Reprint) of License
- Request for Register of Licensees
- Request for Verification of License

**You may also reach our website by using any one of these easy to remember addresses:**

**[www.ncplumbing.org](http://www.ncplumbing.org)**

**[www.ncheating.org](http://www.ncheating.org)**

**visit us online at [www.nclicensing.org](http://www.nclicensing.org)**

## Can I Put My License “On Hold” or “On The Shelf”?

In a word, no. Many licensees think that they can put their license “on hold” or “on the shelf” if they are not using it, and avoid attending continuing education classes and/or paying the annual renewal fee. Unfortunately, this is a major misconception.

The following options exist for a license:

1. Complete the required continuing education and pay the required annual renewal fee. The license is valid for the privileges listed (contractor or sub-licensee).
2. Allow the license to expire. The licensee is not allowed to conduct any contracting activities (offering, contracting, performing, or receiving compensation for work) which require a license. The license may be reinstated within three (3) years of expiration upon the completion of all required continuing education and the payment of all annual fees due for the years since the expiration. For example, if the licensee expired in 2008, and you are renewing it in 2011, you would need a minimum of 18 hours of continuing education and the fees would total \$410.00.

2009	6 CE hours	\$125.00 (prior to fee increase)
2010	6 CE hours	\$130.00
2011	6 CE hours	\$130.00
	One-time late processing fee:	\$ 25.00
<b>Totals</b>	<b>18 CE hours</b>	<b>\$410.00</b>

**IMPORTANT:** If the license is not renewed within the three year window, it is “Retired” and the licensee must reapply and retake the applicable examinations in order to obtain another license.

3. Apply for “Inspector” status. Licensees employed full-time by an inspection jurisdiction as a plumbing or mechanical inspector may renew for the reduced rate of \$25.00 and are exempt from the continuing education requirements. Licensees must submit a current Inspector certification card and a letter from the employer. The license cannot be used for any contracting activities. If the licensee leaves the employment of the inspection jurisdiction, he/she must obtain the required continuing education and pay the required reinstatement and renewal fee in order to return the license to an active contractor status.

**Note:** Since this status has no contracting privileges, a printed license will not be issued and the license information will not appear when conducting a licensee search on the website.

4. Apply for an age or medical related exemption. Licensees over the age of 65 or those physically unable to work may submit proof of circumstances (driver’s license or letter from attending physician) and request an exemption from the continuing education requirements. The required renewal fee must be paid, and the licensee is not allowed to engage in any contracting activities. To reinstate the license to active contractor status, the licensee must resume the required continuing education classes.

**Note:** Since this status has no contracting privileges, a printed license will not be issued and the license information will not appear when conducting a licensee search on the website.

5. Apply for a military service exemption. Active duty military personnel may request an exemption from the continuing education requirements. The individual must submit official orders showing the effective date of active duty. Upon returning from active duty, the licensee may resume contracting activities upon payment of any outstanding renewal fees regardless of missed continuing education, but must obtain the required continuing education in order to renew for the year immediately following the completion of active duty. No activities requiring a license may be conducted under the license while the licensee is away on active military duty.

**Note:** This exemption applies to active duty military personnel only. Independent contractors working in conjunction with, or support of, military operations are not permitted to use this option.

Licensees using Options 2, 3, or 4 are not permitted to be listed as qualifiers (masters) or sub-licensees, due to the fact that licenses listed in expired, inspector, or age/medical exemption are not valid and active contracting licenses.

## Permits Required on Almost All Water Heater Replacements.

***This is a reprint of an article that appeared in the March 2011 Board newsletter. It is being published again due to the number of calls and complaints that are still being received by the staff from individuals who are under the wrong impression that water heater replacements no longer require a permit.***

It is time to dispel a very large myth...or what can be referred to as a new urban legend about all replacement water heaters not needing to be permitted.

The replacement of most water heater **REQUIRES** a permit, regardless of the “word on the street”. Last year, legislation was submitted and approved to allow “some” water heaters to be replaced without having to get permits or inspections. What the “word on the street” is not saying, is that most of the replacements will require a permit.

We have worked numerous complaints against licensed contractors who have performed water heater replacements from single family structures to commercial structures where permits were not purchased, in direct violation of this new legislation. These contractors have been disciplined for listening to the “word on the street” and not actually confirming the language in the legislation.

In addition, there are some inspection departments who are telling licensees that “permits are not required” based again on the “word on the street” and not the actual legislation.

This newsletter article is an effort to dispel this myth. In order for a water heater replacement to be installed without a permit, all of the following items have to happen (if one of the following requirements is missing, then a permit is required):

The work is restricted to one- or two-family dwellings only (no buildings with three or more dwelling units and no commercial buildings).

The work has to be performed by a North Carolina Licensed Plumbing Contractor (or a bona-fide employee of a North Carolina Licensed Plumbing Contractor);

The licensee is required to personally examine the work at completion

The licensee is required to ensure that a leak test has been performed on the gas piping;

The energy use rate or thermal input is not greater than the water heater which is being replaced;

The replacement is required to be installed in accordance with the current edition of the State Building Code (plumbing section);

There is no change in fuel;

There is no change in energy source;

There is no change in location;

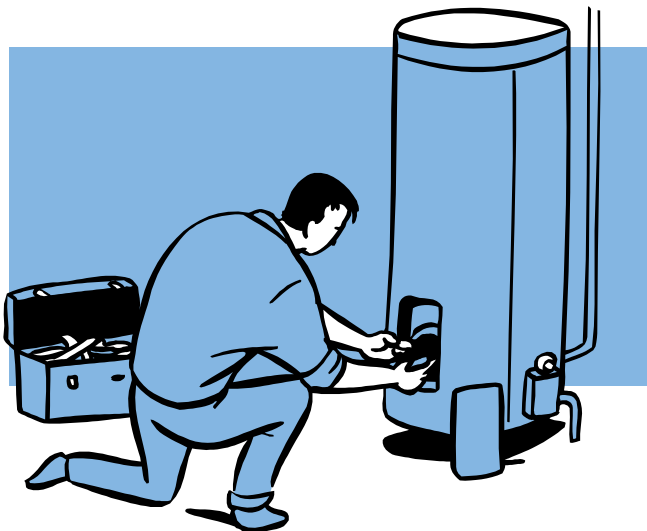
There is no change in capacity; or

There is no change in routing or sizing of venting or piping;

Only if all of the previously listed items are true on each water heater replacement can a contractor be allowed to refrain from obtaining a permit or inspection for the water heater replacement. If any of the items listed above is missing or not accomplished on a water heater replacement then **A PERMIT IS REQUIRED.**

If it is brought to the attention to the Board or someone files a complaint against a licensee for performing a water heater installation without a permit, we will investigate each complaint to make sure all of the requirements listed above have been met. Any jobs where all of the above requirements are not met will result in a verified complaint against the licensee and sanctions will be instituted.

If you have any doubt about the next for a permit it is always better to err on the side of caution and secure the permit before commencing the work. You are encouraged to contact the administrative officer in your area. Visit [www.nclicensing.org](http://www.nclicensing.org) and click on the “Administrative Officers” button to see a list of the administrative officers, the counties in their respective regions, and their contact information.



***Additional Information: As is true with all permits, a permit to replace a water heater must be obtained before the job is started. “Emergency” replacements are limited to weekends or holidays when the local permitting office is not open for business. If a water heater is replaced under “emergency” conditions, the licensee must obtain the permit immediately upon the permitting office re-opening. The inspection must then be requested no more than ten (10) days after the work is completed.***



## What Happens If Someone Files A Complaint Against Me?

It's a phrase that can cause a contractor's blood pressure to rise or fall..."Mr. Contractor, the Board has received a complaint against you and your firm." Many licensees fear that their license will be revoked for even a minor infraction of the State's laws or the Board's rules.

The best way to avoid a complaint is by being a good contractor. Staying educated on current laws, rules, and codes will ensure that you know what you are supposed to do. Staying educated on industry trends and technologies will help insure that you know how to do it correctly. Honest business practices, good communication, and written contracts help to insure that there is no miscommunication between you and your customers. Most importantly, customer service will go a long way toward reducing or eliminating the probability of someone filing a complaint against you.

A considerable number of complaints received by the Board are filed when the property owner experiences a problem with a contractor's work and is unsuccessful in their attempts to get the contractor to return their telephone calls, e-mails, or return to the site to address the issues.

One of the tasks that the Board is required to perform in accordance with North Carolina State Statutes is the investigation of any complaint filed with the agency.

G.S. 87-23 reads in part: "Any person may prefer charges of fraud, deceit, gross negligence, incompetency, misconduct, or failure to comply with any provision or requirement of this Article, or the rules of the Board, against any plumbing, heating, or fire sprinkler contractor, or any combination thereof, who is license under the provisions of this Article. All of the charges shall be in writing and investigated by the Board."

When the Board receives a complaint, it begins a process that may be as simple as determining that the issue is not under the Board's authority, or as complex as a formal hearing or proceedings in a court of law.

When the complaint is received, it is carefully reviewed to determine if the issue(s) are under the legal authority of the Board to investigate. An example of a complaint that is not under the Board's authority is that of service work which does not include any work that would require a license to perform. If this is found to be the case, the plaintiff is notified in writing of the Board's

decision and the complaint is typically closed at that point. If the plaintiff provides additional information to indicate that activities requiring a license did occur, the complaint will be reopened for further investigation.

If the complaint is determined to be under the Board's authority, it is assigned a file (or case) number and entered into the Board's database. The complaint documents are then scanned and e-mailed to the Administrative Officer (field representative / investigator) assigned to the area where the work was performed.

At the same time, the individual(s) or firm(s) named in the complaint are notified in writing that a complaint has been received, and are provided a ten (10) day period in which to respond to the complaint in writing.

If you receive notification from our office that a complaint has been filed against you or your firm, you should make every effort to offer a response. Include in your response a detailed account of the job from beginning to end, with special detail to any issues that you are aware of, including those alleged in the complaint.

When your response is received in our office, it will be included in the case file and a copy will be e-mailed to the Administrative Officer that the case has been assigned to.

The investigator will then contact all parties involved. He will typically visit the job site first, where he will examine the work, take photographs, measurements, and other necessary actions to document the job. The investigator may request assistance from a local building code official in evaluating the job for code compliance and workmanship.

The site visit will also include an interview with the plaintiff and examination of any further documentation that was not included in the original complaint filing. The investigator will take an affidavit from the plaintiff, detailing the facts pertinent to the complaint.

Following the site visit, the investigator will typically contact the local inspection department, where he will obtain copies of permit applications, permit information, and any additional documentation that may exist. He may also interview the inspector(s) involved with the job and obtain affidavits from them.

After the investigator has gathered as much information as possible, he will then contact the licensee to schedule a meeting to discuss

the complaint. Meetings are typically held at the local inspection department offices, but the investigator may request a meeting on the job site or at another location. He will make reasonable accommodations to fit your schedule, but the options may be limited as our investigators are responsible for large geographical areas and may only be in a particular location for one or two days.

When meeting with the investigator, bring any documentation that was not included in your original response (assuming that one was submitted). Many licensees ask about bringing other licensees, employees, or legal counsel to the meeting, which is not necessary or preferred.

The meeting is with the licensee, and concerns the licensee's license. The licensee is responsible for all work offered, contracted, and/or performed under his/her license, and should not need to rely on anyone else for information regarding the job. Likewise, the meeting is not a legal proceeding, so although legal counsel is allowed, it is not necessary.

The investigator will review the information that has been obtained with the licensee, which may include permits, contracts, photographs, and other documents. The licensee will be given full opportunity to discuss any and all issues related to the complaint.

During the meeting, the licensee will be given the opportunity to provide an affidavit concerning the case, which is totally voluntary on his/her part. If the licensee agrees that some or all of the allegations are valid, the investigator may offer the licensee the opportunity to enter into a disciplinary agreement on the spot, which will later be reviewed by the Executive Director and the Board for approval.

If the investigator and the licensee cannot reach an agreement, the case will most likely be referred to the Resolution Review Committee, which consist of the Executive Director and one Board member. The investigator will present his findings and the licensee will be allowed to present his/her account of the job.

If an agreement is not reached at the Resolution Committee Conference, the case will be referred to the Board for a formal hearing before a quorum of the Board. The Board's findings will be issued as an order to the licensee and are a final decision, which the licensee then has the right to appeal within the prescribed processes of the law.

## Verification of Experience for Applicants

Individuals who are applying to the Board for a license in plumbing, heating or fuel piping are required to meet the experience requirements established by the Board. The application includes a page titled Current/Past North Carolina Licensed Employer Statement. This form must be completed by the licensee under whom the applicant has obtained the experience.

While there are consequences for falsifying information on the form, there are also consequences for refusing to verify an applicant's experience. The duty of the licensee is to accurately describe the number of hours worked in a particular field and the percentage of those hours spent in specific duties.

The Board is charged with and responsible for ensuring that all applicants meet the minimum requirements for licensing. That determination is based on the entire application package, the examination scores of the applicant, and other factors.

**It is not up to the licensee to decide if the applicant is “qualified”.**

If an applicant who has been working under your license requests that you complete and sign the experience form, as a licensee you are required to do so. If you fail to do so, the applicant has the right to file a formal complaint with the Board. If it is determined that the applicant has the experience (through evidence of WV-2's, sworn affidavits of other persons, etc.) and you have refused to certify the experience, as a licensee you will be subject to disciplinary actions.

Many licensees are under the impression that refusing to complete the form will keep a good employee from leaving, or will keep a current or former employee from becoming “the competition”. Simply stated, the refusal to complete the form is based in their own self-serving interest.

Interfering with another individual's privilege to apply for a license by withholding information has the potential to “boomerang” on the licensee and have a negative effect on his/her own license.



## Important Information for Corporations and LLC's

North Carolina General Statutes allow for a license to be issued in the name of a corporation (or LLC). GS 87-26(a) states: “A license may be issued in the name of a corporation, provided, one or more officers, or full time employee or employees, or both, empowered to act for the corporation, are licensed in accordance with the provisions of this Article; and provided that such officers or employee or employees shall execute contracts to the extent of their license qualification in the name of the said corporation and exercise general supervision over the work done thereunder.”

Any firm operating as a corporation or LLC, or any subsidiary of a corporation or LLC (including “DBA”- Doing Business As) for the purpose of contracting plumbing, heating, air conditioning, fuel piping, or fire sprinkler work must be properly licensed with the Board.

The license must be listed in the legal name of the entity; that is the way that the firm is actually conducting business.

In order to do business as a corporation or LLC in North Carolina, the entity must make application to the North Carolina Secretary of State, and receive an approval from that office, which will include a SOS ID number. As a condition of license renewal, the corporation or LLC must maintain an active and current status with the Secretary of State. If the corporation or LLC is from out of state, a Certificate of Authority must be obtained from the NC Secretary of State office before conducting business in this state.

You may visit the Secretary of State – Corporations Division website at the following address: <http://www.secretary.state.nc.us/corporations/thepage.aspx>. The site contains a wealth of helpful information, and you may search by name for a corporation to check the status of the registration.



## Important License Renewal Information

The Board is required to send a renewal notice via mail or e-mail to the last known address of every active licensee at least one month prior to the expiration date of the license (December 31). The Board's current practice is to send a renewal invoice approximately October 1<sup>st</sup>, in order to provide licensees and the Board's staff additional time to process the thousands of renewals that are received each year. Licensees are required to give notice of address changes to the Board within thirty (30) days. If licensees do not follow this rule, there is a high probability that the renewal form will not be received by the licensee. If you have not received a form by October 31st, please visit the website at [www.nclicensing.org](http://www.nclicensing.org), click on the "Download Forms" button on the left of the screen, and select and print the appropriate renewal form.

Forms must be submitted with payment, and payment must be submitted with forms. If a renewal form is received without payment, or if a payment is received without a form, it will not be processed. With over 15,000 licensees it is not practical or possible for the Board's office staff members to attempt to match up forms and payments that arrive separately.

The required continuing education hours must be completed prior to submitting the renewal form and payment. For licensees with sub-licensees, this applies to everyone. If a sub-licensee does not have the required education hours, the license of the qualifier and other sub-licensees cannot be processed. If you are a master licensee, please insure that your sub-licensees have the required hours prior to sending the renewal form and payment.

### ***ALL licensees expire at midnight on December 31st! There is no "grace period"!***

If the license is not renewed by December 31st, all activities requiring a license (bidding, contracting, performing work) must cease until the license is renewed. Licensees who continue to conduct these activities with an expired license risk being disciplined by the Board for contracting without a license.

Renewals not received by January 31st are also subject to a \$25.00 administrative processing fee. Licenses that expired on December 31, 2008 must be renewed by December 31, 2011. Following that date, the license is no longer eligible for renewal and the individual must re-apply to the Board and pass the required examination(s) in order to reinstate the license.

## Residential Fire Sprinkler Installation Contractor Update

On July 1, 2010, the Board began issuing the Residential Fire Sprinkler Contractor License to qualified individuals.

To qualify for the license, an individual must have held a Plumbing Class I or Class II license with the Board for the three years immediately preceding the application, complete the approved 16 hour training course, submit an application, and pass the Board-administered exam.

Once licensed, the RFSC can install "combination" plumbing and fire sprinkler systems (as defined by NFPA 13D) that have been designed by a Fire Sprinkler Installation Contractor licensed by this Board, or by a North Carolina Professional Engineer.

There is a separate licensing fee of \$130.00 and a continuing education requirement of 4 hours, in addition to the normal license fee and 6 hours required for the plumbing license held by the individual.

Three classes were held across the state in 2010, and three of the four classes throughout the state that were scheduled for 2011 have been held, with the remaining class scheduled for November 2nd & 3rd in Charlotte.

If you are interested in attending the Charlotte class, you may e-mail [dsoltys@nclicensing.org](mailto:dsoltys@nclicensing.org). Please be sure to include your name, license number, and the date/location. You will receive an e-mail reply regarding the registration and class information.

During the first year of the license (July 1, 2010—June 30, 2011), a total of 115 plumbing contractors have obtained the Residential Fire Sprinkler Contractor license.

Since fire sprinklers are life safety systems, contractors considering this licensure are advised to speak to your professional liability insurance underwriter concerning changes to your liability coverage.



**FIRE SPRINKLERS SAVE LIVES  
AND PROPERTY  
DON'T GET BURNED**

visit us online at [www.nclicensing.org](http://www.nclicensing.org)

## Board Celebrates 80th Anniversary: A Brief History

2011 marks the 80th year of service to the citizens of North Carolina by the Board. Established by the North Carolina Legislature in 1931, the Board issued License 001 on June 4, 1931. Since then, the Board has issued over 31,000 licenses to individuals, many with qualifications in multiple disciplines. In observance of the anniversary, this edition of the newsletter will provide a history of the first half of the Board's history, with the next edition covering the last half up to the current time.

### The First Decade: 1931-1941

In 1931 the country and the world was in the midst of the Great Depression, and the unemployment rate was 23.5%. For those who were employed, the average annual wages were \$1,850.00. The average home cost \$6,790.00, a new car could be purchased for \$640.00, and a gallon of gas was a whopping ten cents.

1931 was also the year that the North Carolina General Assembly enacted North Carolina General Statute 87-16, which created the State Board of Examiners of Plumbing and Heating Contractors. The Board was created for the purpose of licensing individuals as plumbing and heating contractors, with the goal of improving the health and safety of the state's citizens. The Board members were appointed by the Governor, as is still the case today.

The original Board consisted of five members including H.G. Baity (1931-1964), W.H. Sullivan (1931-1959), R. D. Beam (1931-1937), R.H. Kermon (1931-1937), and L.P. Paschall (1931-1944). Mr. Baity served as the Board's first Chairman from 1931 until 1943.

In 1937, R.H. Haley (1937-1965), J.M. Jarrett (1937-1979), and R.V. Sisk (1937-1944) replaced the members that left the Board and brought the total number of Board members to six. In 1939, a seventh Board Member was added, L.L. Vaughn (1939-1962). W.F. "Froggy" Morrison was named as the Executive Secretary of the Board, a position that he held until 1967.

There were originally only two basic licensing groups, Plumbing and Heating. In 1939, the Heating Group was expanded to include Heating Group 1 for "wet heat" systems utilizing steam, vapor, & hot water; and Heating Group 2 was created to address an emerging technology: air conditioning systems. The H-2 license was required for systems with a cooling capacity over 15 tons.

In addition, there were two licensing classifications; a license to work in cities and towns under 10,000 population and a license to work anywhere in the state, regardless of the population of the city or town. Permits and inspection were not mandatory throughout the State during that time, although some of the larger cities and towns did have inspection departments.

Persons who were engaged in the plumbing business and held an occupational license as issued by the Revenue Act as of February 27, 1931 were allowed to obtain a license without examination, with this provision remaining effective through March 30, 1939.

During the first ten years and six months, as the country struggled to recover from the Great Depression, the Board issued a total of 542 licenses for an annual average of 52.

At the end of 1941, the United States was forced into World War II following the Japanese attack on Pearl Harbor. This would have a significant effect on the Board's activities during the next decade.

### The Second Decade: 1942-1951

On December 7, 1941, the United States declared war on Japan. In the four years that followed, 361,000 men from North Carolina served in World War II, and every piece of raw or scrap material in the United States was used to support the war effort. As a result, there was virtually no residential or commercial construction during the first half of the forties. During the four years of the war, the Board issued only 67 licenses. Much of the "man's work" here in our country was done by the women, who were also raising families as single parents.

In 1942, the unemployment rate had dropped to 4.7% ; however the average annual wages had increased by only \$30.00 over a ten year period to \$1,880.00. The price of the average home had dropped to only \$3,770.00, a new car cost \$920.00, and a gallon of gas for it was up to fifteen cents.

C. C. Davis (1944-1959) was the only new Board member appointed during the decade. In 1943 W.H. Sullivan assumed the role as Chairman and served in this capacity until 1959.

In late 1945, Japan surrendered. As the soldiers returned home, many new homes and commercial buildings were built, and they needed plumbing and mechanical systems installed. Many soldiers, particularly those in the Navy, came home with experience in plumbing and HVAC systems and used their knowledge and skills to begin new civilian careers. The post-war years saw a considerable increase in licensees, and each year saw more new licensees than any of the previous fifteen years in the history of the Board.

1950 marked the start of American involvement in the Korean War; however, it was on a much smaller scale than World War II and therefore had less effect on the daily lives of most Americans. A total of 707 licenses were issued during the period for an annual average of 71.

For a two-year period beginning in 1951, the General Assembly reenacted the "grandfather clause" which allowed anyone engaged in the plumbing business one year before or after 1931 to obtain a license without an examination.

### Congratulations!

Congratulations to Executive Director Dale Dawson and his wife, Tina, on the birth of their first grandchild! Isabel Blaise Dawson was born to Jarred and Brittany Dawson on June 7, 2011, at Landstuhl Medical Center (just outside of Landstuhl, Germany). Staff Sergeant Jarred Dawson is currently serving in Germany with the United States Air Force Geospatial Intelligence Division.



## History of the Board (continued)

### The Third Decade: 1952-1961

1952 saw the unemployment rate drop to only 3.0% while the average annual wage rose to \$3,850.00 and the price of the average home rose to \$9,050.00. New cars were \$1,700.00, with gas at twenty cents per gallon.

There were five changes in the Board's membership during this period, as R.C. McGray (1954-1958), J. M. Lee, Jr. (1958-1986), W.H. Sullivan Jr. (1959-1961), Finley Lee (1960-1969), and J.H. Rogers Sr. (1961-1975) were appointed. L.L. Vaughn was appointed as Chairman in 1959 and served through 1962.

The U.S. was coming out of the Korean War and also had limited involvement in Vietnam for the entire period. Economic prosperity was good and the 50's are remembered by many as "the good old days".

A total of 851 licenses were issued, for an annual average of 85.

### The Fourth Decade (1962-1971)

In 1962, the unemployment rate stood at 5.5% and average annual wages were \$5,550.00. The average home was \$12,500.00, new car prices averaged \$3,125.00 and gas was at twenty-eight cents per gallon.

In late 1962, Soviet missiles were positioned only 90 miles from the U.S. coast and the world was on the brink of nuclear war. Once the threat was resolved, our President vowed to put an American on the moon by the end of the decade, which became a reality in 1969.

The four new Board members were appointed during this period were J.F. Seeley (1963-1988), B.D. Phillips (1965-1966), L.A. Luquire Jr. (1966-1987), and W.W. Lewellyn (1969-1977). Mr. Baity, the Board's original Chairman, served another two year term as Chairman from 1962 until 1964, and J.M. Lee Jr. then became Chairman, serving in that role until 1986. Fred O. Bates was appointed Assistant Executive Secretary in 1964, and stepped into the Executive Secretary role in 1967, a position that he would hold until 1993. Former Executive Secretary Froggy Morrison continued to serve as a consultant to the Board for another five years.

The Vietnam War escalated to a major conflict, and thousands of young men were called into military service through the selective draft program.

In 1967, the creation of the Heating Group 3 license for residential forced air heating systems resulted in a considerable increase in the number of new licensees, 1403 as compared with the average of 83 for the other nine years of the period. A total of 2326 licenses were issued for an annual average of 233; however, when the banner year of 1968 is removed from the equation, the adjusted annual average is 106 new licensees per year.

We hope that you have found this look back to be both informative and interesting. In our next edition, we will cover the second half of the Board's history, the years 1972 through 2011.

### ANNUAL LICENSE ISSUANCE: 1931—1971

Below is a listing of the number of licenses issued each year through 1971, as well as the license numbers that were issued in a particular year.

Year of Issue	Total Licenses	License Numbers
1931.....	251.....	001—251
1932.....	27.....	251—278
1933.....	16.....	278—294
1934.....	31.....	294—325
1935.....	22.....	325—347
1936.....	21.....	347—368
1937.....	23.....	368—391
1938.....	29.....	391—420
1939.....	43.....	420—463
1940.....	29.....	463—492
1941.....	50.....	492—542
1942.....	15.....	542—557
1943.....	7.....	557—564
1944.....	13.....	564—577
1945.....	32.....	577—609
1946.....	114.....	609—723
1947.....	129.....	723—852
1948.....	80.....	852—932
1949.....	144.....	932—1076
1950.....	70.....	1076—1146
1951.....	103.....	1146—1249
1952.....	107.....	1249—1356
1953.....	98.....	1356—1454
1954.....	88.....	1454—1542
1955.....	61.....	1542—1603
1956.....	86.....	1603—1689
1957.....	71.....	1689—1760
1958.....	60.....	1760—1820
1959.....	115.....	1820—1935
1960.....	73.....	1935—2008
1961.....	92.....	2008—2100
1962.....	128.....	2100—2228
1963.....	96.....	2228—2324
1964.....	72.....	2324—2396
1965.....	78.....	2396—2474
1966.....	86.....	2474—2560
1967.....	64.....	2560—2624
1968.....	1412.....	2624—4036
1969.....	104.....	4036—4140
1970.....	118.....	4140—4258
1971.....	168.....	4258—4426

During the first 40 years of the Board's operation, a total of 4,426 licenses were issued.



## Permit Warning Report

A Permit Warning Letter may be issued to a licensee who has been found to have performed work without a permit having been issued prior to commencing work. Section .0402(a) of the Board Laws and Rules book states in part that "A licensed contractor shall ensure that a permit is obtained from the local Code Enforcement Official before commencing any work for which a license is required by the board." If you have questions as to when a license is required, please feel free to contact any of our administrative offices. If it is found that multiple jobs have been performed without first obtaining permits, the Board may take additional disciplinary action against the individual and the firm. The following individuals were issued permit warning letters for failure to ensure a permit was obtained prior to commencing work that requires a license:

Name	City/Town	Date	Name	City/Town	Date
Alexander, Harold D.	Rutherfordton, NC	12/16/2010	Jackson, Lynwood L.	Autryville, NC	03/11/2011
Bishop, John M.	Greensboro, NC	12/09/2010	Jarman, Avery H.	Pink Hill, NC	12/29/2010
Bondurant, Horace P., III	Mount Airy, NC	01/21/2011	Johns, Gregory A.	Greensboro, NC	03/02/2011
Bowers, James M.	Troutman, NC	01/20/2011	Johnston, Donald	Hayesville, NC	05/04/2010
Brooks, Johnny S.	Burlington, NC	03/02/2011	Kilgore, James D.	New Bern, NC	01/26/2011
Carpenter, Jimmy W.	Knightdale, NC	03/29/2011	LeMunyan, Cobert T.	Raleigh, NC	11/30/2010
Causey, Jeffrey C.	Lexington, NC	01/12/2011	Lunsford, Ted D.	Candler, NC	03/01/2011
Carawon, Hubert E.	New Bern, NC	01/14/2011	Malick, Robert D.	Nashville, TN	12/20/2010
Clemmer, Clinton J.	Dallas, NC	02/03/2011	McCandless, Mark J.	Hickory, NC	01/18/2011
Culbreth, Phillip E.	Tryon, NC	01/20/2011	Mudge, Harley L., III	Beaufort, NC	02/02/2011
Curry, Charles J.	Gastonia, NC	02/03/2011	Nelson, Harry J.	Rocky Point, NC	12/22/2010
Cutshall, Craig D.	Asheville, NC	01/17/2011	Rich, Jimmie W.	Kernersville, NC	12/10/2010
Dungy, Frederick	Hendersonville, NC	01/11/2011	Ross, Timothy C., Sr.	Newport, NC	03/04/2011
Eades, Samuel P.	Columbus, NC	03/04/2011	Rowe, Wilbert L.	Wilmington, NC	09/22/2010
England, Steve F.	Red Springs, NC	03/25/2011	Sawyer, Dennis R.	Lenoir, NC	12/15/2010
Fletcher, Eddie R.	Smithfield, NC	11/24/2010	Seward, John M.	Hendersonville, NC	03/30/2011
Guice, Kevin G.	Flat Rock, NC	03/30/2011	Trickett, James M.	Waynesville, NC	03/31/2011
Hartsell, Bryan R.	Mooresville, NC	03/10/2011	Timberlake, Casper H., III	Lexington, NC	12/07/2010
Hinesley-Smith, Dina	Carthage, NC	02/14/2011	Turner, Christopher E.	Durham, NC	01/20/2011
Houser, Brian S.	Lincolnton, NC	01/18/2011			

## Letter of Caution Report

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

Name	City/Town	Date	Name	City/Town	Date
Curry, Charles J.	Gastonia, NC	02/03/2011	Moore, Lenoid L.	Hendersonville	11/30/2010
Desear, David R.	Salisbury, NC	01/06/2011	Mudge, Harley L., III	Beaufort, NC	02/02/2011
Dowty, Bedford C., Jr.	Beaufort, NC	01/13/2011	Newton, Richard L.	Newport, NC	01/13/2011
Fletcher, Eddie R.	Smithfield, NC	11/24/2010	Stone, Mitchell H.	Newport, NC	01/12/2011
Gable, Peter D.	Sandy Ridge, NC	12/07/2010	Suko, Edin	New Bern, NC	03/04/2011
Garner, Eugene M., Jr.	Beaufort, NC	01/12/2011	Timberlake, Casper H., III	Lexington, NC	12/07/2010
Justice, John H.	Charlotte, NC	02/17/2011	Turner, Christopher E.	Durham, NC	01/12/2011
Kilgore, James D., II	Linwood, NC	11/29/2010	Turner, Derrail D.	Concord, NC	01/26/2011
Lassiter, Dennis A.	Edenton, NC	01/28/2011	Vogt, Hugh G.	Concord, NC	12/29/2010
Liverman, Phillip G., Jr.	Morehead City	01/13/2011	Wittman, Jean-Paul A.	Newport, NC	01/13/2011
Mays, Jeffrey R.	Snow Camp, NC	02/01/2011			

### Did you know?

Electronic .pdf versions of all newsletters published since 2002 are available by visiting [www.nclicensing.org](http://www.nclicensing.org) and clicking on the "Newsletters" button in the left margin.



visit us online at [www.nclicensing.org](http://www.nclicensing.org)



## Consent Agreement Report

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

Name	City/Town	Date	Name	City/Town	Date
Avery, Glenn	Smithfield, NC	11/24/2010	Moss, Eddie J.	Richlands, NC	02/04/2011
Bohn, James A.	Monroe, NC	12/20/2010	Murdock, Paul	Waynesville, NC	12/01/2010
Chen, Shang H.	Morehead City,	01/06/2011	Neely, Hutch	Rock Hill, SC	12/20/2010
Cranford, Elton H.	Mount Gilead, NC	12/13/2010	Nesbitt, James S.	Winston Salem	02/04/2011
Draughon, Chris	Grover, NC	01/24/2011	Norton, Ronnie P.	Aberdeen, NC	12/13/2010
Gehrich, Harry L.	Logansport, IN	01/03/2011	Payne, Robert G.	Bessemer City	02/02/2011
Grubbs, Michael E.	Eden, NC	01/21/2011	Peaden, Jarvis Jr.	Wilson, NC	12/02/2010
Guard, Mark E.	Greensboro, NC	01/10/2011	Purcell, Teresa G.	Newport, NC	12/29/2010
Hart, Grady E.	Bessemer City	02/02/2011	Rouse, John S.	Mocksville, NC	12/13/2010
Helms, Lewis Jr.	Lincolnton, NC	01/19/2011	Rufrano, Anthony	Holly Springs, NC	01/06/2011
Lunsford, Steven	Marion, NC	02/03/2011	Sanders, Jason	Charlotte, NC	01/24/2011
Matzke, Forrest R.	Ayden, NC	12/03/2010	Smith, Brent A.	Havelock, NC	01/13/2011
McCollum, Robert	Blountville, TN	01/13/2011	Trujillo, Abelino	Kannapolis, NC	01/26/2011

## Continuing Education Class Schedule Available Online 24/7...

Licensees can search for the available and approved Continuing Education Classes from anywhere at anytime using our website!

Visit [www.nclicensing.org](http://www.nclicensing.org) and click on the "C.E. Classes" button on the left side of the page.

To use the search feature to find available classes for your licensing classification, you must select the "License Type" from the drop-down menu.

By selecting only the class type, the search will return all classes available statewide for the selected type of license.

If you wish to narrow down the search, you can also enter the date range, provider name, instructor name, city, county, or any combination of search criteria.

The results will display the date and time that the class is being offered, as well as the course name and number. The class of license that the courses are approved for will also be listed, as well as the city where the class will be held.

For additional information on the class, simply click on the class title. This will open a new pop-up window containing the class information. Here you will find a short description of the course, the instructor's name, the exact location where the class will be held, and the contact information for the provider.

While completing the required Continuing Education credit hours will make you eligible to renew your license, the fact that you attended the attending the class will not automatically renew the license. All licensees must submit a renewal form and payment to the Board in order to renew the license.

## Code Books Required for Continuing Education Classes

Continuing Education class attendees must have the current and applicable code book(s) when attending continuing education classes. Code Books are available by contacting Judy McGee and the North Carolina Department of Insurance Building Code Bookstore, (919) 661-5880, extension 240.

The State Board of Plumbing, Heating and Fire Sprinkler Contractors does not sell code books. The only books available from the Board are the [Laws and Rules](#) and the [Business and Project Management for Contractors](#).

The order form for the Board's publications is available on the website by clicking on the "Download Forms" button on the left side of the webpage, then scrolling to the bottom of the forms page.

**visit us online at [www.nclicensing.org](http://www.nclicensing.org)**

## Field Resolution Agreements and Resolution Review Committee Agreements

A Field Resolution Agreement is a voluntary agreement by which a licensee enters into some type of sanctions against their license instead of appearing before the Resolution Review Committee or the Full Board at a formal hearing. All of the Agreements are reviewed by a member of the Resolution Review Committee and then presented to a Board hearing panel for approval prior to the agreement being adopted as a final agency decision. If a complaint has not been resolved in the field through a Field Resolution Agreement, then the case can be referred to the Resolution Review Committee. During the Resolution Review Committee meeting, a licensee can enter into a Review Committee Resolution Agreement in place of appearing before the Board at a formal hearing; the agreement is then presented to a Board hearing panel for approval prior to the agreement being adopted as a final agency decision. Cases that cannot be resolved through the use of Field Resolution Agreements or Review Committee Resolution Agreements are forwarded to formal hearings before the Board. Listed below are the different agreements entered into by the field staff and the Resolution Review Committee that have been approved by the Board. The information below does not contain all of the facts or details of each case. Specific details of any of the following cases can be obtained by e-mail ([information@nclicensing.org](mailto:information@nclicensing.org)) or upon written request to the Board's office.

### **Capps, Virgil**

#### **McCracken Propane**

#### **Wilson Mills, NC**

#### **License# 21836, FP**

Allegations of misconduct in the business of fuel piping contracting in that the licensee failed to obtain permits on 39 fuel piping projects prior to commencing work, failed to renew his 2011 license by 12/31/2010, Virgil Capps signed a Proposed Resolution Agreement 04/05/2011.

The license of Virgil Capps, number 21836 FP, and that of the firm shall be placed on unsupervised probation for a period of eighteen (18) months. Among other things during the probationary period, the licensee agreed to assure that all installations that have been performed under his license that have not been permitted or inspected shall receive approved final inspections within 90 days. In addition, Mr. Capps must also enroll in and attend the Special Board Laws & Rules course prior to the end of the probation period. In the event the licensee violates the conditions of probation, his license will be suspended for a period of nine (9) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

### **Carawon, Hubert**

#### **Butch Carawon**

#### **New Bern, NC**

#### **License# 09160, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to perform a heat loss/heat gain calculation for the removal and replacement of an existing hvac unit, failed to obtain a written contract for the work performed, failed to secure the required permit prior to the commencement of the work, violated the State Mechanical Code in the following areas: insufficient clearance to the service side of the unit, installation instructions for equipment not on site, the roof truss system cut in several locations to accommodate the installation of the new unit, service platform for the unit incorrectly installed, portion of service side of unit was obstructed by the roof truss (poor installation location of the air

handler), condensate drain line on unit incorrectly installed (primary and secondary drain line connected to single drain line, join connections on pvc not primed and glued, and condensate drain line had no grade).

Hubert Earl Carawon signed a Proposed Resolution Agreement 01/14/2011.

The license of Hubert Earl Carawon, number 09160, H-3-I and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things, within the next fifteen (15) days, if allowed by the homeowner, Mr. Carawon agreed to obtain a permit, return to the job located at 2204 Foxhorn Rd., correct all code violations and have a final inspection performed by the local inspector within the next 30 days, from today. After complaint to the Board, Mr. Carawon obtained a permit, completed the corrections, and obtained an approved final inspection. In addition, the licensee agreed to assure that his license listed with the board in the name he is currently operating his business. On 03/31/2011, Mr. Carawon submitted and received approval to have his license listed as a sole proprietorship in the name of "Butch Carawon". In the event the licensee violates the conditions of probation, his license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

### **Carpenter, Jimmy**

#### **Aire Serv Heating and Air Conditioning Zebulon, NC**

#### **License# 24542, H3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain a permit prior to the installation of an air handler, failed to request final inspection within 10 days of substantial completion of the work, violated the State Mechanical Code, and failed to provide adequate supervision for work performed under his license. Jimmy Carpenter signed a Proposed Resolution Agreement 03/16/2011.

The license of Jimmy Carpenter, number 24542 H3-I, and that of the firm shall be placed on supervised probation for a period

of twelve (12) months. Among other things during the probationary period, Mr. Carpenter must also enroll in and attend the Special Board Laws & Rules course prior to the end of the probation period, assure that all installations that have been performed under his license that have not been permitted or inspected shall receive an approved final inspections within 60 days, return to the property at 6513 New Market Way within the next 15 days and correct any and all code violations that still exist, contact the homeowners in advance and arrange a time to perform this work, prior to commencing any work, obtain a permit from the local code enforcement official and receive a final inspection with the next 30 days. In the event the licensee violates the conditions of probation, his license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

### **Carroll, Bobby**

#### **B. S. Carroll, Inc.**

#### **Elizabethtown, NC**

#### **License# 4561, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to provide adequate supervision, violated the minimum standard of the North Carolina State Mechanical Code, and failed to perform installation to the manufacturer's installation instruction.

Resolution Conference held 12/16/2010.

Bobby Carroll signed a Resolution Conference Agreement 12/16/2010.

The license of Bobby Stewart Carroll, number 4561 H-3-I, and that of the firm shall be placed on supervised probation for a period of eighteen (18) months. Among other things, licensee must enroll in and attend the Special Board Laws & Rules course presented by the Board prior to the end of the probation. In the event the licensee violates the conditions of probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

sions.

**Cassady, Charles**  
**Cassady's Heating & Air**  
**Creedmoor, NC**  
**License# 22241, FP**

Allegations of misconduct and working without a license in the business of heat contracting in that the licensee performed heating group three work without license qualifications, and failed to obtain a permit prior to commencing work because he did not hold the proper license to perform the installation. Charles D. Cassady signed a Proposed Resolution Agreement 03/08/2011.

The license of Charles Cassady, number 22241 FP, and that of the firm shall be placed on unsupervised probation for a period of eighteen (18) months. Among other things during the probationary period, Mr. Cassady must also enroll in and attend the Special Board Laws & Rules course prior to the end of the probation period, and, within thirty (30) days, he must assure that his license has been listed with the Board in the name that he currently operates his business. On 03/09/2011, the licensee submitted a Trade Name Change Form to have his license listed in the name of Cassady's Heating & Air. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Church, Clyde American Industrial**  
**Contractors, Inc. (sublicensee)**  
**Greensboro, NC**  
**License# 06754, PH-1,2&3-I**

Allegations of misconduct, incompetence, and gross negligence in the business of plumbing contracting in that the licensee failed to obtain permit(s) prior to commencing work, violated the minimum standard of the North Carolina State Plumbing Code, and created risk of personal injury or property damage. Resolution Conference held 04/18/2011. Clyde Church signed a Resolution Conference Agreement 04/18/2011.

The license of Clyde Church, number 06754 PH-1,2&3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probationary period, Mr. Church must enroll in and attend the Special Board Laws & Rules course prior to the end of the probation period. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Clark, Mark**  
**Carolina Comfort Controls, Inc.**  
**Fayetteville, NC**  
**License# 22550, H-2&3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, and violated probation by failing to obtain permits on the White and Durham jobs.

Resolution Conference held 02/15/2011. Mark Clark signed a Resolution Conference Agreement 02/15/2011.

The license of Mark Anthony Clark, number 22550 H-2&3-I, and that of the firm shall be placed on supervised probation for a period of eighteen (18) months. Among other things during the probationary period, Mr. Clark must enroll and obtain a passing grade in the Special Contractor Business Management by the end of the probation. The licensee must also enroll in and attend the Special Board Laws & Rules course prior to the end of the probation period. In the event the licensee violates the conditions of probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Cope, Michael Brian**  
**Franklin Sheet Metal Shop, Inc.**  
**Franklin, NC**  
**License# 16377 H2& 3-I**

Allegations of misconduct, incompetence, and selling license in the business of heating contracting in that the licensee obtained a permit and allowed his license number to appear on a permit on a job where the licensee did not hold the contract with the homeowner or general contractor and did not receive the contractual payment for the job, violated the State Mechanical Code by failing to utilize primer on condensate lines, failing to properly support the refrigerant line, failing to properly support supply duct, and failing to put seal on the exterior wall penetration for line set.

Micheal Brian Cope signed a Proposed Resolution Agreement 01/03/2011.

The license of Michael Brian Cope, number 16377, H-3-I and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things, Mr. Cope agreed to complete a load calculation for the installation of the (2) Goodman furnaces at 4668 Old Murphy Rd., if it is determined that the units installed were not properly sized, he agreed to install a properly size unit at no cost to the proper-

ty owner, obtain a permit, correct all code violations and have a final inspection within fifteen (15) days. After complaint to the Board, Mr. Cope completed corrections for the installation. In addition, Mr. Cope agreed to enroll in and attend the Special Board Laws & Rules course prior to the end of the probation period. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Costner, Jack Brothers Air & Heat, Inc.**  
**Rock Hill, SC**  
**License# 15489 PH-2&3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee violated the minimum standard of the North Carolina State Mechanical Code, and failed to provide adequate supervision.

Resolution Conference held 03/03/2011. Jack Costner signed a Resolution Conference Agreement 03/03/2011.

The license of Jack Costner, number 15489 PH-2&3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probationary period, on the 90th day after approval of this order and every 90 days thereafter, the licensee shall submit a complete and accurate list to the Board for all installations or equipment replacements performed in North Carolina that contains the following information: name and address of installation or replacement, type of equipment installed or replaced, permit number and date purchased, date the installation or replacement commenced, and name of the licensee of the firm who personally reviewed the installation or replacement and date that the license personally reviewed the installation or replacement to assure that the installation or replacement was in compliance with the code. The licensee must also enroll in and attend the Special Board Laws & Rules course prior to the end of the probation period. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Crosby, Jeffrey**  
**Crosby Plumbing Group, Inc.**  
**Greenville, SC**  
**License# 29763 P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to obtain permit(s) prior to commencing

work, failed to provide adequate supervision, contracted work while license was expired, engaged in business under a different name or style of business than appears on his license, and failed to meet the 1500 hour requirement as specified in rule .0404(a). Resolution Conference held 03/01/2011. Jeffrey Crosby signed a Resolution Conference Agreement 03/01/2011. The license of Jeffrey Crosby, number 29763 -I, and that of the firm shall be placed on supervised probation for a period of eighteen (18) months. During the probationary period, Mr. Crosby must also enroll in and attend the Special Board Laws & Rules course. In the event the licensee violates the conditions of probation, his license will be suspended for a period of nine (9) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Cutshall, Craig**

**Willow Creek Hearth & Leisure, Inc.  
Asheville, NC**

**License# 23721, FP**

Allegations of misconduct and incompetence in the business of fuel piping contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to provide supervision, failed to complete job in a timely manner, violated the minimum standard of the North Carolina State Fuel Gas Code, and failed to install gas piping correctly. Resolution Conference held 01/17/2011. Craig Cutshall signed a Resolution Conference Agreement 01/17/2011. The license of Craig Cutshall, number 23721 FP, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. Among other things, during the probationary period, Mr. Cutshall must enroll in and attend the Special Board Laws & Rules course presented by the Board. In the event the licensee violates the conditions of probation, his license will be suspended for a period of two (2) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Donovan, James M.**

**Michael's Plumbing, Inc.  
Castlefords, NC**

**License# 18902 P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee presented an Affidavit in support of the examination application of Jordan Meixner to take the State Plumbing Examination in which he represented that Meixner was an employee. Licensee paid Mr. Meixner on a Form 1099-MISC Form for the years of 2005

through 2009 without withholding taxes in violation of the Board rule 21 NCAC 50.0512.

James Donovan signed a Proposed Resolution Agreement 01/05/2011.

The license of James Donovan, number 18902 P-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, the licensee is required to enroll in and attend the Special Board Laws & rules class. Mr. Donovan is required to submit to the Board's office within thirty (30) days copies of all employee W-4's and by the end of the probation submit a copy of all employee W-2's. Prior to the deadline, Mr. Donovan notified the Board's office that he no longer has any employees. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

**Dorton, James**

**Dorton's Heating & Air  
Monroe, NC**

**License# 22092, H-1,2&3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to provide adequate supervision, failed to carry out adequate ductwork installation and system design, violated the minimum standard of the North Carolina State Mechanical Code, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, and sold condensing units to an unlicensed person. Resolution Conference held 01/18/2011. James Wilson Dorton signed a Resolution Conference Agreement 01/18/2011.

The license of James W. Dorton, number 22092 H-1,2&3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probationary period, within sixty (60) days from approval of this order, assure that all outstanding permits have received a final inspection, sell no HVAC equipment to unlicensed persons, enroll in and attend the Special Board Laws & Rules course presented by the Board by the end of the probationary period. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Dungy, Fredrick**

**Southern Comfort Heating & Cooling  
Hendersonville, NC**

**License# 23540, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed have a written contracts signed by the licensee and customer for the installation of a new heat pump tied into the existing duct work, failed to obtain a permit prior to commencing work, failed to have the required SP-PH license issued by the NC Electrical Board to complete the wiring as required by law, failed to respond to the customer in a timely manner, violated the State Mechanical Code by failing to use primer on condensate line, no termination on condensate line, exterior wall penetration not properly sealed, flex duct not properly supported, flex duct not properly sealed, supply boot not properly insulated, and the supply duct appeared to be undersized. Fredrick Dungy signed a Proposed Resolution Agreement 01/11/2011.

The license of Fredrick Dungy, number 23540, H-3-I and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things, within the next fifteen (15) days, if allowed by the property owner, Mr. Dungy agreed to return to the job, correct all code violations and have a final inspection performed by the local inspector. After complaint to the Board, Mr. Dungy completed the load calculation, obtained a permit from the Henderson County Building Inspection Department, completed the corrections for the heat pump installation, and obtained an approved final inspection. During the probation, the licensee is required to enroll in and attend the Special Board Laws & rules class. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Eades, Samuel**

**Energy Solutions Co.  
Columbus, NC**

**License# 23080, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain a permit prior to commencing work on the installation of a Nordyne heat pump on an existing gas furnace, failed to request final inspection within 10 days of substantial completion of the work, failed to provide adequate supervision for work performed under his license, and failed to use primer on the condensate line for the heat pump.

Samuel Pierce Eades signed a Proposed Resolution Agreement 03/04/2011. The license of Samuel Eades, number 23080, H-3-I and that of the firm shall be placed on unsupervised probation for a period of



twelve (12) months. Among other things, during the probation, the licensee is required to enroll in and attend the Special Board Laws & rules class. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Ellerson, Brian**

**Triangle Service Pro Inc.**

**Wake Forest, NC**

**License# 28725, P-II, H-3-I**

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee violated GS 87-98.4(b) by failing to complete the required certification and continuing education prior to performing the installation of a well pump, failed to provide adequate supervision for work performed under his license by not being onsite when the work was done, and failed to disinfect the well upon completion of work, a direct violation of both NCAC 2C Well Construction Standards and Regulations Governing Well Construction and groundwater Protection in Wake County. Brian Ellerson signed a Proposed Resolution Agreement 05/05/2011.

The license of Brian Wayne Ellerson, number 28725, P-II, H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probationary period, Mr. Ellerson must also enroll in and attend the Special Board Laws & Rules course prior to the end of the probation period, and licensee must be on-site when a well seal is broken, remain on-site until the well has been sanitized and re-sealed. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**England, Steven**

**England Heating & Air, LLC.**

**Red Springs, NC**

**License# 29874, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee violated the State Mechanical Code by failing to support the supply and return duct, failing to have the minimum 4 inch clearance to ground level (duct was left on ground), improper flex duct transitions on supply and return duct, failed to insert transition collar, and failed to obtain a permit prior to commencing work.

Steven England signed a Proposed Resolution Agreement 03/25/2011.

The license of Steven England, number 29874, H-3-I, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. If allowed by the homeowner, the licensee agreed to obtain a permit, return to the job location at 3273 Meadow Rd., correct all code violations and have a final inspection performed by the local inspector by 04/05/2011. The licensee obtained a permit and secured an approved final inspection on 03/28/2011. In the event the licensee violates the conditions of probation, his license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Gaines, Jay Phillip**

**All County Services Heating & Air**

**Franklin, NC**

**License# 28254, H-3-I**

Allegations of misconduct and being unlicensed in the business of heating contracting in that the licensee submitted a bid to install (2) Goodman furnaces with air conditioning where the total tonnage of the building exceeded 15 tons without proper license qualifications, failed to complete a load calculation for the installation of the Goodman units, and sought and obtained Michael Cope, license number 16377, who did not perform the work or receive the contractual payment for the job, to secure a permit for the Heating Group 2 installation work in violation of GS 87-21, NCAC, Chapter 50, sections .0402, .0403, .0406, .501 & .0503.

Jay Gaines signed a Proposed Resolution Agreement 01/03/2011.

The license of Jay Gaines, number 28254, H-3-I and that of the firm shall be placed on supervised probation for a period of twelve (12) months.

Among other things during the probation, the licensee is required to enroll in and attend the Special Board Laws & rules class. Mr. Gaines agreed to hire, at his own expense, a properly licensed heating contractor, which within 10 days of the approval of this order, shall return to the church located at 4668 Old Murphy Road, Franklin, NC 28734 and perform a thorough Manual J load calculation. If the load calculation reveals that the equipment is improperly sized, then the contractor shall obtain a permit from the local inspection department, replace the improperly sized equipment with properly sized furnace (s) and air conditioning unit(s) and obtain a final inspection within 30 days of approval of this order. The contractor shall submit evidence to the board within 45 days of the final inspection and shall submit a copy of his load calculation. After complaint to the Board, Michael Cope, license number 16377, completed corrections for the installation. In the

event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Guard, Jeffrey**

**American Residential Service, LLC**

**d/b/a ARS (Durham)**

**Greensboro, NC**

**License# 19719 H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections on multiple jobs, and failed to provide supervision. Resolution Conference held 02/17/2011. Jeffrey Guard signed a Resolution Conference Agreement 03/03/2011.

The license of Jeffrey Guard, number 19719 H-3-I, and that of the Durham and Greensboro firms, shall be placed on supervised probation for a period of twenty-four (24) months. Among other things during the probationary period, within thirty (30) days of the approval of this order, the contractor, Jeffrey Guard, shall submit a copy of final inspections on all of the outstanding permits contained within the complaint file 2011-130. The licensee must also enroll in and attend the Special Board Laws & Rules course prior to the end of the probation period. In the event the licensee violates the conditions of probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Guice, Kevin**

**General Heating and Air Conditioning, Inc.**

**Flat Rock, NC**

**License# 14369, H-I, 2,3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain a permit prior to commencing work, failed to complete a load calculation for the installation of a radiant floor heating system, violated the State Mechanical Code by improperly sealing (3) supply lines, failing to properly support the supply duct, excessive amount duct on supply duct, and boot improperly sealed on supply above garage area.

Kevin Guice signed a Proposed Resolution Agreement 03/30/2011.

The license of Kevin Guice, license number 14369, H-I,2&3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probationary period, Mr.

Special Board Laws & Rules course prior to the end of the probation period, and return to the home at 1202 Highland Ave. by April 6th, 2011 and address all code violations. After complaint to the Board, Mr. Guice completed the corrections. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Hager, Joseph**

**Hager's Heating and Cooling, LLC  
Huntersville, NC**

**License# 28799, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee accepted a subcontract for the installation of a complete heating and air conditioning system from an unlicensed contractor.

Joseph Hager signed a Proposed Resolution Agreement 04/05/2011 .

The license of Joseph Hager, license number 28799, H-3-I, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. Among other things during the probationary period, within thirty (30) business days from 04/05/2011, the licensee must assure that his license has been listed with the Board in the name that he currently operates his business. On 04/12/2011, licensee completed a Trade Name Change Form to have his license listed in the name of Hager's Heating and Cooling, LLC. In the event the licensee violates the conditions of probation, his license will be suspended for a period of two (2) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Hardee, Ronald**

**Hardee's Plumbing Company  
Winterville, NC**

**License# 23013, P-I**

Allegations of misconduct and incompetence in the business of plumbing contracting in that failed to provide adequate supervision, violated the minimum standard of the North Carolina State Plumbing Code, and engaged in business under a different name or style of business than appears on his license.

Resolution Conference held 03/29/2011. Ronald Hardee signed a Resolution Conference Agreement 03/29/2011 .

The license of Ronald Hardee, number 23013 P-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probationary period, Mr. Hardee must enroll in and attend the Special Board Laws & Rules course prior to the end of the

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

**Hartsell, Bryan**

**Advanced Air Heating  
& Cooling Services  
 Mooresville, NC**

**License# 23416, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain a permit prior to commencing work, failed to request final inspection within 10 days of substantial completion of the work, violated the State Mechanical Code by using unapproved romex for wet area, breaker appeared to be oversized, and needed to improve the seal on the rain shield.

Bryan Hartsell signed a Proposed Resolution Agreement 03/10/2011 .

The license of Bryan Hartsell, license number 23416, H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. If allowed by the property owner, Mr. Hartsell agreed to return to 930 East Center Ave., correct all code violations and have a final inspection performed by the local inspector by March 24th, 2011. After complaint to the Board, the licensee pulled a permit, made corrections, and the unit passed inspection on 03/25/2011. In addition, the licensee must enroll in and attend the Special Board Laws & Rules course prior to the end of the probation period.

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

**Hicks, John Frank**

**Hicks Heating & Air  
Hickory, NC**

**License# 18732, H-3-II**

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain a permit prior to commencing work on the installation of a new 2 ton Goodman heat pump and all associated ductwork, and violated the State Mechanical Code by failing to provide proper access to air handler, no trap on condensate line, no purple primer utilized on condensate line, duct work appeared to be undersized, the supply duct within 12" from end of main trunk, 2" PVC plumbing drain line penetrates duct work, supply boots not properly insulat-

ed, flex duct in garage area- needs to be metal duct work, failed to provide proper access to main panel box/condensing unit within 3 feet main panel, and exterior wall penetration not properly sealed.

John Frank Hicks signed a Proposed Resolution Agreement 02/24/2011 .

John Frank Hicks, license number 18732, voluntarily requested to resign from doing HVAC work due to health reasons. His license was not renewed as of January 1, 2011. Mr. Hicks agreed to surrender, license number 18732, H-3-II, to the Board. The act of surrendering the license will be recorded as a license revocation. In the event, Mr. Hicks requests to re-establish his license, he must answer to the charges in the specific complaint/s and possible reexamine per General Statutes Chapter 87, Article 2.

**Holbert, Marvin**

**Holbert's Heating & Air Condtg.  
Hendersonville, NC**

**License# 15160, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee added ductwork to a new finished section of a home and failed to perform load calculations or duct design for the new duct work installation, failed to obtain permit (s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, violated the minimum standard of the North Carolina State Mechanical Code, and subcontracted work from an unlicensed individual.

Resolution Conference held 04/21/2011 .

Marvin Holbert signed a Resolution Conference Agreement 04/21/2011 .

The license of Marvin Holbert, number 15160 H-3-I, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. Among other things during the probationary period, Mr. Holbert must enroll in and attend the Special Board Laws & Rules course prior to the end of the probation period. Within sixty (60) days of the approval of this order the contractor shall return to the home located at 26 Country Rd., Hendersonville, NC and perform a thorough Manual J load calculation. If the load calculation reveals that the equipment is improperly sized, then the contractor shall obtain a permit from the local inspection department, replace the undersized equipment with properly sized equipment and obtain a final inspection within seventy-five (75) days of approval of this order. The contractor shall submit evidence to the board within ninety (90) days of the final inspection and shall submit a copy of his load calculation. In addition, the contractor shall perform a flow hood test to verify that the correct CFM's are being achieved per the load calculation



for this job and assure that the proper return or area of transfer is being provided for the free flow of air back to the unit. This work shall be performed at no expense to the homeowner. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Huneycutt, Bryan K.  
Speedway Plumbing, Inc.  
Concord, NC**

**License# 19871, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee, in lieu of making a personal appearance and attending the required 2011 continuing education classes for himself, requested and permitted his unlicensed former employee to attend and complete the required 2011 continuing education hours in his place in violation of the Board rules.

Resolution Conference held 03/03/2011. Bryan Huneycutt signed a Resolution Conference Agreement 03/03/2011.

The license of Bryan Huneycutt, number 19871 P-I, and that of the firm, shall be suspended for a period of twelve (12) months. During the suspension, Mr. Huneycutt must enroll in and attend the Special Board Laws & Rules course prior to the end of the suspension period. Upon successful completion of the suspension, his license, number 19871 P-I, and that of the firm shall be placed on supervised probation for a period of twenty-four months. Among other things during the probationary period, within thirty (30) days of the approval of this order, Mr. Huneycutt must submit to the Board's office copies of W-4's for all employees during the calendar years of 2010 and then by April 15th of each year for the next three years (2011, 2012 & 2013), copies of all W-4's and W-2's for all employees during the calendar year for each of the next three years. In the event the licensee violates the conditions of probation, his license will be revoked.

**Hunt, Billie  
L.A. Plumbing & Construction Services  
Lexington, NC**

**License# 27133, P-I**

Allegations of misconduct failure to appear at a scheduled Resolution Conference. Resolution Conference held 03/02/2011. Hunt failed to appear.

The Review Committee determined that Billie Joe Hunt, although duly served with the Invitation Letter, failed to appear at the Resolution Conference scheduled on March 2, 2011 to answer the complaint file charges; therefore, the license of Billie Joe Hunt, num-

ber 27133, P-I, shall be revoked until such time as Mr. Hunt personally appears before the Resolution Review Committee to answer to the following complaint file numbers: 2009-546, 2010-836, 2010-1172, 2010-1173, and 2010-1260.

Resolution Conference Agreement hand delivered to Hunt 04/06/2011.

**Hutchins, John Edward**

**Tri-Pride Plumbing  
Clayton, NC**

**License# 19168, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee contracted and installed 200 sub meters without obtaining a permit, contracted and performed licensed plumbing work on an expired license, failed to request final inspection within 10 days of substantial completion of the work, and allowed an unlicensed individual, who was not a bona fide employee of his company Tri-Pride Plumbing, to assist in the installation of the sub meters,

John Hutchins signed a Proposed Resolution Agreement 02/28/2011.

The license of John Hutchins, number 19168 P-I, and that of the firm shall be placed on a supervised probation for a period of twelve (12) months. Among other thing during the probation, Mr. Hutchins must enroll in and attend the Special Board Laws & Rules course prior to the end of the probation period. In the event the licensee violates the conditions of probation, his license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Jackson, Lynwood  
Southern Comfort Heating & Air  
Autryville, NC**

**License# 18109, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to provide adequate supervision for work performed under his license, failed to perform a heat loss/heat gain calculation, and violated the State Mechanical Code and the following issues with the job were noted: return duct for 4 ton package unit improperly sized, ductwork installed on ground, condensate drain trap for unit improperly installed, electrical breaker at sub-panel for unit improperly sized, rain shield on package unit not sealed, return plenum installed incorrectly designed, space not equally utilized for 2 tons or return air.

Lynwood Jackson signed a Proposed Resolution Agreement 03/11/2011.

The license of Lynwood Jackson, number 18109, H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. If allowed by the

homeowner at 217 West Wind Dr., the licensee agreed to obtain a permit, return to this job, correct all code violations and have a final inspection performed by the local inspector by June 3, 2011. Mr. Jackson shall also perform a thorough Manual J load calculation. If the load calculation reveals that the equipment is improperly sized, then the licensee shall obtain a permit from the local inspection department, replace the undersized equipment with properly sized package unit by June 3, 2011. After complaint to the Board, the licensee returned to the job, obtained a permit, made the corrections, and completed a load calculation. In the event the licensee violates the conditions of probation, his license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Jarvis, Jason**

**Jarvis Heating & Cooling  
Wilmington, NC**

**License# 29495, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain permits prior to commencing work, failed to provide adequate supervision for work performed under his license, failed to request final inspections within 10 days of substantial completion of the work, and failed to list his license in the name of the firm.

Resolution Conference held 03/30/2011.

Licensee failed to appear.

The Review Committee determined that Jason Jarvis, although duly served with the Invitation Letter, failed to appear at the Resolution Conference scheduled on March 30, 2011, and the license of Jason Jarvis, number 29495, H-3-I, shall be suspended until such time as Mr. Jarvis appears before the Resolution Review Committee to answer to the following complaint file numbers: 2010-1265, 2010-1266, 2011-235, and 2011-366.

Resolution Conference Agreement hand delivered to Jarvis on 04/26/2011.

**Jenkins, Tina Moncus  
A Comfort Control Heating & Cooling,  
LLC.**

**Myrtle Beach, SC  
License# 3741, H-2&3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee violated the prior probation order entered by the Board, failed to obtain permit(s) prior to commencing work, failed to perform load calculation(s) and duct design (s), and violated the minimum standard of the North Carolina State Mechanical Code.

Resolution Conference held 02/15/2011.

Tina Jenkins signed a Resolution Conference Agreement 03/03/2011.

The license of Tina Jenkins, 3741 H-2&3-I, and that of the firm shall be placed on supervised probation for a period of three (3) years. Based on this amendment to the previous probation/suspension order, any additional violations of Article 2, Chapter 87, and Rules of the Board or of this probation will result in strict adherence to this agreement. In the event the licensee violates the conditions of probation, her license will be revoked.

**Johnson, Jimmy  
Almond, NC**

**License# 28581, H-3-II**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to properly supervise the mechanical installation, the licensee violated the State Mechanical Code and the following issues were noted: condensing unit too close to home, condensing unit was not level, failed to use primer on condensate line, air handler was not level, improper duct design and installation, licensee undersized the supply lines, improperly insulated connectors, licensee restricted flex duct lines, licensee damaged insulation on supply flex duct, improperly insulated the return, lack of supply lines serving kitchen and living room, licensee undersized return, and failed to properly zone system.

Jimmy Johnson signed a Proposed Resolution Agreement 01/07/2011.

The license of Jimmy Johnson, number 28581, H-3-II and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things, within the next forty-five (45) days the licensee agreed to correct any and all code violations and issues noted above. Contact the homeowners in advance and arrange a time to perform this work. Prior to commencing any work, obtain a permit from the local code enforcement official and receive a final inspection with the next 45 days. Mr. Johnson renewed his license on 02/28/2011; projected date for completion is week of 03/07/2011. Among other things, during the probationary period, Mr. Johnson must enroll in and attend the Special Board Laws & Rules course presented by the Board. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Jones, Walter M.**

**Jones & Jones Heating & Air, Inc.**

**Hope Mills, NC**

**License# 11614, H-2&3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that

the licensee failed to provide adequate supervision, and violated the minimum standard of the North Carolina State Mechanical Code. Resolution Conference held 03/30/2011. Walter Jones signed a Resolution Conference Agreement 03/30/2011.

The license of Walter M. Jones, number 11614 H-2&3-I, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. Among other things during the probationary period, Mr. Jones must enroll in and attend the Special Board Laws & Rules course prior to the end of the probation period. In the event the licensee violates the conditions of probation, his license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Kelly, Brian Keith**

**B Kelly Inc.**

**Newport, NC**

**License# 28164, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work for plumbing installations listed with the City of Havelock Building Inspection Department, failed to request final inspection(s) within 10 days of substantial completion of the work, engaged in business under a different name or style of business than appears on his license.

Brian Keith Kelly signed a Proposed Resolution Agreement 01/12/2011.

The license of Brian Keith Kelly, number 28164 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. Within ten (10) days, Mr. Kelly must assure that all of the listed installations that have been permitted and performed under his license receive an approved final inspection. After complaint to the Board, Mr. Kelly completed the installations listed with the City of Havelock. Within the next (3) business days, the license of Brian Keith Kelly must be listed with the Board in the name that he currently operates his business. On 01/13/2011, the Board received and approved a request to have the license issued in the name of B. Kelly, Inc. In the event the licensee violates the conditions of probation, his license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Kluttz, William**

**Absolute Fire Control**

**Charlotte, NC**

**License# 16582, FS & FSIC**

Allegations of misconduct in that the licensee

allowed an unlicensed person to perform NFPA-25 inspections under his Fire Sprinkler Inspection Contractor License. Resolution Conference held 04/19/2011. William Kluttz signed a Resolution Conference Agreement 04/19/2011.

The license of William Kluttz, number 16582 FS & FSIC, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probationary period, Mr. Kluttz must assure that all persons performing NFPA-25 inspections under his license hold the proper Fire Sprinkler Inspection Technician license listed under his license, and he must enroll in and attend the Special Board Laws & Rules course prior to the end of the probation period. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Kocher, Ronald**

**RonCo Heating & Air Conditioning**

**Parkton, NC**

**License# 16556, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to comply with the State Mechanical Code and the following violations were noted: portions of flex duct poorly routed, excessive flex duct in several locations, primary condensate drain line for air handler unit installed in attic space terminated into the ground in crawl space and was not routed to outside of structure, secondary drain line for air handler unit installed in crawl space of residence drained into crawl space and was not terminated to outside of structure, condensate drain line penetration through foundation wall not sleeved and sealed properly, flex duct installed without sufficient clearance to ground level (duct was installed within 4 inches to ground level).

Ronald Kocher signed a Proposed Resolution Agreement 02/23/2011.

The license of Ronald Kocher, number 16556 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of 12 months. If allowed by the homeowner, Mr. Kocher agreed to obtain a permit, return to the job at 287 Falling Water Rd., correct all code violations and have a final inspection performed by the local inspector by March 25, 2011; and provide to the Board a receipt by March 25, 2011 documenting that he has made restitution in the amount of \$738.50 to Richard Bago. After complaint to the Board, it was determined that Mr. Kocher obtained a permit, completed the corrections, obtained a final inspection, and reimbursed the homeowner. In the event the licensee

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

**Lamb, Thomas James**  
**Lamb's Heating and A/C Co.**  
**Asheboro, NC**

**License# 20737, H-3-I (sublicensee)**

Allegations of misconduct in the business of heating contracting in that the licensee presented an Affidavit in support of the examination application of Chad Blaine Whitson in which he represented that Whitson was an employee. Licensee paid Mr. Whitson on a Form 1099-MISC Form without withholding taxes in violation of the Board rule 21 NCAC 50.0512.

James Thomas Lamb signed a Proposed Resolution Agreement 12/21/2010. The license of Thomas Lamb, number 20737 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. Among other things, during the probation, the licensee is required to enroll in and attend the Special Board Laws & rules class. Mr. Lamb is required to submit to the Board's office within thirty (30) days copies of all employee W-4's and by the end of the probation submit a copy of all employee W-2's. In the event the licensee violates the conditions of probation, his license will be suspended for a period of two (2) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements. Prior to the deadline, licensee completed the requirement to submit records of all employee W-4's (Employee's Withholding Allowance Certificates) and employee W-2's (Wage and Tax Statements).

**Lepore, Domenic**  
**DAC Services, Inc.**  
**Hope Mills, NC**

**License# 16792, H-2&3-I**

Allegations of misconduct and selling license in the business of heating contracting in that the licensee allowed the use of his license by unlicensed persons, obtained a permit and allowed his license number to appear on a permit on a job where the licensee did not hold the contract with the homeowner or general contractor and did not receive the contractual payment for the job. Resolution Conference held 04/19/2011. Domenic Lepore signed a Resolution Conference Agreement 04/19/2011. The license of Domenic Lepore, number 16792 H-2&3-I, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. Among other things during the probationary period, Mr. Lepore

must enroll in and attend the Special Board Laws & Rules course prior to the end of the probation period, and refrain from selling HVAC equipment to unlicensed persons. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Lockhart, Melvin**  
**Mel's Heating & Air**  
**Shelby, NC**

**License# 27867, H-3-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee performed work outside of his licensing qualifications.

Melvin Lockhart signed a Proposed Resolution Agreement 03/16/2011.

The license of Melvin Lockhart, license number 27867 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, the licensee is required to enroll in and attend the Special Board Laws & rules class, assure that his license is properly listed with the board, only perform work requiring a license in the name my license is listed with the board. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

**McCandless, Mark**  
**All County Plumbing LLC.**  
**Hickory, NC**

**License# 24870, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to obtain a permit prior to commencing work, and violated the State Plumbing Code.

Mark McCandless signed a Proposed Resolution Agreement 03/16/2011.

Referred to Review Committee.

Resolution Conference held 04/20/2011.

Review Committee recommended accepting the Proposed Resolution Agreement. The license of Mark McCandless, license number 24870 P-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, the licensee is required to enroll in and attend the Special Board Laws & rules class, if allowed by the property owner, the licensee agreed to return to the job at 114 20th Ave., correct all code violations and have a final inspection performed by the local inspector within the next 15 days, from today. After complaint to the Board, the licensee completed the installation. In the

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

**McGaha, Jeremy**  
**All Service Heating &**  
**Air Conditioning, Inc.**  
**Franklin, NC**

**License# 28746, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee violated the State Mechanical Code and the following issues were noted: supply and return plenums not properly strapped/supported, ceiling insulation removed when supply/return duct work installed- not properly re-installed, ceiling insulation, failed to use primer on condensate line, portion of arma-flex missing on condensing unit, refrigerant line not rodent proof, and condensing unit not level.

Jeremy McGaha signed a Proposed Resolution Agreement 12/17/2010.

The license of Jeremy McGaha, number 28746, H-3-I and that of the firm shall be placed on unsupervised probation for a period of six (6) months. The licensee did return to 148 Daves Creek Rd. and has done the following: properly supported the supply/return plenums, installation was re-installed around the supply/return, and changed out the T-stat. Within the next ten (10) days, Mr. McGaha will return to the property, correct any and all code violations that still exist. Among other things, during the probationary period, Mr. McGaha must enroll in and attend the Special Board Laws & Rules course presented by the Board. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**McKinney, Robert**  
**McKinney's Heating & Air Cond**  
**Hickory, NC**

**License# 23109, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee obtained money and failed to complete installation (job abandonment).

Resolution Conference held 04/20/2011. Robert McKinney signed a Resolution Conference Agreement 04/20/2011.

The license of Robert McKinney, number 23109 H-3-I, and that of the firm shall be suspended for a period of twelve (12) months after renewal of license to an active status. Mr. McKinney must enroll in and attend the Special Board Laws & Rules course presented

by the Board prior to the end of the suspension. In the event the licensee violates the conditions of suspension, his license will be suspended for a period of twenty-four (24) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Millirons, Dustin**

**All About Care Heating & Air, Inc.  
Winston-Salem, NC**

**License# 28653, H-2&3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, and failed to obtain final inspections.

Resolution Conference held 04/18/2011. Dustin Millirons signed a Resolution Conference Agreement 04/18/2011.

The license of Dustin Millirons, number 28653 H-2&3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probationary period, Mr. Millirons must enroll in and attend the Special Board Laws & Rules course prior to the end of the probation period, and within one-hundred twenty (120) days of the approval of this order the contractor shall obtain a final inspection on all outstanding permits contained within complaint file number 2011-238. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Minor, Jason**

**Dynamic Air Systems, Inc.  
Rural Hall, NC**

**License# 29534, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to carry out adequate ductwork installation and system design, failed to perform proper load calculation and duct design, violated the minimum standard of the North Carolina State Mechanical Code, and failed to respond to consumer in a timely manner/poor business practices.

Resolution Conference held 01/19/2011. Jason Ryan Minor signed a Resolution Conference Agreement 01/19/2011.

The license of Jason Minor, number 29534 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twenty-four (24) months. Among other things

during the probationary period, Mr. Minor must assure that all installations that have been performed under his license that have not been permitted or inspected shall receive an approved final inspections within 30 days of approval of this order, and enroll in and attend the Special Board Laws & Rules course presented by the Board by the end of the probationary period. In addition, within 30 days of the approval of this order the contractor shall return to the home located at 1440 Demetrius Dr. and correct any and all code violations that exist as well as install an automatic zoning system. The contractor shall obtain a permit from the local inspection department (the current permit has expired) and obtain a final inspection within 60 days of approval of this order. The contractor shall submit evidence to the board within 15 days of the final inspection and shall submit a copy of the final inspection. The contractor shall contact the building owner in advance; arrange a time to perform this work. This work shall be performed at the expense of the contractor. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Moeller, James**

**Quality Plus Service, Inc.  
Rocky Mount, NC**

**License# 29702, H-3-I (sublicensee)**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to perform a load calculation for the installation of a 3 ton gas pack at 3721 Raspberry Dr, failed to request final inspection within 10 days of substantial completion of the work, violated the State Mechanical Code in that there was a lack of rodent proofing for the installation, the return duct servicing the unit was not properly hung, failed to visit the job site during or after installation in order to verify that the work had been performed by the service technician in a workman like manner prior to inspection, and another job location of 416 Fox Hunt Ln. in Havelock, NC, the licensee failed to verify that a passing inspection had been obtained for all of the HVAC installation performed under his license.

James E. Moeller signed a Proposed Resolution Agreement 02/01/2011.

The license of James Moeller, number 29702, H-3-I and that of the firm shall be placed on supervised probation for a period of twelve (12) months. Within the next thirty (30) business days, Mr. Moeller must provide the board with proof of a passing inspection for the HVAC installation that took place at 416 Fox Hunt Ln Havelock NC. During the pro-

probationary period, Mr. Moeller must enroll in and attend the Special Board Laws & Rules course presented by the Board prior to the end of the probation. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Nelson, Harry**

**Rocky Point, NC**

**License# 22665, P-I**

Allegations of misconduct in the business of plumbing contracting in that he failed to provide adequate supervision for work performed under his license.

Harry Nelson signed a Proposed Resolution Agreement 12/22/2010.

Proposed Resolution Agreement not accepted/recommendation for conference.

Resolution Conference held 02/17/2011; Review Committee recommended approval of Proposed Resolution Agreement dated 12/22/2010.

The license of Harry James Nelson, number 22665 P-I, and that of the firm shall be placed on unsupervised probation for a period of 12 months. Within the next 15 days return to the home at 383 Shore Point, and correct any and all code violations that still exist, obtain a permit from the local code enforcement official and receive a final inspection with the next 30 days. After complaint to the Board, it was determined that the licensee completed the corrections and obtained a final inspection. In addition, the licensee is required to enroll in and attend the Special Board Laws & Rules class. In the event the licensee violates the conditions of probation, his license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Noble, Woodrow**

**Woody's Htg & Air  
Chadbourn, NC**

**License# 20787, H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to request final inspection within 10 days of substantial completion of the work, and engaged in business under a different name or style of business than appears on his license.

Woodrow Noble signed a Proposed Resolution Agreement 02/24/2011.

The license of Woodrow Noble, number 20787 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. If allowed by the homeowner, Mr. Noble agreed to obtain a permit, return to this job, correct all code



violations and have a final inspection performed by the local inspector by March 11, 2011, and have his license listed with the Board in the name that he currently operates his business by March 7, 2011. Mr. Noble completed the corrections and obtained a final inspection. On March 1, 2011, the Board received and approved a request to have the license listed in the name of Woody's Htg & Air. In the event the licensee violates the conditions of probation, his license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Oxendine, Christopher**  
**Oxendine's Heating & Air**  
**Pembroke, NC**

**License# 22813, H-2&3-I**

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

Resolution Conference held 12/16/2010. Christopher Oxendine signed a Resolution Conference Agreement 12/16/2010.

The license of Christopher Oxendine, number 22813 H-2&3-I, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. Among other things, during the probation, within thirty (30) days of the approval of this order, the contractor shall return to the home of Samuel Locklear, who resides at 3202 Mount Tabor Rd., Red Springs, NC and install a new Trane coated coil (supplied at no cost by the manufacture). The contractor shall contact the building owner in advance and arrange a time to perform this work. This work shall be performed at the expense of the contractor. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Oxendine, James H.**  
**Oxendine's Heating & Air**  
**Pembroke, NC**

**License# 09851, H-3-I**

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

Resolution Conference held 12/16/2010. James H. Oxendine signed a Resolution Conference Agreement 12/16/2010.

The license of James Oxendine, number 9851 H-3-I, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. Among other things, during the probation, licensee must enroll in and attend the Special Board Laws & Rules course presented by the Board prior to the end of the probation. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Rampell, Ronald**  
**Courtesy Services Heating & Cooling**  
**Franklin, NC**

**License# 29165, H-3-II**

Allegations of misconduct in the business of heating contracting in that he contracted heating group two work without valid license qualifications, failed to obtain a permit prior to commencing work, and failed to complete a load calculation for the installation.

Ronald Rampell signed a Proposed Resolution Agreement 04/01/2011.

The license of Ronald Rampell, license number 29165 H-3-II, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. Among other things during the probation, the licensee is required to enroll in and attend the Special Board Laws & rules class. Prior to April 15, 2011, the licensee will hire, at his own expense, a properly licensed heating contractor, who shall pull the required permit, perform a thorough Manual J load calculation for the pack units installation at Whitley Products, Inc. located at 66 Van Raalte Street, Franklin, NC 28734-2760. If the load calculation reveals that the equipment is improperly sized, then the contractor shall replace the improperly sized equipment with properly sized furnace (s) and air conditioning unit(s) and obtain a final inspection by April 30, 2011. The contractor shall submit evidence to the board within 45 days of the final inspection and shall submit a copy of his load calculation. After complaint to the Board, a permit was obtained, and a final inspection was approved. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

**Rowe, Wilbert L.**  
**Le'Ro Enterprises HVAC**  
**Wilmington, NC**

**License# 17223, H-3-I**

Allegations of misconduct and incompetence

in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to perform load calculations, and violated the minimum standard of the North Carolina State Mechanical Code, and installed mismatched equipment.

Resolution Conference held 12/16/2010.

Wilbert Rowe signed a Resolution Conference Agreement 12/16/2010.

The license of Wilbert L. Rowe, number 17223 H-3-I, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Russell, Gerald**  
**Gentry Air, Inc. (sublicensee)**  
**Greensboro, NC**

**License# 09858, H-3-II**

Allegations of misconduct in the business of heating contracting in that the licensee failed to perform proper load calculation and system design, utilized one HVAC system without automatic zoning for a multilevel structure, and violated the minimum standard of the North Carolina State Mechanical Code. Resolution Conference held 11/17/2010.

Gerald Russell signed a Resolution Conference Agreement 11/17/2010.

The license of Gerald Russell, number 9858 H-3-II, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probationary period, Mr. Russell must enroll in and attend the Special Board Laws & Rules course prior to the end of the probation period. Within Ninety (90) days of the approval of this order the contractor shall obtain a permit from the local code enforcement official, return to the property at 507 Carter Ridge Drive, correct any and all code violations that still exist and install a proper automatic zoning system. The contractor shall contact the building owner in advance, arrange a time to perform this work and shall receive a final inspection with the next 120 days. This work shall be performed at the expense of the contractor. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Sawyer, Dennis  
D&S Gas Service  
Lenoir, NC**

**License# 21844, FP**

Allegations of misconduct in the business of fuel piping contracting in that the licensee failed to pull the required permit and have the installation of a 50 feet gas line inspected, engaged in business under a different name or style of business than appears on his/her license, and permitted work that requires a license to be proposed and performed when he was not present in violation of NCAC 50.0512(4).

Dennis Sawyer signed a Proposed Resolution Agreement 12/15/2010.

The license of Dennis Sawyer, number 21844, FP, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things, within the next 10 (ten) business days from 12/15/2010, Mr. Sawyer was required to have his license listed with the Board in the name that he currently operates his business. During the probationary period, Mr. Sawyer must enroll in and attend the Special Board Laws & Rules course presented by the Board. On or about 12/17/2010, Mr. Sawyer submitted a trade name change form to have his license listed in the name of D&S Gas Service.

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

**Schronce, Richard**

**Boilers & Professional Piping, Inc.  
Hickory, NC**

**License# 17969, H-1-I**

Allegations of misconduct, incompetence, and gross negligence in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, violated the minimum standard of the North Carolina State Mechanical Code, violated the minimum standard of the North Carolina State Fuel Gas Code, failed to properly design a boiler and piping system, failed to have the boiler installation designed by a Licensed Professional Engineer, and created risk of personal injury or property damage.

Resolution Conference held 1/20/2011. Richard Paul Schronce, Jr. signed a Resolution Conference Agreement 01/20/2011.

The license of Richard Paul Schronce, number 17969 H-1-I, and that of the firm shall be placed on supervised probation for a period of eighteen (18) months. Within 60 days of the approval of this order, if allowed by the building owner, the contractor shall obtain a

permit from the local code enforcement official, return to the structure at 4730 Taylorsville Hwy, and correct any and all code violations that still exist. The contractor shall contact the building owner in advance, arrange a time to perform this work and shall receive a final inspection within 90 days of approval of this order. This work shall be performed at the expense of the contractor. During the probation, Mr. Schronce must enroll in and attend the Special Board Laws & Rules course presented by the Board prior to the end of the probation. In the event the licensee violates the conditions of probation, his license will be suspended for a period of nine (9) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Seward, John**

**Mitchell Plumbing Inc.  
Hendersonville, NC**

**License# 18135, PH-3-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee failed to obtain a permit prior to commencing work.

John Seward signed a Proposed Resolution Agreement 03/30/2011.

The license of John Seward, number 18135, PH-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probationary period, Mr. Seward must enroll in and attend the Special Board Laws & Rules course prior to the end of the probation period. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Seymour, Louis**

**Kinston, NC**

**License# 07245, H-2&3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to provide adequate supervision, and failed to execute contracts.

Louis Seymour signed a Proposed Resolution Agreement 04/11/2011.

The license of Louis Seymour, number 07245 H-2&3-I, shall be surrendered to the Board.

**Shonborn, Kent Arthur**

**Deem, LLC**

**Indianapolis, IN**

**License# 29741, H2&3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to provide adequate supervision for work performed under his license.

Kent Shonborn signed a Proposed Resolution Agreement 02/15/2011.

The license of Kent Shonborn, number 29741 H-2&3-I, and that of the firm shall be placed on a supervised probation for a period of 18 months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of one (1) year, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Sink, Jack L.**

**Sink Plumbing & Elec. Co., Inc.  
Winston-Salem, NC**

**License# 1809, P-I**

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

Resolution Conference held 01/19/2011. Jack Sink signed a Resolution Conference Agreement 01/19/2011.

The license of Jack L. Sink, number 1809 P-I, and that of the firm shall be placed on unsupervised probation for a period of eighteen (18) months. Among other things, during the probationary period, Mr. Sink must enroll in and attend the Special Board Laws & Rules course presented by the Board. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Smith, Luby**

**AAA Plumbing**

**Newport, NC**

**License# 6657, P-I**

Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee violated the minimum standard of the North Carolina State Plumbing Code, allowed the use of his license by unlicensed persons by issuing 1099's to unlicensed employees, contracted work while license was expired, engaged in business under a different name or style of business than appears on his license, and failed to carry out adequate plumbing system design.

Resolution Conference held 03/28/2011. Luby Smith signed a Resolution Conference

Agreement 03/28/2011.



## Field Resolution Agreements and Resolution Review Committee Agreements

The license of Luby Smith, number 6657 P-I, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. Among other things during the probationary period, Mr. Smith must enroll in and attend the Special Board Laws & Rules course prior to the end of the probation period, and shall obtain a minimum of twelve (12) hours of continuing education hours annually for the next three (3) licensing renewals (2012, 2013 & 2014), with the requirement that 50% of the required annual hours must be specifically on plumbing code. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

### **Sutton, Donald Becton**

#### **Mount Olive, NC**

#### **License# 18843 H-3-I**

Allegations of misconduct in the business of heating contracting in that the licensee presented an Affidavit in support of the examination application of Bennie Fulford, in violation of the Board rule 21 NCAC 50.0512, to take the State Heating Examination when Mr. Fulford was being paid as a 1099 employee of SCB of Wilson.

Donald Sutton signed a Proposed Resolution Agreement 01/04/2011.

The license of Donald Sutton, number 18843 H3-I, and that of the firm shall be placed on a unsupervised probation for a period of twelve (12) months. Within the next thirty (30) days, submit to the Board's office copies of all employee W-4's and by the end of the probation submit a copy of all employee W-2's. Among other things, during the probation, the licensee is required to enroll in and attend the Special Board Laws & rules class. Prior to the deadline, Mr. Sutton notified the Board's office that he does not have any employees. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

### **Thomas, James Patrick**

#### **JSH Mechanical, LLC**

#### **Snow Hill, NC**

#### **License# 23436, H-3-II**

Allegations of misconduct in the business of heating contracting in that the licensee issued a bad check to the board in renewal of his 2011 licensee, failed to resolve after three letters were mailed to him, and the field representative personally delivered an invitation to attend a Resolution Review Committee, Resolution Conference held 04/20/2011. James Thomas signed a Resolution Confer-

ence Agreement 04/20/2011.

The license of James Thomas, number 23436 H-3-II, and that of the firm shall be suspended for a period of thirty-seven (37) months. The license will be restored at the end of the suspension, provided that the licensee shall be renewed with the board office by the close of business on April 25, 2011. In the event the licensee violates the conditions of suspension, his license will be suspended for a period of one (1) year, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

### **Trickett, James**

#### **Mountain Energy Gas, LLC**

#### **Waynesville, NC**

#### **License# 23615, FP**

Allegations of misconduct in the business of fuel piping contracting in that the licensee failed to pull the required permit, and failed to properly supervise the gas line installation. James Trickett signed a Proposed Resolution Agreement 03/31/2011.

The license of James Trickett, license number 23615 FP, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, the licensee is required to enroll in and attend the Special Board Laws & rules class. Return to the home at 1123 Frank Davis Rd. by April 15, 2011 and correct any and all code violations that still exist. Contact the homeowners in advance and arrange a time to perform this work. Prior to commencing any work, obtain a permit from the local code enforcement official and receive a final inspection by April 30, 2011. After complaint to the Board, the licensee completed and obtained a final inspection. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

### **Turner, Michael**

#### **IFI Fire Protection**

#### **Jamestown, NC**

#### **License# 28604 IC**

Allegations of misconduct in the business of fire sprinkler inspections in that the licensee solicited, performed, and made repairs/modifications to fire sprinkler systems, which was work outside his then license qualification as an Inspection Technician.

Michael Turner signed a Proposed Resolution Agreement 01/06/2011.

The license of Michael Turner, number 28604 IC, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. After complaint to the Board, Michael Turner obtained his license as

an Inspector Contractor. Among other things during the probation, the licensee is required to enroll in and attend the Special Board Laws & rules class within the next 12 months. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements.

### **Underwood, Tony Kip**

#### **HVAC Specialists**

#### **Fuquay Varina, NC**

#### **License# 22035, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that failed to perform proper load calculation and duct design, and obtained money and failed to complete installation in a timely manner.

Resolution Conference held 12/17/2010. Tony Underwood signed a Resolution Conference Agreement 12/17/2010.

The license of Tony Underwood, number 22035 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things, Mr. Underwood must enroll in and attend the Special Board Laws & Rules course presented by the Board prior to the end of the probation. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

### **Warrick, Keith**

#### **Twin County Heat and Cooling**

#### **Rocky Mount, NC**

#### **License# 21275, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to provide adequate supervision, violated the minimum standard of the North Carolina State Mechanical Code, failed to install gas piping correctly, and failed to perform the installation according to the manufacture installation instruction.

Resolution Conference held 12/15/2010. Keith Warrick signed a Resolution Conference Agreement 12/15/2010.

The license of Keith Warrick, number 21275 H-3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things, within thirty (30) days of acceptance of this agreement, Mr. Warrick agreed to obtain a final inspection on the project located at 805 West Saint James St., Tarboro, NC. If the homeowner does not allow access, the licensee must send two certified letters to the homeowner two weeks apart, certified mail return receipt, requesting access to the

home by the inspection department. If this is unsuccessful, then the licensee shall employ the inspection department in order to get the final inspection performed. Mr. Warrick must also enroll in and attend the Special Board Laws & Rules course presented by the Board prior to the end of the probation. In the event the licensee violates the conditions of probation, his license will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Whitaker, Brian  
Whitaker Plumbing Inc.**

**Kannapolis, NC**

**License# 17259, P-I**

Allegations of misconduct in the business of plumbing contracting in that the licensee allowed the use of his license by unlicensed persons by issuing 1099's to unlicensed employees.

Resolution Conference held 04/19/2011. Brian Whitaker signed a Resolution Conference Agreement 04/19/2011.

The license of Brian Whitaker, number 17259 P-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probationary period, Mr. Whitaker must enroll in and attend the Special Board Laws & Rules course prior to the end of the probation period. Submit to the Board's office within the next thirty (30) days copies of all employees W-4's and by the end of the probation submit a copy of all employees W-2's. In the event the licensee violates the conditions of probation, his license will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation provisions.

**Wilson, Steven**

**Asheville, NC**

**License# 19137, H1,2&3-I**

Allegations of misconduct in the business of heating contracting in that the licensee presented an affidavit in support of the examination application of James K. Lewis in which he confirmed Lewis' experience as "repairing and maintaining all HVAC equipment" when the licensee did not have his license listed in the name of his employer.

Steven Wilson signed a Proposed Resolution Agreement 03/17/2011.

The license of Steven Wilson, number 19137 H1,2&3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, the licensee is required to enroll in and attend the Special Board Laws & rules class. In the event the licensee violates the conditions of probation, his li-

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

**Wood, Danny Ray**

**3rd Tradition Heating and Cooling, Inc.  
Canton, NC**

**License# 19922, H2, H-3-I**

Allegations of misconduct and incompetence in the business of heating contracting in that the licensee violated probation, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to provide supervision, failed to carry out adequate ductwork installation and system design, violated the minimum standard of the North Carolina State Mechanical Code.

Resolution Conference held 01/17/2011. Danny Ray Wood signed a Resolution Conference Agreement 01/17/2011.

The license of Danny Ray Wood, number 19922 H-2&3-I, and the license of the firm shall be suspended for a period of eighteen (18) months. During the suspension the contractor is allowed to complete jobs that were contracted and started prior to the commencement of the suspension.

During the suspension the contractor is allowed to work on the jobs with any outstanding permits as of January 17, 2011. The licensee agree to forward to the Board within three (3) days of the active suspension a complete list of all active open outstanding permits for jobs started prior to the commencement of the suspension and final inspections shall be received within 30 days. Upon successful completion of the suspension, the license of Danny Wood, number 19922 H-2&3-I, and that of the firm shall be placed on supervised probation for a period of three (3) years. In the event the licensee violates the conditions of probation, his license will be revoked.

**Wood, Monnie**

**Comfort Air of New Bern, Inc.  
Mount Olive, NC**

**License# 06001 H2&3-I**

Allegations of misconduct in the business of heating contracting in that the licensee failed to request final inspection(s) within 10 days of substantial completion of the work.

Monnie Wood signed a Proposed Resolution Agreement 01/12/2011.

The license of Monnie Wood, number 06001 H2&3-I, and that of the firm shall be placed on unsupervised probation for a period of six (6) months. Within 15 days from the date of this statement, assure that all of the listed installations that have been permitted and performed under his license receive an approved final inspection. In the event the

licensee violates the conditions of probation, his license will be suspended for a period of ninety (90) days, with the requirement that prior to the suspended license being reinstated he must comply with all of the probation requirements. After complaint to the Board, Mr. Wood completed final inspections for all installations listed in the complaint.

**BAER, GREGORY GEORGE**  
**d/b/a SUNQUEST, INC.**  
**Newton NC**

**License #16989 H-3-I**

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

Formal hearing held 10/9/09.

Order issued 11/8/09 placing the license of respondent as a plumbing or heating contractor on suspension for a period of 90 days. Upon completion of the suspension period and return of license, the license of Respondent shall be placed on probation for 5 years. Petition for Judicial Review filed 12/8/2009 in Wake County Superior Court.

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

Amended Notice of Hearing issued 8/20/10 alleging that Respondent was incompetent in the design and installation of a heating system and was not in compliance with permit and inspection requirements of the Board. Order issued 12/22/10 by the Board permanently revoking license of Respondent as a plumbing and heating contractor.

**BARR, BRIAN**  
**d/b/a Dedicated Plumbing**  
**Mt. Airy NC**

Violation of prior Order of the Court.

Motion and Order to Show Cause served 7/10/09.

Order filed 9/21/09 continuing matter until Defendant located and arrested by Sheriff of Surry County.

Defendant picked up by Virginia officials on 11/29/09.

Hearing held 3/14/2011.

Order of Contempt and Arrest filed 3/25/11 finding Defendant guilty of 3 counts of criminal contempt and sentencing him to serve 90 consecutive days in the Surry County Jail.

**BETHEA, CARLOS**  
**d/b/a CB CONSTRUCTION AND A/C**  
**AND HEATING**  
**Aberdeen NC**

Heating contracting without a license.

Judgment of Permanent Injunction filed

5/24/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**CONNOR, GASTON**  
**d/b/a GASTON CONNOR PLUMBING**  
**Asheville, N.C.**

Violation of prior Order of the Court.

Contempt hearing 2/2/2011 in Buncombe County Superior Court.

Defendant found guilty of contempt and sentenced to 15 days of active jail time.

**COSTILLO, ALONSO**  
**d/b/a AAA All in A Call**  
**Matthews NC**

Allegations of heating contracting without a license.

Summons and Complaint mailed for filing 1/25/11.

Awaiting service of process.

**CRAFT, GREGORY BRYAN**

**Raleigh NC**

Heating contracting without a license.

Filed Summons and Complaint on 9/13/10.

Service of process obtained 9/29/10.

Judgment of Permanent Injunction filed 12/17/2010 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**CURRIER, DAVID**  
**d/b/a LAKE NORMAN SEWER &**  
**SEPTIC SERVICE**  
**Denver NC**

Plumbing contracting without a license.

Complaint and summons filed 1/21/11.

Permanent Injunction Judgment filed 2/14/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**DELTA MECHANICAL (\*)**

Request for clarification hearing before the Board.

Hearing held 1/12/2010.

Order issued 1/29/2010 ordering that the Consent Order issued 7/10/2007 remain in effect and unchanged. Board agreed that as of 1/1/2010 Respondents are not required to obtain permits for hot water installations with regards for like for like replacements as provided by the amended language of G.S. 143-138(b5), G.S. 153-A-357(a) and G.S. 160-A-417(a).

New Notice of Hearing issued alleging that Respondents failed to complete water distribution installation in violation of section 605.4; failed to pressure test system in violation of section 312.5; failed to use approved glue at fittings in violation of section 705.14.2;

failed to complete drain rough-in in violation of section 312.2; failed to install use schedule 80 discharge pipe in violation of section 712.3.3; failed to meet manufacturer's requirements for pump installation; failed to install a sump pump alarm and failed to install a holding tank on site in violation of section 712.3.4.1; failed to install pump per City approved drawings; and used a studor vent to vent the tank which is not per manufacturer's requirements and is not approved for use with a sump pump by the vent manufacturer in violation of section 901.2.1. A second rough-in inspection of the retail installation also failed because Respondent failed to properly support piping for drainage and venting. It was alleged that Respondent, Carolina Delta and Kostov failed to provide adequate supervision, and Respondent Kostov failed to meet the local AHJ on-site after specific requests. At installation of another plumbing system at a retail health center Respondents failed to do water test on water lines or drain lines; failed to properly support the drain, waste, vent and water lines; failed to properly insulate water line in unconditioned area; failed to properly grade vent and drain line; and failed to provide adequate supervision. Respondents admitted that 819 final inspections have not been obtained and passed on the open permits detailed in prior Orders, for which inspection was required by the July 10, 2007 Consent Order. Respondents acknowledged that the July 10 2007 Consent Order provided the Respondents the option to donate \$50.00 to Habitat for Humanity for each permit for which a final inspection was not obtained and passed, as an alternate form of discipline with regard to jobs for which inspections have not been obtained. Respondents indicated a continued willingness to make such a donation upon a definite dollar amount being determined by the Board. There has been a failure to obtain at least 819 final inspections as to the open permits detailed in the July 10 2007 Consent Order which is a violation of the terms of that Order by Respondents.

Amended Notice of Hearing issued.

Formal hearing held 11/9/10.

Order issued 12/3/10 permanently revoking the licenses of Dimitre Ivanov, Stefan Assenov Petrov, Mihail Ivanov Kostov and Carolina Delta Mechanical, Inc. and North Carolina Delta Mechanical, Inc. The license of Delta Mechanical, Inc. remains revoked. The license of Anton Dimitrov Tchakarov remains surrendered. Respondents, Ivanov, Petrov and Kostov, Carolina Delta Mechanical, Inc. and North Carolina Delta Mechanical, Inc. have the option, in lieu of revocation, to carry out the provisions in the prior Consent Order and collectively pay the sum of \$40,950.00 to Habitat for Humanity of Charlotte, Inc. within 90 days from the effective

date of this Order. Respondents elected the payment system and have paid \$40,950.00 to Habitat for Humanity and have complied with the Board Order.

**ETHERIDGE, CHRISTOPHER SCOTT  
Pikeville NC**

Heating contracting without a license. Permanent Injunction Judgment filed 5/23/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**FIELDS, DANNY DALE  
d/b/a DANNY'S HEATING & AIR  
Stanley NC**

**License #17134 H-2&3-I**  
Board staff alleged that Respondent, or persons working under his license, represented that upon payment in full in advance the system would be installed in one day, but failed to do so; left the property owner without air conditioning despite her health condition; failed to obtain a permit prior to beginning installation in violation of the North Carolina State Building Code; failed to install a chimney liner for the 80% gas furnace installed in the crawlspace; failed to entirely insulate the refrigerant piping; back-graded the flue vent; used tape on the double wall vent piping; failed to properly support ductwork; failed to properly support the flue pipe; failed to properly support the gas piping; failed to properly mortar brick to block under the coil; used incorrect flue pipe fittings from furnace to old flue pipe; failed to plug the auxiliary drain connection on the evaporator coil; failed to properly support furnace and coil off ground per Code; failed to insulate new duct transitions internally or externally; failed to cover filter access to prevent crawlspace air being drawn into the system; installed the air filter in the return backwards; failed to install ductwork with proper clearance from ground; taped b-vent to furnace cabinet and covered several vents in the furnace cabinet with tape; failed to prime condensate pipe; failed to adequately support gas piping; failed to insulate the supply plenum; failed to insulate the refrigerant pipe; used electrical/thermostat wire to support venting; The Board staff contended the installation violated the probation Order imposed upon Respondent in 2009. Respondents denied the allegations and contended the job was not completed, that the air conditioning only was placed in operation on a temporary basis and that there was no risk of harm or lack of supervision. Board staff also made allegations concerning other installations. Respondents denied the allegations and further contended that any deficiencies were addressed and note the discharge of the person involved in the installations.

Consent Order issued 3/11/11 suspending the license of Respondents for 18 months and allowing Respondents to complete any work under contract and for which permit had been obtained as of the date of entry of the Order provided a list containing the addresses, customer names and permit numbers are received by the Board within 10 days from the date of the Order. Following completion of the period of suspension, license of Respondent is placed on probation for 24 months with provisions, inter alia, that Respondent: (a) obtain permits from local inspection authorities only in connection with contracts or installations to which Respondent is a party to the contract with the property owner or general contractor, where the licensee receives all of the contractual payment from the licensed general contractor or homeowner, where the licensee supervises the work and where the installation is performed by bona fide employees of the licensee; (b) perform a room-by-room load calculation on all jobs where gas furnaces, heat pumps, air handlers or condensing units are installed; perform a whole house load calculation, where gas furnace, heat pump, air handlers or condensing units are replaced; (c) maintain job files or other written records of contracts made and installations performed including the load calculation; (d) perform duct designs on all jobs where gas furnaces, heat pumps, air handlers or condensing units are installed or replaced and maintain a copy of the duct design in the job file; (e) have written contracts signed by the licensee and customer for each installation for which licensee is responsible; (f) document all change orders in contracts through written change orders signed by both the licensee and the homeowner and/or general contractor prior to commencing changes; (g) take steps to assure that the licensee personally reviews all phases of work prior to all inspection requests to assure that all installations meet or exceed the minimum standard of the North Carolina State Code; (h) implement procedures and supervision adequate to assure that systems pass both rough-in and final inspection without reinspection on 80% of the permits.

**FRANKLIN, WALTER LEE  
d/b/a LANDSCAPE SERVICE &  
FRANKLIN LAWN SPRINKLER  
Concord NC**

Plumbing contracting without a license. Complaint and Summons filed 10/27/10. Judgment of Permanent Injunction filed 1/18/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**GALLEN, DONDRE L.  
d/b/a OCEAN AIR HEATING &  
COOLING OF WILMINGTON  
Wilmington NC**

Heating contracting without a license. Summons and Complaint filed 5/18/10. Receipt of three new complaints 7/16/10 – Amended Complaint filed. Judgment of Permanent Injunction filed 12/7/10 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**GARDNER, ASHLEY  
d/b/a OSSE, INC.  
Ayden NC**

Fuel piping contracting without a license. Summons and Complaint served. Permanent Injunction Judgment filed 3/11/10 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**GIBSON, WILLIAM LINDSEY  
d/b/a W. L. GIBSON PLUMBING  
Monroe NC**

Plumbing contracting without a license. Complaint and summons filed 10/12/10. Judgment of Permanent Injunction obtained 1/31/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**HART, DONALD ALBERT  
d/b/a BUDGET PLUMBING & DRAIN  
CLEANING  
Gastonia NC**

Violation of prior order of the Court. Order of Contempt and Order for Arrest filed 3/28/11 finding the Defendant guilty of one count of criminal contempt and sentencing him to serve 4 days in the Gaston County Jail.

**HAYNIE, JERRY MILTON  
d/b/a RELIABLE SERVICE PLUS  
HEATING & COOLING  
Winston-Salem NC  
License #20050 H-3-I**

Misconduct in the business of heating contracting as Respondent failed to comply with the provisions of prior Orders of the Board in that he failed to pay all fees required to renew license, failed to take courses as required by prior Orders; contracted to install and installed heating systems while license was on probation; failed to obtain a meter release for gas meter prior to requesting the first inspection failed to properly vent the furnace; failed to use proper fittings on gas lines; failed to secure block under furnace; failed to properly hang PVC flue; failed to hook up humidifier; failed to provide enough



return and supply air; failed a second request for inspection, and failed to request an inspection after another permit was issued even after numerous calls from inspector. Code enforcement officials found the following additional code violations during an inspection at the request of the homeowners during July 2004: unit supported by block piers with no mortar; supported vent pipe from electrical wiring by duct tape and installed pipe against water filter; installed condensate drain line held in place by duct tape; failed to securely mount humidifier drain line; improperly aligned joint in vent pipe resulting in separation and release of exhaust fumes under the house into crawlspace; installed vent pipe under water filter making routine service difficult; installed gas line unprotected from physical damage; installed supply boots stuffed with insulation to prevent air from crawlspace entering boots where ductwork was left unconnected; failed to install a system that would adequately heat or cool the residence; and failed or refused to return service calls from homeowner. At another installation, Respondent failed to obtain a permit prior to beginning installation in violation of the North Carolina State Building Code; verbally contracted work on January 26, 2007, in violation of probation Order of the Board issued on March 2, 2006 placing license on probation through April 2, 2008; contracted work after license had expired on December 31, 2006; failed to obtain a written proposal or contract with the homeowner for the installation; installed a unit that was not compatible with the existing unit and left the homeowner without heating or air conditioning; failed to obtain any inspections in violation of the North Carolina State Building Code; failed to leave a copy of the invoice or installation documents with the homeowner; and failed or refused to respond to homeowner's requests for service. Respondent failed to arrange for completion of either of the foregoing jobs or refund of money to either of the property owners, despite their complaints, despite the existence of two prior Orders of this Board and passage of years of time in which Respondent could have accomplished the correction. The Board found as fact that the deficiencies found in the 2002 job and 2004 job which were the basis of the 2006 Order by the Board, were repeated in the job carried out in 2007. Hearing held on 1/13/09. Order issued 1/23/09 permanently revoking license as a Heating, Group 3, Class I contractor. Administrative Appeal filed 2/20/09 Wake County Superior Court. Record Before the Board due 3/22/09. Order filed 5/21/09 upholding the revocation of license. Appeal to Court of Appeals filed.

Superior Court directed to review certain matters raised by a Rule 60 motion filed by counsel for Mr. Haynie. Hearing held 10/12/10. Order entered 10/29/10 that Superior Court is not inclined to grant the Rule 60 Motion relief and returning the matter to the Court of appeals for a ruling on the initial appeal. Court of Appeals opinion filed 12/21/10 affirming Board's decision and permanent revocation of license.

**HAZELTON, JEFFREY HOWARD**  
d/b/a HOME REPAIR SPECIALISTS  
Greenville NC

Plumbing contracting without a license. Judgment of Permanent Injunction filed 4/4/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**HESS, THOMAS**  
d/b/a HESS BROTHERS  
Matthews NC

Heating contracting without a license. Permanent Injunction Judgment filed 3/31/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**HOLMES, REGGIE**  
d/b/a HOLMES HEATING & AIR  
CONDITIONING  
Lexington NC  
License #22025 H-3-I

Misconduct in the business of heating contracting in that Respondent allowed his license to be used to obtain a permit; the job demonstrated failure to provide proper ground clearance; failed to install chimney liner; failed to provide manufacturer's installation book; failed to install proper gas line sediment trap; failed to install proper S/R duct transitions and connection to return flex; failed to adequately support ductwork; failed to test gas line; and failed to repair floor joist at large notched area where vent pipe is located. Subsequent to issues of the Notice of Hearing, Respondent assisted in arranging a refund of the \$2,400.00 received by unlicensed contractor, and offered a contract to property owner to carry out the complete installation at a fixed price of \$2,400.00; and did so. Consent Order issued 2/7/11 placing license of Respondent on probation for 12 months with provisions that Respondent obtain permits from local inspection authorities only in connection with contracts or installations to which Respondent is a party to the contract with the property owner or general contractor, where the licensee receives all of the contractual payment from the licensed general contractor or homeowner, where the licensee supervises the work and where the

installation is performed by bona fide employees of licensee; assure that all employees who perform work under his license either hold an active heating license or are bona fide employees where payroll taxes are withheld; within 6 months after this Order becomes effective, Respondent shall enroll in and attend the Special Board Laws and Rules course approved by the Board; have written contracts; document all change orders, maintain job files including a whole house load calculation for each installation which involves replacement of heating or air conditioning equipment; supervision adequate to assure that systems pass both rough-in and final inspection without reinspection on 80% of the permits; and commit no violation of Article 2, Chapter 87 or the Rules of the Board with regard to any qualification administered by the Board.

**JENKINS, MICHAEL**  
d/b/a SHADOW HEATING & AIR  
Taylorsville NC

Heating contracting without a license. Judgment of Permanent Injunction filed 5/17/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**JOHNSON, ROGER EARL**  
Middlesex NC  
License #9916 H-3-II Revoked 5/14/1997  
Hearing held 12/13/10 requesting reinstatement of license.

Order issued 12/19/10 granting Respondent's request for reinstatement of license subject to sitting for and passing the Heating, Group 3 examination, either Class I and Class II. Respondent strongly encouraged to clear judgment for the benefit of the injured property named in the revocation Order.

**JORDAN, RICKY**  
d/b/a JORDAN'S HEATING &  
COOLING  
Louisburg NC

Heating contracting without a license. Complaint and summons filed 10/11/10. Judgment of Permanent Injunction filed 12/28/10 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**LAMB, LONNIE L.**  
Elizabeth City NC  
Allegations of violation of prior order of the court. Hearing held in Pasquotank County on 4/25/11; Order of Arrest filed 6/13/11 for failure to appear.

**LEONARD, MICHAEL S.**  
**d/b/a MJ'S HVAC SERVICE**  
**Wilmington NC**

Violation of prior order of the Court.  
 Contempt hearing held 1/5/2011 New Hanover County Superior Court.  
 Order of Contempt filed 1/21/11 finding the Defendant guilty of one count of criminal contempt of prior Order of the court, sentencing him to serve 30 days in the New Hanover County Jail and fining him \$500.00 payable to the Clerk of New Hanover County Superior Court.

**LIBERTY PROPANE OPERATIONS, LLC.**  
**d/b/a JENKINS GAS CO.**  
**Raleigh NC**

Fuel piping contracting without a license.  
 Permanent Injunction Judgment filed 5/3/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**MARTIN, STEVEN DOUGLAS**  
**d/b/a R & S PLUMBING**  
**Kernersville NC**

Plumbing contracting without a license.  
 Judgment of Permanent Injunction filed 6/10/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**MESSICK, VICTOR HAMILTON**  
**d/b/a LV ENTERPRISES LLC**  
**Sherrills Ford NC**

Plumbing contracting without a license.  
 Permanent Injunction Judgment filed 3/1/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**MILLIGAN, MARK**  
**d/b/a AIR ENERGY EXPERTS**  
**Mooreville NC**

Heating contracting without a license.  
 Complaint and Summons mailed 9/16/10.  
 Service of process obtained 9/28/10.  
 Judgment of Permanent Injunction filed 1/5/2011 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**ORR, JOSHUA ERIC**  
**Newport NC**

Fuel piping contracting without a license.  
 Permanent Injunction Judgment filed 5/25/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**OVERBEE, BILLY DALE**  
**d/b/a DALE'S HEATING-AIR**  
**CONDITIONING REFRIGERATION**

**New Bern NC**

Violation of prior order of the Court.  
 Show Cause hearing held 12/6/10 Craven County Superior Court.  
 Order of Contempt filed 12/15/10 finding Defendant in criminal contempt of Court and issuing 30 day suspended sentence and \$500.00 fine.

**OYLER, BRYAN EDWARD**  
**d/b/a J & D A/C SERVICE, INC.**  
**Youngsville NC**

**License #23217 H-2 & 3-I**  
 Allegations of misconduct in the business of heating contracting in that Respondent contracted to install and began installation of a Heating, Group 3 system. Respondent began work and obtained a draw on contract in the sum of \$8,500.00 in order to begin installation of the work. Respondent delivered a 5-Ton air handler and several boxes of parts at the job site. It became necessary for the property owner to hire a second contractor to complete the job. The Board staff has contended the Respondent abandoned the job after receiving funds and that his action constitutes misconduct. Respondent disputes the contentions of the property owner and contends that he did not engage in any misconduct. Respondent was injured during 2009. Respondent suffered a head injury which hampers his ability to plan, organize and manage jobs. As a result of his injury, Respondent is disabled and is now receiving disability payments. He is not engaged in any contracting work. Respondent disputes the allegations in the Notice of Hearing and does not admit any violation of the statutes. However, because he wants to resolve matters, Respondent has offered to surrender license but retains the right to request reinstatement.

Formal hearing held 2/7/11.  
 Consent Order issued 2/7/11 in which the Board accepted the surrender of license proposed by the Respondent. Prior to approval of request for reinstatement, the Respondent shall appear before the Board and present satisfactory evidence to the Board that he has resolved the issues of the complaint set out in the Notice of Hearing, and present evidence to the Board that his health has improved such that he would be able to carry out the duties of a heating contractor as set out in the rules and statutes enforced by the Board. . In the event more than three years pass without active license, reexamination will be required due to G.S. 87-22.

**PARO, EDWARD**  
**d/b/a ATLANTIC AIR RESTORATION**  
**SERVICES LLC**

**Mount Pleasant SC**  
 Heating contracting without a license.

Complaint and Summons filed and service obtained on Defendants.  
 Answer filed by counsel for Defendants 12/4/08.

Judgment of Permanent Injunction filed 1/20/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**PATE, MICHAEL**

**Charlotte, NC**

Plumbing contracting without a license.  
 Judgment of Permanent Injunction filed 2/25/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**PIERCE, HAROLD MAURICE, Owner**  
**SOUN-SHINE HEATING & A/C**  
**Fayetteville NC**

**License #10566 H-3-I**

Misconduct and 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; installed the return air grille for the new unit inside a closet with the louvers obstructed behind the door; spliced thermostat wire; installed undersized return ducts by installing 14" diameter duct for a 2-1/2 ton unit; lined the 12" wide and 8" high main duct trunk with 2" internal insulation for a 2-1/2 ton system; installed flexible duct radius too tight; failed to provide a change of direction in the gas pipe sediment trap; installed the union on the gas piping ahead of the gas shutoff valve; failed to entirely paint the outside gas piping; failed to properly protect the outside control wire which was routed over the exhaust hood for the gas combustion products; failed to rodent-proof or caulk the duct shroud; failed to level the unit; failed to perform a load calculation and duct design; and failed to return to the residence to complete the installation.

Formal hearing held 11/9/10.

Order issued 11/22/10 suspending license of Respondent as a Heating, Group 3, Class I contractor for a period of one year and ordering Respondent to, within one year after this Order becomes effective, enroll in Special Mechanical Code and Design course and Special Contractor Business Management course approved by the Board's Executive Director and present evidence to the staff of the Board of a passing grade in such course by the end of the suspension. In the event the courses have not been completed by the end of suspension, license will be revoked.

**QUICK, BONNY LEE**  
**d/b/a QUICK'S HVAC**  
**Wake Forest NC**

Heating contracting without a license.  
 Permanent Injunction Judgment filed 6/2/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**RAPER, JACOB STEPHEN**  
**d/b/a M&R HEATING & AIR**  
**IMPROVEMENTS**  
**Bailey NC**

Plumbing contracting without a license.  
 Permanent Injunction Judgment filed 2/28/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**RAYNOR, THOMAS STACY**  
**d/b/a TR CONSTRUCTION**  
**Hope Mills NC**

Plumbing contracting without a license.  
 Permanent Injunction Judgment filed 6/3/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**REINHARDT, TOMMY CAROL**  
**Lincolnton NC**

Heating contracting without a license.  
 Complaint and Summons mailed 12/7/10.  
 Service of process obtained 12/9/10.  
 Motion for Default Judgment filed 1/21/11.  
 Judgment of Permanent Injunction filed 2/28/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**REIS, ROBERT RUSSELL**  
**Raleigh NC**

Heating contracting without a license.  
 Summons and Complaint filed 3/18/11  
 Permanent Injunction Judgment filed 5/11/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**RENFROW, RONALD W.**  
**d/b/a RENFROW HEATING & AIR**  
**Kenly NC**

Heating contracting without a license.  
 Complaint and summons filed.  
 Judgment of Permanent Injunction obtained 1/28/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**RILEY, IRVIN**  
**Madison NC**

Violation of prior Orders of the Court by contracting without license.  
 Contempt proceeding scheduled in Rockingham County Superior Court.

Service obtained.  
 Hearing held 5/23/11 in Rockingham County Superior Court.  
 Order of Contempt filed 5/25/11 finding the Defendant in contempt of prior Order of the Court and sentencing him to 30 days in the Rockingham County Jail.

**ROSS, CHRISTOPHER NEAL, JR.**  
**d/b/a TABLE ROCK CONSTRUCTION**  
**and TABLE ROCK HEATING & AIR**  
**SYSTEMS, INC.**  
**Morganton NC**

Heating contracting without a license.  
 Judgment of Permanent Injunction filed 2/11/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**RUSSELL, THOMAS, JR.**  
**d/b/a THOMAS PLUMBING**  
**Mt. Holly NC**

Plumbing contracting without a license.  
 Permanent Injunction Judgment filed 12/16/10 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**SHADE, FRED DOUGLAS, JR.**  
**d/b/a PLUMB RIGHT REPAIRS**  
**Hickory NC**

Heating contracting without a license.  
 Complaint and Summons filed 12/20/10.  
 Service of process obtained 12/28/10.  
 Consent Order sent to Judge for execution on 1/25/11.  
 Permanent Injunction Judgment obtained 1/31/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**SHELTON, NICK**  
**d/b/a EAGLE CREST**  
**CONSTRUCTION**  
**Oak Ridge NC**

Plumbing contracting without a license.  
 Complaint and Summons mailed 7/15/10.  
 Service of process obtained.  
 Permanent Injunction Judgment filed 5/19/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**STEPHEN, TARRONE**  
**Charlotte NC**

Violation of prior Order of the Court.  
 Motion and Order for Show Cause to Judge for execution on 1/30/09.  
 Contempt hearing rescheduled for 8/16/10 session of Catawba County Superior Court.  
 Continued to 11/29/10 at request of Defendant.  
 Order of Contempt filed 12/9/10 finding the Defendant guilty of two counts of criminal

contempt. As the Defendant failed to appear for the hearing, he is to be located, detained without bond and brought forward for sentencing.

**TAYLOR, ROBERT THEODORE, JR.**  
**d/b/a EQUIPMENT PLUS**  
**Greenville NC**

Heating contracting without a license.  
 Complaint and Summons filed and served.  
 Permanent Injunction Judgment filed 3/11/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**TRAVER, JAMES C.**  
**d/b/a PURE AIRE SERVICE**  
**Charlotte NC**

Heating contracting without a license.  
 Summons and Complaint mailed for filing 1/25/11.  
 Judgment of Permanent Injunction filed 5/3/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**WALDEN, CHARLES MILTON, JR.**  
**d/b/a CHARLES WALDEN**  
**Grifton NC**

Heating contracting without a license.  
 Permanent Injunction Judgment filed 3/16/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**WALLACE, TIMOTHY G. STEWART**  
**Sherrills Ford NC**

Heating contracting without a license.  
 Summons and Complaint filed March 2011.  
 Judgment of Permanent Injunction filed 1/5/2011 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**WHITENER, ANDY**  
**Blue Ridge GA**

Fuel piping contracting without a license.  
 Summons and Complaint filed 6/15/09.  
 Consent Order forwarded to Defendant 7/6/09.

Answer filed.  
 Permanent Injunction Judgment filed 4/28/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**YONKER, BOBBIE T., JR.**  
**d/b/a UPSCALE HEATING & AIR**  
**Gastonia NC**

Heating contracting without a license.  
 Judgment of Permanent Injunction filed 1/26/11 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

## Proposed Rule Changes

The Board will hold a Public Hearing on Proposed Rule Changes on Monday, September 12, 2011. The hearing will be held in the meeting room of the Hyatt Place Raleigh—North, which is located at 1105 Navaho Drive in Raleigh. Individuals who wish to speak at the hearing must register in advance by sending an e-mail to [information@nclicensing.org](mailto:information@nclicensing.org).

The following pages contain the proposed amendments. Underlined text indicates new language proposed for inclusion. ~~Strike through~~ text indicates language proposed for deletion.

### 21 NCAC 50 .0107

#### BOARD COMMITTEES

(a) The chair of the Board shall appoint regular committees ~~for oversight and to implement implementation~~ prescribed phases of the Board's Board functions, and may appoint special committees ~~for to undertake~~ specific tasks ~~assignments of the Board as necessary.~~

(b) The chair of the Board shall appoint the chair and members of the committees. ~~designate the membership of the committees and may designate one member as committee chair.~~

(c) Members of committees serve at the pleasure of the chair of the Board.

*History Note:* Authority G.S. 87-18; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. December 31, 2011; May 1, 1989.

### 21 NCAC 50 .0301

#### QUALIFICATIONS DETERMINED BY EXAMINATION

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

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

Plumbing Technician

Heating Group No. 1 Technician

Heating Group No. 2 Technician

Heating Group No. 3 Technician

Fuel Piping Technician

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

(c) Applicants for licensure as a fire sprinkler

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

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

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

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

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

(h) Applicants for license as a Plumbing, Heating or Fuel Piping Technician must obtain a license based on experience set forth in Rule .0306 and must take and pass the Class I technical and Board laws and rules examination related to the category for which a technician license is sought.

(i) Applicants who present a current plumbing or heating journeyman certificate from an Authority Having Jurisdiction in North Caro-

lina will not be required to take the technical portion of the exam if application is made on or before December 31, 2012

(j) Applicants who hold active Plumbing, Heating or Fuel Piping Technician license may obtain the Plumbing, Heating or Fuel Piping Contractor license in the same category by meeting the experience requirement listed in 21 NCAC 50.0306 (a) for the specific contractor license sought and passage of the business portion of the examination only.

*History Note:* Authority G.S. 87-18; 87-21

(a); 87-21(b);

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. July 1, 1991; May 1, 1989; August

1, 1982;

Temporary Amendment Eff. September 15,

1997;

Amended Eff. March 1, 2005; January 1, 2004;

July 1, 2003; August 1, 2002; July 1, 1998;

Emergency Amendment Eff. December 5, 2005;

Emergency Amendment Expired February 13,

2006;

Amended Eff. December 31, 2011; January 1,

2010; May 1, 2006.

### 21 NCAC 50 .0303

#### VISITORS

~~Visitors or licensees may observe conduct of any examination, but shall not be provided with the substance of any examination.~~

*History Note:* Authority G.S. 87-18;

87-20; 87-21(a); 87-21(b);

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. May 1, 1989/1989;

Repealed Eff. December 31, 2011.

### 21 NCAC 50 .0306

#### APPLICATIONS: ISSUANCE OF LICENSE

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

(b) Applicants for plumbing or heating examination shall present evidence at the time of application to establish two years of full-time experience in the installation, maintenance, service or repair of plumbing or heating systems related to the category for which a license is sought, whether or not a license was required for the work performed. Applicants for fuel piping examination shall present evidence at the time of application to establish one year of experience in the installation,



maintenance, service or repair of fuel piping, whether or not a license was required for the work performed. Up to one-half the experience may be in academic or technical training related to the field of endeavor for which examination is requested. The Board will prorate part-time work of less than 40 hours per week or part-time academic work of less than 15 semester or quarter hours.

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

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

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

(1) 4000 hours experience involved in inspection and testing of previously installed fire sprinkler systems, consistent with NFPA-25, as a full-time employee of a Fire Sprinkler Inspection Contractor or fire insurance underwriting organization; or

(2) 4000 hours experience involved in inspection and testing of previously installed fire sprinkler systems, consistent with NFPA-25 as a full time employee of a hospital, manufacturing, government or university facility and under direct supervision of a Fire Sprinkler Inspection Contractor or a Fire Sprinkler Inspection Technician; or

(3) 4000 hours experience involved in installation of fire sprinkler systems as a full-time employee of a Fire Sprinkler Installation Contractor; or

(4) a combination of 4000 hours experience in any of the categories listed in this Paragraph.

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

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

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

(i) Applicants for license as a plumbing or heating technician shall present evidence adequate to establish 3,000 hours of full-time experience in the installation, maintenance, service or repair of plumbing or heating systems related to the category for which a technician license is sought, whether or not a license was required for the work performed. Applicants for license as a fuel piping technician shall present evidence adequate to establish 1,500 hours of experience in the installation, maintenance, service or repair of fuel piping, whether or not a license was required for the work performed. Up to one-half the experience may be in academic or technical training related to the field of endeavor for which examination is requested.

History Note: Authority G.S. 87-18; 87-21;

(b); Eff. February 1, 1976;

Readopted Eff. September 29, 1977; Amended Eff. January 1, 2004; July 1, 2003; August 1, 2002; July 1, 1998; September 1, 1994;

November 1, 1993; April 1, 1991; May 1, 1990; Temporary Amendment Eff. August 31, 2004; Amended Eff. December 31, 2011; January 1, 2010; June 1, 2006; March 1, 2005.

## 21 NCAC 50.0308

### REVIEW OF EXAMINATION

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

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

History Note: Authority G.S. 87-18;

87-21(b); 87-25; 93B-8(c);

Eff. February 1, 1976;

Readopted Eff. September 29, 1977; Amended Eff. December 31, 2011; January 1, 2010; December 1, 2003; August 1, 2002.

## 21 NCAC 50.0402

### PERMITS

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

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

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

(d) The failure of a licensee to comply with the permit and inspection obligations outlined in this rule is considered by the Board as evidence of incompetence or misconduct in the use of license from the Board.

History Note: Authority G.S. 87-18; 87-21; 87-26;

Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. December 31, 2011; January 1, 2010; December 1, 2003; August 1, 2000; September 1, 1995; November 1, 1993; May 1, 1989.

## 21 NCAC 50.0403

### USE OF LICENSE

(a) A licensed contractor or technician shall not permit the use of his license by any other person.

(b) A contractor licensed by the Board shall not bid or contract installations requiring license of a type or classification issued by

this Board which the licensee does not have except as a part of a documented joint venture with a licensee holding the necessary qualification. Bidding without qualification and with an intention to subcontract the unauthorized work does not satisfy this requirement; provided however that, in a contract administered pursuant to G.S. 143-129 and in which more than one classification administered by this Board has been combined in the separate contract specifications, a licensee of this Board holding either of such qualifications may bid both of such classifications of work administered by this Board in addition to the classification for which he holds license if the successful bidder obtains an executed written contract with a qualified licensee prior to the award of the contract by the awarding authority.

(c) A technician licensed by this Board shall not contract work based on the Technician license.

*History Note:* Authority G.S. 87-18;

87-23; 87-26;

Eff. February 1, 1976;

Readopted September 29, 1977;

Amended Eff. December 31, 2011; November 1, 1993; May 1, 1989.

## 21 NCAC 50 .0404

### ACTIVE EMPLOYMENT

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

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

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

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

hours the licensee is committed or active in employment elsewhere.

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

(d) A Class A Gas Dealer as defined in G.S. 119-56 or provider of natural gas holding certificate of public convenience and necessity under Chapter 62 of the General Statutes shall not contract or carry out fuel piping installations which require a license from this Board unless such Dealer or natural gas provider employs in the particular office or branch a fulltime bona-fide employee, who holds a Fuel Piping Technician license or Fuel Piping Contractor license and whose license is listed in the name of the Dealer or natural gas provider at the specific branch office consistent with Rule 21 NCAC 50.0404 (a).

*History Note:* Authority G.S. 87-18; 87-21

(a)(5); 87-21(a)(6); 87-26;

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. December 31, 2011; January 1, 2010; January 1, 2004; August 1, 2002; August 1, 2000; July 1, 1998; July 1, 1991; May 1, 1989.

## 21 NCAC 50 .0405

### MULTIPLE LICENSES

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

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

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

(d) A technician licensee, other than the holder of a Fire Sprinkler Maintenance Technician license, may, upon deletion of his name and qualification from a firm license, move his qualification to another licensed corporation, partnership or business which has a trade name, upon compliance with G.S. 87-26.

*History Note:* Authority G.S. 87-18; 87-21

(a)(5); 87-21(a)(6); 87-26;

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. December 31, 2011; January 1, 2010; January 1, 2004; July 1, 1998; May 1, 1989.

## 21 NCAC 50 .0406

### RESPONSIBILITY OF LICENSED PERSON EMPLOYED BY FIRM

(a) The licensed ~~person, contractor,~~ whether individually or for a corporation, partnership or business with a trade name, is responsible for all proposals, bids, contracts, supervision to the extent of his ~~qualifications~~ qualifications, compliance with all applicable codes and standards, and assurance that permits and inspections are obtained.

(b) A contract, and the responsibility imposed on a licensed person to supervise work performed under a contract, may be assumed by another ~~licensee~~ licensed contractor upon written notice to and approval by the property owner and local inspection department.

(c) The ~~contractor~~ license number and qualification of the firm shall be displayed on firm contracts, proposals, permit applications, and telephone yellow page advertising.

*History Note:* Authority G.S. 87-18;

87-26;

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. December 31, 2011; January 1, 2004; August 1, 2000; May 1, 1989.

## 21 NCAC 50 .0407

### CORPORATIONS, PARTNERSHIPS AND TRADE NAMES

(a) Licensees are required to list their license with the Board in the name in which they conduct business.

~~(a) (b)~~ A contractor license may be issued or renewed in the name of a corporation, partnership or business with a trade name upon compliance with the provisions of G.S. 87-26, verified by the execution of forms furnished by the Board.

~~(b)~~ (c) Additional licensees may be added to licenses issued in the above manner upon verifications of compliance with the provisions of G.S. 87-26. In the event a licensee terminates his association with a corporation, partnership, or business with a trade name, both the firm and the licensee are obligated to notify the Board within 30 days.

~~(c)~~ (d) A person who has a license which has been expired less than three years may be added to an active license issued in the name of a corporation, partnership or business with a trade name, upon written request, completion of forms provided by the Board and payment of the fee set forth in Rule .1102 of this Chapter.

~~(d)~~ (e) The license number assigned to a corporation, partnership, or business with a trade name shall be that of the first licensee

listed on the license.

(e) (f) A corporation, partnership or business with a trade name which is issued a license is subject to the provisions of G.S. 87, Article 2 and to these Rules.

History Note: Authority G.S. 87-18; 87-22;

87-26;

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. December 31, 2011; November 1, 1994; November 1, 1993; July 1, 1991; May 1, 1989.

## 21 NCAC 50 .0412 GUIDELINES ON DISCIPLINARY ACTIONS

(a) The provisions of G.S. 87, Article 2, the rules of the Board and the matters referenced therein are the guidelines by which the conduct of an entity subject to the authority of the Board are evaluated.

(b) The Board may suspend a license or impose probation provisions for violations of 21 NCAC 50 .0402, 21 NCAC 50 .0403, 21 NCAC 50 .0404 and 21 NCAC 50 .0405.

Repeated violations may result in revocation.

(c) The Board may suspend a contractor's license or impose probationary terms when a licensee fails to comply with the supervision requirements of 21 NCAC 50 .0404, 21 NCAC 50 .0406 or 21 NCAC 50 .0505. Multiple violations within the same proceeding may result in revocation.

(d) The Board may suspend or revoke a license where it is found that the licensee has failed to comply with the minimum standards of competence as set forth in 21 NCAC 50 .0505(b). The Board may condition the subsequent reinstatement of license upon passing of the Board's examination or completion of specified educational courses. The Board may impose additional conditions of reinstatement.

(e) The Board may suspend or revoke the license of a contractor where it is found that the contractor abandoned a job after obtaining funds from the owner.

(f) As a part of these provisions, the Board may revoke the license of any licensee where it is found that the ~~contractor~~ licensee through a violation of G.S. 87, Article 2 has increased the risk of exposure to carbon monoxide or other harmful vapors, fire, or damage resulting therefrom, the release of sewage, methane gas, or contamination of the potable water supply.

(g) The foregoing provisions are illustrative guidelines of sanctions imposed by the Board and are not intended to limit the authority of the Board or the variety of facts for which action may be required in a particular situation.

(h) Any of the foregoing actions may result in a probation period or combination of suspension and probation. Condition of probation may include remediation, education, reexamination, record-keeping or other pro-

visions likely to deter future violation or remedy perceived shortcomings.

History Note: Authority G.S. 87-18; 87-23;

Eff. November 1, 1993;

Amended Eff. December 31, 2011; August 1, 2000; November 1, 1994; August 1, 1994.

## 21 NCAC 50 .0505 GENERAL SUPERVISION AND STANDARD OF COMPETENCE

(a) The general supervision required by G.S. 87-26 is that degree of supervision which is necessary and sufficient to ensure that the contract is performed in a workmanlike manner and with the requisite skill and that the installation is made properly, safely and in accordance with applicable codes and rules. General supervision requires that review of the work done pursuant to the license be performed by a licensee of the firm while the work is in progress. If a Plumbing, Heating or Fuel Piping Contractor licensed by this Board employs a properly licensed Plumbing, Heating or Fuel Piping Technician, whose Technician license is listed under the name of that Licensed contractor, then the licensed technician can review and supervise work in lieu of the licensed contractor as a means to assure that the contract is performed in a workmanlike manner and with the requisite skill and that the installation is made properly, safely and in accordance with applicable codes and rules.

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

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

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

(e) All licensed HVAC contractors or li-

icensed technicians are required to perform a thorough room-by-room load calculation for all newly installed residential structures prior to installing heating systems, air conditioning systems, or both, prior to the installation, which calculations shall be specific to the location and orientation where the HVAC system or equipment is to be installed. A written record of the system and equipment sizing information shall be provided to the homeowner, owner or general contractor upon request and a copy shall be maintained in the job file of the licensee for a minimum of six years. Load calculations are required to be performed by licensee who holds the appropriate license from this Board or by a North Carolina Licensed Professional Engineer.

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

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

(h) At the time of completion of initial installation and upon any subsequent alteration, licensees who install multipurpose residential fire sprinkler systems shall assure that the two most remote fire sprinkler heads, as identified by the design professional who designed the system, undergo a water flow test at the water supply delivery volume and delivery pressure and assure that the system flows the required amount of water through each of the tested fire sprinkler heads. Failure to carry out the flow test or failure of a system to provide the required volume or



water when placed in operation due to fire or otherwise shall be considered evidence of misconduct and incompetence on the part of the installing licensee.

*History Note: Authority G.S. 87-18; 87-23; 87-26; Eff. February 1, 1976;*

*Readopted Eff. September 29, 1977;*

*Amended Eff. December 31, 2011; January 1, 2010; March 1, 2005; January 1, 2004; July 1, 2003; July 1, 1991; October 1, 1989; May 1, 1989.*

## **21 NCAC 50 .0512 EMPLOYEES EXEMPTED FROM LICENSURE**

(a) An unlicensed person who is directly and regularly employed in the ordinary course of business by a contractor licensed pursuant to G.S. 87, Article 2 is not required to have a license and shall not be subject to an action for injunctive relief brought by the Board. Factors establishing whether the individual is directly and regularly employed in the ordinary course of business of such contractor include, the following:

(1) whether the individual is on the licensed contractor's payroll;

(2) whether taxes are withheld from the payment to the individual and the contractor performs such other acts as are lawfully required of an employer;

(3) whether the licensed contractor exercises control and supervision over the method, manner and details of the individual's work; and

(4) whether the licensed contractor, and not the unlicensed person, is and remains obligated to the property owner or general contractor for the work.

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

(c) Licensed contractors may utilize employees shared with a labor supplier under a written contract which may allocate payroll or tax withholding obligations to the labor supplier while reserving control, supervision and obligation to the owner or general contractor to the licensee of the Board, and provided the licensee upon whose qualifications the license of the employing contractor is based remains a person meeting all four of the indicia of employment set out in Paragraph (a) of

this Rule and is not contracted by or acting as a labor supplier.

*History Note: Authority G.S. 87-18; 87-25;*

*Eff. August 1, 2000;*

*Amended Eff. December 31, 2011; May 1, 2006.*

## **21 NCAC 50 .0516 RESIDENTIAL FIRE SPRINKLER INSTALLATION LICENSE**

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

*History Note: Authority G.S. 87-21;*

*Eff. July 1, 2010-2010;*

*Amended Eff. December 31, 2011.*

## **21 NCAC 50.0517 PLUMBING, HEATING AND FUEL PIPING TECHNICIAN LICENSE**

(a) The holder of license as a Heating, Group 1 Technician shall be a full-time employee of a Heating, Group No. 1 Contractor.

(b) The holder of license as a Heating, Group 2 Technician shall be a full-time employee of a Heating, Group No. 2 Contractor.

(c) The holder of license as a Heating, Group 3 Technician shall be a full-time employee of a Heating, Group No. 3 Contractor.

(d) The holder of license as a Plumbing Technician shall be a full-time employee of a Plumbing Contractor.

(e) The holder of license as a Fuel Piping Technician shall be a full-time employee of a Fuel Piping Contractor licensee or a Class A Gas Dealer pursuant to 21 NCAC 50.0404

(c).

*History Note: Authority G.S.*

*Eff. December 31, 2011.*

## **21 NCAC 50 .1002 REQUEST FOR HEARING**

(a) Any time an aggrieved party individual believes that individual's rights, duties, or privileges have been affected by the Board's administrative action, but has not received notice of a right to an administrative hearing,

that individual may file a formal request for a hearing.

(b) Before an individual may file a request, that individual is encouraged to exhaust all reasonable efforts to resolve the issue informally with the Board.

(c) Subsequent to such informal action, if still dissatisfied, the individual should submit a request to the Board's office, with the request bearing the notation: REQUEST FOR ADMINISTRATIVE HEARING. The request should contain the following information:

(1) name and address of the petitioner,  
(2) a concise statement of the action taken by the Board which is challenged,  
(3) a concise statement of the way in which the petitioner has been aggrieved, and  
(4) a clear and specific statement of request for a hearing.

(d) The request will be acknowledged promptly and, if deemed appropriate by the Board in accordance with 21 NCAC 50 Rule .1003, a hearing will be scheduled.

*History Note: Authority G.S. 87-18;*

*~~150B-11; 150B-22; 150B-38;~~*

*Eff. May 1, 1989-1989;*

*Amended Eff. December 31, 2011.*

## **21 NCAC 50 .1004 NOTICE OF HEARING**

(a) Hearings of the Board are commenced and conducted consistent with G.S. 150B-3A.

(b) If the Board determines that the public health, safety or welfare requires such action, it may issue an order summarily suspending a license. Upon service of the order, the licensee to whom the order is directed shall immediately cease the practice of plumbing, heating or fire sprinkler contracting in North Carolina. The Board shall promptly give notice of hearing pursuant to Article 3A, G.S. 150B-38 following service of the order. The suspension shall remain in effect pending issuance by the Board of a final agency decision pursuant to G.S. 150B-42.

*History Note: Authority G.S. 87-18;*

*150B-3(c); 150B-38;*

*Eff. May 1, 1989;*

*Amended Eff. December 31, 2011; August 1, 2000; April 1, 1991.*

## **21 NCAC 50 .1005 WHO SHALL HEAR CONTESTED CASES**

All administrative hearings will be conducted by the Board, a panel consisting of a majority of the members of the Board, or an administrative law judge designated to hear the case pursuant to G.S. 150B-40(e) Board.

*History Note: Authority G.S. 87-18;*

*150B-11; 150B-38; 150B-40;*

*Eff. May 1, 1989-1989;*

*Amended Eff. December 31, 2011.*



**21 NCAC 50 .1102****LICENSE FEES**

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

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

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

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

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

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

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

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

(i) The annual license fee for all Fuel Piping Technician license listed with a Class A Gas Dealer is one hundred thirty dollars (\$130.00).

(j) The annual license fee for Plumbing, Heating or Fuel Piping Technician licensees listed under a licensed Plumbing, Heating or Fuel Piping Contractor is sixty five dollars (\$65.00).

*History Note: Authority G.S. 87-18; 87-21; 87-22;*

*Eff. May 1, 1989;*

*Temporary Amendment Eff. November 17, 1989 for a period of 77 days to expire on February 1, 1990;*

*Amended Eff. November 1, 1994; July 1, 1991; March 1, 1990;*

*Temporary Amendment Eff. August 31, 2001;*

*September 15, 1997;*

*Amended Eff. December 31, 2011; July 1, 2010;*

*March 1, 2005; December 1, 2003; December 4, 2002.*

**21 NCAC 50.1105 ANNUAL REPORTS**

The Board files all reports required by G.S. 93B-2 as well as the audit required by G.S. 93B-4. In case of unforeseen circumstances resulting in untimely filing of a report required by G.S. 93B-2, the Board will hold in

escrow any fees collected between the filing deadline and the filing date. Issuance of licenses, renewals and application processing will continue during any interval created by the untimely filing of a report required by G.S. 93B-2.

*History Note: Authority G.S. 93B-2; Eff. December 31, 2011.*

21 NCAC 50.1401-.1410 are proposed to be repealed as follows:

**21 NCAC 50 .1401  
CONTINUING EDUCATION  
REQUIREMENTS****21 NCAC 50 .1402  
EXEMPTION AND CREDITS****21 NCAC 50 .1403  
COMPUTATION OF CONTINUING  
EDUCATION HOURS****21 NCAC 50 .1404  
COURSE REQUIREMENTS  
AND LIMITATIONS****21 NCAC 50 .1405  
APPROVAL OF COURSES****21 NCAC 50 .1407  
CERTIFICATION OF COURSE  
COMPELETION BY LICENSEES  
AND PROVIDERS****21 NCAC 50 .1408  
ADVERTISEMENTS BY COURSE  
PROVIDERS OR INSTRUCTORS****21 NCAC 50 .1409  
TERMINATION OF COURSE  
OR PROVIDER APPROVAL****21 NCAC 50 .1410  
PETITIONS FOR REINSTATEMENT  
OF LICENSE**

*History Note: Authority G.S. 87-21(b)(3); 87-22; 87-2 (.1403);*

*Eff. April 1, 2001;*

*Amended Eff. January 1, 2010; May 1, 2006;*

*June 1, 2006 (.1404); January 1, 2004 (.1402);*

*March 15, 2003 (.1407); April 1, 2003; (.1401*

*and .1403); April 1, 2001 (.1410);*

*Repealed Eff. December 31, 2012.*

STATE BOARD OF  
EXAMINERS OF PLUMBING,  
HEATING AND FIRE  
SPRINKLER CONTRACTORS

1109 DRESSER COURT  
RALEIGH, NC 27609



---

**Notice of Change of Address**

License Holder: \_\_\_\_\_

License #: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

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

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

Home Mailing Address: \_\_\_\_\_

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

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

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

Business Mailing Address: \_\_\_\_\_

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

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

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

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

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

Fax to: 919-875-3616