

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

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J.G. Peace, Chairman

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July 2000



Computer Testing

The Board has set kick off for computer testing in Plumbing, HVAC and Fuel Piping for July 2000. For some reason computer based testing seems to strike fear in the hearts of applicants. Believe it or not it is a good thing.

Currently all driver's license tests in North Carolina are given on computer. In addition to that I compare it to getting money out of an ATM and you shouldn't become a contractor if you can't get money out of an ATM.

Applications will still be filled out and sent to the Board office. The big difference will be that we are not dealing with 1500 at a time but approximately 35 each week.

We estimate that once we are up and running the turn around time to apply, be reviewed, approved and sit for the exam will be

approximately 30 days.

Exams will be administered at Sylvan Testing Centers around the state. Once you are approved you will have ten days to contact the center of your choice and sign up for your exam site, time and date. The Centers will test you within 30 days of your call. Grades will come back to the Board via the internet and your license will be issued after final approval by the Board.

Currently the applicant will still only be allowed to sit for the exam every six months. Exam fees have gone up to fifty dollars for each exam. Send requests for applications in writing to the Board office.



Continuing Education by Bill Tomlinson

Public Forums on Continuing Education will be held across North Carolina in September and October of this year culminating in a Public Hearing. The Board is actively seeking input from licensees at these meetings.

Our first year of Educational Seminars in conjunction with your local Inspections Department has now been completed. The attendance, although good, was lower than

expected and somewhat disappointing to the Board. An in-depth review of all the information gathered at the seminars has been made and after much discussion the Board has decided to hold a Public Forum this fall concerning Mandatory Education. Many issues such as how many hours, courses, etc., are yet to be decided. The Board will be meeting with licensees at these forums to gather input prior to making a final decision regarding these issues.

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REMEMBER:

- Get permits before you start work
- Make sure estimates and contracts are in writing
- Attend Board sponsored seminars and stay updated on the industry.
- Never falsify information on an application.

SUMMARY OF FORMAL PROCEEDINGS

ALLEN, RICHARD C.

Granite Falls, N.C.

License #8168 PH 3-I

Allegations of misconduct in the business of plumbing and heating contracting in that Respondent failed to complete the installation of a package gas heating unit even after he obtained a draw on the contract in the sum of \$6,800.00, and failed to install adequate ductwork.

Final Order entered by the Board on 5/9/00 placing the license of Respondent on probation for 1 year with provisions that Respondent have written contracts; maintain service logs, maintain job files, obtain permits as required prior to commencement of work; enroll in and attend Plumbing and Mechanical code seminar to be held in Morganton, N.C. June 7-8 and June 14-15, 2000, and commit no violation of Article 2, Chapter 87 or the Rules of the Board. Failure to attend seminars shall result in the suspension of Respondent's license for 90 days.

BARBOUR, MICHAEL WAYNE, President,

W.A. Barbour, Chairman

and CENTER HEATING & A/C COMPANY, INC.

Sanford, NC

License #4627 PH 1,2&3-I

Allegations that Respondent failed to obtain permits timely as required by the State Building Code and the Rules of the Board at locations in Lee County, City of Sanford and Harnett County. Respondents failed to obtain final inspections. The Respondents, Center Heating and Air Conditioning Company and Michael Wayne Barbour, admitted a failure to comply with a prior probation order. An order was issued by the Board on 11/16/98 placing the license of W. A. Barbour Jr., Center Heating and Air Conditioning Co. and Michael Wayne Barbour as plumbing and heating contractors on probation for one (1) year and until such time as permits have been obtained for all jobs contracted by the Respondents and inspection or re-inspection has been requested to each job.

Petition for Review filed by Respondent 12/15/98 in Lee County Superior Court.

Motion for Stay heard on 1/11/99. Stay of Board decision denied.

Petition for Review heard in Lee County Superior Court; Court remanded the case to the Board by order filed 11/16/99.

Consent Order issued by the Board on 5/9/00 placing the license of Respondent, W. A. Barbour Jr., Center Heating and Air Conditioning Company and Michael Wayne Barbour as plumbing and heating contractors on probation for 1 year and giving credit for the compliance with the probation order which occurred during the year the matter was on appeal.

BARR, BRIAN

d/b/a DEDICATED PLUMBING

Mt. Airy, NC

Allegations of plumbing contracting without a license.

Judgment of Permanent Injunction filed 4/17/00 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor.

BENNETT, JAMES E.

Gibson, NC

License #13690 H-2-I

Allegations of misconduct in the business of heating contracting in that after Respondent sold his company, Air Specialties, Inc., on at least three occasions, he contracted under the company name but diverted work and money to his own personal use and benefit.

Consent Order entered by the Board 3/7/00 suspending the license of Respondent for 12 months, and after completion of suspension, placing the license of Respondent on probation for two years with provisions that Respondent have written contracts; maintain service logs, maintain job files with heat loss calculations on every new installation or replacement of a condenser; obtain permits as required prior to commencement of work and commit no violation of Article 2, Chapter 87 or the Rules of the Board.

BLACKWELL, ARTHUR

Burlington, NC

Allegations of plumbing contracting without a license.

Judgment of Permanent Injunction entered by the Court on 3/1/00 enjoining the defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed to do so.

BOWMAN, JOSEPH LAWRENCE

BULLDOG SERVICES COMPANY

Wendell, NC

License #8256 H-1,2&3-I

Allegations of gross negligence in the business of heating contracting in that Respondent installed 149 furnace units as part of the Wilson Housing Authority modernization project which systems failed to pass final inspection and demonstrated serious risk of personal injury to the inhabitants.

Consent Order entered by the parties on 5/9/00 placing the license of Respondent on suspension for 3 months and requiring the Respondent to enroll in a Level I mechanical or equivalent course approved by the staff of the State Board and present evidence to the Board of a passing grade in such course prior to restoration of license. Upon restoration of license, Respondent's license will be placed on probation for 1 year with provisions that Respondent have written contracts; maintain service logs, maintain job files, obtain permits as required prior to commencement of work; comply strictly with the Board rules with respect to supervision of work.

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RECIPROCITY

At the June 2000 Board meeting many problems with the way reciprocity has been handled by other states was brought to the attention of the Board. Given this information your Board voted to end Reciprocal Agreements with all other states. Current information led them to believe that the agreement was not fair and equitable to North Carolina licensees.

This does not change anything so far as those that are currently licensed by reciprocity, unless it becomes evident that those licenses were in some way granted in error. Since we are going to computer based testing there should be less of a need for this method of licensing.

We will keep you updated on any changes in this area. Please write the board either by email or standard letter of any problems and or opinions you have on this subject.

SUB-CONTRACTING FROM MAJOR RETAIL OUTLETS

Recently advertisements regarding the installation of hot water heaters have shown up in Newspapers across our State. These advertisements give a 1-800 number to call and state that a Plumbing License Number is available upon request.

We call your attention to Board Rule .0402 (B), .0403(A), and .0404(A)(B).

.0402(B) A licensed contractor shall not authorize permits to be obtained or allow his license number to appear on permits except for work over which he will provide general supervision until the completion of the work, for which he holds the contract and for which he receives all contractual payments.

.0403(A) A licensed contractor shall not permit the use of his license by any other person.

.0404(A) In each separate place of business or branch thereof operated by a contractor licensed by the Board, there shall be on active on-site employment a person licensed in accordance with the provisions of G.S. 87, Article 2 and whose duties are to supervise all installations falling within his license qualification.

(B) Separate place of business or branch thereof shall mean any office or facility of any kind:

- (1) from which work requiring license is solicited or conducted;
- (2) from which contracts for work requiring license are negotiated or entered into; or
- (3) from which requests for work requiring license are received or accepted.

You may note that this Board has always stated that you cannot sub-contract from unlicensed people or firms.

It would be in your best interest if you are sub-contracting work from any of the major retail chains to re-exam your position, as violators of the above Board rules will be called to account.

Continuing Education Continued from page one

During the Board's preliminary discussions concerning education it was decided that licensees currently attending the Board's seminars would be given credit for that time toward the first years requirement, if the Board goes forward with Mandatory Education. The Board members were gratified to hear that a majority of attendees at our seminars felt that Mandatory Continuing Education was a step in the right direction. Those licensees attending the seminars professed they gained a great deal from both the presentation and the question and answer sessions that followed.

Plans have been made for seminar contents and our field staff will be working very soon to set up seminars in your area for this year. If you have any questions concerning education and the future plans of the Board regarding education don't hesitate to call me in my office at 919-875-3612 or talk with the field investigator serving your area.

After serving this Board for 25 years, it has been a learning experience for me to work on issues important to you and the future of the industry. I miss my many friends that I have made over the years and hope before I retire to see many of you again. I have received several telephone calls and letters regarding teaching courses for any future Board approved educational requirements. If you are interested, please write me a simple letter, so that I may start a file for future reference should the Board enact Mandatory Education.



Formal Proceedings
continued from page two

BROCK, BETTY L.

Owner, Home Heat & Air Service
Fayetteville, NC
License #16987 H-3-I

Allegations of misconduct and incompetence in the business of heating contracting in that Respondent did not obtain a permit before beginning the installation; installed a 4 ton heat pump utilizing a duct system designed for a 3 ton system; contracted with a homeowner for a 5 ton heat pump but installed a 4 ton heat pump instead; did not have the installation inspected within ten days of completion of the installation; misrepresented facts by applying for a permit for one gas-pac, while knowing that two were to be installed; failed to insulate the ductwork properly; utilized plywood plenums, with exposed wiring, receptacles and plumbing, not sealed; failed to size and design the duct system properly; did not install collars on the spliced ducts; installed a 2x6 floor panning which allows inadequate air flow in a 3 ton system; failed to make timely corrections resulting in 5 reinspections; left flex duct on the ground.

Formal hearing held 3/10/99.

Order issued by the Board 4/6/99 placing the license of Respondent on probation for 18 months with provisions that Respondent maintain service logs, maintain a list of all major equipment purchased; implement procedures within business to assure final inspection is requested within 5 days of substantial completion of each installation; present evidence to the Board that she has purchased Vol. VII, Residential One and Two Family Dwelling (CABO) of the North Carolina State Building Code and Title 21, Chapter 50 of the North Carolina Administrative Code; enroll in and pass courses in Duct Design and in Load Calculation or equivalent courses approved by the staff; provide to the Board a letter or other reliable evidence of satisfaction from homeowners named in the Notice of Hearing and final inspection from the local inspection department on the jobs set out in the Order; and, commit no violation of Article 2, Chapter 87 or the Rules of the Board.

Respondent filed a Petition for Review on 5/6/99 with the Wake County Superior Court.

Hearing held before the Board on September 14, 1999 on request of Respondent for modification of Board Order.

Order issued 10/5/99 which modified the prior Order to acknowledge remediation efforts of Respondent, release examination requirement and terminate appeal.

CAIN, LOUIS C.

Fuquay Varina, NC
License #10036 P-I

Allegations of misconduct in the business of plumbing contracting. Summary procedure held 1/11/00.

Final Order entered 3/7/00 placing the license of Respondent at a plumbing contractor on probation for 1 year with provisions that Respondent have written contracts; maintain job files, obtain permits prior to commencement of work; enroll in a course in Building Code Law and Administration, purchases pertinent volumes of the North Carolina State Building Code; maintain records

documenting compliance and mail in quarterly reports.

CHAPMAN, JAMES PATRICK
K&P PLUMBING COMPANY

Matthews, NC
License #19423 P-I

Allegations of misconduct in the business of plumbing contracting in that Respondent failed to sleeve the building drain and water service, and capped off the test standpipe on the PVC-DWV which falsified the test on the PVC-DWV piping system. Summary procedure held 12/15/99.

Final Order entered by the Board on 2/8/00 placing the license of Respondent as a plumbing contractor on probation for 1 year.

COBLE, CHARLES R., Jr., Owner

Coble Air Conditioning & Heating
Burlington, NC
License #12389 PH 3-Class II

Allegations of incompetence in the business of heating contracting in that Respondent failed to design and install a system that would function to accepted design standards; failed to design and install a system adequate to cool the residence; failed to size, lay out and support the ductwork properly; installed an undersized return on the upper level and failed to respond to calls from homeowner.

Formal hearing held 3/7/00.

Order entered by the Board on 4/5/00 placing the license of Respondent on probation for one year with provisions that Respondent have written contracts; maintain service logs, maintain job files, obtain permits as required prior to commencement of work; enroll in a course in HVAC Load Calculation and Duct Design and Insulation or equivalent course approved by the staff and commit no violation of Article 2, Chapter 87 or the Rules of the Board.

DASON, MARK

individually and d/b/a **HOME M.D.**
Wake County, N.C.

Allegations of plumbing contracting without a license.

Permanent Injunction Judgment entered by the Court on 2/24/00 enjoining the defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

DAVIS, JASON, Owner

J. DAVIS PLUMBING
Raleigh, N.C.

License #4385 P-I

Allegations of misconduct in the business of plumbing contracting in that Respondent allowed the use of his license to obtain a permit by an unlicensed contractor. Summary procedure held 10/13/99.

Final Order entered on 12/14/99 suspending the license of Respondent as a plumbing contractor for a period of one (1) year.

DELOATCH, PHILLIP A.
NORTHCO PLUMBING
Pendleton, NC
License 10040 PH-3-I

Allegations of misconduct in the business of heating contracting in that Respondent failed to complete installation and failed to design and install a system to function to design standards.

Summary procedure held 12/15/99.

Final Order entered by the Board on 2/8/00 issuing a Letter of Caution on the license record of Respondent.

EDWARDS, RICHARD DANA
Aulander NC
License #15254 P-I

Allegations of incompetence in the business of plumbing contracting in that Respondent installed plumbing for two bathrooms and failed to properly elevate and strap the sewage line to prevent backup and odor; installed water lines lying on the ground; failed to repair leak in Pastor's study; failed to repair leaks at faucets; failed to extend faucets to outside south wall; failed to properly align waterline in Pastor's study; failed to install three handicap rails in the restrooms according to the North Carolina State Building Code; failed to install the proper handicap stools and tops; failed to connect the water fountain within the vestibule; installed S traps under the sink and urinal; failed to vent the sink and urinal; glued ABS & PVC pipe together and, discharged the water heater directly into the waste system instead of indirectly.

Summary procedure held 8/10/99.

Objection to Recommended Order received from Respondent.

Formal hearing held 12/1/99. Order entered by the Board 1/7/00 suspending Respondent's license as a plumbing contractor for 90 days. In addition, the Respondent shall enroll at a community college or similar institution in a course in Plumbing Design or Code course or equivalent course approved by the Board staff of the State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors and present evidence to the Board of a passing grade in such course by the end of one (1) year. In the event of proof that Respondent failed to present evidence of passing the above course within one (1) year, the license of Respondent will be suspended until Respondent presents evidence to the Board that he has passed the course.

ELLISON, ELLISON L.
CAROLINA HEATING & AIR CONDITIONING
Fayetteville, NC
License #17837 H-3-I

Allegations of noncompliance with prior order of the Board in that Respondent failed to produce records relating to contract permits and job files and failed to complete courses required by the prior order of the Board.

Formal hearing held 2/8/00.

Order entered by the Board 3/6/00 extending time to comply with the prior Order of the Board to and including February 10, 2001.

EVANS, RICKY HENRY
Owner, **FOUR SEASONS HEATING & AIR CONDITIONING OF DURHAM**
Durham, NC

Allegations of heating contracting without a license.

Judgment of Permanent Injunction filed on 6/6/00 enjoining the defendant from engaging in business as a plumbing, heating and fire sprinkler contractor until properly licensed to do so.

FALENCKI, LAWRENCE, d/b/a FREES, INC.
Shreveport, LA

Allegations of heating contracting without a license.

Consent Order filed with the court on 2/21/00 enjoining defendant, Frees, Inc. from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

GARNER, EDDIE
GARNER BACKHOE
Raeford, N.C.

Allegations of plumbing contracting without a license.

Permanent Injunction Judgment entered by the Court 4/17/00 enjoining the defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed to do so.

GARNER, TOMMY
Durham, N.C.

Allegations of heating contracting without a license.

Judgment of Permanent Injunction filed by the Court 2/4/00 enjoining the defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

GARVEY, BENTHAM HARLOW
d/b/a **HARLOW SERVICES**
Fayetteville, NC

Allegations of heating contracting without a license.

Permanent Injunction Judgment entered by the Court on 5/19/00 enjoining the defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

HART, GRADY E.
Bessemer City, NC
License #4152 P-I

Allegations of misconduct in the business of plumbing contracting in that Respondent installed a plumbing system at a residence and in the course of completion of the contract, failed to install a cut-off valve on the water heater; failed to pipe the pressure and temperature relief valve within two inches of the floor; covered the plumbing in the walls without inspection; installed the water closet 14 3/4" from the wall; used quarter bends where long sweep elbows are required; failed to obtain a permits; failed to return and complete an installation which forced the builder to hire another contractor to complete the installation; failed to

clean, prime or glue joints of PVC drain line; installed a 1-1/2" PVC drain from the bathtub into a 2" piece of pipe on the inlet side of the 2" "P" trap without the use of a fitting; installed a trap elbow where the direction of the flow is from the vertical to the horizontal; put a plug inside the 3" elbow located below the slab in order to falsify the PVC-DWV test; failed to allow 24" between the shower stall and water closet; and failed to connect joints properly under the slab, requiring the slab to be broken up to replace the piping and repour the slab.

Formal hearing held 12/14/99.

Order entered by the Board 1/7/00 which suspended the license of Respondent as a Plumbing, Class I contractor for a period of 90 days.

HERRING, GORDON

d/b/a GORDON HERRING PLUMBING, HEATING AND AIR CONDITIONER REPAIR SERVICE

Fayetteville, NC

Allegations of heating contracting without a license.

Complaint and summons issued on 2/4/00.

Permanent Injunction Judgment entered by the Court on 4/3/00 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor.

HIXON, GARNER

Cleveland County, NC

Allegations of plumbing contracting without a license.

Permanent Injunction Judgment filed by the Court on 2/8/00 enjoining the defendant from engaging in business as a plumbing, heating and fire sprinkler contractor until properly licensed to do so.

HOPKINS, OTIS D.

WIZ PLUMBING SERVICE

Clayton, NC

License #8760 P-I

Allegations of misconduct in the business of plumbing contracting in that Respondent allowed the use of his license by an unlicensed contractor and performed plumbing contracting while license was expired.

Summary procedure held 1/11/00.

Final Order entered by the Board 3/7/00 placing the license of respondent as a plumbing contractor on probation for 2 years with provisions that Respondent have written contracts; maintain service logs, maintain job files, obtain permits prior to commencement of work; maintain records documenting compliance and commit no violation of Article 2, Chapter 87 or the Rules of the Board.

HUNTER, DONALD W., d/b/a

HUNTER CONSTRUCTION

Sapphire, NC

Allegations of plumbing contracting without license.

Permanent Injunction Judgment entered 1/14/00 enjoining the Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor.

JOHNSON, DEWITT

High Point, NC

License #8762 P-I

Allegations of violation of probation order in that Respondent failed to comply with the 2/4/97 order of the Board and engaged in contracting without obtaining permit and inspection.

Formal hearing held 1/12/00.

Order entered by the Board 2/14/00 suspending license of Respondent as a plumbing contractor until satisfactory evidence of compliance with the conditions of the probation order is provided to the Board.

JOHNSON, LEROY

Grover, N.C.

Allegations of plumbing contracting without a license.

Judgment of Permanent Injunction filed 5/22/00 enjoining the defendant from engaging in the business of heating, plumbing or fire sprinkler contracting until properly licensed to do so.

JORDAN, THOMAS

d/b/a JORDON'S WOOD SHOP

Mineral Bluff, GA

Allegations of plumbing contracting without a license.

Permanent Injunction Judgment filed 5/10/00 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor.

KLAFFKA, THOMAS H.

Oxford, N.C.

Allegations of heating contracting without a license.

Judgment of Permanent Injunction entered on 5/10/00 enjoining Defendant from engaging in business as a plumbing, heating or fire sprinkler contractor.

LAIL, MARK

DISCOUNT MOBILE HOME SUPPLY

Morganton NC

Allegations of heating contracting without a license.

Judgment of Permanent Injunction filed on 5/26/00 enjoining the defendant from engaging in business as a plumbing, heating or fire sprinkler contractor.

LANIER, ALLEN GLENN

Beulaville, NC

License #18051 H-3-II

Allegations of misconduct in the business of heating contracting in that Respondent failed to obtain permit, failed to properly support flex duct, failed to complete installation in reasonable amount of time.

Final Order entered 5/9/00 entering a Letter of Reprimand on the license record of Respondent and placing Respondent's license on probation for 6 months with provisions that Respondent have written contracts; maintain service logs, maintain job files, obtain permits as required prior to commencement of work; enroll in a course in Level I mechanical or equivalent course approved by the staff.

LATUCH, BOBBY WAYNE

Gaffney, NC

License #22420 P-I

Allegations of misconduct in the business of plumbing contracting that Respondent applied for and received a reciprocal license from the state of North Carolina as a Plumbing Class I contractor by representing to the Board that he was a resident of the state of South Carolina. Respondent was in fact a resident of Hickory, NC, employed by Sun Quest, Inc. The application was processed pursuant to a reciprocal licensing agreement with the State of South Carolina, which requires residence in the State of South Carolina. On or about February 8, 1999, Respondent contracted to assist a homeowner in installation of water piping throughout the house, vent piping through the roof, all of the PVC-DWV piping to the upstairs bathroom, and lowering of the washing machine box originally installed by the homeowner, at a new residence. Respondent contends he agreed to help the homeowners who had obtained a building permit in their own names, and believed he was working as a helper. At the time of rough-in inspection on February 8, 1999, Respondent had participated in carrying out the installation prior to obtaining license; installing standpipe for washing machine less than minimum height of 18"; failing to install proper fall for all vents in attic space; failing to install draft-stop at upstairs tub waste; failing to reinforce at 2" vent in upstairs bath; boring more than two consecutive studs; securing water closet flanges with nails rather than screws as required by the North Carolina State Building Code; failing to properly vent upstairs water closet with dry vent; failing to firestop all pipe penetrations; failing to properly support all plumbing drains at 4' intervals; boring floor joist closer than 2" from the top at upstairs bath tub; failing to install an approved P Trap at upstairs bath tub; failing to support CPVC water pipe at 32" intervals for upstairs water closet; and, failing to install a shut off for the refrigerator icemaker water line. Respondent agreed to help an owner bring a system up to code for rough-in inspection, performing the testing of the water distribution system and extending the vent piping through the roof for the test at a residence. An inspection report completed on April 3, 1999, found that a test on supply piping indicated 80 psi while minimum requirement for test is 100 psi; test results on drain test on DWV indicated zero while minimum requirement for test is 5 psi; water closet flange in basement was not bolted per manufacturer's instructions; plumbing was incomplete to the whirlpool; firestop waste outlet for tub/shower in hall bathroom was needed; firestop at ceiling or top plate at 3" vent in master bathroom was needed; firestop ceiling in master bath beside shower for 2" vent was needed; and, failed to complete 3" vent through roof in main room and master bath. Respondent contends he was in the process of performing tests of 2 of the items above at the time of inspection, and was ready to correct any code deficiencies.

Formal hearing scheduled 12/14/99.

Consent Order entered by the Board 12/14/99.

Respondent elected to tender his license as a plumbing contractor in the state of North Carolina and will not further contest the allegations of the Notice of Hearing. Respondent will be permitted to set for examination upon meeting the experience requirements.

LYONS, KENNETH JAMES

Rocky Mount, NC

Hearing requested to consider denied permission to sit for examination because the applicant had failed to acquire the necessary experience.

Final Order entered 3/7/00 which denied permission of the applicant to sit for the Plumbing, class I examination, finding inadequate experience.

McEVERS, CHARLES DAVID

Lemon Springs, NC

License #17190 P-II

Allegations of Misconduct in the business of plumbing contracting.

Summary procedure held 3/8/00.

Final Order entered 5/9/00 placing the license of Respondent on probation for 6 months with provisions that Respondent have written contracts; maintain job files, obtain permits as required prior to commencement of work; enroll in a course in Level I plumbing and in Building Code Law and Administration or equivalent course approved by the staff.

McGEE, BRIAN ROBERT

Lenoir, NC

License #16814 H-3-I

Allegations of misconduct, code violations in the business of heating contracting in that Respondent failed to obtain permits until caught by the local inspector, and failed to request inspections, put 2 1/2 ton heat pump into service before a certificate of compliance was issued, failed to install the equipment described in the original proposal, installed a duct in the hall closet that is pinched causing a restriction, installed the return air filter grill for the upstairs inside the hall closet near the bedrooms, installed the condensate drain from the coil back-graded in several places, did not insulate the supply boots located in the attic, did not properly install the return and supply joints of the duct system, installed a drain pan under the air handler located in the attic but did not install a drain from the pan nor a float switch, utilized 3/4" electrical conduit (PVC) in the piping of the condensate drain, supported the supply plenum with a piece of Styrofoam, installed the flexible return and supply duct with bends where the radius of the turns are too tight, did not install insulation pads between the air handler and the supports, installed two flexible supply ducts and one flexible return air duct in working closets without providing any protection of these ducts, failed to perform a heat loss calculation as mandated under the circumstances, failed to design and install a system which would function to accepted design standards, and, failed to obtain license under the name in which business is conducted. Summary procedure held 10/13/99.

Final Order entered 2/8/00 which placed the license of respondent as a heating contractor on probation for 6 months with provisions that Respondent have written contracts; maintain service logs, maintain job files, obtain permits as required prior to commencement of work; enroll in a 30 hour course in Level I mechanical or equivalent course approved by the staff; and commit no violation of Article 2, Chapter 87 or the Rules of the

Board.

McGOWAN, PAUL MITCHELL

Paul McGowan Plumbing

Charlotte, NC

License No. 5230 P-I

Allegations of misconduct in the business of plumbing contracting in that Respondent installed short sweep 1/4 bends in the drainage system where the direction of the flow is from the vertical to the horizontal, installed the PVC-DWV glue fittings and piping without the use of a manufacturer required primer/cleaner, failed to properly insulate the water piping to the water heater, failed to put proper third party label on tub unit installed, failed to install a pressure reducing valve and a main shut-off valve in the water piping system prior to final inspection, failed to install a proper connection between the existing cast iron sewer line and the new PVC sewer line, failed to install a back-water valve in the building drain line where the upstream manhole was at a higher elevation than the flood level rim of the lowest fixture in the house, and failed to install a proper vent termination for the air admittance valve. After a second rough-in inspection was performed it was determined that Respondent put purple primer over the existing flue joints then applied more glue rather than removing the incorrectly installed PVC glue joints, failed to install the proper adapters between cast iron and PVC pipe and failed to correct all but one of the code violations from the earlier inspection. A third rough-in inspection found the same items as during the earlier, inspection plus found that Respondent failed to replace the short sweep 1/4 bend installed under the kitchen sink in the drainage system where the direction of the flow is from the vertical to the horizontal, failed to install the existing 3" roof vent penetration with the required height above the roof surface and failed to install an access to the air admittance valve for the washing machine. Due regard was given to the deception resulting from painting over the joints.

Summary procedure held 10/13/99.

Final Order was entered by the Board 2/8/00 which placed the license of Respondent as a plumbing contractor on probation for 6 months with provisions that Respondent have written contracts, obtain permits as required for each contract and assure that a final inspection has been performed, enroll in a course in Level 1 Plumbing or equivalent course approved by the staff of the State Board and present evidence of a passing grade; should Respondent fail to complete and pass this course, license will be suspended until such time as evidence is submitted to the office of the Board that the Respondent has completed the course, maintain job files or other written records of contracts, maintain a service log of all contracts and service calls, maintain records detailing and documenting his compliance with the provisions of this probation order and commit no violation of Article 2, Chapter 87 or the Rules of the Board.

RODGERS, GLENWOOD

Owner, **G. R. MECHANICAL**

Greenville, NC

License #12148 PH 1,2&3-I

Allegations of misconduct in the business of plumbing con-

tracting in that Respondent permitted use of his license in connection with acquisition of permit and performance of said contracts even though Respondent was not a party to the contracts. The arrangement between Respondent and an unlicensed person resulted in poor workmanship and numerous code violations. Respondent subcontracted work to an unlicensed firm which provided poor supervision and coordination, resulting in use of another contractor to tear-out work and complete 8 apartment buildings. Respondent had been warned personally in 1998 and again in 1999.

Formal hearing held 5/9/00.

Order entered by the Board on 5/22/00 suspending the license of Respondent for 6 months. Upon restoration of license, Respondent is directed to cease the practice of subcontracting work requiring license to unlicensed subcontractors and is directed to carry out no work with Keith Frizzell except when Frizzell is his bona fide employee or a full-time participant in a partnership with a written partnership agreement, which agreement forbids moonlighting or work on the side by either partner.

ROYAL, RANSOM DALE

d/b/a **ROYAL PLUMBING & REPAIR SERVICE**

Kernersville, NC

License #18247 P-I

Allegations of abandonment of work in the business of plumbing contracting in that Respondent received payment in full and broke repeated promises to return and complete the installation.

Summary procedure held 3/8/00.

Final Order entered by the Board 5/9/00 suspending the license of Respondent as a plumbing contractor for 1 year. Respondent may request reinstatement of license by the Board after order has been in effect 6 months upon presentation of evidence by the Respondent that the deficiencies listed in the Notice have been corrected and the installation passed final inspection.

SIMPSON, JAMES ROBERT, Owner

SIMPSON SERVICES

Andrews, NC

License #14696 H-3-I

Allegations of misconduct in business of heating contracting in that respondent failed to design and install a system which would adequately heat and cool a residence, failed to properly seal the duct board, changed out the wrong unit, failed to change out old 40 amp breakers and one 60 amp breaker to 100 amp breakers, failed to seal off unit at one building allowing it to continue to pull cold air into unit and push it through the ductwork, failed to wire system and controls so as to allow the system to function, failed to respond to numerous requests to complete installation properly, repeatedly broke promised appointments and abandoned the job.

Final order entered by the Board 2/8/00 which revoked the license of Respondent.

SMILEY, WILLIAM T.

Roanoke Rapids, NC

License #15067 H-3-I

Allegations of code violations in business of heating contracting installed a heating group 3 system consisting of a gas pack units at several commercial locations and in the course of completion of the contracts, Respondent: failed to design and install systems which would function to accepted industry standards; attempted to use a 3" x 24" hole in the floor to serve as return for the first floor of a structure; attempted to serve the equipment and both floors with a single 18" return resulting in free return for the entire structure; failed to secure ductwork; used the uninsulated bottom of the unit as a plenum for supply; failed to insulate the plenum; connected one 18" flexible duct from plenum on bottom of unit to existing metal duct; connected two 16" flex duct supplier from the plenum to existing metal duct; failed to obtain a permit prior to start of installation; installed filter grilles which were too small for the return; overfused the breakers and fuses for unit on roof; failed to install p-trap in condensate drain line; failed to properly size and install the gas line; failed to install the smoke detectors in the unit so as to cut the system off in event of a fire; failed to install a platform in front of unit for access for service and passage onto roof; installed a single 16" flexible supply duct from each unit into concealed ceiling space; used a single 16" flexible return duct on 6-ton unit; installed one 16" tee with two 16" flexible return ducts on an 8.5 ton unit; installed two 16" x 24" return grilles on each system; overfused the breakers in store and fuses in the disconnect on roof; failed to level units on roof; entered into a contract and attempted to procure permit in a name other than that in which license is issued; contracted with an expired license; allowed fifteen inches clearance at the disconnect where three feet is required; overfused the breaker at 150-amps rather than a maximum of 90; installed a new ductwork system which was undersized, in a 15 Ton AC system with 6000 cfm air 270,000 BTU heat attempting to utilize a single 18" flexduct return and a single 18" flexduct supply; failed to secure supplies to connections with collars utilizing adhesive only; failed to maintain sealed vapor barriers on supplies; connected flex liner to duct without UL181B Tape; failed to secure duct work and engaged in contracting on an expired license resulting in imposition of a Stop Work Order by the Town of Roanoke Rapids.

Formal hearing held 12/1/99.

Order entered by the Board on 12/16/99 which suspended the license of Respondent as a heating contractor for a period of 6 months and required Respondent to enroll in and pass a course in HVAC Duct Design and Installation or equivalent prior to reinstatement of license at conclusion of suspension. Upon return of license to Respondent, the license qualification shall be reduced from Class I to Class II, limited to single-family detached residential dwellings.

SMITH, MILTON

Cofield, NC

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

Contempt proceeding held 2/28/99, Hertford County Superior Court.

Order of Contempt and Order of Arrest filed by the Court on

3/3/00 finding he defendant in contempt of prior order of the Court and sentencing him to 4 consecutive weekends in the Hertford County Jail.

STEVENS, GEORGE BENNETT

Mount Mourne, NC

License # PH 1,2&3-I

Allegations of misconduct in the business of heating contracting in that Respondent, during a routine inspection and cleaning, reported to the homeowners that the unit had a cracked heat exchanger and offered to repair and replace the cracked heat exchanger for \$2,000.00. A second opinion reported that the heat exchanger was not cracked.

Summary Procedure held 10/12/99.

Final Order entered by the Board on 12/14/99 in which the hearing officer reduced the matter to an informal conference.

STROUD, TIMOTHY CLYDE

Kinston, NC

License #18205 P-I

Allegations of misconduct in the business of plumbing contracting in that Respondent failed to obtain permit and inspection, installed PVC line with numerous sags, inappropriate elbows and connections, backgraded the line, demonstrated incompetence in workmanship and failed to respond to numerous requests for service. Respondent represented that he was making payments in the nature of restitution when, in fact, no payments had been made.

Summary procedure held 1/11/2000.

Final Order entered by the Board on 3/7/00 suspending the license of Respondent as a plumbing contractor for 6 months. The suspension period may be reduced to 3 months if Respondent presents evidence that he has satisfied the judgment of the homeowners and has purchased the pertinent volumes of the North Carolina State Building Code and Title 21, Chapter 50 of the North Carolina Administrative Code. The period of suspension will be followed by a 6 month probation during which Respondent shall have written contracts; maintain service logs, maintain job files, obtain permits prior to commencement of work; maintain records documenting compliance and mail in reports quarterly and commit no violation of Article 2, Chapter 87 or the Rules of the Board.

THOMPSON, DANNY, JR.,**d/b/a BEST RATE PLUMBING**

Gastonia, NC

Allegations of plumbing contracting without a license.

Judgment of Permanent Injunction entered by the Court 4/13/00 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor.

TROGDON, MARGARET J.

HVAC SYSTEMS

Asheboro, NC

License #14711 H-3-I

Allegations of noncompliance to prior order of the Board and misconduct in the installation of heating group 3 systems in that

Respondent failed to obtain a permit, obtained initial draw and failed to complete installations.
Order entered by the Board 2/14/00 which revoked the license of Respondent as a heating contractor.

TROXELL, TIMOTHY SCOTT, Owner 8/4/99

ADVANCED AIR

Asheville, NC

License #20379 H-3-I

Allegations of misconduct in business of heating contracting.

Formal hearing continued from 10/12/99.

Respondent in custody in Buncombe County Jail as of 10/7/99.

Awaiting information from investigator as to length of sentence.

VERBAL, JOHN M.

Durham, NC

Request received from Respondent for reinstatement of license.

Hearing held 2/8/00.

Order entered by the Board 3/6/00 which denied reinstatement of license to Respondent until Respondent presents evidence to the Board that the coursework required by prior order has been satisfactorily completed.

WATFORD, EDDIE NORMAN

Windsor, NC

License #4655 P-I

Allegations of misconduct in the business of plumbing contracting in that Respondent failed to obtain a permit on rough-in, failed to obtain an inspection on rough-in, installed a system with leaking drain lines resulting in damage to the dwelling, and fail to respond to complaints despite repeated requests from property owners.

Order entered by the Board 4/5/00 entering a Letter of Caution on the license record of Respondent as a plumbing contractor.

WATFORD, EDDIE T., Owner

TYRO PLUMBING

Windsor, NC

License #14508 P-I

Allegations of misconduct in the business of plumbing contracting in that Respondent failed to obtain a permit on rough-in, failed to obtain an inspection on rough-in, installed a system with leaking drain lines resulting in damage to the dwelling, and failed to respond to complaints despite repeated requests from property owners.

Order entered by the Board 4/5/00 entering a Letter of Caution on the license record of Respondent as a plumbing contractor.

WOOD, MICHAEL, d/b/a

PREMIER HOMES OF N.C., INC.

Erwin, NC

Allegations of plumbing contracting without a license.

Permanent injunction judgment was entered 3/15/00 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.



Don't Make the
Newsletter for the
Wrong Reason!



Governor Appoints New Member

Governor James B. Hunt, Jr. has appointed Mr. Alan Williams, Comfort Engineers Incorporated Durham, North Carolina to the State Board of Examiners for a term to expire in April of 2007.

Mr. Williams has been appointed as the Air Conditioning Contractor member to the Board. He has been a long time activist in the industry serving in many civic and governmental capacities. The Board welcomes him and looks forward to working with him over the next seven years.



Williford's Term Ends

Mr. Chris Williford from Wilson, North Carolina has just completed his term with the State Board of Examiners. Mr. Williford was appointed by Governor James B. Hunt to serve as the Air Conditioning Contractor to the Board in April 1993.

Mr. Williford served as Chairman of the Board from 1998 to 2000 and Secretary/Treasurer 1995-1998. Mr. Williford also served on numerous committees and was instrumental in modernizing the Board and promoting advancement in the use of new technology. He was always concerned for the licensee and promoted many of the ideas that allow the board to serve you better.

The Board expressed its gratitude to Mr. Williford for his dedicated service and he will be missed by the Board staff.

OPPORTUNITY TO JOIN OUR TEAM

The State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors is presently seeking applications for Field Representative.

This position encompasses the I-85 corridor area that includes Mecklenburg, Cabarrus, Rowan, Davidson and surrounding counties.

This will be a compact area covering approximately 3,200 licensees of this Board.

Salary is negotiable, car furnished and excellent benefit package.

Send resume to:

State Board of Examiners
3801 Wake Forest Road, Suite 201
Raleigh, NC 27609

Attention: Bill Tomlinson

Or Fax # 919-875-3616



Happy Anniversary,

In May of 1999 Ms. Sandra O'Brien came on as the new Executive Director for The State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors.

Since arriving this Board has been a bee-hive of activity with Ms. O'Brien carrying out Board Programs with compassion for the Public and Contractors.

The Staff of The Board takes this time to thank Ms. O'Brien for her dedication and concern shown for each employee.

It is always easy to work for an understanding employer like The Board and Ms. O'Brien.



**THANK YOU FOR
EVERYTHING,**

YOUR STAFF

Consent Agreement Report

A Consent Agreement is an affidavit taken from unlicensed individuals performing plumbing, heating and fire sprinkler work without 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 businesses or individuals in the field report them to this office.

<u>Individual Name</u>	<u>Company Name</u>	<u>City & State</u>	<u>Consent Obtained</u>	<u>Work Type</u>
Burke, Jerry Michael	Burke Heating & AC	Four Oaks, NC	01/05/2000	H-3-I
Chappell, Earnest Wayne	Chappell's Plbg & Mech	Vanceboro, NC	05/03/2000	FS
Chavis, Oscar	C & H Remodeling	Fayetteville, NC	02/07/2000	H-3-I
Clark, Thomas Brian		Morganton, NC	02/02/2000	P-I
Ellis, John Robert		Wilson, NC	05/17/2000	H-3-I
Fowler, James Richard	Cumberland Heat & AC	Hope Mills, NC	02/18/2000	H-3-I
Fowler, Jeff		Wilmington, NC	05/04/2000	P-I
Freeman, Aaron	Freeman Home Improvements	Greenville, NC	04/12/2000	PH-3-I
Godines, Mauricio	Mauricio's Technical Service	Wilmington, NC	01/04/2000	H-3-I
Guffey, Arthur G.	Guffey Appliance	Marion, NC	02/01/2000	H-3-I
Holladay, Herman Terry		Raleigh, NC	03/20/2000	P-I
Letterman D. Whitt		Marion, NC	06/06/2000	P-I
Mack, Ricky		Nebo, NC	01/20/2000	H-3-I
Maddox, Daryl	Daryl Maddox Plumbing Serv	Jacksonville, NC	05/25/2000	P-I
McBride, Tom	A 1 Air Conditioning & Htg	Hampstead, NC	01/05/2000	H-3-I
McMillion, Russell	Russell's Mechanical Maintenance	Greenville, NC	03/15/2000	H-3-I
McNeill, Jackie		Asheboro, NC	02/04/2000	P-I
Nelson, Ted	Irrigation Tech & Landscaping	Wilmington, NC	01/31/2000	P-I
Podrebarac, Don	American Water Service	Weddington, NC	05/03/2000	P-I
Riley, Cindy	Allen's' Heating & Air	Goldsboro, NC	02/03/2000	H-3-I
Stokes, Robert		Lawndale, NC	03/16/2000	H-3-I
Toler, Jim		New Bern, NC	03/14/2000	P-I
Trevisan, Richard F.		Palm City, FL	01/17/2000	P-I
Watson, Larry		Dallas, NC	05/03/2000	P-I

APRIL 2000 EXAMINATION RESULTS STATISTICS

<u>EXAMINATION</u>	<u>PASSED</u>	<u>FAILED</u>
Plumbing, Class I	60	228
Plumbing, Class II	30	69
Heating, Group 1-I	32	11
Heating, Group 1-II	3	1
Heating, Group 2	20	20
Heating, Group 3-I	130	167
Heating, Group 3-II	24	21
Fuel Piping	<u>29</u>	<u>15</u>
Total	328	532



READ ALL ABOUT IT!



To All Licensees

Subject: Mandatory Continuing Education

The State Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors will be holding Public Forums to hear from you regarding the Board's interest in possibly implementing mandatory Continuing Education as a requirement for license renewal.

Below you will find site locations and where you may go and be heard. All meetings will start at 6:00 PM.

If you cannot attend and wish to express your views you may give a written response in lieu of appearing.

Calendar:

September 26, 2000
September 28, 2000

Hampton Inn, Hwy 70 & 258, Kinston, NC
Sheraton Airport Plaza Hotel,
I-85 & Billy Graham Pkwy, Ballroom D
Charlotte, NC
Best Western Biltmore West,
275 Smokey Park Hwy, Asheville, NC

October 3, 2000

October 5, 2000

Public Hearing

**McKimmon Center, Western Blvd &
Gorman Street, Raleigh, NC**



HELPFUL REFERENCES SIZING SUPPLY AND RETURN DUCTS

Volume VII Residential Code sections 1902.2 and 1903.1 require in part that "The minimum unobstructed total area of the return or supply air ducts or openings to a central air-conditioning unit and/or heat pump shall be in accordance with the manufacturer's installation instructions, but shall not be less than 6 square inches for each 1,000 Btu/h nominal cooling output rating."

Example:

1 ton = 12,000 Btu, $12 \times 6 = 72$ square inches,

Area of a 10 inch round duct = $\pi (3.12) \times \text{radius} (5) \text{ squared or } 3.12 \times 25 = 78$ square inches.

To find the area of a rectangle multiply height \times width = area.

The following list should help you in sizing return and supply for various size cooling units. Remember these are minimums.

- 1 ton = 10 inch round duct or at least 72 square inch rectangular duct.
- 1 ½ ton = 12 inch round duct or at least 108 square inch rectangular duct.
- 2 ton = 14 inch round duct or at least 144 square inch rectangular duct.
- 2 ½ ton = 16 inch round duct or at least 180 square inch rectangular duct.
- 3 ton = 18 inch round duct or at least 216 square inch rectangular duct.
- 3 ½ ton = 18 inch round duct or at least 252 square inch rectangular duct.
- 4 ton = 20 inch round duct or at least 288 square inch rectangular duct.
- 4 ½ ton = 22 inch round duct or at least 324 square inch rectangular duct.
- 5 ton = 22 inch round duct or at least 360 square inch rectangular

CHANGE OF ADDRESS

The Board's rule, 21 NCAC 50.0408 (c) reads as follows:

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

The above rule requires you to notify the Board of a change of address within 30 days after the change takes place. Compliance with this rule benefits you and the Board. The Board is able to keep its records up to date if you notify the office of an address change. The Board is also able to keep you up to date if it has your correct address. Through the newsletter, the Board notifies you of new requirements for licensed contractors, code amendments, educational opportunities, public rule hearings that may affect you, and much more. The newsletter will not get to you if the Board does not have your correct address. The Board notifies you when your license is going to expire and sends you an invoice. This invoice will not get to you if the Board does not have your correct address.

Remember to notify the Board when you move. You may be missing out on some valuable information, if you do not.



CONTINUING EDUCATION SCHEDULE FOR 2000

July Seminars 2000

7/10/00 Cleveland	Dale	Cleveland Community College Auditorium	6:00-8:00pm
7/12/00 Catawba, Alexander	Dale	Catawba Valley Community College	6:00-8:00pm
7/17/00 Henderson, Polk, and Transylvania	Dale	Blue Ridge Community College	6:00-8:00pm
7/18/00 Henderson, Polk, and Transylvania	Dale	Blue Ridge Community College	6:00-8:00pm
7/19/00 Cherokee, Graham, Clay	Dale	Tri-County Community College, McSwain Bldg	6:00-8:00pm
7/24/00 Guilford	Dale	Guilford Technical Community College	6:00-8:00pm
7/27/00 Brunswick, Pender, New Hanover	Will	Wrightsville Beach PHCC	3:00-5:00pm
7/27/00 Randolph	Dale	Randolph Community College	6:00-8:00pm

August Seminars 2000

8/1/00 Wake, Franklin	Wayne	Wake County Office Park, Commons Building	6:00-8:00pm
8/1/00 Guilford	Dale	Guilford Technical Community College	6:00-8:00pm
8/3/00 Wake, Franklin	Wayne	Wake County Office Park, Commons Building	6:00-8:00pm
8/8/00 Robeson, Hoke, Scotland	Wayne	Robeson County Community College	6:00-8:00 pm
8/10/00 Wake, Franklin	Wayne	Wake County Office Park, Commons Building	6:00-8:00pm
8/15/00 Durham	Wayne	Durham Technical Community College	6:00-8:00pm

September Seminars 2000

9/7/00 Lee	Wayne	City of Sanford Council Chambers	6:00-8:00pm
9/21/00 Harnett	Wayne	Harnett County Agricultural & Admin Bldg	6:00-8:00pm
9/26/00 Rockingham	Wayne	Rockingham County Government Complex	6:00-8:00pm

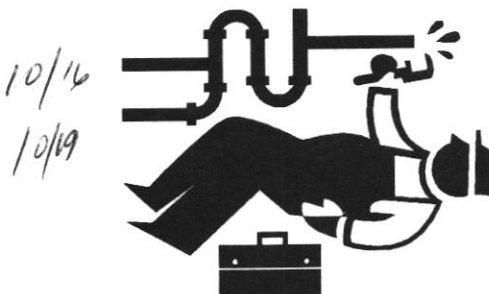
October Seminars 2000

10/3/00 Union	Wayne	Union County Courthouse	6:00-8:00pm
10/10/00 Cabarrus	Wayne	Northwest Cabarrua High School	6:00-8:00pm
10/24/00 Stanley, Montgomery	Wayne	Stanley County Agri-Civic Center	6:00-8:00pm

10/27 Richmond Cty Richmond C.C.

6-8pm

Rockingham



North Carolina

Board of Examiners of
Plumbing, Heating and Fire
Sprinklers Contractors
3801 Wake Forest Road
Suite 201
Raleigh, NC 27609

Phone: 919/875-3612
Fax: 919/875-3616
Email: info@nclicensing.org
Webpage:
<http://www.nclicensing.org/>

Editor -
Sandra O'Brien
Executive Director

2000 Hearing Dates

August 8, 2000 September 12, 2000 October 10, 2000
November 7, 2000 December 12, 2000 (Summary Hearings
would be held the day after each of the above)

Business Meeting Dates

August 16, 2000 (Same date as Exam Review)
October 9, 2000
December 12, 2000 (Same day as Hearings)

**STATE BOARD OF EXAMINERS OF
PLUMBING, HEATING & FIRE
SPRINKLER CONTRACTORS**
3801 Wake Forest Road
Suite 201
Raleigh, NC 27609



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