

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

March 2001



3801 Wake Forest Road, Suite 201, Raleigh, North Carolina 27609

919/875-3612 - Fax 919/875-3616 - email: info@nclicensing.org

J.G. Peace, Chairman

H. Singh, N.J. Whitaker, R.J. Long, J.L. Harrison, Jr., Susan Lee, Alan Williams

Licensees, Inspectors and the Board by Sandi O'Brien

There has been a lot of talk and confusion over the last six months about how the Board looks at the interaction between the licensees, inspectors and ourselves.

Its really very simple we examine, license and discipline the licensee. We put you out there as contractors often with an entry level knowledge of your trade. In recent years we have also tried to guide you into being better business men and women.

By statute it is our responsibility to protect the health, safety and welfare of the public. It is fairly easy for licensees to see why we strive to keep the level or quality of work at a high level. Harder for them to see our interest in the business part of it.

Our interest in this area is that as you become better in business it benefits both the public and the licensee. Many times the problems that the Board deals with can be directly linked to the lack of even having a written contract as required by law. A signed contract clearly outlines what you will do, how timely it will be and for how much.

The license we give you based on experience and examination entitles you as a licensed contractor to both privileges and responsibilities.

As a system of checks and balances the inspection system of the state was created and handed off to cities and counties. The Inspectors are the experts in Code matters and hold you to meet the standards. We do not interpret what the Code says we hold your license responsible to following it.

Our Administrative Officers do often teach licensees how something can be done for your work to meet Code standards and it is part of their job to know it when they see it. We don't write it, it's not in our books and we refer you to the Department of Insurance for interpretation.

How do the two groups that impact you most relate? Good question and one which perplexes us all at times. A common refrain when the Board is holding Informals, Summaries and Formal Hearings is that the job passed inspection. Admittedly this is sometimes true but it does not relieve the Board of the responsibility of disciplining you the licensee when your work is not up to Code.

Inspectors are held to their own standard by the North Carolina Code Officials Qualifications Board. They are separate from us and work through the Insurance Department. It was a wise decision when we both were formed to have us in a system of checks and balances.

As a matter of fact if everyone did their work to Code they wouldn't have anything to do. But we don't and too many contractors use the Inspection Departments as supervisors to catch their errors. On the other hand without North Carolina's bustling building growth and the construction trades to be monitored Inspection Departments wouldn't exist either. It comes down to the fact that both are necessary.

This Board certainly has enough to handle licensing, monitoring and disciplining 13,000 licensees of its own. We do not want to

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REMEMBER:

- ♦ **Always have a signed contract.**
- ♦ **Get your permit first**
- ♦ **Call Board Office if you aren't sure -**

919/875-3612

SUMMARY OF FORMAL PROCEEDINGS

BENSON, JEFF

Mill Spring, NC

License #14398 P-I and P-II

Allegations of misconduct in the business of plumbing contracting in that Respondent installed the flue pipe too close to a combustible, improperly installed the drainage system by reducing from 4" to 3" without cleanout, failed to install vent to serve future sewer pump, failed to install kitchen sink drain resulting in water closet being installed downstream and another water closet being installed without having been revented, installed improper grade for drain line, failed to use cleaner/primer on some PVC-DWV joints, installed improper grade for the vent line, attached closet flange to plywood floor using nails, abandoned the installation after receiving over \$6,000.00, failed to properly support PEX water lines and drilled a 2 9/16" hole through a 2" x 4" stud wall.

Summary procedure held 11/8/00.

Final Order issued 1/9/00 suspending the license of Respondent for a period of 6 months and admonishing him to have written contracts, obtain permits as required for each contract, complete and pass a course in Level 1 plumbing or equivalent course, maintain job files and maintain a service log.

**BLEVINS, JAMES DEAN, individually
and d/b/a J D PLUMBING**

Charlotte, NC

Allegations of plumbing contracting without a license.

Permanent Injunction Judgment filed 2/1/01 enjoining the defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**BRINSON, DOUGLAS R., President
WARSAW HEATING & A/C, INC.**

Warsaw, NC 28398

License #10282 H-3-I

Allegations of incompetence in the business of plumbing contracting in that Respondent installed a unit with 160 ft. line set in excess of the 100 ft. allowed, failed to install smoke detectors, demonstrated inadequate design resulting in failure of three compressors, attempted to combine 2 five-ton air handlers and utilized free return located in a storage room. The matter was resolved with a substantial civil settlement.

Summary procedure scheduled 10/11/00.

Final order entered by the Board on 12/12/00 which placed a Letter of Reprimand on the license record of Respondent.

BURNS, RAYMOND CLEGG

Lumberton, NC

License #16664 H-3-I

Request for Reinstatement of License from Respondent

Formal hearing 9/13/00.

Order entered granting reinstatement of license upon passage of examination.

**CARLSON, DOUG
d/b/a THE DRAIN MAN**

Shelby, NC

Allegations of plumbing contracting without a license.

Judgment of Permanent Injunction filed 12/3/00 enjoining the defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

**COLLINS, DAVID ELLIS, President
FACILITIES MAINTENANCE, INC.**

Madison, NC

License #22304 PH-1,2&3-I

Allegations of misconduct in the business of heating contracting in that Respondent installed condensate drain pipe emptying under house, failed to install filter on unit, failed to leave sufficient room on control side of unit, failed to install central air return and a return for the upper floor, failed to use UL approved duct tape and failed to request final inspection.

Summary procedure held 10/10/00.

Final order entered 12/12/01 placing license of Respondent on probation for 1 year on condition that no further violation of the statutes and rules of the Board occur.

COOPER, DAVID, d/b/a

D & J ENTERPRISES, a/k/a

CAROLINA APPLIANCE SERVICE HEATING & AIR

Winston-Salem, NC

Allegations of heating contracting without a license.

Judgment of Permanent Injunction filed 12/11/00 enjoining the defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

CUTHRELL, MICHAEL

Hertford, NC

License #11879 P-I

Allegations of misconduct and fraud in obtaining renewal of his license in that Respondent submitted renewal forms and the check was returned to the Board marked Insufficient Funds and which Respondent failed to make good.

Summary proceeding held 10/11/00.

Final Order entered 12/12/00 revoking the license of Respondent.

DICKENS, DAMON G.

PERFORMANCE HEATING & A/C

Sanford, NC

License #9071 H-3-I

Allegations of misconduct in the business of heating contracting in that Respondent installed a damaged 12 SEER system rather than a 13 SEER system, failed to use proper tape on ductwork, failed to properly support ductwork and failed to insulate floor registers, failed to properly seal ductwork, failed to discharge condensate properly, failed to design and install ductwork properly and failed to utilize proper take-offs.

Formal hearing held 12/12/00.

Order entered by the Board on 1/26/01 which suspended the license of Respondent for 3 years. Suspension may be reduced if Respondent provides a letter from the homeowner in the Notice that the matter is satisfactorily resolved. At the conclusion of the suspension license may be restored, provided Respondent presents evidence of a passing score on an H-3-I exam after the date of the Order.

**DILLON, KENNETH WAYNE
J D PLUMBING**

Monroe, NC

Allegations of plumbing contracting without a license.

Permanent Injunction Judgment filed 1/10/01 enjoining the defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

EGGERTON, FRED V. JR.
HISTORIC RENOVATIONS AND RESOURCES

Asheville, NC

Allegations of plumbing contracting without a license.

Entry of Default filed 5/22/00.

Judgment of Permanent Injunction filed 6/29/00 enjoining defendant from engaging in business as a plumbing, heating or fire sprinkler contractor.

FISHER, JOHN

Winston-Salem, NC

Allegations of heating contracting without a license.

Judgment of Permanent Injunction filed 11/28/00 enjoining the defendant from engaging in the business of plumbing, heating or fire sprinkler contracting until properly licensed to do so.

FRIZZELL, KEITH

d/b/a FRIZZELL'S PLUMBING

Greenville, NC

Allegations of plumbing contracting in violation of previous order of the Court.

Motion for Contempt heard 11/17/00.

Order of Contempt entered by the Court on 12/5/00 finding the defendant in contempt of prior order of the Court, fining him in the amount of \$250.00 and sentencing him to 10 days in the Pitt County Jail.

GERRARD, THOMAS KENDALL, President

GERRARD HEATING & AIR

Goldsboro, NC

License #15688 H-3-I

Allegations of misconduct in the business of heating contracting in that Respondent installed broken flex duct, left ductwork lying on ground, taped return instead of nailing or screwing to joist, failed to properly insulate start collar, taped panned return, notched load bearing floor joists, failed to properly support HVAC unit, failed to properly seal duct, installed only 1 return in house over 1600 sq. ft. and failed to provide adequate supervision, and failed to properly seal and insulate supply and return duct.

Summary proceeding held 10/11/00.

Final order entered by the Board on 12/12/00 placing the license of Respondent and the firm on probation for 1 year with provisions that Respondent have written contracts, obtain permits as required, maintain job files and service logs and records detailing his compliance with the provisions of this order and commit no violation of Article 2, Chapter 87 or the Rules of the Board.

GOLDEN, BRADLEY

SEA CREST CONTRACTUAL SERVICE

Newport, NC

Allegations of heating contracting without a license.

Complaint for Permanent Injunction issued 5/5/00.

Returned unserved.

Unable to obtain service of process on Defendant.

Notice of Voluntary Dismissal filed 1/24/01.

HARDISON, HERMAN

HARDISON HEATING & AIR

Kinston, NC

Allegations of heating contracting without a license in contempt of prior injunction of the Court.

Contempt proceedings heard on 12/5/00.

An Order of Contempt was entered on 12/22/00 which found the defendant in contempt of court and fined him in the amount of \$2,000.00.

HARRIS, JERRY WILLIAM

H & L HEATING & AIR CONDITIONING

Hudson, NC

License #15285 H-3-I

Allegations of code violations in the business of heating contracting in that Respondent failed to obtain a permit and inspection, put unit into service, failed to properly support and connect flex duct, crimped flex duct to supply boot, failed to install a return air duct to serve upstairs, failed to seal foundation penetration, failed to insulate sheet metal supply fitting, used unapproved flex duct tape, used 1" wide hangers to support flex duct and connected flex duct to duct without connecting sleeves.

Summary procedure held 9/6/00 in Asheville, N.C.

Respondent withdrew objection to Recommended Order.

Final Order entered 1/9/01 which suspended the license of Respondent for 1 year. License may be reinstated if Respondent presents evidence that he has purchased pertinent volumes of the North Carolina State Building Code and obtains a passing grade in a course in Duct Design and Level I Mechanical Code course.

JOHNSON, BILLY DEAN, Vice President

R & L SHEET METAL, INC.

Locust, NC

License #16770 H-2&3-I

Allegations of misconduct in the business of heating contracting in that Respondent, while a full time employee for Applied Control Technology, contracted to install heating systems in a name other than that in which license was listed, allowed Kenneth Dwayne Long to use his license number and name to obtain a permit; failed to obtain a permit prior to beginning installation, allowed a forged document to be presented during the inspection; failed to use cleaner on PVC condensate line; used improper duct tape, placed duct strapping more than 5 ft. apart, allowed more than 1/2" sag per foot on duct runs, failed to seal duct seams and joints, failed to use flex connectors, used dissimilar metals to support line set, failed to install UV protected outdoor unit control wiring.

Summary procedure held 8/10/00.

Respondent objected to Recommended Order.

Consent Order issued December 12, 2000, suspending the license of Respondent and that of R & L Sheet Metal, Inc. as heating contractors for 6 months; Respondent agrees to terminate any professional relationship with Kenneth Dwayne Long, and Respondent agrees to cooperate with the Board in any action which may be filed against Kenneth Dwayne Long testifying truthfully if called upon to testify.

JOHNSON, DAVID CHRIS

Eden, NC

License #12221 P-I

Allegations of misconduct in the business of plumbing contracting in that Respondent on multiple occasions, received payment for installations, permitted use of his license in connection with acquisition of permit for performance of said contract even though Respondent was not a party to the contract.

Final Order entered on 12/12/01 suspending the license of Respondent for 1 year.

KELLY, THOMAS

d/b/a T. K. CONSTRUCTION

Knightdale, NC

Allegations of plumbing contracting without a license.

Permanent Injunction Judgment filed 1/5/01 enjoining the defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

LONG, THOMAS, JR.

Burlington, NC

Allegations of plumbing contracting without a license in violation of prior Injunction.

Contempt motion heard on 1/8/01.

Order entered by the Court on 1/12/01 finding the defendant in contempt of Court and ordered him to be censured and pay a fine of \$500.00.

MARROW, JOHNNIE, d/b/a**JOHNNIE MARROW HEATING AND A/C**

Greenville, NC

Allegations of heating contracting without a license.

Permanent Injunction Judgment filed 12/20/00 enjoining the defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

McCALL, JERRY DEAN, d/b/a**GOD'S WILL HANDYMAN**

Cashiers, NC

Allegations of engaging in business as a plumbing contractor without a license. Suit for injunction filed.

Consent Order filed 2/7/01 enjoining the defendant from engaging in business as a plumbing, heating or fire sprinkler contractor.

NEALEY, FLOYD M.

Jacksonville, NC

License #19551 H-3-2

Allegations of misconduct in the business of heating contracting in that Respondent failed to obtain permit or inspection, failed to provide proper disconnect, failed to respond to numerous requests from homeowner, failed to provide adequate clearance to ductwork and left ductwork disconnected.

Final Order entered by the Board on 1/9/01 which placed the license of Respondent on probation for 1 year.

SCOTT, MICHAEL G.

Raeford, NC

Allegations of heating contracting without a license.

Permanent Injunction Judgment filed 12/13/00 enjoining the defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

SCREWS, STEPHEN CLEO**ENERGY EQUIPMENT & CONSULTANTS**

Gastonia, NC

License #9322 H-1,2&3-I

Allegations of misconduct in the business of heating contracting in that Respondent failed to obtain permits and final inspection, put air conditioning system installed in attic in service without a certificate of compliance, failed to install gas line to gas furnace, failed to install flue pipe from gas furnace, failed to properly insulate return air duct, failed to seal return air duct, failed to install 1-1/2 in. wide strapping on flex ducts, failed to insulate supply duct in attic, failed to properly support duct in attic, failed to install termination of pan drain at a conspicuous location, failed to seal round penetration of line set from attic through soffit, abandoned installation and failed to install second system in crawlspace.

Summary procedure held 9/13/00.

Respondent objected to Recommended Order.

Consent Order issued 1/9/01 suspending the license of Respondent for 6 months effective as of October 15, 2000.

SWINK, DAVID COLAN, President**SWINK HEATING & AIR CONDITIONING**

Newton, NC

License #8383 H-3-I

Allegations of misconduct in the business of heating contracting in that Respondent failed to insulate 2 areas of the freon suction line, failed to locate the edge of the drain pan completely under the air handler installed in the attic, failed to promptly respond to numerous service calls and told homeowners on several occasions to push the red reset button in lieu of response to the call.

Consent Order entered 1/9/01 suspending the license of Respondent for 2 months. During the suspension the business, Swink Heating & Air Conditioning may continue under License #19423. The license of Swink Heating & Air Conditioning is placed on probation for 14 months with provisions that Respondents maintain a written record of contracts, service log and job files, have written contracts signed by Respondent and customer, obtain permits and commit no violation of Article 2, Chapter 87 or the Rules of the Board.

TAYLOR, GARY DALE

Statesville, NC

License #15899 H-3-I

Allegations of misconduct in the business of heating contracting in that Respondent failed to properly seal supply boots, left ripped vapor barrier, failed to sleeve freon refrigeration line, used UL 181B-FX tape to seal sheet metal plenums, crimped and installed a 6" flexible supply duct through a 3" space, failed to seal flex duct take-off fittings; failed to seal joints and seams on sheet metal return duct, installed undersized return duct connection, made flex duct connections without the use of connecting sleeve, failed to properly support flex supply ducts, compressed 16" flex duct between 2 studs, installed a 14" x 18" supply trunk duct to serve 28 6" supply ducts, failed to glue the 3/4" PVC condensate drain, failed to provide adequate supervision and contracted the job in a name different from that used on the license.

Summary procedure held 6/12/00.

Respondent objected to Recommended Order.

Consent Order entered 12/12/00 suspending the license of Respondent as a heating contractor for 12 months. License may be reinstated upon successful completion of four (4) courses.

TRIPP, ALTON

Snow Hill, NC

License #3827 P-1,2&3

Allegations of incompetence in the business of plumbing contracting in that Respondent installed a system with only a difference of 18.6 deg. when ambient outdoor temperature was 92 degrees, humidity level of approx. 50%, piggy-backed a downstairs unit main return with a return in the master bedroom causing restricted air flow; located a supply vent in a utility room; failed to install vapor barrier, left air leakage and improper duct insulation causing condensation and dripping water; failed to adequately support ductwork, located supply vent in a closet; failed to install insulation in attic floor up to R-30 level, left baffles on kneewalls jammed closed, demonstrated inadequate design of distribution system.

Final Order entered by the Board on 8/30/00 suspending the license of Respondent until attendance at the Trane Application and Design School or equivalent and further condition there by no violation of Article 2, Chapter 87 of the General Statutes or the Rules of the Board. License of Respondent will be suspended for a period of 12 months should he fail to complete the course required by the Order.

TRIPP, JATHER**d/b/a QUICK FIX HEATING & AIR**

Fayetteville, NC

Allegations of heating contracting without a license.

Judgment of Permanent Injunction filed 2/12/01 enjoining the defen-

dant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

TROTTER, JOSEPH C., Owner
TROTTER'S HEATING AND AIR

Raleigh, NC

License #9144 H-3-I

Allegations of incompetence in the business of heating contracting in that Respondent failed to correctly angle the water line to the drain pan resulting in leakage and damage on multiple occasions; failed to attach all of the duct work under the house; overcharged freon; failed to seal distribution boxes; installed a unit which was too small to cool upstairs portion of house; installed one outlet and no return in a bonus room measuring sixteen feet by sixteen feet (16x16); failed to install a strap at elbow for furnace flue pipe; failed to cap secondary drain at unit; and failed to replace drain pan in attic after improper sizing of hole.

Final Order entered 12/12/00 which placed the license of Respondent on probation for 1 year with provisions that Respondent have written contracts, obtain permits as required, maintain job files and service logs and records detailing his compliance with the provisions of this probation order and commit no violation of Article 2, Chapter 87 or the Rules of the Board.

WILLIAMS, RICHARD

d/b/a **WILLIAMS HEATING & A/C**

Sanford, NC

Allegations of heating contracting without a license.

Permanent Injunction Judgment filed 12/7/01 enjoining the defendant from engaging in business as a plumbing, heating or fire sprinkler contractor until properly licensed to do so.

YANDEL, JOHN DONALD, Vice President

CARYL MECHANICALS, INC.

Indian Trail, NC

License #2470 PH-1,2&3-I

Allegations of code violations and inadequate supervision resulting in failure to install drip leg on gas line, installed new drain pan which does not cover footprint of cooling coil and gas furnace, failed to properly seal glue joint on flue pipe, failed to properly seal PVC condensate drain, failed to properly secure ductboard supply plenum, used PVC pipe for supply ducting, made improper flex duct joints, failed to seal supply take-off fittings on ductboard. During the investigation, Respondent discharged the personnel involved, made all corrections and arranged restitution by Sears Roebuck.

Consent Order entered 1/9/01 placing the license of Respondent on probation for 1 year with provisions that Respondent prepare written agreements/proposals to substantiate every contract, obtain permits for installations to which Respondent is a party, maintain job files and service logs and commit no violation of Article 2, Chapter 87 or the Rules of the Board.

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Licensees, Inspectors and the Board

become involved in an area not our concern. Back in July 2000 we did go over to the Code Officials Board asking their guidance in how to handle problems that may arise. We have never sent a complaint about an Inspector to their Board nor have we ever been responsible for any Inspector losing his job. We will follow the guidelines given to us by their Board should the situation occur.

We do continue to ask them to be our eyes into the trade. This is the way the system was established and helps us to perform our mission which is to protect the public.

**NEWS FROM THE NORTH CAROLINA
HEATING AND AIR CONDITIONING
CONTRACTORS ASSOCIATION**

The State Warm Air Contractors held their yearly Conference and Expo February 28th through March 3, 2001, at the Oasis Shrine Headquarters, in Charlotte, NC. Many outstanding seminar speakers were present and a wide variety of subjects and discussions were held.

On Thursday morning, Ronald Long, a member of the State Board of Examiners led an informative discussion about the Board's activities and future goals. Henry Webster and Billy Hinton from the Building Standards Division of the Department of Insurance, reviewed code changes and interpretations. An afternoon of reviewing the many trade booths at this expo then followed with good attendance from the local contractors.

Nelson Henderson, from the Kentucky Housing Authority, reviewed continuing education as implemented in Kentucky and how North Carolina was enacting a similar program, highlighted Fridays meeting. Tom Rehtin, President of the Kentucky Plumbing and Heating Association, spoke on Education and how it strengthened different associations in his State.

Later Friday, seminars relating to Air Quality, Lien Laws, and Contractual Risk were held with information of vital interest being discussed and taught.

New memberships were taken and plans for the next year were discussed, with enthusiasm for the future of our industry running high all participants left with the satisfaction of knowing that the Association is on the verge of a new day.

NOTICE

As Educational Director and acting on authority from the Board, I am at this time requesting that all Non-Profit Associations related to the Plumbing, Heating, Air Conditioning and Fire Sprinkler trades in our state interested in being an Educational Provider for our Mandatory Education Program reply to me in writing regarding your desire to participate at your earliest convenience.

Send your written request to: Bill Tomlinson

Educational Director

3801 Wake Forest Road, Suite 201

Raleigh, North Carolina 27609

Continuing Education by Bill Tomlinson

As mandatory education comes closer to enactment our field and office staff are constantly being asked how you, the licensee can get your required hours before the 2003 renewal period, when the education rule comes into effect.

Many of you already have your required six hours and will be under no pressure to secure any additional hours at this time. At the present time the Board is no longer holding seminars around the State offering educational hours at no cost to you, the licensee.

When we realized that we would be unable to continue the seminars without hiring additional staff, two trade associations came forward and volunteered to give free seminars for you. Because of a change in scheduling only one association was able to follow through on their commitment to us. We gratefully accepted their offer since both the Association and the Board had the same goal and that was to give you the opportunity to have a positive experience while obtaining your first continuing education hours for free.

Currently, the North Carolina Association of Plumbing Heating Cooling Contractors through their Spring Expo in Charlotte are the only organization authorized to give free educational courses that will be approved by this Board and count as hours toward your renewal. Although other organizations may come forth at a later date it looks at this time that the PHCC will host the last free continuing education hours.

A review of instructors for the March 22nd NCPHCC seminars is very impressive as well as the information that will be taught. I have taken the liberty to give you a brief run down on each course instructor as I feel the outstanding skills that they bring should be fully considered by you prior to signing up or attending any class.

Tracy Stoner and Michael Hanks

PE in both North and South Carolina

30 years teaching experience

ACCA Certified Instructor

Licensed under the auspices of the CP&L Quality Heat Pump Program since 1990

Actively involved in the Mechanical, Plumbing & Electrical
design for commercial and institutional field

Terry Greene

36 years with Piedmont Natural Gas

16 years as a Senior Services Technician

6 years as Commercial Representative

2 years as Propane Representative

12 years as a Training Supervisor

Attended North Carolina State University, Davidson Community College
and Forsyth Community College

Currently holds P, H1 & H3 licenses

Dennis Sommers

PE registered in North Carolina, Florida, and Georgia,

certified by the North Carolina Trade Officials Qualifications Board

as instructor in all fields, extensive experience in construction engineering
for industrial and residential applications, Chairman of Charlotte Mecklenburg

Building Standards Advisory Committee

Graduate of Clemson University

James Watson

35 years with Piedmont Natural Gas
24 years as Senior Service Technician
10 years as a Training Supervisor
Currently holds H-3 license in North Carolina
Attended various classes at UNC Wilmington,
North Carolina State University and Texas A&M

Skip MacMillan

40 years experience in general management, business ownership, quality assurance, industrial engineering, conflict management, leadership development and other trade related skills too numerous to list

Lance Windley, CPA

10 years experience with contractors assisting in audits, financial reporting, corporate budgeting, forecasting and executive searches

William Dameworth (CPA, ABV, CVA)

Business evaluations, litigation services, gift, estate and family law situations, shareholder disputes, buyouts, buy/sell agreements, charitable contributions, mergers and related business associated with manufacturing, wholesale and retail

David Pleasants

20 years teaching experience in the hydronics field including air control, pump applications, centrifugal pump maintenance, parallel pumping speed, system balancing, chiller staging and many other related industry problems and issues.

As you can readily see much effort has been made to give you the licensee exciting seminars that will enhance your future business growth. The State Board has agreed to sponsor these listed workshops on a trial basis and will be present to supervise and monitor the class content and course management to assure that future working agreements will be in the best interest of those attending.

At this time as Director of Education for the Board I have been having discussions with future educational providers, among those are the AGC, Associated General Contractors, who we are very interested in as they have many valuable courses available, our community college system which we hope will make classes available to all areas of our state, North Carolina Heating and Air Conditioning Contractors Association who has an outstanding history of providing up to date seminars relating to all parts of the mechanical trade, NC Chapter of the American Fire Sprinkler Association that has vast experience in member education, North Carolina Professional Plumbers Association, a new endeavor which has no past experiences in educational seminars but has expressed a desire to be involved and of course the North Carolina Plumbing, Heating and Cooling Contractors Association which will be hosting the Expo and classes. We applaud all these nonprofit groups for their interest in education.

We hope as licensees that you will take to heart the Board's effort as it relates to mandatory education and join with us in making this a successful venture. You will find listed on page eight a full copy of the courses and subjects to be taught at the March 22nd Expo in Charlotte and a cut out attendance card should you desire to attend.



FREE Continuing Education Seminars at EXPO 2001

Sponsored by the State Board of Examiners and PHCC

Thursday, March 22, 2001

At

Charlotte Merchandised Mart

2500 East Independence Boulevard

Charlotte, NC

10:00 A.M. until 7:00 P.M.

This year's seminars are:

- | | | |
|--------------------------|---------------------|---|
| <input type="checkbox"/> | 10:00 AM – 12:00 PM | For H-3 and H-2 License Holders (2 CE Credits)
Diffuser & Register Selection-Does this sound familiar? You nursed their old equipment along, finally convincing the customer to upgrade their equipment, and even with the new system they are still complaining about comfort! Join us for an information discussion and hands-on demonstration of resolving comfort complaints with grilles, registers and diffusers.
Presented by: Tracy Stoner, PE, CEM and J. Michael Hanks, PE |
| <input type="checkbox"/> | 11:20 AM – 1:30 PM | For All License Holders: (2 CE Credits)
Advanced Gas Pipe Sizing – This class will cover the sizing of gas pipe utilizing N.C. Building Code Volume VI Gas. This will include the utilization of tables found in Chapters 3 & 10 of the Code.
Presented by: Terry Greene – Piedmont Natural Gas Training Supervisor |
| <input type="checkbox"/> | 12:30 PM – 2:30 PM | Four H-2, H-3 Class I&2 License Holders: (2 CE Credits)
Duct Sealing – This course covers the sealing of supply and return ductwork to save energy and meet with requirements of the N.C. Building and Energy Codes.
Presented by: Dennis Sommers, P.E. |
| <input type="checkbox"/> | 2:00 PM - 4:00 PM | For All License Holders: (2 CE Credits)
Sound Business Practices for Profitable Growth Among Contractors – Many contractors are discovering that strategic planning, focusing on increasing productivity, and creating and understanding the value of their organization are keys to meeting the challenges in today's marketplace. Unplanned, uncontrolled growth usually leads a company to crisis, yet a focus in these key areas can make a difference in a contractor's success or failure.
Presented by: Skip MacMillan, Management Advisory Consultant, Lance E, Windley, CPA, and William C. Dameworth, CPA, ABV, CVA |
| <input type="checkbox"/> | 3:00 PM – 5:00 PM | For P-I and P-II License Holders: (2 CE Credits)
Domestic Hot Water Temperature Maintenance – Considerations and Pitfalls – This course covers heatloss determinations, pumped recirculation systems and balance, electrical heat traced systems and energy considerations.
Temperature and Pressure Valves – This section of the course will cover the history considerations and selection of temperature and pressure valves.
Presented by: David Pleasants, Vice President – James M. Pleasants Co. Inc. |
| <input type="checkbox"/> | 4:30 PM to 6:30 PM | For All License Holders: (2 CE Credits)
Advanced Vent Sizing – This class will cover vent sizing utilizing the NC Building Code. Items covered in class will include: sizing of vent connectors, common vents, chimney liners, and other relevant topics found in Chapter 6 of the Code.
Present by: James (Rick) Watson – Piedmont Natural Gas Training Supervisor |
| <input type="checkbox"/> | 12:00 PM - 7:00 PM | For All Licensees (2 CE Credits)
EXPO 2001 – Just visit Expo and you will receive two continuing Education credits – DON'T FORGET TO HAVE YOUR VENDOR'S SIGNATURE SHEET FILLED OUT. |

This is the completed text of the proposed Continuing Education Rules that are now awaiting final approval. This doesn't become a licensing requirement until the renewal for 2003. You have plenty of time and we will strive to make it as painless as possible.

History Note: Authority G.S. 90-85.6; 90-85.41;
Eff. April 1, 2001.

SECTION .1400 – CONTINUING EDUCATION

21 NCAC 50 .1401 CONTINUING EDUCATION REQUIREMENTS

(a) Beginning with renewals of license for years beginning on or after January 1, 2003, each holder of a Plumbing, Heating or Fuel Piping license, must have completed six hours of approved continuing education during the preceding calendar year as a condition of license renewal.

(b) Courses must be in areas related to plumbing, heating and air conditioning contracting such as the technical and practical aspects of: the analysis of plans and specifications, estimating costs, fundamentals of installation and design, codes, fire hazards and other subjects as those may relate to engaging in business as a plumbing, heating or fuel piping contractor or to plumbing or heating systems. No more than two hours annually may be dedicated to ethics, taxation, payroll, cash management, contract preparation or similar subjects as related to plumbing or heating contracting.

(c) At least once every three calendar years, each applicant for license renewal, other than fire sprinkler licensees, must complete a four hour block of instruction devoted entirely to N. C. and local building codes including recent changes or amendments to those codes. This four hour block may be counted towards the required six hours for the calendar year in which the block is taken.

(d) Persons holding multiple qualifications from the Board must complete at least two hours in each qualification, totaling at least six hours annually, provided that the four hour block described in Paragraph (c) of this Rule shall take priority and no PH-12&3 contractor shall be required to complete more than 6 hours annually under this Rule.

(e) Licenses may not be renewed without documentation of course attendance, course name, course number, content and teacher in the form required by the Board. Falsification or misstatement of continuing education information shall be grounds for failure to renew licenses and disciplinary action, including revocation or suspension of licenses.

(f) Continuing Education shall not be required of holders of Fire Sprinkler Contractor's licenses, licensed pursuant to the minimum requirements of certification for Level III, subfield of Automatic Sprinkler System Layout, National Institute for Certification of Engineering Technologies (NICET), provided such persons remain in compliance with the continuing education requirements of NICET.

(g) Beginning with renewals of license for years beginning on or after January 1, 2003, each holder of a Fire Sprinkler Contractor's license not current on the continuing education requirements of NICET must complete six hours of approved continuing education in areas related to fire sprinkler contracting during the preceding calendar year as a condition of license renewal.

History Note: Authority G.S. 87-21(b)(3); 87-22;
Eff. April 1, 2001.

21 NCAC 50 .1402 EXEMPTIONS AND CREDITS

(a) Continuing Education courses taken in 1999, 2000, 2001, or 2002 may be applied to the six (6) hour annual requirement for 2003 renewals. Thereafter, licensees may not carry over hours from one

calendar year to the next.

(b) Newly licensed individuals will have no continuing education requirements for the calendar year in which they first become licensed.

(c) Licensees who are unable to fulfill the required number of hours as the result of illness as certified by an attending physician may petition the Board in writing for an exemption or request approval of an individualized plan tailored to their physical limitations. Such requests will be dealt with on a case by case basis by the Board without undue delay, consistent with the requirements applicable to all licensees.

(d) Licensees who are over the age of 65, and who will not be engaged in bidding supervising or other activities for which license is required during the coming year, except as an employee of another licensee, may apply to the Board and obtain an exemption. If exemption is granted and the licensee thereafter wishes to engage in activity requiring license, the continuing education must be completed and satisfactory proof provided to the Board before any activity requiring license is undertaken.

(e) Instructors shall be given credit for lecture hours spent educating other licensees in approved courses.

History Note: Authority G.S. 87-21(b)(3); 87-22;
Eff. April 1, 2001.

21 NCAC 50 .1403 COMPUTATION OF CONTINUING EDUCATION HOURS

(a) To obtain one hour of continuing education credit a licensee and a course sponsor must certify the licensee's completion of one hour of actual instruction in a sponsored course. Except with prior approval by the Board, a licensee will receive no credit for a course for which the licensee has previously received credit in the current or two preceding calendar years. Approval will be granted only for courses on building code content and changes therein.

(b) Actual instruction does not include introductory remarks, breaks, business meetings, marketing of equipment, advertisements or time spent on non-approved subjects. Each hour of actual instruction may include one break of 10 minutes duration.

History Note: Authority G.S. 87-21(b)(3); 87-2;
Eff. April 2001.

21 NCAC 50 .1404 COURSE REQUIREMENTS AND LIMITATIONS

(a) In order for course credit to be obtained, the course must be approved and consist of instruction in areas related to plumbing, heating and air conditioning contracting such as the technical and practical aspects of: the analysis of plans and specifications, estimating costs, fundamentals of installation and design, codes, fire hazards and other subjects as those may relate to engaging in business as a plumbing, heating or fuel piping contractor or to plumbing or heating systems. Business ethics, taxation, payroll, cash management, contract preparation or similar subjects as related to plumbing or heating contracting will also be approved.

(b) In order for course credit to be obtained, the course must be taught by the instructor listed when the course was approved by the Board.

(c) Courses shall have a minimum of one hour of actual instruction and a maximum of six hours of actual instruction, per day.

(d) Courses shall be held in facilities conducive to learning. Such facilities include community colleges, technical schools, or community centers.

(e) Courses shall be open to all interested licensees that the host facility can reasonably accommodate and for audit by Board representatives; courses may not be restricted to employees, dealers or members of a particular firm or group.

(f) Once listed on the six-month course roster, a course may not be cancelled during that six month period.

(g) Though courses may have commercial sponsors, the courses shall not include promotion of products or services of a particular firm or manufacturer.

(h) Correspondence, home study, license exam preparation (cram) courses shall not be approved.

(i) For the information of all licenses, the Board shall maintain a calendar of all courses available during a six-month period.

History Note: Authority G.S. 87-21(b)(3); 87-22;
Eff. April 1, 2001.

21 NCAC 50 .1405 APPROVAL OF COURSES

(a) To obtain approval of a course an applicant must submit a written application to the Board at least 45 days before the proposed course date which application must include:

- (1) two substantially complete sets of written course materials and a detailed course outline; and
- (2) an application cover sheet on a form supplied by the Board identifying the applicant, the name, training and experience of all speakers, the proposed date(s) of the course, the host facility, the place where applications for enrollment should be sent, the cost, the total continuing education hours being offered, and any hours dedicated to the block course on code.

(b) Preliminary review of course applications shall be carried out by a committee appointed by the Board, which will include providers of approved courses.

(c) As a condition of course approval, providers shall agree to submit to the Board, in the form provided by the Board, and within 30 days of the course date set out on the application, an alphabetical listing of all licensees who attended and completed the course and a copy of any course materials distributed to participants together with certification that the course was provided consistent with the application.

(d) Providers who fail to provide the information set forth in Paragraph (c) of this Rule shall not thereafter be approved to conduct a course.

(e) Licensees may select courses other than those offered by pre-approved providers. In order to obtain approval, the licensee must submit a written application for approval on a form obtained from the Board upon completion of each such course. In lieu of such form, an advertising brochure may be submitted, provided the brochure includes the topic, content of lecture material, date, time, location, name and qualifications of speaker and the number of contact hours received upon completion of the program. The licensee must also provide independent verification of attendance. Board evaluation of courses not pre-approved may result in disapproval.

History Note: Authority G.S. 87-21(b)(3); 87-22;
Eff. April 1, 2001.

21 NCAC 50 .1407

CERTIFICATION OF COURSE COMPLETION BY LICENSEES AND SPONSORS

(a) Licensees shall submit, prior to license renewal, a certification of the number of continuing education hours completed in that calendar year.

(b) Upon request, applicants will provide evidence of the course title, number, teacher, location and date, hours in fact attended, and a copy of the certificate provided by the teacher at the conclusion of the course.

History Note: Authority G.S. 87-21(b)(3); 87-22;
Eff. April 1, 2001.

21 NCAC 50 .1408

ADVERTISEMENTS BY COURSE SPONSORS OR INSTRUCTORS

Sponsors of approved courses shall include in brochures and course descriptions a statement substantially as follows:

This course has been approved by the North Carolina State Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors for continuing education credit in the amount of __ hours, of which __ hours will count towards the four hour block on state and local building codes. This course is not sponsored by the Board.

History Note: Authority G.S. 87-21(b)(3); 87-22;
Eff. April 1, 2001.

21 NCAC 50 .1409

TERMINATION OF COURSE OR SPONSOR APPROVAL

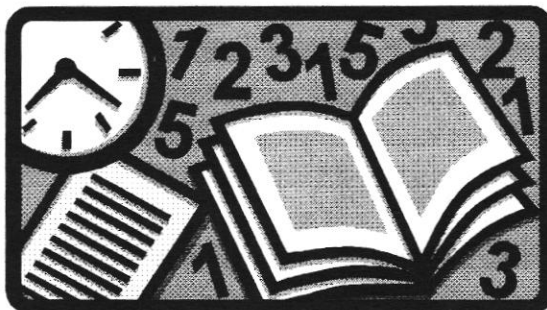
The Board may suspend or terminate approval of any course if the Board finds a failure to comply with the Board's rules, the course outline, or for misstatements as to content or participation, and may specify the conditions under which future applications would be favorably considered.

History Note: Authority G.S. 87-21(b)(3); 87-22;
Eff. April 1, 2001.

21 NCAC 50 .1410

PETITIONS FOR REINSTATEMENT OF LICENSE

Following a finding of noncompliance with these continuing education requirements, renewal will not be allowed, discipline may be imposed as indicated by 21 NCAC 50 .1401 of this Section, and the licensee may be required to complete sufficient coursework to eliminate the deficiency prior to license reinstatement or renewal.



GOOD GUYS & GALS AWARD

Be a Good Guy or Gal—let's let the State know what great licensees we have.



To benefit the Muscular Dystrophy Association, Randall Strother of Phoenix Fire Protection, Inc. went to jail. Okay, so he didn't really go to jail and I doubt they held him very long. But a heart felt plea went out and Randall's friends and business associates quickly raised \$1,800.00 for his local Muscular Dystrophy Association.

An un-named group that also deserves our praise are all of you that gave and still give time and money to go down and help those in need from the flooding in the east. Whether you went yourself or sent a crew... you're all good guys and we appreciate it.

MORE ON HOT WATER HEATERS

The Board has published two articles in this newsletter in recent months discussing the question of subcontracting from unlicensed people, whether big retailers or otherwise, and discussing concerns about helping people or corporations without license who act as plumbing or heating contractors by offering to do plumbing or heating contracting.

In the aftermath of these newsletter articles we have received questions about whether there has been any change in the Board Rules about replacement of hot water heaters.

The Board has, for many years, defined minor repairs and replacements to include the replacement of hot water heaters if there is no change in the piping, sizing, power source and the like. The Rule is reprinted below. The Board is well aware that there are great risks in the installation of hot water heaters and that hot water heaters are one of the most dangerous appliances in the typical home. The Board has restricted the minor repair exemption to reduce the risk of carbon monoxide poisoning, gas explosion or injury due to the sudden conversion of hot water to steam.

Licensees should understand two things:

1. Contracting or subcontracting work which does not require a license is not a problem or basis for discipline.
2. Part for part replacement of a hot water heater, consistent with Board Rule 21 NCAC.0506 (b), does not require a license.

Remember that Board Rule 21 NCAC 50.0506(b) still provides as follows:

.0506 MINOR REPAIRS AND ALTERATIONS

(b) the initial installation or the subsequent replacement of a hot water heater in any structure requires a licensed plumbing contractor except that the replacement of a hot water heater with no change in fuel energy source, energy use rate, routing or sizing of venting or piping, constitutes a minor replacement within the meaning of GS 87-21(c).

North Carolina

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Sandra O'Brien
Executive Director

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.

**Changes must be in writing with
your signature.**

**STATE BOARD OF EXAMINERS OF
PLUMBING, HEATING & FIRE
SPRINKLER CONTRACTORS
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Suite 201
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