William H. Sullivan III Reappointed to Board

William H. “Bill” Sullivan III was recently reappointed as a member of the State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors by Governor Pat McCrory.

Mr. Sullivan was originally appointed to office on March 14, 2012 by former Governor Beverly Perdue to fill an unexpired term as the Air Conditioning Contractor member.

The owner of Sullivan Mechanical, Inc., located in Greensboro, NC, Mr. Sullivan has been a licensee of the Board since 1968. He holds PI, H1-I, H2, and H3-I qualifications issued by the Board, and holds License 00003 which was originally issued to his grandfather on June 8, 1931.

Mr. Sullivan is a third-generation HVAC contractor and third-generation Board member. His grandfather, William Sullivan Sr. served on the Board from 1931-1959, and as Chairman from 1943-1959. His father, William Sullivan Jr. served on the Board from 1959-1961. Mr. Sullivan's vast knowledge and experience in the plumbing, heating and air conditioning industry has been extremely valuable to the Board during his first three years of service as a Board member, and he will certainly continue to be a valuable asset to the Board.

D. Hunter Edwards Jr. Appointed to Board

D. Hunter Edwards Jr. was recently appointed as a member of the State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors by Governor Pat McCrory.

Mr. Edwards was appointed on May 13, 2014 to fill an unexpired term as the Heating Contractor member.

The owner of MSS Solutions, LLC, located in Charlotte, NC, Mr. Edwards has been a licensee of the Board since 1995. He holds Heating Group 1-Class I, Group 2 and Group 3-Class I qualifications issued by the Board.

Mr. Edwards has extensive knowledge and experience in the heating and air conditioning profession, as well as a strong background in financial and business management. He is a valued member of the Board, and like the other Board members, is committed to fulfilling the responsibilities of the position by representing the interests of both the licensees and the citizens of our great state.
During the course of investigating approximately 700 complaints last year, a number of these complaints were either filed regarding contractors utilizing illegal laborers, or during the process of investigating complaints filed for other reasons, the Board’s Administrative Officers discovered that illegal laborers were being used.

First, let’s clearly define from the Board’s perspective what constitutes a legal or illegal employee or laborer.

North Carolina Law, as enacted by the North Carolina General Assembly in General Statute 87.25 states in part “An employee in the course of his work as a bona fide employee of a licensee of the Board shall not be construed to have engaged in the business of plumbing, heating, or fire sprinkler contracting, as the case may be.”

The key phrase in this law is ‘bona fide’, which the Mirriam-Webster dictionary defines as “real or genuine”. However, the Board’s definition, which is contained in the North Carolina Administrative Code, provides us with a much more detailed definition to be used in the context of plumbing, heating, and fire sprinkler contracting activities, as indicated below.

21 NCAC 50 .0512 EMPLOYEES EXEMPTED FROM LICENSURE
An unlicensed person who is directly and regularly employed in the ordinary course of business by a contractor licensed pursuant to G.S. 87, Article 2 is not required to have a license and shall not be subject to an action for injunctive relief brought by the Board. Factors establishing whether the individual is directly and regularly employed in the ordinary course of business of such contractor include the following:
1) whether the individual is on the licensed contractor’s payroll;
2) whether taxes are withheld from the payment to the individual and the contractor performs such other acts as are lawfully required of an employer;
3) whether the licensed contractor exercises control and supervision over the method, manner and details of the individual’s work; and
4) whether the licensed contractor, and not the unlicensed person, is and remains obligated to the property owner or general contractor for the work.

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

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

So, what does this lengthy definition mean to a contractor who uses employees or laborers to perform the work that has been contracted under his/her license?

- Employees must be listed on payroll documents by their full legal name and social security number.
- Employees should be paid by company check or direct deposit to the financial institution of their choice. Cash payments are discouraged, but if made, must be clearly and accurately documented.
- The payroll documents, regardless of the method of payment, must include the employee’s tax withholding information, and taxes must be withheld and submitted to the state and federal revenue departments.
- The payroll documents must include the employer’s portion of state and federal taxes, as well as Social Security (FICA).
- The employer must exercise direct supervision over the employee, with the authority to hire, fire, direct, supervise, and discipline the employee in the course of his/her employment.
- The employer must pay the employee the current minimum wage in accordance with state and/or federal law.
- The employer must carry Worker’s Compensation insurance coverage on the employee.
North Carolina State Agencies

NC Department of Insurance  919-661-5880
• William “Bill” Moeller  Ext. 238
  (Plumbing & Gas Interpretations)
• Dan Dittman  Ext. 237
  (Mechanical & Energy Interpretations)
• Richard Strickland (Fire)  Ext. 255
  (Fire Code Interpretations)
• Jessica Yelverton  Ext. 240
  (Building Code Bookstore)

NC Department of Labor  919-807-2796
NC Department of Revenue  919-252-3052
NC Electrical Licensing Board  919-733-9042
NC General Contractor Licensing Board  919-571-4183
NC Irrigation Contractors Licensing Board  919-872-2229
NC Refrigeration Licensing Board  919-779-4711
NC Secretary of State  919-807-2225
NC Well Commission  919-707-5882

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

Office Staff Directory
Office Phone:  919-875-3612
Office Fax:  919-875-3616
E-mail:   information@nclicensing.org

Dale Dawson
Executive Director
Extension 224 or ddawson@nclicensing.org

Eric Hall
Business & Technology Manager
Extension 216 or ehall@nclicensing.org

DeJaya (DJ) Soltys
Executive Assistant / Licensing Coordinator
Extension 203 or dsoltys@nclicensing.org

Sharon Pittman
Legal Coordinator
Extension 205 or spittman@nclicensing.org

Karen Jolliffe
Exam Coordinator
Extension 230 or kjolliffe@nclicensing.org

Kerry Waldroup
Complaint Coordinator
Extension 211 or complaint@nclicensing.org

Maddison Dirks
Receptionist
Extension 213 ormdirks@nclicensing.org

Administrative Officer (Field Staff) Directory
Fax for all Administrative Officers: 919-875-3616

John Todaro
Senior Administrative Officer
South Central Region
704-975-5305 or jtodaro@nclicensing.org

Moises “Jimmy” Jimenez
Southeastern Region
910-409-7127 or mjimenez@nclicensing.org

Tom Johnston
North Central Region
336-906-9141 or tjohnston@nclicensing.org

Derek Farmer
Northeastern Region
919-602-9095 or dfarmer@nclicensing.org

David Boulay
Western Region
828-234-2719 or dboulay@nclicensing.org

To view a regional map and listing of counties, please visit our website at www.nclicensing.org and click on the “Administrative Officers” button.
Website Information: www.nclicensing.org (Download Forms)

Online license renewal is now available for licensees who wish to do so and can pay the renewal fee with a MasterCard or Visa. The online renewal link can be found on the home page of our website. You will also find a link to a step-by-step tutorial available to guide licensees through the process. If you do not have your username and password, or have any other questions regarding online renewal, please contact DJ Soltys at 919-875-3612, ext. 203.

You may obtain any of the following forms 24 hours a day, 7 days a week by visiting our website and clicking on the ‘Forms’ button on the left side of the screen.

**Consumer Forms**
Consumer Complaint against licensed or unlicensed contractors

**Change of Address or Status**
1. Address Change: Licensee
2. Address Change: Sub-licensee
3. Trade Name Change (Licensee or firm name in which business is conducted)
4. Add Sub-licensee
5. Delete Sub-licensee

**Renewal Forms**
1. Reinstatement Form - 2015 - Previous Sub-licensees
2. Renewal form - 2015 without Sub-licensees
3. Renewal form - 2015 with Sublicensees
4. Renewal form - 2015 and Previous Year(s) without Sub-Licensees
5. Renewal form - 2015 and Previous Year(s) with Sub-Licensees

**New Applicant Forms**
1. Plumbing, Heating, & Fuel Piping Contractor Examination Application
2. Restricted Limited Plumbing Contractor Application
3. Plumbing, Heating, & Fuel Piping Technician Examination Application
4. Residential Fire Sprinkler Installation Contractor Examination Application
5. Fire Sprinkler Installation & Inspection Contractor Examination Application
6. Fire Sprinkler Inspection Technician Examination Application (no NICET)
7. Fire Sprinkler Inspection Technician Application (NICET)
8. Fire Sprinkler Maintenance Technician Application
9. Book Reference List for All Applicants

**Order Forms**
2. Request for Copy (Reprint) of License
3. Request for Register of Licensees
4. Request for Verification of License

You can also access our website at one of the following easy to remember addresses:
- www.ncplumbing.org
- www.ncheating.org
- www.ncfiresprinkler.org
Disciplinary Actions

The Board is required by law to investigate every complaint received. If the findings of the investigation indicate that a violation of the laws and rules enforced by the Board have occurred by a licensed or unlicensed individual and/or firm, a number of disciplinary actions are available to the Board.

Recent actions are reflected in the four reports that follow:
• Letter of Caution Report
• Consent Agreement Report
• Field Resolution and Resolution Review Committee Report
• Attorney’s Report

Letter of Caution Report

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

<table>
<thead>
<tr>
<th>Name</th>
<th>City/Town</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams, Thomas C.</td>
<td>Rock Hill, SC</td>
<td>12/15/2014</td>
</tr>
<tr>
<td>Boysen, Brian D.</td>
<td>Wake Forest, NC</td>
<td>1/6/2015</td>
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<tr>
<td>Foster, Raymond W.</td>
<td>Bridgeton, NC</td>
<td>1/9/2015</td>
</tr>
<tr>
<td>Gordon, Brian L.</td>
<td>Greensboro, NC</td>
<td>12/16/2014</td>
</tr>
<tr>
<td>Gragg, Michael W.</td>
<td>Lenoir, NC</td>
<td>12/18/2014</td>
</tr>
<tr>
<td>Guest, Robert L.</td>
<td>Hope Mills, NC</td>
<td>1/8/2015</td>
</tr>
<tr>
<td>Hamilton, Keith M.</td>
<td>Garner, NC</td>
<td>1/5/2015</td>
</tr>
<tr>
<td>O’Neil, Lennox</td>
<td>Asheville, NC</td>
<td>1/23/2015</td>
</tr>
<tr>
<td>Richardson, Tony</td>
<td>Warenton, NC</td>
<td>1/22/2015</td>
</tr>
<tr>
<td>Rousseau, Lars</td>
<td>Bakersville, NC</td>
<td>1/6/2015</td>
</tr>
</tbody>
</table>

Consent Agreement Report

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

<table>
<thead>
<tr>
<th>Name</th>
<th>City/Town</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marini, Kenneth A.</td>
<td>Browns Summit, NC</td>
<td>12/22/2014</td>
</tr>
<tr>
<td>Miller Jr., Charles W.</td>
<td>Greensboro, NC</td>
<td>12/3/2014</td>
</tr>
<tr>
<td>Rider, Stephen C.</td>
<td>Iron Station, NC</td>
<td>12/19/2014</td>
</tr>
<tr>
<td>Tilgham, Junior L.</td>
<td>Clayton, NC</td>
<td>1/12/2015</td>
</tr>
<tr>
<td>Vigna, Christopher R.</td>
<td>Charlotte, NC</td>
<td>12/4/2014</td>
</tr>
<tr>
<td>Walston, Wallace R.</td>
<td>Knightdale, NC</td>
<td>1/6/2015</td>
</tr>
</tbody>
</table>

Resolution Review Committee Report

A Field Resolution Agreement is a voluntary agreement by which a licensee enters into some type of sanctions against their license instead of appearing before the Resolution Review Committee or the Full Board at a formal hearing. All of the Agreements are reviewed by a member of the Resolution Review Committee and then presented to a Board hearing panel for approval prior to the agreement being adopted as a final agency decision. If a complaint has not been resolved in the field through a Field Resolution Agreement, then the case can be referred to the Resolution Review Committee. During the Resolution Review Committee meeting, a licensee can enter into a Review Committee Resolution Agreement in place of appearing before the Board at a formal hearing; the agreement is then presented to a Board hearing panel for approval prior to the agreement being adopted as a final agency decision. Cases that cannot be resolved through the use of Field Resolution Agreements or Review Committee Resolution Agreements are forwarded to formal hearings before the Board. Listed below are the different agreements entered into by the field staff and the Resolution Review Committee that have been approved by the Board. The information below does not contain all of the facts or details of each case. Specific details of any of the following cases can be obtained by e-mail (information@nclicensing.org) or upon written request to the Board’s office.
Absher, Michael  
Energy Management Heating & Air Conditioning, Inc.  
Gastonia, NC  
License# 32098 H-2 & 3-I  
Allegations of misconduct and violation of the prior probation order in the business of heating contracting in that the licensee violated the probation approved by the board on 03/12/2014 by failing to attend the Special Disciplinary Mechanical Code Classes, sessions A, B & C.  
Resolution Conference held 12/17/2014.  
Michael Absher signed a Proposed Resolution Agreement 12/17/2014. The license of Michael Absher, number 32098 H-2 & 3-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things, during the probation, the licensee shall comply with all of the terms of the probation approved by the Board on 03/12/2014 which includes enrolling in, attending and completing the series of Special Mechanical Code courses, and if the licensee completes the Mechanical Code educations sessions A, B & C (as listed above) successfully, then active probation shall end upon satisfactory evidence submitted to the board that the licensee has completed all three session (sessions A, B & C). In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.  

Brannan, Larry M.  
Jackson Springs, NC  
License# 09415, PH1, 2 & 3-I, FS-RC  
Allegations of misconduct in the business of heating contracting in that the licensee provided a written statement and completed the Current/Past NC Licensed Employer Statement for an applicant, David L. Richardson, to sit for the Heating Group 3 examination, verifying that the applicant worked under his license and direct supervision; however, the licensee’s license has not been listed in the name of the NC Department of Public Safety – Division of Prisons.  
Larry Brannan signed a Proposed Resolution Agreement 08/12/2014. The license of Larry Brannan, number 09415 PH1, 2&3-I, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. Among other things during the probation, the licensee shall enroll in, attend and complete the Special Board Laws and Rules course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.  

Bagwell, Stacy A.  
Kenwell Plumbing Co.  
Wilson, NC  
License# 16350 P-I  
Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee violated the minimum standard of the North Carolina State Plumbing Code.  
Resolution Conference held 1/08/2015.  
Stacy Bagwell signed a Proposed Resolution Agreement 01/08/2015. The license of Stacy Bagwell, number 16350 P-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things, during the probation, the licensee shall enroll in, attend and complete the series of Special Plumbing Code and Design courses, and enroll in, attend and complete the Special Board Laws & Rules course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.  

Cutchins, James C., Jr.  
Jackson Springs, NC  
License# 31544 H-3-I  
Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee violated the minimum standard of the North Carolina State Plumbing Code, engaged in business under a different name or style of business than appears on his/her license, and allowed the use of license by unlicensed persons by paying cash without withholding taxes to the unlicensed person.  
Resolution Conference held 12/17/2014.  
Bryan Bryant signed a Proposed Resolution Agreement 12/17/2014. The license of Bryan Bryant, number 31544 H-3-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. Among other things, during the probation, within thirty (30) days, the licensee shall assure that his license has been listed with the Board in the name that he currently operates his business, enroll in, attend and complete the series of Special Mechanical Code courses, and enroll in, attend and complete the Special Board Laws & Rules course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.  

Cutchins, James C., Jr.  
Jackson Springs, NC  
License# 6722 P-I  
Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee violated the minimum standard of the North Carolina State Plumbing Code, failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to carry out adequate ductwork installation and system design, failed to perform load calculation(s), violated the minimum standard of the North Carolina State Mechanical Code, engaged in business under a different name or style of business than appears on his/her license, and allowed the use of license by unlicensed persons by paying cash without withholding taxes to the unlicensed person.  
Resolution Conference held 12/17/2014.  
Bryan Bryant signed a Proposed Resolution Agreement 12/17/2014. The license of Bryan Bryant, number 31544 H-3-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. Among other things, during the probation, within thirty (30) days, the licensee shall assure that his license has been listed with the Board in the name that he currently operates his business, enroll in, attend and complete the series of Special Mechanical Code courses, and enroll in, attend and complete the Special Board Laws & Rules course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.  

Bryant, Bryan  
High Point, NC  
License# 31544 H-3-I  
Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee violated the minimum standard of the North Carolina State Plumbing Code, engaged in business under a different name or style of business than appears on his/her license, and allowed the use of license by unlicensed persons by paying cash without withholding taxes to the unlicensed person.  
Resolution Conference held 12/17/2014.  
Bryan Bryant signed a Proposed Resolution Agreement 12/17/2014. The license of Bryan Bryant, number 31544 H-3-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. Among other things, during the probation, within thirty (30) days, the licensee shall assure that his license has been listed with the Board in the name that he currently operates his business, enroll in, attend and complete the series of Special Mechanical Code courses, and enroll in, attend and complete the Special Board Laws & Rules course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.  

Bryant, Bryan  
High Point, NC  
License# 31544 H-3-I  
Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee violated the minimum standard of the North Carolina State Plumbing Code, engaged in business under a different name or style of business than appears on his/her license, and allowed the use of license by unlicensed persons by paying cash without withholding taxes to the unlicensed person.  
Resolution Conference held 12/17/2014.  
Bryan Bryant signed a Proposed Resolution Agreement 12/17/2014. The license of Bryan Bryant, number 31544 H-3-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. Among other things, during the probation, within thirty (30) days, the licensee shall assure that his license has been listed with the Board in the name that he currently operates his business, enroll in, attend and complete the series of Special Mechanical Code courses, and enroll in, attend and complete the Special Board Laws & Rules course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.
suspended license being reinstated with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

Dunagan, Mitchell W.  
Mitchell Dunagan Plumbing Company  
Cleveland, GA  
License# 23701 P-II  
Allegations of misconduct in the business of plumbing contracting in that the licensee allowed the use of license by unlicensed persons by subcontracting installation to an unlicensed contractor.  
Resolution Conference held 12/19/2014.  
Mitchell Dunagan signed a Proposed Resolution Agreement 12/19/2014.  
The license of Mitchell Dunagan, number 23701 P-II, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things, during the probation, licensee shall enroll in, attend and complete the Special Board Laws & Rules course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

Fairfax, Jason S.  
Cornerstone Construction Company  
Lumberton, NC  
License# 26801, P-I  
Allegations of misconduct in the business of plumbing contracting in that the licensee violated the probation approved by the board on 09/11/2012 in that the licensee failed to attend the courses as outlined in the probation agreement, because of the violation the license was suspended for 12 months without objection from the licensee, and since the suspension the licensee has since taken one of the plumbing classes, attended the L & R class, and properly submitted quarterly reports.  
Resolution Conference held 12/18/2014.  
Wesley Terry Edwards signed a Proposed Resolution Agreement 12/18/2014.  
The license of Wesley Terry Edwards, number 21537 P-II, and that of the firm, shall be reinstated to the active status upon approval of this agreement and then shall be placed on supervised probation for a period of twenty-four (24) months. Among other things, during the probation, licensee shall enroll in, attend and complete the series of Special Plumbing Code and Design courses. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of twenty-four (24) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

Godwin, Gene K.  
Godwin Heating & Cooling  
Gastonia, NC  
License# 09515 H-2&3-I  
Allegations of misconduct and incompetence in the business of heating contracting in that the licensee violated the minimum standard of the North Carolina State Mechanical Code, failed to carry out adequate ductwork installation and system design, and allowed the use of license by unlicensed persons by paying cash without withholding taxes to unlicensed persons.  
Resolution Conference held 12/17/2014.  
The license of Gene Kelly Godwin, number 9515 H-3-I, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. Among other things, during the probation, licensee shall enroll in, attend and complete the Special Board Laws & Rules course, submit to the Board’s office within the next thirty (30) days copies of all employee W-4’s and by the end of the probation submit a copy of all employee W-2’s, and subcontract work that requires a license only to properly licensed subcontractors. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.
Laws & Rules course, and enroll in, attend and complete the series of Special Mechanical Code courses. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

Johnson, Robert N.
Gable, SC
License# 30822 H-3-I
Allegations of misconduct in the business of heating contracting.
Robert N. Johnson signed a Proposed Resolution Agreement on 01/09/2015 to resolve complaint file numbers 2012-394 and 2014-66. Based on the active complaint files listed above, the licensee voluntarily agreed to surrender his license to the Board with the understanding that the act of surrendering his license is considered as a licensing revocation.

Matthews, Robert C., Jr.
Rob Matthews Heating & Cooling, Inc.
Garner, NC
License# 22271 H-3-II
Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, failed to provide adequate supervision, failed to perform load calculation(s), and violated the minimum standard of the North Carolina State Fuel Gas Code. Resolution Conference held 01/07/2015. Robert Matthews signed a Proposed Resolution Agreement 01/07/2015. The license of Robert C. Matthews, Jr., number 22271 H-3-II, and that of the firm shall be placed on supervised probation for a period of eighteen (18) months. Among other things, during the probation, licensee shall enroll in, attend and complete the series of Special Fuel Gas Code and Design courses. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

Miller, Douglas
Doug's Heating & Cooling, Inc.
Belmont, NC
License# 15365 H-3-I
Allegations of misconduct and incompetence in the business of heating contracting in that the licensee failed to provide supervision, failed to carry out adequate ductwork installation and system design, violated the minimum standard of the North Carolina State Mechanical Code, violated the minimum standard of the North Carolina State Fuel Gas Code, and failed to provide load calculation upon request by the board. Resolution Conference held 12/15/2014. Douglas Miller signed a Proposed Resolution Agreement 12/15/2014. The license of Douglas Miller, number 15365 H-3-I, and that of the firm shall be placed on supervised probation for a period of twenty-four (24) months. Among other things, during the probation, licensee enroll in, attend and complete the Special Board Laws & Rules course, enroll in, attend and complete the series of Special Fuel Gas Code and Design courses, and enroll in, attend and complete the series of Special Mechanical Code courses. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of twelve (12) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

Newton, Everette J.
Joe Newton Plumbing, Inc.
Spruce Pine, NC
License# 10728, P-I, RFSC
Allegations of misconduct in the business of plumbing contracting in that an unlicensed general contractor Joe Erwin of Joe’s Home Improvement & Grading contracted with an employee of Joe Newton Plumbing, who is paid in cash and receives a 1099 form, to plumb the addition on home which included structural, electrical and plumbing installations, licensee obtained the required permit, supervised the plumbing installation, and received a percentage of the plumbing installation in violation of GS 87-21, Article 2 and sections 21 NCAC 50.0402, 50.0403 and 50.0406.

Everette Newton signed a Proposed Resolution Agreement 01/16/2015. The license of Everette Newton, number 10728 P-I, RFSC and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. Among other things during the probation, the licensee shall enroll in, attend and complete the Special Board Laws and Rules course, assure that he contracts with a licensed general contractor or the property owner, submit to the Board’s office within the next thirty (30) days copies of all employee W-4’s and by the end of the probation submit a copy of all employee W-2’s, and subcontract work that requires a license only to
properly licensed subcontractors. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions.

Noffsinger, David  
NCWATERHEATERS.COM  
Benson, NC  
License# 30155 P-I  
Allegations of misconduct and incompetence in the business of plumbing contracting in that the licensee failed to obtain permit(s) prior to commencing work, failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, and violated the minimum standard of the North Carolina State Fuel Gas Code.
Resolution Conference held 01/09/2015.
David Noffsinger signed a Proposed Resolution Agreement 01/09/2015. The license of David Noffsinger, number 30155 P-I, and that of the firm shall be placed on unsupervised probation for a period of twelve (12) months. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of three (3) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

Pernell, G. Carlton  
Pernell, Inc.  
Smithfield, NC  
License# 07401 H-1, 2 & 3-I  
Allegations of misconduct in the business of heating contracting in that the licensee failed to request inspections within 10 days of substantial completion of work, failed to obtain final inspections, and failed to provide adequate supervision.
Resolution Conference held 01/07/2015.
George Carlton Pernell signed a Proposed Resolution Agreement 01/07/2015. The license of G. Carlton Pernell, number 7401 H-1, 2&3-I, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. Among other things during the probation, within 90 days from approval of this order, the licensee shall assure that all of the outstanding permits from the Johnston County Inspection Department have received a final inspection or the licensee has demonstrated his continued efforts to obtain the final inspection, and enroll in, attend and complete the Special Board Laws & Rules course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of six (6) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.

Welborn, Farron D.  
Hometown Plumbing Services  
Mayodan, NC  
License# 20141 P-I  
Allegations of misconduct in the business of plumbing contracting in that the licensee failed to provide adequate supervision, allowed the use of license by unlicensed persons by issuing 1099’s to unlicensed persons, engaged in business under a different name or style of business than appears on his/her license, and engaged in business and allowed work to be performed under his license while the licensee was activity employed for the City of Greensboro.
Resolution Conference held 12/17/2014.
Farron Welborn signed a Proposed Resolution Agreement 12/17/2014. The license of Farron Welborn, number 20141 P-I, and that of the firm shall be placed on supervised probation for a period of twelve (12) months. Among other things during the probation, if that licensee holds employment elsewhere, no work that requires a license may be performed by the firm or employees of firm based on the qualification of that licensee during the hours the licensee is committed or active in employment elsewhere, and enroll in, attend and complete the Special Board Laws & Rules course. In the event of violation of any of the conditions of probation, license of the individual and of the firm will be suspended for a period of nine (9) months, with the requirement that prior to the suspended license being reinstated the licensee and the firm agrees to comply with all of the probation provisions listed above.
The Attorney’s Report contains information pertaining to cases that have been adjudicated in a formal proceeding of the Board or in the courts of North Carolina. Disciplinary actions against licensed contractors are typically imposed during a Formal Hearing of the Board. Court action is necessary when unlicensed individuals are in violation of the Board’s Laws and Rules or in circumstances where licensees are found to be in violation of any order(s) issued by the Board.

BIRCH, LEVERN W.
d/b/a V&B MECHANICAL
Midway Park, NC
Heating contracting without a license. Judgment of Permanent Injunction filed 12/30/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

BLANKENSHIP, ALEXANDER WILLIAM
A&W SERVICES
Franklinville, NC
Heating contracting without a license. Judgment of Permanent Injunction filed 12/30/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

BLUE, ROBERT
d/b/a RD BLUE SERVICE
Raleigh, NC
Heating contracting without a license in contempt of a prior order of the Court. Hearing held 9/8/14. Order of Contempt filed 11/14/14 finding Defendant in contempt and sentencing the Defendant to a 30 day suspended jail sentence.

BOND, TERRY
WINDMILL MECHANICAL
Canton, GA
Heating contracting without a license. Judgment of Permanent Injunction filed 12/30/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

BOONE, JAMES W.
JAMES W. BOONE PLUMBER
Pleasant Hill, NC
Plumbing contracting without a valid license. Judgment of Permanent Injunction filed 12/30/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

CONNOR, ANTHONY WAYNE
Hickory, NC
Allegations of incompetence, misconduct, failure to obtain permit and failure to supervise. Formal hearing held and order issued November 6, 2014, finding Respondent allowed his license to be used by Fred Shade, an unlicensed non-employee. Respondent has been disqualified for similar conduct in the past. License was permanently revoked.

DAVIS, DERICK GRANT
J&D FIX ALL
Asheville, NC
Heating contracting without a valid license. Judgment of Permanent Injunction filed 1/16/15 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

DEAN, Christopher
Selma, NC
Heating contracting without a license in violation of Judgment of Permanent Injunction Contempt hearing held 12/2/14. Defendant found in contempt by Order filed 12/19/14 and sentenced to 60 days active jail time.

ELLINGTON, James T.
d/b/a Building Services Unlimited
Bailey, NC
Heating contracting without a license. Judgment of Permanent Injunction filed 12/23/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

FIELDS, JASON
d/b/a Jason’s Home Improvements
Raeford, NC
Plumbing contracting without a valid license. Judgment of Permanent Injunction filed 12/5/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

FINK, BRANDON
Greensboro, NC
Allegations of heating contracting without a license. Judgment of Permanent Injunction filed 12/23/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

FOSTER, DAVID
RELIABLE HEATING & AIR
Hickory, NC
Heating contracting without a valid license. Judgment of Permanent Injunction filed 12/1/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

HAM, CHRISTOPHER WILLIAM
Fremont, NC
Heating contracting without a valid license. Judgment of Permanent Injunction filed 1/2/15 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

HEINSOHN, DAVID
D/B/A HOUSE DOCTOR OF FAYETTEVILLE
Fayetteville, NC
Plumbing contracting without a valid license. Judgment of Permanent Injunction filed 12/23/15 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

HICKS, DAVID
DAVID HICKS HOME IMPROVEMENT
Greensboro, NC
Plumbing contracting without a valid license. Judgment of Permanent Injunction filed 12/26/15 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

HUDLER, JOSHUA BRANDON
HUDLER & SONS HVAC & APPLIANCE REPAIR REFRIGERATION
Sneds Ferry, NC
Heating contracting without a valid license. Judgment of Permanent Injunction filed 11/17/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

JONES, GARLAND CHRISTOPHER
JONES PLUMBING
Cornella, GA
Plumbing contracting without a valid license. Judgment of Permanent Injunction filed 1/14/15 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

JONES, ROBERT TODD
360 DEGREE REPAIR CO.
Greensboro, NC
Plumbing contracting without a valid license. Judgment of Permanent Injunction filed 2/3/15 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

LINARD, JAYSON CRAIG
d/b/a SOUTHERN WATER PURIFICATION
Greensboro, NC
Plumbing contracting without a valid license. Judgment of permanent injunction filed 9/2/14 enjoining the defendant from engaging in business as a plumbing or heating contractor until licensed to do so.

McCLAMROCK, RONNIE WAYNE
Ron’s Heating & Air Conditioning
Kannapolis, NC
Heating contracting without a valid license. Judgment of Permanent Injunction filed 12/30/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

McWHIRT, JEFFREY LEE
J&D Fix All Asheville, NC
Plumbing contracting without a valid license. Judgment of Permanent Injunction filed 1/16/15 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

PETERS, GROVER
Hickory, NC
Plumbing contracting without a valid license. Judgment of Permanent Injunction filed 12/5/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

QUILLIN, EDDIE
d/b/a Eddie’s Home Improvements
Lexington, NC
Plumbing contracting without a valid license. Judgment of Permanent Injunction filed 1/23/15 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

REASON, DONNIE
Reason Plumbing
Wilson, NC
Plumbing contracting without a valid license. Judgment of Permanent Injunction filed 1/16/15 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.

SCAGLIONE, JAMES E.
ENERGY UNITED PROPANE
Mooresville, NC

WILLIAMS, ROY
THE WRIGHT COMPANY
Middlesex, NC
Plumbing contracting without a valid license. Judgment of Permanent Injunction filed 12/30/14 enjoining the Defendant from engaging in business as a plumbing and heating contractor until licensed to do so.