

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATORY
BEFORE THE CONTRACTORS' LICENSING BOARD**

In the matter of:

Del Webb Communities, Inc.
15 Sgt. William Jasper Blvd., Sun City
Bluffton, SC 29909

License No. ~~04022~~ GC 104022

Case Nos. 2005-192, 2005-202, 2005-203
2005-243, 2005-244, 2005-245, 2005-246,
2005-247, 2005-248, 2005-249, 2005-250,
2005-251, 2005-252, 2005-253, 2005-254,
2005-255, 2005-261

Respondent.

CONSENT AGREEMENT

By agreement of the State Contractors' Licensing Board (the Board) and the above-named Respondent, the following disposition of this matter is entered pursuant to the provisions of S.C. Code of Laws § 1-23-320(f) (1976, as amended) of the South Carolina Administrative Procedures Act:

FINDINGS OF FACT

1. Respondent holds a general contractor's license and was so licensed at all times relevant to the matters asserted in this case. Respondent admits that the Board has jurisdiction over this matter.
2. Respondent constructed eighty-two (82) units at Del Webb, Aveary Area, Sun City, Bluffton, South Carolina. The Board received the above referenced complaints, including a complaint about attic ventilation. The Beaufort County Inspection Department has confirmed that the attic ventilation meets the applicable building codes.
3. The complaints also referenced an issue with fire separation construction standards. Respondent performed substandard work that involved the residences' fire separation construction standards. Specifically, an architectural overbuild roof detail had improper fire separation, and respondent has removed the detail in question from all units affected. Questions were also raised concerning the water heater relief valve drain line that runs through the firewall, and Respondent has provided written approval by Beaufort County Inspection Department of the as built condition of the fire wall. Additionally, a question has arisen regarding the life and safety aspects of the fire separation in the attics of

the units. Respondent agrees to have these issues inspected, and if necessary, corrected, as outlined in paragraph 1 of the Conclusions of Law section below.

4. Respondent waives any further findings of fact with respect to this matter.

CONCLUSIONS OF LAW

Respondent admits that Respondent's action in this matter is in violation under SC Code of Laws 40-11-110(A) (5) (1976, as amended) and that the conduct in this matter constitutes sufficient grounds disciplinary or corrective action. Respondent waives any further conclusions of law with respect to this matter.

THEREFORE, IT IS ORDERED WITH RESPONDENT'S CONSENT THAT:

1. Respondent is hereby issued a public reprimand and shall pay a civil penalty of \$5,000.00 and an additional thousand dollars for the cost of investigation within thirty (30) days. Said penalty shall not be deemed paid until received by the Board in the form of a money order or cashier's check. Respondent's general contracting license shall be suspended indefinitely. Said suspension is stayed for 90 days, pending the inspection of, and, if necessary, the correction of the life and safety issues relating to fire separation between units – specifically the fire separation in the attics of the units. If corrections are necessary, the 90 day stay shall be extended upon Respondent providing satisfactory proof to the Board that Respondent is unable to gain access to some units to perform the correction. Thereafter, suspension shall be stayed indefinitely upon certification by a South Carolina Registered Engineer and upon written approval by Beaufort County Inspection Department of either the as built condition of, or the correction of, the one fire separation issue stated above. Certification must relate to all Aviary Units.
2. Respondent agrees that if he fails to meet the conditions agreed to in this Consent Agreement, the Board may immediately suspend Respondent's license pending a hearing, which may result in further discipline.
3. Respondent has full knowledge that he has the right to a hearing and to be represented by counsel in this matter, and freely, knowingly, and voluntarily waives such rights by entering into this Consent Agreement. Respondent understands and agrees that by entering into this Consent Agreement he voluntarily relinquishes any right to judicial review of Board action(s) which may be taken concerning any related matters.
4. Respondent understands and agrees that this Consent Agreement will not become effective unless and until approved by the Board. Respondent understands and agrees that this Consent Agreement, if approved, will be disseminated as a public action of the Board in the manner provided by law. Respondent understands and agrees that if this Consent Agreement is not

approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the board to adjudicate this matter.

5. Pursuant to South Carolina Freedom of Information act, this Consent Agreement, with attachments, is a public document.
6. This Consent Agreement shall take effect immediately upon receipt of the executed Consent Agreement by Respondent or his counsel.

AND IT IS SO ORDERED.

**SOUTH CAROLINA CONTRACTORS'
LICENSING BOARD**

6/18/07

Date



Lewis M. Caswell, Chairman

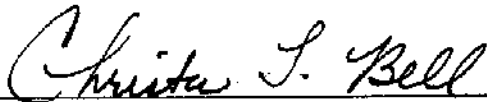
WE CONSENT:



Del Webb Communities, Inc.
Respondent

6-4-2007

Date



Attorney for the S. C. Department of
Labor, Licensing & Regulation

6-11-2007

Date

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION
BEFORE THE SOUTH CAROLINA CONTRACTORS LICENSING BOARD**

In the Matter of:
Del Webb Communities, Inc.
Sun City, Respondents

License No. CLG 104022
Case Nos: 2005-192, 2005-202, 2005-203,
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2005-247, 2005-248, 2005-249, 2005-250,
2005-251, 2005-252, 2005-253, 2005-254,
2005-255, 2005-261

CERTIFICATE OF SERVICE
Certified Mail
7002 3150 0005 0353 0426

I hereby certify I have this day served within the Consent Agreement, to the person hereafter named, by depositing a copy of the same in an envelope, securely wrapped in the United States First Class Mail and by Certified Mail, properly addressed to the said person hereafter named, at that place and address stated below, which is the address of record for the same.

TO: A. Victor Rawl, Jr., Esquire
McNair Law Firm, P.A.
Post Office Box 11390
Columbia SC 29211

**SOUTH CAROLINA DEPARTMENT OF
LABOR, LICENSING, AND REGULATION
S.C. CONTRACTORS' LICENSING BOARD**

Joyce Thurber *June 25, 2007*

Joyce Thurber Date
Program Coordinator

NOTARY
SWORN TO BEFORE ME
THIS 25th DAY OF June 2007
Christine G. Whicker

My Commission Expires: 9-22-2007



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