

THE BLUEPRINT

PROTECTING THE HEALTH, SAFETY AND GENERAL WELFARE OF ALL PERSONS ENGAGED IN THE VOCATION OF CONTRACTING

Inside this Issue

- THERE'S AN APP FOR THAT
- STOP NOTICE INVALIDATED
- MSBOC SPOTLIGHT STORIES
- MSBOC DISCIPLINARY ACTIONS

How to Contact the Board

Mississippi State Board of Contractors
Post Office Box 320279
Jackson, Mississippi 39232-0279
Ph: (601) 354-6161
Fx: (601) 354-6715

Hours of Operation

Monday – Friday
8:00 a.m. – 5:00 p.m.

FALL 2013

MSBOC is going Mobile

AS mobile devices become more common and functional, managing matters, tasks, calendars and documents from a mobile phone or tablet is the new norm. Recent studies show more than 50% of U.S. adults now own a smart phone.

In keeping with that trend, MSBOC is implementing technology to help license holders and industry officials conveniently connect with the agency and stay apprised of changes in regulation by launching a mobile app.

DOWNLOAD OUR APP TODAY!



Scan the QR code or search "MSBOC" in your app store to get exclusive access to news via push notifications, custom contractor forms and more.

The MSBOC mobile app allows users to search for contractors, get up-to-date forms and even file complaints

In addition to the new mobile app, MSBOC also offers an opportunity to receive texting alerts via your mobile phone. Individuals can opt in to receive important news and information directly from MSBOC by texting "**ALERTS**" to **601.863.8091**.

These tools are being offered to keep contractors informed and connected and in an effort to improve communications between the agency, license holders and industry professionals.

For additional information, please visit our website at www.msboconline.com.



APPEALS COURT UPHOLDS RULING; FINDS ‘STOP NOTICE’ STATUTE UNCONSTITUTIONAL

A federal appeals court has upheld a ruling that invalidated Mississippi’s “stop notice” law.

While owners and general contractors may be applauding the recent decision from the Fifth Circuit Court of Appeals in *Noatex Corp. v. King Construction, et al.*, subcontractors, on the other hand, lost one of their only options to ensure they get paid when an owner or general contractor does not pay (or pay on time).

Traditionally, when there is a payment dispute with a prime contractor, first-tier subcontractors could provide written notice to an owner and claim the benefit of Miss. Code Ann. §85-7-181 as a mechanism to bind funds due the prime in the hands of the owner. Upon receipt of a notice under §85-7-181, assuming the owner was still holding funds due the prime contractor, the owner was statutorily required to withhold payment of funds in an amount sufficient to satisfy the amount alleged to be due and payable to the first tier subcontractor. This holding of funds due a prime contractor based on statutory notice provided by a subcontractor has now been determined to be unconstitutional.

The 5th Circuit Court of Appeals agreed with the district court’s ruling that the Mississippi law violated due process by authorizing what is in practical effect the prejudgment attachment of funds without prior notice and a hearing or an acceptable post-seizure remedy. The 5th Circuit Court noted in its opinion that the “Stop Notice” statute is profound in its lack of procedural safeguards. It provides for no pre-deprivation notice or hearing of any kind”.

To read the full opinion visit the 5th Circuit’s website at www.ca5.uscourts.gov/opinions/pub/12/12-60385-CV0.pdf.

MSBOC SPOTLIGHT STORIES...

MSBOC MEETS WITH BOAM MEMBERS

MSBOC leaders have traveled to various parts of the state meeting with Building Officials of Mississippi members and other permit department employees in an effort to strengthen communications and build cooperative relationships between both regulatory sectors.



Executive Director Stephanie Lee addresses building officials in north Mississippi about changes to state contractor licensing certificates.

MSBOC INVESTIGATORS ACHIEVE CERTIFICATION

MSBOC investigators attended the National Certified Investigator Training (NCIT) program offered through the Council on Licensure, Enforcement and Regulation (CLEAR) held earlier this year. The hands-on training and certification program promotes regulatory excellence and offers broad instruction in the areas of evidence, interviewing, report writing, and testifying.

Investigators Martin Richardson and Kelly Lavinghouse completed the basic certification training. Investigators Charles Sharman, Kate Hilliard, Jamie Cushman and Wallace Pogue completed the advanced investigator training program and are pictured below. Investigator Cushman achieved a perfect score on his certification exam.



Pictured L to R: Enforcement Director Charles Sharman, Investigator Kate Hilliard, Investigator Jamie Cushman and Investigator Wallace Pogue.

Key Grounds for Disciplinary Actions and Related Statutes

COMMERCIAL:

Miss Code Ann. §31-3-13 Contractor is not responsible.
 Miss Code Ann. §31-3-21 Submitting a bid, entering into a contract, or otherwise engaging in the business of a contractor without holding a certificate of responsibility number issued by MSBOC.

RESIDENTIAL:

Miss Code Ann. §73-59-3 Unlicensed residential construction or residential remodeling
 Miss Code Ann. §73-59-13(1)(a) Violating any of the provisions of the residential statutes or the rules or regulations of the board pertaining to the work of residential building or residential improvement.
 Miss Code Ann. §73-59-13(1)(b) Fraud, deceit, or misrepresentation in obtaining a license.
 Miss Code Ann. §73-59-13(1)(c) Gross negligence or misconduct.
 Miss Code Ann. §73-59-13(1)(d) Engaging in work of residential building or residential improvement on an expired license or while under suspension or revocation of license unless the suspension or revocation be abated in accordance with the residential statutes.
 Miss Code Ann. §73-59-13(1)(e) Loaning a license to an unlicensed person.
 Miss Code Ann. §73-59-13(1)(f) Failing to maintain workers' compensation insurance, if applicable.
 Miss Code Ann. §73-59-13(1)(g) Failing to pay for goods or services for which the builder is contractually bound.

OCTOBER 2013 DISCIPLINARY ACTIONS

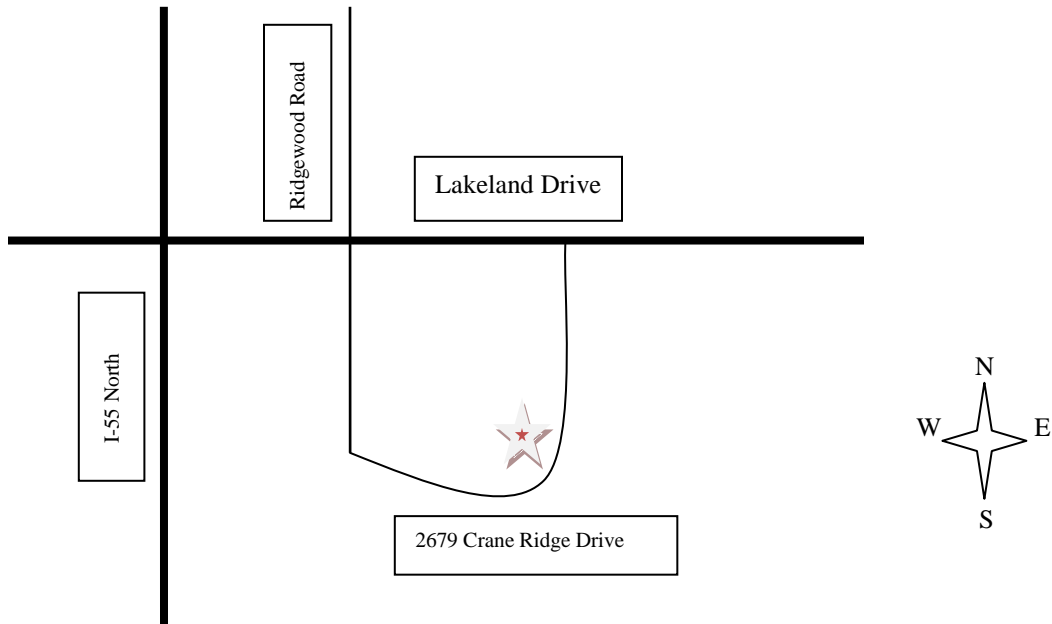
Below is a list of businesses and individuals disciplined by MSBOC at the October 2013 board meeting

CONTRACTOR	COR/LICENSE #	VIOLATION
Michael Sean Hancock	15724	31-3-13
Ronny Hill Construction, Inc.	08764	31-3-13
Anthony Bingham	Unlicensed	31-3-21
Cowan, Inc.	15660	31-3-13
Earnest Bozeman d/b/a Family Construction	16598	73-59-13(1)(c)
David Pridgeon d/b/a Coastal Plains Renov.	16204	73-59-13(1)(c)
Vernon Smith d/b/a Supreme Bldrs.	05547	73-59-13(1)(c)
Matthew Avery	16357	73-59-13(1)(c)
Avery Construction	17233	73-59-13(1)(c)
Pat Jackson d/b/a Pat Jackson Constr.	02989	73-59-13(1)(c)
Dwayne Mallett	16150	73-59-13(1)(c)
Tony Perval d/b/a Tony's Home Improv.	Unlicensed	73-59-3
Jimmy Burke d/b/a Golden Eagle Service	Unlicensed	73-59-3

DIRECTIONS TO MSBOC OFFICE

MSBOC's physical address is 2679 Crane Ridge Drive, Suite C, Jackson, MS 39216.

Turn south at the intersection of Lakeland Drive and Ridgewood Road. As the road curves, the name changes to Crane Ridge Drive. We are located at 2679 Crane Ridge Drive, Suite C.



2679 Crane Ridge Drive, Suite C
Jackson, Mississippi 39216
PH: 601-354-6161
FX: 601-354-6715

Post Office Box 320279
Jackson, Mississippi 39232-0279