



The Tool Box

Serving the Electrical, HVAC & Plumbing Industries Since 1912

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SOUTH CAROLINA'S MECHANIC'S LIEN CODE AMENDED TO REQUIRE LISTING OF CONTRACTOR LICENSE NUMBER ON LIEN

By: Chuck McDonald
Robinson, McFadden & Moore, P.C.

On June 2, 2009, Governor Sanford signed bill H. 3187 into law bringing about a fundamental new requirement in the filing of mechanic's liens. In order to comply with the new law, those contractors who are required by law to hold a contractor's license must record their contractor license number on the lien document when it is filed. Unlicensed contractors and material suppliers still retain the lien rights they have under the mechanic's lien code. Because this new change to the mechanic's lien code took effect immediately upon the Governor's signature, contractors are advised to notify their legal counsel of this new filing requirement. The bill also made other changes to the mechanic's lien code such as subjecting a contractor to a fine of up to five thousand dollars and the loss of its contractor's license for filing a "frivolous lien." The new law does not define what constitutes a frivolous lien. The bill provides for a statutory mechanism for discharging a filed mechanic's lien from the real property where none previously existed. It also specifically prohibits a residential contractor from filing a mechanic's lien when such contractor does not hold the required residential builder or specialty contractor license.

From The Desk of Harold P. Coxson, Jr. **Ogletree Governmental Affairs, Inc.**

Beneath the cacophony of debates on healthcare, the sands continue to shift on the Employee Free Choice Act (EFCA). Healthcare reform is consuming media coverage for now, but EFCA proponents continue to work relentlessly to secure passage of EFCA once the healthcare storm subsides. Consider the following:

- In early August, President Obama reiterated his strong support for EFCA to union leaders in a White House meeting.
- In late July, unions mounted what they describe as "the largest grassroots mobilization campaign in (union) history" to support EFCA during the August Congressional Recess. Early reports were that 250,000 letters had been sent to Senators and more than 125,000 calls made to Senate offices.
- The Senate Democratic leadership is reportedly developing a strategy to "railroad" EFCA after the August recess (and Service Employees International Union President Andy Stern predicts that "card check" will be included).
- Senator Arlen Specter (D-PA) apparently has again changed his position on EFCA by announcing that he expects to vote for cloture on an EFCA alternative bill. It is not surprising that he would support an alternative that he is helping draft. What's disappointing is that he is confident that a vote on a Senate alternative to EFCA will be scheduled. And the alternative we understand he is drafting is not much better than the original EFCA, and in some respects is worse.

What Can You Do?

To have any chance of defeating EFCA, business must make its voice heard. Unions and union sympathizers are speaking out loudly and in large numbers. Members of Congress generally believe that the business community doesn't care as much as organized labor on these issues ... certainly not enough to interrupt vacations to weigh in on a labor policy issue. They believe such issues put them "between a rock and a soft place." Unions are the rock that never forgets and "rewards its friends and" (Continued on Page 3)

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Friday
September 18, 2009
2nd Annual
Pee Dee Blast
Sporting Clays
Event
Back Woods
Quail Club
Georgetown, SC
Deadline To
Register
September 9, 2009
Sign Up Today!!!



“Tool Box Talks” - Safety Tip**DON'T GIVE FIRE A CHANCE**

There's plenty of air, plenty of fuel, and plenty of ignition sources around construction sites - so we've all got to be on our toes to prevent fire. Here are some ways to keep the job from going up in smoke:

- Help keep the site clean. Store combustible materials away from ignition sources.
- Report any possible fire hazards that you notice: open flames, sparks, and electrical equipment that appears to need repairs.
- On hot-work jobs, be sure combustibles are safe from ignition. Have a fire extinguisher handy for welding and cutting operations, or when open flame equipment is used.
- Help protect temporary electric wiring from possible damage. In case of a fire in or near live electrical equipment, use a dry chemical extinguisher, and not water.
- Don't smoke near flammables, in "No Smoking" areas, or while re-fueling equipment. Make sure cigarettes and matches are out.
- Always use approved safety cans or the original manufacturer's container to store flammable liquids. Keep these containers closed when not in use, and never store them near exits or passageways.
- Clean up any spills as soon as they occur. Put saturated rags into closed metal containers.
- Watch to see that canvas tarps, plastic sheeting or other ignitables don't get close to space heaters. Take care to see that heaters aren't accidentally tipped over.
- Know where the closest fire-protection equipment is located, and how to use it. Check to see that fire-fighting equipment is in the clear, in proper condition, and ready for instant use.

We do everything we can to try to keep our jobs fire-safe - but it takes your help, all the time.

RSS Safety, LLC, 1122 Industrial Drive, Suite 113, Matthews, NC 28105

Telephone (704) 844-2519 Fax (704) 844-0291

Birth Announcements

David Ray Frisby

Born July 28, 2009, 8 lbs 8 oz, 21 ins

Proud Grandfather: Tom Frisby

The Frisby Group, Piedmont

Hudson Bishop Turner

Born July 29, 2009, 8 lbs 1 oz

Proud Grandfather: Johnny Richards

Gatch Electrical Contractors, Inc., Charleston

Welcome New Members

Bill Barber - Ecolab Water Care

Mt. Pleasant

Manuel Hendrix - Mechanical Design, Inc.

Columbia

Billy Starrett - Southeastern Electrical Distributors, Inc.

North Charleston

Happy Anniversary

Mr. & Mrs. Ned Forsberg - 9/1

Mr. & Mrs. Al Hitchcock - 9/4

Mr. & Mrs. Will Thomason - 9/30

Condolences

Mr. Chuck McDonald & Family

On the loss of his mother

Erma McDonald

Robinson McFadden, Columbia

Mrs. Diane Lee & Family

On the loss of her Husband

Ms Darlene McGee & Bryce Mechanical

On the loss of her Business Partner

Jimmy B. Lee

Bryce Mechanical Contractors, Inc., Florence

Concerns

Lewis Caswell - W. O. Blackstone, Columbia

Charley Hipp - Hipp Properties, Charleston

Rhett Leake - James M. Pleasants Co., Charlotte

Richard Miller, Sr. - City Plumbing Co., Florence

Wyman Sox - Honorary Life Member, West Columbia

(Continued From Page 1)

punishes its enemies,” while for business (the “soft place”) there’s always another issue. Business will lose on labor policy issues until it becomes more like a union rock.

There is the temptation to just consider August a month for taking vacations away from the oppressive summer heat. In 2009, however, it will be much wiser to use the month for turning up the heat on the Senate and Congress to oppose EFCA. Calls, in-person visits to in-state Congressional offices and staff, letters and emails will ensure that Congress understands that EFCA is a critical issue to the business community. You can be sure union lobby will be doing its best to secure passage.

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2009 MCASC Summer Convention - AWARD WINNERS
Ginn Hammock Beach Resort
Palm Coast, Florida

POKER AWARDS

<u>Champion:</u>	<u>Spence Phillips</u>
<u>Table Winner:</u>	<u>Greg Wheeler</u>
<u>Table Winner:</u>	<u>Andrea Gregg</u>
<u>Table Winner:</u>	<u>Jamie Roberts</u>
<u>Table Winner:</u>	<u>Scott Miller</u>
<u>Table Winner:</u>	<u>Mike Gunther</u>
<u>Table Winner:</u>	<u>Randy Harley</u>

FISHING AWARDS

<u>Biggest Catch:</u>	<u>Wes Steinmeyer</u>
<u>Biggest Fish Tale:</u>	<u>Wes Steinmeyer</u>

GOLF AWARDS

<u>Captain's Choice</u>	<u>Mike Gunther</u>	<u>John Leland</u>
<u>Winning Team:</u>	<u>Matt Gunther</u>	<u>Ryan Gunther</u>
<u>Long Drive:</u>	# 9 <u>Kevan Gregg</u>	
<u>Closest to Pin:</u>	# 4 <u>John Leland</u>	# 8 <u>Jim Hendricks</u>
	# 12 <u>Steve Hinds</u>	#17 <u>Billy Zimmerman</u>
<u>Best Dressed:</u>	Female: <u>Brenda Poplin</u>	Male: <u>Mike Gunther</u>

SHOPPING AWARDS

<u>Ginn Hammock Beach Economic Improvement:</u>	<u>Terri Harley</u>
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OTHER AWARDS

EDUCATION PICK A WINNER AWARD:

Bob McElveen, Cayce Co., Inc., Myrtle Beach

EDUCATION PICK A WINNER AWARD:

Frank Hill, Hill Plumbing & Electric Co., Inc., Sumter

A Little Business ... A Lot Of Pleasure

MCASC 156TH SEMI-ANNUAL CONVENTION - AUGUST 6 - 9, 2009

GINN HAMMOCK BEACH RESORT - PALM COAST, FL

MANY THANKS TO THE FOLLOWING COMPANIES FOR THEIR GENEROUS SUPPORT

SPONSORS

AMERISURE INSURANCE

ANVIL INTERNATIONAL, INC.

ATLANTIC ELECTRIC COMPANY

BB&T/BOYLE-VAUGHAN INSURANCE

B & L ELECTRIC COMPANY

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C. R. HIPPI CONSTRUCTION, INC.

CENTRAL CONTROLS, INC.

CHARLOTTE PIPE & FOUNDRY COMPANY

CONTROL MANAGEMENT, INC.

GREGGER COMPANY, INC.

CRITICAL COMPONENTS, INC.

CULLUM MECHANICAL CONSTRUCTION, INC.

ECK SUPPLY COMPANY

ENDEAVOR INSURANCE SERVICES, INC.

FERGUSON ENTERPRISES, INC. - CHARLESTON, COLUMBIA & GREENVILLE

GATEWAY SUPPLY COMPANY, INC.

HD SUPPLY - ELECTRICAL

H. R. ALLEN, INC.

HAJOGA CORPORATION

HILL PLUMBING & ELECTRIC COMPANY, INC.

HOFFMAN & HOFFMAN, INC.

JAMES M. PLEASANTS COMPANY, INC.

JOHN J. KIRLIN COMPANY, INC.

JOHNSON CONTROLS, INC.

METRO ELECTRIC COMPANY, INC.

MONTGOMERY INSURANCE

PEE DEE AREA MCASC

REPSOUTH

ROBINSON MCFADDEN

SANTEE COOPER

SIFCO MECHANICAL, INC.

SMITH, KESLER & COMPANY

THERMAL RESOURCE SALES, INC.

TOTAL COMFORT

TRANE COMFORT SOLUTIONS

TYLER PIPE

VICTAULIC

WALDROP, INC.



MCASC 2009 COURSE REGISTRATION



COMPLETE AND FAX OR MAIL TO MCASC

P.O. BOX 384, COLUMBIA, SC 29202

TELEPHONE #: 803-772-7834 FAX #: 803-731-0390

EMAIL: mflowers@mcasc.com WEBSITE: www.mcasc.com

NAME: _____

COMPANY: _____

ADDRESS: _____

PHONE: _____ **FAX:** _____

CITY: _____ **STATE ZIP** _____

EMAIL ADDRESS: _____

NAME ON LICENSE: _____

LICENSE NO.: _____ **STATE:** _____

Payment Method

- Please Invoice
- Check Enclosed for \$ _____

NOTE:

All Courses Will Be Held At
The MCASC State Office
Training Facility
1504 Morninghill Drive
Columbia, SC

NOTE:

WE OFFER A DISCOUNT
IF YOUR COMPANY REGISTERS
THREE (3) OR MORE
FOR THE SAME COURSE.
SEND 3...THE 4TH IS FREE

NOTICE:

ANYONE FAILING TO WITHDRAW FROM A COURSE
TWO WEEKS PRIOR TO ITS START WILL BE BILLED
FOR THE ENTIRE COST OF THE COURSE.
NO EXCEPTIONS.

PLEASE PLACE A CHECK BESIDE EACH COURSE YOU WISH TO REGISTER FOR:

NC & GA APPROVED

- 2009 Plumbing Code Changes Part 1, Part 2 and Boosting Profits in 2009
Part 1 & Part 2: NC License Types; P-I, P-II
Part 3: NC License Types; P-I, P-II, H-1-I, H-1-II, H-2, H-3-I, H-3-II, FS, FP
September 30, 2009 - Columbia
Time: 9:00 AM - 4:00 PM
Member: \$175.00 Non-Member: \$225.00

NC & GA APPROVED

- Checking Out 2009 Mechanical Code Changes Part 1, Part 2 and Maximizing Profits in 2009
Part 1 & Part 2: NC License Types: H-1-I, H-1-II, H-2, H-3-I, H-3-II
Part 3: NC License Types: P-I, P-II, H-1-I, H-1-II, H-2, H-3-I, H-3-II, FS, FP
October 14, 2009 - Columbia
Time: 9:00 AM - 4:00 PM
Member: \$175.00 Non-Member: \$225.00

NC & GA APPROVED

- 2009 Fuel Gas Code Changes Part 1, Part 2 and Maximizing Profits in 2009
Part 1 & Part 2: NC License Types; P-I, P-II, H-1-I, H-1-II, H-2, H-3-I, H-3-II, FP
Part 3: P-I, P-II, H-1-I, H-1-II, H-2, H-3-I, H-3-II, FS, FP
November 4, 2009 - Columbia
Time: 9:00 AM - 4:00 PM
Member: \$175.00 Non-Member: \$225.00

NC & GA APPROVED

- 2009 Fuel Gas Code Changes Part 1, Part 2 and Maximizing Profits in 2009
Part 1 & Part 2: NC License Types; P-I, P-II, H-1-I, H-1-II, H-2, H-3-I, H-3-II, FP
Part 3: P-I, P-II, H-1-I, H-1-II, H-2, H-3-I, H-3-II, FS, FP
December 2, 2009 - Columbia
Time: 9:00 AM - 4:00 PM
Member: \$175.00 Non-Member: \$225

**Associate Member:
McCartha, Cobb & Associates, Inc.**

Since 1978, McCartha, Cobb & Associates, Inc. has provided a unique brand of personalized service to small and medium sized contractors throughout the southeast. We provide contractors with the financial security and construction assurance that lets them get started on their next project as soon as possible.

It takes a solid foundation to build a business. No one knows this better than construction industry experts like each individual contractor. That's why in today's evolving and unpredictable market place, every contractor needs an experienced and resourceful bonding agent to help them succeed. With competitive rates, specialized solutions and solid partnerships, McCartha, Cobb & Associates, Inc. gives this security in surety.

We are industry experts who pride ourselves on matching contractors with the right surety company to best fit individual needs. We also help to create lasting relationships to ensure not only maintaining surety capacity but increases in the future as needs demand.

McCartha, Cobb & Associates, Inc. provides specialized solutions and a personalized approach to every client. We work with each client as a team member to create real solutions in real time.

In the past three decades, we have established professional relationships with over 20 national surety companies that are A.M. Best Rated and T-listed, distinctions that allow us to offer the best rates and most comprehensive bond programs available.

When it comes to contract bonds, McCartha, Cobb & Associates, Inc. has the experience and the reputation to offer security in surety. We would like the opportunity to offer tailored bond services that will build your business and increase your position in today's marketplace. Contact us today to discuss the right surety company that will help build your business.

McCartha, Cobb & Associates, Inc.
1407 Calhoun Street
Columbia, SC 29221-6034
Phone: (803) 799-3474, Fax: (803) 799-3711

**Congratulations to our next Associate & Mechanical Members who will be
highlighted in the upcoming issue of "The Tool Box":
Ecolab Water Care, Mt. Pleasant - Associate Member
M. C. Dean Service & Critical Support, North Charleston - Mechanical Member**

SEPTEMBER 2009 MONTHLY AREA MEETINGS

MIDLANDS AREA

Thursday, September 10, 2009 @ 6:00 PM **NOTE NEW DATE**
Location: MCASC State Office, 1504 Morninghill Dr., Columbia
Sponsored By: John J. Kirlin Company, Inc.

**Topic: "Connecting Midlands Students &
Adults To Mechanical Careers"**
Speaker: Kaye Shaw, Coordinator
Midlands Regional Education Center

PIEDMONT AREA

Tuesday, September 8, 2009 @ 6:00 PM
Location: 1523 Antioch Church Road, Greenville
Sponsored By: Southern Piping Company

**Topic: "Connecting Upstate Students &
Adults To Mechanical Careers"**
Speaker: Cherie Pressley, Coordinator
Upstate Regional Education Center

PEE DEE AREA

Friday, September 18, 2009 @ 9:30 AM to 5:30 PM
Location: Back Woods Quail Club, 647 Hemingway Lane,
Georgetown
Sponsored By: Pee Dee Area

**2nd ANNUAL PEE DEE BLAST
SPORTING CLAYS EVENT**

COASTAL AREA

Tuesday, September 22, 2009 @ 6:00 PM
Location: 4447 Dorchester Road, North Charleston
Sponsored By: ECK Supply Company

Topic: TBA
Speaker: Thomas Carr
Fire Chief
City of Charleston



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Columbia, SC 29210
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E-mail: mflowers@mcasc.com
www.mcasc.com

*Serving mechanical contractors in
South Carolina since 1912.*

MCASC Executive Board & Staff

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Jim Maguire, Associate President
Mona Flowers, Managing Director

Mechanicals make it happen -
Be part of the best!

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MCASC Vision Statement

The Mechanical Contractors Association of South Carolina (MCASC) will be the leading construction association in South Carolina for specialty contractors and suppliers in the electrical, mechanical (HVAC), and plumbing fields by serving its membership, the industry, and the Community in a vibrant and harmonious fashion.

MCASC Mission Statement

The Mechanical Contractors Association of South Carolina (MCASC) will provide its membership with:

- current business/technical information and support
- a proactive political/legislative agenda
- a joint industry collaboration to improve relative business practices
- an ongoing effort to offer training opportunities for both professional and craft personnel
- educational scholarships for deserving students
- the development of industry related career opportunities

The Association's objective for this mission is to enhance the future of the Construction Industry in South Carolina.