516, 369 S.E.2d 840, 841 (1988) ("The court's power includes the ability to maintain order and decorum."). Contemptuous conduct in the presence of the court is direct contempt. Brandt v. Gooding, 368 S.C. 618, 628, 630 S.E.2d 259, 264 (2006); State v. Kennerly, 337 S.C. 617, 620, 524 S.E.2d 837, 838 (1999). "A person may be found guilty of direct contempt if his conduct interferes with judicial proceedings, exhibits disrespect for the court, or hampers parties or witnesses." State v. Havelka, 285 S.C. 388, 389, 330 S.E.2d 288, 288 (1985). "Direct contempt that occurs in the court's presence may be immediately adjudged and sanctioned summarily." Brandt, 368 S.C. at 628, 630 S.E.2d at 264. South Carolina courts have taken an expansive view of the "presence" and "court" requirements to encompass all elements of the judicial system, not just the mere physical presence of the judge or courtroom. Kennerly, 337 S.C. at 620, 524 S.E.2d at 838.

There is sufficient evidence in the record to support the judge's finding of contempt for Rhoad's gesture. Regardless of whether Rhoad's hearing had concluded, Rhoad failed to show proper decorum in the courtroom and exhibited a disrespect for the court so inherent that no warning of possible contempt was necessary. It is irrelevant that the obscene gesture was not directed at the judge. Despite Rhoad's argument that the "juvenile" gesture was not disruptive, the gesture interrupted courtroom proceedings and necessitated a hearing to address his actions. Further, Rhoad's post-gesture apology did not change the fact that he failed to act with proper decorum in the presence of the judge. Because there was sufficient evidence to support the judge's finding of contempt for Rhoad's use of an obscene gesture, we find the judge did not abuse his discretion.

II. Entitlement to a Jury Trial

Rhoad argues that his two, one-year consecutive sentences for contempt should be vacated because he was entitled to a jury trial pursuant to Codispoti v. Pennsylvania, 418 U.S. 506 (1974). We disagree.

An accused is guaranteed the right of a speedy trial via the Sixth and Fourteenth Amendments to the Constitution. Codispoti, 418 U.S. at 511. Petty crimes can generally be tried without a jury trial, but serious crimes

require a jury trial if the accused requests one. Id.; Bloom v. Illinois, 391 U.S. 194, 209-10 (1968). Courts normally look to the maximum punishment assigned by the legislature in determining whether a sentence is serious or petty. Lewis v. United States, 518 U.S. 322, 326 (1996). Crimes with punishments of six months or less are presumably "petty," while crimes with punishments greater than six months are presumably "serious." Id.

Where the legislature fails to assign a maximum penalty, courts look to the "severity of the penalty actually imposed as the measure of the character of the particular offense." Lewis, 518 U.S. at 328; Codispoti, 418 U.S. at 511. In noting the special concerns raised by criminal contempt matters, the Supreme Court has further noted that a jury trial is favorable in order to avoid the likelihood of arbitrary action by a judge in the potentially heated contempt context. Lewis, 518 U.S. at 329. Nevertheless, a contemnor may be tried without a jury under certain circumstances, as long as the sentence imposed is no longer than six months. Codispoti, 418 U.S. at 514 ("Undoubtedly, where the necessity of circumstances warrants, a contemnor may be summarily tried for an act of contempt during trial and punished by a term of no more than six months.").

The South Carolina General Assembly has not assigned a maximum penalty for contempt in circuit court cases. See S.C. Code Ann. § 14-5-320 (1976) ("The circuit court may punish by fine or imprisonment, at the discretion of the court, all contempts of authority in any cause or hearing before the same."); S.C. Code Ann. § 17-25-30 (2003) ("In cases of legal conviction when no punishment is provided by statute the court shall award such sentence as is conformable to the common usage and practice in this State, according to the nature of the offense, and not repugnant to the Constitution."). Because the legislature has not imposed a maximum sentence on contempt, we look to the sentence Rhoad actually received to determine whether it could be characterized as "petty" or "serious." Although Rhoad complains about the two, one-year consecutive sentences that were orally pronounced at the contempt hearing, the judge's final order actually imposed two consecutive sentences of six months. The two consecutive six-month sentences are the equivalent of a one-year sentence. Thus, the sentences were such that would normally entitle a defendant to a

rights have been prejudiced because the decision is affected by an error of law or is "clearly erroneous in view of the reliable, probative and substantial evidence on the whole record." S.C. Code Ann. § 1-23-380(A)(6) (2005); Bursey v. S.C. Dep't of Health & Envtl. Control, 360 S.C. 135, 141, 600 S.E.2d 80, 84 (Ct. App. 2004).

> "Substantial evidence" is not a mere scintilla of evidence nor the evidence viewed blindly from one side of the case, but is evidence which, considering the record as a whole, would allow reasonable minds to reach the conclusion that the administrative agency reached or must have reached in order to justify its action.

Lark, 276 S.C. at 135, 276 S.E.2d at 306; see also Pratt v. Morris Roofing, Inc., 357 S.C. 619, 623, 594 S.E.2d 272, 274 (2004); Jones v. Ga.-Pac. Corp., 355 S.C. 413, 417, 586 S.E.2d 111, 113 (2003); Etheredge v. Monsanto Co., 349 S.C. 451, 456, 562 S.E.2d 679, 681-82 (Ct. App. 2002); Broughton v. S. of the Border, 336 S.C. 488, 495, 520 S.E.2d 634, 637 (Ct. App. 1999).

"[T]he possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency's finding from being supported by substantial evidence." Palmetto Alliance, Inc. v. S.C. Pub. Serv. Comm'n, 282 S.C. 430, 432, 319 S.E.2d 695, 696 (1984); see also Sharpe, 336 S.C. at 160, 519 S.E.2d at 105; DuRant v. S.C. Dep't of Health & Envtl. Control, 361 S.C. 416, 420, 604 S.E.2d 704, 707 (Ct. App. 2004); Corbin v. Kohler Co., 351 S.C. 613, 618, 571 S.E.2d 92, 95 (Ct. App. 2002); Muir v. C.R. Bard, Inc., 336 S.C. 266, 282, 519 S.E.2d 583, 591 (Ct. App. 1999). Where the evidence is conflicting over a factual issue, the findings of the Appellate Panel are conclusive. Hargrove, 360 S.C. at 290, 599 S.E.2d at 611; Etheredge, 349 S.C. at 455, 562 S.E.2d at 681. In workers' compensation cases, the Appellate Panel is the ultimate finder of fact. Shealy v. Aiken County, 341 S.C. 448, 455, 535 S.E.2d 438, 442 (2000); Bass v. Isochem, 365 S.C. 454, 468, 617 S.E.2d 369, 376 (Ct. App. 2005); Muir, 336 S.C. at 282, 519 S.E.2d at 591. "The final determination of witness credibility and the weight to be accorded evidence is reserved to the

Appellate Panel." Frame, 357 S.C. at 528, 593 S.E.2d at 495 (citing Shealy v. Aiken County, 341 S.C. 448, 535 S.E.2d 438 (2000); Parsons v. Georgetown Steel, 318 S.C. 63, 456 S.E.2d 366 (1995); Gibson, 338 S.C. at 517, 526 S.E.2d at 729). The findings of an administrative agency are presumed correct and will be set aside only if unsupported by substantial evidence. Anderson v. Baptist Med. Ctr., 343 S.C. 487, 492, 541 S.E.2d 526, 528 (2001); Hicks v. Piedmont Cold Storage, Inc., 335 S.C. 46, 48, 515 S.E.2d 532, 533 (1999).

LAW/ANALYSIS

The Fund argues the circuit court erred in affirming the Appellate Panel's finding Total Home was entitled to transfer liability to the Fund under section 42-1-415 of the South Carolina Code (Supp. 2005). The Fund contends that because the certificate Iyanel presented to Total Home was unsigned, Total Home failed to comply with all the statutory provisions. We disagree.

Section 42-1-415 provides:

> (A) Notwithstanding any other provision of law, upon the submission of documentation to the commission that a . . . subcontractor has represented himself to a higher tier . . . contractor . . . as having workers' compensation insurance at the time the . . . subcontractor was engaged to perform work, the higher tier . . . contractor . . . must be relieved of any and all liability under this title except as specifically provided in this section. In the event that employer is uninsured, regardless of the number of employees that employer has, the higher tier . . . contractor . . . or his insurance carrier shall in the first instance pay all benefits due under this title. The higher tier . . . contractor . . . or his insurance carrier may petition the commission to transfer responsibility for continuing compensation and benefits to the