

LLR - SOUTH CAROLINA MANUFACTURED HOUSING BOARD
Synergy Business Park, Kingtree Building
110 Centerview Drive, Kingtree Building, Room 202-02
Columbia, South Carolina 29210

MINUTES

Tuesday, December 9, 2014

10:00 A.M.

Mr. Randall Altman, Board Chairman announced that the meeting was held in accordance with §30-4-80 of the South Carolina Freedom of Information Act and, by notice, mailed to all requesting persons, organizations, and news media. In addition, notice was posted on the bulletin boards at the main entrance of the Kingtree Building.

WELCOME AND CALL TO ORDER:

Chairman Altman called the regular meeting of the South Carolina Manufactured Housing Board to order at 10:00 a.m. Other board members present for the meeting included: Richard Bagwell, Dorothy W. Edwards, Wayne E. Iseman, W. Marion Moore, Arthur Newton, David A. Randall, Adam Reese and Patrick M. Smith.

Staff members participating in the regular meeting included: Hardwick Stuart, Advice Counsel, Tracey Perlman, Disciplinary Counsel, Todd Bond, Chief Investigator, R.J. Kirby, Investigator, Gwyn Morris, Investigator, Roger Lowe, Administrator and Crystal George, Program Assistant.

Others present participating in the meeting included: Steven Aysch, Jerry T., David Lad, Teresa A. Bobby W. C., Ken B. Jason Talley, Deanna Venezia, James Howell, Billie Attaway, Laurel LaFlamme and Mark Dillard, Manufactured Housing Institute of South Carolina and Carla S. Dominick, Court Reporter,

Approval of Agenda:

Tuesday, December 9, 2014

MOTION:

Mr. Randall made a motion to accept the Tuesday, December 9, 2014 agenda. Mr. Smith seconded the motion, which carried unanimously.

Approval of Minutes:

Tuesday, September 9, 2014

MOTION:

Mr. Randall made a motion to amend the September 9, 2014 Minutes to read, Mr. Randall instead of Ms. Randall, under Approval of Agenda. Mr. Iseman seconded the motion, which carried unanimously.

Approval/Disapproval of Absent Members:

MOTION:

Mr. Randall made a motion, at the March 10, 2015 regular meeting, to amend the December 9, 2014 Minutes to include excusing the absence of Michael Levy. Mr. Reese seconded the motion, which carried unanimously.

Chairman's Remarks:

Chairman Altman welcomed and thanked everyone in attendance. He had no further comment.

Administrator's Remarks:

Mr. Lowe welcomed everyone in attendance. Mr. Lowe reminded the board about the 2015 Manufactured Housing License Plates. Members are to contact Mr. Lowe should they desire to order these special license plates.

Office of Investigations and Enforcement (OIE):

Todd Bond

OIE Status Report – There was a total of 64 complaints received from January 1, 2014 through December 2, 2014. Currently, there are 6 active investigations and 53 closed cases. IRC met on October 22, 2014 to review 15 cases. Of the 15 cases, 12 was dismissed, 1 formal complaint with a citation, 1 letter of caution and 1 violation of a C&D.

MOTION:

Mr. Randall made a motion to accept the IRC Report. Ms. Edwards seconded the motion, which carried unanimously.

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Office of General Counsel:

Tracey Perlman

OGC Report – As of December 2, 2014 there are 6 open cases, 1 pending action, 4 pending hearings (2 hearing held today), 1 pending Final Order and 0 closed case.

Unfinished Business:

The Task Force Committee, along with a committee of industry people, met in Charleston, South Carolina on October 21, 2014 to discuss the PSI Examination and Authorized Officials

PSI Examination – Mr. Arthur M. Newton reported that the Task Force suggest that PSI exams should be less technical and focus more on the general knowledge that a salesperson would need to talk with customers. They also suggest that the current test be updated to reflect changes in state and federal law. With regard to correct test answers being marked incorrect, Mr. W. Marion Moore suggest that the correct answers which are marked as incorrect answers be flagged and changed, if appropriate. All of the questions should be covered by material in the study book. Sixty percent of text takers pass the test on the first try while the percentage of persons who take the test a second time is substantially higher. The Task Force also suggests that each board member should have a copy of the study guide. Administrator, Roger Lowe will contact PSI to discuss concerns.

MOTION:

Mr. Randall made a motion to accept Item 1, to have the test rewritten. Item 2, to include less technical questions and focus more on the general knowledge that a salesperson would need to communicate with a customer. Item 3- the South Carolina Manufactured Housing Academy provide the board test questions and Item 4, test takers can challenge the test answers. Mr. Bagwell seconded the motion, which carried unanimously.

AMENDED MOTION:

Mr. Randall made a motion to amended Item 3 to reflect that board members see all questions to the test and each member of the board should receive a copy South Carolina Business Management and Law for Manufactured Housing study book. Mr. Bagwell seconded the motion, which carried unanimously.

Authorized Official – The Task Force agreed that the Authorized Official should be required to have a salesperson’s license. They also suggest that the verbiage ‘shall’ from Reg. 79-12(C) be changed to ‘may’.

MOTION:

Mr. Iseman made a motion to adopt modification Reg. 79-12(C) and to submit the verbiage to the Legislature to make this change. Mr. Newton seconded the motion, which carried unanimously.

New Business:

Application Review

Laurel Michelle LaFlamme- Salesperson Apprentice License

Mrs. Laurel Michelle LaFlamme appeared before the board and was not represented by counsel. Mrs. LaFlamme gave testimony why she felt the board should issue a salesperson’s license.

MOTION:

Mr. Randall made a motion to approve Ms. LaFlamme for licensure. Mr. Iseman seconded the motion, which carried unanimously.

MOTION:

Mr. Randall made a motion to take a 5 minute break. Mr. Altman seconded the motion, which carried unanimously. Break was from 10:52 A.M. to 10:57 A.M

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Disciplinary Hearing

Billie Attaway d/b/a Mobile Homes R Us, LLC/

Case No.: 2014-23

Mr. Attaway appeared before the board without counsel. The board heard testimony of why no disciplinary action should be taken against Billy Attaway d/b/a Mobile Homes R Us, LLC.

MOTION:

Mr. Randall made a motion to dismiss the case. Mr. Iseman seconded the motion in order to discuss it, which carried unanimously.

MOTION:

Mr. Bagwell made a motion for discussion before dismissing the case. Mr. Iseman seconded the motion, which carried unanimously.

MOTION:

Mr. Randall withdrew his existing motion and made a motion to go into executive session for legal advice. Mr. Iseman seconded the motion, which carried unanimously.

MOTION:

Mr. Newton made a motion to come out of executive session. Mr. Bagwell seconded the motion, which carried unanimously. Executive session was from 11:42 a.m. to 11:56 a.m.

MOTION:

Mr. Iseman made a motion to find respondent in violation of Item 3, and to allow current owners to pursue any appropriate bond claim against Mobile Homes R Us, LLC. Mr. Smith seconded the motion, which carried unanimously.

MOTION:

Mr. Bagwell made a motion to recess for five minutes. Mr. Randall seconded the motion, which carried unanimously. Recess was from 11:59 am to 12:04 pm.

Beacon Homes, LLC

Case No.: 2011-51

This case was postponed.

Jerry T. Craig d/b/a Ace Trailer Sales

Case No.: 2013-54

Mr. Craig appeared before the board. He waived his right for counsel. The board heard testimony from respondent, complainant, investigators and witnesses. Disciplinary Counsel, Tracy Perlman, recommended that Mr. Craig's license be changed from lapsed to revoked.

MOTION:

Mr. Moore made a motion to go into executive session for legal advice. Mr. Newton seconded the motion, which carried unanimously.

MOTION:

Mr. Newton made a motion to come out of executive session. Mr. Moore seconded the motion, which carried unanimously. Executive session was from 3:15 pm to 3:36 pm.

MOTION:

Mr. Randall made a motion to find respondent in violation of Items 2, 3, and 4 of the Formal Complaint with each item to carry a fine of \$500.00 for a total of \$1,500.00 to be paid within 30 days of order. The last license cannot be extended until this matter is concluded and reported back to the board. Mr. Moore seconded the motion, which carried unanimously.

(These proceedings were recorded by a court reporter in order to produce a verbatim transcript, if requested, in accordance with the law.)

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Public Comments:

None

Date of Next Meeting:

Chairman Altman announced that the next regular meeting of the South Carolina Manufactured Housing Board will be Tuesday, March 10, 2015 in room 202-02 at 10:00 a.m.

Adjournment:

There being nothing further, the meeting concluded at 4:00 p.m.