

LLR - SOUTH CAROLINA MANUFACTURED HOUSING BOARD
Synergy Business Park, Kingtree Building
110 Centerview Drive, Kingtree Building, Room 105
Columbia, South Carolina 29210

MINUTES

Tuesday, September 8, 2015

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 10:02 a.m. Other board members present for the meeting included: Richard Bagwell, Dorothy W. Edwards, Wayne Iseman, Michael Levy, W. Marion Moore, Arthur Newton, David Randall, Adam Reese and Patrick Smith.

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

Others present participating in the meeting included Mark Dillard, Manufactured Housing Institute of South Carolina, Justin Barbour, Jennifer Barbour, Bruce Kelly, SC Manufactured Housing Institute, Con Eargle, SC Manufactured Housing Institute, Stanley C. Scruggs, Alice Ceesay, Contessa Glover, Scott J. Heinrich and Nadine Garrett, Court Reporter.

Approval of Agenda:

Tuesday, September 8, 2015

MOTION:

Mr. Randall made a motion to accept the Tuesday, September 8, 2015 Agenda. Mr. Iseman seconded the motion, which carried unanimously.

Approval of Minutes:

Tuesday, June 9, 2015

MOTION:

Mr. Bagwell made a motion to approve the June 9, 2015 Minutes. Mr. Levy seconded the motion, which carried unanimously.

Approval/Disapproval of Absent Members:

No Motion made. All members were present.

Chairman's Remarks:

Chairman Altman welcomed all at the meeting

Administrator's Remarks:

Mr. Lowe informed the members of the computer issues experienced at today's meeting.

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Office of Investigations and Enforcement (OIE):

Todd Bond

IRC Report - There was no IRC Report for today. Mr. Bond asked the board to recommend and appoint two alternate industry members, who are not members of the board, to serve as IRC members.

MOTION:

Mr. Randall made a motion that Mr. Dillard present a couple of names and resumes for alternate industry members at the next regular meeting. Mr. Bagwell seconded the motion, which carried unanimously.

OIE Status Report – A current status report was not available. However, Mr. Bond provided the following report. There were a total of 50 complaints received this year. Currently, there are 6 active investigations, 14 cases pending IRC, but not resolved and 50 closed cases.

Office of General Counsel (OGC):

Tracey Perlman

OGC Report – As of September 8, 2015 there are 2 cases pending hearings. Since June 5, 2015 there were no closed cases.

Unfinished Business:

There was no unfinished business.

New Business:

Request to Reconsider

Scott. J. Heinrich – MH Services, LLC – MDL. 35740

Mr. Scott J. Heinrich was present and without counsel. Mr. Heinrich appeared before the board to request that the stipulation from a previous order be reconsidered which would remove the restriction of only selling used and repossessed homes to selling new homes as well.

MOTION:

Mr. Randall made a motion to table Mr. Heinrich's request until he presents the board with written documentation from the company.

MOTION:

Mr. Levy amended the motion to include a formal re-application process to begin in conjunction with Mr. Heinrich's request.

MOTION:

Mr. Bagwell made a motion to go into executive session for legal advice. Mr. Randall Seconded the motion, which carried unanimously.

MOTION:

Mr. Randall made a motion to come out of executive session. Mr. Iseman seconded the motion, which carried unanimously. No action was taken during executive session other than to obtain legal advice from Advice Counsel.

MOTION:

Mr. Moore made a motion to approve the request to sell new mobile homes to be limited to current location of the business. Mr. Smith seconded the motion, which carried unanimously.

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New Business cont'd

Application Review

Stanley C. Scruggs – Stanley's Mobil Home Transport

Mr. Stanley C. Scruggs was present and without counsel. Mr. Scruggs appeared before the board to determine whether a Manufactured Housing Contractor's License can be issued. The board heard testimony from Mr. Scruggs.

MOTION:

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

MOTION:

Mr. Bagwell made a motion to come out of executive session. Mr. Randall seconded the motion, which carried unanimously. No action was during executive session other than to obtain legal advice from Advice Counsel.

MOTION:

Mr. Iceman made a motion to continue the request until the next meeting to give staff an opportunity to review the application including the bond, the criminal record and applicant's license in North Carolina for outstanding claims and to confirm that the license was issued appropriately. Mr. Randall seconded the motion, which carried unanimously.

Disciplinary Hearing

Michael S. Reed dba Low Country Mobile Home Movers – MCO.33523

Mr. Michael S. Reed was not present due to the incorrect mailing address. Case reschedule for the next meeting on December 8, 2015.

Jerry W. Poor – MS. 12349

Mr. Michael S. Reed was present and without counsel. Mr. Reed appeared before the board to determine whether he should have disciplinary action taken against his license. The board heard testimony from Mr. Reed.

MOTION:

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

MOTION:

Mr. Bagwell made a motion to come out of executive session. Mr. Reese seconded the motion, which carried unanimously. No action was taken during executive session other than to obtain legal advice from Advice Counsel.

MOTION:

Mr. Iseman made a motion that Mr. Poor makes full restitution to Ms. Ceesay in the amount of \$3000, pay the administrative cost to the board of \$240, pay outstanding fine of \$1000, pay additional penalty of \$2500 (\$500 per violation) and discontinue the sale of manufactured homes without a license. All to be satisfied within 90 days from the date of the order or the matter be referred to the Administrative Law Judge by the board. Mr. Levy seconded the motion which carried unanimously.

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Discussion: Clarification on Retail Dealers Responsibility to Have Licensed Salesperson On-site

Staff and investigator had a concern about what constitutes an offer to sell manufactured houses when there is no licensed salesperson on-site. Mr. Iseman recommended that Mr. Mark Dillard, Manufactured Housing Institute of South Carolina put something in their newsletter stating that it is not a requirement that licensed salespeople be on-site at all time because it is absolutely a violation for anyone other than a licensed salesperson to offer a home for sale.

Public Comments:

Mark Dillard, Manufactured Housing Institute of South Carolina stated that Jane Balla who was the general public member for this board about 10 years ago is in hospice. Mr. Dillard invited everyone to the October 14, 2015 statewide association meeting in Charleston, SC. He also stated that MHISC is available to post any interpretation from the board and policy or a difference in the practices of investigator in their newsletter.

Date of Next Meeting:

Chairman Altman announced that the next regular meeting of the South Carolina Manufactured Housing Board will be Tuesday, December 8, 2015.

Adjournment:

MOTION:

Mr. Newton made a motion to adjourn the Tuesday, September 8, 2015 meeting. Mr. Randall seconded the motion, which carried unanimously. There being nothing further, the meeting adjourned at 12:34 p.m.

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