

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND  
REGULATION BEFORE THE MANUFACTURED HOUSING BOARD

## **BOARD MEETING**

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**Tuesday, March 13, 2012**  
10:05 a.m. - 11:05 a.m.

The South Carolina Manufactured Housing Board meeting was taken at the Synergy Office Park, Kingstree Building, Room 105, 110 Centerview Drive, Columbia, South Carolina, on the 13th day of March, 2012 before Amanda Creel Godfrey, Court Reporter and Notary Public in and for the State of South Carolina.

APPEARANCES:

BOARD MEMBERS:

Randall A. Altman, Chairman  
 Paul H. Laurent  
 Michael N. Levy  
 W. Marion Moore  
 Dorothy Edwards  
 Clarence M. Strickland  
 Patrick Smith  
 Adolf Zubia  
 T. Sharon Johnson

ADVISING THE BOARD:

Sheridon Spoon, Esquire  
 South Carolina Department of Labor,  
 Licensing and Regulations  
 Office of General Counsel  
 110 Centerview Drive  
 Post Office Box 11329  
 Columbia, South Carolina 29211-1329  
 Attorney for the South Carolina Department  
 of Labor, Licensing and Regulation

Also Present:

Gary Wiggins, Administrator  
 Lil Ann Gray, Program Coordinator

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**EXHIBIT**

(There were no exhibits marked during the Board Meeting.)

(Copies of the Agenda, OGC Case Load Statistics and Manufactured Housing Board OIE Status Report are attached hereto.)

**STIPULATIONS**

It is stipulated and agreed that this hearing is being taken pursuant to the Administrative Procedures Act, the Practice Act and Regulations of the Board.

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CALL TO ORDER:

**MR. CHAIRPERSON:** Let's call this meeting to order.

STATEMENT OF PUBLIC NOTICE:

**MR. CHAIRPERSON:** Public notice of this meeting was properly posted at the Manufactured Housing Board office at Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act. Now, I'd like turn the meeting over to Mr. Wiggins.

**MR. WIGGINS:** Thank you, Mr. Chairman. The first item of business is the election of officers.

ELECTION OF OFFICERS:

CHAIRMAN:

**MR. WIGGINS:** I'll ask for nominations for chairman.

**MR. STRICKLAND:** I'd like to nominate Mr. Randall Altman.

**MR. LEVY:** Second

**MR. WIGGINS:** We have a nomination and a second. Are there any other nominations?

**COURT REPORTER:** I'm sorry, I didn't hear who did the second?

**MR. LEVY:** I did.

1 COURT REPORTER: I'm sorry, thank you.

2 MR. LEVY: Yes, ma'am.

3 MR. WIGGINS: Any other nominations? Are there any  
4 other nominations? We have a motion and a  
5 second. All in favor of the motion signify by  
6 saying aye.

7 (Ayes are heard)

8 MR. WIGGINS: Any opposed?

9 (No response is heard)

10 MR. WIGGINS: Mr. Chairman?

11 MR. CHAIRMAN: Okay. Thank you. I don't know if  
12 that's good or bad that nobody else wants it,  
13 but we'll go on. We need -- the floor is open  
14 now for nominations for vice-chairman.

15 VICE-CHAIRMAN:

16 MR. STRICKLAND: Mr. Paul Laurent.

17 MR. CHAIRMAN: I've got a nomination. I need a  
18 second.

19 MR. LEVY: Second.

20 MR. CHAIRMAN: Nomination and second for Mr. Paul  
21 Laurent. All in favor, aye?

22 (Ayes are heard)

23 MR. CHAIRMAN: Ayes have it. Okay. We'll move on  
24 then.

25 APPROVAL OF MINUTES:

1 MR. CHAIRMAN: If you'll look over the agenda. If  
2 we'll get an approval of the agenda for today.  
3 I don't see any -- do we have any -- don't have  
4 any corrections or anything to the agenda from  
5 what we initially got? I don't see, so. I  
6 need to get someone to make a motion to approve  
7 as presented.

8 MR. LAURENT: I make the motion.

9 MR. CHAIRMAN: I need a second on that.

10 MR. LEVY: Second.

11 MR. CHAIRMAN: I've got a motion and a second. All  
12 in favor, aye?

13 (Ayes are heard)

14 MR. CHAIRMAN: The minutes?

15 APPROVAL OF MINUTES:

16 MR. CHAIRMAN: We didn't get a copy of the minutes.

17 MR. WIGGINS: Mr. Chairman, we had a little bit of a  
18 glitch with the minutes so we're going to have  
19 to ask that the Board carry the minutes over --

20 MR. CHAIRMAN: That's fine.

21 MR. WIGGINS: -- 'til the next meeting.

22 MR. CHAIRMAN: Okay. I need, if you would, someone  
23 give me a motion to carry the minutes over to  
24 the next meeting.

25 MR. STRICKLAND: So moved.

1 MR. CHAIRMAN: I need a second on that.

2 MR. MOORE: Second.

3 MR. CHAIRMAN: Okay. All in favor?

4 (Ayes are heard)

5 APPROVAL/DISAPPROVAL OF ABSENT MEMBERS:

6 MR. CHAIRMAN: I think, moving on to the next item,  
7 I think the only one missing today I think is  
8 Mr. Heizman and Ms. Johnson.

9 MR. SMITH: Sharon Johnson.

10 MR. CHAIRMAN: Sharon Johnson and Mr. Heizman.  
11 Okay. Can we get a -- I need a motion to  
12 approve those absences.

13 MR. LAURENT: I make a motion we approve the  
14 absences.

15 MR. CHAIRMAN: I have a motion, need a second on  
16 that if I could, please.

17 MR. SMITH: Second.

18 MR. CHAIRMAN: I've got a second from Mr. Smith.  
19 All in favor, aye?

20 (Ayes are heard)

21 PRESENTATION OF NEW MEMBERS:

22 MR. CHAIRMAN: Okay. Presentation of new members.  
23 Mr. Wiggins, do you want to present the new  
24 members to us, if you would.

25 MR. WIGGINS: We have two new members. We have Ms.

1 Edwards, Dorothy Edwards and Mr. Marion Moore.  
2 And what we customarily do is just ask them to  
3 say a few words about themselves and introduce  
4 themselves to the Board.

5 **MS. EDWARDS:** Good morning. My name is Dorothy  
6 Edwards and I'm from Sumter County. I work for  
7 Sumter County government in the tax office.  
8 I'm the deputy tax collector. I won't tell you  
9 how long I've been working with the county but  
10 it's been a minute. I'm married.

11 **MR. WIGGINS:** Mr. Moore?

12 **MR. MOORE:** I'm from Greenwood. I've been in the  
13 manufactured housing business all my life. My  
14 dad started out business in 1965. It's -- my  
15 brother and I still operate it. I'm a licensed  
16 general contractor and residential builder. We  
17 do modular and manufactured housing. And I'm  
18 very interested in keeping the manufactured  
19 housing business up to par.

20 **MR. CHAIRMAN:** Thank y'all. Glad to have y'all on  
21 the Board with us.

22 **MR. CHAIRMAN:** The next is Chairman's Remarks, so.

23 **MR. ZUBIA:** Do you want us to introduce ourselves to  
24 the others?

25 **MR. CHAIRMAN:** Yeah, that would be good if they

1 haven't met. Clarence, do you want to  
2 introduce yourself and tell them what you used  
3 to do?

4 **MR. STRICKLAND:** We haven't got enough time. No,  
5 I'm Clarence Strickland. I guess I'm still  
6 representative of retail dealers. I've been  
7 retired for about six or seven years now. I  
8 spent a little over forty-five years, from  
9 about ten years old on retail lots from -- to  
10 president of my own company. And retired about  
11 six years ago. Live down in North Myrtle Beach  
12 and to be honest with you, I wish I was still  
13 working. But I really love this industry and  
14 we've got some good people in here. Looks like  
15 driving around the state we've about cleaned it  
16 up.

17 **MR. SMITH:** And I'm Patrick Smith. I'm a Nationwide  
18 Insurance agent sitting on the property and  
19 casualty insurance side for the Board. I've  
20 been in insurance for about twenty-two years.  
21 And I'm just -- I'm kind of new to this as  
22 well, this is only my second meeting, so -- but  
23 looking forward to working with the group.

24 **MR. ZUBIA:** I'm Adolf Zubia. I'm the State Fire  
25 Marshall. I'm kind of a consultant to this

1 group and ex officio member that doesn't have  
2 a vote, so keep me in line.

3 **MR. CHAIRMAN:** I'm Randy Altman. I'm from Florence.  
4 I work in the banking industry and been in that  
5 about thirty years now. I've been on the Board  
6 twelve years, ten or twelve years I think now.

7 **MR. LAURENT:** I'm Paul Laurent. I'm from  
8 Summerville and I manage Dixie George Jones  
9 Homes in Moncks Corner. And I've been in the  
10 industry about thirty-six years. And I've been  
11 fifteen or fourteen years on the Board.

12 **MR. LEVY:** I'm Michael Levy. I'm the fire service  
13 representative. I've been in the fire service  
14 for over thirty years.

15 **MR. CHAIRMAN:** All right. Everybody's introduced  
16 themselves, appreciate that.

17 CHAIRMAN'S REMARKS:

18 **MR. CHAIRMAN:** I really -- I don't have any remarks  
19 to make.

20 ADMINISTRATOR'S REMARKS FOR INFORMATION:

21 **MR. CHAIRMAN:** Mr. Wiggins, do you have any?

22 **MR. WIGGINS:** Yes, Mr. Chairman, I have two remarks.  
23 First of all I'd like to introduce Ms. Lil Ann  
24 Gray.

25 **MS. GRAY:** Morning.

1 (Ms. T. Sharon Johnson entered the room.)

2 **MR. WIGGINS:** Ms. Gray will be working with the  
3 Manufactured Housing Board staff and she is  
4 actually working performing the same  
5 responsibilities that I'm performing, so if you  
6 need anything and I'm not available, by all  
7 means, contact Ms. Gray. And the second issue  
8 I want to bring up is the regulations. If you  
9 recall we had a telephone meeting a few months  
10 back dealing with our regulations. They are  
11 going to be heard before the LCI Committee on  
12 the 9th of April. So, if anybody's interested,  
13 regs will be up at that time. And I will keep  
14 you posted but at any point if you're not able  
15 attend I'll be happy to get a message out after  
16 the meeting and let you know what happened.

17 **MR. CHAIRMAN:** Thank you very much. All right.  
18 Next is Office of Investigations and  
19 Enforcement, Mr. Todd Bond, is he here? Or  
20 someone representing him?

21 **MR. WIGGINS:** I don't see him.

22 **MR. CHAIRMAN:** Okay. And Office of General Counsel,  
23 Georgia Lewis? We'll come back to that.

24 **OLD BUSINESS:**

25 **MR. CHAIRMAN:** Do we have any old business that we

1 need to cover at this time?

2 (No response is heard)

3 NEW BUSINESS:

4 MR. CHAIRMAN: Any new business?

5 (No response is heard)

6 MR. CHAIRMAN: No new business, okay. Next on the  
7 agenda we have an Application Hearing for Ms.  
8 Ellen E. Pontieri-Jones. Is Ms. Jones here?

9 MR. SPOON: I see Ms. Jones back there. Ma'am, is  
10 that you?

11 MS. PONTIERI-JONES: Yes.

12 MR. SPOON: Okay. They've called your -- your  
13 hearing has been called. If you would like to  
14 come up to that chair there, right in front of  
15 you.

16 (Application Hearing is conducted at this time from  
17 10:15 a.m. until 10:51 a.m. and contained in a  
18 separate transcript.)

19 MR. CHAIRMAN: Okay. We want to go back to Office  
20 of Investigations and Enforcement. Mr. Bond?

21 OFFICE OF INVESTIGATIONS AND ENFORCEMENT:

22 MR. BOND: I'm sorry I was late ya'll, I apologize  
23 for that.

24 COURT REPORTER: I'm sorry, can I get your name?

25 MR. BOND: My name is Todd Bond.

1 COURT REPORTER: Thank you.

2 MR. BOND: Chief Investigator.

3 COURT REPORTER: Thank you.

4 MR. BOND: Since the first of this year we have  
5 received thirteen complaints. Currently of  
6 those thirteen, five are still in active  
7 investigation. We also have one left over from  
8 2011 that's an active investigation. We have  
9 eight that are pending closure and thirteen  
10 from 2011 -- eight for 2012 that are pending  
11 closure, thirteen from 2011 that are pending  
12 closure. Active cases, the average age is 62  
13 days old and that was as of March the 8th when  
14 I pulled this report. In 2011 we've received  
15 a total of fifty-three complaints, and as I  
16 stated earlier one of those remains active.  
17 And R.J. Kirby who does, primarily does the  
18 investigation for the Manufactured Housing, has  
19 done twenty-one dealer lot inspections through  
20 March 8th. He performed fifty -- excuse me,  
21 ninety dealer lot inspections since 2011.

22 MR. CHAIRMAN: Thank you, Todd.

23 MR. BOND: All right.

24 MR. CHAIRMAN: Okay. Office of General Counsel, Ms.  
25 Lewis.

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OFFICE OF GENERAL COUNSEL:

**MS. LEWIS:** Hi. I'm Gigi Lewis and I'm with the Office of General Counsel. It's G-I-G-I. And as of March 13, 2012 we have one open case for Manufactured Housing and one pending hearing.

**MR. CHAIRMAN:** Thank you.

**MS. LEWIS:** Thank you.

**MR. CHAIRMAN:** All right. Do we have any further comments?

PUBLIC COMMENTS:

**MR. DILLARD:** Just very briefly, Mr. Chairman, I'm Mark Dillard. LLR's website is probably the best it's ever been if y'all have looked at it kind of recently. One suggestion I was going to make, there is a place where you can find past fines, you know, violations against licensees. And I was looking at it this week and there seems to be about twelve people for the last ten years, so I don't know if they're still working on that or maybe there's some category to weave out that might be worth -- because that is a useful service for the public. Let's say you're a lender or manufacturer, it's nice to be able to go on that website and see, you know, who's been

1           naughty and who's been nice. Thank you, sir.

2   **MR. CHAIRMAN:** Thank you, Mark. Any more comments  
3           from anyone?

4                           **(No response is heard)**

5   **MR. CHAIRMAN:** Well, our next meeting is June 12th,  
6           2012. If there's no more comments, I --

7   **MR. MOORE:** I've got one.

8   **MR. CHAIRMAN:** Okay.

9   **MR. MOORE:** I've got one question. As much as I  
10           travel around in my business I'm seeing a lot  
11           more of individuals that are purchasing these  
12           repossessed homes from the financial  
13           institutions and they're parked everywhere  
14           around. And there's got to be an enormous  
15           amount of people who are operating, selling  
16           more than three homes a year without a license.  
17           Albeit they are used, but it's pretty obvious  
18           that all these folks -- I went on the website  
19           to look who was licensed and everything and  
20           it's pretty obvious that some of these  
21           locations are not licensed. What is our normal  
22           procedure right here for bird dogging because  
23           it takes legal business away from the people  
24           who are trying to do it right. And part of the  
25           problem is our financial institutions who have

1 an outlet to these individuals, they don't  
2 require to see a license.

3 **MR. BOND:** If I can speak to that just a little.  
4 R.J. has so stated that he's seen an uptake in  
5 the number of cases -- number of citations he's  
6 issuing for unlicensed practice. What we've  
7 discovered recently is not every citation that  
8 was issued for unlicensed practice had a case  
9 number attached to it. So we've had a little  
10 difficulty in tracking the number of unlicensed  
11 practice. So it reflects in our numbers as  
12 well. We've changed that. So now that every  
13 -- every time he issues a citation for  
14 unlicensed practice there's going to be a case  
15 number attached to it. So, you'll be able to  
16 see as well, numbers where it's grown. But I  
17 agree with you, there has been growth in the  
18 number of unlicensed practice.

19 **MR. LEVY:** And a follow-up to that.

20 **MR. BOND:** Yes, sir.

21 **MR. LEVY:** Subsequent to the unlicensed citation and  
22 settling of that case, if someone does apply  
23 for license to the Board, will we be aware of  
24 the prior infraction?

25 **MR. BOND:** Would they be aware of the prior

1           infracation if they subsequently applied for a  
2           license?

3   **MS. GRAY:**     The citation, if not appealed from,  
4           becomes a final order and will be posted at the  
5           website.

6   **MR. LEVY:**     But it will merge with that person?

7   **MR. BOND:**     The way it's done with the other Boards  
8           is that if a person isn't licensed, there's a  
9           revenue entry into our computer system so that  
10          person is out there, he has a citation attached  
11          to it. That person's name is flagged. If he  
12          applies for the license, then yes, they know  
13          fully about it. So I'm assuming we'll have the  
14          same -- a similar if not the same --

15   **MR. LEVY:**     Very good.

16   **MR. BOND:**     -- type of --

17   **MR. LEVY:**     So really any concerns from anyone around  
18          the state regarding the status of a -- or  
19          questionable of a site or someone conducting  
20          used sales business should be directed towards  
21          your --

22   **MR. BOND:**     Towards the Office of Investigations and  
23          Enforcement, yes, sir.

24   **MR. LEVY:**     Yes, sir.

25   **MR. BOND:**     Absolutely.

1 **MR. CHAIRMAN:** And they can just actually call the  
2 office here personally if somebody wants to  
3 report somebody --

4 **MR. BOND:** If they want to call us and report it, we  
5 -- I mean, I'll be honest with you, we  
6 typically like for them to send in a written  
7 complaint to us.

8 **MR. CHAIRMAN:** Yeah, to go on.

9 **MR. BOND:** To have something to go on and some  
10 evidence to indicate that it's going on. But  
11 we've opened up on phone calls before. I don't  
12 say that we make a big practice of that.

13 **MR. CHAIRMAN:** I've actually had someone walk up to  
14 me in church a couple of months ago and wanted  
15 to report somebody to me. And I told them, you  
16 know, go online and fill out the form.

17 **MR. BOND:** That's -- bless you.

18 **MR. CHAIRMAN:** Whether he did or didn't, but that's  
19 what I told him.

20 **MR. BOND:** Yes, sir. Yes, sir. That's what we --  
21 that's our preference, but we'll -- if we have  
22 a fight we'll look into it.

23 **MR. CHAIRMAN:** Any more comments? If not --

24 **MS. GRAY:** Excuse me, if I could clarify something.  
25 The citation itself would not be -- I'm

1           correcting myself.    The citation itself for  
2           unlicensed practice would become final but it  
3           would not be posted on the website.    However,  
4           a cease and desist order is also issued and  
5           that will be posted at the website under  
6           disciplinary action.

7   **MR. CHAIRMAN:**   Yes, Mark?

8   **MR. DILLARD:**    Would those citations be available  
9           under the Freedom of Information even though  
10          they're not posted on the website?

11   **MR. BOND:**    Yes, sir.

12   **MR. DILLARD:**    Who would be the contact point for  
13          that --

14   **MR. BOND:**    I'm going to point my finger at y'all.

15   **MS. GRAY:**    Yes, the administrator.

16   **MR. BOND:**    Yes, either one of us can get it to the  
17          right place.

18   **MR. DILLARD:**    Okay, thank you.

19   **MR. CHAIRMAN:**   Okay.    I'll entertain a motion to  
20          adjourn.

21   **MR. LEVY:**    So moved.

22   **MR. CHAIRMAN:**   Second?

23   **MR. MOORE:**    Second.

24   **MR. CHAIRMAN:**   We're adjourned.

25   **(There being nothing further, the Board meeting**

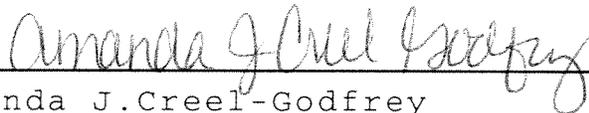
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CERTIFICATE

This is to certify that the within board meeting consisting of Twenty-One (21) pages, is a true and correct transcript of the testimony given; said hearing was reported by the method of Stenomask with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on April 2, 2012.



Amanda J. Creel-Godfrey  
Court Reporter

Notary Public for South Carolina  
My Commission Expires: August 17, 2021

South Carolina Manufactured Housing Board  
Tuesday, March 13, 2012, 10:00 A. M.  
Synergy Business Park, Kingstree Building  
110 Centerview Drive, Conference Room 105  
Columbia, South Carolina

View the Board Meeting on-line at [www.llr.state.sc.us/POL](http://www.llr.state.sc.us/POL)

Called To Order – Public notice of this meeting was properly posted at the Manufactured Housing Board office, Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

1. Call to Order
2. Election of Officers
3. Approval of Agenda
4. Approval of Minutes – Tuesday, December 13, 2011
5. Approval/Disapproval of Absent Members
6. Presentation of new members – Dorothy W. Edwards, W. Marion Moore
7. Chairman's Remarks
8. Administrator's Remarks For Information
9. Office of Investigations and Enforcement - Todd Bond
10. Office of General Council- Georgia Lewis
11. Old Business
12. New Business
13. Application Hearing - Ellen E. Pontier-Jones
14. Public Comments
15. Date of next Meeting - June 12, 2012, Room 108 Kingstree Building
16. Adjournment

This agenda is subject to change

# OGC Case Load Statistics

As of March 13, 2012

Board	Open Cases	Pending Actions	Pending C/MOAs	Pending Hearings	Pending Final Order Hearings	Pending Final Orders	Closed*	Appeals
Manufactured	1	0	0	1	0	0	0	0

\*Closed Cases on or after 1/1/11

# Manufactured Housing Board

## OIE Status Report

March 13, 2012

<b>Total Complaints Received 1/1/12-3/8/12</b>	<b>13</b>
<b>Active Investigations</b>	<b>5 (2012) and 1 (2011)</b>
Closed	0
<b>Do Not Open</b>	<b>0</b>
Pending IRC	0
<b>Pending Closure</b>	<b>8 (2012) and 13 (2011)</b>

Average Age of Active Cases is 62 days

53 Complaints received in 2011; one remains in active status.

Investigator Kirby has performed 21 Dealer Lot Inspections through March 8, 2012. He performed 90 Dealer Lot Inspections in 2011.