

**South Carolina Residential Builders Commission  
Board Meeting Minutes, Wednesday, January 10, 2007  
Columbia, South Carolina**

**MEMBERS PRESENT**

**John Curl  
Al Bailey  
Frank Clark  
Gale Crawford  
Caleb Davis  
Timothy Roberts  
Derrick Williams**

**OTHERS PRESENT**

**Rick Wilson, Deputy General Counsel  
Louis Rosen, Hearing Advisor  
Kent Lesesne, Staff Attorney  
Charles McAlister, Administrator  
Charles Ido, Chief of Investigations, OIE  
Christine Driver, Administrative Assistant  
Patrice Deas, Administrative Assistant  
Faye Grainger, Court Reporter**

**MEMBERS ABSENT**

**Public Notice of this meeting was properly posted at the Board office and provided to any requesting persons, organizations, or news media in compliance with Section 30-4-80 of the S. C. Freedom of Information Act. A quorum was present at all times.**

**Call to Order**

Mr. John Curl, Chairman, called the meeting to order.

**Approval of Minutes**

**Motion:** Mr. Davis moved to approve the minutes of November 8, 2006 meeting. Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

**Approve recommendations of the Investigative Review Committee**

**Motion:** Mr. Bailey moved to approve the recommendations of the Investigative Review Committee for November 7, 2006 and December 5, 2006. Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

**Approval of Recommendations of the Administrative Hearing Officer, David Bennett, for Citation Appeals**

Mr. McAlister informed the Commission that Mr. Scott Jones was appearing on behalf of his father Wade H. Jones, Jr.

**South Carolina Residential Builders Commission**  
**Board Meeting Minutes, Wednesday, January 10, 2007**  
**Page 2 of 9**

Mr. Scott Jones informed the Commission that his father Wade H. Jones, Jr. has held a residential builders license for thirty-five years. Mr. Scott Jones stated that two years ago he and his partner started a business under the name of Old School Construction. Mr. Wade H. Jones, Jr. held the license for the company and Scott Jones and his partner did the work. Mr. Scott Jones stated that he informed the complainant, Mr. Arnold Bloom, how the company was set up and that Wade H. Jones, Jr. had nothing to do with Old School Construction. Mr. Scott Jones further stated that they did over \$180,000.00 worth of work for Mr. Bloom and that Mr. Bloom owes Old School Construction about \$32,000.00. Mr. Bloom has no complaint with the workmanship, only how Old School Construction was structured. Mr. Scott Jones wanted to know if the citation issued to Mr. Wade H. Jones, Jr. can be removed from his record. Mr. Scott Jones informed the Commission that he assumed that Old School Construction was properly licensed.

Mr. John Curl informed Mr. Scott Jones that this Commission cannot expunge the citation from Mr. Wade H. Jones, Jr. record, and that they did the right thing by paying the fine.

Mr. Scott Jones informed the Commission that, due to their decision, that leaves him no recourse to retrieve any of the monies that Mr. Bloom owes Old School Construction.

**Motion:** Ms. Crawford moved to approve the recommendations of the Administrative Hearing Officer, David Bennett, for Citation Appeals on behalf of Wade H. Jones, Jr., Scott Jones, Kenneth Ball, and David Hunt. Mr. Bailey seconded the motion, and with all members present voting favorably, the motion carried.

**Approve Recommendation of Administrative Hearing Officer, David Bennett, for Bond Hearings**

**Motion:** Mr. Williams moved to approve the recommendations of the Administrative Hearing Officer, David Bennett, for Bond Hearing on behalf of John Derrick Weaver. Mr. Davis seconded the motion, and with all members present voting favorably, the motion carried.

**Approve Recommendations of Administrator, Charles McAlister, for Bond Claims**

Mr. McAlister informed the Commission that a bond hearing was held on behalf of Robert Perrineau, and approved by the Commission in the amount of \$6,700.00. Ms. Rivers objected to the amount of the bond claim and the records were checked confirming an error in the amount submitted. The Administrative Hearing Officer, David Bennett, recommended approval of the bond claim in the amount of \$9,100.00. Mr. McAlister is recommending that the bond claim be modified to \$9,100.00 to include the additional items that Mr. Bennett approved.

**Motion:** Mr. Bailey moved to approve the recommendations of the Administrator, Charles

**South Carolina Residential Builders Commission**  
**Board Meeting Minutes, Wednesday, January 10, 2007**  
**Page 3 of 9**

McAlister, for Bond Claims on behalf of John Derrick Weaver and Robert Perrineau with modifications. Ms. Crawford seconded the motion, and with all members present voting favorably, the motion carried.

**Request to review Section 40-59-220(C) – Surety Bond v. Financial Statement**

Donald O. Carpenter – Mr. McAlister informed the Commission that Mr. Carpenter sent him a letter and withdrew his request for an appearance before the full Commission.

**Request for Reinstatement of License**

Ramon Robinson – Mr. McAlister informed the Commission that Ramon Robinson's residential specialty contractor's registration was revoked. Mr. Robinson was working outside the scope of his registration by adding an addition to a home. A bond hearing was held on October 26, 2004 and the bonding company was notified to pay the bond claim. Mr. McAlister stated that the bonding company will only pay for the work performed under his registration in the classifications of drywall, masonry, and carpentry.

Mr. Robinson informed the Commission that he was not aware that he could not do work outside his classifications and that he was limited to only three areas of construction. Mr. Robinson stated that he has taken a course in residential construction and has passed the exam given by PSI. Mr. Robinson requested that his residential specialty contractor's registration be reinstated and that he be allowed to pursue a residential builder's license.

Mr. Robinson stated that Ms. Cheatham hired him to add on a room and a bathroom to her home. The county would not allow Mr. Robinson to pull a permit to do the project because he was not a licensed residential builder. Mr. Robinson informed Ms. Cheatham that he could not pull the permit and Ms. Cheatham pulled the permit as owner/builder and he worked for her as supervisor of the project. Mr. Robinson stated that he is willing to pay Ms. Cheatham whatever she paid his workers and resolve this matter and have his registration reinstated.

Ms. Cheatham stated that Mr. Robinson misrepresented himself as a residential builder. Mr. Robinson gave her an estimate of \$17,900.00 to build an addition to her home. Mr. Robinson put in the foundation and did not return to the project for two months. Mr. Robinson returned to and continued construction but did not cover the roof to prevent water damage. After a heavy rain the ceiling in her bedroom and bathroom fell in. Ms. Cheatham stated that her homeowner's insurance company paid, \$500.00 deductible, for the damage to her ceilings. Ms. Cheatham stated that she has paid over \$23,000.00 to correct the work that Mr. Robinson did to her home and it still is not complete. Ms. Cheatham was issued a letter by the building code official to remove debris from her yard left by Mr. Robinson and she had to pay for removal of all debris.

**South Carolina Residential Builders Commission**  
**Board Meeting Minutes, Wednesday, January 10, 2007**  
**Page 4 of 9**

**Motion:** Mr. Bailey moved to deny reinstatement of Mr. Robinson's residential specialty contractor's registration until staff receives a letter from Ms. Cheatham stating that she has been satisfied. Mr. Davis seconded the motion, and with all members present voting favorably, the motion carried.

Mr. Kent Lesesne informed the Commission that he has turned in his resignation and taken a position with the South Carolina Association of Counties and that he has enjoyed working with the Commission for the past eight years. Ms. Christa Bell will be replacing him. Mr. Curl stated that he appreciated all the work that Kent has done for the Commission.

Damon McDuffie – Mr. McAlister informed the Commission that Mr. McDuffie has requested that his residential builder's license be reinstated. Mr. McDuffie was issued a Do Not Renew Order by the Commission, on September 13, 2006, and has an outstanding judgment in the amount of \$88,846.71.

Mr. McDuffie informed the Commission that he was not aware of the judgment, and he was only to address issues involving the Do Not Renew Order issued against him because of a complaint filed by George Adams. Mr. McDuffie stated that he did not know that he was to answer to two complaints that he only has knowledge of one complaint. He advised that he did not receive a copy of a complaint filed by Kendrick and Aisha Lusk or that he was notified of an inspection performed by the Residential Builders Commission. If a judgment has been filed against an applicant the Commission will take that into consideration before renewing a license. Mr. Curl clarified that a Do Not Renew Order was issued against Mr. McDuffie license because he did not respond to the Commission on a complaint that was filed by George Adams.

Mr. McDuffie stated if he had known of the outstanding judgment he would not have requested an appearance before the full Commission. Mr. McDuffie was under the impression that he was to address only the issues of abandonment on the complaint filed by George Adams.

Mr. Johnnie Cordero, spokesperson for Damon McDuffie advised the Commission that Mr. McDuffie, is in a difficult situation, because he is not aware as to how to present himself before the Commission. Mr. McDuffie did not receive initial notification of these proceeding and that he has been in constant contact with Mr. McAlister. He stated that Mr. McAlister did not notify Mr. McDuffie of the existence of the judgment or that the judgment would be brought up in these proceedings. The issues involved the initial complaint filed by a homeowner in a vindictive manner. Mr. Cordero advised that the situation involved a homeowner who intended to build his own structure and duped a general contractor in good standing into putting his name on the permit. When the contractor recognized that his responsibility under his license is to ensure that the building is built properly, then the builder pulled the permit on the project. Mr. McDuffie should have answered

**South Carolina Residential Builders Commission**  
**Board Meeting Minutes, Wednesday, January 10, 2007**  
**Page 5 of 9**

the complaint, but he contends that he did not receive notification of the complaint, and a comedy of errors ensued. Mr. McDuffie has been in constant contact with Mr. McAlister or with his staff and has continually tried to have his license reinstated. Mr. McDuffie should have been notified of the issues that were to be address today. Mr. Cordero is asking the Commission to reopen the case or reissue the Order so that Mr. McDuffie can take this matter to a higher level.

Mr. Wilson informed Mr. McDuffie and Mr. Cordero that they must satisfy Mr. Adams and the issue of the outstanding judgment before the Commission will consider reinstatement of his residential builder's license.

Mr. McDuffie has requested a copy of the complaints that are on file that need to be addressed before he can request reinstatement of his license in the future. Mr. McDuffie stated that he did not like Mr. McAlister's attitude or the way that he handled this matter and that Mr. McAlister was not fair or impartial.

Mr. McDuffie withdrew his motion for reinstatement of his residential builder's license at this time. Ms. Crawford moved to accept Mr. McDuffie's request to withdraw his motion for reinstatement of his residential builder's license. The motion was seconded, and with all members present voting favorably, the motion carried.

Bryan Owens – Mr. McAlister informed the Commission that a formal complaint was filed against Mr. Owens by a Regina P. Hoptay. A Do Not Renew Order was issued against Mr. Bryan Owens on October 12, 2005. Mr. Owens stated that there is only one issue left on Mr. Patterson's inspection report unresolved at this time. The problem is with two window units in the master bedroom that will not lock. M and W Window Company has addressed this issue with new window chasses.

**Motion:** Mr. Davis moved to reinstate Mr. Owens' residential builder's license for a period of six months, provided he submits proof to staff that the window issue has been resolved. Mr. Clark seconded the motion, and with all members present voting favorably, the motion carried.

**Application Review**

Eric J. Clark – Mr. McAlister informed the Commission that Mr. Clark has requested that this matter be continued. Therefore, no action was taken.

Freddie Holbert – Mr. McAlister informed the Commission that Mr. Freddie Holbert applied for a residential specialty contractor's registration to perform work in flooring covering, drywall, and carpentry. Mr. Holbert answered "yes" to question 2 on the residential specialty contractor's application inquiring about criminal convictions.

**South Carolina Residential Builders Commission**  
**Board Meeting Minutes, Wednesday, January 10, 2007**  
**Page 6 of 9**

Mr. Holbert stated that he knows that he has traffic and minor drug violations that he has had no further charges since 1999. Mr. Holbert received a degree from Greenville Technical College in residential construction in 2006 and the he is a registered barber.

**Motion:** Ms. Crawford moved to approve Mr. Holbert's application for a residential specialty contractor's registration at this time. Mr. Davis seconded the motion, and with all members present voting favorably, the motion carried.

**Brian Fullan** – Mr. McAlister informed the Commission that Mr. Fullan has requested reinstatement of his residential builder's license. Mr. Fullan has a judgment filed against him in the amount of \$144,481.00, which currently is being appealed.

Mr. Fullan stated that in 2004 he was doing business as Carolina Custom Home Builder, Inc. and entered into a contract with a homeowner. Due to numerous change orders this matter resulted in a judgment being awarded against Carolina Custom Home Builder, Inc. The company went to mediation and nothing was agreed upon. Carolina Custom Home Builder, Inc. is in the process of appealing the arbitrator's decision.

**Motion:** Mr. Davis moved to offer Mr. Fullan an agreement for a residential builder's license in a probationary status, provided he complies with conditions of probation as follows.

1. Applicant shall be issued a residential builders license, upon compliance with all requirements of licensure. The license shall be issued in a probationary status upon faithful compliance with the following terms and conditions of probation, which shall continue in effect until further Order of the Commission:

- a. Applicant shall maintain a surety bond acceptable to the Commission in the amount of Thirty Thousand and No/100 (\$30,000) Dollars. Failure to comply with this requirement shall automatically result in the immediate temporary suspension of Applicant's license until such time as full compliance has been made by Applicant.
- b. Applicant shall comply with all state and federal laws, including those governing residential building.
- c. Applicant shall appear and report to the Commission as requested by the Commission.
- d. Applicant shall promptly advise the Commission in writing of any changes in address, business, professional status, or compliance with this Agreement. Correspondence and copies of reports and notices mentioned herein shall be directed to:

**South Carolina Residential Builders Commission**  
**Board Meeting Minutes, Wednesday, January 10, 2007**  
**Page 7 of 9**

2. Upon satisfaction of the judgment or favorable, conclusion of Applicant's appeal of the judgment in this matter, Applicant shall be eligible to petition the Commission for termination of this Agreement in the Commission's discretion. At that time, Applicant shall demonstrate to the Commission's satisfaction that all of the terms and conditions of this Agreement have been fulfilled and that he should be granted full, unrestricted licensure status. At that time, the Commission, in its discretion, may grant or deny Applicant's petition, in whole or part, or otherwise modify this Agreement as the Commission may deem appropriate.

3. It is further understood and agreed that if Applicant fails to abide by any of the aforementioned terms and conditions, or if it should be indicated from reliable reports submitted to the Commission that Applicant is otherwise unable to practice with reasonable skill and safety, then Applicant's license may be immediately temporarily suspended until further Order of the Commission following hearing into the matter. It is understood and agreed that by executing this Agreement, Applicant specifically consents to waive the procedural requirements of Section 40-1-90 of the 1976 Code of Laws of South Carolina, as amended. It is understood and agreed that by executing this Agreement, Applicant specifically consents to consideration by the Commission of any appropriate sanction under Section 40-1-120 after the hearing required by this paragraph.

4. It is further understood and agreed that his Agreement does not satisfy, prejudice, or stay any disciplinary action currently pending before the Board or which may be filed in the future.

5. It is further understood and agreed that each provision of this Agreement shall be subject to review by the Commission. Applicant shall cooperate with the Commission, its attorneys, investigators, and other representatives in the investigation of Applicants practice and compliance with the provisions of this Agreement. Applicant may be required to furnish the Commission with additional information as may be deemed necessary by the Commission or its representatives. In addition to such requests, the Commission in its discretion may require Applicant to submit further documentation regarding Applicant's practice, and it is Applicant's responsibility to fully comply with all such requests in a timely fashion. Failure to satisfactorily comply with such requests will be deemed a violation of this Agreement.

Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

Andrew Joe Taffolla – Mr. McAlister informed the Commission that Mr. Taffolla submitted an application for a residential specialty contractor's registration to perform work in floor covering. Mr. Taffolla answered "yes" to question 2 on the residential specialty contractor's application inquiring about criminal convictions.

Mr. Taffolla stated that he is an ex-drug addict from California. Mr. Taffolla stated that he has lived in South Carolina for about two years. He has remained clean and has no criminal arrest. He stated

**South Carolina Residential Builders Commission  
Board Meeting Minutes, Wednesday, January 10, 2007  
Page 8 of 9**

he has worked hard to get his life back, and that his only debt is in paying child support, which he is regularly discharging.

**Motion:** Ms. Crawford moved to approve the application for Mr. Taffolla for a residential specialty contractor's registration. Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

**New Business**

None

**Unfinished Business**

None

**Adjournment**

There being no further business, the business meeting for January 10, 2007 concluded at 12:40 a.m.

The next scheduled board meeting will be held on February 14, 2007, at 10:00 a.m. Synergy Business Park, Kingstree Building, Room 108. (Note: Subject to Change)

**Hearings**

Mr. Williams called the hearings to order. Mr. Louis Rosen was the hearing advisor.

**Approve Recommendations of Administrative Hearing Officers, John Curl for Administrative Hearing**

RobertYatko - This matter was heard before John Curl, Administrative Hearing Officer, on November 21, 2006. Mr. Curl's recommendation was as follows:

1. As the Respondent is not currently licensed by the Commission, the Commission cannot impose a sanction upon the Respondent's license. However, the Commission directs that this matter be noted in the Respondent's records in the event that he should reapply for licensure. If the Respondent reapplies in the future for licensure, he must appear before the Commission, and answer to the Commission for his negligence, incompetence, and misconduct in this matter. At that time, the Respondent shall appear before the Commission and present, among other matters, evidence satisfactory to the Commission, in its discretion,

**South Carolina Residential Builders Commission**  
**Board Meeting Minutes, Wednesday, January 10, 2007**  
**Page 9 of 9**

regarding the Respondent's fitness and qualifications to be licensed as a residential builder in this state. At that time, the Commission, in its discretion, may deny licensure, require passage of an examination, among other requirements, or impose such additional terms and conditions upon the Respondent's license as it may deem appropriate.

2. The original complainant (homeowner) is granted permission to file a claim against the Respondent's surety bond.
3. A Cease and Desist Order is hereby issued to the Respondent, pursuant to S.C.Code Ann. 40-59-100, requiring the Respondent to cease and desist from engaging in the practice of residential home building and residential specialty contracting.
4. This order is to take effect upon the service of the order upon the Respondent.

Mr. John Curl recused himself from participating because he was the hearing officer in this matter.

**Motion:** Ms. Crawford moved to approve John Curl's, Administrative Hearing Officer's Recommendation for Robert Yatko. Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

Transcripts of these hearings may be obtained from Faye Grainger, Certified Court Reporter, Grainger Reporting Services.