

***SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION***

Synergy Business Park, Kingstree Building  
110 Centerview Drive, Kingstree Building, Room 108  
Columbia, South Carolina 29210

Minutes

Wednesday, February 11, 2009

10:00 a.m.

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Derrick Williams, Chairman announced that public notice of the meeting was properly posted on the bulletin boards at the main entrance of the Kingstree Building and by notice mailed to all requesting persons, organizations and news media in accordance with §30-4-80 of the South Carolina Freedom of Information Act.

**WELCOME AND CALL TO ORDER:**

Derrick Williams, Chairman, called the regular meeting of the Residential Builders Commission to order at 10:00 a.m. Other members present for the meeting included: Frank Clark, Caleb Davis, Brian Dowd and Tim Roberts.

Staff members participating in the meeting included: Jamie Saxon, Hearing Advisor, Suzanne Hawkins, Staff Attorney, Joe Connell, Staff Attorney, Stan Bowen, Administrator, Christine Driver, Administrative Assistant, Angela Scott, Administrative Assistant, Dottie Buchanan, Administrative Assistant, Jerry Merritt, Investigation, Charlie Ido, Investigation and Fay Grainger, Court Reporter.

Others present participating in the meeting included: Matt Watson, Crystal Watson, Murray Graydon, Tab Evans, William Seets, Kim L. Wooten, Deborah Chandler, Mark Nicholas, Russell Delaney, Kenny Wandlaw, Gary Derrick, Kenneth Gillespie, Kenny Pagoota, Brian Gabriel, Ken Titus, Paul Qusted, and Robert Boyd.

**Approval of Agenda:**

*Wednesday, February 11, 2009*

**Motion**

Mr. Clark moved to approve the Wednesday, February 11, 2009, agenda as previously noticed. Mr. Roberts seconded the motion, which carried unanimously.

**Approval of Minutes:**

*Wednesday, January 14, 2009*

**Motion**

Mr. Dowd moved to approve the Wednesday, January 14, 2009, meeting minutes. Mr. Clark seconded the motion, which carried unanimously.

**Excused Members:**

Mr. Bailey received an excused absence.

**Chairman's Remarks:**

*Derrick Williams*

None

**Administrator's Remarks:**

*Stan Bowen*

A. Economic Interest Forms - Stan Bowen

Mr. Bowen reminded the Commission that the Economic Interest forms must be completed and mailed by April 15, 2009. He informed the Commission that the newsletter has been posted on the web page.

**Advisory Opinions:**

*Sheridon Spoon*

NONE

**Legislative Update:**

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*Robert Selman*

None

**Office of Investigations and Enforcements**

*Charlie Ido*

Charlie Ido, Chief of Investigations of Office of Investigations informed the Commission that Office of Investigations and Enforcement is in the process of posting Board Orders on the web page.

**Old Business:**

None

**New Business:**

**Recommendation of Investigation Review Committee:**

**MOTION**

Mr. Clark made a motion, to approve the recommendations of the Investigative Review Committee. Mr. Dowd seconded the motion, which carried unanimously.

**Application Review:**

*Mr. Paul C. Way*

Mr. Way was scheduled to appear before the Commission because he answered "yes" on his Specialty Contractor's Application there have been any judgments, liens or claims filed against his or his business entities that he has been associated with within the past five (5) years. Due to Mr. Way's answer the application could not be processed in a routine manner.

Mr. Way was not present. No Action was taken.

***(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)***

*Mr. William C. Seets*

Mr. Seets appeared before the Commission because he answered "yes" on his on his Specialty Contractor's Application that he has been convicted of pled guilty or nolo contendere to a criminal offense. Due to Mr. Seets' answer the application could not be processed in a routine manner. Mr. Seets waived his right to counsel.

Mr. Seets appeared before the Commission and offered the following testimony. Mr. Seets testified that his past has been very checkered he has always conducted himself in a very professional manner. He testified that he has had several minor offenses due to alcohol. He has not had an unsatisfied customer in the past thirty (30) years.

**MOTION**

Mr. Davis made a motion to deny Mr. Seets' Specialty Contractor's Application, until such time as Mr. Seets can provide proof of insurance, letter from his parole officer and proof that his has made payment arrangements to satisfy the liens filed against him. Mr. Roberts seconded the motion, which carried unanimously.

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*Mr. Russell W. Delaney*

Mr. Delaney appeared before the Commission because he answered "yes" on his Residential Plumbing Application that he has been convicted of pled guilty or nolo contendere to a criminal offense. Due to Mr. Delaney's answer the application could not be processed in a routine manner. Mr. Delaney waived his right to counsel.

Mr. Delaney appeared before the Commission and offered the following testimony. Mr. Delaney testified that back in 2004 he had drug addiction problems, but since that time he no longer has those problems. He has worked extremely hard to build a life for himself and his family. He has taken and passed the Master Plumbing Examination. He would like to work legally and be a productive member of society. He presented a letter from his probation officer stating his probationary status.

**MOTION**

Mr. Davis made a motion to approve Mr. Delaney to sit for the Residential Plumbing Examination. The motion was seconded by Mr. Clark, which carried unanimously.

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*Mr. Kenneth P. Gillespie*

Mr. Gillespie appeared before the Commission because he answered "yes" on his Residential Builder's Application there have been any judgments, liens or claims filed against his or his business entities that he has been associated with within the past five (5) years. Due to Mr. Gillespie's answer the application could not be processed in a routine manner. Mr. Gillespie waived his right to counsel.

Mr. Gillespie appeared before the Commission and offered the following testimony. Mr. Gillespie testified that he has several Internal Revenue Service tax liens filed against him and he is actively working with them to resolve the matter. He presented a letter from his attorney stating he has made arrangements to make restitution.

**MOTION**

Mr. Davis made a motion to allow Mr. Gillespie to sit for the Residential Builders Exam. The motion was seconded by Mr. Clark, which carried unanimously.

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*Mr. Murray B. Graydon*

Mr. Graydon appeared before the Commission because he answered "yes" on his Residential Home Inspector's Application there have been any judgments, liens or claims filed against his or his business entities that he has been associated with within the past five (5) years. Due to Mr. Graydon's answer the application could not be processed in a routine manner. Mr. Graydon waived his right to counsel.

Mr. Graydon appeared before the Commission and offered the following testimony. Mr. Graydon testified that he has a judgment with Palmetto Bank for Twenty-One Thousand Eight Hundred Eighty-Eight Dollars and forty-seven cents (\$21,888.47). The judgment was filed he owned rental property which did not perform well and he was unable at the time to keep the payments current. He has made payment arrangements with Mr. Marion Hughes, Esquire, attorney for Palmetto Bank.

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**MOTION**

Mr. Clark made a motion to approve Mr. Graydon to sit for the Residential Home Inspector's Examination. The motion was seconded by Mr. Davis, which carried unanimously.

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*Mr. Mark B. Nicholas*

Mr. Nicholas appeared before the Commission because he answered "yes" on his Specialty Contractor's Application that he has been convicted of pled guilty or nolo contendere to a criminal offense. Due to Mr. Nicholas answer the application could not be processed in a routine manner. Mr. Nicholas waived his right to counsel.

Mr. Nicholas appeared before the Commission and offered the following testimony. Mr. Nicholas testified that he was arrested in 2004 for Petty Larceny, possession of marijuana and drug paraphernalia. Also, he had three fraudulent checks that he has made restitution. He has worked for several general contractors. He was recently married and started a family.

**MOTION**

Mr. Davis made a motion to approve Mr. Nicholas Residential Specialty Contractor's license. Prior to getting a license Mr. Nicholas must show proof that all the fraudulent checks have been paid. The motion was seconded by Mr. Roberts, which carried unanimously.

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**Reinstatement**

*Mr. Kenneth R. Pagoota*

Mr. Pagoota appeared before the Commission requesting that his license be reinstated. Mr. Bowen informed the Commission that Mr. Pagoota's license expired on June 30, 2008 and a Cease and Desist was issued on October 16, 2008. There are outstanding complaints pending against Mr. Pagoota.

Mr. Pagoota appeared before the Commission and offered the following testimony. Mr. Pagoota testified that he inadvertently allowed his license to lapse. He testified that he contracted with a homeowner to install a shed. The homeowner filed a complaint stating that she had water leaking behind her cutters. The complaint is still being investigated.

**MOTION**

Mr. Clark made a motion to reinstate Mr. Pagoota's Residential Builder's License. Prior to getting a license Mr. Pagoota must provide proof of a surety bond. The motion was seconded by Mr. Roberts, which carried unanimously.

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**Hearing Officer's Recommendations for Citations:**

*Mr. Stephen C. Brinson*

**MOTION**

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Mr. Davis made a motion, to approve the citation against Mr. Brinson. Mr. Roberts seconded the motion, which carried unanimously.

*Mr. Jacob Stough*

**MOTION**

Mr. Davis made a motion, to approve the citation against Mr. Stough. Mr. Dowd seconded the motion, which carried unanimously.

*Mr. Robert Bentz, Jr.*

**MOTION**

Mr. Roberts made a motion, to approve the citation against Mr. Bentz. Mr. Davis seconded the motion, which carried unanimously.

*Mr. Ryan A. Cockrell*

**MOTION**

Mr. Roberts made a motion, to approve the citation against Mr. Brinson. Mr. Davis seconded the motion, which carried unanimously.

*Mr. Daniel Shane Meyer*

**MOTION**

Mr. Davis made a motion, to approve the citation against Mr. Meyer. Mr. Roberts seconded the motion, which carried unanimously.

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**Consent Agreement (Modification)**

*Mr. Kenneth Titus*

Ms. Suzanne Hawkins represented the State. Mr. Titus was represented by Mr. Brian Gabriel, Esquire.

Mr. Gabriel informed the Commission that Mr. Titus has completed all items on the consent agreement with the exception of Item d:

Respondent shall complete one continuing education course in each of the following areas:  
HVAC, Electrical and Plumbing during the period of probation from an approve list of the South Carolina Department of Labor, Licensing and Regulation.

He stated that Mr. Titus has not completed that item because he can not find an approve course. He asked the Commission to amend the consent agreement by removing item d or extending the length of time to for Mr. Titus to complete the course.

Ms. Suzanne Hawkins asked the Commission not to amend the Consent Agreement.

**MOTION**

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Mr. Clark made a motion to enter into executive session to seek legal advice. Mr. Roberts seconded the motion, which carried unanimously. Mr. Clark made a motion to come out of executive session. Mr. Dowd seconded the motion, which carried unanimously.

**MOTION**

Mr. Clark made a motion to modify the consent agreement and extend the length of time for Mr. Titus to complete the continuing education courses to one year. Mr. Titus' license would be issued with a one year probationary status and he must get approved courses from staff. Mr. Davis seconded the motion, which carried unanimously.

**Hearing Officer's Recommendations:**

*Mr. Shannon Davidson, Case # 2007-585*

Mr. Joe Connell represented the State. Mr. Davidson was represented by Mrs. Kim Wooten, Esquire. Mr. Connell asked that the Commission adopt and accept the hearing officer recommendation.

Mrs. Wooten informed the Commission that this case and the Hearing Officer's findings are currently in litigation.

**MOTION**

Mr. Dowd made a motion to enter into executive session to seek legal advice. Mr. Clark seconded the motion, which carried unanimously. Mr. Roberts made a motion to come out of executive session. Mr. Clark seconded the motion, which carried unanimously.

**MOTION**

Mr. Dowd made a motion to adopt the Hearing Officer's recommendations. Mr. Davis seconded the motion, which carried unanimously.

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*Mr. Tab Evans, Case #2008-9*

Mr. Joe Connell represented the State. Mr. Connell asked that the Commission adopt the hearing officer recommendation.

Mr. Evans was not present.

**MOTION**

Mr. Dowd made a motion to adopt the Hearing Officer's recommendations. Mr. Davis seconded the motion, which carried unanimously.

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*Mr. Edford Johnson, case #2008-198, 2008-52, 2008-368, 2008-335, 2008,535, 2008-427, 2008-452*

Mr. Joe Connell represented the State. Mr. Connell asked that the Commission adopt the hearing officer recommendations.

Mr. Eldford was not present.

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**MOTION**

Mr. Davis made a motion to adopt the Hearing Officer's recommendations. Mr. Dowd seconded the motion, which carried unanimously.

*Paul Questad, Case # 2008-86*

Ms. Suzanne Hawkins represented the state. Ms. Hawkins asked the Commission adopt the hearing officer recommendations.

Mr. Questad before the Commission and offered the following testimony. Mr. Questad testified that he did what the Hearing Officer recommended. He hired a constructional engineer to inspect the structural of the home. He presented a copy of the report to the Commission.

**MOTION**

Mr. Dowd made a motion to enter into executive session to seek legal advice. Mr. Clark seconded the motion, which carried unanimously. Mr. Roberts made a motion to come out of executive session. Mr. Clark seconded the motion, which carried unanimously.

**MOTION**

Mr. Clark made a motion to adopt the Hearing Officer's recommendations. Mr. Questad shall retain the services of an engineer approved by the Commission and extend the time from ninety (90) days to six (6) months. Mr. Davis seconded the motion, which carried unanimously.

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**Public Comments:**

NONE

**Dates of Next Meeting – Wednesday, March 11, 2009**

The next meeting of the Commission is scheduled for Wednesday, March 11, 2009, in conference room 108.

**Adjournment**

Mr. Davis moved the meeting be adjourned. Mr. Roberts seconded the motion, which carried unanimously.

The February 11, 2009, meeting of the South Carolina Residential Builders Commission was adjourned at 2:30 p.m.