

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION

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

Minutes

Wednesday, February 9, 2011

10:00 AM

Called To Order:

Derrick G. 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: Al Bailey; Frank Clark; Caleb Davis; Hal Dillard; Brian Dowd; and Tim Roberts.

Derrick G. 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 person, organizations and news media in accordance with §30-4-80 of the South Carolina Freedom of Information Act.

Staff members participating in the meeting included: Sheridan Spoon, Assistant General Counsel; Jamie Saxon, Advice Counsel; Mr. Dean Grigg, Advice Counsel; Suzanne Hawkins, Staff Attorney; Lilla Ann Gray, Staff Attorney; Gary Wiggins, Administrator; Christine Driver, Administrative Assistant; Angela Scott, Administrative Assistant; Sandra Dickert, Administrative Assistant; Jennie Meade, Program Coordinator; Beth Cumalander, Administrative Assistant; Charlie Ido, Investigations; Jerry Merritt, Investigation; Sharon Cook, Investigation; Gregg Hembree, Investigations; Ronald Brewer, Investigation; Theresa Richardson, Office of Licensure and Compliance and Faye Grainger, Court Reporter.

Others present participating in the meeting included: Walter Parker; Kenneth Chasteen; Jason Johnson; Keith Duncan; Derek Brett; John O'Farrell; Larry Harrelson; Adam Goldstein; Robin Runkle; and Willie Frederick.

Approval of Agenda:

Wednesday, February 9, 2011

MOTION:

Mr. Bailey moved to approve the Wednesday, February 9, 2011, agenda adding Mr. Adam Goldstein and Ms. Robin Runkle under Application Review. Mr. Roberts seconded the motion, which carried unanimously.

Approval of Minutes:

Wednesday, December 8, 2010

MOTION:

Mr. Roberts moved to approve the Wednesday, December 8, 2010, meeting minutes. Mr. Bailey seconded the motion, which carried unanimously.

Approval/Disapproval of Absent Members:

NONE

Chairman's Remarks:

Derrick G. Williams, Chairman

NONE

Administrator's Remarks for Information:

Gary Wiggins, Administrator

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION

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

Minutes

Wednesday, February 9, 2011

10:00 AM

Mr. Wiggins informed the Commission that currently there is a hiring freeze therefore, they can not hire for the administrators position. He stated that the position should be posted within the next few weeks. Mrs. Christine Driver and Mrs. Jennie Meade are assisting with the telephone calls and technical assistance. Mr. Wiggins introduced Mrs. Jennie Meade to the Commission. Mrs. Meade has been with State Government since 1988 and with Building Codes Council since 1999. Her credentials include Associate Degree in Business Management; ICC Certifications in Building Plans Examiner; Commercial Building Inspector; Residential Building Inspector; and Certified Building Official. Mrs. Meade is an Associate Public Manager Public Professional Development and LLR Leaders Certification Course.

Board Consideration of Hearing Officer's

Mr. Wiggins presented to the Commission Mr. Stan Bowen and Mr. Timothy Roberts to serve as Residential Builders Hearing Officers.

MOTION:

Mr. Davis made a motion to approve Mr. Timothy Roberts and Mr. Stan Bowen to serve as Residential Builders Hearing Officers. Mr. Clark seconded the motion, which carried unanimously.

Statement of Economic Interests:

Mr. Wiggins reported that the Statement of Economic Interest forms must be completed online by April 15, 2011.

Advisory Opinions:

Sheridon Spoon, Deputy General Counsel

MOTION:

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

Mr. Bailey made a motion to come out of executive session. Mr. Clark seconded the motion, which, carried unanimously. Chairman Williams stated that no action was taken during execution session.

Office of Investigation (OIE) Report:

Charlie Ido

Mr. Ido informed the Commission that OIE continues to be proactive in the enforcement of Residential Specialty Contracting Statutes and Regulations. They continue routinely review the internet for unlicensed practice violations. The investigators are attending State and area meetings of Building Officials and Building Inspectors. They present workshops statewide to building inspectors. Mr. Ido stated that they do team training on monthly bases.

Mr. Charlie Ido reported the number of investigations as of today:

Opened Complaints since January 2004: 5550 Open Cases: 355

Office of General Counsel (OGC):

Christa Bell

Mrs. Christa Bell presented the Office of General Counsel Report as of today:

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION

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

Minutes

Wednesday, February 9, 2011

10:00 AM

**Open Complaints - 130 Cases pending action – 70 Cases pending Hearings – 9 Cases
pending Consent Agreement or Memorandum Agreement - 18
Cases Pending Final Order Hearings – 9 Cases Pending Final Orders - 11
Cases Closed as of January 2010 - 118 Cases on Appeal - 5**

Financial Report- Tracy McCarly:

No report presented.

Old Business:

There was no old business presented.

New Business:

Recommendations of IRC:

MOTION:

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

IRC Resolution Guidelines:

MOTION:

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

Applications Reviews:

Mr. Walter Parker

The Commission held an Application Hearing regarding Mr. Walter Parker. Mr. Walker appeared before the Commission to present testimony and waived his right to counsel. Mr. Parker withdrew his application and the Commission took no action.

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

Mr. Kenneth Williams, Sr.

The Commission held an Application Hearing regarding Mr. Kenneth Williams, Sr. Mr. Williams did not appear. The Commission took no action.

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

Mr. N. Kenneth Chasteen

The Commission held an Application Hearing regarding Mr. N. Kenneth Chasteen. Mr. Chasteen appeared before the Commission to present testimony and waived his right to counsel.

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION

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

Minutes

Wednesday, February 9, 2011

10:00 AM

MOTION:

Mr. Bailey made a motion to deny Mr. Chasteen's request until he can provide documentation to the Commission showing that restitution or arrangements to make restitution. Mr. Dowd seconded the motion, which carried with two nay votes.

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

Mr. Jason C. Johnson

The Commission held an Application Hearing regarding Mr. Jason C. Johnson. Mr. Johnson appeared before the Commission to present testimony and waived his right to counsel.

MOTION:

Mr. Davis made a motion to approve Mr. Johnson to sit for the Residential Heating and Air Examination. Mr. Dillard seconded the motion, which carried unanimously.

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

Mr. Keith Duncan

The Commission held an Application Hearing regarding Mr. Keith Duncan. Mr. Duncan appeared before the Commission to present testimony and waived his right to counsel.

MOTION:

Mr. Dowd made a motion to approve Mr. Duncan's Residential Home Builders Application once he provide documentation showing that he has made restitution or arrangements to rectify the judgments and liens on his credit report. Mr. Bailey seconded the motion, which carried unanimously.

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

Mr. Derek D. Brett

The Commission held an Application Hearing regarding Mr. Derek Brett. Mr. Brett appeared before the Commission to present testimony and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to reinstate Mr. Brett's Residential Builders license once he provides written documentation that he has made restitution or arrangement to rectify the judgments and liens filed against him. Mr. Roberts seconded the motion, which carried unanimously.

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

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION

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

Minutes

Wednesday, February 9, 2011

10:00 AM

Mr. Adam Goldstein & Ms. Robin Runkle

The Commission held an Application Hearing regarding Mr. Adam Goldstein and Ms. Robin Runkle. Mr. Goldstein and Ms. Runkle concurred to combine the Application Review Hearings. Mr. Goldstein and Ms. Runkle appeared before the Commission to present testimony and waived their right to counsel.

MOTION:

Mr. Bailey made a motion to allow Mr. Gokdstein to sit for the Residential Examination once he provide written documentation to the Commission showing that the liens and judgments filed against him has been ratified; and Ms. Runkle to sit for the Residential Builders examination Mr. Davis seconded the motion, which carried unanimously.

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

Reinstatement of License Without Examination:

Mr. John T. O'Farrell

The Commission held an Application Hearing regarding Mr. John T. O'Farrell. Mr. O'Farrell appeared before the Commission to present testimony and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to deny Mr. O'Farrell's request to reinstate his Residential Builders license without examination. Mr. Davis seconded the motion, which carried unanimously.

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

Reinstatement:

Mr. Larry Harrelson

The Commission held an Application Hearing regarding Mr. Larry Harrelson. Mr. Harrelson appeared before the Commission to present testimony and waived his right to counsel.

Mr. Dowd requested that he be recused from the proceeding.

MOTION:

Mr. Bailey made a motion to deny Mr. Harrelson's request to reinstate his Residential Builders License but allow him to make application to sit for examination once he provides written documentation that the Fifty Thousand Dollars judgment has been rectified or dismissed. Mr. Roberts seconded the motion, which carried with one nay vote.

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

Approval of Hearing Officer's Recommendation for Bond Claim:

Jamie Saxon and Dean Griggs, Advice Counsels

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION

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

Minutes

Wednesday, February 9, 2011

10:00 AM

Suzanne Hawkins represented the State

Mr. Christian Novellino – Case

The Commission held a Bond Claim Hearing regarding Mr. Christian Novellino.

MOTION:

Mr. Bailey made a motion, to approve the Administrator's Recommendation for Bond Claim against Mr. Christian Novellino. Mr. Davis seconded the motion, which carried unanimously.

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

Mr. Jeffrey Willis – Case #2010-42

The Commission held a Bond Claim Hearing regarding Mr. Jeffrey Willis. This case was continued until March 9, 2011.

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

Mr. Joe Stewart, Case #: 2010-179

The Commission held a Bond Claim Hearing regarding Mr. Joe Stewart.

MOTION:

Mr. Clark made a motion, to approve the Administrator's Recommendation for Bond Claim against Mr. Joe Stewart. Mr. Davis seconded the motion, which carried unanimously.

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

Mr. Milton L. Ivey Jr., Case#: 2010-396

The Commission held a Bond Claim Hearing regarding Mr. Milton L. Ivey, Jr.

MOTION:

Mr. Clark made a motion, to approve the Administrator's Recommendation for Bond Claim against Mr. Milton Ivey. Mr. Roberts seconded the motion, which carried unanimously

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

Mr. Charles Pinion, Case #: 2010-463

The Commission held a Bond Claim Hearing regarding Mr. Charles Pinion.

MOTION:

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION

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

Minutes

Wednesday, February 9, 2011

10:00 AM

Mr. Bailey made a motion, to approve the Administrator's Recommendation for Bond Claim against Mr. Charles Pinion. Mr. Dowd seconded the motion, which carried unanimously.

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

Ms. Rhonda D. Davis, Case #: 2010-618

The Commission held a Bond Claim Hearing regarding Ms. Rhonda D. Davis.

MOTION:

Mr. Davis made a motion, to approve the Administrator's Recommendation for Bond Claim against Mr. Rhonda D. Davis. Mr. Bailey seconded the motion, which carried unanimously.

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

Mr. Chris Cousins, Case #: 2007-633

The Commission held a Bond Claim Hearing regarding Mr. Chris Cousins. This case referred back for a hearing before a Hearing Officer.

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

Administrative Hearings:

Ms. Laura Cook represented the State.

Mr. Stephen McAnulty Case #2009-548

The Board held an Administrative Hearing regarding Mr. Stephen McAnulty.

MOTION:

Mr. Bailey made a motion to uphold the Hearing Officer's Recommendations for Mr. McAnulty. Mr. Davis seconded the motion, which carried unanimously.

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

Remand Hearing from Administrative Law Court:

Mrs. Christa Bell represented the State.

Mr. Willie Frederick – Case No.: 2008-670

The Board held an Administrative Hearing regarding Mr. Willie Frederick. Mr. Frederick appeared before the Commission to present testimony and waived his right to Council.

MOTION:

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION

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

Minutes

Wednesday, February 9, 2011

10:00 AM

Mr. Bailey made a motion to uphold the Hearing Officer's Recommendations for Mr. Frederick. Mr. Dowd seconded the motion, which carried unanimously.

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

Public Comments:

NONE

Dates of Next Meeting:

The next meeting of the Residential Builders Commission is scheduled for Wednesday, March 9, 2011 in conference room 108.

Adjournment:

Mr. Davis moved the meeting be adjourned. Mr. Bailey seconded the motion, which carried unanimously. The February 9, 2011, meeting of the South Carolina Residential Commission adjourned at 2:04 p.m.