

RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park (formerly the Koger Business Park)
110 Centerview Drive Kingstree Building, Room 108
Columbia, South Carolina 29210
Wednesday, July 13, 2011

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: Christa Bell, Assistant General Counsel; Mr. Jamie Saxon, Advice Counsel; Suzanne Hawkins, Laura Cook, Agency Counsel; Janet Baumberger, Administrator; Christine Driver, Administrative Assistant; Angela Scott, Administrative Assistant; Todd Bond, Investigation; Steve Deer, Investigation; Jerry Merritt, Investigation; Gregg Hembree, Investigations; Bennie Page, Investigations; Ronald Brewer, Investigation; and Faye Grainger, Court Reporter.

Others present participating in the meeting included: Timothy R. Waller, Jimmy L. Blount, William Cody Lynch, David B. Edge, Beverly Ricks, Willie B. Ricks, Johnnie Stone, Peter Delgado, and Stan Bowen.

Approval of Agenda

MOTION:

Mr. Bailey made a motion to approve the July 13, 2011 Residential Builders Commission Meeting Agenda. Mr. Roberts seconded the motion, which carried unanimously.

Approval of Minutes for the June 8, 2011 Meeting:

MOTION;

Mr. Roberts made a motion to approve the June 8, 2011 meeting minutes. Mr. Dowd seconded the motion, which carried unanimously.

Approval /Disapproval of Absent Members:

Chairman's Remarks:

Derrick Williams

There were no remarks made.

Administrator's Remarks

Janet Baumberger

Mr. Jamie Saxon, Advice Counsel, introduced Mrs. Holly Gillespie, Mrs. Melina Mann, General Counsel to the Commission.

Advisory Opinions – Jamie Saxon, Office of General Counsel:

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Jamie Saxon

There were no remarks made.

OIE Report – Mr. Todd Bond

Todd Bond, Chief Investigator of OIE

Mr. Bond reported the number of investigations as of today:
Open Cases - 236 Cases pending in OLC - 47

DLC Report – Mrs. Suzanne Hawkins:

Suzanne Hawkins

Ms. Hawkins presented the Office of General Counsel Report as of today:
Open Complaint – 84 Cases Pending Hearing - 16
Cases Pending Consent Agreement – 18 Cases Pending Final Order Hearings - 19
Cases Pending Final Orders - 5 Cases on Appeal - 2

Old Business:

Ms. Baumberger asked the board's approval to attend the NASCLA/NCIA Conference in August.

MOTION:

Mr. Bailey made a motion that the Administrator and two board members be approved to attend the NASCLA Conference. Mr. Davis seconded the motion, which carried unanimously.

Recommendations of IRC:

MOTION:

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

IRC Resolution Guidelines:

MOTION:

Mr. Davis made a motion to approve the IRC Resolution Guidelines. Mr. Roberts seconded the motion, which carried unanimously.

Application Reviews:

Mr. Timothy R. Waller

The Commission held an Application Review Hearing regarding Mr. Timothy R. Waller. Mr. Waller appeared before Commission to present testimony and waived his right to counsel.

MOTION:

Mr. Davis made a motion to approve Mr. Waller's Residential Specialty Contractor's Application provided he obtains the required statutory bond. Mr. Dillard seconded the motion, which carried unanimously.

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Mr. Jimmy L. Blount

The Commission held an Application Review Hearing regarding Mr. Jimmy L. Blount. Mr. Blount appeared before the Commission to present testimony and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to approve Mr. Blount's Residential Builder's License Application provided he passes the South Carolina Business and Law Exam. Mr. Roberts seconded the motion, which carried unanimously.

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Mr. William Cody Lynch

The Commission held an Application Review Hearing regarding Mr. William Cody Lynch. Mr. Lynch appeared before the Commission to present testimony and waived his right to counsel.

MOTION:

Mr. Davis made a motion to approve Mr. Lynch's Residential Specialty Contractor's Application. Mr. Roberts seconded the motion which carried unanimously.

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Mr. Michael G. Morris

The Commission held an Application Review Hearing regarding Mr. Michael G. Morris. Mr. Morris appeared before the Commission to present testimony and waived his right to counsel.

MOTION:

Mr. Davis made a motion to approve Mr. Morris' Residential Specialty Contractors Application with the following stipulations: Mr. Morris provides a letter from his probation officer and have the statutory bond. Mr. Dowd seconded the motion, which carried unanimously.

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Mr. David B. Edge

The Commission held an Application Review Hearing regarding Mr. David B. Edge. Mr. Edge appeared before the Commission to present testimony and waived his right to counsel.

MOTION:

Mr. Roberts made a motion to approve Mr. Edge's Residential Specialty Contractor's Application. Mr. Dillard seconded the motion, which carried unanimously.

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Mr. Kenneth Williams

The Commission held an Application Review Hearing regarding Mr. Kenneth Williams. Mr. Williams was not present. The Board took no action.

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Petition of Exam Eligibility Extension:

Mr. William Posillico

The Commission held a Petition of Exam Eligibility Extension Hearing regarding Mr. William Posillico. Stephine Risinstine, Esquire represented Mr. William Posillico. Ms. Lilla Ann Gray, represented the State.

MOTION:

Mr. Bailey made a motion to grant Mr. Posillico a six month extension to sit for the International Residential Code Examination and his license will remain in a lapsed status until he successfully passes the exam. Mr. Roberts seconded the motion, which carried unanimously.

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Reinstatement Hearings:

Mr. Peter Delgado

The Commission held a Reinstatement Hearing regarding Mr. Peter Delgado. Mr. Delgado appeared before the Commission to present testimony and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to approve Mr. Delgado's license with the following conditions: Mr. Delgado must obtain the required statutory bond, and provide evidence to the Commission that all judgments and liens against him are satisfied or has entered into a payment agreement to satisfy all judgments and liens. Mr. Roberts seconded the motion, which carried unanimously.

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Mr. Dubose Davis

The Commission held a Reinstatement Hearing regarding Mr. Dubose Davis. Mr. Davis was not present. The Commission took no action.

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Mr. Michael Griffin

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The Commission held a Reinstatement Hearing regarding Mr. Michael Griffin. Mr. Griffin appeared before the Commission to present testimony and waived his right to counsel. Mrs. Suzanne Hawkins represented the State.

MOTION:

Mr. Clark made a motion to deny Mr. Griffin's request for reinstatement of his Residential Specialty Contractors Registration. Mr. Bailey seconded the motion, which carried unanimously.

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Hearing Officer's Recommendation For Citation:

Mr. Eugene Allen Hartley – Case #2011-184

The Commission held a Citation Hearing regarding Mr. Eugene Allen Hartley. Mr. Hartley was not present.

MOTION:

Mr. Davis made a motion to approve the Hearing Officer's Recommendation for a Citation against Mr. Hartley. Mr. Dowd seconded the motion, which carried unanimously.

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Mr. John Edward Bishop – Case 2011-162

The Commission held a Citation Hearing regarding Mr. John Edward Bishop. Mr. Bishop was not present.

MOTION:

Mr. Bailey made a motion to approve the Hearing Officer's Recommendation for a Citation against Mr. Hartley. Mr. Roberts seconded the motion, which carried unanimously.

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Approval of Administrator's Recommendation for Bond Claims (Jamie Saxon):

Mr. Brandon Eich – Case #2009-414

The Commission held a hearing to approve the Administrator's Recommendations for a Bond Claim regarding Mr. Brandon Eich. Mr. Eich was not present.

MOTION:

Mr. Dowd made a motion to approve the Administrator's Recommendations for a Bond Claim regarding Mr. Eich. Mr. Roberts seconded the motion, which carried unanimously.

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Mr. Henry Wright – Case #2010-709

The Commission held a hearing to approve the Administrator's Recommendations for a Bond Claim regarding Mr. Henry Wright. Mr. Wright was not present.

MOTION:

Mr. Bailey made a motion to approve the Administrator's Recommendations for a Bond Claim regarding Mr. Wright. Mr. Roberts seconded the motion, which carried unanimously.

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Final Order Hearings:

Mr. William C. Mitchell– Case # 2010-164

The Board held an Administrative Hearing regarding Mr. William C Mitchell. Mr. Mitchell was not present. Ms. Lil Ann Gray represented the State.

MOTION:

Mr. Bailey made a motion to approve the Hearing Officer's Recommendation regarding Mr. William Mitchell. Mr. Dowd seconded the motion, which carried unanimously.

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Mr. Kevin Williams – Case # 2010-617

The Board held an Administrative Hearing regarding Mr. Kevin Williams. Mr. Williams was not present. Mrs. Suzanne Hawkins represented the state.

MOTION:

Mr. Roberts made a motion to approve the Hearing Officer's Recommendation regarding Mr. Kevin Williams. Mr. Bailey seconded the motion, which carried unanimously.

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Mr. John Stafford – Case # 2010-632

The Board held an Administrative Hearing regarding Mr. John Stafford. Ms. Suzanne Hawkins represented the State. Mr. Stafford was not present.

MOTION:

Mr. Dowd made a motion to approve the Hearing Officer's Recommendation regarding Mr. John Stafford. Mr. Roberts seconded the motion, which carried unanimously.

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Mr. Duane Schwartz – Case # 2010-410

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The Board held an Administrative Hearing regarding Mr. Duane Schwartz. Mr. Schwartz was not present. Ms. Suzanne Hawkins represented the State.

MOTION:

Mr. Roberts made a motion to approve the Hearing Officer's Recommendation regarding Mr. Duane Schwartz. Mr. Bailey seconded the motion, which carried unanimously.

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Public Comments:

There were no public comments made.

Date of Next Meeting:

The next Residential Builders Commission meeting will be held Wednesday, August 10, 2011 in room 108.

Adjournment:

Mr. Bailey made a motion to adjourn the Residential Builders Commission Meeting. Mr. Roberts seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 12:45 p.m.