

RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park
110 Centerview Drive Kingstree Building, Room 108
Columbia, South Carolina 29210
Wednesday, March 11th, 2015

NOTE: These minutes are a record of the motion and official actions taken by the Board and brief summary of the meeting.

Called To Order:

Derrick Williams, Chairman called the regular meeting of the Residential Builders Commission to order at 10:08 a.m. Other members present for the meeting included: Al Bailey, Tim Roberts, Hal Dillard, Caleb Davis, Frank Clark and Bryan Dowd.

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

Approval of Agenda:

MOTION:

Mr. Dowd made a motion to approve the March 11th, 2015 Residential Builders Commission Meeting Agenda. Mr. Bailey seconded the motion, which carried unanimously.

Approval of Minutes for the February 11th, 2015 Meeting:

MOTION:

Mr. Bailey made a motion to approve the February 11th, 2015 meeting minutes. Mr. Roberts seconded the motion, which carried unanimously.

Approval /Disapproval of Absent Members:

Chairman's Remarks:

Derrick Williams- chairman

Mr. Williams, Chairman reminded everyone that this meeting is being recorded and asked that everyone please clearly. Additionally, he advised all applicants and licensees to direct their questions to the chairman of the board.

Owner/Builder Waiver:

Wendy Bowen

The Commission held a Hearing regarding Ms. Wendy Bowen's request an Owner/Builder waiver. Ms. Bowen appeared before the Commission to present testimony and waived her right to counsel.

MOTION:

Mr. Bailey made a motion to approve the exemption of the owner builder waiver for Ms. Bowen. Mr. Dillard seconded the motion, which carried unanimously.

Randle P Phelps

The Commission held an Application Review Hearing regarding Mr. Randel Phelps. Mr. Phelps appeared before the Commission to present testimony and he waived his right to counsel.

MOTION:

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

Francis Defelice

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

MOTION:

Mr. Dowd made a motion to allow Mr. Defelice to sit for the Home Builders Exam. Mr. Clark seconded the motion, which carried unanimously.

Victor Cotoia

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

MOTION:

Mr. Bailey made a motion to allow Mr. Cotoia to sit for the Residential Plumbing exam. Mr. Clark seconded the motion, which carried unanimously.

John P. Dale

The Commission held an Application Review Hearing regarding John P. Dale. Mr. Dale appeared before the Commission to present testimony and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to allow Mr. Dale to sit for the residential exam. Mr. Roberts seconded the motion, which carried unanimously.

Le'Jon Roberson

The Commission held an Application Review Hearing regarding Le'Jon Roberson. Mr. Roberson did not appear.

MOTION:

No motions were made.

Justin Engle

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

MOTION:

Mr. Roberts made a motion to allow Mr. Engle to sit for the Residential Plumbing exam. Mr. Bailey seconded the motion, which carried unanimously.

Joseph Nacarelli

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

MOTION:

Mr. Dillard made a motion to allow Mr. Nacarelli to sit for the Residential Builder Exam. Mr. Roberts seconded the motion, which carried unanimously.

Gregory Geisler

The Commission held an Application Review Hearing regarding Mr. Gregory Geisler. Mr. Geisler appeared before the Commission to present testimony and he waived his right to counsel.

MOTION:

Mr. Dillard made a motion to allow him to sit for the Residential Builders Exam. Mr. Roberts seconded the motion, which carried unanimously.

Juan E. Angel Ramirez

The Commission held an application review hearing regarding Mr. Juan E. Angel Ramirez. Mr. Ramirez appeared before the Commission to present testimony along and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to Mr. Ramirez's Residential Specialty Registration. Mr. Dowd seconded the motion which carried unanimously.

Luke Johnson

The Commission held an application review hearing regarding Mr. Luke Johnson. Mr. Johnson appeared before the commission to present testimony and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to allow for Reinstatement of Mr. Johnson's Specialty Registration. Mr. Davis seconded the motion, which did not carry unanimously, Mr. Dillard and Mr. Dowd opposed.

Final Order Hearings:

Brian K. Freeman Case# 2013-415

The Board held a Final Order hearing regarding Mr. Brian K Freeman.

MOTION:

Mr. Davis made a motion to uphold the Hearing Officer's Recommendation. Mr. Clark seconded the motion which carried unanimously.

Mr. Robert M Infinger Case# 2013-443

The Board held a Final Order hearing regarding Mr. Robert M Infinger.

MOTION:

Mr. Roberts made a motion to uphold the Hearing Officer's Recommendation. Mr. Dowd seconded the motion which carried unanimously.

Mr. Charles R. Harvin Jr Case# 2015-22

The Board held a Final Order hearing regarding Mr. Charles R. Harvin Jr. Mr. Bailey recused himself.

MOTION:

Mr. Davis made a motion to uphold the Hearing Officer's Recommendation. Mr. Roberts seconded the motion which carried unanimously.

Mr. Bryan T. Doster Case# 2011-647, 2012-23; 12-45; 12-131; 12-149

The Board held a Final Order hearing regarding Mr. Bryan T. Doster. Mr. Bailey recused himself.

MOTION:

Mr. Roberts made a motion to uphold the Hearing Officer's Recommendation. Mr. Davis seconded the motion which carried unanimously.

Memorandum of Agreement

Mr. George Lesesne Case# 2012-422

George Lesesne was present and sworn in. Mr. Lesesne waived his right to counsel. John Carroll, Esq. represented the State. Mr. Chapman answered questions from the Board. Ms. Carroll requested that the Board accept the Memorandum of Agreement (MOA) however but allow for the charge of § 40-59-110 and § 40-59-110f to be dropped.

MOTION:

Mr. Bailey made a motion to accept the Memorandum of Agreement with the exception of the charge of § 40-59-110 and § 40-59-110f. Mr. Lesesne will receive a letter of caution to be placed in his record and will be fined \$500 that will be payable within 60 days Mr. Roberts seconded the motion, which carried unanimously. Motion was withdrawn.

MOTION:

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

MOTION:

Mr. Bailey made a motion to exit executive session for legal advice. Mr. Dowd seconded the motion, which carried unanimously.

MOTION:

Mr. Bailey made a motion to accept the Memorandum of Agreement with the exception of the charge of § 40-59-110 and § 40-59-110f. Mr. Lesesne will receive a public reprimand and will be fined \$500 that will be payable within 60 days Mr. Roberts seconded the motion, which carried unanimously.

Mr. W. Clay Lee Case# 2014-220

W. Clay Lee was present and sworn in. Mr. Lee waived his right to counsel. Zubin Billimoria, Esq. represented the State. Mr. Chapman answered questions from the Board. Ms. Carroll requested that the Board accept the Memorandum of Agreement (MOA) however but allow for the charge of § 40-59-110A to be dropped.

MOTION:

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

MOTION:

Mr. Dowd made a motion to exit executive session for legal advice. Mr. Davis seconded the motion, which carried unanimously.

MOTION:

Mr. Dowd made a motion to reject the Memorandum of Agreement and issue a letter of caution. Mr. Roberts seconded the motion, which carried unanimously.

OIE Report – Mr. Todd Bond:

Todd Bond, Chief Investigator of OIE

Mr. Todd Bond, Chief Investigator appeared to present the information to the commission regarding the OIE monthly report.

Dismissed Cases – 128

ODC Report – Mr. Zubin Billimoria:

Erin Baldwin, Office of Disciplinary Counsel

Ms. Erin Baldwin, Assistant Disciplinary Counsel appeared to present the information to the commission regarding the ODC quarterly report.

Open Cases- 184	Pending actions- 91	Pending Advice Action-21
Pending CA/MOA- 34	Pending Panel Hearing-22	Pending FO-1
Closed*- 60	Appeals-0	

*Closed Cases on or after 12/4/14

New Business

A. Recommendations of IRC

MOTION:

Mr. Bailey made a motion to approve the Recommendation of the IRC. Mr. Roberts seconded the motion, which carried unanimously.

B. Resolution Guidelines

MOTION:

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

Mark Nix, Executive Director, HBASC:

Mr. Mark Nix spoke and gave the board further information regarding the licensure recommendations and previously presented to the board. He further discussed the committee that was set up to discuss the suggested statutory and regulatory changes. Mr. Roberts wanted to place the issue on an upcoming agenda for public comment. Mr. Nix suggested that the committee be formed to discuss this in a public committee meeting forum first. Mr. Roberts suggested getting with Janet Baumberger, Administrator for Residential Builders Commission, to get suggestions of how to set up the meeting, whether it be on a board meeting or in the forum of Public Committee meeting.

Old Business:

None at this time.

Public Comments:

Public Comments were made.

Date of Next Meeting:

The next Residential Builders Commission meeting will be held Wednesday, April 8th, 2015 in room 108.

Adjournment:

Mr. Dowd made a motion to adjourn the Residential Builders Commission Meeting. Mr. Davis seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 12:46 p.m.

NOTE: These minutes are a record of the motion and official actions taken by the Board and brief summary of the meeting.

