

RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park
110 Centerview Drive Kingstree Building, Room 108
Columbia, South Carolina 29210
Wednesday, June 10, 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:

Tim Roberts, 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, Hal Dillard, Monte Lemmon, Harry Dill, Christy Rhyne, Frank Clark and Bryan Dowd.

Tim Roberts, 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. Clark made a motion to approve the June 10, 2015 Residential Builders Commission Meeting Agenda. Mr. Dowd seconded the motion, which carried unanimously.

Approval of Minutes for the May 13th, 2015 Meeting:

MOTION:

Mr. Bailey made a motion to approve the May 13th, 2015 meeting minutes. Mr. Dowd seconded the motion, which carried unanimously.

Approval of Minutes for the May 27th, 2015 Meeting:

MOTION:

Mr. Dowd made a motion to approve the May 27, 2015 meeting minutes. Mr. Dill seconded the motion, which carried unanimously.

Approval/Disapproval of Absent Members:

MOTION:

No motions made. All members present.

Chairman's Remarks:

Timothy Roberts- chairman

Mr. Roberts, 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 Request:

Terry Heflin

The Commission held a hearing regarding Mr. Terry Heflin's request. Mr. Heflin appeared before the commission to present testimony, along with his counsel, Tracy Wright, Esq. and witness Ms. Bonnie Helfin.

MOTION:

Mr. Dowd made a motion to approve Mr. Heflin's request to allow for the waiver from the disclosure statement. Mr. Clark seconded the motion, which carried unanimously.

Application Reviews:

Brently Parkinson

The Commission held an Application Review Hearing regarding Mr. Brently Parkinson. Mr. Parkinson appeared before the Commission to present testimony, along with a witness Ms. Kimberly Parkinson and he waived his right to counsel.

MOTION:

Mr. Bailey made a motion to allow Mr. Parkinson to sit for the Exam. Mr. Clark seconded the motion, which carried unanimously.

Richard Browne

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

MOTION:

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

Bernard Erhard Jr.

The Commission held an Application Review Hearing regarding Bernard Erhard Jr. Mr. Erhard appeared before the Commission to present testimony, along with his witnesses Ms. Amanda Erhard and Mr. Roy Sullivan and waived his right to counsel.

MOTION:

Mr. Dillard made a motion to approve the Registration for Mr. Erhard in the classifications of Masonry, Carpentry and Painting and required a \$5,000 bond. Mr. Dowd seconded the motion, which carried unanimously.

Edward Hernandez

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

MOTION:

Mr. Dill made a motion to approve Mr. Hernandez' Home inspector's license without exam. Mr. Bailey seconded the motion, which carried unanimously.

Michael McCall

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

MOTION:

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

MOTION:

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

MOTION:

Mr. Lemmon made a motion to deny Mr. McCall's request at this time. Mr. Dowd seconded the motion, which carried unanimously.

Jonathan Draeger

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

MOTION:

Mr. Dowd made a motion to allow Mr. Draeger to sit for the exam. Mr. Dillard seconded the motion, which carried unanimously.

Larry King

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

MOTION:

Mr. Dill made a motion to allow him to sit for the Exam. Mr. Lemmon seconded the motion, which carried unanimously.

Robert Jones

The Commission held an application review hearing regarding Mr. Robert Jones. Mr. Jones appeared before the Commission to present testimony along with his witness Mr. H. Howard Herring and waived his right to counsel. Mr. Dill recused himself.

MOTION:

Mr. Bailey made a motion to allow Mr. Jones sit for the exam. Mr. Lemmon seconded the motion which carried unanimously.

Jonathan Mowery

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. Dillard made a motion to allow Mr. Mowery to sit for the exam. Ms. Rhyne seconded the motion, which carried unanimously.

Joshua Timms

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

MOTION:

Mr. Bailey made a motion to allow Mr. Timms to sit for the exam. Mr. Dowd seconded the motion, which did not carry unanimously. Mr. Dill opposed.

Louis Covin

The Commission held an application review hearing regarding Mr. Louis Covin. Mr. Covin appeared before the commission to present testimony along with a witness Ms. Candace Covin and waived his right to counsel.

MOTION:

Mr. Dillard made a motion to approve Mr. Covin's Specialty Registration. Mr. Dill seconded the motion which carried unanimously.

William Beckham

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

MOTION:

Mr. Lemmon made a motion to approve Mr. Beckham's Specialty Registration. Mr. Clark seconded the motion, which carried unanimously.

Mark Klimecki

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

MOTION:

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

MOTION:

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

MOTION:

Mr. Dill made a motion to approve the specialty registration for Mr. Klimecki and require a SLED Report at next renewal. Mr. Bailey seconded the motion which carried unanimously.

Final Order Hearings:

Todd Twist Case# 2013-408

The Board held a Final Order hearing regarding Mr. Todd Twist .

MOTION:

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

Mr. Christopher Skinner Case# 2014-166

The Board held a Final Order hearing regarding Mr. Christopher Skinner. Mr. Bailey recused himself due to his service as the Hearing Officer.

MOTION:

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

Mr. Lloyd Graybeal Jr. Case# 2013-531 & 2013-545

The Board held a Final Order hearing regarding Mr. Lloyd Graybeal . Mr. Roberts recused himself.

MOTION:

Mr. Clark made a motion not accept the Hearing Officer's Recommendation. Mr. Rhyne seconded the motion which carried unanimously.

Memorandum of Agreement

Mr. Christopher Bedson Case# 2013-105

Christopher Bedson was present and sworn in. Mr. Bedson was represented by Suzanne Hawkins. Erin Baldwin, Esq. represented the State. Mr. Bedson answered questions from the Board. Ms. Baldwin requested that the Board accept the Memorandum of Agreement (MOA).

MOTION:

Mr. Bailey made a motion to accept the Memorandum of Agreement. Respondent is assessed a fine of Two Hundred Fifty and 00/100th (\$250.00) for violation of S. C. Code Ann. § 40-59-240 (C), to be paid within sixty (60) days of the date of the final order. Mr. Dowd seconded the motion, which carried unanimously.

Review of Administrator Report and Recommendation on Bond Claim:

Jerry Cooper Case# 2014-132

The Board held a hearing regarding the Administrator's Report and Recommendation on bond claim for Mr. Jerry Cooper. Mr. Cooper was present along with his witness Mr. Martin Buckley. Mr. Cooper waived his right to counsel.

MOTION:

Mr. Bailey made a motion to uphold the Administrator's recommendation and amount for the Bond Claim. Mr. Dowd seconded the motion, which carried unanimously.

Jimmy Cox Case#2014-268

The Board held a hearing regarding the Administrator's Report and Recommendation on bond claim for Mr. Jimmy Cox. Mr. Cox was not present.

MOTION:

Mr. Dowd made a motion to uphold the Administrator's recommendation and amount for the Bond Claim. Mr. Dill seconded the motion, which carried unanimously.

National Home Inspector Exam:

The Commission heard a request from Mr. Roger Herdt, ASHI member, to accept the National Home Inspector's Exam in lieu of the SC Home Inspector's Exam.

MOTION:

Mr. Dill made a motion to accept the National Home Inspector's exam and replace the South Carolina Home Inspector Exam with the National Home Inspector Exam. Mr. Bailey seconded the motion, which carried unanimously.

Administrator’s Remarks for Information:

Outbuildings under 200 sq. ft.

Janet Baumberger, Administrator for the Residential Builders Commission, brought the issue of Residential Building less than 200 sq. ft. and question whether the person building the structure should be licensed, due to the structure not requiring a permit. Due to a permit not being required by the jurisdictions would not be aware of the structure until after it has been built. The Commission discussed the issue at length and determined the local jurisdictions would need to take action for requirements of an outbuilding since it didn’t fall under the jurisdictions of the Residential Builders Commission’s scope.

Disciplinary Action against Certificate of Authorization

MOTION:

Mr. Clark made a motion to allow disciplinary actions to be brought against both the builders of record and the Company who holds the Certificate of Authorization. Mr. Lemmon seconded the motion, which carried unanimously.

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- 151	Pending actions- 82	ALC- 4	Pending Advice
Action-6	Pending CA/MOA- 11	Pending Panel Hearing-35	Pending FO-7
Closed-70	Appeals-0		

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.

Complaints Received – 292	Active Investigations – 128
Dismissed Cases – 268	

New Business

A. Recommendations of IRC

MOTION:

Mr. Bailey made a motion to approve the Recommendation of the IRC with the exception of case# 2015-115. Mr. Clark seconded the motion, which carried unanimously.

B. Resolution Guidelines

MOTION:

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

Old Business:

The board was given information for review of the InterNACHI/ ASHI standards of practice for further review.

MOTION:

Mr. Dillard made a motion to go into executive session. Mr. Dowd seconded the motion, which carried unanimously.

MOTION:

Mr. Dowd made a motion to exit executive session. Mr. Clark seconded the motion, which carried unanimously.

Public Comments:

Public Comments were made.

Date of Next Meeting:

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

Adjournment:

Mr. Bailey made a motion to adjourn the Residential Builders Commission Meeting. Mr. Lemmon seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 3:07 p.m.

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