

**South Carolina Building Codes Council
Council Meeting
South Carolina Fire Academy, Denny Auditorium
141 Monticello Trail, Columbia, SC 29203**

Tuesday, August 16, 2022

10:30 am

Welcome and Call To Order:

Delisa Clark, Council Chairman, called the meeting to order at 10:31 a.m.

Delisa Clark, Council Chairman, announced that notice of this meeting was properly posted at the Building Codes Council Office, Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations, and news media in compliance with §30-4-80 of the South Carolina Freedom of Information Act

Approval of Agenda:

August 16, 2022

MOTION

Mr. Lowman made a motion to approve the Agenda for August 16, 2022. Ms. Hopkins seconded the motion, which carried unanimously.

Introduction of Council Members and Others

Doug Terrell, Alan Campbell, Bennett Griffin, Michael Richardson, Melissa Hopkins, Mike Lowman, Curtis Rye, Frank Hill, Delisa Clark, Chris Cullum, Darbis Briggman, Tim Hance, Michael Julazadeh, Stevenson Adams, and Patrick Bradshaw introduced themselves as Council members.

Staff members participating in the meeting included: Stacey Hewson, Advice Counsel; Molly Price, Administrator; Maggie Smith and Teresa Martin, Program Coordinators; and Cortney Glover, Court Reporter.

Approval of Excused Absences

No absences to report.

Approval of Meeting Minutes from May 26, 2022

MOTION

Mr. Briggman made a motion to approve the May 26, 2022 meeting minutes. Mr. Bradshaw seconded the motion, which carried unanimously.

Chairman's Remarks:

Chairman Clark welcomed those present and thanked them for coming.

Staff Reports

a. *Legislative Update* – Holly Beeson

Ms. Beeson explained the following bills were enacted by the General Assembly during the 2022 legislative session and impact the Building Codes Council and/or Building Codes Council licensees:

Membership of the SC Building Codes Council, S.934/Act 205

S.934 requires that the architect's seat on the Building Codes Council be selected from a list of qualified candidates submitted to the Governor by the South Carolina Chapter of the American

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Institute of Architects. The Act also adds a requirement that all Council members be a resident of this State. Effective date: May 18, 2022

Modifications to Residential Home Builders Act, H.3606/Act 186

H.3606 modified the South Carolina Residential Home Builders Act. First, it adds a statute, S.C. Code Ann. §40-59-265, which exempts certain improvements to residential property from building permit and licensure requirements when the work is performed by an owner of such property. Subsection (A) provides a list of the exempted improvements to include categories for building, electrical, gas, mechanical and plumbing. When making the exempted improvements to one's residential property, an owner is not required to obtain a building permit or have a builder or specialty contractor license to perform the work. As a result, a homeowner performing these exempted improvements is not required to sign a disclosure statement pursuant to S.C. Code Ann. §40-59-260.

Second, the definition of "residential specialty contractor" in S.C. Code Ann. §40-59-20(7) was modified in several respects:

The phrase "who is not a licensed residential builder" was removed to allow a person to hold both a residential builder license and any of the residential specialty contractor registrations or licenses at the same time. This is also specifically stated in the last paragraph of the modified definition.

The undertaking amount which requires registration or licensure was increased from two hundred dollars to five hundred dollars.

"Solar panel installers" was added as an area of contracting consistent with the Commission's regulations.

It specifies that the mechanical trades are issued specialty contractor *licenses* that require an examination while the other trades are issued specialty contractor *registrations*.

It adds a statement that a residential specialty contractor cannot subcontract or hire or employ others to perform work that is outside the scope of their license or registration.

It clarifies that a residential builder can perform work in any of the areas of contracting identified in the definition of "residential specialty contractor" without separately obtaining a residential specialty contractor license or registration in that trade. This includes the mechanical trades *except where the builder has "RBW" shown on the license, indicating that a reciprocal license was issued without testing in the mechanical trades*. Effective date: May 16, 2022.

b. Administrator's Report – Molly Price

Ms. Price provided licensure statistics to the Council, citing 153 newly issued registrations as of August 9, 2022, with a total of 1,173 total active registrants.

She also provided cash reports for both Building Codes and the Certification Program.

Ms. Price stated that an e-blast would go out in reference to the 2021 codes going into effect on January 1, 2023.

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c. Modular Building Program Report- Maggie Smith

Mrs. Smith provided the Council with the first- and second-quarter modular label issuance numbers for 2022. She also explained that two modular plant audits were performed on July 18, 2022, and that the audit process will continue to be assessed for improvements as more audits are performed. Any process improvements will be discussed with the Modular Review Committee at the next scheduled meeting, and the remaining audits will continue to be scheduled and performed with the assistance of the Committee as needed.

d. Office of Investigations and Enforcement Report – Todd Bond

Mr. Bond explained that there have been 28 new complaints filed since January 1, 2022. There are currently 4 active investigations and 2 cases have been closed this year.

e. Investigative Review Committee (IRC) Report – Todd Bond

The IRC met on August 4, 2022, and recommended 2 cases for dismissal and 4 cases for formal complaint.

MOTION:

Ms. Hopkins made a motion to approve the IRC report. Mr. Briggman seconded the motion, which carried unanimously.

f. Office of Disciplinary Counsel (ODC) Report – Erin Baldwin

Ms. Baldwin reported that there are currently 8 cases with the Office of Disciplinary Counsel—6 of which are pending hearings or agreements.

Disciplinary Hearing

Case No: 2021-11

The Building Codes Council held a disciplinary hearing regarding Richard J. Lattimore. Mr. Lattimore appeared before the Building Codes Council with Attorney Micah Leddy from the Leddy Law Firm. All persons testifying were sworn in by the court reporter. Disciplinary hearings are recorded by a certified court reporter in the event that a verbatim transcript is necessary.

MOTION:

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

MOTION:

Mr. Lowman made a motion to come out of executive session. Mr. Rye seconded the motion, which carried unanimously.

It was noted for the record that no votes were taken during executive session.

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MOTION:

Mr. Cullum made a motion to place Mr. Lattimore on a one-year probation with a \$250 fine. Mr. Briggman seconded the motion, which carried unanimously.

Old Business

a. 2022 Regulatory Review

Ms. Hewson stated no votes were needed at this time per Ms. Beeson's statement that a report is not due until May 2023.

New Business

a. Committee Appointment for Review of Building Code Enforcement Officer Regulations

Ms. Price stated that Ms. Hopkins offered to act as the Committee chair, and several other names were put forth for participation by the Council members. Ms. Hopkins stated that she would be happy to form the committee from a list of those interested and send notice of the first meeting soon with the assistance of Ms. Price.

MOTION

Ms. Hopkins made a motion to form a committee to review the Building Code Enforcement Officer Regulations. Mr. Richardson seconded the motion, which carried unanimously.

b. Design Review for Modular Units Under S.C. Code of Regs. 8-607(4)

Ms. Smith asked the Council for clarification of whether both an engineer's and an architect's seal are required on the modular design plans for educational occupancies, such that changes need to be made to Regulation 8-607(4)(a), specifically the phrase "prepared by an architect *or* engineer." Ms. Smith also asked for guidance as to whether or not the regulation violates the requirements of the Engineer's and Architect's Practice Acts, specifically S.C. Code Ann. §40-3-290(C)(2) and §40-22-280(B)(2); or if the Modular Construction Act, S.C. Code Ann. §23-43-10 et seq., creates an exception to these requirements of the aforementioned acts.

MOTION

Mr. Terrell made a motion to maintain the process as-is, and to put the responsibility for determining what seals are required on the designated licensed modular Third Party Inspection Agency. Mr. Hance seconded the motion. The motion carried with Mr. Bradshaw and Mr. Hill opposed.

c. Virtual Inspections with Unlicensed Personnel Onsite

Michael Doles, registered building official with RCI of SC, Inc., asked the Council for clarification regarding whether or not an unregistered individual can assist a registered code enforcement officer in performing virtual inspections, where the unregistered individual only operates the camera with no offering of code interpretations.

MOTION

Mr. Bradshaw made a motion that, during a code inspection, a person merely operating a camera on behalf of a registered code enforcement officer and not offering code interpretations will not be

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considered to be practicing as a code enforcement officer in violation of the statutes and regulations of the Council. Mr. Lowman seconded the motion. The motion carried with Mr. Adams, Mr. Cullum, Mr. Hance, Mr. Hill and Mr. Briggman opposed.

d. Travel Approval for 2022 ICC Annual Conference (Sept 10-14, 2022)

Ms. Price stated that she would be attending the 2022 ICC Annual Conference as an ICC board shadow, so Council funds would not be required for her travel this year; however, Ms. Hopkins and Mr. Briggman expressed interest in attending the conference on behalf of the Council and would need approval.

MOTION

Mr. Hance made a motion to approve 2 Council members to travel to the 2022 ICC Conference. Mr. Hill seconded the motion, which carried unanimously.

Public Comments

Ms. Yen Yen Skelton and Ms. Dee Tucker spoke in opposition of an exception in the 2021 South Carolina Plumbing Code, which upon implementation on January 1, 2023, would allow for the use of gender neutral bathrooms in some cases. They requested an emergency modification to the codes to remove the exception allowing these facilities from the 2021 South Carolina Plumbing Code, citing unsafe conditions for vulnerable individuals.

Chairman Clark thanked them for their time, and explained that no action could be taken by the Council during public comments. She asked that the Council be allowed time to review the information provided and find a path forward.

Adjournment

MOTION

Mr. Cullum made a motion to adjourn. Ms. Hopkins seconded the motion, which carried unanimously.

There being nothing further the meeting adjourned at 1:45 p.m.