

LLR - SOUTH CAROLINA MANUFACTURED HOUSING BOARD
Synergy Business Park, Kingtree Building
110 Centerview Drive, Kingtree Building, Room 105
Columbia, South Carolina 29210

MINUTES

Tuesday, June 10, 2014

10:00 A.M.

Mr. David A. Randall, Board Vice-Chairman, announced that the meeting was held in accordance with §30-4-80 of the South Carolina Freedom of Information Act and, by notice, mailed to all requesting persons, organizations, and news media. In addition, notice was posted on the bulletin boards at the main entrance of the Kingtree Building.

WELCOME AND CALL TO ORDER:

Vice-Chairman Randall called the regular meeting of the South Carolina Manufactured Housing Board to order at 10:00 a.m. Other Board members present for the meeting included: Randall Altman, Dorothy Edwards, Michael Levy, Arthur Newton, Adam Reese and Patrick Smith.

Staff members participating in the regular meeting included: Hardwick Stuart, Advice Counsel, Tracey Perlman, Disciplinary Counsel, R.J. Kirby, Investigator, Roger Lowe, Administrator and Crystal George, Program Assistant.

Others present participating in the meeting included: Mark Dillard and Ed Schafer, Manufactured Housing Institute of South Carolina, Cecilia Larsen, Complainant and Nadine Garrett, Court Reporter,

Approval of Agenda:

Tuesday, June 10, 2014

Vice-Chairman David Randall asked that the Agenda be amended to hear the Final Order Hearing after Item 11–Public Comments.

MOTION

Ms. Edwards made a motion to accept the Agenda changes as requested. Mr. Newton seconded the motion, which carried unanimously.

Approval of Minutes:

Tuesday, March 11, 2014

MOTION:

Mr. Smith made a motion to accept the Tuesday, March 11, 2014 minutes as presented. Mr. Reese seconded the motion, which carried unanimously.

Approval/Disapproval of Absent Members:

MOTION:

Mr. Newton made a motion to excuse the absences of Richard Bagwell, Wayne Iseman and Marion Moore. Ms. Edwards seconded the motion, which carried unanimously.

Chairman's Remarks: *Mr. David A. Randall, Vice-Chair for Mr. Randall Altman, Chair*

Vice-Chairman Randall stated that he was glad to have Chairman Altman back at the meetings. Chairman Altman stated that he was glad to be back and is expecting a full recovery.

Administrator's Remarks:

Mr. Lowe welcomes Chairman Altman back. Mr. Lowe briefed the Board on Senate Bill 1187 which reached joint resolution and timed in effective May 23, 2014. Mr. Lowe reported on the number meetings missed by each Board member.

Office of Investigations and Enforcement (OIE):

Tracey Perlman for Todd Bond

OIE Status Report - There were 29 complaints received since January 1, 2014. There are currently 14 cases for dismissal, 3 formal complaints and 1 formal complaint with citation.

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Office of General Counsel:

Tracey Perlman

OGC Report - There are 3 open cases, 1 pending action, 2 pending hearings and 5 closed cases.

MOTION:

Mr. Smith made a motion to accept the OGC Report as presented. Ms. Edwards seconded the motion, which carried unanimously.

Unfinished Business:

NONE

New Business:

Clarification on Authorized Official's Licensing Requirements – The current Statutes and Regs do not specify the definition or the licensing requirements of the Authorized Official.

MOTION:

Chairman Altman made a motion that a committee be formed with Mr. Newton and Mr. Bagwell to chair the committee. Mr. Levy seconded the motion, which carried unanimously.

Manufactured Housing Licensing Trends – The Board was presented with reports on trends in the Manufactured Housing Industry.

MOTION:

Mr. Bagwell made a motion a motion to accept the information as presented. Mr. Newton seconded the motion, which carried unanimously.

Public Comments:

Mr. Mark Dillard, Manufactured Institute of South Carolina spoke briefly on the Institute's interpretation of the Authorized Official.

Formal Complaint Hearing

Mobile Homes R Us, LLC, Billie Attaway

Mobile Homes R Us, LLC, Billie Attaway did not appear before the Board. Mobile Homes R Us, LLC, Billie Attaway allegedly violated three codes of the Practice Act. Tracey Perlman stated that the Respondent was properly notified of this Hearing.

MOTION:

Ms. Edwards made a motion to continue the Hearing in Respondent's absence. Mr. Levy seconded the motion, which carried unanimously.

The Board continued with this Hearing and heard evidence from the Complainant, Ms. Cecilia Larsen, and Investigator R.J. Kirby. Attorney Perlman recommended that Complainant be reimbursed within 90 days and if there is no payment within that time the Mobile Homes R Us, LLC/Bille Attaway's license be revoked until paid. After Mr. Levy's motion, Attorney Perlman suggested the Board go into executive session before a motion was made.

MOTION:

Mr. Levy made a motion that the Board accept the recommendation from OGC and find the Respondent in violation of the Practice Act.

MOTION:

Mr. Bagwell made a motion to go into executive session. Ms. Edwards seconded the motion, which carried unanimously.

MOTION:

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Mr. Newton made a motion to come out of executive session. Ms. Edwards seconded the motion, which carried unanimously. Vice-Chairman Mr. Randall announced that the Board received legal advice and no vote was taken during executive session. Executive session was from 10:37 a.m. to 11:51 p.m.

MOTION:

Mr. Newton made a motion for Mobile Homes R Us, LLC/Billie Attaway to return the Complainant's money in the amount of forty thousand three hundred and seventy-five dollars within 90 days or revoke license until paid.

MOTION:

Mr. Levy made a motion to fine Mobile Homes R Us, LLC/Billie Attaway two thousand dollars per violation, issue immediate C&D as of today and order Ms. Larsen's fund be refunded 100% within 30 days from today's date and at the end of 30 days staff authorized to immediately initiate Bond Claim at 100% of the Bond amount and revoke the license. Prior to reissuing the license Mobile Homes R Us, LLC/Billie Attaway will have to come before the Board and be subject to a review of his entire history. Mr. Newton seconded the motion, which carried unanimously.

Date of Next Meeting:

Vice-Chairman Randall announced that the next regular meeting will be Tuesday, September 9, 2014 in room 202-2 at 10:00 a.m.

Adjournment:

MOTION:

Mr. Levy made a motion to adjourn the meeting. Mr. Altman seconded the motion, which carried unanimously.

There being nothing further, the meeting concluded at 12:00 p.m.

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