

Tuesday, March 9, 2004 - 10:00 AM

110 Centerview Drive

Kingstree Building Suite 108

Columbia, South Carolina

MEMBERS PRESENT

Ralph Camp (Chairman)

Wayne Iseman(Vice Chairman)

Randall Altman

Sharon Johnson

Paul Laurent

Clarence Strickland

Gillard Dotterer

STAFF

David Bennett

Angela Scott

Rick Wilson

OTHERS PRESENT

Eric Gore Art Newton

Con Eargle Dane Janelli

Mark Dillard Bruce Kelly

Robert Rizzetta Roscoe Still

NOTE: Public Notice of this meeting was properly posted at the Board office and provided to any requesting persons, organizations, or news media in compliance with Section 30-4-80 of the 1976 South Carolina Code, as amended, relating to the Freedom of Information Act.

Call to Order

The March 9, 2004, Manufactured Housing Board meeting was called to order by Chairman Ralph Camp at approximately 10:00 a.m.

Excused Members

Chairman Camp informed the Board that Mr. Levy and Mr. Gamble were not able to attend the meeting. Mr. Dotterer made a motion, seconded by Mr. Strickland, to excuse members' absences. The motion was unanimously carried.

Approval of Agenda

Chairman Camp called for the approval of the agenda, as previously noticed. After review, Mr. Dotterer made a motion, seconded by Mr. Altman, to approve the agenda. The motion was unanimously carried.

Approval of Minutes

Chairman Camp called for the review and approval of the January 19, 2004, minutes. After review, Mr. Dotterer made a motion, seconded by Mr. Iseman, to approve the minutes. The motion was unanimously carried.

Progress Reports

Status Report-Manufactured Housing

The Status Reports for January and February 2004 were reviewed. Copies of the status reports are attached and hereby become part of the record.

New Licenses

Reports listing the licenses issued for January and February 2004 for Dealers, Manufacturers, Multi-Lot Salespersons, Contractors, Installers and Repairers were reviewed. Copies of the new reports are attached and hereby become part of the record.

Administrative Hearings

Reports of Administrative Hearings for January and February 2004 were reviewed. Copies of the administrative hearing reports are attached and hereby become part of the record.

Unfinished Business

Chairman Camp reminded the Board Members to complete and mail the State Ethics Commission forms by April 15, 2004.

David Bennett

Mr. Bennett informed the Board that the Senate LCI Sub-Committee has heard the regulations and they would be forwarded to the Full Senate LCI on Thursday, March 11, 2004. He stated that the LCI Committee held a meeting prior to the Senate passing the regulations regarding the definition of a manufactured home.

Mark Dillard

Mark Dillard from the Manufactured Housing Institute of South Carolina thanked Mr. Bennett for doing such an excellent job explaining the regulations to the Senate.

New Business

Bond Claims

Mr. Iseman asked whether there was enough money to pay the claims being submitted on K O Housing. Mr. Bennett informed the Board that staff was not certain if all the claims have been submitted. He stated that the claims submitted are deposits issues only, totaling thirty-seven thousand seven hundred twenty-five (\$37,725.00) dollars. There is not enough money to pay the claims and they would have to be prorated. He stated that Mr. Oliver Ferguson, d.b.a. KO Housing, is being criminally prosecuted. Mr. Dotterer asked whether there was anything staff or the Board could have done to prevent this company taking those deposits. Mr. Bennett stated there was not anything staff or the Board could have done to prevent this from happening. Mr. Ferguson has been in the industry for a number of years and this just happened within a short period of time. He was taking deposits one day and the next day he was no longer in business.

After review and discussion of the bond claims presented, Mr. Laurent made a motion, seconded by Ms. Johnson, to approve the bond claims submitted. The motion was unanimously carried.

R B C Licenses

Mr. Bennett informed the Board that in 1997 the Residential Builders Commission made a policy decision and reinforced it in 2000, that they would not sanction its licensees if substandard work were done on a manufactured home, because such work would have been performed under HUD standards rather than the Standard Building Code. At the February 11, 2004, Residential Builders Commission meeting the Commissioners reconsidered that policy decision at staff's request. They decided that they would sanction their licensees if substandard work were done on a manufactured home. The work will be judged against the applicable code or HUD standard.

Mr. Charles McAlister, Administrator of the Residential Builders Commission, stated that he understood the reason why the Manufactured Housing Board made the decision not to allow Residential Builders Commission licensees to perform repair work on a manufactured home. He informed the Board that the Commissioners have voted to allow and regulate its licensees to do repair work on manufactured homes. Mr. Bennett stated since the Residential Builders Commission has decided to exercise jurisdiction over its licensees who work on manufactured homes, staff is asking that the Board recognize licenses and registrations issued by the Residential Builders Commission to do repair work on manufactured homes. This has been a hardship on both the Residential Builders Commission licensees and some manufactured housing consumers.

After review and discussion, Mr. Dotterer made a motion, seconded by Mr. Strickland, to allow Residential Builders licensees to perform repair work on manufactured homes. The motion unanimously carried.

H.4737

Mr. Bennett informed the Board that the House Members' are talking about introducing the proposed bill H.4737, which allows licensed real estate agents or licensed real estate brokers to sale or sell manufactured homes without being licensed by the Manufactured Housing Board.

A licensed retail dealer can not operate without surety bond and the proposed bill would allow licensed real estate agents and brokers to sell manufactured homes without having a surety bond or license.

After review and discussion, Mr. Strickland made a motion, seconded by Ms. Johnson, to oppose the bill, because it eliminates the protection of the consumer and it is redundant to the bill that has already been passed. The motion unanimously carried.

Application Review

Mr. Cary Dane Jannelli

The Board reviewed the retail salesperson application of Mr. Cary Dane Jannelli. Mr. Jannelli and Ms. Brenda Dill were sworn in by Mr. Iseman. Mr. Jannelli waived his right to counsel.

Mr. Bennett informed the Board Mr. Jannelli applied for a retail salesperson license and upon staff review of the application, questions arose regarding Mr. Jannelli conduct, character and fitness for licensure. Mr. Bennett informed the Board that, Mr. Jannelli's SLED Report indicated that he has been arrested several times on a number of charges ranging from possession of a controlled substance to shoplifting. The sled report does not indicate any court dispositions.

Mr. Jannelli testified that at one point in his life he used drugs and did things that were wrong and he did not have an excuse for doing them. He has learned from his mistakes and asked the Board to grant him a license. Mr. Jannelli explained each of the charges to the board.

Mr. Rick Wilson advised the Board that Mr. Jannelli had some charges that were still pending. Mr. Jannelli would have to furnish to the Board a disposition of all the charges from the Solicitor's Office before he would be eligible for a license.

Mr. Dotterer made a motion, seconded by Ms. Johnson, for the Board to go into executive session for legal advice. The motion was unanimously carried. The Board returned to public session. The Chairman stated for the record that no action had been taken in executive session. Mr. Iseman made a motion, seconded by Mr. Strickland, to hold action on this case in abeyance, until Mr. Jannelli furnishes the Board a letter from the Solicitor's Office explaining the disposition of each charge indicated on his SLED report. The motion was unanimously carried.

(Official transcripts of the aforementioned person's appearance before the Board are available upon request for a thirty-day time period.)

Administrative Hearing

Wearing Manufactured Homes

The Board reviewed the complaint against Wearing Manufactured Homes. Mr. Bennett informed the Board that staff received notification from the respondent's attorney, Byron E. Gipson, Esquire, that he had to be in General Sessions Court and asked for a continuance. Mr. Kent Lesesne agreed to the continuance because documentation was provided showing that the attorney is in fact scheduled for General Sessions Court.

Mr. Bennett stated that this is the third continuance that has been granted and this company is still able to do business. The next meeting is scheduled for May 25, 2004, and if they do not meet before this date it would allow Wearing Manufactured Homes to continue operating until at least that time.

After review and discussion Mr. Iseman made a motion, seconded by Mr. Strickland, to have the Wearing Manufactured Home hearing Tuesday, April 13, 2004, at 10:00 a.m. The motion was unanimously carried.

(Official transcripts of the aforementioned person's appearance before the Board are available upon request for a thirty-day time period.)

Public Comments

Chairman Camp

Chairman Camp informed the Board that Mr. Don Wilborn was killed in an accident. The Board condolence goes out to his family.

Date of Next Meeting

Tuesday, April 13, 2004

Adjournment:

There being no further business, Mr. Dotterer made a motion, seconded by Mr. Strickland, to adjourn. The motion was unanimously carried. The meeting was adjourned at 11:40 a.m.