

Tuesday, December 14, 2004 - 10:00 AM

110 Centerview Drive

Kingstree Building Suite 108

Columbia, South Carolina

MEMBERS PRESENT

Ralph Camp (Chairman)

Wayne Iseman (Vice Chairman)

Paul Laurent

Clarence Strickland

Michael Levy

Thomas Gamble

Sharon Johnson

STAFF

David Bennett

Angela Scott

Rick Wilson

Michael Platt

OTHERS PRESENT

Eric Gore Mark Dillard

Con Eargle Art Newton

Roger Ross Patricia Caldwell

L B Collins Deborah Collins

David Hicks Geary Davis

Dennis Harvey David Fautley

Minnie Owens Robert Bates

John Herrington

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 December 14, 2004, Manufactured Housing Board meeting was called to order by Chairman Ralph Camp at approximately 10:00 a.m.

Approval of Agenda

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

Approval of Minutes

Chairman Camp called for the review and approval of the October 12, 2004, minutes. After review, Mr. Iseman made a motion, seconded by Mr. Laurent, to approve the minutes. The motion was unanimously carried.

Progress Reports

Status Report-Manufactured Housing

The Status Reports for October and November 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 October and November 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 October and November 2004 were reviewed. Copies of the administrative hearing reports are attached and hereby become part of the record.

New Business

Bond Claims

Mr. Iseman asked why the claim against Mr. Ray Barefoot was less than the estimate submitted by the consumer. Mr. Bennett stated that the amount of the claim exceeded the amount of the bond, therefore, staff could only recommend the amount remaining on the bond.

Mr. Strickland asked to be recused from voting on the claim submitted against Mr. W. A. Henderson, because he was one of his former employees. Mr. Strickland was recused.

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

South Carolina Manufactured Housing Academy

Mr. Bruce Kelly of the South Carolina Manufactured Housing Academy informed the Board that due to the decline in enrollment and increased rental expenses, he and Mr. Con Eargle are requesting the fees for the mandatory training class be increased to two hundred (\$200) dollars effective, February 2005, in order for them to continue operating.

After review and discussion of the request being increased, Mr. Levy made a motion, seconded by Mr. Strickland to grant the increase for the mandatory training class to two hundred (\$200) dollars effective, February 2005, provided that the enrollment increases, Mr. Kelly and Mr. Eargle would consider decreasing the fees. The motion was carried with one nay vote.

Application Review

Mr. David Hicks

The Board reviewed the retail salesperson application of Mr. David Hicks. Mr. Iseman swore in Mr. Hicks.

Mr. Bennett informed the Board that Mr. Hicks applied for a retail salesperson license and upon staff review of the application, questions arose regarding the Applicant's conduct and character and fitness for licensure. While previously licensed as a contractor, a citation was issued on October 14, 2003, and a hearing was held on December 4, 2003. The fine imposed by the citation to date nor has the work been finished. Furthermore, the sled revealed a change for fraudulent check. Therefore, staff could not issue Mr. Hicks' retail salesperson license.

Mr. Hicks testified that he has a signed work order stating that the work was completed and he would like to pay the outstanding fine. He advised that the fraudulent check change was dropped after payment was made.

Mr. Rick Wilson advised the Board and Mr. Hicks that before a license could be issued, Mr. Hicks would need to clear up his sled report. Staff also must verify that all work has been completed and Mr. Hick must pay the outstanding citation. At that point he would be eligible for a license without further action by the board.

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

Mr. Jeff Shively

The Board reviewed the retail dealer application of Mr. Jeff Shively. Mr. Iseman swore in Mr. Roger D. Ross, L. D. Collins, John Harrington, Minnie Owens and Mr. Geary Davis.

Mr. Bennett informed the Board that Mr. Shively called at approximately 9:20 a.m. requesting a continuance of the appearance scheduled for 10:00 a.m., asserting that he did not feel well enough to attend. Mr. Bennett stated that several witnesses from out-of-state were present to give testimony.

The Board considered the request and, noting the presence of the witnesses, denied the request for a continuance. Mr. Bennett informed the Board that Mr. Shively applied for a retail dealer license and upon staff review of the application, questions arose regarding the Applicant's conduct and character and fitness for licensure. While previously licensed, Mr. Shively committed several acts of misconduct in the practice of manufactured home sales. It was established that in June of 2004, Mr. Shively received a seven thousand one hundred twenty

(\$7,120) dollar downpayment from Mr. Roger D. and Mrs. Mary T. Ross for a special order home. Applicant also withdrew additional monies from the Ross' bank loan for approximately one hundred fourteen thousand (\$114,000) dollars. The home was never ordered from the factory and applicant has not returned the monies. Applicant also entered into the transaction with the Rosses without a valid sales agreement (Form 500).

It was further established that on or about June 9, 2004, Applicant received approximately fourteen thousand (\$14,000) dollars as a downpayment from L. D. and Deborah Collins for a manufactured home. No home was delivered and no refund of the downpayment was made.

It was further established that beginning on or about April 29, 2004, Applicant received approximately twenty thousand eight hundred fifty (\$20,850) dollars as a downpayment from John Harrington and Dennis Harvey for a manufactured home. No home was delivered and Applicant made no refund of the downpayment after proper request.

On or about September 24, 2004, Applicant received a one thousand five hundred (\$1,500) dollar downpayment from Ms. Minnie Owens for a manufactured home. No home was delivered and no refund of the downpayment was made. However, such were not before the Board at that time and was not considered in rendering the decision.

Mr. Altman stated his belief that the Bank also was negligent because they did not verify that the home was delivered before releasing the funds.

After hearing testimony, Mr. Levy made a motion, seconded by Mr. Strickland, to deny Mr. Shively's application for a retail dealer license. 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

Mark Dillard

Mr. Mark Dillard from the Manufactured Housing Institute of South Carolina introduced Mr. Alan Hutto. Mr. Hutto works in Governmental Affairs at the Manufactured Housing Institute of South Carolina. He previously worked as a law clerk at The South Carolina Department of Labor, Licensing and Regulation.

David Bennett

Mr. David Bennett introduced to the Board the State Fire Marshal, Mr. Michael Platt.

Date of Next Meeting

Tuesday, February 8, 2004

Adjournment:

There being no further business, Mr. Iseman made a motion, seconded by Mr. Altman, to adjourn. The motion was unanimously carried. The meeting was adjourned at 10:55 a.m.