

Tuesday, February 8, 2005 - 10:00 AM
110 Centerview Drive
Kingstree Building Suite 111
Columbia, South Carolina

MEMBERS PRESENT

Ralph Camp (Chairman)
Randall Altman (Vice Chairman)
Paul Laurent
Clarence Strickland
Sharon Johnson
Gillard Dotterer

STAFF

David Bennett
Angela Scott
Sharon Dantzler
Michael Platt

OTHERS PRESENT

Mark Dillard
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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 February 8, 2004, Manufactured Housing Board meeting was called to order by Chairman Ralph Camp at approximately 10:00 a.m.

Election of Officers

Chairman Camp turned the election process over to Mrs. Sharon Dantzler, who called for nominations from the floor for the Office of Chairman. Mr. Laurent moved to nominate Mr. Ralph Camp to serve as chairman. Mr. Strickland seconded the motion. There being no further nominations, the nominations were closed and Mr. Camp was elected by acclamation.

Mrs. Dantzler turned the election process over to Chairman Camp. Chairman Camp then called for nominations for the Office of Vice Chairman. Mr. Strickland moved to nominate Mr. Randall Altman to serve as Vice-Chairman. Mr. Dotterer seconded the motion. There being no further nominations, the nominations were closed and Mr. Altman was elected by acclamation.

Approval of Agenda

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

Approval of Minutes

Chairman Camp called for the review and approval of the December 14, 2004, minutes. After review, Mr. Strickland made a motion, seconded by Mr. Laurent, to approve the minutes. The motion was unanimously carried.

Excused Members

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

Unfinished Business

Mr. Bennett reminded the Board Members' to complete and mail the State Ethics Commission forms by April 15, 2005.

Progress Reports

Status Report-Manufactured Housing

The Status Reports for December 2004 and January 2005 were reviewed. Copies of the status reports are attached and hereby become part of the record.

New Licenses

Reports listing the licenses issued for December 2004 and January 2005 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 December 2004 and January 2005 were reviewed. Copies of the administrative hearing reports are attached and hereby become part of the record.

New Business

Bond Claims

Mr. Dotterer asked whether the claim against Barbee Mobile Home Service was the first claim filed against an installer. Mr. Bennett stated that this was not the first claim filed against an installer.

Chairman Camp asked why were the claims against Mr. Jeff Shively, d.b.a. Palmetto Housing Center less than the estimates submitted. Mr. Bennett stated that the case against Palmetto Housing Center was heard at the last meeting. Several claims have been submitted against this company totaling fifty-seven thousand dollars (\$57,000), which exceeds the thirty thousand dollars (\$30,000) bond therefore, the claims had to be prorated.

Mr. Altman asked whether Mr. Shively was still business and how long was he in business. Mr. Bennett stated that Mr. Shively was in business approximately three years. He informed the Board that he believes Mr. Shively is no longer in business and a Cease and Desist has been issued and there is also a criminal investigation being conducted.

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 Regulation

Mr. Bennett informed the Board that the new Manufactured Housing Regulations went into effect Friday, January 28, 2005. He stated that a memorandum highlighting the new requirements for sled reports, credit checks and financial statements were mailed to all retail dealers. The updated requirements will be enforced effective March 1, 2005. A credit report must be provided by the applicant to the Department for the owner or authorized official or entity of the retail dealer upon initial application for a license, or if the license has been previously suspended or revoked, or if the license lapses for six months. The Board may require a credit check to be provided for the purpose of investigating a complaint or verifying the information contained on the application for license. Reviewed Financial reports are required for Corporations and LLC's. Compiled Financial Reports are required for Sole Proprietorship and Partnerships.

Chairman Camp asked whether there is any information that would assist the Board in reading credit reports. After review and discussion of the credit reports, Mr. Randall Altman agreed to explain a credit report that will be provided by staff at the April 12, 2005, meeting.

Public Comments

Mark Dillard

Mr. Mark Dillard from the Manufactured Housing Institute of South Carolina stated that the regulations were very timely and thanked Mr. Bennett for all his time and effort. He stated since the number of licensed retail dealers has declined in the past year, the Board could use the new requirements as a source of consumer protection device and help illuminate the retail dealers that have unfavorable sales practices. He informed the Board that representatives from the real estate agency have contacted him, regarding real estate agents that are selling manufactured homes without a manufactured home license. Two years ago compromised legislation was passed regarding this issue.

Mr. Bennett stated there are real estate companies that are selling foreclosed manufactured homes and the land for financial institutions. These individuals believe that if they retire the title it is no longer a manufactured home, it is considered real property and therefore, they only need a real estate license. It is staff's belief that a paper transaction does not change a manufactured home that has been built to HUD code, with a HUD label, and it will remain a HUD home. There is a statement in the Retirement Title Certificate Bill, that states "By adoption of a uniform system for the retirement of title certificates on manufactured homes, the General Assembly intends that other statutory and regulatory provisions affecting manufactured housing remain unchanged." Therefore, it is staff's belief that the Retiring Title Bill is only a paper transaction it does not change what the home is. Mr. Bennett stated that another problem is some of the agents want to have the zoning restrictions on a manufactured home, but want to sell it as real property because the title is retired. Regardless if the title has been retired or not the home is still a manufactured home if it is built to HUD code and has a HUD label. After review and discussion, the Board decided that if the title has been retired the home is still considered a manufactured home if it is built to HUD codes and has a HUD label. Also, the realtor has to have a manufactured home license to sell foreclosed property.

Clarence Strickland

Mr. Strickland recommended that the bond requirements be increased for all manufactured housing licensees. After much discussion, the Board decided not to change the bond requirements at this time.

Date of Next Meeting

Tuesday, April 12, 2005

Adjournment:

There being no further business, Mr. Strickland made a motion, seconded by Mr. Dotterer, to adjourn. The motion was unanimously carried. The meeting was adjourned at 10:45 a.m.