

Tuesday, June 13, 2006 - 10:00 AM
110 Centerview Drive
Kingstree Building Suite 108
Columbia, South Carolina

MEMBERS PRESENT

Ralph Camp (Chairman)
Randall Altman (Vice Chairman)
Paul Laurent
Clarence Strickland
Timothy Holt
Michael Levy
Jane Ballagh
Vanessa Gardner
Michael Platt

STAFF

Gary Wiggins
Angela Scott
Rick Wilson (Advice Attorney)

OTHERS PRESENT

Eric Gore
Christopher Bruce

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 of Laws, as amended, relating to the Freedom of Information Act.

Call to Order

On June 13, 2006, Chairman Ralph Camp called the Manufactured Housing Board meeting to order at approximately 10:00 a.m.

Approval of Agenda

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

Approval of Minutes

Chairman Camp called for the review and approval of the May 9, 2006, minutes. After review, Mr. Strickland made a motion, seconded by Ms. Ballagh, to approve the minutes. The motion was unanimously carried.

Excused Members

Chairman Camp informed the Board that Ms. Johnson, Mr. Iseman and Mr. Altman were not able to attend the meeting. Mr. Holt made a motion, seconded by Mr. Levy, to excuse member absences. The motion was unanimously carried.

Progress Report

Status Report-Manufactured Housing

The status reports for May 2006 were reviewed. Copies of the corrected status reports are attached and hereby become part of the record.

New Licenses

Report listing the licenses issued for May 2006 for Dealers, Manufacturers, Multi-Lot Salespersons, Contractors, Installers and Repairers was reviewed. Copies of the new reports are attached and hereby become part of the record.

Administrative Hearings

Reports of Administrative Hearings for May 2006 were reviewed. Mr. Holt asked whether the Board has the authority to discipline unlicensed individuals. Mr. Rick Wilson stated that staff has authority to issue a citation and administrative penalty to unlicensed individuals who engage in or offer to engage in an activity for which a licensed is required, and that is done through a Hearing Officer review procedure before coming to the Board. Copies of the administrative hearing report are attached and hereby become part of the record.

Unfinished Business

Net Worth Liquidity Standard

Mr. Holt advised that following the last Board meeting he and Mr. Laurent had a discussion regarding financial standards for new dealers to become licensed in this state. He stated that the Board has set a net worth guideline for staff but there are no liquidity requirements. Mr. Holt suggested that the Board decide whether there is a level of liquidity that would be necessary for new dealers to become licensed.

After review and discussion, Chairman Camp asked Mr. Holt, Mr. Laurent, Mr. Strickland, Ms. Vanessa Gardner and Mr. Bennett to form a committee to recommend liquidity requirements for a new dealer to become licensed and present it to the Board for review and approval at an appropriate time.

Related Board's Actions

Mr. Holt stated that at the last Board meeting Mr. Bennett presented a concern regarding someone who was licensed and the license was revoked by the Board and they are presently licensed as a Real Estate Agent. Since that time the spouse of that individual applied for a surety bond to become licensed as a retail dealer in this state. He stated for various reason the bond was not approved. This follows initial concerns the Board has with the Real Estate Commission licensing individuals that have had their license revoked or denied by this Board. Mr. Holt stated that there have been at least two situations this year where spouses of individuals who have had their license denied or revoked have applied for a license to become a retail dealer in this state and their businesses are supposedly separate. However, these situations maybe attempts to circumvent the prohibition against the involvement by sanctioning spouse in the Manufactured Housing Industry,

The Board agreed that such salutations should be monitored to determine whether legal action is required to enforce the law.

New Business

Application Review

Mr. Christopher Bruce

The Board reviewed the retail salesperson application of Mr. Christopher Bruce. Mr. Laurent swore in Ms. Christopher Bruce and Mr. Gary Wiggins. Mr. Bruce waived his right to counsel.

Mr. Wiggins informed the Board that Mr. Bruce applied for a retail salesperson license and, upon staff review of the application, questions arose regarding Mr. Bruce's criminal background. Mr. Wiggins informed the Board that he received a telephone call from Mr. Don Barfield, General Manager of Palm Harbor Homes, advising that he was willing to hire Mr. Bruce.

Mr. Wilson advised that under §40-29-200(E) it is within the discretion of the Board to deny a license to an applicant who has been convicted in a court of competent jurisdiction of a felony or crime of moral turpitude within the past seven years.

Mr. Bruce testified that he is not disputing any of the charges on the criminal background check and everything on it is correct with the exception of the crack cocaine charge. He testified that he has a solicitor working to have that charge removed. He testified that he has finally

found a career that he would enjoy working in and asked the Board to please give him the opportunity to prove himself by approving his application for license.

After hearing testimony, Mr. Levy made a motion, seconded by Mr. Strickland, to go into executive session to receive 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. Ms. Ballagh made a motion, seconded by Ms. Gardner, to deny Mr. Bruce's salesperson application. The motion carried with one nay vote.

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

Public Comments

A concern was expressed that certain land/home transactions involving real estate agents are circumventing licensing law protection for the public. Mr. Wilson informed the Board that he met with Mr. David Bennett and Mr. Mark Dillard regarding the draft amendment to §40-29-200(C), which involves the exemptions for licensing real estate salesperson and brokers.

After review and discussion, Chairman Camp asked that Mr. Wilson set up a meeting with Mr. David Bennett, Mr. Mark Dillard, Mr. Michael Platt and Mr. Tim Holt regarding the possible amendment to §40-29-200(C) and present it to the Board for review at an appropriate time.

Date of Next Meeting

Tuesday, August 8, 2006, Room 108

Adjournment:

There being no further business, Mr. Altman made a motion, seconded by Mr. Iseman, to adjourn. The motion was unanimously carried. The meeting was adjourned at 11:22 a.m.