

Tuesday, August 14, 2007 - 10:00 AM
110 Centerview Drive
Kingstree Building Suite 108
Columbia, South Carolina

MEMBERS PRESENT

Ralph Camp (Chairman)
Vanessa Gardner
Wayne Iseman
Michael Levy
Sharon Johnson
Michael Levy
Paul Laurent
Randall Altman

STAFF

Michael Anderson
Angela Scott
Sheridon Spoon
James C. Saxon
Joseph N. Connell
Reginald Kirby

OTHERS PRESENT

Mark Dillard
Eric Gore
Paul Mitchell
Edmund Taczala
Judy Taczala
Tommy Hill, Esquire
Carnell Johnson

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 Tuesday, August 14 2007, 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 noticed. After review, Mr. Laurent made a motion, seconded by Ms. Ballagh, to approve the agenda. The motion was unanimously carried.

Approval of Minutes

Chairman Camp called for the review and approval of the April 10, 2007, minutes. After review, Mr. Iseman made a motion, seconded by Mr. Altman, to approve the minutes. The motion was unanimously carried.

Excused Members

Chairman Camp informed the Board that Mr. Strickland and Mr. Holt were not able to attend the meeting, due to a previously scheduled appointment. Mr. Altman made a motion, seconded by Mr. Iseman, to excuse members' absences. The motion was unanimously carried.

David Bennett

Chairman Camp read a letter addressed to the Board from Mr. David Bennett, stating due to health issues he will be on extended sick leave effective August 31, 2007. He stated that he enjoyed working with the Board over the years and thanked them for providing a great service to the state, consumers and the industry.

Progress Report

Status Report-Manufactured Housing

The status reports for April 2007, through July 2007, were reviewed. Copies of the status reports are attached and hereby become part of the record.

New Licenses

Reports listing the licenses issued for April 2007, through July 2007, for Dealers, Manufacturers, Multi-Lot Salespersons, Contractors, Installers and Repairers were reviewed. Copies of the reports are attached and hereby become part of the record.

Administrative Hearings

Reports of Administrative Hearings for April 2007, through July 2007, were reviewed. Copies of the administrative hearing report are attached and hereby become part of the record.

Unfinished Business

Bond Claim Policy

Mr. Anderson informed the Board that there were concerns regarding the procedures in which staff handles processing of bond claims. He stated that the Board has a policy authorizing staff to review bond claims and make the determination whether the claim complies with the requirements set forth in section §79-37 of the Regulations; to review and approve the estimates submitted by the consumer for repairs as listed on the inspection report of the investigator and to submit claims to the Board Chairman for authorization of payment. He stated that this has been a practice of the Board for a number of years but there it was never an official policy, therefore he is recommending that the Board make this an official policy. After review and discussion, Mr. Altman made a motion, seconded by Ms. Ballagh, to adopt the Bond Claim Policy submitted by staff. The motion was unanimously carried.

New Business

Administrative Hearings

Palmetto Mobile Homes

The Board reviewed the complaint against Palmetto Mobile Homes. Mr Edmund and Judy Taczala, Mr. Reginald Kirby and Mr. Carnell Johnson were sworn in by Mr. Altman. Mr. Tommy Hill, Esquire, representing Mr. Edward Hughes d.b.a. Palmetto Mobile Homes, informed the Board that Mr. Edward Hughes was not present due to illness and asked the Board for a continuous. The Board considered the request and, noting the presence of the witnesses, agreed to hear the case.

Mr. Joseph Connell, Esquire informed the Board that Palmetto Mobile Homes is currently licensed as a retail dealer with the Manufactured Housing Board. On or about May 24, 2005, Mr. Edmund & Mrs. Judy Taczaia ordered a manufactured home from Palmetto Mobile Homes, agreeing to a specific models and specific upgrades or changes. On May 24, 2005, Palmetto Mobile Homes agreed in a written proposal to remove a wall between the kitchen and dining area and to install a hutch in place of a closet. Upon delivery of the home Mr. and Mrs. Taczaia informed Mr. Hughes to return the unit because it was not what they ordered.

Mr. Reginald Kirby, Investigator for the Office of Investigation, testified that on July 10, 2006, on-site inspection was conducted in response to the homeowner complaint. Three deficiencies were noted; floor uneven in den area/hall; cracks in the ceiling throughout the home; and document signed by Mr. Edward Hughes reflecting the dealer would remove the kitchen wall.

Mr. & Mrs. Taczaia both testified that they purchased a manufactured home from Palmetto Mobile Homes and upon delivery of the home they instructed Mr. Hughes to return the unit because it was not what they ordered. Before they paid the remaining balance of approximately Eighty-Two Thousand Dollars (\$82,000.00), Mr. Hughes assured them that he would correct the problems and signed a written statement dated August 1, 2005, stating specifically that he would remove the wall in question and install a hutch in place of a closet

Mr. Carnell Johnson, Sales Manager for Palmetto Mobile Homes, testified that he conducted business with Mr. & Mrs. Taczaia to purchase a manufactured home. He testified that Mr. & Mrs Taczaia received the home in which they ordered.

After hearing testimonies and closing arguments, Mr. Levy made a motion, seconded by Mr. Altman 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. Levy made a motion, seconded by Ms. Ballagh, that Mr. Hughes, d.b.a. Palmetto Mobile Homes has violated the §40-29-80(A)(4) and the respondent has sixty (60) days from receipt of the order to remove the wall in question, to the satisfaction of Mr. & Mrs. Taczaia, and verified and to the satisfactory of a representative of the Board. Any agreed modifications, or additions to these items must be noted in writing and initialed by Mr. Hughes and Mr. & Mrs. Taczaia. Mr. Hughes must verify in a timely manner the completion of all work with the Board. If the items are not brought into compliance within sixty (60) days from receipt of the order the respondent's license may be suspended or revoked. 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.)

Date of Next Meeting

Tuesday, October 9, 2007, Room 108

Adjournment:

There being no further business, Mr. Altman made a motion, seconded by Ms. Ballagh, to adjourn. The motion was unanimously carried. The meeting was adjourned at 12:45 p.m.