

Tuesday, December 11, 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
Clarence Strickland
Paul Laurent
Randall Altman
Tim Holt

STAFF

Michael Anderson
Angela Scott
Sheridon Spoon
Carla Rumph
Lynn King
Adrienne Youmans
Sandra Dickard

OTHERS PRESENT

Mark Dillard
Eric Gore
Miriam Hurt
Frank Mishoe
George Carn
Art Newton
Sarah Paulos
Mark Dillard
Andria Holt
Allen Hotto

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, December 11, 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. Iseman made a motion, seconded by Mr. Laurent, to approve the agenda. The motion was unanimously carried.

Approval of Minutes

Chairman Camp called for the review and approval of the August 14, 2007, minutes. After review, Mr. Altman made a motion, seconded by Mr. Laurent, to approve the minutes. The motion was unanimously carried.

Progress Report

Status Report-Manufactured Housing

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

Mr. Levy asked what was the status on Palmetto Homes. Mr. Anderson stated that a letter of suspension was sent certified and regular mail. Since that time the complaint has been resolved.

New Licenses

Reports listing the licenses issued for August 2007, through November 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 August 2007, through November 2007, were reviewed. Copies of the administrative hearing report are attached and hereby become part of the record.

Unfinished Business

None

New Business

Bond Claims

The Board reviewed the bond claims presented. After review and discussion of the bond claim presented, Ms. Ballagh made a motion, seconded by Mr. Strickland, to approve the bond claims submitted. The motion was unanimously carried.

Mr. Holt asked the status of S & N Housing and General Housing. Mr. Anderson stated that both companies are no longer in business.

Application Review

Thomas Spearman

Mr. Anderson presented a letter in behalf of Thomas Spearman requesting that Board reduce his surety bond from Thirty-five thousand (35,000) dollars to Thirty thousand (30,000) dollars. Mr. Holt asked to be recused because of business affiliation.

After review and discussion, Mr. Levy made a motion, seconded by Mr. Strickland to reduce Mr. Spearman surety bond to Thirty thousand (30,000) dollars. 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.)

George Carn's Citation Appeal

The Board reviewed the citation against Mr. George Carn. Mr. Carn, Ms. Sarah Paulos and Mr. Frank Mishoe were sworn in by Mr. Altman. Mr. Carn waived his right to counsel.

Mr. Anderson informed the Board that Mr. David Bennett issued a citation and Cease and Desist to Mr. Carn on June 11, 2007, for installing manufactured homes without being licensed. A hearing was held on July 17, 2007, and the citation was affirmed by the Hearing Officer, Mr. Doug Green. On August 2, 2007, staff received a letter from Mr. Carn appealing the Hearing Officer's decision. Mr. Carn was scheduled to appear before the Board on October 9, 2007, but due to a previously scheduled court hearing a continuance was requested and granted.

Mr. Carn testified that he entered into an agreement with Mr. Cling of Cling Construction to deliver and setup the home of Mr. Frank Mishoe. Mr. Cling informed him that he was licensed and bonded. He entered into a contract with Mr. Mishoe but he informed Mr. Mishoe that actual work would be done by Mr. Cling. This case is currently being appealed in magistrate court.

Mr. Frank Mishoe testified that he entered into a contract with Mr. Carn to have his home delivered and setup. In the process of his home being moved it was damaged. He contacted Mr. Carn and informed him that his home was damaged. Mr. Carn agreed that he would take care of the repairs. He testified that this case was held in magistrate court and Mr. Carn was ordered to make restitution for the repair of the home.

Ms. Sarah Paulos testified that she paid Mr. Carn Eighteen hundred and fifty (\$1850) dollars to deliver and setup Mr. Mishoe's home.

After hearing testimonies and closing arguments, Mr. Levy made a motion, seconded by Ms. Ballagh 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 Mr. Strickland, to uphold the citation. 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 from the Manufactured Housing Institute of South Carolina presented the Board with draft apprentice legislation. The draft legislation states:

1. "Manufactured home apprentice retail salesperson" means an employee who a) works under the direct supervision of a retail dealer and b) who is authorized to offer for sale a manufactured subject to the restrictions in this chapter.
 - An applicant may be granted an Apprentice Salesperson license for up to 120 days.
 - An Apprentice Salesperson license may not be issued to an applicant if the applicant has ever been:
 - (a) denied any type of license issued under this chapter; or
 - (b) subject to suspension or revocation of a license issued under this chapter; or
 - (c) subject to any disciplinary action taken under this chapter
2. The applicant is subject to all of the requirements of this chapter and the regulations promulgated by its authority, except that the applicant will not be required to complete the training, testing and bond requirements established for a regular Retail Salesperson license.
3. No individual may receive an Apprentice Salesperson license more than once.
4. At the end of the 120-day Apprentice Salesperson licensure period, the Apprentice may not work at any retail center unless or until he or she has obtained a regular Retail Salesperson license.
5. It shall be the responsibility of the retail dealer to surrender the apprentice license to the board within 15 days of the time the apprentice sales person is no longer employed by the dealer or by the end of the probationary period, whichever occurs first.

After review and discussion, Mr. Laurent made a motion, seconded by Mr. Strickland to approve the recommended draft Apprentice Legislation. The motion was unanimously carried.

Chairman Camp

Chairman Camp introduced Mrs. Adrienne Youmans, Director of LLR and Ms. Pat Fox her assistant. Chairman Camp informed the Board that effective December 31, 2007, he would be officially retiring and will no longer serve on the Manufactured Housing Board.

Adrienne Youmans

Mrs. Youmans thanked Chairman Camp for his twenty-five years of service on the Manufactured Housing Board. She stated that a certificate will be presented a later date.

Michael Anderson

Mr. Anderson thanked Chairman Camp for his service with the Manufactured Housing Board.

Date of Next Meeting

Tuesday, February 12, 2008 Room 108

Adjournment:

There being no further business, Mr. Strickland made a motion, seconded by Mr. Iseman, to adjourn. The motion was unanimously carried. The meeting was adjourned at 11:35 a.m.