

Tuesday, August 10, 2004 - 10:00 AM
110 Centerview Drive
Kingstree Building Suite 108
Columbia, South Carolina

MEMBERS PRESENT

Randall Altman
Sharon Johnson
Paul Laurent
Clarence Strickland
Michael Levy
Thomas Gamble

STAFF

David Bennett
Angela Scott
Rick Wilson

OTHERS PRESENT

Eric Gore John Polk
Con Eargle Stan White
Mark Dillard Bruce Kelly
Ryan Scott Evans
Eric Addison Bryan W. Bradock

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 August 10, 2004, Manufactured Housing Board meeting was called to order by Vice Chairman Paul Laurent at approximately 10:00 a.m.

Approval of Agenda

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

Approval of Minutes

Vice-Chairman Laurent called for the review and approval of the June 8, 2004, minutes. After review, Mr. Levy made a motion, seconded by Mr. Altman, to approve the minutes. The motion was unanimously carried.

Progress Reports

Status Report-Manufactured Housing

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

New Business

Bond Claims

Mr. Bennett informed the Board that the claims against KO Housing were submitted to Cumberland Casualty Insurance Company. Afterwards, staff received notification that Cumberland Casualty was in receivership with the State of Florida. Therefore, they were only willing to pay ten cents on the dollar, but staff along with Attorney Rick Wilson did not agree with these conditions. Mr. Wilson along with staff notified the Department of Insurance and they in fact contacted the State of Florida. The State of Florida since then has agreed to pay the full amount on the claims.

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

Application Review

Mr. Ryan Scott Evans

The Board reviewed the retail salesperson application of Mr. Ryan Scott Evans. Mr. Evans was sworn in by Mr. Strickland. Mr. Evans waived his right to counsel.

Mr. Bennett informed the Board that Mr. Evans applied for a renewal of his retail salesperson license and upon staff review of the application, questions arose regarding Mr. Evans conduct, character and fitness for licensure. Mr. Bennett informed the Board that, Mr. Evans' SLED report indicated that he has been convicted of a felony of trafficking of drugs and currently is on probation.

Mr. Rick Wilson advised the Board that §40-29-200(G)(3) prohibits staff issuing a license to anyone who is on probation. Therefore, Mr. Evans' application could not be issued at staff level.

Mr. Evans testified that his probation for the conviction was terminated on August 9, 2004, upon recommendation of the probation officer for early termination. Mr. Evans also expressed his willingness to submit to any conditional license the Board may desire.

After hearing testimony, Mr. Levy made a motion, seconded by Mr. Strickland, for the Board to go into executive session for legal advice. The motion was unanimously carried.

The Board returned to public session. The Vice-Chairman stated for the record that no action had been taken in executive session. After review and discussion, Mr. Levy made a motion, seconded by Mr. Altman, to offer Mr. Evan's an Agreement in which the Board would grant retail salesperson license with a twelve month probationary status, maintain a surety bond in the amount of Thirty Thousand and No/100 Dollars (\$30,000). 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.)

Eric Addison

The Board reviewed the retail salesperson renewal application for Mr. Eric Addison. Mr. Strickland swore in Mr. Mr. Addison. Mr. Bryan W. Braddock, Esquire, represented Mr. Addison.

Mr. Bennett informed the Board that Mr. Addison applied for a renewal of his retail salesperson license and upon staff review of the application, questions arose regarding Mr. Addison conduct, character and fitness for licensure. Mr. Bennett stated that Mr. Addison's SLED report indicated that he had multiple felony arrest charges pending.

Mr. Braddock advised the Board that there are a number of charges pending in Richland County involving televisions and four-wheelers that Mr. Addison purchased from a friend. The pending charges are not associated in any way with his activities as a manufactured home salesperson. Mr. Braddock advised of Mr. Addison willingness to restrict his practice and to submit to any other conditions, as the Board may desire.

After hearing testimony, Mr. Strickland made a motion, seconded by Mr. Gamble, for the Board to go into executive session for legal advice. The motion was unanimously carried.

The Board returned to public session. The Vice-Chairman stated for the record that no action had been taken in executive session. Mr. Levy made a motion, seconded by Mr.

Strickland, to offer Mr. Addison an Agreement in which the Board would grant the application in probationary status, which shall continue in effect for an indefinite period pending resolution of the felony charges and until further Order of the Board. Mr. Addison shall notify the Board in writing within three calendar days of the resolution of any or all of the ten felony charges currently pending against him or any that may be filed against him in this or any other matter. Failure to comply with this requirement within the prescribed time shall automatically result in the immediate temporary suspension of Addison's license to practice until such time as Mr. Addison has made full compliance. If any of the pending criminal charges are dismissed with no convictions of any kind, Mr. Addison shall be eligible to petition the Board for termination of the Agreement in the Board's discretion. If Mr. Addison is convicted, by plea or otherwise, of any criminal offense in this or any other matter, he shall personally appear before the Board for further action by the Board. 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 stated that Mr. Bruce Kelly has been elected Secretary and Con Eargle has been elected President of the South Carolina Manufactured Housing Midland Chapter. Mr. Dillard introduced Mr. John Polk and thanked him for attending the meeting.

Date of Next Meeting

Tuesday, October 12, 2004

Adjournment:

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