

MINUTES
South Carolina Manufactured Housing Board
Board Meeting
September 1, 2020 at 10:00 a.m.
VIA TELECONFERENCE
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 108, Columbia, South Carolina

Meeting Called to Order

Randall A. Altman, Chairman called the meeting to order at 10:00 a.m. Other members attending the meeting included: Richard L. Bagwell, Dorothy W. Edwards, Wayne E. Iseman, W. Marion Moore, Arthur M. Newton, David A. Randall, and Mr. Reese joined the meeting after 10 am.

Staff members present included: Molly Price, Administrator; Maggie Castle, Program Coordinator II; Crystal Varn, Program Assistant; Hardwick Stuart, Office of Advice Counsel; Todd Bond, Chief Investigator; Gwyn Morris, Investigator; RJ Kirby, Investigator; Kyle Tennis, Office of Disciplinary Counsel, Tracy Solet, Paralegal, Office of Disciplinary Counsel.

Members of the public attending the meeting included: Alan Field-HUD, Mark Dillard and Shell Suber-Manufactured Housing Institute of South Carolina; Michael Tomany-Legacy Housing, Huseby Court Reporting Agency.

Statement of Pubic Notice

Mr. Altman announced that public notice of this meeting was properly posted at the South Carolina Manufactured Housing Board's office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Approval of Agenda

MOTION

A motion was made and seconded to approve the September 1, 2020 Agenda.
Randall/Bagwell/approved.

Introduction of Board Members and Others

Alan Field-HUD Manufactured Housing, Mark Dillard and Shell Suber-Manufactured Housing Institute of South Carolina, Michael Tomany, Legacy Housing.

Approval of Excused Absence

MOTION

A motion was made and seconded to excuse the absence of Mr. Adam Reese.
Bagwell/Randall/approved.

Approval of Meeting Minutes – March 3, 2020

MOTION

A motion was made and seconded to approve the March 3, 2020 minutes as published.
Randall/Moore/approved.

Board Chairman's Remarks

Mr. Altman did not have any comments.

Staff Reports

a. Administrator's Report – Molly Price

Ms. Price explained the how the video platform WebEx works, process of going into executive session at the end of both hearings. Ms. Price opened the floor for Mr. Alan Field. Mr. Field is the State Administrative Agency Liaison for South Carolina, and accepted invite from Ms. Price to attend the meeting. Ms. Price presented the members with the Cash Balance Report, Number of Active Licensee Report and the Number of Applicants and Completed Inspections Report. The next Board meeting is scheduled for Tuesday, March 3, 2020.

b. Office of Investigations and Enforcement – Todd Bond

Mr. Bond announced that there is a total of 25 active cases. 60 complaints were received this year, 23 complaints have been closed, and 21 recommended for closure.

Investigative Review Committee (IRC) Report – Todd Bond

Mr. Bond announced that the IRC met May 20, 2020. A total of 11 cases were discussed, 8 recommended for dismissal, and 3 recommended for letters of caution. IRC met on August 20, 2020 to discussed 10 cases, 6 recommended for dismissal, 1 for formal complaint, and 3 for citations.

MOTION

A motion was made and seconded to accept the IRC Report as presented.
Edwards/Bagwell/approved.

c. Office of Disciplinary Counsel Report – Kyle Tennis

Mr. Tennis reported that there are 11 open cases, 1 pending new OIE case, 5 pending attorney review and 3 pending CA/MOA/VS.

Hearings

a. Stanley C. Scruggs (MCO. 12112): Request for Amendment to Board Order from December 30, 2016

Mr. Scruggs was not present for the hearing. Advice Counsel, Hardwick Stuart recommended that hearing be moved to December 1, 2020 meeting.

MOTION

A motion was made and seconded to postpone Mr. Scruggs hearing to the December 1, 2020 meeting.
Iseman/Randall/approved.

b. Legacy Housing, 2018-5 and 2018-35: Request for Reconsideration of Final Order from January 24, 2020.

Mr. Michael Tomany was present and waived his right to legal counsel. Attorney Kyle Tennis represented the State. Investigators Mr. Reginald 'RJ' Kirby and Gwyn Morris were witnesses. All parties were sworn in. Mr. Tomany gave testimony of why Legacy Housing felt that the \$10,000 fine should be eliminated.

MOTION

A motion was made and seconded to decline Legacy Housing's request to eliminate the \$10,000 fine from January 24,2020.
Randall/Bagwell approved.

Executive Session

MOTION

A motion was made and seconded to go into executive session for legal advice.
Iseman/Bagwell/approved.

MOTION

A motion was made and seconded to go come out of executive session.
Bagwell/Moore/approved.

New Business

a. OIE, OAC and ODC Presentation

Mr. Todd Bond, Office of Investigations and Enforcements, Attorney Kyle Tennis, Office of Disciplinary Counsel, and Attorney Hardwick Stuart, Office of Advice Counsel, all gave an overview presentation of the processes for each office.

b. Approval of Hearing Officers for Disciplinary Cases

Attorney Tennis explained to the board that traditionally hearings are held before the entire board during a board meeting which can take up a lot of time. With hearing officers, instead of trying the case before the whole board, the case would be tried before a hearing officer who has the same ability to ask questions and then make a recommendation. The recommendation is presented before the full board for the members to either approve, modify or disapprove as seen fit according to record presented from the hearing officer. Ms. Price went on to explain that the members of the board would be the hearing officer based on the member's availability.

MOTION

A motion was made and seconded to table discussion until next board meeting.
Randall/Iseman/approved.

c. Discussion and Action: Delegation of Authority to Board Chair to Sign Consent Agreements

MOTION

A motion was made and seconded to approve board chair to sign Consent Agreements.
Iseman/Bagwell/approved.

Public Comments

Board member Bagwell reminded everyone that he was appointed chair to gather information about the Form 500, but due to COVID-19 and other things was not able to update the board. He will report at the next meeting. Mr. Bagwell also stated that he would like to add to the committee agenda background checks to discuss preventing untrustworthy people getting back into the industry.

Mark Dillard, Manufactured Housing Institute of South Carolina informed the board that most of the continuing education classes are online, and going well. However, Mr. Dillard stated that he noticed the participants retained more in an actual classroom.

Executive Session

Adjournment

MOTION

A motion was made and approved to adjourn today's meeting at 12:25 p.m.
Randall/Iseman/approved