

**South Carolina Manufactured Housing Board
Synergy Park, Kingstree Building, Room 108
Columbia, South Carolina
Meeting Minutes**

Tuesday, March 1, 2022

10:00 a.m.

Call to Order

Chairman Randall A. Altman called the meeting to order at 10:00 a.m.

Other board members in attendance were: Richard Bagwell; Dorothy Edwards; Steven Graham; Jefferson T. Howell, III; W. Marion Moore; Arthur Newton, Sr.; David Randall and Adam Reese.

Staff members in attendance were: Molly Price, Board Administrator; Maggie Smith, Program Coordinator II; Zahid Chinwalla, Program Assistant, Crystal Varn, Program Assistant; Hardwick Stuart, Office of Advice Counsel; and Robert Elam, Office of Disciplinary Counsel.

Members of the public in attendance were: Shell Suber, Manufactured Housing Institute of South Carolina (MHISC); Andrea Westmoreland, MHISC; Mark Dillard, MHISC and Robert Howell, Define Communities, LLC.

The court reporter was Nadine Garrett with Creel Court Reporting, Inc.

Statement of Public Notice

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

Approval of Agenda

MOTION:

Motion to approve the March 1, 2022 agenda.
Moore/Graham/approved

Approval of Excused Absences

MOTION:

Motion to approve the absence of the board member Shannon Tanner.
Bagwell/Moore/approved

Approval of Minutes

MOTION:

Motion to approve the minutes from the December 14, 2021, Board Meeting.
Moore/Randall/approved

MOTION:

Motion to approve the minutes from the January 25, 2022, Committee Meeting.
Bagwell/Graham/approved

MOTION:

Motion to approve the minutes from the February 9, 2022, Committee Meeting.

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Randall/Moore/approved

Board Chair's Remarks – Randall Altman

Mr. Altman stated that he was glad to see everyone.

Staff Reports

Administrator's Report – Molly Price

Ms. Price presented the Cash Balance Report to the Board. She stated that as of January 31, 2022, the cash balance for the Board was \$281,016.77. The next report presented was Licensure and Statistics. She stated that currently the Board has 810 active licenses and since the Board's last meeting, three new Retail Dealers had been approved at staff level. She also provided the Board with PSI examination statistics.

Ms. Price gave an update about the upcoming license renewal process and the continuing education requirements. She stated that staff worked with MHISC to send an eblast in January to remind licensees about the 6 hours of continuing education needed to renew licenses by June 30, 2022. MHISC is also tracking continuing education for licensees and has offered to provide information as needed for a Board Audit. Ms. Price turned the floor over to Andrea Westmoreland of MHISC to explain how continuing education hours are maintained in their system.

Ms. Price reported that Maggie Smith is working with Mr. Stuart and LLR's Privacy Officer to revise the licensure applications and Board website. She stated that once finished, licensees will receive an email notice letting them know about the changes and new applications.

Ms. Price reminded the members that Statement of Economic Interest filings are due March 30, 2022. She stated that they can reach out to Zahid Chinwalla for a PDF copy of filing instructions if they need assistance. Ms. Price reminded the members that the next Board meeting is scheduled for June 7, 2022.

Investigative Review Committee (IRC) Report – Molly Price for Todd Bond

Ms. Price gave the report for Mr. Bond. She stated that the IRC met on February 15, 2022, and 14 cases are recommended for dismissal and one case was recommended for a letter of caution.

MOTION:

Motion to approve the February 15, 2022 IRC Report.

Randall/Newton/approved

Office of Disciplinary Counsel (ODC) – Robert Elam

Mr. Elam reported that there are currently 7 open cases in ODC. 4 cases are pending hearings or agreements and 1 case has been closed since December 21, 2021.

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**Application Hearing
Define Communities, LLC**

The respondent, Mr. Robert Howell, owner, appeared before the Board without counsel. The purpose of the hearing was to determine whether the applicant should be granted a license as a Manufactured Housing Retail Dealer. The application could not be approved at staff level due to questions staff had about the two years' of experience in the manufactured home industry required in Section 40-29-200(G). The hearing was recorded by a certified court reporter in the event a verbatim transcript is necessary all witnesses were sworn in by the court reporter.

MOTION:

Motion to go into executive session for legal advice.
Randall/Newton/approved

MOTION:

Motion to come out of executive session.
Newton/Moore/approved

MOTION:

Motion to grant Define Communities, LLC/ Robert Howell a two-years conditional dealer's license with the conditions being no sale of homes, new or used, outside of his community, and he must meet all other requirements of a normal dealer. He must return, to the Board, 2 years from the date of the Order to have these requirements removed from his license.
Randall/Graham/approved

Committee Reports

Ms. Price stated that the Purchase Agreement Committee met four times to try and create a Retail Dealer Purchase Agreement that would be in compliance with the statutes and regulations, and on a form prescribed by the Board. However, the way the regulations and statutes are set-up, it requires a purchase agreement and a sales contract to be two different forms and that was an issue for several members of the committee. She said it is now the recommendation of the committee that the Board not move forward with creating a form prescribed by the Board and to potentially look at changing the statutes and regulations to provide criteria for what should be included in the purchase agreement and leave it to the licensees to develop based on the provided criteria.

Richard Bagwell added that since there is a statute that has to change, that would need to be presented to the state legislature prior to changing the regulations. MHISC offered to assist with this process.

New Business

Appoint Committee for Regulatory Review

Ms. Price stated that in addition to the purchase agreement issue, it is time for the Board to look

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at conducting a regulatory review and see if there are other areas that may need changes. She suggested forming a committee to work through this process and to work with MHISC to also look at potential statutory changes.

Ms. Price asked Shell Suber, MHISC, to provide the Board with an overview of requesting statutory and regulatory changes through the State Legislature.

MOTION:

For Richard Bagwell to continue to serve as Committee chair and work with LLR and Mark Dillard of the association to appoint the remainder of the committee members.

Randall/Edwards/approved

Election of Officers

Molly Price opened the floor with nominations for Board Chairman.

MOTION:

Motion made to nominate Mr. Randy Altman as Board's Chairman.

Randall/Newton/approved

Randy Altman opened the floor for nominations for Vice Chairman.

MOTION:

Motion made to nominate Al Randall as Vice Chairman.

Newton/Graham/approved

Public Comments

Mark Dillard, MHISC, reported that there will be a 5-hour installation course and four 1-hour courses added for continuing education. He stated that in March they will offer 2-hours of CE credit at six locations around the state to include Columbia, Beaufort, Conway, Greenville, Florence, and Charleston. In May there will be 2-hours of live training in each location.

Adjournment

MOTION:

Motion made and seconded to adjourn the meeting at 11:32 pm.

Bagwell/Edwards/approved.