

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

Tuesday, September 14, 2021

10:00 a.m.

Call to Order

In the absence of Chairman Randall Altman at the beginning of the meeting, Mr. Richard Bagwell, Board Member, called the meeting to order at 10:01 a.m.

Other board members in attendance were: Jefferson Howell II, Adam Reese, Dorothy W. Edwards, Steven Graham, Jonathan Jones, Arthur M. Newton Sr., and W. Marion Moore.

Chairman Randall Altman joined the meeting late.

Staff members in attendance were: Molly Price, Board Administrator; Maggie Smith, Program Coordinator II; Zahid Chinwalla, Program Assistant; Hardwick Stuart, Office of Advice Counsel; Maurice Smith, Gwyn Morris, Erin Flickinger, Office of Investigations and Enforcement; Robert Elam, and Tracy Solet, Office of Disciplinary Counsel.

Members of the public in attendance were: Mark Dillard and Shell Suber, Manufactured Housing Institute of South Carolina (MHISC).

The court reporter for the Board Meeting was Kathy Boone with Creel Court Reporting, Inc.

Statement of Public Notice

Mr. Bagwell 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 September 14, 2021 agenda.
Newton/Graham/approved

Approval of Excused Absences

MOTION:

Motion to approve the excused absences of the board members: Randall Altman, David (AI) Randall, and Shannon Tanner.
Moore/Howell/approved

Approval of Minutes

MOTION:

Motion to approve the minutes from the June 8, 2021, Board Meeting.
Howell/Moore/approved

Acting Board Chair's Remarks – Richard Bagwell

Mr. Bagwell informed the board that everything will be taken care of in an efficient manner today.

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Staff Reports

Administrator's Report – Molly Price

Ms. Price gave an update on the licensure statistics for the Board. She said staff had seen an increase in dealer applicants for 2021. There were 13 dealer applicants so far this year, compared to 20 total in 2020. She also briefly spoke about the PSI examination statistics, specifically on the Contractor/Installer/Repairer exam. She mentioned that after investigating concerns with the exam study materials over the past few months, she noticed that applicants were not able to access the study materials directly on the PSI website. Upon further investigation, she also discovered that several applicants were not taking the *Manufactured Home Installation Guide* reference material into the exam, which makes some of the questions impossible without the guide's charts and diagrams.

Ms. Price reported that as of end of July 2021, the Board had a cash balance of \$246,928.13.

Ms. Price also mentioned that Ms. Crystal Varn has been out of the office on extended leave and will be returning to the office later in the week.

Office of Investigations and Enforcement (OIE) Report – Maurice Smith

Mr. Smith reported that as of September 1, 2021, OIE has received 109 complaints this year. 35 cases are still active and 55 cases have been closed.

Investigative Review Committee (IRC) Report – Maurice Smith

Mr. Smith presented the IRC report from September 2, 2021. The IRC recommended 11 cases for dismissal and 1 case for formal complaint- citation.

MOTION:

Motion to approve the IRC Report.
Newton/Moore/approved

Office of Disciplinary Counsel (ODC) – Robert Elam

Mr. Elam reported to the Board that as of August 30, 2021 there were 8 cases open in ODC. Two of the cases are pending hearings for today. There are 6 pending cases, 4 of the 6 cases are for the same respondent who will come before the board in December 2021 and 2 of the cases are for same respondent that will go to ALC.

Disciplinary Hearings

Case No. 2019-73

The respondent, Barry Garrett, was present before the Board for the hearing. He was represented by counsel, Mr. Michael H. Warren, Esquire. Mr. Robert Elam represented the State in this matter. The hearing was recorded by a certified court reporter in the event a verbatim transcript is necessary. All persons testifying were sworn in by the court reporter.

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MOTION:

To go into Executive Session
Moore/Graham/approved

MOTION:

To come out of Executive Session
Moore/Newton/approved

It was noted for the record that votes were taken in executive session.

MOTION:

To dismiss complaint because the State did not meet the definition of a used home in 40-29-20(17) and recommend letter of caution to more accurately show status of home to clients.
Howell/Edwards/approved

Case No. 2018-36

The respondent was present before the Board for the hearing and not represented by counsel. Robert Elam represented the State in this matter. The hearing was recorded by a certified court reporter in the event a verbatim transcript is necessary. All persons testifying were sworn in by the court reporter. All persons testifying were sworn in by the court reporter.

MOTION:

To go into Executive Session
Moore/Graham/approved

MOTION:

To come out of Executive Session
Moore/Graham/approved

It was noted for the record that votes were taken in executive session.

MOTION:

Motion to dismiss the case based on insufficient evidence.
Howell/Graham/approved

Application Hearing

Woodbridge Capital, LLC. (MDL)

The respondent was present before the Board for the hearing and not represented by counsel. Hardwick Stuart was the Advice Counsel for the State in this matter. The hearing was recorded by a certified court reporter in the event a verbatim transcript is necessary. All persons testifying were sworn in by the court reporter.

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MOTION:

To go into Executive Session with Administrator Molly Price
Newton/Graham/approved

MOTION:

To come out of Executive Session
Newton/Graham/approved

MOTION:

To deny application. The applicant may reapply at a later date.
Howell/Edwards/approved

New Business

Status Update on Retail Dealer and Retail Salesperson Training Course

Ms. Joanne Polston was not able to be at the meeting, so Mark Dillard, MHSIC, provided a status update to the Board on the training course. Mr. Dillard stated that the classes are going well and there were plans to move the classes to Columbia in the future, so they will be held in a more central location. They are also working on improving the pass rate up for the licensure exams.

Clarification on Dealer and Authorized Official Application Requirements

Ms. Price provided a brief explanation to the Board in reference to staff requesting clarification about initial licensure requirements for the Dealer and Authorized Official (AO). Ms. Price stated that staff needs clarification regarding when a dealer is applying for a license with something other than an individual owner, does the legal entity have to have someone other than the Authorized Official qualify for that license? She asked the Board if the intent was to end up with two separate licenses and two people taking training and exams. Section 40-29-327 states "an authorized official who is not the dealer must hold a manufactured home retail salesperson or retail dealer license." She stated that this statute was added in recent years and is not the way licensure has been handled for dealers in the past with an AO who is not the owner.

MOTION:

Mr. Moore made a motion that staff can require an entity to have a dealer's license and if they are using an authorized official, the authorized official must have passed the dealer's exam or salesperson exam holding the license in order to be an authorized official.

AMENDED MOTION:

Mr. Moore amended the motion to authorize staff to require an entity, other than an individual owner, to pass the dealer's exam and have the appropriate financial requirements. The authorized official also has to pass a dealer or salesperson exam and become properly licensed.
Moore/Newton/approved

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Credit Report Requirements for New Applicants

Ms. Price reviewed Reg. 79-4 with the Board to request clarification. The regulation states that a credit report must be provided for a dealer. However, for salespersons, contractors, installers, and repairers the regulation states that the credit report 'may' be required. Currently, the credit report has been required for the other licensure categories for initial licensure. Ms. Price asked the Board for clarification as to whether or not that practice should continue.

MOTION:

Mr. Moore made a motion that a credit report, other than what is required for a dealer and manufacturer applicant, is not a necessary document for approval of the initial application.

Moore/ Howell /approved

Old Business

Certificate of Completion in Regulations 79-21(B), 79-21(B), 79-23(B)

Ms. Price asked the Board if they felt additional language was needed in these regulations or if they would like to move forward with removing the "Certificate of Completion" language in these sections.

MOTION:

To remove the certificate of completion language from regulation.

Newton/Howell/approved

Committee Reports

Retail Dealer Purchase Agreement

Mr. Stuart reported to the Board that he is having issues with the conditions in 79-17(D) and 79-17(E), as they relate to developing a new purchase agreement. He said that he has been working with Attorney and committee member Chris Tuttle and they looked forward to discussing everything again soon with the full committee.

Ms. Price stated that the full committee would meet again on October 26, 2021.

Public Comments

Mark Dillard, MHISC, asked for clarification that the Manufactured Dealer and the Authorized Official can be the same person, if the Authorized Official is the owner.

Marion Moore, board member, stated that Georgia has 2 days annually for 8 hours of continuation education (CE) credits. He suggested to have some type of schedule that Georgia uses to help the applicants get the credits in a more efficient manner.

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Adjournment

MOTION:

To adjourn the Board Meeting
Newton/Moore/approved

The Board Meeting adjourned at 2:56 p.m.