

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

Tuesday, September 6, 2022

10:00 a.m.

Call to Order

Chairman Randall A. Altman called the meeting to order at 10:01 a.m.

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

Staff members in attendance were: Molly Price, Board Administrator; Maggie Smith, Program Coordinator II; Crystal Varn, Program Assistant; Hardwick Stuart, Office of Advice Counsel; Todd Bond, Office of Investigations and Enforcement; Robert Elam, Office of Disciplinary Counsel; and Andrew Miller, Investigator.

Members of the public in attendance were: Shell Suber, Manufactured Housing Institute of South Carolina (MHISC); Andrea Westmoreland, MHISC; Mark Dillard, MHISC; Clayton Evans, MHISC; Dewaine Cooper, Complainant; Melinda Painter, Complainant; Michael Riddle; Meagan Accampo, Complainant; and Dean Thomas.

The court reporter was Katy Boone 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.

Introduction of Board Members

Mr. Altman introduced the board members and staff present, and noted that Adam Reese and Richard Bagwell were running late to the meeting.

Approval of Agenda

MOTION:

Motion to approve the September 6, 2022 agenda.

Randall/Moore/approved

Approval of Excused Absences

MOTION:

Motion to approve the absence of board member Steve Graham.

Randall/Howell/approved

Motion to approve the absence of board member Adam Reese, with the condition that if he arrives at the meeting his absence will be revoked.

Randall/Newton/approved

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Approval of Minutes

MOTION:

Motion to approve the amended minutes from the September 14, 2021, Board Meeting.

Randall/Edwards/approved

MOTION:

Motion to approve the minutes from the March 1, 2022, Board Meeting.

Randall/Moore/approved

Board Chair's Remarks

Mr. Altman had no remarks.

Staff Reports

Administrator's Report – Molly Price

Ms. Price presented the Board's Financial Report. As of July 31, 2022, the Board has a cash balance of \$275,147.78. She directed the board members to the licensure statistics report, which shows 652 active licenses currently with the Board. Ms. Price also provided the Board with an update on licensure renewals, which closed June 30, 2022. As of September 2, 2022, there are 173 licenses that have not been renewed. She stated that anyone who has a lapsed license as of June 30, 2022, has until December 31, 2022, to renew their license and pay the late fees. They are not authorized to practice until the license is renewed. If they do not renew by December 31, 2022, they must retest and requalify for licensure with an initial application.

She reported that Board staff have issued three new retail dealer licenses since February 24, 2022, and there have been three dealer lot inspections since February 2022. Ms. Price also informed the Board that South Carolina now has its first in-state manufacturer, Sweet-Haus LLC, in Chesnee, SC, and they are expected to start production by the end of this year.

Ms. Price provided the Board with PSI exam pass rates. She also stated that the Board appointed a Regulatory Review Committee which plans to meet in October to look at additional changes to the Board's regulations that may be needed. The next Board Meeting is scheduled for December 5, 2022.

Office of Investigations and Enforcement – Todd Bond

OIE Report

Mr. Bond stated that 68 cases had been received as of June 2022, with 66 active cases and 46 closed.

Investigative Review Committee (IRC) Report – Todd Bond

Mr. Bond stated that the IRC met on May 24, 2022. They discussed 20 cases, and 18 cases were recommended for dismissal and 2 cases were recommended for a letters of caution.

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MOTION:

Motion to approve the May 24, 2022 IRC Report as presented.
Newton/Randall/approved

Mr. Bond stated that the IRC met again on August 24, 2022. They discussed 20 cases, 10 cases were recommended for dismissal, 1 case for a cease and desist, 6 cases for formal complaint, 2 cases for citation and 1 for a letter of caution.

MOTION:

Motion to approve the August 24, 2022, IRC Report as presented.
Newton/Moore/approved

Mr. Bond informed the Board that in March 2022 Investigator RJ Kirby retired, and Investigator Gwyn Morris retired in May 2022. Since then, OIE has hired one new investigator, Scott Guy. Mr. Bond stated that he has pulled some of his investigators from other areas to help with Manufactured Housing investigations. He also informed the Board that he is working hard to fill positions and find new investigators.

Office of Disciplinary Counsel (ODC) – Robert Elam

Mr. Elam reported that the statistics presented today are basically the same statistics for the cancelled meeting of June 7, 2022. There are currently 7 open cases in ODC—and 5 cases are pending hearings or agreements, which will be heard today.

Disciplinary Hearings

Case Nos. 2018-71 and 2021-7

Robert Elam, Office of Disciplinary Counsel, represented by the State. The respondent was not present and was not represented by counsel. A quorum of the board was present. Ms. Solet, Ms. Price, Mr. Miller, and the homeowners testified on behalf of the State. All persons testifying were sworn in by the court reporter.

MOTION:

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

MOTION:

Motion to come out of executive session.
Randall/Howell/approved

MOTION:

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

MOTION:

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

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No votes were taken during executive session.

MOTION:

Motion for 2018-71: the Board finds that the state has not met the burden of proof that the dealer, the person that sold the home, is responsible for the HVAC and the air distribution problem. Complaint should be made to the manufacturer of the products, which I understand to be Destiny and Goodman.

Bagwell/Randall/approved

MOTION:

Motion for 2021-7: the Board finds that the Respondent is in violation of South Carolina Code 40-29-80(A)(5), 40-29-80(A)(15), 40-29-80(A)(16), and 40-1-110(1)(F). The Board fines the Respondent, King Mobile Homes, \$2,500 per violation for a total of \$10,000 payable within six (6) months of receiving the Final Order. In addition, of the homeowner's testimony, and Exhibits 14 and 15 the Board finds her testimony credible and unrefuted. The Board finds four (4) items in Exhibit 15—copy of valid Purchase Agreement, copy of valid Bill of Sale, indication of payment for plumber's work completed, and completion of home setup—to be fraudulent methods of practice in accordance with this chapter in regards to the sale of this manufactured home. The Board permanently revokes King's Mobile Homes' license for King's Mobile Homes, Greer, South Carolina location.

Howell/Moore/approved

MOTION:

Motion made to allow the complainant, Ms. Accampo, to file a claim against King's Mobile Homes' bond.

Howell/Randall/approved

MOTION:

Motion made to take a 10-minute break.

Randall/Edwards/approved

Case Nos. 2018-105, 2019-30 and 2019-65

Robert Elam, Office of Disciplinary Counsel, represented by the State. The respondent was not present and was not represented by counsel. A quorum of the board was present, and Ms. Solet, Ms. Price, Mr. Miller and the homeowners testified on behalf of the State. All persons testifying were sworn in by the court reporter.

MOTION:

Motion to go into executive session for legal advice.

Moore/Edwards/approved

MOTION:

Motion to come out of executive session.

Moore/Tanner/approved

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MOTION:

Motion for 2018-105, 2019-30, and 2019-65: the Board finds King's Mobile Homes of Moncks Corner to be in violation of South Carolina State Codes 40-29-80(A)(5), 40-29-80(A)(15), 40-29-80(A)(16), 40-1-110(1)(C), and Regulation 79-31. The Board fines the Respondent, King's Mobile Homes of Moncks Corner, \$2,500 per violation for a total of \$12,500 per case, payable within six (6) months of receiving this Order. In addition to the homeowners' testimony, the Board finds their testimony to be credible and unrefuted. The Board finds King's Mobile Homes of Moncks Corner to be fraudulent in their methods of practices in accordance with this chapter with regards to the sale and installation of these manufactured homes. The Board permanently revokes King's Mobile Homes' license for King's Mobile Homes, Moncks Corner, South Carolina location.

Howell/Randall/approved

MOTION:

Motion to authorize the complainants to file a claim against King's Mobile Homes of Moncks Corner's bond on a pro-rated basis.

Howell/Randall/approved

New Business

2020-2022 Continuing Education (CE) Audit

Ms. Price requested that the Board have a brief executive session for legal advice about the CE Audit and for staff to remain.

MOTION:

Motion to go into executive session for legal advice.

Randall/Moore/approved

MOTION:

Motion to go come out of executive session.

Moore/Tanner/approved

No votes were taken during executive session.

MOTION:

Motion to complete a 20-percent random audit of the licensees, and for staff to report back at the December 2022 Board meeting on the status of continuing education compliance.

Randall/Edwards/approved

Public Comments

Mark Dillard, MHISC, stated that MHISC has all of the data needed to do a 100-percent CE audit, and he does not see the need for a random audit. Ms. Price explained that the data MHISC has on hand does not cross reference whether or not the licenses have been renewed or

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which licensees were required to obtain the full six (6) hours.

Adjournment

MOTION:

Motion to adjourn the meeting at 5:15 pm.

Bagwell/Edwards/approved.