

MINUTES
South Carolina Manufactured Housing Board
Board Meeting
June 6, 2023 at 10:00 a.m.
Synergy Business Park, Kingstree Building
110 Centerview Drive, Columbia, SC

Call to Order

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

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 welcomed everyone and noted that Jefferson Howell, would not be attending the meeting.

Board members in attendance were: Shannon Tanner; Adam Reese; Dorothy Edwards; Steve Graham; Richard Bagwell; W. Marion Moore; and Arthur Newton.

Staff members in attendance were: Maggie Smith, Program Coordinator II; Hardwick Stuart, Office of Advice Counsel; Donnell Jennings, Office of Investigations and Enforcement (OIE); Maurice Smith, OIE; Robert Elam, Office of Disciplinary Counsel; and Zahid Chinwalla, Administrator Coordinator I.

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

The court reporter was Jamie Barrs with Creel Court Reporting, Inc.

Approval of Agenda

MOTION: Motion to approve the June 6, 2023, agenda with the removal of Item 9a.
Moore/Graham/approved

Approval of Excused Absences

MOTION: Motion to approve the absence of board member Jeffrey Howell.
Newton/Tanner/approved

Approval of Minutes

MOTION: Motion to approve the minutes from the March 7, 2023, Board Meeting; and May 16, 2023, Committee Meeting.
Moore/Graham/approved

Board Chair's Remarks

Mr. Altman spoke about Al Randall's family, and asked those in attendance to keep them in their prayers.

Staff Reports

Ms. Smith requested that the Chair allow Mr. Jennings and Mr. Smith to provide their administrative reports to the Board first, as they had another scheduled appointment.

Office of Investigations and Enforcement (OIE) – Donnell Jennings

OIE Reorganization

Mr. Jennings, Chief of OIE, explained the reorganization of OIE to the Board and introduced Mr. Maurice Smith as the new lead investigator for the Board. He stated that he will keep the Board notified of any law changes.

Mr. Jennings left the meeting.

Office of Investigations and Enforcement (OIE) – Maurice Smith

OIE Report

Mr. Smith reported that from January 1, 2023, through June 2, 2023, there were 8 active investigations and 4 cases closed.

Investigative Review Conference (IRC) Report – Maurice Smith

Mr. Smith reported that the IRC met on May 25, 2023. 20 cases recommended for dismissal and 1 case was recommended for formal complaint.

MOTION: Motion to approve the May 25, 2023, IRC Report as presented.
Newton/Bagwell/approved

Administrator’s Report – Maggie Smith

Ms. Smith presented the Board’s licensure statistics, cash report and PSI exam statistics. She also notified the Board members about the building renovations that are ongoing and will keep the Board apprised of any changes in the meeting location moving forward. The next meeting will be held on September 5, 2023, at 10:00 a.m., at the Kingstree Building, in Room 108.

Mr. Smith left the meeting.

Office of Disciplinary Counsel (ODC) – Robert Elam

Mr. Elam reported that, as of May 22, 2023, 18 cases are open with 12 pending a hearing, 2 pending closure, and 2 cases closed since the meeting on March 7, 2023. He also stated that the number reflect the continuing education audit cases, of which there were 10 for a Consent Agreement.

Disciplinary Hearing

Case Nos. 2021-140, 2021-142, and 2022-16

The hearing was closed and confidential. The respondent was present and not represented by counsel. A quorum of the Board was present. All persons testifying were sworn in by the court reporter.

MOTION: Motion to take a recess to prepare hearing exhibit packages for the Board.
Moore/Edwards/approved

MOTION: Motion to return from recess.
Moore/Newton/approved

MOTION: Motion to go into executive session for legal advice.
Moore/Edwards/approved

MOTION: Motion to come out of executive session.
Newton/Graham/approved
No votes were taken during executive session.

MOTION: Motion for disposition of the disciplinary cases.
For Case No. 1, violation of paragraph one and paragraph three, a fine of \$500.00 each is to be paid within 60 days of receipt of the order. A refund of \$2,750.00 to the customer is to be paid within 60 days of the meeting. For Case No. 2, paragraph one, violation of unlicensed practice, and paragraph five, for unethical practices, a fine of \$1,000 is to be paid within 60 days of the order. In addition, the licensee has 30 days from the date of hearing to make repairs to the customer's electrical and plumbing, to re-level the home, and to repair the hole in the wall. The respondent must provide pictures and the work must be signed off by the respondent. For Case No. 3, paragraph two, unethical and improper work, a fine of \$500.00 is to be paid within 60 of receipt of the order, and the respondent must refund the customer \$1,650.00 within 60 days of the hearing. Failure to comply with any conditions of the order will result in administrative suspension of the license.
Moore/Graham/approved

MOTION: Motion to come out of confidential session.
Moore/Edwards/approved

Application Hearings

Walterboro Discount Home Center, LLC. (MDL Initial Application)

The respondent was present and was not represented by counsel. A quorum of the Board was present. All persons testifying were sworn in by the court reporter.

MOTION: Motion to go into executive session with staff remaining.
Bagwell/Graham/approved

MOTION: Motion to come out of executive session.
Moore/Edwards/approved

MOTION: Motion to grant the license.
Bagwell/Reese/approved

Broadview Homes SC, LLC. (MDL Initial Application)

The respondent was present and was not represented by counsel. A quorum of the board was present. All persons testifying were sworn in by the court reporter.

MOTION: Motion to go into executive session.
Graham/Moore/approved

MOTION: Motion to come out of executive session.
Moore/Graham/approved

MOTION: Motion to deny the application until respondent can provide a Reviewed Financial Report that can be approved at staff level. Staff are authorized to accept it.
Moore/Bagwell/denied

Homes That Move, LLC. (MDL Initial Application)

The respondent was present and was not represented by counsel. A quorum of the Board was present. All persons testifying were sworn in by the court reporter.

MOTION: Motion to go into executive session.
Bagwell/Tanner/approved

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

MOTION: Motion to deny the application until respondent can meet the financial and experience requirements.
Graham/Bagwell/denied

New Business

2024-2026 Licensure Renewals and CE Compliance

Ms. Smith explained that it has been unclear whether the salesperson or the authorized official is required to complete the CE hours for the retail dealer license. Staff is requesting an interpretation from the Board of who the “registrant” is in regulation, and determining who can complete the CE requirements on behalf of the retail dealer.

MOTION: To adopt the following language for CE hours for the retail dealer license:
Each licensed manufactured housing retail dealer location must have one authorized official representing the dealership. An authorized official may be an owner, officer, or employee of the dealer. An authorized official who is not an owner or officer of the entity must maintain a manufactured home retail salesperson license or dealer license. An authorized official who is licensed as a salesperson can qualify both the dealer license and their salesperson license for CE. However, if the authorized official is an owner or officer of the entity and not a licensed salesperson, then that individual must complete CE on behalf of the dealer license.
Bagwell/Moore/approved

Ms. Smith asked if the Board would like staff to perform a CE audit at the 2024-2026 license renewal, and if so, what percentage the Board would like to audit. It was explained that, if the Board wishes to do a 100% audit, the licensee would be required to submit proof of his/her CE hours to the Board as a part of the renewal application, and the license renewal would not be approved until that information is received.

MOTION: Motion that the licensee must provide proof of CE hours from the provider with the renewal application.
Moore/Bagwell/approved

Ms. Smith explained that the Board does not currently require continuing education from manufacturers. If the Board wishes to audit manufacturers for CE, they would need to provide clarification of who at the manufacturer is responsible for providing evidence of those hours.

MOTION: Motion that manufacturers do not need CE hours.
Bagwell/Moore/approved

Committee Reports

Regulatory Review Committee

Mr. Bagwell provided an update on the Committee meetings and stated that they are making great progress. Mr. Moore added that creating uniformity in the definitions found in the Board's statutes and regulations has been a priority.

Election of Officers

Mr. Altman opened the nominations for Vice Chairman of the Board.

MOTION: To nominate Mr. Newton as Vice Chairman of the Board to fill the seat previously held by Mr. Randall.
Moore/Graham/approved

Public Comments

None

Adjournment

MOTION: To adjourn the meeting at 4:24 p.m.
Moore/Tanner/approved

The next meeting is scheduled for September 5, 2023, at 10:00 a.m. Synergy Business Park, Kingstree Building, Room 108.