

MINUTES
South Carolina Manufactured Housing Board
Board Meeting
March 5, 2024 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 10:02 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.

Approval of Agenda

MOTION: Motion to approve the March 5, 2024, agenda.
Edwards/Moore/approved

Introduction of Board Members

Board members in attendance were: Adam Reese; Dorothy Edwards; Jefferson Howell; Richard Bagwell; Art Newton; Steve Graham; W. Marion Moore; and Tony Massarelli.

Staff members in attendance were: Maggie Smith, Board Executive; Hardwick Stuart, Office of Advice Counsel; Maurice Smith, OIE; Robert Elam, Office of Disciplinary Counsel; and Teresa Martin, Administrator Coordinator.

The court reporter was Cortney Glover with Creel Court Reporting, Inc.

Approval of Excused Absences

MOTION: Motion to approve the absence of board member Shannon Tanner.
Newton/Graham/approved

Approval of Minutes

MOTION: Motion to approve the minutes from the December 5, 2023, Board Meeting
Bagwell/Massarelli/approved

Board Chair's Remarks

Mr. Altman thanked everyone for attending the meeting.

Legislative Update

Holly Beason introduced the agency's new legislative liaison, Virginia Wetzel, and provided the board with an update on the status of bills S1040 and S1083. She also informed them that the Building Codes Council is in the process of having regulation changes approved by the legislature.

Board Executive’s Report – Maggie Smith

Ms. Smith presented the board with current licensure statistics, a cash report, and PSI exam statistics, and reminded the members that the Statement of Economic Interest is due from each member by March 30, 2024. She also provided the board with an update on the preparations to open license renewals at the beginning of April 2024.

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

Mr. Smith reported that from January 1, 2023, through February 9, 2024, there were 25 active investigations and 110 cases closed.

Investigative Review Conference (IRC) Report – Maurice Smith

Mr. Smith reported that the IRC met on February 20, 2024, with 10 cases were recommended for dismissal and one case recommended for a citation.

MOTION: Motion to approve the February 20, 2024, IRC Report as presented.
Bagwell/Graham/approved

Office of Disciplinary Counsel (ODC) – Robert Elam

Mr. Elam reported that, as of February 23, 2024, 10 cases are open with five pending hearings. He added that 16 cases were closed in 2023 and that none have been closed in 2024 as of the date of the meeting.

**Disciplinary Hearing
Case Nos. 2021-2 and 2022-38**

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 go into executive session for legal advice.
Bagwell/Moore/approved

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

MOTION: Motion for disposition of the disciplinary cases.
In reference to Case No. 2021-2, Two Brothers Mobile Home Installers have violated reference S.C. Code 40-29-80(A)(15) 1976, by failing to comply with the adopted state or federal standards in the manufactured sale, installation, repair, modification or delivery of manufactured housing, and that respondent spaced piers too far apart during installation and setup of subject property one. Respondent violated S.C. Code 40-29-80(A)(5) 1976, by failing to comply with the warranty requirements of S.C. Code 40-29-260 1976, when respondent

failed to take appropriate corrective action after the warranty violation was communicated for the faulty installation and setup. Respondent violated S.C. Code 40-29-80(A)(5) 1976, by failing to comply with regulation of the board, specifically S.C. Regulation §79-23(B) 2011 which requires contractors to accomplish the undertake of work in a good and work like manner whereas respondent setup work at subject property one was significantly substandard. Respondent violated S.C. Code 40-29-80(A)(5) 1976 by failing to comply with regulation of the board, specifically S.C. Regulation §79-31(B)(3) 2011, which requires violations to be identified in the inspection to be corrected within 30 days of inspection. Respondent violated S.C. Code 40-1-110(1)(F) 1976, in that he has committed a dishonorable, unethical, or unprofessional act that was likely to deceive, defraud or harm the public. Specifically, respondent failed to deal with homeowner one in a responsible and professional manner regarding the required corrected work that was communicated to respondent at the inspection at subject property one. The respondent is fined \$200 per violation, and has 30 days after the receipt of the order to correct the foundation per manufacturer's specifications. If work is not completed within 30 days, Two Brothers Mobile Home Installers' license should be revoked, and the board authorizes a call on the bond.

Howell/Bagwell/approved

In Reference to Case No. 2022-38, Two Brothers Mobile Home Installers have violated S.C. Code 40-29-80(A)(15) 1976, by failing to comply with adopted state or federal standards in the manufactured sale, installation, repair, modification or delivery of manufactured housing, and that respondent used inadequate piers during the installation and setup of subject property two. Respondent violated S.C. Code 40-29-80(A)(5) 1976 by failing to comply with the warranty requirements of S.C. Code 40-29-260 1976, when respondent failed to take appropriate corrective action after the warranty violation was communicated to contractor for the faulty installation and setup. Respondent violated S.C. Code 40-29-80(A)(5) 1976, by failing to comply with a regulation of the board specially S.C. Regulation §79-23(B) 2011 which requires contractors to accomplish the undertake of work in a good and work like manner, whereas respondent setup work at subject property two was significantly substandard. Respondent violated S.C. Code 40-29-80(A)(5) 1976 by failing to comply with a regulation of the board, specifically S.C. Regulation §79-31(B)(1) and/or (3) 2011, which requires licensees to be present for inspections, unless relieved under special circumstances or excused based on a written excuse prior to inspection date, and/or which requires violations identified in the inspection to be corrected within 30 days of inspection. Respondent violated S.C. Code 40-1-110(1)(F) 1976, in that respondent committed a dishonorable, unethical, or unprofessional act that was likely to deceive, defraud, or harm the public. Specifically, respondent failed to deal with homeowner two and LLR investigators in a responsible and professional manner, including lack of corporation with the investigation. The respondent is fined \$200 per violation and has 30 days after the receipt of the order to correct foundation per manufacturer's specifications. If work is not completed within 30 days, Two Brothers Mobile Home Installers' license shall be revoked, and the board authorizes a call on the bond.

Howell/Bagwell/approved

MOTION: Motion to come out of closed session.
Newton/Graham/approved

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

Old Business

Bond Claims against King's Mobile Homes-Legal Status Report

MOTION: Motion to go into executive session for legal advice with staff remaining.
Bagwell/Moore/approved

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

New Business

Request for Board Interpretation of 40-29-200 regarding the owners, officers or partners ability to sell at more than one retail dealer lot under the same ownership.

The board requested that staff continue this agenda item, and reach out to the Manufactured Housing Institute of South Carolina for input to be presented to the board at a later date.

Election of Officers

Ms. Smith opened the nominations for Board Chair.

MOTION: To nominate Mr. Altman as Chair of the board.
Bagwell/Howell/approved

Mr. Altman opened the nominations for Board Vice Chair.

MOTION: To nominate Mr. Bagwell as Vice Chair of the Board
Graham/Newton/approved

Public Comments

Mr. Dillard encouraged the board to consider making advisory opinions for the local building officials to reference in cases of ambiguity or conflict in the manufactured housing laws.

Adjournment

MOTION: To adjourn the meeting at 2:22 p.m.
Moore/Graham/approved

The next meeting is scheduled for June 4, 2024, at 10:00 a.m.