

SOUTH CAROLINA MANUFACTURED HOUSING BOARD

**Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210**

Minutes

Tuesday, December 11, 2012

10:00 a.m.

Chairman Randall Altman announced that the meeting was held in accordance with §30-4-80 of the South Carolina Freedom of Information Act by notice mailed to all requesting persons, organizations, and news media. In addition, notice was posted on the bulletin boards at the main entrance of the Kingstree Building.

WELCOME AND CALL TO ORDER:

Chairman Altman called the regular meeting of the South Carolina Manufactured Housing Board to order at 10:05 a.m. Other Board members present for the meeting included: David A. Randall, W. Marion Moore, Patrick M. Smith, Michael N. Levy, Arthur M. Newton, Richard L. Bagwell, Wayne E. Iseman, Dorothy W. Edwards, and Shane Ray.

Staff members participating in the meeting included: Sheridon Spoon, Advice Counsel from 10:05 a.m. to 11:27 a.m., James Saxon, Advice Counsel, from 11:40 a.m. to 1:50 p.m., Gary Wiggins, Administrator, Jennie Meade, Program Coordinator, Todd Bond, Office of Investigations and Enforcement, Darra Coleman, Office of Advice Counsel, Princess Hodges, Office of General Counsel and Holly Beeson, Office of the Director, and Diane Hendricks, Court Reporter.

Others present participating in the meeting included: Mark Dillard, and Allen Hutto, both from Manufactured Housing Institute.

Approval of Agenda:

Tuesday, December 11, 2012

MOTION

Ms. Edwards made a motion to approve the December 11, 2012 agenda. Mr. Newton seconded the motion, which carried unanimously.

Approval of Minutes:

Tuesday, September 11, 2012

Mr. Randall requested an amendment under the "public comments" section of the minutes, to reflect 'Derek' Blackwell, not 'Gary' Blackwell.

MOTION

Mr. Moore made a motion to approve the September 11, 2012 minutes as amended. Mr. Smith seconded the motion, which carried unanimously.

Approval/Disapproval of Absent Members:

Staff stated that Mr. Reese did not notify staff of his absence.

MOTION:

Mr. Randall made a motion to excuse the absence of Mr. Reese. Mr. Smith seconded the motion, which carried unanimously.

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Chairman's Remarks:

Chairman Altman noted that the next meeting has been changed to the 19th. The Chairman recognized Mr. Wiggins.

Administrator's Remarks:

Mr. Wiggins announced that he will retire on February 15th, but his last day on the job would be December 31, 2012. Mr. Wiggins informed everyone that he will assist in the transition. Mr. Iseman congratulated him.

Office of Investigation and Enforcement Report:

Mr. Bond reported on the OIE status report through this morning. There are currently 61 cases received this year; 1 active investigation, 59 closed cases; 12 that remained open from 2011, and 47 from 2012. 1 case is pending bond claim, and 8 cases are pending closure.

Mr. Bond reported that during the IRC meeting on 12/5/12, case 2012-31. An Administrative Law Court injunction was violated. Mr. Bond requested the Board's permission to go forward to OGC.

MOTION:

Mr. Moore made a motion to allow the processes of the Administrative Law Court. Mr. Newton seconded the motion, which carried unanimously.

Mr. Bond added that at the last meeting the Board asked him to report on unlicensed practice cases. There is 1 C&D. Presentations are being presented to all the Boards, OIE, OGC, and Advice Council. Mr. Bond turned the floor over to Darra Coleman, Advice Council for LLR.

Ms. Coleman explained that the presentation will explain how the three separate offices perform their respective functions, and how they function as they come together as a whole.

Office of General Counsel Report:

Ms. Hodges reported that OGC has 1 case that has been closed since January 2012, 1 open case, and 0 pending, or needing a final order hearing, a consent agreement or an MOA.

Old Business:

Recognition of Past Member – Chairman Altman recognized Mr. Randall. Mr. Randall informed the Board of Mr. Clarence Strickland's health situation which is why he is not present at this meeting.

Re-Approval of Manufactured Housing – Chairman Altman opened the floor to Mr. Wiggins. Mr. Wiggins informed the Board that Regulation 42-43 did not make it through the legislature last year, and asked the Board to review it again for re-approval.

MOTION:

Mr. Randall made a motion to approve Regulation 42-43. Mr. Iseman seconded the motion, which carried unanimously.

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New Business:

Regulation Amendment – Mr. Wiggins advised that this regulation will cover the new worth requirement, and that staff is recommending it.

MOTION:

Mr. Bagwell made a motion to accept the amendment. Mr. Randall seconded the motion, which carried unanimously.

Clarification of Requirements for Lapsed Licenses Wishing to Return with an Apprentice License – Mr. Wiggins reported that it is unclear how staff should handle a lapsed apprentice license that comes back again for re-license. Clarification of the process is being requested.

MOTION:

Mr. Iseman made a motion for clarification that the apprentice license is issued for a 120-day period without renewal. Mr. Newton seconded the motion, which carried unanimously.

Introduction of Ms. Holly Beeson – Mr. Wiggins introduced Ms. Beeson as the Counsel for OGA for LLR.

Ms. Beeson addressed the Board regarding her position and how OGA ensures the support of the MHB in the areas of legislation, FOIA, and the Ethics Act.

MOTION:

Mr. Randall made a motion for a 10 minute recess before continuing to the next segment. Mr. Bagwell seconded the motion, which carried unanimously. Recess was held from 11:27 a.m. to 11:40 a.m.

Chairman Altman called the meeting to order, and stated that in the motion Mr. Iseman made, in the Regulation they found while on break, that if you previously held a license, you are not eligible for an apprentice license. Chairman Altman concluded that the motion is still good and that an individual has 120 days to renew it.

Omnibus Bill

Mr. Dillard gave a brief overview of the 2013 legislative package, and introduced Allen Hutto. Mr. Hutto is the attorney and lobbyist for the MHI. Mr. Hutto introduced provisions for license lending, 40-29-80 (A), and failure to get proper permit for a manufactured home, 40-29-500.

MOTION:

Mr. Iseman made a motion to go into executive session to for legal advice. Mr. Randall seconded the motion, which carried unanimously. Executive session legal advice was from 12:12 p.m. to 12:37 p.m. with no formal actions taken.

MOTION:

Mr. Bagwell made a motion to come out of executive session. Mr. Randall seconded the motion, which carried unanimously.

MOTION:

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Mr. Iseman made a motion to accept the information from Mr. Dillard. Mr. Moore seconded the motion, which carried unanimously.

Hearing Officer Recommendation - Final Order Hearings:

Mr. Scott Jason Heinrich was present, and without counsel. Mr. Jamie Saxon represented the State. Mr. Heinrich requested that his application for a manufactured housing dealer's license be granted.

MOTION:

Mr. Randall made a motion to go into executive session for legal advice. Mr. Moore seconded the motion, which carried unanimously. Executive session for legal advice was from 12:56 p.m. to 1:00 p.m. with no formal actions taken.

MOTION:

Mr. Iseman made a motion to come out of executive session. Ms. Edwards seconded the motion, which carried unanimously.

Mr. Randall rescued himself from this case.

MOTION:

Mr. Iseman made a motion to go into executive session for legal advice. Mr. Smith seconded the motion, which carried unanimously. Executive session for legal advice was from 1:01 p.m. to 1:13 p.m.

MOTION:

Mr. Iseman made a motion to come out of executive session. Mr. Smith seconded the motion, which carried unanimously.

MOTION:

Mr. Levy made a motion to extend an offer for a consent agreement for a conditional license. Mr. Iseman seconded the motion, which carried unanimously.

Mr. William Dakota Newton was present, and without counsel. Mr. Jamie Saxon represented the State. Mr. Newton requested that his application for a manufactured housing contractor's license be granted.

**MHI – Manufactured Housing Institute*

MOTION:

Mr. Randall made a motion to go into executive session for legal advice. Mr. Iseman seconded the motion, which carried unanimously. Executive session for legal advice was from 1:39 p.m. to 1:45 p.m. with no formal actions taken.

MOTION:

Mr. Iseman made a motion to come out of executive session. Mr. Moore seconded the motion, which carried unanimously.

MOTION:

Mr. Bagwell made a motion to deny Mr. Newton's application. Mr. Moore seconded the motion, which carried unanimously.

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Public Comments

Mr. Dillard suggested that the criminal records section of the application be changed to 20 font or red letters so applicants would not be able to say they missed the question.

Chairman Altman thanked Mr. Dillard, and reminded everyone of the next meeting, March 19, 2013.

MOTION

Mr. Randall made a motion to adjourn the meeting. Mr. Bagwell seconded the motion, which carried unanimously.

Adjournment

The meeting adjourned at 1:50 p.m.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)