

LLR – MANUFACTURED HOUSING BOARD
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210

MINUTES

These minutes are a record of the motions and official actions taken by the Board and brief summary of the meeting. A transcript of this meeting providing more detail will be available on the Board's website:

www.llr.state.sc.us/POL/manufacturedhousing.

Tuesday, June 12, 2012

10:00 A.M.

Public Notice of this meeting was properly posted at the Manufactured Housing Board office, Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Welcome And Call To Order:

Chairman Randall Altman called the regular meeting of the Manufactured Housing Board to order at 10:00 a.m. Other members present for the meeting included: Michael N. Levy, W. Marion Moore, Clarence M. Strickland, Patrick Smith, Wayne Iseman, and T. Sharon Johnson.

Staff members participating in the meeting included: Sheridan Spoon, Advice Attorney; Gary Wiggins, Administrator; Lil Ann Gray, Program Coordinator; Darra Coleman, Chief Advice Counsel, Todd Bond, Chief Investigator, Jennie Meade, Program Coordinator, Holly Pisarik, Director of LLR.

Guests included: Mark Dillard and David Munn.

Approval of Agenda:

Mr. Iseman made a motion to approve the Tuesday, June 12, 2012 agenda as presented. Mr. Smith seconded the motion, which carried unanimously.

Approval of Minutes

Mr. Moore made a motion to accept the minutes as written. Mr. Strickland seconded the motion, which carried unanimously.

Approval/Disapproval of Absent Members:

Mrs. Edwards, Mr. Bagwell and Mr. Ray received excused absences.

Election of Vice Chair: Chairman Altman asked for nominations for Vice Chair to fill the existing vacancy.

Mr. Moore nominated Mr. Clarence Strickland as vice-chairman with a second from Mr. Iseman. The vote was unanimous.

Recognition of Past Members:

Mr. Wiggins stated that certificates recognizing the past members were available for signature. Mr. Paul Laurent, Mr. Tim Holt, and Ms. Jane Ballagh were unable to attend the meeting and the certificates would be mailed to them.

Chairman's Remarks:

The Chairman made comment that the past members are appreciated and will be missed. He also stated that the Board was looking forward to working with the new members.

Administrator's Remarks for Information:

Mr. Wiggins introduced Ms. Darra Coleman, Chief Advice Council. Ms. Coleman stated she had been with the agency five weeks and was introducing herself to all of the Boards.

Mr. Wiggins stated that he would introduce Ms. Pisarik when she arrived.

Office of Investigations and Enforcement:

Mr. Bond stated that so far this year, 26 complaints had been received. He went on to say he had four active investigations, fifteen cases closed and seven pending closure. The inspector, Mr. R. J. Kirby had conducted 61 dealer lot inspections.

Office of General Counsel:

No Report.

Old Business:

Comments arose from the Board to Staff concerning reports that used to be included with the meeting agenda and the availability of the current policies. Mr. Wiggins explained that Ms. Angela Scott had been ill for several months and staff was still trying to gather the various reports. Concerning the policies, Mr. Wiggins stated that the legal department advised that any policy that does not have a basis in either the statute or the regulation is not valid. All policies are in the process of being reviewed and the Board will be advised. Mr. Moore stated that he would like to see the Board take the policies it feels are effective and propose them as statutory amendments. The discussion continued to include the aspect of financial responsibility of applicants. Mr. Spoon spoke as to the process that staff was using.

Mr. Strickland stated that he was concerned that homes were being installed by individuals other than licensed installers. Mr. Wiggins stated that if a new home is installed by anyone other than a licensed installer, the warranty is invalidated. He also said local jurisdictions do not allow electrical current to go to homes unless the connections from the meter base to the panel are made by a licensed installer or electrician. If a jurisdiction does not provide for permits or inspections, the issue is outside of the Board's purview. The local jurisdictions have full right and responsibility, by statute, to administer the Building Inspection Department the way they see fit. Mr. Spoon offered to look into the issue of purchasers-homeowners setting their own homes and what, if anything, the Board can do about it.

New Business:

Authority to sign Letters of Caution and Cease and Desist Orders – Chairman Altman recognized Mr. Wiggins who explained that there are two instruments available to take action against an individual who is functioning without a license: citation and cease and desist order. He said our legal section has advised that the cease and desist order must be an order of the Board, itself. If the Board delegates the responsibility either to staff or to the Chair, we can still get the cease and desist orders and the letters of caution out without having to wait until the Board meets. Mr. Wiggins asked for the Board to delegate the responsibility to sign Cease and Desist Orders to the Chair, if not, then at least staff. After further discussion, Mr. Iseman made the motion to delegate the authority to the Chairman and asked for regular updates at every meeting of any action that was taken in the previous period. The motion was seconded by Mr. Levy and vote was unanimous.

Application Review Hearing:

David Munn

The Board held an Application Review Hearing regarding Mr. David Munn. Mr. Munn appeared before the Board to present testimony and waived their rights to be represented by counsel. Mr. Munn was sworn in by Mr. William H. White.

MOTION:

Mr. Iseman made a motion to permit the license to be re-issued on a probationary basis for two years with conditions. The first condition is that the application be revised to accurately reflect Mr. Munn's criminal record, specifically Question 16; second condition, any future violations will result in immediate revocation of his license; and third condition, to increase his bond from \$15,000 to \$50,000 to protect his customers. Mr. Strickland seconded the motion and the vote was unanimous.

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

Chairman Altman recognized Mr. Wiggins who introduced LLR Director, Ms. Holly Pisarik to the Board. Ms. Pisarik spoke to the Board relating that she believes that it is her job as the Director of to make sure that LLR is providing the resources that the Boards need to get business done.

Public Comments:

Mr. Mark Dillard, Executive Director of the Manufactured Housing Institute introduced Mr. Art Newton. The Institute understood Mr. Newton was to be appointed to the Manufactured Housing Board in the near future.

Mr. Dillard stated that he had been sent to the Board by the leadership of the Association to express some concerns of the policies that were passed by the Board, in effect for a number of years, and then suddenly removed for review. He said the board is concerned about people buying houses that are not properly set and/or buying from individuals who just don't have the collateral and financial wherewithal to deliver the product. He said the board asked to let the policies stand.

Date of Next Meeting:

The next meeting Manufactured Housing Board is scheduled for Tuesday, September 11, 2012, in conference room 105.

Adjournment:

The meeting of the South Carolina Manufactured Housing Board was adjourned at 11:12 a.m.