

**RESIDENTIAL BUILDER'S COMMISSION**  
Synergy Business Park  
110 Centerview Drive, Kingstree Building, Room 108  
Columbia, South Carolina  
Wednesday, April 13, 2016

**NOTE: These minutes are a record of the motion and official actions taken by the Board and brief summary of the meeting.**

**Called To Order:**

Timothy Roberts, Chairman, called the regular meeting of the Residential Builders Commission to order at 10:00 A.M. Others members present for the meeting included: Al Bailey, Hal Dillard, Christy Rhyne and Bryan Dowd.

**Approval of Agenda:**

**MOTION:**

Mr. Dowd made a motion to approve the April 13<sup>th</sup>, 2016, Residential Builders Commission Meeting Agenda. Ms. Rhyne seconded the motion, which carried unanimously.

**Approval of Minutes for the March 9<sup>th</sup>, 2016 Meeting**

**MOTION:**

Mr. Bailey made a motion to approve the March 9<sup>th</sup>, 2016, meeting minutes. Mr. Dowd seconded the motion, which carried unanimously.

**Approval/Disapproval of Absent Members:**

All members present

**Chairman's Remarks:**

*Timothy Roberts–Chairman*

Mr. Roberts, Chairman reminded everyone that this meeting is being recorded and asked that everyone please speak clearly. Additionally, he advised all applicants and licensees to direct their questions to the chairman of the board..

**Application Reviews:**

**Initial**

*Dustin Rooke*

The Commission held an Application Review Hearing regarding Mr. Dustin Rooke. Mr. Rooke appeared before the Commission to present testimony with his Attorney, Mr. Phillip Berlinsky, Esquire.

**Motion:**

M. Dowd made a motion to reinstate Mr. Rooke's license. Mr. Dillard seconded the motion, which carried unanimously.

*Billy R. Lee Jr.*

The Commission held an Application Review Hearing regarding Mr. Billy R. Lee Jr. Mr. Lee appeared before the Commission to present testimony, and he waived his right to counsel.

**Motion:**

Mr. Bailey made a motion to allow Mr. Lee to sit for the exam. Mr. Dillard seconded the motion, which carried unanimously.

*Abraham Christian*

The Commission held an Application Review Hearing regarding Mr. Abraham Christian. Mr. Christian appeared before the Commission to present testimony, and waived his right to counsel.

**Motion:**

Mr. Dillard made a motion to enter into Executive Session to receive legal advice regarding Mr. Christian's application. Mr. Dowd seconded the motion, which carried unanimously.

**Motion:**

Mr. Bailey made a motion to exit Executive Session after receiving legal advice regarding Mr. Christian's application. Mr. Dowd seconded the motion, which carried unanimously.

**Motion:**

Mr. Dillard made a motion to allow Mr. Christian to stand for the exam. Mr. Dowd seconded the motion, which carried unanimously.

*Ziad Hilal*

The Commission held an Application Review Hearing regarding Mr. Ziad Hilal. Mr. Hilal appeared before the Commission to present testimony, and he waived his right to counsel.

**Motion:**

Ms. Rhyne made a motion to allow Mr. Hilal to sit for the exam. Mr. Bailey seconded the motion, which carried unanimously.

*Thomas Satter*

The Commission held an Application Review Hearing regarding Mr. Thomas Satter. Mr. Satter appeared before the Commission to present testimony, and he waived his right to counsel.

**Motion:**

Mr. Bailey made a motion to allow Mr. Satter to sit for the Exam. Mr. Dillard seconded the motion, which carried unanimously.

*Jason Fernandes*

The Commission held an Application Review Hearing regarding Mr. Jason Fernandes. Mr. Fernandes appeared before the Commission to present testimony, and he waived his right to counsel.

**Motion:**

Mr. Bailey made a motion to allow Mr. Fernandes to sit for the exam. Mr. Dillard seconded the motion, which carried unanimously.

*Michael Aldridge*

The Commission held an Application Review Hearing regarding Mr. Michael Aldridge. Mr. Aldridge appeared before the Commission to present testimony, and he waived his right to counsel.

**Motion:**

Mr. Bailey made a motion to deny Mr. Aldridge's request at this time due to lack of experience. Mr. Dillard seconded the motion, which carried unanimously.

*Frederick Schroder III*

The Commission held an Application Review Hearing regarding Mr. Frederick Schroder III. Mr. Schroder appeared before the Commission to present testimony, and he waived his right to counsel.

**Motion:**

Mr. Dillard made a motion to allow Mr. Schroder to sit for the exam. Mr. Dowd seconded the motion, which did not carry unanimously, Mr. Bailey opposed.

*Dustin Atkinson*

The Commission held an Application Review Hearing regarding Mr. Dustin Atkinson. Mr. Atkinson did not appear before the Commission to present testimony.

**Motion:**

No motions were made.

*Thomas Alston*

The Commission held an Application Review Hearing regarding Mr. Thomas Alston. Mr. Alston appeared before the Commission to present testimony, and he waived his right to counsel.

**Motion:**

Mr. Dowd made a motion to approved Mr. Alston's specialty registration. Mr. Bailey seconded the motion, which carried unanimously.

*Brian Beach*

The Commission held an Application Review Hearing regarding Mr. Brian Beach. Mr. Beach appeared before the Commission to present testimony, and he waived his right to counsel.

**Motion:**

Mr. Bailey made a motion approve Mr. Beach's specialty registration. Mr. Dowd seconded the motion, which carried unanimously.

*Waldemar Perez*

The Commission held an Application Review Hearing regarding Mr. Waldemar Perez. Mr. Perez appeared before the Commission to present testimony, along with his counsel, Mr. Justin Kata, Esquire.

**Motion:**

Mr. Bailey made a motion to reinstate Mr. Perez's license with the condition that the disposition of the criminal charges be sent to administrator once adjudicated. Mr. Dowd seconded the motion, which carried unanimously.

*Lance Burt*

The Commission held an Application Review Hearing regarding Mr. Lance Burt. Mr. Burt appeared before the Commission to present testimony, and he waived his right to counsel.

**Motion:**

Mr. Dowd made a motion to approve Mr. Burt's reinstatement with the condition that he continues to maintain payment arrangements with SC Federal Credit Union. Ms. Rhyne seconded the motion, which carried unanimously.

*Joe Thomas*

The Commission held an Application Review Hearing regarding Mr. Joe Thomas. Mr. Thomas appeared before the Commission to present testimony, and he waived his right to counsel.

**Motion:**

Mr. Bailey made a motion to reinstate Mr. Thomas specialty registration once he provides proof of the tax lien expungement and letter from his attorney regarding the status of lawsuit regarding a foreclosure case. Mr. Dillard seconded the motion, which carried unanimously.

*John Howell*

The Commission held an Application Review Hearing regarding Mr. John Howell. Mr. Howell appeared before the Commission to present testimony, and he waived his right to counsel.

**Motion:**

Mr. Dowd made a motion to allow Mr. Howell to re-sit for the HVAC exam. Ms. Rhyne seconded the motion, which did not carry unanimously, Mr. Bailey opposed.

**Final Order Hearings:**

*John Cornett , Case #2013-599*

The Board held a Final Order hearing regarding Mr. William Brown.

**MOTION:**

Ms. Rhyne made a motion to continue until proof of service could be verified. Mr. Dowd seconded the motion, which carried unanimously.

*Timothy Medlin Case# 2015-142*

The Board held a Final Order hearing regarding Mr. Timothy Medlin.

**MOTION:**

Mr. Bailey made a motion to uphold the hearing officer's recommendations. Mr. Dillard seconded the motion, which carried unanimously.

*Kelsey Adams Case# 2015-190*

The Board held a Final Order hearing regarding Mr. Kelsey Adams.

**MOTION:**

Mr. Dowd made a motion to uphold the hearing officer's recommendations. Mr. Dillard seconded the motion, which carried unanimously.

*Ryan Cunningham Case# 2015-252*

The Board held a Final Order hearing regarding Mr. Ryan Cunningham. Mr. Bailey recused himself due to his service as the hearing officer.

**MOTION:**

Mr. Dowd made a motion to uphold the hearing officer's recommendations. Mr. Dillard seconded the motion, which carried unanimously.

*Charles McNair Case# 2015-251*

The Board held a Final Order hearing regarding Mr. Charles McNair. Mr. Bailey recused himself due to his service as the hearing officer.

**MOTION:**

Mr. Dillard made a motion to uphold the hearing officer's recommendations. Mrs. Rhyne seconded the motion, which carried unanimously.

*David P. Fautley Case# 2014-354*

The Board held a Final Order hearing regarding Mr. David Fautley. Mr. Bailey recused himself due to his service as the hearing officer.

**MOTION:**

Mr. Dowd made a motion to uphold the hearing officer's recommendations. Mrs. Rhyne seconded the motion, which carried unanimously.

**Memorandum of Agreement:**

*James Marlow Case# 2015-520*

Mr. James Marlow appeared before the commission and waived his right to counsel. Erin Baldwin, Esq. represented the State. Ms. Baldwin requested that the Board accept the Memorandum of Agreement (MOA).

**MOTION:**

Mr. Bailey made a motion to accept the Memorandum of Agreement with a fine of \$500.00 (\$250.00 for each of the two violations) Mr. Dowd seconded the motion, which carried unanimously.

*Stephen Tilton Case# 2015-297*

Mr. Stephen Tilton appeared before the commission along with his attorney, Mr. John Pinkney, Esquire. Mr. T. Kyle Tennis, Esq. represented the State. Mr. Tennis requested that the Board accept the Memorandum of Agreement (MOA).

**MOTION:**

Mr. Bailey made a motion to accept the Memorandum of Agreement with a fine of \$500.00 for violation of S.C. Code Ann. §40-01-110(1) (a0 ( 1976, as amended) and no fine for §40-59-110 (1976, as amended) Mr. Dowd seconded the motion, which carried unanimously.

*Mr. Bobby Manning Case# 2015-203*

Mr. Bobby Manning appeared before the commission and waived his right to counsel. Erin Baldwin, Esq. represented the State. Ms. Baldwin requested that the Board accept the Memorandum of Agreement (MOA).

**MOTION:**

Mr. Dowd made a motion to accept the Memorandum of Agreement with a total fine of \$2,000.00 (\$500.00 for each of the four violations) to be paid within 90 days and a letter of reprimand. Ms. Rhyne seconded the motion, which carried unanimously.

**Administrator Remark's**

Janet Baumberger, Administrator for the Residential Builders Commission, presented the Commission with a Draft copy of Specialty Contractors Affidavit of experience for the Commissioners to review for possible future implementation. The Commissioner discussed the reference letters currently required of the applicants should show a signature, address and phone number of the individual making the reference.

**ODC Report – Ms. Erin Baldwin**

*Erin Baldwin, Assistant Disciplinary Counsel*

Ms. Erin Baldwin, Assistant Disciplinary Counsel, appeared to present the information to the Commission regarding the ODC quarterly report.

Open Cases- 133                      Pending Actions- 60                      Pending ALC Hearing-3

Citation Appeal- 4                      Pending Advice Action- 0                      Pending CA/MOA- 25

Pending Panel Hearing- 25      Pending Board Hearing -15                      Pending FO- 0

Appeals- 1

Closed Cases from 1/11/16 to 4/8/16 - 30

**OIE Report – Mr. Todd Bond**

*Todd Bond, Chief Investigator of OIE*

Mr. Todd Bond, Chief Investigator, appeared to present the information to the Commission regarding the OIE monthly report.

Complaints Received - 187      Active Investigations -99      Closed Cases – 127

**New Business:**

A. Recommendation of IRC

**MOTION:**

Mr. Bailey made a motion to approve the Recommendation of the IRC

Mr. Dowd seconded the motion, which carried unanimously.

B. Resolution Guidelines

**MOTION:**

Mr. Dowd made a motion to approve the IRC Resolution Guidelines.

Ms. Rhyne seconded the motion, which carried unanimously.

**Old Business:**

No old business discussed.

**Public Comments:**

No Public Comments were made.

**Date of Next Meeting:**

The next Residential Builders Commission meeting will be held Wednesday, May 11<sup>th</sup>, 2016, in room 108.

**Adjournment:**

Mr. Dowd made a motion to adjourn the Residential Builders Commission meeting.

Ms. Rhyne seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 2:05 pm.

**NOTE: These minute are a record of the motion and official actions taken by the Board and brief summary of the meeting.**