

RESIDENTIAL BUILDER'S COMMISSION
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina
Wednesday, January 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:

Al Bailey, Vice-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, Monte Lemmon, Christy Rhyne and Bryan Dowd.

Approval of Agenda:

MOTION:

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

Approval of Minutes for the December 9th, 2015 Meeting

MOTION:

Mr. Lemmon made a motion to approve the December 9th, 2015, meeting minutes, with the correction under approval of minutes to read November 4th instead of August 12th. Ms. Rhyne seconded the motion, which carried unanimously.

Approval/Disapproval of Absent Members:

MOTION:

Mr. Dowd made a motion to approve the absences of Mr. Tim Roberts and Mr. Harry Dill. Ms. Rhyne seconded the motion which carried unanimously.

Chairman's Remarks:

Al Bailey – Vice- Chairman

Mr. Bailey, Vice-Chairman reminded everyone that this meeting is being recorded and asked that everyone please clearly. Additionally, he advised all applicants and licensees to direct their questions to the chairman of the board and reminded everyone that it was a long agenda and to please be patient.

Application Reviews:

Initial

Russell K. Davis

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

Motion:

Mr. Dowd made a motion to approve Mr. Davis' request for exam waiver for the home inspector's license. Ms. Rhyne seconded the motion, which carried unanimously.

John R. Fleischman

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

Motion:

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

Leigh Garrand

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

Motion:

No motions were made.

Cecil Phillips Jr

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

Motion:

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

Richard Dutcher

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

Motion:

Mr. Dillard made a motion to allow Mr. Dutcher to sit for the Builders Exam. No second was made. Motion failed.

Motion:

Ms. Dowd made a motion to allow Mr. Dutcher to sit for the electrical exam only. Mr. Lemmon seconded the motion, which carried unanimously.

Robert Hildreth

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

Motion:

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

Cecil Diggs

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

Motion:

Mr. Dowd made a motion enter in executive session to legal advice regarding Mr. Diggs application. Ms. Rhyne seconded the motion, which carried unanimously.

Motion:

Mr. Dowd made a motion exit executive session after receiving legal advice regarding Mr. Diggs's application. Ms. Rhyne seconded the motion, which carried unanimously.

Motion:

Mr. Dows made a motion to deny Mr. Diggs application at this time. Ms. Rhyne seconded the motion, which carried unanimously.

Zachary Zimmerman

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

Motion:

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

Levi Rivers

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

Motion:

Mr. Dillard made a motion to approve Mr. River's specialty registration. Mr. Dowd seconded the motion, which carried unanimously.

Geoffrey Hawk

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

Motion:

Ms. Rhyne made a motion to approve Mr. Geoffrey Hawk to sit for the SC Business Law and Management exam. Mr. Lemmon seconded the motion, which carried unanimously.

Milledge Lee

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

Motion:

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

George Desatnik

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

Motion:

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

Mitchell Richardson

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

Motion:

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

Frank Lombardo

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

Motion:

No motion were made.

Virgil Hughes

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

Motion:

No motion were made.

Phillip Lawson

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

Motion:

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

Juan Brown

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

Motion:

No motion were made.

Sylvester Sabb

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

Motion:

Mr. Dowd made a motion to approved Mr. Sabb's specialty registration with the condition that he is required to carry a five thousand dollar surety bond. Ms. Rhyne seconded the motion, which carried unanimously.

Joseph Geilman

Motion:

Mr. Dowd made a motion to close the meeting to the privacy interest of Mr. Geilman. Ms. Rhyne seconded the motion, which carried unanimously.

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

Motion:

Mr. Dillard made a motion to approve Mr. Geilman's specialty registration with the condition that he provides an update to the Administrator with status of tax liens every six months. Mr. Dowd seconded the motion, which carried unanimously.

Final Order Hearings:

Jerry Cooper, Case # 2015-575

The Board held a Final Order hearing regarding Mr. Jerry Cooper .

MOTION:

Ms. Rhyne made a motion to uphold the Hearing Officer's Recommendation.

Mr. Lemmon seconded the motion, which carried unanimously.

Michael Bopp, Case# 2014-24

The Board held a Final Order hearing regarding Mr. Michael Bopp .

MOTION:

Mr. Dillard made a motion to uphold the Hearing Officer's Recommendation.

Mr. Dowd seconded the motion, which carried unanimously.

Phillip Eaves, Case# 2014-50

The Board held a Final Order hearing regarding Mr. Phillip Eaves, Mr. Eaves Appeared along with his wife, he waived his right to counsel.

MOTION:

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

MOTION:

Mr. Dowd made a motion to exit Executive Session after receiving legal advice. Mr. Dillard seconded the motion, which carried unanimously.

MOTION:

Mr. Dillard made a motion to uphold the Hearing officer's Recommendation with the exception to the civil penalty from \$2,500 to \$1,500. Mr. Dowd seconded the motion, which carried unanimously.

Request for Motion to Dismiss Case# 2011- 128

Ms. Erin Baldwin with the Office of Disciplinary Counsel brought a request to dismiss case #2011-128.

MOTION:

Mr. Dowd made a motion to dismiss case #2011-128. Mr. Lemmon seconded the motion, which carried unanimously.

Memorandum of Agreement:

Peter Shaw case# 2014-324

Mr. Peter Shaw did not appear. 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. Ms. Rhyne seconded the motion, which carried unanimously.

MOTION:

Mr. Dowd made a motion to fine the Respondent one thousand five hundred dollars and no/100 cents (\$1,500.00) and a public reprimand. Ms. Rhyne seconded the motion, which carried unanimously.

Administrator's Remarks for Information:

1.Home Inspector Licensing- exam requirements, if any, for general contractors, residential builders, architects, and engineers per S.C. Code Ann §40-59-530

Motion:

Mr. Lemmon made a motion to have General contractors, residential builders, architects and engineers take the exam for the Home Inspectors License. Mr. Dowd seconded the motion, which carried unanimously.

2. Distributing licenses and licensing information to agents and representatives.

Motion:

Mr. Dowd made a motion to only release licenses and licensing information unless the representative has legal authority. Ms. Rhyne seconded the motion, which carried unanimously.

3. Reconsideration of residential builder exam waivers for applicants who have passed NASCLA/general contractors exam.

Motion:

Ms. Rhyne made a motion to rescind waiver of the NASCLA exam. Mr. Dillard seconded the motion, which carried unanimously.

4. Pass/Fail Report from PSI- Information was presented to the board regarding the pass/fail rates for 2015.

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. Numbers are for the year 2015.

Complaints Received - 739 Active Investigations -91
Closed Cases – 833

2014 year stats:

Complaints Received – 577

Active Investigations- 102

Closed Cases- 550

New Business:

A. Recommendation of IRC

MOTION:

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

Mr. Lemmon seconded the motion, which carried unanimously.

B. Resolution Guidelines

MOTION:

Ms. Rhyne made a motion to approve the IRC Resolution Guidelines.

Ms. Lemmon seconded the motion, which carried unanimously.

Old Business:

None at this time

Public Comments:

No Public Comments were made.

Date of Next Meeting:

The next Residential Builders Commission meeting will be held Wednesday, February 10, 2016, in room 108.

Adjournment:

Mr. Lemmon made a motion to adjourn the Residential Builders Commission meeting. Mr. Dowd seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 3:05 pm.

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