

RESIDENTIAL BUILDER'S COMMISSION
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina
Wednesday, October 12th, 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:

Tim 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, Monte Lemmon, W. Duvall Spruill, Bryan Dowd, and Christy Rhyne.

Approval of Agenda:

MOTION:

Ms. Rhyne made a motion to approve the November 9th, 2016, Residential Builders Commission Meeting Agenda. Mr. Lemmon seconded the motion, which carried unanimously.

Approval of Minutes for the October 12th, 2016 Meeting:

MOTION:

Mr. Bailey made a motion to approve the October 12th, 2016, meeting minutes, with a clarification to the motion regarding Mr. John Prass' application hearing that Mr. Prass need not re-appear if he provides documentation that the judgment has been resolved. Ms. Rhyne seconded the motion, which carried unanimously.

Approval/Disapproval of Absent Members:

MOTION:

Mr. Bailey made a motion to approve the absences of Mr. Hal Dillard. Mr. Dowd seconded the motion, which carried unanimously.

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 direct their questions to the chairman of the board.

Application Reviews:

Michael Hendrix

The Commission held an Application Review Hearing regarding Mr. Michael Hendrix. Mr. Hendrix appeared before the Commission to present testimony along with his counsel Mr. John S. Keffer, Esq.

Motion:

Mr. Bailey made a motion to approve Mr. Hendrix for a specialty registration with the condition that he maintains a Five Thousand Dollar bond. Mr. Lemmon seconded the motion which carried unanimously.

Phillip Bowser

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

Motion:

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

Barbara Weir Martin

The Commission held an Application Review Hearing regarding Ms. Barbara Weir Martin. Ms. Weir Martin appeared before the Commission to present testimony, and she waived her right to counsel.

Motion:

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

David Livingston

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

Motion:

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

Robert Scroggs

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

Motion:

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

David Episcopo

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

Motion:

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

Robert Hartley

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

Motion:

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

Anatoliy Voloschuk

The Commission held an Application Review Hearing regarding Mr. Anatoliy Voloschuk. Mr. Voloschuk appeared before the Commission to present testimony, along with a witness, Ms. Tatyana Voloschuk, and he waived his right to counsel.

Motion:

Mr. Bailey made a motion to allow Mr. Voloschuk to sit for the exam. Mr. Lemmon seconded the motion which carried unanimously.

Walter Lowery

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

Motion:

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

Richard Casmirri

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

Motion:

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

Christopher Barnette

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

Motion:

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

Christopher Phillips

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

Motion:

No motions were made.

John R Torres

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

Motion:

Mr. Bailey made a motion to approve Mr. Torres for a specialty registration with the condition that application shall be required to have a surety bond in the amount of Five Thousand dollars at all times. Mr. Dowd seconded the motion, which carried unanimously.

Gregory Tucker

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

Motion:

Mr. Dowd made a motion to approve Mr. Tucker for a specialty registration with the condition that application shall be required to have a surety bond in the amount of Five Thousand dollars at all times. Mr. Lemmon seconded the motion, which carried unanimously.

Justin Neumann

The Commission held an Application Review Hearing regarding Mr. Justin Neumann. Mr. Neumann appeared before the Commission to present testimony and he waived his right to counsel. Mr. Spruill recused himself from the hearing due to his firm representing South State Bank in other actions.

Motion:

Mr. Dowd made a motion to approve Mr. Neumann with the condition that he shall be required, within six months of the date of the final order, to submit written documentation, to the satisfaction of the Commission Administrator, that the outstanding judgments have been resolved by a payment plan, a settlement agreement or otherwise satisfied. In the event that Mr. Neumann is unable to provide such documentation, he shall be required to re-appear before the full Commission for further consideration of licensure. Mr. Bailey seconded the motion, which carried unanimously.

Final Order Hearings:

John Marion Mcclary, Case# 2015-90

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

MOTION:

Mr. Lemmon made a motion to uphold the Hearing Officer's Recommendation. Mr. Dowd seconded the motion, which carried unanimously.

Mr. Bailey returned to the meeting.

Memorandum of Agreement

Leslie Peeples, Case# 2015-501

Mr. Peeples appeared before the Commission and waived his right to counsel. Ms. Erin Baldwin, Esq. represented the State. Mr. Peeples answered questions from the Commission. Ms. Baldwin requested that the Commission accept the Memorandum of Agreement (MOA).

MOTION:

Mr. Bailey made a motion to accept the MOA, and assess a fine of Two Hundred and Fifty Dollars (\$250.00) to be paid within sixty (60) days of the date of the final order. Mr. Lemmon seconded the motion, which carried unanimously.

Howard Brown, Case# 2015-332

Mr. Brown appeared before the Commission and waived his right to counsel. Ms. Tracey Perlman, Esq. represented the State. Mr. Brown answered questions from the Commission. Ms. Perlman requested that the Commission accept the Memorandum of Agreement (MOA).

MOTION:

Mr. Dowd made a motion to accept the MOA, and assess a fine of Five Hundred Dollars (\$500.00) to be paid within sixty (60) days of the date of the final order. Mr. Lemmon seconded the motion, which carried unanimously.

Interpretation of SC Reg. 106-1(a) relating to Plumbers

MOTION:

Mr. Spruill made a motion to clarify that plumbers are allowed to make the connection between the gas and any appliances they install as part of a water or sewage system. Mr. Lemmon seconded the motion, which carried unanimously.

Proposed Regulation Changes to Residential Plumbing and Residential HVAC Classifications

MOTION:

Mr. Spruill made a motion to submit the requested regulation change regarding Residential HVAC and Residential Plumbing. Mr. Dowd seconded the motion, which carried unanimously.

Legislative update

The Commission discussed suggested changes to the current regulations and had a public discussion of issues concerning the current practice act.

Bond Claim Process

The Commission discussed issues with the current bond claim process.

Administrator's Remarks for Information:

No Comments made.

OIE Report – Mr. Todd Bond

Todd Bond, Chief Investigator of OIE

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

As of November 9th, 2016

642 complaints received

204 open investigations

572 closed cases

New Business:

A. Recommendation of IRC

MOTION:

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

Mr. Lemmon 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:

Public Comments:

Comments were made.

Date of Next Meeting:

The next Residential Builders Commission meeting will be held Wednesday, December 14th, 2016, in room 108.

Adjournment:

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

Mr. Bailey seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 2:37pm.

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