

**South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday, August 10, 2005 – 10:00 am
Synergy Business Park, Kingstree Building
Columbia, South Carolina**

MEMBERS PRESENT

**John Curl
Al Bailey
Frank Clark
Gale Crawford
Caleb Davis
Oscar Molin
Derrick Williams**

OTHERS PRESENT

**Rick Wilson, General Counsel
Kent Lesesne, Office of General Counsel
Louis Rosen, Hearing Advisor
Robert Selman, ADD
Charles McAlister, Administrator
Charles Ido, Chief Investigator, OIE
Christine Driver, Administrative Assistant
Amy Alston, Staff
Patrice Deas, Staff
Rose Rainford, Staff
Faye Grainger, Court Reporter**

MEMBERS ABSENT

Public Notice of this meeting was properly posted at the Board office and provided to any requesting persons, organizations, or news media in compliance with Section 30-4-80 of the S. C. Freedom of Information Act. A quorum was present at all times.

Call to Order

Mr. John Curl, Chairman, called the meeting to order.

Approval of Minutes

Motion: Mr. Bailey moved to approve the minutes of June 8, 2005 meeting. Mr. Davis seconded the motion, and with all members present voting favorably, the motion carried.

Approval of Recommendations of Investigative Review Committee

Motion Mr. Molin moved to approve the recommendations of the Investigative Review Committee, dated June 21, 2005 and July 19, 2005. Mr. Williams seconded the motion, and with all members present voting favorably, the motion carried.

**South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday, August 10, 2005
Page 2 of 5**

Approval of Recommendations of the Administrative Hearing Officer for Citation Hearing

Motion: Mr. Bailey moved to approve the recommendations of the Administrative Hearing Officer for Citation Hearing, dated June 20, 2005. Ms. Crawford seconded the motion, and with all members present voting favorably, the motion carried.

Motion: Mr. Molin moved to approve the recommendations of the Administrative Hearing Officer for Citation hearing, dated July 18, 2005. Mr. Bailey seconded the motion, and with all members present voting favorably, the motion carried.

Call to Order

Mr. Derrick Williams, Vice Chairman, called the meeting to order to vote on the recommendations of the Administrative Hearing Officer for Panel Hearings, dated June 23, 2005, July 6, 2005 and July 21, 2005.

Approval of Recommendations of Administrative Hearing Officer for Panel Hearings for June 23, 2005, July 6, 2005 and July 21, 2005

Motion: Ms. Crawford moved to approve the recommendations of the Administrative Hearing Officer for Panel Hearings, dated June 23, 2005, July 6, 2005 and July 21, 2005. Mr. Davis seconded the motion, and with all members present voting favorably, the motion carried.

Mr. John Curl recused himself from voting because he was the hearing officer in this matter.

Contested Recommendation of Administrative Hearing Officers for Panel Hearing for June 23, 2005

Dennis Keisler – Mr. Kent Lesesne informed the Commission that Mr. Dennis Keisler has contested the Administrative Hearing Officer's recommendation that was held on June 23, 2005, as a result of a complaint. Mr. Keisler was a specialty contractor with one of his classifications being roofing, however, he was not bonded. There were several leaks throughout the roof and the job exceeded Five Thousand Dollars. Mr. Keisler was charged with the roof not meeting code and exceeding his monetary limitations of his registration by taking the job over Five Thousand Dollars without being bonded. Hearing Officer's recommendation was that Mr. Keisler be given thirty days to make the corrections to the roof or pay a fine of Seven Thousand Five Hundred Dollars. The state believes that the recommendation based on the evidence and testimony was appropriate and asks that the Commission adopt this recommendation as a Final Order of the Commission.

South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday, August 10, 2005
Page 3 of 5

Mr. Keisler stated that he is guilty of the charges as set forth in the Hearing Officer's Recommendation, and he is requesting that someone give him a list of what needs to be done concerning the leaks in the roof. Mr. Keisler also requested that the fine be reduced in this matter in order to make the repairs.

Motion: Mr. Bailey moved to deny Mr. Keisler's request for a reduction of the fine and affirm the Hearing Officer's Recommendation. Mr. Molin seconded the motion, and with all members present voting favorably, the motion carried.

Approve Recommendations of Administrator for Bond Claims

Motion: Ms. Crawford moved to approve the recommendations of the Administrator for Bond Claims. Mr. Bailey seconded the motion, and with all members present voting favorably, the motion carried.

Request for Owner/Builder Exemption

Ricky R. Reeh – Mr. McAlister informed the Commissioners that Mr. Reeh is requesting an owner/builder exemption. Mr. Reeh remodeled his home under an owner/builder permit and it has been less than two years and he must sell his home.

Mr. Reeh informed the Commission that he has filed for divorce and must sell his home. Mr. Reeh is asking the Commission to waive the owner/builder exemption and allow him to build his own home in order to provide a home for his family.

Motion: Ms. Crawford made a motion to approve Mr. Reeh request to apply for an owner/builder permit. Mr. Bailey seconded the motion, and with all members present voting favorably, the motion carried.

New Business

Election of Officer – Secretary - Mr. McAlister informed the Commissioner that they needed to elect a new Secretary, due to the fact, that Mr. Mungo is no longer a Commission.

Motion: Mr. Davis moved to elect Frank Clark as Secretary for the Commission. Mr. Molin seconded the motion, and with all members present voting favorably, the motion carried.

Election of Hearing Officer for Administrative Hearings

Mr. McAlister informed the Commissioners that they needed another person to serve as an Administrative Hearing Officer in case Mr. Curl is not available for an Administrative Hearing.

South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday, August 10, 2005
Page 4 of 5

Motion: Mr. Davis moved to appoint Frank Clark as an Administrative Hearing Officer for Administrative Hearings in the absence of Mr. Curl. Mr. Bailey seconded the motion, and with all members present voting favorably, the motion carried.

Discussion of Financial Statement – Mr. McAlister informed the Commission that when the law was rewritten, the financial statement details were deleted. However acceptable provision of a financial statement needs to be established by the Commission order for staff to review and approve appropriate applications.

Policy: Ms. Crawford moved to allow staff to approve reviewed financial statements that demonstrate a net worth of not less than seventy-five thousand dollars of which at least fifteen thousand dollars must be in cash or cash equivalents from a licensed practitioner a Certified Public Accountant or a Public Accountant. Mr. Clark seconded the motion, and with all members present voting favorably, the motion carried.

Discussion of Two-Year License – Mr. McAlister stated that staff is looking into moving forward with a two-year license period. Staff will bring before the Commission a recommendation and plan for approval.

Motion: Mr. Clark moved to have staff prepare a recommendation and plan for a two-year license period. Mr. Davis seconded the motion, and with all members present voting favorably, the motion carried.

Unfinished Business

Mr. McAlister presented to the Commission a copy of the rewrite of the Engine Bill H3781 for review. Mr. Selman asked that the Commissioner's read the Bill and set a date and time to meet and discuss their concerns with the Bill.

Mr. McAlister informed the Commissioner that the NASCLA Convention will meet in Utah on September 27, 2005 through October 1, 2005, and the Administrator and two board members may attend.

Adjournment

There being no further business, the business meeting for August 10, 2005, concluded at 11:35 a.m.

The next scheduled board meeting will be held on September 14, 2005, at 10:00 a.m. Synergy Business Park, Kingtree Building, Room 108. (Note: Subject to Change

South Carolina Residential Builders Commission
Board meeting Minutes, Wednesday, August 10, 2005
Page 5 of 5

Hearings

Mr. Curl called the hearings to order. Mr. Louis Rosen was the hearing advisor. Mr. Kent Lesesne represented the state.

<u>Builder</u>	<u>Homeowner</u>	<u>Case #</u>	<u>Order</u>
Mark Thrasher	Lynn Jordan	2004-360	Consent Order
Rachael F. Lamont	Mary M. Dolney	2004-789	Letter In File, \$2,500.00 Fine Call On Bond
David Shaw	Andrew R. McGee	2004-393	Consent Order
David J. Green	Gregory P. LaPointe	2004-393	Dismissed
Carl E. Reid	David A. Depp	2004-695	Letter In File, \$500.00 Fine Call On Bond

Transcripts of these hearings may be obtained from Faye Grainger, Certified Court Reporter for Grainger Reporting Service.