

**South Carolina Residential Builders Commission  
Board Meeting Minutes, Wednesday, September 13, 2006 – 10:00 am  
Synergy Business Park, Kingstree Building  
Columbia, South Carolina**

**MEMBERS PRESENT**

**John Curl  
Al Bailey  
Gale Crawford  
Caleb Davis  
Timothy Roberts  
Derrick Williams**

**OTHERS PRESENT**

**Sharon Dantzler, Deputy General Counsel  
Louis Rosen, Hearing Advisor  
Kent Lesesne, Staff Attorney  
Bob Selman, ADD  
Charles McAlister, Administrator  
Charles Ido, Chief of Investigations, OIE  
Christine Driver, Administrative Assistant  
Patrice Deas, Administrative Assistant  
Faye Grainger, Court Reporter**

**MEMBERS ABSENT**

**Frank Clark**

**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 the August 9, 2006 meeting. Mr. Williams seconded the motion, and with all members present voting favorably, the motion carried.

**Approval of Recommendations of Investigative Review Committee**

**Motion:** Mr. Williams moved to approve the recommendations of the Investigative Review Committee, dated August 3, 2006. Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

**Approval of Recommendations of the Administrative Hearing Officer, David Bennett, for Citation**

## **Appeals**

**Motion:** Mr. Bailey moved to approve the recommendations of the Administrative Hearing Officer, David Bennett, for Citation Appeals on behalf of Booker Davis and Curtis Neat. Mr. Davis seconded the motion, and with all members present voting favorably, the motion carried.

### **Approve Recommendation of Administrative Hearing Officer, David Bennett, for Bond Hearings**

**Motion:** Mr. Williams moved to approve the recommendations of the Administrative Hearing Officer, David Bennett, for Bond Hearings on behalf of John D. Weaver and Earnest Broach. Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

### **Approve Recommendations of Administrator, Charles McAlister, for Bond Claim**

**Motion:** Mr. Williams moved to approve the recommendations of the Administrator, Charles McAlister, for Bond Claim on behalf of John D. Weaver and Earnest Broach. Mr. Davis seconded the motion, and with all members present voting favorably, the motion carried.

### **Appeal of Administrative Hearing Officer, David Bennett, Recommendation for Bond Hearing**

Mr. McAlister informed the Commission that Jonathan F. Krell, Esquire, attorney for Robert Perrineau has requested that this matter be continued until October 11, 2006.

### **Appeal of Administrator, Charles McAlister, Recommendation for Bond Claim**

Mr. McAlister informed the Commission that Mr. Timothy Roller has requested an appeal of the amount of a bond claim that was awarded to him by the Administrator. Mr. McAlister further stated that his decision was based on the estimates he received from Mr. Roller and the Commission Order, which addressed the windows and waterproofing.

Mr. Roller informed the Commission that the bond claim awarded is unsatisfactory and that he still has standing water in his basement. He only sent in estimates to cover the \$15,000.00, but he has an additional \$10,000.00 to \$15,000.00 worth of items left to fix in accordance with Mr. Patterson's inspection report. Mr. Roller further stated that at the hearing all the items in Mr. Patterson's inspection report were not discussed and that he has been dealing with LLR for over two years to resolve these issues.

Mr. Curl informed Mr. Roller that the Commission is somewhat restricted as to what the bonding company will pay out on bond claims. The Commission does not have the authority to make claims for punitive damages. Mr. Curl further stated what was allotted is a fair assessment in this matter.

**Motion:** Mr. Bailey moved to uphold the bond claim awarded by the Administrator in the amount of \$12,500.00. Ms. Crawford seconded the motion, and with all members present voting favorably, the motion carried.

## **Request for Reinstatement of License**

Dennis Keisler – Although the record shows that he was properly notified of this appearance he did not appear at the appointed time and no action was taken.

William T. Easley – Mr. McAlister informed the Commission that Mr. Easley is requesting that his license be reinstated without examination. Mr. Easley's license expired on June 30, 1998.

Mr. Easley stated that he allowed his license to lapse because he was working with another contractor at the time, and he was under the impression that the company he was working for was paying his renewal fees.

Mr. Curl advised Mr. Easley that we license individuals not companies. The current state law requires that if a license is in an inactive status for more than three years, the person shall file a new application as in the case of the issuance of an original license and is required to take and successfully complete the examination. Therefore, the Commission has no authority to grant the request.

## **Application Reviews**

Dana Coble – Mr. McAlister informed the Commission that Ms. Coble, d/b/a Portrait Homes, submitted her renewal application and had answered "yes" to a question concerning mechanic liens. Mr. Steve Smith, attorney for Ms. Coble, stated that DC Electric provided certain labor in connection with improvements as to the electrical systems in a customer's home. Graybar Electric Company, Inc. and Hagemeyer North American provided material used by DC Electric in the installation of the electrical systems and improvements. DC Electric filed a lien to protect its interests and Portrait Homes was also named in the lien. Portrait Homes has been working diligently with these companies in an attempt to resolve this matter, and has bonded the lien.

**Motion:** Mr. Bailey moved to issue Ms. Coble's license at this time. Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

Terry L. Powell – Mr. McAlister informed the Commission that he spoke with Mr. Powell and that this issue has been resolved.

Frank Sanders – Mr. McAlister informed the Commission that Mr. Sanders is requesting reinstatement of his registration. Mr. Sanders has a judgment against him in the amount of \$7,555.00, and is in noncompliance with a Consent Agreement. The Consent Agreement stated that the Respondent's registration shall be publicly reprimanded. Respondent's registration is hereby suspended indefinitely, stayed until June 30, 2006, and permanently stayed if respondent provides evidence that he has satisfied the judgment in full, prior to June 30, 2006.

Mr. Sanders stated that he cannot provide evidence that he has satisfied the judgment, although he has

copies of money orders paid to Ms. Carmen Free in the amount of \$2,800.00. Mr. Sanders said that he has satisfied all but \$200.00 of the judgment, but he does not have all of the receipts.

**Motion:** Ms. Crawford moved to renew Mr. Sander's registration at this time. Mr. Bailey seconded the motion, and with all members present voting favorably, the motion carried.

Wade R. Periminter - Mr. McAlister informed the Commission that Mr. Periminter had surgery and has requested a continuance in this matter until October 11, 2006.

Jay Christopher Cole - Mr. McAlister informed the Commission that Mr. Cole has submitted an application for a residential builder's license. Mr. Cole has a previous history of criminal convictions, for which he currently is on parole until March 1, 2009. Mr. Cole's parole officer has provided a letter on Mr. Cole's behalf in support of the application.

Mr. Cole informed the Commission that he is willing to submit to any other conditions as the Commission may desire from time to time, to assure continued fitness and qualifications for a license.

**Motion:** Mr. Bailey moved to approve Mr. Cole's application and that he be issued a license to engage in the business of residential building in this State in a probationary status, provided Applicant faithfully complies with the following terms and conditions of probation, which shall continue in effect for a period of not less than three years and until further Order of the Commission, and the following pre-conditions for licensure are met. Mr. Davis seconded the motion, and with all members present voting favorably, the motion carried.

- a) Applicant shall be an active participant in the activities of Alcoholics Anonymous (AA) or Narcotics Anonymous (NA). Applicant shall ensure that his AA or NA sponsor provides regular written reports directly to the Commission relating Applicant's activities and compliance with this Agreement. Said reports shall be submitted on or before the first day of October and every third month thereafter. Said reports shall include an assessment of Applicant's commitment to sobriety, regular attendance and participation in the activities of the support group, and adherence to the terms of this Agreement. The sponsor shall immediately notify the Commission of any failure by Applicant to remain active in the support group, to maintain sobriety, or to comply with the terms and conditions of this Agreement. Applicant shall provide a copy of this Agreement to the AA or NA sponsor.
- b) Applicant annually shall provide a copy of his current criminal record as maintained by the State Law Enforcement Division (SLED). Said SLED report must be submitted directly to the Commission on or before the first day of July of each year.
- c) Applicant shall comply with all state and federal laws, including those governing residential building and residential specialty contracting.
- d) Applicant shall appear and report to the Commission as requested by the Commission.

Edward Kozek – Mr. McAlister informed the Commission that Mr. Kozek d/b/a Lone Oak disclosed on

his renewal form that four mechanic's liens have been filed against Lone Oak during the past year. All four liens were filed by G&S Supply Co., Inc. alleging that it is entitled to payment of subcontract balances for work performed on four different projects. Lone Oak is currently in litigation with G&S Supply in connection with the work and material it supplied to those projects. Mr. McAlister further stated that James E. Weatherholtz, attorney for Mr. Kozek filed cash bonds releasing the properties from these mechanic's liens in three cases, and has filed a formal Offer of Settlement to pay the full balance on the fourth lien. Based on the information submitted Mr. McAlister approved Mr. Kozek's license for renewal.

Christopher Scott Strickland – Although the record shows that Mr. Strickland was properly notified of this appearance he did not appear at the appointed time and no action was taken.

Arthur Lindsey, Sr. – Although the record shows that Mr. Lindsey was properly notified of this appearance he did not appear at the appointed time and no action was taken.

Kenneth Cheshier – Mr. McAlister informed the Commission that Kenneth Cheshier, d/b/a Five Star Builders, disclosed on his renewal form that he has an outstanding judgment filed against Five Star Builders, Inc. by Builders Mutual Insurance Company in the amount of \$5,850.00.

Mr. Cheshier stated that he had some hard times and had gotten behind in his finances, and that he needs his license in order to continue to work and generate income to pay off this judgment. Mr. Cheshier informed the Commission that he has hired an attorney and is trying to work out a payment plan with Builders Mutual Insurance Company.

**Motion:** Ms. Crawford moved to renew Mr. Cheshier's license at this time. Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

## **New Business**

Mr. McAlister and Mr. Curl reported on the NASCLA Convention in Scottsdale, Arizona. Mr. Curl stated that NASCLA is working on preparing a national exam. A committee was formed to gather information on residential construction to create a national data base.

Mr. Curl informed the Commission that NASCLA inducted Charles McAlister, John Watkins, Ron Galloway and Earl Catoe into the NASCLA Hall of Fame. Mr. McAlister stated that John Curl has served on the board of directors and was elected secretary of NASCLA.

Ms. Crawford stated that he has received a call from one licensee concerning the reviewed financial statement approved by the Commission. Ms. Dantzer informed the Commission if they receive calls concerning the reviewed financial statement to inform the licensee to talk with a Certified Public Accountant. Mr. Curl stated that the intent of the Commission was to have all licensees to purchase surety bonds.

Mr. McAlister informed the Commission that the Office of Investigation and Enforcement has questioned the Commission's position on having building officials enforce the Residential Construction Standards. Mr.

Curl stated that the Commission does not have the authority to make building officials enforce the Residential Construction Standards because each jurisdiction has different ordinances. Mr. McAlister stated that when he is questioned about the standards that he sends the building official a letter informing them that the Commission has adopted the Residential Construction Standards and that it is now in the law.

Mr. Charles Ido informed the Commission that Section 40-59-110 makes a brief reference to the Residential Construction Standards as adopted by the Commission. If the statute says that the building official has the authority to investigate standards, but it is not mandatory that they investigate standard items. It varies from jurisdiction to jurisdiction and when one county will not investigate the standards OIE has to send an investigator out to investigate the same complaint. Mr. McAlister stated that Mr. Ido wants the Commission to write a letter to the building officials informing them that they do have the authority to investigate complaints using the Residential Construction Standards under state law.

Mr. Curl stated that staff could inform the building officials that the Commission has adopted the Residential Construction Standards and will support the local building officials if they cite standard items in their reports.

Mr. McAlister informed the Commission that the Office of General Counsel has to have a trades person sit on the Investigative Review Committee (IRC), and that he is not longer qualified to sit on the IRC as a trades person. Mr. McAlister has asked, Bill Patterson a former LLR investigator, to sit on the IRC and would like for the Commission's approval of Mr. Patterson.

**Motion:** Mr. Davis moved to approve Bill Patterson as a trades person to serve on the IRC. Ms. Crawford seconded the motion, and with all members present voting favorably, the motion carried.

Mr. Roberts informed that Commission that general contractors are having problems pulling permits for subcontractors from the local building officials in Anderson County. Mr. McAlister asked Mr. Roberts to write him a letter requesting this matter be looked into.

### **Absence of Member:**

Mr. McAlister reported that Frank Clark is attending a fall board meeting with the Home Builders Association and has requested that he be excused.

**Motion:** Ms. Crawford moved to excuse Mr. Clark's absence. Mr. Williams seconded the motion, and with all members present voting favorably, the motion carried.

### **Unfinished Business**

None

### **Adjournment**

There being no further business, the business meeting for September 13, 2006 concluded at 12:45 p.m.

The next scheduled board meeting will be held on October 11, 2006, at 10:00 a.m. Synergy Business Park, Kingstree Building, Room 108. (Note: Subject to Change)

### **Hearings**

Mr. Williams called the hearings to order. Mr. Louis Rosen was the hearing advisor.

### **Approve Recommendations of Administrative Hearing Officers, John Curl for Administrative Hearings**

George W. Haynie, III - This matter was heard before John Curl, Administrative Hearing Officer, on June 13, 2006. Mr. Curl's recommendation was as follows:

1. This matter by, and it hereby is, dismissed.
2. The Order is to take effect immediately.

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

**Motion:** Mr. Bailey moved to approve John Curl, Administrative Hearing Officer's Recommendation for George W. Haynie, III. Ms. Crawford seconded the motion, and with all members present voting favorably, the motion carried.

Transcripts of these hearings may be obtained from Faye Grainger, Grainger Reporting Services.