

**South Carolina Residential Builders Commission  
Board Meeting Minutes, Wednesday, August 8, 2007  
Columbia, South Carolina**

**MEMBERS PRESENT**

**John Curl  
Al Bailey  
Frank Clark  
Timothy Roberts**

**OTHERS PRESENT**

**Sharon Dantzler, Deputy General Counsel  
Eddy Lane, Hearing Advisor  
Christa Bell, Staff Attorney  
Gary Wiggins, Administrator  
Charles Ido, Chief of Investigations, OIE  
Patrice Deas, Administrative Assistant  
Faye Grainger, Court Reporter**

**MEMBERS ABSENT**

**Derrick Williams  
Caleb Davis**

**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 13, 2007 meeting. Mr. Clark seconded the motion, and with all members present voting favorably, the motion carried.

**Approve Recommendations of the Investigative Review Committee**

**Motion:** Ms. Crawford moved to approve the recommendations of the Investigative Review Committee for July 6, 2007. Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

**Approval of Recommendations of the Administrative Hearing Officer, Douglas Green, for Citation Appeals**

**Motion:** Ms. Crawford moved to approve the recommendations of the Administrative Hearing Officer, Douglas Green, for citation appeals on behalf of Phillip Myers. Mr. Bailey seconded the

motion, and with all members present voting favorably, the motion carried.

**Approval of Recommendations of the Administrative Hearing Officer, Beau Tiller, for Bond Hearings**

**Motion:** Mr. Bailey moved to approve the recommendations of the Administrative Hearing Officer, Beau Tiller, for bond hearings on behalf of Willie Whitaker and Robert Browder. Ms. Crawford seconded the motion, and with all members present voting favorably, the motion carried.

**Appeal Administrative Hearing Officer, Beau Tiller, for Bond Claim**

**Ricky Brewer:** Ms. Bell requested that this matter be continued for further review. This matter will be continued until October 10, 2007. No action was taken.

**Appearances**

**Reinstatement**

**Allen Butts** – Although the record shows that he was properly notified of this appearance he did not appear at the appointed time. No action was taken.

**Rodney Spires** – Mr. Wiggins informed the Commission that Mr. Spires's prior license to practice residential building was revoked, on January 13, 1995, for incompetence and misconduct. Based on the terms of this revocation before a new license may be issued Mr. Spires is required to appear before the Commission to justify why the Commission should reinstate his license. Mr. Spires is now requesting reinstatement of his residential builder's license.

Mr. Spires stated that his family has been in the building business for several generation and has worked in the building industry and became a licensed residential builder at the age of twenty-one. In 1991 – 1994 he built approximately one hundred homes. In 1994 he was forced to file bankruptcy both personally and in the business. The business closing was business related not building related. Mr. Spires further stated that he did not have the "real world" business knowledge that he need at the age of twenty-one.

Since then Mr. Spires stated he has been self employed with a successful sign rental company for the past twelve years.

**Motion:** Mr. Bailey moved to reinstate Mr. Spires's residential builders license provided he provide a bond in the amount of \$30,000.00 for licensing period, and successfully pass the residential builders exam. Ms. Crawford seconded the motion, and with all members present voting favorably,

the motion carried.

**Application Review**

Carl William Stanley - Mr. Wiggins informed the Commission that Mr. Stanley has applied for a residential specialty contractor's electrical license. Mr. Stanley answered "yes" on question two on the application regarding criminal convictions. Mr. Stanley plead guilty to a criminal offence of aggravated assault, and is currently on probation until 2010.

Mr. Stanley informed the Commission that he is currently on probation for a felony conviction for aggravated assault and was under house arrest for one year, and is now serving his probation time.

**Motion:** Mr. Clark moved to issue Mr. Stanley a license to engage in residential specialty contractor, provided the he faithfully complies with the following terms and conditions, which shall continue in effect until 2010 or notification that he has been released from supervision by the South Carolina Department of Parole and Pardon Services. Mr. Bailey seconded the motion, and with all members present voting favorably, the motion carried.

- a) Applicant shall limit his practice to subcontracting for electrical work on jobs under the authority of a residential builder or a general contractor licensed in this State.
- b) Applicant shall comply with all state and federal laws, including those governing residential specialty contractors.
- c) Applicant shall appear and report to the Commission as requested by the Commission.
- d) Applicant shall promptly advise the Commission in writing of any changes in address, practice, professional status, or compliance with this Agreement.

Chad Hernandez – Although the record shows that he was properly notified of this appearance he did not appear at the appointed time. No action was taken.

**Absent Members:** Ms. Crawford moved to excused Mr. Williams' and Mr. Davis' absence. Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

**New Business**

Approve Charles W. McAlister for Administrative Hearing Officer for Bond Hearings and Citation Appeal Hearings

**Motion:** Ms. Crawford moved to approve Charles W. McAlister for an Administrative Hearing

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Officer for Bond Hearings and Citation Appeal Hearings. Mr. Bailey 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 August 8, 2007 concluded at 10.30 a.m.

The next scheduled board meeting will be held on September 12, 2007, at 10:00 a.m. Synergy Business Park, Kingstree Building, Room 108. (Note: Subject to Change)

**Hearings**

Ms. Crawford called the hearings to order. Ms. Eddy Lane was the hearing advisor.

**Approve Recommendations of Administrative Hearing Officer, John Curl for Administrative Hearing**

James Turner, Jr. – This matter was heard before John Curl, Administrative Hearing Officer, on May 8, 2007. Mr. Curl's recommendation was as follows:

1. The Respondent's license as a residential builder be, and it hereby is, revoked. The Respondent is directed to return his pocket card to the Commissions office within seven (7) days of the service of this order upon him.
2. If the Respondent reapplies in the future for licensure, he must appear before the Commission, and answer to the Commission for his incompetence and misconduct in this matter. At that time, the Respondent shall appear before the Commission and present, among other matters, evidence satisfactory to the Commission, in its discretion, regarding the Respondents fitness and qualifications to be licensed as a residential builder in this state. At that time, the Commission, in its discretion, may deny licensure. Require passage of an examination, among other requirements, or impose such additional terms and conditions upon the Respondents license as it may deem appropriate.
3. The Respondent shall pay a fine of Five Thousand (\$5,000.00) Dollars. This fine shall not be deemed paid until received by the Commission. Failure to pay the fine shall prevent the Respondent from being re-licensed.
4. The original complainant (homeowner) is granted permission to file a claim

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- against the Respondents surety bond.
5. A Cease and Desist Order is hereby issued to the Respondent, pursuant to S.C. Code Ann 40-59-100, requiring the Respondent to cease and desist from engaging in the practice of residential home building and residential specialty contracting.
  6. This order is to take effect immediately.

Ms. Bell informed the Commission that this matter was heard before John Curl on May 8, 2007, and the Respondent was not present at that hearing. Based upon the preponderance of the evidence the Respondent abandoned the project in November 2005. The Respondent was directed by the local building official to address code violations. Also the homeowners paid subcontractors who were owed funds, but not paid by the Respondent, and who would have been unable to continue work without funds from the homeowner.

Mr. Turner stated that he did not appear at the hearing in May because he was unclear of the exact date of the hearing. Mr. Turner stated that he had money problems and was unable to comply with the building officials report.

Next, Ms. Barbara Thompson spoke on behalf of Mr. Turner and informed the Commission of his financial hardships. Ms. Thompson informed the Commission that if they revoked Mr. Turner's license then he will not be able to support his family.

Ms. Bell stated that the Respondent was paid all funds from the bank loan except the last draw of approximately \$16,000.00. The homeowners expended funds in excess of the contract price even though the Respondent abandoned the uncompleted project.

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

**Motion:** Mr. Bailey moved to approve John Curl's Recommendation for James Turner, Jr. Mr. Clark seconded the motion, and with all members present voting favorably, the motion carried.

1. The Respondent's license as a residential builder be, and it hereby is, revoked.
2. The Respondent shall pay a fine of Five Thousand (\$5,000.00) Dollars. This fine shall not be deemed paid until received by the Commission. Failure to pay the fine shall prevent the Respondent from being re-licensed.
3. The original complainant (homeowner) is granted permission to file a claim against the Respondents surety bond.
4. A Cease and Desist Order is hereby issued to the Respondent, pursuant to S.C. Code 40-59-100, requiring the Respondent to cease and desist from engaging in

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the practice of residential home building and residential specialty contracting.

David English - This matter came before John Curl, Administrative Hearing Officer, on June 12, 2007. Mr. Curl's recommendation was as follows:

1. The Respondent's license is hereby indefinitely suspended until such time as he:
  - a. Satisfies all judgments against him and his company related to the practice of residential home building;
  - b. Reimburses the Complainants for additional expenses required to complete the project in questions; and
  - c. Reimburses the subcontractor for his work.
2. A Cease and Desist Order is hereby issued to the Respondent, pursuant to S.C. Code 40-59-100, requiring him to cease and desist from engaging in the practice of residential home building.

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

**Motion:** Mr. Bailey moved to approve John Curl's Recommendation for David English. Mr. Roberts seconded the motion, and with all members voting favorably, the motion carried.

Charles Bailey - This matter was heard before John Curl, Administrative Hearing Officer, on June 19, 2007. Mr. Curl's recommendation was as follows:

1. The Respondent pay a fine of Two Thousand Dollars (\$2,000.00). This fine shall not be deemed paid until received by the Commission. Failure to pay the fine shall prevent the Respondent from being re-licensed.
2. The Respondent's license shall be continued in a probationary status for one (1) year. Should he be found in violation of any provisions of the practice act or the Commission's regulations, it could result in his license being suspended or revoked.

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

**Motion:** Mr. Bailey moved to approve John Curl's Recommendation for Charles Bailey. Mr. Roberts seconded the motion, and with all members voting favorably, the motion carried.

George Glymph - This matter was heard before John Curl, Administrative Hearing Officer, on June 14, 2007. Mr. Curl's recommendation was as follows:

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1. The Respondent's registration is hereby suspended for six months from the date of this Order. Prior to his being re-registered, he must be bonded in the classification(s) for which he is registered and appear before the Commission. At that time, he shall present evidence satisfactory to the Commission regarding his fitness and qualifications to be registered in this state. The Commission in its discretion, may deny registration, or impose such additional terms and conditions upon the Respondent's registration as it deems appropriate.
2. The Respondent pay a fine of One Thousand Dollars (\$1,000.00). This fine shall not be deemed paid until received by the Commission. Failure to pay the fine shall prevent the Respondent from being re-registered.

Ms. Bell informed the Commission that Mr. Glymph is currently licensed by the Commission as a residential specialty contractor to engage in the business of residential building in the classifications of drywall, carpentry, and roofing. Mr. Glymph was not licensed in the areas of roofing and flooring at the time he entered into a contract with Ms. Alzen W. Smith on August 9, 2002 and May 29, 2003.

An inspection of the residence was conducted by Sharon Cook, an inspector with the S.C. Department of Labor, Licensing, and Regulation, who testified at the hearing and provided an inspection report, dated January 15, 2006, which described building code and performance-standard violations attributed to the Respondent's work including leaks in the porch's roof; and the vinyl flooring installed in the kitchen was separated in several places and was excessively pieced.

Mr. Glymph abandoned the project after receiving payment for the work, and failed to return to make necessary corrections.

Mr. Glymph stated that this issue should never be heard by the Commission because it was outside the guidelines of the Commission's Residential Construction Standards of twenty-four months.

Ms. Bell stated that Ms. Smith presented evidence at the hearing that this was an ongoing matter and does fall within the guidelines of the Commission.

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

**Motion:** Mr. Bailey moved to approve John Curl's Recommendation for George Glymph. Mr. Roberts seconded the motion, and with all members voting favorably, the motion carried.

Kurt Dever - This matter was heard before John Curl, Administrative Hearing Officer, on June 14, 2007. Mr. Curl's recommendation was as follows:

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1. The Respondent pay a fine of Two Thousand Five Hundred Dollard (\$2,500.00). This fine shall not be deemed paid until received by the Commission. Failure to pay the fine shall prevent the Respondent from being re-registered.
2. The Respondent's registration be revoked.
3. If the Respondent reapplies in the future for registration, he must appear before the Commission, and answer to the Commission for his gross negligence, incompetence, or misconduct in this matter. At that time, he shall present, among other matters evidence satisfactory to the Commission, in its discretion, regarding his fitness and qualifications to be licensed in this state. At that time, the Commission, in its discretion may deny licensure, require passage of an examination, among other requirements, or impose such additional terms and conditions upon the Respondent's license as it may deem appropriate.
4. The original complainant (homeowner) is granted permission to file a claim against the Respondent's surety bond regarding the code deficiencies in his work.
5. This Order is to take effect upon it service upon the Respondent or his counsel.

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

**Motion:** Mr. Bailey moved to approve John Curl's Recommendation for Kurt Dever. Mr. Roberts seconded the motion, and with all members voting favorably, the motion carried.

Warren Sheppard This matter was heard before John Curl, Administration Hearing Officer, on May 22, 2007. Mr. Curl's recommendation was as follows:

1. The Respondent shall correct the outstanding items listed on the Inspection Report generated by LLR Investigator Sharon Cook, dated February 28, 2006; and adjust or correct the malfunction of the master bathroom door within sixty (60) days of the Order from the Board. The Respondent's duty and ability to correct the outstanding items is contingent upon both homeowners consent and cooperation in allowing the Respondent (and any vendors/subcontractors hired by him and under his supervision) to return to the premises to complete the work. The corrected work by Respondent will be subject to an inspection by the South Carolina Department of Labor, Licensing and Regulation.
2. In the event the homeowners allow the Respondent to return to the premises to correct the outstanding items, and the Respondent fails to correct the items within the time allotted, then the Respondent's license shall be suspended for a period of one year, and a fine of two-thousand five-hundred dollars (\$2,500.00) shall be imposed upon the Respondent.
3. In the event he homeowners do not allow the Respondent to return to the



premises to correct the outstanding items, the Complaint against the Respondent shall be dismissed.

Mr. Connell informed the Commission that Mr. Sheppard is currently licensed by the Commission to engage in the business of residential home building. Mr. Sheppard has been licensed as a residential builder in South Carolina since 1995. Mr. Sheppard charge the complainant a total of fifteen thousand (\$15,000.00) for "management" of the construction project, wherein the homeowners were to make direct payments to all vendors.

During the finishing phase of the construction, but after a Certificate of Occupancy was issued for the home, and on or about October 23, 2005, Mr. Sheppard was terminated as the construction manager/contractor by the complainant.

After initial complaint by the complainant was filed, Sharon Cook, a residential investigator from the Office of Investigation and Enforcement of the South Carolina Department of Labor, Licensing and Regulation inspected the constructed home and issued her findings in an Inspection Report dated February 28, 2006.

Mr. Andrew Syrett, Esquire, counsel for Mr. Sheppard informed the Commission that the relationship between Mr. Sheppard and the complainant is somewhat strained and they are looking for clarification on the items listed in Ms. Cook's inspection report dated February 28, 2006.

Mr. Syrett further stated that Mr. Sheppard was paid Ten Thousand (\$10,000.00) Dollars of a Fifteen Thousand (\$15,000.00) Dollar contract.

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

**Motion:** Mr. Roberts moved to approve John Curl's Recommendation for Warren Sheppard with the following modifications. Mr. Clark seconded the motion, and with all members voting favorably, the motion carried.

1. The Respondent shall correct the outstanding items listed on the Inspection Report generated by LLR Investigator Sharon Cook, dated February 28, 2006; and adjust or correct the malfunction of the master bathroom door within sixty (60) days of the Order from the Board. Items 7 B, 7 E and & 7 I have been struck from the report.
2. In the event the homeowners allow the Respondent to return to the premises to correct the outstanding items, and the Respondent fails to correct the items within the time allotted, then the Respondent's license shall be suspended for a period of one year, and a fine of two-thousand five-hundred dollars (\$2,500.00)

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- shall be imposed upon the Respondent
3. In the event the homeowners do not allow the Respondent to return to the premises to correct the outstanding items, the Complaint against the Respondent shall be dismissed.

Richard Edwards – Mr. Edwards is requesting that the Commission reconsider the assessment of the fine that was imposed in an Order that was issued by the Commission on May 14, 2007.

Ms. Bell informed the Commission that the issues required in the Order, dated May 14, 2007, have been repaired by qualified subcontractors to conform to the items specified in the inspector's report to applicable building codes and standards of workmanship. The homeowner have since sold the home and moved back to North Carolina.

**Motion:** Mr. Clark moved to reduce the fine of Two Thousand Five Hundred (\$2,500.00) Dollars to Two Hundred (\$200.00) Dollars. Ms. Crawford seconded the motion, and with all members voting favorably, the motion carried.

Thomas Alston – Although the record shows that he was properly notified of this appearance he did not appear at the appointed time. No action was taken.

<u>Builder</u>	<u>Complainant</u>	<u>Case #</u>	<u>Decision</u>
William M. Rogers, Jr.	Malika Laduc	2005-493	Continued
Imogene Holland	Johnny Kelley	2006-244	Voluntary Surrender License \$1,500.00 Fine Education Course in Roofing Call on Bond

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