

**South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday, September 12, 2007
Columbia, South Carolina**

MEMBERS PRESENT

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

OTHERS PRESENT

**Sheridon Spoon, Deputy General Counsel
Jamie Saxon, Hearing Advisor
Christa Bell, Staff Attorney
Stan Bowen, Administrator
Charles Ido, Chief of Investigations, OIE
Patrice Deas, Administrative Assistant
Patricia Bachand, 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 August 8, 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: Mr. David moved to approve the recommendations of the Investigative Review Committee for August 7, 2007. Mr. Williams 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 Hearing

Motion: Mr. Bailey moved to approve the recommendations of the Administrative Hearing Officer, Beau Tiller, for bond hearings on behalf of Burnett G. DuBose and Rick Wilhelmi. Mr. Williams seconded the motion, and with all members present voting favorably, the motion

South Carolina Residential Builders Commission

carried.

Request for Reinstatement of License

Scott Bashor – Mr. Bowen informed the Commission that Mr. Bashor was issued a Do Not Renew Order against his residential builder's license on January 10, 2006.

Mr. Bashor informed the Commission that he was licensed from 1990 until 2006. As a result of a complaint a law suit was filed against him and the complaint won a judgment in the amount of \$92,000.00. Mr. Bashor submitted a copy of a Stipulation of Dismissal and a letter stating that the complainants are no longer adverse to him renewing his residential builder's license.

Motion: Ms. Crawford moved to reinstated Mr. Bashor's residential builder's license. Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

Wayne Russell – Mr. Bowen informed the Commission the Mr. Russell's residential builder's license was suspended on December 12, 2003 and fined Five Hundred (\$500.00) Dollars.

Mr. Russell presented a letter from the complainant stating that he is released of all obligations and has satisfied a Ten Thousand (\$10,000.00) Dollar judgment. Mr. Russell stated that the \$500.00 fine was paid on May 21, 2007.

Motion: Ms. Crawford moved to reinstate Mr. Russell's residential builder's license provided he comply with the following conditions of reinstatement. Mr. Davis seconded the motion and with all members present voting favorably, the motion carried.

1. Licensee shall enroll in and complete a course, pre-approved by the Commission, on the International Building Code at Greenville Technical College or other suitable institution. Licensee shall provide documentation of enrollment and completion of said pre-approved course prior to reinstatement.
2. Licensee shall maintain a surety bond acceptable to the Commission in the amount of Fifteen Thousand and No/100 (\$15,000) Dollars. Failure to comply with this requirement shall automatically result in the immediate temporary suspension of Licensee's license until such time as full compliance has been made by Licensee.

Mr. Bailey recused himself from participating because he knows Mr. Russell.

Application Review

Larry Sharpe – Mr. Bowen informed the Commission that Mr. Sharpe answered “yes” to question 2 on his residential HVAC renewal form enquiring about criminal convictions.

Mr. Richard Warder, Esquire attorney for Mr. Sharpe presented copies of arrest warrants for pending charges against Mr. Sharpe. Mr. Sharpe has plead not guilty to the pending charges and hopes to clear this matter in the near future.

Motion: Mr. Clark moved to renew Mr. Sharpe’s residential HVAC license at this time. Ms. Crawford seconded the motion, and with all members present voting favorably, the motion carried.

Langston Hilton - Mr. Bowen informed the Commission that Mr. Hilton is here today to ask the Commission to accept his work experience that he submitted on his residential builder’s application.

Mr. Hilton informed the Commission that he has not been employed by a residential builder, but has been involved in numerous projects and feels that he is as experienced as any licensing exam applicant.

Motion: Ms. Crawford moved to accept Mr. Hilton’s work experience to sit for the residential builders exam. Mr. Williams seconded the motion, and with all members voting favorably, the motion carried.

Request for Grandfathered License

Stan Little – Mr. Bowen informed the Commission that Mr. Little is requesting that he be grandfathered with an electrical license.

Mr. Little informed the Commission that he let his license lapse in 2003 and he has been working with licensed contractors since that time, and he missed the window of opportunity to obtain the grandfathered license.

Motion: Mr. Bailey moved to grant Mr. Little a grandfathered residential electrical license. Mr. Davis seconded the motion, and with all members voting favorably, the motion carried.

Morris Blackwell – Mr. Bowen stated that he received a letter from Mr. Blackwell requesting a continuance in this matter until October because of an unforeseen medical problem. Not action was taken.

PSI Eligibility Letter

Terrance R. Waiters – Mr. Bowen informed the Commission that Mr. Waiters is requesting

**South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday September 12, 2007**

eligibility to retake the PSI exam.

Mr. Waiters stated that he has taken the home inspector exam three times and failed. The first time he took the exam he was told by an instructor in Columbia that he could not bring any books in the exam room. Mr. Waiters stated that he was given conflicting information and is seeking the mercy of the Commission to be granted eligibility status to sit for the exam.

Motion: Mr. Williams moved to grant Mr. Waiters eligibility status to sit for the home inspectors exam. Ms. Crawford seconded the motion, and with all members voting favorably, the motion carried.

Thomas Alston – Mr. Bowen informed the Commission that Mr. Alston is requesting reconsideration of the terms of an Agreement that was issued by the Commission in May 2007.

Mr. Alston informed the Commission that he has been unable to obtain a surety bond to meet the terms of the agreement due to his credit history. Mr. Alston stated that he does not work Five Thousand (\$5,000.00) Dollars.

Motion: Mr. Clark moved to uphold the terms of the Agreement. Ms. Crawford seconded the motion, and with all members voting favorably, the motion carried.

New Business

None

Unfinished Business

None

Adjournment

There being no further business, the business meeting for September 12, 2007 concluded at 11.25 a.m.

The next scheduled board meeting will be held on October 10, 2007, 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. Jamie Saxon was the hearing advisor.

**South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday September 12, 2007**

Page 5 of 7

Approve Recommendations of Administrative Hearing Officers, John Curl and Frank Clark for Administrative Hearing

Earl Gold – This matter was heard before John Curl, Administrative Hearing Officer, on July 17, 2007. Mr. Curl’s recommendation was as follows:

1. The Respondent shall have sixty (60) days from the service of this Order upon him to conform the areas in question to applicable building codes and standards, as verified and deemed satisfactory by a representative of the Commission. The Respondent must verify the timely completion of all work with the Commission, and compliance with the Order shall not be deemed complete until the Commission receives such verification. The homeowner shall provide reasonable access to the residence during normal working hours, and at other mutually-convenient times as may be necessary for the purpose of completing all work in a timely manner. The Respondent must notify the Commission should the homeowner fail to allow reasonable access to the residence. Provided the matters in question have been remedied to the Commission’s satisfaction, the complaint will be dismissed.
2. If the areas in question are not brought into compliance with applicable building codes and standards within sixty (60) days from the service of this Order upon the Respondent, his license to engage in the practice of residential building shall be automatically and immediately suspended for a period of six (6) months and he shall pay a fine of Two Thousand, Five Hundred Dollars (\$2,500.00). This fine shall not be deemed paid until the Commission receives it. Failure to pay this fine shall result in the Respondent’s license being automatically and immediately suspended.

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

Motion: Ms. Crawford moved to approve the Administrative Hearing Officer’s Recommendation for Earl Gold. Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

David Shaw – This matter was heard before John Curl, Administrative Hearing Officer, on July 26, 2007 (Case # 2005-44). Mr. Curl’s recommendation was as follows:

1. This matter be dismissed.

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

Motion: Mr. Bailey moved to approve the Administrative Hearing Officer's Recommendation for David Shaw (Case # 2005-44). Mr. Clark seconded the motion, and with all members present voting favorably, the motion carried.

David Shaw - This matter came before the Administrative Hearing Officer, on July 26, 2007 (Case # 2005-77). Mr. Curl's recommendation was as follows:

1. This matter be dismissed.

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

Motion: Mr. Bailey moved to approve the Administrative Hearing Officers' Recommendation for David Shaw (Case # 2005-77). Mr. Davis seconded the motion, and with all members voting favorably, the motion carried.

Charles Aleno – This matter was heard before John Curl, Administrative Hearing Officer, on August 9, 2007. Mr. Curl's recommendation was as follows:

1. The Respondent pay a fine of Three Thousand Dollars (\$3,000.00), which includes the previously-issued Twenty-Five Hundred Dollar (\$2,500.00) citation, within sixty (60) days of the issuance of a Final Order. 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 or 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 registration or license being suspended or revoked.
3. During the Respondent's probationary status, he may work only for licensed builder until such time as he obtains a bond for each of his electrical, plumbing, and specialty contracting categories.
4. The Respondent must attend and successfully complete, with one year from the date of a Final Order, at his own expense, an educational course in Ethics, as approved by the Board, provided a reasonable course and location for it are available to him. Thereafter, he must file written proof of compliance with the board within fifteen (15) days of completing this requirement.

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

Motion: Mr. Davis moved to approve the Administrative Hearing Officer's Recommendation for Charles Aleno. Mr. Roberts seconded the motion, and with all members voting favorably, the
South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday September 12, 2007
Page 7 of 7

motion carried.

Jerry Roberson – This matter was heard before John Curl, Administrative Hearing Officer, on August 16, 2007 (Case # 2006-72). Mr. Curl's recommendation was as follows:

1. The Respondent's license is hereby revoked. The Respondent is directed to return his pocket card to the Commission's offices within seven (7) days of the service of this order upon him.
2. The Respondent shall pay a fine of Twenty-Five Hundred Dollars (\$2,500.00). This fine shall not be deemed paid until it is received by the Commission.
3. The original complainant (homeowner) is granted permission to file a claim against the Respondent's bond.

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

Motion: Mr. Bailey moved to approve the Administrative Hearing Officer's Recommendation for Jerry Roberson. Mr. Clark seconded the motion, and with all members voting favorably, the motion carried.

Jerry Roberson – This matter was heard before Jon Curl, Administrative Hearing Officer, on August 16, 2007 (Case # 2006-638). Mr. Curl's recommendation was as follows:

1. The Respondent's license is hereby revoked. The Respondent is directed to return his pocket card to the Commission's offices within seven (7) days of the service of this order upon him.
2. The Respondent shall pay a fine of Twenty-Five Hundred Dollars (\$2,500.00). This fine shall not be deemed paid until it is received by the Commission.
3. The original complainant (homeowner) is granted permission to attempt to file a claim against any bond that may have been in place.

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

Motion: Mr. Bailey moved to approve the Administrative Hearing Officer's Recommendation for Jerry Roberson. Mr. Clark seconded the motion, and with all members voting favorably, the motion carried.

Transcripts of these hearings may be obtained from Patricia Bachand, Certified Court Reporter, and Garber Reporting Services.