

**South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday, October 10, 2007
Columbia, South Carolina
Page 1 of 7**

MEMBERS PRESENT

John Curl
Al Bailey
Frank Clark
Caleb Davis
Derrick Williams
Tim Roberts

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
Faye Grainger, Court Reporter
Christine Driver, Administrative Assistant
Angela Scott, Administrative Assistant

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

On Wednesday, October 10, 2007, Chairman John Curl called the meeting to order at approximately 10:14 a.m.

Approval of Agenda

Chairman Curl called for the approval of the agenda as previously noticed. After review, Mr. Bailey made a motion, seconded by Mr. Clark, to approve the agenda, and with all members' present voting favorably, the motion carried.

Approval of Minutes

Chairman Curl called for the review and approval of the September 12, 2007, minutes. After review, Mr. Bailey made a motion, seconded by Mr. Clark, to approve the minutes. The motion was unanimously carried.

Excused Members

Chairman Curl informed the Commission that Gail Crawford was not able to attend the meeting, due to illness. Mr. Bailey made a motion, seconded by Mr. Clark, to excuse members' absences, and with all members present voting favorably, the motion carried.

Recommendations of the Investigative Review Committee

Chairman Curl called for the review and approval of the recommendations of the Investigative Review Committee. After review, Mr. Roberts made a motion, seconded by Mr. Bailey, to approve the recommendations of the Investigative Review Committee, and with all members present voting favorably, the motion carried.

Administrative Hearing Officer Recommendations for Citations

Mr. Deyces M. Cordoza

The Commission reviewed the Hearing Officer recommendation for citation against Mr. Deyces M. Cordoza. After review, Mr. Clark made a motion, seconded by Mr. Roberts, to approve the recommendation of the Administrative Hearing Officer. With all members present voting favorably, the motion carried.

**South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday, October 10, 2007
Columbia, South Carolina
Page 2 of 7**

Mr. Damon McDuffee

The Commission reviewed the Hearing Officer recommendation for the citation against Mr. Damon McDuffee. After review, Mr. Davis made a motion, seconded by Mr. Clark, to approve the recommendation of the Administrative Hearing Officer. With all members present voting favorably, the motion carried.

Ms. Cynthia Peake

The Commission reviewed the Hearing Officer recommendation for the citation against Ms. Cynthia Peake. After review, Mr. Roberts made a motion, seconded by Mr. Davis, to approve the recommendation of the Administrative Hearing Officer. With all members present voting favorably, the motion carried.

Mr. Clark made a motion, seconded by Mr. Williams for the Commission to go into executive session for legal advice. The motion was unanimously carried. Mr. Williams made a motion seconded by Mr. Clark to come out of executive session. The Commission returned to public session. The Chairman stated for the record that no action had been taken in executive session.

Application Review

Mr. Michael Bunch - Request for Reinstatement of License

The Commission reviewed Mr. Michael Bunch request for reinstatement. Mr. Bunch was sworn in by Mrs. Faye Grainger. Mr. Bunch waived his right to counsel. Mr. Stan Bowen, informed the Commission that Mr. Bunch requested to appear before the Commission to be considered for reinstatement of his residential specialty license. After review, of Mr. Bunch's application it was found that a Do Not Renew Order was issued against his license, and questions arose regarding Mr. Bunch's sled report.

Mr. Bunch testified that he did not receive the notice of the complaint filed against him and he did not think that his arrest record was important because, the crimes happened when he was younger. He is trying to get his license reinstated in order to work for licensed contractors doing framing work.

Motion: Mr. Davis moved to reinstate Mr. Bunch's residential builder's license with a two (2) year probationary status and he is required to obtain the statutory bond. Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

Douglas A. Bondreau – Mr. Bowen informed the Commission that Mr. Bondreau answered "yes" that he had claims and judgments filed against him.

Mr. Bondreau testified that a lien was filed against him because of an ad placed in the Yellow Pages. He went to court to take care of the matter but was informed that he needed an attorney present.

Motion: Mr. Clark moved to approve Mr. Bondreau's application to sit for the residential builder's examination. Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

Thomas Alston – Mr. Bowen informed the Commission that Mr. Alston was not present and requested a continuous.

No Action Was Taken

**South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday, October 10, 2007
Columbia, South Carolina
Page 3 of 7**

Roger Partridge – Mr. Bowen informed the Commission that staff did not approve Mr. Partridge's application because he answered no to question four (4) "no" liens were filed against him.

Mr. Bailey recused himself because of a prior business relationship with Mr. Partridge.

Mr. Partridge testified that this case is currently in the court of appeal awaiting a court date.

Motion: Mr. Clark made a motion to grant Mr. Partridge specialty license, until such time the appeal hearing is held and if the judgment stands he must make restitution in order to continue operating with a specialty license. Mr. Partridge must appear before the Commission for reinstatement. Mr. Davis seconded the motion, and with all members present voting favorably, the motion carried.

Stefano D. Dixon - Mr. Bowen informed the Commission that Mr. Dixon's application stated that he had been convicted of criminal convictions.

Mr. Dixon testified that in 2002 he pled guilty to the charge of possession to distribute crack cocaine. He had to serve a probation sentence, forty (40) hours community service, pay court fees and random drug testing. He informed the Commission that he has learned a lesson and asked that his license be granted.

Motion: Mr. Roberts moved to grant Mr. Dixon's a specialty contractor license and he is required to obtain the statutory bond. Mr. Williams seconded the motion, and with all members present voting favorably, the motion carried.

Mr. Daniel Elmaleh – Mr. Bowen informed the Commission that Mr. Elmaleh was present to ask the Commission to accept his work experience that he submitted on his residential builder's application.

Mr. Elmaleh testified that he is currently and has been employed with EPCON Communities for one year. He has more than ten (10) years in the building and real estate banking.

Motion: Mr. Davis moved to accept Mr. Elmaleh's work experience to sit for the residential builder's exam. Mr. Roberts seconded the motion, and with all members voting favorably, the motion carried.

John Duncan, III – Mr. Bowen informed the Commission that Mr. Duncan answered "yes" that he was convicted of criminal convictions.

Mr. Duncan testified that he was convicted of second degree burglar in 1999. He served five (5) years in prison and currently serving a five (5) year probation sentence. He testified that he has made some mistakes and currently participating in a program that helps troubled men and women gain work experience.

Mr. Caveril Price testified that Mr. Duncan is currently working for him remodeling homes. He currently supervises a program through Housing Authority that gives young men and women the opportunity to turn their life around and gain work experience.

Motion: Mr. Davis moved to grant Mr. Duncan's specialty application with a four (4) year probationary status and he is required to obtain the statutory bond. Mr. Williams seconded the motion, and with all members voting favorably, the motion carried.

**South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday, October 10, 2007
Columbia, South Carolina
Page 4 of 7**

Mr. Ryan Harbit – Mr. Bowen informed the Commission that Mr. Harbit was not present and requested a continuous.

No Action Was Taken

David Foreman - Mr. Bowen informed the Commission that Mr. Foreman answered “yes” to question 2 on his residential builders’ application inquiring about criminal convictions.

Mr. Foreman testified that ten (10) years ago he was charged with breaking and entering. He received a five (5) years probation sentence which he has completed.

Motion: Mr. Bailey moved to approve Mr. Foreman’s application to sit for the residential builder’s examination; and if he passes the examination a licensed is issued with a two (2) years probationary status and he is required to obtain the statutory bond. Mr. Roberts seconded the motion, and with all members voting favorably the motion carried.

Jim Groman - Mr. Bowen informed the Commission that Mr. Groman was present to ask the Commission to accept his work experience that he submitted on his residential builder’s application.

Mr. Groman testified that he did not have any work experience under a licensed builder but, he has experience doing renovation on his own home. Mr. Groman presented pictures of the renovation work he did on his home.

Motion: Mr. Williams moved to accept Mr. Groman’s work experience to sit for the residential builder’s exam. Mr. Roberts seconded the motion, and with all members voting favorably, the motion carried.

Christopher Davis - Mr. Bowen informed the Commission that Mr. Davis was present to ask the Commission to accept his work experience that he submitted on his residential builder’s application.

Mr. Davis testified that he has had a South Carolina Master Plumbers license for three (3) years. He has worked as a plumber with a business that has been in his family for twenty (20) years.

Motion: Mr. Williams moved to accept Mr. Davis’ work experience to sit for the residential builders plumbing exam. Mr. Clark seconded the motion, and with all members voting favorably, the motion carried.

Request for Grandfathered License

Morris Blackwell – Mr. Bowen informed the Commission that Mr. Blackwell is requesting that he be grandfathered with an electrical and plumbing license.

Mr. Blackwell testified due to illness he did not renew his license in 2006. He is requesting that he be granted a grandfather license due to his age. He has over forty-three (43) years experience in the plumbing and electrical business, and he missed the window of opportunity to obtain the grandfathered license.

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

**South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday, October 10, 2007
Columbia, South Carolina
Page 5 of 7**

Board Review of Hearing Officer's Report

Final Order Hearings

Mr. Williams called the hearings to order. Mr. Jamie Saxon was the hearing advisor.

Lawrence Lebbly - This matter was heard before John Curl, Administrative Hearing Officer, on August 22, 2007, (2006-367). Mr. Curl's recommendation was as follows:

1. The Respondent shall pay a fine of Three Thousand Five Hundred (\$3,500.00) Dollars within sixty (60) days of the date of the order. However, the fine shall be reduced to Five Hundred (\$500.00) Dollars if the Respondent reaches an acceptable monetary settlement with the homeowners evidenced by a letter to this effect from the homeowners. This 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 shall be required to obtain the statutory bond in each area of classification he registers for in the future regardless of the costs of any undertakings he might enter.
3. If the Respondent fails to comply with the terms of the order, a Cease and Desist Order will be issued.

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 Lawrence Lebbly. Mr. Clark seconded the motion, and with all members present voting favorably, the motion carried.

Sammie L. Nolan – This matter was heard before John Curl, Administrative Hearing Officer, on August 21, 2007, (Case # 2005-357). Mr. Curl's recommendation was as follows:

1. The Respondent shall pay a fine of Two Thousand Dollars (\$2,000.00) Dollars. This fine shall not be deemed paid until received by the Commission. Failure to pay the fine may prevent the Respondent from being re-licensed.
2. If the Respondent reapplies in the future for licensure, he must appear before the Commission, and present evidence satisfactory to the Commission, in its discretion, which shows he has obtained a Fifteen Thousand (\$15,000.00) Dollars surety bond.

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

Motion: Mr. Clark moved to approve the Administrative Hearing Officer's Recommendation for Sammie Nolan (Case # 2005-357). Mr. Davis seconded the motion, and with all members present voting favorably, the motion carried.

Charles Johnson – This matter was heard before John Curl, Administrative Hearing Officer, on September 4, 2007. Mr. Curl's recommendation was as follows:

1. 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.
2. A Cease and Desist Order shall be issued to the Respondent, requiring the Respondent to cease and desist from engaging in the practice of residential home building and residential specialty contracting.

**South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday, October 10, 2007
Columbia, South Carolina
Page 6 of 7**

3. If the Respondent reapplies in the future for licensure or 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, the Respondent shall appear before the Commission and present, among other matters, evidence satisfactory to the Commission, in its discretion, regarding the Respondent's fitness and qualifications to be licensed or registered 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 or registration as it may deem appropriate.

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 Charles Johnson. Mr. Davis seconded the motion, and with all members voting favorably, the motion carried.

Mr. Christopher Clink – This matter was heard before John Curl, Administrative Hearing Officer, on September 4, 2007 (Case # 2007-107). Mr. Curl's recommendation was as follows:

1. The Respondent's 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. 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.

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 Christopher Clink. Mr. Clark seconded the motion, and with all members voting favorably, the motion carried.

Administrative Hearing Officer Recommendation

Ricky Brewer

Withdrawn

Disiplinary Hearing

Karen Harris- Ms. Harris was represented by Mr. Leland B. Greeley, Esquire. Mr. Joseph N. Connell, Esquire, represented the state.

Mr. Connell informed the Commission that on September 12, 2007, Ms. Harris signed a Memorandum of Agreement and Stipulations waiving a formal hearing before a disciplinary panel, and admitting the following are the facts of the case:

1. That on or about October 13, 2004, she submitted an estimate for the installation of a two-car garage and installation of a laminated beam in the interior of a residence;
2. That there had been no previous complaints against her;
3. That she was terminated from the building project(s) in question because of substandard work;
4. That on or about December 12, 2004, her attorney offered a partial refund to the Complainant in the amount of Four Thousand, Eight Hundred, and Thirty (\$4,830.00) Dollars;
5. That she hired a non-registered contractor to construction the foundation at the residence in question.
6. The Respondent admits to the aforementioned acts present grounds that constitute misconduct, as

**South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday, October 10, 2007
Columbia, South Carolina
Page 7 of 7**

alleged.

Ms. Harris testified that she acknowledge her mistake and intention to make amends for it; that she is negotiating a resolution with the Complainant; that she has continued her education in the field; and that she is an active member of her county's home builders association.

Motion: Mr. Bailey moved that Ms. Harris shall pay a fine of Five Hundred (\$500.00) Dollars. This fine shall not be deemed paid until received by the Commission. Failure to pay the fine shall prevent Ms. Harris from being re-licensed. Mr. Davis seconded the motion, and with all members voting favorably, the motion carried.

Elmer Kanagy - Mr. Curl informed the Commission that Mr. Kanagy case would be continued until November 14, 2007.

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

Public Comments

Stan Bowen – Mr. Bowen informed the Commission that it is time to renew the Residential Builders Commission License Tags. Staff must have the completed form and a check for fifteen (\$15.00) dollars to the Highway Department before October 19, 2007.

Charles Ido – Mr. Ido introduced Mr. Roger Lowe investigator for Office of Investigation and Enforcement.

Date of Next Meeting – Wednesday, November 14, 2007.

Adjournment – There being no other business the meeting was adjourned at 1:15 p.m.