

**South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday, November 14, 2007
Columbia, South Carolina
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MEMBERS PRESENT

Derrick Williams
Gail Crawford
Al Bailey
Frank Clark
Caleb Davis
Derrick Williams
Tim Roberts
Byran Dowd

STAFF 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
Lisa Huffman, Court Reporter
Christine Driver, Administrative Assistant
Angela Scott, Administrative Assistant

OTHERS PRESENT

Don Merritt	Ian Brebner	Kevin Lynch
Richard Albert	Rusell Cauthen	John McCaskill
Josh Buffkin	William Wright	Willie Singleton
Sam Grace	Segey Koval	
John McGarvie	Scott Kleinlein	

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, November 14, 2007, Vice-Chairman Derrick Williams called the meeting to order at approximately 10:00 a.m.

Approval of Agenda

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

Approval of Minutes

Vice-Chairman Williams called for the review and approval of the October 10, 2007, minutes. After review, Mr. Bailey made a motion, seconded by Mr. Roberts, to approve the minutes. The motion was unanimously carried.

Recommendations of the Investigative Review Committee

Vice-Chairman Williams called for the review and approval of the recommendations of the Investigative Review Committee. After review, Ms. Crawford made a motion, seconded by Mr. Davis, to approve the recommendations of the Investigative Review Committee, and with all members present voting favorably, the motion carried.

Reinstatement

Mr. Don Merritt- The Commission reviewed Mr. Don Merritt request for reinstatement. Mr. Bunch was sworn in by Mrs. Lisa Huffman. Mr. Merritt waived his right to counsel. Mr. Stan Bowen, informed the

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Commission that Mr. Merritt requested to appear before the Commission to be considered for reinstatement of his Residential Builders License.

Mr. Merritt testified that he filed Chapter 7 Bankruptcy Court approximately two years ago and all complaints, judgments and liens has been resolved.

Motion: Mr. Bailey moved to allow Mr. Merritt to take the residential builders examination and if he passes he must provide documentation that all complaint, liens and judgments has been paid and license be issued with a one year probationary status. Mr. Clark seconded the motion, and the motion carried with one nay vote.

Mr. Richard Albert - The Commission reviewed Mr. Richard Albert request for reinstatement. Mr. Albert was sworn in by Mrs. Lisa Huffman. Mr. Albert waived his right to counsel. Mr. Stan Bowen informed the Commission that Mr. Albert requested to appear before the Commission to be considered for reinstatement of his Residential Specialty License.

Mr. Albert testified that he allowed his license to expire in June 2005, because he was diagnosed with cancer. During that time he encountered and altercation and he was charged with simple assault.

Motion: Mr. Davis moved to reinstate Mr. Bunch's residential builder's specialty license with a two (2) year probationary status. Mr. Clark seconded the motion, and with all members present voting favorably, the motion carried.

Mr. Josh Buffkin - The Commission reviewed Mr. Josh Buffkin request for reinstatement. Mr. Buffkin was sworn in by Mrs. Lisa Huffman. Mr. Bowen informed the Commission that Mr. Buffkin requested to appear before the Commission to be considered for reinstatement of his Residential Specialty License.

Mr. Buffkin testified that he had resolved most and worked out an agreement on the complaints that was filed against him. He asked the Commission to give him an opportunity to prove himself by granting him a license.

Mr. Dowd recused himself because of a prior business relationship with one of Mr. Buffkin's references.

Motion: Mr. Davis moved to deny Mr. Buffkin's residential builder's specialty license until all judgments and liens are satisfied. Ms. Crawford seconded the motion, and with all members present voting favorably, the motion carried.

Mr. Norris Hollington- The Commission reviewed Mr. Norris Hollington request for reinstatement. Mr. Hollington was sworn in by Mrs. Lisa Huffman. Mr. Hollington was represented by Mr. Ladson Beach, Esquire. The state was represented by Ms. Christa Bell, Esquire.

Mr. Ladson informed the Commission that Mr. Hollington requested to appear before the Commission to be considered for reinstatement of his Residential Builder's License. Mr. Hollington has completed all the stipulations with the exception of one on the order dated April 12, 2007.

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Motion: Mr. Bailey moved to deny Mr. Hollington's residential builder's license until all liens and judgments are satisfied. Mr. Crawford seconded the motion, and with all members present voting favorably, the motion carried.

Application Review

Sam Grace – The commission reviewed Mr. Grace's Residential Specialty Contactor's Application. Mr. Grace was sworn in by Mrs. Lisa Huffman. Mr. Bowen informed the Commission that Mr. Grace answered "yes" that he has been convicted of, pled guilty or nolo contendere to a criminal offense.

Mr. Grace testified that he was charged with simple possession of marijuana, numerous driving under the suspension charges and assault and battery charge. All fines are paid and he is not eligible for a driver's license until 2010. If the commission grants him a license his father will be doing all the driving.

Motion: Mr. Davis moved to approve Mr. Grace's residential specialty contractor's application in painting only and Mr. Davis must secure a bond. Ms. Crawford seconded the motion, and with all members present voting favorably, the motion carried.

John W. McGarvie – The commission reviewed Mr. McGarvie Residential Specialty Contactor's Application. Mr. Bowen informed the Commission that Mr. McGarvie answered "yes" that he has been convicted of, pled guilty or nolo contendere to a criminal offense.

Mr. McGarvie testified that in January 2006, he was charged with simple possession of marijuana. He had to pay a fine and thirty day suspended driver's license. He testified that has no problem taking a drug test and all fines are paid.

Motion: Mr. Davis made a motion to grant Mr. McGarvie specialty license. Ms. Crawford seconded the motion, and with all members present voting favorably, the motion carried.

Ian Brenber - The commission reviewed Mr. Brenber Residential Specialty Contactor's Application. Mr. Bowen informed the Commission that Mr. Brenber answered "yes" that he has been convicted of, pled guilty or nolo contendere to a criminal offense.

Mr. Brenber testified that he was charged with criminal domestic violence. He is an alcoholic and he is currently attending Alcoholic Anonymous (AA) and a twenty-six weeks domestic violence classes. He asked the Commission to give him an opportunity to prove himself by granting him a license.

Motion: Mr. Bailey moved to grant Mr. Brenber's a specialty contractor license. Mr. Clark seconded the motion, and with all members present voting favorably, the motion carried.

Russell Cauthen – The commission reviewed Mr. Cauthen's Residential Builder's Application. Mr. Bowen informed the Commission that Mr. Cauthen answered "yes" that he has been convicted of, pled guilty or nolo contendere to a criminal offense.

Mr. Cauthen testified that in 1998 he was convicted for possession marijuana and driving under the influence. He has worked with his father for the last ten years and would like the get licensed.

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

William R. Wright, Jr. – The commission reviewed Mr. Wright's Residential Builder's Heating and Air Conditioning Application. Mr. Bowen informed the Commission that Mr. Wright is requesting that he be grandfathered with an electrical license.

Mr. Wright testified that he has a heating and air license with the Contractor's Licensing Board. He thought his license was approved for the Residential Builders Heating and Air when he submitted his application.

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

William Prince– Mr. Bowen informed the Commission that Mr. Prince was not present and requested a continuous.

No Action Was Taken

Segey Koval - The commission reviewed Mr. Koval's Residential Builders Plumbing Application. Mr. Bowen informed the Commission that Mr. Koval is requesting that he be grandfathered with an plumbing license.

Mr. Gad Fostage testified that Mr. Koval does not speak English fluently and because of that his plumbing license lapsed.

Motion: Mr. Roberts moved to grant Mr. Koval a grandfathered residential plumbing license. Ms. Crawford seconded the motion, and with all members voting favorably, the motion carried.

Scott Kleinlein - The commission reviewed Mr.Kleinlein's Residential Builders Home Inspector's Application. Mr. Bowen informed the Commission that Mr. Kleinlein answered "yes" that he has been convicted of, pled guilty or nolo contendere to a criminal offense.

Mr. Kleinlein testified that he was younger he charged with disorderly conduct, simple possession of marijuana, simple possession of a drug peripheral and assault and battery. He testified that he do not drink any more and would like the Commission to give him and opportunity to earn an honest living.

Motion: Ms. Crawford moved to grant Mr. Kleinlein to sit for the residential builder's home inspector examination. Mr. Roberts seconded the motion, and with all members voting favorably, the motion carried.

Kevin Lynch - The commission reviewed Mr. Lynch's Residential Builders Home Specialty Application. Mr. Bowen informed the Commission that Mr. Lynch answered "yes" that he has been convicted of, pled guilty or nolo contendere to a criminal offense.

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Mr. Lynch testified that twenty-five years ago he was charged with possession of stolen goods. He has been in the painting business for the past fifteen years in Florida.

Motion: Ms. Crawford moved to grant Mr. Lynch a specialty contractor's license. Mr. Clark seconded the motion, and with all members voting favorably, the motion carried.

John McCaskill - The commission reviewed Mr. McCaskill's Residential Builders Home Specialty Application. Mr. Bowen informed the Commission that Mr. McCaskill answered "yes" that he has been convicted of, pled guilty or nolo contendere to a criminal offense.

Mr. McCaskill testified that in the year of 2000 he was charged with driving under the influence. In 2006, he was charged with domestic violence, public disorderly conduct and driving under the influence. He had to attend anger management classes and pay a fine. He no longer drinks and all fines have been paid.

Motion: Mr. Davis moved to grant Mr. McCaskill a specialty contractor's license, with a two year probationary status. Mr. Roberts seconded the motion, and with all members voting favorably, the motion carried.

Reconsideration

Thomas Alston – Requested a continuance.

No Action Taken

Board Review of Hearing Officer's Report and Recommendations

Final Order Hearings

Mr. Jamie Saxon was the hearing advisor.

Mr. Willie Singleton - This matter was heard before John Curl, Administrative Hearing Officer, on August 1, 2007, (2006-455). Mr. Curl's recommendation was as follows:

1. The Respondent's license to practice residential building should be revoked.
2. The Respondent shall pay a fine of Five-Thousand Dollars (\$5000) to the South Carolina Residential Builders Commission.
3. The bond obtained for construction to the Complainant's residence (329 James, Street, Columbia, South Carolina) should be called upon for the benefit of the homeowners.
4. The Respondent should immediately cease and desist any further practice of residential homebuilding.

Motion: Mr. Davis moved to approve the Administrative Hearing Officer's Recommendation for Willie Singleton (2007-455). Mr. Clark seconded the motion, and with all members present voting favorably, the motion carried.

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Harry Way – This matter was heard before John Curl, Administrative Hearing Officer, on August 1, 2007, (Case # 2007-94). Mr. Curl's recommendation was as follows:

1. The Respondent should cease and desist from the practice of residential home building until further order of the commission.
2. The Respondent should pay a fine of Five-Thousand Dollars (\$5000) to the South Carolina Residential Builders Commission.

Motion: Mr. Bailey moved to approve the Administrative Hearing Officer's Recommendation for Harry Way (Case # 2007-94). Mr. Davis seconded the motion, and with all members present voting favorably, the motion carried.

Martin Tinsley – This matter was heard before John Curl, Administrative Hearing Officer, on September 13, 2007, (2007-0106). 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.
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.

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

Mr. Joshua Ashley – This matter was heard before John Curl, Administrative Hearing Officer, on September 13, 2007, (Case # 2007-0079). 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.
2. 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 Commission's offices within seven (7) days of the service of the order upon him.
3. 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.
4. The order is to take effect immediately.

Motion: Mr. Davis moved to approve the Administrative Hearing Officer's Recommendation for Joshua Ashley. Ms. Crawford seconded the motion, and with all members voting favorably, the motion carried.

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Mr. Jeffrey Willis – This matter was heard before John Curl, Administrative Hearing Officers, on October 9, 2007, (Case # 2007-0078). Mr. Curl's recommendation was as follows:

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

William M. Rogers, Jr. – Mr. Joseph Connell, Esquire, informed the Commission that Mr. Rogers has requested a continuous.

No Action Taken

Memorandum of Agreement & Stipulations

Mr. Elmer Kanagy- Mr. Joseph Connell, Esquire, informed the Commission that Mr. Kanagy have requested a continuous.

No Action Taken

Date of Next Meeting – Wednesday, December 12, 2007.

Adjournment – There being no other business the meeting was adjourned at 2:15 p.m.