

**South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday, December 12, 2007
Columbia, South Carolina
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MEMBERS PRESENT

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

STAFF PRESENT

Sheridon Spoon, Deputy General Counsel
Jamie Saxon, Hearing Advisor
Christa Bell, Staff Attorney
Stan Bowen, Administrator
Cantrell Frayer, Staff Attorney
Patrice Deas, Administrative Assistant
Debra Thomas, Court Reporter
Christine Driver, Administrative Assistant
Angela Scott, Administrative Assistant

OTHERS PRESENT

Larry Meadows	Donald Blair
Wayne Lilley	Ed Fuller
David Lind	Thomas Alston
Mark Dillard	
Rodderick Brown	

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, December 12, 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. 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

Vice-Chairman Williams called for the review and approval of the November 14, 2007, minutes. After review, Mr. Bailey made a motion, seconded by Mr. Roberts, to approve the amended minutes changing page four eighth paragraph Mr. Wright to Mr. Koval. With all members' present voting favorably, the motion carried.

Chairman's Observations

Vice-Chairman Williams recommended that the Commission purchase a plaque of appreciation for Mr. John Curl. Mr. Clark made a motion, seconded by Ms. Crawford, and with all members' present voting favorably, the motion 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, Mr. Bailey 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.

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Administrative Hearing Officer's Recommendations for Citations

Mr. Harvey H. Speigel

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

Mr. Salvatore Fanelli

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

Administrative Hearing Officer's Recommendations for Bond Hearings

Motion: Mr. Davis moved to approve the recommendations of the Administrative Hearing Officer, for the bond hearing on behalf of Mr. Jimmie Green. Mr. Bailey seconded the motion, and with all members present voting favorably, the motion carried.

Mr. David Weeks – Mr. Stan Bowen presented a letter from Old Republic Surety stating the estimates were excessive.

Motion: Mr. Davis moved to approve the recommendations of the Administrative Hearing Officer, for bond the hearing on behalf of Mr. David Weeks. Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

Application Review

Mr. Wayne Lilley – The commission reviewed Mr. Lilley's Residential Builder's Application. Mr. Lilley was sworn in by Mrs. Deborah Thomas. Mr. Lilley waived his right to counsel. Mr. Bowen informed the Commission that Mr. Lilley was present to ask the Commission to accept his credentials and experience that he submitted on his residential builder's application.

Mr. Lilley testified that he previously operated a business in Massachusetts for approximately eighteen years and built his home in Tennessee. He is in the process of building a home in Bluffton, South Carolina.

Motion: Mr. Davis moved to approve Mr. Lilley's residential builder's application to take the exam and he must provide a letter of reference from his previous employer. Ms. Crawford seconded the motion, and with all members present voting favorably, the motion carried.

David Lind – The commission reviewed Mr. David Lind Residential HVAC Application. Mr. Lind was sworn in by Mrs. Deborah Thomas. Mr. Lind waived his right to counsel. Mr. Bowen informed the Commission that Mr. Lind was present to ask the Commission to accept his credentials and experience that he submitted on his application. Staff received a letter of reference from Mr. Lind's former instructor and employer.

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Mr. Lind testified that he received a degree in heating and air from Spartanburg Technical College. He would like to go into the business of installing heating and air units in Spartanburg, South Carolina.

Motion: Mr. Davis made a motion to grant Mr. Lind HVAC license. Ms. Crawford seconded the motion, and the motion carried with two nay votes.

Mr. Roderick Brown - The commission reviewed Mr. Brown's Residential Specialty Contactor's Application. Mr. Brown was sworn in by Ms. Deborah Thomas. Mr. Brown waived his right to counsel. Mr. Bowen informed the Commission that Mr. Brown answered "yes" that he has been convicted of, pled guilty or nolo contendere to a criminal offense.

Mr. Brown testified that he was charged with grand larceny back in 1989. He has changed his life and he now has custody of his children. He asked the Commission to give him a chance to prove himself by making an honest living.

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

Mr. William Prince – Not Present

No Action Was Taken

Mr. Craig Barnhart – Not Present

No Action Was Taken

Reinstatement

Mr. Donald Blair. – The commission reviewed Mr. Blair's Residential Builder's Application. Mr. Blair was sworn in by Ms. Deborah Thomas. Mr. Blair waived his right to counsel. Mr. Bowen informed the Commission that Mr. Blair is requesting that his residential builder's license be reinstated.

Mr. Blair testified he is an architect and builder and his license expired on June 30, 2007. Before Mr. Charles McAlister retired he was assisting him with getting his license re-instated.

Mrs. Christine Driver informed the Commission that she spoken with Mr. McAlister and she concurred with Mr. Blair's testimony.

Motion: Mr. Roberts moved to reinstate Mr. Blair's residential builder's license. Mr. Williams seconded the motion, and with all members voting favorably, the motion carried.

Mr. Teddy Fuller - The commission reviewed Mr. Fuller's Residential Builders Application. Mr. Fuller was sworn in by Ms. Deborah Thomas. Mr. Fuller waived his right to counsel. Mr. Bowen informed the Commission that Mr. Fuller is requesting that his residential builder's license be reinstated because a "Do Not Renew Order" was placed against his residential builder's license on October 12, 2005. Mr. Fuller's bonding company paid a claim on his behalf to Mrs. Geraldine C. Littlejohn.

Mr. Fuller testified that he is currently making restitution to the bonding company. He asked the Commission to reinstate his license because he needs to work. Since his license was revoked he's been

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making a living driving trucks.

Motion: Mr. Davis moved to reinstate Mr. Fuller's Residential Builder's License. Mr. Dowd seconded the motion, and with all members voting favorably, the motion carried.

Waiver of Owner Builder Exemption

Mr. Larry Meadows - The Commission reviewed the Mr. Meadows' waiver of owner builder exemption. Mr. Meadows was sworn in by Ms. Deborah Thomas. Mr. Meadows waived his right to counsel. Mr. Bowen informed the Commission that Mr. Meadows inherited from his father an owner built home and he is present to ask the Commission to waive the two year waiting period to sell the home.

Mr. Meadows testified that in 2005, he financed the building of a log home for his father by taking out a new home loan. His father passed away in July of 2006. He inherited the home and since found out that his father underestimated the building cost and to complete the building of the home he had to take out an additional loan from his 401K and maxed out three credit cards. Due to financial distress he is asking for an exemption from the South Carolina Code of Laws 40-59-260.

Motion: Mr. Davis moved to grant the owner builder exemption to Mr. Meadows. Mr. Dowd seconded the motion, and with all members voting favorably, the motion carried.

Reconsideration

Mr. Thomas Alston - The commission reviewed Mr. Alston's request for reconsideration. Mr. Alston was sworn in by Ms. Deborah Thomas. Mr. Alston waived his right to counsel. Mr. Bowen informed the Commission on May 9, 2007, the Commission agreed to renew Mr. Alston's residential specialty contractor's registration on a probationary status for one year; provided he submits a surety bond in the amount of Ten Thousand Dollars. Mr. Alston was present requesting the Commission reconsider their decision.

Mr. Alston testified that he has made several attempts to secure a bond, but due to his credit and past history he can not secure a bond.

Motion: Mr. Dowd made a motion to uphold the Commission previous decision. Ms. Crawford seconded the motion, carried with two nay votes.

Public Comments

Stan Bowen- Mr. Bowen introduced Mr. Mark Dillard from the Manufactured Housing Institute of South Carolina.

Mark Dillard - Mr. Dillard informed the Board that the institute deals primarily with builders who builds and sells modular homes.

Chairman Williams - Chairman Williams informed the Commission that they will be electing officers at the January 2008 meeting. Also, he requested a copy of the sign in sheet at the beginning of the meetings. He stated that he didn't receive notice of the meeting and one of the items he couldn't open.

Frank Clark - Mr. Clark informed the Commission that a member of the association contacted him regarding a letter written by an attorney for LLR stating that the builder had complaints filed against him.

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Sheridon Spoon – Mr. Spoon advised that he would have to speak with the Office of General Counsel.

Date of Next Meeting – Wednesday, January 9, 2008.

Adjournment – There being no other business the meeting was adjourned at 11:50 a.m.