

**South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday, January 9, 2008
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
Stan Bowen, Administrator
Cantrell Frayer, Staff Attorney
Patrice Deas, Administrative Assistant
Faye Grainger, Court Reporter
Christine Driver, Administrative Assistant
Angela Scott, Administrative Assistant
Joseph N. Connell, Staff Attorney

OTHERS PRESENT

Kevin Shelton	Willie J. Williams
Craig Barnhart	James Sizemore
Robert Jewell	Jared Jensen
Raythum Johnson	

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, January 9, 2008, 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. Roberts, 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 December 12, 2007, minutes. After review, Mr. Bailey made a motion, seconded by Mr. Clark, to approve minutes. With all members' present voting favorably, the motion carried.

Election of Officers

Vice Chairman Williams turned the election process over to Mr. Sheridon Spoon, who called for nominations from the floor for the Office of Chairman. Mr. Bailey moved to nominate Mr. Derrick Williams to serve as chairman. Mr. Davis seconded the motion. There being no further nominations, the nominations were closed and Mr. Williams was elected by acclamation.

Mr. Williams then called for nominations for the Office of Vice Chairman. Mr. Clark moved to nominate Mr. Al Bailey to serve as Vice-Chairman. Mr. Davis seconded the motion. There being no further nominations, the nominations were closed and Mr. Bailey was elected by acclamation.

Administrative Hearing Officer's Recommendations for Citations

The Commission reviewed the Hearing Officer recommendation for citation against Mr. Hugh Elam,

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Jr., Mr. Danny Herron, Mr. Willie J. Williams, Mr. William Corley and Mr. Gerald S. Bird. After review, Mr. Bailey made a motion, seconded by Mr. Clark, to approve the recommendations of the Administrative Hearing Officer. With all members present voting favorably, the motion carried.

Application Review

Mr. Craig Barnhart – The commission reviewed Mr. Barnhart’s Residential Specialty Contractor’s Application. Mr. Barnhart was sworn in by Mrs. Faye Grainger. Mr. Barnhart waived his right to counsel. Mr. Bowen informed the Commission that Mr. Barnhart answered “yes” to the question the he had been convicted of, pled guilty or nolo contendere to a criminal offense other than minor traffic violations and was present to give an explanation of his answer.

Mr. Barnhart testified that he was charged in 2003, for leaving the scene of an accident that resulted in death. He served four years and three months and was released on March 30, 2007. He apologized for his mistake and testified that he is no longer on probation.

Motion: Mr. Bailey moved to approve Mr. Barnhart’s Residential Specialty Contractor’s Application. Mr. Barnhart must furnish with his renewal application a report from South Carolina Department of Corrections stating all fines have been paid. Mr. Davis seconded the motion, and with all members present voting favorably, the motion carried.

Mr. Dennis Hanson – Mr. Bowen informed the Commission that Mr. Hanson’s application has been withdrawn because he has provided all the necessary information.

No Action Taken

Mr. Raythum Johnson - The commission reviewed Mr. Johnson’s Residential Specialty Contractor’s Application. Mr. Johnson was sworn in by Mrs. Faye Grainger. Mr. Johnson waived his right to counsel. Mr. Bowen informed the Commission that Mr. Johnson answered “yes” that he has been convicted of, pled guilty or nolo contendere to a criminal offense.

Mr. Johnson testified that he has a very extensive record dated back to 1978. He changed his life while he was incarcerated. Since that time he earned a Bachelor and Associate Degree in Interdisciplinary Studies. He is devoted to serving God, his family and community. He asked the Commission to give him a chance to prove himself by making an honest living.

Motion: Mrs. Crawford moved to grant Mr. Johnson’s a specialty contractor license. Mr. Dowd seconded the motion, and with all members present voting favorably, the motion carried.

Mr. Philip Whitlock – Mr. Bowen informed the Commission that Mr. Whitlock was not able to attend the meeting due to illness and requested a continuous.

No Action Was Taken

Mr. James Sizemore – The commission reviewed Mr. Sizemore’s Residential Builder’s Application. Mr. Sizemore was sworn in by Ms. Faye Grainger. Mr. Sizemore waived his right to counsel. Mr. Bowen

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informed the Commission that Mr. Brown answered “yes” that he has been convicted of, pled guilty or nolo contendere to a criminal offense.

Mr. Sizemore testified that in 1981, he was convicted of arm robbery and served a seventeen year sentence. During that time he was a troubled youth which resulted in him having a drug problem. Since that time he has earned an Associate Degree in Theology and a Master Degree in Divinity. He asked the Commission to grant him the opportunity to take the residential builder’s examination.

Motion: Mr. Bailey moved to approve Mr. Sizemore’s application to take the residential builders examination. Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

Mr. Robert Jewell - The commission reviewed Mr. Jewell’s Residential Specialty Contractor’s Application. Mr. Jewell was sworn in by Ms. Faye Grainger. Mr. Jewell 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 and “yes” he is currently delinquent with child support obligations.

Mr. Jewell testified that he was convicted in 2001, for trying to obtain a control substance by fraud and possession of cocaine and marijuana. He was released on May 5, 2003. He is currently delinquent with his child support obligations but he is paying. He recently paid the State of Florida five hundred dollars for his child support obligations.

Mr. Jared Jenson testified that he has known Mr. Jewell for approximately three months. He is Mr. Jewell employer and he is impressed by the quality of work Mr. Jewell does. Mr. Jewell attends an Alcoholic Recovery Program.

Motion: Mr. Clark moved to grant to Mr. Jewell’s Residential Specialty Contractor’s Application. Mr. Jewell must appear before the Commission within six months with a current sled report and a current report of his child support obligation. Mr. Davis seconded the motion, motion carried with two nay votes.

Reinstatement

Mr. Willie Williams – The commission reviewed Mr. Williams’ Residential Specialty Contractor’s Application. Mr. Williams was sworn in by Mrs. Faye Grainger. Mr. Williams waived his right to counsel. Mr. Bowen informed the Commission that Mr. Williams is requesting that his residential specialty contractor’s license be reinstated. Also, Mr. Williams answered “yes” that he that he has been convicted of pled guilty or nolo contendere to a criminal offense.

Mr. Williams testified he was recently charged by Richland County for several violations which resulted in several thousand dollars in fines. He has entered into an agreement through the court to pay three hundred dollars a month until the fines are paid off. Also, he has made arrangements through the court to pay the homeowner eighteen thousand dollars by paying three hundred dollars a month. All of these charges stems from one job. He testified that in 1990 he charged with a fraudulent check. The check has been paid and he took a copy of the receipt to the Magistrates Office.

Motion: Mrs. Crawford moved to reinstate Mr. William’s residential specialty contractor’s application license with a ten thousand dollar surety bond. Mr. Davis seconded the motion, and with all members voting

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favorably, the motion carried.

Administrative Hearing

Memorandum of Agreement - Mrs. Crawford made a motion, seconded by Mr. Roberts for the Commission to go into Executive Session for legal advice. With all members voting favorably, the motion carried.

Mr. Bailey made a motion, seconded by Mr. Clark to come out of Executive Session. With all members voting favorably, the motion carried.

Mr. Elmer Kanagy – Mr. Joseph N. Connell, Esquire informed the Commission that Mr. Kanagy was served by regular and certified mail of the hearing and he is not present. He advised that Memorandum of Agreement was entered into on October 3, 2007. Mr. Kanagy entered into a contract with the complainant for the construction of a residence for and in consideration of the payment of \$143,620.00; he admitted to the allegation of the complaint and violations. Mr. Connell advised that the State recommends that Mr. Kanagy's license be suspended if the repairs are not made.

Motion: Mrs. Crawford moved that Mr. Kanagy has violated Article 40-1-110 (f) (g) and he must pay a fine of twenty-five hundred dollars per offense within sixty days of receipt of the order. Mr. Kanagy must have all worked repaired within thirty days of the order, failure to correct the repairs his license will be revoked. Mr. Roberts second the motion, with all members voting favorably, the motion carried.

Date of Next Meeting – Wednesday, February 13, 2008. Mr. Clark informed the Commission that he would not be present.

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