

**South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday, February 13, 2008
Columbia, South Carolina
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MEMBERS PRESENT

Derrick Williams
Gail Crawford
Al Bailey
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
Christa Bell, Staff Attorney

OTHERS PRESENT

Garland Lankford
John Duncan, III
Phil Whitlock
Winifield Riley

Darvin Hampton
Peter Spano
William Rogers
Pat Peeler

Anthony Golston
Walter C. Castro, Esquire

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, February 13, 2008, Chairman Derrick Williams called the meeting to order at approximately 10:00 a.m.

Approval of Agenda

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

Approval of Minutes

Chairman Williams called for the review and approval of the January 9, 2008, minutes. After review, Mr. Bailey made a motion, seconded by Mr. Roberts, to approve minutes. With all members' present voting favorably, the motion carried.

Excused Members

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

New Business

Chairman's Observation

Chairman Williams presented a plaque and thanked Mr. John Curl for his outstanding work and dedication he has rendered to the commission.

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Ethics Commission

Mr. Stan Bowen reminded the Commissioners to complete and mail the State Ethics Commission forms by April 15, 2008.

Definition of Carpentry

Mr. Bowen informed the Commission that he received information from several Building Officials requesting clarity on the definition of carpentry. The concern was that several sunrooms and metal structures are being built. Mrs. Crawford made a motion, seconded by Mr. Bailey for staff to include sunrooms and metal structures in the definition of carpentry. With all members present voting favorably, the motion carried.

Cancellation of March 2008 Meeting

Mr. Bowen informed the Commission that he and Chairman Williams will be attending the NACSA Meeting the week of March 10, 2008. Mr. Bailey made a motion, to cancel the March 10, 2008, meeting. The motion was seconded by Mrs. Crawford. With all members present voting favorably, the motion carried.

Recommendation of Investigation Review Committee

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 Mrs. Crawford, to approve the recommendations of the Investigative Review Committee, and with all members present voting favorably, the motion carried.

Administrative Hearing Officer's Recommendations For Bond Claims

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

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

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

Administrative Hearing Officer's Recommendations for Citations

Mr. Furman D. Peters

The Commission reviewed the Hearing Officer recommendation for citation against Mr. Furman D. Peters. After review, Mr. Bailey made a motion, seconded by Mr. Dowd, to approve the recommendation of the Administrative Hearing Officer. With all members present voting favorably, the motion carried.

Mr. James Welsh

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

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motion carried.

Application Review

Mr. Patrick A. Peeler – The Commission reviewed Mr. Peeler’s Residential Builder’s Application. Mr. Peeler was sworn in by Mrs. Faye Grainger. Mr. Peeler waived his right to counsel. Mr. Bowen informed the Commission that Mr. Peeler 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. Peeler testified that on March 5, 2004, he plead nolo contendere to stalking and served two year probation. He is currently purchasing and selling foreclosed properties and used cars. He apologized for his mistake and testified that he is no longer on probation.

Motion: Mrs. Crawford moved to approve for Mr. Peeler’s to sit for the Residential Builder’s Exam. Mr. Bailey seconded the motion, and with all members present voting favorably, the motion carried.

Mr. John F. Absher– Mr. Bowen informed the Commission that Mr. Absher was not present.

No Action Taken

Mr. John Duncan, III - The Commission reviewed Mr. John Duncan’s Residential Specialty Contactor’s Application. Mr. Duncan was sworn in by Mrs. Faye Grainger. Mr. Duncan waived his right to counsel. Mr. Bowen informed the Commission that Mr. Duncan answered “yes” that he has been convicted of, pled guilty or nolo contendere to a criminal offense and that Mr. Duncan is currently on probation for burglary 2nd degree. Mr. Duncan appeared before the Commission on October 10, 2007, and the Commission moved to Specialty Application with a four (4) year probationary status and he was required to obtain the statutory bond.

Mr. Sheridan Spoon advised that an order will be issued granting Mr. Duncan a probationary status until the completion of his probation and Mr. Duncan must furnish a statutory bond.

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

Mr. Golston testified that in November 2002, he pled guilty of Criminal Sexual Conduct 3rd Degree. He served four years prison sentence. While incarcerated he took two years in heating and air and received an EPA Certification.

Motion: Mrs. Bailey moved to grant Mr. Golston to sit for the HVAC examination, provided that he provides a statutory bond in the amount of Ten Thousand dollars. The motion was seconded by Mr. Davis and with all members present voting favorably, the motion carried.

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Ms. Winifred Riley – The Commission reviewed Ms. Winifred Riley’s Residential Builder’s Specialty Contractors Application. Ms. Riley was sworn in by Mrs. Faye Grainger. Ms. Riley waived her right to counsel. Mr. Bowen informed the Commission that Ms. Riley answered “no” that there has been any judgments, liens or claims filed against her or business entities that she has been associated with within the past five years.

Ms. Riley testified that she borrowed \$9,500.00 from Mr. Clint Schoultz. At that time she gave him \$20,000.00 worth of furniture and a Rolex watch valued at \$6,500.00. Later she received a call from Mr. Schoultz informing her that the storage building he rented to store her furniture was broken into and all her furniture was stolen. He stated that she still had to pay him the loan back and there was no insurance at the storage complex. There are no papers drawn on the agreement it was verbal. She contacted Judge Parkman in Edgefield County and explained the situation. He advised that he could take a judgment out against him and Mr. Schoultz could do the same. She chose not to pursue legal action and take the loss. He chose to pursue and placed a judgment against her.

Motion: Mrs. Crawford moved to approve Ms. Riley’s specialty contractor’s application. Mr. Davis seconded the motion, and with all members present voting favorably, the motion carried.

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

Mr. Hampton testified that he was a troubled teen and got into a lot of trouble. He was incarcerated for 2 ½ years and was released in February 2005. He is active in AA and NA. He is currently working with CMS Construction and Greenville Hospital would like to employ him and he previously worked with Beautiful Colors. .

Motion: Mr. Bailey moved to grant to Mr. Hampton’s Residential Specialty Contractor’s Application. Mrs. Crawford seconded the motion, and with all members present voting favorably, the motion carried.

Mr. Phillip Whitlock – The commission reviewed Mr. Whitlock’s Residential Builder’s Application for Electrical, Plumbing and HVAC Application. Mr. Whitlock was sworn in by Mrs. Faye Grainger. Mr. Whitlock waived his right to counsel. Mr. Bowen informed the Commission that Mr. Whitlock answered “yes” that he had liens filed against him.

Mr. Whitlock testified that he got behind on his payroll taxes with the Internal Revenue Services. All payroll taxes have been current and paid in full. He is scheduled to have a hearing with the Internal Revenue Service in March 2008.

Motion: Mrs. Crawford made a motion to approve Mr. Whitlock Renewal Application, providing that Mr. Whitlock furnish a letter from Internal Revenue Service regarding the status. Mr. Bailey seconded the motion, and with all members present voting favorably, the motion carried.

Citation Appeal

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Mr. Garland Lankford – The commission reviewed Mr. Garland Lankford citation appeal. Mr. Lankford was sworn in by Ms. Faye Grainger. Mr. Lankford waived his right to counsel. Mr. Bowen informed the Commission that Mr. Lankford was present to appeal that citation that was issued on January 10, 2008, by the Hearing Officer, Mr. Charles McAlister.

Mr. Lankford testified that he does not dispute the fine but is present to dispute Mr. James Nettles. He testified that he takes pride in his reputation and admits that he did not pull a permit.

Motion: Mr. Bailey moved to reduce the fine to \$250.00. Mrs. Crawford seconded the motion, and with all members present voting favorably, the motion carried.

Reinstatement

Mr. Peter Spano – The Commission reviewed Mr. Peter Spano's request for reinstatement of his Residential Builder's HVAC and Specialty Licenses. Mr. Spano was sworn in by Mrs. Faye Grainger. Mr. Spano was represented by Mr. Walter C. Castro, Esquire. Ms. Christa Bell represented the State. Mr. Stan Bowen informed the Commission that a letter was sent to Mr. Spano by regular and certified mail on January 15, 2008, suspending his licenses. The letter was received by Mr. Spano's attorney Mr. Walter C. Castro. On or about June 19, 2007, Mr. Spano's license was placed on a two year probationary status and Mr. Spano was ordered to pay of fine of Eight Thousand Dollars. Mr. Spano worked out an agreement with the previous Administrator, Mr. Charles McAlister, to pay the fine in installments of \$335.00 per month. Also, on Mr. Spano's application he answered "no" that there has been any judgments, liens or claims filed against him or business entities that he has been associated with within the past five years.

Mr. Castro informed the Commission that Mr. Spano appeared before the Commission on June 13, 2007. Mr. Spano was ordered to pay a fine of Eight Thousand Dollars and license be issued with a two year probationary status. He then made arrangements to pay the fine in monthly installments. Mr. Spano's wife was paying the bills and some how got behind and missed a payment. Mr. Castro informed the Commission that Mr. Spano acted on the advice of a prior attorney and did not pay the judgments. Since that time Mr. Spano has made arrangements to settle with several of the homeowners. He advised that Mr. Spano has not received notice of any complaints filed with the Commission and he needs his license to make a positive living.

Mr. Spano testified that out of eighteen hundred customers he had a total of approximately Twenty-five that was not happy with his work over the past thirteen years. He testified up until the last disciplinary hearing he did not realize how important the license was. He recently implemented a procedure that no money is taken from a customer until a release is signed by the customers stating that they are satisfied with the work.

Ms. Christa Bell informed the Commission that Mr. Spano failed to appear at that hearing held. The fine was reduced to Eight Thousand Dollars. Mr. Spano did not comply with the order. He answered "no" that there were no judgments filed against him on his renewal application.

Motion: After hearing testimony and closing arguments, Mr. Bailey moved to deny Mr. Spano's request for restatement. Mr. Davis seconded the motion, with all members voting favorably. The motion carried.

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Administrative Hearing

Mr. William M. Rogers, Jr. - The Commission reviewed the Hearing Officer's Recommendation for Mr. William M. Rogers, Jr. Mr. Rogers was sworn in by Ms. Faye Grainger. Mr. Rogers waived his right to counsel. Mr. Joseph N. Connell, Esquire represented the State. Mr. Connell informed the Commission that Mr. Rogers was scheduled to appear on October 16, 2007, as a result of the notice and complaint Mr. Rogers contacted to perform work without being properly licensed by the Commission. At the time of renewal Mr. Rogers failed to notify the Commission of a judgment in the amount of Two Thousand Five Hundred Twenty-Three Dollars and Seventy-five cents, which resulted from the work performed at the residence.

Mr. Rogers testified that he did not receive proper notice of the hearing schedule for October 16, 2007. He testified that he and a cousin was in business together in which his cousin was properly licensed. He is presently building homes in California. He testified that he left a forwarding address and haven't received any information from the commission.

Motion: Mr. Bailey made a motion, seconded by Mr. Dowd to go into executive session. With all members present voting favorably the motion was carried. Mr. Bailey made a motion, seconded by Mr. Dowd to come out of executive session Chairman Williams stated that there was no action taken in executive session. Mrs. Crawford made a motion, seconded by Mr. Bailey to reduce the fine to Five Hundred dollars payable within thirty days and Mr. Rogers must show proof that the judgment his settled. If the fine is not paid and proof of the judgment being settled is not shown license will be revoked.

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

Adjournment - There being no other business the meeting was adjourned at 1:25 p.m.