

**South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday, May 14, 2008
Columbia, South Carolina**

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MEMBERS PRESENT

Derrick Williams
Al Bailey
Caleb Davis
Tim Roberts
Frank Clark
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
Angela Scott, Administrative Assistant
Joseph N. Connell, Staff Attorney
Christa Bell, Staff Attorney

OTHERS PRESENT

Doug Reid	Leah Reid	Forrest L. Caulder
Jimmy Thornton	William Carrion, Jr.	Jack Kilpatrick
Catherine Kilpatrick	Bill Jordan	Randy Holloway
L. Steven Godfrey	Johnny Holloway	Gary Kicker
Judy Morton	Ted Morton	Gil Bagnell
Nathan Richmond	Kenneth Schultz	Ted Morton

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, May 14, 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, Mr. Bailey 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 April 9, 2008, minutes. After review, Mr. Davis 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 Mrs. Gail Crawford recently resigned from the commission therefore, she was not present. Mr. Bailey made a motion, seconded by Mr. Dowd, to excuse members' absences, and with all members present voting favorably, the motion carried.

Old Business

None

New Business

Clarification of Painters under §106-1

Mr. Stan Bowen informed the Commission that staff needed clarification regarding the definition of painters. Staff has received questions regarding increte that goes on decks.

The definition of painters under §106-1 states the following:

- Painter/Wallpapers: the application of materials common to the painting and decorating industry for protective or decorative purposes, includes surface preparation, caulking, sanding and cleaning preparatory to painting common to the residential building industry; and the installation, alteration and repair of surface coverings such as vinyl's, wallpapers, and cloth fabrics, decorative texturing, taping and finishing of drywall in conjunction with surface painting only common to the residential building industry.

After review and discussion, Mr. Bailey made a motion, seconded by Mr. Clark to classify increte under the painters classification, and 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 Mr. Davis, 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 Claim

Motion: Mr. Roberts moved to approve the recommendations of the Administrative Hearing Officer, for the bond hearing on behalf of Mr. Daniel Peck, Mr. Daryl Lemacks, Mr. Glen Elliott, and Mr. Donald Horton. Mr. Bailey seconded the motion, and with all members present voting favorably, the motion carried.

Appeal of Administrative Hearing Officer's Recommendations For A Bond Claim

Mr. Jamie Saxon was the hearing advisor

The Commission reviewed the Hearing Officer recommendation for a bond claim on behalf of Mr. Nathan Richmond. Mr. Richmond waived his right to counsel. Mr. Richmond was sworn in by Mrs. Faye Grainger. Mrs. Cantrell Frayer represented the state.

Mr. Richmond testified that he was appealing because he was not notified by the Commission until after the work was completed. He felt that he could have done the work himself for a lesser price if he was afforded the opportunity. He testified that he is not applying for a license but was notified by the bonding company that he would not be able to renew his bond until this matter is resolved.

Mrs. Frayer advised that the State had presented sufficient evidence at the hearing and asked that the Commission adopt the hearing officer's recommendation.

Mr. Bailey made a motion to go into executive session. Mr. Dowd seconded the motion, and with

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all members present voting favorably, the motion carried.

Mr. Bailey made a motion to come out of executive session. Mr. Davis seconded the motion, and with all members present voting favorably, the motion carried. Chairman Williams stated no action was taken in executive session.

Motion:

Mr. Bailey made a motion to uphold the recommendation of the Administrative Hearing Officer's. Mr. Dowd seconded the motion, and with all members present voting favorably, the motion was carried.

Administrative Hearing Officer's Recommendations for Citations

Mr. Llewellyn R. Whaley

The Commission reviewed the Hearing Officer recommendation for citation against Mr. Llewellyn Whaley. After review, Mr. Bailey 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.

Mr. John McKie

The Commission reviewed the Hearing Officer recommendation for citation against Mr. John McKie. After review, Mr. Roberts 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. David Helms

The Commission reviewed the Hearing Officer recommendation for citation against Mr. David Helms. After review, Mr. Bailey 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.

Mr. Douglas Shorter

The Commission reviewed the Hearing Officer recommendation for citation against Mr. Douglas Shorter. After review, Mr. Bailey 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.

Mr. John Fitzgerald

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

Mr. Vincent Brice

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

Application Review

Mr. Kenneth Schultz – The Commission reviewed Mr. Schultz's Residential Specialty Contractor's Application. Mr. Schultz was sworn in by Mrs. Faye Grainger. Mr. Shultz waived his right to counsel. Mr.

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

Mr. Shultz testified that he was convicted in 2003, for criminal domestic violence. He testified that he has remarried and actively involved as a parent with his children. He needs more flexibility with his schedule in order to spend time with his family. He asked the Commission to grant him the opportunity by approving his Residential Specialty Contractor’s Application.

Motion: Mr. Dowd moved to approve for Mr. Shultz’s Residential Specialty Contractor’s Application. Mr. Clark seconded the motion, and with all members present voting favorably, the motion carried.

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

Mr. Caulder testified that he was convicted in 2006, for driving under the influence and he had a charge for criminal domestic violence. He has been in the business for over fifteen years and would like to continue in the construction business. He apologized to the Commission and asked that his application be approve.

Motion: Mr. Bailey moved to approve for Mr. Caulder’s Residential Specialty Contractor’s Application. The motion was seconded by Mr. Roberts and with all members present voting favorably, the motion carried.

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

Mr. Carrion testified that has an extensive criminal record. He was convicted approximately 20 years ago for Drug Trafficking. He apologized to the Commission testifying that he was young when this happen. He has since remarried and working favorably in his community and church. He asked the Commission to grant him the opportunity to prove himself by granting him permission to take the Residential Builder’s Examination.

Motion: Mr. Clark moved to approve for Mr. Carrion to sit for the Residential Builder’s Examination. The motion was seconded by Mr. Bailey and with all members present voting favorably, the motion carried.

Reinstatement

Mr. Randy H. Holloway – Ms. Christal Bell informed the Commission that Mr. Holloway was granted a continuance. .

Memorandum of Agreement

Mr. Jamie Saxon was the hearing advisor.

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Mr. T. Morton – The commission reviewed the Memorandum of Agreement for Mr. T. Morton. Mr. Morton was represented by Mr. Gil Bagnell, Esquire. Mr. Joe Connell represented the South Carolina Residential Builders Commission. Mr. Morton was sworn in by Ms. Faye Grainger.

Mr. Connell advised that on February 21, 2008, Mr. Morton entered into Memorandum of Agreement with Ms. Elaine Kirkland and Mr. Orr. The state recommended that the Commission uphold the hearings officers' recommendation.

Mr. Bagnell informed the Commission that Mr. Morton has been a contractor for over forty years and this was the first time he had to appear before the Commission. He stated that the Kirkland case was a personal dispute between Mr. Morton and Ms. Kirkland. When the Kirkland's home was almost completed Mr. Morton received a letter from Ms. Kirkland stating that she was dissatisfied with how long it was taking him to complete the home. Mr. Bagnell informed the Commission that Mr. Morton filed bankruptcy and had a few judgments filed against him. He has obtained funding through his family and has a number of projects in progress; if his license is suspended or revoked he would not be able to fulfill those obligations.

Mr. Morton testified that he has been a General Contractor and Residential Builder for the past 40 years. He has built homes as well as buildings and has never had any complaints with his work. He built the Orr home based on 1995-1996 Cabo Code. He testified that he was willing to do whatever necessary to get the repairs done.

Mr. Dowd made a motion to go into executive session. Mr. Davis seconded the motion, and with all members present voting favorably, the motion carried. Mr. Clark made a motion seconded by Mr. Bailey to come out of executive session. Chairman Williams stated no action was taken during executive session.

Motion:

Mr. Bailey made a motion that Mr. Morton will have to pay a \$1,000.00 fine within thirty days from the day of receipt of the order and he will be given thirty days from receipt of the order to satisfy any judgments or liens against him. Thereafter, he must file written proof of compliance with Commission within fifteen days of completing the requirements. Mr. Clark seconded the motion, and with all members present voting favorably the motion carried

Hearing Officer's Recommendation

Mr. Ralph Brown, Jr. – This matter was heard before John Curl, Administrative Hearing Officer, on February 26, 2008, (2008-0031). Ms. Christal Bell represented the state and asked the Commission to adopt the hearing officer's recommendation. Mr. Curl's recommendation was as follows:

1. The Respondent license be suspended
2. The Respondent shall pay a fine of One Thousand Dollars, to include the Five Hundred Dollars citation.
3. The original Complainant (homeowner) is granted permission to file a claim against the Respondent's surety bond.

Motion: Mr. Clark moved to approve the Administrative Hearing Officer's Recommendation for Mr. Ralph Brown, Jr., (2008-031). Mr. Davis seconded the motion, and with all members present voting favorably, the

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motion carried.

Mr. Jimmy Thornton – The Commission reviewed the Hearing Officer’s Mr. John Curl recommendation for Mr. Jimmy Thornton. Mr. Thornton waived his right to counsel. Mr. Joe Connell represented LLR. Mr. Thornton was sworn in by Mrs. Faye Grainger.

Ms. Connell advised that this matter was heard before Mr. John Curl, Hearing Officer on February 14, 2008. Mr. Thornton told Mr. Ullman that he has been licensed as a Residential Builder for twenty-five years. He contracted with Mrs. Barbara Brown Ullman to do a job in the amount of Seventy-Nine Thousand Five Hundred and Sixty-Two Dollars. Mr. Thornton left the job without completing the work. The respondent had violated the law and asked the Commission to uphold the Hearing Officer’s Recommendation.

Mr. Thornton testified that he has never deceived anyone and that he informed Mrs. Ullman that he has been in the business for Twenty-Five years but only had a license since 2006. He testified that he did not know what happened with the Ullman project and that he tried his best to work with Ms. Ullman. He apologized to the Commission and asked them not to suspend or revoke his license.

Motion: Mr. Bailey moved to approve the Administrative Hearing Officer’s Recommendation for Mr. Jimmy Thornton (2007-181). Mr. Clark seconded the motion, and with all members present voting favorably, the motion carried.

Mr. Jihad Baith. – This matter was heard before John Curl, Administrative Hearing Officer, on February 19, 2008, (2007-446). Mr. Curl’s recommendation was as follows:

1. The Respondent’s license will be suspended for no fewer than six months from the date of the Order; Prior to his being re-registered, he must
2. Complete, and successfully pass, at his own expense, a course in business and law and a course in the practical application of electrical work, each of which must be approved in advance by the Commission’s Administrator. Thereafter, he must file written proof of compliance with the Board within fifteen days of completing this requirement.
3. Appear before the Commission and present evidence satisfactory to the Commission regarding his fitness and qualifications to be registered in this state. The Commission, in its discretion, may deny registration, or impose such additional terms and conditions upon the Respondent’s registration as it may deem appropriate.
4. The Respondent shall pay a fine of One Thousand Dollars.

Motion: Mr. Roberts moved to approve the Administrative Hearing Officer’s Recommendation for Mr. Jihad Baith (2007-446). Mr. Davis seconded the motion, and with all members present voting favorably, the motion carried.

Public Comments

None

Date of Next Meeting – June 11, 2008.

Adjournment - There being no other business the meeting was adjourned at 1:00 p.m.