

**South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday, June 11, 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
Shirley Robinson, Hearing Advisor
Stan Bowen, Administrator
Patrice Deas, Administrative Assistant
Janet Duncan, Court Reporter
Angela Scott, Administrative Assistant
Joseph N. Connell, Staff Attorney
Christa Bell, Staff Attorney

OTHERS PRESENT

Jeff Bougman	Brandon E. McFall	Ardean Buggs
Thomas Belenchia	Richard Addy	Kevin Mayfield
Christopher Ellison	Adam Fay	Ryan McCabe
Raymond Raines	Vaneisha Ellison	

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, June 11, 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. 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

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

Excused Members

None

Old Business

None

New Business

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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. Roberts, 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

The Commission reviewed the Hearing Officer's recommendations for bonds against Mr. James Welsh, Mr. James Turner, and Mr. Martin Tinsley. After review, Mr. Bailey made a motion, seconded by Mr. Roberts and with all members present voting favorably, the motion carried.

Administrative Hearing Officer's Recommendations for Citations

The Commission reviewed the Hearing Officer's recommendations for citations against Mr. Dana Tsakanikas, Mr. Alvin Motley, Mr. James Wilson, II, Mr. David Steeves, Mr. John Heeke, and Mr. Paul Fan. 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.

Application Review

Mr. Christopher Ellison – The Commission reviewed Mr. Ellison's Residential Specialty Contractor's Application. Mr. Ellison and Mrs. Vaneisha Ellison were sworn in by Mrs. Janet Duncan. Mr. Ellison waived his right to counsel. Mr. Bowen informed the Commission that Mr. Ellison answered "yes" that he has been convicted of pled guilty or nolo contendere to a criminal offense.

Mr. Ellison testified that he pled guilty of having a controlled substance. He served 6 months and 2 years probation. He has since moved on with his life, he is married with three children.

Mrs. Vaneisha Ellison testified that she and her husband both had some problems in the past but, they have both grown and moved forward with their life.

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

Mr. Raymond C. Raines, Sr. – The Commission reviewed Mr. Raines's Residential Specialty Contractor's Application. Mr. Raines was sworn in by Mrs. Janet Duncan. Mr. Raines waived his right to counsel. Mr. Bowen informed the Commission that Mr. Raines answered "yes" that he has been convicted of pled guilty or nolo contendere to a criminal offense.

Mr. Raines testified that he had a business license for approximately 7 years. In 1999 he was convicted for a drug violation, served 2 years and 2 years probation. He has since turned his life around and asked the Commission to please approve his application.

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

Mr. Jerry Davis. – The Commission reviewed Mr. Davis Residential Specialty Contractor's Application. Mr. Davis and Mr. Kevin Mayfield were sworn in by Mrs. Janet Duncan. Mr. Davis was represented by Mr. Thomas A. Belenchia, Esquire. Mr. Bowen informed the Commission that Mr. Davis answered "yes" that he has been convicted of pled guilty or nolo contendere to a criminal offense.

Mr. Davis testified that he was charged in 1995 for arson. He served 10 years. He is currently on parole and has been on parole since 2004. He has approximately 2 to 3 more years to serve. He is currently employed as an Estimator with Davis Roofing and Maintenance.

Mr. Mayfield testified that he has known Mr. Davis for approximately 15 years and has been his pastor for 4 years. Mr. Mayfield testified that he currently holds a Residential Home Builders license

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

Mr. Brandon E. McFall – The Commission reviewed Mr. McFall's Residential Electrical Application. Mr. McFall was sworn in by Mrs. Janet Duncan. Mr. McFall waived his right to counsel. Mr. Bowen informed the Commission that Mr. McFall answered "yes" that he has been convicted of pled guilty or nolo contendere to a criminal offense.

Mr. McFall testified that he was arrested for criminal domestic violence. He completed a 26 weeks program and the charge was dismissed. He was released on March 19, 2008.

Motion: Mr. Clark moved to approve Mr. McFall to sit for the Residential Electrical Examination. The motion was seconded by Mr. Roberts and with all members present voting favorably, the motion carried.

Mr. Zail Gavin - The Commission reviewed Mr. Gavin's Residential Specialty Contractor's Application. Mr. Bowen informed the Commission that Mr. Gavin was notified by certified and regular mail and was not present to give testimony. Staff received a call from Mr. Gavin requesting a continuous.

Mr. Bowen informed the Commission that Mr. Gavin answered "no" that he had never been convicted of pled guilty or nolo contendere to a criminal offense. Mr. Gavin answered "no" on his original residential specialty contractor's registration application issued on April 29, 2004, the 2004-2005 renewal registration received on September 28, 2004, and the 2005-2006 renewal registration received on January 25, 2006 and the 2007-2009 renewal registration received on March 25, 2008.

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

Motion: Mr. Clark made a motion, to grant Mr. Gavin's request for a continuous until such time the

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Commission would issue a Cease and Desist and send notification to local jurisdictions of this action. The motion was seconded by Mr. Dowd and with all members present voting favorably, the motion carried.

Mr. Jeff Linette - The Commission reviewed Mr. Linette's Residential Specialty Contractor's Application. Mr. Bowen informed the Commission that Mr. Linette was notified by certified and regular mail and was not present to give testimony. Mr. Bowen informed the Commission that Mr. Linette answered "no" that he had never been convicted of pled guilty or nolo contendere to a criminal offense.

Motion: Mr. Clark made a motion, to grant a continuous but issue Mr. Linette a cease and desist. The motion was seconded by Mr. Davis and with all members present voting favorably, the motion carried.

Mr. Ardean Buggs - The Commission reviewed Mr. Buggs' Residential Home Builder's Application. Mr. Buggs was sworn in by Mrs. Janet Duncan. Mr. Buggs waived his right to counsel. Mr. Bowen informed the Commission that Mr. Buggs answered "yes" that he has been convicted of pled guilty or nolo contendere to a criminal offense.

Mr. Buggs testified that he pled guilty to conspiracy with the intent to distribute marijuana in February 2006. He served 5 years and paid all required fines. He is currently enrolled as a full time student at Strayer University and employed as a Construction Manager with a reputable company. He has learned from his mistakes, and asked the Commission to approve him to sit for the Residential Home Builder's Examination.

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

Reinstatement

Mr. Jeff Bougman – The Commission reviewed Mr. Bougman's Residential Home Builder's Application. Mr. Bougman was sworn in by Mrs. Janet Duncan. Mr. Bougman waived his right to counsel. Mr. Bowen informed the Commission that Mr. Bougman was present to request that his electrical license be reinstated.

Mr. Bougman testified that he has had a license since 1998. He received a 2003-2004 renewal application but did not learn until 2008 that his license had lapsed and he would have to take the examination over. He called the Residential Builder's office on several occasion in 2007 for a renewal application.

Motion: Mr. Bailey made a motion to deny Mr. Bougman request for reinstatement. The motion was seconded by Mr. Clark and with all members present voting favorably, the motion carried.

Memorandum of Agreement

Mr. Shirley Robinson was the hearing advisor.

Mr. David Arrowood – The Commission reviewed the Memorandum of Agreement for Mr. David Arrowood. Mr. Arrowood was represented by Mr. Ryan McKay, Esquire. Mr. Joe Connell represented the South

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Carolina Residential Builders Commission. Mr. Arrowood was sworn in by Mrs. Janet Duncan.

Mr. Connell advised that since the time the Memorandum of Agreement was originated Mr. Arrowood contracted to fix Mr. Willie McCary home. There has been great effort and negotiation gone into fixing Mr. McCary homes therefore, the state recommends that Mr. Arrowood be giving 60 days to repair the home and if the repairs are not done within that allotted time his license be suspended.

Mr. Connell advised that Mr. Arrowood contracted with Mr. Murphree to do some repairs. He received two draws in the amount of Two Thousand Five Hundred Dollars. After Mr. Arrowood received the two draws he did not do anymore work to the Murphree home. Mr. Arrowood admits that he was wrong and since then has tried to get the work done. Therefore, the state recommends that Mr. Arrowood be giving 60 days to repair the Murphree home and if the repairs are not done within that allotted time his license is suspended.

Mr. Ryan McKay stated that he concurred with Mr. Connell that there has been some negotiations. Mr. Arrowood on several occasions has attempted to go and do the work on the Murphree's home but the Murphree's would like to be compensated.

Mr. Arrowood testified that he has been in the construction business for 18 years and has been licensed for 4 years. He currently has a general contractor's license and specialty contractor's license. He is currently employed as a construction manager.

After hearing testimony Mr. Bailey made a motion to go into executive session. The motion was seconded by Mr. Dowd and with all members present voting favorably, the motion carried. Mr. Dowd made a motion to come out of executive session. The motion was seconded by Mr. Bailey and with all members voting favorably, the motion carried. Chairman Williams stated that no action was taken in executive session.

Motion: Mr. Clark made a motion to allow Mr. Arrowood 90 days to complete Mr. McCary and Mr. Murphree's home. In addition Mr. Arrowood must pay a One Thousand Dollar fine within 30 days and if the Murphree's do not let him do the work he must provide proof to the Commission. The motion was seconded by Mr. Dowd and with all members voting favorably, the motion carried.

Hearing Officer's Recommendation:

Mr. Abraham Greyling - This matter was heard before Mr. John Curl, Administrative Hearing Officer, on April 15, 2008, (2007-0098). Ms. Christal Bell represented the state. Ms. Bell informed the Commission that Mr. Greyling was notified by regular and certified mail of the hearing. The respondent was not present. She asked the Commission to adopt the hearing officer's recommendation. Mr. Curl's recommendations were as follows:

1. The Respondent pays a fine of Two Thousand Dollars. The fine shall be deemed paid until received by the Commission. Failure to pay the fine shall prevent the Respondent from being re-licensed
2. The Respondent's license to engage in the practice of residential home building shall be automatically and immediately suspended for thirty days from the receipt of the order.

Motion: Mr. Bailey moved to approve the Administrative Hearing Officer's Recommendation for Mr. Abraham Greyling, (2007-0098). Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

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Mr. Greg Walters – The Commission reviewed the Hearing Officer’s Mr. John Curl recommendation for Mr. Greg Walters. Ms. Christal Bell represented the State. Ms. Bell informed the Commission that Mr. Walters was notified of the hearing by regular ad certified mail and the certified mail was received on May 14, 2008. The respondent was not present. She asked the Commission to adopt the hearing officer’s recommendation. Mr. Curl’s recommendations were as follows:

1. The Respondent’s license as a residential builder shall be, and it hereby is revoked. The Respondent is directed to return his pocket card to the Commission’s offices within seven days of the service of the order upon him.
2. The Respondent shall pay a fine of Ten Thousand Dollars. The fine shall not be deemed paid until received by the Commission. Failure to pay the fine shall prevent the Respondent from being re-licensed.
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 Respondent shall be, and he hereby is publicly reprimanded.

Motion: Mr. Bailey moved to approve the Administrative Hearing Officer’s Recommendation for Mr. Greg Walters. Mr. Davis seconded the motion, and with all members present voting favorably, the motion carried.

Mr. Adam Fay. – This matter was heard before Mr. John Curl, Administrative Hearing Officer, on March 18, 2008. Ms. Christal Bell represented the state. Mr. Fay was sworn in by Ms. Janet Duncan. Mr. Fay waived his right to counsel. Ms. Bell asked the Commission to adopt the hearing officer’s recommendation.

Mr. Fay testified that this has been a learning experience for him. He has grown in the business aspects and appreciates the opportunity to speak with the Commission. He has complied with all the stipulations in the order and in the process of getting the information to counsel.

Mr. Curl’s recommendation was as follows:

1. The Respondent’s shall pay a fine of Two Thousand, Five Hundred 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. The Respondent’s license to engage in the practice of residential home building shall be automatically and immediately suspended until such time as he satisfies the judgment against him, pays the above-listed fine, and obtains bonds for his plumbing license and specialty registrations.
3. The Respondent’s license shall be continued in a probationary status until such time as he takes and successfully passes, at his own expense, the law portion of the Residential Builders Commission examination. Thereafter, he must file written proof of compliance with the Commission within fifteen days of completing this requirement. Should he be found in violation of any provisions of the practice act or the Commission’s regulations during the probation period, t could result in his registration or license being suspended or revoked.
4. A Cease and Desist Order is herby 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 specialty contracting until such time as he completes the requirements of his suspension and probation period.

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Motion: Mr. Bailey moved to approve the Administrative Hearing Officer's Recommendation for Mr. Adam Fay. Mr. Clark seconded the motion, and with all members present voting favorably, the motion carried.

Mr. Neil Mentz – This matter was heard before Mr. John Curl, Administrative Hearing Officer, on March 6, 2008. Ms. Christal Bell represented the state. Ms. Bell informed the Commission that the notice was sent to the address on file but on the record Mr. Mentz informed the Hearing Officers of another address. Therefore, she asked for a continuous until notice is properly sent. The commission granted a continuous.

Public Comments

Stan Bowen – reminded the Commission of the NACLA information and asked if anyone is interested in attending to please let him know.

Date of Next Meeting – Thursday, July 9, 2008.

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