

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210
Minutes

Wednesday, September 10, 2008

10:00 a.m.

Derrick Williams, Chairman announced that the meeting was held in accordance with §30-4-80 of the South Carolina Freedom of Information Act by notice mailed to all requesting persons, organizations, and news media. In addition, notice was posted on the bulletin boards at the main entrance of the Kingstree Building.

WELCOME AND CALL TO ORDER:

Derrick Williams, Chairman, called the regular meeting of the Residential Builders Commission to order at 10:00 a.m. Other members present for the meeting included: Al Bailey, Caleb Davis, Tim Roberts, Frank Clark and Bryan Dowd.

Staff members participating in the meeting included: Sheridan Spoon, Deputy General Counsel, Jamie Saxon, Hearing Advisor, Christal Bell, Staff Attorney, Joe Connell, Staff Attorney, Stan Bowen, Administrator, Christine Driver, Administrative Assistant, Angela Scott, Administrative Assistant, Faye Grainger, Court Reporter, Charlie Ido, Investigation, Michael Dole, Investigation and Sharon Cooke, Investigation.

Others present participating in the meeting included: William J. Duncan, Robert A. Burluson, Perry Gravely, Milton Roberson, Jeff Ogle, Anthony Waite, Elizabeth Harrington, and W. Travis Hughes.

Approval of Agenda:

Wednesday, September 10, 2008

Motion

Mr. Clark moved to approve the Wednesday, August 13, 2008, agenda as previously noticed. Mr. Roberts seconded the motion, which carried unanimously.

Approval of Minutes:

Wednesday, August 13, 2008

Motion

Mr. Bailey moved to approve the Wednesday, August 13, 2008, meeting minutes with the following correction: Page 6 replace Al Bailey made the motion, to Frank Clark made the motion. Mr. Clark seconded the motion, which carried unanimously.

Excused Members:

NONE

Chairman's Remarks:

Derrick Williams

NONE

Administrator's Remarks:

Stan Bowen

NONE

Advisory Opinions:

Sheridan Spoon

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NONE

Legislative Update:

NONE

Old Business:

NONE

New Business:

Recommendation of Investigation Review Committee:

MOTION

Mr. Bailey made a motion, to approve the recommendations of the Investigative Review Committee. Mr. Clark seconded the motion, which carried unanimously.

Application Review:

Mr. Anthony S. Waite

Mr. Waite appeared before the Commission because he answered “yes” on his Residential Builders Application that that he has been convicted of pled guilty or nolo contendere to a criminal offense. Due to Mr. Waite’s answer the application could not be processed in a routine manner by staff.

Mr. Waite appeared before the Commission and offered the following testimony.

Mr. Waite testified that he was convicted of aggravated battery and served 30 months in state prison. He has done his time and asked that the Commission give him the opportunity to prove himself by approving his application.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

MOTION

Mr. Dowd made a motion, to approve Mr. Waite to sit for the Residential Builder’s Examination. Mr. Clark seconded the motion, which carried unanimously.

Mr. Jackson Duncan

Mr. Duncan appeared before the Commission because he answered “yes” on his Residential Builders Application that that he has been convicted of pled guilty or nolo contendere to a criminal offense. Due to Mr. Duncan’s answer the application could not be processed in a routine manner by staff.

Mr. Duncan appeared before the Commission and offered the following testimony.

Mr. Duncan testified that he was convicted in 2007 for driving under the influence and simple possession of marijuana. He served 18 months probation and did community service and paid all fines. He presented a letter from his parole

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officer to the Commission.

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MOTION

Mr. Davis made a motion, to approve Mr. Duncan to sit for the Residential Builder's Examination. Mr. Clark seconded the motion, which carried unanimously.

Ms Elizabeth Harrington

Ms. Harrington appeared before the Commission because he answered "yes" on her Residential Builders Renewal Application that there has been judgments, liens or claims filed against her or business entities that she has been associated with within the past five (5) years. Due to Ms. Harrington answer the application could not be processed in a routine manner by staff.

Ms. Harrington appeared before the Commission and offered the following testimony.

Ms. Harrington testified that there was a judgment placed against her for Fifty-Five Thousand (\$55,000) Dollars actual damages and as of this date she has not satisfied the judgment.

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MOTION

Mr. Bailey made a motion, to deny Ms. Harrington's Residential Builders Renewal application until such time as the judgment is resolved or arrangements are made to make restitution. Mr. Clark seconded the motion, which carried unanimously.

Mr. Milton Earl Roberson

Mr. Roberson appeared before the Commission because he answered "yes" on his Specialty Contractor's Application that that he has been convicted of pled guilty or nolo contendere to a criminal offense. Due to Mr. Roberson's answer the application could not be processed in a routine manner by staff.

Mr. Roberson appeared before the Commission and offered the following testimony.

Mr. Roberson testified that he was convicted twice for criminal domestic violence. He and his wife has separated and asked the Commission to grant his Specialty license.

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MOTION

Mr. Davis made a motion, to approve Mr. Roberson's Specialty Contractors Application. Mr. Clark seconded the motion, which carried unanimously.

Mr. Robert A. Burleson

Mr. Burleson appeared before the Commission because he answered "yes" on his Residential Builder's Application that that he has been convicted of pled guilty or nolo contendere to a criminal offense. Due to Mr. Burleson's answer the application could not be processed in a routine manner by staff.

Mr. Burleson appeared before the Commission and offered the following testimony.

Mr. Burleson testified that he was convicted of simple possession of marijuana. He has been cleaned for approximately three years and looking forward to being a contributing member of society.

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MOTION

Mr. Bailey made a motion, to approve Mr. Burleson to sit for the Residential Builder's Examination, once he passes the examination his license be issued with a two year probationary status and he must provide a statutory bond. Mr. Clark seconded the motion, which carried unanimously.

Mr. Jeffrey A. Ogle

Mr. Ogle appeared before the Commission asking for approval of his Residential Builder's Application with a reviewed financial statement instead of a surety bond.

Mr. Ogle appeared before the Commission and offered the following testimony.

Mr. Ogle testified that the initial licensing process too long and his application was returned three times for different reasons. The second time it was returned he was instructed by staff to furnish a reviewed financial statement prepared by a certified public accountant. Since that time, his application was returned requesting a surety bond. He stated that it is not fair for him to have to provide a surety bond when staff and the website states that a financial statement may be furnished. He requested that the Commission instruct staff when laws are changed and asked that the website be updated to show the change.

Mr. Sheridan Spoon, advised that §40-59-220(c) states the commission shall issue a residential builder's license if, a result of examination, the commission finds that the applicant is qualified to engage in residential building in South Carolina, and the applicant submits an executed bond in the form and with a surety approved by the commission in the sum of not less than Fifteen Thousand (\$15,000) Dollars or proof of financial responsibility acceptable to the commission.

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MOTION

Mr. Dowd made a motion, to deny Mr. Ogle's request and required Mr. Ogle to provide a statutory bond in the amount of Fifteen Thousand (\$15,000) Dollars. Mr. Davis seconded the motion, which carried unanimously.

Reinstatements:

Mr. James Foguth

Mr. Foguth was not present, but requested to appear before the Commission to have his Residential Specialty License reinstated.

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No Action Taken

Mr. Randy H. Holloway

Mr. Holloway did not appear at this meeting, case was continued until Wednesday, October 8, 2008.

Mr. Robbie Browder

Mr. Browder was not present, but requested to appear before the Commission to have his Residential Builder's License reinstated.

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No Action Taken

Citation Appeal

Mr. Jamie Saxon was the hearing advisor

Mr. Emanuel Donaldson

Mrs. Christal Bell briefed the Commission regarding Mr. Emanuel Donaldson's citation appeal. She stated that Mr. Donaldson was scheduled to appear before the Commission. Prior to the hearing she spoke with his attorney Mr. Griffith and negotiated the citation appeal. They are requesting that the penalty of Five Hundred (\$500) Dollars be reduced and the citation appeal would be resended.

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MOTION

Mr. Bailey made a motion, to reduce the penalty of Five Hundred (\$500) Dollars to Two Hundred Fifty (\$250) Dollars. Mr. Davis seconded the motion, which carried unanimously.

Hearing Officer's Recommendations For Bond Hearings:

Mr. Jerry Roberson, Case #2006-75

Mr. Roberson did not appear at this meeting

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

MOTION

Mr. Davis made a motion, to approve the Hearing Officer's recommendations. Mr. Bailey seconded the motion, which carried unanimously.

Mr. Thomas Ploskina, Case # 2006-207

Mr. Ploskina did not appear at this meeting.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

MOTION

Mr. Davis made a motion, to approve the Hearing Officer's recommendations. Mr. Roberts seconded the motion, which carried unanimously.

Reconsideration of Final Order

MOTION

Mr. Dowd moved to enter into executive session to seek legal advice. Mr. Roberts seconded the motion, which carried unanimously.

The Board returned to public session. Mr. Roberts made a motion, to come out of executive session. Mr. Bailey seconded the motion, which carried unanimously.

Mr. Willilam Hughes

Mr. Joe Connell briefed the Commission regarding the Mr. Hughes request for reconsideration of the Final Order. Mr. Gravely represented Mr. Ronald and Mrs. Patricia Roach.

Mr. Hughes, and Mr. Ronald Roach were sworn in by Mrs. Faye Grainger.

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Mr. Gravely stated that his clients have some concerns regarding the length of time given to Mr. Hughes to have the repairs done on their home. Mr. Hughes was given forty-five (45) days from the service of the order upon him to conform to the items specified in the inspector's report. Mr. Hughes contacted them approximately a week or two before his forty-five days was up to make the repairs. They felt it would take longer than five to six days to have the repairs done. Therefore, they refused to allow Mr. Hughes access to the home to make the repairs.

Mr. Hughes testified that he had his workers present to do all aspects of the work assigned.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

MOTION

Mr. Clark moved to enter into executive session to seek legal advice on this matter. Mr. Bailey seconded the motion, which carried unanimously.

The Board returned to public session. Mr. Davis made a motion, to come out of executive session. Mr. Roberts seconded the motion, which carried unanimously.

MOTION

Mr. Bailey made a motion, to grant Mr. Hughes' Reconsideration of the Final Order and reduce the fine from Five Thousand (\$5000) to One Thousand (\$1000) Dollars and no items to be corrected. Mr. Davis seconded the motion, which carried unanimously.

Hearing Officer's Recommendations:

Ms. Lisa Stanley, Case #: 2007-96

Mrs. Christal Bell briefed the Commission regarding the Hearing Officer's Recommendations in regard to Case # 2007-96.

Ms. Stanley was not present at this meeting.

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MOTION

Mr. Bailey made a motion, to approve the Hearing Officer's recommendations. Mr. Roberts seconded the motion, which carried unanimously.

Mr. Billy Blakely

Mr. Christal Bell briefed the Commission regarding the Hearing Officer's recommendations.

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Ms. Blakely was not present at this meeting.

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MOTION

Mr. Roberts made a motion, to approve the Hearing Officer's recommendations. Mr. Davis seconded the motion, which carried unanimously

Mr. Brendan McNamara, Case # 2005-805
Case #: 2007-462

Mrs. Christal Bell briefed the Commission regarding the Hearing Officer's recommendations in regard to Case # 2007-805 against Mr. Brendan McNamara. Mrs. Bell requested that the Hearing Officer's recommendation be upheld

Mr. McNamara appeared before the Commission and offered the following testimony.

Mr. McNamara testified that he did not put the correct amount on the permit but he did not abandon the project. He admitted to going back into the home to get his supplies. The sanction was too excessive and he was wrongly accused.

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MOTION

Mr. Clark made a motion, to approve the Hearing Officer's recommendations Mr. Davis seconded the motion, which carried unanimously.

Public Comments:

NONE

Date of Next Meeting

Wednesday, October 8, 2008, Meeting Room 108

The next meeting of the Commission is scheduled for Wednesday, October 8, 2008, in conference room 108.

Adjournment

Mr. Davis moved the meeting be adjourned. Mr. Dowd seconded the motion, which carried unanimously.

The September 10, 2008, meeting of the South Carolina Residential Builders Commission was adjourned at 2:10 p.m.