

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

Wednesday, November 12, 2008

10:00 a.m.

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

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 and Frank Clark.

Staff members participating in the meeting included: Sheridan Spoon, Deputy General Counsel, Jamie Saxon, Hearing Advisor, Suzanne Hawkins, Staff Attorney, Stan Bowen, Administrator, Jim Knight, Office of Communication, Christine Driver, Administrative Assistant, Angela Scott, Administrative Assistant, Fay Grainger, Court Reporter and Charlie Ido, Investigation,

Others present participating in the meeting included: Paul Smith, Collin McDonald, Franklin Brown, H. R. Privette, Emanuel Wright, Gordon Manning, Josh Freeman, Jerry Merritt and Willie Hutchison.

Approval of Agenda:

Wednesday, November 12, 2008

Motion

Mr. Roberts moved to approve the Wednesday, November 12, 2008 agenda as previously noticed. Mr. Clark seconded the motion, which carried unanimously.

Approval of Minutes:

Wednesday, October 12, 2008

Motion

Mr. Bailey moved to approve the Wednesday, October 12, 2008, meeting minutes. Mr. Clark seconded the motion, which carried unanimously.

Excused Members:

Mr. Bailey moved to excuse Mr. Dowd absence. Mr. Clark seconded the motion, which carried unanimously.

Chairman's Remarks:

Derrick Williams

NONE

Administrator's Remarks:

Stan Bowen

NONE

Advisory Opinions:

Sheridan Spoon

NONE

Legislative Update:

Robert Selman

NONE

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Office of Communications:

Jim Knight

Mr. Bowen introduced Mr. Jim Knight the Director of Office of Communications. Mr. Knight stated that The Office of Communication serves approximately fifty (50) different programs within Labor Licensing and Regulations. They are responsible for the agency's public relations, media relations and governmental agencies on labor issues and the administration of Occupational Safety and Health (OSHA). He was recently assigned to plan for LLR's enforcement of the South Carolina Illegal Immigration and Reform Act that was signed in June 2008. He stated that he is encouraging all Boards to utilize their websites to publish newsletters. Residential Builder's has recently published their newsletter titled "Top 10 Tips When Hiring A Contractor."

Old Business:

NONE

New Business:

Recommendation of Investigation Review Committee:

MOTION

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

Application Review:

Emanuel Wright

Mr. Wright appeared before the Commission because he answered "yes" on his Residential Plumbing Application that he has been convicted of pled guilty or nolo contendere to a criminal offense. Also, Mr. Wright answered "yes" there has not been any judgments, liens or claims filed against his or his business entities that he has been associated with within the past five (5) years. Due to Mr. Wright's answers the application could not be processed in a routine manner. Mr. Wright waived his right to counsel.

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

Mr. Wright testified that he was charged with a controlled substance. He served one (1) year probation and his driver's license was suspended for one (1) year. His probation will end December 2008.

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

MOTION

Mr. Bailey made a motion, to approve Mr. Wright to sit for the Residential Plumbing Examination, prior to taking the examination Mr. Wright must submit a written agreement stating that he has made payment arrangements to repay the outstanding judgment. Mr. Bailey seconded the motion which carried unanimously.

Mr. Paul Smith

Mr. Smith appeared before the Commission because he answered "yes" on his Residential Specialty Application that he has been convicted of pled guilty or nolo contendere to a criminal offense. Due to Mr. Smith's answers the application could not be processed in a routine manner. Mr. Smith waived his right to counsel.

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

Mr. Smith testified that his past criminal offenses were a direct result of his drinking. He served prison time for the offenses and he is not on parole or probation. He no longer drinks and attends Alcohol Anonymous (AA) meetings regularly. He asked that the Commission give him the opportunity to prove himself by approving his application.

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MOTION

Mr. Bailey made a motion, to approve Mr. Smith's Residential Specialty Contractor's Registration. Mr. Bailey seconded the motion, which carried unanimously.

Mr. Gordon Manning

Mr. Manning appeared before the Commission to ask that his credentials and experience which he submitted on his Residential Builder's Application be approved. Due to Mr. Manning's answers the application could not be processed in a routine manner. Mr. Manning waived his right to counsel.

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

Mr. Manning testified that his work experience meets the State's one year minimum work experience requirement. He understands that approval of his request will not waive his obligation to sit for the examination. He testified that based on his work experience, abilities, financial knowledge and resources qualifies him for consideration of the work experience required for the Residential Builder's License.

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MOTION

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

Mr. Willie Hutchison

Mr. Hutchison 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. Hutchison's answer the application could not be processed in a routine manner by staff. Mr. Hutchison waived his right to counsel.

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

Mr. Hutchison testified that he was charged for distribution of 2nd Degree Burglary and Grand Larceny. He was convicted to ten (10) years suspended to six (6) months in a correctional facility three (3) years probation and time served to nine (9) months.

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MOTION

Mr. Davis made a motion, to approve Mr. Hutchison's Specialty Contractors Application, providing that Mr. Hutchison furnishes a current background check showing that all problems have been rectified. Mr. Davis seconded the motion, which carried unanimously.

Mr. Franklin L. Brown

Mr. Brown appeared before the Commission because he answered "yes" on his Residential Specialty Application that he was delinquent with his child support obligations. Due to Mr. Brown's answer the application could not be processed in a routine manner by staff. Mr. Brown waived his right to counsel.

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

Mr. Brown testified that he was currently unemployed and became delinquent with his child support obligations. He recently started receiving unemployment compensation and his child support will be automatically drafted from his check.

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MOTION

Mr. Davis made a motion, to approve Mr. Brown's Residential Specialty Registration. Mr. Clark seconded the motion, which carried unanimously.

Mr. Collin A. McDonald

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

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

Mr. McDonald testified that he was convicted for possession of marijuana and driving without a license. He was sentenced to three (3) years suspended to three (3) years probation and he is no longer on probation.

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

MOTION

Mr. Bailey made a motion, to approve Mr. McDonald sit for the Residential Home Inspector's Examination. Mr. Davis seconded the motion, which carried unanimously.

Citations:

Mr. Laverne H. Pabst, Jr.

MOTION

Mr. Bailey made a motion, to approve the citation against Mr. Pabst. Mr. Davis seconded the motion, which carried unanimously.

Hearing Officer's Recommendation For Bond Claims

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Mr. David Greene, Jr.

MOTION

Mr. Bailey made a motion, to approve the Hearing Officer's Recommendation for the Bond Claim against Mr. David Greene, Jr. Mr. Davis seconded the motion, which carried unanimously.

Mr. Jimmy R. Thornton

MOTION

Mr. Davis made a motion, to approve the Hearing Officer's Recommendation for the Bond Claim against Mr. Jimmy R. Thornton. Mr. Bailey seconded the motion, which carried unanimously.

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Hearing Officer's Recommendations:

Mr. Jamie Saxon, Hearing Advisor

Mr. Michael T. Rowe

Ms. Rowe did not appear at this meeting.

MOTION

Mr. Bailey made a motion, to approve the Hearing Officer's recommendations against Mr. Michael T. Rowe. Mr. Roberts seconded the motion, which carried unanimously.

Mr. John Styron

Mr. Styron did not appear at this meeting.

MOTION

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

Mr. Jeremy B. Foster

Mr. Foster did not appear at this meeting.

MOTION

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

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Reinstatements:

Mr. Joshua Freeman

Mr. Freeman appeared before the Commission requested that his license be reinstated. Mr. Freeman waived his right to counsel.

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

Mr. Freeman testified that his Residential Builder's license was revoked several years ago. He sent a letter in stating that he would not be renewing his license. He recently found out that he has an outstanding penalty of Three Thousand (\$3000) Dollars and bond claim filed against him. He apologized to the Commission and stated that he would like to resolve the matter by paying the penalty and the bonding company. He testified that he previously took and passed the Commercial Heating and Air Examination.

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MOTION

Mr. Bailey made a motion, to approve Mr. Freeman's Residential Heating and Air License once he has paid the Three Thousand (\$3000) Dollars fine; made restitution with the bonding company and cleared up in unresolved matters with the Contractor's Licensing Board. Mr. Davis seconded the motion, which carried unanimously.

Memorandum of Agreement:

Mr. Donnie Burch

Mr. Burch did not appear at this meeting. Mr. Joe Connell, Esquire represented the State. Mr. Connell informed the Commission that Mr. Burch contacted the office and stated that he thought the hearing was scheduled for another date and requested a continuance. Mr. Burch requested to appear before the Commission to request that his license be reinstated.

MOTION

Mr. Davis made a motion, to deny Mr. Burch's request for a continuance. Mr. Roberts seconded the motion, which carried unanimously.

MOTION

Mr. Bailey made a motion, to accept the Memorandum of Agreement; to revoke Mr. Burch's license and Mr. Burch shall pay a fine of Four Thousand (\$4000) Dollars. Mr. Roberts seconded the motion, which carried unanimously.

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Bond Hearing:

Bobby Williams

Mr. Williams did not appear at this meeting. Mr. Suzanne Hawkins represented the State and Mr. James Werner Represented Massusettes Bay Insurance Company.

Mr. Suzanne Hawkins updated the Commission on the complaint against Mr. Bobby Williams.

MOTION

Mr. Bailey moved to enter into executive session to seek legal advice. Mr. Roberts seconded the motion, which carried unanimously. Mr. Clark made a motion to come out of executive session. Mr. Roberts seconded the motion, which carried

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unanimously.

MOTION

Mr. Bailey made a motion to uphold the Bond Claim against Mr. Bobby Williams. Mr. Clark seconded the motion, which carried unanimously.

Hearing:

Mr. Henry R. Privette, Jr.

Ms. Suzanne Hawkins informed the Commission that Mr. Privette was present but requested a continuance due to a prior scheduled appointment.

MOTION

Mr. Bailey made a motion, to grant a Mr. Privette a continuance. Mr. Roberts seconded the motion, which carried unanimously.

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Public Comments:

NONE

Date of Next Meeting

Wednesday, December 10, 2008 Meeting Room 108

The next meeting of the Commission is scheduled for Wednesday, December 10, 2008 in conference room 108.

Adjournment

Mr. Bailey moved the meeting be adjourned. Mr. Roberts seconded the motion, which carried unanimously.

The November 12, 2008, meeting of the South Carolina Residential Builders Commission was adjourned at 1:55 p.m.