

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

**Wednesday, December 10, 2008**

**10:00 a.m.**

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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, Frank Clark, Caleb Davis, Brian Dowd and Tim Roberts.

Staff members participating in the meeting included: Sheridon Spoon, Deputy General Counsel, Jamie Saxon, Hearing Advisor, Suzanne Hawkins, Staff Attorney, Stan Bowen, Administrator, David Christian, Deputy Director, Christine Driver, Administrative Assistant, Angela Scott, Administrative Assistant, Sandra Dickert, Administrative Assistant, Jerry Merritt, Investigation, Annette Disher, Program Coordinator, Robbie Boland, Program Coordinator, Laura McDaniel, Administrative Assistant, Sherrie Wilson, Compliance, Dwight Hayes, Program Coordinator, Lisa Stewart, Administrative Assistant and Fay Grainger, Court Reporter.

Others present participating in the meeting included: Robert Gottschalk, Mitchell Cothran, Herbert Powell, Arvil Price, Rodney Morris, Steve Smith, Henry Privette and Joseph McDonald.

**Approval of Agenda:**

*Wednesday, December 10, 2008*

**Motion**

Mr. Bailey moved to approve the Wednesday, December 10, 2008 agenda as previously noticed. Mr. Dowd seconded the motion, which carried unanimously.

**Approval of Minutes:**

*Wednesday, November 12, 2008*

**Motion**

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

**Excused Members:**

NONE

**Chairman's Remarks:**

*Derrick Williams*

None

**Administrator's Remarks:**

*Stan Bowen*

A. Bond Claim Procedures - Stan Bowen

Mr. Bowen presented the Commission with the proposed Bond Claims policy and procedures to be used against builders and specialty contractors whose license has lapsed and who has code violations.

**MOTION**

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Mr. Bailey made a motion to accept the proposed bond claims procedures. Mr. Davis seconded the motion, which carried unanimously.

**Advisory Opinions:**

*Sheridon Spoon*

NONE

**Legislative Update:**

*Robert Selman*

Mr. Bowen informed the Commission that Mr. Selman was not present, but asked that he inform the Commission that he has met with the Home Builders Association on proposed upcoming legislation. Once he receives any proposals he would present it to Commission for their input.

**Office of Licensure and Compliance**

*David Christian*

Mr. David Christian, Assistant Deputy Director of Office Of Licensure and Compliance informed the Commission that LLR has consolidated all the licensure boards. He introduced his staff Mrs. Annette Disher, Program Coordinator, responsible for renewal licenses; Mr. Robbie Boland, Program Coordinator, responsible for Initial licenses; Laura McDaniel, responsible initial applications; Compliance Section Sherrie Wilson, monitors compliance for all the Boards, Dwight Hayes, Legal Counsel for the licensing section and responsible for non-routine renewal matters and follows all consent agreements, and Lisa Stewart, Executive Assistant.

**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. Davis seconded the motion, which carried unanimously.

**Application Review:**

*Mr. Robert Gottschalk, Jr.*

Mr. Gottschalk appeared before the Commission because he answered "yes" on his Residential Builder's Renewal Application there have 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. Gottschalk's answer the application could not be processed in a routine manner. Mr. Gottschalk waived his right to counsel.

Mr. Gottschalk appeared before the Commission and offered the following testimony. Mr. Gottschalk testified that he did not realize that his wife had made payment arrangements with Department of Revenue to repay back taxes for 2005 and 2006.

Mrs. Thomasine Gottschalk testified that she made payment arrangements with Department of Revenue. The payment arrangements is to be paid by October 2009, but should be paid out in January 2009. The amount of the lien is Twenty-Six Hundred (\$2600) Dollars.

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**MOTION**

Mr. Bailey made a motion to approve Mr. Gottschalk Residential Builders Renewal Application. Mr. Clark seconded the motion, which carried unanimously.

*Mr. K. Patrick Brown*

Mr. Brown appeared before the Commission because to ask that his credentials and work experience which he submitted on his Residential Builder's Application be approved. Mr. Roberts recused himself. Mr. Brown waived his right to counsel.

Mr. Brown appeared before the Commission and offered the following testimony. Mr. Brown testified that he would like to build his own home. He attended Greenville Technical College where he received a degree in Architectural Engineering. He has worked as a Building Administrator and Inspector for a number of years.

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**MOTION**

Mr. Davis made a motion to exempt Mr. Brown from taking the Residential Builders Examination. Mr. Bailey seconded the motion. The motion did not carry. There were three nay votes. Mr. Dowd, Mr. Clark and Mr. Williams voted nay. Chairman Williams stated that Mr. Brown needed to take the examination.

*Mr. Rodney O. Morris*

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

Mr. Morris appeared before the Commission and offered the following testimony. Mr. Morris testified that he was convicted on January 7, 2003, of a driving under the influence and two counts of possession of cocaine and possession of cocaine in 1/2 mile of a school. This incident happened in 2002 when he was very young and a low part of his life. He was convicted 12 years suspended to 5 years probation. He is currently on probation and will be for another 4 years. His probation requires drug testing.

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**MOTION**

Mr. Davis made a motion, to allow Mr. Morris to take the Residential Builder's Examination. Mr. Morris license will be issued in a probationary status until such time as he has completed his probation. Mr. Davis seconded the motion, which carried unanimously.

*Mr. Arvil Price*

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Mr. Arvil Price Mr. Price appeared before the Commission because he answered "yes" on his Residential Builders Home Inspector's Application that there has been judgments, liens or claims filed against him or any business with which he has been associated with in the past 5 years.

Mr. Price appeared before the Commission and offered the following testimony. Mr. Price testified that he is in the process of making payment arrangements with North Carolina Department of Revenue to satisfy the lien.

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**MOTION**

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

**MOTION**

Mr. Bailey made a motion to approve Mr. Price's Home Inspectors License until April 30, 2009. If Mr. Price does not provide information from North Carolina Department of Revenue stating that payment arrangements has been made to repay the lien his license will be suspended. Mr. Davis seconded the motion, which carried unanimously.

*Mr. Mitchell Cothran, Sr.*

Mr. Cothran appeared before the Commission because he would like to be exempt from taking the Residential Heating & Air and Electrical Examinations.

Mr. Cothran appeared before the Commission and offered the following testimony. Mr. Cothran testified that he took the Heating & Air examination years ago in North Carolina. He thought that was the only examination he had to take. He has been in the business for approximately 30 years.

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Mr. Bailey made a motion to approve Mr. Cothran's Residential Heating and Air and Electrical license. Mr. Roberts seconded the motion, which carried unanimously.

*Mr. Herbert L. Powell, Jr.*

Mr. Herbert Powell, Jr. Mr. Powell appeared before the Commission to ask that his credentials and experience which he submitted on his Residential Electrical Application be approved. Mr. Powell waived his right to counsel.

Mr. Powell appeared before the Commission and offered the following testimony. Mr. Powell testified that he has been in the business for several years and has been licensed as a Master Electrician for many years. He testified that the City of Sumter will not accept any licenses that have a Grandfather Classifications after January 2009. The Commission allowed that they will not accept his license because the license states that he has a grandfather license.

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Mr. Sheridan Spoon advised that with the Commission's approval he and Mr. Bowen will send the City of Sumter a letter stating the Commission's decision. The Commission considers Mr. Powell to be in good standing and will provide that information to the City of Sumter.

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**Hearing Officer's Recommendations:**

**Mr. Jamie Saxon, Hearing Advisor**

Ms. Suzanne Hawkins informed the Commission that Mr. Joe Connell was not present and she would be presenting the following cases:

***Mr. Edwin Martin***

Mr. Martin was not present. Mr. Roberts asked to be recused.

**MOTION**

Mr. Clark made a motion, to approve the Hearing Officer's recommendations against Mr. Edwin Martin. Mr. Bailey seconded the motion, which carried unanimously.

***Ms. Holly Wilson***

Ms. Wilson was not present.

**MOTION**

Mr. Dowd made a motion, to approve the Hearing Officer's recommendations against Ms. Holly Wilson. Mr. Clark seconded the motion, which carried unanimously.

***Mr. Anthony Davis***

Mr. Davis was not present.

**MOTION**

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

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**Administrative Hearing:**

***Mr. Henry R. Privette, Jr.***

Ms. Suzanne Hawkins represented the state. Mr. Privette was represented by Mr. Steve L. Smith, Esquire. Ms. Hawkins informed the Commission that through evidence and testimony Mr. Privette has failed to maintain a bond; his auctioneer's license was suspended, entered into a consent agreement stating that he would not enter into the furniture business again. Also, 2004, he was permanently enjoined from the furniture business and he has violated the practice act and request that his license be revoked.

Mr. Privette appeared before the Commission and offered the following testimony. Mr. Privette testified that he was in the furniture business for a number of years. After several the company went out of business and several of the customers received refunds and several did not. He was convicted of ten (10) counts of wire fraud. He has monies set aside to make restitution to the customers. These cases are currently being

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appealed. He has been convicted but has not been sentenced. He found out that a judgment had been filed against prior to receiving information from LLR

Mr. Smith stated that he appreciate the work that the Commission does. Mr. Privette is not a bad person he just got caught up in a bad situation. He has never had a complaint filed against him. He asked that the Commission grant Mr. Privette his license in order that he may make restitution.

**MOTION**

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

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**MOTION**

Mr. Bailey made a motion that Mr. Privette's license be suspended and pays a fine of Five Thousand (\$5000) Dollars. Mr. Clark seconded the motion, which carried unanimously.

**Public Comments:**

NONE

**Dates of Next Meeting – Wednesday, January 14, 2009**

The next meeting of the Commission is scheduled for Wednesday, January 14, 2008 in conference room 108.

**Adjournment**

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

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