

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION

Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210

Minutes

Wednesday, March 11, 2009

10:00 a.m.

Called 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.

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.

Staff members participating in the meeting included: Jamie Saxon, Hearing Advisor, Suzanne Hawkins, Staff Attorney, Joe Connell, Staff Attorney, Stan Bowen, Administrator, Christine Driver, Administrative Assistant, Angela Scott, Administrative Assistant, Sandra Dickert, Administrative Assistant, Jerry Merritt, Investigation, Charlie Ido, Investigation and Jane Dunkin, Court Reporter.

Others present participating in the meeting included: William Bailey, Charles Leegette, Jacqueline Morris, Glynn Finch, Sharon Finch, St. William White, Leland Tompkins, and Ulysses Green.

Approval Of Agenda:

Wednesday, March 11, 2009

MOTION

Mr. Clark moved to approve the Wednesday, March 11, 2009, agenda as previously noticed. Mr. Roberts seconded the motion, which carried unanimously.

Approval of Minutes

Wednesday, February 11, 2009

MOTION

Mr. Clark moved to approve the Wednesday, February 11, 2009, meeting minutes. Mr. Dowd seconded the motion, which carried unanimously.

Approval/Disapproval of Absent Members:

NONE

Chairman's Remarks:

Derrick William, Chairman

NONE

Administrator's Remarks For Information:

Stan Bowen, Administrator

Mr. Bowen reminded the Commissioners that the Economic Interest Forms must be completed and mailed in by April 15, 2009.

Advisory Opinions:

Sheridon Spoon

NONE

Legislative Update:

Robert Selman

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Mr. Selman informed the Commission that a Bill was introduced that would increase the builder's minimum dollar amount from Five Thousand Dollars to Fifteen Thousand Dollars, before a bond is required.

MOTION

Mr. Clark made a motion, requesting that staff furnish the Commissioners a copy of all the legislation that has been introduced and a meeting be held to discuss any upcoming legislation. Also, he recommended proposing legislation that would eliminate specialty contractor's license. Mr. Davis seconded the motion, which carried unanimously.

Old Business:

NONE

New Business:

Recommendations of IRC:

MOTION

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

Application Reviews:

Mr. Charles L. Leegette, III

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

Mr. Leegette appeared before the Commission and offered the following testimony. Mr. Leegette testified that he was not convicted for the assault charge but did in fact plead guilty to a criminal domestic charge. He testified that he has learned a lesson and asked the Commission to grant him the opportunity to work.

MOTION

Mr. Bailey made a motion to approve Mr. Leegette's Specialty Contractor's License. Mr. Roberts seconded the motion, which carried unanimously.

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

Mr. Rickey L. Harcrow, II

Mr. Harcrow was scheduled to appear before the Commission because he answered "yes" that he has been convicted of pled guilty or nolo contendere to a criminal offense. Also, Mr. Harcrow answered "no" there have 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, when in fact there was a judgment listed on his credit report. Due to Mr. Harcrow's answer the application could not be processed in a routine manner.

Mr. Harcrow did not appear. No action was taken.

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Reinstatement:

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William Bailey

Mr. Bailey appeared before the Commission requesting that his Residential Builders License be reinstated. Mr. Bowen informed the Commission that Mr. Bailey was issued a "Do Not Renew Order," on August 2006, and September 13, 2006. A hearing was held on September 27, 2007, and the Hearing Officer recommended that a claim be filed against Mr. Bailey's bond. Mr. Bailey license expired on June 30, 2004.

Mr. Bailey testified that he do not want his Residential Builder's License reinstated. He didn't know there was a problem with his license until he tried to renew his General Contractor's License. He presented a letter to the Commission from Stuart Allan & Associates, Inc., stating Mr. Bailey has made payment arrangements to make restitution with the bonding company.

MOTION

Mr. Bailey made a motion to approve, that Mr. Bailey has provided sufficient evidence to the Commission that he has made arrangements to make restitution with the bonding company. Mr. Davis seconded the motion, which carried unanimously.

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Citations:

Joseph W. Brewer

MOTION

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

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William "Mac" Jeffords

MOTION

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

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Approval of Administrator's Report & Recommendation For Bond Claim

Andrew Stenhouse- Case # 2007-534

MOTION

Mr. Bailey made a motion, to approve the Administrator's Report and Recommendations for Bond Claim against Mr. Stenhouse. Mr. Davis seconded the motion, which carried unanimously.

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St. William White – Case #2007-462

Mrs. Christa Bell represented the State. Ms. Bell informed the Commission that a full order was issued by the Commission. Part of the order required a call on the bond if the corrective action was not taken. The

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order was not appealed. There were code issues and they were established by the Board Order. The administrator has requested that a bond claim be filed.

Mr. White appeared before the Commission and offered the following testimony. Mr. White testified that he sent in an appeal. He turned in his renewal information in and never received his license. He contacted the office and was informed that they had some construction going on and informed him to give a few days. He then received his check and renewal application back in the mail. He sent information to Ms. Bell and Mr. Bowen to that affect. He testified that he informed Mrs. Bell and Mr. Bowen that he was not going to be able to get the work done on the allotted time because he couldn't get his license renewed. Also, he had other obligations pending.

MOTION

Mr. Bailey made a motion, to approve the Administrator's Report and Recommendations for Bond Claims against Mr. White. Mr. Dowd seconded the motion which carried unanimously.

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Jennifer Mellott- Case #2007-176

MOTION

Mr. Davis made a motion, to approve the Administrator's Report and Recommendations for Bond Claims against Ms. Mellott. Mr. Dowd seconded the motion, which carried unanimously.

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Hearing Officer's Recommendation's for Bond Claim:

Kelvin A. Clark

Mr. Clark was not present.

MOTION

Mr. Davis made a motion, to approve the Hearing Officer's Recommendations for Bond Claims against Mr. Clark. Mr. Dowd seconded the motion, which carried unanimously.

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James A. Baxley

Mr. Dowd asked to be recused because of a business relationship with Mr. Baxley. Mr. Baxley was not present.

MOTION

Mr. Bailey made a motion, to approve the Hearing Officer's Recommendations for Bond Claims against Mr. Baxley. Mr. Davis seconded the motion, which carried unanimously.

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Tom Adams

Mr. Adams was not present. The homeowner was present at the hearing.

MOTION

Mr. Bailey made a motion, to approve the Hearing Officer's Recommendations for Bond Claims against Mr. Adams. Mr. Davis seconded the motion, which carried unanimously.

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Appeal of Hearing Officer's Recommendation's for Bond Claim:

Jim Brodeur

Mr. Brodeur was not present.

MOTION

Mr. Davis made a motion to deny Mr. Brodeur request to appeal the Hearing Officer's Recommendation's for Bond Claim. Mr. Dowd seconded the motion, which carried unanimously.

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Hearing Officer's Recommendations (Administrative Hearings)

Lynard Oxendine – Case No.: 2008-256

MOTION

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

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Reginald Long – Case No.: 2006-582, 2008-372

MOTION

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

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Jeff Scott Linette – Case No.: 2008-367, 2008-404

Mr. Linette was not present.

MOTION

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

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John Hickman – Case No.: 2008-248

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Mr. Hickman was not present. Mr. Christa Bell represented the State. The homeowner was present,

MOTION

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

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Mr. James Cato – Case # 2008--250

Mr. Cato was not present

MOTION

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

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Lethon Flowers – Case # 2008-17, 2008-41

Mr. Flowers was not present.

MOTION

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

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Public Comments:

NONE

Dates Of Next Meeting

The next meeting of the Commission is scheduled for Wednesday, April 15, 2009, in conference room 108.

Adjournment:

Mr. Bailey moved the meeting be adjourned. Mr. Davis seconded the motion, which carried unanimously. The March 11, 2009, meeting of the South Carolina Residential Builders Commission was adjourned at 12:30 p.m.