

***SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION***

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

Minutes

Wednesday, April 15, 2009

10:00 a.m.

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**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, Christa Bell, Staff Attorney, Suzanne Hawkins, Staff Attorney, Joe Connell, Staff Attorney, Stan Bowen, Administrator, Michael Anderson, Administrator, Christine Driver, Administrative Assistant, Angela Scott, Administrative Assistant, Sandra Dickert, Administrative Assistant, Jerry Merritt, Investigation, Charlie Ido, Investigation, Sharon Cook, Investigation, Stephen Deer, Investigation and Faye Grainger, Court Reporter.

Others present participating in the meeting included: Sylvester Williams, Mark Smith, Stephen Beeson, Ken Hanson, Larry Madden, Holly Stiles, Mark Cernery, William Seets, Beverly Denny, Rom Hamrick, and Darrell Wright.

**Approval Of Agenda:**

*Wednesday, April 15, 2009*

**MOTION**

Mr. Clark moved to approve the Wednesday, April 15, 2009, agenda as previously noticed. Mr. Roberts seconded the motion, which carried unanimously.

**Approval of Minutes**

*Wednesday, March 11, 2009*

**MOTION**

Mr. Dowd moved to approve the Wednesday, March 11, 2009, meeting minutes. Mr. Clark 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 informed the Commissioners that Mr. Paul Rawl, Jr., Mr. Rody Egister, Jr., Michael Squirewell and Mr. Larry Aldrich all requested and a continuance was granted. Mr. David Arrowood withdrew his request for reinstatement of his license.

*Discussion of Electrical Definition (Low Voltage):*

Mr. Bowen informed the Commissioners that Jim, Houser, Charleston County Building Official, sent an email requesting clarification on the licensing of low voltage electricians as regulated in §106-1(b) of the Regulations. It states that "installation, alteration and repair of "any wiring" related electrical and equipment common to the residential building industry." Mr. Houser would like to know whether people

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and/or businesses whom install cable television, satellite dishes, telephones, computes, speakers, doorbells, vacuum systems, etc., required to have a license under §106-1(b) as a Residential Electrical Specialty Contractor's License.

Mr. Michael Anderson stated that prior to 1999 the Contractor's Licensing Board de-regulated people and/or businesses whom installed cable and close circuit televisions.

The following concerns were expressed by the Commission:

- Whether the local jurisdictions requiring people and/or businesses to be license to generate funds, and;
- Whether the licensure requirement came from NEC (National Electrical Code).

**MOTION**

Mr. Clark made a motion, to defer the Low Voltage discussion until the next meeting, to allow the Commissioners time to review the information prior to making a decision. Mr. Roberts seconded the motion, which carried unanimously.

*Office of Licensure Telephone Listing:*

Mr. Bowen informed the Commission that per the request of Mr. Randy Bryant, Deputy Director, a copy of the Office of Licensure Telephone Listing was sent via e-mail and placed in their booklets for informational purpose.

**Advisory Opinions:**

*Sheridon Spoon*

NONE

**Legislative Update:**

*Robert Selman*

NONE

**Old Business:**

NONE

**New Business:**

**Recommendations of IRC:**

**MOTION**

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

**Application Reviews:**

*Mr. Sylvester Williams*

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

Mr. Williams appeared before the Commission and offered the following testimony. Mr. Williams testified that in 1998 he was charged for unlawfully passing a stopped school bus and failure to stop for a school

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bus; which resulted in a school bus accident that caused the death of a young man. He served 18 months in South Carolina Department of Corrections and had to pay a \$10,000.00 fine.

**MOTION**

Mr. Davis made a motion, to approve Mr. Williams' 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. Paul T. Rawl, Jr.*  
Continuance Requested - No Action Taken

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

*Mr. Rody Egister, Jr.*  
Continuance Requested - No Action Taken

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

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

Mr. Smith appeared before the Commission and offered the following testimony. Mr. Smith testified that he was convicted for criminal domestic violence in October 2006. He is no longer on probation and has no outstanding fines.

**MOTION**

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

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*Mr. Darrell Wright*  
Mr. Wright appeared before the Commission because he answered "yes" on his Specialty Contractor's Application that he has been convicted of pled guilty or nolo contendere to a criminal offense. Due to Mr. Wright's answer 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 for pointing a firearm at a student but was never convicted. His driver's license is currently suspended. He testified that he does small home improvement jobs.

**MOTION**

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Mr. Davis made a motion, to grant Mr. Wright's Specialty Contractor's License, providing that Mr. Wright furnish information to the Commission that all charges on his criminal background report has been dismissed. Mr. Bailey seconded the motion, which carried unanimously.

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*Stephen Beeson*

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

Mr. Beeson appeared before the Commission and offered the following testimony. Mr. Beeson testified that he contracted with another contractor to build some condominiums and subsequently a lien was filed against him. Since that time, he has made restitution.

**MOTION**

Mr. Davis made a motion, that Mr. Beeson must provide the Commission with information that he has made restitution or has made or arrangements to make restitution. Mr. Dowd seconded the motion, which carried unanimously.

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*Mr. Travis B. Proctor*

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

Mr. Proctor was not present. No action was taken.

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*Mr. Donald R. Bolen*

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

Mr. Bolen was not present. No action was taken.

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*Mr. William Seets*

Mr. Seets appeared before on February 11, 2009, and Mr. Seets' Residential Specialty Contractor's Application was denied; until such time as Mr. Seets could provide proof of insurance, letter from his parole officer and proof that he has made payment arrangements to satisfy the liens filed against him. Mr. Seets waived his right to counsel.

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Mr. Seets appeared before the Commission and offered the following testimony. Mr. Seets testified he is currently on probation and he has no outstanding fines or penalties. His probation officer would not provide a letter but he presented the probation officer's name and telephone number. He was unsuccessful in contacting the Internal Revenue Service to make payment arrangements.

**MOTION**

Mr. Bailey made a motion, to deny Mr. Seets' Specialty Contractor's Application as to such time Mr. Seets could provide information that he has made or made arrangement to rectify the liens. Mr. Roberts seconded the motion, which carried unanimously.

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**Hearing Officer's Recommendations for Citations:**

*Mr. Robert Boulware*

Mr. Boulware was not present.

**MOTION**

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

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*Mr. Randy Manley*

Mr. Manley was not present.

**MOTION**

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

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*Mr. James Thomas*

Mr. Thomas was not present

**MOTION**

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

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*Mr. Richard Reitinger*

Mr. Reitinger was not present

**MOTION**

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

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*Mr. James Westbury*  
Mr. Westbury was not present

**MOTION**

Mr. Davis made a motion, to approve the citations against Mr. Westbury. Mr. Roberts seconded the motion, which carried unanimously.

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*Mr. Barrett Miles*  
Mr. Miles was not present

**MOTION**

Mr. Davis made a motion, to approve the citations against Mr. Miles. Mr. Clark seconded the motion, which carried unanimously.

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*Mr. Henry McFadden*  
Mr. McFadden was not present

**MOTION**

Mr. Bailey made a motion, to approve the citations against Mr. McFadden. Mr. Clark seconded the motion, which carried unanimously.

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*Mr. James Brazell*  
Mr. Brazell was not present

**MOTION**

Mr. Roberts made a motion, to approve the citations against Mr. Brazell. Mr. Clark seconded the motion, which carried unanimously.

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**Reinstatement:**

*Mr. Don Wade*  
Mr. Wade was not present. No Action Taken

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*Mr. David Arrowood*  
Mr. Stan Bowen informed the Commission that Mr. Arrowood withdrew his request for reinstatement.

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*Mr. Michael Squirewell*

Mr. Bowen informed the Commission that Mr. Squirewell was granted a continuance.

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**MOTION**

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

**Approval of Administrator's Report & Recommendation For Bond Claim**

*Mr. Larry Aldrich*

Mr. Bowen informed the Commission that Mr. Aldrich was granted a continuance.

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*Mr. William Madden*

Ms. Suzann Hawkins represented the State. Mr. Madden was represented by Mr. Ken Hampton. Ms. Hawkins asked that the Commission adopt and accept the Administrator's Report and Recommendations to file a bond claim against Mr. Madden.

Mr. Hampton asked that the Administrator's Report and Recommendations not be adopted because Mr. Madden signed the consent agreement without his knowledge. This case is currently in civil litigation with Lexington County Court.

Mr. Madden appeared and offered the following testimony. Mr. Madden testified that he was represented by council during the time he signed the consent agreement but, during that time his attorney was out of town.

**MOTION**

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

**MOTION**

Mr. Bailey made a motion to overturn the consent agreement and a full Evidential Hearing be held as soon as possible. Mr. Davis seconded the motion, which carried unanimously.

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**Hearing Officer's Recommendation's for Bond Claim:**

*Mr. Tracy D. Williams*

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Mrs. Christa Bell represented the State.  
Mr. Williams was not present.

**MOTION**

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

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*Mr. Bobby Glover*  
Mr. Christa Bell represented the State.

Mr. Glover was not present.

**MOTION**

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

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*Mrs. Carrie Quinn*  
Mr. Christa Bell represented the State.

Mrs. Quinn was not present.

**MOTION**

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

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*Mr. Ronualdo Luat*  
Mrs. Christa Bell represented the State.

Mrs. Luat was not present.

**MOTION**

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

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**Hearing Officer's Recommendations**

*Mr. Charles Joe*

Mr. Joe Connell represented the State. Mr. Clark asked to be recused because he was the Hearing Officer.



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Mr. Joe was not present.

**MOTION**

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

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**Public Comments:**

NONE

**Date Of Next Meeting**

The next meeting of the Commission is scheduled for Wednesday, May 13, 2009, in conference room 108.

**Adjournment:**

Mr. Roberts moved the meeting be adjourned. Mr. Dowd seconded the motion, which carried unanimously. The April 15, 2009, meeting of the South Carolina Residential Builders Commission was adjourned at 12:30 p.m.