

***SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION***

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

Minutes

Wednesday, May 13, 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, Brian Dowd, Hal Dillard 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, Jane Dunkin, Court Reporter, Connie Huffstettler, Custom Care Center, Karen Duval, Customer Care Center, Joi Middleton, Customer Care Center Wanda Cornelius, Customer Care Center, Rosemary Chase, Customer Care Center, and Wendi Elrod, Customer Care Center.

Others present participating in the meeting included: Gail Parker, Dan Gibson, Ronald Garmon, David Foy, Dorton Shirly, John Brashor, Darrell Harris, Chris Pressley, Nicholas Gilman, Rody Egister, John Rakowsky, Rick Ester and Paul Rawl.

**Approval Of Agenda:**

*Wednesday, May 13, 2009*

**MOTION**

Mr. Bailey moved to approve the Wednesday, May 13, 2009, agenda as previously noticed. Mr. Roberts seconded the motion, which carried unanimously.

**Approval of Minutes:**

*Wednesday, April 15, 2009*

**MOTION**

Mr. Bailey moved to approve the Wednesday, April 15, 2009, meeting minutes. Mr. Roberts seconded the motion, which carried unanimously.

**Approval/Disapproval of Absent Members:**

Mr. Davis received an excused absence.

**Chairman's Remarks:**

*Derrick William, Chairman*

NONE

**Administrator's Remarks For Information:**

*Stan Bowen, Administrator*

Mr. Bowen reported that the following applicant would like to withdraw their applications: David Larkin, Arnold Scott, William Wichlei and Don Wright.

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Mr. Bowen reported that ReLAES online service has been updated and allows licensees to update their information and it is automatically updated in the licensing section. He informed the Commissioners that an "FYI" section has been added in their booklets for review.

Mr. Bowen introduced Mrs. Connie Huffstettler of the LLR Custom Care Center. Mrs. Huffstettler stated that the Customer Care Center is a part of the Office of Communication. The staff comes from different areas within the agency and brings forth a very broad range of knowledge, skills, experience in customer service and different program areas. They have had technical, board specific and customer service training and all training should be completed within the next few weeks. The Customer Care Center will begin with three Boards but eventually accept all calls that come into agency. Some calls may be referred to the Board's administrator for technical assistance or the licensing section. Mr. Huffstettler presented the Commissioners with the Customer Care Center Telephone Listing and informed them if the staff of the Customer Care Center could be of assistance to then please do not hesitate to contact them.

Advisory Opinions:

*Sheridon Spoon*

Mr. Spoon informed the applicants that were present for the Application Review Hearings that they were present not because a license was denied; but because their license could not be approved at staff level. The Commission made a delegation to Mr. Bowen and his staff to approve applications within a certain range of parameters. If the application does not fall within those parameters the applicant has to come before the Commission for review. Mr. Spoon reminded the applicants to be sworn in and let the Commissioners know if they have any witnesses that were present to give testimony.

Legislative Update:

*Robert Selman*

NONE

**Old Business:**

*Discussion of Electrical Definition (Low Voltage):*

Mr. Bowen reported at the last meeting the Commission decided to continue the discussion of the electrical definition (low voltage) until this meeting.

**MOTION:**

Mr. Bailey made a motion, that a contract that contains electrical work above fifty volts must be performed by a licensed residential contractor; and anything less than 50 volts an electrical residential license would not be required. This would be consistent with the Mechanical Contractor's Board electrical requirement as stated in (§40-11-410(5) (d)). Mr. Roberts seconded the motion, which carried unanimously.

**New Business:**

Recommendations of IRC:

**MOTION:**

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

Application Reviews:

*Mr. Darrell B. Harris*

Mr. Harris 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.

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Harris' answer the application could not be processed in a routine manner. Mr. Harris waived his right to counsel. Mr. Harris was sworn in by Mrs. Faye Grainger, Court Reporter.

Mr. Harris appeared before the Commission and offered the following testimony. Mr. Harris testified that he was convicted of Assault and Battery of High and Aggravated Nature on January 23, 2007. He was sentence two years; suspended to one year probation; which ended on January 22, 2008. He presented a letter from his probation stating that he is no longer on probation. He testified that he has satisfied the tax lien of \$540.00.

**MOTION:**

Mr. Bailey made a motion, to approve Mr. Harris' Specialty Contractor's Application. 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. Nicholas Gilman*

Mr. Gilman appeared before the Commission because he answered "yes" on his Residential Home 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. Gilman's answer the application could not be processed in a routine manner. Mr. Gilman waived his right to counsel. Mr. Gilman was sworn in by Mrs. Faye Grainger, Court Reporter.

Mr. Gilman appeared before the Commission and offered the following testimony. Mr. Gilman testified that he has a tax lien from Department of Revenue for failure to file taxes in 2002. The tax lien is in the amount of \$35,000.00. Mr. Gillman testified that he paid his 2002 tax return in March 2009, but they haven't been processed.

**MOTION:**

Mr. Bailey made a motion, to allow Mr. Gillman to sit for the Residential Builder's Examination once he provides proof that he has satisfied the tax lien with the Department of Revenue. Mr. Clark seconded the motion, which carried unanimously.

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*Mr. Brian L. Neese*

Mr. Neese did not appear. No Action Taken

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*Mr. Richard A. Estee*

Mr. Estee appeared before the Commission because he answered "yes" on his Residential Home 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. Estee's answer the application could not be processed in a routine manner. Mr. Estee waived his right to counsel. Mr. Gilman was sworn in by Mrs. Faye Grainger, Court Reporter.

Mr. Bailey asked to be recused because of prior acquaintance.

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Mr. Estee appeared before the Commission and offered the following testimony. Mr. Estee testified that he was the sole owner of a Meridian Builder, Inc., which subsequently went bankrupt in late 2006-2007. A number of his homes were sold; many were foreclosed; and most of the subcontractors were paid in full, but there were several that was not paid. Lenders for the real estate equipment and vehicles filed liens and judgments against the company and himself being that he was the personal guarantor of the company.

**MOTION:**

Mr. Clark made a motion to enter into executive session to seek legal advice. Mr. Dowd 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. Dowd made a motion that Mr. Estee must provide proof that he has rectified or made arrangements to make restitution to satisfy the liens prior to taking the Residential Home Builders Examination. Mr. Clark 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. Dorton E. Shirley*

Mr. Shirley appeared before the Commission because he answered "yes" 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. Shirley's answer the application could not be processed in a routine manner. Mr. Shirley waived his right to counsel. Mr. Shirley was sworn in by Mrs. Faye Grainger, Court Reporter.

Mr. Shirley appeared before the Commission and offered the following testimony. Mr. Shirley testified in 2002 he was convicted of possession with the intent to distribute methamphetamine.

**MOTION:**

Mr. Roberts made a motion to grant Mr. Shirley's Specialty Contractors registration. Mr. Dowd seconded the motion, which carried unanimously.

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*Mr. Rody Egister, Jr.*

Continuance Requested - No Action Taken

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*Mr. Paul Rawl, Jr.*

Mr. Rawl 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. Rawl's answer the application could not be processed in a routine manner. Mr. Rawl was sworn in by Mrs. Faye Grainger, Court Reporter. Mr. Rawl was represented by Mr. John Rakowsky, Esquire.

Mr. Rakowsky informed the Commissioners that Mr. Rawl was convicted for two counts of sexual conduct with a minor. He served a ten year sentence and was released in August 2008. He will be released from probation in July 2010. He presented a letter from Mr. Rawl's psychologist. Mr. Rawl has to get prior

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approval from his probation officer before accepting any type of employment.

Mr. Rawl testified that prior to his conviction he was in the home improvement business for approximately 20 years.

**MOTION:**

Mr. Clark made a motion, to approve Mr. Rawl's Specialty Contractor's Registration; with a probationary status until July 2010; all jobs Mr. Rawl accepts must be approved by his probation officer; and he must furnish a \$5000.00 surety bond. Mr. Bailey seconded the motion, which carried unanimously.

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*Mr. Chris Pressley*

Mr. Pressley 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. Pressley's answer the application could not be processed in a routine manner. Mr. Pressley waived his right to counsel. Mr. Pressley was sworn in by Mrs. Faye Grainger, Court Reporter

Mr. Pressley appeared before the Commission and offered the following testimony. Mr. Pressley testified that he was convicted for possession with the intent to distribute marijuana. He has a few driving under suspension charges, but his driver's license is current. He will be released from probation on June 3, 2009, and all fees paid by June 3, 2009.

**MOTION:**

Mr. Bailey made a motion, to grant Mr. Pressley's Specialty Contractor's Registration; and he must furnish a \$5000.00 surety bond. Mr. Dowd seconded the motion, which carried unanimously.

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*Mr. Ricky Harcrow, III*

Mr. Bowen informed the Commissioners that Adrienne Youmans, Director asked that Mr. Harcrow be placed on the Agenda. Mr. Harcrow was in communication with the Director's Office. Mr. Harcrow was sent notification of the meeting but was not present. No action was taken.

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**Citation Appeals:**

Mr. Jamie Saxon, Advice Attorney

*Mr. Ronald Garmon*

Mr. Garmon appeared before the Commission to appeal of 4 citations; 1229, 1230, 1231, and 1232. Mr. Garmon was represented by Mr. Don Gibson, Esquire. Mrs. Christa Bell represented that State.

**MOTION:**

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

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**MOTION:**

Mr. Bailey made a motion, to grant a continuance until such time as the Commissioners had time to review the transcript. Mr. Dowd seconded the motion, which carried unanimously.

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**Reinstatement:**

*Mr. William Wichlei*

A continuance was granted.

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**Approval of Administrator's Report and Recommendations for Bond Claims:**

*Mr. Bruce, Mantz, Mr. James E. Degenford, Mrs, Lisa Stanley, Mr. Docia Corder, Mr. Bobby Glover, Mr. Alvin Miles, Mr. David Phillips, Mr. Bobby Glover, Mr, Edward Yager and Mr. David Slice.*

Mr. Bruce, Mantz, Mr. James E. Degenford, Mrs, Lisa Stanley, Mr. Docia Corder, Mr. Bobby Glover, Mr. Alvin Miles, Mr. David Phillips, Mr. Bobby Glover, Mr, Edward Yager and Mr. David Slice were not present.

**MOTION:**

Mr. Bailey made a motion, to approve the citations against Mr. Mantz, Mr. Degenford, Mrs. Stanley, Mr. Corder, Mr. Glover, Mr. Miles, Mr. Phillips, Mr. Glover, Mr. Yager and Mr. Slice. Mr. Roberts seconded the motion, which carried unanimously.

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**Hearing Officer's Recommendations:**

*Mr. David Foy*

Ms. Suzanne Hawkins represented the State. Mr. Clark asked to be recused because he was the Hearing Officer. Mr. Foy waived his right to counsel. Mr. Foy was sworn in by Mrs. Faye Grainger, Court Reporter.

Ms. Hawkins asked that the Hearing Officer's Recommendations be upheld with the exception of indefinite suspension of Mr. Foy's license; but suspend Mr. Foy's license for no less than one year.

**MOTION:**

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

**MOTION:**

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---

Mr. Bailey made a motion, to amend the Hearing Officer's Recommendations suspending Mr. Foy's license until such time as the \$3500.00 fine is paid. Mr. Dillard 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. Larry Durham*

Mr. Durham did not appear at this meeting.

**MOTION:**

Mr. Roberts made a motion, to approve the Hearing Officer's recommendations against Mr. Larry Durham. Mr. Dowd seconded the motion, which carried unanimously.

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*Mr. Tim Jones*

Mr. Jones did not appear at this meeting.

**MOTION:**

Mr. Roberts made a motion, to approve the Hearing Officer's recommendations against Mr. Tim Jones. Mr. Dowd 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, June 10, 2009, in conference room 108.

**Adjournment:**

Mr. Roberts moved the meeting be adjourned. Mr. Dowd seconded the motion, which carried unanimously. The May 13, 2009, meeting of the South Carolina Residential Builders Commission was adjourned at 12:50 p.m.