

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION

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

Minutes

Wednesday, July 8, 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, Hal Dillard, 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: Sheridan Spoon, Deputy General Counsel, Jamie Saxon, Hearing Advisor, Suzann Hawkins, Staff Attorney, Stan Bowen, Administrator, Christine Driver, Administrative Assistant, Angela Scott, Administrative Assistant, Sandra Dickert, Administrative Assistant and Jerry Merritt, Investigation.

Others present participating in the meeting included: Herbert Deas, David Key, Gail Parker, Chris Harper, Rick Best, Diane Martin, Bill Jones, Roberta Diamond, Ted Schmidt, Chris Schmidt and Brock McGrew.

Approval Of Agenda:

Wednesday, July 8, 2009

MOTION

Mr. Clark moved to approve the Wednesday, July 8, 2009, agenda as previously noticed. Mr. Roberts seconded the motion, which carried unanimously.

Approval of Minutes:

Wednesday, June 10, 2009

MOTION

Mr. Bailey moved to approve the Wednesday, June 10, 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 reported that Mr. Edward Yager has filed bankruptcy therefore, he was not present at the meeting. Mr. Larry Aldrich requested a continuance.

Advisory Opinions:

Sheridon Spoon

NONE

Legislative Update:

Robert Selman

Mr. Selman informed the Commission that The Building Codes Council addressed three issues that will have an impact on enforcement of the 2006 International Residential and Energy Conservation Codes. A moratorium was placed on enforcement of the Do seismic design requirements (IRC 2006 04). It was extended until the August 26, 2009 Building Codes Council meeting. The moratorium, which was due to July 1, 2009, was continued to allow

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time for ISO to respond in writing to any potential effects the adoption of the Citadel seismic map may have on BCEGS ratings for local jurisdictions. A moratorium was placed on the mandatory use of R8 duct insulation until January 1, 2010. The moratorium is to allow suppliers and installers the time to deplete their stock of R6 duct insulation. A moratorium was placed on the mandatory use of the SHGC until January 1, 2010. The moratorium is to allow suppliers and installers the time to deplete their stock of clear glass windows.

Old Business:

NONE

Recommendations of IRC:

MOTION:

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

Application Reviews:

Mr. Fred Harrelson

Did Not Appear. 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. Herbert V. Deas, Jr.

Mr. Deas appeared before the Commission because he answered "yes" on his Residential Specialty Contractor's Application that he has been convicted of, pled guilty or nolo contendere to a criminal offense other than minor traffic violations. Due to Mr. Deas' answer, the application could not be processed in a routine manner. Mr. Deas waived his right to counsel. Mrs. Jan Duncan, Court Reporter, swore in Mr. Deas.

Mr. Deas appeared before the Commission and offered the following testimony. Mr. Deas testified that he was convicted of assault and he presented a letter from Charleston County stating he is no longer on probation. He asked the Commission to approve his Specialty Contractor's Application and give him the opportunity to provide for his family.

MOTION:

Mr. Davis made a motion, to approve Mr. Deas' Specialty Contractor's Application. Mr. Bailey 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. Christopher H. Schmidt

Mr. Schmidt appeared before the Commission because he answered "yes" on his Residential Specialty Contractor's Application that he has been convicted of, pled guilty or nolo contendere to a criminal offense other than minor traffic violations. Due to Mr. Schmidt's answer, the application could not be processed in a routine manner. Mr. Schmidt waived his right to counsel. Mrs. Jan Duncan, Court Reporter, swore in Mr. Schmidt.

Mr. Schmidt appeared before the Commission and offered the following testimony. Mr. Schmidt testified that 9 years ago he was convicted of 1st Degree Burglary and served 15 years of probation. He was arrested in 2007 for driving under the influence. His driver's license is restricted until August 18, 2009. He has completed a Alcohol and Drug Program. He is no longer on probation and has paid all fines.

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MOTION:

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

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Mr. Richard Best

Mr. Best appeared before the Commission because he answered "yes" on his Residential Heating and Air Application that there have been judgments, liens, or claims filed against in the past 5 years. Due to Mr. Best's answer, the application could not be processed in a routine manner. Mr. Best waived his right to counsel. Mrs. Jan Duncan, Court Reporter, swore in Mr. Best.

Mr. Best appeared before the Commission and offered the following testimony. Mr. Best testified that he has had some credit issues due to the housing market crashing 2 ½ years ago in Ohio. He lost 50 percent of his business in new construction and 30 percent in the residential replacement. He is in the process of purchasing Lavon Heating and Air. The owner of Lavon Heating and Air has agreed to finance the company for him.

MOTION:

Mr. Davis made a motion, to approve Mr. Best's to sit for the Heating and Air exam once he provides proof from the owner of Lavon Heating and Air they he is going to finance the company for him and a letter stating he has made payment arrangement to rectify the outstanding liens. Mr. Clark seconded the motion, which carried unanimously.

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Mr. Christopher Harper

Mr. Harper appeared before the Commission because he answered "yes" on his Residential Specialty Contractor's Application that he has been convicted of, pled guilty or nolo contendere to a criminal offense other than minor traffic violations. Due to Mr. Harper's answer, the application could not be processed in a routine manner. Mr. Harper waived his right to counsel. Mrs. Jan Duncan, Court Reporter, swore in Mr. Harper.

Mr. Harper appeared before the Commission and offered the following testimony. Mr. Harper testified that he has an intensive criminal background and he is currently on probation and will be until 2012. He is an active member and Chairman of the Alcoholic Anonymous (AA) in Charleston, South Carolina. He has been in the construction business his entire adult life.

MOTION:

Mr. Davis made a motion, to approve Mr. Harper's Specialty Contractor's Application. Mr. Roberts seconded the motion, which carried unanimously.

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Mr. Brock O. McGrew

Mr. McGrew appeared before the Commission because he answered "yes" on his Residential Specialty Contractor's Application that he has been convicted of, pled guilty or nolo contendere to a criminal offense other than minor traffic violations. Due to Mr. McGrew's answer, the application could not be processed in a routine manner. Mr. McGrew waived his right to counsel. Mrs. Jan Duncan, Court Reporter, swore in Mr. McGrew.

Mr. McGrew appeared before the Commission and offered the following testimony. Mr. McGrew testified that he

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has felony convictions of possession with the intent to distribute marijuana and driving under the influence. His driver's license is suspended until 2014.

MOTION:

Mr. Bailey made a motion, to approve Mr. McGrew's Specialty Contractor's Application with a two year probation and Mr. McGrew must provide a surety bond. Mr. Davis seconded the motion, which carried unanimously.

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Mr. David Key

Mr. Key appeared before the Commission because he answered "yes" on his Residential Specialty Contractor's Application that he has been convicted of, pled guilty or nolo contendere to a criminal offense other than minor traffic violations. Due to Mr. Key's answer, the application could not be processed in a routine manner. Mr. Key waived his right to counsel. Mrs. Jan Duncan, Court Reporter, swore in Mr. Key.

Mr. Key appeared before the Commission and offered the following testimony. Mr. Key testified that the Ford Motor Company filed a judgment against him in 2000. He has had a lot of set back because of the different plants he worked for closing. He has spoken with the dealership and finance company to make arrangements but has had no success.

MOTION:

Mr. Davis made a motion, to approve Mr. Key's Specialty Contractor's Application, once Mr. Key provide a letter stating that he has made pay arrangements to satisfy the three (3) outstanding liens. Mr. Bailey seconded the motion, which carried unanimously.

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Approval of Administrator's Officer's Recommendation for Bond Claims:

Mr. William P. Jones

MOTION

Mr. Clark made a motion, to approve the bond claim against Mr. Jones. Mr. Bailey 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. Vince Montsinger

MOTION

Mr. Bailey made a motion, to approve bond claim against Mr. Montsinger. Mr. Roberts seconded the motion, which carried unanimously.

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Mr. Richard Jackson

MOTION

Mr. Davis made a motion, to approve bond claim against Mr. Jackson. Mr. Dowd seconded the motion, which carried unanimously.

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Mr. David Thompson

MOTION

Mr. Roberts made a motion, to approve bond claim against Mr. Thompson. Mr. Bailey 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. Roger Deal

MOTION

Mr. Bailey made a motion, to approve bond claim against Mr. Deal. Mr. Roberts seconded the motion, which carried unanimously.

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Mr. Karl Dean Melton

MOTION

Mr. Davis made a motion, to approve bond claim against Mr. Melton. Mr. Bailey 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 Aldrich

Mr. Aldrich requested a continuance. No Action Taken.

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Mr. Aaron Middleton

MOTION

Mr. Roberts made a motion, to approve bond claim against Mr. Middleton. Mr. Dowd seconded the motion, which carried unanimously.

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Mr. Eddie Brevard

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MOTION

Mr. Bailey made a motion, to approve bond claim against Mr. Brevard. Mr. Roberts seconded the motion, which carried unanimously.

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Approval of Hearing's Officer's Recommendation:

Mr. Jamie Saxon, Advice Attorney

Mr. Brian Nutting Hogan

Ms. Suzann Hawkins represented the State. Mr. Hogan did not appear.

MOTION

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

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Mr. Roger Partridge

Ms. Suzann Hawkins represented the State. Mr. Partridge did not appear.

MOTION

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

Public Comments:

NONE

Date Of Next Meeting:

The next meeting of the Commission is scheduled for Wednesday, August 12, 2009, in conference room 108.

Adjournment:

Mr. Roberts moved the meeting be adjourned. Mr. Clark seconded the motion, which carried unanimously. The July 8, 2009, meeting of the South Carolina Residential Builders Commission was adjourned at 12:30 p.m.

Called To Order:

Derrick Williams, Chairman, reopened the Wednesday, July 8, 2009, 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, Hal Dillard and Brian Dowd.

Staff members participating in the meeting include: Jamie Saxon, Advice Counsel, Stan Bowen, Administrator and Christine Driver, Administrative.

Approval of Administrator's Officer's Recommendation for Bond Claims:

Mr. Edward Yager

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MOTION

Mr. Bailey made a motion, to approve the bond claim against Mr. Yager. Mr. Dowd seconded the motion, which carried unanimously.

Adjournment:

Mr. Bailey moved the meeting be adjourned. Mr. Dillard seconded the motion, which carried unanimously. The July 8, 2009, meeting of the South Carolina Residential Builders Commission was adjourned.