

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION

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

Minutes

Wednesday, August 12, 2009

10:00 a.m.

Called To Order:

Al Bailey, Vice-Chairman, called the regular meeting of the Residential Builders Commission to order at 10:00 a.m. Other members present for the meeting included: Frank Clark, Caleb Davis, Hal Dillard, Brian Dowd, and Tim Roberts.

Al Bailey, Vice-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: Sharon Danzler, Deputy General Counsel, Jamie Saxon, Hearing Advisor, Suzanne Hawkins, Staff Attorney, Stan Bowen, Administrator, Christine Driver, Administrative Assistant, Angela Scott, Administrative Assistant, Charlie Ido, Investigation, Sharon Cook, Investigation, Roger Lowe, Investigation and Jerry Merritt, Investigation.

Others present participating in the meeting included: Gerald Bird, Otey C. Reynolds, Jimmy Franklin, Matthew Purvis, Charles Manuel, David Thompson, Christopher Hopkins, Jorge Pacifico, William Madden, Ken Hanson, Dwight Moore and William Lyles

Approval Of Agenda:

Wednesday, August 12, 2009

MOTION

Mr. Clark moved to approve the Wednesday, August 12, 2009, agenda as previously noticed. Mr. Roberts seconded the motion, which carried unanimously.

Approval of Minutes:

Wednesday, July 8, 2009

MOTION

Mr. Clark moved to approve the Wednesday, July 8, 2009, meeting minutes. Mr. Dowd seconded the motion, which carried unanimously.

Approval/Disapproval of Absent Members:

Derrick Williams received an excused absence.

Chairman's Remarks:

Al Bailey, Vice-Chairman

NONE

Administrator's Remarks For Information:

Stan Bowen, Administrator

Mr. Bowen presented the Board with a copy of the NASLA National standards that the Commissioners may use as guidelines when updating the Residential Builders standards.

Advisory Opinions:

Sheridon Spoon

NONE

Legislative Update:

Robert Selman

Mr. Selman informed the Commission that Building Codes Council addressed three issues that will have an impact on enforcement of the 2006 International Residential Code 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,

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2009, Building Codes Council meeting. The moratorium, which was due on July 1, 2009, but was continued to allow 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. Clark seconded the motion, which carried unanimously.

Recommendations of Guidelines:

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

Application Reviews:

Mr. Gerald Bird

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

Mr. Bird appeared before the Commission and offered the following testimony. Mr. Bird testified that a judgment was placed against him by Blue Ridge Custom Homes for \$30,000.00. He testified that he is not license but would like to become license as a Residential Home Builder.

MOTION:

Mr. Clark made a motion, to approve Mr. Bird's to sit for the Residential Builder's Exam once he provide a letter stating he has made payment arrangement to rectify the outstanding lien. 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. Otey C. Reynolds

Mr. Reynolds appeared before the Commission because he answered "yes" on his Residential Heating and Air Conditioner's Application that there were no judgments, liens, or claims filed against in the past 5 years. Due to Mr. Reynolds' answer, the application could not be processed in a routine manner. Mr. Reynolds waived his right to counsel. Mrs. Faye, Grainger, Court Reporter, swore in Mr. Reynolds.

Mr. Reynolds appeared before the Commission and offered the following testimony. Mr. Reynolds testified this was a credit card debt that he had 8 years ago. He testified that there was no way he could resolve this debt. He asked the Commission to grant a waiver of work experience and the judgment.

MOTION:

Mr. Dowd made a motion, to approve Mr. Reynolds' to sit for the Heating and Air Conditioner Examination pending resolution of the lien. Mr. Clark seconded the motion, which carried unanimously.

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Mr. Jimmy Franklin

Mr. Franklin 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. Franklin answer, the application could not be processed in a routine manner. Mr. Franklin waived his right to counsel. Mrs. Faye Grainger, Court Reporter, swore in Mr. Franklin.

Mr. Franklin appeared before the Commission and offered the following testimony. Mr. Franklin testified that he was convicted three (3) years ago for Criminal Domestic Violence and he completed twenty-six (26) weeks of counseling.

MOTION:

Mr. Roberts made a motion, to approve Mr. Franklin's Specialty Contractor's Application pending a letter stating that he has completed the twenty-six (26) weeks of counseling. Mr. Clark seconded the motion, which carried unanimously.

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Mr. Matthew D. Purvis

Mr. Purvis appeared before the Commission requesting approval of his work experience. Mr. Purvis waived his right to counsel. Mrs. Faye Grainger, Court Reporter, swore in Mr. Purvis.

Mr. Purvis appeared before the Commission and offered the following testimony. Mr. Purvis testified that he has a degree in Construction Science and Management and two (2) years of working on commercial construction and he has worked for a architect whom has a general contractor's license. He testified that his work experience shows enough experience to be eligible to sit for the Residential Builder's Examination.

MOTION:

Mr. Roberts made a motion, to approve Mr. Purvis to sit for the Residential Builder's Examination. Mr. Dillard seconded the motion, which carried unanimously.

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Mr. Charles Manuel

Mr. Manuel appeared before the Commission because he answered "yes" on his Residential Specialty Contractor's Application that he is delinquent with his child support obligations and "no" there were no judgments, liens, or claims filed against in the past 5 years. Due to Mr. Manuel's answers, the application could not be processed in a routine manner. Mr. Manuel waived his right to counsel. Mrs. Faye Grainger, Court Reporter, swore in Mr. Manuel.

Mr. Manuel appeared before the Commission and offered the following testimony. Mr. Manuel testified that he was delinquent in his child support obligations because his child is no longer in school and of legal age. He has paid Ten Thousand Dollars (\$10,000.00) on his child support and owes approximately Six Thousand Dollars (\$6,000.00) more. He has made payment arrangements to satisfy the lien of Thirteen Hundred Dollars (\$13,00.00).

MOTION:

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

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Mr. David Thompson

Mr. Thompson appeared before the Commission because he answered "yes" on his Residential Electrical Application that there was judgments, liens, or claims filed against in the past 5 years. Mr. Thompson's Residential Builder's license lapsed and a Cease and Desist was issued and a "Do Not Renew" was posted on his licensing file. Due to Mr. Thompson's answer, the application could not be processed in a routine manner. Mr. Thompson waived his right to counsel. Mrs. Faye, Grainger, Court Reporter, swore in Mr. Thompson.

Mr. Thompson appeared before the Commission and offered the following testimony. Mr. Thompson testified that that he has been in business since 1998. He had approximately Two Million Dollars in debt and he filed bankrupt. He has been discharged from Bankruptcy Court and his Residential Builder's License lapsed because he did not have the money at that time to renew it. A bond claim was filed against him and he has made arrangements to make restitution. He has passed the Electrical Examination, currently bonded and he is a Certified Building Inspector.

MOTION:

Mr. Dowd made a motion to enter into executive session to seek legal advice. Mr. Clark 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:

Mr. Roberts made a motion, to approve Mr. Thompson's Residential Electrical Contractor's Application and Mr. Thompson must furnish a Ten Thousand Dollars (\$10,000.00) statutory bond. Mr. Davis seconded the motion, and the motion carried with one nay vote.

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

MOTION:

Mr. Dowd made a motion to enter into executive session to seek legal advice. Mr. Clark 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.

Reinstatements:

Mr. Arnold Bell

Not present. 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. Christopher Hopkins

Mr. Hopkins appeared before the Commission asking to have his Specialty Contractor's license reinstated. Mr. Hopkins waived his right to counsel. Mrs. Faye, Grainger, Court Reporter, swore in Mr. Hopkins. Mr. Hopkins license lapsed on June 30, 2009, and his filed was flagged "Do Not Renew" for an unresolved complaint.

Mr. Hopkins appeared before the Commission and offered the following testimony. Mr. Hopkins testified that he is awaiting the homeowner's attorney to review the release agreement. Once the agreement is signed he will released the funds to the homeowner. He testified that he never received a renewal notice.

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MOTION:

Mr. Davis made a motion, to approve Mr. Hopkins's Specialty Contractor's Application once he provides proof that the compliant has been resolved. Mr. Dowd seconded the motion, which carried unanimously.

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Mr. Eddie C. Graham

Not present. No Action Taken.

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

Mr. James Cato

MOTION

Mr. Davis made a motion, to approve the bond claim against Mr. Cato. 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. Norman Hunter

MOTION

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

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Mr. Everette Poston

MOTION

Mr. Davis made a motion, to approve bond claims against Mr. Poston. Mr. Roberts seconded the motion, which carried unanimously.

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Mr. Michael Wilkerson

MOTION

Mr. Davis made a motion, to approve bond claims against Mr. Wilkerson. Mr. Dillard seconded the motion, which carried unanimously.

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Mr. Ted Smith

MOTION

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

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Request For Hearing

Mr. Larry Aldrich

Mrs. Suzanne Hawkins represented the state. Mr. Aldrich requested a full Evidentiary Hearing.

MOTION

Mr. Clark made a motion, to approve Mr. Aldrich's request for a full Evidentiary Hearing. Mr. Davis seconded the motion, which carried unanimously.

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Approval of Hearing's Officer's Recommendation:

Mr. Jamie Saxon, Advice Attorney

Mr. James Rothert

Ms. Suzanne Hawkins represented the State. Mr. Rothert did not appear.

MOTION

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

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Mr. James Lewis

Ms. Suzanne Hawkins represented the State. Mr. Lewis did not appear.

MOTION

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

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Mr. James Lewis

Ms. Suzanne Hawkins represented the State. Mr. Lewis did not appear.

MOTION

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

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Mr. Robert Bonifay

Ms. Suzanne Hawkins represented the State. Mr. Bonifay did not appear.

MOTION

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

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Mr. Jorge Pacifico

Mrs. Christa Bell represented the State. Mr. Pacifico waived his right to counsel. Mrs. Faye, Grainger, Court Reporter, swore in Mr. Pacifico.

Mr. Pacifico appeared before the Commission and offered the following testimony. Mr. Pacifico testified that he does not dispute any of the charges but asked the Commission to be a little leniency with the fine.

MOTION

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

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Mr. William Madden

Mrs. Christa Bell represented the State. Mr. Ken Hanson represented Mr. Madden. Mr. Clark requested to be recused. Mrs. Faye, Grainger, Court Reporter, swore in Mr. Madden.

Mrs. Bell requested that the Commission adopt the Hearing Officer's Recommendation.

Mr. Hanson stated that the Consent Agreement Mr. Madden entered into did not consent for the bond to be called upon. He asked the Commission to allow the six months Mr. Madden has not had a license be the suspension; allow Mr. Madden to take the code course; and the Twenty-Five Hundred Dollar (\$2,500.00) fine be reduced to One Thousand (\$1,000.00) Dollars.

MOTION

Mr. Davis made a motion, to allow Mr. Madden to take the codes class; pay a fine of Twenty-Five Hundred Dollar (\$2500.00); and the period of November 2008 to present serve as the suspension. 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. Willie Lyles, Jr.

Mrs. Christa Bell represented the State. Mr. Dwight Moore was present but had to leave to represent Mr. Lyles.

Mrs. Bell stated that Mr. Lyles has paid the fines and has taken some corrective actions to satisfy the complaints. Mr. Lyles has completed items C, D, F and A, B and E no action has been taken under number 9 Findings and Facts. All corrective actions have been completed on Ms. Joanna Wright's case.

MOTION

Mr. Clark made a motion, to approve the Hearing Officer's Recommendation and within one week, Mr. Lyles must show proof that the remaining A, B and E has been completed. Staff must verify items C, D and F that they are covered under warranty. Mr. Dowd seconded the motion, which carried unanimously.

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Public Comments:

Mr. Charlie Ido invited the Commissioners to a visit at the Office of Investigations.

Date Of Next Meeting:

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The next meeting of the Commission is scheduled for Wednesday, September 9, 2009, in conference room 108.

Adjournment:

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