

***SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION***

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

Minutes

Wednesday, September 9, 2009

10:00 a.m.

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**Called To Order:**

Derrick G. 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 G. 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: Sheridon Spoon, Deputy General Counsel, Jamie Saxon, Hearing Advisor, Suzanne Hawkins, Staff Attorney, Christa Bell, Staff Attorney, Stan Bowen, Administrator, Christine Driver, Administrative Assistant, Charlie Ido, Investigation, Sharon Cook, Investigation, and Jerry Merritt, Investigation.

Others present participating in the meeting included: Robert Woods, Gary W. Lones, Carrie Lones, James F. Hair, Arvil Price, Cherry Williamson,

**Approval of Agenda:**

*Wednesday, September 9, 2009*

**MOTION**

Mr. Clark moved to approve the Wednesday, September 9, 2009, agenda as previously noticed. Mr. Roberts seconded the motion, which carried unanimously.

**Approval of Minutes:**

*Wednesday, August 12, 2009*

**MOTION**

Mr. Bailey moved to approve the Wednesday, August 12, 2009, meeting minutes. Mr. Dowd seconded the motion, which carried unanimously.

**Approval/Disapproval of Absent Members:**

NONE

**Chairman's Remarks:**

*Derrick G. Williams, Chairman*

NONE

**Administrator's Remarks for Information:**

*Stan Bowen, Administrator*

Mr. Bowen presented the Board with a copy of the South Carolina Department of Motor Vehicles plate application, which must be completed and returned to him by September 23, 2009.

**Advisory Opinions:**

*Sheridon Spoon, Deputy General Counsel*

Mr. Spoon informed the Commission of a decision from the Administrative Law Court (ALC) concerning an appeal process. An applicant appealed an Agreement by the board to the ALC, which was dismissed because the applicant did not sign the Agreement. The ALC did not affirm Agreement and uphold the recommendation by the Board. Mr. Spoon would like to call the decisions by the Commission "Orders" instead of "Agreements" because an Order can be appealed.

**Legislative Update:**

*Robert Selman*

NONE

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**Old Business:**

NONE

**Recommendations of IRC:**

**MOTION**

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

**Recommendations of Guidelines:**

**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. James F. Hair, Sr.*

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

Mr. Hair appeared before the Commission and offered the following testimony. Mr. Hair testified that he has a judgment against him in the amount of \$29,300.00 in Charleston County, dated March 27, 2009. Mr. Hair testified that he is not license but would like to become license as a Residential Specialty Contractor. Mr. Hair's bond information is inaccurate to the extent that it reflects that he is a residential builder, not a residential specialty contractor.

**MOTION**

Mr. Bailey made a motion; to approve Mr. Hair's Residential Specialty Contractors Registration provided he submit documentation satisfactory to the Commission that the parties have reached an agreement requiring him to pay the judgment in question, and that he provide documentation satisfactory to the Commission that his bond information has been corrected to show that he is a residential specialty contractor and not a residential builder. 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. Robert Woods*

Mr. Woods appeared before the Commission because he answered "no" on his Residential Specialty Contractors Application that there were no judgments, liens, or claims filed against in the past 5 years. Mr. Woods failed to disclose this judgment on his application. Due to Mr. Woods' answer, the application could not be processed in a routine manner. Mr. Woods waived his right to counsel. Mrs. Faye, Grainger, Court Reporter, swore in Mr. Woods.

Mr. Woods appeared before the Commission and offered the following testimony. Mr. Woods testified that he has a judgment against him in the amount of \$2,272.00 in Horry County, in 2008. Mr. Woods testified that he would like to reinstate his residential specialty contractor's registration at this time in order to satisfy this judgment.

**MOTION**

Mr. Bailey made a motion, to approve Mr. Woods's residential specialty contractor's reinstatement provided he submit documentation satisfactory to the Commission that the parties have reached an agreement requiring him to pay the judgment in question, and that he submit an amended application reflecting an accurate answer to Question C regarding liens and judgments. Mr. Roberts seconded the motion, which carried unanimously.

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*Mr. Gary W. Lones*

Mr. Lones appeared before the Commission because he took and passed the exam for Commercial Packaged Equipment and the Business Management and Law exam from PSI on December 23, 2005. The residential law in Section 40-590-230 states that if the license has been inactive for more than three years that the person shall file a new application and must re-take the exam where as in the commercial law in Section 40-11230 (A) (3) gives the person four years before he has to retest. Mr. Lones waived his right to counsel. Mrs. Faye Grainger, Court Reporter, swore in Mr. Lones.

Mr. Lones appeared before the Commission and offered the following testimony. Mr. Lones testified that he took the commercial packaged equipment exam but was unable to get the commercial license because he did not have the commercial experience required.

**MOTION**

Mr. Bailey made a motion, to approve Mr. Lones Residential Heating and Air Conditioning Application without conditions. Mr. Clark seconded the motion, which carried unanimously.

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**Approval of Hearing Officer's Recommendation for Citations:**

*Mr. John C. Cook*

**MOTION**

Mr. Bailey made a motion, to approve the citation against Mr. John C. Cook for citation #3017, #3018, and #3019. Mr. Dowd seconded the motion, which carried unanimously.

*Mr. James T. Tyner*

**MOTION**

Mr. Davis made a motion, to approve the citation against Mr. James T. Tyner for citation #1081. Mr. Clark seconded the motion, which carried unanimously.

*Mr. Andre Ghouralal*

**MOTION**

Mr. Roberts made a motion, to approve the citation against Mr. Andre Ghouralal for citation #1037. Mr. Davis seconded the motion, which carried unanimously.

*Mr. William Bennefield*

**MOTION**

Mr. Bailey made a motion, to approve the citation against Mr. William Bennefield for citation #3012. Mr. Clark seconded the motion, which carried unanimously.

*Mr. Ronald W. Stacks*

**MOTION**

Mr. Davis made a motion, to approve the citation against Mr. Ronald W. Stacks for citation #3011. Mr. Clark seconded the motion, which carried unanimously.

**Reinstatements:**

*Mr. Eddie Graham*

Not present. No action taken.

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Mr. Arvil L. Price

Mr. Price appeared before the Commission asking to have his Residential Home Inspectors License reinstated. Mr. Price waived his right to counsel. Mrs. Faye Grainger, Court Reporter, swore in Mr. Price. Mr. Price license was suspended for not complying with a board Order. The Order stated that Mr. Price was to provide documentation satisfactory to the Commission of satisfaction of the payment plan with the North Carolina Department of Revenue. Mr. Price was not in compliance with the Board Order therefore his license was immediately temporarily suspended.

Mr. Price appeared before the Commission and offered the following testimony. Mr. Price testified that at a previous hearing the board requested that he establish a payment agreement with the North Carolina Department of Revenue regarding a lien which was attached to his personal resident. Mr. Price submitted a payment arrangement in the amount of \$40,608.95 showing monthly payments of \$338.41, which is drafted from his personal checking account.

**MOTION**

Mr. Dowd made a motion, to reinstate Mr. Price's Residential Home Inspectors License without conditions. Mr. Dowd seconded the motion, which carried unanimously.

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

Mr. William Wichilei

**MOTION**

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

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Mr. Christopher Boyle

**MOTION**

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

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Mr. Ron Lindsay

**MOTION**

Mr. Bailey made a motion, to approve bond claims against Mr. Lindsay. Mr. Clark seconded the motion, which carried unanimously.

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Mr. John Ormond

**MOTION**

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

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*Mr. Paul Questad*

**MOTION**

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

**Approval of Hearing's Officer's Recommendation:**

Mr. Jamie Saxon, Advice Attorney

*Mr. Tony Sherfield*

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

**MOTION**

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

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*Mr. Fred Brannon*

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

**MOTION**

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

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*Mr. Artis Coulter*

Mrs. Christa Bell represented the State. Mr. Coulter did not appear.

**MOTION**

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

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*Mr. Charles Meetze*

Mrs. Christa Bell represented the State. Mr. Meetze did not appear.

**MOTION**

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

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*Ms. Katherine Matthews*

Mrs. Christa Bell represented the State. Ms. Matthews did not appear.

**MOTION**

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

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**Public Comments:**

Ms. Cherry Williamson from Coward, South Carolina wanted to know how the public is protected when a builder's license has been revoked and he is continuing to advertise and work. Mr. Saxon informed Ms. Williamson that the builder has to request reinstatement before the full Commission before a license can be reinstated. Ms. Williamson stated that she a concerned citizen and she is not trying to stop the builder from getting a license she just wants her work completed.

Mrs. Christa Bell introduced Ms. Lilia Gray who has joined the Office of General Counsel and will be working with the Residential Builders Commission. Ms. Gray comes from the Department of Consumer Affairs

**Date of Next Meeting:**

The next meeting of the Commission is scheduled for Wednesday, October 14, 2009, in conference room 108.

**Adjournment:**

Mr. Bailey moved the meeting be adjourned. Mr. Dowd seconded the motion, which carried unanimously. The September 9, 2009, meeting of the South Carolina Residential Builders Commission was adjourned at 11:30 p.m.