

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION

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

Minutes

Wednesday, October 14, 2009

10:00 a.m.

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, 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: Daniel Smith, Avery Andrews, David Phillips and Elbert Johnson.

Approval of Agenda:

Wednesday, October 14, 2009

MOTION

Mr. Bailey moved to approve the Wednesday, October 14, 2009, agenda as previously noticed. Mr. Roberts seconded the motion, which carried unanimously.

Approval of Minutes:

Wednesday, September 9, 2009

MOTION

Mr. Clark moved to approve the Wednesday, September 9, 2009, meeting minutes. Mr. Bailey 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

1. **License Plate Renewals** - Mr. Bowen reminded the Commission that personalized license plate renewals should be submitted by October 15, 2009.
2. **David Christian, III, - Office of Licensure** – Mr. Bowen reported that Mr. David Christian was unable to attend the meeting because he had another obligation.
3. **Mr. Elbert Earl Johnson and Mr. Henry K. Aull, Jr.,** – Mr. Bowen reported the Mr. Johnson and Mr. Aull's case were resolved.
4. **City of Union** – Mr. Bowen reported that he received a call from contractor who was having problem with the City of Union accepting the Memorandum from the Commission allowing Residential Home Builders to pull plumbing and HVAC permits for new construction and remodeling. He is asking that the Commission reaffirm this memorandum.

MOTION:

Mr. Bailey made a motion to affirm the discussion held on May 2006. Mr. Roberts seconded the motion, which carried unanimously.

Advisory Opinions:

Sheridon Spoon, Deputy General Counsel

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Legislative Update:

Robert Selman

NONE

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

Application Reviews:

Mr. Avery Todd Andrews

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

Mr. Andrews appeared before the Commission and offered the following testimony. Mr. Andrews testified that the liens were filed in error and presented documentation showing the liens were satisfied.

MOTION

Mr. Dillard made a motion; to approve Mr. Andrews's Residential Specialty Contractors Registration 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. Victor Rubio

Mr. Rubio was 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. Clarence Norris

Mr. Norris was not present. No Action Taken.

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Mr. Daniel Smith

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

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Mr. Smith appeared before the Commission and offered the following testimony. Mr. Smith testified that Department of Revenue placed a lien against him for unpaid taxes for the year 2002. He went on to say he was unaware of the lien that was placed against him by the Internal Revenue Service.

MOTION

Mr. Bailey made a motion; to approve Mr. Smith's Residential Specialty Contractors Registration pending Mr. Smith provide documentation that the liens have been satisfied or arrangements have been made to rectify the liens. Mr. Clark seconded the motion, which carried unanimously.

Approval of Hearing Officer's Recommendation for Citations:

Mr. Frank Hutto

MOTION

Mr. Bailey made a motion, to approve the citation against Mr. Frank Hutto for citation #1055. Mr. Dowd seconded the motion, which carried unanimously.

Mr. Christopher Nelums

MOTION

Mr. Roberts made a motion, to approve the citation against Mr. Christopher Nelums for citation #1056. Mr. Bailey seconded the motion, which carried unanimously.

Mr. Jerry T. Hayes

MOTION

Mr. Bailey made a motion, to approve the citation against Mr. Jerry T. Hayes for citation #3013. Mr. Clark seconded the motion, which carried unanimously.

Mr. Angelo Stellato

MOTION

Mr. Dowd made a motion, to approve the citation against Mr. Angelo Stellato for citation #3023. Mr. Roberts seconded the motion, which carried unanimously.

Clarification of Certification of Authorization

Mr. David Phillips

Mr. Bowen reported that Mr. Phillips was present but had to leave due to an emergency and requested a continuance.

MOTION

Mr. Bailey made a motion, to grant Mr. Phillips a continuance. Mr. Roberts seconded the motion, which carried unanimously.

Approval of Administrator's Recommendation for Bond Claims:

Mr. Brian Nutting Hogan

MOTION

Mr. Davis made a motion, to approve the Administrator's Recommendation for Bond Claim against Mr. Hogan. Mr. Clark seconded the motion, which carried unanimously.

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Mr. Anand S. Patel

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Mr. Bailey made a motion, to approve the Administrator's Recommendation for Bond Claim against Mr. Patel. Mr. Roberts seconded the motion, which carried unanimously.

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Request for Extension:

Mr. James Robinson

Mr. Sheridan Spoon advised the Commission and applicant that Mr. Jamie Saxon would usually be the Advice Attorney put was not present due to a family emergency. He asked to be recused because Mr. Robinson is a prior acquaintance.

Mr. Robinson appeared before the Commission requesting an extension due to economic downfall. Mr. Robinson offered the following testimony. Mr. Robinson testified that he would like to request the Commission to grant him an extension based on economic downfall in which he has experience within the past few months. He testified that he is trying to work with the homeowners and the investigator to rectify the problem.

MOTION

Mr. Davis made a motion, to suspend Mr. Robinson's license until such time as documentation is submitted showing that arrangements has been made to rectify the complaint and the lien. Once documentation is submitted Mr. Robinson's license may be issued with a six-month probationary status. Mr. Dillard seconded the motion, which carried unanimously.

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Hearing:

Mr. H. E. Hughes

Ms. Christa Bell represented the State. Mr. Hughes was not present.

MOTION

Mr. Bailey made a motion, to take no further action on the complaint and the complaint has been resolved. 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.)

Date of Next Meeting:

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

Adjournment:

Mr. Bailey moved the meeting be adjourned. Mr. Roberts seconded the motion, which carried unanimously. The October 14, 2009, meeting of the South Carolina Residential Builders Commission was adjourned at 11:30 p.m.