

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION

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

Minutes

Wednesday, July 14, 2010

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, Brian Dowd, Tim Roberts, and Hal Dillard.

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: Sheridan Spoon, Assistant Deputy General Counsel, Christa Bell, Staff Attorney, Jamie Saxon, Hearing Advisor, Daniel Griggs, Hearing Advisor, Stan Bowen, Administrator, Christine Driver, Administrative Assistant, Jennie Meade, Administrative Assistant, Charlie Ido, Investigation, Ronald Brewer, Investigator, Gregg Hembree, Investigator, Bennie Page, Investigator, Sharon Cook, Investigator, and Jerry Merritt, Investigator.

Others present participating in the meeting included: Joe B. McGee, Gary Cleveland, Gabriel R. Johnson, Marilyn Williams, Michael Boatwright, Timothy Johnson, Terence J. Pete, Ralph Quinn, Byron A. Brown, Charles M. McDonald, John C. Cook, Lee E. Montgomery, James C. Higgins, Lawrence Lebby, Glenda Cook, and Tonya Brown.

**Approval of Agenda:**

Wednesday, July 14, 2010

Mr. Bowen reported that a continuance was granted to Mr. William Maciorowski.

**MOTION**

Mr. Clark moved to approve the Wednesday, July 14, 2010, agenda as previously noticed. Mr. Roberts seconded the motion, which carried unanimously.

**Approval of Minutes:**

Wednesday, June 9, 2010

**MOTION**

Mr. Bailey moved to approve the Wednesday, June 9, 2010, meeting minutes. Mr. Dowd seconded the motion, which carried unanimously.

**Approval/Disapproval of Absent Members:**

None

**Chairman's Remarks:**

Derrick G. Williams, Chairman

None

**Administrators Remarks for Information:**

Stan Bowen, Administrator

Mr. Bowen reported that he and Mr. Ido, Chief of Investigations, had a roundtable discussion concerning residential specialty contractors who hire other specialty contractors. The minutes from the, January 16, 2002, workshop states that a specialty contractor is prohibited from supervising another specialty contractor unless they are both holding the same registration. In Section 40-59-20 of the Statute the definition of a residential specialty contractor means an independent contractor who is not a licensed residential builder, who contractors with a licensed residential contractor, general contractor, or individual property owner to do construction work, repairs, improvement or re-improvements. Mr. Bowen stated that he wanted this in the minutes as to what the board's intent was for a residential specialty contractor hiring other subcontractors.

**MOTION**

Mr. Clark made a motion that a residential specialty contractor cannot hire other specialty contractors. A residential specialty contractor can only work with a licensed residential builder, a general contractor, an individual property owner, by himself or with his own employees. Mr. Bailey seconded the motion, which carried unanimously.

Mr. Bowen introduced an email he received from Michael Vaught regarding an Inactive Status of a residential builder's license. Mr. Vaught is requesting that the board consider the possibility of establishing a formal license status of "Inactive" that would not expire after 3 years. An appropriate annual fee could be established that would benefit the board by having additional revenue rather than forcing a builder to let his license expire while also providing benefit for the "Inactive" builder by not requiring the bond during the inactive period. When a builder desires to resume activity under his license he could return to the Active status by ensuring the fee for the active status is paid and restoring the bond. This would allow the builder to maintain his license with reduced costs by not requiring the bond while also providing some additional funding to the board.

Mr. Bowen stated the Engineering Board has a similar "Inactive Status" that allows and engineer to place his license in an "Inactive Status" and upon reinstatement pay all back fees and penalties and return to an "Active" status.

Mr. Bowen stated that Section 40-59-230 states that if a license has been in inactive status for three years, the person shall start over as a new applicant and retake the exam. Mr. Bowen stated that this would probably take a statutory change to make this happen.

The board concurred that they did not see any reason to make this change at this time.

**South Carolina Residential Builder's Portion Pass Report** - Mr. Bowen presented the Commission with a copy of the PSI Portion Pass Report for the Residential Builders Commission.

**Residential Builder's Board Meeting Report of Current Active License** – Mr. Bowen presented the Commission with a copy of the Board Meeting Report generated from ReLaes regarding current active license status for Residential Builders, Certificate of Authorizations, Residential Home Inspectors, Residential Electrical, Residential HVAC, Residential Plumbing and Residential Specialty Contractors. From, June 6, 2010 to July 14, 2010, there were 162 licenses issued, 222 licenses reinstated, 3,120 licenses renewed online with a total of 20,058 active license.

Mr. Bowen present the board with a registration form the for the NASCLA conference in Charleston, South Carolina. If they wish to attend this conference he needs the registrations form back today.

**Advisory Opinions:**

Sheridon Spoon, Deputy General Counsel  
None

**Legislative Update:**

Robert Selman  
None

**Office of Investigations and Enforcement (OIE) Report:**

Mr. Stan Bowen, Administrator, presented Mr. Ido's report on his behalf. The Office of Investigations and Enforcements (OIE) celebrated its six-year anniversary on, July 1, 2001. The OIE was established, on July 1, 2004, under the direction of Director Adrienne Youmans to centralize the investigative and enforcement functions of 38 boards and commission. At present OIE has 366 open residential cases and 301 of them were opened since July, 2009. The Office of General Counsel (OGC) has four attorneys litigating residential cases and two hearing officers.

**Old Business:**

None

**New Business:**

Mr. Charles H. McDonald, Esquire, presented case laws, statues, and the bond claim policies/procedures of the commission for review and discussion. Mr. McDonald represents builders, homeowner, and surety companies for license bonds. Mr. McDonald stated that he brought an action in court to pursue a surety bond on behalf of his client. As they were approaching a trail date they discovered that the board had submitted an authorization for payment against the bond. Mr. McDonald wanted to know what is the

board statutory authority to make claims against bonds. In 1984 the Court of Appeals Watson vs. Harmon states that anyone can make claims against a bond. Mr. McDonald stated that he has concerns that the commission is improperly governed by policy. If the Commission is going to enter this process on trying to make a claim against a bond and the judicial authority that determine when you make a claim and what is paid to the complainant. This must be done through regulation and not by policy. In Title 1 Chapter 23 Section 10 “Regulation” means each agency statement of general public applicability that implements or prescribes law or policy or practice requirements of any agency. Policy or guidance issued by an agency other than in a regulation does not have the force or effect of law. Four or five years ago the commission changed the language on the bond that “claims may be initiated only through authorization by the commission”. Your policy states that you can only make claims against lapsed license, but the language in the bond form itself does not differentiates between a lapsed license and a current license. Mr. McDonald stated that there is no law or regulation telling anyone how to make claims against a bond or how the commission will make claims against a bond. Mr. McDonald has concerns that the policy/procedure is not valid, and the policy/procedure has not been promulgated as a regulation.

Mr. McDonald stated that he also sees some inconsistencies with the “Rite to Cure Act” Section 40-59-850 (C) which states that if the parties cannot settle the dispute pursuant to this article, the claimant may proceed with a civil action or other remedy provided by contract or by law. Mr. McDonald stated that he would like to see some clarity concerning this matter.

Mr. McDonald stated that the problem that he has with the current state of affairs is that the Supreme Court of South Carolina has spoken and given a right of a member of the court to pursue these bonds and that the Commission by changing the language of the license bond form and the policy/procedure has taken a position that might be inconsistent with that right. This is a matter of money and a civil matter and not a matter of discipline against a license and one that the commission should not be involved in. If the board wants to get involved in bond claims do it properly through regulation and not through policy/procedure.

Mr. McDonald stated that he hoped the Commission will consider his remarks and suggestions and take appropriate actions to either divest itself from the process of administering claims on builder’s license bonds or promulgate regulations on this issue.

**Recommendations of IRC Minutes:**

**MOTION**

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

**Recommendations of IRC Resolution Guidelines:**

**MOTION**

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

**Application Reviews:**

**Mr. John C. Chisolm**

The Commission held an Application Hearing regarding Mr. John C. Chisolm.

Mr. Chisolm appeared before the Commission because he answered “no” to question 4-B on his Residential Specialty Contractor’s Application, which asks have there been any judgments, liens or claims filed against him. When in fact there was a civil judgment listed on his credit report in the amount of \$940.00. Due to Mr. Chisolm’s answer, the application could not be processed in a routine manner. Mr. Chisolm waived his right to counsel. Mrs. Faye Grainger, Court Reporter, swore in Mr. Chisolm.

Mr. Chisolm appeared before the Commission and offered the following testimony. Mr. Chisolm testified that he was aware of the judgment in the amount of \$940.00 and that he is sixty-four years old and no longer wants his residential specialty contractor’s registration. Mr. Chisolm withdrew his application and requested that his application fee of \$100.00 be refunded.

**MOTION**

Mr. Davis made a motion to allow Mr. Chisolm to withdraw his application and that his \$100.00 application fee be refunded. Mr. Clark seconded the motion, which carried unanimously.

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

**Ms. Marilyn A. Williams**

The Commission held an Application Hearing regarding Ms. Marilyn A. Williams.

Ms. Williams appeared before the Commission because her Grandfathered Residential HVAC license expired on June 30, 2009. Due to Ms. Williams’ expired grandfathered status her reinstatement application could not be processed in a routine manner. Ms. Williams waived her right to counsel. Mrs. Faye Grainger, Court Reporter, swore in Ms. Williams.

Ms. Williams appeared before the Commission and offered the following testimony. Ms. Williams stated that she did not receive a renewal notice in the mail notifying her that it was time to renew her Grandfathered Residential HVAC License. Ms. Williams stated that due to family illnesses she forgot to renew her license in a timely manner.

**MOTION**

Mr. Dillard made a motion to approve Ms. Williams’ request to reinstate her Grandfathered Residential HVAC License. Mr. Dowd seconded the motion, which carried unanimously.

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

**Mr. Gabriel R. Johnson**

The Commission held an Application Hearing regarding Mr. Gabriel R. Johnson.

Mr. Johnson appeared before the Commission because his Grandfathered Residential Electrical license expired on June 30, 2009. Due to Mr. Johnson's expired grandfathered status his reinstatement application could not be processed in a routine manner. Mr. Johnson waived his right to counsel. Mrs. Faye Grainger, Court Reporter, swore in Mr. Johnson.

Mr. Johnson appeared before the Commission and offered the following testimony. Mr. Johnson stated the he had moved and he thought the post office would forward his mail for over one year. Therefore, he did not receive his notification in the mail that it was time to renew his Grandfathered Residential Electrical License.

**MOTION**

Mr. Bailey made a motion to approve Mr. Johnson's request to reinstate his Grandfathered Residential Electrical License. Mr. Roberts seconded the motion, which carried unanimously.

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

**Mr. David Zimmer**

Mr. Zimmer was not present. No action taken.

**Mr. Lee Montgomery**

The Commission held an Application Hearing regarding Mr. Lee Montgomery.

Mr. Montgomery appeared before the Commission because his Grandfathered Residential Electrical License expired on June 30, 2009. Due to Mr. Montgomery's expired grandfathered status his reinstatement application could not be processed in a routine manner. Mr. Johnson waived his right to counsel. Mrs. Faye Grainer, Court Reporter, swore in Mr. Montgomery.

Mr. Montgomery appeared before the Commission and offered the following testimony. Mr. Montgomery stated that he did not receive a renewal form in the mail notifying him that it was time to renew his Grandfathered Residential Electrical License.

**MOTION**

Mr. Dowd made a motion to approve Mr. Montgomery's request to reinstate his Grandfathered Residential Electrical License. Mr. Roberts seconded the motion, which carried unanimously.

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

**Mr. James Conrad Higgins**

The Commission held an Application Hearing regarding Mr. James Conrad Higgins.

Mr. Higgins appeared before the Commission because he answered “yes” on his Residential Specialty Contractors Registration reinstatement application that there have been judgments, liens, or claims filed against him in the past 5 years. Due to Mr. Higgins answer, the application could not be processed in a routine manner. Mr. Higgins waived his right to counsel. Mrs. Faye Grainger, Court Reporter, swore in Mr. Higgins and Mrs. Cynthia Higgins.

Mr. Higgins and Mrs. Higgins appeared before the Commission and offered the following testimony. Mrs. Higgins stated that in May 2009 a civil judgment was issued against them in Spartanburg County in the amount of \$5,802.00 for a delinquent credit card debit. Mrs. Higgins stated that they have made attempts to settle the judgment, but had not yet established an arrangement to do so.

**MOTION**

Mr. Bailey made a motion to allow Mr. Higgins to reinstate his Residential Specialty Contractors Registration provided he submits documentation of satisfaction of judgment or a payment plan. Mr. Dowd seconded the motion, which carried unanimously.

Mr. Hal Dillard requested that the Commission revisit this matter and reconsider allowing Mr. Higgins to reinstate his residential specialty contractor’s registration at this time, and not allow this \$4,500.00 credit card debit to keep him from providing for this family.

**MOTION**

Mr. Bailey made a motion to reopen this case and reconsider the ruling for the purpose of revisiting and changing the decision. Mr. Dowd seconded the motion, which carried unanimously.

**MOTION**

Mr. Bailey made a motion to allow Mr. Higgins to reinstate his Residential Specialty Contractors Registration on a probationary status for one year provided he submits documentation satisfactory to the Commission of a written agreement to satisfy the judgment. Mr. Roberts seconded the motion, which carried unanimously.

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

**Mr. Timothy Johnson**

The Commission held an Application Hearing regarding Mr. Timothy Johnson.

Mr. Johnson appeared before the Commission because his Grandfathered Residential Electrical License expired on June 30, 2009. Due to Mr. Johnson's expired grandfathered status his reinstatement application could not be processed in a routine manner. Mr. Johnson waived his right to counsel. Mrs. Faye Grainger, Court Reporter, swore in Mr. Johnson.

Mr. Johnson appeared before the Commission and offered the following testimony. Mr. Johnson stated that he did not receive a renewal form in the mail notifying him that it was time to renew his Grandfathered Residential Electrical License.

**MOTION**

Mr. Bailey made a motion to approve Mr. Johnson's request to reinstate his Grandfathered Residential Electrical License. Mr. Roberts seconded the motion, which carried unanimously.

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

**Mr. Ralph Quinn**

The Commission held an Application Hearing regarding Mr. Ralph Quinn.

Mr. Quinn appeared before the Commission because his Grandfathered Residential Electrical License and his Grandfathered Plumbing License expired on June 30, 2009. Due to Mr. Johnson's expired grandfathered status his reinstatement applications could not be processed in a routine manner. Mr. Quinn waived his right to counsel. Mrs. Faye Grainer, Court Reporter, swore in Mr. Johnson.

Mr. Quinn appeared before the Commission and offered the following testimony. Mr. Quinn stated that he did receive his notice to renew his Residential Electrical and Residential Plumbing license; however, due to the economy he stated a home inspector business, which did not work out the way he planed. Mr. Quinn asked the Commission to grant the reinstatement of his Grandfathered Residential Electrical License and his Grandfathered Plumbing License.

**MOTION**

Mr. Bailey made a motion to approve Mr. Quinn's request to reinstate his Grandfathered Residential Electrical License and Grandfathered Residential Plumbing License. Mr. Roberts seconded the motion, which carried unanimously.

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

**Mr. Terry Platt**

The Commission held an Application Hearing regarding Mr. Terry Platt.



Mr. Platt appeared before the Commission requesting that he be allowed to renew his license with an audited financial statement instead of a \$15,000.00 surety bond as has been the policy of the board in the past.

Mr. Bowen stated that the Commission established a position on S.C. Code Ann 40-59-220 (C) requiring a bond or other proof of financial responsibility acceptable to the Commission has been according to Commission records that a surety bond is the only evidence of financial responsibility acceptable to the Commission.

Mr. Platt appeared before the Commission and offered the following testimony. Mr. Platt stated that he has always renewed his residential builder's license with an audited financial statement and was not aware that the policy had changed. Mr. Platt asked the Commission that he be allowed to continue with a financial statement for this renewal period.

**MOTION**

Mr. Davis made motion to allow Mr. Platt to renew his residential builder's license with an audited financial statement for this renewal period (2010-2012). Mr. Roberts seconded the motion, the motion failed as a result of a tie vote. Chairman Williams broke the tie by voting nay. Chairman Williams stated that this is a no to Mr. Platt's request and he must obtain a bond in the amount of \$15,000.00.

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

**Mr. Joe B. McGee**

The Commission held an Application Hearing regarding Mr. Joe B. McGee.

Mr. McGee appeared before the Commission because his Grandfathered Residential Electrical License expired on June 30, 2009. Due to Mr. McGee's expired grandfathered status his reinstatement application could not be processed in a routine manner. Mr. McGee waived his right to counsel. Mrs. Faye Grainger, Court Reporter, swore in Mr. McGee.

Mr. McGee appeared before the Commission and offered the following testimony. Mr. McGee stated that he did receive a renewal form in the mail notifying him that it was time to renew his Grandfathered Residential Electrical License, but due to some health issues it was misplaced and forgotten about.

**MOTION**

Mr. Davis made a motion to approve Mr. McGee's request to reinstate his Grandfathered Residential Electrical License. Mr. Dillard seconded the motion, which carried unanimously.

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

**Mr. John Charles Cook**

The Commission held an Application Hearing regarding Mr. John Charles Cook. Mr. Cook appeared before the Commission to request that he be granted a Grandfathered Residential HVAC License. Mr. Cook was approved to take the exams and has only passed the Business Management and Law portion of the exam within the one-year eligibility period. Mr. Cook waived his right to counsel. Mrs. Faye Grainger, Court Reporter, swore in Mr. Cook and Mrs. Glenda Cook.

Mr. Cook appeared before the Commission and offered the following testimony. Mr. Cooks stated that he dropped out of school after the 7<sup>th</sup>. grade to work with his father at Cook's Heating and Air, along with many other family members. Mr. Cook stated that his father is currently on his death bed, and that if his father passed away, the business will have to close and no one will be able to work. Mr. Cook is requesting that the commission grant him a Grandfathered Residential HVAC License

**MOTION**

Mr. Bailey made a motion to grant Mr. Cook a Grandfathered Residential HVAC License provided that all fines, judgment or liens have been satisfied. Mr. Davis seconded the motion, which carried unanimously.

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

**Mr. Mark Anthony Huntley**

The Commission held an Application Hearing regarding Mr. Mark Anthony Huntley. Mr. Huntley appeared before the Commission because he answered "Yes" to the question on this Residential Plumbing Application had he ever been convicted of, pled guilty or nolo contendere to a criminal offense other than a minor traffic violations. Due to Mr. Huntley's answer, the application could not be processed in a routine manner. Mr. Huntley waived his right to counsel. Mrs. Faye Grainger, Court Reporter, swore in Mr. Huntley.

Mr. Huntley appeared before the Commission and offered the following testimony. Mr. Huntley stated that he was convicted 19 years ago of a criminal offence and there have not been any other charges against him.

**MOTION**

Mr. Clark made a motion to allow Mr. Huntley to sit for the residential plumbing exam. Mr. Roberts seconded the motion, which carried unanimously.

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

**Mr. Paul S. Rowland**

Mr. Rowland was not present. No action taken

**Mr. Byron A. Brown**

The Commission held an Application Hearing regarding Mr. Byron A. Brown.

Mr. Brown appeared before the Commission because he answered “Yes” to the question on this Residential Home Inspector Application that he had been convicted of, pled guilty or nolo contendere to a criminal offense other than a minor traffic violations. Due to Mr. Brown’s answer, the application could not be processed in a routine manner. Mr. Brown waived his right to counsel. Mrs. Faye Grainger, Court Reporter, swore in Mr. Brown and Mrs. Tonya Brown.

Mr. Brown appeared before the Commission and offered the following testimony. Mr. Brown stated that he was convicted over six years ago for drug trafficking, and served six years of a seven year sentence. Mr. Brown stated that he was released, on December 1, 2009, with two year probation, and that he reports quarterly to his probation officer.

**MOTION**

Mr. Roberts made a motion to allow Mr. Brown to sit for the residential home inspector’s exam provided that he furnishes a letter to the Commission from his probation officer. Mr. Dillard seconded the motion, which carried unanimously.

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

**Approval of Administrator’s Recommendation for Bond Claim**

**Mr. Edward Scott**

The Commission reviewed the Administrator’s Recommendation for bond claim regarding Mr. Edward Scott.

**MOTION**

Mr. Bailey made a motion to approve the Administrators Recommendation for bond claim against Mr. Scott. Mr. Roberts seconded the motion, which carried unanimously.

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

**Mr. Franklin A. Bowen, Jr.**

The Commission reviewed the Administrator’s Recommendation for bond claim regarding Mr. Franklin A. Bowen, Jr.

**MOTION**

Mr. Davis made a motion to approve the Administrator’s Recommendation for bond claim against Mr. Bowen. Mr. Bailey seconded the motion, which carried unanimously.

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

**Mr. Rod Falin, Sr.**

The Commission reviewed the Administrator's Recommendation for bond claim regarding Mr. Rod Falin.

**MOTION**

Mr. Bailey made a motion to approve the Administrator's Recommendation for bond claim against Mr. Falin. Mr. Dowd seconded the motion, which carried unanimously.

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

**Reinstatement**

Jamie Saxon, Hearing Advisor  
Daniel Grigg, Hearing Advisor  
Christa T. Bell, Assistant General Counsel

**Mr. Michael Boatwright**

The Commission held a Reinstatement of License Hearing regarding Mr. Michael Boatwright. Mr. Brian Dowd requested to be recused because he and Mr. Boatwright are business acquaintances. Ms. Christa T. Bell represented the State.

Mr. Boatwright appeared before the Commission asking to have his Residential Builders Licenses reinstated. Mr. Boatwright waived his right to counsel. Mrs. Faye, Grainger, Court Reporter, swore in Mr. Boatwright. Mr. Boatwright's Residential Builders License was revoked on May 10, 2010.

Mr. Boatwright appeared before the Commission and offered the following testimony. Mr. Boatwright testified that this license is his life and that he has been doing some commercial work to get by. Mr. Boatwright stated that he was aware of the \$1,000.00 fine and did not pay the fine within the allotted thirty days as required by the Order. Mr. Boatwright stated that times have been hard and he was unable to pay the fine. Mr. Boatwright asked the Commission to reinstate his license because he needs his license to support his family.

Ms. Christa T. Bell, Assistant General Counsel, informed the Commission that Mr. Boatwright has not complied with the Commission Order dated, May, 2010, and that a bond claim is in the process to give assistant to the homeowners, in accordance with the Order. Ms. Bell requested that in the interest to protect the public that the Commission not reinstate Mr. Boatwright's license until has complied with the Order and reimbursed the bonding company.

**MOTION**

Mr. Bailey made a motion to deny Mr. Boatwright's request to have his residential builder's license reinstated. Mr. Clark seconded the motion, which carried unanimously.

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

**Mr. Lawrence Lebby**

The Commission held a Reinstatement of License Hearing regarding Mr. Lawrence Libby. Ms. Christa T. Bell represented the State.

Mr. Lebby appeared before the Commission asking to that his Residential Specialty Contractors Registration, Grandfathered Residential Electrical License, and Grandfathered Plumbing License be reinstated. Mr. Lebby waived his right to counsel. Mrs. Faye, Grainger, Court Reporter, swore in Mr. Lebby. Mr. Lebby's Residential Specialty Contractors Registration was disciplined by the Commission on October 22, 2007.

Mr. Lebby appeared before the Commission and offered the following testimony. Mr. Lebby testified that he did not pay the fine because he and the homeowner could not come to monetary a settlement, and he did not pay the \$3,500.00 fine.

Ms. Christa T. Bell, Assistant General Counsel, informed the Commission that she spoke with the homeowner in this matter and Mr. Lebby has not made any type of monetary settlement with them nor has he paid the \$3,500.00 fine as outlined in the Order. Ms. Bell stated that there is another issue pending in the Administrative Law Court for license lending. Ms. Bell requested that Mr. Lebby not be granted reinstatement of his licenses at this time.

**MOTION**

Mr. Bailey made a motion to deny Mr. Lebby request to have his Residential Specialty Registration, Grandfathered Electrical License, and Grandfathered Plumbing License reinstated. Mr. Dillard seconded the motion, which carried unanimously.

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

**Administrative Hearing**

**Mr. Montgomery L. Stafford – Case # 2009-**

The Commission held an Administrative Hearing regarding Mr. Montgomery L. Stafford.

Ms. Christat T. Bell, Assistant General Counsel, informed the Commission that she spoke with Mr. Stafford and that he understands the hearing officer's recommendation. Ms. Bell also spoke with the homeowner and the homeowner does not want Mr. Stafford back on her property. Ms. Bell is requesting that the fine be reduced to \$750.00 which must be paid within 30 days, and a public reprimand.

**MOTION**

Mr. Davis mad a motion to uphold the Hearing Officer's Recommendation for Mr. Montgomery L. Stafford and reduces the fine to \$750.00. Mr. Bailey seconded the motion, which carried unanimously.

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

### **Hearing**

#### **Mr. Michael Lowery – Case #2010-263**

Ms. Christa T. Bell, Assistant General Counsel, informed the Commission that they have reached an agreement in this matter. Mr. Lowery entered into a Consent Agreement to Pay and a Confession of Judgment. Mr. Lowery is to make monthly payments to the Second Injury Fund in the amount of \$37,000.00. In addition he must pay a \$500.00 fine to the Commission. Failure to meet the terms and conditions of the Consent Agreement would result in Mr. Lowery's license being immediately suspended.

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

### **Public Comments**

None

### **Date of Next Meeting**

The next meeting of the Commission is scheduled for Wednesday, August 11, 2010 in conference room 108.

### **Adjournment**

Mr. Bailey moved the meeting be adjourned. Mr. Clark seconded the motion, which carried unanimously. The July 14, 2010, meeting of the South Carolina Residential Builders Commission adjourned at 1:10 p.m.