SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION

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

Wednesday, October 13, 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 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, Assistant Deputy General Counsel; Stan Bowen, Administrator, Angela D. Scott, Administrative Assistant; Christine Driver, Administrative Assistant; Charlie Ido, Investigation; Roz Bailey Glover and Ronald Brewer; Investigator.

Others present participating in the meeting included: Albert Bolin, Joe Cockrell, Wayne Helms, James Canteen, Goerge Elmore, Samuel Toney, Mack Parlow, Perry Carroll. William Maciorowski, Tony Young, Milton Scott, Thomas McBride, Cherry Williamson, David Goodman, Bo Horne, Robert Joseph, Benjamin Pinkney and Chris Benton.

Approval of Agenda:

Wednesday, October13, 2010

MOTION:

Mr. Bailey moved to approve the Wednesday, October 13, 2010; agenda with the following changes Mr. Jarriel Capers, Mr. Hugh B. Ginn, Mr. Tony Wallace and Mr. Arland Ownes cases were completed. Mr. Henry Harrelson, Mr. Michael Hall and Mr. Gregory Smith cases were continued. Mr. Roberts seconded the motion, which carried unanimously.

Approval of Minutes:

Wednesday, August 11, 2010

MOTION

Mr. Clark moved to approve the Wednesday, August 11, 2010, meeting minutes. Mr. Roberts seconded the motion, which carried unanimously.

Approval/Disapproval of Absent Members:

Hal Dillard received an excused absence.

Chairman's Remarks:

Derrick G. Williams, Chairman

NONE

Administrator's Remarks for Information:

Stan Bowen, Administrator

<u>South Carolina Residential Builder's Portion Pass Report</u> – Mr. Bowen presented the Commission with a copy of the PSI Portion Pass Report for the Residential Builders Commission as August 31, 2010. The reported included the following information:

Business Management Law Passed – 17	Failed – 11	Residential Contractors Passed -	- 13 Failed - 4
Residential Heating and Air Passed – 3	Failed – 1	Home Inspector Passed – 5	Failed – 2
Residential Electrical Passed – 1	Failed – 2	Residential Plumbing Passed 1	Failed - 3

<u>ONFSA</u> – Mr. Bowen presented the Commission a copy of a letter from ONFSA (The Voice of the Fire Sprinkler Industry) News Release.

<u>South Carolina Department of Motor Vehicles</u> – Mr. Bowen presented to the Commission a copy of the South Carolina Department Vehicles License Plate Renewal information.

<u>Investigator Summary Report</u> – Mr. Bowen presented to the Commission a copy of the Investigator Summary Report from the Office of Investigations.

Advisory Opinions:

Sheridon Spoon, Deputy General Counsel

MOTION:

Mr. Clark made a motion to go into executive session for legal advice. Mr. Roberts seconded the motion, which carried unanimously.

Mr. Bailey made a motion to come out of executive session. Mr. Roberts seconded the motion, which carried unanimously.

Legislative Update:

Robert Selman

NONE

Office of Investigations and Enforcement (OIE) Report:

Mr. Charlie Ido reported the number of investigations as of today:

5268 – Opened Complaints 4799 – Complaints Closed

469 – Complaints Remainied Open **135** – Forwarded to Office of General Counsel (OGC)

707 – Of these cases opened since July 1, 2010 330 – Closed Cases closed since July 1, 2010

377 – Still Opened since July 1, 2010

Mr. Ido reported that on October 9, 2010, the Office Of Investigation presented a workshop to Permit Clerks (SCPCA). Approximately 30 people attended the workshop. The title of the workshop was Licensing, Complaints and investigations. In addition, Doug Green, Building Codes Council presented a workshop on Modular and Manufactured Housing Workshop. OIE will present a workshop titled "Working Together in January 2011.

Office of General Counsel Report:

Mrs. Christa Bell reported the number of complaints as of October 11, 2010:

144 - Open Complaints75 - Cases pending action5 - Cases pending Consent Agreement orMemorandum of Agreement18 - Cases pending Hearings6 - Cases Pending Final Order Hearings12 - Pending Final Orders34 - Cases Closed as of July 15, 20107 - Cases on appeal

217 – Closed as of January 2009 22 – Closed since the last quarterly report

Mrs. Bell reported that Ms. Suzanne Hawkins will be attending the NASCLA meeting on August 25th – August 26th.

Board Financial Reports:

No Report.

John Reich, State Fire Marshal

MOTION:

Mr. Clark made a motion to table the discussion on Multi Purpose Piping Systems until the next Commission meeting. Mr. Dowd seconded the motion, which carried unanimously.

Old Business:

NONE

New Business:

Recommendations of IRC:

MOTION

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

Recommendations of IRC Resolution Guidelines:

MOTION

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

Application Reviews:

Mr. Hezekiah Davis

The Commission held an Application Hearing regarding Mr. Hezekiah Davis. Mr. Davis was not present.

No action was taken.

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

Mr. William Maciorowski

The Commission held an Application Hearing regarding Mr. William Maciorowski. Mr. Maciorowski appeared before the Commission to present testimony and waived his rights to be represented by counsel.

MOTION:

Mr. Davis made a motion to approve Mr. Maciorowski Residential Specialty Contractor's Application. Mr. Bailey seconded the motion, which 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.)

Mr. John Gillespie

The Commission held an Application Hearing regarding Mr. John Gillespie. Mr. Gillespie appeared before the Commission to present testimony and waived his right to be represented by counsel.

MOTION:

Mr. Davis made a motion to allow Mr. Gillespie to sit for Codes part of the Residential Builders Examination. Mr. Dowd 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. Bo A. Horne

The Commission held an Application Hearing regarding Mr. Bo A. Horne. Mr. Horne appeared before the Commission to present testimony and waived his rights to be represented by counsel.

MOTION:

Mr. Bailey made a motion to allow Mr. Horne to sit for the Residential Plumbers Examination. 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. Mack Partlow

The Commission held an Application Hearing regarding Mr. Mack Partlow. Mr. Partlow appeared before the Commission to present testimony and waived his right to be represented by counsel.

MOTION:

Mr. Bailey made a motion to reinstate Mr. Partlow's Grandfather 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 if requested in accordance with the law.)

Mr. Robert Joseph

The Commission held an Application Hearing regarding Mr. Robert Joseph. Mr. Joseph appeared before the Commission to present testimony and waived his right to be represented by counsel.

MOTION:

Mr. Roberts made a motion to reinstate Mr. Robert Joseph's Grandfather Residential Electrical License. Mr. Dowd 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. Jerry Helms

The Commission held an Application Hearing regarding Mr. Jerry Helms. Mr. Helms appeared before the Commission to present testimony and waived his right to be represented by counsel.

MOTION:

Mr. Dowd made a motion to reinstate Mr. Helms' Grandfather Heating and Air License. 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. Curlin Simmons

The Commission held an Application Hearing regarding Mr. Curlin Simmons. Mr. Simmons appeared before the Commission to present testimony and waived his right to be represented by counsel.

MOTION:

Mr. Bailey made a motion to reinstate Mr. Simmons Grandfather Electrical License and correct the licensing error showing that the license expired on June 30, 2011, instead of June 30, 2010. 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. Christopher Benton

The Commission held an Application Hearing regarding Mr. Christopher Benton. Mr. Benton appeared before the Commission to present testimony and waived his right to be represented by counsel.

MOTION:

Mr. Davis made a motion to allow Mr. Benton to sit for the Residential Electrical Examination. 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. Samuel Toney

The Commission held an Application Hearing regarding Mr. Samuel Toney. Mr. Toney appeared before the Commission to present testimony and waived his right to be represented by counsel.

MOTION:

Mr. Bailey made a motion to approve Mr. Toney's Grandfather Electrical License. Mr. Dowd 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. Albert Bolin

The Commission held an Application Hearing regarding Mr. Albert Bolin. Mr. Bolin appeared before the Commission to present testimony and waived his right to be represented by counsel.

MOTION:

Mr. Bailey made a motion to reinstate Mr. Bolin's Grandfather HVAC and Electrical Licenses. 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. Benjamin Pinckney, Jr.

The Commission held an Application Hearing regarding Mr. Benjamin Pickney, Jr. Mr. Pickney appeared before the Commission to present testimony and waived his right to be represented by counsel.

MOTION:

Mr. Bailey made a motion to reinstate Mr. Pickney's Grandfather HVAC and Plumbing Licenses. Mr. Davis 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. Joe Cockrell

The Commission held an Application Hearing regarding Mr. Joe Cockrell. Mr. Cockrell appeared before the Commission to present testimony and waived his right to be represented by counsel.

MOTION:

Mr. Dowd made a motion to approve Mr. Cockrell Residential Specialty Contractors Application with a probationary status until June 30, 2011. Mr. Davis 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. James Canteen

The Commission held an Application Hearing regarding Mr. James Canteen. Mr. Canteen appeared before the Commission to present testimony and waived his right to be represented by counsel.

MOTION:

Mr. Davis made a motion to reinstate Mr. Canteen's Grandfather 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 if requested in accordance with the law.)

Mr. Milton Scott

The Commission held an Application Hearing regarding Mr. Milton Scott. Mr. Scott appeared before the Commission to present testimony and waived his right to be represented by counsel.

MOTION:

Mr. Bailey made a motion to approve Mr. Scott's Grandfather HVAC License. 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. Jack Easler

The Commission held an Application Hearing regarding Mr. Jack Easler. Mr. Easler was not present.

No action was taken.

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

Mr. George H. Elmore

The Commission held an Application Hearing regarding Mr. George H. Elmore. Mr. Elmore appeared before the Commission to present testimony and waived his right to be represented by counsel.

<u>MOTION:</u>

Mr. Davis made a motion to deny Mr. Elmore's request to waive the Electrical Examination but allow him to sit for the Electrical Examination. 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. Anthony Young

The Commission held an Application Hearing regarding Mr. Anthony Young. Mr. Young appeared before the Commission to present testimony and waived his right to be represented by counsel.

MOTION:

Mr. Bailey made a motion to approve Mr. Young's Grandfather 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 if requested in accordance with the law.)

Approval of Hearing Officer's Report and Recommendation for Citation:

Jamie Saxon – Advice Attorney

Mr. Thomas McBride

The Commission held a Citation Hearing regarding Mr. Thomas McBride. Mrs. Christa Bell represented the State.

MOTION:

Mr. Roberts made a motion to approve the Hearing Officer's Report and Recommendation for Citation. The citation amount shall be reduced from Five Hundred Dollars (\$500.00) to One Hundred Dollars (\$100.00) and Four Hundred Dollars (\$400.00) of the citation amount paid by the Respondent shall be refunded to him. 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. Odell Roy Barnes

The Commission held a Citation Hearing regarding Mr. Odell Roy Barnes. Mr. Barns was not present.

MOTION:

Mr. Bailey made a motion to approve the citation against Mr. Barns. Mr. Davis 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. Michael Ball

The Commission held a Citation Hearing regarding Mr. Michael Ball. Mr. Ball was not present.

MOTION:

Mr. Bailey made a motion to approve the citation against Mr. Ball. Mr. Davis 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. Sid Albert

The Commission held a Citation Hearing regarding Mr. Sid Albert. Mr. Albert was not present.

MOTION:

Mr. Bailey made a motion to approve the citation against Mr. Albert. Mr. Davis 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. Sease Kelly Bickley

The Commission held a Citation Hearing regarding Mr. Sease Kelly Bickley. Mr. Bickley was not present.

MOTION:

Mr. Bailey made a motion to approve the citation against Mr. Bickley. Mr. Davis 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. James Robert Brewer

The Commission held a Citation Hearing regarding Mr. James Robert Brewer. Mr. Brewer was not present.

MOTION:

Mr. Bailey made a motion to approve the citation against Mr. Brewer. Mr. Davis 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. Ryan Frank Farr

The Commission held a Citation Hearing regarding Mr. Ryan Frank Farr. Mr. Farr was not present.

MOTION:

Mr. Bailey made a motion to approve the citation against Mr. Farr. Mr. Davis 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. Scott Williams

The Commission held a Citation Hearing regarding Mr. Scott Williams. Mr. Williams was not present.

MOTION:

Mr. Bailey made a motion to approve the citation against Mr. Williams. Mr. Davis 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. Alberto Alvarez

The Commission held a Citation Hearing regarding Mr. Alberto Alvarez. Mr. Alvarez was not present.

MOTION:

Mr. Bailey made a motion to approve the citation against Mr. Alvarez. Mr. Davis 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. Ian Howell

The Commission held a Citation Hearing regarding Mr. Ian Howell.

MOTION:

Mr. Bailey made a motion to approve the citation against Mr. Howell. Mr. Davis 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. John H. Gurganus, Jr.

The Commission held a Citation Hearing regarding Mr. John H. Gurganus, Jr. Mr. Guganus was not present.

MOTION:

Mr. Bailey made a motion to approve the citation against Mr. Gurganus. Mr. Davis 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. Steven M. Scott

The Commission held a Citation Hearing regarding Mr. Steven M. Scott. Mr. Scott was not present.

MOTION:

Mr. Bailey made a motion to approve the citation against Mr. Scott. Mr. Davis 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. Melvin Bisbee

The Commission held a Citation Hearing regarding Mr. Melvin Bisbee. Mr. Bisbee was not present.

MOTION:

Mr. Bailey made a motion to approve the citation against Mr. Bibee. Mr. Davis 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. Jamie Brown

The Commission held a Citation Hearing regarding Mr. Jamie Brown. Mr. Brown was not present.

MOTION:

Mr. Bailey made a motion to approve the citation against Mr. Brown. Mr. Davis 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. Walter Henegar

The Commission held a Citation Hearing regarding Mr. Walter Henegar. Mr. Henegar was not present.

MOTION:

Mr. Bailey made a motion to approve the citation against Mr. Henegar. Mr. Davis 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. Michael Allen Palm

The Commission held a Citation Hearing regarding Mr. Michael Allen Palm. Mr. Palm was not present.

MOTION:

Mr. Bailey made a motion to approve the citation against Mr. Palm. Mr. Davis 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. Coleman Haynie Cox

The Commission held a Citation Hearing regarding Mr. Coleman Haynie Cox. Mr. Cox was not present.

MOTION:

Mr. Bailey made a motion to approve the citation against Mr. Cox. Mr. Davis 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.)

Approval of Hearing Officer's Recommendation for Bond Claims:

Mr. Gene Ethington – Case #2009-282

The Commission held a Bond Claim Hearing regarding Mr. Gene Ethington. Mr. Ethington was not present.

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

MOTION:

Mr. Roberts made a motion to approve the Administrator's Recommendation for Bond Claim against Mr. Ethington case #2009-282. 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. Robert C Grier - Case #2009-773

The Commission held a Bond Claim Hearing regarding Mr. Robert C. Grier. Mr. Grier was not present.

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

MOTION:

Mr. Roberts made a motion to approve the Administrator's Recommendation for Bond Claim against Mr. Grier case # 2009-773. 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. Michael Boatwright - Case #2009-60

The Commission held a Bond Claim Hearing regarding Mr. Michael Boatwright. Mr. Boatwright was not present.

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

MOTION:

Mr. Roberts made a motion to approve the Administrator's Recommendation for Bond Claim against Mr. Boatwright case # 2009-60. 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. Michael Boatwright - Case #2009-632

The Commission held a Bond Claim Hearing regarding Mr. Michael Boatwright. Mr. Boatwright was not present.

MOTION:

Mr. Roberts made a motion to approve the Administrator's Recommendation for Bond Claim against Mr. Boatwright case #2009-632. 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.)

Administrative Hearings:

Approval of Hearing Officer's Recommendation:

Curtis J. Lollis

The Commission held an Administrative Hearing regarding Mr. Curtis J. Lollis. Mr. Lollis was not present. Mr. Roberts requested to be recused because of prior business acquaintance.

MOTION:

Mr. Bailey made a motion that Mr. Lollis' license shall be suspended, stayed immediately, pending corrections of the ventilation issues, to the satisfaction of the Commission, within thirty (30) days from the date of the Final Order. Mr. Lollis shall pay a fine of Five Hundred Dollars (\$500.00) within thirty (30) days from the date of the Final Order. The fine shall not be deemed paid until received by the Commission. Failure to pay the fine shall prevent the Respondent from being re-licensed.

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

Public Comments:

Ms. Cherry Williamson expressed a concern regarding the following:

- How could the Commission assist consumers filing complaints against a licensees bond;
- Increasing a licensee bond;
- The length of time to receive an inspection; and

• Jurisdiction over home inspectors.

Mr. Saxton advised that the Board only has jurisdiction over a licensee license and can authorized calling on whatever bond that exist.

Chairman Williams thanked Ms. Williamson for attending and stated that the Commission has expressed concerns regarding the increase in the surety bonds and the inspection process but the Commission is limited because of limited staff. He asked her to contact her legislator and express her concerns.

Date of Next Meeting:

The next meeting of the Commission is scheduled for Wednesday, November 10, 2010 in conference room 105.

Adjournment:

Mr. Davis moved the meeting be adjourned. Mr. Clark seconded the motion, which carried unanimously. The October 13, 2010, meeting of the South Carolina Residential Builders Commission adjourned at 2:00 p.m.