

RESIDENTIAL BUILDERS COMMISSION  
Synergy Business Park  
110 Centerview Drive Kingstree Building, Room 108  
Columbia, South Carolina 29210  
Wednesday, January 14<sup>th</sup>, 2015

**NOTE: These minutes are a record of the motion and official actions taken by the Board and brief summary of the meeting.**

**Called To Order:**

Derrick Williams, Chairman called the regular meeting of the Residential Builders Commission to order at 10:04 a.m. Other members present for the meeting included: Al Bailey, Tim Roberts; Caleb Davis, Frank Clark and Bryan Dowd.

Derrick 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 person, organizations and news media in accordance with §30-4-80 of the South Carolina Freedom of Information Act.

**Approval of Agenda:**

**MOTION:**

Mr. Clark made a motion to approve the December 10<sup>th</sup>, 2014 Residential Builders Commission Meeting Agenda. Mr. Bailey seconded the motion, which carried unanimously.

**Approval of Minutes for the December 10<sup>th</sup>, 2014 Meeting:**

**MOTION:**

Mr. Bailey made a motion to approve the December 10<sup>th</sup>, 2014 meeting minutes. Mr. Roberts seconded the motion, which carried unanimously.

**Approval /Disapproval of Absent Members:**

Mr. Dowd made a motion to approve the absence of Mr. Hal Dillard. Mr. Clark seconded the motion, which carried unanimously.

**Chairman's Remarks:**

*Derrick Williams- chairman*

Mr. Williams, Chairman reminded everyone that this meeting is being recorded and asked that everyone please clearly. Additionally, he advised all applicants and licensees to direct their questions to the chairman of the board.

**Owner/Builder Waiver:**

*Mr. Doug McQuilken*

The Commission held a Hearing regarding Mr. Doug McQuilken's request an Owner/Builder waiver. Mr. McQuilken appeared before the Commission to present testimony and waived his right to counsel.

**MOTION:**

Mr. Bailey made a motion to approve the exemption of the owner builder waiver for Mr. McQuilken. Mr. Clark seconded the motion, which carried unanimously.

*Mr. James McCarty*

The Commission held an Application Review Hearing regarding Mr. James McCarty. Mr. McCarty did not appear before the Commission to present testimony.

**MOTION:**

No motions were made.

*Mr. Charles Sweatt*

The Commission held an Application Review Hearing regarding Mr. Charles Sweatt. Mr. Sweatt appeared before the Commission to present testimony with a witness Ms. Sherrie Sweatt and he waived his right to counsel.

**MOTION:**

Mr. Davis made a motion to approve Mr. Sweatt's Residential Specialty Registration and must maintain a \$5,000 bond at all times. Mr. Dowd seconded the motion, which carried unanimously.

*Ms. Anthony Bass*

The Commission held an Application Review Hearing regarding Mr. Anthony Bass. Mr. Bass appeared before the Commission to present testimony, along with along with a witness Mr. James Bass and waived his right to counsel.

**MOTION:**

Mr. Bailey made a motion to deny the Residential Specialty Registration. Mr. Roberts seconded the motion, which carried unanimously.

*Mr. David McKenzie*

The Commission held an Application Review Hearing regarding Mr. David McKenzie. Mr. Mckenzie appeared before the Commission to present testimony and waived his right to counsel.

**MOTION:**

Mr. Bailey made a motion to allow Mr. Mckenzie to sit for the Residential heating and air exam. Mr. Davis seconded the motion, which carried unanimously.

*Mr. Scott Miller*

The Commission held an Application Review Hearing regarding Mr. Scott Miller. Mr. Miller appeared before the Commission to present testimony and waived his right to counsel.

**MOTION:**

Mr. Bailey made a motion to allow Mr. Miller to sit for the Residential Builders Exam. Mr. Dowd seconded the motion, which did carried unanimously.

*Mr. Christopher Brinkley*

The Commission held an Application Review Hearing regarding Mr. Christopher Brinkley. Mr. Brinkley appeared before the Commission to present testimony and waived his right to counsel.

**MOTION:**

Mr. Dowd made a motion to allow Mr. Brinkley to sit for Residential Builders Exam. Mr. Clark seconded the motion, which carried unanimously.

*Mr. Gerardo Montero*

The Commission held an Application Review Hearing regarding Mr. Gerardo Montero. Mr. Montero appeared before the Commission to present testimony and waived his right to counsel.

**MOTION:**

Mr. Bailey made a motion to allow Mr. Montero to sit for the Residential Builders exam. Mr. Roberts seconded the motion, which carried unanimously

*Mr. Howard Charpia*

The Commission held an Application Review Hearing regarding Mr. Howard Charpia. Mr. Charpia appeared before the Commission to present testimony and waived his right to counsel.

**MOTION:**

Mr. Bailey made a motion to go into executive session. Mr. Dowd seconded the motion, which carried unanimously.

**MOTION:**

Mr. Bailey made a motion to exit the executive session. Mr. Dowd seconded the motion, which carried unanimously.

**MOTION:**

Mr. Bailey made a motion to approve Mr. Charpia once he completes a 20 hour course in Builder Contractual Obligations, and takes the Residential Builders Exam, His license will be a under a one year probationary period once license is issued. Mr. Davis seconded the motion, which carried unanimously.

Mr. Frank Clark had to excuse himself from the meeting at 12:00 pm.

*Mr. Jason Houston*

The Commission held an Application Review Hearing regarding Mr. Jason Houston. Mr. Houston appeared before the Commission to present testimony along with his attorney Mr. Dan David.

**MOTION:**

Mr. Dowd made a motion to go executive session. Mr. Roberts seconded the motion, which carried unanimously.

**MOTION:**

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

**MOTION:**

Mr. Dowd made a motion to deny Mr. Houston's application at this time based on the evidence presented, which does not rise to the level of a good faith, reasonable offer to resolve the outstanding judgment with South Coast Community Bank. In the event a negotiated settlement with South Coast, the application maybe approved by staff upon receipt of written proof of settlement terms. If Mr. Houston cannot reach a negotiated settlement with South Coast Community bank, he may return to the Commission for a review of any efforts made by him to extend a good faith reasonable offer. Mr. Davis seconded the motion, Mr. Houston's attorney Mr. Dan David asked if the board to amend the motion to allow Mr. Houston a 90 day time frame to work on the offer with South Coast Community Bank. Mr. Dowd amended his motion to allow Mr. Houston builders license stay in Pending Board Review status for 90 days from the order until he can provide further documentation of satisfaction of judgment. Mr. David seconded the motion, which carried unanimously.

*Mr. David Bridges*

The Commission held an Application Review Hearing regarding Mr. David Bridges. Mr. Bridges appeared before the Commission to present testimony and he waived his right to counsel.

**MOTION:**

Mr. Roberts made a motion to approve the renewal. Mr. Davis seconded the motion, which carried unanimously.

*Mr. Charlie Broughton*

The Commission held an application review hearing regarding Mr. Charlie Broughton. Mr. Broughton appeared before the Commission to present testimony along with a witness Mr. Luther Broughton and waived his right to counsel.

**MOTION:**

Mr. Bailey made a motion to approve his residential specialty registration once he provides written proof of satisfaction of judgments or proof of payment arrangements. Mr. Roberts seconded the motion which carried unanimously.

*Mr. Walter Peake*

The Commission held an application review hearing regarding Mr. Walter Peake. Mr. Peake appeared before the commission to present testimony and waived his right to counsel.

**MOTION:**

Mr. Bailey made a motion to approve Mr. Peake for a residential specialty registration. Mr. Davis seconded the motion, which carried unanimously.

*Mr. Jeff Harrelson*

The Commission held an application review hearing regarding Mr. Jeff Harrelson. Mr. Harrelson appeared before the commission to present testimony and waived his right to counsel.

**MOTION:**

Mr. Bailey made a motion to approve the reinstatement of Mr. Harrelson license once he provides written proof of an acceptance or denial of offer. Mr. Davis seconded the motion, which carried unanimously.

*Mr. Mark Crary*

The Commission held an application review hearing regarding Mr. Mark Crary. Mr. Crary appeared before the commission to present testimony and waived his right to counsel.

**MOTION:**

Mr. Roberts made a motion to allow Mr. Crary to stay in the “pending board review” status for 60 days; within that time frame he must provide update on judgment, settlement or payment plan. If update is not received the license will be lapsed. Mr. Dowd seconded the motion, which carried unanimously.

**Final Order Hearings:**

*Mr. Benn Ciardi Case# 2013-483*

The Board held a Final Order hearing regarding Mr. Benn Ciardi.

**MOTION:**

Mr. David made a motion to uphold the Hearing Officer’s Recommendation. Mr. Roberts seconded the motion which carried unanimously.

*Mr. Timothy St. Pierre Case# 2013-243*

The Board held a Final Order hearing regarding Mr. Timothy St. Pierre.

**MOTION:**

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

**Administrator's Remarks:**

Ms. Janet Baumberger presented information to the board regarding the Certificate of Authorization (COA) she informed the Commissioners of new trends the staff has seen and she would inform the commissioners of any new growth in these areas. She also spoke about the possibility of unethical conduct and how the instances should be handled once the incidents have been brought to her attention.

**OIE Report – Mr. Todd Bond:**

*Todd Bond, Chief Investigator of OIE*

Mr. Todd Bond, Chief Investigator appeared to present the information to the commission regarding the OIE monthly report.

**Complaints Received – 577**  
**Closed Cases – 550**

**Active Investigations – 102**

**New Business**

A. Recommendations of IRC

**MOTION:**

Mr. Bailey made a motion to approve the Recommendation of the IRC. Mr. Roberts seconded the motion, which carried unanimously.

B. Resolution Guidelines

**MOTION:**

Mr. Dowd made a motion to approve the IRC Resolution Guidelines. Mr. Davis seconded the motion, which carried unanimously.

C. Continued Reciprocity with MASC

Ms. Hope Kumar presented the board with the new testing provider and a comparison of the exams from PSI for the MASC and requested that the board continue Reciprocity with the MASC.

**MOTION:**

Mr. Dowd made a motion to continue the reciprocity agreement with the MASC. Mr. Roberts seconded the motion which carried unanimously.

D. Collection of Fines:

Ms. Baumberger presented information to the Commission that the agency is planning to take part in the efforts to collection outstanding fines through the Department of Revenue.

**MOTION:**

Mr. Roberts made a motion for the Residential Builders Commission to participate in the collections program through the South Carolina Department of Revenue. Mr. Dowd seconded the motion which carried unanimously.

E. Elections of Officers

**MOTION:**

Mr. Roberts made a motion to elect Mr. Derrick Williams as the Board Chairperson. Mr. Dowd seconded which carried unanimously.

**MOTION:**

Mr. Roberts made a motion to elect Mr. Al Bailey as the Board Vice-Chairperson. Mr. Dowd seconded which carried unanimously.

**Old Business:**

**MOTION:**

Mr. Bailey made a motion to go into executive session. Mr. Roberts seconded the motion, which carried unanimously.

**MOTION:**

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

**Public Comments:**

**Date of Next Meeting:**

The next Residential Builders Commission meeting will be held Wednesday, February 11<sup>th</sup>, 2015 in room 108.

**Adjournment:**

Mr. Roberts made a motion to adjourn the Residential Builders Commission Meeting. Mr. Dowd seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 3:30 p.m.

**NOTE: These minutes are a record of the motion and official actions taken by the Board and brief summary of the meeting.**