

RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park
110 Centerview Drive Kingstree Building, Room 108
Columbia, South Carolina 29210
Wednesday, October 9, 2019

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:

Timothy W. Roberts, Chairman called the regular meeting of the Residential Builders Commission to order at 10:06 a.m. Other members present for the meeting included: Bryan Dowd, Hal Dillard, Monte Lemmon and Al Bailey.

Timothy W. Roberts, 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. Rhyne made a motion to approve the October 9, 2019 Residential Builders Commission Meeting Agenda. Mr. Lemmon seconded the motion, which carried unanimously.

Approval of Minutes for the September 11, 2019 Meeting:

MOTION:

Mr. Bailey made a motion to approve the September 11, 2019 meeting minutes. Mr. Dowd seconded the motion, which carried unanimously.

Approval /Disapproval of Absent Members:

All members were present.

Chairman's Remarks:

Timothy W. Roberts

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

Application Reviews:

Eric Ridgeway

The Commission held an application review regarding Mr. Eric Ridgeway. Mr. Ridgeway appeared before the Commission, waived his right to counsel.

MOTION:

Mr. Dillard made a motion to allow Mr. Ridgeway to sit for the exam. Mr. Bailey seconded the motion, which carried unanimously.

Eric Gutierrez

Mr. Gutierrez did not appear before the Commission.

MOTION:

No motions were made.

Willie McLeod

Mr. McLeod did not appear before the Commission.

MOTION:

No motions were made.

Henry Hudson Jr.

The Commission held an application review regarding Henry Hudson Jr. Mr. Hudson appeared before the Commission and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to approve Mr. Hudson's request for a specialty registration with the condition that he comply with the terms of his probation and submit verification to Commission staff when his probation has ended. Mr. Lemmon seconded the motion, which carried unanimously.

- *Mr. Dowd recused himself for the hearing for Mr. Joshua Lawhon.*

Joshua Lawhon

The Commission held an application review regarding Joshua Lawhon. Mr. Lawhon appeared before the Commission; he presented witnesses Mr. James Lawhon, and Dr. Mark Lawhon and waived his right to counsel.

MOTION:

Mr. Lemmon made a motion to allow Mr. Lawhon to sit for the exam. Mr. Dillard seconded the motion, which carried unanimously.

- *Mr. Dowd returned to the meeting.*

Joel A Williams

The Commission held an application review regarding Joel A Williams. Mr. Williams appeared before the Commission and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to allow Joel A Williams to sit for the exam. Ms. Rhyne seconded the motion, which carried unanimously.

Larry Woodell

The Commission held an application review regarding Larry Woodell. Mr. Woodell appeared before the Commission and waived his right to counsel.

MOTION:

Mr. Dillard made a motion to enter into executive session to receive legal advice in regards to the application for Mr. Woodell. Ms. Rhyne seconded the motion, which carried unanimously.

MOTION:

Ms. Rhyne made a motion to exit executive session after receiving legal advice in regards to the application for Mr. Woodell. Mr. Lemmon seconded the motion, which carried unanimously.

MOTION:

Mr. Dillard made a motion to allow Mr. Woodell to sit for the exam. Mr. Dowd seconded the motion, which carried unanimously.

Michael Hubbard

The Commission held an application review regarding Michael Hubbard. Mr. Hubbard appeared before the Commission, and waived his right to counsel.

MOTION:

Mr. Dowd made a motion to allow Mr. Hubbard to sit for the exam. Mr. Bailey seconded the motion, which carried unanimously.

Andrew L. Smith

The Commission held an application review regarding Andrew Smith. Mr. Smith appeared before the Commission, and waived his right to counsel.

MOTION:

Ms. Rhyne made a motion to allow Mr. Smith to sit for the exam. Mr. Dillard seconded the motion, which carried unanimously.

Stuart Harkins

The Commission held an application review regarding Stuart Harkins. Mr. Harkins appeared before the Commission, and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to allow Mr. Harkins reinstatement of specialty registration. Mr. Lemmon seconded the motion, which carried unanimously.

- Al Bailey recused himself from the Final Order hearings for Mr. Peter Dent and Mr. James Swanson.
- Monte Lemmon recused himself from the Final hearing for Mr. Peter Dent.

Final Order Hearings:

Mr. Peter Dent case # 2018-431

The Board held a Final Order hearing regarding Mr. Peter Dent. Mr. Dent was present. Mr. Bailey recused himself due to his service as the hearing officer. Mr. Charlie Gwynne, Esq. represented the State in the matter.

MOTION:

Mr. Dowd made a motion to uphold the Hearing Officer's Recommendation with the amendment to number under findings of fact to reflect six instead of eight. Ms. Rhyne seconded the motion, which carried unanimously.

- *Mr. Lemmon returned to the meeting.*

Mr. James Swanson # 2018-763

The Board held a Final Order hearing regarding Mr. James Swanson. Mr. Swanson was present. Mr. Bailey recused himself due to his service as the hearing officer. Mr. Kyle Tennis, Esq. represented the State in the matter.

MOTION:

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

- *Mr. Bailey returned to the meeting.*

Memorandum of Agreement

Christopher Raper Case no. 2016-531; 2016-597; and 2017-58

Mr. Christopher Raper appeared before the Commission and was represented by counsel Mr. Russell Fry, Esq. Ms. Erin Baldwin, Esq. represented the State. Mr. Raper answered questions from the Commission. Ms. Baldwin’s requested that the Commission accept the Memorandum of Agreement (MOA).

MOTION:

Mr. Bailey made a motion to accept the MOA and assess a total fine of Five Thousand Five Hundred Dollars (\$5,500.00) to be paid within sixty (60) days of the final order. The registration or any subsequent license issued by the Commission to Mr. Raper will be under probation for two (2) years from the date of the final order. Mr. Dowd seconded the motion, which carried unanimously.

Ralph David Broome Jr Case no2016-743; 2017-761; 2017-764; 2017-788; 2017-795

Mr. Ralph D Broome Jr. appeared before the Commission and was represented by counsel Mr. Micah Leddy, Esq. Mr. Kyle Tennis, Esq. represented the State. Mr. Broome answered questions from the Commission. Mr. Tennis’s requested that the Commission accept the Memorandum of Agreement (MOA).

MOTION:

Mr. Bailey made a motion to accept the MOA and assess a total fine of Sixteen Thousand Five Hundred Dollars (\$16,500.00). Mr. Broome must pay all outstanding fines in full before seeking reinstatement of his Residential Builders license or any other registration or license issued by the Residential Builders Commission. Mr. Broome must appear before the full Commission for determination as to his competence to engage in residential building or the profession for which a registration or license is sought. The bond may be called upon to repair the South Carolina Code violations identified in Finding of Face No. 39(d). Homeowner #5 shall produce three (3) estimates of repair and submit them to the Commission Administrator to be considered by the full Commission in approving a bond claim amount. Mr. Dowd seconded the motion, which carried unanimously.

Updating of South Carolina Residential Construction Standards:

Mr. Roberts informed the Commissioners that the National Home Builders Association was in the process of updating the Residential Construction Standards and when the NHBA completed its update, the Commission would consider the NHBA’s updated version as part of updating its Residential Construction Standards.

ODC Report- Kyle Tennis

Kyle Tennis, Attorney, Office of Disciplinary Counsel

Mr. Kyle Tennis, presented the ODC Report. Mr. Kyle Tennis reported the number of case prosecuted through October 1, 2019 .

Open: 191 Pending Actions: 125 Pending ALC Hearings: 1 Pending Scheduling: 7
Citation Appeal: 1 Pending Appeal: 1 Pending Respondent’s Agreement: 20
Pending Panel Hearing: 10 Pending Board Hearing:10 Pending New OIE: 13
Pending Board Action: 3 Pending Scheduling FOH: 0 Closed: 28

OIE Report – Mr. Todd Bond:

Todd Bond, Chief Investigator of OIE

Mr. Kyle Tennis, presented the OIE report on behalf of Mr. Todd Bond. He reported the number of investigations as of October 9, 2019:

Complaints Received – 696 Active Investigations – 254 Closed Cases – 664

New Business

A. Recommendations of IRC

MOTION:

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

B. Resolution Guidelines

MOTION

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

Administrator’s Remarks for Information:

Old Business:

Public Comments:

Date of Next Meeting:

The next Residential Builders Commission meeting will be held Wednesday, November 13, 2019 in room 204.

Adjournment:

Mr. Bailey made a motion to adjourn the Residential Builders Commission Meeting. Mr. Dillard seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 1:25 p.m.

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