

RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park
110 Centerview Drive Kingstree Building, Room 108
Columbia, South Carolina 29210
Wednesday, December 12, 2012

NOTE: These minutes are a record of the motion and official actions taken by the Board and brief summary of the meeting. A transcript of this meeting providing more detail will be available on the Board's website:

Called To Order:

Derrick G. Williams, Chairman called the regular meeting of the Residential Builders Commission to order at 10:03 a.m. Other members present for the meeting included: Frank Clark; Caleb Davis; Bryan Dowd; Tim Roberts; and Al Bailey.

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

Approval of Agenda:

MOTION:

Mr. Bailey made a motion to approve the December 12, 2012 Residential Builders Commission Meeting Agenda. Mr. Dowd seconded the motion, which carried unanimously.

Approval of Minutes for the November 14, 2012 Meeting:

MOTION:

Mr. Clark made a motion to approve the November 14, 2012 meeting minutes. Mr. Bailey seconded the motion, which carried unanimously.

Approval /Disapproval of Absent Members:

MOTION:

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

Chairman's Remarks:

Derrick Williams

There were no remarks made.

Administrator's Remarks:

Janet Baumberger

- Janet opened up the discussion on Frank Clark's behalf in reference to a termite report regarding damages.

The commission determined that LLR can not get involved until an initial complaint is filed by the homeowner. LLR does not license Termite Inspection professionals. For more detailed information, please refer to the transcript.

- Janet Baumberger presented commission for approval to allow Administrator to sign Letters of Caution.

MOTION:

Mr. Davis made a motion to approve for the administrator to sign the Letters of Caution. Mr. Bailey seconded the motion, which carried unanimously

- Janet Baumberger asked for clarification if a licensed builder is required to hire only licensed sub-contractor's.

MOTION:

Mr. Bailey made a motion that a licensed builder must hire a licensed sub-contractor unless the licensed builder uses people on his payroll. Mr. Davis seconded the motion, which carried unanimously.

- Janet Baumberger asked if the Administrator has authority to accept repayment agreements and appropriate documentation proving satisfaction or cancellation of outstanding liens and judgments and to issue license with Orders for license issuance with conditions.

MOTION:

Mr. Davis made a motion that the Administrator be issued the authority to accept repayment agreements and appropriate documentation proving satisfaction or cancellation of outstanding liens and judgments and to issue license with Orders for license issuance with conditions. Mr. Clark seconded the motion, which carried unanimously.

- Janet Baumberger asked if the Administrator could have authority to approve license issuance for applicant with bankruptcy filing and/or bankruptcy discharge.

MOTION:

Mr. Bailey made a motion for the Administrator to have authority to approve license issuance for applicant with bankruptcy filing that have met all the requirements with the condition that they send in a credit report with the next renewal. Mr. Davis seconded the motion, which carried unanimously.

- Janet Baumberger asked if an individual with a summer and winter home could qualify for the owner/builder exemption.

Commission concluded that they must document the exemption with the Register of Deeds office and the home cannot be offered for rent or sale for 2 years.

OIE Report – Mr. Todd Bond:

Todd Bond, Chief Investigator of OIE

Mr. Todd Bond, Chief Investigator of Office of Investigation, reported the number of investigations as of today:

Complaints Received - 497

Active Investigations - 123

Closed Cases - 424

Old Business:

Recommendation of IRC:

MOTION:

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

IRC Resolution Guidelines:

MOTION:

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

Overview of Disciplinary Process and Related Board Activities:

Discussion of Right to Cure

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 come out of executive session. Mr. Roberts seconded the motion, which carried unanimously.

MOTION:

No action taken

Application Reviews:

Mr. Michael Richardson

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

MOTION:

Mr. Bailey made a motion to approve Mr. Richardson with the condition that he provide a payment schedule and submit a credit report. 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. Kevin Meckes

The Commission held an Application Review Hearing regarding Mr. Kevin Meckes. Mr. Meckes did not show.

Mr. Jessie York

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

MOTION:

Mr. Dowd made a motion to allow Mr. York to get his license upon payment of Citation and under the condition that Mr. York provide a credit report upon next renewal. 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. Jerry Lucas

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

MOTION:

Mr. Bailey made a motion to allow Mr. Lucas to get his 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.)

Motion for Reinstatement:

Mr. Arthur Campbell

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

MOTION:

Mr. Roberts made a motion to allow Mr. Campbell to reinstate license. 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.)

Citation Appeal Hearing:

Mr. Josh Schaffer, Case #2012-97

The Board held a Citation Appeal Hearing regarding Mr. Josh Schaffer.

MOTION:

Mr. Dowd made a motion to uphold citation. Mr. Roberts seconded the motion, which carried unanimously.

Approval of Administrators Report and Recommendation on Bond Claim:

Mr. Jeffrey Johnston, Case#2011-330

MOTION:

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

Final Order Hearings:

Mr. J. Earl Lamb, Jr., Case#2011-453

The Board held a Final Order Hearing regarding Mr. J. Earl Lamb.

MOTION:

Mr. Davis made a motion to uphold Recommendation. 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. Ben Brower, Case#2011-591

The Board held a Final Order Hearing regarding Mr. Ben Brower. Andrew Rogers, Council for the State makes a statement in regards to rejecting the hearing officers recommendation.

MOTION:

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

MOTION:

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

MOTION:

Mr. Bailey made a motion to approve the findings of fact; to uphold numbers 2 and 3 in reference to the Hearing Officers recommendation and issue builder a letter of caution. 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. Conroy Jackson, Case#2011-504

The Board held a Final Order Hearing regarding Mr. Conroy Jackson.

MOTION:

Mr. Roberts made a motion to approve Final Order. 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.)

Public Comments:

There were none

Date of Next Meeting:

The next Residential Builders Commission meeting will be held Wednesday, January 9, 2012 in room 108.

Adjournment:

Mr. Clark made a motion to adjourn the Residential Builders Commission Meeting. Mr. Roberts seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 2:00 p.m.

NOTE: These minutes are a record of the motion and official actions taken by the Board and brief summary of the meeting. A transcript of this meeting providing more detail will be available on the Board's website: www.llr.state.sc.gov