

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION

Synergy Business Park,
110 Centerview Drive, Kingstree Building, Room 105
Columbia, SC 29210

Minutes

Wednesday, November 10, 2010

10:00 AM

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; Hal Dillard; 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 person, 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 General Counsel; Christa Bell, Hearing Attorney; Suzanne Hawkins, Hearing Attorney; Lilla Ann Gray, Hearing Attorney; Jamie Saxon, Advice Counsel; Mr. Dean Grigg, Advice Counsel; Stan Bowen, Administrator; Christine Driver, Administrative Assistant; Angela Scott, Administrative Assistant; Sandra Dickert, Administrative Assistant; Charlie Ido, Investigations; Jerry Merritt, Investigations; David Blackwell, State Fire Marshall Office and Theresa Richardson, Office of Licensure and Compliance.

Others present participating in the meeting included: Christopher Pike, Jody Flemming; Timothy Comose; Jamy Cote', Charles Stewart, Jack Easler, Laney Graves, Hezekiah Davis, and Anthony Spencer.

Approval of Agenda:

Wednesday, November 10, 2010

MOTION:

Mr. Bailey moved to approve the Wednesday, November 10, 2010, agenda with the following changes Mr. David J. Hewitt case was completed and Mr. Gregory Smith case was continued. Mr. Roberts seconded the motion, which carried unanimously.

Approval of Minutes:

Wednesday, October 13, 2010

Mr. Roberts moved to approve the Wednesday, October 13, 2010, meeting minutes. Mr. Bailey seconded the motion, which carried unanimously.

Approval/Disapproval of Absent Members:

NONE

Chairman's Remarks:

Derrick G. Williams, Chairman

NONE

Administrator's Remarks for Information:

Stan Bowen, Administrator

Mr. Bowen reported the number of licenses issued as of today:

Builders Active: 8372	Builders Reinstated: 94	Builders License Issued: 31
COA (Firms) Active: 64	COA (Firms) Reinstated: 2	COA (Firms) License Issued:
1	Electrical Active: 1822	Electrical Reinstated: 5
Electrical Issued: 4	Heating and Air Active: 859	Heating and Air Reinstated: 5
Heating and Air Issued: 4	Inspectors Active: 1003	Inspectors Reinstated: 5
Inspectors Issued: 4	Plumbers Active: 1220	Plumbers Reinstated: 5
Plumbers Issued: 0	Specialty Contractors Active: 8993	Specialty Contractors
Reinstated: 36	Specialty Contractors Issued: 82	Total Licenses Active:
22333		

South Carolina Residential Builder’s Portion Pass Report:

Mr. Bowen presented the Commission with a copy of the PSI Pass Report for the Residential Builders Commission as of October 31, 2010. The report included the following:

Business Management Law:	Passed: 22	Failed: 17
Residential Contractor:	Passed: 23	Failed: 8
Residential HVAC:	Passed: 1	Failed: 2
SC Home Inspector:	Passed: 2	Failed: 4
SC Residential Electrical	Passed: 2	Failed: 3
SC Residential Plumbing	Passed: 0	Failed: 2

South Carolina Department of Motor Vehicles:

Mr. Bowen presented to the Commission a copy of the South Carolina Department of Motor 2010 Vehicles License Plate Renewal Information.

Advisory Opinions:

Sheridon Spoon, Deputy General Counsel

Legislative Update:

Robert Selman

NONE

OIE Report- Office of Investigations and Enforcement:

Charlie Ido

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

Opened Complaints since January 2004: 5385	Closed Complaints since January 2004: 5011
Complaints Open: 37	Forwarded to OGC: 135
Complaints Open since January 2010: 824	Complaints Closed: 536
Complaints Still Open: 288	

Mr. Ido reported that Office of Investigation and Enforcement would be presenting a workshop titled “Working Together,” on December 8, 2010.

OGC Report – Office of General Counsel (Quarterly):

NONE

Tracy McCarley – Financial Reports (Quarterly):

Tracy McCarley

NONE

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John Reich, State Fire Marshal – Multi-Purpose Piping:

David Blackwell, State Fire Marshal Office

Mr. David Blackwell, State Fire Marshal Office informed the Commission that Mr. Reich was unable to attend the meeting and he was present to answer any questions they had regarding the Multi-Purpose Piping.

Old Business:

NONE

New Business:

Recommendations of IRC:

MOTION:

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

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.

Applications Reviews:

Mr. Hezekiah Davis

The Commission held an Application Hearing regarding Mr. Hezekiah Davis. Mr. Davis waived his right to counsel and appeared to give testimony.

MOTION:

Mr. Bailey made a motion to approve Mr. Davis' 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.)

Mr. Michael Ball

The Commission held an Application Hearing regarding Mr. Michael Ball. Mr. Ball waived his right to counsel and appeared to give testimony.

MOTION:

Mr. Roberts made a motion to approve Mr. Ball's Specialty Contractor's Application. 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.)

Mr. Jack Easler

The Commission held an Application Hearing regarding Mr. Jack Easler. Mr. Easler waived his right to counsel and appeared to give testimony.

MOTION:

Mr. Dillard made a motion to approve Mr. Easler's Grandfather Plumbing license. Mr. Davis seconded the motion, which carried unanimously.

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Mr. Henry M. Harrelson

The Commission held an Application Hearing regarding Mr. Henry M. Harrelson. Mr. Harrelson waived his right to counsel and appeared to give testimony.

MOTION:

Mr. Bailey made a motion to approve Mr. Harrelson's Grandfather Plumbing License. Mr. Roberts seconded the motion, which carried unanimously.

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Mr. Richard B. Smith

The Commission held an Application Hearing regarding Mr. Richard B. Smith. Mr. Smith was not present.

The Commission took no action.

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Mr. Laney M. Graves

The Commission held an Application Hearing regarding Mr. Laney M. Graves. Mr. Graves waived his right to counsel and appeared to give testimony.

MOTION:

Mr. Davis made a motion to approve Mr. Graves' Residential Specialty Contractor's Application. 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.)

Mrs. Nancy R. Moss

The Commission held an Application Hearing regarding Mrs. Nancy R. Ross. Mrs. Moss waived her right to counsel and appeared to give testimony.

MOTION:

Mr. Davis made a motion to approve Mrs. Moss to sit for the Residential Builders Examination. Mr. Bailey seconded the motion, which carried unanimously.

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Mr. Christopher Pike

The Commission held an Application Hearing regarding Mr. Christopher Pike. Mr. Pike waived his right to counsel and appeared to give testimony.

MOTION:

Mr. Bailey made a motion to approve Mr. Pike's Residential Builders license; after one year Mr. Pike must furnish to the Commission proof that the judgment filed against him is current; and if he does not provide this information his license will be suspended. Mr. Davis seconded the motion, which carried unanimously.

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Mr. Jodey R. Fleming

The Commission held an Application Hearing regarding Mr. Jodey R. Fleming. Mr. Fleming waived his right to counsel and appeared to give testimony.

MOTION:

Mr. Dillard made a motion to deny Mr. Fleming's request to retake the Residential Home Inspectors Examination. Mr. Bailey seconded the motion, 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.)

Citations:

Ms. Melissa L. Currie – Case #2010-651

The Commission held a citation hearing regarding Ms. Melissa L. Currie.

MOTION:

Mr. Davis made a motion to approve the citation against Ms. Melissa Currie. 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. David Arnold – Case 2010-610

The Commission held a citation hearing regarding Mr. David Arnold.

MOTION:

Mr. Bailey made a motion to approve the citation against Mr. Arnold. 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. Kevin Harris – Case 2010-708

The Commission held a citation hearing regarding Mr. Kevin Harris.

MOTION:

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

Ms. Anne Scott – Case 2010-619

The Commission held a citation hearing regarding Ms. Anne Scott.

MOTION:

Mr. Roberts made a motion to approve the citation against Ms. Scott. Mr. Bailey seconded the motion, which carried unanimously.

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Residential Fire Sprinklers:

Mr. Charles Stewart

Mr. Charles Stewart, Legal Counsel for South Carolina Masters Plumbing Association presented information to the Commission regarding Residential Fire Sprinklers. Attached is a copy of Mr. Stewart's report and become part of the record.

Administrative Hearings:

Hearing Officer's Recommendations:

Mr. Sidney Daugherty – Case 2009-367

The Commission held an Administrative Hearing regarding Mr. Sidney Daugherty.

MOTION:

Mr. Davis made a motion to approve the Hearing Officer's Recommendations against Mr. Daugherty. Mr. Bailey seconded the motion, which carried unanimously.

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Mr. James Hale – Case 2009-402

The Commission held an Administrative Hearing regarding Mr. James Hale. Mr. Hale was represented by Mr. Chris Spradley, Esquire.

MOTION:

Mr. Roberts made a motion to approve the Hearing Officer's Recommendations against Mr. Hale. Mr. Dowd seconded the motion, which carried unanimously.

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Mr. James M. Robbins– Case 2009-775

The Commission held an Administrative Hearing regarding Mr. James M. Robbins.

MOTION:

Mr. Roberts made a motion to approve the Hearing Officer's Recommendations against Mr. Robbins. 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.)

Mr. Joe Phillips – Case 2009-552

The Commission held an Administrative Hearing regarding Mr. Joe Phillips. Mr. Phillips was represented by Mr. Chris Spradley, Esquire.

MOTION:

Mr. Roberts made a motion to approve the Hearing Officer's Recommendations against Mr. Phillips. 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. Bonnie C. Bowers – Case 2009-730

The Commission held an Administrative Hearing regarding Mr. Bonnie C. Bowers.

MOTION:

Mr. Clark made a motion to approve the Hearing Officer's Recommendations against Mr. Bowers. 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. Melvin Hallman – Case 2010-38

The Commission held an Administrative Hearing regarding Mr. Melvin Hallman

MOTION:

Mr. Roberts made a motion to approve Hearing Officer's Recommendations against Mr. Hallman. 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. Brian Atkinson – Case 2010-191

The Commission held an Administrative Hearing regarding Mr. Brian Atkinson.

MOTION:

Mr. Bailey made a motion to approve the Hearing Officer's Recommendations against Mr. Atkinson. Mr. Dowd seconded the motion, which carried unanimously.

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Mr. Steven W. McGuinn – Case# 2008-495

The Commission held an Administrative Hearing regarding Mr. Steven W. McGuinn. Mr. Roberts asked to be recused because Mr. McGuinn is a business acquaintance.

MOTION:

Mr. Roberts made a motion to approve the Hearing Officer's Recommendations against Mr. McGuinn. 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. James W. Alston – Case# 2009-565

The Commission held an Administrative Hearing regarding Mr. James W. Alston.

MOTION:

Mr. Dowd made a motion to approve the Hearing Officer's Recommendations against Mr. Alston. 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.)

Mr. Marc Herbert – Case# 2010-56

The Commission held an Administrative Hearing regarding Mr. Marc Herbert.

MOTION:

Mr. Bailey made a motion to approve the Hearing Officer's Recommendations against Mr. Herbert but reduce the fine to Five Hundred (\$500.00) Dollars. Mr. Clark seconded the motion, which carried unanimously.

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Public Comments:

NONE

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Dates of Next Meeting:

The next meeting of the Residential Builders Commission is scheduled for Wednesday, December 8, 2010 in conference room 108.

Adjournment:

Mr. Roberts moved the meeting be adjourned. Mr. Davis seconded the motion, which carried unanimously. The November 10, 2010, meeting of the South Carolina Residential Commission adjourned at 12:34 p.m.