

RESIDENTIAL BUILDERS COMMISSION  
Synergy Business Park  
110 Centerview Drive Kingstree Building  
Columbia, South Carolina 29210  
Videoconference  
Wednesday, October 14, 2020

**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 10:12 a.m. Other members present for the meeting included: Christy Rhyne, Monte Lemmon, Bryan Dowd 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 persons, organizations and news media in accordance with § 30-4-80 of the South Carolina Freedom of Information Act.

**Approval of Agenda:**

**MOTION:**

Ms. Rhyne made a motion to approve the October 14<sup>th</sup>, 2020 Residential Builders Commission Meeting Agenda. Mr. Dowd seconded the motion, which carried unanimously.

**Approval of Minutes for the September 9, 2020 Meeting:**

**MOTION:**

Ms. Rhyne made a motion to approve the September 9, 2020 meeting minutes. Mr. Bailey seconded the motion, which carried unanimously.

**Approval /Disapproval of Absent Members:**

Mr. Hal Dillard was absent.

**MOTION:**

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

**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, licensees, staff to direct their questions to the chairman of the board and asked for patience as the board used the WebEx Platform.

**Initial Applications:**

*Tracy Mims*

The Commission held an application review regarding Tracy Mims. Ms. Mims appeared before the Commission, and waived her right to counsel. She presented a witness Mr. Casey Laymon.

**MOTION:**

Mr. Bailey made a motion to allow Ms. Mims to sit for the exam. Ms. Rhyne seconded the motion, which did not carry unanimously. Mr. Dowd opposed.

*Roger Stanton*

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

**MOTION:**

Mr. Bailey made a motion to deny Mr. Stanton's application due to lack of hands on experience. Mr. Lemmon seconded the motion, which carried unanimously.

*Michael Morgan*

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

**MOTION:**

Mr. Dowd made a motion to approve Mr. Morgan for the Residential Specialty Contractor Registration with the condition that he must carry a \$5,000 bond at all times and if he has any other arrest he must reappear before the full Commission. Ms. Rhyne seconded the motion, which carried unanimously.

*Melkeda Dowling*

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

**MOTION:**

Mr. Dowd made a motion to approve Mr. Dowling for the Residential Specialty Contractor Registration with the condition that he must carry a \$5,000 bond at all times and if he has any other arrest he must reappear before the full Commission. Ms. Rhyne seconded the motion, which carried unanimously.

**Renewals:**

*David Fautley*

The Commission held an application review regarding David Fautley. Mr. Fautley appeared before the Commission with his Attorney Mr. Brad Hewitt.

**MOTION:**

Mr. Bailey made a motion to approve Mr. Fautley's renewal with the condition that he provide proof of receipt of an offer to BB&T within 90 days to the Commission. Ms. Rhyne seconded the motion, which carried unanimously.

- Mr. Al Bailey recused himself from the following portion of the meeting due to his service as the hearing officer.

**Hearing Officer Recommendations:**

*Sylvester Golden Case no: 2017-712*

The Board held a Final Order hearing regarding Mr. Sylvester Golden. Mr. Golden appeared with his counsel Ms. Carol Simpson. Mr. Kyle Tennis, Esq. represented the State in the matter.

**MOTION:**

Mr. Dowd made a motion to adopt the Hearing Officer's Recommendation. Mr. Lemmon seconded the motion, which carried unanimously.

*Mark Lipsmeyer case # 2017-212*

The Board held a Final Order hearing regarding Mr. Mark Lipsmeyer. Mr. Lipsmeyer appeared without his counsel. Mr. Kyle Tennis, Esq. represented the State in the matter.

**MOTION:**

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

*Jeffrey Smith case # 2018-168*

The Board held a Final Order hearing regarding Mr. Jeffrey Smith. Neither Mr. Smith nor his counsel was present. Mr. Chris Elliott, Esq. represented the State in the matter.

**MOTION:**

Mr. Lemmon made a motion to adopt the Hearing Officer's Recommendation. Mr. Dowd seconded the motion, which carried unanimously.

*Roy Coffin case # 2018-190*

The Board held a Final Order hearing regarding Mr. Roy Coffin. Mr. Coffin was present. Mr. Kyle Tennis, Esq. represented the State in the matter.

**MOTION:**

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

*James Lemmon case # 2017-769*

The Board held a Final Order hearing regarding Mr. James Lemmon. Mr. Lemmon was present. Ms. Shayla Hayes, Esq. represented the State in the matter.

**MOTION:**

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

- Mr. Bailey returned to the meeting

**Administrator's Report and Recommendation for Bond Claim:**

*Peter Dent case no 2018-431*

The Commission held a hearing regarding the administrator's recommendation for bond claim. Mr. Dent was present.

**MOTION:**

Mr. Dowd made a motion to approve the bond claim for the recommended amount of \$5,000.00. Mr. Bailey seconded the motion which carried unanimously.

**Discussion of Code of Ethics:**

This item was tabled for discussion at a later time.

**NC Exam waiver request for Plumber and HVAC**

Janet Baumberger, Administrator, presented to the Commission with a waiver agreement between the SC Residential Builders Commission and the NC State Board of Examiners of Plumbing, Heating & Fire

Sprinkler Contractors. Ms. Baumberger, requested the Commission approve an exam waiver between the two bodies for the residential Plumbing and HVAC licenses.

**MOTION**

Mr. Dowd made a motion to approve the Exam Waiver Agreement as written with the contingency that the North Carolina Board approved the same agreement. Ms. Rhyne seconded the motion, which carried unanimously

**Guidance on moral turpitude crimes:**

Ms. Baumberger and Ms. Stacey Hewson, Advice counsel for the Commission, sought guidance from the Commission regarding the process for reviewing and approving Criminal Background Reports that involved crimes of moral turpitude. The Commission discussed the issues and stated to continue to let Janet review each one on a case by case basis and let her determine if they can be approved at a staff level or if they needed to come before the full Commission.

**Licensing requirement for schools constructing a house as part of a technical program**

Mr. Chancellor Price, Building Official from Lexington County, appeared before the Commission to ask for guidance as to the licensing requirements for a school that is constructing a home as part of its technical program, with the understanding that the home will be sold and installed at another location. The Commission asked that Ms. Hewson review the legal issues and discuss with the Commission at a later date.

**Administrator’s Remarks for Information:**

Janet Baumberger, Administrator, provided the Commission the quarterly reports for the PSI testing statistics and the 3<sup>rd</sup> quarter financial report.

**ODC Report- Kyle Tennis:**

*Kyle Tennis, Attorney Office of Disciplinary Counsel*

Mr. Kyle Tennis presented the ODC statistics report for the 3<sup>rd</sup> quarter.

Open Cases- 200	Pending Action-97	Pending ALC Hearing- 0
Pending Scheduling/Rescheduling- 22	Citation Appeal- 2	Pending Appeal – 0
Pending Respondent’s Agreement- 42	Pending Panel Hearing- 15	Pending Board Hearing- 5
Pending New OIE-11	Pending Board Action- 1	
Pending Scheduling HOR- 5	Closed Cases- 35	

**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 14, 2020:

**As of October 14, 2020:**

**Complaints Received –746 Active Investigations – 295 Closed Cases –651**

**New Business**

1. Recommendations of IRC-

**MOTION**

Mr. Dowd made a motion to approve the Recommendations of the IRC. Ms. Rhyne seconded the motion, which carried unanimously

2. Resolution Guidelines

**MOTION**

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

**Old Business:**

None.

**Public Comments:**

None.

**Date of Next Meeting:**

The next Residential Builders Commission meeting will be held Wednesday, November 18, 2020.

**Adjournment:**

Mr. Dowd made a motion to adjourn the Residential Builders Commission Meeting. Mr. Lemmon seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 1:26 pm.

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