

RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park
110 Centerview Drive Kingtree Building
Columbia, South Carolina 29210
Wednesday, July 14, 2021

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 10:02 a.m. Other members present for the meeting included: Hal Dillard, Earl McLeod, Jr., Christy Rhyne, 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 Kingtree 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 July 14, 2021 Residential Builders Commission Meeting Agenda. Mr. Dowd seconded the motion, which carried unanimously.

Approval of the June 9, 2021 minutes:

MOTION:

Mr. Bailey made a motion to approve the June 9, 2021 agenda. Ms. Rhyne seconded the motion, which carried unanimously.

Approval /Disapproval of Absent Members:

All Members were present

Chairman's Remarks:

Timothy W. Roberts

Mr. Roberts introduced and welcomed the new Commissioner Mr. Earl E. McLeod, Jr.

Initial Applications:

Lemuel Wooten

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

MOTION:

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

Charles Nubern II

The Commission held an application review regarding Charles Nubern II. Mr. Nubern appeared before the Commission and waived his right to counsel.

MOTION:

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

William Crabtree

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

MOTION:

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

Robert Jenkins

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

MOTION:

Mr. Bailey made a motion to deny Mr. Jenkins application due to lack of proof of experience. Mr. Dillard seconded the motion, which did not carry unanimously. Mr. Dowd opposed.

Michael Simpkins

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

MOTION:

Mr. McLeod made a motion to allow Mr. Simpkins to sit for the exam. Mr. Dillard seconded the motion, which carry unanimously. Mr. Bailey and Mr. Dillard opposed.

William Hemphill

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

MOTION:

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

Patrick Simmons

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

MOTION:

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

Terry Walker

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

MOTION:

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

Robert Hale

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

MOTION:

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

Esteffany Ferreira

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

MOTION:

Mr. McLeod made a motion to deny Mr. Ferreira at this time due to lack of proof of experience. Mr. Dowd seconded the motion, which carried unanimously.

Scott Wells

The Commission held an application review regarding Mr. Scott Wells. Mr. Wells appeared before the Commission and waived his right to counsel. He presented a witness Mr. Franklin Roof.

MOTION:

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

Matthew Westbrook

The Commission held an application review regarding Mr. Matthew Westbrook. Mr. Westbrook appeared before the Commission and he was represented by counsel Mr. Alex Imgrund, Esq.

MOTION:

Ms. Rhyne made a motion to enter into executive session to receive legal advice regarding Mr. Westbrook's application. Mr. Dillard seconded the motion, which carried unanimously.

MOTION:

Mr. Bailey made a motion to exit executive session after receiving legal advice regarding Mr. Westbrook's request. Mr. Dowd seconded the motion, which carried unanimously.

MOTION:

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

Lorenzo Dickerson

The Commission held an application review regarding Mr. Lorenzo Dickerson. Mr. Dickerson appeared before the Commission and was represented by counsel, Mr. Montrio Belton, Esq.

MOTION:

Mr. Bailey made a motion to approved Mr. Dickerson's request for a specialty registration with the requirement that he maintain a \$5,000 surety bond at all times. Mr. Dowd seconded the motion, which carried unanimously.

Johann Von Asten

The Commission held an application review regarding Mr. Johann Von Asten. Mr. Von Asten appeared before the Commission and waived his right to counsel.

MOTION:

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

Brandon Keatley

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

MOTION:

Mr. Dowd made a motion to deny Mr. Keatley at this time due to lack of experience. Mr. Bailey seconded the motion, which did not carry unanimously. Mr. Dillard opposed.

Michael McVey

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

MOTION:

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

Jeffrey Townsend

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

MOTION:

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

Jesse Salvatore

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

MOTION:

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

Cordarius Graham

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

MOTION:

Mr. Bailey made a motion to approved Mr. Graham's request for a specialty registration. Mr. Dowd seconded the motion, which carried unanimously.

Cliff Keller

The Commission held an application review regarding Mr. Cliff Keller. Mr. Keller appeared before the Commission and he was represented by counsel, Mr. Carter Massingill, Esq.

MOTION:

Mr. Bailey made a motion to allow Mr. Keller to reinstate his license without exam. Mr. Dillard seconded the motion, which carried unanimously.

Steven Tolar

The Commission held an application review regarding Mr. Steven Tolar. Mr. Tolar appeared before the Commission and waived his right to counsel. He presented a witness Mr. Thomas Chumney.

MOTION:

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

Joshua Dennison

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

MOTION:

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

Raleigh Jett

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

MOTION:

Mr. Dowd made a motion to allow Mr. Jett to sit for the exam with the condition he continue to make good faith payments. Mr. McLeod seconded the motion, which carried unanimously.

Motion to Reconsider:

Susan Dover

The Commission heard Ms. Dover's motion for reconsideration of the Commission's denial of her application for licensure. Ms. Dover appeared before the Commission and was represented by counsel, Mr. Scott Dover, Esq.

MOTION:

Mr. Dillard made a motion to enter into executive session to receive legal advice regarding Ms. Dover's request. Mr. McLeod seconded the motion, which carried unanimously.

MOTION:

Mr. Bailey made a motion to exit executive session after receiving legal advice regarding Ms. Dover's request. Ms. Rhyne seconded the motion, which carried unanimously.

MOTION:

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

Jubar Hampton

Mr. Jubar Hampton did not appear before the Commission.

MOTION:

No motions were made.

**Mr. Bailey recused himself in the following matters due to his service as the hearing officer: Jahmalar Sanders, Case Number 2019-63; Michael McKenzie, Case Number 2018-564 and Jeffery Summers, Case Number 2018-359 & 2019-12*

Hearing Officer Recommendations:

Mr. Jahmalar Sanders case no 2019-63

The Board held a Final Order hearing regarding Mr. Jahmalar Sanders. Mr. Sanders was present at the meeting and waived his right to counsel. Mr. Charlie Gwynne represented the State in the matter. Mr. Bailey recused himself from the hearing due to his service as the hearing officer. The complainant Ms. Geraldine Hoag was present.

MOTION:

Mr. Dillard made a motion to modify the Hearing Officer's Recommendation to allow Mr. Sanders to pay Ms. Hoag \$1,770.00 in cash in lieu of the \$500 fine. Mr. Dowd seconded the motion, which carried unanimously.

Mr. Michael McKenzie case no 2018-564

The Board held a Final Order hearing regarding Mr. Michael McKenzie. Mr. McKenzie was not present at the meeting, but his counsel Ms. Mary Leigh Arnold, appeared on his behalf. Mr. Charlie Gwynne represented the State in the matter. Mr. Bailey recused himself from the hearing due to his service as the hearing officer.

MOTION:

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

Mr. Jeffrey Summers case no 2018-359 and 2019-12

The Board held a Final Order hearing regarding Mr. Jeffrey Summers. Mr. Summers was present at the meeting and waived his right to counsel. Ms. Shayla Hayes represented the State in the matter. Mr. Bailey recused himself from the hearing due to his service as the hearing officer.

MOTION:

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

**Mr. Bailey returned to the meeting*

**Mr. Roberts recused himself in the following matters due to his service as the hearing officer: Lowell Dowd, Case Number 2018-777 and Jamie Decker, Case Number 2019-188*

Mr. Lowell Dowd case number 2018-777

The Board held a Final Order hearing regarding Mr. Lowell Dowd. Mr. Dowd was not present at the meeting and was not represented by counsel. Mr. Charlie Gwynne represented the State in the matter. Mr. Roberts recused himself from the hearing due to his service as the hearing officer.

MOTION:

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

Mr. Jamie Decker case no 2019-188

The Board held a Final Order hearing regarding Mr. Jamie Decker. Mr. Decker was not present at the meeting nor represented by counsel. Mr. Charlie Gwynne represented the State in the matter. Mr. Roberts recused himself from the hearing due to his service as the hearing officer.

MOTION:

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

**Mr. Roberts returned to the meeting*

Mr. Thomas Darby case no 2018-220

The Board held a Final Order hearing regarding Mr. Thomas Darby. Mr. Darby was not present at the meeting nor represented by counsel. Ms. Shayla Hayes represented the State in the matter. The complainant was present at the hearing.

MOTION:

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

Rescission of Citation case number 2020-730

Mr. Charlie Gwynne requested the commission rescind the citation issued in Case Number 2020-730.

MOTION:

Ms. Rhyne made a motion to rescind the citation issued in case number 2020-730. Mr. Bailey seconded the motion, which carried unanimously.

Administrator's Remarks for Information:

Janet Baumberger, Administrator for the Residential Builders Commission
The PSI Exams Quarterly statistics report and quarterly financial reports were presented to the Commission.

ODC Report- Mr. Charlie Gwynne:

Charlie Gwynne, Office of Disciplinary Counsel

Mr. Charlie Gwynne presented the ODC report. He reported the number of disciplinary actions within the department.

As of July 7 2021:

Open case –202	Pending Hearing/Agreements – 107	Pending Closures- 0
Closed cases –35	Appeals- 0	Closed since last report- 35
	Closed since 01/01/2021- 62	

OIE Report – Mr. Todd Bond:

Todd Bond, Chief Investigator of OIE

Mr. Todd Bond presented the OIE report. He reported the number of investigations as of July 14, 2021.

As of July 14, 2021:

Complaints Received –593 Active Investigations – 220 Closed Cases –576

New Business:

A. Recommendations of the IRC

MOTION

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

B. Resolution Guidelines

MOTION

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

Old Business:

None.

Date of Next Meeting:

The next Residential Builders Commission meeting will be held Wednesday, August 11 2021.

Adjournment:

Mr. Dowd made a motion to adjourn the Residential Builders Commission Meeting. Ms. Rhyne seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 4:45 pm.

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