

## **RESIDENTIAL BUILDERS COMMISSION**

Synergy Business Park  
110 Centerview Drive  
Kingstree Building  
Columbia, South Carolina 29210  
Wednesday, June 8, 2022

**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 10:00 a.m. Other members present for the meeting included: Al Bailey, Earl McLeod, Christy Rhyne, Bryan Dowd, and James Graves.

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:***

Mrs. Rhyne made a motion to approve the June 8, 2022 Residential Builders Commission Meeting Agenda. Mr. Dowd seconded the motion, which carried unanimously.

### **Approval of Minutes for the May 11, 2022 Meeting:**

#### ***MOTION:***

Mr. Bailey made a motion to approve the May 11, 2022 minutes. Mr. Dowd seconded the motion, which carried unanimously.

### **Approval /Disapproval of Absent Members:**

Mr. Dillard was absent.

#### ***MOTION:***

Mr. Dowd made a motion to approve the absent member. Mr. Bailey seconded the motion, which carried unanimously.

### **Chairman's Remarks:**

***Timothy W. Roberts***

No remarks were made for this meeting.

## **Initial Applications:**

### *Fermin Andres Ceballos Caceres Sr*

The Commission held an application review regarding Fermin Andres Ceballos Caceres Sr. Mr. Ceballos Caceres appeared before the Commission and waived his right to counsel.

#### **MOTION:**

Mr. McLeod made a motion to approve Mr. Ceballos Caceres to sit for the exam. Mr. Graves seconded the motion, which did not carry unanimously. Mr. Bailey opposed.

### *Richard Dale Adkins*

The Commission held an application review regarding Richard Dale Adkins. Mr. Adkins appeared before the Commission and waived his right to counsel.

#### **MOTION:**

Mrs. Rhyne made a motion to approve Mr. Adkins to sit for the exam. Mr. McLeod seconded the motion, which carried unanimously.

### *Tyler R Peay*

The Commission held an application review regarding Tyler R Peay. Mr. Peay appeared before the Commission and waived his right to counsel.

#### **MOTION:**

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

### *Thomas Shannon Conaboy*

The Commission held an application review regarding Thomas Shannon Conaboy. Mr. Conaboy appeared before the Commission and waived his right to counsel.

#### **MOTION:**

Mr. Dowd made a motion to approve Mr. Conaboy to sit for the exam. Mrs. Rhyne seconded the motion, which carried unanimously.

### *Darren James Cusanelli*

The Commission held an application review regarding Darren James Cusanelli. Mr. Cusanelli appeared before the Commission and waived his right to counsel.

#### **MOTION:**

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

### *Michael Coxie*

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

#### **MOTION:**

Mr. Dowd made a motion to approve Mr. Coxie to sit for the exam. Mrs. Rhyne seconded the motion, which carried unanimously.

*William Ray Bowen*

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

**MOTION:**

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

*Walter Sean Vitou*

The Commission held an application review regarding Walter Sean Vitou. Mr. Vitou appeared before the Commission and waived his right to counsel.

**MOTION:**

Mr. McLeod made a motion to approve Mr. Vitou to sit for the exam. Mrs. Rhyne seconded the motion, which carried unanimously.

*Jonathan D Burns*

The Commission held an application review regarding Jonathan D Burns. Mr. Burns appeared before the Commission and waived his right to counsel.

**MOTION:**

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

*Michele Frances Enersen*

The Commission held an application review regarding Michele Frances Enersen. Ms. Enersen appeared before the Commission and waived her right to counsel.

**MOTION:**

Mr. McLeod made a motion to approve Ms. Enersen to sit for the exam. Mrs. Rhyne seconded the motion, which did not carry unanimously. Mr. Dowd opposed.

*Barbara E Humphrey-Ashby*

The Commission held an application review regarding Barbara E Humphrey-Ashby. Ms. Humphrey-Ashby appeared before the Commission and waived her right to counsel.

**MOTION:**

Mr. Bailey made a motion to approve Ms. Humphrey-Ashby for a Residential Specialty Registration with the condition that she have a \$5000 bond on file at all times her registration is active. Mr. Dowd seconded the motion, which carried unanimously.

*Theodore Thaddeus Wilson III*

The Commission held an application review regarding Theodore Thaddeus Wilson III. Mr. Wilson appeared before the Commission and waived his right to counsel.

**MOTION:**

Mr. McLeod made a motion to approve Mr. Wilson for a Residential Specialty Registration with the condition that he have a \$5000 bond on file at all times his registration is active. Mrs. Rhyne seconded the motion, which carried unanimously.

*Shane Lee Stanley*

The Commission held an application review regarding Shane Lee Stanley. Mr. Stanley appeared before the Commission and waived his right to counsel.

**MOTION:**

Mr. Dowd made a motion to approve Mr. Stanley for a Residential Specialty Registration with the condition that he have a \$5000 bond on file at all times his registration is active. Mrs. Rhyne seconded the motion, which carried unanimously.

*Michael Andrew Diack*

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

**Executive Session**

**MOTION:**

Mrs. Rhyne made a motion to go into Executive Session for legal advice. Mr. Dowd seconded the motion, which carried unanimously.

**Return from Executive Session**

**MOTION:**

Mrs. Rhyne made a motion to exit Executive Session. Mr. Dowd seconded the motion, which carried unanimously.

**MOTION:**

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

**Request to Change Specialty Contractor Registration Before Renewal:**

*Joshua Barry Lewis*

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

**MOTION:**

Mr. Bailey made a motion to approve Mr. Lewis's request to change classifications before renewal to remove flooring and add roofing. Mr. Dowd seconded the motion, which carried unanimously.

**Owner-Builder Waiver:**

*Kent and Brenda Hensley*

The Commission held a hearing on Kent and Brenda Hensley's request for a waiver of the 2-year waiting period required under S.C. Code Ann. § 40-59-260 to sell or rent their residence. Mr. and Mrs. Hensley appeared before the Commission and waived their right to counsel.

**MOTION:**

Mr. Dowd made a motion to deny Mr. and Mrs. Hensley's request for a waiver. Mrs. Rhyne seconded the motion, which did not carry unanimously. Mr. McLeod opposed the motion.

**Impact of H3606 on builder licensees who previously held specialty HVAC, plumbing, and/or electrical licenses by exam**

**MOTION:**

Mr. McLeod made a motion to allow a residential builder licensee who also held a residential specialty mechanical license by exam in 2017 to reinstate the residential specialty mechanical license without re-taking the exam if the reinstatement application is filed with the Commission by December 31, 2022. Mr. Dowd seconded the motion, which carried unanimously.

**Board interpretation of Section 40-59-265:**

**Executive Session**

**MOTION:**

Mrs. Rhyne made a motion to go into Executive Session for legal advice. Mr. Dowd seconded the motion, which carried unanimously.

**Return from Executive Session**

**MOTION:**

Mr. Bailey made a motion to exit Executive Session. Mrs. Rhyne seconded the motion, which carried unanimously.

The Commission interprets “owner of residential property” in Section 40-59-265 as referring to an owner of property as specified in Section 40-59-260(A)(2). Section 40-59-265 sets forth specific improvements that do not require a disclosure statement or building permit by the owner of residential property where the improvements are for the owner’s sole occupancy or occupancy by the owner’s family. This would not include rental property.

**CCEA Representatives: Clarification on How/When/Why to Require the Owner-Builder Disclosure Statement:**

The Commission provided feedback to the CCEA Representatives on their questions regarding the Owner-Builder Disclosure Statement. Advice Counsel and Molly Price, Administrator for the Building Codes Council, will work on drafting regulations to clarify the questions presented by the CCEA Representatives.

**Hearing Officer Recommendations:**

*1. Brian Niemitalo Case No. 2020-787*

Mr. Bailey, who served as the hearing officer, recused himself.

**MOTION:**

Mr. Dowd made a motion to adopt the Hearing Officer Recommendations. Mrs. Rhyne seconded the motion, which did not carry unanimously. Mr. McLeod opposed.

**Final Order Hearings Report on Accepted Hearing Officer Recommendations, Kate Barroll, Office of Disciplinary Counsel:**

*Ms. Kate Barroll, Office of Disciplinary Counsel*

Ms. Barroll presented the report to the Commission.

*Denis Vladimirovich Paukov Case No. 2021-598*

Mr. Bailey, who served as the hearing officer, recused himself.

**MOTION:**

Mr. McLeod made a motion to approve the report. Mrs. Rhyne seconded the motion, which carried unanimously.

**When Would a Deck be Considered Structural and Require a Builder:**

**MOTION:**

Mrs. Rhyne made a motion that a licensed residential builder or a specialty contractor with a carpentry classification is required for the construction of decks above 30 inches. Mr. Dowd seconded the motion, which carried unanimously.

**5 Year Regulatory Review:**

The Commission conducted a formal review to determine whether existing regulations appropriately protect the public's interest as written.

**MOTION:**

Mrs. Rhyne made a motion to amend 106-1(d) to include all types of siding, draft a new regulation that addresses questions regarding the owner builder disclosure statement, and find that all other existing regulations appropriately protect the public's interest as currently written. Mr. Dowd seconded the motion, which carried unanimously.

**Administrator's Remarks for Information:**

Janet Baumberger, Administrator for the Residential Builders Commission  
Ms. Baumberger had no remarks.

**Board Information:**

**1. OIE Report – Mr. Maurice Smith, Office of Investigations and Enforcement:**

*Mr. Maurice Smith, Investigator of OIE*

Mr. Maurice Smith presented the OIE report. He reported the number of Investigations as of June 8, 2022.

**As of June 8, 2022:**

**Complaints Received – 386; Active Investigations – 200; Closed Cases – 327**

**New Business – Mr. Maurice Smith:**

*Mr. Todd Bond, Chief Investigator of OIE*

**1. Recommendation of IRC**

**MOTION**

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

**2. Resolution Guidelines**

**MOTION**

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

**Old Business:**

Add Construction Standards to next month's Agenda.

**Public Comments:**

None.

**Date of Next Meeting:**

The next Residential Builders Commission meeting will be held Wednesday, July 13, 2022 at 10:00 am.

**Adjournment:**

Mrs. Rhyne made a motion to adjourn the Residential Builders Commission Meeting. Mr. Dowd seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 3:43 p.m.

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