

RESIDENTIAL BUILDERS
COMMISSION
Synergy Business Park
110 Centerview Drive
Kingstree Building
Columbia, South Carolina 29210
Wednesday, January 11, 2023

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, Christy Rhyne, Bryan Dowd, Earl McLeod 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 for the January 11, 2023 Meeting:

MOTION:

Mrs. Rhyne made a motion to approve the January 11, 2023 Residential Builders Commission Meeting Agenda. Mr. McLeod seconded the motion, which carried unanimously.

Approval of Minutes for the December 14, 2022 Meeting:

MOTION:

Mr. Bailey made a motion to approve the December 14, 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.

Application Reviews:

David Jarrett Kelly

The Commission held an application review regarding David Jarrett Kelly. Mr. Kelly

appeared before the Commission and waived his right to counsel.

MOTION:

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

Kendel Antonio Martin

The Commission held an application review regarding Kendel Antonio Martin. Mr. Martin appeared before the Commission and waived his right to counsel.

MOTION:

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

Phillip Andrew Parker

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

MOTION:

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

John Silvia

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

MOTION:

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

John Anthony Faust

The Commission held an application review regarding John Anthony Faust. Mr. Faust appeared before the Commission, waived his right to counsel, and presented a witness, Thomas Faust, for testimony.

MOTION:

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

John Richard Beam

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

MOTION:

Mrs. Rhyne made a motion to approve Mr. Beam to sit for the exam. Mr. Bailey seconded the motion which carried unanimously.

Andrew Kyle Christenbury

The Commission held an application review regarding Andrew Kyle Christenbury. Mr. Christenbury appeared before the Commission and waived his right to counsel. Mr. Dowd recused himself.

MOTION:

Mr. McLeod made a motion to approve Mr. Christenbury to sit for the exam. Mrs. Rhyne

seconded the motion, which carried unanimously.

Juan Pablo Acosta

The Commission held an application review regarding Juan Pablo Acosta. Mr. Acosta appeared before the Commission and waived his right to counsel.

MOTION:

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

Eric Leonard Williams

The Commission held an application review regarding Eric Leonard Williams. Mr. Williams appeared before the Commission and waived his right to counsel.

MOTION:

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

Christopher J Maeder

Mr. Maeder did not attend. The Commission did not take any action.

Vinicius Freitas Dos Santos

The Commission held an application review regarding Vinicius Freitas Dos Santos. Mr. Dos Santos appeared before the Commission and waived his right to counsel.

MOTION:

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

Benjamin Lee Flaig

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

MOTION:

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

Rashad Moore

Mr. Moore did not attend. The Commission did not take any action.

Victor Calancea

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

Into 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 return from Executive Session. Mr. Dowd seconded the motion, which carried unanimously.

MOTION:

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

Colman Ruane Vaughan

The Commission held an application review regarding Colman Ruane Vaughan. Mr. Vaughan appeared before the Commission and waived his right to counsel.

MOTION:

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

Brian Mitchell Whiffen

The Commission held an application review regarding Brian Mitchell Whiffen. Mr. Whiffen appeared before the Commission and waived his right to counsel.

MOTION:

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

Dennis Michael Nutter

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

MOTION:

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

Drayden Brian Ray

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

MOTION:

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

Zachary Scott Pass

The Commission held an application review regarding Zachary Scott Pass. Mr. Pass appeared before the Commission and waived his right to counsel.

MOTION:

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

Michael Dustin Miller

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

MOTION:

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

Nicholas G Varner

The Commission held an application review regarding Nicholas G. Varner. Mr. Varner appeared before the Commission, waived his right to counsel, and presented a witness, Billie Jean Von Dohlen, for testimony.

MOTION:

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

Joshua Brian Adams

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

MOTION:

Mr. Dowd made a motion to approve Mr. Adams for a Residential Specialty Contractor Registration. Mr. Bailey seconded the motion, which did not carry unanimously. Mr. Graves opposed.

Jermel Jefferson

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

MOTION:

Mr. Dowd made a motion to approve Mr. Jefferson for a Residential Specialty Contractor Registration with the condition that he maintain a \$5000 surety bond on file with the Commission at all times his registration is active. Mr. Bailey seconded the motion, which carried unanimously.

Joseph Brian Ferguson

The Commission held an application review regarding Joseph Brian Ferguson. Mr. Ferguson appeared before the Commission, waived his right to counsel, and presented a witness, Douglas Rumsey, for testimony.

MOTION:

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

Hearing Officer Recommendations:

Rowland Alston, Office of Disciplinary Counsel

Mr. Alston presented the report to the Commission.

1. *Daniil Y Melnichenko #2022-7*

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

MOTION:

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

Final Order Hearings Report on Accepted Hearing Officer Recommendations:

Rowland Alston, Office of Disciplinary Counsel

Mr. Alston presented the report to the Commission.

1. *Richard Eugene Stone #2020-344*

- Mr. Bailey, who served as the hearing officer, recused himself.
2. *Philip Butler #2021-808*

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

MOTION:

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

Board Information:

1. **ODC Report:**

Rowland Alston, Office of Disciplinary Counsel

Mr. Alston presented the ODC status report. He reported the number of cases as of December 22, 2022.

As of December 22, 2022:

Open Cases – 201, Pending Hearings & Agreements – 79, Pending Closure – 0, Closed* – 37, Appeals – 1

***Closed since last report – 37, Closed since 1/1/2022 - 84**

2. **OIE Report:**

Todd Bond, Office of Investigations and Enforcement

Mr. Bond presented the OIE report. He reported the number of Investigations as of December 31, 2022.

As of December 31, 2022:

Complaints Received – 1038; Active Investigations – 204; Closed Cases – 854

Mr. Bond presented the OIE report. He reported the number of Investigations as of January 11, 2023.

As of January 11, 2023:

Complaints Received – 21; Active Investigations – 208; Closed Cases – 16

New Business:

Todd Bond, Office of Investigations and Enforcement

Mr. Bond presented the IRC report and Resolution Guidelines report.

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

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

Financial Report:

The Commission reviewed and discussed the November 30, 2022 Residential Builders Finance Report.

Election of Officers:

MOTION:

Mr. Bailey made a motion to approve maintaining Mr. Roberts as Chairman. Mrs. Rhyne seconded the motion, which carried unanimously.

MOTION:

Mr. Dowd made a motion to approve maintaining Mr. Bailey as Vice Chairman. Mrs. Rhyne seconded the motion, which carried unanimously.

Administrator's Remarks for Information:

Janet Baumberger, Administrator for the Residential Builders Commission

Mrs. Baumberger reported that for the month of December, eighty applications were approved at staff level and three required a Board appearance.

Old Business:

It was noted that more information on the Commission-approved form for Home Inspectors would be presented at the next meeting.

Public Comments:

None.

Date of Next Meeting:

The next Residential Builders Commission meeting will be held Wednesday, February 8, 2023 at 10:00 am.

Adjournment:

Mr. McLeod 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 2:55 p.m.

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