

RESIDENTIAL BUILDERS
COMMISSION
Synergy Business Park
110 Centerview Drive
Kingstree Building
Columbia, South Carolina 29210
Wednesday, March 8, 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 10:07 a.m. Other members present for the meeting included: Al Bailey, Hal Dillard, 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 March 8, 2023 Meeting:

MOTION:

Mrs. Rhyne made a motion to approve the March 8, 2023 Residential Builders Commission Meeting Agenda. Mr. Dowd seconded the motion, which carried unanimously.

Approval of Minutes for the February 8, 2023 Meeting:

MOTION:

Mr. Bailey made a motion to approve the February 8, 2023 minutes. Mrs. Rhyne seconded the motion, which carried unanimously.

Approval /Disapproval of Absent Members:

All members were present. Mr. Roberts left the meeting at lunch time.

Chairman's Remarks:

Timothy W. Roberts

Mr. Roberts had no remarks.

Application Reviews:

Allen S Cates

The Commission held an application review regarding Allen S Cates. Mr. Cates appeared before the Commission and waived his right to counsel.

MOTION:

Mr. Dillard made a motion to deny Mr. Cates to sit for the exam. Mr. Dowd seconded

the motion, which carried unanimously.

Riley Ackerman Sauls

The Commission held an application review regarding Riley Ackerman Sauls. Mr. Sauls appeared before the Commission and waived his right to counsel.

MOTION:

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

Jessica A Donald

The Commission held an application review regarding Jessica A Donald. Ms. Donald appeared before the Commission and waived her right to counsel.

MOTION:

Mr. Dillard made a motion to approve Ms. Donald to sit for the exam. Mr. Bailey seconded the motion, which carried unanimously.

Jacob Dennis Carter

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

Philip Anthony Napier, Jr

The Commission held an application review regarding Philip Anthony Napier Jr. Mr. Napier appeared before the Commission and waived his right to counsel.

MOTION:

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

Ksenia Ivanovna Dowty

The Commission held an application review regarding Ksenia Ivanovna Dowty. Ms. Dowty appeared before the Commission, waived her right to counsel, and presented a witness, George Christodal, for testimony.

MOTION:

Mr. Bailey made a motion to approve Ms. Dowty to sit for the exam. Mr. Dillard seconded the motion, which did not carry unanimously. Mr. Dowd opposed.

Thomas Gaelen McNellis

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

MOTION:

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

Jonathan Brackett Sarratt

The Commission held an application review regarding Jonathan Brackett Sarratt. Mr. Sarratt appeared before the Commission, waived his right to counsel, and presented a witness, Christopher McEntire, for testimony.

MOTION:

Mr. Dillard made a motion to approve Mr. Sarratt to sit for the exam. Mr. McLeod

seconded the motion, which carried unanimously.

David Mothersbaugh

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

Rashad Moore

The Commission held an application review regarding Rashad Moore. Mr. Moore appeared before the Commission, waived his right to counsel, and presented a witness, Charles Tavelle, for testimony.

MOTION:

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

Dwight Anthony Ramsay

Mr. Ramsay asked to be rescheduled. The Commission did not take any action.

Sophie Ashley

The Commission held an application review regarding Sophie Ashley. Ms. Ashley appeared before the Commission and waived her right to counsel.

MOTION:

Mr. Dillard made a motion to approve Ms. Ashley to sit for the Residential Builders exam. Mr. McLeod seconded the motion, which carried unanimously.

MOTION:

Mr. Bailey made a motion to approve Ms. Ashley to sit for the Residential Specialty Contractors HVAC exam. Mrs. Rhyne seconded the motion, which carried unanimously.

Willie Alphonso Shiver

The Commission held an application review regarding Willie Alphonso Shiver. Mr. Shiver appeared before the Commission and waived his right to counsel.

MOTION:

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

John Stephen Krajc II

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

MOTION:

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

Christopher Mark Piascik

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

William D Dovale

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

MOTION:

Mr. Dowd made a motion to approve Mr. Dovale to sit for the exam. Mrs. Rhyne

seconded the motion, which carried unanimously.

Michael Wayne Varnum

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

MOTION:

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

Scott Kevin MacCargar

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

MOTION:

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

Janet Danehart Duffey

The Commission held an application review regarding Janet Danehart Duffey. Ms. Duffey appeared before the Commission and waived her right to counsel.

MOTION:

Mr. McLeod made a motion to approve Ms. Duffey to sit for the exam. Mr. Graves seconded the motion, which failed with three members opposed.

Mrs. Rhyne made a motion to deny Ms. Duffey to sit for the exam. Mr. Dowd seconded the motion, which did not carry unanimously. Mr. McLeod and Mr. Graves opposed.

James Glen Matheson

The Commission held an application review regarding James Glen Matheson. Mr. Matheson appeared before the Commission, waived his right to counsel, and presented a witness, Harley Edwards, for testimony.

MOTION:

Mr. Dowd made a motion to approve Mr. Matheson 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. McLeod seconded the motion, which carried unanimously.

Kenneth Lee Wilson

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

MOTION:

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

Richard Creamer

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

Clifford Raymond Spencer

The Commission held an application review regarding Clifford Raymond Spencer. Mr. Spencer appeared before the Commission, waived his right to counsel, and presented witnesses, Kyra Kendrick, Bryan Blenton, and Shayne Ruppe, for testimony.

MOTION:

Mr. Dowd made a motion to approve Mr. Spencer 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, provide the Commission with the outcome of the pending criminal charges, require Mr. Spencer to re-appear before the Commission if convicted of the pending criminal charges, and if the criminal charges have not been resolved by 2025 renewal, to provide an updated SLED report at that time. Mrs. Rhyne seconded the motion, which did not carry unanimously. Mr. McLeod opposed.

Hearing Officer Recommendations:

Rowland Alston, Office of Disciplinary Counsel

Mr. Alston presented the report to the Commission.

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

1. *James Richard Burch #2020-866*

MOTION:

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

2. *Keny Ernesto Sanchez-Duarte #2021-4; 2021-711*

MOTION:

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

Katherine Barroll, Office of Disciplinary Counsel

Ms. Barroll presented the reports to the Commission.

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

3. *Clive Malcolm #2019-333*

MOTION:

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

4. *Billy Bass #2019-283*

MOTION:

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

Robert Elam, Office of Disciplinary Counsel

Mr. Elam presented the report to the Commission.

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

5. *Eric Smoak #2020-546*

MOTION:

Mr. McLeod made a motion to adopt the Hearing Officer Recommendation. Mr. Dillard 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.

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

1. *Stephen Beazley #2021-654*

MOTION:

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

Board Information:

1. **OIE Report:**

Todd Bond, Office of Investigations and Enforcement

Mr. Bond presented the OIE Report. He reported the number of Investigations as of March 8, 2023.

As of March 8, 2023:

Complaints Received – 225; Active Investigations – 190; Closed Cases – 110

New Business:

Todd Bond, Office of Investigations and Enforcement

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

1. Recommendation of IRC

MOTION

Mrs. Rhyne made a motion to approve the Recommendation of IRC with an amendment from Mr. Bond. Mr. Dillard seconded the motion, which carried unanimously.

2. Resolution Guidelines

MOTION

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

Review of Residential Builder License Renewal Application:

Mark Nix, Home Builders Association of South Carolina

Mr. Nix discussed his concern with the language below the signature line on the Residential Builder license renewal application affirming the licensee's understanding that the licensee must use licensed or registered sub-contractors.

MOTION

Mr. McLeod made a motion to remove the affirmation language on the Residential Builder renewal application regarding the requirement for licensed subcontractors. Mr. Dillard seconded the motion, which did not carry unanimously. Mr. Dowd opposed.

Legislative Update:

Katie Phillips, Office of Communications and Governmental Affairs

The Commission reviewed and provided feedback regarding Bill 4086 and H 3605.

Number of Monthly Staff-Approved Applications:

The Commission reviewed the monthly staff-approved applications report for the Residential Builders Commission.

Old Business:

None.

Administrator's Remarks for Information:

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

Public Comments:

None.

Date of Next Meeting:

The next Residential Builders Commission meeting will be held Wednesday, April 12, 2023 at 10:00 am.

Adjournment:

Mr. Dowd made a motion to adjourn the Residential Builders Commission Meeting. Mrs. Rhyne seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 4:50 p.m.

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