

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION
Meeting Minutes

Wednesday, April 12, 2023 at 10:00 A.M. in Room 108
Synergy Business Park, Kingstree Building
110 Centerview Drive, Columbia, SC 29210

Called to Order:

Timothy W. Roberts, Chairman, called the regular meeting of the Residential Builders Commission to order at 10:08 a.m. Other members present for the meeting included: 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 April 12, 2023 Meeting:

MOTION:

Mrs. Rhyne made a motion to approve the April 12, 2023 Residential Builders Commission Meeting Agenda. Mr. Dowd seconded the motion, which carried unanimously.

Approval of Minutes for the March 8, 2023 Meeting:

MOTION:

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

Approval of Amended Minutes for the December 12, 2012 Meeting:

MOTION:

Mr. Dowd made a motion to approve the amended December 12, 2012 minutes. Mrs. Rhyne seconded the motion, which carried unanimously.

Approval /Disapproval of Absent Members:

Mr. Bailey was absent. Mrs. Rhyne left the meeting at 2:15pm.

Chairman's Remarks:

Timothy W. Roberts

Mr. Roberts had no remarks.

Application Reviews:

Gregory Lee Shover

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

MOTION:

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

Hugo Antonio Sanchez

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

MOTION:

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

Herman William McDonald

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

MOTION:

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

Robert Jamal Fowler

The Commission held an application review regarding Robert Jamal Fowler. Mr. Fowler appeared before the Commission, waived his right to counsel, and presented a witness, Robert Thomas Fowler. Mr. Dillard recused himself.

MOTION:

Mr. Graves made a motion to approve Mr. Fowler to sit for the exam. Mr. McLeod seconded the motion which carried unanimously.

Nathan J Burton

The Commission held an application review regarding Nathan J. Burton. Mr. Burton appeared before the Commission and waived his right to counsel. Mr. Dillard recused himself.

MOTION:

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

David Joseph Miller

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

MOTION:

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

Christopher Joseph Sell

The Commission held an application review regarding Christopher Joseph Sell. Mr. Sell appeared before the Commission and waived his right to counsel.

MOTION:

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

John Otis Manning III

Mr. Manning did not attend the meeting and asked to be rescheduled. The Commission

did not take any action.

Landon Wyatt Hay

The Commission held an application review regarding Landon Wyatt Hay. Mr. Hay appeared before the Commission and waived his right to counsel.

MOTION:

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

Jorge Sepulveda

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

MOTION:

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

Trenton Jumall Smith

The Commission held an application review regarding Trenton Jumall Smith. Mr. Smith appeared before the Commission and waived his right to counsel.

MOTION:

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

Petr Prokopchuk

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

MOTION:

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

Donald Arthur Reifentuhl

The Commission held an application review regarding Donald Arthur Reifentuhl. Mr. Reifentuhl appeared before the Commission, waived his right to counsel, and presented a witness, Ivan Gonick, for testimony.

MOTION:

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

Micah Lee Wriglesworth

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

MOTION:

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

David Crystal

The Commission held an application review regarding David Crystal. Mr. Crystal appeared before the Commission, waived his right to counsel, and presented a witness,

Elizabeth Crystal, for testimony.

MOTION:

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

Lorenzo A Prince

The Commission held an application review regarding Lorenzo A. Prince. Mr. Prince appeared before the Commission and waived his right to counsel.

MOTION:

Mr. Dowd made a motion to approve Mr. Prince to sit for the exam and if Mr. Prince passes exams and becomes licensed, he will need to provide proof of payments in regards to the outstanding judgment at the 2025 renewal. Mr. McLeod seconded the motion, which carried unanimously.

John Furman Jenkins

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

MOTION:

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

Travis A Willis

The Commission held an application review regarding Travis A. Willis. Mr. Willis appeared before the Commission, waived his right to counsel, and presented a witness, Andrea Rodgers, for testimony.

MOTION:

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

David Frailey

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

MOTION:

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

Aleksandr Vasilyevich Gorash

The Commission held an application review regarding Aleksandr Vasilyevich Gorash. Mr. Gorash appeared before the Commission and waived his right to counsel.

MOTION:

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

Adam Ryan Tolliver

The Commission held an application review regarding Adam Ryan Tolliver. Mr. Tolliver appeared before the Commission, waived his right to counsel, and presented a witness, Ashley Pack, for testimony.

MOTION:

Mr. Dillard made a motion to approve Mr. Tolliver to sit for the exam. Mr. Dowd

seconded the motion, which carried unanimously.

Billy Joe Tello

The Commission held an application review regarding Billy Joe Tello. Mr. Tello appeared before the Commission and waived his right to counsel.

MOTION:

Mr. Dowd made a motion to approve Mr. Tello 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.

Ramona Latrece Holmes Stillwagon

Ms. Stillwagon did not attend the meeting and asked to be rescheduled. The Commission did not take any action.

Jose Gabriel Verdejo

The Commission held an application review regarding Jose Gabriel Verdejo. Mr. Verdejo appeared before the Commission and waived his right to counsel.

Into Executive Session:

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

Return from Executive Session:

Mr. McLeod made a motion to come out of Executive Session. Mr. Dillard seconded the motion, which carried unanimously.

MOTION:

Mr. McLeod made a motion to approve Mr. Verdejo for a Residential Specialty Contractor Registration. Mr. Graves seconded the motion, which did not carry unanimously. Mr. McLeod, Mr. Graves, and Mr. Roberts approved. Mr. Dillard and Mr. Dowd opposed.

Eric Flemming

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

MOTION:

Mr. Dillard made a motion to approve Mr. Flemming 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. Dowd seconded the motion, which did not carry unanimously. Mr. Graves opposed.

Hearing Officer Recommendations:

Rowland Alston, Office of Disciplinary Counsel

Mr. Alston presented the reports to the Commission.

1. *Ronald Reedy #2021-7*

MOTION:

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

2. *Mark Douglas Stines #2021-838*

MOTION:

Mr. Dowd 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.

1. *Vyacheslav Anatolyevich Cholak #2021-180*

MOTION:

Mr. McLeod made a motion to approve the report. Mr. Dillard 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 March 28, 2023.

As of March 28, 2023:

Open Cases – 208, Pending Hearings & Agreements – 79, Pending Closure – 0, Closed* – 28, Appeals – 1, *Closed since last report – 28, Closed Cases 2022 – 85, Closed Cases 2023 – 27

2. **OIE Report:**

Maurice Smith, Office of Investigations and Enforcement

Mr. Smith presented the OIE Report. He reported the number of Investigations as of April 12, 2023.

As of April 12, 2023:

Complaints Received – 332; Active Investigations – 176; Closed Cases – 203

New Business:

Maurice Smith, Office of Investigations and Enforcement

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

1. Recommendation of IRC

MOTION

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

2. Resolution Guidelines

MOTION

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

Proposed “Alternative Complaint Resolution” Process:

Rowland Alston, Office of Disciplinary Counsel

Mr. Alston presented the proposed “Alternative Complaint Resolution” process. After review and discussion, the Commission made a decision to further review the documentation and vote next month.

Review and Determine if the Installation of Granite Shower Panels Requires License or Registration:

The Commission discussed if the installation of ceramic tile and granite shower panels should require licensure or registration. The Administrator will research and determine what NASCLA member states regulate and advise the Commission. The Commission made a decision to review and discuss this item at the next meeting.

Financial Report:

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

Number of Monthly Staff-Approved Applications:

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

Old Business:

Factors in Determining Subcontractor/Independent Contractor or Employee/Laborer Relationship

Stacey Hewson, Advice Counsel

The Commission reviewed and discussed factors used in determining whether someone is a subcontractor/independent contractor or employee/laborer.

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, May 17, 2023 at 10:00 am.

Adjournment:

Mr. Dowd made a motion to adjourn the Residential Builders Commission Meeting. Mr. Graves seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 5:26 p.m.

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