

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION
Meeting Minutes

Wednesday, June 14, 2023 at 10:00 A.M. in Room 105
Synergy Business Park, Kingstree Building
110 Centerview Drive, Columbia, SC 29210

Called to Order:

Al Bailey, Vice Chair, called the regular meeting of the Residential Builders Commission to order at 10:00 a.m. Other members present for the meeting included: Christy Rhyne, Bryan Dowd, Earl McLeod and James Graves.

Al Bailey, Vice Chair, 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 June 14, 2023 Meeting:

MOTION:

Mr. McLeod made a motion to approve the June 14, 2023 Residential Builders Commission Meeting Agenda. Mr. Dowd seconded the motion, which carried unanimously.

Approval of Minutes for the May 17, 2023 Meeting:

MOTION:

Mr. Dowd made a motion to approve the May 17, 2023 minutes. Mrs. Rhyne seconded the motion, which carried unanimously.

Approval /Disapproval of Absent Members:

Mr. Roberts and Mr. Dillard were absent.

MOTION:

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

Chairman's Remarks:

Al Bailey

Mr. Bailey noted that the first floor rest rooms were closed for renovations.

Application Reviews:

James Donovan Lester

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

MOTION:

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

Thomas Henry Schultz

The Commission held an application review regarding Thomas Henry Schultz. Mr.

Schultz appeared before the Commission and waived his right to counsel.

MOTION:

Mr. McLeod made a motion to approve Mr. Schultz to sit for the exam. Mr. Graves seconded the motion, which failed for lack of a majority vote.

Mr. Dowd made a motion to deny Mr. Shultz to sit for the exam. Mrs. Rhyne seconded the motion, which passed with a majority vote but not unanimously. Mr. McLeod and Mr. Graves opposed.

Roger D Ferguson Jr

The Commission held an application review regarding Roger D Ferguson Jr. Mr. Ferguson appeared before the Commission and waived his right to counsel.

MOTION:

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

Rod Fessenden

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

MOTION:

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

Steven James Donato

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

MOTION:

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

John Otis Manning III

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

MOTION:

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

Kirk J Kubiak

The Commission held an application review regarding Kirk J. Kubiak. Mr. Kubiak appeared before the Commission and waived his right to counsel.

MOTION:

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

Charles R Miller

The Commission held an application review regarding Charles R. 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. Graves seconded the motion, which did not carry unanimously. Mr. Dowd opposed.

Kelly Gene Allen

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

MOTION:

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

David Ryan Castello

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

MOTION:

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

Jeffery Scott Byrd

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

MOTION:

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

Michael Lynn James

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

MOTION:

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

Bryan Thomas Whittle

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

MOTION:

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

Bart Corbin Shafer

The Commission held an application review regarding Bart Corbin Shafer. Mr. Shafer appeared before the Commission and waived his right to counsel.

MOTION:

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

Parker Andrew Collins

The Commission held an application review regarding Patrick Andrew Collins. Mr.

Collins appeared before the Commission and waived his right to counsel.

MOTION:

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

Alvaro A Macia

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

MOTION:

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

Luke Garrison Cabe

The Commission held an application review regarding Luke Garrison Cabe. Mr. Cabe appeared before the Commission and waived his right to counsel.

MOTION:

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

Dwight Anthony Ramsay

Mr. Ramsay did not attend the meeting. The Commission did not take any action.

Ian William Sarges

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

MOTION:

Mr. Dowd made a motion to approve Mr. Sarges 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 a SLED report at each renewal, and upon release from probation, he must provide a letter from his Probation Officer confirming successful completion and release. Mrs. Rhyne seconded the motion, which did not carry unanimously. Mr. McLeod opposed.

Brian J Steele

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

MOTION:

Mrs. Rhyne made a motion to approve Mr. Steele 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 and provide a SLED report at the 2025 renewal. Mr. Dowd seconded the motion, which carried unanimously.

Jamal Graves

The Commission held an application review regarding Jamal Graves. Mr. Graves appeared before the Commission, waived his right to counsel, and presented a witness, Cassandra Barnard, for testimony.

MOTION:

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

Jeffrey Blake Jr

Mr. Blake did not attend the meeting. The Commission did not take any action.

Eric Christopher Archibald

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

MOTION:

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

Hearing Officer Recommendations:

Robert Elam, Office of Disciplinary Counsel

Mr. Elam presented the report to the Commission.

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

1. *Jason Earnhardt #2019-476*

MOTION:

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

Sherrie Butterbaugh, Office of Disciplinary Counsel

Ms. Butterbaugh presented the report to the Commission.

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

2. *Kenworth Reeves #2019-251 and #2019-496*

MOTION:

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

Memorandum of Agreement and Stipulations of Fact for Citation Appeal:

Katherine Barroll, Office of Disciplinary Counsel

Ms. Barroll presented the report to the Commission.

1. *Gerald Burger #2021-389*

MOTION:

Mr. Graves made a motion to dismiss the Citation and Notification of Penalty. Mr. McLeod 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 to the Commission for review and discussion.

MOTION:

Mr. Dowd made a motion to adopt the “Alternative Complaint Resolution” Process. Mrs. Rhyne 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 June 14, 2023.

As of June 14, 2023:

Complaints Received – 472; Active Investigations – 155; Closed Cases – 369

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 Report. Mr. Dowd seconded the motion, which carried unanimously.

2. Resolution Guidelines

MOTION

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

OIE Reorganization, Todd Bond, Office of Investigations and Enforcement:

Mr. Bond presented information to the Commission regarding the OIE Reorganization.

H 3605 LLR Reform Engine Bill:

1. **Review of Parameters for Staff Approval on SLED Applicants:**

Stacey Hewson, Office of Advice Counsel

Mrs. Hewson addressed changes to Title 40, Chapter 1, resulting from passage and enactment of the H 3605 LLR Reform Engine Bill.

H 4115 Pools:

Stacey Hewson, Office of Advice Counsel

Mrs. Hewson provided information regarding the H 4115 Bill, recently enacted into, regarding the new licensure requirement to construct residential swimming pools for the Commission's review and discussion.

MOTION

Mr. Graves made a motion that a licensed Residential Builder can construct a pool as a residential structure. Mr. McLeod seconded the motion, which carried unanimously.

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

Janet Baumberger, Administrator

The Commission discussed whether the installation of ceramic tile and granite shower panels should require licensure or registration. The Commission will consider updating its regulations to address this issue.

Review of WIN Home Inspection Pre-Licensing Course:

Janet Baumberger, Administrator

The Commission reviewed and discussed whether the WIN Home Inspection Pre-Licensing Course Overview and Syllabus met the requirements for the Commission's approval as a home inspector course.

MOTION

Mrs. Rhyne made a motion to deny approval of the WIN Home Inspection Pre-Licensing Course because it does not meet the Commission requirements. Mr. McLeod seconded the motion, which carried unanimously.

Old Business:

None.

Administrator's Remarks for Information:

Janet Baumberger, Administrator for the Residential Builders Commission

Mrs. Baumberger presented and discussed the POL/OBS reorganization and how it will affect the Residential Builders Commission.

Public Comments:

None.

Date of Next Meeting:

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

Adjournment:

Mr. McLeod 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 4:37 p.m.

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