

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION
Meeting Minutes

Wednesday, November 08, 2023 at 10:01 A.M. in the Upstate Conference Room
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 10:01 a.m. Other members present for the meeting included: Al Bailey, 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 for the November 8, 2023 Meeting:

MOTION:

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

Approval of Minutes for the October 11, 2023 Meeting:

MOTION:

Mr. Bailey made a motion to approve the October 11, 2023 minutes. Mrs. Rhyne seconded the motion, which carried unanimously.

Approval /Disapproval of Absent Members:

Mr. Dillard and Mr. McLeod were absent.

MOTION:

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

Chairman's Remarks:

Timothy W. Roberts

Mr. Roberts asked everyone to speak clearly into the microphone when they give their testimony.

Application Reviews:

Robert Chasteen

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

MOTION:

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

David Rasputkov

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

MOTION:

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

Raul Molina

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

MOTION:

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

Brandon Conell Paul

The Commission held an application review regarding Brandon Conell Paul. Mr. Paul appeared before the Commission, waived his right to counsel, and presented a witness, Ebony Paul, for testimony.

MOTION:

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

Leah Winton

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

MOTION:

Mr. Bailey made a motion to deny Ms. Winton to sit for the exam. Mrs. Rhyne seconded the motion, which carried unanimously.

Thomas Carpenter IV

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

MOTION:

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

Daniel Levi Kirkland

The Commission held an application review regarding Daniel Levi Kirkland. Mr. Kirkland appeared before the Commission, waived his right to counsel, and presented a witness, James Marks, for testimony.

MOTION:

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

Corey Robinson

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

MOTION:

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

Bryant Dyess

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

MOTION:

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

Derek Darby

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

MOTION:

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

Antonio Vasquez

The Commission held an application review regarding Antonio Vasquez. Mr. Vasquez appeared before the Commission, waived his right to counsel, and presented a witness, Alan Beatty, for testimony.

MOTION:

Mrs. Rhyne made a motion to approve Mr. Vasquez to sit for the exam. Mr. Graves seconded the motion, which did not carry unanimously. Mr. Bailey opposed.

Vitaliy Gaik

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

MOTION:

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

William Farrar

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

Robin Runkle

The Commission held an application review regarding Robin Runkle. Ms. Runkle appeared before the Commission, waived her right to counsel, and presented a witness, Adam Goldstein, for testimony.

MOTION:

Mr. Dowd made a motion to deny Ms. Runkle to sit for the exam at this time with stipulation that the Chairman could approve her in the future to sit for the exam if she provides an acceptable experience affidavit signed by a South Carolina licensed residential builder or general contractor. Mrs. Rhyne seconded the motion, which carried unanimously.

Eliei Estrada

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

MOTION:

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

David Williams

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

MOTION:

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

Sawyer Graham

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

MOTION:

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

George Nelson

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

MOTION:

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

Christopher Brian Salters

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

MOTION:

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

Reginaldo Gomes Da Rocha

The Commission held an application review regarding Reginaldo Gomes Da Rocha. Mr. Da Rocha appeared before the Commission and waived his right to counsel.

MOTION:

Mrs. Rhyne made a motion to deny Mr. Da Rocha to sit for the exam. Mr. Bailey seconded the motion, which carried unanimously.

Bradley Irwin

The Commission held an application review regarding Bradley Irwin. Mr. Irwin appeared before the Commission, waived his right to counsel, and presented a witness, Richard Young, for testimony.

MOTION:

Mrs. Rhyne made a motion to approve Mr. Irwin to sit for the exam with the condition

that, if licensed, he must provide a SLED report at renewals. Mr. Bailey seconded the motion, which did not carry unanimously. Mr. Dowd opposed.

Craig Anthony Compton

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

Owner-Builder Waivers:

1. *Lorre Dean Mays*

The Commission held a hearing on Lorre Dean Mays's request for a waiver of the 2-year waiting period required under S.C. Code Ann. § 40-59-260 to sell or rent his residence. Mr. Mays 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:

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

MOTION:

Mr. Bailey made a motion to approve Mr. May's request for a waiver. Mrs. Rhyne seconded the motion, which did not carry unanimously. Mr. Graves and Mr. Dowd opposed the motion. Mr. Roberts broke the tie by voting in favor of the motion and Mr. May's request for a waiver was approved.

2. *Reginaldo Gomes Da Rocha*

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

MOTION:

Mr. Bailey made a motion to deny Mr. Da Rocha's request for a waiver. Mr. Dowd seconded the motion, which carried unanimously.

3. *Dimitriy Konvalchuk*

The Commission held a hearing on Dimitriy Konovalchuk's request for a waiver of the 2-year waiting period required under S.C. Code Ann. § 40-59-260 to sell or rent his residence. Mr. Konovalchuk appeared before the Commission, waived his right to counsel, and presented a witness, his wife, Snizhana Konovalchuk, for testimony.

MOTION:

Mrs. Rhyne made a motion to deny Mr. Konovalchuk's request for a waiver. Mr. Dowd seconded the motion, which carried unanimously.

Hearing Officer Recommendations:

Sherrie Butterbaugh, Office of Disciplinary Counsel

Ms. Butterbaugh presented the report to the Commission.

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

1. *Michael Harold Smith #2020-678*

MOTION:

Mrs. Rhyne made a motion to adopt the Hearing Officer Recommendation. Mr. Dowd 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. *Brandon Michael Efav #2022-801*
2. *Mark Thoennes #2022-487*
3. *Jamell Gaines #2022-849*

MOTION:

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

Board Information:

1. OIE Report:

Chris Cudd, Office of Investigations and Enforcement

Mr. Cudd presented the OIE Report. He reported the number of Investigations as of November 8, 2023.

As of November 8, 2023:

Complaints Received – 848; Active Investigations – 142; Closed Cases – 703

New Business:

Chris Cudd, Office of Investigations and Enforcement

Mr. Cudd 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. Bailey seconded the motion, which carried unanimously.

2. Resolution Guidelines:

MOTION:

Mr. Bailey made a motion to approve the combined IRC Resolution Guidelines Report, which included a correction to October's Report. Mr. Dowd seconded the motion, which carried unanimously.

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, December 13, 2023 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 3:23 p.m.

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