

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION
Meeting Minutes

Wednesday, December 13, 2023 at 10:00 A.M. in the Lowcountry 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 10:03 a.m. Other members present for the meeting included: Al Bailey, Hal Dillard, Earl McLeod, 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 December 13, 2023 Meeting:

MOTION:

Mrs. Rhyne made a motion to approve the December 13, 2023 Residential Builders Commission Meeting Agenda. Mr. Dowd seconded the motion, which carried unanimously.

Approval of Minutes for the November 8, 2023 Meeting:

MOTION:

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

Approval /Disapproval of Absent Members:

All members were present. Mr. Bailey left the meeting at 2:25 p.m.

Chairman's Remarks:

Timothy W. Roberts

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

Application Reviews:

Jason Lucas Smith

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

Andrew James Sharpe

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

MOTION:

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

Jeremy Daniel McDole

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

Matthew Jonathan Jones

The Commission held an application review regarding Matthew Jonathan Jones. Mr. Jones appeared before the Commission and waived his right to counsel.

MOTION:

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

Angelina Eileen Carper

The Commission held an application review regarding Angelina Eileen Carper. Ms. Carper appeared before the Commission and waived her right to counsel.

MOTION:

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

Patrick Wayne Josiah

The Commission held an application review regarding Patrick Wayne Josiah. Mr. Josiah appeared before the Commission, waived his right to counsel, and presented a witness, Josephine Olson, for testimony.

MOTION:

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

Tucker Keaton Davis

The Commission held an application review regarding Tucker Keaton Davis. Mr. Davis appeared before the Commission, waived his right to counsel, and presented witnesses, Patrick Zarcone and Spencer Davis, for testimony.

MOTION:

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

Austin A. Blevins

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

Brendon Pennington

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

MOTION:

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

Marshall Thomas Burns

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

MOTION:

Mrs. Rhyne made a motion to deny Mr. Burns to sit for the exam. Mr. Dillard seconded the motion, which did not carry unanimously. Mr. Graves opposed.

Crawley Odell Montgomery, Jr.

The Commission held an application review regarding Crawley Odell Montgomery, Jr. Mr. Montgomery appeared before the Commission, waived his right to counsel, and presented witnesses, Lloyd Duncan and Mark Nix, for testimony.

MOTION:

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

Thomas J. Glover

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

MOTION:

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

Peyton A. Avrett

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

MOTION:

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

Kyle Howard Gilstrap

The Commission held an application review regarding Kyle Howard Gilstrap. Mr. Gilstrap appeared before the Commission and waived his right to counsel.

MOTION:

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

James Timothy Hall, Jr.

The Commission held an application review regarding James Timothy Hall, Jr. Mr. Hall appeared before the Commission and waived his right to counsel.

MOTION:

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

Nathaniel Yost

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

MOTION:

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

Sergio Andre Torricos

The Commission held an application review regarding Sergio Andre Torricos. Mr.

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

MOTION:

Mr. Bailey made a motion to deny Mr. Torricos to sit for the exam at this time with stipulation that the Chairman could approve him in the future to sit for the exam if he provides a fully completed experience affidavit signed by a South Carolina licensed residential builder or general contractor that meets the Chairman's satisfaction. Mr. Dowd seconded the motion, which did not carry unanimously. Mr. Graves and Mr. McLeod opposed.

Farzin Misaghi Bonabi

The Commission held an application review regarding Farzin Misaghi Bonabi. Mr. Bonabi appeared before the Commission, waived his right to counsel, and presented a witness, Bashir Hamidi, for testimony.

MOTION:

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

Jordan James Davis

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

Into Executive Session:

Mrs. Rhyne made a motion to go into Executive Session for legal advice. Mr. Bailey seconded the motion, which carried unanimously.

Return from Executive Session:

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

MOTION:

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

David Viera Diaz

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

MOTION:

Mrs. Rhyne made a motion to approve Mr. Diaz for his Residential Specialty Contractor Registration with the condition that he must have a \$5000 bond on file with the Commission at all times and he must provide a SLED report at the next two renewals of his registration. Mr. Bailey seconded the motion, which carried unanimously.

Daniel L Belfiedl

Mr. Belfiedl's was continued. The Commission did not take any action.

Hearing Officer Recommendations:

Robert Elam, Office of Disciplinary Counsel

Mr. Elam presented the reports to the Commission.

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

1. Case #2019-375 and #2022-912

MOTION:

Mr. McLeod 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:

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. #2023-260
2. #2023-140
3. #2022-1015
4. #2021-348
5. #2022-1001
6. #2022-966

MOTION:

Mr. Dowd made a motion to approve the report. Mrs. Rhyne 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 December 13, 2023.

As of December 13, 2023:

Complaints Received – 925; Active Investigations – 102; Closed Cases – 787

New Business:

Chris Cudd, Office of Investigations and Enforcement

Mr. Cudd presented the Resolution Guidelines Report.

1. Resolution Guidelines:

MOTION:

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

Owner-Builder Clarification:

The Commission had a discussion regarding Statute 40-59-265 and clarified that the “owner of residential property” as referenced in the statute has the same meaning as “owner of residential property” referenced in Statute 40-59-260(A), such that in order for the exemption for permitting and licensing to apply, the improvements must be to improvements intended for the owner’s sole occupancy or occupancy by the owner’s family and not intended for use as rental property.

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, January 10, 2024 at 10:00 am.

Adjournment:

Mrs. Rhyne made a motion to adjourn the Residential Builders Commission Meeting. Mr. Dillard seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 2:43 p.m.

Return to Meeting:

Mrs. Rhyne made a motion to return to the Residential Builders Commission Meeting for an application review hearing for a tardy applicant. Mr. Dowd seconded the motion, which carried unanimously. The Residential Builders Commission Meeting returned to order at 2:44 p.m.

Terence K. McNeil

The Commission held an application review regarding Terence K. McNeil. Mr. McNeil appeared before the Commission and waived his right to counsel.

MOTION:

Mr. Dowd made a motion to approve Mr. McNeil for his Residential Specialty Contractor Registration with the condition that he must have a \$5000 bond on file with the Commission at all times and he must provide a letter from his probation officer upon successful completion of his probation. Mr. McLeod seconded the motion, which carried unanimously.

Adjournment:

Mr. McLeod 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 2:50 p.m.

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