

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION
Meeting Minutes

Wednesday, July 10, 2024 at 10:00 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 10:00 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 July 10, 2024 Meeting:

MOTION:

Mrs. Rhyne made a motion to approve the July 10, 2024 Residential Builders Commission Meeting Agenda. Mr. Graves seconded the motion, which carried unanimously.

Approval of Minutes for the June 12, 2024 Meeting:

MOTION:

Mr. Bailey made a motion to approve the June 12, 2024 minutes. Mrs. Rhyne seconded the motion, which carried unanimously.

Approval /Disapproval of Absent Members:

All members were present.

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:

Andrew Neil Whitehead

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

MOTION:

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

Tyrone Lemons

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

MOTION:

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

Patrick Michael Huey III

The Commission held an application review regarding Patrick Michael Huey III. Mr. Huey appeared before the Commission and waived his right to counsel.

MOTION:

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

Chase Tyler Parker

The Commission held an application review regarding Chase Tyler Parker. Mr. Parker appeared before the Commission and waived his right to counsel.

MOTION:

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

Denis Rene Espinoza

The Commission held an application review regarding Denis Rene Espinoza. Mr. Espinoza appeared before the Commission and waived his right to counsel.

MOTION:

Mrs. Rhyne made a motion to deny Mr. Espinoza to sit for the exam. Mr. Bailey seconded the motion, which carried, but not unanimously. Mr. Dillard and Mr. McLeod opposed.

Colin Edward Harrison

The Commission held an application review regarding Colin Edward Harrison. Mr. Harrison appeared before the Commission and waived his right to counsel.

MOTION:

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

Alberto Martinez Zuniga

The Commission held an application review regarding Alberto Martinez Zuniga. Mr. Zuniga appeared before the Commission and waived his right to counsel.

MOTION:

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

Jason A. Clossey

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

MOTION:

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

Bogdan Martsenyak

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

MOTION:

Mr. Graves made a motion to approve Mr. Martsenyak to sit for the exam. Mr. Dillard seconded the motion, which carried, but not unanimously. Mr. Bailey and Mr. Dowd opposed.

Benjamin Cannon Barr

The Commission held an application review regarding Benjamin Cannon Barr. Mr. Barr appeared before the Commission and waived his right to counsel.

MOTION:

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

Kevin Allen Orzech

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

MOTION:

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

Sam Cumbee Aldridge

The Commission held an application review regarding Sam Cumbee Aldridge. Mr. Aldridge appeared before the Commission and waived his right to counsel.

MOTION:

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

Manuel W. Galban

The Commission held an application review regarding Manuel W. Galban. Mr. Galban appeared before the Commission and waived his right to counsel.

MOTION:

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

Benjamin Grady Parris

The Commission held an application review regarding Benjamin Grady Parris. Mr. Parris appeared before the Commission and waived his right to counsel.

MOTION:

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

Brice Daniel Bickel

The Commission held an application review regarding Brice Daniel Bickel. Mr. Bickel appeared before the Commission and waived his right to counsel.

MOTION:

Mrs. Rhyne made a motion to approve Mr. Bickel to sit for the exam. Mr. Bailey

seconded the motion which carried unanimously.

Brendan Joseph Ball

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

MOTION:

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

Christopher Jonathan Figura

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

MOTION:

Mr. Dillard made a motion to approve Mr. Figura for renewal of his Residential Builders license. Mr. Dowd seconded the motion which carried unanimously.

Emery Clay Custer

The Commission held an application review regarding Emery Clay Custer. Mr. Custer appeared before the Commission and waived his right to counsel.

MOTION:

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

Charles Russell Browning, Jr.

The Commission held an application review regarding Charles Russell Browning, Jr. Mr. Browning appeared before the Commission and waived his right to counsel.

MOTION:

Mrs. Rhyne made a motion to approve Mr. Browning for his Residential Specialty Contractor Registration with the condition that he must provide a criminal background at his first renewal. Mr. Bailey seconded the motion which carried unanimously.

Lauren Hugh Atkinson [CLOSED]

The Commission held an application review regarding Lauren Hugh Atkinson in closed session due to confidentiality and privacy laws. Mr. Atkinson appeared before the Commission, waived his right to counsel, and presented a witness for testimony.

MOTION:

Mr. Dillard made a motion to approve Mr. Atkinson for his Residential Specialty Contractor Registration. Mr. Bailey seconded the motion, which carried, but not unanimously. Mr. McLeod opposed.

Samuel Cory Blevins [CLOSED]

The Commission held an application review regarding Samuel Cory Blevins in closed session due to confidentiality and privacy laws. Mr. Atkinson appeared before the Commission, waived his right to counsel, and presented a witness for testimony.

MOTION:

Mr. McLeod made a motion to approve Mr. Blevins for his Residential Specialty Contractor Registration. Mr. Bailey seconded the motion which carried unanimously.

Request to Change Specialty Contractor Registration Classifications Before Renewal:

Thomas James Owens

Mr. Owens did not appear. Therefore, the Commission did not take any action.

Request for Reconsideration Regarding Owner-Builder Waiver:

Sabir Bayraktar

The Commission held a hearing on Sabir Bayraktar's request for reconsideration of a waiver of the 2- year waiting period required under S.C. Code Ann. § 40-59-260 to sell or rent his property. Mr. Bayraktar 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. Bailey seconded the motion, which carried unanimously.

Out of Executive Session

MOTION:

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

MOTION:

Mr. Bailey made a motion to approve Mr. Baryraktar's reconsideration request for a waiver. Mr. Dillard seconded the motion, which carried, but not unanimously. Mrs. Rhyne opposed.

Final Order Hearings on 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. *Willie Lyles, Jr. #2019-201 and #2019-638*

MOTION:

Mr. McLeod made a motion to adopt the Hearing Officer Recommendation, with modifications – specifically with the modification that Recommendation #2 in the Hearing Officer's Recommendation is rejected and modified instead to require Respondent to take a South Carolina residential builders exam preparatory course as approved by Commission staff within six months of the final order.

Mrs. Rhyne seconded the motion, which carried, but not unanimously. Mr. Dillard opposed.

2. *Albert Glenn Arnette #2022-779, #2022-878, and #2022-1014*

MOTION:

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

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

3. *John Luther George #2020-882*

MOTION:

Mr. McLeod made a motion to adopt the Hearing Officer Recommendation. Mrs. 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. #2022-258

MOTION:

Mr. Dowd made a motion to approve the report. Mr. McLeod 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 June 26, 2024.

As of June 26, 2024:

Open Cases – 223, Pending Hearings & Agreements – 81, Pending Closure – 0, Closed* – 30, Appeals – 0, *Closed since last report – 30, Closed Cases 2024 – 48

2. OIE Report:

Chris Cudd, Office of Investigations and Enforcement

Mr. Cudd presented the OIE Report. He reported the number of Investigations as of July 10, 2024.

As of July 10, 2024:

Complaints Received – 712; Active Investigations – 164; Closed Cases – 877

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. Bailey made a motion to approve the Recommendation of IRC Report. Mrs. Rhyne 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.

Financial Report:

The Commission reviewed and discussed the May 31, 2024 Residential Builders Finance Report.

Number of Monthly Staff-Approved Applications:

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

Revision of Experience Affidavit:

The Commission discussed possible revisions to the existing experience affidavit. The Commission reviewed a draft of a revised form. It was determined that legal counsel would review the draft of the revised form, and then the form, with any additional revisions, would be presented at next month's meeting for further review and discussion.

Commission Executive's Remarks for Information:

None.

Public Comments:

Mark Nix discussed the final numbers for licenses and the increase of new applications.

Date of Next Meeting:

The next Residential Builders Commission meeting will be held Wednesday, August 14 2024 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 3:47 p.m.

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