

RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park
110 Centerview Drive Kingstree Building, Room 108
Columbia, South Carolina 29210
Wednesday, April 8th, 2015

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

Called To Order:

Derrick Williams, Chairman called the regular meeting of the Residential Builders Commission to order at 10:10 a.m. Other members present for the meeting included: Al Bailey, Tim Roberts, Hal Dillard, Caleb Davis, Frank Clark and Bryan Dowd.

Derrick Williams, 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 person, organizations and news media in accordance with §30-4-80 of the South Carolina Freedom of Information Act.

Approval of Agenda:

MOTION:

Mr. Bailey made a motion to approve the April 8th, 2015 Residential Builders Commission Meeting Agenda with the addition of an application review for Mr. Christopher Norton and a Memorandum of Agreement for Stevens Cribbs. Mr. Roberts seconded the motion, which carried unanimously.

Approval of Minutes for the March 11th, 2015 Meeting:

MOTION:

Mr. Dowd made a motion to approve the March 11th, 2015 meeting minutes. Mr. Roberts seconded the motion, which carried unanimously.

Approval /Disapproval of Absent Members:

Chairman's Remarks:

Derrick Williams- chairman

Mr. Williams, Chairman reminded everyone that this meeting is being recorded and asked that everyone please clearly. Additionally, he advised all applicants and licensees to direct their questions to the chairman of the board.

Owner/Builder Waiver:

Daryl Zissette

The Commission held a Hearing regarding Mr. Daryl Zissette's request for approval of a Owner/Builder waiver. Mr. Zissette appeared before the Commission to present testimony and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to approve the exemption of the owner/builder waiver for Mr. Zissette. Mr. Roberts seconded the motion, which did not carry unanimously. Mr. Dillard abstained.

Trent Campbell

The Commission held an Application Review Hearing regarding Mr. Trent Campbell. Mr. Campbell appeared before the Commission to present testimony and he waived his right to counsel.

MOTION:

Mr. Bailey made a motion to allow Mr. Campbell to sit for the Exam. Mr. Dillard seconded the motion, which did not carry unanimously, Mr. Dowd opposed.

Lemuel Knight Jr.

The Commission held an Application Review Hearing regarding Mr. Lemuel Knight Jr. Mr. Knight appeared before the Commission to present testimony and waived his right to counsel.

MOTION:

Mr. Dowd made a motion to allow Mr. Knight to sit for the exam. Mr. Davis seconded the motion, which carried unanimously.

Jennifer L. Gerben-Nettles

The Commission held an Application Review Hearing regarding Mr. Jennifer L. Gerben-Nettles. Ms. Gerben-Nettles appeared before the Commission to present testimony along with her witnesses Mr. James L. Nettles Jr. and Mr. Mark Nix and waived her right to counsel.

MOTION:

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

MOTION:

Mr. Bailey made a motion to exit Executive Session for legal advice. Mr. Roberts seconded the motion, which carried unanimously.

Mr. Dillard recused himself from the application review due to unintentional prior knowledge of information.

MOTION:

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

MOTION:

Mr. Dowd made a motion to exit Executive Session for legal advice. Mr. Roberts seconded the motion, which carried unanimously.

MOTION:

Mr. Bailey made a motion to allow Ms. Gerben-Nettles to amend her application to reflect the correct answer to the question regarding judgments and allow her to sit for the exam. Mr. Roberts seconded the motion, which carried unanimously.

Ariosto Schenone

The Commission held an Application Review Hearing regarding Ariosto Schenone. Mr. Schenone appeared before the Commission to present testimony and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to allow Mr. Schenone to sit for the residential exam. Mr. Davis seconded the motion, which carried unanimously.

Clayton Martin

The Commission held an Application Review Hearing regarding Clayton Martin. Mr. Martin did not appear.

MOTION:

No motions were made.

Roger Kondroski

The Commission held an Application Review Hearing regarding Mr. Roger Kondroski. Mr. Kondroski appeared before the Commission to present testimony and waived his right to counsel.

MOTION:

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

Greg Garman

The Commission held an Application Review Hearing regarding Mr. Greg Garman. Mr. Garman appeared before the Commission to present testimony and waived his right to counsel.

MOTION:

Mr. Dowd made a motion to approve Mr. Garman's Home Inspector's license. Mr. Roberts seconded the motion, which carried unanimously.

Brian Ranger

The Commission held an Application Review Hearing regarding Mr. Brian Ranger. Mr. Ranger appeared before the Commission to present testimony and he waived his right to counsel.

MOTION:

Mr. Bailey made a motion to approve Mr. Ranger's renewal application at the next renewal. Mr. Ranger must provide proof to the staff that he has continued the monthly bank drafts or reach a settlement with the bank. If he is unable to provide this information at that time he would be required to come back before the board during the 2016 renewal cycle. Mr. Dowd seconded the motion, which carried unanimously.

Christopher Norton

The Commission held an Application Review Hearing regarding Christopher Norton. Mr. Norton did not appear.

MOTION:

No motions were made.

Final Order Hearings:

Jared Oettinger Case# 2012-63

The Board held a Final Order hearing regarding Mr. Jared Oettinger.

MOTION:

Mr. Bailey made a motion to uphold the Hearing Officer's Recommendation. Mr. Dowd seconded the motion which carried unanimously.

Mr. George Kornahrens Case# 2012-302

The Board held a Final Order hearing regarding Mr. George Kornahrens.

MOTION:

Mr. Roberts made a motion to uphold the Hearing Officer's Recommendation. Mr. Dowd seconded the motion which carried unanimously.

Mr. Brian Stevens Case# 2012-503

The Board held a Final Order hearing regarding Mr. Brian Stevens.

MOTION:

Mr. Davis made a motion to uphold the Hearing Officer's Recommendation. Mr. Roberts seconded the motion which carried unanimously.

Ms. Sharon Hammonds Case# 2013-45

The Board held a Final Order hearing regarding Ms. Sharon Hammonds.

MOTION:

Mr. Bailey made a motion to uphold the Hearing Officer's Recommendation. Mr. Dowd seconded the motion which carried unanimously.

Mr. James Green Case# 2014-119

The Board held a Final Order hearing regarding Mr. James Green.

MOTION:

Mr. Davis made a motion to uphold the Hearing Officer's Recommendation. Mr. Clark seconded the motion which carried unanimously.

Mr. Tony Williford Case# 2014-9

The Board held a Final Order hearing regarding Mr. Tony Williford.

MOTION:

Mr. Dowd made a motion to uphold the Hearing Officer's Recommendation. Mr. Clark seconded the motion which carried unanimously.

Mr. Gerald Tumbleston Case# 2013-297

The Board held a Final Order hearing regarding Mr. Gerald Tumbleston.

MOTION:

Mr. Davis made a motion to uphold the Hearing Officer's Recommendation. Mr. Clark seconded the motion which carried unanimously.

Mr. Hugh Elam Case#2013-208

The Board held a Final Order hearing regarding Mr. Hugh Elam. Mr. Al Bailey recused himself.

MOTION:

Mr. Davis made a motion to uphold the Hearing Officer's Recommendation. Mr. Clark seconded the motion which carried unanimously.

Mr. Scott Nesmith case# 2012-214

The Board held a Final Order hearing regarding Mr. Scott Nesmith. Mr. Scott Nesmith was present and sworn in. Mr. Melville appeared as attorney for Mr. Nesmith

MOTION:

Mr. Bailey made a motion to go into Executive Session to seek legal advice. Mr. Dowd seconded the motion which carried unanimously.

MOTION:

Mr. Bailey made a motion exit Executive Session from receiving legal advice. Mr. Roberts seconded the motion which carried unanimously.

MOTION:

Mr. Bailey made a motion to uphold the Hearing Officer's Recommendation. Mr. Dowd seconded the motion which carried unanimously.

Mr. Willie Johnson Case# 2013-242

The Board held a Final Order hearing regarding Mr. Willie Johnson.

MOTION:

Mr. Dowd made a motion to uphold the Hearing Officer's Recommendation. Mr. David seconded the motion which carried unanimously.

Mr. Cecil Lachicotte Case# 2014-181

The Board held a Final Order hearing regarding Mr. Cecil Lachicotte.

MOTION:

Mr. Roberts made a motion to uphold the Hearing Officer's Recommendation. Mr. Bailey seconded the motion which carried unanimously.

Memorandum of Agreement

Mr. Thomas Massar Case# 2013-352

Mr. Thomas Massar was present and sworn in. Mr. Bill Scott, Esq. appeared as attorney for Mr. Massar. Erin Baldwin, Esq. represented the State. Mr. Bill Scott presented his case before the Board. Ms. Baldwin requested that the Board accept the Memorandum of Agreement (MOA)..

MOTION:

Mr. Bailey made a motion that the Memorandum of Agreement and Stipulation of Facts submitted be upheld and a letter of caution be issued and allow for Renewal of Mr. Massar's license. Mr. Davis seconded the motion, which carried unanimously.

Mr. Derek J Evatt Case# 2013-362

Mr. Derek Evatt was present and sworn in. Ms. Lauren Clark, Esq. appeared as attorney for Mr. Evatt. Erin Baldwin, Esq. represented the State. Ms. Clark presented her case and answered questions from the Board. Ms. Baldwin requested that the Board accept the Memorandum of Agreement (MOA) and impose an appropriate sanction.

MOTION:

Mr. Bailey made a motion to accept the Memorandum of Agreement and Stipulation of Facts submitted, but not to impose any sanctions. Mr. Davis seconded the motion, which carried unanimously.

Mr. Stephen Cribbs Case# 2012-235

Mr. Stephen Cribbs was present and sworn in. Tucker Player, Esq. appeared as attorney for Mr. Cribbs. John Carroll, Esq. represented the State. Mr. Player presented his case and answered questions from the board. Mr. Carroll requested that the Board accept the Memorandum of Agreement (MOA) and impose appropriate sanction.

MOTION:

Mr. Roberts made a motion to accept the Memorandum of Agreement and Stipulation of Facts submitted be upheld and the sanctions for this license shall be has follows: for violation of 40-59-110 a two hundred and fifty dollar fine (\$250.00); and for 40-59-240A a two hundred and fifty dollar fine (\$250.00) for a total fine of five hundred dollars (\$500.00) to be paid within 90 days from the date of the order. Mr. Bailey seconded the motion, which carried unanimously.

OIE Report – Mr. Todd Bond:

Todd Bond, Chief Investigator of OIE

Mr. Todd Bond, Chief Investigator appeared and reported that for the period January 1, 2015 to April 7, 2015, OIE has received a total of 156 new complaints with 109 active investigations. A total of 202 cases have been closed to date.

New Business

A. Recommendations of IRC

MOTION:

Mr. Bailey made a motion to approve the Recommendation of the IRC. Mr. Davis seconded the motion, which carried unanimously.

B. Resolution Guidelines

MOTION:

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

Nick Gromicko, Founder InterNACHI:

Mr. Nick Gromicko spoke and gave the board background information regarding the trade organization InterNACHI. InterNACHI is the largest trade association for Home Inspectors in the world. InterNACHI has 13,000 members in the United States and Canada and more than 1,400 government approvals and/or accreditations. Mr. Gromicko requested that the Residential Builders Commission adopts the InterNACHI standards of practice. Mr. Bailey requested that the board have time to compare the InterNACHI standards of practice and the ASHI standards of practice before the board could make a decision of adopting one of the standards. Mr. Gromicko indicated that since the board's adoptions of

ASHI standards of practice, InterNACHI and had a dramatic decline in membership. Mr. Roger Herdt, with the South Carolina chapter of ASHI, spoke and explained to the board that there as not been an increase in the South Carolina Chapter of ASHI since the adoption of the ASHI standards. Mr. Williams requested that the standards of practice for both organizations be compared and presented at the next board meeting.

Administrator's Remarks for Information:

Discussion of Future Promulgations of Regulations

Ms. Janet Baumberger, brought to the board the need for other classifications under the specialty registration if the future promulgations of the regulations. She informed the board of the many classifications that staff receives calls for daily that are not currently covered under the current regulations.

Detached Garages

Ms. Baumberger also discussed the memorandum regarding Detached Garages that was previously drafted in September of 2003. After review of the memo and discussion it was the board's position that the detached garages were to be constructed by a licensed builder.

MOTION:

Mr. Bailey made a motion to revise the memo dated September 4th, 2003, to reflect the current date and resend to the building officials throughout the state. Mr. Davis seconded the motion, which carried unanimously.

Old Business:

None at this time.

Public Comments:

Public Comments were made.

Date of Next Meeting:

The next Residential Builders Commission meeting will be held Wednesday, May 13th, 2015 in room 108.

Adjournment:

Mr. Dowd made a motion to adjourn the Residential Builders Commission Meeting. Mr. Davis seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 3:06 p.m.

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