

RESIDENTIAL BUILDERS COMMISSION

Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina
Wednesday, July 13, 2016 – 10:00 a.m.

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

Called to Order:

Mr. 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: Mr. Bailey, Mr. Dillard, Mr. Dowd, Mr. Lemmon, Ms. Rhyne, and Mr. Spruill.

Approval of Agenda:

MOTION:

Mr. Dowd made a motion to approve the July 13, 2016, Residential Builders Commission meeting agenda. Mr. Dillard seconded the motion, which carried unanimously.

Approval of Minutes for the June 8, 2016 Meeting

MOTION:

Mr. Bailey made a motion to approve the June 8, 2016, meeting minutes. Mr. Lemmon seconded the motion, which carried. Mr. Spruill abstained from voting since he was not present for that meeting.

Approval of Minutes for the June 27, 2016 Meeting

MOTION:

Ms. Rhyne made a motion to approve the June 27, 2016 meeting minutes. Mr. Bailey seconded the motion, which carried. Mr. Spruill, Mr. Dillard and Mr. Lemmon abstained from voting as they were not present for the meeting.

Approval/Disapproval of Absent Members:

All members were present.

Chairman's Remarks:

Timothy Roberts – Chairman

Mr. Roberts made no remarks during this meeting.

Reinstatement:

James Wilson

The Commission held a Reinstatement Application Review Hearing regarding Mr. James Wilson. Mr. Wilson appeared before the Commission to present testimony along with his attorney Mr. Nathaniel Robertson, Esq.

MOTION:

Mr. Bailey made a motion to reinstate Mr. Wilson's license pending the outcome of the appeal. If Mr. Wilson loses his appeal his license will be suspended. Ms. Rhyne seconded the motion, which carried unanimously.

Ronnie Thomas

The Commission held a Reinstatement Application Review Hearing regarding Mr. Ronnie Thomas. Mr. Thomas appeared before the Commission to present testimony and he waived his right to counsel.

Mr. Bailey recused himself from participating and voting in this matter as he was the hearing officer in this matter. He left the meeting at this time.

MOTION:

Mr. Dillard moved to reinstate Mr. Thomas's license. Ms. Rhyne seconded the motion, which carried unanimously.

Mr. Bailey returned to the meeting at this time.

Application Reviews:

Initial:

Frank Pampanelli

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

MOTION:

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

Milton Posada

The Commission held a Reinstatement Application Review Hearing regarding Mr. Milton Posada. Mr. Posada appeared before the Commission to present testimony, along with his attorney Mr. Paul Degenhart, Esq.

MOTION:

Mr. Dowd made a motion to reinstate Mr. Posada's registration with the condition that he complies with the new agreement with Ohio Casualty. Mr. Bailey seconded the motion, which carried unanimously.

Ernie Cooper, Sr.

The Commission held an Application Review Hearing regarding Mr. Ernie Cooper, Sr. Mr. Cooper appeared before the Commission to present testimony and he waived his right to counsel.

MOTION:

Mr. Bailey made a motion to allow Mr. Cooper to sit for the exam. Ms. Rhyne seconded the motion, which carried unanimously.

Martin Barr

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

MOTION:

Mr. Dowd made a motion to allow Mr. Barr to sit for the electrical exam. Mr. Dillard seconded the motion, which carried unanimously.

Ryan Prusaczyk

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

MOTION:

Mr. Dowd made a motion to allow Mr. Prusaczyk to stand for the exam. Mr. Dillard seconded the motion, which carried unanimously.

Jason Wentzel

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

MOTION:

Mr. Dillard made a motion to allow Mr. Wentzel to stand for the exam. Mr. Lemmon seconded the motion, which did not carry unanimously. Mr. Bailey opposed.

Gerald Cobb

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

MOTION:

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

David Ussery

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

MOTION:

Mr. Bailey made a motion to allow Mr. Ussery to sit for the exam. Ms. Rhyne seconded the motion, which carried unanimously.

Yajaira Surrect

The initial licensure hearing for Mr. Surrect will be rescheduled for a later date.

James Witherspoon

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

MOTION:

Ms. Rhyne made a motion to allow Mr. Witherspoon to stand the exam. Mr. Dillard seconded the motion, which carried unanimously.

Kenneth C. Edward

The Commission held an Application Review Hearing regarding Mr. Kenneth C. Edward. Mr. Edward appeared before the Commission to present testimony, along with a Witness Mr. Thomas Doolittle and he waived his right to counsel.

MOTION:

Mr. Dowd made a motion to allow Mr. Edward to get his specialty registration. Mr. Lemmon seconded the motion, which carried unanimously.

Sammy T. Best

Mr. Best did not appear during this meeting.

Eric Yoder

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

MOTION:

Mr. Bailey made a motion to allow Mr. Yoder to stand for the exam. Mr. Lemmon seconded the motion, which carried unanimously.

Angela Sage

The Commission held an Application Review Hearing regarding Ms. Angela Sage. Ms. Sage appeared before the Commission to present testimony and she waived her right to counsel.

MOTION:

Mr. Bailey made a motion to approve Ms. Sage to sit for the South Carolina Business Management and Law Exam. Mr. Lemmon seconded the motion, which carried unanimously.

Harry Simmons

The Commission held an Application Review Hearing regarding Mr. Harry Simmons. Mr. Simmons appeared before the Commission to present testimony.

MOTION:

Mr. Bailey made a motion to Mr. Simmons specialty registration with the stipulation he carry a \$5,000.00 bond. Mr. Dowd seconded the motion, which carried unanimously.

Renewal:

Christopher Bedson

The renewal licensure hearing for Mr. Bedson will be rescheduled for a later date.

Review of Hearing Officer Recommendations

Donell Martin Case #2014-427 (HO Roberts)

Mr. Roberts recused himself from participating in the discussion and voting in this matter as he was the hearing officer. He turned the meeting over to Mr. Bailey and left the meeting room at this time.

Mr. Bailey assumed the chair at this time.

MOTION

Mr. Dowd moved to accept the hearing officer's recommendation in this matter. Ms. Rhyne seconded the motion, which carried unanimously.

Mr. Roberts returned to the meeting at this time.

Antoine Iskandar Case #2014-327 (HO Curl)

MOTION

Mr. Bailey made a motion to accept the hearing officer's recommendation in this matter. Mr. Lemmon seconded the motion, which carried with a majority vote. Mr. Spruill voted nay.

Memorandum of Agreement

Alvin Hopper Case #2015-04

MOTION

Mr. Bailey made a motion to accept the Memorandum of agreement and that the respondent be assessed a fine of Five hundred and 00/100 dollars (\$500.00) for each of the four Statutory violations, §40-59-110; §40-59-240a, §40-59-240c, §40-59-240d for a total fine of Two Thousand and 00/100 dollars (\$2,000.00) to be paid within sixty (60) days of the final order. Mr. Dowd seconded the motion, which carried unanimously.

Administrator’s Remarks, For Information:

No remarks were made at this meeting.

Board Information –

ODC Report – Erin Baldwin, Office of Disciplinary Counsel

Ms. Perlman, Assistant Disciplinary Counsel, appeared to present the ODC report on behalf of Ms. Baldwin.

Open Cases – 109 Pending Actions – 49 Pending ALC Hearing – 5

Citation Appeal – 1 Pending Advice Action – 1 Pending CA/MOAs – 16

Pending Board Hearing 4 Pending FO – 0 Appeals 9

Closed Cases from 04/08/2016 to 06/23/2016 - 42

OIE Report – Todd Bond, Office of Investigations and Enforcement

Mr. Todd Bond, Chief Investigator, appeared to present the information to the Commission regarding the OIE monthly report.

New Business:

Recommendation of IRC

MOTION:

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

Resolution Guidelines

MOTION:

Mr. Dowd move to approve the resolution Guidelines. Mr. Lemmon seconded the motion, which carried unanimously.

Adjournment:

MOTION

Mr. Dowd made a motion to adjourn the Residential Builders Commission meeting. Ms. Rhyne seconded the motion, which carried unanimously.

The July 13, 2016 meeting of the Residential Builders Commission adjourned at 1:31 p.m.

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