

RESIDENTIAL BUILDERS COMMISSION  
Synergy Business Park (formerly the Koger Business Park)  
110 Centerview Drive Kingstree Building, Room 108  
Columbia, South Carolina 29210

**Called To Order:**

Derrick G. Williams, 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; Frank Clark; Caleb Davis; Hal Dillard; Brian Dowd; and Tim Roberts.

Derrick G. 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.

Staff members participating in the meeting included: Sheridan Spoon, Assistant General Counsel; Mr. Dean Grigg, Advice Counsel; Suzanne Hawkins, Staff Attorney; Lilla Ann Gray, Staff Attorney; Gary Wiggins, Administrator; Christine Driver, Administrative Assistant; Angela Scott, Administrative Assistant; Sandra Dickert, Administrative Assistant; Jennie Meade, Program Coordinator; Charlie Ido, Assistant Deputy Director; Steve Deer; Investigation Jerry Merritt, Investigation; Sharon Cook, Investigation; Gregg Hembree, Investigations; Ronald Brewer, Investigation; Theresa Richardson, Office of Licensure and Compliance and Jan Dunkin, Court Reporter.

Others present participating in the meeting included: Stan Bowen; Michael Zimmerman; and Allen Muldron.

**Election of Officers:**

Chairman Williams called for nominations from the floor for the Office of Chairman. Mr. Clark moved to nominate Mr. Derrick Williams to serve as chairman. Mr. Bailey seconded the motion, which carried unanimously. There being no further nominations, the nominations were closed and Mr. Derrick Williams was elected by acclamation. Chairman Williams called for nominations for the Office of Vice-Chairman. Mr. Clark moved to nominate Mr. Al Bailey to serve as Vice-Chairman. Mr. Roberts seconded the motion. There being no further nominations, the nominations were closed and Mr. Al Bailey was elected by acclamation.

**Approval of Agenda**

**MOTION:**

Mr. Bailey made a motion to approve the April 13, 2011 Residential Builders Commission Meeting Agenda. Mr. Clark seconded the motion, which carried unanimously.

**Approval of Minutes for the February 9, 2011 Meeting:**

**MOTION:**

Mr. Dowd made a motion to approve the February 9, 2011 meeting minutes. Mr. Clark seconded the motion, which carried unanimously.

**Approval /Disapproval of Absent Members:**

All members were present.

**Chairman's Remarks:**

*Derrick Williams*

There were no remarks made.

**Administrator's Remarks**

*Gary Wiggins*

**Board Information:**

Mr. Wiggins reported that a Bill S0431 was proposed by McConnell, Rankin, Setzler, Campbell, Shoopman, Reese, Bright, Alexander, Martin, Fair, Cromer, Bryant, Elliot, O'Dell, Campsen, Ford, Rose, Lourie, Cleary, Verdin, McGill, Williams, Nicholson, Knotts, Land and Scott to amend the Code of Laws of South Carolina, 1976, by adding §38-61-70 so as to provide that a Liability Insurance Policy issued by an Insurer and covering a Construction Professional in this State must be broadly constructed in favor of coverage, and to provide that work of a Construction Professional resulting in property damage in certain circumstances constitutes an occurrence as commonly defined in liability insurance and is not the intended or expected consequence of the work of the Construction Professional.

**Advisory Opinions – Sheridon Spoon, Office of General Counsel:**

**MOTION:**

Mr. Bailey made a motion to go into executive session. Mr. Clark seconded the motion, which carried unanimously.

Mr. Bailey made a motion to come out of executive session. Mr. Clark seconded the motion, which carried unanimously.

**OIE Report – Mr. Stephen Deer:**

*Stephen Deer, Interim Chief Investigator of OIE*

Mr. Stephen Deer, Interim Chief Investigator of Office of Investigation, reported that he is filling in for Mr. Charlie Ido, who has been assigned to serve as Assistant Deputy Director, for the Office of Board Services. He reported that the OIE is very proud of Mr. Ido's promotion and appreciate the opportunity to work under his outstanding leadership.

Mr. Deer reported that OIE is aggressively enforcing Residential Specialty Contractor's Statute and Regulations. They are currently experiencing a surge in unlicensed practice cases and Specialty Contractor's working outside the scope of their license. This has affected the Residential Builders, Specialty Contractors and the citizens of South Carolina. Staff has issued fines and Cease and Desist Orders and in the process Specialty Contractor's has applied and received their registrations. The Investigators will be attending the Building Official 50<sup>th</sup> Anniversary on May 2- 4, 2011 in Myrtle Beach, South Carolina. On April 6, 2011, OIE presented a presentation to the Upper State Code Enforcement entitled LLR and Local Code Enforcement Working Together.

Mr. Deer reported the number of investigations as of today: **Open Cases:** 364 and 102 **pending OGC**

**OGC – Mrs. Suzann Hawkins:**

*Suzanne Hawkins*

Mrs. Suzanne Hawkins reported that the OGC has restructured and is now the Division of Legal Services which includes three litigators her, Ms. Laura Cook, and Ms. GG Louis.

Mrs. Suzanne Hawkins reported the number of complaints as of today:

89 - Open Complaints	33 - Cases pending action	5 - Cases pending Consent Agreement or Memorandum of Agreement
Final Order Hearings	30 - Cases pending Hearings	6 - Cases Pending
162 – Closed as of January 2010	11 – Pending Final Orders	3 – Cases on appeal

Old Business:

There was not Old Business presented.

Charlie Ido, Deputy Director:

*Charlie Ido, Assistant Deputy Director, Office of Board Services*

Mr. Charlie Ido reported that he has accepted the assignment of Assistant Deputy Director, of the Office of Board Services. Mr. Ido informed the Commission that Mr. Randy Bryant recently retired and stated that he appreciated him for his dedication and hard work. Mr. Ido stated that he appreciate the 5 ½ years he served as Chief of Investigator and worked with the Residential Builders Commission, Mr. Charlie McAlister and Mr. Stan Bowen. He informed the Commission that Mr. Deer is doing an outstanding job filling in as the Interim Chief Investigator for the Office of Investigation. He stated that he has an open door policy and if he can be of assistance to please contact him.

Mr. Ido reported that at a previous meeting the Commission discussed the vacant Residential Builders Administrator's position and staff is in the process of hiring for that position. He went on to say that LLR has had a reduction in workforce and reorganization. The Office of Licensure and Compliance no longer exist and the duties and responsibilities have been transferred back to the respective Boards and Commissions to include licensing and the budget. It will be incumbent upon the Administrators to manage the Board's or Commissions budget and approval of travel for members and staff. There are 41 Boards and Commissions to include 14 Administrators with 2 vacant positions.

Mr. Ido reported that the Investigative Review Committee consists of the Board's or Commission's Administrator; OGC Representative; OIE Representative; and one professional member from that Board or profession. The Residential Builders Professional member usually is from the local city or county office around the State. Mr. Ido asked that complaints received from Board Members should be directed to the Administrator and the Administrator would complete the proper paper work to file a formal complaint. He went on to say that the procedure would keep a firewall between the investigator; hearers of fact; and the Hearing Officers. Mr. Ido stated that a representative from OIE is present at the Board meetings to answer any questions the Commission may have.

Guidance/Clarification/Interpretation:

Mr. Wiggins reported that several individuals have contacted staff requesting verification that a license is not needed to act as "representatives" of several licensed or registered entities, for the purpose of marketing services on a door to door basis. Under the proposed concept, the representative:

- Makes contact with a potential customer;
- Pitches a specific repair or installation such as reroofing, residing; installation of residential sprinklers, etc;
- Prepares a proposal/contract to perform the work, and closes the sale.

The representative presents the proposal to one of several associated licensees or registrants to perform and is paid a "finder's fee" for getting the job.

Mr. Wiggins asked for the Commission for guidance, clarification and/or interpretation whether the representative proposing a contract to perform the work and establishing a price and contract required to have a license or registration.

**MOTION:**

Mr. Clark made a motion to require anyone who acts as “representatives” of several licensed or registered entities for the purpose of marketing services on a door to door basis be required to be licensed. Mr. Dillard seconded the motion, which carried unanimously.

**Specialty Classification Changes:**

Mr. Wiggins informed the Commission that Residential Builders License Law states that a Residential Specialty Contractor Registrations and certificates issued by the Commission may not be for more than three of the classification recognized by the Commission. Residential Specialty Contractors registered or certified or wishing to be registered or certified for more than three classifications must be examined and licensed as a Residential Builder. Mr. Wiggins went on to say that staff has had several situations where the registrant would register for three classifications; several months later submit an application to change the classifications; and several months later submit for another change. Consequently, the registrant has registration cards that show they are licensed for all the specialty classifications. He went on to say that staff reviewed the law and the intent was for the registrant to register for no more than three classifications

**MOTION:**

Mr. Davis made a motion that a Specialty Contractor registered for three classifications sand would like to change one or more of those classifications would have to reapply as a new applicant. Mr. Roberts seconded the motion, which carried unanimously.

**Recommendation of IRC:**

**MOTION:**

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

**IRC Resolution Guidelines:**

**MOTION:**

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

**Application Reviews:**

*Mr. Michael Zimmerman*

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

**MOTION:**

Mr. Davis made a motion to allow Mr. Zimmerman to be registered and once he is registered the registration be issued in a probationary status concurrent with his State probation statuses.

*(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

**MOTION:**

*Mr. Kenneth Williams, Sr.*

The Commission held an Application Review Hearing regarding Mr. Kenneth Williams, Sr. Mr. Williams was not present. The Commission took no action.

*(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

**Approval of Hearing Officer's Recommendations for Citations:**

*Ms. Erica Murawski – Case #2010-864*

The Commission held a hearing to approve the Hearing Officer's Recommendations for Citation regarding Ms. Erica Murawski. Ms. Erica Murawski was not present.

**MOTION:**

Mr. Bailey made a motion to approve the Hearing Officer's Recommendations for a Citation regarding Ms. Erica Murawski. Mr. Davis seconded the motion, which carried unanimously.

*(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

*Mr. Donald Driggers – Case #2020-910*

The Commission held a hearing to approve the Hearing Officer's Recommendation for Citation regarding Mr. Driggers was not present.

**MOTION:**

Mr. Dowd made a motion to approve the Hearing Officer's Recommendations for a Citation regarding Mr. Driggers. Mr. Clark seconded the motion, which carried unanimously.

*(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

*Mr. Allen Watson – Case #2010-637*

The Commission held a hearing to approve the Hearing Officer's Recommendations for Citation regarding Mr. Watson. Mr. Watson was not present.

**MOTION:**

Mr. Davis made a motion to approve the Hearing Officer's Recommendations for a Citation regarding Mr. Watson. Mr. Roberts seconded the motion, which carried unanimously.

*(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

*Mr. Donald Porter – Case #2010-351*

The Commission held a hearing to approve the Hearing Officer's Recommendations for Citation regarding Mr. Donald Porter. Mr. Porter was not present.

**MOTION:**

Mr. Bailey made a motion to approve the Hearing Officer's Recommendations for a Citation regarding Mr. Donald Porter. Mr. Dowd seconded the motion, which carried unanimously.

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*Mr. David R. Noss – Case #2010-960*

The Commission held a hearing to approve the Hearing Officer's Recommendations for Citation regarding Mr. Donald R. Noss. Mr. Noss was not present.

**MOTION:**

Mr. Roberts made a motion to approve the Hearing Officer's Recommendations for a Citation regarding Mr. Donald R. Noss. Mr. Bailey seconded the motion, which carried unanimously.

***This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)***

*Mr. Robert A. Zinna – Case # 2011-85*

The Commission held a hearing to approve the Hearing Officer's Recommendations for Citation regarding Mr. Robert A. Zinna. Mr. Zinna was not present.

**MOTION:**

Mr. Davis made a motion to approve the Hearing Officer's Recommendations for a Citation regarding Mr. Robert Zinna. Mr. Bailey seconded the motion, which carried unanimously.

***This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)***

*Mr. Rufus B. Kehl – Case # 2011-48*

The Commission held a hearing to approve the Hearing Officer's Recommendations for Citation regarding Mr. Rufus B. Kehl. Mr. Kehl was not present.

**MOTION:**

Mr. Clark made a motion to approve the Hearing Officer's Recommendations for a Citation regarding Mr. Rufus Kehl. Mr. Roberts seconded the motion, which carried unanimously.

***This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)***

*Mr. Mike Webb – Case # 2011-28*

The Commission held a hearing to approve the Hearing Officer's Recommendations for Citation regarding Mr. Mike Webb. Mr. Mike Webb was not present.

**MOTION:**

Mr. Davis made a motion to approve the Hearing Officer's Recommendations for a Citation regarding Mr. Mike Webb. Mr. Bailey seconded the motion, which carried unanimously.

***This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)***

**Approval of Administrator's Recommendation for Bond Claims (Dean Griggs):**

*Mr. Jeffrey Willis – Case #2010-42*

The Commission held a hearing to approve the Hearing Officer's Recommendations for a Bond Claim regarding Mr. Jeffrey Willis. Mrs. Christa Bell represented the State. Mr. Willis was not present.

**MOTION:**

Mr. Roberts made a motion to approve the Hearing Officer's Recommendations for a Bond Claim regarding Mr. Jeffrey Willis for \$13,500.00. Mr. Bailey seconded the motion, which carried unanimously.

*This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

*Mr. Dwayne Black – Case #2010-168*

The Commission held a hearing to approve the Hearing Officer's Recommendations for a Bond Claim regarding Mr. Dwayne Black. Mr. Black was not present.

**MOTION:**

Mr. Davis made a motion to approve the Hearing Officer's Recommendations for a Bond Claim regarding Mr. Dwayne Black. Mr. Clark seconded the motion, which carried unanimously.

*This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

*Mr. Brandon S. Abbott – Case #2008-918*

The Commission held a hearing to approve the Hearing Officer's Recommendations for a Bond Claim regarding Mr. Brandon Abbott. Mr. Abbott was not present.

**MOTION:**

Mr. Davis made a motion to approve the Hearing Officer's Recommendations for a Bond Claim regarding Mr. Brandon Abbott. Mr. Roberts seconded the motion, which carried unanimously.

*This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

**Reconsideration of Bond Claim Recommendations:**

*Mr. Joe Stewart – Case #2010-179*

The Commission held a hearing to approve the Hearing Officer's Recommendations for a Bond Claim regarding Mr. Joe Stewart. Mr. Stewart was not present.

**MOTION:**

Mr. Bailey made a motion to approve the Hearing Officer's Recommendations for a Bond Claim regarding Mr. Joe Stewart. Mr. Clark seconded the motion, which carried unanimously.

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**Reinstatement:**

*Mr. Gregory E. Smith – Case #2009-346*

Mr. Gregory Smith case was continued until May 11, 2011.

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**Request for Thirty Day Extension of Commission Order:**

*Mr. Joe Phillips – Case #2008-532*

**MOTION:**

Mr. Clark made a motion to grant Mr. Phillips an extension until May 11, 2011. Mr. Dillard seconded the motion, which carried unanimously.

*This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

**Administrative Hearings:**

*Mr. Daniel Starkes – Case # 2009-256*

The Board held an Administrative Hearing regarding Mr. Daniel Starkes. Mr. Starkes was not present. Ms. Lilla Ann Gray represented the State. Mr. Timothy Roberts requested to be recused because he was the Hearing Officer.

**MOTION:**

Mr. Bailey made a motion to approve the Hearing Officer's Recommendation regarding Mr. Daniel Starkes. Mr. Davis seconded the motion, which carried unanimously.

*This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

*Ms. Melissa Wells – Case # 2010-568 & 2010 -842*

The Board held an Administrative Hearing regarding Ms. Melissa Wells. Ms. Wells was not present. Mr. Timothy Roberts requested to be recused because he was the Hearing Officer. Ms. Laura Cook represented the State.

**MOTION:**

Mr. Bailey made a motion to approve the Hearing Officer's Recommendation regarding Ms. Melissa Wells. Mr. Dowd seconded the motion, which carried unanimously.

*This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

*Mr. Timothy Porter – Case # 2010-359*

The Board held an Administrative Hearing regarding Mr. Timothy Porter. Mr. Porter was not present. Mr. Timothy Roberts requested to be recused because he was the Hearing Officer. Ms. Laura Cook represented the State.

**MOTION:**

Mr. Davis made a motion to approve the Hearing Officer's Recommendation regarding Mr. Timothy Porter. Mr. Bailey seconded the motion, which carried unanimously.

*This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

*Mr. Ted Cook – Case # 2010-360*

The Board held an Administrative Hearing regarding Mr. Ted Cook. Mr. Cook was not present. Ms. Laura Cook represented the State. Mr. Timothy Roberts requested to be recused because he was the Hearing Officer.



**MOTION:**

Mr. Davis made a motion to approve the Hearing Officer's Recommendation regarding Mr. Ted Cook. Mr. Dowd seconded the motion, which carried unanimously.

*This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

*Mr. Conroy Jackson – Case # 2009-298 & 2009-736*

The Board held an Administrative Hearing regarding Mr. Conroy Jackson. Mr. Jackson was not present. Mr. Timothy Roberts requested to be recused because he was the Hearing Officer.

**MOTION:**

Mr. Bailey made a motion to approve the Hearing Officer's Recommendation regarding Mr. Conroy Jackson. Mr. Dowd seconded the motion, which carried unanimously.

*This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

*Mr. Gregory Butts – Case # 2006-640*

The Board held an Administrative Hearing regarding Mr. Gregory Butts. Mr. Butts was not present. Mr. Timothy Roberts requested to be recused because he was the Hearing Officer.

**MOTION:**

Mr. Davis made a motion to approve the Hearing Officer's Recommendation regarding Mr. Gregory Butts. Mr. Bailey seconded the motion, which carried unanimously.

*This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

*Mr. Daniel Simmons – Case # 2010-57*

The Board held an Administrative Hearing regarding Mr. Daniel Simmons. Mr. Simmons was not present. Mrs. Christa Bell represented the State.

**MOTION:**

Mr. Bailey made a motion to approve the Hearing Officer's Recommendation regarding Mr. Daniel Simmons. Mr. Clark seconded the motion, which carried unanimously. Mrs. Christa Bell represented the State.

*This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

*Mr. Hai Nguyen – Case # 2010-1000*

The Board held an Administrative Hearing regarding Mr. Hai Nguyen. Mr. Nguyen was not present. Mrs. Christa Bell represented the State.

**MOTION:**

Mr. Bailey made a motion to approve the Hearing Officer's Recommendation regarding Mr. Hai Nguyen. Mr. Clark seconded the motion, which carried unanimously.

*This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

**Public Comments:**

There were no public comments made.

**Date of Next Meeting:**

The next Residential Builders Commission meeting will be held Wednesday, May 11, 2011 in room 108.

**Adjournment:**

Mr. Davis made a motion to adjourn the Residential Builders Commission Meeting. Mr. Roberts seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 11:40 a.m.