

RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park
110 Centerview Drive Kingstree Building, Room 108
Columbia, South Carolina 29210
Wednesday, April 10, 2013

NOTE: These minutes are a record of the motion and official actions taken by the Board and brief summary of the meeting. A transcript of this meeting providing more detail will be available on the Board's website: www.llr.state.sc.gov

Called To Order:

Derrick G. Williams, Chairman called the regular meeting of the Residential Builders Commission to order at 10:04 a.m. Other members present for the meeting included: Frank Clark; Tim Roberts; and Al Bailey; Hal Dillard; Caleb Davis; Bryan Dowd.

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.

Approval of Agenda:

MOTION:

Mr. Clark made a motion to approve the April 10, 2013 Residential Builders Commission Meeting Agenda. Mr. Dowd seconded the motion, which carried unanimously.

Approval of Minutes for the March 13, 2013 Meeting:

MOTION:

Mr. Clark made a motion to approve the March 13, 2013 meeting minutes. Mr. Bailey seconded the motion with the change of minutes from Al Bailey as Vice President to Al Bailey as Vice Chairman, which carried unanimously.

Approval /Disapproval of Absent Members:

All Members Present

Chairman's Remarks:

Derrick Williams

Authority to sign Cease and Desist and Temporary Suspension Orders.

MOTION:

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

MOTION:

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

MOTION:

Mr. Bailey made a motion to allow the Administrator to sign Cease and Desist and Temporary Suspension Orders. Mr. Roberts seconded the motion, which carried unanimously.

Application Reviews:

Mr. Michael Malpass

The Commission held an Application Review Hearing regarding Mr. Michael Malpass. Mr. Malpass did not show.

Mr. Kevin Lapinski

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

MOTION:

Mr. Bailey made a motion to allow Mr. Lapinski to take exam. Mr. Dillard seconded the motion, which did not carry unanimously.

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

Mr. James Seward

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

MOTION:

Mr. Clark made a motion to allow Mr. Seward to take exam. Mr. Davis second the motion as long as we have a letter from the complainant stating issues dropped and receive notarized affidavit, 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. Michael Brown

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

MOTION:

Mr. Bailey made a motion to allow Mr. Brown to take the exam. Mr. Clark seconded the motion, which did not carry unanimously.

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

Mr. Joshua Thompson

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

MOTION:

Mr. Bailey made a motion to allow Mr. Thompson to get license. Mr. Roberts seconded the motion, which did not carry unanimously. Mr. Dillard Opposed.

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

Mr. David Gosnell

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

MOTION:

Mr. Dowd made a motion for Mr. Gosnell to get his license. 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. Walter Henegar

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

MOTION:

Mr. Davis made a motion to allow Mr. Henegar to take the exam. Mr. Clark seconded the motion, which carried unanimously.

Mr. Andrew Woodford

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

MOTION:

Mr. Bailey made a motion to allow Mr. Woodford to take exam. Mr. Dillard seconded the motion, which carried unanimously.

Mr. Theodore Smith

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

MOTION:

Mr. Davis made a motion to allow Mr. Smith to take exam. Mr. Clark and Mr. Dillard seconded the motion, which carried unanimously.

Mr. James Delaney

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

MOTION:

Mr. Dowd made a motion to allow Mr. Delaney to get his license. Mr. Clark seconded the motion, which carried unanimously.

Mr. Earnest Cason

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

MOTION:

Mr. Davis made a motion to allow Mr. Cason to get his license and add Carpentry to his application. Mr. Clark seconded the motion, which carried unanimously.

Approval of Hearing Officer's Recommendation:

Mr. Phillip Rabon, Case #2011-579

The Board held a Hearing Officer's Recommendation for Mr. Phillip Rabon.

MOTION:

Mr. Bailey made a motion to uphold recommendation. Mr. Clark seconded the motion, which carried unanimously.

Mr. Chris Cousins, Case #2007-633

The Board held a Hearing Officer's Recommendation for Mr. Chris Cousins.

MOTION:

Mr. Bailey made a motion to uphold recommendation. Mr. Clark seconded the motion, which carried unanimously.

Mr. W.C. Dennis, Case #2011-223

The Board held a Hearing Officer's Recommendation for Mr. W.C. Dennis.

MOTION:

Mr. Davis made a motion to uphold recommendation. Mr. Clark seconded the motion, which carried unanimously.

Mr. William Owens, Case #2011-586

The Board held a Hearing Officer's Recommendation for Mr. William Owens.

MOTION:

Mr. Davis made a motion to uphold recommendation. Mr. Clark seconded the motion, which carried unanimously.

Mr. James Findley, Case #2010-1048

The Board held a Hearing Officer's Recommendation for Mr. James Findley.

MOTION:

Mr. Bailey made a motion to uphold recommendation. Mr. Davis seconded the motion, which did not carry unanimously. Mr. Dillard, Mr. Dowd, and Mr. Clark Opposed.

MOTION:

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

MOTION:

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

Mr. Dillard made a motion to issue a Letter of Caution and close the case. Mr. Clark and Mr. Dowd seconded the motion, which did not carry unanimously. Mr. Bailey and Mr. Roberts opposed.

Approval of Administrators Report and Recommendation:

Mr. Kevin Ushman , Case #2011-561

The Board held a Final Hearing regarding Mr. Kevin Ushman

MOTION:

Mr. Davis made a motion to uphold Recommendation. Mr. Roberts seconded the motion, which carried unanimously.

Mr. Phillip Rabon, Case #2011-579

The Board held a Final Hearing regarding Mr. Phillip Rabon.

MOTION:

Mr. Bailey made a motion to uphold Recommendation. Mr. Davis seconded the motion, which carried unanimously.

Administrator's Remarks:

- *Does Hearing Officer have authority to sign and change Citation appeal Orders?*

MOTION:

Mr. Davis made a motion to do as we always have done; Hearing Officer has the authority. Mr. Roberts seconded the motion, which carried unanimously.

- *Does the Bond submitted have to be the Original?*

MOTION:

Mr. Clark made a motion to require original bond. Mr. Dowd seconded the motion, which carried unanimously.

- *Discussion of New Bill:*

Please refer to transcript for detailed information.

- *No changes on Credit Reports that state "past due" claims.*
- *Approval of revised citation form:*

MOTION:

Mr. Clark made a motion to approve revised Citation. Mr. Bailey seconded the motion, which carried unanimously.

- *Does a Builders License include HVAC, Electrical, and Plumbing?*

MOTION:

Mr. Bailey made a motion to include HVAC, Electrical, and Plumbing in Builders License. Mr. Clark seconded the motion, which carried unanimously.

Recommendation of IRC:

MOTION:

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

IRC Resolution Guidelines:

MOTION:

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

Public Comments:

There were none

Date of Next Meeting:

The next Residential Builders Commission meeting will be held Wednesday, May 8, 2013 in room 105.

Adjournment:

Mr. Roberts made a motion to adjourn the Residential Builders Commission Meeting. Mr. Clark seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 3:25 p.m.

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