

RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park
110 Centerview Drive Kingstree Building, Room 108
Columbia, South Carolina 29210
Wednesday, August 12, 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:

Timothy L. 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: Alpha Bailey, Hal Dillard, Monte Lemmon, Harry Dill, Christy Rhyne, Frank Clark and Bryan Dowd.

Timothy L 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 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 August 12, 2015 Residential Builders Commission Meeting Agenda. Mr. Lemmon seconded the motion, which carried unanimously.

Approval of Minutes for the July 8th, 2015 Meeting:

MOTION:

Mr. Bailey made a motion to approve the June 10th, 2015 meeting minutes. Mr. Clark seconded the motion, which carried unanimously.

Approval /Disapproval of Absent Members:

MOTION:

No motion made – all members were present.

Chairman's Remarks:

Timothy L Roberts- chairman

Mr. Roberts, 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.

Application

Reviews:

Craig Whitley

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

MOTION:

Mr. Bailey made a motion to allow Mr. Whitley to sit for the Residential Builders Exam. Mr. Clark seconded the motion, which carried unanimously.

Talmadge Robinson

The Commission held an Application Review Hearing regarding Mr. Talmadge Robinson. Mr. Robinson did not appear before the Commission to present testimony.

MOTION:

No motions were made.

Willie Glee

The Commission held an Application Review Hearing regarding Willie Glee. Mr. Glee did not appear before the Commission to present testimony.

MOTION:

No motions were made.

Paul Zimmer

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

MOTION:

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

Diego Zuniga

The Commission held an Application Review Hearing regarding Mr. Diego Zuniga. Mr. Zuniga did not appear before the Commission to present testimony.

MOTION:

No motions were made.

Tarleton Cave

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

MOTION:

Mr. Clark made a motion to allow Mr. Cave to stand for the exam. Mr. Dillard seconded the motion.

MOTION:

Mr. Dillard made a motion to go into executive session for legal advice regarding Mr. Cave's request. Mr. Lemmon seconded the motion, which carried unanimously.

MOTION:

Mr. Bailey made a motion to exit executive session after receiving legal advice regarding Mr. Cave's

request. Mr. Lemmon seconded the motion, which carried unanimously.

MOTION:

Mr. Clark amended his original motion to let Mr. Cave stand for the license exam. Mr. Dillard seconded the motion, which carried unanimously.

Nathaniel Smalls

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

MOTION:

Mr. Dowd made a motion to approve Mr. Smalls Residential Specialty Contractor for drywall, painting and carpentry with the condition that he carries a five thousand dollar surety bond. Mr. Dillard seconded the motion, which carried unanimously.

Keith Tiffany

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

MOTION:

Mr. Dowd made a motion to go into executive session for legal advice regarding Mr. Tiffany's request. Mr. Lemmon seconded the motion, which carried unanimously.

MOTION:

Mr. Bailey made a motion to exit executive session after receiving legal advice regarding Mr. Tiffany's request. Mr. Lemmon seconded the motion, which carried unanimously.

MOTION:

Mr. Bailey made a motion to deny Mr. Tiffany's request for a HVAC license at this time. Mr. Dowd seconded the motion, which carried unanimously.

Mark Kelly

The Commission held an application review hearing regarding Mr. Mark Kelly. Mr. Kelly appeared before the Commission to present testimony and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to approve Mr. Kelly's Registration for 90 days from the date of the final order to provide settlement agreement, or payment arrangements, if information is not returned to the Administrator with the time frame the registration will lapse or he must submit a request to reappear before the board. Mr. Lemmon seconded the motion which carried unanimously.

James Henderson

The Commission held an application review hearing regarding Mr. James Henderson. Mr. Henderson appeared before the commission to present testimony and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to allow Mr. Henderson to reinstate his license with the condition that he submits an updated credit report and settlement from the IRS. Mr. Dill seconded the motion, which carried unanimously.

Final Order Hearings:

James Rucker Case# 2012-196

The Board held a Final Order hearing regarding Mr. James Rucker. Mr. Bailey recused himself due to serving as the hearing officer.

MOTION:

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

Mr. Bailey returned to the meeting.

Mr. Timothy Banks Case# 2014-423

The Board held a Final Order hearing regarding Mr. Timothy Banks.

MOTION:

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

Mr. K Scot Ward Case# 2013-492

The Board held a Final Order hearing regarding Mr. K Scot Ward.

MOTION:

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

Mr. Michael D. List Case# 2013-302

The Board held a Final Order hearing regarding Mr. Michael D. List.

MOTION:

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

Administrator's Remarks for Information:

Proposed amendments, modifications, and additions to regulations governing Residential Specialty Contractors, including addition of exam requirement for specialty contractor classification in Masonry, Carpentry, and Roofing

Janet Baumberger, Administrator for the Residential Builders Commission, informed to board members of the requirements to start the process to promulgate the regulations along with the areas in which amendments would be beneficial.

- Propose to amend its regulations to require examination for re-licensure of plumbers, electricians and heating and air conditioning installers and repairers if: their license was issued prior to the examination requirement; they were grandfathered into compliance; and they allow their license to lapse or expire.
- Propose to amend its regulations to require examination for the licensure of residential specialty contractors in carpentry, roofing, or masonry. Additionally, if a residential specialty contractor in carpentry, roofing, or masonry who was granted registration by grandfathering allows the registration to lapse or expire, the contractor would be required to take the examination for re-licensure.
- Propose to amend by making additions to the types of work that may be performed within certain residential specialty contractor classifications.

MOTION:

Mr. Bailey made a motion to pre-file all three proposed amendments to the State Register. Mr. Lemmon seconded the motion, which carried unanimously.

Presentation on Investigation of Complaints, Prosecution & Resolution of Disciplinary Matters, and Commission's Role, Ethical Obligations, and Particular Concerns/Issues

Erin Baldwin, Assistant Disciplinary Counsel, Office of Disciplinary Counsel; Todd Bond, Chief Investigator with the Office of Investigation and Enforcement; Darra Coleman, Chief Advice Counsel, presented a presentation to the board members.

OIE Report – Mr. Todd Bond:

Todd Bond, Chief Investigator of OIE

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

Complaints Received – 472 **Active Investigations – 99**
Closed Cases – 532

New Business

A. Recommendations of IRC

MOTION:

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

B. Resolution Guidelines

MOTION:

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

Old Business:

No old business was discussed.

Public Comments:

Public Comments were made.

Date of Next Meeting:

The next Residential Builders Commission meeting will be held Wednesday, September 9, 2015 in room 108.

Adjournment:

Mr. Clark made a motion to adjourn the Residential Builders Commission Meeting. Mr. Lemmon seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 2:04 p.m.

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