

BEFORE THE  
SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION

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TRANSCRIPT OF PROCEEDINGS OF BOARD MEETING

Columbia, South Carolina

December 14th, 2011

Commencing at 10:02 A.M.

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COURT REPORTER: Janice B. Dunkin

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d/b/a DUNKIN COURT REPORTING

YORK, SOUTH CAROLINA

803-684-6155

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APPEARANCES:

Derrick G. Williams, Chairman

Al Bailey

Bryan Dowd

Frank Clark

Timothy Roberts

Hal Dillard

Caleb Davis

James Saxon, Esquire

Advice Attorney

Janet Baumberger, Administrator

Christine Driver

1                   MR. WILLIAMS: Let's call this  
2                   meeting to order. Public notice of this  
3                   meeting was properly posted at the  
4                   Residential Builders Commission Office,  
5                   Synergy Business Park, Kingstree  
6                   Building, and provided to all requesting  
7                   persons, organizations and news media in  
8                   compliance with Section 30-4-80 of the  
9                   South Carolina Freedom of Information  
10                  Act. The first item on our agenda would  
11                  be an approval of our agenda. Has  
12                  anything changed, Janet?

13                 MS. BAUMBERGER: No, sir.

14                 MR. WILLIAMS: Okay. So, all ---

15                 MS. BAUMBERGER: Oh, yeah. I'm  
16                 sorry. Two of the Application Reviews  
17                 were continued, seven and eight. They  
18                 won't be here.

19                 MR. WILLIAMS: Okay. Do I have a  
20                 Motion we accept these new changes?

21                 MR. BAILEY: So moved.

22                 MR. DOWD: Second.

23                 MR. WILLIAMS: I have a Motion, and  
24                 I've got a second.

25                 (Whereupon, the Motion was carried

1                   unanimously)

2                   MR. WILLIAMS: Next item would be  
3 approval of the November the 9th, 2011  
4 meeting minutes.

5                   MR. DOWD: Motion to approve.

6                   MR. BAILEY: Second.

7                   MR. WILLIAMS: We have a Motion, and  
8 we have a Second.

9                   (Whereupon, the Motion was carried  
10 unanimously)

11                  MR. WILLIAMS: Frank is at a  
12 doctor's appointment, and he will be here  
13 before the meeting is over with. So, I  
14 guess we will just ---

15                  MR. SAXON: I wouldn't count him as  
16 an absent yet. Well, you can come back  
17 to that.

18                  MR. WILLIAMS: Chairman remarks, the  
19 Chairman doesn't have any remarks at this  
20 time. Administrator remarks, Janet, do  
21 you have any remarks?

22                  MS. BAUMBERGER: No, sir.

23                  MR. WILLIAMS: All Office of  
24 Investigations and Enforcement, Todd?

25                  MR. BOND: Okay. Total complaints

1 received, I think on yours it says  
2 January 1st to October 1st. That should  
3 read 12/1. I've been here long enough  
4 that I'm not having to create everything  
5 new, but sometimes you forget to change  
6 the numbers. So, anyway, we've received  
7 five hundred and ninety-six complaints  
8 through December the first. Currently,  
9 there are a hundred and seventy-five  
10 active investigations. We've closed two  
11 hundred and thirty four cases. Twenty-  
12 three are pending an IRC. Thirteen are  
13 pending closure, and I believe there is  
14 twenty-seven in the IRC report that will  
15 be closed as soon as we get approval.  
16 For the month of November we had forty-  
17 one new complaints, and we closed twenty-  
18 four cases. So, that's ---

19 MR. WILLIAMS: Just curious, off the  
20 top of my head, because I don't see all  
21 this stuff all the time, most of the  
22 problems are just bad decisions, or code  
23 violations, or just curious off the top  
24 of your head in general?

25 MR. BOND: In general, we do get a

1 lot of code violations and substandard  
2 work cases. I'd say that's probably the  
3 greater number of it, the majority of it,  
4 a good deal of unlicensed practice as  
5 well, or outside scope. If they have a  
6 specialty license, outside scope of their  
7 license.

8 MR. WILLIAMS: Okay. Old business?  
9 Anything Commissioners feel like we need  
10 to bring back up? All right, down to new  
11 business, Recommendation of the IRC?

12 MR. BOND: Okay. IRC met on  
13 November the 1st. There are actually  
14 twenty-five cases to be presented to you,  
15 ten dismissals, two letters of cautions,  
16 nine formal complaints, and four  
17 citations.

18 MR. BAILEY: Motion to approve the  
19 guidelines or recommendation.

20 MR. DAVIS: Yep.

21 MR. WILLIAMS: We have a Second.

22 (Whereupon, the Motion was carried  
23 unanimously)

24 MR. WILLIAMS: All right, the IRC  
25 Guidelines, do we have a ---

1                   MR. BOND: I have seven cases to  
2                   present to you through Resolution  
3                   Guidelines, one cease and desist order,  
4                   five citations with the cease and desist,  
5                   and one dismissal.

6                   MR. ROBERTS: Make a Motion to  
7                   approve the Recommendations.

8                   MR. DOWD: Second.

9                   MR. WILLIAMS: We have a Motion, and  
10                  we have a Second.

11                  (Whereupon, the Motion was carried  
12                  unanimously)

13                  MR. WILLIAMS: Motion has been  
14                  approved.

15                  MR. BOND: Thank you very much.

16                  MR. WILLIAMS: Thank you. Item  
17                  Number Nine on our agenda would be  
18                  Application Reviews. Is Diane Conger  
19                  here?

20                  MS. CONGER: Yes, sir.

21                  MR. WILLIAMS: Ms. Conger, before we  
22                  get started, you do realize that you were  
23                  -- you had the option to be represented  
24                  by counsel, but you are waiving that  
25                  right to represent yourself today?

1 MS. CONGER: Yes, sir.

2 MR. WILLIAMS: All right. Let's get  
3 you sworn in first before we get started.

4 Diane Conger, having been duly sworn testifies as  
5 follows:

6 MR. WILLIAMS: Go ahead, Janet.

7 MS. BAUMBERGER: Mr. Chairman,  
8 Members of the Commission, a license for  
9 Ms. Conger could not be issued at staff  
10 level due to outstanding liens or  
11 judgments against her.

12 MS. CONGER: And I have papers.

13 MR. WILLIAMS: Could you speak a  
14 little bit louder for me?

15 MS. CONGER: Yeah. I have some  
16 papers where we have agreed with the  
17 Homeowners Association.

18 MR. SAXON: Do you mind bringing  
19 those up for me, please?

20 MR. WILLIAMS: Let's have Counsel  
21 look at it. Now, is that your only copy?

22 MS. CONGER: No, that's your copy.

23 MR. WILLIAMS: That's my copy?

24 MS. CONGER: Yeah, and there is the  
25 card in case you want to call them.



1 MR. SAXON: Well, we can't call  
2 anybody, but thank you for having it  
3 there. You said you had another copy?

4 MS. CONGER: Yes.

5 MR. SAXON: Would you give one to  
6 the court reporter please?

7 MS. CONGER: My husband has the  
8 copy. I'll need one of those back.

9 MR. SAXON: Ma'am?

10 MS. CONGER: I'll need one of those  
11 copies back.

12 MR. SAXON: I've got to have one  
13 too. So, if you would mark this as  
14 Applicant's One, please?

15 (Whereupon, Applicant's Exhibit  
16 Number One was marked for  
17 identification purposes and made a  
18 part of the record)

19 MR. SAXON: Ms. Conger, the amount  
20 on what we've marked as Applicant's One  
21 says two thousand two hundred and  
22 nineteen dollars and sixty-six cents, but  
23 the lien with Berkeley County is four  
24 thousand nine hundred and ninety-two  
25 dollars.

1 MS. CONGER: There is another one  
2 underneath there.

3 MR. SAXON: It is the same thing.

4 MS. CONGER: It is two different  
5 properties.

6 MR. SAXON: Okay. Okay, got it.

7 MS. CONGER: But the same  
8 Homeowners.

9 MR. SAXON: Okay. Give us just a  
10 second if you would. That still comes  
11 out to be less than the four nine nine  
12 two sixty-nine. My math, frequently, Ms.  
13 Conger, can be wrong.

14 MS. CONGER: Oh, oh, oh. Well, this  
15 one has been completely removed. I'm  
16 sorry.

17 MR. SAXON: I'll be glad to have a  
18 look at it.

19 MS. CONGER: This one doesn't have  
20 an amount on it.

21 MR. SAXON: Okay, you worked that  
22 out with him then, okay. Ms. Conger?

23 MS. CONGER: Yes, sir.

24 MR. SAXON: This indicates that you  
25 have been released from the lien as far

1 as Berkeley County is concerned. Is that  
2 right? Am I reading that correctly?

3 MS. CONGER: Yes, on that particular  
4 thing.

5 MR. SAXON: For the 282 Delahow  
6 Street, but not ---

7 MS. CONGER: What that was, was --  
8 and I had forgotten all about that, is my  
9 husband had cut down some trees.

10 MR. SAXON: Well, before we get into  
11 that, just help me understand whether --  
12 you've been released from one of the two  
13 property liens on one of the two  
14 properties. Is that right?

15 MS. CONGER: But not from that  
16 particular one that you -- the other  
17 part.

18 MR. SAXON: But you have been  
19 released from the Delahow Street  
20 property. Is that right?

21 MS. CONGER: On the one with the  
22 Delahow, that was with a fine for cutting  
23 down trees.

24 MR. SAXON: Well, I don't know what  
25 it is for, and it doesn't really matter.

1 MS. CONGER: And that would make up  
2 -- well, that would make up the  
3 difference I think than what the amount  
4 was, and that was released.

5 MR. SAXON: Okay, but -- okay, so  
6 the only release is the difference  
7 between ---

8 MS. CONGER: Yes, sir.

9 MR. SAXON: --- forty-nine ninety-  
10 two sixty-nine and forty-four thirty nine  
11 thirty-two.

12 MS. CONGER: Yes, sir. Yes, sir.

13 MR. SAXON: Okay. Bear with me.  
14 So, this release is for roughly five  
15 hundred and fifty-three dollars and  
16 thirty-seven cents.

17 MS. CONGER: That's correct, I  
18 think.

19 MR. SAXON: And you are still --  
20 still have a lien against you for ---

21 MS. CONGER: Can he answer you,  
22 because I don't ---

23 MR. SAXON: No, ma'am. Sir?

24 MS. CONGER: Okay. He's saying the  
25 one that is released was a four thousand

1 -- the one that you are seeing, and that  
2 the one that I'm showing you we've got  
3 the agreement.

4 MR. SAXON: I'll tell you what.

5 What we are talking about now is three  
6 page document. It is on Berkeley County  
7 letterhead followed by the name of the  
8 Register of Deeds for Berkeley County,  
9 and then it is a release of lien dated  
10 November 17th, 2011, and we will get a  
11 copy in just a minute. That's the first  
12 page. The second page is entitled  
13 Release of Lien, County of Berkeley, and  
14 it is for the 282 Delahow Street. Ms.  
15 Conger, that would indicate to me if you  
16 divide the forty-nine ninety-two sixty-  
17 nine, was it equal, half to Delahow  
18 Street, and half to Iron Bottom Lane?  
19 Sir, if you -- would you like to call  
20 your husband as a witness?

21 MS. CONGER: I would, because I  
22 don't really know.

23 MR. SAXON: That would be all right.  
24 Sir, would you call your attention to the  
25 court reporter?

1 Allen Conger, having been duly sworn testifies as  
2 follows:

3 MR. SAXON: Mr. Conger, do you mind  
4 if I ask a few questions about these  
5 documents?

6 MR. CONGER: Certainly.

7 MR. SAXON: The total amount of the  
8 lien was forty-nine ninety-two sixty-  
9 nine. Was that equally divided between  
10 those two properties?

11 MR. CONGER: No, sir. There were --  
12 -

13 MR. SAXON: Could you help me?

14 MR. CONGER: There were three  
15 circumstances.

16 MR. SAXON: Okay.

17 MR. CONGER: Two we gave you  
18 initially there, and it has to do with  
19 the Homeowners Association.

20 MR. SAXON: Right.

21 MR. CONGER: They charged nine  
22 hundred plus per annum ---

23 MR. SAXON: Right.

24 MR. CONGER: --- on two different  
25 houses.

1 MR. SAXON: All right. Help me  
2 break that down, because none of these  
3 has an amount on them.

4 MR. CONGER: Right, and it has  
5 accrued, and the agreement that we gave  
6 you ---

7 MR. SAXON: Yes, sir.

8 MR. CONGER: --- shows roughly  
9 twenty-two hundred per property.

10 MR. SAXON: Right.

11 MR. CONGER: And then the Daniel  
12 Island Property Association has signed  
13 off on the agreement to repay.

14 MR. SAXON: Okay.

15 MR. CONGER: And so we have an  
16 understanding how we are going to get it  
17 reduced.

18 MR. SAXON: And that's for those two  
19 properties Iron Bottom and Delahow.

20 MR. CONGER: Yeah, then going back  
21 to the Delahow with the Berkeley County  
22 lien, I got a wild hair about three years  
23 ago, and I was going to clear, and I  
24 cleared into the wetlands so I could see  
25 the golf course, and they fined us.

1 MR. SAXON: I can imagine.

2 MR. CONGER: And put it against --  
3 everything is in Diane's name.

4 MR. SAXON: Okay.

5 MR. CONGER: So, they fined us, and  
6 they put it against Diane's name, and put  
7 the lien in Diane's name. I ---

8 MR. SAXON: That's the five hundred  
9 and some odd dollars?

10 MR. CONGER: No, sir. That's the  
11 four thousand.

12 MR. SAXON: Oh, okay.

13 MR. CONGER: You said you had a lien  
14 for roughly 4K.

15 MR. SAXON: That's right.

16 MR. CONGER: So, that was resolved  
17 in November, and they released the lien.

18 MR. SAXON: The whole forty-nine  
19 ninety-two?

20 MR. CONGER: Yes, sir. So, there is  
21 no lien against her, and the only thing  
22 that she owes is the approximately two  
23 thousand in Homeowners dues per property,  
24 and the agreement as to how that will be  
25 repaid is in your hand.



1 MR. SAXON: Okay. So, tell me  
2 again, because I -- the Release of Lien,  
3 how much is being released?

4 MR. CONGER: The total amount, there  
5 is no more lien on the property.

6 MR. SAXON: Forty-nine ninety-two.

7 MR. CONGER: Yes, sir. I don't know  
8 ---

9 MR. SAXON: And there is no lien on  
10 it anymore, because you have worked out  
11 an agreement to pay for it. Is that  
12 right?

13 MR. CONGER: No, sir. It was  
14 resolved. We took care of it. See, what  
15 they required that we do, sir, is they  
16 required that we go into the wetlands and  
17 put trees back.

18 MR. SAXON: Okay.

19 MR. CONGER: And then chip the  
20 timber that we had cut down, we had to  
21 chip it up. So, we did what they  
22 required, and they released the lien.

23 MR. SAXON: Okay. Well, what about  
24 these agreements for Delahow Street and  
25 Iron Bottom Lane where you are going to

1 pay fifty dollars a month for the balance  
2 due of twenty-two nineteen per property?

3 MR. CONGER: Yes, sir, and if you  
4 will notice it also states the balance  
5 will be paid at closing.

6 MR. SAXON: Yes, sir.

7 MR. CONGER: And the properties are  
8 for sale.

9 MR. SAXON: Yes, sir.

10 MR. CONGER: And they understand  
11 that in Charleston, and on Daniel Island  
12 particular, they have had lots of  
13 problems. We got caught. When I say we,  
14 Diane and I got caught up in it just like  
15 everybody else. When this thing crashed,  
16 you are lucky -- no, we're lucky that we  
17 don't have, like a lot of people do, just  
18 scads of liens from suppliers and subs.  
19 We have zero liens from suppliers and  
20 subs against Diane.

21 MR. SAXON: Okay.

22 MR. CONGER: This is the only thing  
23 that you are holding in your hand that is  
24 against her coming out of our Great  
25 Depression.

1 MR. SAXON: Well, that is something  
2 that y'all have worked out a payment  
3 plan.

4 MR. CONGER: Yes, sir.

5 MR. SAXON: And the other lien has  
6 been released.

7 MR. CONGER: Yes, sir.

8 MR. SAXON: If you will bear with me  
9 just one second. Mr. Conger, do you have  
10 another copy of this Release of Lien?

11 MR. CONGER: Of the lien, I do not.  
12 No, that's the only one I brought.

13 MR. SAXON: Could we get some copies  
14 of this, please? We will get some copies  
15 of that. The court reporter is going to  
16 keep the original of that.

17 MR. CONGER: All right.

18 MR. SAXON: Mr. Deer is going to  
19 make three copies. You will get one, the  
20 Board will keep one, and I'll get to keep  
21 one.

22 MR. CONGER: Thank you.

23 MR. SAXON: Ms. Dunkin, would you  
24 mark that Applicant's Two, and would  
25 y'all just give us a second to get those

1 copies back.

2 MR. CONGER: Sure.

3 (Whereupon, Applicant's Exhibit  
4 Number Two was marked for  
5 identification purposes and made a  
6 part of the record)

7 MR. SAXON: So, if what you are  
8 telling me -- I mean the issue here was  
9 that forty-nine ninety-two lien, roughly  
10 five thousand dollars.

11 MR. CONGER: Yes, sir.

12 MR. SAXON: And that has now been  
13 taken care of through two payment  
14 agreements, copies of which we have here.  
15 No, okay, then I'm really confused.

16 MR. CONGER: All right. We've got  
17 three issues.

18 MR. SAXON: Yes. I understand that.

19 MR. CONGER: You've got a lien filed  
20 against Delahow in Berkeley County ---

21 MR. SAXON: Right.

22 MR. CONGER: --- as a result of the  
23 cutting of the trees in the wetland.

24 MR. SAXON: Right.

25 MR. CONGER: That's been resolved,

1 and there is a -- you see it.

2 MR. SAXON: Is that what Applicant's  
3 Two resolves?

4 MR. CONGER: Yes, sir, and then the  
5 other two are Homeowners Association dues  
6 that we run over ---

7 MR. SAXON: Right, Daniel Island.

8 MR. CONGER: Yes, sir.

9 MR. SAXON: Okay.

10 MR. CONGER: That we were unable to  
11 pay.

12 MR. SAXON: Do you have any -- what  
13 we have marked as Applicant's Two has no  
14 amount on it at all. Do you have  
15 anything that shows an amount?

16 MR. CONGER: No, sir.

17 MR. SAXON: Can you get us  
18 something?

19 MR. CONGER: I don't know how I  
20 would do it.

21 MR. SAXON: You would get it from  
22 the Berkeley County Register of Deeds. I  
23 forget the lady's name. It is on there,  
24 but she will get you a copy. Could I ask  
25 you to provide a copy to Ms. Baumberger,

1                   please? If you just call the Office of  
2                   Register of Deeds ---

3                   MR. CONGER: Well, we will certainly  
4                   do everything that you require.

5                   MR. SAXON: Just if you would ---

6                   MR. CONGER: It's just that -- well,  
7                   the only thing that I will say ---

8                   MR. SAXON: We can do this  
9                   administratively.

10                  MR. CONGER: The only thing I'm  
11                  saying on behalf of Diane is that without  
12                  this license we can't make any money in  
13                  order to pay any of these things.

14                  MR. SAXON: I'm not saying that  
15                  that's conditional.

16                  MR. CONGER: Okay.

17                  MR. SAXON: I'm just saying we'd  
18                  like to have something that has that  
19                  amount on it.

20                  MR. CONGER: Well, and I would like  
21                  to ask the Board to please go ahead and  
22                  make a decision today so this lady can go  
23                  back to work and we can make a living.

24                  MR. SAXON: You are kind of crossing  
25                  the line into being a lawyer right now.

1 So, let's not -- let me go -- I'm letting  
2 you testify as a witness.

3 MR. CONGER: All right.

4 MR. SAXON: But you can't really  
5 arguments like that.

6 MR. CONGER: Well, sir, I'm telling  
7 you in this Depression ---

8 MR. SAXON: We understand that.

9 MR. CONGER: In this Depression,  
10 people are trying to -- people are  
11 selling blood to get food. I've had subs  
12 come to me and say that they are selling  
13 blood to get food, so ---

14 MR. DOWD: Mr. Conger, if you will  
15 just -- you will be okay. Okay?

16 MR. CONGER: Okay.

17 MR. SAXON: What I'm saying, Mr.  
18 Conger, is what we do today is not  
19 conditional upon providing that, but if  
20 you will provide that to Ms. Baumberger  
21 we will have it for our files.

22 MS. CONGER: I'll do my best to get  
23 that.

24 MR. SAXON: I understand, and if it  
25 is impossible to get, it is impossible to

1 get.

2 MS. CONGER: Do I need to contact  
3 somebody if I can't get ---

4 MR. SAXON: Well, the person I would  
5 contact is Ms. Forte, however she says  
6 it. She is the Register of Deeds for  
7 Berkeley County.

8 MS. CONGER: Now, I mean here at the  
9 Board, who do I ---

10 MR. SAXON: Just give it to Janet  
11 Baumberger, and you will find her name  
12 and contact information on the website.

13 MS. CONGER: Okay.

14 MR. SAXON: If you could try to do  
15 that before the end of the year, that  
16 would be very helpful.

17 MS. CONGER: Okay.

18 MR. SAXON: And that is just for our  
19 record keeping purposes.

20 MR. DAVIS: Jamie, it is Forte.

21 MR. SAXON: It is Forte, okay.

22 MR. WILLIAMS: Do any of the  
23 Commissioners have any questions?

24 MR. DOWD: These others here that  
25 are Branch Banking and Trust, they all



1 say pending. So, nothing on those,  
2 right? Okay. I'll make a Motion if  
3 nobody else has a question. Anybody got  
4 a question? I make a Motion we allow Ms.  
5 Conger to get her license reinstated  
6 provided you do provide the documentation  
7 required by Counsel.

8 MR. DILLARD: Second.

9 MR. WILLIAMS: We have a Motion. We  
10 have a Second. Any further discussions?

11 (Whereupon, the Motion was carried  
12 unanimously)

13 MR. SAXON: Let me ask for an  
14 amendment of that.

15 MR. DOWD: Yes, sir.

16 MR. SAXON: That we don't really  
17 have to have that for you to give her  
18 unless you want it. I just want it for  
19 the records to have in there.

20 MR. DOWD: Okay.

21 MR. SAXON: So, would it be okay if  
22 you amended it?

23 MR. DOWD: We will amend that to ---

24 MR. SAXON: With no conditions?

25 MR. DOWD: With no conditions.

1 MS. CONGER: So, can I go get my  
2 license right now?

3 MR. SAXON: Yes.

4 MR. ROBERTS: We've got to vote.

5 MR. SAXON: Well, I mean, not right

6 ---

7 MS. CONGER: I mean go up there and

8 ---

9 MR. SAXON: Not right now. You will  
10 get an Order as soon as we can get it to  
11 you that says ---

12 MR. WILLIAMS: All right, have we  
13 got a Motion to amend it. Do we have a  
14 Second?

15 MR. DILLARD: Second.

16 (Whereupon, the Motion was carried  
17 unanimously)

18 MR. SAXON: What you need to do is  
19 just contact Ms. Baumberger about the  
20 reinstatement, because you are reinstated  
21 without conditions. You are not going to  
22 get a written Order, but if you will  
23 contact her about it, she will tell you  
24 whatever is needed, and if you would just  
25 get the information to us by the end of

1 the year. That's just for our record  
2 keeping purposes. It is not a condition  
3 of your reinstatement. Okay?

4 MS. CONGER: Okay, thank you so  
5 much. So, is there a telephone number I  
6 call her, or ---

7 MR. SAXON: You will find all her  
8 contact information on the website.

9 MS. CONGER: Okay. Thank you.

10 MR. SAXON: Thank you.

11 MR. BAILEY: Mr. Chairman?

12 MR. WILLIAMS: Yes?

13 MR. BAILEY: At this time, I'd like  
14 to let the record reflect that Mr. Clark  
15 is now in attendance.

16 MR. WILLIAMS: Paul Spencer?

17 MR. SPENCER: Yes, sir.

18 MR. WILLIAMS: Come on up, Mr.  
19 Spencer.

20 MR. SPENCER: Thank you.

21 MR. WILLIAMS: Mr. Spencer, before  
22 we get started you do realize that you  
23 had a right to be represented by Counsel?

24 MR. SPENCER: Yes, sir.

25 MR. WILLIAMS: You are waiving that

1 right and representing yourself today?

2 MR. SPENCER: Yes, sir.

3 Paul Spencer, Jr., having been duly sworn testifies as  
4 follows:

5 MR. WILLIAMS: Go ahead, Janet.

6 MS. BAUMBERGER: Mr. Chair and  
7 Members of the Commission, a license for  
8 Mr. Spencer could not be issued at staff  
9 level due to outstanding liens or  
10 judgments at this time.

11 MR. WILLIAMS: Mr. Spencer, do you  
12 want to kind of give us a background?

13 MR. SPENCER: Yes, sir. I had two  
14 in 2003/2004 or 2002/2004 Offsides and  
15 Pete Altman. One of those has come off  
16 my credit report. They are both  
17 satisfied back then. The other one is  
18 due to come off in March of next year.  
19 The one that it got sent to your level is  
20 considering with the IRS compromise and  
21 offer of compromise that I'm going  
22 through now, and according to my agent in  
23 Houston, Mr. Chakalis with IRS, that was  
24 not supposed to be put on there, because  
25 we were in condition of going through an

1 offer of compromise, which I'm flying --  
2 I'm coming in from San Antonio for  
3 today's meeting. I've got to fly back  
4 tomorrow to do my final offer of  
5 compromise with them, but the only  
6 paperwork I brought with me is my new  
7 credit report which shows it is not on  
8 there, that I just got Friday of last  
9 week. Two of the liens are gone, and  
10 like I said the only one on there is --  
11 can I bring this up?

12 MR. WILLIAMS: Yeah.

13 MR. SAXON: Just walk up here and  
14 bring it up to me, if you will. Do you  
15 have a copy for the court reporter?

16 MR. SPENCER: No, sir, because I  
17 really didn't know what I was up against.  
18 I do apologize.

19 MR. WILLIAMS: Well, bring that  
20 first.

21 MR. SAXON: Just give me a second,  
22 please. We will get copies of these.  
23 The first one is his credit report  
24 existing of ---

25 MR. SPENCER: You see on page eight.

1 MR. SAXON: Well, it says eight  
2 pages, but it is really ---

3 MR. SPENCER: Nine, I think.

4 MR. SAXON: --- five pages. Then we  
5 have a three page letter to the  
6 Respondent from the Internal Revenue  
7 Service. Then we have a one page letter  
8 undated to whom it may concern from  
9 Credit Restoration of Texas signed by  
10 Samantha Isbell, Lead Credit Restoration  
11 Specialist. That would be Number Three.

12 (Whereupon, Applicant's Exhibit  
13 Numbers One, Two, and Three were  
14 marked for identification purposes  
15 and made a part of the record)

16 MR. SPENCER: And sir, may I make a  
17 note? I'm sorry?

18 MR. WILLIAMS: Yes.

19 MR. SPENCER: On page eight ---

20 MR. SAXON: Of the first one?

21 MR. SPENCER: Yes, sir of the credit  
22 report, you see the only record, public  
23 record, is just one left which is Pete  
24 Altman, and that one is coming off March  
25 of '12. All those were satisfied.

1 MR. SAXON: Doesn't say anything  
2 about it coming off in March of '12.

3 MR. SPENCER: It is seven years from  
4 the file date, which is 3 of '05, I  
5 believe.

6 MR. SAXON: It's still in effect at  
7 this time?

8 MR. SPENCER: Well, it is satisfied,  
9 yeah. I mean, it is still on there. It  
10 is satisfied. It was satisfied in '03.

11 MR. SAXON: Do you have evidence  
12 that it has been satisfied?

13 MR. SPENCER: Not with me, no. I  
14 can send that to Ms. Baumberger. I mean  
15 that wasn't there.

16 MR. SAXON: That's something you can  
17 provide to us?

18 MR. SPENCER: Oh, absolutely.

19 MR. SAXON: Okay, that it has been  
20 satisfied? The IRS lien?

21 MR. SPENCER: The IRS, I'm still  
22 going through offer of compromise.

23 MR. SAXON: So, that has not been  
24 satisfied?

25 MR. SPENCER: The IRS, no.

1 MR. SAXON: Oh. Okay.

2 MR. SPENCER: They just told that it  
3 was not supposed to be applied to my  
4 credit report as a lien by their law.

5 MR. SAXON: But just being on your  
6 credit report is not the ---

7 MR. SPENCER: I understand that,  
8 sir.

9 MR. SAXON: Okay.

10 MR. SPENCER: I'm just saying as a  
11 lien though, but it is ---

12 MR. SAXON: So, there is still an  
13 IRS lien?

14 MR. SPENCER: It's still going  
15 through the procedures, yeah. That's why  
16 I have to fly back to San Antonio  
17 tomorrow for that meeting on Friday to  
18 settle that up.

19 MR. SAXON: Okay.

20 MR. SPENCER: Or get to a crossroad  
21 with it.

22 MR. WILLIAMS: Anyone want to make a  
23 Motion we go into Executive Session?

24 MR. DILLARD: I would. I'll make a  
25 Motion we go into Executive Session.



1 MR. ROBERTS: Second.

2 MR. WILLIAMS: We have a Motion. We  
3 have a Second.

4 (Whereupon, the Motion was carried  
5 unanimately)

6 (Whereupon, the Board went into an  
7 Executive Session)

8 MR. WILLIAMS: Do I have a Motion to  
9 come out of Executive Session?

10 MR. BAILEY: So Moved.

11 MR. ROBERTS: Second.

12 (Whereupon, the Motion was carried  
13 unanimately)

14 (Whereupon, the Board came out of  
15 Executive Session)

16 MR. WILLIAMS: Does anybody have a  
17 Motion?

18 MR. BAILEY: Yeah. After receiving  
19 advice from our Counsel on where we are  
20 at legally, I'd like to make a Motion  
21 that we deny the request for a license at  
22 this time, and let our Attorney explain  
23 the reasoning for that.

24 MR. WILLIAMS: Okay. We have a  
25 Motion on the table.

1 MR. ROBERTS: Second.

2 (Whereupon, the Motion was carried  
3 unanimately)

4 MR. SAXON: Mr. Spencer, the  
5 Commission has asked me to explain why it  
6 is denying, and that is we don't have  
7 anything from the IRS that that has been  
8 satisfied, and we have to have that. So,  
9 you're going to get an Order that denies  
10 your request. What you need to do is get  
11 whatever you can from the IRS to say that  
12 that has been satisfied, and get that to  
13 Ms. Baumberger, and then your application  
14 will proceed as normal. You don't have  
15 to come back with -- in other words, you  
16 don't have to come back before the Board  
17 and spend money to fly from Texas.

18 MR. SPENCER: Okay.

19 MR. SAXON: Get the information you  
20 need from the IRS. Get it to Ms.  
21 Baumberger.

22 MR. WILLIAMS: And that other  
23 letter.

24 MR. SPENCER: Okay.

25 MR. SAXON: Yeah, and any lien,

1 judgment, anything you've got against you  
2 including this IRS thing.

3 MR. SPENCER: Well, that's the other  
4 one, because that one is coming off in  
5 March, but I have the paperwork for that  
6 one as that being paid too.

7 MR. DOWD: Send that to us.

8 MR. SPENCER: That's fine. Okay.

9 MR. SAXON: Yes. All of that  
10 paperwork get to Ms. Baumberger. You  
11 don't have to fly back to South Carolina.

12 MR. SPENCER: Okay.

13 MR. SAXON: Just get it to Ms.  
14 Baumberger.

15 MR. SPENCER: Okay, and then it will  
16 be approved after that, or it will go  
17 through the motions.

18 MR. SAXON: As long as you meet all  
19 the other requirements.

20 MR. SPENCER: Yeah, because I have  
21 nothing else against me.

22 MR. SAXON: Well, as long as you  
23 meet all the other requirements, you  
24 don't have anything to worry about.

25 MR. SPENCER: Now, if that goes

1 through -- my question is if that goes  
2 through and it gets settled, and it is an  
3 offer of compromise, if I'm making  
4 payments on that, how do I handle that as  
5 long as it is a settled amount?

6 MR. BAILEY: Include that paperwork  
7 that you are making payments along with  
8 your other paperwork that the other lien  
9 is satisfied. As long as there is a  
10 payment schedule in there ---

11 MR. SPENCER: Okay.

12 MR. BAILEY: --- that you've agreed  
13 to make payments, we are not going to  
14 hold that against you.

15 MR. SPENCER: Okay.

16 MR. SAXON: But it has to be signed  
17 by that other party too.

18 MR. SPENCER: Understood.

19 MR. SAXON: And you know we will  
20 work with you. If you've got questions  
21 about the paperwork, talk to Ms.  
22 Baumberger, and she and I will discuss  
23 it.

24 MR. SPENCER: Okay.

25 MR. SAXON: And if we need something

1 else, we will ask for it.

2 MR. SPENCER: Okay, do I have a  
3 Statute on that? Am I running out of  
4 time as far as -- okay.

5 MR. SAXON: No, but you can't be ---

6 MR. SPENCER: I mean, it ain't going  
7 to be two years from now, no.

8 MR. SAXON: But the only timeline  
9 is, you can't be licensed until you  
10 provide this information and the process  
11 goes through.

12 MR. SPENCER: Right.

13 MR. SAXON: The application process  
14 is not a long one.

15 MR. SPENCER: Right.

16 MR. SAXON: But it can't proceed  
17 until we get ---

18 MR. SPENCER: Understood.

19 MR. SAXON: --- the proper ---

20 MR. SPENCER: Understood. No  
21 problem.

22 MR. SAXON: This is a desire from  
23 the Commission to help you get licensed  
24 and to keep you from having to fly back  
25 out here.

1 MR. SPENCER: Okay. This is  
2 reinstatement. Right?

3 MR. SAXON: I'm sorry?

4 MR. SPENCER: This is not a new  
5 application. It is reinstatement.

6 MR. SAXON: Yeah, but still it is an  
7 application.

8 MR. SPENCER: Okay. Okay. I just -  
9 - okay.

10 MR. SAXON: An application is an  
11 application.

12 MR. DAVIS: We denied it but ---

13 MR. SPENCER: Sir?

14 MR. SAXON: We denied it, but we are  
15 helping you. Our desire is to help you.

16 MR. SPENCER: Okay. Thank you, sir.  
17 Have a good day.

18 MR. WILLIAMS: James Marshall? Come  
19 on up, Mr. Marshall. Mr. Marshall,  
20 before we get started you do realize that  
21 you have the right to be represented by  
22 Counsel, but you are waiving that right  
23 and representing yourself today?

24 MR. MARSHALL: Yes, sir.

25 MR. WILLIAMS: All right. Let's get

1                   you sworn in before we start.

2 James M. Marshall, II, having been duly sworn testifies  
3 as follows:

4                   MR. WILLIAMS: Janet?

5                   MS. BAUMBERGER: Mr. Chairman,  
6 Members of the Commission, a license for  
7 Mr. Marshall could not be issued at staff  
8 level due to items on his criminal  
9 background check.

10                  MR. WILLIAMS: Mr. Marshall, do you  
11 want to kind of give us a background of -  
12 --

13                  MR. MARSHALL: I've got an arrest  
14 report copy for you, if you ---

15                  MR. WILLIAMS: You need to speak up  
16 a little bit.

17                  MR. MARSHALL: I've got a copy of an  
18 arrest report for you.

19                  MS. BAUMBERGER: We've already got  
20 that.

21                  MR. MARSHALL: Have you already got  
22 that? Okay.

23                  MR. WILLIAMS: You've given us  
24 copies?

25                  MS. BAUMBERGER: Should be the same

1 one.

2 MR. SAXON: It is the same one we've  
3 already got.

4 MR. MARSHALL: Also on the back of  
5 it, I have character witness  
6 recommendations.

7 MR. SAXON: I'll just go ahead and  
8 help you with this Mr. Spencer -- I mean,  
9 Mr. Marshall. Your character is not  
10 really in question. If you want to  
11 submit those, that's fine. It is not  
12 necessary.

13 MR. MARSHALL: Well, I also brung a  
14 character work history witness to testify  
15 for me.

16 MR. WILLIAMS: I think the main  
17 thing is just these arrests. The last  
18 one I'm seeing here is back in ---

19 MR. SAXON: 2005.

20 MR. WILLIAMS: --- 2005. You're off  
21 probation now?

22 MR. MARSHALL: I'm off probation.

23 MR. WILLIAMS: Okay. When did you  
24 get off?

25 MR. MARSHALL: I got off July 18th,



1 2010.

2 MR. WILLIAMS: Okay. All right.

3 MR. SAXON: By any chance would you  
4 have something that shows that?

5 MR. MARSHALL: No, sir. They don't  
6 give you any paperwork when they let you  
7 off probation.

8 MR. SAXON: But your probation ended  
9 July 18th, 2010?

10 MR. MARSHALL: 2010, that's right.

11 MR. SAXON: Thank you.

12 MR. WILLIAMS: And what have you  
13 been doing the past few years?

14 MR. MARSHALL: Say that again.

15 MR. WILLIAMS: What have you been  
16 doing the past few years?

17 MR. MARSHALL: I've been working  
18 with Richard Crudence (phonetic) who is a  
19 license holder. I've been working as a  
20 partner and under him too doing carpentry  
21 work and that sort of stuff.

22 MR. WILLIAMS: Any other  
23 Commissioners have any other questions?

24 MR. DAVIS: Give us just a little  
25 scale of what happened in 2005.

1                   MR. MARSHALL: Well, I did something  
2 really stupid, and I stopped at a house  
3 in Newberry, and I went in, used the  
4 bathroom, took a beer off the counter,  
5 sat down in an easy chair and got  
6 arrested. It was really stupid, and I  
7 really shouldn't have done it.

8                   MR. DAVIS: You just random picked  
9 the house out, and ---

10                  MR. MARSHALL: Random picked the  
11 house out, and just -- well, there was a  
12 girl out front I wanted to talk to, and I  
13 never got a chance to speak to her,  
14 because she left, and I waited at the  
15 door, knocked on the door, and it was  
16 unlocked. So, I went in and I used the  
17 bathroom. I had to real bad, and I did  
18 take the beer. That was petty larceny.  
19 They wouldn't let me pay for that. So, I  
20 got arrested sitting in the easy chair,  
21 drinking the beer, waiting on the girl.

22                  MR. DILLARD: So, you didn't know  
23 the people whose house you went in?

24                  MR. MARSHALL: I didn't know the  
25 people, and I didn't want to steal

1 anything.

2 MR. DILLARD: Have you any -- have  
3 you had any other incidents like that  
4 since that arrest?

5 MR. MARSHALL: No, sir. No, sir.

6 MR. SAXON: Would the Board mind if  
7 I ask a question?

8 MR. DILLARD: I don't mind.

9 MR. SAXON: Mr. Marshall, you just  
10 characterized this as petty larceny, but  
11 the conviction was a felony conviction  
12 for third degree burglary.

13 MR. MARSHALL: That's -- I told you  
14 exactly what I did.

15 MR. SAXON: Well, I understand that,  
16 but you described it as petty larceny.

17 MR. MARSHALL: That's true.

18 MR. SAXON: That's a long way down  
19 from felony conviction for third degree  
20 burglary.

21 MR. MARSHALL: Well, that's -- they  
22 -- that's what I did.

23 MR. SAXON: Okay.

24 MR. MARSHALL: And that's what I got  
25 charged ---

1 MR. SAXON: I'm asking you, I guess,  
2 where do you get the phrase petty  
3 larceny?

4 MR. DAVIS: It's written in here  
5 several times.

6 MR. SAXON: Okay.

7 MR. MARSHALL: The petty larceny was  
8 taking the beer.

9 MR. SAXON: Okay.

10 MR. MARSHALL: That was all that  
11 was.

12 MR. SAXON: Okay.

13 MR. MARSHALL: That's the only thing  
14 I stole which I tried to pay for.

15 MR. SAXON: Okay. You somehow ended  
16 up with a third degree burglary?

17 MR. MARSHALL: Third degree burglary  
18 for walking in through the door that was  
19 unlocked.

20 MR. SAXON: Got it.

21 MR. MARSHALL: And using the  
22 bathroom, and ---

23 MR. SAXON: The whole situation.

24 MR. MARSHALL: Yeah, at the time I  
25 thought it was bad manners of me, but I

1                   needed to go, and I thought I'd sit and  
2                   wait for the girl and talk to her, and it  
3                   was just -- it was just stupid.

4                   MR. DAVIS:   Why did they call it  
5                   violent second degree?

6                   MR. MARSHALL:  I didn't do any ---

7                   MR. DAVIS:   I know, but they have  
8                   this written.

9                   MR. MARSHALL:  I think -- I'll be  
10                  honest with you.  I know y'all work for  
11                  the State.  I think the State loaded me  
12                  up when they got me.  I really do.

13                  MR. SAXON:   You had a previous  
14                  record before this.  Isn't that correct?

15                  MR. MARSHALL:  I have an ABHAN.

16                  MR. SAXON:   Sir?

17                  MR. MARSHALL:  An assault and  
18                  battery of a high and aggravated ---

19                  MR. SAXON:   Of a high and aggravated  
20                  nature.

21                  MR. MARSHALL:  In that instance, I  
22                  was in traffic, and I was trying to get  
23                  out of the lane that I was in, and I  
24                  bumped a car in front of me and moved it  
25                  six inches, and that's the ABHAN.

1 MR. SAXON: Mr. Marshall, is the  
2 SLED report correct that you had a number  
3 of arrests and convictions between 2001  
4 and 2005 besides that assault and battery  
5 of a high and aggravated nature, but  
6 nothing since 2005?

7 MR. MARSHALL: Nothing since 2005,  
8 and if you look at them closely, you will  
9 see that they were on two days.

10 MR. SAXON: Yes, sir, but you've  
11 been clean since then?

12 MR. MARSHALL: Yes, sir.

13 MR. SAXON: Okay. Thank you,  
14 gentlemen. Those are all the questions I  
15 have.

16 MR. WILLIAMS: Any of the other  
17 Commissioners have any questions?

18 MR. DILLARD: Did you say that you  
19 have been working for someone who has a  
20 builder's license? You've been working  
21 under him?

22 MR. MARSHALL: He is a specialty's  
23 license.

24 MR. DILLARD: Right.

25 MR. MARSHALL: And he's in here, Mr.

1 Crudence (phonetic) back there.

2 MR. DILLARD: Okay.

3 MR. MARSHALL: And I've been working  
4 under him and as a partner with him.

5 MR. DILLARD: All right. What have  
6 you been doing with him?

7 MR. MARSHALL: Carpentry work. We  
8 have done some drywall.

9 MR. DILLARD: Okay, and that's what  
10 you are applying for? You want your own  
11 specialty license in those same  
12 categories?

13 MR. MARSHALL: My specialty license  
14 will be in the categories of carpentry,  
15 drywall, and painting. So, it is the  
16 same thing.

17 MR. DILLARD: Okay.

18 MR. WILLIAMS: Have you read this?  
19 Do you know the requirements of the bond,  
20 doing jobs over five thousand you've got  
21 to be bonded?

22 MR. MARSHALL: Yes, sir. I do. I  
23 had the license before.

24 MR. WILLIAMS: Okay. Any of the  
25 Commissioners have any other questions or

1 have any Motions?

2 MR. BAILEY: Yeah, I make a Motion  
3 that we let him get his specialty license  
4 without any conditions.

5 MR. DAVIS: Second.

6 MR. WILLIAMS: We have a Motion, and  
7 we have a Second.

8 (Whereupon, the Motion was carried  
9 unanimately)

10 MR. WILLIAMS: Motion has been  
11 approved. Good luck.

12 MR. DAVIS: Don't come back.

13 MR. MARSHALL: Oh, I won't.

14 MR. SAXON: Mr. Harrison?

15 MR. WILLIAMS: Mr. Harrison, you do  
16 realize that you had the right to be  
17 represented by Counsel, but you are  
18 waiving that right and representing  
19 yourself today?

20 MR. HARRISON: Yes, sir.

21 MR. WILLIAMS: All right. Let's get  
22 you sworn in first.

23 Karl Harrison, Sr., having been duly sworn testifies as  
24 follows:

25 MS. BAUMBERGER: Mr. Chairman,



1 Members of the Commission, a license for  
2 Mr. Harrison could not be issued at staff  
3 level due to items on his criminal  
4 background check.

5 MR. WILLIAMS: Mr. Harrison, do you  
6 want to give us a little background of  
7 why you are here, and kind of give us an  
8 update?

9 MR. HARRISON: Yes, sir. I like to  
10 do carpentry work. I like to help people  
11 out that really needs, you know, somebody  
12 they can depend on. I've been doing  
13 carpentry for about twenty-one years or  
14 so. I've worked under other -- a lot of  
15 guys, and I just branched out, wanted to  
16 branch out, and try to do it on my own  
17 now.

18 MR. WILLIAMS: Okay. Do you want to  
19 kind of give us a background about some  
20 of these? I see you are applying for a  
21 specialty license under flooring,  
22 carpentry, and painting and wallpapering.  
23 Do you want to kind of give us a  
24 background on your criminal history?

25 MR. HARRISON: Yes, sir. What would

1                   you like to know?

2                   MR. WILLIAMS: Well, we've got a  
3 long list here of things.

4                   MR. BAILEY: You've got quite a rap  
5 sheet here.

6                   MR. HARRISON: Yes, sir.

7                   MR. WILLIAMS: You know the most  
8 recent one I see here is been on forgery  
9 less than five thousand 6/28 of 2010, and  
10 I've got another one 12/9 of '09 another  
11 felon forgery less than five thousand.  
12 Do you want to kind of tell us what has  
13 happened the last several years.

14                   MR. HARRISON: I think that was the  
15 same case. I'm not sure.

16                   MR. BAILEY: Charge and conviction.

17                   MR. WILLIAMS: Oh, okay.

18                   MR. HARRISON: Yes, sir.

19                   MR. SAXON: Were you placed on  
20 eighteen months probation?

21                   MR. HARRISON: Yes, sir.

22                   MR. SAXON: Has that ended?

23                   MR. HARRISON: Yes, sir.

24                   MR. SAXON: When did that end?

25                   MR. HARRISON: This month, the

1 beginning of this month.

2 MR. SAXON: Do you have a specific  
3 date for me?

4 MR. HARRISON: My last date to  
5 report was the first part of November,  
6 and I didn't have to report for December.  
7 It ended the first December.

8 MR. SAXON: Early December.

9 MR. HARRISON: Yes, sir.

10 MR. WILLIAMS: Mr. Harrison, I'm  
11 just sitting here looking through all  
12 this stuff, and, you know, we have that  
13 stuff in '09.

14 MR. BAILEY: Now, you're off of  
15 drugs since '06?

16 MR. HARRISON: Yes, sir. Yes, sir.

17 MR. BAILEY: Was that part of your  
18 probation that you had to be drug tested?

19 MR. HARRISON: Yes, sir. They did  
20 test.

21 MR. BAILEY: They did test?

22 MR. HARRISON: Yes, sir.

23 MR. SAXON: Are you in any kind of  
24 treatment program or twelve step program?

25 MR. HARRISON: Well, right now I'm

1 in the ADSAP Program.

2 MR. SAXON: Tell us what that is.

3 MR. HARRISON: It is a drug and  
4 alcohol program to make sure that you're  
5 ready to -- you know, for society as far  
6 as not being on drugs and mentally stable  
7 really, and I offered to take that class  
8 only because, you know, they wanted -- I  
9 wanted to prove to them that I could do  
10 it, you know.

11 MR. SAXON: How often do you have to  
12 go to that class?

13 MR. HARRISON: It's only once a  
14 month -- once a week, wait a minute.

15 MR. SAXON: Once a week?

16 MR. HARRISON: Once a week, yes,  
17 sir.

18 MR. DILLARD: Are you going to the  
19 classes?

20 MR. HARRISON: Yes, sir.

21 MR. DAVIS: What was -- in 09/10,  
22 what was the forgery?

23 MR. HARRISON: The forgery, a lady  
24 asked me to fix her car for her, and I  
25 fixed her car, and I told her what the

1                   problem was, and she bought two parts,  
2                   which was a fuel pump and a fuel filter.  
3                   I say get both, because I'm not sure  
4                   which one is counteracting your car and  
5                   not cranking. So, she bought the fuel  
6                   pump and the fuel filter. I changed the  
7                   fuel filter, and I told her, okay, this  
8                   is what the problem is. I said, I'll get  
9                   you your money back for your fuel filter.  
10                  I went up, returned it. I signed her  
11                  name to the receipt, and I gave her the  
12                  remaining balance of what I charged her  
13                  to initially fix the car, and she felt  
14                  like I violated her by taking it and  
15                  signing her name.

16                  MR. WILLIAMS: Any of the  
17                  Commissioners have any other questions?  
18                  Anyone feel like they want to make a  
19                  Motion?

20                  MR. BAILEY: Mr. Harrison, the  
21                  reason we are grilling you so much is if  
22                  and when we give you a license to go out  
23                  there and work, it's -- you are going to  
24                  be working with the general public.

25                  MR. HARRISON: Yes, sir.

1 MR. BAILEY: And you don't  
2 unscrupulous people out there doing  
3 things.

4 MR. HARRISON: Yes, sir.

5 MR. BAILEY: And the reason we grill  
6 you so hard and make you answer these  
7 question is because if we give you that  
8 license and you go out there and do  
9 something wrong, guess who it reflects  
10 on, not so much on you as the Commission.

11 MR. HARRISON: Yes, sir.

12 MR. BAILEY: So, I'm going to make a  
13 Motion we allow you to get your license  
14 without any other back-ups on it, but I  
15 don't want to see you back.

16 MR. HARRISON: Yes, sir. Thank you.

17 MR. DAVIS: Second.

18 MR. WILLIAMS: Okay. We have a  
19 Motion on the table, and we have a  
20 Second. No further discussion?

21 (Whereupon, the Motion was carried  
22 unanimately)

23 MR. WILLIAMS: The Motion has been  
24 approved.

25 MR. ROBERTS: He may need to look

1                   into getting a bond.

2                   MR. HARRISON: Yes, sir.

3                   MR. ROBERTS: Any work you do over  
4 five thousand dollars you are going to be  
5 required to have a bond.

6                   MR. HARRISON: Yes, sir.

7                   MR. BAILEY: Get one of these little  
8 books when you get your license, and read  
9 it from top to bottom inside and out.

10                  MR. HARRISON: Yes, sir. Okay.

11                  What's my next step? What do I ---

12                  MR. SAXON: That's it.

13                  MR. HARRISON: Just go upstairs?

14                  MR. SAXON: Well, not today, because  
15 everyone that would be upstairs is here.

16                  MR. HARRISON: Is downstairs, oh  
17 just ---

18                  MR. WILLIAMS: So, check with them  
19 tomorrow.

20                  MR. HARRISON: Okay, thanks and have  
21 a good Christmas.

22                  MR. DOWD: Thank you.

23                  MR. WILLIAMS: Marcus Neely? Mr.  
24 Neely, before we get started, you do  
25 realize that you had the right to be

1 represented by Counsel, but you are  
2 waiving that right to represent yourself  
3 today?

4 MR. NEELY: Yes, sir.

5 MR. WILLIAMS: All right. She's  
6 going to get you sworn in first before we  
7 get started.

8 Marcus T. Neely, having been duly sworn testifies as  
9 follows:

10 MR. WILLIAMS: All right.

11 MS. BAUMBERGER: Mr. Chairman,  
12 Members of the Commission, a license for  
13 Mr. Neely could not be issued at staff  
14 level due to items on his criminal  
15 background check.

16 MR. WILLIAMS: Mr. Neely, do you  
17 want to kind of give us a background, a  
18 little bit?

19 MR. NEELY: Yeah. I mean, you can  
20 see that those charges was like in '98,  
21 starting from '98, and I think it was a  
22 part of me just being in that environment  
23 and chose the life -- the bad life, and  
24 so that's -- that's about it.

25 MR. WILLIAMS: And you -- you served



1                   some time?

2                   MR. NEELY:    Yes, sir.

3                   MR. WILLIAMS:  And are you on  
4                   probation right now?

5                   MR. NEELY:    No, sir.  I got off the  
6                   role in June the 30th this year right  
7                   here, 2011.

8                   MR. SAXON:    Probation in when, I'm  
9                   sorry?

10                  MR. NEELY:    June the 30th.

11                  MR. SAXON:    Of this year?

12                  MR. NEELY:    Yes, sir.

13                  MR. WILLIAMS:  And when did you get  
14                  out?

15                  MR. NEELY:    February the 1st of  
16                  2010.

17                  MR. WILLIAMS:  Okay, and what have  
18                  you been doing for the past year?

19                  MR. NEELY:    I went back to school  
20                  and got my GED, and then -- now, I'm  
21                  enrolled in college.

22                  MR. WILLIAMS:  Have you been doing  
23                  any -- I see your application here is for  
24                  a specialty under siding, roofing, and  
25                  carpentry.  Have you been doing any of

1                   that work?

2                   MR. NEELY: Yes, sir. I got my  
3                   certificate in carpentry, and now just  
4                   got my certificate in electrical. So,  
5                   yeah, I have been doing that type of  
6                   work.

7                   MR. ROBERTS: What school was that?

8                   MR. NEELY: York Technical College.

9                   MR. ROBERTS: York Tech?

10                  MR. SAXON: That's where you are  
11                  currently enrolled too?

12                  MR. NEELY: Yes, sir.

13                  MR. ROBERTS: Have you been working  
14                  out in the field with anybody under  
15                  someone else?

16                  MR. NEELY: No, sir. I've been  
17                  doing odd jobs here and there.

18                  MR. WILLIAMS: Any other  
19                  Commissioners have any questions?

20                  MR. DOWD: I make a Motion we grant  
21                  him his license.

22                  MR. DILLARD: Second.

23                  MR. WILLIAMS: Okay. We have a  
24                  Motion on the table, and we have a  
25                  Second.

1 (Whereupon, the Motion was carried  
2 unanimately)

3 MR. WILLIAMS: You've been approved.

4 MR. ROBERTS: Again, like I told the  
5 other guy, you may need to look at  
6 getting a bond. Any work over five  
7 thousand you are required to have a bond.

8 MR. NEELY: Yes, sir. All right. I  
9 don't know how else to stress that.

10 MR. SAXON: And there are lots of  
11 bonding companies in South Carolina.

12 MR. NEELY: Yes, sir.

13 MR. SAXON: If one turns you down go  
14 to another one.

15 MR. ROBERTS: They are not  
16 expensive. They are just something you  
17 are going to be required to have to do  
18 work over five thousand.

19 MR. WILLIAMS: Good luck.

20 MR. NEELY: All right. Thank you.

21 MR. WILLIAMS: Steven Jeffcoat?

22 MR. JEFFCOAT: Good morning.

23 MR. WILLIAMS: Mr. Jeffcoat, you do  
24 realize that you had the right to be  
25 represented by Counsel, but you are

1                   waiving that right and representing  
2                   yourself today?

3                   MR. JEFFCOAT:   Yes, sir.

4                   MR. WILLIAMS:   All right.  Let's get  
5                   you sworn you in first before we get  
6                   started.

7   Steven Wilson Jeffcoat, having been duly sworn testifies  
8   as follows:

9                   MS. BAUMBERGER:  Mr. Chairman,  
10                   Members of the Commission, a license for  
11                   Mr. Jeffcoat could not be issued at staff  
12                   with outstanding liens and judgments his  
13                   record of a complaint, and Mr. Lowe is  
14                   here today with information.

15                   MR. SAXON:   Why don't we go ahead  
16                   and get Mr. Lowe sworn in.

17   Roger Lowe, having been duly sworn testifies as follows:

18                   MR. WILLIAMS:  Mr. Lowe, let's go  
19                   ahead and get your information.

20                   MR. LOWE:   Okay, Mr. Chairman and  
21                   members of the Commission, Mr. Jeffcoat's  
22                   license was held up due to a complaint  
23                   that was filed against him by a Homeowner  
24                   which resulted in a complaint also being  
25                   filed against a building official.  I was

1 the Investigator in that case as well.  
2 The original case from the Homeowner was  
3 held up pending some information that  
4 could have possibly been during the  
5 Building Codes Council case. That case  
6 ended in a dismissal in October of this  
7 year. So, we have no opposition to Mr.  
8 Jeffcoat being reinstated at this time.

9 MR. WILLIAMS: Thank you. Mr.  
10 Jeffcoat, do you want to enlighten us a  
11 little bit about these judgments, where  
12 you stand on these judgments?

13 MR. JEFFCOAT: Yes, sir. I had a  
14 couple of houses and some investments  
15 properties several years ago, and with  
16 the decline in the economy, and a wife  
17 and four kids I couldn't hang on for the  
18 ride, and ended up having some judgments  
19 against me, and then I filed a Chapter 7  
20 Bankruptcy, and I was discharged in March  
21 of this year. I sent a copy to Ms.  
22 Baumberger.

23 MR. BAILEY: What have you been  
24 doing since March?

25 MR. JEFFCOAT: I worked at Savannah

1 River Site running heavy equipment until  
2 I was laid off in August.

3 MR. BAILEY: And you were licensed  
4 as a builder.

5 MR. JEFFCOAT: Residential, yes,  
6 sir.

7 MR. BAILEY: And when did your  
8 license expire, or has it expired?

9 MR. JEFFCOAT: I think it was in  
10 2010 it expired, and I didn't renew it  
11 because of the judgment and the Cease and  
12 Disorder (sic) that Mr. Lowe was talking  
13 about.

14 MR. BAILEY: Right.

15 MR. SAXON: If I may go back to Mr.  
16 Lowe for just a second. I don't want to  
17 taint the Board, but there are no other  
18 cases coming the pipe regarding this  
19 person. Is that right?

20 MR. LOWE: There was one additional  
21 case that was filed by the Homeowner. It  
22 was an unlicensed practice case that we  
23 are in the process of asking for  
24 dismissal on that case.

25 MR. SAXON: So, nothing the Board

1 needs to concern itself with at this  
2 point?

3 MR. LOWE: No, sir.

4 MR. SAXON: Thank you.

5 MR. DOWD: Remind me of Chapter 7  
6 Rules, Counsel, if you would.

7 MR. SAXON: There are some things  
8 that are not discharged. Before we've  
9 had -- what we have listed judgments and  
10 liens would be.

11 MR. DOWD: Okay.

12 MR. SAXON: So, he's clean.

13 MR. DAVIS: I make a Motion we allow  
14 him to take it.

15 MR. DOWD: Second. By our own Rules  
16 we've got to do it.

17 MR. SAXON: He's done what he needed  
18 to do.

19 MR. DOWD: Yeah.

20 MR. JEFFCOAT: I have a question  
21 about the investigation from Mr. Lowe.

22 MR. WILLIAMS: Well, let's get this  
23 vote first.

24 MR. JEFFCOAT: Oh, I'm sorry.

25 MR. WILLIAMS: We have a Motion on

1 the table, and we have a Second. Any  
2 other questions?

3 MR. DILLARD: Yeah. I have a  
4 question. Does he have to take the test  
5 -- the exam again, or is it just  
6 reinstated?

7 MR. BAILEY: If it went out in 2010,  
8 we just reinstate it. It's less than two  
9 years.

10 MR. DILLARD: Is that when it went  
11 out? Oh, okay.

12 MR. BAILEY: Yeah, less than two  
13 years, it is just reinstated.

14 MR. WILLIAMS: All right. We have a  
15 Motion on the table, and we have a  
16 second.

17 (Whereupon, the Motion was carried  
18 unanimously)

19 MR. WILLIAMS: Your Motion has been  
20 approved. What's your question?

21 MR. JEFFCOAT: Thank you. Sorry  
22 about that. The investigation that Mr.  
23 Lowe did for the Homeowner, Mr. Harold  
24 Graham, what is the -- the end result of  
25 ---



1 MR. SAXON: Why don't you talk to  
2 him about that, not the Board?

3 MR. JEFFCOAT: Okay.

4 MR. BAILEY: That would be off the  
5 record. We've already heard your case,  
6 and we made our Motion to allow you to  
7 get your license. So, if you have  
8 something to ask him, that would be  
9 between you and him.

10 MR. JEFFCOAT: Okay. I just need  
11 something in writing.

12 MR. BAILEY: That has no reflection  
13 on our case today.

14 MR. JEFFCOAT: Okay, thank you, sir.  
15 Y'all have a Merry Christmas.

16 MR. DOWD: Merry Christmas to you.

17 MR. WILLIAMS: Let's take a five  
18 minute break real quick, and then we will  
19 get started back.

20 (Whereupon, a brief recess was taken  
21 and the meeting was reconvened)

22 MR. WILLIAMS: All right. Let's  
23 call this meeting back to order. Kevin  
24 Everitt? Come on up Mr. Everitt. Before  
25 we get started Mr. Everitt, you do

1 realize that you had the right to be  
2 represented by Counsel, but you are  
3 waiving your right and representing  
4 yourself today?

5 MR. EVERITT: Yes, sir.

6 Kevin Clifford Everitt, having been duly sworn testifies  
7 as follows:

8 MS. BAUMBERGER: Mr. Chairman and  
9 Members of the Commission, a license for  
10 Mr. Everitt could not be issued at staff  
11 level due to items on his criminal  
12 background check.

13 MR. WILLIAMS: Mr. Everitt, do you  
14 want to kind of give us a background of  
15 what happened and what you've been doing  
16 the past several years?

17 MR. EVERITT: Yes, sir, but the last  
18 felony that I got on there was dropped  
19 down to a misdemeanor, and they weren't  
20 even going to charge me for it, but it  
21 was my house. That's why they charged me  
22 for it.

23 MR. WILLIAMS: All right, and that's  
24 in '06?

25 MR. EVERITT: Yes, sir. That's the

1 possession of the child endangerment. It  
2 was dropped down to something or other,  
3 and I tried to get the papers from the  
4 Court, but they said since it was five  
5 years ago, they've got them in a  
6 warehouse.

7 MR. WILLIAMS: Okay, and what have  
8 you been doing the past several years?

9 MR. EVERITT: Working and raising  
10 three kids.

11 MR. WILLIAMS: Are you on any type  
12 of probation or anything at all?

13 MR. EVERITT: No, sir. They didn't  
14 give me anything for it. She didn't even  
15 -- the District Attorney didn't even want  
16 to charge me for it. I went on my own  
17 and took parenting classes, and I took  
18 and did drug tests randomly, and they  
19 didn't make me did any of that.

20 MR. WILLIAMS: You did it  
21 voluntarily?

22 MR. EVERITT: Yes, sir.

23 MR. WILLIAMS: Can you give us a  
24 little background about your experience?

25 MR. EVERITT: My what?

1 MR. WILLIAMS: Your experience?

2 MR. EVERITT: Yes, sir. I took and  
3 got in a little trouble when I was  
4 younger, and when I got help I started  
5 helping build houses for the Habitat for  
6 Humanity, building houses, and my  
7 stepfather was a contractor. Since I was  
8 a kid I've always helped him, and I've  
9 been framing houses and doing remodeling,  
10 interior trim, for like ten years.

11 MR. WILLIAMS: All right. Any other  
12 Commissioners have any questions?

13 MR. BAILEY: Mr. Everitt, looking on  
14 here you got down aluminum siding, floor  
15 covering, and carpentry that you wish to  
16 be licensed in.

17 MR. EVERITT: Yes, sir.

18 MR. BAILEY: You do understand if  
19 you receive a license in that, that's all  
20 you can do is just those three areas?

21 MR. EVERITT: You can't do  
22 electrical, even if you do a little small  
23 addition or something that's five  
24 thousand dollars, you can't hire an  
25 electrician and do the wiring part of it,

1                   because that's not what a specialty  
2                   contractor is.

3                   MR. EVERITT:    Yes, sir.

4                   MR. BAILEY:    I just want you to  
5                   understand that, and, of course, you  
6                   can't do work for an individual Homeowner  
7                   over five thousand dollars unless you  
8                   have a bond.

9                   MR. EVERITT:    Okay.

10                  MR. BAILEY:    Motion to approve.

11                  MR. DAVIS:     Second.

12                  MR. WILLIAMS:  We have a Motion on  
13                  the table, and we have a Second.

14                  (Whereupon, the Motion was carried  
15                  unanimously)

16                  MR. WILLIAMS:  Motion has been  
17                  approved.    Good luck.

18                  MR. EVERITT:    Thank you.

19                  MR. WILLIAMS:  Thank you.    Let's  
20                  take a five minute break.

21                  (Whereupon, a brief recess was taken  
22                  and the meeting was reconvened)

23                  MR. WILLIAMS:  I want to jump down  
24                  to item number eleven Final Order Hearing  
25                  for Mr. Alfred Pesce.    Is Mr. Pesce here?

1 MR. BOOTH: No, I'm his Counsel.

2 MR. WILLIAMS: All right. Yeah,  
3 come on up.

4 MR. BOOTH: I didn't know what was  
5 going to happen first. Do you usually  
6 hear from the Respondent first?

7 MS. HAWKINS: No.

8 MR. BOOTH: Whatever she wants to do  
9 is fine with me. I learned that from the  
10 two days. She knows a lot more than I do  
11 about procedure.

12 MS. HAWKINS: Good afternoon, I'm  
13 Suzanne Hawkins for the State. In the  
14 Pesce matter, this is Case 2010-0742 and  
15 2011-0193. We would request that the  
16 Hearing Officer's recommendations be  
17 upheld with one correction of a mistake.  
18 Under Finding of Fact Number Four, it is  
19 on page two. The recommendations  
20 indicate there that the issue with the  
21 Pella windows versus the Windsor windows  
22 was settled in a civil matter and  
23 restitution was made. In fact, that was  
24 a criminal matter, and the Respondent  
25 pled guilty to those charges and paid

1                   restitution.

2                   MR. SAXON:   Where are you, Ms.  
3                   Hawkins?   I'm sorry.

4                   MS. HAWKINS:   Page two Finding of  
5                   Fact number four.   As you will know if  
6                   you reviewed the transcript, which I know  
7                   y'all did, the Respondent pled guilty to  
8                   fraudulently obtaining the extra seventy-  
9                   two hundred dollars for those Windsor  
10                  windows, and all that was put into the  
11                  record, and there was extensive testimony  
12                  about that.   So, I would just request  
13                  that Finding of Fact be corrected to that  
14                  was a criminal matter.

15                  MR. SAXON:   A criminal matter, was  
16                  restitution made?

17                  MS. HAWKINS:   Yes.

18                  MR. SAXON:   And the Respondent pled.  
19                  Is that right?

20                  MS. HAWKINS:   Yes, pled guilty.  
21                  Other than that, we would request that  
22                  the recommendations be upheld as written.

23                  MR. BOOTH:   May it please the  
24                  Commission, I'm William Booth.   I'm  
25                  Counsel for Mr. Alfred Pesce, and I'm

1           only here to tell you that Mr. Pesce and  
2           his company are certainly sorry about the  
3           events that occurred, but we would like  
4           to point out about three things for the  
5           Commission here about -- and I'm also  
6           here to certainly pass along any thoughts  
7           or statements from the Commission to Mr.  
8           Pesce. The recommendations, there are --  
9           they start on page nine, and there are  
10          five recommendations. Of course, those  
11          recommendations are supported by the  
12          Findings of Fact and also Conclusion of  
13          Law that were made by the Hearing Officer  
14          who is Mr. Curl, and the only three  
15          comments I'd like to make is, first of  
16          all we had two days worth of hearings.  
17          We certainly disputed almost everything  
18          that is in these Findings of Fact. It  
19          wasn't uncontested or not disputed. I  
20          don't -- I mean, I know when you write  
21          Findings of Fact you don't necessarily  
22          have to mention that, but we did dispute  
23          them, and second of all on the civil --  
24          or the Pella windows versus Windsor there  
25          was an acknowledgment of that, and that's



1 in the Findings of Fact, and yes, what  
2 happened is the Homeowner -- the  
3 Homeowner who is here actually filed a  
4 criminal charge against two gentlemen,  
5 Mr. Pesce and his partner, and based on  
6 that is what the criminal case was about,  
7 and it was -- they were -- did plead  
8 guilty, but there were -- the sentencing  
9 part included a requirement that they pay  
10 seventy-five hundred dollars which was  
11 agreed upon amount by the Homeowner to  
12 take care of the difference in values.  
13 That was settled that way, but again,  
14 that -- Ms. Hawkins is correct about what  
15 happened. The only other thing -- the  
16 other two things I would like to mention,  
17 there were two houses involved here. One  
18 of the houses there was a lot of  
19 construction, or at least repair work,  
20 done on the outside of the house dealing  
21 with sort of a deck, three different  
22 decks, and one of our disputes, or one of  
23 the things that we said was, that all the  
24 work was kind of done before my client  
25 could get over there to examine some of

1 the deficiencies that were noted. So, we  
2 kind of didn't get a chance to do that.  
3 The second thing on the second house, Mr.  
4 Hinson's house, I don't have his address  
5 right on the top of my head, a very  
6 unusual thing happened. When the arrest  
7 was made for the changing of the windows,  
8 the arrest was made, and my clients were  
9 released from jail, and as part of that  
10 release, they were restrained from having  
11 any further contact again with Mr. Hinson  
12 and his wife. The Inspector from LLR  
13 actually had conducted -- had set a date  
14 for my clients to come and meet at the  
15 home to view the inspection. Because of  
16 the restraining order, they couldn't  
17 come, and even though that was pointed  
18 out to, I think it was Sharon Cook was  
19 her name, I may have that name wrong,  
20 that was pointed out to her, she went  
21 ahead and conducted the inspection of the  
22 house with the Homeowner, and my clients  
23 could not be there legally because of the  
24 restraining order. So, I thought that  
25 was a little bit unusual. So, they

1           didn't have a chance to actually appear  
2           there, and then the last thing you have  
3           an expert Jesse Burke, at least he was  
4           qualified as an expert, but if you look  
5           at the record, you will see that maybe  
6           eighty percent of these findings were  
7           nothing but conjecture by this expert,  
8           Mr. Burke, and the conjecture was because  
9           he was basing some of his expert  
10          testimony on photographs that were taken  
11          by somebody, I think it was the Homeowner  
12          herself, one of the Homeowner's herself,  
13          took pictures. I'm not sure why she took  
14          them, but she took them during the  
15          construction, and certainly we could not  
16          -- we argued that certain pictures showed  
17          a condition of the construction, but that  
18          was taken care of through the finishing  
19          touches, and Mr. Burke, we think he based  
20          his on seeing a picture and saying that's  
21          the way it was finished, that's a  
22          violation. So, we think most of his  
23          testimony was conjecture, and certainly  
24          we made that argument at the case, but --  
25          so, those are the only things I wanted to

1                    mention.  Again, I'm here to transfer any  
2                    information I need to to my client.

3                    MS. HAWKINS:  If I could just speak  
4                    here.  We did thoroughly explore all  
5                    those issues during the two day hearing.  
6                    Certainly, the issue with the restraining  
7                    order was explore extensively, and Mr.  
8                    Curl made his recommendation after  
9                    hearing all of the facts about that  
10                    restraining order and when it was in  
11                    effect, and, as Mr. Booth has just told  
12                    you, Mr. Burke was qualified as an  
13                    expert.  He is a professional engineer.  
14                    He testified that a lot of what he used  
15                    the photos for was to -- for example, if  
16                    he saw deflection in a floor, he would  
17                    find those photos, and what he saw in the  
18                    photos of the foundation and framing just  
19                    backed up what he saw in the finished  
20                    house, and those photos were properly  
21                    authenticated and entered into evidence.  
22                    So, I don't think that that could be any  
23                    basis for changing the sanction,  
24                    recommendations that were given to you by  
25                    Mr. Curl.  Thank you.

1 MR. BAILEY: Mr. Chairman, just for  
2 the benefit of Ms. Hawkins and Mr. Booth,  
3 that was two days of testimony, and of  
4 course I've got the transcript right  
5 here. That's basically for us  
6 Commissioners it is the same thing as  
7 sitting in this room hearing that case.  
8 Some of the demeanor of the Homeowner or  
9 the Builders we can't determine, because  
10 we don't -- but other words clean  
11 testimony, and if none of the other  
12 Commissioners have anything, I'm ready to  
13 make a Motion that we uphold the Hearing  
14 Officer's recommendations.

15 MR. CLARK: Second the Motion.

16 MR. WILLIAMS: Okay. I have a  
17 Motion and we have a Second. Any further  
18 discussion?

19 (Whereupon, the Motion was carried  
20 unanimously)

21 MR. WILLIAMS: All right.

22 MR. BOOTH: Just a point of inquiry,  
23 I understand there will be a Final Order  
24 issued, and therefore he's got seven days  
25 to return his pocket card and then the

1 fine would be also part of the Final  
2 Order. That's my understanding of that.

3 MR. SAXON: But he doesn't have to  
4 comply with any of that until he gets the  
5 Final Order.

6 MR. BOOTH: Yeah, exactly. That's  
7 what I was trying to say. Just wanted to  
8 make sure I understood that. Thank you.

9 MR. WILLIAMS: Willie Ashford?

10 MR. SAXON: Is Mr. Ashford here?

11 MS. LEWIS: Mr. Ashford was here,  
12 but he had to leave. His daughter  
13 brought him, and she had to get to work.  
14 So, I explained the process to him, and  
15 that we would forward with his Final  
16 Order Hearing. So, they understood that.

17 MR. SAXON: And I will note for the  
18 record there was no request made for a  
19 Continuance. Is that right?

20 MS. LEWIS: Well, there was a  
21 request to me, and I said we would move  
22 forward, and they said -- when I  
23 explained what was going on, they said  
24 okay.

25 MR. SAXON: So, they did make a

1 request for Continuance of you?

2 MS. LEWIS: That's correct, and I  
3 said ---

4 MR. SAXON: You did not bring that  
5 to my attention or the Board  
6 Commissioners?

7 MS. LEWIS: No.

8 MR. SAXON: May I ask why?

9 MS. LEWIS: Well, they kind of  
10 withdrew it after I ---

11 MR. SAXON: Okay, got it.

12 MS. LEWIS: And when I explained the  
13 process to them, and I went through the  
14 recommendations with them. So, they  
15 understood that the Board was going to  
16 review these recommendations.

17 MR. SAXON: Okay.

18 MS. LEWIS: And they were like,  
19 okay, that will be fine. So, that's --  
20 and they were not represented by an  
21 attorney.

22 MR. DAVIS: And who is she?

23 MS. LEWIS: I'm Georgia Lewis. I  
24 apologize. Christa Bell is in a meeting.  
25 So, I'm attending in her stead, and what

1 we have here is a recommendation from the  
2 Hearing Officer for the hearing that was  
3 held August 31st, 2011. The Conclusions  
4 of Law were that he violated 40-1-110f,  
5 40-1-110g, and this is on page two,  
6 three, and then number four 40-59-110,  
7 40-59-240d, and really in a nutshell he  
8 did not have a bond for an amount greater  
9 than five thousand dollars. He was a  
10 residential specialty contractor in  
11 contracting, carpentry, and vinyl and  
12 aluminum siding. It was determined that  
13 it was for an amount over five thousand  
14 dollars. He did not obtain a bond. He  
15 did not make sure that a permit was  
16 pulled, and there was an abandonment of  
17 the project, and there was some  
18 substandard work determined, and the  
19 State at this time would ask that the  
20 Board accept the recommendation of the  
21 Hearing Officer. The only thing would be  
22 in -- which was a public reprimand, pay a  
23 fine of seven hundred and fifty dollars,  
24 that the Respondent shall obtain a bond,  
25 and that prior to reinstatement the



1 Respondent shall appear before the  
2 Commission, and answer for his  
3 negligence, incompetence, or misconduct  
4 in this. His license has lapsed at this  
5 time, and that the Respondent's  
6 registration shall not be renewed until  
7 he requires with the requirements in two,  
8 three, and four of this recommendation,  
9 and the only thing I would ask is that  
10 there be a clarification that he shall  
11 obtain a bond, and from the review of the  
12 record and my understanding from Ms. Bell  
13 that he would be required to obtain a  
14 bond regardless of the amount of the  
15 project.

16 MR. SAXON: That's what the Hearing  
17 Officer intended, yes. It is not  
18 normally required for him, but it was  
19 thought he ought to have one.

20 MS. LEWIS: This gentlemen is a  
21 little bit older. So, we might want just  
22 to spell that out a little bit more so  
23 that they would understand that it will  
24 be a requirement for him regardless of  
25 the amount of the project.

1 MR. BAILEY: Motion to uphold the  
2 Hearing Officer's recommendation.

3 MR. DOWD: Second.

4 MR. WILLIAMS: We have a Motion and  
5 we have a Second on the table.

6 (Whereupon, the Motion was carried  
7 unanimately)

8 MR. WILLIAMS: Motion has been  
9 approved. Thank you.

10 MS. LEWIS: Thank you.

11 MR. WILLIAMS: Last one is Remy  
12 Simoneaux.

13 MR. SAXON: Is Mr. Simoneaux here?

14 MS. LEWIS: No, he's not.

15 MR. WILLIAMS: Do I have a Motion we  
16 approve the Hearing Officer's  
17 Recommendation?

18 MR. DAVIS: So Move.

19 MR. WILLIAMS: We have a Motion on  
20 the table.

21 MR. CLARK: Second.

22 MR. WILLIAMS: We have a Second.

23 (Whereupon, the Motion was carried  
24 unanimately)

25 MS. LEWIS: Oh, I do have the OGC

1 Case report. Would like for me to  
2 provide that to you?

3 MR. SAXON: It is up to the Board.

4 MR. WILLIAMS: No, I think we are  
5 okay, because that's just a break down.

6 MS. LEWIS: This is the case load  
7 statistics.

8 MR. WILLIAMS: Yeah.

9 MS. LEWIS: It just wasn't on the  
10 agenda, and I didn't know if that was  
11 something that the Board ---

12 MR. SAXON: If it is not on the  
13 agenda, we can't take it up anyway.

14 MS. LEWIS: All right. Thank you.

15 MR. WILLIAMS: All right. We are  
16 going back to Approval of Administrator's  
17 Recommendations on Bond Claims. Joe  
18 Phillips?

19 MR. BAILEY: Motion to approve.

20 MR. ROBERTS: Second.

21 MR. WILLIAMS: We have a Motion and  
22 a Second.

23 MR. SAXON: Wait a minute, wait a  
24 minute. Is Mr. Phillips here?

25 MR. BAILEY: Rescind my Motion.

1 MS. HAWKINS: Good afternoon, I am  
2 Suzanne Hawkins for the State. I just  
3 want to -- I have not been involved in  
4 the bond issue on this case. I wanted to  
5 make sure y'all were clear on the  
6 posture of this case. This is an Order  
7 that was signed by Mr. Williams back in  
8 December of last year, the Disciplinary  
9 Order that is, and the provisions of that  
10 Order gave Mr. Phillips the option of  
11 engaging a qualified South Carolina  
12 licensed Residential Builder to make some  
13 repairs to bring the house up to code  
14 within ninety days of that Final Order.  
15 In April, at your April meeting, you  
16 heard from Mr. Moore and Ms. Derrick who  
17 are the attorneys for the Builder and the  
18 Homeowner. They agreed to give Mr.  
19 Phillips some additional time, until May,  
20 11th, and you all approved that, and now  
21 we are here in December again. I don't  
22 know the facts. I just wanted to give  
23 you sort of the groundwork, and Ms.  
24 Derrick is here for Homeowner and Mr.  
25 Moore is here for the Builder. They've

1           been in involved in this as the State has  
2           not. Obviously, what is in front of you  
3           is the recommendation for the bond claim,  
4           and I guess they will -- I believe the  
5           attorney for the bonding company is here  
6           as well. So, I'm going to turn it over  
7           to the folks who know what they are  
8           talking about.

9                       MR. MOORE: Mr. Chairman, I  
10           represent the home builder. Y'all were  
11           gracious enough due to some -- the extent  
12           of the work was being done was unable to  
13           be done in ninety days, because it was  
14           just so much of it. We got into, learned  
15           that there were some serious problems.  
16           My client has spent an excess of a  
17           hundred thousand dollars in fixing the  
18           home. The qualified home builder was  
19           retained by us to do the work is here  
20           today, Mr. Hamp Redmon. Mr. Redmon will  
21           basically -- is prepared to testified  
22           that the work which was ordered to be  
23           done has been done. There is an ongoing  
24           piece of litigation now where the  
25           Homeowner still is bringing an action for

1 damages. Mr. Phillips has liability  
2 insurance, and his liability insurance  
3 carrier is defending that action still  
4 notwithstanding the fact that the work  
5 from our standpoint has been done. I  
6 believe Mr. Redmond will tell you that  
7 the scope of the work as ordered was  
8 basically done in conjunction with the  
9 Lexington County Building Officials who  
10 have reviewed the work that has been  
11 done, and have basically indicated that  
12 everything has been done satisfactorily.  
13 It is our position that we appreciate  
14 very much the Commission becoming  
15 involved, allowing us access to the  
16 property to do the work. As you may  
17 recall, we weren't allowed to come on the  
18 property to fix it. We got access to the  
19 property to fix it. The building  
20 basically has been fixed. I understand  
21 that the Homeowner takes exception to  
22 that, but as far as we are concerned what  
23 has been done, and the person who know is  
24 going to be Mr. Redmond, and he's here.  
25 I guess he can speak for himself.

1                   MR. SAXON: Well, actually, it has  
2                   to be done to the Commission's  
3                   satisfaction ---

4                   MR. MOORE: Sure.

5                   MR. SAXON: --- by Mr. Phillips  
6                   having called on the Board to send one of  
7                   its inspectors out to see whether it  
8                   meets the Commission's standards. Has  
9                   that been done?

10                  MR. MOORE: And Counsel, that to my  
11                  knowledge has not been done. My  
12                  understanding is, and again this may be a  
13                  miscommunication. My understanding is  
14                  that we basically had been instructed to  
15                  work with the Lexington County Building  
16                  Officials. What I would ask, and I think  
17                  it is a very reasonable request is to --  
18                  let's send an inspector out, and let's  
19                  see if we have done what we say we've  
20                  done. The -- and if we have, I don't see  
21                  how we could be required make good on a  
22                  bond if we have done the work too.

23                  MR. SAXON: Well, the process is  
24                  that once someone is given permission to  
25                  finish work or correct work, it's that

1 person's responsibility to let the Board  
2 know within fifteen days of having  
3 completed the work that it has been  
4 completed so that the Commission can send  
5 one of its inspectors there to see  
6 whether it has been done according to  
7 standards and codes.

8 MR. MOORE: And what we probably  
9 made a mistake in doing is that we had  
10 Lexington County come and do the  
11 inspection instead of the Commission, and  
12 if that is the case, that is an oversight  
13 on our part, but Lexington County has  
14 inspected it. I would just ask you send  
15 somebody out. I would also advise that  
16 there was fifteen thousand dollars that  
17 was being held in escrow pursuant to the  
18 closing to cover the repairs, and my  
19 understanding is those funds have also  
20 been turned over to the Homeowner since  
21 the last time we were here. So, if I  
22 could simply ask that we be given the  
23 opportunity to have an inspector go out  
24 take a look to ensure that we've done  
25 what we were supposed to do. The only



1           thing I know that was not done that was  
2           ordered to have been done is we were  
3           ordered to in effect -- or to fix a beam,  
4           a pole, that basically sits in the  
5           underside of the house. There was some  
6           discussion about whether that should be  
7           cut out or not. Mr. Redmond discussed  
8           that with the Building Officials of  
9           Lexington County, and the concept was  
10          that that would not be a good idea,  
11          because that might compromise the  
12          structural integrity of the house. So,  
13          that's the only I know that was not done  
14          that was ordered, but Mr. Redmond is here  
15          and can certainly meet with anybody. So,  
16          all I'd ask you to do is to -- if it was  
17          oversight on our part not to have given  
18          official notification to the Board  
19          instead of telling the Building Official,  
20          we can send somebody out and take a look.  
21          If the house is not right, take our bond,  
22          but if the house is right we think that  
23          we are pretty where we should be. Thank  
24          you, Mr. Commissioner.

25                   MR. WILLIAMS: Sure.

1 MR. SAXON: Mr. Moore, is this Joe  
2 Phillips, Senior or Junior?

3 MR. MOORE: Senior.

4 MR. SAXON: Bear with me just a  
5 minute.

6 MR. MOORE: Sure.

7 MR. WILLIAMS: Counsel has asked  
8 that we go into Executive Session.

9 MR. SAXON: May we ask who you are?

10 MS. DERRICK: I'm Jean Derrick. I'm  
11 a lawyer from the Homeowner, and there is  
12 some serious misstatements of fact made  
13 to the Board. I'm prepared to correct  
14 them.

15 MR. SAXON: Well, unfortunately, the  
16 Homeowner is not a party here. So, the  
17 Homeowner does not get an opportunity to  
18 present. The parties to the case are the  
19 State of South Carolina and the licensee.  
20 So, we don't generally allow the  
21 Homeowner participation in these  
22 hearings.

23 MS. DERRICK: Ms. Hawkins mentioned  
24 that she hadn't been familiar with the  
25 facts of the case. I have.

1 MS. HAWKINS: Exactly. That's why I  
2 said in my intro I haven't gotten  
3 information about this since probably the  
4 spring. So, I was hoping that you would  
5 hear from both sides as to the facts of  
6 the compliance of the Order, because  
7 otherwise you are only going to get it  
8 from one side.

9 MR. SAXON: Well, I think the  
10 problem of the Commission ---

11 MS. HAWKINS: Perhaps the Homeowner  
12 could respond to ---

13 MR. SAXON: Well, I think the  
14 problem, the primary problem here is that  
15 there has not been an inspection by  
16 someone from the Commission. The  
17 licensee doesn't have to please the  
18 Homeowner, or Lexington County, or  
19 anybody but the Commission's inspector,  
20 and it appears that has not been done  
21 yet. So ---

22 MS. HAWKINS: Well, the argument  
23 could be made that if there were -- the  
24 timeline for compliance for ninety days.

25 MR. SAXON: Yes.

1 MS. HAWKINS: But that contact to  
2 the Commission to say that the work is  
3 complete and that the inspector should go  
4 out, should have done -- should have done  
5 during that ninety days.

6 MR. SAXON: That's correct.

7 MS. HAWKINS: Or at least shortly  
8 thereafter.

9 MR. SAXON: Well, within fifteen  
10 days of that ninety day period, yes.

11 MS. HAWKINS: If that's the only  
12 issue you are going to go into, then I  
13 think that's reasonable. I didn't know  
14 whether you were going to talk about they  
15 made repairs or not, then obviously you  
16 would want to hear from the Homeowner on  
17 that point. If you are not going to  
18 reach that, then ---

19 MR. SAXON: All right. Let's go --  
20 ma'am, we will hear from you, but the  
21 Chairman has said that we do need to go  
22 into a brief Executive Session to discuss  
23 some other matters. If you will, hang  
24 around for a second.

25 MS. DERRICK: Certainly.

1 MR. SAXON: Normally the Commission  
2 leaves and let's the gallery stay during  
3 Executive Session. We need my computer  
4 at this point. So, we do need the  
5 gallery to leave.

6 MR. WILLIAMS: Do we have a Motion  
7 we go into Executive Session?

8 MR. BAILEY: A Motion we go into  
9 Executive Session.

10 MR. DOWD: Second.

11 (Whereupon, the Motion was carried  
12 unanimously)

13 (Whereupon, the Board went into  
14 Executive Session)

15 MR. WILLIAMS: All right. This  
16 meeting is back to order. Do I have a  
17 Motion we come out of Executive Session?

18 MR. CLARK: So moved.

19 MR. ROBERTS: Second.

20 MR. WILLIAMS: We have a Motion and  
21 we have a Second.

22 (Whereupon, the Motion was carried  
23 unanimously)

24 (Whereupon, the Board came back into  
25 Open Session)

1 MR. WILLIAMS: All right, Ms.

2 Derrick?

3 MS. DERRICK: Thank you very much.

4 I'm Jean Perrin Derrick. I appreciate  
5 very much the opportunity to address a  
6 very few brief remarks to this Commission  
7 about this situation. I represent Tim  
8 and Cynthia Comose, who are the  
9 Homeowners here. They have been four and  
10 a half years in a nightmare with their  
11 five children in a leaky, substandard  
12 house, and I'm asking the Commission  
13 today to Order the fifteen thousand  
14 dollar bond be forfeited so that they can  
15 take that little dab of money and start  
16 making some of the remaining repairs that  
17 need to be done on their house. What is  
18 before the Commission today, I will  
19 certainly agree with Counsel Hawkins, is  
20 simply enforcement of this Commission's  
21 Final Order issued a year ago, December  
22 8, 2010. That Order is a road map. All  
23 the answers are in that Order. We don't  
24 have to go outside the boundaries of that  
25 Order. It says that he's disciplined,

1                   publically reprimanded. We're going to  
2                   proceed against the bond. He's got the  
3                   option within ninety days to try to fix  
4                   the numerated code deficiencies noted by  
5                   the Building Inspector and the engineer.  
6                   They are all set forth in the Order. If  
7                   he doesn't do that, then that's fine. If  
8                   he wants to reinstate his bond, he needs  
9                   to take certain courses and so forth.  
10                  Basically, he never fixed the house. It  
11                  is preposterous for Jake Moore to get up  
12                  here, he's a good lawyer. He's a friend  
13                  of mine, but it is preposterous for him  
14                  to say that this house is fixed. There  
15                  are numerous problems remaining with the  
16                  house that are required to be fixed, code  
17                  violations that are not fixed. You have  
18                  before you, I would hope, the Affidavit  
19                  of Tim Comose dated September 20th, 2011  
20                  as well as the Affidavit, Mitch  
21                  McCullough, who is a licensed builder,  
22                  License Number 19114, and he's got four  
23                  items here that need to be fixed and a  
24                  repair estimate that relate -- all of  
25                  which relate to the items set forth in

1 the Order that need to be repaired.  
2 Actually, these aren't all of them, but  
3 they are enough. They come up to twenty-  
4 five thousand eighty dollars. There is  
5 another big item of twenty-four thousand  
6 one hundred and ninety-two dollars that  
7 Mr. McCullough has given us an estimate  
8 for to fix the basement which still  
9 leaks. It rained real hard all day two  
10 weeks ago on Monday. I'm sure y'all will  
11 remember that, because we need the rain.  
12 The basement leaked in three places. It  
13 is an ongoing problem. So, this Home  
14 builder (sic) needs this money to give to  
15 Mr. McCullough to begin making some of  
16 these changes. I don't know what Mr.  
17 Moore is talking about, about a Lexington  
18 County Building Official. Ain't nobody  
19 been out there to my knowledge. I've not  
20 spoken to anybody. I've not seen any  
21 reports. I've not seen an correspondence  
22 since we were here before the Commission  
23 in May. We did agree in good faith --  
24 the Homeowner did agree to allow Mr. Hamp  
25 Redmond another thirty days to try to



1 finish this work. He, to my personal  
2 knowledge, came out and worked about  
3 another two weeks, left in June before  
4 the thirty days ran out, didn't say  
5 goodbye, didn't say I'm gone, didn't say  
6 I'm never coming back. He just left and  
7 didn't come back. He's still got  
8 equipment sitting around the site. He  
9 just abandoned the job. I would ask that  
10 you clear the bond forfeit the -- let the  
11 Homeowner have the money and start fixing  
12 this house. Mr. Moore referenced certain  
13 other civil proceedings for damages  
14 against the contractor, absolutely. You  
15 know, I wish this Commission could fix  
16 all the problems, but you were confined  
17 to code violations and not the building  
18 contract with workmanship standard.  
19 There are numerous other problems with  
20 this house, but I'm here today on just  
21 the code violations. The Civil Justice  
22 System and the insurance company  
23 hopefully will help the Homeowner on the  
24 rest of the problems, but we would like  
25 the bond today. Thank you.

1 MR. SAXON: The Commission Chair is  
2 kindly allowed me to ask a question, and  
3 I'll ask it of either you, Ms. Derrick,  
4 or you, Mr. Moore. Who was the approved  
5 licensed residential builder who went in  
6 to fix these items?

7 MR. MOORE: Mr. Redmond, and he is  
8 here, and he is happy to answer any  
9 questions.

10 MR. SAXON: When did the Commission  
11 give its approval for him to be the  
12 person to do this?

13 MR. MOORE: We had several different  
14 people that we basically had proposed as  
15 agreeable. They were all licensed  
16 homebuilders. The Homeowner said no, and  
17 we can understand why the Homeowner said  
18 no to those people. It's ---

19 MR. SAXON: Well, it is not up to  
20 the Homeowner. When were they presented  
21 to the Commission for approval?

22 MR. MOORE: The Commission basically  
23 approved -- my understanding is, the  
24 Commission approved with the consent of  
25 the Homeowner Mr. Redmond do the work,

1 and he did. I can't tell you when that  
2 was done. I just know it was done.

3 MR. DILLARD: Can I ask Ms.  
4 Baumberger a question?

5 MR. WILLIAMS: Yes.

6 MR. DILLARD: Did we approve the  
7 contractor to do the work?

8 MS. BAUMBERGER: Not to my knowledge  
9 not unless it was done before I came  
10 here.

11 MR. SAXON: Mr. Moore, do you know  
12 who gave that approval?

13 MR. MOORE: I really don't. I just  
14 know that we were in discussions with the  
15 Homebuilder's Commission, and we had  
16 written a letter suggesting -- I tell  
17 you, we had written a letter suggesting  
18 Mr. Chris Phillips who is Joe Phillips  
19 son. The Homeowner objected to that, and  
20 that's fine, and then we basically wrote  
21 back and suggested Mr. Redmond, and my  
22 understanding is he was approved. Can I  
23 tell you who today, standing up here can  
24 I tell you approved it? No, I cannot  
25 tell you, but my understanding is that he

1 was the approved builder to do the work.  
2 I know that the Homeowner also consented  
3 for him to do the work.

4 MR. SAXON: Ms. Baumberger, is there  
5 any way for us to find out who approved  
6 Mr. Redmond if at all?

7 MS. BAUMBERGER: Christine would  
8 have received that.

9 MS. HAWKINS: I remember Mr. Moore  
10 writing me or calling me. I believe Stan  
11 was still -- Mr. Bowen was still the  
12 Administrator at that point, and I  
13 believe this was probably last or this  
14 January, February, something like that.  
15 It seems to me that I said I can't deal  
16 with it. You need to talk to the  
17 Administration. So, I would think Mr.  
18 Bowen or Ms. Driver probably would ---

19 MR. MOORE: I know we chatted about  
20 Mr. Redmond and the ultimate came back to  
21 me he is fine. Now, do I have anything  
22 in writing that says that, no, but I know  
23 we talked about Mr. Redmond, and  
24 eventually came back okay.

25 MR. SAXON: Well, I'm not arguing

1 with you it wasn't approved.

2 MR. MOORE: Sure, yeah, and it is --  
3 but the problem I've got is do I have a  
4 technical written certification from the  
5 Commission saying ---

6 MR. SAXON: That wouldn't be  
7 required any way. So, don't worry about  
8 that. I'm just asking a ---

9 MR. MOORE: Yeah, he -- Mr. Redmond  
10 was ultimately given the go ahead to be  
11 the guy.

12 MR. SAXON: Okay. It is my  
13 understanding however that these  
14 corrections were not made within ninety  
15 days. Is that right?

16 MR. MOORE: They weren't. What  
17 basically happened was several things.  
18 A) It turned out that we had a bunch of  
19 rain, and we had more work than we  
20 originally had envisioned. We filed a  
21 Motion after consultation with your  
22 Counsel for the Commission. They  
23 basically said ---

24 MR. SAXON: And that was extended.  
25 Is that right?

1                   MR. MOORE: That was extended, and  
2                   thereafter the work was finished.

3                   MR. SAXON: When was the work  
4                   finished?

5                   MR. MOORE: You have to ask Mr.  
6                   Redmond, but it was done within a  
7                   relatively short period of time after we  
8                   came, and y'all graciously granted us  
9                   more time to do the work. We had -- we  
10                  wound up with one problem that -- that  
11                  caused a delay, and that was there is  
12                  some fancy tile that goes on these  
13                  outside porches, and Mr. Comose is in the  
14                  building business in that he supplies  
15                  tile to builders, and he was insisting  
16                  that he be the person to sell the tile to  
17                  us to put on the house, and the house  
18                  that was being asked for the tile was we  
19                  thought relatively high. We were able to  
20                  find the exact same tile cheaper, and we  
21                  wound up into a fuss about who was going  
22                  to supply the tile. Mr. Comose had  
23                  originally supplied the tile to the house  
24                  when it was put on, but we were going to  
25                  have to tear the tile off and put it back

1 on, and we found it cheaper, and we wound  
2 up in a situation where they wouldn't let  
3 us put the thing on until we got that  
4 resolved, and finally the Commission got  
5 involved or Lexington County got  
6 involved. Again, my mind is now failing  
7 on this, but it was ultimately determined  
8 that if we could get the tile at a  
9 cheaper source then we could get it. So,  
10 we did. The tile went on. The work -- I  
11 mean, Mr. Redmond is here. He can -- he  
12 can answer lots of those questions in  
13 regard to the specific time frames, what  
14 he did. My understanding is we've spent  
15 about a hundred thousand dollars on this  
16 house.

17 MR. SAXON: Well, what -- the  
18 information you've provided the  
19 Commission brings several questions.  
20 About the tile for instance, and I'm  
21 quoting directly from the Order, any  
22 agreed modifications, qualifications, or  
23 additions to these items must be note in  
24 writing and initialed by the Respondent,  
25 an approved residential builder, and the

1 Homeowner. Was that ever done?

2 MR. MOORE: I'm not sure I  
3 understand what you are asking.

4 MR. SAXON: Well, if there was a  
5 difference in the tile or anything else -  
6 --

7 MR. MOORE: There wasn't a  
8 difference in the tile. It was the same  
9 tile. We just got it from a different  
10 supplier, or at least ---

11 MR. SAXON: But if there is any kind  
12 of argument between the parties, and  
13 there could be a difference, then that  
14 has to be resolved in writing between the  
15 Respondent and the approved residential  
16 builder and the Homeowner.

17 MR. MOORE: All I can say is my  
18 understanding of that is that we use the  
19 Lexington County Building Official as the  
20 arbitrator, and they basically worked it  
21 out.

22 MR. SAXON: Well, let me ask you why  
23 that would be.

24 MR. MOORE: Well, we were under the  
25 understanding when we left the meeting,



1 and maybe we were wrongfully so, but that  
2 the work was supposed to be done in -- in  
3 consultation with the Building Officials  
4 from Lexington County.

5 MR. SAXON: Okay.

6 MR. MOORE: That was my  
7 understanding. Now, I may be wrong about  
8 that.

9 MR. SAXON: Yes, sir. You are, and  
10 I quote, the Respondent must verify the  
11 time and completion of all work with the  
12 Commission. Compliance of this Order  
13 shall not deemed complete until the  
14 Commission receives verification.  
15 Nothing in this mentions anything about  
16 Lexington County. On the contrary, it  
17 was Lexington County that probably issued  
18 the CO before all the problems and codes  
19 violations and standards violations were  
20 discovered.

21 MR. MOORE: Sure.

22 MR. SAXON: And it is pretty clear  
23 from the Order. Well, it is extremely  
24 clear without question that it has to be  
25 someone from this Commission to approve

1           whether the work is done properly or not,  
2           whether the codes have been met or not,  
3           not somebody from Lexington County or any  
4           other location.

5           MR. MOORE:   And Mr. Redmond would be  
6           the person who could tell you how the  
7           issue in regard to the tile was  
8           ultimately resolved, but, you know, to my  
9           knowledge, I just ask you to go out and  
10          look.  The work is done.  I mean even if  
11          we didn't -- even if we assume half a  
12          moment that the -- that there a question  
13          in regard of what has or has not been  
14          done, which I think there is, if the work  
15          was actually substantially done or done,  
16          we would not be in a bond forfeiture  
17          position.  We'd be in a position of what  
18          do we do in regard to the licensure.  Mr.  
19          Redmond is here to basically tell you the  
20          work has been done.  In addition to that,  
21          since the Order was issued we gave them  
22          fifteen thousand dollars which is the  
23          amount of the bond, and I believe, Ms.  
24          Derrick, I believe, will acknowledge that  
25          she got that fifteen thousand dollars,

1 and that fifteen thousand dollars was by  
2 agreement which is in this record  
3 designed to basically cover any damages  
4 in regard to the basement. They've got  
5 the fifteen thousand dollars.

6 MR. SAXON: Do you know when the  
7 Respondent notified the Commission of the  
8 completion of the work?

9 MR. MOORE: Again, Counsel, I don't  
10 think we ever formally notified the  
11 Commission of the completion of the work.  
12 Again, if that's an oversight on our  
13 part, then that is an oversight on our  
14 part.

15 MR. SAXON: Let me ask you this.  
16 Did the Respondent receive a copy of the  
17 Final Order?

18 MR. MOORE: Certainly we did.

19 MR. SAXON: Okay.

20 MR. DOWD: Can I ask a question?

21 MR. WILLIAMS: Okay.

22 MR. DOWD: Did they have to get  
23 another building permit to do the  
24 repairs?

25 MR. MOORE: No, sir. We were not

1 required to do that. I don't think so.

2 Yes, we were. Yes, we were. Yes, we  
3 were.

4 MR. DOWD: All right. So,  
5 therefore, that's probably why -- I can  
6 see a little bit why he got the Building  
7 Official back involved again, because I'm  
8 sure he had to come out to do the  
9 inspections.

10 MR. MOORE: Yes, sir.

11 MR. DOWD: Doesn't excuse you for  
12 not reading the Final Order.

13 MR. MOORE: Yes.

14 MR. DOWD: But what we've got right  
15 now is he, she said. So, I'm going to  
16 make a Motion. Whether it gets a Second  
17 or not is another question. To resolve  
18 this to our satisfaction, we need an  
19 inspector to go back out, and I'm going  
20 to make the Motion that we send an  
21 inspector back out to see if he did the  
22 things that are on the list, and I don't  
23 know, are you going to write another  
24 Order? Will you write another Order this  
25 time? You won't, okay, because I was

1 going to make sure he read it this time  
2 if you did.

3 MR. SAXON: Same one still in  
4 effect.

5 MR. DOWD: Same one is still in  
6 effect. Go back and read that Order  
7 again.

8 MR. MOORE: Yes, sir.

9 MR. DOWD: But we're going to send  
10 an inspector. I think we need to send an  
11 inspector out there to see what was done.

12 MR. SAXON: Is your Motion that we  
13 continue the question of the bond claim  
14 until our inspector goes out?

15 MR. DOWD: Correct.

16 MR. CLARK: I Second this Motion.

17 MR. WILLIAMS: All right. We have a  
18 Motion, and then we have a Second.  
19 Discussion?

20 MR. DILLARD: If it is set up for  
21 an inspector to go out, how much time are  
22 we looking at now? It seems like this  
23 Homeowner, who I think is sitting back  
24 there on that table, has been through a  
25 long time of trying to get his house

1 fixed

2 MR. SAXON: We can set a time line.

3 MR. DILLARD: I'd like there to be a  
4 time line in there for that.

5 MR. DOWD: I'll amend it to whatever  
6 you suggest.

7 MR. DAVIS: Do we have inspectors  
8 ready to go at the drop of a hat?

9 MR. SAXON: Mr. Lowe, can you give  
10 us an estimate of how long it will take  
11 to get an inspector out there with your  
12 current workload?

13 MR. LOWE: If I'm the one that is  
14 assigned, I can go most any time. I'd  
15 just have to look at the schedule.

16 MR. SAXON: Is it feasible to be  
17 done before the end of the year?

18 MR. DOWD: It ain't that far from  
19 Chapin. Is it?

20 MR. SAXON: Well, it depends on how  
21 many other inspections he's got.

22 MR. DOWD: You know, this one has  
23 been going on long enough that we have to  
24 shift somebody to get this done ---

25 MR. DILLARD: Yeah.

1 MR. LOWE: The 26th is a holiday.

2 MR. SAXON: Yes, sir.

3 MR. LOWE: So, the 27th, 28th, 29th,  
4 or the 30th would be okay with me.

5 MR. SAXON: You think it could be  
6 done?

7 MR. LOWE: Excuse me. They tell  
8 that the 27th is a holiday as well.

9 MR. SAXON: That's correct and the  
10 28th.

11 MR. LOWE: The 28th, 29th, and 30th  
12 would be fine.

13 MR. SAXON: The 28th is a holiday  
14 too. Is it not?

15 MR. DOWD: Wait a minute. If you  
16 can shift somebody to get this inspection  
17 done, would you do that please?

18 MR. SAXON: But you can do it by the  
19 end of the year?

20 MR. LOWE: Yes, sir. Correct.

21 MR. SAXON: Okay. There we go.

22 MR. DOWD: Okay.

23 MR. DILLARD: Is that okay with you?

24 MR. DOWD: I'll make that Motion to  
25 say that we need to have this done by the

1 end of the year, send an inspector out by  
2 the end of the year.

3 MR. SAXON: And report back to the  
4 Commission.

5 MR. DOWD: Correct.

6 MR. DAVIS: I Second.

7 MR. CLARK: You are talking about  
8 the year 2011?

9 MR. DOWD: Yes, yes, 2011.

10 MR. BAILEY: And that would be on  
11 our schedule for the January meeting.

12 MR. DOWD: I don't see any reason it  
13 couldn't be back.

14 MR. SAXON: Ms. Baumberger, would  
15 there be a problem with putting that on  
16 the agenda for the January meeting?

17 MR. WILLIAMS: We've got a Motion,  
18 and we've got a Second. Any further  
19 discussion?

20 (Whereupon, the Motion was carried  
21 unanimously)

22 MR. MOORE: Thank you very much, Mr.  
23 Commissioner.

24 MR. WILLIAMS: Jerald Dominic?

25 MR. SAXON: Mr. Dominic?



1 MR. WILLIAMS: Do I have a Motion we  
2 approve the bond claim?

3 MR. DAVIS: Second. Approve, I  
4 thought you said you did.

5 MR. CLARK: Second.

6 (Whereupon, the Motion was carried  
7 unanimately)

8 MR. WILLIAMS: Earl Brown, Jr.?

9 MR. SAXON: Calling Mr. Brown.

10 MR. WILLIAMS: Do I have a Motion we  
11 approve the claim?

12 MR. ROBERTS: Motion to approve.

13 MR. BAILEY: Second

14 MR. WILLIAMS: We have a Motion.  
15 We've got a Second.

16 (Whereupon, the Motion was carried  
17 unanimately)

18 MR. WILLIAMS: Victor Scoggins?

19 MR. SAXON: Calling Mr. Scoggins.

20 MR. WILLIAMS: Do I have a Motion we  
21 approve the bond claim?

22 MR. DAVIS: I shall make a Motion to  
23 approve that.

24 MR. ROBERTS: Second.

25 MR. WILLIAMS: We have a Motion on

1 the table and a Second.

2 (Whereupon, the Motion was carried  
3 unanimately)

4 MR. WILLIAMS: All right, any public  
5 comments?

6 MR. ROBERTS: Janet, what has been  
7 the status of your Cease and Desist  
8 Orders? How has that gone?

9 MS. BAUMBERGER: They are not  
10 totally completed yet.

11 MR. ROBERTS: They have not been  
12 mailed yet?

13 MS. BAUMBERGER: No, they should be  
14 mailed out -- I think they were finishing  
15 up listing out everything on the --  
16 provide a list with everything, the  
17 number, the address, the name and  
18 everything, hopefully by Friday, maybe  
19 Monday at the latest.

20 MR. ROBERTS: All right. Motion to  
21 adjourn.

22 MR. WILLIAMS: We have a Motion.

23 MR. DOWD: Second.

24 (Whereupon, the Motion was carried  
25 unanimately)

1 1

(Whereupon, the Meeting was

2 2

adjourned at 12:55 p.m.)

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CERTIFICATE OF REPORTER

I, Janice Dunkin, a Notary Public for the State of South Carolina, do hereby certify that I reported the foregoing proceedings at the time and place herein designated and that the foregoing pages, are a true, accurate and correct transcript of the aforesaid proceedings.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor relative or employee of such attorney or counsel, nor in anyway interested in the event of said cause.

In witness my hand and official seal this the 26th day of December, 2011, York, South Carolina, State of South Carolina.

Janice Dunkin  
Court Reporter/Notary Public

My Commission Expires:  
9-7-2014