

RESIDENTIAL BUILDERS COMMISSION  
Synergy Business Park  
110 Centerview Drive Kingstree Building, Room 108  
Columbia, South Carolina 29210  
Wednesday, February 13, 2013

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

**Called To Order:**

Derrick G. Williams, Chairman called the regular meeting of the Residential Builders Commission to order at 10:06 a.m. Other members present for the meeting included: Frank Clark; Tim Roberts; and Al Bailey; Hal Dillard.

Derrick G. Williams, Chairman, announced that public notice of the meeting was properly posted on the bulletin boards at the main entrance of the Kingstree Building and by notice mailed to all requesting person, organizations and news media in accordance with §30-4-80 of the South Carolina Freedom of Information Act.

**Approval of Agenda:**

**MOTION:**

Mr. Roberts made a motion to approve the February 13, 2013 Residential Builders Commission Meeting Agenda. Mr. Clark seconded the motion, which carried unanimously.

**Approval of Minutes for the January 9, 2013 Meeting:**

**MOTION:**

Mr. Clark made a motion to approve the January 9, 2013 meeting minutes. Mr. Bailey seconded the motion, which carried unanimously.

**Approval /Disapproval of Absent Members:**

Mr. Bailey made a motion to approve the absence of Caleb Davis and Brian Dowd from the February 13<sup>th</sup> meeting. Mr. Clark seconded the motion, which carried unanimously.

**Chairman's Remarks:**

*Derrick Williams*

There were no remarks made.

**Approval of Owner Builder Exemption:**

Mr. Bailey made a motion to approve Mr. and Mrs. Josh Keller to sale/rent their home, but they must disclose the Owner Builder Exemption. Mr. Clark seconded the motion, which carried unanimously.

**Application Reviews:**

*Mr. John Smith*

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

**MOTION:**

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

**MOTION:**

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

**MOTION:**

Mr. Bailey made a motion to allow Mr. Smith to get his license. Mr. Dillard seconded the motion, which carried unanimously.

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

*Mr. Justin Kelly*

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

**MOTION:**

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

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

*Mr. Michael Harper*

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

**MOTION:**

Mr. Roberts made a motion to allow Mr. Harper to get his license, but must have a bond at all times. Mr. Bailey seconded the motion, which carried unanimously.

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

*Mr. Marlow Butler*

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

**MOTION:**

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

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

*Mr. Paul Sooy*

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

**MOTION:**

Mr. Dillard made a motion to approve Mr. Sooy to get his license. Mr. Roberts seconded the motion, which carried unanimously.

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

**Motion for Reinstatement:**

*Mr. J. Michael Wilkes*

The Commission held an Application Review Hearing regarding Mr. J. Michael Wilkes. Mr. Wilkes appeared before the Commission to present testimony with his Attorney, Mr. Jahue Moore

**MOTION:**

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

**MOTION:**

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

**MOTION:**

Mr. Bailey made a motion to allow Mr. Wilkes to reinstate his license, but must provide a payment plan with BB&T. Mr. Roberts seconded the motion, which carried unanimously.

**Non-Compliance with previous Board Order:**

*Mr. Scott Bashor*

**MOTION:**

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

**MOTION:**

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

**MOTION:**

Mr. Roberts made a motion for Mr. Bashor to stay in compliance. Mr. Bailey seconded the motion, which carried unanimously.

**Approval of Administrators Report and Recommendation:**

*Mr. James Heffernan, Case #2010-653*

The Board held a Final Hearing regarding Mr. James Heffernan.

**MOTION:**

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

**Approval of Hearing Officer's Recommendation:**

*Mr. Jeffrey Johnston-Case #2012-26*

The Board held a Final Hearing regarding Mr. Jeffrey Johnston.

**MOTION:**

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

*Mr. Jimmy Howe-Case#2011-483*

The Board held a Final Hearing regarding Mr. Jimmy Howe.

**MOTION:**

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

*Mr. Martin Black-Case#2011-414 and 2012-116*

The Board held a Final Hearing regarding Mr. Martin Blake.

**MOTION:**

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

*Mr. Christian Novellino-Case#2012-85*

The Board held a Final Hearing regarding Mr. Christian Novellino.

**MOTION:**

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

*Mr. Gary Turgeon-Case#2011-485*

The Board held a Final Hearing regarding Mr. Gary Turgeon.

**MOTION:**

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

**MOTION:**

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

**MOTION:**

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

**Administrator's Remarks:**

*Janet Baumberger*

Janet Baumberger presented commission with information on the Exam Waiver Agreement request from Georgia.

**MOTION:**

Mr. Clark made a motion to get more information. Mr. Roberts seconded the motion, which carried unanimously.

Janet Baumberger asked for clarification in the regards that the statute does not specify a timeframe for the 1 year experience.

**MOTION:**

Mr. Bailey made a motion that anything over 5 years experience must come in front of the board. Mr. Roberts seconded the motion, which carried unanimously.

Janet Baumberger presented commission with clarification of license required to pour sidewalks and driveway aprons. Gary Wiggins email from 2009 stated that you should only need a Residential Builders License to pour residential sidewalks and Driveways.

**MOTION:**

Mr. Bailey made a motion to uphold Gary Wiggins email that you only need a Residential Builders License. Mr. Dillard seconded the motion, which carried unanimously.

**OIE Report – Mr. Todd Bond:**

*Todd Bond, Chief Investigator of OIE*

Mr. Todd Bond, Chief Investigator of Office of Investigation, reported the number of investigations as of today:

**Complaints Received - 57**

**Active Investigations - 125**

**Closed Cases - 28**

**Recommendation of IRC:**

**MOTION:**

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

**IRC Resolution Guidelines:**

**MOTION:**

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

**Re-election of Officers for 2013:**

**MOTION:**

Mr. Clark made a motion to move reschedule election to when all members are present. Mr. Roberts seconded the motion, which carried unanimously.

**Public Comments:**

There were none

**Date of Next Meeting:**

The next Residential Builders Commission meeting will be held Wednesday, March 13, 2013 in room 108.

**Adjournment:**

Mr. Clark made a motion to adjourn the Residential Builders Commission Meeting. Mr. Bailey seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 1:40 p.m.

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