

RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park
110 Centerview Drive Kingstree Building, Room 108
Columbia, South Carolina 29210
Wednesday, May 9, 2012

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

Called To Order:

Derrick G. Williams, Chairman called the regular meeting of the Residential Builders Commission to order at 10:00 a.m. Other members present for the meeting included: Frank Clark; Caleb Davis; Hal Dillard; Brian Dowd; and Tim Roberts.

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

Staff members participating in the meeting included: Mr. Jamie Saxon, Advice Counsel; Christa Bell, Assistant General Counsel; Teresa Martin, Administrative Assistant; and Cathy Young, Court Reporter.

Approval of Agenda:

MOTION:

Mr. Bailey made a motion to approve the April 11, 2012 Residential Builders Commission Meeting Agenda. Mr. Roberts seconded the motion, which carried unanimously.

Approval of Minutes for the April 11, 2012 Meeting:

MOTION:

Mr. Dowd made a motion to approve the April 11, 2012 meeting minutes. Mr. Clark seconded the motion, which carried unanimously.

Approval /Disapproval of Absent Members:

Everyone Present

Chairman's Remarks:

Derrick Williams

There were no remarks made.

Administrator's Remarks:

Janet Baumberger

There were no remarks made.

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 - 145

Closed Cases - 14

Pending IRC - 16

Active Investigations - 91

Do Not Open Cases - 0

Pending Closure - 34

Old Business:

There was no Old Business presented.

Recommendation of IRC:

MOTION:

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

MOTION:

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

IRC Resolution Guidelines:

MOTION:

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

MOTION:

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

MOTION:

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

Disciplinary Hearing

Mr. Timothy Andrew Clark

MOTION:

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

MOTION:

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

MOTION:

Mr. Bailey made a motion to approve that Mr. Timothy Clark pay back Liens, Cease and Desist License, Commission must approve to reinstate License. Mr. Dowd seconded the motion, which carried unanimously.

Final Order Hearings:

Mr. Michael Lemmons-Case# 2011-231

The Board held a Final Order Hearing regarding Mr. Michael Lemmons.

MOTION:

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

Mr. Claude Kent Smith-Case#2011-185

The Board held a Final Order Hearing regarding Mr. Claude Kent Smith.

MOTION:

Mr. Roberts made a motion to approve the Hearing Officer's Recommendation regarding Mr. Claude Kent Smith. Mr. Dowd seconded the motion, which carried unanimously.

Mr. Jeffrey Johnston-Case#2011-222 & 2011-330

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

MOTION:

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

Mr. Louis Brown-Case#2010-240

The Board held a Final Order Hearing regarding Mr. Louis Brown.

MOTION:

Mr. Bailey made a motion to approve the Hearing Officer's Recommendation regarding Mr. Louis Brown. Mr. Roberts seconded the motion, which carried unanimously.

Mr. Walter Hendrix-Case#2011-36

The Board held a Final Order Hearing regarding Mr. Walter Hendrix.

MOTION:

Mr. Dowd made a motion to approve the Hearing Officer's Recommendation regarding Mr. Walter Hendrix. Mr. Dillard seconded the motion, which carried unanimously.

Mr. Joshua Eaton-Case# 2011-0062

The Board held a Final Order Hearing regarding Mr. Joshua Eaton.

MOTION:

Mr. Davis made a motion to approve the Hearing Officer's Recommendation regarding Mr. Joshua Eaton. 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.)

Application Reviews:

Mr. David Prange

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

MOTION:

Mr. Bailey made a motion to allow Mr. Prange to take the exam. 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. Samuel Brown

The Commission held an Application Review Hearing regarding Mr. Samuel Brown. Mr. Brown was not present. The Commission took no action.

Mr. Michael Blackburn

The Commission held an Application Review Hearing regarding Mr. Michael Blackburn. Mr. Blackburn appeared before the Commission to present testimony and was presented by counsel.

MOTION:

Mr. Bailey made a motion to approve Mr. Blackburn to satisfy his lien with Wells Fargo or show payments before he can take the exam. 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. Kenneth Pace

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

MOTION:

Mr. Dowd made a motion to approve Mr. Pace to get his Residential Specialty Contractor License. Mr. Davis seconded the motion, which carried unanimously.

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

Mr. Chancey Beckham

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

MOTION:

Mr. Dowd made a motion for Mr. Beckham to provide payment agreements and proof of payments for review. Mr. Davis seconded the motion, which carried unanimously.

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

Approval of Reinstatement of License

Mr. Jimmy Thornton-Case#2007-0181

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

MOTION:

Mr. Bailey made a motion to approve that Mr. Thornton pay the fine of \$5,000 and must re-take the exam. Mr. Dowd seconded the motion, which carried unanimously.

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

Mr. Dustin Rooke-License #17682

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

MOTION:

Mr. Dillard made a motion to approve Mr. Rooke to reapply to take the exam. Mr. Claek 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. Gregg Clay-License #21129

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

MOTION:

Mr. Davis made a motion to deny Mr. Clay's request. He needs to apply for a commercial license. Mr. Clark seconded the motion, which carried unanimously.

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

Mr. Kenneth Cheshier- License#10502

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

MOTION:

Mr. Bailey made a motion for Mr. Cheshier to show a payment plan towards liens. Mr. Clark seconded the motion, which carried unanimously.

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

Approval of Administrator’s Recommendation for Bond Claims:

Mr. William C. Mitchell – Case #2010-164

The Commission held a hearing to approve the Administrator’s Recommendations for a Bond Claim regarding Mr. William C. Mitchell.

MOTION:

Mr. Davis made a motion to approve the Administrators Recommendations for a Bond Claim regarding Mr. Terrah L. Carter for \$4,500.00 Mr. Bailey seconded the motion, which carried unanimously.

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

Mr. Michael K. Wilkerson. – Case #2011-309

The Commission held a hearing to approve the Administrators Recommendations for a Bond Claim regarding Mr. Michael K. Wilkerson.

MOTION:

Mr. Davis made a motion to approve the Administrators Recommendations for a Bond Claim regarding Mr. Don A. Farrell for \$6,569.00 Mr. Dowd seconded the motion, which carried unanimously.

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

Approval of Payment Schedule:

Mr. Anthony Roper-Case# 2011-0018

The Commission held an payment schedule approval Hearing regarding Mr. Anthony Roper. Mr. Roper was not present.

MOTION:

Mr. Dowd made a motion to deny payment schedule. Mr. Davis seconded the motion, which carried unanimously.

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

Public Comments:

There were several public comments .

Date of Next Meeting:

The next Residential Builders Commission meeting will be held Wednesday, June 13, 2012 in room 108.

Adjournment:

Mr. Roberts made a motion to adjourn the Residential Builders Commission Meeting. Mr. Clark seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 1:35 p.m.

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