

RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park
110 Centerview Drive Kingstree Building, Room 108
Columbia, South Carolina 29210
Wednesday, November 4, 2015

NOTE: These minutes are a record of the motion and official actions taken by the Board and brief summary of the meeting.

Called To Order:

Tim Roberts, Chairman called the regular meeting of the Residential Builders Commission to order at 10:00 a.m. Other members present for the meeting included: Al Bailey, Christy Rhyne, Frank Clark, Bryan Dowd and Harry Dill.

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

Approval of Agenda:

MOTION:

Mr. Clark made a motion to approve the November 4, 2015 Residential Builders Commission Meeting Agenda. Ms. Rhyne seconded the motion, which carried unanimously.

Approval of Minutes for the October 14th, 2015 Meeting:

MOTION:

Mr. Bailey made a motion to approve the minutes for October 14th meetings. Mr. Clark seconded the motion, which carried unanimously.

Approval/Disapproval of Absent Members:

MOTION:

Mr. Dowd made a motion to approve the excused absences for Mr. Hal Dillard and Monte Lemmon; Ms. Rhyne seconded the motion, which carried unanimously.

Chairman's Remarks:

Timothy Roberts- chairman

Mr. Roberts, Chairman reminded everyone that this meeting is being recorded and asked that everyone please clearly. Additionally, he advised all applicants and licensees to direct their questions to the chairman of the board.

Application Reviews:

Douglas Jeffcoat

The Commission held an Application Review Hearing regarding Mr. Douglas Jeffcoat. Mr. Jeffcoat appeared before the Commission to present testimony, along with a witness Mr. James Edwards and he waived his right to counsel.

MOTION:

Mr. Dill made a motion to approve Mr. Jeffcoat's specialty registration. Ms. Rhyne seconded the motion, which carried unanimously.

Christopher Lytle

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

MOTION:

Mr. Dill made a motion to allow Mr. Lytle to sit for the exam. Mr. Bailey seconded the motion, which carried unanimously.

Malinda Antwine

The Commission held an Application Review Hearing regarding Malinda Antwine. Ms. Antwine appeared before the Commission to present testimony, along with a witness and waived her right to counsel.

MOTION:

Mr. Dowd made a motion to approved Ms. Antwine's Specialty Registration with the conditions that she carry a five thousand dollar bond and provide a New SLED report at next renewal. Ms. Rhyne seconded the motion, which carried unanimously.

Mark Dweck

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

MOTION:

No motions were made.

Casey Craft

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

MOTION:

Mr. Bailey made a motion to allow Mr. Craft to sit for the exam. Mr. Dowd seconded the Motion, which carried unanimously.

Brett Glover

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

MOTION:

No motions were made.

Daniel Reed

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

MOTION:

Mr. Bailey made a motion to allow him to sit for the Exam. Ms. Rhyne seconded the motion, which carried unanimously.

John Sumbera III

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

MOTION:

Mr. Bailey made a motion to deny based on lack of hands on experience. Mr. Dowd seconded the motion which carried unanimously.

Scott Fornshell

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

MOTION:

Mr. Bailey made a motion to allow Mr. Fornshell to sit for the exam. Ms. Rhyne seconded the motion, which carried unanimously.

Barry Smith

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

MOTION:

Mr. Bailey made a motion to allow Mr. Smith to sit for the exam. Ms. Rhyne seconded the motion, which did not carry unanimously. Mr. Dowd opposed.

Jahmalar Sanders

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

MOTION:

Mr. Dill made a motion to allow Mr. Sanders to sit for the exam. Ms. Rhyne seconded the motion which carried unanimously.

Jason Price

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

MOTION:

Mr. Bailey made a motion to approve the Specialty registration for Mr. Price. Mr. Dowd seconded the motion, which carried unanimously.

Christopher Yohman

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

MOTION:

Mr. Dowd made a motion to deny Mr. Yohman at this time. Mr. Bailey seconded the motion which carried unanimously.

Joshua Goss

The Commission held an application review hearing regarding Joshua Goss. Mr. Goss did not appear before the commission to present testimony.

MOTION:

No motions were made.

Michael Pisaniello

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

MOTION:

Mr. Dowd made a motion to enter into executive session for legal advice regarding the application of Mr. Pisaniello. Ms. Rhyne seconded the motion which carried unanimously.

MOTION:

Mr. Dowd made a motion to exit executive session after receiving legal advice regarding the application of Mr. Michael Pisaniello. Mr. Bailey seconded the motion which carried unanimously.

MOTION:

Mr. Bailey made a motion to allow Mr. Pisaniello to sit for the exam with the condition that he shall be required to notify the Commission if any criminal charges are instituted against him. Mr. Dowd seconded the motion which carried unanimously.

Matthew Rausch

The Commission held an application review hearing regarding Matthew Rausch. Mr. Rauch appeared before the commission to present testimony along with his witness Mr. James Outlaw and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to allow Mr. Rausch to renew his registration with the condition that he shall be required to notify the Commission of the status and/or resolution of criminal charges pending against him and will be required to re-appear before the full commission if the pending charges result in a criminal conviction. Mr. Dowd seconded the motion which carried unanimously.

Final Order Hearings:

C. Todd Usher Case# 2014-37

The Board held a Final Order hearing regarding Mr. C. Todd Usher. Mr. Bailey recused himself due to his service as the hearing officer in Mr. Usher's case.

MOTION:

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

Mr. Michael Rider case# 2013-347

The Board held a Final Order hearing regarding Mr. Michael Rider. Mr. Bailey recused himself due to his services as the hearing officer in Mr. Rider's case.

MOTION:

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

Mr. Dwight Cause Case# 2014-272

The Board held a Final Order hearing regarding Mr. Dwight Causey. Mr. Bailey recused himself due to his services as the hearing officer in Mr. Causey's case

MOTION:

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

Mr. Stephen Walters case# 2014-215

The Board held a Final Order hearing regarding Mr. Stephen Walters. Mr. Bailey recused himself due to his services as the hearing officer in Mr. Walters' case

MOTION:

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

Mr. Robert Guarino case# 2014-499

The Board held a Final Order hearing regarding Mr. Robert Guarino. Mr. Roberts recused himself due to his services as the hearing officer in Mr. Guarino's case. Mr. Guarino was present at the hearing.

MOTION:

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

Mr. Ronald Locklear Case# 2014-477

The Board held a Final Order hearing regarding Mr. Ronald Locklear. Mr. Roberts recused himself due to his services as the hearing officer in Mr. Locklear's case

MOTION:

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

Memorandum of Agreement:

Mr. Jerome Gregg Case# 2013-387

Mr. Jerome Gregg appeared before the Commission. Mr. Gregg was represented by Gray Finklea, Esq. Ms. Erin Baldwin, Esq. represented the State. Mr. Finklea and Mr. Gregg answered questions from the Commission. Ms. Baldwin requested that the Commission accept the Memorandum of Agreement. Mr. Dowd recused himself from the hearing,

MOTION:

Mr. Bailey made a motion to accept the Memorandum of Agreement. Respondent is fined a total of Five Hundred Dollars (\$500.00) for the two violations - Two hundred and fifty dollars (\$250.00) for violation of § 40-59-110 and Two hundred and fifty dollars (\$250.00) for violation of § 40-59-240, no letter of reprimand and must carry a Five thousand dollar bond (\$5,000.00) Mr. Dill seconded the motion, which carried unanimously.

Mr. Clark left the meeting at 1:30 pm.

Administrator's Remarks for Information:

Janet Baumberger, Administrator, presented the proposed regulation changes to the board. The board reviewed the proposed draft of the chapter 106 revisions and additions. They had discussion on the changes.

MOTION:

Mr. Dowd made a motion to send the Chapter 106 revisions over to the State Register for publishing. Mr. Bailey seconded the motion, which carried unanimously.

OIE Report – Mr. Todd Bond:

Todd Bond, Chief Investigator of OIE

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

Complaints Received – 640 **Active Investigations – 121**
Closed Cases – 725

New Business

A. Recommendations of IRC

MOTION:

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

B. Resolution Guidelines

MOTION:

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

Old Business:

None

Public Comments:

No public comments were made.

Date of Next Meeting:

The next Residential Builders Commission meeting will be held Wednesday, December 9th, 2015 in room 105.

Adjournment:

Ms. Rhyne made a motion to adjourn the Residential Builders Commission Meeting. Mr. Dowd seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 2:33 p.m.

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