

RESIDENTIAL BUILDERS COMMISSION  
Synergy Business Park  
110 Centerview Drive Kingstree Building, Room 108  
Columbia, South Carolina 29210  
Wednesday, October 12, 2011

**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 10:00 a.m. Other members present for the meeting included: Al Bailey; 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; Suzanne Hawkins, Assistant General Counsel; Christa Bell, Assistant General Counsel; Christine Driver, Administrative Assistant; Steve Deer; Investigation, Jerry Merritt, Investigation; Gregg Hembree, Investigations; Ronald Brewer, Investigation; Benjamin Page, Investigation, Roger Lowe, Investigation, and Jan Dunkin, Court Reporter.

Others present participating in the meeting included: Jeffery Waldon, Raymond Rivera, Cliff Hall, Jack Scoville, Michael Addison, Attila Lako, James Carter, Domenic Lepore, Chris Polk, Brian Donnelly, Gregg Caruso, and Darren Mason.

**Approval of Agenda:**

**MOTION:**

Mr. Clark made a motion to approve the October 12, 2011 Residential Builders Commission Meeting Agenda. Mr. Bailey seconded the motion, which carried unanimously.

**Approval of Minutes for the September 14, 2011 Meeting:**

**MOTION:**

Mr. Dowd made a motion to approve the September 14, 2011 meeting minutes. Mr. Roberts seconded the motion, which carried unanimously.

**Approval /Disapproval of Absent Members:**

All members were 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:

<b>Complaints Received - 521</b>	<b>Active Investigations - 175</b>
<b>Closed Cases - 163</b>	<b>Do Not Open Cases - 44</b>
<b>Pending IRC - 8</b>	<b>Pending Closure - 58</b>

**OGC – Mrs. Christa Bell:**

*Christa Bell*

Mrs. Christa Bell introduced Mr. Andrew Rogers the newest attorney with OGC. Mr. Rogers came to us from the Solicitor’s Office in Richland County where he prosecuted for approximately five years. We are glad to have him as part of the OGC team. Mr. Rogers will be working with the Residential Builders Commission, and Suzanne Hawkins will be moving to the Medical Boards.

Mrs. Christa Bell reported the number of complaints as of today:

<b>Open Complaints – 80</b>	<b>Cases Pending Actions – 51</b>
<b>Pending CA - 11</b>	<b>Pending Hearings – 10</b>
<b>Pending Final Order Hearings – 6</b>	<b>Pending Final Orders – 1</b>
<b>Closed – 261</b>	<b>Appeals - 1</b>

**Old Business:**

There was no Old Business presented.

**Recommendation of IRC:**

**MOTION:**

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

**IRC Resolution Guidelines:**

**MOTION:**

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

**Application Reviews:**

*Mr. Gregg Caruso*

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

**MOTION:**

Mr. Roberts made a motion to allow Mr. Caruso to reinstate his residential specialty contractors registration. 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. Jeffery Waldon*

The Commission held an Application Review Hearing regarding Mr. Jeffery Waldon. Mr. Waldon appeared before the Commission to present testimony and was represented by counsel Justin S. Byars,

**MOTION:**

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

**MOTION:**

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

**MOTION:**

Mr. Clark made a motion to deny Mr. Waldon's Residential Electrical License application until the case pending in Georgia is adjudicated. Mr. Davis seconded the motion, which carries unanimously.

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

*Mr. James B. Carter*

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

**MOTION:**

Mr. Bailey made a motion to approve Mr. Carter's Residential Specialty Contractors Registration. 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. Domenic Lepore*

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

**MOTION:**

Mr. Bailey made a motion to approve Mr. Lepore's Residential HVAC Renewal Application. 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. Richard Croley*

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

**MOTION:**

Mr. Bailey made a motion to allow Mr. Croley to sit for the residential builder's exam with conditions. Mr. Croley must provide to the Commission evidence of having satisfied outstanding judgments or

provide payment plan with creditors, and provide information regarding his corporation dissolution or any ongoing responsibility regarding the corporation's debts within ninety (90) days. 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. Eric F. Gutierrez*

The Commission held an Application Review Hearing regarding Mr. Eric F. Gutierrez. Mr. Gutierrez requested a continuance in this matter. The Commission took no action.

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

*Raymond J. Rivera*

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

**MOTION:**

Mr. Bailey made a motion to approve Mr. Rivera's Residential Specialty Contractors Application provided he obtains a surety bond in the amount of Five Thousand Dollars (\$5,000.00). His registration will be in a probationary status during the period of his criminal probation which ends in 2014. Should there be any criminal convictions and/or violations of the Commission's practice act or regulations during this period, the registration will be suspended indefinitely until further Order of the Commission. Mr. Roberts seconded the motion, which carried unanimously.

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*Robert B. Strickland, III*

The commission held an Application Review Hearing regarding Mr. Robert B. Strickland, III. Mr. Strickland appeared before the Commission to present testimony and was represented by Jack Scoville, Jr., Esquire.

**MOTION:**

Mr. Bailey made a motion to reinstate Mr. Strickland's residential builder's 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.)*

*Attila L. Lako*

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

**MOTION:**

Mr. Davis made a motion to approve Mr. Lako's Residential Specialty Contractor's Application provide he obtain a surety bond in the amount of Five Thousand Dollars (\$5,000.00) within ninety (90) days. Mr. Dowd seconded the motion, which carried with one opposed.

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

*Gary Thomas Wright, Sr.*

The commission held an Application Review Hearing regarding Mr. Gary Thomas Wright, Sr. Mr. Wright was not present. The Commission took no action.

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

*Christopher J. Polk*

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

**MOTION:**

Mr. Davis made a motion to reinstate Mr. Polk's Residential Builder License provide he obtains a surety bond in the amount of Fifteen Thousand Dollars (\$15,000.00). 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.)*

*Brian Donnelly*

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

**MOTION:**

Mr. Dowd made a motion to allow Mr. Donnelly to reinstate his Residential Builder's License upon passing the residential builders 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.)*

*Michael Addison*

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

**MOTION:**

Mr. Davis made a motion to deny Mr. Addison reinstatement of his Residential Builder's License until he can provide proof of satisfaction of judgments. 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.)*

*Darren K. Mason*

The Commission held an application Review Hearing regarding Mr. Darren K. Mason. Mr. Mason appeared before the Commission to present testimony and waived his right to counsel.

**MOTION:**

Mr. Dowd made a motion to approve Mr. Mason's Residential Specialty Contractor's Application. 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.)*

**Motion for Reinstatement:**

*Mr. Cliff Hall – Case 2011-0533*

The Commission held a Reinstatement Hearing regarding Mr. Cliff Hall. Mr. Hall appeared before the Commission to present testimony and waived his right to counsel.

**MOTION:**

Mr. Bailey made a motion to reinstate Mr. Hall's Residential Builder's License with conditions. Mr. Hall is to provide documentation, satisfactory to the Commission, concerning his agreement with the United States Internal Revenue Service (IRS) payment agreement within ninety (90) days, and obtain a surety bond in the amount of Twenty-five Thousand Dollars (\$25,000.00) within ninety (90) days. Mr. Roberts seconded the motion, which carried with one opposed.

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

**Motion for Waiver of Owner/Builder Exemption:**

*Mr. Anthony Santacroce*

The Commission held a hearing regarding owner/builder exemption for Mr. Anthony Santacroce. Mr. Santacroce appeared before the Commission and waived his right to counsel.

**MOTION:**

Mr. Davis made a motion to grant Mr. Santacroce a waiver of his owner/builder exemption. Mr. Dillard seconded the motion, which carried with on opposed.

*(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. James W. Alston – Case #2009-565*

The Commission held a hearing to approve the Administrator's Recommendations for a Bond Claim regarding Mr. James W. Alston. Mr. Alston was not present. Mr. Clark requested to be recused from the hearing.

**MOTION:**

Mr. Bailey made a motion to approve the Administrators Recommendations for a Bond Claim regarding Mr. James W. Alston for \$14,235.00. 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. George Eastergard, Jr. – Case #2010-201*

The Commission held a hearing to approve the Administrators Recommendations for a Bond Claim regarding Mr. George Eastergard, Jr. This matter was continued upon the request of Mr. Eastergard. The Commission took no action.

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

**Final Order Hearings:**

*Mr. James Jones – Case # 2010-734*

The Board held a Final Order Hearing regarding Mr. James Jones. Mr. Jones was not present. Ms. Suzanne Hawkins represented the State.

**MOTION:**

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

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**Public Comments:**

There were no public comments made.

**Date of Next Meeting:**

The next Residential Builders Commission meeting will be held Wednesday, November 9, 2011 in room 108.

**Adjournment:**

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

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