

***SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION***

Synergy Business Park, Kingstree Building  
110 Centerview Drive, Kingstree Building, Room 108  
Columbia, South Carolina 29210

Minutes

Wednesday, May 17<sup>th</sup>, 2017

10:00 a.m.

Timothy W. Roberts, Board Chair, announced that the meeting was held in accordance with §30-4-80 of the South Carolina Freedom of Information Act by notice mailed to all requesting persons, organizations, and news media. In addition, notice was posted on the bulletin boards at the main entrance of the Kingstree Building.

**Welcome and Call to Order:**

Timothy W. Roberts, Board Chair, called the regular meeting of the South Carolina Residential Builders Commission to order at 10:00 a.m. Other Board members present for the meeting included:

Al Bailey, Bryan Dowd, W. Duvall Spruill, Monte Lemmon and Hal Dillard

**Approval of Agenda:**

*Wednesday, May 17<sup>th</sup>, 2017*

**MOTION:**

Mr. Bailey made a motion to approve the May 17<sup>th</sup>, 2017, agenda. Mr. Dowd seconded the motion, which carried unanimously.

**Approval of Minutes:**

*Wednesday, April 12<sup>th</sup>, 2017*

**MOTION:**

Mr. Dowd made a motion to approve the April 12<sup>th</sup>, 2017, minutes. Mr. Lemmon seconded the motion, which carried unanimously.

**Excused Member(s):**

Ms. Christy Rhyne absence

**MOTION:**

Mr. Bailey made a motion to approve the absence of Ms. Rhyne. Mr. Lemmon seconded the motion, which carried unanimously.

**Chairman's Remarks:**

*Timothy W. Roberts*

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

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**Application/License Reviews:**

*Tracy Bradley*

The Commission held an application review regarding Tracy Bradley. Mr. Bradley appeared before the Commission and waived his right to counsel.

**MOTION:**

Mr. Dowd made a motion to allow Mr. Bradley to sit for the exam. Mr. Lemmon seconded the motion, which carried unanimously.

*Harry Loyd*

The Commission held an application review regarding Mr. Harry Loyd. Mr. Loyd appeared before the Commission and waived his right to counsel.

**MOTION:**

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

*Thomas Groome II*

The Commission held an application review regarding Mr. Thomas Groome. Mr. Groome appeared before the Commission and waived his right to counsel.

**MOTION:**

Mr. Dowd made a motion to allow Mr. Groome to sit for the exam. Mr. Dillard seconded the motion, which carried unanimously.

Robert Kelly

The Commission held an application review regarding Mr. Robert Kelly. Mr. Kelly appeared before the Commission and waived his right counsel.

**MOTION:**

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

*Timothy Garland*

The Commission held an application review regarding Mr. Timothy Garland. Mr. Garland appeared before the Commission and waived his right to counsel.

**MOTION:**

Mr. Dillard made a motion to allow Mr. Garland to sit for the exam. Mr. Lemmon seconded the motion, which carried unanimously.

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*Melissa Mitchell*

The Commission held an application review regarding Ms. Melissa Mitchell. Ms. Mitchell appeared before the Commission and waived her right to counsel.

**MOTION:**

Mr. Bailey made a motion to deny Ms. Mitchell's request for the SC Residential Builders License. Mr. Dowd seconded the motion, which carried unanimously.

*Jhonathan Quintanar*

Mr. Quintanar did not appear before the Commission.

**MOTION:**

No motions were made.

*Fredrick Jensen*

The Commission held an application review regarding Mr. Fredrick Jensen. Mr. Jensen appeared before the Commission, along with a witness Ms. Linda Jensen and waived his right to counsel.

**MOTION:**

Mr. Dillard made a motion to approve Mr. Jensen for his specialty registration. Mr. Bailey seconded the motion, which carried unanimously.

*Timothy Beam*

Mr. Beam did not appear before the Commission.

**MOTION:**

No motions were made.

*Dainer Dupree*

The Commission held an application review regarding Mr. Dainer Dupree. Mr. Dupree appeared before the Commission and waived his right to counsel.

**MOTION:**

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

*Terry Gibson*

Mr. Gibson did not appear before the Commission.

**MOTION:**

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No motions were made.

*Michael Benson*

The Commission held an application review regarding Mr. Michael Benson. Mr. Benson appeared before the Commission and waived his right to counsel.

**MOTION:**

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

**Hearing Officer Recommendations:**

*Sandra Matzinger Case# 2015-592*

Sandra Matzinger was not present at the hearing.

Mr. Timothy Roberts was the hearing officer in the case and recused himself from the hearing.

**MOTION:**

Mr. Dowd made a motion to accept the Hearing Officer's recommendation(s). Mr. Lemmon seconded the motion, which did carry unanimously.

**Memorandum of Agreement**

*William F Rorie II. Case# 2016-392*

Mr. Rorie appeared before the Commission and waived his right to counsel. Mr. Daniel Gourley, Esq. represented the State. Mr. Rorie answered questions from the Commission. Mr. Gourley requested that the Commission accept the Memorandum of Agreement (MOA).

**MOTION:**

Mr. Bailey made a motion to accept the MOA and assess the Mr. Rorie a fine of Two Hundred Fifty and 00/100ths Dollars (\$250.00) for each of the statutory violations admitted to in in the MOA, for a total fine of Five Hundred and 00/100ths Dollars (\$500.00), payable within sixty (60) days of the date of this Final Order, or his registration shall be suspended. Mr. Lemmon seconded the motion, which carried unanimously.

*Jerry Anderson Case# 2015-509*

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Mr. Anderson appeared before the Commission and waived his right to counsel. Ms. Tracy Perlman represented the State. Mr. Anderson answered questions from the Commission. Ms. Perlman requested that the Commission accept the Memorandum of Agreement (MOA).

**MOTION:**

Mr. Bailey made a motion to accept the MOA and assess fines-against Mr. Anderson as follows: Five Hundred and 00/100ths Dollars (\$500.00) for violation of S.C. Code Ann. § 40-59-110 (2011, as amended); Five Hundred and 00/100ths Dollars (\$500.00) for violation of S.C. Code Ann. § 40-59-240(C) (2011, as amended); and One Thousand and 00/100ths Dollars (\$1,000.00) for violation of S.C. Code Ann. § 40-59-240(D) (2011, as amended), all payable within 60 days. Further, Mr. Anderson must keep on file with the Commission at all times a surety bond in the amount of Five Thousand and 00/100ths Dollars (\$5,000.00) In the event that Mr. Anderson fails to timely pay the fines or fails to maintain an active surety bond with the Commission, his Residential Specialty Contractor registration shall be administratively suspended and he shall be required to appear before the full Commission before his registration may be reinstated. Mr. Dillard seconded the motion, which carried unanimously.

*Robert A Platts Case# 2016-447*

Mr. Platts appeared before the Commission and was represented by Ms. Shelly Montague. Mr. Daniel Gourley, Esq. represented the State. Mr. Platts answered questions from the Commission. Mr. Gourley requested that the Commission accept the Memorandum of Agreement (MOA).

**MOTION:**

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

**MOTION:**

Mr. Bailey made a motion to exit executive session for legal advice. Mr. Dillard seconded the motion, which carried unanimously.

**MOTION:**

Mr. Dillard made a motion to accept the MOA and assess Mr. Platts fines of One Thousand and 00/100ths (\$1,000.00) Dollars for violation of S.C. Code Ann. § 40-59-110 and Five Hundred and 00/100ths (\$500.00) Dollars for violation-of S.C. Code Ann. § 40-59240(A), both payable within sixty (60) days of the date of the Final Order. Mr. Dowd seconded the motion, which carried unanimously.

**MOTION:**

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Mr. Dowd made a motion to approve a call on the Respondent's surety bond in the amount of Five Thousand and 00/100ths (\$5,000.00) Dollars. Mr. Bailey seconded the motion, which did not carry unanimously. Mr. Spruill abstained.

**Withdrawal of Citation and resulting suspension:**

*Gregory Kitchko Case# 2015-424*

**MOTION:**

Mr. Bailey made a motion to approve the withdrawal of the citation for Gregory Kitchko Case# 2015-424 and lift the resulting suspension. Mr. Dowd seconded the motion, which carried unanimously.

**Withdrawal of citation:**

*Javier Zimbron Case# 2016-306*

**MOTION:**

Mr. Dowd made a motion to approve the withdrawal of the citation for Mr. Javier Zimbron Case# 2016-306. Mr. Lemmon seconded the motion, which carried unanimously.

**Home Inspector Exam Waivers:**

*Allison Baker, Program Coordinator, Residential Builders Commission*

Ms. Baker requested that the Commission delegate authority to the Chairman to grant exam waivers pursuant to S.C. Reg. 106-4 (A) based on applicant's current home inspector license in another state that was issued after a written examination.

**MOTION:**

Mr. Bailey made a motion to allow the sitting Chairman to have authority granting exam waivers to Home Inspectors pursuant to S.C. Reg. 106-4(A). Mr. Dowd seconded the motion, which carried unanimously.

**Mark Nix, South Carolina Home Builders Association:**

*James Graves and Alex Gunter James*

Mr. Graves and Mr. James appeared to discuss clarification as to who is an "employee" that can work under the supervision of a licensee versus a subcontractor who must be separately licensed. The Commission had a discussion and made no motions.

**Administrator's Remarks for Information:**

Administrator did not have any remarks.

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**Office of Disciplinary Counsel (ODC Report)**

*Erin Baldwin*

**ODC Status Report** – Ms. Baldwin present the ODC Report 110 pending cases, 66 pending actions, 0 pending ALC hearings, 2 citation appeals, 21 pending CA/MOAs, 17 pending panel hearings, 4 Pending Board Hearing.

**Office of Investigations and Enforcement (OIE Report)**

*Todd Bond*

**OIE Status Report** – Mr. Bond present the OIE Report 358 complaints were received had been received to date with 231 active investigations, with 307 cases closed as of 05/17/2017.

**Recommendation of Investigation Review Committee (IRC)**

*Recommendation of IRC*

**MOTION:**

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

*Resolution Guidelines*

**MOTION:**

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

**Old Business:**

No old business discussed.

**Public Comments:**

No comments made.

**Date of Next Meeting:**

*Wednesday, June 14, 2017; 10:00 A.M., Meeting Room 108, Kingstree Building*

The next meeting of the SC Residential Builders Commission will be held Wednesday June 14<sup>th</sup>, 2017, beginning at 10:00 A.M., at the Synergy Business Complex, Kingstree Building, Room 108, in Columbia, SC

**Adjournment:**

Mr. Dowd made a motion to adjourn the meeting. Mr. Lemmon seconded the motion, which carried unanimously.

The May 17<sup>th</sup>, 2017, meeting of the South Carolina Builders Commission was adjourned at 2:07 pm.