

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION

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

Minutes

Wednesday, June 14th, 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, and Christy Rhyne

Approval of Agenda:

Wednesday, June 14th, 2017

MOTION:

Mr. Dowd made a motion to approve the June 14th, 2017, agenda. Mr. Bailey seconded the motion, which carried unanimously.

Approval of Minutes:

Wednesday, May 17th, 2017

MOTION:

Ms. Rhyne made a motion to approve the May 17th, 2017, minutes. Mr. Bailey seconded the motion, which carried unanimously.

Excused Member(s):

Mr. Hal Dillard and Mr. Monte Lemmon's absences

MOTION:

Ms. Rhyne made a motion to approve the absence of Mr. Dillard and Mr. Lemmon. Mr. Dowd 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.

Disclosure Statement Waiver Request

Dr. David Laws Jr

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The Commission held a hearing regarding Dr. David Laws Jr's request for a waiver of the disclosure statement under the owner/builder exemption. Dr. Laws appeared before the Commission and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to approve the request for waiver of the disclosure statement. Ms. Rhyne seconded the motion, which carried unanimously.

Memorandum of Agreement

Coleman Owensby Case# 2016-327

Mr. Coleman Owensby appeared before the Commission and was represented by Mr. Jonathan Harvey, Esq. Mr. Daniel Gourley, Esq. represented the State. Mr. Owensby 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, assess a Five Hundred Dollar (\$500) fine for violation and allow Home-owner to call on bond up to Five thousand Dollars (\$5,000). Mr. Dowd seconded the motion. Motion failed.

MOTION:

Mr. Bailey made a motion to enter into executive session to receive legal advice in the matter of Mr. Coleman Owensby. Mr. Dowd seconded the motion, which carried unanimously.

MOTION:

Mr. Bailey made a motion to exit executive session after receiving legal advice in the matter of Mr. Coleman Owensby. Mr. Dowd seconded the motion, which carried unanimously.

MOTION:

Mr. Dowd made a motion to assess a fine of Two Thousand Five Hundred Dollar (\$2,500) fine for the violation, but should respondent provide proof of payment to the home-owner in the amount of Five Thousand Dollars (\$5,000), the fine would be reduced to Five Hundred Dollars (\$500). If payment of \$5,000 not made to the Home-owner, then the Home-Owner could call on the bond for \$5,000. Mr. Bailey seconded the motion, which did not carry unanimously. Mr. Spruill opposed.

Application/License Reviews:

Jason Brockman

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

MOTION:

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Mr. Spruill made a motion to deny Mr. Brockman's request for a Specialty Registration at this time. Mr. Dowd seconded the motion, which carried unanimously.

John Tinsley

The Commission held an application review regarding Mr. Harry Loyd. Mr. Loyd appeared before the Commission, along with his witness, Ms. Kathryn Tinsley, and waived his right to counsel.

MOTION:

Mr. Dowd made a motion to approve Mr. Tinsley's specialty registration. Mr. Bailey seconded the motion, which carried unanimously.

Brycen Questad

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

MOTION:

Mr. Dowd made a motion to go into executive session to receive legal advice regarding Mr. Questad's application. Ms. Rhyne seconded the motion, which carried unanimously.

MOTION:

Mr. Dowd made a motion to exit executive session after receiving legal advice regarding Mr. Questad's application. Ms. Rhyne seconded the motion, which carried unanimously.

MOTION:

Mr. Bailey made a motion to deny Mr. Questad's request until a new affidavit is received. Mr. Dowd seconded the motion, which carried unanimously.

Michael Matthews

The Commission held an application review regarding Mr. Michael Matthews. Mr. Matthews appeared before the Commission, along with a witness, Mr. Josh Cave, and waived his right to counsel.

MOTION:

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

George Hinerman

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

MOTION:

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

Aaron Sanders

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

MOTION:

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

Christopher Woodell

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

MOTION:

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

Benjamin Goin II

The Commission held an application review regarding Mr. Benjamin Goin II. Mr. Goin appeared before the Commission, along with a witness, Mr. Benjamin Goin, and waived his right to counsel.

MOTION:

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

Larry Woodell

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

MOTION:

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

Toby Greenleaf

Mr. Greenleaf did not appear before the Commission.

MOTION:

No motions were made.

Anthony Cordell Jr

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The Commission held an application review regarding Mr. Anthony Cordell Jr. Mr. Cordell appeared before the Commission and waived his right to counsel.

MOTION:

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

Darryl Herrin

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

MOTION:

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

Christopher Raper

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

MOTION:

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

Gary Chowansky

The Commission held an application review regarding Mr. Gary Chowansky. Mr. Chowansky appeared before the Commission, along with a witness, Mr. Larry Chowansky, and waived his right to counsel.

MOTION:

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

Andrew Schuler

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

MOTION:

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

Travis Cummins

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

MOTION:

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

Alecia Smith -Ross

The Commission held an application review regarding Ms. Alecia Smith -Ross. Ms. Smith -Ross appeared before the Commission, along with a witness, Mr. Carl Ross, and waived her right to counsel.

MOTION:

Mr. Spruill made a motion to allow Ms. Smith-Ross to sit for the exam. Mr. Bailey seconded the motion, which carried unanimously.

Joseph Brown

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

MOTION:

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

Christopher Kilburn

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

MOTION:

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

Joseph Bolger

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

MOTION:

Mr. Dowd made a motion to approve Mr. Bolger for his specialty registration. Ms. Rhyne seconded the motion, which carried unanimously.

Reinstatements:

James Dill

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

MOTION:

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Ms. Rhyne made a motion to reinstate Mr. Dill's license with the condition that once the charges have been adjudicated Mr. Dill must report the outcome to Commission. Mr. Dowd seconded the motion, which carried unanimously.

William Adams

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

MOTION:

Mr. Dowd made a motion to allow reinstate Mr. Adams license with the stipulation that he continue making payments under his Chapter 13 Plan. Ms. Rhyne seconded the motion, which carried unanimously.

Request to Sit for The Home Inspector's Exam:

Paul Jerkins

MOTION:

Mr. Bailey made a motion to allow Mr. Jerkins to take the exam one more time this year but if he fails, he will have to wait the 12 month period before he can re-test. Mr. Dowd seconded the motion, which carried unanimously.

Request for Completion of NC waiver form:

Steven W. McGuinn

MOTION:

Ms. Rhyne made a motion to allow Janet to complete the NC Waiver form for Mr. McGuinn to the best of her ability. Mr. Spruill seconded the motion, which carried unanimously.

Hearing Officer Recommendations:

Phillip Edward Young Case# 2016-245

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). Ms. Rhyne seconded the motion, which did carry unanimously.

Michael O'neil- Case # 2016-57

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

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MOTION:

Mr. Dowd made a motion to accept the Hearing Officer's recommendation(s) and approve a bond claim in the amount of \$15,000. Ms. Rhyne seconded the motion, which did not carry unanimously. Mr. Spruill abstained.

Administrator's Remarks for Information:

Administrator did not have any remarks.

Office of Investigations and Enforcement (OIE Report)

Todd Bond

OIE Status Report – Mr. Bond present the OIE Report 430 complaints were received had been received to date with 245 active investigations, with 386 cases closed as of 06/12/2017.

Recommendation of Investigation Review Committee (IRC)

Recommendation of IRC

MOTION:

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

Resolution Guidelines

MOTION:

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

Old Business:

No old business discussed.

Public Comments:

No comments made.

Mr. W. Duval Spruill announced that the June 14th, 2017 would be his last meeting. He was stepping down for his appointment.

Date of Next Meeting:

Wednesday, July 12, 2017; 10:00 A.M., Meeting Room 108, Kingstree Building

The next meeting of the SC Residential Builders Commission will be held Wednesday July 12th, 2017, beginning at 10:00 A.M., at the Synergy Business Complex, Kingstree Building, Room 108, in Columbia, SC

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Adjournment:

Mr. Bailey made a motion to adjourn the meeting. Ms. Rhyne seconded the motion, which carried unanimously.

The June 14th, 2017, meeting of the South Carolina Builders Commission was adjourned at 3:05 pm.