

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION

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

Minutes

Wednesday, July 12th, 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, Christy Rhyne, Bryan Dowd, Monte Lemmon and Hal Dillard.

Approval of Agenda:

Wednesday, July 12th, 2017

MOTION:

Ms. Rhyne made a motion to approve the July 12, 2017, agenda. Mr. Lemmon seconded the motion, which carried unanimously.

Approval of Minutes:

Wednesday, June 14, 2017

MOTION:

Mr. Bailey made a motion to approve the July 14, 2017, minutes. Mr. Dowd seconded the motion, which carried unanimously.

Excused Member(s):

No members absent

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 Wavier Request:

Juan Bazan

Mr. Jaun Bazan did not appear before the Commission

MOTION:

No motions were made.

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Application/License Reviews:

George Fisher

The Commission held an application review regarding George Fisher. Mr. Fisher appeared before the Commission, present a witness Mr. Robert Hutzler and waived his right to counsel.

MOTION:

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

Michal Sienko

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

MOTION:

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

John Thorne

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

MOTION:

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

David N Cooper

The Commission held an application review regarding Mr. David N Cooper. Mr. Cooper appeared before the Commission and waived his right to counsel.

MOTION:

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

Billy W Hill

The Commission held an application review regarding Mr. Billy W. Hill. Mr. Hill appeared before the Commission and waived his right to counsel.

MOTION:

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

Mark A Woodman

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The Commission held an application review regarding Mr. Mark A Woodman. Mr. Woodman appeared before the Commission and waived his right to counsel.

MOTION:

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

Thomas Allen

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

MOTION:

Mr. Bailey made a motion to approve Mr. Allen for a specialty registration. Ms. Rhyne seconded the motion, which carried unanimously.

Willie J Smith Jr

The Commission held an application review regarding Mr. Willie J Smith. Mr. Smith appeared before the Commission and waived his right to counsel.

MOTION:

Mr. Dillard made a motion to approve Mr. Smith for a specialty registration. Ms. Rhyne seconded the motion, which carried unanimously.

Eric Caulder

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

MOTION:

Ms. Rhyne made a motion to allow Mr. Caulder to sit for the exam and should he receive a passing score and issued a Home Inspector's license he must comply with the conditions of supervision imposed on him by the South Carolina Department of Probation, Parole and Pardon. Mr. Dillard seconded the motion, which carried unanimously.

Dale Bollinger

The Commission held an application review regarding Mr. Dale Bollinger. Mr. Bollinger appeared and waived his right to counsel.

MOTION:

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

Reinstatements:

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John Prass

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

MOTION:

Mr. Bailey made a motion to approve Mr. Prass' Residential Builders license with the condition that at the 2018 renewal Mr. Prass must update the commission with the status of the Hometrust Bank Judgment. Ms. Rhyne seconded the motion, which carried unanimously.

Hearing Officer Recommendation – Final Order Hearings:

Launie Way (Case No.: 2016-136 and 2016-636)

Mr. Way was not present at the hearing. Mr. Al Bailey was the hearing officer in the case and recused himself from the hearing. Mr. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

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

Garland Wright (Case No.: 2016-202)

Mr. Wright was not present at the hearing. Mr. Al Bailey was the hearing officer in the case and recused himself from the hearing. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

Ms. Rhyne made a motion to accept the Hearing Officer's recommendation(s). Mr. Dillard seconded the motion, which carried unanimously.

Troy M Goodwin (Case No.: 2016-4)

Mr. Troy M. Goodwin was not present at the hearing. Mr. Al Bailey was the hearing officer in the case and recused himself from the hearing. Mr. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

Ms. Rhyne made a motion to accept the Hearing Officer's recommendation(s). Mr. Lemmon seconded the motion, which carried unanimously.

Mr. Al Bailey returned to the meeting

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David Starkey (Case No.: 2015-230)

Mr. David Starkey was not present at the hearing. Mr. Timothy Roberts was the hearing officer in the case and recused himself from the hearing. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

Mr. Dowd made a motion to accept the Hearing Officer's recommendation(s). Ms. Rhyne seconded the motion, which carried unanimously.

Mr. Tim Roberts returned to the meeting

Memorandum of Agreement:

Ralph F. Kline Case# 2017-14

Mr. Kline appeared before the Commission and was represented by Mr. Alexander Shissass, Esq. Mr. Daniel Gourley, Esq. represented the State. Mr. Kline 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 no fine and issue a letter of caution. Mr. Lemmon seconded the motion, which carried unanimously.

David Wiggins Case# 2015-631

Mr. Kyle Tennis, Esq., represented the State and requested that Mr. Wiggins had requested a continuance until the August meeting.

MOTION:

Mr. Bailey made a motion to continue the Memorandum of Agreement hearing in reference to Mr. David Wiggins Case # 2015-631 until the August meeting. Mr. Dillard seconded the motion, which carried unanimously.

Hilton Smith Case# 2014-545

Mr. Smith appeared before the Commission and was represented by Mr. James Weatherholtz. Erin Baldwin, Esq. represented the State. Mr. Smith answered questions from the Commission. Ms. Erin Baldwin, Esq. requested that the state accept the Memorandum of Agreement (MOA).

MOTION:

Mr. Dillard made a motion to enter into executive session to receive legal advice. Mr. Bailey seconded the motion, which carried unanimously.

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MOTION:

Mr. Bailey made a motion to exit executive session after receiving legal advice. Ms. Rhyne seconded the motion, which carried unanimously.

MOTION:

Mr. Bailey made a motion to dismiss the MOA with no disciplinary action. Ms. Rhyne seconded the motion, which carried unanimously.

FARB- Regulatory Law Seminar:

MOTION:

Mr. Bailey made a motion to approve payment for Advice Counsel Stacey Hewson to attend the FARB Regulatory Law Seminar. Ms. Rhyne seconded the motion, which carried unanimously.

Administrator's Remarks for Information:

No remarks at this time

Office of General Counsel (OGC Report)

Kyle Tennis

Mr. Tennis reported that OGC has 109 open cases, 45 cases pending action, 22 cases are pending consent agreements or memorandum of agreements, 17 cases are pending disciplinary hearings, 9 cases pending final order hearings, 27 cases have been closed and there are 0 cases on appeal at this time.

Office of Investigations and Enforcement (OIE Report)

Todd Bond

OIE Status Report – Mr. Bond reported, 473 cases were received with 237 active investigations, with 447 cases closed as for July 12, 2017.

Recommendation of Investigation Review Committee (IRC)

IRC Recommendations:

MOTION:

Mr. Bailey made a motion to approve the recommendations of the Investigative Review Committee. Ms. Rhyne seconded the motion, which carried unanimously.

Resolution Guidelines:

MOTION:

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

Public Comments:

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Timothy Turner spoke to the Commission Regarding his concerns with the Residential Builders license holders not being allowed to carry the Residential Specialty licenses or registration.

Non- Renewals Grandfathered Mechanical Licenses:

MOTION:

Mr. Bailey made a motion to add the agenda item of Non- Renewals Grandfather Mechanical Licenses based on emergency or exigent circumstances. Ms. Rhyne seconded the motion, which carried unanimously.

MOTION:

Mr. Dowd made a motion to enter into executive session to receive legal advice. Ms. Rhyne seconded the motion, which carried unanimously.

MOTION:

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

MOTION:

Mr. Dowd made a motion to apply S.C. Code Ann. §40-59-230(A) to the grandfather mechanical licensees as well as time periods set forth in the regulations regarding fees in determining when a mechanical license is deemed lapsed or expired. Mr. Dillard seconded the motion, which carried unanimously.

Date of Next Meeting:

Wednesday, August 9, 2017; 10:00 A.M., Meeting Room 105, Kingstree Building

The next meeting of the SC Residential Builders Commission will be held Wednesday August 9th, 2017, beginning at 10:00 A.M., at the Synergy Business Complex, Kingstree Building, Room 105, in Columbia, SC

Adjournment:

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

The July 12, 2017, meeting of the South Carolina Builders Commission was adjourned at 1:34 pm.