

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION

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

Minutes

Wednesday, October 11, 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, and Monte Lemmon

Approval of Agenda:

Wednesday, October 11th, 2017

MOTION:

Mr. Dowd made a motion to approve the October 11, 2017, agenda. Mr. Lemmon seconded the motion, which carried unanimously.

Approval of Minutes:

Wednesday, August 9, 2017

MOTION:

Mr. Bailey made a motion to approve the August 9, 2017 minutes. Mr. Lemmon seconded the motion, which carried unanimously.

Excused Member(s):

Mr. Hal Dillard was absent due to a family emergency.

MOTION:

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

Disclosure Statement Waiver Request:

Oswald and Melissa Villoch

The Commission held a hearing regarding Mr. and Ms. Oswald Villoch's request for a waiver of the disclosure statement under the owner/builder exemption. Mr. Oswald Villoch and his wife Ms. Melissa Villoch appeared before the Commission and waived their right to counsel.

MOTION:

Mr. Lemmon made a motion to approve the request for waiver of the disclosure statement. Mr. Dowd seconded the motion, which carried unanimously.

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Application/License Reviews:

Daniel Kenny

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

MOTION:

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

Duane G. Lantis

The Commission held an application review regarding Mr. Duane G. Lantis. Mr. Lantis appeared before the Commission and waived his right to counsel

MOTION:

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

James A Johnson

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

MOTION:

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

Neal Hilal

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

MOTION:

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

MOTION:

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

MOTION:

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

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Daniel Cotton

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

MOTION:

Mr. Bailey made a motion to deny Mr. Johnson's application for licensure at this time. Mr. Lemmon seconded the motion, which carried unanimously.

Nicholas Patenaude

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

MOTION:

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

Fredrick Pethel

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

MOTION:

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

Dennis Krasnyanskiy

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

MOTION:

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

Adam Rosado

Mr. Adam Rosado did not appear before the Commission

MOTION:

No motions were made.

Christopher Ducharme

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

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MOTION:

Mr. Bailey made a motion to deny Mr. Ducharme's application for licensure at this time due to lack of recent experience. Mr. Dowd seconded the motion, which carried unanimously.

James Dickinson

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

MOTION:

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

Kristopher Fox

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

MOTION:

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

Stuart Hallman

The Commission held an application review regarding Mr. Stuart Hallman. Mr. Hallman appeared before the Commission with his witness Mr. Michael Hannon and waived his right to counsel.

MOTION:

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

Nathaniel Geathers

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

MOTION:

Mr. Bailey made a motion to approve Mr. Geathers for a Specialty Registration. Mr. Lemmon seconded the motion, which carried unanimously.

Robert McGlothlen

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

MOTION:

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

Vincent Sawyer

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

MOTION:

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

Joshua Henry

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

MOTION:

Mr. Dowd made a motion to approve Mr. Henry for a Residential Specialty Registration. Ms. Rhyne seconded the motion, which carried unanimously.

Bobby Evans

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

MOTION:

Mr. Bailey made a motion to approve Mr. Evan's specialty registration with the condition that he submit a updated SLED report at each renewal, and if he is convicted of any further criminal charges he shall be required to reappear before the Commission. Ms. Rhyne seconded the motion, which did not carry unanimously. Mr. Dowd and Mr. Lemmon opposed. Mr. Roberts voted affirmatively and the motion carried.

Christopher Sims

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

MOTION:

Mr. Lemmon made a motion to approve Mr. Sims specialty registration with the condition that he submit an updated SLED report at each renewal, and if he is convicted of any further criminal charges he shall be required to reappear before the Commission. Mr. Bailey seconded the motion, which did not carry unanimously. Mr. Dowd and Ms. Rhyne opposed. Mr. Roberts voted affirmatively and the motion carried.

Hearing Officer Recommendation – Final Order Hearings:

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David P Fautley (Case No.: 2016-216)

Ms. Erin Baldwin, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

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

John P Smith (Case# 2015-83)

Mr. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s). Mr. Tim Roberts served as the hearing officer and therefore recused himself.

MOTION:

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

Ryan Kaiser (Case# 2016-578)

Mr. Kyle Tennis, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s). Mr. Ryan Kaiser appeared and was represented by Mr. Joshua Henderson, Esq. Mr. Tim Roberts served as the hearing office and recused himself.

MOTION:

Ms. Rhyne made a motion to enter into executive session for legal advice regarding the Hearing officer Recommendation for Mr. Ryan Kaiser. Mr. Dowd seconded the motion, which carried unanimously.

MOTION:

Mr. Dowd made a motion to exit executive session after receiving legal advice regarding the Hearing Officer Recommendation for Mr. Ryan Kaiser. Ms. Rhyne seconded the motion, which carried unanimously

MOTION:

Mr. Dowd made a motion to uphold the Hearing office Recommendation with the exception to allow the builder to pay the homeowner directly in lieu of filing for the bond claim. Ms. Rhyne seconded the motion, which carried unanimously

Mr. Tim Roberts returned to the meeting.

Benjamin C Gecy (Case #: 2015-159)

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Ms. Erin Baldwin, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s). Mr. Benjamin Gecy appeared.

MOTION:

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

David Bridges Jr (Case# 2012-469; 2014-188; and 2014-353)

Mr. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s). Mr. Al Bailey served as the Hearing officer and recused himself.

MOTION:

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

Brian K Grissom (Case #: 2015-544)

Mr. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s). Mr. Al Bailey served as the Hearing officer and recused himself. Ms. Christy Rhyne recused herself.

MOTION:

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

Ms. Christy Rhyne returned to the meeting.

Jerry Singletary (Case # 2016-345 and 2016-686)

Mr. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s). Mr. Al Bailey served as the Hearing officer and recused himself.

MOTION:

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

Brian J Sherald (Case # 2015-687; 2016-14)

Mr. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s). Mr. Al Bailey served as the Hearing officer and recused himself.

MOTION:

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

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Larry Tyler (Case# 2015-742)

Mr. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s). Mr. Al Bailey served as the Hearing officer and recused himself.

MOTION:

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

Mr. Al Bailey returned to the meeting.

Jeff Crolley (Case #: 2016-631)

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. Bailey seconded the motion, which carried unanimously.

G Dale Few (Case #: 2016-65)

Mr. Daniel Gourley, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

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

Proposed Regulation Amendments

MOTION:

Mr. Dowd made a motion to approve the proposed changes to SC Regulation 106-1 to clarify gas piping and the installation of solar panels with some additional language and SC Regulation 106-2 so as not to conflict with a statute in practice act. 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, 51 cases pending action, 14 cases are pending consent agreements or memorandum of agreements, 12 cases are pending disciplinary hearings, 17 cases pending final order hearings, 6 cases are pending ALC Hearing, 34 cases have been closed and there are 4 cases on appeal at this time.

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Office of Investigations and Enforcement (OIE Report)

Todd Bond

OIE Status Report – Mr. Bond reported, 679 cases were received with 194 active investigations, with 615 cases closed as for October 11, 2017.

Recommendation of Investigation Review Committee (IRC)

IRC Recommendations:

MOTION:

Mr. Bailey made a motion to approve the recommendations of the Investigative Review Committee for September 9, 2017. Ms. Rhyne seconded the motion, which carried unanimously.

MOTION:

Mr. Dowd made a motion to approve the recommendations of the Investigative Review Committee for September 27, 2017. Mr. Lemmon seconded the motion, which carried unanimously.

Resolution Guidelines:

MOTION:

Ms. Rhyne made a motion to approve the Resolution Guidelines for September 13, 2017. Mr. Bailey seconded the motion, which carried unanimously.

MOTION:

Ms. Rhyne made a motion to approve the Resolution Guidelines for October 11, 2017. Mr. Lemmon seconded the motion, which carried unanimously.

Public Comments:

Mark Nix and John Osmitte spoke to the Commission regarding concerns with the Residential Builders bond form and suggested changes be made to wording of the current bond form.

Date of Next Meeting:

The next meeting of the SC Residential Builders Commission will be held Wednesday November 8th 2017, beginning at 10:00 A.M., at the Synergy Business Complex, Kingtree Building, Room 105, in Columbia, SC

Adjournment:

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

The October 11, 2017, meeting of the South Carolina Builders Commission was adjourned at 4:04 pm.