

RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park
110 Centerview Drive Kingstree Building, Room 108
Columbia, South Carolina 29210
Wednesday, August 8, 2018

NOTE: These minutes are a record of the motion and official actions taken by the Board and brief summary of the meeting.

Called To Order:

Timothy W. Roberts, Chairman called the regular meeting of the Residential Builders Commission to order at 10:00 a.m. Other members present for the meeting included: Bryan Dowd, Monte Lemmon, Hal Dillard and Al Bailey.

Timothy W. Roberts, 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.

Approval of Agenda:

MOTION:

Mr. Dowd made a motion to approve the August 8, 2018 Residential Builders Commission Meeting Agenda. Mr. Bailey seconded the motion, which carried unanimously.

Approval of Minutes for the July 11, 2018 Meeting:

MOTION:

Mr. Bailey made a motion to approve the July 11, 2018 meeting minutes. Mr. Dowd seconded the motion, which carried unanimously.

Approval /Disapproval of Absent Members:

Ms. Christy Rhyne was absent.

MOTION:

Mr. Bailey made a motion to approve Ms. Christy Rhyne's absence. Mr. Dowd seconded the motion, which carried unanimously.

Chairman's Remarks:

Timothy W. Roberts

Mr. Roberts 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.

Application Reviews:

Chad Ott

The Commission held an application review regarding Chad Ott. Mr. Ott appeared before the Commission, waived his right to counsel and presented a witness, Mr. Robert D. Roche.

MOTION:

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

Drew Dukes

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

MOTION:

Mr. Bailey made a motion to deny Mr. Dukes' request for a license. Mr. Dowd seconded the motion, which did not carry unanimously. Mr. Dillard opposed.

Harold Collins Jr

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

MOTION:

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

Dung Truong

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

MOTION:

Mr. Dowd made a motion to deny Mr. Truong's request for a license. Mr. Lemmon seconded the motion, which carried unanimously.

David King

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

MOTION:

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

Eric Brunhouse

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

MOTION:

Mr. Lemmon made a motion to deny Mr. Brunhouse's request to sit for the exam. Mr. Bailey seconded the motion, which carried unanimously.

James T Campbell

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

MOTION:

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

Hearing Officer Recommendation

LW Sumpter Case # 2017-563

The Board held a Final Order hearing regarding Mr. LW Sumpter. Mr. Sumpter was present and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to uphold the Hearing Officer's Recommendation with the modification to reduce the fine to \$250 payable within 60 days with no reappearance required if judgments are resolved. Mr. Dowd seconded the motion, which carried unanimously.

Nicholas Burn

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

MOTION:

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

Alejandro Gonzalez

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

MOTION:

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

Michael Covarrubio

Mr. Covarrubio did not appear before the Commission.

MOTION:

No motions have been made.

Kyle Thaxton

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

MOTION:

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

John Errico

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

MOTION:

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

James Driggers

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

MOTION:

Mr. Dowd made a motion to approved Mr. Driggers' request for a specialty registration. Mr. Lemmon seconded the motion, which carried unanimously

Eric Manning

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

MOTION:

Mr. Dillard made a motion to approve Mr. Manning's request for his specialty registration. Mr. Dowd seconded the motion, which carried unanimously.

Lashaun Smalls

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

MOTION:

Mr. Bailey made a motion to allow Mr. Smalls to sit for the exam and at renewal in 2021 to submit a credit report. Mr. Dillard seconded the motion, which carried unanimously.

Christopher Sweat

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

MOTION:

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

Renewal:

Marcus Stanley

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

MOTION:

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

MOTION:

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

MOTION:

Mr. Bailey made a motion to allow Mr. Stanley 120 days to resolve an outstanding judgment and if he failed to do so, his license would be suspended. Mr. Dillard seconded the motion, which carried unanimously.

Request to Sit for Exam after PSI incident:

James C. Campbell

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

MOTION:

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

Final Order Hearings:

Donald Mactaggart case # 2015-556

The Board held a Final Order hearing regarding Mr. Donald Mactaggart. Mr. Mactaggart was not present. Al Bailey recused himself from the hearing due to his service as the hearing officer in this case.

MOTION:

Mr. Dowd made a motion to adopt the Hearing Officer's Recommendation. Mr. Lemmon seconded the motion, which carried unanimously.

Jerry A Bailey case # 2017-705

The Board held a Final Order hearing regarding Mr. Jerry A Bailey. Mr. Bailey was not present. Al Bailey recused himself from the hearing due to his service as the hearing officer in this case.

MOTION:

Mr. Dillard made a motion to adopt the Hearing Officer's Recommendation. Mr. Dowd seconded the motion, which carried unanimously.

Annell Pilarte-Bailey case # 2016-704

The Board held a Final Order hearing regarding Annell Pilarte-Bailey. Ms. Pilarte-Bailey was not present, but represented at the hearing by attorney Carl Hiller, Esq. Al Bailey recused himself from the hearing due to his service as the hearing officer in this case.

MOTION:

Mr. Dillard made a motion to adopt the Hearing Officer's Recommendation. Mr. Dowd seconded the motion, which carried unanimously.

Noel Peterson Tyrpak case# 2017-588

The Board held a Final Order hearing regarding Mr. Noel Tyrpak. Mr. Tyrpak was not present. Al Bailey recused himself from the hearing due to his service as the hearing officer in this case.

MOTION:

Mr. Dillard made a motion to adopt the Hearing Officer's Recommendation. Mr. Lemmon seconded the motion, which carried unanimously.

Mr. Bailey returned to the meeting.

Terrence D Manigo case# 2016-444

The Board held a Final Order hearing regarding Mr. Terrence Manigo. Mr. Manigo was present and was represented by legal counsel, Darryl Caldwell. Tim Roberts recused himself from the hearing due to his service as the hearing officer in this case.

MOTION:

Mr. Dowd made a motion to adopt the Hearing Officer's Recommendation. Mr. Dillard seconded the motion, which carried unanimously.

Tim Roberts returned to the meeting.

Home Inspector requirements for the SC Residential Builders Management and Law Exam

MOTION:

Mr. Bailey made a motion to require home inspectors to take and pass the SC Residential Business Management and Law Exam effective January 1, 2019, in order to be licensed. Mr. Lemmon seconded the motion, which carried unanimously.

Administrator's Remarks:

No remarks made.

OIE Report – Mr. Todd Bond:

Todd Bond, Chief Investigator of OIE

Mr. Todd Bond, presented the OIE report. Mr. Todd Bond reported the number of investigations to date:

Complaints Received – 460 Active Investigations – 230
Closed Cases – 463

New Business

A. Recommendations of IRC

MOTION:

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

B. Resolution Guidelines

MOTION:

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

Old Business:

Public Comments:

Date of Next Meeting:

The next Residential Builders Commission meeting will be held Wednesday, September 12th, 2018 in room 108.

Adjournment:

Mr. Dowd made a motion to adjourn the Residential Builders Commission Meeting. Mr. Lemmon seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 2:57 p.m.

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