

RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park
110 Centerview Drive Kingstree Building, Room 108
Columbia, South Carolina 29210
Wednesday, May 13, 2015

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:

Al Bailey, Vice-Chairman called the regular meeting of the Residential Builders Commission to order at 10:00 a.m. Other members present for the meeting included: Tim Roberts, Hal Dillard, Monte Lemmon, Harry Dill, Christy Rhyne and Bryan Dowd.

Al Bailey, Vice-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. Roberts made a motion to approve the May 13th, 2015 Residential Builders Commission Meeting Agenda. Mr. Dowd seconded the motion, which carried unanimously.

Approval of Minutes for the April 8th, 2015 Meeting:

MOTION:

Mr. Dowd made a motion to approve the April 8th, 2015 meeting minutes. Mr. Roberts seconded the motion, which carried unanimously.

Approval /Disapproval of Absent Members:

MOTION:

Mr. Dowd made a motion to approve the absence of Mr. Frank Clark due to illness. Mr. Dillard seconded the motion, which carried unanimously.

Election of Officers:

MOTION:

Mr. Dillard made a motion to nominate Mr. Tim Roberts as the Board Chairperson. Mr. Dowd seconded which carried unanimously.

MOTION:

Mr. Roberts made a motion to nominate Mr. Al Bailey as the Board Chairperson. Mr. Lemmon seconded which carried unanimously.

The Commissioners completed ballots to cast their votes for the Board Chairperson. Mr. Tim Roberts received five votes and Mr. Al Bailey received two votes. Mr. Tim Roberts was name Board Chairperson.

MOTION:

Mr. Dillard made a motion to nominate Mr. Al Bailey as the board vice-chairperson. Mr. Lemmon seconded the motion, which carried unanimously.

No other nominations were made. Mr. Al Bailey was name Board Vice-Chairperson.

Chairman's Remarks:

Timothy Roberts- chairman

Mr. Roberts, Chairman reminded everyone that this meeting is being recorded and asked that everyone please speak clearly. He also welcomed the newly seat Commissioners and thanked them for agreeing to serve on the Commission. Additionally, he advised all applicants and licensees to direct their questions to the chairman of the board.

Application Reviews:

David Bean

The Commission held an Application Review Hearing regarding Mr. David Bean. Mr. Bean appeared before the Commission to present testimony and he waived his right to counsel.

MOTION:

Mr. Bailey made a motion to allow Mr. Bean to sit for the Residential Builders Exam. Mr. Dillard seconded the motion, which carried unanimously.

Chad Pinkowski

The Commission held an Application Review Hearing regarding Mr. Chad Pinkowski. Mr. Pinkowski appeared before the Commission to present testimony and waived his right to counsel.

MOTION:

Mr. Dill made a motion to allow Mr. Pinkowski to sit for the Residential Builders Exam. Mr. Lemmon seconded the motion, which carried did not carry unanimously. Mr. Dillard, Mr. Dowd and Mr. Bailey opposed.

MOTION:

Mr. Dillard made a motion to go into Executive Session. Mr. Dowd seconded the motion, which carried unanimously.

MOTION:

Mr. Dowd made a motion to exit Executive Session for legal advice. Mr. Bailey seconded the motion, which carried unanimously.

MOTION:

Mr. Dill made a motion to allow Mr. Pinkowski to sit for the Residential Builders Exam. Mr. Lemmon seconded the motion, which carried did not carry unanimously. Mr. Dillard, Mr. Dowd and Mr. Bailey opposed. The motion carried with the majority vote.

Joe Addington Jr

The Commission held an Application Review Hearing regarding Mr. Joe Addington Jr. Mr. Addington appeared before the Commission to present testimony along with his witnesses, Mr. Robert Hammond, and Mr. David Sims. Mr. Addington waived his right to counsel.

MOTION:

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

Richard Kennedy

The Commission held an Application Review Hearing regarding Richard Kennedy. Mr. Kennedy appeared before the Commission to present testimony and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to approve the Registration for Mr. Kennedy. Mr. Dillard seconded the motion, which carried unanimously.

Michael Mele

The Commission held an Application Review Hearing regarding Michael Mele. Mr. Mele appeared before the Commission.

MOTION:

Mr. Dillard made a motion to approve Mr. Mele to sit for the Residential Plumbing exam. Mr. Bailey seconded the motion, which carried unanimously.

Stephen Joyce

The Commission held an Application Review Hearing regarding Mr. Stephen Joyce. Mr. Joyce appeared before the Commission to present testimony and waived his right to counsel.

MOTION:

Mr. Dillard made a motion to allow Mr. Joyce to sit for the residential builder exam. Mr. Lemmon seconded the motion, which did not carry unanimously, Mr. Dill opposed.

Matthew Sibley

The Commission held an Application Review Hearing regarding Mr. Matthew Sibley. Mr. Sibley appeared before the Commission to present testimony and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to approve a Residential Specialty Registration for Mr. Sibley and require that a Sled report at the 2017 renewal. Mr. Dowd seconded the motion, which carried unanimously.

Edward Ferrell

The Commission held an Application Review Hearing regarding Mr. Edward Ferrell. Mr. Ferrell appeared before the Commission to present testimony and he waived his right to counsel.

MOTION:

Mr. Bailey made a motion to allow him to sit for the Residential HVAC Exam. Mr. Dowd seconded the motion, which carried unanimously.

Montgomery Sexton

The Commission held an application review hearing regarding Mr. Montgomery Sexton. Mr. Sexton appeared before the Commission to present testimony along and waived his right to counsel.

MOTION:

Mr. Dowd made a motion to approved Mr. Sexton's Specialty Registration with the condition that he maintain a Five Thousand Surety Bond at all times. Mr. Bailey seconded the motion which did not carry unanimously, Mr. Dillard opposed.

Timothy R Huff Jr

The Commission held an application review hearing regarding Mr. Timothy R Huff Jr. Mr. Huff appeared before the commission to present testimony and waived his right to counsel.

MOTION:

Mr. Dillard made a motion to enter in executive session for legal advice. Mr. Dill 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. Dill made a motion to approve Mr. Huff's specialty registration. Mr. Bailey seconded the motion, which carried unanimously.

Jerry David Love Jr.

The Commission held an application review hearing regarding Mr. Jerry David Love Jr. Mr. Love appeared before the commission to present testimony and waived his right to counsel.

MOTION:

Mr. Dill made a motion to enter in executive session for legal advice. Mr. Dillard 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. Dill made a motion to denied Mr. Love's request for a Specialty Registration at this time. Mr. Bailey seconded the motion, which carried unanimously.

Gregory Smith

The Commission held an application review hearing regarding Mr. Gregory Smith. Mr. Smith appeared before the commission to present testimony and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to approve Mr. Smith's Residential Builders license without reexamination if he submits verification of the Judgment offer. Mr. Dillard seconded the motion, which did not carry unanimously, Mr. Dowd opposed.

Kirk Summers

The Commission held an application review hearing for Mr. Kirk Summers. Mr. Summers appeared before the Commission to present testimony. He also presented a witness Ms. Cynthia Summers and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to approve Mr. Summers' specialty registration and require a credit report at the next renewal. Mr. Dillard seconded the motion, which carried unanimously.

Rodney Martin

The Commission held an application review hearing for Mr. Rodney Martin. Mr. Martin appeared before the commission to present testimony and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to approve Mr. Martin's application for licensure once the settlement documents had been sent to LLR. Mr. Dill seconded the motion, which carried unanimously.

Walter Seinsheimer

The Commission held an application review hearing for Mr. Water Seinsheimer. Mr. Seinsheimer appeared before the commission to present testimony and waived his right to counsel. Mr. Bailey recused himself from the hearing proceedings.

MOTION:

Mr. Dowd made a motion to Approve and extension of 120 days and within that time Mr. Seinsheimer would need to provide the commission with an approved bank agreement. Mr. Dillard seconded the motion, which carried unanimously.

Final Order Hearings:

John Nester Case# 2014-350; 2012-73 & 2012-125

The Board held a Final Order hearing regarding Mr. Brian Nester. Mr. Roberts recused himself from the hearing proceedings due to his service as the hearing officer for Mr. Nester's cases.

MOTION:

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

Mr. Nathan Starnes Case# 2012-490

The Board held a Final Order hearing regarding Mr. Nathan Starnes. Mr. Roberts recused himself from the hearing proceedings due to his service as the hearing officer for Mr. Starnes case.

MOTION:

Mr. Dillard made a motion to uphold the Hearing Officer's Recommendation. Mr. Dill seconded the motion which carried unanimously.

Mr. Nathan Starnes Case# 2012-490

The Board held a Bond Claim hearing regarding Mr. Nathan Starnes. Mr. Roberts recused himself from the hearing proceedings due to his service as the hearing officers in this case.

MOTION:

Mr. Dillard made a motion to enter into executive session for legal advice. Mr. Dill seconded the motion which carried unanimously.

MOTION:

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

MOTION:

Mr. Lemmon made a motion to allow for a \$4,500 bond or 30 days direct payment to the homeowner in the same amount from Mr. Starnes in lieu of the bond claim. Ms. Rhyne seconded the motion, which carried unanimously.

Mr. Gerald Miles case# 2012-335

The Board held a Final Order hearing regarding Mr. Gerald Miles. Mr. Roberts recused himself from the hearing proceedings due to his service as the hearing officers in this case.

MOTION:

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

Mr. Martin Mcfadden case# 2012-423

The Board held a Final Order hearing regarding Mr. Martin Mcfadden. Mr. Roberts recused himself from the hearing proceedings due to his service as the hearing officers in this case.

MOTION:

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

Mr. Thomas Lewis case# 2013-49

The board held a Final Order hearing regarding Mr. Thomas Lewis. Mr. Roberts recused himself from the hearing proceedings due to his service as the hearing officers in this case.

MOTION:

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

Mr. Steven McGuinn case# 2013-482

The board held a Final Order hearing regarding Mr. Steven McGuinn. Mr. Roberts recused himself from the hearing proceedings due to his service as the hearing officers in this case.

MOTION:

Mr. Dowd made a motion to uphold the Hearing Officer's Recommendation. Mr. Dill seconded the motion which did not carry unanimously. Mr. Dillard opposed.

Mr. Ronnie Thomas case# 2013-25

The board held a Final Order hearing regarding Mr. Ronnie Thomas. Mr. Bailey recused himself from the hearing proceedings due to his service as the hearing officers in this case.

MOTION:

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

Mr. Travis Nichols case# 2012-323

The board held a Final Order hearing regarding Mr. Travis Nichols. Mr. Bailey recused himself from the hearing proceedings due to his service as the hearing officers in this case.

MOTION:

Mr. Dillard made a motion to uphold the Hearing Officer's Recommendation. Ms. Rhyne seconded the motion which carried unanimously.

Mr. Hai Nguyen case# 2012-315 & 2013-306

The board held a Final Order hearing regarding Mr. Hai Nguyen. Mr. Bailey recused himself from the hearing proceedings due to his service as the hearing officers in this case.

MOTION:

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

Mr. Bob Kemp case# 2011-68

The board held a Final Order hearing regarding Mr. Bob Kemp. Mr. Bailey recused himself from the hearing proceedings due to his service as the hearing officers in this case. Mr. Kemp appeared and waived his right to an attorney.

MOTION:

Mr. Dowd made a motion to uphold the finding of facts, number one, amend number 2 to a \$2,000 payable within 60 days and reject number 3 with in the Hearing Officer's Recommendation. Ms. Rhyne seconded the motion which carried unanimously.

Mr. Jerrell "Buddy" Register case# 2014-318

The board held a Final Order hearing regarding Mr. Jerrell "Buddy" Register. Mr. Bailey recused himself from the hearing proceedings due to his service as the hearing officers in this case.

MOTION:

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

Mr. Malcolm Montgomery case# 2013-397

The board held a Final Order hearing regarding Mr. Malcolm Montgomery. Mr. Bailey recused himself from the hearing proceedings due to his service as the hearing officers in this case. Mr. Montgomery appeared and waived his right to counsel.

MOTION:

Mr. Dowd made a motion to enter into executive session for legal advice. Mr. Lemmon seconded the motion which carried unanimously.

MOTION:

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

MOTION:

Mr. Dillard made a motion to accept number one and four and reject recommendations 2 and 3 of the Hearing Officer's Recommendation. Ms. Rhyne seconded the motion which carried unanimously.

Mr. Douglas Ellison case# 2013-274

The board held a Final Order hearing regarding Mr. Douglas Ellison. Mr. Bailey recused himself from the hearing proceedings due to his service as the hearing officers in this case.

MOTION:

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

Mr. Jessie Joiner case# 2013-204

The board held a Final Order hearing regarding Mr. Jessie Joiner. Mr. Bailey recused himself from the hearing proceedings due to his service as the hearing officers in this case.

MOTION:

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

Mr. Kevin Brown case# 2013-172 and 2013-280

The board held a Final Order hearing regarding Mr. Kevin Brown.

MOTION:

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

Mr. Richard Adams case# 2012-513

The board held a Final Order hearing regarding Mr. Richard Adams.

MOTION:

Mr. Bailey made a motion to uphold the Hearing Officer's Recommendation. Mr. Lemmon seconded the motion which carried unanimously.

Mr. Guillermo Sandavol case# 2014-28

The board held a Final Order hearing regarding Mr. Guillermo Sandavol.

MOTION:

Mr. Dowd made a motion to uphold the Hearing Officer's Recommendation. Mr. Bailey seconded the motion which carried unanimously.

Mr. Paul Francis case# 2012-341

The board held a Final Order hearing regarding Mr. Paul Francis.

MOTION:

Mr. Bailey made a motion to uphold the Hearing Officer's Recommendation. Mr. Dillard seconded the motion which carried unanimously.

Mr. Otis Thompson case# 2012-328

The board held a Final Order hearing regarding Mr. Otis Thompson.

MOTION:

Mr. Dill made a motion to uphold the Hearing Officer's Recommendation. Mr. Dowd seconded the motion which carried unanimously.

REQUEST FOR NATIONAL ASHI EXAM RECIPROCITY

Request moved to June agenda

Administrator's remarks for information:

None made all agenda items moved to June board meeting.

OIE Report – Mr. Todd Bond:

Todd Bond, Chief Investigator of OIE

Mr. Todd Bond, Chief Investigator appeared to present the information to the commission regarding the OIE monthly report.

Complaints Received – 237
Closed Cases – 268

Active Investigations – 135

New Business

A. Recommendations of IRC- March 25th

MOTION:

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

Recommendations of IRC- April 29th

MOTION:

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

B. Resolution Guidelines

MOTION:

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

Old Business:

All old business was moved to the June agenda.

Public Comments:

Public Comments were made.

Date of Next Meeting:

The next Residential Builders Commission meeting will be held Wednesday, April 8th, 2015 in room 108.

Adjournment:

Mr. Dowd made a motion to adjourn the Residential Builders Commission Meeting. Mr. Dillard seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 3:40 p.m.

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