

RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park
110 Centerview Drive Kingstree Building, Room 108
Columbia, South Carolina 29210
Wednesday, January 9, 2019

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, Christy Rhyne, and Hal Dillard.

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 January 9, 2019 Residential Builders Commission Meeting Agenda. Ms. Rhyne seconded the motion, which carried unanimously.

Approval of Minutes for the December 12, 2018 Meeting:

MOTION:

Ms. Rhyne made a motion to approve the December 12th, 2018 meeting minutes. Mr. Dillard seconded the motion, which carried unanimously.

Approval/Disapproval of Absent Members:

Mr. Al Bailey and Mr. Monte Lemmon were absent from the January 9th meeting.

MOTION:

Ms. Rhyne made a motion to approve the absence of Mr. Al Bailey and Mr. Monte Lemmon from the January 9, 2019 Residential Builders Commission Meeting Agenda. 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 Commission.

Disclosure Statement Waiver Request:

McKenzie Medlin

The Commission held a hearing regarding Ms. Medlin's request for waiver of the disclosure statement under the owner/builder exemption. Ms. Medlin appeared before the Commission and waived her right to counsel.

MOTION:

Mr. Dillard made a motion to approve Ms. Medlin's request for a waiver conditioned upon the final inspection being submitted to the Commission Administrator. Ms. Rhyne seconded the motion, which carried unanimously.

Lila Anderson

The Commission held a hearing regarding Ms. Lila Anderson request for a waiver of the disclosure statement under the owner/builder exemption. Ms. Anderson appeared before the Commission and waived her right to counsel.

MOTION:

Mr. Dowd made a motion to deny Ms. Anderson's request for a waiver. Mr. Dillard seconded the motion.

MOTION:

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

MOTION:

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

The Commissioners voted unanimously in favor of denying Ms. Anderson's request for a waiver of the disclosure statement.

Application Reviews:

Richard Grimm III

The Commission held an application review regarding Richard Grimm III. Mr. Grimm appeared before the Commission and waived his right to counsel.

MOTION:

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

Edward Lucic Jr.

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

MOTION:

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

William Evans

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

MOTION:

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

Alvin K Mitchell

The Commission held an application review regarding Alvin K Mitchell. Mr. Mitchell appeared before the Commission and waived his right to counsel.

MOTION:

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

Pavel Konnikov

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

MOTION:

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

Jenerrio C. Evans

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

MOTION:

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

Blake Eidson

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

MOTION:

Mr. Dowd made a motion to deny Mr. Eidson's request to sit for the exam at this time due to lack of experience. Ms. Rhyne seconded the motion, which carried unanimously.

Michael Liker

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

MOTION:

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

Juan C Barragan

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

MOTION:

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

Michael T Lewis

The Commission held an application review regarding Mr. Michael T Lewis. Mr. Lewis appeared before the Commission and waived his right to counsel.

MOTION:

Ms. Rhyne made a motion to deny Mr. Lewis's request to sit for the exam due to lack of experience. Mr. Dillard seconded the motion, which carried unanimously.

Scott W. Aguiar

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

MOTION:

Mr. Dillard made a motion to enter into executive session to receive legal advice regarding Mr. Aguiar's application. Mr. Dowd seconded the motion, which carried unanimously.

MOTION:

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

MOTION:

Mr. Dillard made a motion to deny Mr. Aguiar's request to sit for the exam. Mr. Dowd seconded the motion, which carried unanimously.

Ryan Davis

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

MOTION:

Mr. Dillard made a motion to deny Mr. Davis' request to sit for the exam. Ms. Rhyne seconded the motion, which carried unanimously.

Andrew Brock

Mr. Brock did not appear before the Commission

MOTION:

No motions were made.

John C Cheek

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

MOTION:

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

Vladimir L Kublahsvili

The Commission held an application review regarding Mr. Vladimir L Kublahsvili. Mr. Kublahsvili appeared before the Commission and waived his right to counsel.

MOTION:

Mr. Dowd made a motion to approve the specialty registration for Mr. Kublahsvili with the condition that, at renewal, Mr. Kublahsvili submit proof of a payment plan or resolution of the outstanding judgment. Ms. Rhyne seconded the motion, which carried unanimously.

William C Nicholson

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

MOTION:

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

Travis O Spell

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

MOTION:

Mr. Dillard made a motion to approve Mr. Spell's request for a specialty registration. Ms. Rhyne seconded the motion, which carried unanimously.

G Howard Brown

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

MOTION:

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

MOTION:

Mr. Dowd made a motion to approve Mr. Brown's renewal with the condition that he provide a letter from his attorney with an update on the current status of the judgment. Ms. Rhyne seconded the motion, which carried unanimously.

Final Order Hearings:

Mr. James Durant case # 2017-199

The Board held a Final Order hearing regarding Mr. James Durant. Mr. Durant was not present.

MOTION:

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

Mr. Jeffrey R Brown case # 2017-286; 2017-369; 2017- 459

The Board held a Final Order hearing regarding Mr. Jeffrey R Brown. Mr. Brown was not present.

MOTION:

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

Greenville Technical College-

Dean Phillips appeared regarding a request for approval of Building Construction (Residential) Curriculum as meeting experience requirement for builder's license. Mr. Phillips discussed the program and the possibility of using the program from Greenville Technical College as part of the experience requirement for the residential builder license.

Approval of NASCLA Travel

Motion:

Mr. Dowd made a motion to approve NASCLA travel for mid-year meeting for Janet Baumberger, Administrator, and for annual conference for Janet Baumberger, Administrator, 2 Commissioners, 2 attorneys, and 1 investigator.

Delegation of review and approval of owner builder waiver requests for non-structural improvements to Chairman

MOTION:

Mr. Dowd made a motion to delegate the review and approval of the owner builder waiver requests for non-structural improvements to the Chairman. Ms. Rhyne seconded the motion, which carried unanimously.

HVAC Duct Cleaning

The Commission discussed whether HVAC duct cleaning would require a license and it was agreed that an HVAC license would be required for such services.

Alabama Exam Waiver Agreement HVAC License

MOTION:

Mr. Dowd made a motion to approve the exam waiver agreement with Alabama for HVAC license. Ms. Rhyne seconded the motion, which carried unanimously.

Administrator's Remarks:

No remarks made.

ODC Report- Mr. Kyle Tennis:

Kyle Tennis, Attorney of ODC

Mr. Kyle Tennis, presented the ODC Report. Mr. Kyle Tennis reported the number of case prosecuted in 2018.

Open: 149 Pending Actions: 92 Pending ALC Hearings: 0 Pending Scheduling: 9
Citation Appeal: 1 Pending Appeal: 0 Pending Respondent's Agreement: 13
Pending Panel Hearing: 15 Pending Board Hearing: 7 Pending New OIE: 7
Pending Board Action: 2 Pending Scheduling FOH: 3 Closed: 22

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 for 2018:

Complaints Received – 796 Active Investigations – 217
Closed Cases – 751

New Business

A. Recommendations of IRC

MOTION:

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

B. Resolution Guidelines

MOTION:

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

Old Business:

Public Comments:

Date of Next Meeting:

The next Residential Builders Commission meeting will be held Wednesday, February 13, 2019, 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 2:58 p.m.

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