

RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park
110 Centerview Drive Kingtree Building, Room 108
Columbia, South Carolina 29210
Wednesday, February 13, 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: Al Bailey, Bryan Dowd, Christy Rhyne, and Monte Lemmon

Timothy W. Roberts, Chairman, announced that public notice of the meeting was properly posted on the bulletin boards at the main entrance of the Kingtree 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 February 13, 2019 Residential Builders Commission Meeting Agenda. Mr. Lemmon seconded the motion, which carried unanimously.

Approval of Minutes for the January 9, 2019 Meeting:

MOTION:

Ms. Rhyne made a motion to approve the January 9, 2019 meeting minutes. Mr. Lemmon seconded the motion, which carried unanimously.

Election of Officers:

Board Chair Roberts announced the election of the officers. Chairman Roberts called for nominations for the Office of Chair. Mr. Bailey moved to nominate Mr. Roberts to serve as Chair. Ms. Rhyne seconded the motion, which carried unanimously. There being no further nominations, the nominations were closed and Mr. Roberts was elected by acclamation.

Chairman Roberts called for nominations for the Office of Vice-Chair. Ms. Rhyne moved to nominate Mr. Bailey to serve as Vice- Chair. Mr. Dowd seconded the motion, which carried unanimously. There being no further nominations, the nominations were closed and Mr. Bailey was elected by acclamation.

Approval /Disapproval of Absent Members:

Mr. Hal Dillard was absent from the February 13th meeting

MOTION:

Mr. Dowd made a motion to approve the absence of Mr. Hal Dillard from the February 13, 2019 Residential Builders Commission Meeting. Ms. Rhyne 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.

Emily Farr, Director of SC Department of Labor, License and Regulation

Ms. Emily Farr, Director of SC Department of Labor, License and Regulation, spoke to the Commission. She introduced herself and offered her assistance to the Commission.

Disclosure Statement Waiver Request:

Alan Buchanan

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

MOTION:

Mr. Lemmon made a motion to approve Mr. Buchanan's request for a waiver. Ms. Rhyne seconded the motion, which did not carry unanimously. Mr. Dowd opposed.

Maria Malicka

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

MOTION:

Mr. Bailey made a motion to approve Ms. Malicka's request for a waiver. Mr. Dowd seconded the motion, which carried unanimously.

Application Reviews:

Michael G White

The Commission held an application review regarding Michael G White. Mr. White appeared before the Commission, waived his right to counsel.

MOTION:

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

Ronald Simpson

The Commission held an application review regarding Mr. Ronald Simpson. Mr. Simpson 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 Mr. Simpson's application. Mr. Dowd seconded the motion, which carried unanimously.

MOTION:

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

MOTION:

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

Adrian Bustamante Chavez

Mr. Bustamante Chavez did not appear before the Commission.

MOTION:

No Motions were made.

Jeffrey H Smith

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

MOTION:

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

Ricardo R Bono III

The Commission held an application review regarding Ricardo R Bono III. Mr. Bono appeared before the Commission and waived his right to counsel.

MOTION:

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

Brandon Sondles

The Commission held an application review regarding Brandon Sondles. Mr. Sondles 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. Sondles' application. Ms. Rhyne seconded the motion, which carried unanimously.

MOTION:

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

MOTION:

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

Marcus Stanley II

Mr. Stanley did not appear before the Commission.

MOTION:

No motions were made.

John D Tinsley

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

MOTION:

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

Richard Whitham

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

MOTION:

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

Ryan P Murdock

Mr. Murdock did not appear before the Commission.

MOTION:

No motions were made.

Donnie Melvin

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

MOTION:

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

Jarod Cannon

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

MOTION:

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

**Mr. Al Bailey recused himself from the following actions due to his service as the hearing officer: case 2017-682 James H M Creech; case 2017-452 James D Thorpe II; case 2018-286 Allen J Connolly; case 2017-564 Jack D Bullis.

Final Order Hearings:

Mr. James H M Creech case # 2017-682

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

MOTION:

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

Mr. James D Thorpe II case # 2017-452

The Board held a Final Order hearing regarding Mr. James D Thorpe II. Mr. Thorpe was present.

MOTION:

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

Mr. Allen J Connolly case # 2018-286

The Board held a Final Order hearing regarding Mr. Allen J Connolly. Mr. Connolly was not present.

MOTION:

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

Mr. Jack D Bullis case # 2017-564

The Board held a Final Order hearing regarding Mr. Jack D Bullis. Mr. Bullis was not present.

MOTION:

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

** Mr. Al Bailey returned to the meeting.

** Mr. Timothy Roberts recused himself from the following action due to his service as the hearing officer in case 2017-528 Darrin Nichols.

Mr. Darrin Nichols case # 2017-528

The Board held a Final Order hearing regarding Mr. Darrin Nichols. Mr. Nichols was not present.

MOTION:

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

Memorandum of Agreement:

Christopher Sanborn Case no 2017-340

Mr. Christopher Sanborn was not present. The State was represented by Mr. Kyle Tennis, Esq Mr. Tennis requested that the Commission accept the Memorandum of Agreement (MOA).

MOTION:

Mr. Bailey made a motion to accept the MOA, assess a total fine of \$4,000 to be paid within 30 days from the date of the final order. Ms. Rhyne seconded the motion which carried unanimously.

Administrator's Report and Recommendation for Bond Claim:

Mark Clucas Jr. case no 2016-547

The Commission held a hearing regarding the administrator's recommendation for bond claim. Mr. Clucas was present.

MOTION:

Mr. Bailey made a motion to enter into executive session to receive legal advice in the matter of case no 2016-547. Ms. Rhyne seconded the motion which carried unanimously.

MOTION:

Mr. Bailey made a motion to exit executive session after receiving legal advice in the matter of case no 2016-547. Ms. Rhyne seconded the motion which carried unanimously.

MOTION:

Mr. Bailey made a motion to deny the bond claim at this time. Ms. Rhyne seconded the motion which carried unanimously.

James Thorpe Case no 2017-452

The Commission held a hearing regarding the administrator's recommendation for bond claim. Mr. Thorpe was present.

MOTION:

Mr. Dowd made a motion to approve the administrator's recommendation for bond claim. Ms. Rhyne seconded the motion which carried unanimously.

Request to rescind citation case no 2018-646

MOTION:

Mr. Bailey made a motion to rescind the citation that was issued in case no 2018-646. Ms. Rhyne seconded the motion which carried unanimously.

Administrator's Remarks:

H3455- Residential Pools

The Administrator gave a brief overview of the H3455 that is currently on the floor in the house.

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 today:

Complaints Received – 105

Active Investigations – 217

Closed Cases – 142

New Business

A. Recommendations of IRC

MOTION:

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

B. Resolution Guidelines

MOTION:

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

Old Business:

Public Comments:

Date of Next Meeting:

The next Residential Builders Commission meeting will be held Wednesday, March 13, 2019 in room 108.

Adjournment:

Ms. Rhyne made a motion to adjourn the Residential Builders Commission Meeting. Mr. Bailey seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 3:28 p.m.

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