

LLR – MANUFACTURED HOUSING BOARD
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210
MINUTES

TUESDAY, OCTOBER 14, 2008

10:00 A.M.

Randall Altman, Chairman 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:

Randall Altman, Chairman, called the regular meeting of the Manufactured Housing Board to order at 10:00 a.m. Other members present for the meeting included: Vanessa Gardner, Sharon Johnson, Paul Laurent (Vice Chairman), Clarence Strickland, Tim Holt and Jane Ballagh.

Staff members participating in the meeting included: Sheridan Spoon, Deputy General Counsel, Michael Anderson, Administrator, Dwight Hayes, Office of Licensure Compliance and Discipline and Angela Scott, Administrative Assistant.

Others present participating in the meeting included: Mark Dillard, Sam Gable, Alan Huto, Gressethe Holt and Sharon Clark.

Approval of Agenda:

Tuesday, August 12, 2008

Motion

Ms. Ballagh moved the Board to approve the Tuesday, August 12, 2008, agenda as previously noticed. Mr. Holt seconded the motion, which carried unanimously.

Approval of Minutes:

Tuesday, August 12, 2008

Motion

Mr. Strickland moved the Board to approve the Tuesday, August 12, 2008, meeting minutes. Ms. Ballagh seconded the motion, which carried unanimously.

Excused Members:

Mr. Iseman and Mr. Levy were granted and excused absence.

Chairman's Remarks:

Randall Altman

NONE

Administrator's Remarks:

Michael Anderson

Mr. Anderson informed the Board that the Federal Register §32.85 states that effective October 20, 2008, all new manufactured homes are required to have vapor barriers installed. Effective February 2, 2009, corrosion resistant anchors must be installed in new manufactured homes.

Mr. Anderson informed the Board that he and the staff of the Manufactured Housing Institute are working together to write the regulations governing apprentice license.

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Advisory Opinions:

Sheridon Spoon

NONE

Legislative Update:

NONE

Office of Licensure Compliance and Discipline:

Dwight Hayes

Mr. Dwight Hayes, from Office of Licensure Compliance and Discipline, informed the Board that the Compliance and Discipline section is charged with determining compliance with Consent Agreements and Board Orders. When it is determined that a licensee is not in compliance action is taken in accordance with the Agreement or Order. In most cases, the Agreement or Order provides for the suspension of the license until such time as the licensee comes into compliance. He stated that in order to make this transition work accurately and faster they are recommending that the Board give the Administrator authority to sign Agreements and Orders administratively suspending a license pending compliance; and to re-instate licenses when they come into compliance. The cases would be brought before the Board for discussion and signature when appropriate.

MOTION

Mr. Holt made a motion, to give the Administrator authority to sign Agreements and Orders administratively suspending a license pending compliance and to re-instate licenses when they come into compliance. Mr. Strickland seconded the motion, which carried unanimously.

Progress Report

Status Report-Manufactured Housing

The status reports for August and September 2008 were reviewed. Copies of the status reports are attached and hereby become part of the record.

New Licenses

Reports listing the licenses issued for August and September 2008 for Dealers, Manufacturers, Multi-Lot Salespersons, Contractors, Installers and Repairers were reviewed. Copies of the reports are attached and hereby become part of the record.

Administrative Hearings

Reports of Administrative Hearings for August and September 2008 were reviewed. Copies of the administrative hearing report are attached and hereby become part of the record.

Old Business

NONE

New Business

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Bond Claims

Mr. Holt made a motion, to approve the bond claims submitted. Mr. Strickland seconded the motion, which carried unanimously.

Mr. Strickland asked the status of General Housing Manufacturer's Bond. Mr. Anderson stated that Eugenia Allen and Katherine Simpson would properly be the last claim submitted against General Housing's bond.

Mark Dillard, Manufactured Housing Institute

Mr. Mark Dillard

Mark Dillard from the Manufactured Housing Institute of South Carolina stated that the majority of LLR boards have provisions for "continuing education" for their licensees. One important purpose is to insure that licensees keep abreast of changes in laws and regulations which occur in the years after they receive their license. Therefore, the institute is proposing that dealers and salespersons be required to take six hours of continuing education every two years in order to renew their license. Persons with a total of twenty-five (25) years of licensure in their current license category would be exempt from the requirement. The proposed legislation below is patterned after provisions in the SC Code of Laws providing Continuing Education for other LLR Boards.

§40-29-205. Continuing education; exemptions

- (A) As a condition of active license renewal, a dealer or salesperson shall provide proof of satisfactory completion biennially of six hours of continuing education in courses approved by the Board and taught by instructors approved by the Board. The six hours shall include a minimum of three hours of instruction in current state laws and regulations affecting dealers and salespersons.
- (B) A dealer or salesperson with a minimum of twenty-five years of experience in his or her current license category is exempt from the biennial continuing education required by subsection (A).
- (C) Dealers or salespersons taking more than the required number of hours during a two-year period may not carry forward any excess hours to another renewal period.
- (D) A dealer or salesperson who fails to complete the continuing education requirements required by this section by the date of license renewal may renew by submitting applicable fees but must immediately be placed on inactive status and may not do business as a dealer or salesperson while on inactive status. The license may be reactivated upon proof of completion of required continuing education and payment of applicable fees.

Mr. Strickland

Mr. Strickland asked who would provide training and who is required to take continuing education.

Mr. Anderson

Mr. Anderson stated currently there is not enough staff to track continuing education and conduct the classes.

Mr. Spoon

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Mr. Spoon advised that LLR has always taking the position that it is the licensee responsibility to provide continuing education documentation.

Mr. Holt

Mr. Holt suggested that the courses be conducted at technical schools, Manufactured Housing Academy or Manufactured Housing Institute.

Ms. Ballagh

Ms. Ballagh stated that continuing education is good and is really needed. She asked whether Contractors, Repairers and Installers be required to take continuing education and what would be the cost.

Mr. Dillard

Mr. Dillard stated that the Manufactured Housing Institute has the experience and education to provide training. Mr. Allen Hutto is currently working on governmental issues and he has someone working with him that has background in continuing education. The cost would be looked in the near future.

MOTION

Mr. Holt made a motion, to approve the proposed legislation as written adding continuing education requirements for contractors, repairers and installers. Mr. Strickland seconded the motion, which carried unanimously.

Public Comments

Sam Gamble

Mr. Sam Gamble from Triad Financial Services, Inc., stated at the August 12, 2008, meeting the board agreed to temporally suspend Mr. Jason Bozard, Advantage Housing, license until such time as he could appear before the Board. He asked whether that license suspended. Also, he stated that as of March 2008, Mr. Willis Noland, Eagle Homes in Walterboro went out of business but currently he is selling manufactured homes out of his home.

Mr. Anderson

Mr. Anderson stated that Mr. Bozard's license expired on June 30, 2008, therefore, he do not have a current license. He stated that Eagle Homes is no longer in business and staff has bond claims pending against that dealership. He stated if someone would like to file a formal complaint against Mr. Noland an investigation would be done.

Mrs. Gardner

Mrs. Gardner stated that the Manufactured Housing Board is here to protect the industry and it is very important that this information get out to the consumers.

Mr. Holt

Mr. Holt thanked Mr. Gamble for attending the meetings and presenting the members' with information that pertaining to the industry.

Mr. Alan Huto

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Mr. Alan Hutto, General Council, Manufactured Housing Institute of South Carolina stated that they have received numerous calls from consumers regarding not receiving their manufactured home title and they would like to sell the home. Therefore, he is currently working on legislation to rectify this problem. Also, there will be some continuing education classes regarding detitling manufactured homes.

Mr. Strickland

Mr. Strickland asked that the Board receive a copy of the proposed legislation once it is written for review and approval.

Mrs. Sharon Clark – Five Star Homes

Mrs. Sharon Clark, from Five Star Homes, stated that she sent Mr. Dillard, Mrs. King and Mr. Anderson letters stating that there are Real Estate Agents selling manufactured homes on leased land. The provision in the law states that it must be conveyed in the listing. She stated that the manufactured housing industry have allowed certain licensees to abuse the law and put the manufactured housing industry in damager. In a twelve (12) month period over two (2) million manufactured homes was listed and sold in Horry County. She asked whether there was anything that could be done to reverse the law allowing real estate agents to sell manufactured homes.

Mr. Spoon

Mr. Spoon advised that a complaint be filed with the Real Estate Commission because there are laws that governor's real estate agents.

Mr. Holt

Mr. Holt thanked Mrs. Clark for bringing her concerns to the Board and asked Mr. Dillard could Mrs. Clark's concerns be listed in the Manufactured Housing Institute's magazine.

Date of Next Meeting

Tuesday, December 9, 2008, Meeting Room 108

The next meeting of the Board is scheduled for Tuesday, December 9, 2008, in conference room 108.

Adjournment

Ms. Johnson moved the meeting be adjourned. Ms. Ballagh seconded the motion, which carried unanimously.

The October 14, 2008, meeting of the South Carolina Manufactured Housing Board was adjourned at 12:30 p.m.