

**South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday, April 11, 2007
Columbia, South Carolina**

MEMBERS PRESENT

**John Curl
Frank Clark
Caleb Davis
Timothy Roberts**

OTHERS PRESENT

**Rick Wilson, Deputy General Counsel
Jamie Saxon, Hearing Advisor
Christa Bell, Staff Attorney
Charles McAlister, Administrator
Charles Ido, Chief of Investigations, OIE
Patrice Deas, Administrative Assistant
Adriane Mack, Administrative Specialist
Patricia Nye, Court Reporter**

MEMBERS ABSENT

Al Bailey, Gale Crawford, and Derrick Williams

Public Notice of this meeting was properly posted at the Board office and provided to any requesting persons, organizations, or news media in compliance with Section 30-4-80 of the S. C. Freedom of Information Act. A quorum was present at all times.

Call to Order

Mr. John Curl, Chairman, called the meeting to order.

Approval of Minutes

Motion: Mr. Roberts moved to approve the minutes of March 14, 2007 meeting. Mr. Davis seconded the motion, and with all members present voting favorably, the motion carried.

Approve recommendations of the Investigative Review Committee

Motion: Mr. Davis moved to approve the recommendations of the Investigative Review Committee for March 6, 2007. Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

Approval of Recommendations of the Administrative Hearing Officer, Douglas Green, for Citation Appeals

Motion: Mr. Roberts moved to approve the recommendations of the Administrative Hearing Officer, Douglas Green, for Citation Appeals on behalf of Seth A. Levy, Wayne Shuler, Jeff Campbell, Sidney Young, Todd M. Cahill, Michael Onofrey, and Thomas Robinson. Mr. Davis seconded the motion, and with all members present voting favorably, the motion carried.

Request for Reinstatement of License

Allen Butts – Mr. McAlister informed the Commission that Mr. Butts has requested that this matter be continued. Therefore, no action was taken.

Rodney C. Fazilat – Mr. McAlister informed the Commission that Mr. Fazilat’s license was revoked by the Commission on August 29, 2001. The Connecticut Indemnity Company paid a bond claim in the amount of \$15,000.00 to the homeowners.

Mr. Fazilat apologized to the Commission, Connecticut Indemnity Company, and the homeowner, Scott Thibodeaux, for putting his family through the complaint process. Mr. Fazilat stated that he is talking with the bonding company regarding restitution of the bond. Mr. Fazilat informed the Commission that during that time he was dealing with a failed business and a failed marriage, and that for the past nine years he has worked for some of the largest builders in North Carolina and Florida. Mr. Fazilat requested that the Commission reinstate his residential builder’s license to build residential structures again in South Carolina.

Mr. Rick Wilson informed the Commission that, on August 29, 2001, they permanently revoked Mr. Fazilat’s residential builder’s license. The Commission would have to amend the Order “by deleting permanently” before Mr. Fazilat’s license can be reinstated. Mr. Fazilat would be eligible for reconsideration of a new license.

Motion: Mr. Davis moved to grant Mr. Fazilat a residential builder’s license upon certain terms and conditions. Mr. Clark seconded the motion, and with all members present voting favorably, the motion carried.

1. The Order of the Commission, dated August 29, 2001, is hereby amended to delete the word “permanently” from the sanction imposed therein.
2. Applicant’s application for authorization to engage in the business of residential building in this State is hereby granted upon satisfaction of all requirements for initial licensure and the following pre-conditions for authorization.
 - a. Applicant shall provide to staff written letters of recommendation from his last two employers during the period following the Order, dated August 29, 2001, verifying employment and attesting to Applicant’s character and fitness for licensure.
 - b. Applicant shall provide to staff satisfactory evidence that all previous bond obligations have been satisfied.
 - c. Applicant shall provide satisfactory evidence to staff of a surety bond acceptable to the Commission in the amount of Thirty Thousand (\$30,000.00) Dollars.

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3. Thereafter, Applicant shall be issued an authorization to engage in the practice of residential building in this State in a probationary status upon satisfaction of all other requirements for authorization and faithful compliance with the following terms and conditions of probation, which shall continue in effect for a period of not less than two years and until further Order of the Commission:

James O. Williams – Mr. McAlister informed the Commission that Mr. Williams is requesting reinstatement of his Certificate of Authorization. A Do Not Renew Order was issued against Mr. William's license, on June 14, 2006, based on a complaint filed by a Mr. Clarence Jackson.

Mr. Williams informed the Commission that he was willing to take responsibility for the deficiencies listed in Investigator Deer's inspection report, but he did not have access to Mr. Jackson's home to make the necessary repairs.

Mr. Jackson informed the Commission that Mr. Williams was never denied access to his home to finish the work in accordance with the contract. Mr. Jackson stated that civil litigation is now pending in this matter.

Mr. Curl informed Mr. Williams that the Commission cannot reinstate his license until the complaint has been satisfied in accordance with the Order, dated June 14, 2006. Therefore, no action was taken in this matter.

Appeal recommendation of Administrative Hearing Officer, Douglas Green, for Bond Hearing

Eddie White - Mr. White informed the Commission that items in Mr. Tompkins inspection report, dated November 17, 2005, have been resolved. Mr. Bernard Tompkins, investigator for LLR stated that he contacted the homeowners Mr. & Mrs. Bradley and they stated that all items have been resolved to their satisfaction.

Motion: Mr. Clark moved to dismiss the bond claim filed against Mr. White's bond, provided Mr. Tompkins verifies that all items in his inspection report, dated November 17, 2005, have been resolved. Mr. Davis seconded the motion, and with all members present voting favorably, the motion carried.

New Business

Mr. McAlister informed the Commission that Mississippi is requesting a reciprocity agreement with South Carolina. Mississippi sent a representative to South Carolina to study our law and exam and modeled their Commission after South Carolina laws.

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The reciprocal agreement would be that we would accept Mississippi's license, however, the applicant must take the business and State law portions of the exam.

Motion: Mr. Clark moved to reciprocate with Mississippi with the residential builder's license based on the applicant taking our business and State law portions of the exam. Mr. Roberts seconded the motion, and with all members present voting favorably, the motion carried.

Unfinished Business

None

Adjournment

There being no further business, the business meeting for April 11, 2007 concluded at 11:16 p.m.

The next scheduled board meeting will be held on May 9, 2007, at 10:00 a.m. Synergy Business Park, Kingstree Building, Room 111. (Note: Subject to Change)

Hearings

Mr. Curl called the hearings to order. Mr. Jamie Saxon was the hearing advisor.

Approve Recommendations of Administrative Hearing Officers, John Curl for Administrative Hearing

Peter Spano - This matter was heard before John Curl, Administrative Hearing Officer, on January 30, 2007.

Due to the fact that there was no quorum, present this matter was continued until the next Commission meeting. No action was taken.

Norris Hollington –This matter was heard before John Curl, Administrative Hearing Officer, on January 30, 2007. Mr. Ladson H. Beach, Jr. Esquire, representative for Norris Hollington, stated that he and his client waived any objection to having Mr. Curl participate in the proceedings. A quorum was present.

Mr. Beach informed the Commission that the recommendation in paragraph 2 stated that the Respondent's license, be and it hereby is, suspended until such time as he has settled his financial obligation to his bonding company. Such satisfactory settlement shall be determined by the

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Administrator of the Commission. Once the bonding company has paid the claim to the homeowner Mr. Hollington will reimburse the bonding company and request reinstatement of his license.

Ms. Bell requested that the suspension be immediate and that Mr. Hollington be allowed to finish this one job at this time, and not be allowed to pull any new permits.

Mr. John Curl made a modification to his recommendation that Mr. Hollington be allowed to complete the one job in progress and also call on the bond so that Mr. Hollington can pay the bond to expedite the process.

Motion: Mr. Clark moved to accept Mr. Curl's recommendation with the following modifications. Mr. Davis seconded motion, and with all members present voting favorably, the motion carried.

1. The Respondent pay a fine of One Thousand (\$1,000.00) Dollars. This fine shall not be deemed paid until received by the Commission. Failure to pay the fine shall prevent the Respondent from being re-licensed.
2. The Respondent's license be, and hereby is, suspended until such time as he satisfies his financial obligation to his bonding company. The Commission's Administrator shall determine whether the Respondent has made satisfactory settlement, and shall endeavor to expedite the matter so as to avoid any delay.
3. The original complainant (homeowner) is granted permission to file a claim against the Respondent's surety bond.
4. A Cease and Desist Order is hereby issued to the Respondent, pursuant to S.C. Code Ann. 40-59-100, requiring the Respondent to cease and desist from engaging in the practice of residential home building and residential specialty contracting, with the sole exception being a project expected to conclude by May 15, 2007.

Leroy Grainger – This matter was heard before John Curl, Administrative Hearing Officer, on January 30, 2007.

Due to the fact that there was no quorum present, this matter was continued until the next Commission meeting. No action was taken.

Transcripts of these hearings may be obtained from Patsy Nye, Certified Court Reporter, and Garber Reporting Services.