

**South Carolina Residential Builders Commission
Board Meeting Minutes, Wednesday, July 9, 2008
Columbia, South Carolina
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MEMBERS PRESENT

Derrick Williams
Al Bailey
Caleb Davis
Tim Roberts
Frank Clark
Byran Dowd

STAFF PRESENT

Sheridon Spoon, Deputy General Counsel
Jamie Saxon, Hearing Advisor
Stan Bowen, Administrator
Patrice Deas, Administrative Assistant
Faye Grainger, Court Reporter
Angela Scott, Administrative Assistant
Cantrell Frayer, Staff Attorney
Christa Bell, Staff Attorney
Charlie Ido, Office of Investigation
Ryan Holt
Benjamin Page

OTHERS PRESENT

Patrick Lisi	Chris Davis	Adam Nasse
Jon Cherry	Rocki McAllister	Jimmy Mance
Vic Rawl	Cameron Yarborough	Gregory Smith
Rita McKinney	Christopher Johnson	Kris Feldner

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

On Wednesday, July 9, 2008, Chairman Derrick Williams called the meeting to order at approximately 10:00 a.m.

Approval of Agenda

Chairman Williams called for the approval of the agenda as previously noticed. After review, Mr. Clark made a motion, seconded by Mr. Bailey, to approve the agenda, and with all members' present voting favorably, the motion carried.

Approval of Minutes

Chairman Williams called for the review and approval of the June 11, 2008, minutes. After review, Mr. Dowd made a motion, seconded by Mr. Clark, to approve minutes. With all members' present voting favorably, the motion carried.

Excused Members

Chairman Williams informed the Commission that Mrs. Timothy Roberts was not present do to a prior engagement. Mr. Bailey made a motion, seconded by Mr. Clark, to excuse members' absences, and with all members present voting favorably, the motion carried.

Old Business

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Comments From Administrator

Mr. Stan Bowen informed the Commission that Mr. Zail Gavin and Mr. Jeff Linette cases were forwarded to Office of Investigation.

New Business

Recommendation of Investigation Review Committee

Chairman Williams called for the review and approval of the recommendations of the Investigative Review Committee. After review, Mr. Davis made a motion, seconded by Mr. Bailey, to approve the recommendations of the Investigative Review Committee, and with all members present voting favorably, the motion carried.

Administrative Hearing Officer's Recommendations For Bond Claim

The Commission reviewed the Hearing Officer's recommendations for bond claim against Mr. Tom Adams, Jr. After review, Mr. Bailey made a motion, seconded by Mr. Clark to approve the Hearing Officers recommendations for bond claim and with all members present voting favorably, the motion carried.

Administrative Hearing Officer's Recommendations for Citations

The Commission reviewed the Hearing Officer's recommendations for citations against Mr. David Martin, Mr. Darrel Ramey, Mr. S. Leslie Roper and Mr. Timothy Smith. After review, Mr. Bailey made a motion, seconded by Mr. Clark, to approve the recommendation of the Administrative Hearing Officer. With all members present voting favorably, the motion carried.

Application Review

Mr. Christopher Davis – The Commission reviewed Mr. Davis' Residential Specialty Contractor's Application. Mr. Davis was sworn in by Mrs. Faye Grainger. Mr. Davis waived his right to counsel. Mr. Bowen informed the Commission that Mr. Davis answered "yes" that he has been convicted of pled guilty or nolo contendere to a criminal offense.

Mr. Davis testified that he was convicted of Grand Larceny in January 2005. He was sentence to five years probation and his probation will end February 2010. He apologized for his criminal background and asked the Commission to grant him a license.

Motion: Mr. Davis moved to grant Mr. Davis' Residential Specialty Registration with a probationary status until February 2010 and he must furnish a statutory bond in the amount of Five Thousand Dollars (\$5,000). Mr. Clark seconded the motion, and with all members present voting favorably, the motion carried.

Mr. Gregory Smith – The Commission reviewed Mr. Smith's Residential Builder's Renewal Application. Mr. Smith was sworn in by Mrs. Faye Grainger. Mr. Smith was represented by Mr. Brad Young, Esquire. Mr. Bowen informed the Commission that Mr. Smith answered "yes" that there has been judgments, liens or claims filed against him or business entities that he has been associated with within the past five years.

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Mr. Young informed the Commission that Mr. Smith was involved in a trial in May 2007, which is currently in the briefing process for appeal. The trial court awarded a judgment against Mr. Smith in the amount of Eleven Thousand Dollars (\$11,000). The case is being appealed due to errors of law, plain language on the contract, mathematical errors in the accounting and discrepancy in the award amount. He asked that the Commission approve Mr. Smith's renewal application until such time as the appeal hearing is held. If at the time Mr. Smith's appeal is denied then he will satisfy the judgment.

Motion: Mr. Bailey moved to approve Mr. Smith's Residential Builder's Renewal Application with a current financial statement and pending the resolving of the judgment currently being appealed. If the judgment is not resolved Mr. Smith's license will be suspended. The motion was seconded by Mr. Davis and with all members present voting favorably, the motion carried.

Mr. Christopher Johnson. – The Commission reviewed Mr. Johnson's Residential Builder's Application. Mr. Johnson was sworn in by Mrs. Faye Grainger. Mr. Johnson waived his right to counsel. Mr. Bowen informed the Commission that Mr. Johnson answered "yes" that he has been convicted of pled guilty or nolo contendere to a criminal offense.

Mr. Johnson testified that he was charged five years ago for simply possession of marijuana. He is currently employed with Blackwell Trucking and has completed thirty-six (36) hours in the Residential Builder's Code Program at Florence-Darlington Technical College. He asked the Commission to grant him the opportunity to sit for the Residential Builder's Examination by approving his application.

Motion: Mr. Bailey moved to approve Mr. Johnson to sit for the Residential Builder's Examination. The motion was seconded by Mr. Clark and with all members present voting favorably, the motion carried.

Mr. Howard Charpia – The Commission reviewed Mr. Charpia's Residential Builder's Renewal Application. Mr. Bailey asked to be recused because of prior business relationship with Mr. Charpia. Mr. Charpia was sworn in by Mrs. Faye Grainger. Mr. Charpia waived his right to counsel. Mr. Bowen informed the Commission that Mr. Charpia answered "yes" that there has been judgments, liens or claims filed against him or business entities that he has been associated with within the past five years.

Mr. Charpia testified that there were judgments filed against him on August 5, 2004, for Breach of Contract in the amount of Three Thousand, Four Hundred Dollars (\$3,400), Actual Damages, and Implied Warranty of Habitability in the amount of One Hundred Dollars (\$100) and Negligence in the amount of One Hundred, Eighty-Eight Thousand One Hundred Dollars (\$188,100). These judgments entailed a Civil Trial in which judgment was obtained thru perjured testimony. Since these judgments, his credit has been ruined and he can only do renovation work. He asked that the Commission approve his renewal application

Mr. Dowd made a motion, to go into executive session. The motion was seconded by Mr. Clark and with all members present voting favorably, the motion carried. Mr. Dowd made a motion to come out of executive session. The motion was seconded by Mr. Clark to come out of executive session and with all members present voting favorably, the motion carried. Chairman Williams stated no action was taken in executive session.

Mr. Sheridan Spoon advised that Mr. Bailey was recused and there was not a quorum therefore, a

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decision could not be made and Mr. Capria's case would be continued to the August 13, 2008, meeting. Mr. Dowd made a motion, seconded by Mr. Clark.

Mr. Rockie McAlister- The Commission reviewed Mr. McAlister's Residential Specialty Contractor's Application. Mr. McAlister was sworn in by Mrs. Faye Grainger. Mr. McAlister waived his right to counsel. Mr. Bowen informed the Commission that Mr. McAlister informed staff that he had some credit issues and concerns.

Mr. McAlister testified that his license was not approved by the staff due to credit problems. These credit problems can be resolved but not in a timely manner. Due to the lack of a state license his income has been compromised. Therefore, he is asking the Commission to give him the opportunity to work in this State by approving his application.

Motion: Mr. Clark moved to approve grant Mr. McAlister's Residential Specialty Painting Registration. Mr. McAlister must provide documentation from the Internal Revenue Services stating that he is making payments. The motion was seconded by Mr. Davis and with all members present voting favorably, the motion carried.

Mr. Cameron Yarborough - The Commission reviewed Mr. Yarborough's Residential Builder's Application. Mr. Yarborough was sworn in by Mrs. Faye Grainger. Mr. Yarborough waived his right to counsel. Mr. Bowen informed the Commission that Mr. Yarborough answered "yes" that he has been convicted of pled guilty or nolo contendere to a criminal offense.

Mr. Yarborough testified that approximately ten years ago he was charged with Simple Possession and had several misdemeanor charges (no felonies). He hopes that the charges would not affect his eligibility to get license. He received an Associate Degree in Computer Technology from Spartanburg Community College and he is presently enrolled in Limestone College in hopes to obtain a Bachelor's Degree.

Motion: Mr. Dowd moved to approve Mr. Yarborough to sit for the Residential Builder's Examination. The motion was seconded by Mr. Davis and with all members present voting favorably, the motion carried.

Mr. Patrick Lisi - The Commission reviewed Mr. Lisi's Residential Builder's Application. Mr. Lisi was sworn in by Mrs. Faye Grainger. Mr. Lisi waived his right to counsel. Mr. Bowen informed the Commission that Mr. Lisi answered "yes" that he has been convicted of pled guilty or nolo contendere to a criminal offense.

Mr. Lisi testified that from April 4, 2000, through July 5, 2000, he was arrested four times for possession paraphernalia and underage drinking, trespassing, careless operation and driving under suspension, and receiving and distributing stolen goods. He quickly learned from those arrests and redirected his life. He has worked very hard to learn his craft and to establish a good reputation and good credit. He has had excellent training and feels totally prepared to establish a business and obtain the necessary licenses to act as a builder.

Motion: Mr. Davis moved to approve Mr. Lisi to sit for the Residential Builder's Examination. The motion was seconded by Mr. Clark and with all members present voting favorably, the motion carried.

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Mr. Adam Nasse - The Commission reviewed Mr. Nasse's Residential Builder's Application. Mr. Nasse was sworn in by Mrs. Faye Grainger. Mr. Nasse waived his right to counsel. Mr. Bowen informed the Commission that Mr. Nasse was present to ask the Commission to accept his credentials and experience which he submitted on his residential builder's application.

Mr. Nasse testified that his application was returned with a letter stating that the affidavit was signed by someone that did not appear to be a license holder. He returned his application with a copy of Mr. Gerald Stockman's license and a letter from Mrs. Helen Langworthy, who is the legal proxy and personal assistant of Mr. Stockman, whom passed away in 2004. Although, Mrs. Langworthy was not a license contractor she was able to confirm his work experience and the time that he worked with Mr. Stockman. He worked for Mr. Gerald Stockman for approximately 10 years. Mr. Stockman worked in the building trade for most of his life and constructed over Two Hundred (200) houses in Maryland, Delaware areas before moving to South Carolina. After the passing of Mr. Stockman, he worked for Mr. Anthony Stockman who later relocated. He has continued to work with Mr. Stockman's clients and it is his goal to continue to do business once he gets a license.

Mrs. Helen Langworthy testified that Mr. Gerald Stockman had a contractor's license in South Carolina but, she was not sure which agency. Mr. Nasse has worked for Mr. Gerald Stockman and Mr. Anthony Stockman for a number of years.

Motion: Mr. Davis moved to approve Mr. Nasse to sit for the Residential Builder's Examination. The motion was seconded by Mr. Clark and with all members present voting favorably, the motion carried.

Mr. Joshua Chappell – This matter was resolved. **No Action Was Taken.**

Mr. Jimmy Mance – The Commission reviewed Mr. Mance's Residential Specialty Contractor's Application. Mr. Mance was sworn in by Mrs. Faye Grainger. Mr. Mance waived his right to counsel. Mr. Bowen informed the Commission that Mr. Mance answered "yes" that there has been judgments, liens or claims filed against him or business entities that he has been associated with within the past five years.

Mr. Mance testified that there are three judgments filed against him. The first judgment was in the amount of Four Thousand, One Hundred Sixty Dollars (\$4160); the second judgment is for One Thousand Forty Dollars (\$1040); and the third judgment is for One Thousand, Five Hundred Twenty-Five Dollars (\$1525). He testified that he has made payment arrangements and once he sell his rental home he will pay off these judgments. He has worked for several contractors through out State.

Motion: Mr. Bailey moved to deny Mr. Mance's request to renew his Residential Specialty Contractor's license. The motion was seconded by Mr. Davis and with all members present voting favorably, the motion carried.

Pulte Homes – The Commission reviewed Pulte Homes Certificate of Authorization Application. Mr. Victor Rawl, Jr., and Mrs. Rita McKinney represented Pulte Homes. Mr. Jon Cherry and Mr. Scott Thomas were sworn in by Mrs. Faye Grainger. Mr. Bowen informed the Commission that Mr. Jon Cherry and Mr. Scott Thomas were present to give an explanation as to why they answered "yes" they had a license, certification or registration cancelled, surrendered, revoked, suspended, restricted or disciplined; and there is an investigation

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or disciplinary action currently pending against them or the organization of which they are or were an officer, principal, major shareholder or qualifying party.

Mrs. McKinney informed the Commission that Mr. Cherry is the President and Mr. Thomas is the Construction Engineering and qualifying party for the South Coastal Division of Pulte Homes. Pulte Homes had a license suspended in the past for failure to renew in Arizona. Also, Pulte Homes has an open complaint where the complainant raised an issue regarding an energy savings guarantee in which they purchased from Pulte Homes Corporation. In that complaint it was alleged that Pulte violated an Arizona statute by failing to display its license number on some of the documents. Pulte presently holds a South Carolina General Contractor's license, but intends to allow that license to lapse in favor of the present request for Certificate of Authorization.

Motion: Mr. Davis moved to approve Pulte Homes Certificate of Authorization. The motion was seconded by Mr. Dowd and with all members present voting favorably, the motion carried.

Del-Webb Communities, Inc. – The Commission reviewed Del-Webb Communities, Inc., application for Certificate of Authorization. Mr. Victor Rawl, Jr., and Mrs. Rita McKinney represented Pulte Homes. Mr. Jon Cherry and Mr. Scott Thomas were sworn in by Mrs. Faye Grainger. Mr. Bowen informed the Commission that Mr. Jon Cherry and Mr. Scott Thomas were present to give an explanation as to why they answered “yes” they had a license, certification or registration cancelled, surrendered, revoked, suspended, restricted or disciplined.

Mrs. Rawl informed the Commission that Mr. Cherry is the President and Mr. Thomas is the Construction Engineering and qualifying party for the South Coastal Division of Del-Webb Communities, Inc. Del-Webb Communities, Inc., had their Arizona license suspended for failure to renew. Also, Del-Webb Communities entered into a Consent Agreement with the South Carolina Contractor's Licensing Board. This is an ongoing civil litigation with numerous mechanics liens filed by a subcontractor. All the mechanics have been bonded off, and litigation is presently pending over the alleged breach of contract.

Motion: Mr. Bailey moved to approve Del-Webb Certificate of Authorization. The motion was seconded by Mr. Davis and with all members present voting favorably, the motion carried.

Mr. Richard Worley – The Commission reviewed Mr. Richard Worley's Residential Builder Renewal Application. Mr. Worley was sworn in by Mrs. Faye Grainger. Mr. Worley waived his right to counsel. Mr. Stan Bowen informed the Commission that Mr. Worley answered “yes” that there has been judgments, liens or claims filed against him or business entities that he has been associated with within the past five years.

Mr. Worley testified that he was not aware of the judgments and he found out when he submitted his application for renewal. He testified that on August 7, 2007, the Construction Arbitration Services, Inc., entered an award in favor of Mr. Richard and Angela Baughman, which was modified on September 11, 2007, in the amount of Twelve Thousand, Two Hundred Forty-Three Dollars (\$12,243). Since that time he has made arrangement to seek counsel to appeal the judgment. He apologized to the Commission and asked them to grant him a license.

Motion: Mr. Dowd moved that Mr. Worley must furnish with his renewal application proof that he has made arrangements to resolve the judgment. The motion was seconded by Mr. Davis and with all members present

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voting favorably, the motion carried.

Bond Hearing Appeal

Mr. Donald Bertsch – The Commission reviewed the Hearing Officer’s Report and Recommendation and Commission Order for Mr. Donald Bertsch. Mrs. Cantrell Frayer represented the State. Mr. Bertsch was represented by Mr. Robert Cone. Mr. Bertsch was sworn in by Mrs. Faye Grainger.

Mr. Cone informed the Commission that Mr. Bertsch has been a builder for thirty- five years. On April 23, 2008, there was a hearing held as a result of a claim for payment filed by Mr. Pope Long. There was an inspection done on September 2, 2005, in which described building code violations that attributed to payment under the surety bond in the amount of Ten Thousand, Two Hundred and Seventy-Five Dollars (\$10,275). He stated that there was no reference that Mr. Bertsch was guilty of gross negligence, incompetence or misconduct in the practice of residential building as evidenced. This is the first civil case filed against Mr. Bertsch in 35 years. Mr. Bertsch did everything he possibly could to resolve this matter with the homeowner and inspector. He asked the Commission to deny the Hearing Officer Request.

Mrs. Fayer asked that the Commission adopt the Hearing Officer’s Report and Recommendation and Commission Order based on testimony and evidence presented at the hearing.

Mr. Bertsch testified that he was notified that there were problems with the kitchen floor. The repairs were made and the inspector was called to do a re-inspection. He offered to do the repairs based on the engineer’s report but Mr. Long refused to allow him to do the work.

Mr. Dowd made a motion, to go into executive session. The motion was seconded by Mr. Clark and with all members present voting favorably, the motion carried. Mr. Clark made a motion to come out of executive session. The motion was seconded by Mr. Dowd to come out of executive session and with all members present voting favorably, the motion carried. Chairman Williams stated no action was taken in executive session.

Motion: Mr. Bailey made a motion to approve the Hearing Officer’s Recommendation and Commission Order. The motion was seconded by Mr. Dowd and with all members present voting favorably, the motion carried.

Hearing Officer’s Recommendation:

Mr. Jamie Saxon was the hearing advisor.

Mr. Neil Mentz - This matter was heard before Mr. John Curl, Administrative Hearing Officer, on March 6, 2008, (2006-0370, 2006-0651, and 2007-0031). Mrs. Christal Bell represented the state. Mr. Mentz was not present.

Ms. Bell informed the Commission that Mr. Mentz was notified by regular and certified mail of the hearing to the address the respondent stated on record. He was properly served on June 13, 2008 and the mail was returned unclaimed on July 8, 2008. Three attempts were made by the postal service to deliver the notice to Mr. Mentz. Therefore, she asked the Commission to adopt the Hearing Officer’s Recommendation. Mr. Curl’s recommendations were as follows:

1. The Respondent’s license as a residential builder be, and it hereby be revoked. The respondent is

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directed to return his pocket card to the Commission's office within seven days of receipt of the order.

2. The Respondent shall pay a fine of Five Thousand Dollars (\$5,000) for each of the three cases, for a total of Fifteen Thousand Dollars (\$15,000). The fine shall not be deemed paid until received by the Commission. Failure to pay the fine shall prevent the Respondent from being re-licensed.
3. A Cease and Desist Order shall be 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.

Motion: Mr. Clark moved to approve the Administrative Hearing Officer's Recommendation for Mr. Neil Mentz, (2006-370, 2006-561 and 2007-31). Mr. Bailey seconded the motion, and with all members present voting favorably, the motion carried.

Mr. Kristopher Feldner – The Commission reviewed the Hearing Officer's Mr. John Curl recommendation for Mr. Kristopher Feldner. Ms. Christal Bell represented the State. Mr. Feldner was sworn in by Mrs. Faye Grainger. Mr. Feldner waived his right to counsel.

Ms. Bell informed the Commission that this matter was heard before Mr. John Curl, Hearing Officer on April 24, 2008. Mr. Feldner entered into a contract with Mr. Carl and Mrs. Mary Bagwell, Mr. Edwin and Mrs. Eva Barnes. Mrs. Bell asked the Commission to adopt the Hearing Officer's Recommendation. Mr. Curl's recommendations were as follows:

1. The Respondent's license is suspended for ninety days from the date of the Final Order, and prior to the lifting of the suspension, he must appear before the Commission. At that time, he shall present evidence satisfactory to the Commission regarding his fitness and qualifications to be licensed in this state. The Commission, in its discretion, may deny licensure, or impose such additional terms and conditions upon the Respondent's license as it may deem appropriate
2. The Respondent shall pay a fine of Five Thousand Dollars (\$5,000) within ninety days from the date of the Final Order. 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.
3. The Respondent must re-take and successfully complete, within one (1) year from the date of the Final Order, at his own expense, the business and law sections of the Residential Building Commission examination. Thereafter, he must file written proof of compliance with the Commission within fifteen days of completing this requirement. Failure to complete this requirement shall prevent the Respondent from being re-licensed.

Mr. Feldner testified that he has no disagreements with the Hearing Officer's Recommendation and he filed bankruptcy on February 13, 2008. He presented a copy of the electronically filed bankruptcy statement and testified that all judgments and repayment of homeowners has been cleared. He asked the Commission to please reduce the fine or allow him to make payment arrangements.

Motion: Mr. Bailey moved to approve the Administrative Hearing Officer's Recommendation for Mr. Kristopher Feldner but, to reduce the fine to Two Thousand, Five Hundred Dollars (\$2,500). Mr. Clark seconded the motion, and with all members present voting favorably, the motion carried.

Mr. Mike Bolynn – This matter was heard before Mr. John Curl, Administrative Hearing Officer, on April 30,

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2008. Ms. Christal Bell represented the state. Mrs. Bell informed the Commission that Mr. Bolynn was not present and was notified by regular and certified mail. She informed the Commission that Mr. Bolynn has another pending case. She asked the Commission to adopt the hearing officer's recommendation. Mr. Curl's recommendation was as follows:

1. The Respondent's shall pay a fine of Two Thousand, Five Hundred Dollars (\$2,500) within sixty days of the Final Order. This fine shall not be deemed paid until received by the Commission. Failure to pay the fine shall result in the suspension of the Respondent's license.
2. Concerning case number 2006-0690(1651 Union School Road, McBee, South Carolina), the Respondent shall be given sixty days from the service of the Final Order upon him to conform the items specified in the local building official's report, and mentioned in the Order, to applicable building codes and standards of workmanship, as verified and deemed satisfactory in the discretion of a representative of the Commission. Any agreed modifications, qualifications, or additions to these items must be noted in writing and initialed by the Respondent and the homeowner in the inspection report. The Respondent must verify the timely completion of all work with the Commission. Compliance with the order shall not be deemed complete until the Commission receives verification. The homeowner shall provide reasonable access to the home during normal working hours and at other mutually convenient times as may be necessary for the purpose of the timely completion of all work. If the homeowner fails to allow the Respondent and his designee's reasonable access to the home, the complaint may be dismissed at the Commission's discretion. The Respondent must notify the Commission if the homeowner fails to allow reasonable access to the home. Failure to meet this requirement within sixty days shall result in the suspension of the Respondent's license.
3. The Respondent's shall be given sixty days from the service of the Final Order upon him to ensure that Palm Harbor Homes, a/k/a Palm Harbor Construction, is properly licensed in this State and to establish himself as its qualifier. If Palm Harbor is not properly licensed within this period, a Cease and Desist Order shall be issued to the Respondent (and d/b/a. Palm Harbor), pursuant to S.C. Ann.§40-59-100, requiring the Respondent (and d/b/a Palm Harbor) to cease and desist from engaging in the practice of residential home building and residential specialty contracting. Failure to meet this requirement within sixty days shall result in the suspension of the Respondent's license.
4. The Respondent shall be given six months from the service of the Final Order upon him to take and successfully pass the South Carolina law portion of the Commission's examination. The respondent must verify the timely completion of this requirement, and compliance with the Order shall not be deemed complete until the Commission receives verification. Failure to meet this requirement within six months shall result in the suspension of the Respondent's license. .

Motion: Mr. Dowd moved to approve the Administrative Hearing Officer's Recommendation for Mr. Mike Bolynn. Mr. Clark seconded the motion, and with all members present voting favorably, the motion carried.

Mr. Andrew Stenhouse – This matter was heard before Mr. John Curl, Administrative Hearing Officer, on May 15, 2008. Mrs. Christal Bell represented the state. Ms. Bell informed the Commission that the notice was sent to the address on file and on record but Mr. Stenhouse was not present. Therefore, she asked that the Commission adopt the Hearing Officer's Recommendation. for a continuous until notice is properly sent. The commission granted a continuous. Mr. Curl's recommendations were as follows:

1. The Respondent shall pay a fine of Two Thousand, Five Hundred Dollars (\$2,500) within thirty days from the Final Order being served upon him. This fine shall not be deemed paid until received by the Commission.

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2. The Respondent's license as a residential builder be, and it hereby is, revoked. The Respondent is directed to return his pocket card to the Commission's office within seven (7) days of the service of the Order upon him.
3. The Complainants (homeowners) are granted permission to file a claim against the Respondent's surety bond.

Motion: Mr. Clark moved to approve the Administrative Hearing Officer's Recommendation for Mr. Andrew Stenhouse. Mr. Dowd seconded the motion, and with all members present voting favorably, the motion carried.

Public Comments

Mr. Al Bailey – Mr. Bailey expressed concerns regarding the Application Review Process. He stated the Commission should give Mr. Bowen authority to approve what applications come before the Commission for review. Mr. Bowen requested that the Commission give staff guidelines for reviewing sled reports which have criminal, felonies and moral turpitude charges. He informed the Commission that all licensees which have disciplinary problems are forwarded to the Office of Investigation. Mr. Spoon advised the Commission to establish guidelines for staff for the review of criminal reports.

Mr. Frank Clark – Mr. Clark asked whether a qualifier is needed in order for a company to get a Certificate of Authorization. Mr. Bowen stated that each branch office has to have a license qualifier to oversee the work.

Date of Next Meeting – Wednesday, August 13, 2008.

Adjournment - There being no other business the meeting was adjourned at 1:00 p.m.