

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210

Minutes

Wednesday, August 13, 2008

10:00 a.m.

Derrick Williams, 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:

Derrick Williams, 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, Caleb Davis, Tim Roberts, Frank Clark and Bryan Dowd.

Staff members participating in the meeting included: Sheridon Spoon, Deputy General Counsel, Jamie Saxon, Hearing Advisor, Christal Bell, Staff Attorney, Joe Connell, Staff Attorney, Stan Bowen, Administrator, Christine Driver, Administrative Assistant, Angela Scott, Administrative Assistant, Partice Deas, Administrative Assistant, Jane Dunkin, Court Reporter, Charlie Ido, Investigation, Michael Anderson, Administrator, Sandra Dickert, Administrative Assistant, Ryan Holt, OGC, Benjamin Page, OGC, Shanika Johnson, OGC, Miranda Patterson, OGC, Jenna Crum, OGC, Michael Dole, Investigation Jerry Merritt, Investigation, Roger Lowe, Investigation and Sharon Cooke, Investigation.

Others present participating in the meeting included: William A. Turner, Silas Washington, Brian Cook, Glyn Finch, Robbie Browder, Howard James, Sharon Finch, Tom A. Hamrick, Constance James, Richard Croley, Howard Parlen, Coreena Jones, William Jones, Zail Gavin, and Ethel Greene.

Approval of Agenda:

Wednesday, August 13, 2008

Motion

Mr. Roberts moved to approve the Wednesday, August 13, 2008, agenda as previously noticed. Mr. Clark seconded the motion, which carried unanimously.

Approval of Minutes:

Wednesday, July 9, 2008

Motion

Mr. Bailey moved to approve the Wednesday, July 9, 2008, meeting minutes as presented. Mr. Dowd seconded the motion, which carried unanimously.

Excused Members:

NONE

Chairman's Remarks:

Derrick Williams

NONE

Administrator's Remarks:

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Stan Bowen

Mr. Bowen informed the Commissioners that the Agenda and Minutes have been reformatted in preparation for the new Granicus System that will be implemented within the next year. The process will begin with the implementation of audio, followed by video webcast. The meeting agendas, minutes, documents and audio/video recordings will be automatically coordinated and cross-linked allowing instinctive web based search and retrieval of information. In addition, this allows staff to share information and streamline the agenda and minutes process.

Advisory Opinions:

Sheridon Spoon

NONE

Legislative Update:

NONE

Old Business:

NONE

New Business:

Recommendation of Investigation Review Committee:

MOTION

Mr. Davis made a motion, to approve the recommendations of the Investigative Review Committee. Mr. Bailey seconded the motion, which carried unanimously.

Administrative Hearing Officer's Recommendations for Citations:

MOTION

Mr. Bailey made a motion, to approve the citations against Mr. Anthony Huston, Mr. Steve Votta, Mr. Helio Sa and Mr. Charles Smith. Mr. Roberts seconded the motion, which carried unanimously.

Appeal of Hearing Officer's Recommendations for Citations:

Mr. Ronald Owens

Staff received a request from Mr. Ronald Owens appealing the Hearing Officer's recommendation for a citation.

Mr. Owens appeared before the Commission and offered the following testimony.

Mr. Owens was sworn in by Mrs. Jan Dunkin. Mr. Owens waived his right to counsel. Mr. Owens testified that he was appealing the citation because he was not working outside the scope of his license and the fine

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was too excessive.

MOTION

Mr. Bailey made a motion, to approve the recommendations of the Administrative Hearing Officer. Mr. Dowd seconded the motion, which carried unanimously.

Mrs. Coreena Jones

Staff received a request from Mrs. Coreena Jones appealing the Hearing Officer's recommendation for a citation.

Mrs. Jones and Mr. William Jones appeared before the Commission and offered the following testimony.

Mrs. Coreena Jones and Mr. William Jones were sworn in by Mrs. Jan Dunkin. Mrs. Jones waived her right to counsel. Mrs. Jones testified that she was appealing the citation because she did not understand why she received a citation and fine. She was trying to assist a friend who had limited funds, build a porch on the back of her home.

Mr. William Jones testified that they did not make any money on this particular project. All monies were refunded to the homeowner once they could not satisfy her.

MOTION

Mr. Bailey made a motion, to approve the recommendation of the Administrative Hearing Officer and the fine was reduced to Two Hundred Fifty (\$250) Dollars. Mr. Davis seconded the motion, which carried unanimously.

Appeal of Hearing Officer's Recommendation for Bond Claim:

Mr. John Dwyer

Mr. Dwyer was not present, but requested to appear before the Commission to appeal the Hearing Officer's Recommendation for a bond claim.

MOTION

Mr. Davis made a motion, to approve the recommendation of the Administrative Hearing Officer. Mr. Clark seconded the motion, which carried unanimously.

Application Review:

Mr. Jeffrey A. Ogle

Mr. Ogle did not appear at this meeting, case was continued until Wednesday, September 10, 2008.

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Mr. John Poore

Mr. Poore appeared before the Commission because he answered “yes” on his Residential Builders Renewal Application that there has been judgments, liens or claims filed against him or business entities that he has been associated with within the past five (5) years. Due to Mr. Poore’s answer the application could not be processed in a routine manner by staff.

Mr. Poore appeared before the Commission and offered the following testimony.

Mr. Poore testified that he submitted a letter to staff explaining the liens filed against him. He has been in the homebuilding business for over thirty (30) years, and has faced some difficult conditions. He intends to get the debts settled.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

MOTION

Mr. Dowd made a motion, to approve Mr. Poore’s Residential Builders License, once he furnish staff with legal documentation that payment arrangements has been made to satisfy all the liens and judgments. Mr. Davis seconded the motion, which carried unanimously.

Mr. William Turner

Mr. Turner appeared before the Commission because he answered “yes” on his Residential Builders Renewal Application that there has been judgments, liens or claims filed against him or business entities that he has been associated with within the past five (5) years. Due to Mr. Turner’s answer the application could not be processed in a routine manner by staff.

Mr. Turner appeared before the Commission and offered the following testimony.

Mr. Turner testified that he has approximately Twenty-Two (22) judgments filed against him in South Carolina. He is working with all the customers and trying to make arrangements to get them resolved.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

MOTION

Mr. Davis made a motion, to approve Mr. Turner’s Residential Builders License, once he furnish staff with legal documentation that payment arrangements has been made to satisfy all the liens and judgments. Mr. Clark seconded the motion, which carried unanimously.

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Mr. Richard Croley

Mr. Croley appeared before the Commission because he answered “yes” on his Residential Builders Renewal Application that there has been judgments, liens or claims filed against him or business entities that he has been associated with within the past five (5) years. Due to Mr. Croley’s answer the application could not be processed in a routine manner by staff.

Mr. Croley appeared before the Commission and offered the following testimony.

Mr. Croley testified that he has several judgments filed against him since 2004. Several of the liens have been satisfied and he has consulted an attorney concerning bankruptcy. Currently he is making payment arrangements to satisfy the other liens.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

MOTION

Mr. Davis made a motion, to approve Mr. Croley’s Residential Builders License, once he furnish staff with legal documentation that payment arrangements has been made to satisfy all the liens and judgments. Mr. Dowd seconded the motion, which carried unanimously.

Reinstatements:

Mr. Howard Charpia

Mr. Charpia appeared before the Commission on Wednesday, July 9, 2008, and Mr. Bailey recused himself from participating and voting on this matter. Following Mr. Bailey’s recusal, there were not enough members present to constitute a quorum to hear the case. Therefore, the involved parties in the case asked that the hearing be continued until Wednesday, August 13, 2008.

Mr. Charpia appeared before the Commission because he answered “yes” on his Residential Builders Renewal Application that there has been judgments, liens or claims filed against him or business entities that he has been associated with within the past five (5) years. Due to Mr. Charpia’s answer the application could not be processed in a routine manner by staff.

Mr. Bailey recused himself from participating and voting on this matter.

Mr. Charpia appeared before the Commission and offered the following testimony.

Mr. Charpia testified that there were judgments filed against him on August 5, 2004. These judgments entailed a Civil Trail in which judgment was obtained thru perjured testimony.

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accordance with the law.)

MOTION

Mr. Dowd moved to enter into executive session to seek legal advice on this matter. Mr. Roberts seconded the motion, which carried unanimously.

The Board returned to public session. Mr. Clark made a motion, to come out of executive session. Mr. Davis seconded the motion, which carried unanimously.

MOTION

Mr. Roberts made motion, to reinstate Mr. Charpia's Residential Builders License with a one year probationary status; at the end of one year if Mr. Charpia fails to provide documentation that the judgment is paid, his license will be suspended. Mr. Dowd seconded the motion, which carried unanimously.

Mr. James Foguth

Mr. Foguth did not appear at this meeting, case was continued until Wednesday, September 10, 2008.

Mr. Robbie Browder

Mr. Browder appeared but had to leave, case was continued until Wednesday, September 10, 2008.

Hearing Officer's Recommendations:

Mr. Jamie Saxon was the hearing advisor

Mr. Silas Washington

Case #: 2005-823, 2006-275, 2007-79 and 2007-292

Mr. Joe Connell briefed the Commission regarding the Hearing Officer's Recommendations in regard to Case #: 2005-823, 2006-275, 2007-79 and 2007-292.

Mr. Silas Washington was present but had to leave and was represented by Mr. Jake Moore, Esquire.

Mr. Moore stated that the Hearing Officer's recommendations were fair with the exception of the fine of Three Thousand (\$3000) Dollars. The fine of Three Thousand (\$3000) Dollars was not necessary and would only make it harder for Mr. Washington to settle the judgments filed against him.

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MOTION

Mr. Dowd moved to enter into executive session to seek legal advice on this matter. Mr. Clark seconded the motion, which carried unanimously.

The Board returned to public session. Mr. Davis made a motion, to come out of executive session. Mr. Roberts seconded the motion, which carried unanimously.

MOTION

Mr. Bailey made a motion, to permanently revoke Mr. Washington's Residential Builder's License and Mr. Washington shall pay a fine of Three Thousand (\$3000) Dollars. Mr. Davis seconded the motion, which carried unanimously.

Mr. Ronualdo Luat

Case #: 2007-303

Mr. Christal Bell briefed the Commission regarding the Hearing Officer's recommendations in regard to Case #: 2007-303.

Mr. Luat appeared and stated that he concurred with the Hearing Officer's recommendation with the exception of ninety day suspension of his license.

Mr. Tom Hamrick appeared before the Commission and stated that Mr. Luat has caused a financial burden on him and his family.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

MOTION

Mr. Davis made a motion, to revoke Mr. Luat's Residential Builder's License and Mr. Luat shall pay a fine of Five Thousand (\$5000) Dollars. Mr. Tom Hamrick was granted permission to file a claim against Mr. Luat's surety bond for Code deficiencies existing at the time of the inspection. Mr. Clark seconded the motion, which carried unanimously.

Administrative Hearing:

Mr. Zail Gavin

Mrs. Christal Bell briefed the Commission regarding the complaint against Mr. Zail Gavin for misconduct.

Mr. Gavin was present but had to leave. Mr. Gavin was represented by Mr. Jake Moore, Esquire.

Mr. Moore informed the Commission that Mr. Gavin failed to disclose his criminal history at anytime during his period of registration with the Commission. He asked the Commission give Mr. Gavin a chance by not

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revoking his license.

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MOTION

Mr. Davis made a motion, to revoke Mr. Gavin's Residential Specialty Contractor's License. Mr. Clark seconded the motion, which carried unanimously.

Hearing Officer's Recommendations:

St. William White
Case #: 2007-462

Mrs. Christal Bell briefed the Commission regarding the Hearing Officer's recommendations in regard to Case # 2007-462 against Mr. St. William White. Mrs. Bell requested that the Hearing Officer's recommendation be modified to the following:

1. The respondent license is stayed;
2. Fine of Two Thousand, Five Hundred (\$2,500) be suspended
3. Work must be completed within Sixty (60) days. If work is not completed within Sixty (60) days the suspension and fine will be imposed.

Mr. White and Mr. Finch appeared before the Commission and offered the following testimony.

Mr. White and Mr. Finch testified that they concurred with Mrs. Bell.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

MOTION

Mr. Davis made a motion, to approve the Hearing Officer's recommendations with the following condition.

1. Mr. White license is stayed
2. Fine of Two Thousand, Five Hundred (\$2,500) be suspended
3. Work must be completed within Sixty (60) days. If work is not completed within Sixty (60) days the suspension and fine will be imposed.

Mr. Roberts seconded the motion, which carried unanimously.

Public Comments:

NONE

Date of Next Meeting

Wednesday, September 10, 2008, Meeting Room 108

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The next meeting of the Commission is scheduled for Wednesday, September 10, 2008, in conference room 108.

Adjournment

Mr. Davis moved the meeting be adjourned. Mr. Dowd seconded the motion, which carried unanimously.

The August 13, 2008, meeting of the South Carolina Residential Builders Commission was adjourned at 2:10 p.m.