

***SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION***

Synergy Business Park, Kingstree Building  
110 Centerview Drive, Kingstree Building, Room 108  
Columbia, South Carolina 29210

Minutes

Wednesday, December 9, 2009

10:00 a.m.

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**Called To Order:**

Derrick G. 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, Frank Clark, Caleb Davis, Hal Dillard, Brian Dowd, and Tim Roberts.

Derrick G. Williams, Chairman, announced that public notice of the meeting was properly posted on the bulletin boards at the main entrance of the Kingstree Building and by notice mailed to all requesting persons, organizations and news media in accordance with §30-4-80 of the South Carolina Freedom of Information Act.

Staff members participating in the meeting included: Sheridan Spoon, Deputy General Counsel, Suzanne Hawkins, Staff Attorney, Christa Bell, Staff Attorney, Stan Bowen, Administrator, Christine Driver, Administrative Assistant, Charlie Ido, Investigation, Sharon Cook, Investigation, and Jerry Merritt, Investigation.

Others present participating in the meeting included: Daniel Smith, Avery Andrews, David Phillips and Elbert Johnson.

**Approval of Agenda:**

*Wednesday, December 4, 2009*

Mr. Bowen reported that Mr. Doyan Anderson and Mr. Michael Squirewell's cases were continued.

**MOTION**

Mr. Clark moved to approve the Wednesday, December 4, 2009, agenda as previously noticed. Mr. Bailey seconded the motion, which carried unanimously.

**Approval of Minutes:**

*Wednesday, October 14, 2009*

**MOTION**

Mr. Clark moved to approve the Wednesday, October 14, 2009, meeting minutes with the following corrections page 2 under Recommendation of IRC change Mr. Bailey seconded to Mr. Clark seconded. Mr. Bailey seconded the motion, which carried unanimously.

**Approval/Disapproval of Absent Members:**

NONE

**Chairman's Remarks:**

*Derrick G. Williams, Chairman*

NONE

**Administrator's Remarks for Information:**

*Stan Bowen, Administrator*

**Residential Builders Meeting Dates for 2010** - Mr. Bowen presented the Commission a memorandum proposing that the Board meet on the even months beginning February 2010. The proposal was made in an effort to cut travel cost and overall expenses for Board meetings. He further explained that this would allow staff more time to prepare for the Board meetings and if any special meetings the members would be notified in advance.

**MOTION:**

Mr. Clark made a motion to continue to have monthly meetings. Mr. Davis seconded the motion, which carried unanimously.

**Advisory Opinions:**

*Sheridon Spoon, Deputy General Counsel*

NONE

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**Legislative Update:**

*Robert Selman*

NONE

**Old Business:**

Mr. Clark reported that previously the Commission had a meeting with Mr. David Christian, III, Deputy Director of Office of Licensure and Compliance and it was decided that all applications with a "yes" answer would have to be approved by Mr. Stan Bowen, administrator.

Mr. Spoon advised that staff does not deny a license but the license is not approved at staff level and the applicant is asked to appear before the Board. He went on to say that, not every "yes" answer on an application does not warrant an appearance before the Board. Mr. Spoon advised that he would assist Mr. Bowen with arranging a meeting with the staff of Office of Licensure and Compliance.

**MOTION:**

Mr. Clark made a motion that all applications with a "yes" answer including initial, renewal and online must be reviewed by Stan Bowen, Administrator before issuance of a license. Mr. Bailey seconded the motion, which carried unanimously.

**Recommendations of IRC:**

**MOTION**

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

**Recommendations of Guidelines:**

**MOTION**

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

**Application Reviews:**

*Mr. Larry F. Silvers*

The Commission held an Application Hearing regarding Mr. Larry F. Silvers.

**MOTION**

Mr. Davis made a motion; to approve Mr. Silvers' Residential Specialty Contractors Registration once he provides documentation satisfactory to the Commission that he is making the required monthly child support payments; provide documentation satisfactory to the Commission that the judgments in question have been removed from his credit report. Mr. Bailey seconded the motion, which carried unanimously.

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

*Mr. Moises H. Almazan*

The Commission held an Application Hearing regarding Mr. Moises H. Almazan.

**MOTION:**

Mr. Bailey made a motion to approve Mr. Almazan Residential Specialty Registration once he submit documentation satisfactory to the Commission that he has complied with the citation and that he has paid the civil penalty of Five Hundred (\$500.00) Dollars; shall obtain and continue to maintain during the practice authorization period a surety bond, acceptable to the Commission in the minimum amount of Five Thousand (\$5000.00) Dollars;

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and registration shall be placed in a two-year probationary status. Mr. Roberts seconded the motion, which carried unanimously. Mr. Davis seconded the motion, which carried unanimously.

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*Mr. William M. Sobczak*

The Commission held an Application Hearing regarding Mr. William M. Sobczak.

**MOTION:**

Mr. Roberts made a motion to approve Mr. Sobczak to sit for the Residential Builders Home Inspectors Examination. Mr. Davis seconded the motion, which carried unanimously.

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*Mr. William Church*

The Commission held an Application Hearing regarding Mr. William Church.

**MOTION:**

Mr. Bailey made a motion to approve Mr. Church's Residential Specialty Contractor's Application once he provides documentation satisfactory to the Commission that he has paid or entered into a payment arrangement concerning all the items appearing on his credit report; maintain and continue to maintain a surety bond in the amount of Five Thousand (\$5,000.00) Dollars; and registration shall be placed in a probationary status for a period of two-years. Mr. Davis seconded the motion, which carried unanimously.

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*Mr. James A. Clacutt, Jr.*

The Commission held an Application Hearing regarding Mr. James A. Clacutt, Jr..

**MOTION:**

Mr. Bailey made a motion to approve Mr. Clacutt's Residential Specialty Contractor's Application. Mr. Clark seconded the motion, which carried unanimously.

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*Mr. Corey A. Schiff*

Mr. Norris was not present. No Action Taken.

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**Reinstatement of License:**

*Mr. Kenneth Bryant*

The Commission held a Reinstatement of License Hearing regarding Mr. Kenneth Bryant.

**MOTION**

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Mr. Bailey made a motion; to approve Mr. Bryant's Residential Plumbing License. Mr. Dowd seconded the motion, which carried unanimously.

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*Mr. A. Steve Bishop, Jr.*

Not Present. No Action Taken.

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**Approval of Hearing Officer's Recommendation for Citations:**

*Mr. Roy Dudley Mumford*

**MOTION**

Mr. Bailey made a motion, to approve the citation against Ron Dudley Mumford for citation #1042. Mr. Roberts seconded the motion, which carried unanimously.

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*Mr. William Street*

**MOTION**

Mr. Bailey made a motion, to approve the citation against Mr. William Street for citation #1059. Mr. Davis seconded the motion, which carried unanimously.

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*Mr. William Daniels*

**MOTION**

Mr. Robert made a motion, to approve the citation against Mr. William Daniels for citation #1000, #1001, #1003, #1004, #1006, and #1007. Mr. Dillard seconded the motion, which carried unanimously.

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**Clarification of Certification of Authorization**

*Mr. David Phillips*

Not Present. No Action Taken

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**Approval of Administrator's Recommendation for Bond Claims:**

*Mr. William Kingery*

**MOTION**

Mr. Bailey made a motion, to approve the Administrator's Recommendation for Bond Claim against Mr. Kingery. Mr. Roberts seconded the motion, which carried unanimously.

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*Ms. Holly Wilson*

**MOTION**

Mr. Bailey made a motion, to approve the Administrator's Recommendation for Bond Claim against Ms. Holly Wilson. Mr. Roberts seconded the motion, which carried unanimously.

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*Mr. Dan Rogers*

**MOTION**

Mr. Bailey made a motion, to approve the Administrator's Recommendation for Bond Claim against Mr. Dan Rogers. Mr. Roberts seconded the motion, which carried unanimously.

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*Mr. Brian Nutting Hogan*

**MOTION**

Mr. Bailey made a motion, to approve the Administrator's Recommendation for Bond Claim against Mr. Hogan. Mr. Roberts seconded the motion, which carried unanimously.

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*Mr. Willie Frederick*

**MOTION**

Mr. Bailey made a motion, to approve the Administrator's Recommendation for Bond Claim against Mr. Willie Frederick. Mr. Roberts seconded the motion, which carried unanimously.

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**Request for Extension:**

(Advice Councils were Ms. Eddy Lane and Dean Grigg)  
(Christa Bell, represented the State)

*Ms. Nancy Mauney*

**MOTION**

Mr. Bailey made a motion, to grant Mrs. Mauney 15 days from the hearing to have all repairs completed and reduced the fine to One Thousand (\$1000.00) Dollars. Mr. Dillard seconded the motion, which carried unanimously.

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**Administrative Hearing:**

*Mr. Terry Lemmonds*

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Mr. Frank Clark asked to be recused because Mr. Lemmonds is a prior business acquaintance.

The Commission held an Administrative Hearing regarding Mr. Terry Lemmonds.

**MOTION**

Mr. Bailey made a motion, to uphold the Hearing Officer Recommendations, but reduce the fine to One Thousand Five Hundred (\$1500.00) Dollars. Mr. Roberts seconded the motion, which carried unanimously.

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*Mr. Kevin Cato*

The Commission held an Administrative Hearing regarding Mr. Kevin Cato.

Mr. Kato was not present.

Mr. Bailey made a motion to uphold the Hearing Officer Recommendations. Mr. Roberts, seconded the motion, which carried unanimously.

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*Mr. Vernon Williams*

The Commission held an Administrative Hearing regarding Mr. Vernon Williams.

Mr. Williams was not present.

Mr. Roberts made a motion to uphold the Hearing Officer Recommendations. Mr. Dowd, seconded the motion, which carried unanimously.

*Mr. Donald Bertsch*

The Commission held an Administrative Hearing regarding Mr. Donald Bertsch.

Mr. Bertsch was not present.

Mr. Roberts made a motion to uphold the Hearing Officer Recommendations. Mr. Clark, seconded the motion, which carried unanimously.

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**Public Comments:**

NONE

**Date of Next Meeting:**

The next meeting of the Commission is scheduled for Wednesday, January 13, 2010, in conference room 108.

**Adjournment:**

Mr. Bailey moved the meeting be adjourned. Mr. Clark seconded the motion, which carried unanimously. The December 9, 2009, meeting of the South Carolina Residential Builders Commission was adjourned at 1:20 p.m.