

RESIDENTIAL BUILDER'S COMMISSION
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina
Wednesday, March 9, 2016

NOTE: These minutes are a record of the motion and official actions taken by the Board and brief summary of the meeting.

Called To Order:

Timothy Roberts, Chairman, called the regular meeting of the Residential Builders Commission to order at 10:00 A.M. Others members present for the meeting included: Al Bailey, Hal Dillard, Christy Rhyne and Bryan Dowd.

Approval of Agenda:

MOTION:

Mr. Bailey made a motion to approve the March 9, 2016, Residential Builders Commission Meeting Agenda with the cancellation of #10 under application reviews. Ms. Rhyne seconded the motion, which carried unanimously.

Approval of Minutes for the February 10, 2016 Meeting

MOTION:

Mr. Dowd made a motion to change the date and a motion from the February 10, 2016, meeting minutes. Mr. Bailey seconded the motion, which carried unanimously.

Approval/Disapproval of Absent Members:

All members present

Chairman's Remarks:

Timothy Roberts–Chairman

Mr. Roberts, Chairman reminded everyone that this meeting is being recorded and asked that everyone please speak clearly. Additionally, he advised all applicants and licensees to direct their questions to the chairman of the board.

Application Reviews:

Initial

Leroy Smith

The Commission held an Application Review Hearing regarding Mr. Leroy Smith. Mr. Smith appeared before the Commission to present testimony, and he waived his right to counsel.

Motion:

Mr. Bailey made a motion to deny Mr. Smith request for approval to sit for the Residential Builders Exam due to lack experience at this time. Mr. Dowd seconded the motion, which carried unanimously.

Christine B. Martin

The Commission held an Application Review Hearing regarding Ms. Christine B. Martin. Ms. Martin appeared before the Commission to present testimony with Mr. Rob Daniels Roach as her witness, and she waived her right to counsel.

Motion:

Mr. Bailey made a motion to allow Ms. Martin to sit for the exam. Mr. Dillard seconded the motion, which did not carry unanimously, Mr. Dowd opposed.

John R. Lorton, III

The Commission held an Application Review Hearing regarding Mr. John R. Lorton, III. Mr. Lorton, III appeared before the Commission to present testimony, and waived his right to counsel.

Motion:

Mr. Dowd made a motion to approve Mr. Lorton to sit for the exam. Ms. Rhyne seconded the motion, which carried unanimously.

Himaxukumar Patel

The Commission held an Application Review Hearing regarding Mr. Himaxukumar Patel. Mr. Patel appeared before the Commission to present testimony with Willie Coker as a witness, and he waived his right to counsel.

Motion:

Ms. Rhyne made a motion to allow Mr. Patel to sit for the exam. Mr. Bailey seconded the motion, which carried unanimously.

Michael A. Reynolds

The Commission held an Application Review Hearing regarding Mr. Michael A. Reynolds. Mr. Reynolds appeared before the Commission to present testimony, and he waived his right to counsel.

Motion:

Mr. Bailey made a motion to allow Mr. Reynolds to sit for the Exam. Mr. Dowd seconded the motion, which carried unanimously.

Mathew B. O'Connor

The Commission held an Application Review Hearing regarding Mr. Mathew B. O'Connor. Mr. O'Connor appeared before the Commission to present testimony, and he waived his right to counsel.

Motion:

Mr. Dillard made a motion to allow Mr. O'Connor to sit for the exam. Ms. Rhyne seconded the motion, which carried unanimously.

Chad M. Barnes

The Commission held an Application Review Hearing regarding Mr. Chad M. Barnes. Mr. Barnes appeared before the Commission to present testimony, and he waived his right to counsel.

Motion:

Mr. Dillard made a motion to allow Mr. Barnes to sit for the exam. Mr. Dowd seconded the motion, which did not carry unanimously, Mr. Bailey opposed.

George C. Williams

The Commission held an Application Review Hearing regarding Mr. George C. Williams. Mr. Williams appeared before the Commission to present testimony, and he waived his right to counsel.

Motion:

Mr. Bailey made a motion to allow Mr. Williams to sit for the exam. Mr. Dillard seconded the motion, which carried unanimously.

Charles D. Bumgarner

The Commission held an Application Review Hearing regarding Mr. Charles D. Bumgarner. Mr. Bumgarner appeared before the Commission to present testimony, and he waived his right to counsel.

Motion:

Mr. Dowd made a motion to allow Mr. Bumgarner to get his License. Mr. Bailey seconded the motion, which carried unanimously.

Joseph Felz

The Commission held an Application Review Hearing regarding Mr. Joseph Felz. Mr. Felz appeared before the Commission to present testimony, and he waived his right to counsel.

Motion:

Mr. Bailey made a motion to allow Mr. Felz to reinstate his License with a \$10,000 Bond. Ms. Rhyne seconded the motion, which carried unanimously.

Benjamin H. Johnson

The Commission held an Application Review Hearing regarding Mr. Benjamin H. Johnson. Mr. Johnson appeared before the Commission to present testimony, and he waived his right to counsel.

Motion:

Mr. Bailey made a motion to allow Mr. Johnson to sit for the exam and if he passes he must hold a \$10,000 Bond. Ms. Rhyne seconded the motion, which carried unanimously.

Jason Nappi

The Commission held an Application Review Hearing regarding Mr. Jason Nappi. Mr. Nappi appeared before the Commission to present testimony, and he waived his right to counsel.

Motion:

Mr. Bailey made a motion to allow Mr. Nappi to sit for the Business/Law exam only. Mr. Dillard seconded the motion, which carried unanimously.

William Buford

The Commission held an Application Review Hearing regarding Mr. William Buford. Mr. Buford appeared before the Commission to present testimony, and he waived his right to counsel.

Motion:

Mr. Bailey made a motion to reinstate Mr. Buford's License with no restrictions. Ms. Rhyne seconded the motion, which carried unanimously.

Administrators Report and Recommendation for Bond Claim:

Ms. Erin Baldwin with the Office of Disciplinary Counsel brought a request to approve the request for the bond claim for case#2014-510. Mr. Parker appeared before the Commission to present testimony, and he waived his right to counsel.

Motion:

Mr. Bailey made a motion to go into executive session for legal advice. Mr. Dowd seconded the motion, which carried unanimously.

Motion:

Mr. Bailey made a motion to come out of executive session. Mr. Dowd seconded the motion, which carried unanimously.

Motion:

Mr. Bailey made a motion to deny bond claim request at this time until homeowner can provide three estimates within 90 days. Mr. Dowd seconded the motion, which carried unanimously.

Reinstatement of Licensure:

John Parker

The Commission held an Application Review Hearing regarding Mr. John Parker. Mr. Parker appeared before the Commission to present testimony, and he waived his right to counsel.

Motion:

Mr. Dowd made a motion to reinstate Mr. Parker's License. Ms. Rhyne seconded the motion, which carried unanimously.

Final Order Hearings:

Donald Williams, Case # 2013-425 & 2014-42

The Board held a Final Order hearing regarding Mr. Donald Williams.

Motion:

Ms. Rhyne made a motion to uphold the Hearing Officer's Recommendation. Mr. Dillard seconded the motion, which carried unanimously.

Jesse R. Marsh, Case # 2014-472 & 2013-464

The Board held a Final Order hearing regarding Mr. Jesse R. Marsh.

Motion:

Mr. Dowd made a motion to uphold the Hearing Officer's Recommendation.
Mr. Bailey seconded the motion, which carried unanimously.

Request to Satisfy Bond Claim:

Derrick French

The Board held a Final Order hearing regarding Mr. Derrick French. Mr. French sent in a certified check to be sent to the homeowner instead of making a call on the Bond.

Mr. Bailey recused himself.

Motion:

Mr. Dowd made a motion to allow check to be made payable to homeowner and LLR in lieu of calling on the Bond. Ms. Rhyne seconded the motion, which carried unanimously.

Reference Letters for Specialty Contractors:

Allison Baker, Assistant to the Administrator brought forward a question for clarification. Staff has recently received and questioned what types of reference letters can be accepted for the Residential Specialty Registrants. The Commissioners discussed their position on the specialty reference letters, and determined for clarification that if they come from a state that doesn't have licensing requirements we can still accept reference letters from the contractors they worked for previously, even if they are not licensed in that state. We can accept a letter from a supplier but we should limit to just one of the three.

Administrator's Remarks for Information:

None at this time.

OIE Report – Mr. Todd Bond

Todd Bond, Chief Investigator of OIE

Mr. Todd Bond, Chief Investigator, appeared to present the information to the Commission regarding the OIE monthly report.

Complaints Received - 44

Active Investigations -94

Closed Cases – 40

New Business:

A. Recommendation of IRC

MOTION:

Mr. Bailey made a motion to approve the Recommendation of the IRC
Ms. Rhyne seconded the motion, which carried unanimously.

B. Resolution Guidelines

MOTION:

Mr. Dowd made a motion to approve the IRC Resolution Guidelines.
Ms. Rhyne seconded the motion, which carried unanimously.

Old Business:

No old business discussed.

Public Comments:

No Public Comments were made.

Date of Next Meeting:

The next Residential Builders Commission meeting will be held Wednesday, April 13 , 2016, in room 108.

Adjournment:

Mr. Dowd made a motion to adjourn the Residential Builders Commission meeting.
Mr. Bailey seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 1:30 pm.

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