

RESIDENTIAL BUILDERS COMMISSION  
Synergy Business Park  
110 Centerview Drive Kingstree Building, Room 108  
Columbia, South Carolina 29210  
Wednesday, May 11, 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:**

Tim Roberts, 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, Hal Dillard, Christy Rhyne, and Bryan Dowd.

Tim Roberts, 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 person, organizations and news media in accordance with §30-4-80 of the South Carolina Freedom of Information Act.

**Approval of Agenda:**

**MOTION:**

Mr. Dowd made a motion to approve the May 11, 2016 Residential Builders Commission Meeting Agenda. Ms. Rhyne seconded the motion, which carried unanimously.

**Approval of Minutes for the April 13<sup>th</sup>, 2016 Meeting:**

**MOTION:**

Mr. Bailey made a motion to approve the April 13<sup>th</sup>, 2016 meeting minutes. Ms. Rhyne seconded the motion, which carried unanimously.

**Approval /Disapproval of Absent Members:**

**MOTION:**

No motions made. 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 clearly. Additionally, he advised all applicants and licensees to direct their questions to the chairman of the board.

**Owner/Builder Waiver Request:**

*Juan Leon*

The Commission held a hearing regarding Mr. Juan Leon's request. Mr. Leon appeared before the commission to present testimony, along with his witness Mr. Antonio Leon. Mr. Leon waived his right to counsel.

**MOTION:**

Mr. Bailey made a motion to approve Mr. Leon's request to allow for the waiver from the disclosure statement with the stipulation that Mr. Antonio Leon could not sell it within 2 years. Mr. Dillard seconded the motion, which carried unanimously.

**Application Reviews:**

*Daniel Jeffrey*

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

**MOTION:**

Mr. Dowd made a motion to enter into executive session to get legal advice regarding Mr. Jeffrey's application. Mr. Bailey seconded the motion, which carried unanimously.

**MOTION:**

Mr. Dowd made a motion exit executive session after receiving legal advice regarding Mr. Jeffrey's application. Ms. Rhyne seconded the motion, which carried unanimously.

**MOTION:**

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

*Christopher Gregory*

The Commission held an Application Review Hearing regarding Christopher Gregory. Mr. Gregory appeared before the Commission to present testimony and waived his right to counsel.

**MOTION:**

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

*John Carey*

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

**MOTION:**

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

*Rykell Taylor*

The Commission held an Application Review Hearing regarding Mr. Rykell Taylor. Mr. Taylor appeared before the Commission to present testimony and waived his right to counsel.

**MOTION:**

Mr. Dowd made a motion to allow Mr. Taylor to sit for the exam once he has presented proof of his education and 3 years of W2 statements to the administrator. Ms. Rhyne seconded the motion, which carried unanimously.

*Van Lee*

The Commission held an Application Review Hearing regarding Mr. Van Lee. Mr. Lee appeared before the Commission to present testimony and waived his right to counsel.

**MOTION:**

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

*Raymond Talley*

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

**MOTION:**

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

*Kevin Johnson*

The Commission held an application review hearing regarding Mr. Kevin Johnson. Mr. Johnson appeared before the Commission to present testimony and waived his right to counsel.

**MOTION:**

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

*Steven Mills*

The Commission held an application review hearing regarding Mr. Steven Mills. Mr. Mills appeared before the commission to present testimony and waived his right to counsel.

**MOTION:**

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

*Dena Moore*

The Commission held an application review hearing regarding Ms. Dena Moore. Ms. Moore appeared before the commission to present testimony, along with her witness Mr. George Moore and waived her right to counsel.

**MOTION:**

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

*Donald Reid*

The Commission held an application review hearing regarding Mr. Donald Reid. Mr. Reid appeared before the commission to present testimony along with a witness Ms. Yolanda Reid and waived his right to counsel.

**MOTION:**

Mr. Bailey made a motion to approve Mr. Reid's Specialty Registration with the condition that he provides a SLED report at the next renewal. Mr. Dowd seconded the motion which carried unanimously.

*Gregory Overby*

The Commission held an application review hearing regarding Mr. Gregory Overby. Mr. Overby appeared before the commission to present testimony and waived his right to counsel.

**MOTION:**

Mr. Bailey made a motion to deny Mr. Overby's request for a Specialty Registration at this time. Mr. Dowd seconded the motion, which carried unanimously.

*Terry Jones*

The Commission held an application review hearing regarding Mr. Terry Jones. Mr. Jones did not appear before the commission to present testimony.

**MOTION:**

No motions were made.

*Erik Tobin*

The Commission held an application review hearing regarding Mr. Erik Tobin. Mr. Tobin appeared before the commission to present testimony and waived his right to counsel.

**MOTION:**

Mr. Dowd made a motion to approve Mr. Tobin's Specialty Registration with the condition that he provides a SLED report at the 2017 renewal. Ms. Rhyne seconded the motion, which carried unanimously.

*Timothy Leford*

The Commission held an application review hearing regarding Mr. Timothy Leford. Mr. Leford appeared before the commission to present testimony and waived his right to counsel.

**MOTION:**

Mr. Bailey made a motion to approve Mr. Leford's Specialty Registration. Mr. Dowd seconded the motion, which carried unanimously.

*Brian Rodgers*

The Commission held an application review hearing regarding Mr. Brian Rodgers. Mr. Rodgers appeared before the commission to present testimony and waived his right to counsel.

**MOTION:**

Mr. Dillard made a motion to enter into executive session to receive legal advice in regards to the application of Mr. Rodgers. Mr. Dowd seconded the motion, which carried unanimously.

**MOTION:**

Mr. Bailey made a motion to exit executive session after receiving legal advice regarding Mr. Rodgers application. Mr. Dillard seconded the motion, which carried unanimously.

**MOTION:**

Mr. Bailey made a motion to allow Mr. Rodgers to sit for the exam and with the condition that Mr. Rodgers carries a twenty thousand surety bond. Ms. Rhyne seconded the motion, which carried unanimously.

*Ashby Krouse*

The Commission held an application review hearing regarding Mr. Ashby Krouse. Mr. Krouse appeared before the commission to present testimony and waived his right to counsel.

**MOTION:**

Mr. Bailey made a motion to approve Mr. Krouse's Specialty Registration with the condition that he can only perform work on his rental or personal properties and that a copy of the order be sent to the local jurisdiction. Mr. Dowd seconded the motion, which carried unanimously.

*Jon Mantooth*

The Commission held an application review hearing regarding Mr. Jon Mantooth. Mr. Mantooth appeared before the commission to present testimony and waived his right to counsel.

**MOTION:**

Mr. Dillard made a motion to approve Mr. Mantooth's Specialty Registration. Mr. Dowd seconded the motion, which carried unanimously.

*Demond McElveen*

The Commission held an application review hearing regarding Mr. Demond McElveen . Mr. McElveen appeared before the commission to present testimony and waived his right to counsel.

**MOTION:**

Mr. Bailey made a motion to approve Mr. McElveen's Specialty Registration with the condition that he provides a new SLED report at next renewal. Mr. Dillard seconded the motion, which carried unanimously.

*Erich Kemper*

The Commission held an application review hearing regarding Mr. Erich Kemper. Mr. Kemper appeared before the commission to present testimony and waived his right to counsel.

**MOTION:**

Mr. Dowd made a motion to approve Mr. Kemper with the condition that he provides a update of status of judgment in six months, should the offer not be accepted or cleared up he must reappear. Mr. Dillard seconded the motion, which carried unanimously.

**Final Order Hearings:**

*Joseph Levanowitz, Jr Case# 2014-386*

The Board held a Final Order hearing regarding Mr. Joseph Levanowitz.

**MOTION:**

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

*Mr. Paul Rawl Case# 2013-480*

The Board held a Final Order hearing regarding Mr. Paul Rawl. Mr. Rawl was present and was represented by his attorney Mr. Matthews.

**MOTION:**

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

*Mr. Robert Cumbee Case# 2014-397*

The Board held a Final Order hearing regarding Mr. Robert Cumbee.

**MOTION:**

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

*Mr. Clifton Murphy Case# 2015-513*

The Board held a Final Order hearing regarding Mr. Clifton Murphy. Mr. Bailey recused himself.

**MOTION:**

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

**Memorandum of Agreement**

*Mr. Thomas Oswald Case# 2015-170*

Thomas Oswald was present and sworn in. Mr. Oswald waived his right to counsel. T. Kyle Tennis Esq. represented the State. Mr. Oswald answered questions from the Board. Mr. Tennis requested that the Board accept the Memorandum of Agreement (MOA).

**MOTION:**

Mr. Bailey made a motion to accept the Memorandum of Agreement. Respondent is fined Two Hundred fifty and 00/100ths dollars (\$250.00) for each statutory violation listed in Conclusions of Law No. 1 and No. 2, for a total fine of Five Hundred and 00/100ths dollars (\$500.00), to be paid within ninety (90) days of the date of the final order. Respondent must also submit, within sixty (60) days, documentation satisfactory to Commission Administrator evidencing that the State Farm Bank judgment has been satisfied. Mr. Dowd seconded the motion, which carried unanimously.

*Mr. Isaiah McNeil Case# 2015-301*

Isaiah McNeil was present and sworn in. Mr. McNeil waived his right to counsel. T. Kyle Tennis, Esq. represented the State. Mr. McNeil answered questions from the Board. Mr. Tennis requested that the Board accept the Memorandum of Agreement (MOA).

**MOTION:**

Mr. Dowd made a motion to accept the MOA and to fine the respondent two hundred fifty and 00/100ths dollars (\$250.00) for each statutory violation listed in conclusions of law No. 1 and No. 2, for a total fine of Five Hundred and 00/100ths Dollars (\$500.00), to be paid within ninety (90) days of the date of the final order. Should the Respondent applies for reinstatement of his license he must maintain with the Commission an executed surety bond in the amount of ten thousand dollars regardless of the cost of any undertaking to be performed. Mr. Dillard seconded the motion, which carried unanimously.

**Georgia Conference Of Home Inspectors – Course approval request**

**MOTION:**

Mr. Bailey made a motion to approve the Georgia Conference of Home Inspectors as an approved home inspector's course. Mr. Dowd seconded the motion, which carried unanimously.

**Samaritan's Purse-** A request of reinstatement of its COA and seeking the Commission's approval to use a licensed builder to supervise volunteer labor. Ms. Alexia Shelley and Brent Greybeal appeared on behalf of Samaritan's Purse.

**MOTION:**

Mr. Dowd made a motion to allow Mr. Sutherland to have the Builders License through reciprocity agreement with North Carolina, approve the COA for Samaritan's Purse but restrict the COA to the areas in which affected by the 2015 Flood Event. Ms. Rhyne seconded the motion, which carried unanimously.

**Administrator's Remarks:**

Affidavit signed by "Grandfather" Licensee- Janet Baumberger, Administrator for the Residential Builders Commission, requested clarification on whether a Grandfather licensee could sign an affidavit of experience for a potential licensee. The commissioners all agreed that it would be acceptable to accept an affidavit signed by a grandfathered licensee.

Licensee operating under more than one DBA name

Janet Baumberger, Administrator for the Residential Builders Commission, requested clarification on a licensee's ability to carry more than one d/b/a name on the license or registration. Janet informed the

Commission that the IT department would have to make modification to the current database, in order for the information to be included on the online services – “Licensee Lookup” and would require some alterations to the current license cards and certificates. The Commissioners asked Janet to work with IT to find a way to list the additional d/b/a. Mr. Paul Bailey, a Residential Builder spoke with the Commission to request the addition of the multiple company names being listed on this license record.

**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 –227  
Closed Cases – 199**

**Active Investigations – 120**

**New Business**

A. Recommendations 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:**

Holly Beeson, Office of Communication and Governmental Affairs

Ms. Beeson updated the board on the status of the regulations from the state legislature.

**Public Comments:**

Public Comments were made.

**Date of Next Meeting:**

The next Residential Builders Commission meeting will be held Wednesday, June 8<sup>th</sup>, 2016 in room 108.

**Adjournment:**

Ms. Rhyne made a motion to adjourn the Residential Builders Commission Meeting. Mr. Dowd seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 4:30 p.m.

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