

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION

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

Minutes

Wednesday, April 12th, 2017

10:10 a.m.

Al Bailey, Board Vice-Chair, 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:

Al Bailey, Board Vice-Chair, called the regular meeting of the South Carolina Residential Builders Commission to order at 10:10 a.m. Other Board members present for the meeting included:

Christy Rhyne, Bryan Dowd, W. Duvall Spruill, Monte Lemmon and Hal Dillard

Approval of Agenda:

Wednesday, April 12th, 2017

MOTION:

Ms. Rhyne made a motion to approve the April 12th, 2017, agenda. Mr. Lemmon seconded the motion, which carried unanimously.

Approval of Minutes:

Wednesday, March 8th, 2017

MOTION:

Mr. Dowd made a motion to approve the March 8th, 2017, minutes with the correction to Correct Mr. Monte Lemmon's name under Welcome and Call to order. Ms. Rhyne seconded the motion, which carried unanimously.

Excused Member(s):

Mr. Timothy Robert absence

MOTION:

Mr. Dowd made a motion to approve the absence of Mr. Roberts. Ms. Rhyne seconded the motion, which carried unanimously.

Chairman's Remarks:

Al Bailey

Mr. Bailey, 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.

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Disclosure Statement Waiver Request:

Paul Gatlin

The Commission held a hearing regarding Mr. Paul Gatlin's request for a waiver of the disclosure statement under the owner/builder exemption. Mr. Gatlin appeared before the Commission and waived his right to counsel.

MOTION:

Mr. Dillard made a motion to approve the request for waiver of the disclosure statement. Mr. Dowd seconded the motion, which carried unanimously.

Application/License Reviews:

Jason Lee Smith

The Commission held an application review regarding Jason Lee Smith. Mr. Smith appeared before the Commission and was represented by his attorney Mr. T. Micah Leddy, Esq. He also presented a witness Ms. Pamela Roseberry

MOTION:

Mr. Dillard made a motion to approve Mr. Smith's Residential Specialty Registration. Mr. Lemmon seconded the motion, which did not carry unanimously. Mr. Dowd opposed.

Arthur Jackson

The Commission held an application review regarding Mr. Arthur Jackson. Mr. Jackson appeared before the Commission and waived his right to counsel

MOTION:

No motion made. Mr. Jackson withdrew his application for the Residential Builders License.

John Hennis

The Commission held an application review regarding Mr. John Hennis. Mr. Hennis appeared before the Commission and waived his right to counsel.

MOTION:

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

Michael Nahas

The Commission held an application review regarding Mr. Michael Nahas. Mr. Nahas appeared before the Commission and waived his right counsel.

MOTION:

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

Douglas Payne

The Commission held an application review regarding Mr. Douglas Payne. Mr. Payne appeared before the Commission and waived his right to counsel.

MOTION:

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

Charles Price Jr.

The Commission held an application review regarding Mr. Charles Price Jr. Mr. Smith appeared before the Commission, presented witnesses, Charles Price Sr. and Larry Price. He waived his right to counsel.

MOTION:

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

Douglas Morton

The Commission held an application review regarding Mr. Douglas Morton. Mr. Morton appeared before the Commission and waived his right to counsel.

MOTION:

Mr. Lemmon made a motion to allow Mr. Morton to sit for the exam. Mr. Spruill seconded the motion, which did not carry. Mr. Dowd, Mr. Dillard and Ms. Rhyne opposed. No other motions were made.

George Myers

The Commission held an application review regarding Mr. George Myers. Mr. Myers appeared before the Commission and waived his right to counsel.

MOTION:

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

Austin Franklin

The Commission held an application review regarding Mr. Austin Franklin. Mr. Franklin appeared before the Commission and waived his right to counsel.

MOTION:

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

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James Buhl

The Commission held an application review regarding Mr. James Buhl. Mr. Buhl appeared before the Commission and waived his right to counsel

MOTION:

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

Javier Reyes

The Commission held an application review regarding Mr. Javier Reyes. Mr. Reyes appeared before the Commission and waived his right to counsel.

MOTION:

Mr. Spruill made a motion to allow Mr. Reyes to sit for the exam. Mr. Lemmon seconded the motion, which did not carry. Mr. Dowd, Ms. Rhyne and Mr. Dillard opposed.

Erich Husch

The Commission held an application review regarding Mr. Erich Husch. Mr. Husch appeared and waived his right to counsel.

MOTION:

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

David Drew

Mr. Drew did not appear before the Commission.

MOTION:

No motions were made.

Stacey Smith

The Commission held an application review regarding Mr. Stacey Smith. Mr. Smith appeared and waived his right to counsel.

MOTION:

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

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Joshua E Nichols

The Commission held an application review regarding Mr. Joshua Nichols. Mr. Nichols appeared and waived his right to counsel.

MOTION:

Mr. Dowd made a motion to approve the Residential Specialty registration for Mr. Nichols. Ms. Rhyne seconded the motion, which carried unanimously.

Herbert Baker III

The Commission held an application review regarding Mr. Hebert Baker III. Mr. Baker appeared and waived his right to counsel.

MOTION:

Mr. Spruill made a motion to approve the Residential Specialty registration for Mr. Baker. Mr. Dowd seconded the motion, which carried unanimously.

Jaysen Evans

The Commission held an application review regarding Mr. Jaysen Evans. Mr. Evans appeared and waived his right to counsel.

MOTION:

Mr. Spruill made a motion to approve the Residential Specialty Registration for Mr. Evans. Mr. Dillard seconded the motion, which carried but not unanimously. Ms. Rhyne opposed.

MOTION:

Mr. Dowd made a motion to open the meeting back to the public. Ms. Rhyne seconded the motion, which carried unanimously.

Allen R. Thomas

The Commission held an application review regarding Mr. Allen R. Thomas. Mr. Thomas appeared and waived his right to counsel.

MOTION:

Mr. Dillard made a motion to approve the Residential Specialty registration for Mr. Thomas. Ms. Rhyne seconded the motion, which carried unanimously.

Kenneth Noble

The Commission held an application review regarding Mr. Kenneth Noble. Mr. Noble appeared and waived his right to counsel.

MOTION:

Mr. Dowd made a motion to approve the Residential Specialty registration for Mr. Noble. Ms. Rhyne seconded the motion, which carried unanimously.

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Louis W. Johnson

The Commission held an application review regarding Mr. Louis W. Johnson. Mr. Johnson appeared and waived his right to counsel.

MOTION:

Mr. Dowd made a motion to approve the Residential Specialty registration for Mr. Johnson. Mr. Dillard seconded the motion, which carried unanimously.

James Rushing

The Commission held an application review regarding Mr. James Rushing. Mr. Rushing appeared and waived his right to counsel.

MOTION:

Mr. Dowd made a motion to reinstate Mr. Rushing's registration until June 30, 2017 at which time the fine must be paid in full before he can renew for the 2017-2019 registration term. Mr. Spruill seconded the motion, which carried unanimously.

MOTION:

Mr. Dowd made a motion that prior to June 30, 2017 renewal Mr. Rushing will have to provide proof of a certified mailing showing it undeliverable to the judgment holder. Ms. Rhyne seconded the motion, which carried unanimously.

Patrick Hopkins

The Commission held an application review regarding Mr. Patrick Hopkins. Mr. Hopkins appeared and waived his right to counsel.

MOTION:

Mr. Spruill made a motion to approve the Residential Specialty registration for Mr. Hopkins with the condition that should the outcome of the pending criminal matters result in a conviction or guilty plea the registration would be suspended and he must reappear before the full commission. Mr. Dillard seconded the motion, which carried unanimously.

MOTION:

Ms. Rhyne made a motion to allow Mr. Hal Dillard serve as Chairman during the Hearing Officer Recommendations for Jermaine T. Johnson and Terry Osteen hearing due to Mr. Al Bailey's service as the hearing officer. Mr. Dowd seconded the motion, which carried unanimously.

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Hearing Officer Recommendations:

Jermaine T Johnson Case# 2015-542

Jermaine T. Johnson was not present at the hearing.

Mr. Al Bailey was the hearing officer in the case and recused himself from the hearing. Ms. Erin Baldwin, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

Ms. Rhyne made a motion to accept the Hearing Officer's recommendation(s). Mr. Dowd seconded the motion, which carried unanimously.

Terry Osteen case# 2014-500

Mr. Al Bailey was the hearing officer in the case and recused himself from the hearing. Ms. Erin Baldwin, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

Mr. Dowd made a motion to accept the Hearing Officer's recommendation(s). Ms. Rhyne seconded the motion, which carried unanimously.

Mr. Al Bailey returned to the meeting and resumed his service as the Chairman.

William Cook Case# 2016-23

Ms. Erin Baldwin, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

MOTION:

Ms. Rhyne made a motion to accept the Hearing Officer's recommendation(s). Mr. Lemmon seconded the motion, which carried unanimously.

James Weldon Hall Case# 2014-396 and Case# 2015-396

Ms. Erin Baldwin, Esq. represented the State and requested the Board uphold the Hearing Officer's Recommendation(s).

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MOTION:

Mr. Dowd made a motion to accept the Hearing Officer's recommendation(s). Mr. Lemmon seconded the motion, which carried unanimously.

Bryan Dowd and W. Duvall Spruill recused themselves for the John Curl hearing. Ms. Mary League served as advice counsel for Ms. Hewson during the John Curl hearing.

Memorandum of Agreement

John Curl Case# 2016-10

Mr. Curl appeared before the Commission and waived his right to counsel. Ms. Erin Baldwin, Esq. represented the State. Mr. Curl answered questions from the Commission. Ms. Baldwin requested that the Commission accept the Memorandum of Agreement (MOA).

MOTION:

Mr. Dillard made a motion to go into executive session to receive legal advice. Mr. Lemmon seconded the motion which carried unanimously.

MOTION:

Ms. Rhyne made a motion to exit executive session after receiving legal advice. Mr. Lemmon seconded the motion, which carried unanimously.

MOTION:

Mr. Dillard made a motion to accept the MOA, and find that there was no violation and move to dismiss. Mr. Lemmon seconded the motion, which carried unanimously.

Stacey Hewson, Advice Counsel, Bryan Dowd and W. Duvall Spruill returned to the meeting.

Mr. Hal Dillard left the meeting at 3:55 pm.

Withdrawal of Citation:

Stephanie Bealer Case# 2016-642

MOTION:

Ms. Rhyne made a motion to approve the withdrawal of the citation for Stephanie Bealer Case# 2016-642 due to the new documentation provided. Mr. Spruill seconded the motion, which carried unanimously.

Licensure requirements to build an addition or do structural aspects of building

Discussion was tabled.

Administrator's Remarks for Information:

Administrator did not have any remarks.

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Office of Investigations and Enforcement (OIE Report)

Todd Bond

OIE Status Report – Mr. Bond present the OIE Report that 272 complaints had been received to date with 259 active investigations, with 226 cases closed as of 04/12/2017.

Recommendation of Investigation Review Committee (IRC)

Recommendation of IRC

MOTION:

Mr. Dowd made a motion to approve the Recommendation of IRC. Mr. Lemmon seconded the motion, which carried unanimously.

Resolution Guidelines

MOTION:

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

Old Business:

No old business discussed.

Public Comments:

No comments made.

Date of Next Meeting:

Wednesday, May 17, 2017; 10:00 A.M., Meeting Room 108, Kingstree Building

The next meeting of the SC Residential Builders Commission will be held on Wednesday May 17th, 2017, beginning at 10:00 A.M., at the Synergy Business Complex, Kingstree Building, Room 108, in Columbia, SC

Adjournment:

Ms. Rhyne made a motion to adjourn the meeting. Mr. Spruill seconded the motion, which carried unanimously.

The April 12th, 2017, meeting of the South Carolina Builders Commission was adjourned at 4:08 pm.