

SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION

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

Minutes

Wednesday, January 11th, 2017

10:00 a.m.

Timothy W. Roberts, Board 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:

Timothy W. Roberts, Board Chair, called the regular meeting of the South Carolina Residential Builders Commission to order at 10:01 a.m. Other Board members present for the meeting included:

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

Staff members participating in the meeting included:

Stacey Hewson, Advice Counsel, Allison Baker, Program Coordinator, Melissa Burroughs, Program Assistant, Todd Bond, OIE Chief Investigator, OGC: Tracey Perlman, and Kyle Tennis

Approval of Agenda:

Wednesday, January 11th, 2017

MOTION:

Mr. Lemmon made a motion to approve the January 11, 2017, agenda. Mr. Dowd seconded the motion, which carried unanimously.

Election of Officers:

Board Chair Roberts announced the election of the officers. Chairman Roberts called for nominations for the Office of Chair. Mr. Bailey moved to nominate Mr. Roberts to serve as Chair. Ms. Rhyne seconded the motion, which carried unanimously. There being no further nominations, the nominations were closed and Mr. Roberts was elected by acclamation.

Chairman Roberts called for nominations for the Office of Vice-Chair. Mr. Dowd moved to nominate Mr. Bailey to serve as Vice- Chair. Mr. Dillard seconded the motion, which carried unanimously. There being no further nominations, the nominations were closed and Mr. Bailey was elected by acclamation.

Approval of Minutes:

Wednesday, December 14, 2016

MOTION:

Ms. Rhyne made a motion to approve the December 14, 2016, minutes. Mr. Bailey seconded the motion, which carried unanimously.

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Excused Member(s):

All members present

Chairman's Remarks:

Timothy W. Roberts

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.

Disclosure Statement Waiver Request:

Jasbir S. Bhambra

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

MOTION:

Mr. Bailey made a motion to approve the request for waiver of the disclosure statement. Mr. Dillard seconded the motion, which did not carry unanimously. Mr. Dowd opposed.

Application/License Reviews:

Greggory Hutcheson

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

MOTION:

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

Arthur Searles

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

MOTION:

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

Kenneth Johnson

Mr. Johnson did not appear before the Commission.

MOTION:

No motions were made.

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Thomas Watson

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

MOTION:

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

Charles Ogden

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

MOTION:

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

Harold Duncan

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

MOTION:

Mr. Bailey made a motion to approve the Residential Specialty Registration for Mr. Duncan. Ms. Rhyne seconded the motion, which carried unanimously.

Daniel Scinto

Mr. Scinto did not appear before the Commission to present testimony.

MOTION:

No Motions were made.

Timothy Garvin

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

MOTION:

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

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Robert Bergeron

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

MOTION:

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

Jaime Gomez

Mr. Gomez did not appear before the Commission.

MOTION:

No motions were made

Garrett McMullen

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

MOTION:

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

Timothy McBee

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

MOTION:

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

Tony Reese Jr

The Commission held an application review regarding Mr. Tony Reese Jr. Mr. Reese appeared before the Commission and waived his right to counsel.

MOTION:

Mr. Bailey made a motion to approve a Residential Specialty Registration for Mr. Reese. Mr. Lemmon seconded the motion, which carried unanimously.

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Joseph Bianco

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

MOTION:

Mr. Dillard made a motion to approve Mr. Bianco to sit for the exam. Mr. Dowd seconded the motion, which did not carry unanimously. Mr. Bailey abstained from voting due to his previous knowledge of Mr. Bianco's work in Charleston.

Benjamin Crawford

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

MOTION:

Mr. Dowd made a motion to approve the license reinstatement with the following conditions: within six (6) months of the date of this Order, to submit written documentation, to the satisfaction of the Commission Administrator, that the federal tax lien and outstanding judgment held by 84 Lumber Company have been resolved by a payment plan or other agreement or have otherwise been satisfied. Mr. Dillard seconded the motion, which did not carry unanimously. Mr. Bailey opposed.

Brian Simpson

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

MOTION:

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

David Cooper

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

MOTION:

Mr. Dillard made a motion to approve the Specialty Registration for Mr. Cooper and disregard the judgment held by Ford Motors. Mr. Lemmon seconded the motion, which did not carry unanimously. Mr. Bailey opposed.

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Jonathan Nett

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

MOTION:

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

Hearing Officer Recommendation – Final Order Hearings:

James Nettles Jr (Case No.: 2015-582)

Mr. James Nettles Jr was not present but was represented by Charles Blackburn, Esq.

Mr. Al Bailey was the hearing officer in the case and recused himself from the hearing. Ms. Tracey Perlman, 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). Mr. Spruill seconded the motion, which carried unanimously.

James Nettles Jr (Case No.: 2015-619)

Mr. James Nettles Jr was not present but was represented by Charles Blackburn, Esq.

Mr. Al Bailey was the hearing officer in the case and recused himself from the hearing. Ms. Tracey Perlman, 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). Mr. Dillard seconded the motion, which did not carry unanimously. Mr. Spruill opposed.

Sheagen Tyner (Case No.: 2015-45)

Mr. Sheagen Tyner was not present at the hearing.

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

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MOTION:

Mr. Dillard made a motion to accept the Hearing Officer's recommendation(s). Ms. Rhyne seconded the motion, which did not carry unanimously. Mr. Spruill opposed.

Affidavits:

Tabled at this time

Administrator's Remarks for Information:

No remarks at this time

Office of General Counsel (OGC Report)

Kyle Tennis

Mr. Tennis reported that OGC has 104 open cases, 51 cases pending action, 20 cases are pending consent agreements or memorandum of agreements, 21 cases are pending disciplinary hearings, 6 cases pending final order hearings, 26 cases have been closed and there are 6 cases on appeal at this time.

Office of Investigations and Enforcement (OIE Report)

Todd Bond

OIE Status Report – Mr. Bond reported for the 2016 Annual Report, 750 cases were received with 229 active investigations, with 642 cases closed as for 12/31/2016.

Recommendation of Investigation Review Committee (IRC)

IRC Recommendations:

MOTION:

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

Resolution Guidelines:

MOTION:

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

Public Comments:

No comments made.

Date of Next Meeting:

Wednesday, February 8, 2017; 10:00 A.M., Meeting Room 105, Kingstree Building

The next meeting of the SC Residential Builders Commission will be held Wednesday February 8th, 2017, beginning at 10:00 A.M., at the Synergy Business Complex, Kingstree Building, Room 105, in Columbia, SC

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Adjournment:

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

The January 11, 2017, meeting of the South Carolina Builders Commission was adjourned at 1:49 pm.