

RESIDENTIAL BUILDERS COMMISSION  
Synergy Business Park  
110 Centerview Drive Kingstree Building, Room 108  
Columbia, South Carolina 29210  
Wednesday, April 11, 2018

**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:**

Al Bailey, Vice-Chairman called the regular meeting of the Residential Builders Commission to order at 10:01 a.m. Other members present for the meeting included: Hal Dillard, Monte Lemmon, and Brian Dowd.

Al Bailey, Vice-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 March 14, 2018 Residential Builders Commission Meeting Agenda. Mr. Lemmon seconded the motion, which carried unanimously.

**Approval of Minutes for the March 14<sup>th</sup> 2018 and March 29<sup>th</sup> 2018 Meeting:**

**MOTION:**

Mr. Dowd made a motion to approve the meeting minutes with the correction to show Mr. Dowd was present at the March 14<sup>th</sup>, 2018 meeting. Mr. Lemmon seconded the motion, which carried unanimously.

**Approval /Disapproval of Absent Members:**

**MOTION:**

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

**Chairman's Remarks:**

*Al Bailey*

Mr. Bailey 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.

**Memorandum of Agreement:**

*Joshua Barley Case no: 2017-72*

Mr. Joshua Barley was present and represented by Mr. Kent Collins, Esq. The State was represented by Mr. Kyle Tennis, Esq. Mr. Barley answered questions from the Commission. Mr. Tennis requested that the Commission accept the Memorandum of Agreement (MOA).

\*\* Mr. Timothy Roberts and Janet Baumberger arrived at the meeting at 10:20

**MOTION:**

Mr. Dowd made a motion to accept the MOA, assess a total fine of \$7,500 to be paid within 90 days from the date of the final order, and that before Mr. Barley may be considered for reinstatement of his registration or any other license with the Commission, all fines must be paid in full, he must appear before the full Commission to address resolution of the pending criminal charges, and for consideration of his professional and ethical competence to practice residential specialty contracting and/or residential home building in the State of South Carolina. Mr. Lemmon seconded the motion which carried unanimously. Mr. Roberts did not vote since he was not present for the hearing regarding Mr. Barley.

\*\* Mr. Roberts resumed duties as Chairman

**Statement Waiver Request:**

*John E. Slouffman*

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

**MOTION:**

Mr. Dillard made a motion to approve Mr. Slouffman's request for a waiver. Mr. Bailey seconded the motion, which carried unanimously.

*William Renke*

The Commission held a hearing regarding Mr. Renke's request for a waiver of the disclosure statement under the owner/builder exemption. Mr. William Renke appeared before the Commission, with a witness Mr. William Renke III and waived their right to counsel.

**MOTION:**

Mr. Dillard made a motion to enter into executive session to receive legal advice regarding Mr. Renke's request. Mr. Dowd seconded the motion, which carried unanimously.

**MOTION:**

Mr. Bailey 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 approve Mr. Renke's request for a waiver to allow Mr. Renke's to sell the property as is. Mr. Dowd seconded the motion, which carried unanimously.

*Stephen Hopkins*

The Commission held a hearing regarding Mr. Stephen Hopkins' request for a waiver of the disclosure statement under the owner/builder exemption. Mr. Stephen Hopkins appeared before the Commission and waived his right to counsel. Mr. Bryan Dowd recused himself due to personal relationship.

**MOTION:**

Mr. Dillard made a motion to approved Mr. Hopkins' request for a waiver. Mr. Lemmon seconded the motion, which carried unanimously.

*\*\*Mr. Dowd rejoined the meeting*

*Carlos F Cuellar*

The Commission held a hearing regarding Mr. Carlos F Cuellar's request for a waiver of the disclosure statement under the owner/builder exemption. Mr. Carlos F Cuellar appeared before the Commission, with witness Ms. Maria Conde and waived his right to counsel.

**MOTION:**

Mr. Bailey made a motion to approve Mr. Carlos Cuellar's request for a waiver. Mr. Dowd seconded the motion, which carried unanimously.

*Brian O'Neil*

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

**MOTION:**

Mr. Lemmon made a motion to approve Mr. O'Neil's request for a waiver. Mr. Dowd seconded the motion, which carried unanimously.

**Application Reviews:**

*Joseph Stelluti*

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

**MOTION:**

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

*Anne Dumont*

Ms. Anne Dumont didn't appear before the Commission.

**MOTION:**

No motions were made.

*Tony Bethea*

The Commission held an applicant review regarding Mr. Tony Bethea. Mr. Bethea appeared before the Commission and waived his right to counsel.

**MOTION:**

No action taken in this matter.

*James Carpenter*

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

**MOTION:**

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

*Jay Biyad*

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

**MOTION:**

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

*Jason C. Brown*

Mr. Jason C. Brown did not appear before the Commission.

**MOTION:**

No motions were made.

*Michael Meleca*

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

**MOTION:**

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

*Robert Lamoureux*

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

**MOTION:**

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

*Nathan Hertel*

The Commission held an application review regarding Nathan Hertel. Mr. Hertel appeared before the Commission.

**MOTION:**

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

*Patrick Jenkins*

The Commission held an application review regarding Mr. Patrick Jenkins. Mr. Jenkins appeared before the Commission, presented a witness, Ms. Sandy Sanders, and waived his right to counsel.

**MOTION:**

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

*Vladislav Melnichuk*

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

**MOTION:**

Mr. Bailey made a motion to approve Mr. Melnichuk's residential specialty contractor registration. Mr. Lemmon seconded the motion, which carried unanimously.

*Bobby J Turner*

The Commission held an application review regarding Mr. Bobby J. Turner. Mr. Turner appeared before the Commission and waived his right to counsel.

**MOTION:**

Mr. Dillard made a motion to approve Mr. Turner's residential specialty contractor registration. Mr. Lemmon seconded the motion, which carried unanimously.

*Xavier Holbrooks*

The Commission held an application review regarding Mr. Xavier Holbrooks. Mr. Holbrooks appeared before the Commission, and waived his right to counsel.

**MOTION:**

Mr. Dillard made a motion to approve Mr. Holbrooks' residential specialty contractor registration. Mr. Bailey seconded the motion, which carried unanimously.

*Michael Wright*

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

**MOTION:**

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

*Bryan Kuykendoll*

The Commission held an application review regarding Mr. Bryan Kuykendoll. Mr. Kuykendoll before the Commission, and waived his right to counsel.

**MOTION:**

Mr. Bailey made a motion to approve Mr. Kuykendoll's residential specialty contractor registration with the condition that he continue to make payments with the SCDOR and resolve the IRS tax lien by the time of renewal in 2019. Mr. Lemmon seconded the motion, which carried unanimously.

**Final Order Hearings:**

*Mr. Rickey Vickery case # 2017-189 2017-382; and 2017-427*

The Board held a Final Order hearing regarding Mr. Rickey Vickery. Mr. Bailey recused himself due to his service as the hearing officer.

**MOTION:**

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

*Mr. David Wiggins case# 2016-488*

The Board held a Final Order hearing regarding Mr. David Wiggins. Mr. Bailey recused himself due to his service as the hearing officer.

**MOTION:**

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

*Beazer Homes case# 2015-620*

The Board held a Final Order hearing regarding Beazer Homes. Beazer Home was not present. Mr. Bailey served as the hearing officer in the case and recused himself due to his service as the hearing officer.

**MOTION:**

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

\*\* Mr. Bailey returned to the meeting.

*Mr. Ernest Rouse case # 2016-478*

The Board held a Final Order hearing regarding Mr. Ernest Rouse. Mr. Rouse was not present. Mr. Roberts served as the Hearing office in the case and recused himself due to his service as the hearing officer.

**MOTION:**

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

*Mr. Clifton B Matthews case # 2016-180, 2016-274; and 2016.277*

The Board held a Final Order hearing regarding Mr. Clifton Matthews. Mr. Roberts served as the hearing officer in the case and recused himself due to his service as the hearing officer.

**MOTION:**

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

\*\* Mr. Roberts returned to the meeting.

**Administrators Report and Recommendation for Bond Claim:**

*Tommy Wilson Case no 2017-90*

**MOTION:**

Mr. Bailey made a motion to accept the administrator's report and recommendation for Bond Claim in the case of Mr. Tommy Wilson. Mr. Dowd seconded the motion, which carried unanimously.

**Administrator's Remarks:**

No remarks made.

**OIE Report – Mr. Todd Bond:**

*Kyle Tennis, Attorney, ODC*

Mr. Kyle Tennis presented the ODC report. Mr. Tennis reported the numbers and status of the current caseload located in ODC.

*Todd Bond, Chief Investigator of OIE*

Mr. Todd Bond, presented the OIE report. Mr. Todd Bond reported the number of investigations for the number of investigations totals to date:

**Complaints Received - 199**

**Active Investigations – 251**

**Closed Cases – 189**

**New Business**

A. Recommendations of IRC

**MOTION:**

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

B. Resolution Guidelines

**MOTION:**

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

**Old Business:**

**Public Comments:**

No comments were made.

**Date of Next Meeting:**

The next Residential Builders Commission meeting will be held Wednesday, May 9, 2018 in room 105.

**Adjournment:**

Mr. Bailey 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 2:04 p.m.

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