

RESIDENTIAL BUILDERS COMMISSION
Synergy Business Park
110 Centerview Drive Kingstree Building, Room 108
Columbia, South Carolina 29210
Wednesday, October 10, 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:

Timothy W. 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: Bryan Dowd, Christy Rhyne, Monte Lemmon, Hal Dillard and Al Bailey.

Timothy W. 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. Lemmon made a motion to approve the October 10, 2018 Residential Builders Commission Meeting Agenda. Ms. Rhyne seconded the motion, which carried unanimously.

Approval of Minutes for the August 8th, 2018 Meeting:

MOTION:

Mr. Bailey made a motion to approve the August 8, 2018 meeting minutes with the correction to the matter of Mr. Patterson, Case Number 2017-588, to show that the motion was made by a member of the Commission who was present. Ms. Rhyne, shown as having made the motion, was not present at the August meeting. Mr. Lemmon seconded the motion, which carried unanimously.

Approval /Disapproval of Absent Members:

All Members were present.

Chairman's Remarks:

Timothy W. Roberts

Mr. Roberts 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:

Ferdinand Bruzzese

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

MOTION:

Mr. Bailey made a motion to approve Mr. Ferdinand Bruzzese's request for a waiver. Mr. Lemmon seconded the motion, which carried unanimously.

Bryson Elvis

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

MOTION:

Mr. Dowd made a motion to approve Mr. Bryson Elvis's request for a waiver. Mr. Dillard seconded the motion, which carried unanimously.

Application Reviews:

Kent Frerichs

The Commission held an application review regarding Kent Frerichs. Mr. Frerichs appeared before the Commission.

MOTION:

Ms. Rhyne made a motion to allow Mr. Frerichs to change his classification from painting to carpentry. Mr. Dillard seconded the motion, which carried unanimously.

Michael Hudson

Mr. Michael Hudson did not appear before the Commission.

MOTION:

No Motions were made.

William Dennison

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

MOTION:

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

Randy Kovacs

Mr. Randy Kovas did not appear before the Commission.

MOTION:

No Motions were made.

Andrew Ellis

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

MOTION:

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

Joshua Kenny

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

MOTION:

Ms. Rhyne made a motion to deny Mr. Kenny's application at this time due to lack of experience. Mr. Bailey seconded the motion, which carried unanimously.

Kalan Ickes

Mr. Kalan Ickes did not appear before the Commission.

MOTION:

No motion were made.

Trenton Simon

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

MOTION:

Mr. Dillard made a motion to deny his application due to lack of experience at this time. Mr. Dowd seconded the motion, which carried unanimously.

Carlos Rivera-Mendoza

The Commission held an application review regarding Carlos Rivera-Mendoza. Mr. Rivera-Mendoza appeared before the Commission and waived his right to counsel.

MOTION:

Mr. Dillard made a motion to enter into executive session to receive legal advice regarding the application of Mr. Carlos Rivera-Mendoza. Ms. Rhyne seconded the motion, which carried unanimously.

MOTION:

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

MOTION:

Mr. Dillard made a motion to approve Mr. Rivera-Mendoza to sit for the exam. Ms. Rhyne seconded the motion, which carried unanimously.

Rajiv Purushotham

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

MOTION:

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

Abajaa Melton

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

MOTION:

Mr. Bailey made a motion to approve Mr. Melton's specialty registration. Mr. Dillard seconded the motion, which carried unanimously.

Theodore Ulrichsen

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

MOTION:

Mr. Lemmon made a motion to approve Mr. Ulrichsen for his specialty registration. Mr. Dowd seconded the motion, which carried unanimously.

Donald Gilstrap

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

MOTION:

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

John Norwood

The Commission held an application review regarding Mr. John Norwood. Mr. Norwood appeared before the Commission and waived his right to counsel. Mr. Dillard recused himself.

MOTION:

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

Mr. Dillard returned to the meeting.

Michael Kaiser

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

MOTION:

Mr. Bailey made a motion to approve Mr. Kaiser for a specialty registration. Mr. Bailey seconded the motion, which carried unanimously.

Request to Rescind Citation:

Case Number 2017-835

MOTION:

Ms. Rhyne made a motion to rescind the citation in case number 2017-835. Mr. Dowd seconded the motion, which carried unanimously.

Final Order Hearings:

Ms. Victoria Gilleo case # 2017-276

The Board held a Final Order hearing regarding Mr. Victoria Gilleo. Ms. Gilleo was not present. Mr. Bailey served as the hearing officer so he recused himself from the proceedings.

MOTION:

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

Mr. Walter Glass case # 2017-547

The Board held a Final Order hearing regarding Mr. Walter Glass. Mr. Glass was not present. Mr. Bailey served as the hearing officer so he recused himself from the proceedings.

MOTION:

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

Mr. Gilmar Larson case # 2017-160

The Board held a Final Order hearing regarding Mr. Gilmar Larson. Mr. Larson was not present. Mr. Bailey served as the hearing officer so he recused himself from the proceedings.

MOTION:

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

Mr. David Harry Prince case # 2016-336

The Board held a Final Order hearing regarding Mr. David Harry Prince. Mr. Prince was not present. Mr. Bailey served as the hearing officer so he recused himself from the proceedings.

MOTION:

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

Mr. Adam Hutchins case # 2017-544

The Board held a Final Order hearing regarding Mr. Adam Hutchins. Mr. Hutchins was not present. Mr. Bailey served as the hearing officer so he recused himself from the proceedings.

MOTION:

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

Mr. Al Bailey returned to the meeting.

Mr. Rodney Tillman case # 2016-593; 2016-746 and 2016-747

The Board held a Final Order hearing regarding Mr. Rodney Tillman. Mr. Tillman was not present.

MOTION:

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

Commission Clarification

Residential Electrical, Residential Plumbing, Residential HVAC and Specialty Registration being limited to a total of 3 classifications

MOTION:

Mr. Dowd made a motion to enter into executive session to receive legal advice. Ms. Rhyne seconded the motion, which carried unanimously.

MOTION:

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

MOTION:

Mr. Dowd made a motion to no longer count the Residential Electrical, Residential Plumbing and Residential HVAC licenses as a classification for a Specialty Contractor registration. Mr. Bailey seconded the motion, which carried unanimously.

Technical and Business Management and Law portions of exam considered the same or separate as the total number of three fails.

No motions were made. The Commission clarified that its licensing exams constitutes a single test with two parts, one part addressing the technical aspect and the other part dealing with business management and law. A failure of one part of the exam is a failure of the entire test and counts as one of the three fails.

NASCLA Electrical Exam Waiver Agreement

MOTION:

Mr. Bailey made a motion to accept the NASCLA electrical exam waiver. Ms. Rhyne seconded the motion, which carried unanimously.

Mississippi Exam Waiver Agreement

MOTION:

Mr. Dowd made a motion to accept the Mississippi Exam Waiver Agreement. Ms. Rhyne seconded the motion, which carried unanimously.

License Bond Issues and Proof of Financial Responsibility

The Attorney who request this issue be brought before the Commission did not show.

MOTION:

No discussion or motions were made.

Administrator’s Remarks:

No remarks made.

ODC Report- Mr. Kyle Tennis:

Kyle Tennis, ODC Attorney

Mr. Kyle Tennis, presented the ODC report. Mr. Kyle Tennis reported the number of disciplinary case load statistics.

Open cases- 127	Pending Actions- 75	Pending ALC hearings- 0
Pending ALC order- 0	Citation Appeals- 4	Pending CA/MOAs- 7
Pending Panel Hearing- 12	Pending New OIE- 11	Pending Advice Action- 2
Pending Scheduling FOH- 1	Pending Appeal- 0	Closed Cases- 20 (06/26/18-10/02/18)

OIE Report – Mr. Todd Bond:

Todd Bond, Chief Investigator of OIE

Mr. Todd Bond, presented the OIE report.

Complaints Received – 637	Active Investigations – 249
Closed Cases 589	

New Business

A. Recommendations of IRC

MOTION:

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

MOTION:

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

B. Resolution Guidelines

MOTION:

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

MOTION:

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

Old Business:

Public Comments:

Date of Next Meeting:

The next Residential Builders Commission meeting will be held Wednesday, November 14, 2018 in room 108.

Adjournment:

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

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