

SECTION 40-59-20. Definitions.

As used in this chapter unless the context clearly indicates otherwise:

(1) "Commission" means the South Carolina Residential Builders Commission.

(2) "Department" means the Department of Labor, Licensing and Regulation.

(3) "Director" means the Director of the Department of Labor, Licensing and Regulation.

(4) "Firm" means a business entity functioning as a sole proprietorship, partnership, limited liability partnership, professional association, professional corporation, business corporation, limited liability company, joint venture or other legally constituted organization which practices or offers to practice residential building or residential specialty contracting.

(5) "License" means a license, registration, or certification issued in accordance with this chapter.

(6) "Residential builder" means one who constructs, superintends, or offers to construct or superintend the construction, repair, improvement, or reimprovement of a residential building or structure which is not over three floors in height and which does not have more than sixteen units in any single apartment building, when the cost of the undertaking exceeds five thousand dollars. Anyone who engages or offers to engage in such undertaking in this State is considered to have engaged in the business of residential building.

(7) "Residential specialty contractor" means an independent contractor who contracts with a licensed residential builder, general contractor, or individual property owner to do construction work, repairs, improvement, or reimprovement which requires special skills and involves the use of specialized construction trades or craft, when the undertakings exceed five hundred dollars and are not regulated by the provisions of Chapter 11. A residential specialty contractor is not authorized to construct additions to residential buildings or structures without supervision by a residential builder or other appropriately licensed person or entity. Residential specialty contracting includes the following areas of contracting and other areas as the commission may recognize by regulation:

(a) plumbers;

(b) electricians;

(c) heating and air conditioning installers and repairers;

(d) vinyl and aluminum siding installers;

(e) insulation installers;

(f) roofers;

(g) floor covering installers;

(h) masons;

(i) dry wall installers;

(j) carpenters;

(k) stucco installers;

(l) painters and wall paperers;

(m) solar panel installers.

Plumbers, electricians, and heating and air conditioning installers and repairers must be issued specialty contractor licenses after passing the required examination, if the other requirements of this article are met. Vinyl and aluminum siding installers, masons, dry wall installers, carpenters, stucco installers, painters and wall paperers, and solar panel installers must be issued specialty contractor registrations, if the other requirements of this article are met.

A residential specialty contractor is prohibited from undertaking work outside the scope of his license or registration, including employing, hiring, and contracting or subcontracting with others to perform such work on his behalf.

The provisions of this chapter do not preclude a licensed residential builder from also obtaining licensure or registration as a residential specialty contractor in an area of contracting identified in statute or recognized by the commission. In addition, a residential builder, who is licensed by examination in this State, is authorized to perform work in any of the areas of residential specialty contracting without separately obtaining a residential specialty contractor license or registration.

(8) As used in this chapter, the terms defined in Section 40-1-20 have the same meaning as stated in that section.

HISTORY: 2002 Act No. 359, Section 1; 2022 Act No. 186 (H.3606), Section 2, eff May 16, 2022.

Editor's Note

Prior Laws: 1962 Code Section 56-1545.32; 1974 (58) 1949; 1990 Act No. 595, Section 1; 1976 Code Section 40-59-10.

Effect of Amendment

2022 Act No. 186, Section 2, in (7), in the first sentence, deleted "who is not a licensed residential builder," following "means an independent contractor", substituted "five hundred dollars" for "two hundred dollars", and inserted the second sentence; in (I), substituted "painters and wall paperers;" for "painters/wall papers."; and inserted (m) and the following three undesignated paragraphs.

GUIDANCE ON WHAT CONSTITUTES A STRUCTURAL ADDITION REQUIRING RESIDENTIAL BUILDER OR GENERAL CONTRACTOR CREDENTIALS

What is structural?

- Anything internal or external load-bearing, holding the weight of the elements above it
- Essential to the stability of the home or any part of it, including foundations, floors, walls, roofs, columns, and beams
- A residential specialty contractor with a classification in carpentry can build a deck up to 30 inches in height. Any deck above 30 inches in height requires a residential builder license.

Note: Any work that involves more than 3 trades requires a residential builder or general contractor.

Examples of load bearing structural elements:

- Beam
- Column
- Wall
- Brace
- Truss

106-1. Classification of Residential Specialty Contractors.

In furtherance of established custom and usage within the construction industry and in recognition of the historical fact that the different skills, knowledge and experience necessary to the specialized trades and crafts has customarily limited activity and participation therein, the following classifications denote those residential specialties available for registration or licensure, as determined by the Commission. Holders thereof are restricted to the scope of operations set forth as to each.

a. **Plumbers:** the installation, alteration and repair of water and natural gas piping systems, sewage systems and water filter and purification and conditioning systems, including all related fixtures, vents, and devices common to the residential building industry.

b. **Electricians:** the installation, alteration and repair of any wiring, related electrical material and equipment common to the residential building industry.

c. **Heating and air conditioning installers and repairers:** the installation, replacement, alteration, or repair of air conditioning equipment and systems, limited to five tons cooling and 175,000 BTU/HR heating per unit, which consist of a number of components necessary to produce conditioned air for environmental heating or cooling, or both, within a residence, including package equipment, heating and cooling systems; and the installation, alteration, and repair of ventilation systems including duct work, air filtering devices, water treatment devices, pneumatic or electrical controls, or control piping, thermal and acoustical insulation, vibration isolation materials and devices, liquid fuel piping and tanks (except those used for liquid propane gas), water and gas piping from service and heating circuits and air handling systems, including gas fired furnaces and space heaters, and factory assembled single package units and split type direct expansion equipment, including heat pumps.

d. **Vinyl and aluminum siding installers:** the installation, alteration and repair of vinyl and aluminum siding common to the residential building industry.

e. **Insulation installers:** the installation, alteration and repair of insulating materials for the purpose of temperature or sound control, excluding any exterior roofing materials such as foam and reflective coating common to the residential building industry.

f. **Roofers:** the installation, alteration and repair of materials common to the residential building industry that form a water tight, weather resistant surface for roofs and decks, including all accessories, flashing, valleys, gravel stops and roof insulation panels above the roof deck.

g. **Floor covering installers:** the installation, replacement and repair of floor covering materials and related accessories including preparation of the surface to be covered: included are materials manufactured of asphalt, vinyl, rubber, linoleum, and carpet.

h. **Masons:** the installation, alteration and repair of poured-in-place concrete foundations (e.g. footings or reinforced slabs), brick, concrete block, and products common to the masonry industry, including mortarless types and synthetic masonry products common to the residential building industry.

i. **Dry Wall Installer:** the installation, alteration and repair of plaster, gypsum wall board, pointing, accessories, taping and texturing on structures both interior and exterior common to the residential building industry.

j. **Carpenters:** the installation, alteration and repair of rough and general carpentry work on new and existing structures including accessories and related hardware common to the residential building industry.

k. **Stucco installers:** the installation, alteration and repair of stucco finishes, including Exterior Insulation and Finish Systems (EIFS), which is defined as multi-layered exterior wall systems consisting of a durable water proof finish coat, a reinforced base coat, and insulation board, all secured to plywood or other substance by means of an adhesive and/or mechanical attachment.

l. **Painters/Wallpaperers:** the application of materials common to the painting and decorating industry for protective or decorative purposes, includes surface preparation, caulking, sanding and cleaning preparatory to painting common to the residential building industry; and the installation, alteration and repair of surface coverings such as vinyls, wallpapers, and cloth fabrics, decorative texturing, taping and finishing of drywall in conjunction with surface painting only common to the residential building industry.

m. **Solar Panel Installers:** Fabricating, assembling, installing, and replacing solar panels and related components common to the residential building industry. Roof mounting of solar panels shall only be performed by a licensed Residential Builder, registered Residential Specialty Contractor with a Roofer classification or a General Contractor with General Roofing or Specialty Roofing licensed by the South Carolina Contractor's Licensing Board. Wiring and connections shall only be performed by a licensed Residential Builder, licensed Residential Electrician or a Mechanical Contractor with Electrical classification licensed by the South Carolina Contractor's Licensing Board. If a roof requires structural upgrades for the mounting and installing of solar panels, any structural upgrading of the roof must be performed by a licensed Residential Builder, or a registered Residential Specialty Contractor with a Carpenter classification or a licensed General Contractor with Building or Structural Framing classifications.

HISTORY: Amended by State Register Volume 17, Issue No. 5, Part III, eff May 28, 1993; State Register Volume 21, Issue No. 6, Part 2, eff June 27, 1997; State Register Volume 29, Issue No. 1, eff January 28, 2005; SCSR42-5 Doc. No. 4778, eff May 25, 2018.

See page 7. Clarification of
Residential Specialty
Contractor's Authority to
Subcontract in Registered
Trades

RESIDENTIAL BUILDERS
COMMISSION

Synergy Business Park
110 Centerview Drive
Kingstree Building
Columbia, South Carolina 29210
Wednesday, July 13, 2022

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 10:01 a.m. Other members present for the meeting included: Al Bailey, Hal Dillard, Earl McLeod, Christy Rhyne, and James Graves.

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

Approval of Agenda:

MOTION:

Ms. Rhyne made a motion to approve the July 13, 2022 Residential Builders Commission Meeting Agenda. Mr. Bailey seconded the motion, which carried unanimously.

Approval of Minutes for the June 8, 2022 Meeting:

MOTION:

Mr. Bailey made a motion to approve the June 8, 2022 minutes. Mrs. Rhyne seconded the motion, which carried unanimously.

Approval /Disapproval of Absent Members:

Mr. Dowd was absent.

MOTION:

Mr. Bailey made a motion to approve the absent member. Mrs. Rhyne seconded the motion, which carried unanimously.

Chairman's Remarks:

Timothy W. Roberts

Chairman Roberts reminded everyone that the meeting was being livestreamed via YouTube.

Initial Applications:

William Terry Willis

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

MOTION:

Mr. McLeod made a motion to approve Mr. Willis to sit for the exam. Mr. Graves seconded the motion, which carried unanimously.

Eddie Christopher Hill

The Commission held an application review regarding Eddie Christopher Hill. Mr. Hill appeared before the Commission and waived his right to counsel.

MOTION:

Mr. McLeod made a motion for Mr. Hill to sit for the exam. Mr. Dillard seconded the motion, which carried unanimously.

Frank W Jackson

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

MOTION:

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

Luther Blackwell

The Commission held an application review regarding Luther Blackwell. Mr. Blackwell appeared before the Commission, waived his right to counsel, and presented a witness, Kenneth Bowman, for testimony.

MOTION:

Mrs. Rhyne made a motion to approve Mr. Blackwell to sit for the exam. Mr. Dillard seconded the motion, which carried unanimously.

Al Howard Strickland

The Commission held an application review regarding Al Howard Strickland. Mr. Strickland appeared before the Commission and waived his right to counsel.

MOTION:

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

Robert Thomas Simeon

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

MOTION:

Mrs. Rhyne made a motion to deny Mr. Simeon's application for lack of documented experience. Mr. Bailey seconded the motion, which carried unanimously.

Thomas A Michaels Jr.

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

MOTION:

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

Robert Kyle Lugar

The Commission held an application review regarding Robert Kyle Lugar. Mr. Lugar appeared before the Commission, waived his right to counsel, and presented two witnesses, Matthew Cunningham and Erin Lugar, for testimony.

MOTION:

Mrs. Rhyne made a motion to approve Mr. Lugar to sit for the exam. Mr. McLeod seconded the motion, which carried unanimously.

Carlos Bulnes

The Commission held an application review regarding Carlos Bulnes. Mr. Bulnes appeared before the Commission, waived his right to counsel, and presented two witnesses, Mr. Garcia and Mr. Leon Alfidia, for testimony.

MOTION:

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

Elijah Antonavich Lama Sloan

The Commission held an application review regarding Elijah Antonavich Lama Sloan. Mr. Sloan appeared before the Commission and waived his right to counsel. Mr. Dillard recused himself.

MOTION:

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

Maksim Popov

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

MOTION:

Mrs. Rhyne made a motion to deny Mr. Popov to sit for the exam. Mr. Bailey seconded the motion, which carried unanimously.

Jacqueline Sia Tamaklo

The Commission held an application review regarding Jacqueline Sia Tamaklo. Ms. Tamaklo appeared before the Commission and waived her right to counsel.

MOTION:

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

Hayward Wiggins III

The Commission held an application review regarding Hayward Wiggins III. Mr. Wiggins appeared before the Commission and waived his right to counsel.

MOTION:

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

David Andrew Earle

Mr. Earle did not attend. The Commission did not take any action.

Johnathon T Cammack

The Commission held an application review regarding Johnathon T Cammack. Mr. Cammack appeared before the Commission and waived his right to counsel.

MOTION:

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

John Kenneth Gerrato

The Commission held an application review regarding John Kenneth Gerrato. Mr. Gerrato appeared before the Commission, waived his right to counsel, and presented a witness, John Suter, for testimony.

MOTION:

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

Mark Steven Kovacs

The Commission held an application review regarding Mark Steven Kovacs. Mr. Kovacs appeared before the Commission and waived his right to counsel.

MOTION:

Mr. Dillard made a motion to deny Mr. Kovacs to sit for the exam. Mrs. Rhyne seconded the motion, which did not carry unanimously; Mr. Bailey opposed.

Collins Greer Weber

The Commission held an application review regarding Collins Greer Weber. Mr. Weber appeared before the Commission, waived his right to counsel, and presented a witness, his wife, Mrs. Cristy Weber, for testimony.

MOTION:

Mr. Dillard made a motion to approve Mr. Weber to sit for the exam. Mrs. Rhyne seconded the motion, which carried unanimously.

Gary Scot Gildner

The Commission held an application review regarding Gary Scott Gildner. Mr. Gildner appeared before the Commission and waived his right to counsel.

Executive Session

MOTION:

Mr. Dillard made a motion to go into Executive Session for legal advice. Mrs. Rhyne seconded the motion, which carried unanimously.

Return from Executive Session

MOTION:

Mr. Bailey made a motion to return from Executive Session. Mrs. Rhyne seconded the

motion, which carried unanimously.

MOTION:

Mr. Bailey made a motion to approve Mr. Gildner for licensure. Mrs. Rhyne seconded the motion, which carried unanimously.

Henry Rayford Privette Jr

The Commission held an application review regarding Henry Rayford Privette Jr. Mr. Privette appeared before the Commission, waived his right to counsel, and presented a witness, Eve Herbick, for testimony.

MOTION:

Mr. McLeod made a motion to approve Mr. Privette to sit for the exam. Mr. Graves seconded the motion, which carried unanimously.

Motion to Waive Exam:

Malcolm S Harris

The Commission held an application review hearing regarding Malcolm S Harris. Mr. Harris appeared before the Commission with counsel, Mr. Seth Rose.

Executive Session

MOTION:

Mr. Dillard made a motion to go into Executive Session for legal advice. Mrs. Rhyne seconded the motion, which carried unanimously.

Return from Executive Session

MOTION:

Mrs. Rhyne made a motion to return from Executive Session. Mr. Bailey seconded the motion, which carried unanimously.

MOTION:

Mr. Bailey made a motion to deny Mr. Harris's request for exam waiver. Mr. Dowd seconded the motion, which did not carry unanimously; Mr. McLeod opposed.

Hearing Officer Recommendations:

Princess Hodges, Office of Disciplinary Counsel

Ms. Hodges presented the recommendations to the Commission.

1. *Kyle Myers 2020-633 and 2021-78*

Mr. Bailey, who served as the hearing officer, recused himself.

MOTION:

Mr. McLeod made a motion to adopt the Hearing Officer Recommendation.

Mrs. Rhyne seconded the motion, which carried unanimously.

Final Order Hearings Report on Accepted Hearing Officer Recommendations:

Kate Barroll, Office of Disciplinary Counsel

Ms. Barroll presented the report to the Commission.

Joseph Wilson (Wick) Jackson 2019-348

Angela E. Sage 2020-342

Mr. Bailey, who served as the hearing officer, recused himself.

MOTION:

Mrs. Rhyne made a motion to approve the report. Mr. Dillard seconded the motion, which carried unanimously.

**Legal Advice Regarding a Pending Administrative Law Court Appeal, Kate Barroll,
Office of Disciplinary Counsel:**

Executive Session

MOTION:

Mrs. Rhyne made a motion to go into Executive Session for legal advice. Mr. Bailey seconded the motion, which carried unanimously.

Return from Executive Session

Mr. Bailey made a motion to return from Executive Session. Mrs. Rhyne seconded the motion, which carried unanimously.

Administrator's Remarks for Information:

Janet Baumberger, Administrator for the Residential Builders Commission

Ms. Baumberger had no remarks.

Board Information:

1. ODC Report:

Erin Baldwin, Office of Disciplinary Counsel

Ms. Baldwin presented the ODC status report. She reported the number of cases as of June 27, 2022.

As of June 27, 2022:

Open Cases – 190, Pending Hearings & Agreements – 81, Pending Closure – 1, Closed* – 6, Appeals – 8

***Closed since last report – 6, Closed since 1/1/2022 - 34**

2. OIE Report:

Todd Bond, Office of Investigations and Enforcement

Mr. Bond presented the OIE report. He reported the number of Investigations as of July 13, 2022.

As of July 13, 2022:

Complaints Received – 507; Active Investigations – 181; Closed Cases – 423

New Business:

Todd Bond, Office of Investigations and Enforcement

Mr. Bond presented the IRC report and Resolution Guidelines report.

1. Recommendation of IRC

MOTION

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

2. Resolution Guidelines

MOTION

Mrs. Rhyne made a motion to approve the IRC Resolution Guidelines. Mr. Bailey seconded the motion, which carried unanimously.

**Acceptable Time Interval Since Completion of Formal Course of Study or Training
in Home Inspection to Qualify for License:**

MOTION

Mr. Bailey made a motion that for an approved Home Inspector formal course of study or training to qualify an applicant for licensure, the course must have been completed within the last three years of application. Mrs. Rhyne seconded the motion, which carried unanimously.

Hourly Course Requirement for Home Inspectors:

MOTION

Mr. McLeod made a motion that the Home Inspection course requirement for licensure be a minimum of 120 hours. Mrs. Rhyne seconded the motion, which carried unanimously.

Clarification of Residential Specialty Contractor's Authority to Subcontract in Registered Trades:

MOTION

Mr. Bailey made a motion to clarify that a Residential Specialty Contractor may subcontract only in the trades in which they are registered. Mrs. Rhyne seconded the motion, which carried unanimously.

Old Business:

Discussion regarding updating of the South Carolina Residential Construction Standards.

Public Comments:

None.

Date of Next Meeting:

The next Residential Builders Commission meeting will be held Wednesday, August 10, 2022 at 10:00 am.

Adjournment:

Mr. McLeod made a motion to adjourn the Residential Builders Commission Meeting. Mrs. Rhyne seconded the motion, which carried unanimously. The Residential Builders Commission Meeting was adjourned at 4:37 p.m.

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

