

STATE CONSTRUCTION INDUSTRY LICENSING BOARD  
DIVISION OF CONDITIONED AIR CONTRACTORS  
Teleconference Meeting: April 11, 2012

The Georgia State Construction Industry Licensing Board Division of Conditioned Air Contractors met on April 11, 2012, via teleconference, at the office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.

**BOARD MEMBERS PRESENT:**

Ken Davis, Chairman  
Sally Allen  
James Poe  
George Leneaus  
Johnny Lyons

**BOARD MEMBERS ABSENT:**

Michael Miller, Consumer Member

**STAFF PRESENT:**

Darren Mickler, Executive Director  
Swan LeGrand-Fleming, Board Support Specialist  
Charlotte Mason, Licensing Analyst  
Annette Wimberly, Complaint Compliance Analyst

**ATTORNEY GENERAL REPRESENTATIVE:**

Amy Hawkins Morelli, Assistant Attorney General  
Joy Boster Harter, Assistant Attorney General

**Call to order:**

At 9:07 a.m., Chairman Davis called the meeting to order.

**Approval of Minutes:**

Chairman Davis presented a draft of the December 7, 2011 minutes and asked for any additions or deletions. Mr. Leneaus moved to adopt the minutes. Mr. Lyons seconded. The motion carried unanimously.

**Executive Session:**

At 9:10 a.m., Chairman Davis moved for the Board to enter into Executive Session to deliberate on examination applications, investigative matters and to receive the investigative report. Mr. Leneaus seconded. The motion carried unanimously.

**The following Board members were present during Executive Session –** Chairman Davis, George Leneaus, Sally Allen, Johnny Lyons and James Poe.

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**Reconvened Open Session at 11:05 a.m. with the following Board members present –**  
Chairman Davis, George Leneaus, Sally Allen, Johnny Lyons and James Poe.

**Applications:**

Mr. Lyons moved. Mr. Leneaus seconded and the division voted to approve the examination results and ratify 29 Non-Restricted and 27 Restricted licenses issued from December 7, 2011 - April 10, 2012.

**Board Office:**

Ms. Allen motioned to accept the following recommendations regarding investigative cases:

CA120077 - The Board made a recommendation to refer this case to the Attorney General's Office for a Consent Order placing the license on probation for 5 years, a GCIC report at each renewal, and quarterly reports from probation officer.

CR109289 - The Board made a recommendation to terminate probation status.

CR108470 - The Board made a recommendation to terminate probation status.

CA120066 - This case involves allegations of substandard work. The Board made a recommendation to close with letter of explanation to complainant.

CA120070 - This case involves allegations of substandard work. The Board made a recommendation to close with letter of explanation to complainant.

CA120073 - This case involves allegations of substandard work. The Board made a recommendation to close with letter of explanation to complainant.

CA120084 - This case involves allegations of unethical and unprofessional conduct. The Board made a recommendation to table this case.

CA120083 - This case involves allegations of substandard work. The Board made a recommendation to table this case.

CA120080 - This case involves allegations of substandard work. The Board made a recommendation to table this case.

CA120056 - This case involves allegations of substandard work. The Board made a recommendation to table this case.

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CA120022 - This case involves allegations of substandard work. The Board made a recommendation to table this case. Mr. Lyons abstained from the vote.

CA120074 - This case involves allegations of substandard work/unethical conduct. The Board made a recommendation to table this case.

CA120076 - This case involves allegations of substandard work/unprofessional conduct. The Board made a recommendation to table this case.

CA120082 - This case involves allegations of substandard work. The Board made a recommendation to table this case.

CA120114 - This case involves allegations of substandard work. The Board made a recommendation to table this case.

CA120115 - This case involves allegations of substandard or incomplete work. The Board made a recommendation to table this case.

CA120113 - This case involves allegations of substandard work. The Board made a recommendation to table this case.

CA120127 - This case involves allegations of fraud/incomplete work. The Board made a recommendation to table this case.

CA120081 - This case involves allegations of unethical conduct. The Board made a recommendation to refer to the Attorney General's Office to join two other cases and further support voluntary surrender or revocation of the license.

CA110125 - This case involves allegations of substandard work. The Board made a recommendation close case with hold on license.

CA090061 - This case involves allegations of assisting unlicensed practice. The Board made a recommendation close case with hold on license.

CA110033 - This case involves allegations and substantiation of licensee issuing computer generated Continuing Education certificates upon demand. The Board made a recommendation to close case with hold on license. If he tries to renew/reinstate refer to Legal Services to draft consent order assessing \$6,500.00 fine and 24 months probation.

CA120065 - This case involves allegations of substandard work. The Board made a recommendation close case with hold on license.

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CA110143 - This case involves allegations of unlicensed practice. The Board made a recommendation to close case as resolved.

CA110050 - This case involves allegations of substandard work. The Board made a recommendation to close case as resolved.

CA120075 - This case involves allegations of fraud. The Board made a recommendation to forward this case to the Secretary of State's Investigative Services for investigation.

CA120112 - This case involves allegations of substandard/incomplete work. The Board made a recommendation to close case due to no jurisdiction.

CA120085 - This case involves allegations of unethical and unprofessional conduct. The Board made a recommendation to refer to the Attorney General's Office as further documentation to support allegations of cases currently with the Attorney General's Office.

CA120126 - This case involves a contractual dispute. The Board made a recommendation to refer to the Attorney General's Office as further documentation to support allegations of cases currently with the Attorney General's Office.

CA120117 - This case involves allegations of substandard work. The Board made a recommendation to request documentation from complainant and if unable to provide to close case with no action.

CA120089 - This case involves allegations of unlicensed practice. The Board made a recommendation to close case with no action.

**Investigations:**

Jeff Royals, Nashville - The Board made a recommendation to accept the Cease and Desist Order and close case.

Tommy Farnell, Opelika, Alabama - The Board made a recommendation to accept the Cease and Desist Order and close case.

Buford Lumpkin, Sylvester - The Board made a recommendation to accept the Cease and Desist Order and close case.

Tom Barfield, Moultrie - The Board made a recommendation to accept the Cease and Desist Order and close case.

Walter Herman Hayes, Alma - The Board made a recommendation to accept the Cease and Desist Order and close case.

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James Niedzwiecki, Pooler - The Board made a recommendation to accept the Cease and Desist Order and close case.

Theodore Thomas, Jonesboro - The Board made a recommendation to accept the Cease and Desist Order and close case.

James Miles d/b/a JC Miles & Associates Heating and Air, Powder Springs - The Board made a recommendation to accept the Cease and Desist Order and close case.

Michael Dove, Athens - The Board made a recommendation to accept the Cease and Desist Order and close case.

CA120093 - This case involves allegations of unlicensed Conditioned Air services. The Board made a recommendation to close case due to no violations.

CA120014 - This case involves allegations of assisting unlicensed practice. The Board made a recommendation to close case due to no violations.

CA120105- This case involves allegations of installing ductwork unlicensed. The Board made a recommendation to close case due to no violations.

CA120016 - This case involves allegations of unprofessional conduct by Continuing Education provider. The Board made a recommendation to close case with a letter of concern.

CA110149 - This case involves allegations of performing unlicensed work. The Board made a recommendation to close case with no action.

CA110154 - This case involves allegations of unlicensed practice. The Board made a recommendation to close case with no action.

CA110032 - This case involves allegations of substandard or incomplete work. The Board made a recommendation to table this case.

CA120026 - This case involves allegations of unlicensed practice. The Board made a recommendation to close case with no action.

CA120004 - This case involves allegations of unlicensed practice. The Board made a recommendation to close case with no action.

CA100072 - This case involves allegations and substantiation of assisting unlicensed practice. The Board made a recommendation to refer this case to the Attorney General's Office for a Consent Order assessing a \$500.00 fine, 12 months probation, and 4 hours

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of Continuing Education on licensing laws in addition to the required 8 hours of Continuing Education.

CA100065 - This case involves allegations of substandard work. The Board made a recommendation to table this case.

CA120124 - This case involves allegations of advertising on Craigslist. The Board made a recommendation to table this case.

CA110095 - This case involves allegations of unlicensed practice. The Board made a recommendation to forward this case to the Secretary of State's Investigative Services for investigation.

CA120017 - This case involves allegations of unlicensed practice. The Board made a recommendation as to Respondent 1 to refer this case to the Attorney General's Office for a Cease and Desist Hearing and as to Respondent 2 to refer this case to the State Licensing Board for Residential and General Contractors.

CA120045 - This case involves allegations of unlicensed practice. The Board made a recommendation to close case due to no evidence of unlicensed practice.

CA110025 – This case involves allegations of substandard work. The Board made a recommendation to close due to contractual/financial dispute.

CA120069 - This case involves allegations of unlicensed practice. The Board made a recommendation to refer to the Attorney General's Office for a Cease and Desist Hearing and add to case currently with the Attorney General's Office.

CA120128 - This case involves allegations of violation of previously issued Cease & Desist as to Respondent 1 and allegations of assisting unlicensed practice as to Respondent 2. The Board made a recommendation as to Respondent 1 to refer this case to the Attorney General's Office for a Consent Order assessing a \$500.00 fine for violation of previously issued Cease & Desist Order, and as to Respondent 2 to table this case pending further requested documentation.

CA110115 - This case involves allegations and substantiation of unlicensed practice. The Board made a recommendation to refer this case to the Attorney General's Office for a Cease and Desist Hearing.

CA120037 - This case involves allegations and substantiation of unlicensed practice. The Board made a recommendation to refer this case to the Attorney General's Office for a Cease and Desist Hearing and send a letter of concern to the Real Estate Commission

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informing them that the Board will file a complaint if they continue to recommend unlicensed persons to perform Conditioned Air service.

CA110146 – This case involves allegations of violation of previously issued Cease & Desist. The Board made a recommendation to refer this case to the Attorney General’s Office for a violation of previously issued Cease & Desist.

Mr. Davis seconded. The motion carried unanimously.

**Attorney General’s Status Report:**

The Assistant Attorney General reported on cases received from the Board. Mr. Davis made a motion to accept the Attorney General’s report. Ms. Allen seconded the motion. The motion carried unanimously.

CA060174 - The Board voted to have a hearing before OSAH and would agree to a minimum fine in the amount of \$2,500.00, 24 months probation and Continuing Education.

CA070086 - The Board voted to have a hearing before OSAH and would agree to a minimum fine in the amount of \$4,000.00, 24 months probation and Continuing Education.

CA040046 - The Board voted to have a hearing before OSAH and would agree to a minimum fine in the amount of \$4,000.00.

CA050182/ CA100009 - The Board voted to have a hearing before OSAH.

CA090022 - The Board voted to close the case as a result of the Attorney General’s memorandum dated April 06, 2012.

CA090096 - The Board voted to have a Cease & Desist hearing before the Board at the July meeting.

CA080101 - The Board voted to table this case pending further instruction from the Attorney General’s office.

CA060167/CA070010/CA070018/CA070035 - The Board voted to close the complaint cases and leave hold on license. Licenses will be “revoked by operation of the law” as of 05/31/12.

CA070030 - The Board voted to amend the proposed Consent Order to now assess a \$3,000.00 fine and 12 months probation.

CA080032 - The Board voted to have a hearing before OSAH.

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CA100001 - The Board voted to close case with hold on license due to license will be “revoked by operation of the law” as of 05/31/12. The Secretary of State’s Investigative Services will still obtain certified court documents. The Board can also deny renewal but licensee would be entitled to a hearing.

Joe M. Foster, Siloam – The Board voted to Accept Consent Order assessing a \$1,000.00 fine and restitution to the homeowner in the amount of \$405.00 and close case.

CA110019 – The Board voted to table this case pending service upon respondent at the KIA plant where he is currently employed.

CA110088 – The Board voted to refer back to the Secretary of State’s Investigative Services to obtain accurate address for respondent to be served with Notice of Hearing.

CA100029 - The Board voted to have a Cease & Desist hearing before the Board at the July meeting.

CA110086 - The Board voted as to Respondent 2, to have a Cease & Desist hearing before the Board at the July meeting.

CA110073 - The Board voted to close the complaint case as a result of the Attorney General’s memorandum dated April 04, 2012.

Arlie Walker, Lenox - The Board voted to accept the Consent Order for assisting unlicensed practice and close case.

Doug Bennett, Adel - The Board voted to accept the Consent Order for assisting unlicensed practice and close case.

Keith Thigpen, Nashville - The Board voted to accept the Cease & Desist Order and close.

Joe Carroll Godwin, Lenox - The Board voted to accept the Cease & Desist Order and close.

Charles Elliott Cobb, Albany - The Board voted to accept the Consent Order for assisting unlicensed practice and close case.

Willie Byrd, Sylvester - The Board voted to accept the Consent Order for violation of previously issued Cease & Desist Order and close case.

CA110011 - The Board voted to have a Cease & Desist hearing before the Board at the July meeting.

Brandon Ward, Georgetown - The Board voted to accept the Consent Order for violation of previously issued Cease & Desist Order and close case.

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CA110116 - The Board voted to close the case with no action.

CA110122 - The Board voted to have a Cease & Desist hearing before the Board at the July meeting.

CA120051 – The Board voted to table this case pending further instructions from the Attorney General’s Office.

CA120005 – The Board voted as to Respondent 1 to have a Cease & Desist hearing before the Board at the July meeting. As to Respondent 2, the Board voted to table this case pending further information.

CA110046 - The Board voted to table this case pending further instructions from the Attorney General’s Office.

CA110001 - The Board voted to have a Cease & Desist hearing before the Board at the July meeting.

CA110112 - The Board voted to have a Cease & Desist hearing before the Board at the July meeting.

CA110016 - The Board voted to have a Cease & Desist hearing before the Board at the July meeting.

**Other Business:**

The Board discussed the Louisiana Reciprocity Agreement and voted to approve the request. Executive Director, Darren Mickler will draft the agreement.

There being no further business, at 11:22, Ms. Allen moved to adjourn. Mr. Davis seconded. The motion carried unanimously. The next Conditioned Air Board Meeting will be on July 25, 2012 at the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia.

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Board Chairperson

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Executive Director