

The State Licensing Board for Residential and General Contractors met on **October 5, 2005** at the Professional Licensing Boards Division, Testing Facility, 237 Coliseum Drive in Macon, Georgia for the purpose of conducting business.

**Members Present:**

- Allen Richardson, Chairman
- Roger Huggins, Vice Chairman
- Bob Barnard
- Steve Cash
- Dan Cash
- Mark Herbert
- Philip Thayer
- Timothy Ansley
- David Cyr
- Hoppy Hopkins
- Morgan Wheeler

**Others Present:**

- Kyle Floyd, Executive Director
- Gina Thompson, Board Secretary
- Mollie Fleeman, Division Director
- Reagan Dean, Board Attorney
- Bettie Sleeth, HBAG
- Tyler Newman, HBAG
- Mark Woodall, AGC
- Mike Dunham, AGC
- Pat Ussery, Court Reporter, Claude Joiner Reporting Service

Chairman Richardson established that a quorum was present and called the public hearing on the rules to order at 9:06 A.M.

Chairman Richardson informed everyone present that the hearing was being held because the Board was considering the adoption of proposed Rule Chapter 553-1- Organization; Chapter 553-2 – Examination Exemption; Chapter 553-3 – Residential Contractor Division and Residential-Light Subcategory Qualifications for Licensure; Chapter 553-4 – General Contractor Division Qualifications for Licensure; Chapter 553-5 – Procedural Rules; and Chapter 553-6 – Fees. Pat Ussery, Court Reporter, was present to record discussion from the public concerning these rules.

Following the hearing, Chairman Richardson called the meeting to order at 9:26 A.M.

A motion was made by Bob Barnard, seconded by Mark Herbert, and the Board voted unanimously to approve the Board's September 21, 2005 minutes.

Chairman Richardson asked for a motion to amend the agenda to include consideration of the rules for adoption. A motion was made by Morgan Wheeler to accept the amendment, it was seconded by Hoppy Hopkins, and the Board voted unanimously to accept the amendment.

The Board considered for adoption Rule 553-1-.01 – Organization, and the Economic Impact Statement associated with the rule. A motion was made by Mark Herbert, seconded by Bob Barnard, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-1-.02 – Officers, and the Economic Impact Statement associated with the rule. A motion was made by Morgan Wheeler, seconded by Mark Herbert, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-1-.03 – Forms, and the Economic Impact Statement associated with the rule. A motion was made by Hoppy Hopkins, seconded by Mark Herbert, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-1-.04 – Public Information, and the Economic Impact Statement associated with the rule. A motion was made by Steve Cash, seconded by Dan Cash, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-2-.01 – Examination Exemption Provisions – Residential Contractor Division, and the Economic Impact Statement associated with the rule. A motion was made by Dave Cyr, seconded by Mark Herbert, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-2-.02 – Exemption from Residential Contracting Examination – Individual Holding a Residential Contracting License from a Georgia Political Subdivision, and the Economic Impact Statement associated with the rule. A motion was made by Bob Barnard, seconded by Hoppy Hopkins, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-2-.03 – Exemption from Residential Contracting Examination – Qualifying Agent Holding a Residential Contracting License from a Georgia Political Subdivision, and the Economic Impact Statement associated with the rule. A motion was made by Steve Cash, seconded by Hoppy Hopkins, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-2-.04 – Exemption from Residential Contracting Examination – Individual Having the Necessary Experience in Georgia, and the Economic Impact Statement associated with the rule. A motion was made by Hoppy Hopkins, seconded by Mark Herbert, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-2-.05 – Exemption from Residential Contracting Examination – Qualifying Agent Having the Necessary Experience in Georgia, and the Economic Impact Statement associated with the rule. A motion was made by Morgan Wheeler, seconded by Mark Herbert, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-2-.06 – Burden of Proof for Obtaining the Residential Contracting Examination Exemption, and the Economic Impact Statement associated with the rule. A motion was made by Timothy Ansley, seconded by Mark Herbert, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-2-.07 – Examination Exemption Provisions – General Contractor Division, and the Economic Impact Statement associated with the rule. A motion was made by Steve Cash, seconded by Dave Cyr, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-2-.08 – Exemption from General Contracting Examination – Individual Holding a General Contracting License from a Georgia Political Subdivision, and the Economic Impact Statement associated with the rule. A motion was made by Timothy Ansley, seconded by Dan Cash, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-2-.09 – Exemption from General Contracting Examination – Qualifying Agent Holding a General Contracting License from a Georgia Political Subdivision, and the Economic Impact Statement associated with the rule. A motion was made by Morgan Wheeler, seconded by Mark Herbert, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-2-.10 – Exemption from General Contracting Examination – Individual Having the Necessary Experience in Georgia, and the Economic Impact Statement associated with the rule. A motion was made by Timothy Ansley, seconded by Mark Herbert, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-2-.11 – Exemption from General Contracting Examination – Qualifying Agent Having the Necessary Experience in Georgia, and the Economic Impact Statement associated with the rule. A motion was made by Dave Cyr, seconded by Hoppy Hopkins, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-2-.12 – Burden of Proof for Obtaining the General Contracting Examination Exemption, and the Economic Impact Statement associated with the rule. A motion was made by Mark Herbert, seconded by Bob Barnard, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board notes Rule 553-2-.13 – Reciprocity, is “Reserved” and will be adopted with content at a later date.

The Board considered for adoption Rule 553-3-.01 – Licensure Requirements for an Individual to Practice as a Residential-Basic Contractor in the Individual’s Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship, and the Economic Impact Statement associated with the rule. A motion was made by Mark Herbert, seconded by Dan Cash, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-3-.02 – Licensure Requirements for an Individual to Practice as a Residential-Light Commercial Contractor in the Individual’s Own Name or Doing Business as an Individual in a Trade Name or as a Sole Proprietorship, and the Economic Impact Statement associated with the rule. A motion was made by Morgan Wheeler, seconded by Hoppy Hopkins, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-3-.03 – Licensure Requirements for an Individual Acting as a Qualifying Agent for a Business Organization Seeking to Engage in the Profession of Residential-Basic Contracting in the Name of the Business Organization, and the Economic Impact Statement associated with the rule. A motion was made by Hoppy Hopkins seconded by Mark Herbert, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-3-.04 – Licensure Requirements for an Individual Acting as a Qualifying Agent for a Business Organization Seeking to Engage in the Profession of a Residential-Light Commercial Contracting in the Name of the Business Organization, and the Economic Impact Statement associated with the rule. A motion was made by Timothy Ansley, seconded by Dan Cash, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-3-.05 – Licensure Issuance for Qualifying Agents and Business Organizations Engaging in the Profession of Residential Contracting, and the Economic Impact Statement associated with the rule. A motion was made by Hoppy Hopkins, seconded by Dan Cash, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-3-.06 – Licensure Requirements for a Joint Venture to Operate in the Business of Residential Contracting, and the Economic Impact Statement associated with the rule. A motion was made by Steve Cash, seconded by Hoppy Hopkins, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board notes Rule 553-4-.01 and 553-4-.02 are “Reserved” as issues that are being straightened out and the rules will be adopted with content at a later date.

The Board considered for adoption Rule 553-4-.03 – Licensure Issuance for Qualifying Agents and Business Organizations Engaging in the Profession of General Contracting, and the Economic Impact Statement associated with the rule. A motion was made by Morgan Wheeler, seconded by Hoppy Hopkins, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-4-.04 – Licensure Requirements for a Joint Venture to Operate in the Business of General Contracting, and the Economic Impact Statement associated with the rule. A motion was made by Dave Cyr, seconded by Bob Barnard, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-5-.01 - Procedural Rules, and the Economic Impact Statement associated with the rule. A motion was made by Hoppy Hopkins, seconded by Mark Herbert, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

The Board considered for adoption Rule 553-6-.01 – Fees, and the Economic Impact Statement associated with the rule. A motion was made by Hoppy Hopkins, seconded by Dave Cyr, and the Board voted unanimously to adopt the rule and its Economic Impact Statement.

Kyle Floyd, Executive Director, discussed the change on the Residential-Basic application to ask applicants their email address so that applicants can be informed of the status of their application. Mr. Floyd also discussed a change in the applications to require all attachments be sent with the application. A motion was made by Bob Barnard, seconded by Mark Herbert, and the Residential Division voted unanimously to accept the application with the amended changes.

Discussion was made on the Residential-Light Commercial application concerning the change to add the email address to the application and the change to have all attachments sent with the application. A motion was made by Philip Thayer, seconded by Steve Cash, and the Residential-Light Commercial Subcategory voted unanimously to accept the changes.

Discussion was made concerning Part 6, Question 5 on the Residential-Basic application for applicants to provide a professional certifications list. Mollie Fleeman questioned it being a necessary requirement for licensure. A motion was made by Philip Thayer, seconded by Steve Cash, and the Board voted unanimously to accept the application as written.

Discussion was made on the definition of “repair”. A definition was prepared and given to the Board for review. Changes were made and a revised definition will be presented at the next board meeting.

The Residential Division discussed the “warranty” clause. Revisions will be brought back to the next board meeting.

The General Division discussed fees and Kyle Floyd, Executive Director, made mention that the information from accounting has not been provided and that the Board would have to create a fee schedule at that time.

The General Division expressed interest in having board staff administratively process applications except in the following situations: (1) Applicant is in the ten years of experience requirement range; (2) Applicant applies based on possessing a Georgia political subdivision license; and (3) any other unusual or subjective situations arise.

The General Division discussed revisions to add the building type, approximate construction value, and phone number of architect and owner to the architect and owner letter of reference forms. Additionally, the division determined that the applicant furnish the required number of copies for each project. A motion was made by Hoppy Hopkins, seconded by Dave Cyr, and the Division voted to accept the changes. Roger Huggins voted against having separate forms for the architect and the owner.

A motion was made by Morgan Wheeler, seconded by Allen Richardson, and the Board voted unanimously to amend the agenda to include discussion of a RFP examination letter. Kyle Floyd, Executive Director, discussed the RFP letter to PSI and Prometric. The Board asked Kyle Floyd to contact these testing agencies to schedule company representatives to come and present exam information to the Board on October 19, 2005.

There being no further business to come before the Board, the meeting was adjourned at 1:25 P.M. on October 5, 2005 by the Chairman.

**Minutes recorded by:**

Regina Thompson, Board Secretary

**Reviewed/Edited by:**

Kyle Floyd, Executive Director

**Board approved October 19, 2005**