

The State Licensing Board for Residential and General Contractors met on **March 1, 2006** at the Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia for the purpose of conducting business.

Members Present:

Allen Richardson, Chairman
Roger Huggins, Vice Chairman
Mark Herbert
Melissa Henderson
Philip Thayer
Steve Cash
Hoppy Hopkins
Timothy Ansley
David Cyr
Morgan Wheeler
Tommy Holder

Others Present:

Kyle Floyd, Executive Director
Reagan Dean, Board Attorney
Chris Helms, Attorney General's Office
Alison Martin, Board Secretary
Laura Sturick, Application Specialist for Board
Charlotte Gattis, President of Georgia Manufactured Homes Association
Hiller Spann, Chairman of Georgia Manufactured Homes Association and President of Adrian Homes
Jennifer Langton, Habitat for Humanity
Harold Tessorf, Habitat for Humanity
Tyler Newman, Home Builders Association of Georgia
Ed Phillips, Home Builders Association of Georgia

Chairman Richardson established that a quorum was present and called the meeting to order at 9:05 a.m. General discussion was had regarding the Board's February 1, 2006 minutes.

A motion was made by Allen Richardson, seconded by Mark Herbert, and the Board voted unanimously to approve the Board's February 1, 2006 minutes.

Ms. Charlotte Gattis from the Georgia Manufactured Housing Association addressed the Board with a power point presentation and provided clarification regarding the difference between manufactured homes and industrialized housing (also known as modular homes). As defined in O.C.G.A. § 8-2-111(3), an

“industrialized building” means any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in the manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.” A manufactured home as defined in O.C.G.A § 8-2-131 is a “structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet and which is built on a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein [...] and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.” Ms. Gattis clarified that manufactured housing is regulated by the Georgia Safety Fire Commissioner, and built in compliance with the HUD code. She also introduced Mr. Hillpa Spann, Chairman of Adrian Homes who further expounded on what industrialized housing distributors have the capacity to do in regards to the construction of the home. Mr. Spann explained that industrialized housing distributors have the capacity to do all site-work construction, with the exception of issuing building permits and certificates of occupancy. Mr. Spann further explained that often times, the actual installation of an industrialized home can become more of an issue than the actual construction. Thus, Mr. Spann sought clarification as to whether or not the installers of these industrialized homes would need a license as well. Allen Richardson explained that given the nature of this type of housing, it should not be an issue for either industrialized or manufactured home distributors or installers to become licensed as a contractor. Roger Huggins further explained that given how these types of homes are constructed, the Board does not have authority to sanction until the home is put on the home site.

Ms. Jennifer Langton and Mr. Harold Tessendorf, representing Habitat for Humanity International, addressed the Board in order to gain some clarification on how their organization would be affected by the new licensing requirements. Both Ms. Langton and Mr. Tessendorf explained that the organization as a whole wanted to comply with the new licensing requirements, but were unsure as to how this type of organization would apply. Ms. Langton explained that this type of concern is due to the fact that the affiliates of this organization in rural parts of Georgia are largely volunteer-based and the affiliates do not have the money to pay an official that belongs to the affiliation to serve as a Qualifying Agent. Ms. Langton further explained how Habitat for Humanity is organized in that each affiliate of the organization has its own director, staff, and volunteers and each affiliate carries its own Limited Liability Insurance. Hoppy Hopkins suggested that since Habitat for Humanity is organized the way that it is, this is an issue for the organization to handle as the organization feels is appropriate. Reagan Dean affirmed that any Qualifying Agent has to meet all the requirements and each

affiliate of this organization has to have the general liability insurance in the required amount.

Reagan Dean, Board Attorney, introduced the Board's new attorney, Chris Helms, and presented the Board with a memorandum regarding the Request for Proposals (RFP) amended language. The memorandum addressed some of the particulars within the original Request for Proposals and reexamined the requirements within O.C.G.A § 43-41-6 regarding the preparation and conduction of licensure examinations.

The Statute regarding examinations, O.C.G.A. § 43-41-6(a), provides, in part, that "all applicants must submit to and successfully pass an **examination prepared by** the appropriate division (emphasis added) ..." excepting those applicants who qualify to exempt the examination.

O.C.G.A. § 43-41-6(f)(1) provides, in part, that "the residential contractor division and the general contractor division shall **each conduct an examination** of all qualified applicants, except those exempted from the examination..." (Emphasis added).

O.C.G.A. § 43-41-6(f)(2) provides, in part, that "the residential contractor division **shall conduct separate examinations** for applicants for residential-basic and residential-light commercial licenses..." (Emphasis added).

O.C.G.A. § 43-41-6(f)(3) provides, in part, that "the general commercial division **shall conduct an examination...**" (Emphasis added).

Mr. Dean orally reiterated to the Board the recommendation in his memo that the examination language needs to be changed to add "prepared for, or approved by" to O.C.G.A. § 43-41-6(a) and "or cause to be conducted" to O.C.G.A. §§ 43-41-6(f)(1), (2) and (3). As it currently exists, according to Mr. Dean, the law might be read to be so restrictive as to require that each division physically conduct and administer the examinations themselves. Thus, as stated in his memo, failure to change the language may lead to any examination being challenged in the future. As an example, Mr. Dean pointed out difficulties caused by another Board's RFP being written in conflict with that Board's law. Mr. Dean argued to the Board that his proposed changes would lessen future, potential arguments that because of how the statute is currently worded, the Board or divisions may not have legally contracted with a third party to prepare and conduct the required examinations.

Executive Director, Kyle Floyd, pointed out that the RFP, without the changes to the law, might be stymied by the Georgia Department of Administrative Services, the organization by which the RFP must be approved before it can be sent out for bid.

Roger Huggins made a motion to support the new language itself, without having the board take a position on whether or not the legislature needed to amend the law. Huggins' motion failed to get a second, and was thus withdrawn, after Cyr and Barnard argued the Board's support for the language would "open a can of worms" in the legislature. Mr. Floyd pointed out that more than one bill regarding the State Licensing Board for Residential and General Contractors had already been dropped this session, and thus any can of worms had already been opened. The Board opted not to take any position on the matter, wishing the RFP process to proceed without any changes to the statute.

David Cyr made a motion, Bob Barnard seconded, and the Board voted to accept the motion that all other parts of Mr. Dean's memorandum be included in the RFP, with a slight amendment to specify the uniqueness of the examination to this Board and preventing the use of it in other jurisdictions.

The Board discussed how to handle the counties within Georgia that do not currently issue building permits or certificates of occupancy. Reagan Dean, Board Attorney, explained to the Board that they have no apparent authority to make these counties pass new ordinances. Building Permits and Certificates of Occupancies are more of a way to keep a record of what these contractors are building and where they are constructing these buildings. But Mr. Dean also clarified that contractors in these counties that do not currently enforce building codes are not exempt from adhering to Georgia building codes and Georgia law. The Board does have the authority to request that the individuals building within these counties that do not enforce codes be licensed and conform to state law.

Adding to the discussion of how to handle these counties, Kyle Floyd, Executive Director, told the Board that the building officials themselves are burdened with the issuance of the Certificates of Occupancy and Building Permits. One building official submitted a comprehensive list of dates, permit numbers, addresses of projects, types of projects, etc. and submitted it in lieu of separate documentation for each project. The Board said they would accept this kind of comprehensive list as long as the document is attested to by the appropriate keeper of records. Also, if the certificate of occupancy for each project is not included on the list, the applicant would need to submit such.

Kyle Floyd, Executive Director, presented the Board with the requested information on an inactive status of a license. It was again established that a license cannot be classified as inactive until it is first active. Kyle Floyd explained that when the time comes for the Board to have policies on inactive status of a license, they would need to propose to have Rule 295-15-.01 of the Rules of the State Examining Board of Joint Secretary amended. For this particular Board, this issue would only arise after licensure becomes required July 1, 2007.

The Board discussed adopting a policy regarding the five year requirement for all businesses applying for examination exemption. Specifically the Board addressed the issue of businesses that change from a sole proprietorship to a corporation.

The Board stated that they will consider applicants who do not meet the five year requirement in name but who have the adequate years of experience. Such cases will be considered on a case by case basis. Chris Helms elaborated on the change from a sole proprietor to a corporation and the case by case consideration is dependant upon the legal aspects of such a business organization. Under the law governing corporations, the business organization may or may not be the same under the definition of state law. Mr. Helms suggested the Board consider this when making decisions on a case by case basis. He also suggested the applicant who would need this kind of consideration be required to prove the business under its new name has the same principle partners in the company as the original business so the change is in name only. It was suggested by the Board to have some guidelines for this kind of situation drawn up by the AG's office so all members would have a better understanding of how to consider these applications.

A motion was made by Bob Barnard and seconded by Mark Herbert to get legal counsel to provide further clarification on this matter and the Board will proceed with applications of this type on a case by case basis until the next meeting when a guideline is put in place.

The Board discussed O.C.G.A. § 43-41-9(e)(2) and (3) and whether an individual who qualifies a business organization under the examination exemption period can later qualify a business organization without taking an exam when the examination exemption period has ceased. The Board, with a caveat from Reagan Dean referencing O.C.G.A § 43-41-6(a), determined that the only time an individual who is granted a license as a qualifying agent through examination exemption could not transfer that exemption status to another business organization is when the license is not maintained continuously.

The Board discussed the licensure of cell phone towers and power stations. The Board discussed that these types of structures might not necessarily fall within an exemption but might not necessarily require licensure. Applications for such will be considered on a case by case basis.

The Board discussed Board Rule 553-4-.02(4) regarding the general liability insurance an applicant must show proof of for licensure. The Board restated its position that it is not necessarily the policy holder, and an applicant only has to show proof there is such insurance. The Board decided that verification of general liability insurance needs to be required before the actual license is issued to an applicant. Chairman Richardson said the Board is to continue with what they are currently doing and if there needs to be any changes in the language of Board Rule 553-4-.02(4), the Board will handle those changes next year.

The Board did not discuss the Bank Line of Credit within the General Contractor application, as the speaker who was scheduled to attend the meeting to discuss this issue with the Board was not in attendance.

Kyle Floyd, Executive Director, notified the Board of Legislation updates.

At 12:50 p.m., Chairman Richardson motioned to go into Executive Session to discuss applications and the motion was seconded by Hoppy Hopkins. Voting in favor of the motion were those members present: Allen Richardson, Bob Barnard, Mark Herbert, Melissa Henderson, Philip Thayer, Steve Cash, Hoppy Hopkins, Timothy Ansley, Roger Huggins, David Cyr, Morgan Wheeler, Tommy Holder.

The Residential Basic division discussed some applications that subcommittee members needed to get the full division's counsel on before approving licensure. No other discussion occurred in closed session.

The Board went back into open session.

The Board gave authority to the staff to automatically do a background check on any applicant who states he or she has any kind of felony conviction on their record. That applicant's file then must go back to the Board for consideration.

The Residential Contractor division gave staff authority to approve applications before they go to the division for ratification. Further, they provided Mr. Floyd, Executive Director, with the authority to sign off on residential basic applications as approved. The motion was made by Bob Barnard, and seconded by Philip Thayer, to give staff and Mr. Floyd this authority. The division voted unanimously to approve the motion.

The Board decided that meetings for the next three months will be conducted according to division. The Residential Division determined it would meet via conference call until further notice. The General Division reserved for later a decision on meeting via conference call or in person at the Professional Licensing Boards offices in Macon.

A motion was made to have the all members on the Residential Basic division serve alternately on the application subcommittee. The motion was made by Bob Barnard and seconded by Allen Richardson. The division voted unanimously to approve the motion.

A motion was made by Allen Richardson and seconded by Mark Herbert to ratify and approve the following applicants for licensure for the Residential-Basic Division. The Division unanimously approved the motion.

Bell, Terry James	Individual
Biddy, Miles Elbert	Individual
Brookshire, Dale R.	Individual
Brownell, Ronnie Edward	Individual
Castleberry, William Richard	Individual
Conner, Kevin Dell	Individual
Cox, James S.	Individual

Foy, Ben Ray	Individual
Hall, Irving Alger	Individual
Hartley, Eddie Noel	Individual
Harvill, Thomas M.	Individual
Ingram, Ralph Rudolph	Individual
Jenkins, Ronald Heyward, Jr.	Individual
Johnson, Rexford Carol	Individual
Kurtz, Charles Dayton	Individual
Nelms, Michael William	Individual
Reeves, Jonathon Clayton	Individual
Sheppard, David E.	Individual
Smith, Lee	Individual
Stone, Timothy Garland	Individual
Strock, Dean A.	Individual
Watrous, Brenda Fay	Individual
Whitley, Todd Lamar	Individual
Alford, Gary B.	Gary Alford & Associates Inc. Qualifying Agent
Alley, Ronald Steven	Dixon-Alley Builders, Inc. Qualifying Agent
Andrews, Steven Joseph	And-Clar, Inc. Qualifying Agent
Arnold, David S.	David Arnold, LLC Qualifying Agent
Autrey, Timothy Mitchell	Tim Autrey Homes, Inc. Qualifying Agent
Baugh, Charles Glenn	Baugh Home Builders, Inc. Qualifying Agent
Bartley, James Lawrence III	Bartley Homes Inc., Qualifying Agent
Bires, Dean Lawrence	Bires Remolding, Inc.
Blackmon, Kenneth Ray	World Wind Inc. d/b/a/ R&K Home Improvement Qualifying Agent
Blevins, Nathaniel C.	Larry Walker Construction Company, Inc. Qualifying Agent
Brown, George Alden	George A. Brown Properties, Inc. Qualifying Agent
Buchanan, Martin Herbert	Blue Ridge Residential, Inc. Qualifying Agent
Callas, James Charles	James Callas, Inc. Qualifying Agent
Campbell, Ernest J.	Red Oak Construction, LLC Qualifying Agent
Carter, Ron Eric	Four Bears Construction, Inc. Qualifying Agent
Cleveland, Henry Morris	Envision Development, Inc. Qualifying Agent
Connor, John Grady	Connor's Construction & Manufacturing Inc. Qualifying Agent
Crabb, Gregory Sidney	Three Star Homes, Inc. Qualifying

	Agent
Crump, Deborah Elizabeth Busbee	Busbee Construction, Inc. Qualifying Agent
Daniell, Kevin Derrell	Homescapes, Inc. Qualifying Agent
Douglas, Diane G.	Better Designs for Living Builders, Inc. d/b/a B.D.L. Builders Qualifying Agent
Enterkin, Steve Wayne	Steve Enterkin Homes, Inc. Qualifying Agent
Fallin, Clifford	Sinco Company Qualifying Agent
Fallin, Crawford Jerome	Sinco Company Qualifying Agent
Fidler, Mark V.	Highland Forest Homes, Inc. Qualifying Agent
Fields, Kenneth Emory	Kens Home Improvement, Co. Qualifying Agent
Foster, Anice W. Jr.	Foster Group Properties, Inc. Qualifying Agent
Garmon, Charles Allen	Garmon Construction, Inc. Qualifying Agent
Gatlin, John W.	Veritas Homes, Inc. Qualifying Agent
Glass, Paul Edward	Exchange Options Consulting Qualifying Agent
Godfrey, Thomas Edward	TG Builders, Inc. Qualifying Agent
Grothaus, William Eugene	Sugar Creek Homes, Inc. Qualifying Agent
Harrell, Michael A.	Mike Harrell & Associates, Inc. Qualifying Agent
Hasty, Robert Steven	Hasty & Associates, Inc.
Hooper, James C.	James Hooper Home Builders, Inc. Qualifying Agent
Howell, Joseph J.	J. Howell Construction, Inc. Qualifying Agent
Jones, James Lamar	Lewis Reeves Homes of Georgia, LLC Qualifying Agent
Jones, Mikeal Shane	J&J Homes Inc. d/b/a J&J Construction Qualifying Agent
Kelly, Hugh Marshall	Eastside Development, LLC Qualifying Agent
Knox, Taylor Burgess	Taylor Knox Homes, Inc. Qualifying Agent
Koermer, Robert Henry	Renaissance Home Builders, LLC Qualifying Agent

LaBarbera, John Anthony	John LaBarbera, Inc. Qualifying Agent
Loudermilk, James Allen	J. Loudermilk, LTD Qualifying Agent
Lovein, Marshall Emerson	Marshall Lovein Construction, Inc. Qualifying Agent
Martin, Scott Bradley	Martin Builders, Inc. Qualifying Agent
McGavock, Mark	Summerhill Homes, Inc. Qualifying Agent
McIver, Roger Scott	McIver Custom Homes, Inc. Qualifying Agent
Moody, Kevin M.	Eastside Development, LLC Qualifying Agent
Myerholtz, Jimmy P.	Landway Builders, Inc. Qualifying Agent
Novak, William Henry	Black Diamond Builders, Inc. Qualifying Agent
O'Dwyer, Daniel Sean	O'Dwyer Homes, Inc. Qualifying Agent
Osley, Garry Stephen III	Osley Builders, Inc. Qualifying Agent
Padgham, Richard English	Richard Padgham, Inc. Qualifying Agent
Parker, Lance S.	Malory Parker Construction, Inc. Qualifying Agent
Pettis, Phillip Pierce	Northport Parker Construction, Inc. Qualifying Agent
Pitts, Hugh P.	Kokopeli Builders, Inc. Qualifying Agent
Plante, David Steven	O'Dwyer Homes, Inc. Qualifying Agent
Popwell, Steve Curtis	Value Builders, Inc. Qualifying Agent
Popwell, Italia Antonelli	Value Builders, Inc. Qualifying Agent
Reeves, Lewis E. Jr.	Lewis Reeves Homes of Georgia, LLC Qualifying Agent
Rentz, Lonnie Steven Sr.	Rentz Custom Homes, Inc. Qualifying Agent
Rentz, Lonnie Steven Jr.	Rentz Custom Homes, Inc. Qualifying Agent
Ritchie, Timothy Craig	Ritchie & Associates Qualifying Agent
Sangster, Jerry Curtis	J&L Construction Enterprises, Inc. Qualifying Agent
Sessoms, William James	Sessoms Homes, LLC Qualifying Agent
Shirley, Michael Stephen	Steve Shirley Construction, Inc. Qualifying Agent
Smith, Jack Stacy	T&S Group d/b/a Southern Builders,

	LLC Qualifying Agent
Sokolowski, Richard Louis	RLS Construction, Inc. Qualifying Agent
Stanley, Richard Alan	Blue Ridge Residential, Inc. Qualifying Agent
Swicord, Kenneth L.	Colonial Builder of Savannah, Inc. Qualifying Agent
Thrasher, James Parin	T&S Group d/b/a/ Souther Builders, LLC Qualifying Agents
Waldron, Philip Calvin	Home Crafters, Inc. Qualifying Agent
Wesley, John C.	Paramount Property Development, Inc. Qualifying Agent
Whittemore, Edward Scott	Powder Creek Construction Co., Inc. Qualifying Agent
Whittemore, Edward Scott	Whittemore Homes, Inc. Qualifying Agent
Whittemore, Harry Blaine	Powder Creek Construction Co., Inc. Qualifying Agent
Whittemore, Heath Blaine	Powder Creek Construction Co., Inc. Qualifying Agent
Whittemore, Heath Blaine	Whittemore Homes, Inc. Qualifying Agent
Whitmer, Richard E.	Classic Real Estate Property & Services, Inc. Qualifying Agent
Witt, Danny Lee	Dalton Home Consultants, Inc. Qualifying Agent
Winans, Timothy J.	Atlantic Construction & Investments, LLC Qualifying Agent
Wooten, David Levi Jr.	David Wooten Construction Co., Inc. Qualifying Agent
Wright, Shelia Lynn	S&W Custom Builders, Inc. Qualifying Agent
Wright, Thomas Wayne	S&W Custom Builders, Inc. Qualifying Agent
Yarbrough, Kevin D.	Kevin Yarbrough Homes, Inc. Qualifying Agent
Young, Ronald Wesley	Ronald W. Young, Inc. Qualifying Agent

A motion was made by Steve Cash and seconded by Philip Thayer to ratify and approve the following applicants for licensure for the Residential-Light Commercial sub-division. The subdivision unanimously approved the motion.

Daniel, Danny Alan	Lintel, Inc. Qualifying Agent
Davis, Jay Nolan	Davis Construction, Inc. Qualifying Agent
Dixon, Robert Bruce	Chris Dixon & Associates, Inc. Qualifying Agent
Dolan, Charles Anderson	Southern Family Homes, Inc. Qualifying Agent
Herbert, Mark B.	Herbert Homes, Inc. Qualifying Agent
Herbert, Mark Bryan	Herbert Homes, Inc. Qualifying Agent
Hulsey, Michael Edward	Mikashan Contracting, Inc. Qualifying Agent
Hulsey, Michael Shannon	Mikashan Contracting, Inc. Qualifying Agent
Konter, Jerome S.	Konter Homes, Inc. d/b/a Konter Quality Homes Qualifying Agent
Johnson, Ernest Brent	JG Johnson Construction Qualifying Agent
Lee, J. Franklin	Southern Comfort Homes, Inc. Qualifying Agent
Parnacott, Owen W.	Parnacott Enterprises, Inc. Qualifying Agent
Piemme, Abraham Joseph	APM Development, LLC Qualifying Agent
Rice, Ray Newton	Ray Rice Construction Co., Inc. Qualifying Agent
Richards, Kenneth Brent	Pierwood Construction Co. Qualifying Agent
Richardson, Allen Mark	Richardson Housing Group, Inc. Qualifying Agent
Richardson, Allen M.	Richardson Housing Group, Inc. Qualifying Agent
Tennyson, Gayle Allen	Tennyson Enterprises, Inc. Qualifying Agent
Wall, Jeremy B.	Herbert Homes, Inc. Qualifying Agent
Wall, Henry Clate	Double Eagle Land Development Co., Inc. Qualifying Agent
Wall, John William	Double Eagle Land Development Co., Inc. Qualifying Agent
Wall, Moffat Lee	Double Eagle Land Development Co., Inc. Qualifying Agent
Werner, Thomas Victor	Pierwood Construction Co. Qualifying Agent
Young, William Richard	Viewpoint Homes, LLC Qualifying Agent

A motion was made by Morgan Wheeler and seconded by David Cyr to ratify and approve the following applicants for licensure for the General Contractor Division. The Division unanimously approved the motion.

Broom, James Madison III	Southern Champion Construction, Inc. Qualifying Agent
Head, Robert L. Jr.	Head-Westgate, Corporation Qualifying Agent
Hogle, Gregory E.	Sierra Construction Company Inc. Qualifying Agent
Kinney, Robert M.	Kinney Construction Company, Inc. Qualifying Agent
McKenzie, Glen Luther	McKenzie Construction Co., Inc. Qualifying Agent
McKenzie, Gregory Glen	McKenzie Construction Co., Inc. Qualifying Agent
Patel, Maheshkumar Ramantal	Sr. Development Services, Inc. Qualifying Agent
Smith, Lester Lehmann	Womak, Lewis & Smith, Inc. Qualifying Agent
Ricks, John J.	Ricks Contractors, Inc. Qualifying Agent

The Board discussed new business items. Timothy Ansley asked if any Board members wanted to volunteer to help with an application workshop in Savannah, Georgia.

It was decided by the General and Residential-Light Commercial Contracting Divisions that the Architect Letter in the Residential-Light Commercial application and in the General Contractor application be modified to include the square footage and the number of floors in each project.

Philip Thayer suggested that the warranty rule adopted by the Residential Division in the December 22, 2005 conference call be changed. A motion was made by Philip Thayer and seconded by Bob Barnard to have this change reflected. It was decided that this change would be included in the April 5 Board meeting for a vote to post.

With no other business for the Board to discuss, the meeting was adjourned by Chairman Richardson at 2:10 p.m.