

The State Licensing Board for Residential and General Contractors met on September 13, 2006 at the Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia via conference call for the purpose of conducting Board business. Immediately following Full Board conference call meeting, the General Division met via conference call on September 13, 2006 at the Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia for the purpose of conducting Division business.

Members Present:

**Roger Huggins, Board Chairperson
Allen Richardson
Philip Thayer
Steve Cash
Hoppy Hopkins
David Cyr
Morgan Wheeler
Dan Cash
Timothy Ansley**

Others Present:

**Kyle Floyd, Executive Director
Chris Helms, Board Attorney
Alison Martin, Board Secretary
Tanja Battle, Deputy Division Director
Tyler Newman, Home Builders Association of Georgia
Mark Woodall, Associated General Contractors (Georgia Branch)**

At 10:00 a.m., Chairperson Huggins established a quorum was present and called the meeting to order.

Board Attorney Chris Helms opened up the discussion regarding the August 2, 2006 minutes and explained that he wanted the Board to clarify, so that it is clearly reflected in the minutes, their position on the five year requirement of O.C.G.A § 43-41-8(a)(2) and adequate documentation to prove a business had been in existence for five or more years in the state of Georgia. Chris Helms also asked the Board to outline what they as a collective group will require to prove the five year requirement when they consider these type of applications on a case by case basis and to further distinguish their definition of a business organization.

In response to the question posed by Chris Helms, Chairperson Roger Huggins suggested that all business organizations should be examined equally, and that

includes corporations. Thus, the organization may have changed somewhat in form or in name, but not in substance, and might satisfy the five year requirement. In any event, all considerations have to be consistent.

Chris Helms agreed with Chairperson Roger Huggins' statement that in regard to the five year requirement, all business organizations needed to be examined equally.

The Board also discussed the importance of making sure the management of the organization is taken into consideration.

David Cyr suggested that if the ownership of the business remains the same and the only change that occurs is the business name, a letter of explanation followed by either tax records or corporate papers listing the principles need to be present in order for the Board or the respective Division to consider this applicant on a case by case basis. Once this information is considered, the Division member reviewing such application needs to identify that the principles of the businesses are the same.

The Board agreed to narrow the five year requirement of O.C.G.A § 43-41-8(a)(2) down to two major issues when considering applications: (1) physical location of the business organization and (2) principles of the business organization. The Board will require that, as to physical location, the business organization must maintain a regular office and place of business within Georgia currently and must have had such in Georgia for five years immediately preceding the time of application. That is, the office and place of business could have been at a different physical location, so long as it was within the state of Georgia.

As to principles of the business organization, Allen Richardson suggested judging such principles on an ownership percentage.

In response to Allen Richardson's suggestion, Hoppy Hopkins posed the question whether such ownership percentage should be based on what the Internal Revenue Service sets forth.

Roger Huggins interjected and said that rather than looking at an ownership percentage, the Qualifying Agent of the business needs to be examined to make sure that the person appointed as the Qualifying Agent had continuously been in business for five years.

David Cyr suggested that perhaps to prove that the Qualifying Agent had been in business continuously, look for the controlling interest (he gave an example of 51%).

Roger Huggins disagreed and said he thought that examining the continuous management and operation of the Qualifying Agent of the business needed to be considered rather than a percentage.

Chris Helms, Board Attorney, interposed that the Qualifying Agent is separate from the five year requirement, so the Board could not use that as a determining factor. That is, the business organization must show the existence of an office and place of business for five years while the Qualifying Agent must show experience as an individual.

A motion was made by David Cyr and seconded by Allen Richardson to clarify the handling of "corporations" in the motion made on August 2, 2006 by Roger Huggins, seconded by Bob Barnard, and unanimously accepted by the Board that reads as follows, "[...] to group corporations with the other 'business organizations' in the language regarding the five years from O.C.G.A § 43-41-8(a)(2)[...]." David Cyr's motion as seconded by Allen Richardson and unanimously accepted by the Board states that in regards to O.C.G.A § 43-41-8(a)(2), the Board will consider the term "business organizations" to include corporations. That is, corporations will not be considered differently from any other business organization for purposes of O.C.G.A § 43-41-8(a)(2).

A motion was made by Roger Huggins and seconded by Timothy Ansley to consider businesses that have not been at the same physical address for five or more years but have maintained an office and place of business continuously in the state of Georgia for five or more years immediately preceding the time of application to be acceptable and within the confines of what OCGA 43-41-8 (a)(2) sets forth. The Board voted unanimously to approve the motion.

Discussion regarding the principles and corporate structure resumed. The Board suggested the possibility of looking at a certain percentage of ownership and making sure that a certain percentage remained consistent if a name change occurred.

Board Attorney, Chris Helms, suggested that by looking at a percentage rather than examining how the managing principles remained the same or changed significantly with this business name change, the Board may be missing important corporate structure information.

A motion was made by David Cyr, seconded by Hoppy Hopkins, and the Board unanimously voted that in regards to applicants proving the five year requirement in regards to business entities, the burden of proof lies with the applicant to show that the business has not significantly changed in management structure and the only significant change that occurred was the business name. Documents required to prove this name change are tax records and/or business organization papers, such as but not limited to, articles of incorporation/organization or partnership agreements, showing officers/members of the business organization

before and after the name change of the business organization. This kind of situation will continue to be considered on a case by case basis.

Discussion in this vein continued with the issue of whether or not the dissolution of the initial company has to occur before the "second" company, with the new name can be considered to be a continuation of the initial company.

An amendment was made by David Cyr to his previous motion and said amendment was seconded by Hoppy Hopkins to make it clear that when an applicant is claiming the change has been a name change only, and not a management structure change, the applicant must show the initial company has dissolved and ceased to exist before the "second" company with the new name can be considered on a case by case basis to be the same, or a continuation of the initial company. The Board voted unanimously to accept the motion.

Tyler Newman of Home Builders Association of Georgia expressed concerns that the Board's stance might change or alter the situation for those applicants who have already been approved. The Board responded that no one who has been approved will be affected or re-examined.

A motion was made by Allen Richardson and seconded by Timothy Ansley to accept the August 2, 2006 minutes. The Board voted unanimously to accept the motion.

The Board stressed that the clarifications as to the minutes made in this meeting will be effective today, September 13, 2006.

The Board decided that the October 4, 2006 Board meeting would take place at the Professional Licensing Boards Division in Macon and it would be a full Board meeting.

Individual Board members expressed support for the Board staff in response to correspondence received by Board staff members.

With no other business for the Residential Division to take part in, a motion was made by Allen Richardson, seconded by David Cyr, and the Board voted unanimously to adjourn the Full Board meeting.

At 11:00 a.m., Chairman Huggins established that a quorum was present for the General Division and called the Division meeting to order.

The Division discussed the issue of accepting multifamily projects and amending the General Contractor applications to reflect such acceptance.

In regard to the multifamily issue, a motion was made by Roger Huggins and seconded by Morgan Wheeler to modify the General Contractor applications to

read as follows: " If you are listing multifamily projects that fall with the Residential-Light Commercial category as defined by O.C.G.A § 43-41-2(11), a maximum of two such projects will be accepted. The other three projects may be multifamily, but in such case may not fall within the definition of a Residential Basic contractor or a Residential-Light Commercial contractor as defined by O.C.G.A § 43-41-2(10) and (11). The Division voted unanimously to accept the motion.

Executive Director, Kyle Floyd, presented the Division with a letter forwarded from Senator Doug Stoner. One of Senator Stoner's constituents expressed concerns regarding the requirements for general liability insurance and its effects on small business owners who are not necessarily active. The Division considered the constituent's concerns but all agreed that the specific issue in the letter really is directed at the Residential Division, not the General Division.

Executive Director, Kyle Floyd, reminded the Division that furnishing proof of an active general liability insurance policy in the required amounts is a requirement, under O.C.G.A § 43-41-6, for all Divisions.

The Division agreed with Kyle Floyd but concluded that at this point in time, the Board as a whole could not implement an inactive status because the law doesn't address such and because licenses must first have an active status before they can have an inactive status.

Kyle Floyd expressed concerns with the June 7, 2006 Division motion regarding what the Georgia State Financing and Investment Commission (GSFIC) recommended as changes to the Owner Letter of Reference in the General Contractor applications. The motion is as follows: "A motion was made by Tommy Holder, seconded by Dan Cash, and the Division voted unanimously to keep the original owner letter of reference in the General Contractor applications and to provide applicants with an alternate owner letter of reference form modeled after what the GSFIC suggested." Mr. Floyd explained that his concerns with upholding the June 7, 2006 motion were (1) the potential that the alternate form holds GSFIC to a different standard from other owners and (2) the administrative problem that applications become too long and too complicated for applicants if the Division votes to either amend the applications or supply alternate forms within the applications each time a group makes such a request.

Chris Helms interjected that he felt the current owner reference form allows groups like GSFIC to add explanations, for Division consideration, of variances the groups might make from the reference form.

Roger Huggins explained that the General Contractor Division would consider applicants who use the GSFIC forms accompanied with a notarized letter of explanation but the Division agreed with Kyle Floyd that the applications did not need to be amended and additional forms were not necessary.

David Cyr warned the Division to be cautious with this decision and reminded members that GSFIC is the second largest commission for General Contractor financing in the nation.

Mark Woodall, a representative from the Associated General Contractors of America, Inc. responded to David Cyr's concern by stating that as long as the Division would consider the form proposed by GSFIC on a case by case basis, he felt changes to the application and or additional pages to the applications would not be necessary.

A motion was made by Roger Huggins, seconded by David Cyr, and the Division voted unanimously to not provide an alternate form in the application modeled after what the GSFIC suggested but rather they will allow applicants to provide the altered form GSFIC is more comfortable with and such forms will be considered by the Division on a case by case basis. The General Division reiterated that the burden of proof lies with the applicant.

The Division discussed the number of applications pending review and decided that when they come in for the October 4, 2006 meeting, several hours will be set aside specifically for the review of applications. Morgan Wheeler was thanked by fellow Division members for regularly reviewing applications.

A motion was made by Roger Huggins and seconded by Morgan Wheeler to ratify the following that were reviewed by application review members for a General Contractor's license:

Individuals

Bickerstaff, David
Dollar, Billy Glynn

Qualifying Agents

Akins, Paul Shelton of Paul S. Akins Company, Inc.
Albanese, Anthony Sebastian of ASJ Associates, Inc.
Allen, Phillip Stephen of Allen & Graham, Inc.
Ashley Jr., Harry T. of J.C. Stockton & Son, Inc.
Barrow Jr., Ben B. of LRA Constructors, Inc.
Bass, Jason L. of B&B Builders, Inc.
Batchelor, Douglas deVane of Allen-Batchelor Construction, Inc.
Bennett, Thomas Jeffery of Tom Bennett Company, Inc.
Bennett Jr., Thomas Carl of Tom Bennett Company, Inc.
Best Sr., Edward Phillips of Premier Construction Group, LLC
Broom, Bernita J. Osborne Construction Company, Inc.
Burger, Denis of Ambling Construction Company, LLC

Buser, David Carl of The Potts Company
Candito, Gerald N. of Candito Construction Corporation
Cannady, Wallace Paul of Continental Construction
Cato, James Randy of B. Henderson & Associates, Inc.
Choate, William Millard of Choate Construction Company
Cleveland, Carter Webster of J.H. Cleveland Construction Company
Courseault, LeRoy Martin of Courseault Commercial, Inc.
Creamer Jr., Roy Danley of Creamer-Pearce, LLC
Crosby, Brantley Lee of Lewis & Raulerson, Inc.
Crosby, D.L. Lee of Charles H. Wilkinson Company, Inc.
Crowell Jr., Otis Lamar of Keystone Homes, Inc.
Dabbs Jr., Rufus Earl of Dabbs-Williams General Contractors, LLC
Daniel, Carroll Brian of Daniel Construction of LaGrange, Inc.
Daniel Jr., Allen of Daniel Construction of LaGrange, Inc.
Davis, Migueal B. of Morrow Construction Company, Inc.
DeBoy, D. Roger of de Oplossing, Inc.
Driemeyer, Douglas Robert R W Smith Company
Evans, Bill S. of Bevans Investments, Inc.
Felker, George Allen of Felker Construction Company, Inc.
Foster, David A. of DNB Builders, Inc.
Fraser, R. Scott of NOVA Commercial Interiors, Inc.
Futch, Gregory Keith of Paul S. Akins Company, Inc.
Garrett, Wilson Ben of Ra-Lin & Associate, Inc.
Gilliam, Mark Lee of Keystone Homes, Inc.
Hale, Jeff of Ambling Construction Company, LLC
Hayes, Christopher S. of Jectar Builders, Inc.
Head, Steven Dexter of Christian Brothers, Inc.
Henson, Robert W. of Joe N. Guy Company, Inc.
Howell, Sid A. of Prime Construction Services, Inc.
Jackson, Jason Kyle of CTJ Construction Company, Inc.
Jackson, Frank Allen of CTJ Construction Company, Inc.
Jones, Calvin Abbott of Benchmark Building Contractors, Inc.
Jones, Donald Richard of All-Steel Buildings, Inc.
Jones, Frances Gaglio of Ray Jones, Inc.
McMillan Holly Bunnell of Compucraft, Inc.
Otter, Daniel Alan of Otter Construction & Realty, Inc.
Owens Jr., Leo Lawrence of Owens and Pridgen, Inc.
Palmer, Emory Hughel of Jerry L. Johnson & associates, Inc.
Pearce, James Kerry of Peace Building Systems, Inc.
Peden, Jr., Richard H. of U.S. General Construction, Inc.
Potts, Michael Robert of The Potts Company
Powers, Jeffrey Brian of Integra Construction, Inc.
Quinlan, Peter Daily of Morton Buildings, Inc.
Ralston, William C. of Erickson Associates, Inc.
Reid II, John W. of Mimms Enterprises, Inc.
Reynolds, Scott Andrew of Catamount Constructors, Inc.

Roesel, Paul Frederick of TQ Constructors, Inc.
Saliba, Richard Jameel of Saliba Construction Company, Inc.
Schwab, Jodi K. Osborne of Osborne Construction Company, Inc.
Sharpe, Theodore Shane of Sharpe Construction, Inc.
Shearer Sr., Robert Earl of R.E. Shearer Construction Company, Inc.
Shearer Jr., Robert Earl of R.E. Shearer Construction Company, Inc.
Smith, Robert Douglas of D&M Construction, Inc.
Stidham, Gregory Mitchell of Steel Structures, Inc.
Suitt Jr., Thomas Howard of McDonald Construction Services, Inc.
Summer, Michael Brett of C.B. Summer Construction Company, Inc.
Tarkington, Richard Edward of Welch-Tarkington, Inc.
Terry Jr., Donald Edward of Owens & Pridgen, Inc.
Thomann Jr., Paul William of Advantis Construction Company
Thomas, Marty Earl of RW Smith Company
Tomlinson, Harry Mires of Metal Buildings, Inc.
Turner Jr., James Thomas of J.T. Turner Construction Company, Inc.
Turner III, James Thomas of J.T. Turner Construction Company, Inc.
Vandiver, Jack C. of Jack Vandiver, Inc.
Wax, Gary Nathan of Commerce Construction Company, L.P.
White, Wade Jeffress of Horizon Construction Company
Whitsel, Curtis Jewel of Whitsel Construction Services, Inc.
Wilkinson, Sandra R. of Charles H. Wilkinson Company, Inc.
Williams, Ronny E. of Chris R. Sheridan Company

The Division discussed new business items.

The Division was updated on the status of the Request for Proposal (RFP).

Morgan Wheeler reminded the Division to discuss the cost of examination reference books when the time comes for the Board/Division to decide on such.

Roger Huggins agreed that the Board/Division needed to be cognizant of the cost of the exam and the reference material to study for the exam.

Roger Huggins asked Executive Director, Kyle Floyd, to amend the General Contractor applications to include the number of stories in a building and aggregate square footage.

With no other business for the Division to discuss, Chairperson Huggins adjourned the meeting at 12:06 p.m.

Minutes Recorded By: Alison Martin, Board Secretary

Minutes Reviewed/Edited by: Kyle Floyd, Executive Director