

The State Licensing Board for Residential and General Contractors met on October 4, 2006 at the Professional Licensing Boards Division in Macon, Georgia for the purpose of discussing business.

Members Present:

Roger Huggins, Board Chairperson
Philip Thayer, Vice Chairperson
Allen Richardson
Mark Herbert
Bob Barnard
Steve Cash
Morgan Wheeler
Dan Cash
Hoppy Hopkins
Timothy Ansley
David Cyr
Tommy Holder

Others Present:

Kyle Floyd, Executive Director
Chris Helms, Board Attorney
Tanja Battle, Deputy Division Director
Alison Martin, Board Secretary
Gene Hatcher, Attorney representing Jay Dresser
Jay Dresser, applicant
William D. Howell, applicant
Jeffery Brian Maddox, applicant
David Russell Miller, applicant
John P. Passarella, applicant
John A. Mount, applicant
Barbaro E. Ponce, applicant
Tyler Newman, Home Builders Association of Georgia
Bettie Sleeth, Home Builders Association of Georgia
Kevin Veler, attorney representing the National Association of
Remodeling Industry (Atlanta Chapter)
Mark Woodall, Associated General Contractors of Georgia
Kevin Trim, Professional Licensure Services, Inc.

At 9:12 a.m., Chairperson Huggins established that a quorum was present and called the meeting to order.

A motion was made by Hoppy Hopkins, seconded by Mark Herbert, and the Board members present: Roger Huggins, Philip Thayer, Allen Richardson, Mark Herbert, Bob Barnard, David Cyr, Morgan Wheeler, Timothy Ansley, Tommy Holder and Hoppy Hopkins, voted to enter into Executive Session for the purpose of discussing applications.

A motion was made by Bob Barnard, seconded by Mark Herbert, and the Board voted unanimously to move back into Open Session.

A motion was made by Mark Herbert, seconded by Steve Cash, and the Residential Division voted unanimously to accept the minutes from the September 6, 2006 Residential Division conference call.

A motion was made by Morgan Wheeler, seconded by Hoppy Hopkins, and the Board voted unanimously to accept the minutes from the September 13, 2006 full Board conference call.

A motion was made by Morgan Wheeler, seconded by Hoppy Hopkins, and the General Division voted unanimously to accept the minutes from the September 13, 2006 General Contractor Division conference call.

Executive Director, Kyle Floyd, delivered the Executive Director's report. Mr. Floyd updated the Board on the status of the Request for Proposals (RFP), including a timeline.

Mr. Floyd discussed items of correspondence pertaining to build out structures and the definition of barn/agricultural use buildings.

The Board discussed the definition of barn/agricultural use buildings in depth.

Morgan Wheeler explained to other members that in his position with Code Enforcement, he requires an engineer seal on chicken houses and warned the other members to be very cautious about ruling out this type of structure for licensure because of the specializations required for constructing this type of building.

Board Attorney, Chris Helms, reiterated to the Board that they do not want to get into a position where they advise potential applicants whether a license is needed for what the potential applicant does. He further clarified his statement by saying the Board needs to be careful about this because the potential applicant may not fully explain what he or she does.

Bob Barnard responded to Chris Helms' comment by saying that the law does not clearly set forth specific trades that need to be licensed. He said that in the 2007 Georgia Legislative Session, this is one issue that needs to be clarified, if possible, so the Board as a whole can better determine whether a potential applicant, with a particular question about a type of work, needs a license.

Mark Woodall with the Associated General Contractors of Georgia broached the question whether a chicken house would be a structure requiring a license to build. He explained that the intended purposes of chicken houses and residential

houses are entirely different. The former, according to Mr. Woodall, are nonetheless built for agricultural purposes, and are covered in the exemption from licensure.

Chairperson Huggins responded to Mark Woodall's statement by explaining that due to the many health and safety issues involved in constructing this type of structure, the Division might need to further examine this type of project.

Board Attorney, Chris Helms, explained that the exemption found in O.C.G.A. § 43-41-17(k) for agricultural-use buildings is very broad.

Executive Director, Kyle Floyd, told the Board that it is after applications are received showing such projects that the Board as a whole or the respective Division will have to make a decision regarding this issue.

Chairperson Huggins responded to Kyle Floyd's statement by stating that the Board does not have the authority to tell other industries that they don't need a license.

Board Attorney, Chris Helms, responded to Chairperson Huggins' comment by saying that he would not advise the Board or its members to tell anyone that they do not need a license to perform a certain type of work before an application has been received and reviewed.

Vice Chairperson, Philip Thayer, made the comment that if a potential applicant is in question about whether they need a license or not, they should seek counsel or be cautious and apply.

Chairperson Huggins said that as a collective Board, he does not feel they are doing their job if they could not define these trades and what is or is not acceptable for licensure.

Board Attorney, Chris Helms, reminded Chairperson Huggins that as a Board they can promulgate rules so long as they are based in law and defensible. Chairperson Huggins asked Chris Helms to research the plausibility of promulgating a rule or rules regarding exemption of trades that do or do not require licensure under Chapter 41 of Title 43. Chairperson Huggins requested that Mr. Helms present this information to the Board at the November 1, 2006 Board meeting.

A motion was made by David Cyr, seconded by Tommy Holder, and the Board voted, with the exception of Morgan Wheeler who opposed the motion, to uphold the Board's former vote to deny the following applicants for licensure by examination exemption:

William D. Howell, Sr. (Residential Basic, Individual)

Jeffery Brian Maddox (Residential Basic, Individual)
David Russell Miller (Residential Basic, Individual)
John P. Passarella (Residential Basic, Qualifying Agent)
Hamilton Ralls Jennings (General Contractor, Qualifying Agent)
John A. Mount (General Contractor, Qualifying Agent)
Barbaro E. Ponce (General Contractor, Individual)

A motion was made by David Cyr, seconded by Tommy Holder, and the Board voted, with the exception of Morgan Wheeler who opposed the motion, to reverse the Board's former vote to deny, and thus reconsider for licensure, the following:

Jay Dresser (Residential Basic, Individual)

A motion was made by Bob Barnard, seconded by Mark Herbert, and the Residential Division voted unanimously to deny the following for licensure as a Residential Basic Contractor:

David Frances Abert (Residential Basic, Qualifying Agent)
Craig C. Butt (Residential Basic, Individual)

A motion was made by Allen Richardson, seconded by Bob Barnard, and the Residential Division, with the exception of Division member Steve Cash, who abstained, voted unanimously to ratify the following for licensure as a Residential Basic contractor:

Individual

Bates, Edwin Morris
Bell, John Alan
Ferm, Stephen John
French, Steven Thomas
Fuller, Derward Wade
Ghann, Thomas Holcombe
Golden, Bobby Dale
James, Gregory LeBron
Jennings, Kevin Lynn
Knight Jr., Raymond Clark
Ledford, Roy Lewis
Miller, Edward
Nelms, Robert Duel
Reed, Jeremy Lofton
Sapp, Stephen Thomas
Smith, Joe C.
Smith, Joey D.
Turner, William Gary
Walker, Timothy Ray

Watson, Guy W.
Webb, William Paul
Westmoreland, C. Scott
Wortham, Dennis Bryant

Qualifying Agent

Alaee, Hamid of Unique Design & Construction, Inc.
Alexander, Thomas George of North Atlanta Properties, Inc.
Anderson, David Jay of D. Anderson Construction & Development, LLC
Astaire, Fred H. of Fred Astaire Builders, Inc.
Baker, James Brian of Brian Baker Building, Inc.
Batchelor, Dewey Wayne of Batchelor Quality Homes, Inc.
Barron, Rex Terry of Great Oak Builders, LLC
Bassett, Timothy M. of Bassett Contracting Home Repair Services, Inc.
Boggs, Lawrence Kirk of Benchmark Structures, Inc.
Brooks, James Michael of M D B Builders, Inc.
Burtz, Kenneth D. of Burtz Custom Homes, LLC
Carlson, Anthony James of Carlson Builders, Inc.
Casadaban, Ryan Christopher of Orion Construction, LLC
Cash, James Steven of Cash Homes, Inc.
Chatham, Wilburn Wayne of Wayne Chatham Custom Homes, LLC
Clark, Gary Thomas of Clark Custom Homes, Inc.
Cline Jr., Charles of Charles Cline Construction & Development, Inc.
Cline, V. Ann of Charles Cline Construction & Development, Inc.
Combs, Patrick Wesly of VGC, Inc.
Coley, David Windal of Windal Coley Construction, Inc.
Crosby, John Kenneth of Jack Rabbit's Construction, Inc.
Crozier, Geoffrey Shane of Crozier Construction, Inc.
Davidson, Jr., Rodney L. of Nix Home Builders and Realty, Inc.
Davis, William Perry of Straightway Builders, Inc.
Deno, Felicity Neely of CMB Homes, LLC
Dixon, John Daniel of America's Home Place, Inc.
Dominguez, Louis Jefferson of Jefferson Wall Covering & Construction, Inc.
Gill, Marvin Woodroe of Marvin W. Gill & Son Construction, Inc.
Grant, William D. of Bill Grant Custom Homes, LLC
Green, Michael Craig of Green Built Homes, Inc.
Gunn, Harold Wayne of Gunn Enterprises, LLC
Hadikapourchali, Sirous of Hadi Homes, Inc.
Hall, Betty Jane Arthur of Jon Hall Construction, Inc.
Hedden, Evelyn Ann of Jeff A. Hedden Builders CP, LLC
Hetzel, Russell Zane of EL Designs, Inc.
Hipps, Joseph Edward of Robert Harris Homes, Inc.
Holtzchlaw, David Scott of North Atlanta Properties, Inc.
Horne, Patrick Mallory of Rick Horne Construction, Inc.
Hughes, Huey Michael of HMM Development, Inc.

Hutson, Charles W. of Hutson Homes, Inc.
Jacobs, Daniel Jules of Dan Jacobs Construction, Inc.
Johnson, Charlotte Dell Parsons of Charlotte Johnson Homes, Inc.
Johnson, Richard Harlan of Augusta Remodeling & Construction Company, Inc.
Lacey, Brian William of Westside Homes, Inc.
Lewis, Edward B. of Edward Lewis & Associates, Inc.
Lockey, John Samuel of Lokey Builders, LLC
Lockey Sr., Walter Dingley of Lokey Builders, LLC
McKay, Paul Winfred of Winfred McKay Construction, Inc.
McMahan, Richard Charles of McLin Construction, Inc.
Mullins, Dudley Mark of Tsuga Development, Inc.
Newman, Lewis Glenn of Newman Homes, Inc.
Nichols, Timothy Dwayne of America's Homeplace, Inc.
Nix, Jackie Eugene of Nix Home Builders/Realty, Inc.
Norton, Kelly Yost of Dragon Decking, Inc.
O'Dea, Daniel Paul of O'Dea Properties, Inc.
Ogilvie, John Douglas of Ogilvie Custom Home Builders, Inc.
Owens, Kris Allen of Owen Twins, Inc.
Paller, Michael Troy of MTP Enterprises, LLC
Paris, Ted Cia of Ted Construction Company, Inc.
Parson, Ronald Wilson of W&W Homebuilders, Inc.
Pitcock Sr., Ronald Lee of Ja Lee, LLC
Redden, David Scott of DSR Homebuilders, LLC
Reece, Roger "Kent" of Reece Trim Carpentry & Construction, Inc.
Shirley, Michael Richard of Towne & Country Homes, LLC
Smith, Joe M. of Greenlee Construction, Inc.
Smith, Kenneth Allen of Custom Quality Homes, Inc.
Smithson, Jacqueline Merritt of Jutco, Inc.
Smithson, Justin Merritt of Jutco, Inc.
Southern, Billy L. of S&S Homes, Inc.
Stewart, Bruce Edward of Stewart Builders, Inc.
Storey, Danny R. of Storey Signature Homes, Inc.
Storey, Kevin B. of Storey Signature Homes, Inc.
Sumner, Dorothy Carol Johnson of Carlton Homes, Inc.
Tant, Douglas Samuel of Jeff A. Hedden Builders CP, LLC
Tarpley, Raymond Eugene of The Tarp Group, Inc. (d/b/a Greenleaf Construction Company, LLC)
Teasley, Clyde Edward of PCT Enterprise, Inc.
Thompson, Charles David of David Thompson Company
Thompson, David Andrew of David Thompson Company
Touchton, Brian K. of B&J Equipment Company, Inc.
Trenova, Reshat A. of Jerry Babb & Associates
Turner, Richard S. of Princeton Properties, Inc.
Warren, Flint Dawson of Payne Properties, Inc.
Watkins, Jeffrey Lee of Watkins Home Builders, Inc.
Watkins, Regina Lynn Pankey of Watkins Home Builders, Inc.

Weems, Rodney Clayton of RC Weems, Inc.
Wilcox, Mark C. of 2x8 Construction Company, LLC
Winslow III, Esmonde DeForest of Signature Homes by DeForest Winslow, Inc.

A motion was made by Allen Richardson, seconded by Philip Thayer, and the Residential Light Commercial subdivision voted unanimously to approve the following for licensure as a Residential Light Commercial contractor:

Individual

Chase III, Charles Carroll
Chitwood, Stephen Mark
Gaughf, Charles Douglas
Wright, Tim M.

Qualifying Agent

Adamson, Ronald David of R.D. Adamson Construction Co., Inc.
Addison, Derek Jay of Daddison, Inc.
Barnes, Maria Cayenne of Professional Interiors, Inc.
Batts, Steve Martin of Batts Development, Inc.
Bell, Matthew Conner of R.B. Homes, Inc.
Bishop, William Wayne of Bishop-Smith Construction Co., Inc.
Bonner III, Daniel Thomas of Bonner and Bonner, Inc.
Brand Jr., James William of Southstar Development & Construction, LLC
Brannen, Solman Jerrel of Brannen Construction Company, Inc.
Bridges, John C. of Garrett & Bridges, Inc.
Brooks, Aaron Boyd of Brooks Brothers Plumbing & Electric, Inc.
Brooks III, James L. of J.L. Brooks Construction, Inc.
Busbin, George Dale of Batts Development, Inc.
Carreker, Jeffery Floyd of Carreker Construction, Inc.
Carruth, Mark L. of Loren Construction Company, Inc.
Coker Jr., William Douglas of Doug Coker Construction, LLC
Coker Sr., William Douglas of Doug Coker Construction, LLC
Cooke, George Albert of SC&M, Inc.
Cooper Jr., Ernest Lee of Cooper Old Time Builders, Inc.
Daniel, Kevin Scott of Touchstone Homes of Georgia, Inc.
Dekle, Robert Drew of Quality Property Management, LLC
Edwards, William Harry of R.A.E. Construction Co., Inc.
English, Larry Hoyt of Hoyt English Construction Co., Inc.
Fennell, Keely Meredith NeSmith of NeSmith Construction Co., Inc.
Floyd, Dennis Thomas of Southern Tradition Homes, Inc.
Folsom, James Wesley of Petra Management, Inc.
Hackney, Jeffrey Owen of Lichty Commercial Construction, Inc.
Lott, Harry Franklin of Signatures Design & Construction, Inc.
Pearson, David Jerome of Pearson & Associates Management, LLC

Robinson, Davis L. of Mardi Gras Properties, LLC
Rutenberg, Jeremy of Jeremy Rutenberg's & Associates
Saikas III, John of John & Jan Saikas Builders, Inc.
Sawyer, Scott Joseph of Patrick Malloy Communities, LLC
Sell, Shannon Carl of Gadell, Inc.
Shell, Joseph Pennington of Shell Construction, Inc.
Shell, Simon Pennington of Shell Construction, Inc.
Smith, Bobby Junior of B.J. Smith Construction, Inc.
Smith, Cindy J. of Bishop- Smith Construction Company, Inc.
Smith, Jr., James Woodrow of TCG Holdings, LLC
Smith, Jr., Sam of Sam Smith Homes, Inc.
Smith, Jr., Tate Wright of Smith & Herrin Construction, Inc.
Socci, Michael G. of Woodruff Contracting Co., LLC
Soens, Jr., Robert James of Pinnacle Custom Builders, Inc.
Sosbee, John Darrell of Sosbee Ventures, LLC
Spohn, Douglas Bruce of Spohntown Corporation
Steinheimer, George David of Stonehaus Design Associates, Inc.
Stepp, Brent Lanning of Brent Stepp Construction Co., Inc.
Stevens, Craig Mitchell of CMS Properties, Inc.
Streifert, Mark Russell of MDO Homes, Inc.
Stocks, William Bruce of Red Bud Development, Inc.
Stovall, Ray W. of Heritage Land & Development Company
Stein, Richard Martin of Touchstone Homes of Georgia, Inc.
Sticher, Timothy Paul of Sticher Construction, Inc.
Taylor Jr., Clarence E. of Taylor Electric Company
Taylor, Ricky David of R. Taylor & Company Construction, Inc.
Thompson, James Edmon of Dennis Thompson Construction Co., Inc.
Tilley, Beth L. of Tilley Properties, Inc.
Tippins, Gary L. of Gary Tippins Construction, Inc.
Tolbert, Jessica Anne Wallace of Whistlebury Condominium, L.P.
Totherow, Charles Elliott of Totherow Builders, Inc.
Tsiopanas, Greg of Acropolis Remodeling & Construction, Inc.
Tuggle, Gene of Tuggle Residential, Inc.
Waldrop, Kimberly Marie Noles of Mawal Building Systems, Inc.
Waldrop Jr., Marion Dewey of Mawal Building Systems, Inc.
Walker Jr., Roger Vernon of Roger Walker Construction Co., Inc.
Walters, David K. of Arrow Exterminators, Inc.
Weatherby, Stephen T. of Weatherby & Associates, Inc.
Webb Sr., Benjamin W. of IJM Canton, LLC
White Jr., Loyal David of David White Custom Contracting, Inc.
William, Brad W. of CBS Enterprises, Inc.
Williams, Timothy Ray of Hulsey Home Improvement, Inc.
Wilkins, Sarah Anne Crabtree of Robert Wilkins Homes, Inc.
Wilson, Christopher Thomas of Wilson Construction
Wilson, Michael William of Wilson Construction
Wilson, Shawn Michael of Wilson Construction

Yannett, Edward Martin of Affordable Housing of Savannah, Inc.
Zuckerman, Henry Alan of Woodsbrooke Construction Co., Inc.

A motion was made by Allen Richardson and seconded by Philip Thayer, and the Residential Light Commercial subdivision voted unanimously to deny the following for licensure as a Residential Light Commercial contractor:

Beasley, Herman of Herman Beasley Construction, Inc.
Beasley, Herman Justin of Herman Beasley Construction, Inc.
Bowen, David Lamar of David Bowen Construction, Inc.
Dill Jr., Sim of Sim Dill Jr. Contractor, LLC
Eason, Wendell Dale of The Orenstein Group, Inc.
Feller Sr., James Osbern of Feller Builders, Inc.
Fryer, Mark Alan of DPM Construction Services, Inc.
Orenstein, Mark of The Orenstein Group, Inc.
Tracy, Chad Travis of Patriot Construction, Inc.
Rush, William Howard of Classic Homes of Blue Ridge, Inc.
Sauers, Stephen Doyle of Sauers Construction Company, LLC
Shah, Jayendrakumar J. of JJS Properties, LLC
Spratlin, Glenn Russell of Russell Spratlin Construction, LLC
Whitten II, Robert Glover of Whitten & Associates, LLC

The Board discussed new business items.

A motion was made by Morgan Wheeler, seconded by Hoppy Hopkins, and the Board voted unanimously to meet once a month face to face until further notice due to the volume of applications to consider and items of business to discuss. The Chairperson refused to take a vote on the motion. Despite the lack of a vote, individual Board members agreed with Mr. Wheeler's statement and it was also decided that Board meetings would continue to be conducted on the first Wednesday of every month until further notice.

Chairperson Huggins again requested that Chris Helms research the process of promulgating rules and asked that defining specialty trades be discussed further in the November 1, 2006 meeting.

Bob Barnard posed a question in regards to the Residential Light Commercial application. His concern about the application was that by allowing a residential-basic category project on page six, part five of the Residential-Light Commercial application, it was in conflict with the law.

Vice Chairperson Thayer responded to Bob Barnard's question by stating, "No, we are not in conflict with the law. Residential Light Commercial includes both Residential Basic work and Residential Light Commercial work."

It was pointed out that the division is simply allowing some residential-basic projects as well as residential-light commercial category projects to fulfill the residential-light commercial contracting requirement.

Board Attorney, Chris Helms, discussed the five year requirement issue with the Board again. He told the Board that he did not feel that a sole proprietor met the definition of a "business organization" and therefore could not be used to tack on experience to meet the five year requirement.

In response, Allen Richardson asked if a person who had been involved with several companies in the past could obtain a license as an individual contractor.

Kyle Floyd answered Allen Richardson's question by saying that the person could possibly obtain a license as an individual contractor as long as he or she met all the other requirements and linked him or herself individually to those projects listed in the application that were completed under the guise of the company.

Chairperson Huggins said that the true intent of the five year requirement was to limit licensing under the examination exemption period to Georgia businesses, but with this new ruling, it has turned into something else.

Chris Helms, Board Attorney, responded to Chairperson Huggins statement by saying that they had to look at the definition of a "business organization" and a sole proprietorship was not a business organization in spirit with what the law states.

Bob Barnard suggested the Board consider changing the law so that an individual who obtained a license during examination exemption could then transfer that status to qualify a business organization lacking the five years once examination exemption and the five year requirement expires.

A motion was made by Bob Barnard, seconded by Mark Herbert, and the Board voted unanimously, that a sole proprietorship is not a business organization by definition and time in business as a sole proprietor cannot be used to help prove that a business organization has had a regular office and place of business in Georgia continuously for the five years immediately preceding application.

A motion was made by Bob Barnard and seconded by Tommy Holder to approve business name changes that occurred from one business organization to another business organization when the cumulative business organization existence in Georgia was greater than five years.

A motion was made by Bob Barnard, seconded by Tommy Holder, and the Board voted unanimously to deny a name change from a sole proprietor to a business organization.

A motion was made by Bob Barnard, seconded by Philip Thayer, and the Board voted unanimously to table all files that were not considered in Executive Session for the November 1, 2006 meeting.

With no other business for the Board to discuss, Chairperson Huggins adjourned the meeting at 2:10 p.m.

Minutes recorded by: Alison Martin, Board Secretary

Minutes reviewed and edited by: Kyle Floyd, Executive Director