

**STATE LICENSING BOARD FOR
RESIDENTIAL AND GENERAL CONTRACTORS
Residential Division Meeting: September 5, 2012**

The State Licensing Board for Residential and General Contractors met on Wednesday, September 5, 2012, at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia, for the purpose of conducting Board business.

The following Board members were present:

Andy Cooper, Division Chairman
Bill Duck, Division Vice Chairman
Mark Herbert
Bob Barnard
Keely Fennell
Bobby Cleveland
Morgan D. Wheeler, Board Chairman

Members absent:

None.

Others present:

Darren Mickler, Executive Director
Swan LeGrand-Fleming, Board Support Specialist
Scarlett Shell, Assistant Attorney General
Jeanette Leeks, Licensing Analyst
Judy Bradley, Complaint Compliance Specialist

Call Meeting to Order

At 9:04 a.m., Board Chairperson Cooper established that a quorum was present and called the meeting to order.

Approval of Minutes

A motion was made by Bob Barnard, seconded by Bill Duck, and the Board voted unanimously to approve the minutes of the July 31, 2012 Residential Division meeting as presented.

A motion was made by Bob Barnard, seconded by Bill Duck, and the Board voted unanimously to approve the Executive session minutes of the July 31, 2012 Residential Division meeting as presented.

Executive Director's Report:

Darren Mickler informed the Board that Deputy Secretary of State Kelly Farr will make a presentation to the State Licensing Board for Residential and General Contractors.

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Written Requests/Correspondence

Petition for Rule Waiver: The Division considered a petition for a waiver of Rule 553-11-.01 from Barry Harper Wells. Discussion ensued. A motion was made by Bob Barnard, seconded by Mark Herbert, and the Division voted unanimously to deny the petition. Applicant did not demonstrate a substantial hardship and excessive time had expired.

Ratifications

The Residential Division reviewed the list of applicants that have been previously reviewed and approved administratively or by Division members. A motion was made by Keely Fennell, seconded by Mark Herbert, and the Residential Division voted unanimously to ratify licenses issued from July 31, 2012 – September 4, 2012.

Executive Session

At 9:26 a.m. a motion was made by Bobby Cleveland, seconded by Bill Duck, and the Board members present: Bob Barnard, Andy Cooper, Keely Fennell, Bill Duck, Bobby Cleveland, and Mark Herbert, voted unanimously to enter into Executive Session in accordance with O.C.G.A. 43-1-2(k) and 43-1-19(h).

Open Session was declared at 10:02 a.m. by the Residential Division.

Vote on Discussions from Executive Session

A motion was made by Bill Duck, seconded by Keely Fennell, and the Residential Division voted unanimously to accept the recommendations made during Executive Session.

The recommendations made during Executive Session are as follows:

The Residential Division reviewed the projects information submitted and made a recommendation to refer this case to the General Division:

Applicant # 1775617

The Residential Division reviewed the projects information submitted and made a recommendation to deny these applicants. Applicants need to complete projects within two years.

Applicant # 1776799
Applicant # 1778797

The Residential Division reviewed the projects information submitted and made a recommendation to deny this applicant. Applicant needs 3 hours of Continuing Education.

Applicant # 1025061

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Following discussion, the Residential Division recommended accepting the Cognizant recommendations given by Judy Bradley in her Complaint and Compliance Report to the Board.

Open Records Request:

The Board reviewed a request for release of application information on McBride and Son Homes Atlanta LLC. The Board recommended denying the request for information.

Board Office:

RGC120073 – This case involves allegations of unprofessional conduct. The Board voted to send to the Attorney General’s Office to offer a voluntary surrender of licensure.

RGC120292 – This case involves allegations of unethical behavior. The Board voted to close case as this is a civil matter not relative to licensure.

RGC120054 – This case involves allegations of substandard work. The Board voted to close case as work is a specialty.

RGC130025 – This case involves allegations of substandard work. The Board voted to close case as work was contracted prior to beginning of licensure period.

RGC100300 – This case involves allegations of unprofessional conduct. The Board voted to close case due to inactivity and age of complaint.

RGC100304 – This case involves allegations of quality of care. The Board voted to close case due to resolution and age of complaint.

RGC100311 – This case involves allegations of quality of care. The Board voted to close case as work was a specialty.

RGC100314 – This case involves allegations of unprofessional care. The Board voted to close as investigative report revealed complaint was unfounded.

RGC100342 – This case involves allegations of unlicensed practice. As to Respondent 1, the Board voted to close, as respondent became licensed. As to Respondent 2, the Board voted to close, as respondent signed a voluntary Cease & Desist Order.

Legal Services:

RGC130035 – The Board reviewed the previously issued Consent Order and voted to adjust the Consent Order to place licensee on 6 months suspension, with probation on licensure to run concurrent with criminal probation. The suspension will begin on December 1, 2012 and permits can be pulled or work performed after this date.

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Attorney General's Report:

Scarlett Shell presented a status report to the Board.

Ms. Shell presented the following Consent Orders to the Board for closure:

Brett Lee Kelly, Sparks - The Board voted to accept the Consent Order for probation for 24 months and \$500 fine for licensure and close the case.

Other Business

The Board had a discussion on legislative changes.

With no other business to discuss, the Residential Division adjourned at 10:15 a.m.

Minutes recorded by:

Swan Fleming, Board Support Specialist

Minutes Edited/Reviewed by:

Darren Mickler, Executive Director