

**STATE LICENSING BOARD FOR
RESIDENTIAL AND GENERAL CONTRACTORS
Residential Division Meeting: November 6, 2012**

The State Licensing Board for Residential and General Contractors met on Wednesday, November 6, 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 9:00 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 Mark Herbert, seconded by Bill Duck, and the Board voted unanimously to approve the minutes of the September 5, 2012 Residential Division meeting as presented.

Old/New Business

The Board discussed preventive measures to prevent licensees from using Continuing Education credits obtained this renewal cycle again in 2014. The Board made a recommendation to table for further discussion.

Executive Director's Report

Darren Mickler reported that the Secure and Verifiable Documentation now required by every licensee for renewal is still coming in pretty steady. The renewal process is taking more time because each and every document received has to be touched.

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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 Jason Rowland. Discussion ensued. A motion was made by Mark Herbert, seconded by Bill Duck and the Division voted unanimously to deny the petition. Applicant did not demonstrate a substantial hardship.

Petition for Rule Waiver: The Division considered a petition for a waiver of Rule 553-11-.01 from Michael C. Taylor. Discussion ensued. A motion was made by Mark Herbert, seconded by Bill Duck and the Division voted unanimously to deny the petition. Applicant did not demonstrate a substantial hardship.

Petition for Rule Waiver: The Division considered a petition for a waiver of Rule 553-11-.01 from George E. Hurst. Discussion ensued. A motion was made by Mark Herbert, seconded by Bill Duck and the Division voted unanimously to deny the petition. Applicant did not demonstrate a substantial hardship.

Committee Reports

Bob Barnard reported in the Legislative Committee Report that he presented issues discussed in previous meetings with members of the Home Builders Association of Georgia, General Contractors' Association, and the Associated General Contractors of Georgia, Inc. and there was no support to move forward with Board Autonomy and opening the Licensing Law. Bob Barnard requested a meeting with Brian Kemp about what his bill will provide and some discussion on issues for the Residential and General Contractors board. He requested that Andy Cooper, Bill Duck, and Darren Mickler also attend this meeting.

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 Bill Duck, seconded by Keely Fennell, and the Residential Division voted unanimously to ratify licenses issued from September 5, 2012 – November 5, 2012.

Executive Session

At 9:12 a.m. a motion was made by Mark Herbert, 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 9:45 to vote on discussions from Executive Session.

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Approval of Executive Session Minutes

A motion was made by Bill Duck, seconded by Keely Fennell, and the Board voted unanimously to approve the Executive Session minutes of the September 5, 2012 Residential Division meeting as presented.

Application Discussion

A motion was made by Keely Fennell, seconded by Mark Herbert, 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 application and accepted the Cognizant's recommendation to deny this request. Applicant may sit for exam.

Applicant # 1761338

The applicant submitted a request to exercise his right to appear before the Board regarding the denial of his application in the last Board meeting. The Cognizant spoke with the applicant and made the recommendation to uphold the denial due to the projects not meeting the law. The Residential Division voted to accept the Cognizant's recommendation to uphold the denial.

Applicant # 1778797

The Residential Division reviewed the request for a third offering of the examination and made a recommendation to deny this request.

Applicant # 1758383

The Residential Division reviewed additional documentation submitted and made a recommendation to table for the Board to meet with Home Depot.

Applicant # 1743290

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

Board Office:

Charles McClain, Roswell – The Board voted to approve termination of probation status.

Vernon Sanders, Washington – The Board voted to approve termination of probation status.

Jeff Camp, Villa Rica – The Board voted to approve termination of probation status.

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RGC110029 – This case involves allegations of unlicensed practice. The Attorney General indicated that there is insufficient evidence to conduct hearing. The Board voted to close case.

RGC110060 – This case involves allegations of unlicensed practice. The Board voted to close case as respondent could not be located.

RGC110252 – This case involves allegations of failure to perform. The Board voted to close case as contract was initiated pre-licensure period.

RGC110286 – This case involves allegations of providing misleading information. Based on the Secretary of State's Investigative Services report the Board voted to close case.

RGC110299 – This case involves allegations of unlicensed practice. The Board voted to refer to the Secretary of State's Investigative Services to issue Voluntary Cease and Desist and/or gather sufficient evidence for a Cease and Desist hearing.

RGC110261 – This case involves allegations of unlicensed practice. The Board voted to close case as respondent could not be located to sign Cease and Desist Order.

RGC120060 – This case involves allegations of unprofessional conduct. The Board voted to close case as no response from complainant.

RGC120062 – This case involves allegations of unprofessional conduct. The Board voted to close case, due to a resolution between both parties.

RGC120082 – This case involves allegations of matters out of the jurisdiction of the Board. The Board voted to close case.

RGC120084 – This case involves allegations of unlicensed practice. The Board voted to close case as work is a specialty.

RGC120090 – This case involves allegations of unprofessional conduct. The Board voted to close case due to no response from complainant.

RGC120111 – This case involves allegations of unlicensed practice. The Board voted to send respondent a Cease and Desist letter. If no response, the Board voted to refer to the Secretary of State's Investigative Services to issue Voluntary Cease and Desist and/or gather sufficient evidence for a Cease and Desist hearing.

RGC120126 – This case involves allegations of unlicensed practice. The Board voted to close case as respondent could not be located.

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RGC120150 – This case involves allegations of failure to perform. The Board voted to close case as work is a specialty.

RGC120177, 120178 and 120180 – This case involves non-payment of subcontractors 2011-2012. The Board voted to send letter to respondent advising him to handle matters expeditiously to avoid further action from the Board.

RGC120222 – This case involves allegations of unlicensed practice. The Board voted to refer to the Secretary of State's Investigative Services to issue Voluntary Cease and Desist and/or gather sufficient evidence for a hearing.

RGC120257 – This case involves allegations of misrepresentation as a licensed contractor. The Board voted to refer to Secretary of State's Investigation Services for investigation according to 43.41.16(8).

RGC120284 – This case involves allegations of unlicensed practice. The Board voted to refer to the Secretary of State's Investigative Services to issue Voluntary Cease and Desist and/or gather sufficient evidence for a hearing.

RGC120304 – This case involves allegations of unlicensed practice and assisting unlicensed practice. The Board voted to refer to the Secretary of State's Investigative Services to investigate appropriately for possible disciplinary actions against licensee.

RGC130024 – This case involves allegations of unlicensed practice. The Board voted to close due to insufficient documentation from complainant.

RGC130038 – This case involves allegations of unlicensed practice. The Board voted to refer to the Secretary of State's Investigative Services to issue Voluntary Cease and Desist and/or gather sufficient evidence for a hearing.

RGC130039 – This case involves allegations of substandard work. The Board Recommend closure as work is a specialty.

RGC130046 – This case involves allegations of unlicensed practice. The Board voted to close case due to insufficient documentation to process.

RGC130047 – This case involves allegations of unlicensed practice. The Board voted to refer to the Secretary of State's Investigative Services.

RGC130050 – This case involves allegations of substandard work. The Board voted to close case as respondent cannot be identified as work was done prior to purchase.

RGC130051 – This case involves allegations of unlicensed practice. The Board voted to refer to the Secretary of State's Investigative Services.

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RGC130052 – This case involves allegations of unprofessional conduct. The Board voted to close case as work was done prior to July 1, 2008.

RGC130053 - This case involves allegations of unlicensed practice. The Board voted to close case due to no response from complainant.

RGC130054 – This case involves allegations of unlicensed practice. The Board voted to refer to the Secretary of State’s Investigative Services to issue Voluntary Cease and Desist and/or gather sufficient evidence for a Cease and Desist hearing.

RGC130055 – This case involves allegations of unlicensed practice. The Board voted to close case as work is a specialty.

RGC130062 – This case involves allegations of unprofessional conduct. The Board voted to accept the Cognizant’s recommendation to close case with no action.

RGC130074 – This case involves allegations of unlicensed practice. The Board voted to close case as work is a specialty.

RGC130075 – This case involves allegations of failure to perform. The Board voted to close case due to no response from complainant.

RGC130076 – This case involves allegations of substandard work. The Board voted to close case as work was done prior to July 1, 2008.

RGC130077 – This case involves allegations of unlicensed practice. The Board voted to refer to the Secretary of State’s Investigative Services to issue Voluntary Cease and Desist and/or gather sufficient evidence for a hearing. Companion file to RGC130054.

RGC130078 – This case involves allegations of unlicensed practice. The license is now Active. The Board voted to close.

RGC130103 – This case involves allegations of unlicensed practice. The Board voted to refer to the Secretary of State’s Investigative Services to issue Voluntary Cease and Desist and/or gather sufficient evidence for a Cease and Desist hearing.

RGC130104 – This case involves allegations of unlicensed practice. The Board voted to refer to the Secretary of State’s Investigative Services to issue Voluntary Cease and Desist and/or gather sufficient evidence for a Cease and Desist hearing.

RGC130108 – This case involves allegations of substandard work. The Board voted to close case as work was performed prior to July 1, 2008.

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RGC120170 – This case involves allegations of substandard work. The Board voted to refer to the Secretary of State’s Investigative Services for appropriate investigation.

RGC120277 – This case involves allegations of failure to perform. The Board voted to refer to the Secretary of State’s Investigative Services for appropriate investigation.

RGC130014 – This case involves allegations of abandoning work. The Board voted to refer to the Secretary of State’s Investigative Services for appropriate investigation.

RGC130021 – This case involves allegations of supplying misleading information. The Board voted to refer to the Secretary of State’s Investigative Services for appropriate investigation.

RGC130084 – This case involves allegations of accepting funds and not finishing the work. The Board voted to refer to the Secretary of State’s Investigative Services for appropriate investigation.

RGC130088 – This case involves allegations of failure to pay subcontractors. The Board voted to refer to the Secretary of State’s Investigative Services for appropriate investigation.

RGC130089 – This case involves allegations of accepting funds and not finishing the work. The Board voted to refer to the Secretary of State’s Investigative Services for appropriate investigation.

RGC130115 – This is an application for licensure. The Board voted to deny licensure due to incomplete application and to close complaint.

RGC130113 – This is an application for licensure with conviction. The Board voted to table to received G.C.I.C. report.

Legal Services:

RGC130109/Applicant #1773506. This is an application for licensure. The Board voted to issue license with Consent Order for 24 months probation due to bankruptcy.

RGC130110/Applicant #1779709. This is an application for licensure. The Board voted to issue license with Consent Order for 24 months probation due to bankruptcy.

RGC130111/Applicant #1782567. This is an application for licensure. The Board voted to issue license with Consent Order for 24 months probation and a fine of \$500 due to unlicensed practice.

RGC130112/Applicant #1775106. This is application for licensure. The Board voted to issue license with Consent Order for 12 months probation and fine of \$500 due to unlicensed practice.

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RGC130114/Applicant #1783240 - This is an application for licensure. The Board voted to issue license with Consent Order for 24 months probation due to bankruptcy.

Attorney General's Report:

Scarlett Shell presented a status report to the Board.

The Board discussed the following cases from the status report and voted to close because the respondents could not be located.

RGC100229 – This case involves allegations of unlicensed practice.

RGC110117 – This case involves allegations of unlicensed practice.

Other Business

The Board had a discussion on legislative changes. The Board made a recommendation to table for further discussion and to have a meeting set up with Secretary of the State, Brian Kemp.

With no other business to discuss, the Residential Division adjourned at 9:58 a.m.

Minutes recorded by:

Swan Fleming, Board Support Specialist

Minutes Edited/Reviewed by:

Darren Mickler, Executive Director