

**STATE LICENSING BOARD FOR
RESIDENTIAL AND GENERAL CONTRACTORS
Residential Division Meeting: February 20, 2013**

The State Licensing Board for Residential and General Contractors met on Wednesday, February 20, 2013, 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, Full Board Chairman

Members absent:

None.

Others present:

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

Call Meeting to Order:

At 9:01 a.m., Board Chairperson Cooper established that a quorum was present and called the meeting to order.

The agenda was amended to add a Personal Appearance (Applicant 1098908) in Executive Session for Item 1d.

Public Hearing:

At its meeting on June 06, 2012, the Board voted that the formulation and adoption of this new rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A §§ 43-41-5, 43-41-6 and 43-41-9. Also, at its meeting on June 06, 2012 the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A §§ 43-41-5, 43-41-6 and 43-41-9 to adopt or implement differing actions for businesses as listed at O.C.G.A. §50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of residential and general contracting.

At 9:02 a.m., a public hearing to adopt a new Board Rule was conducted. Chairman Cooper presented Board Rule 553-11-.01 for adoption. Bob Barnard made a recommendation to adopt as presented. Bill Duck seconded. The motion carried unanimously.

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553-11-.01 Changes in Status Which Must Be Reported.

(1) A licensee shall report to the Board in writing the following occurrences:

(a) A change in address or location.

1. A change in mailing address or physical location for the individual or Qualifying Agent must be made in writing or online within 30 days of the change.

2. A change in mailing address or physical location for the business organization must be made in writing or online within 45 days of the change.

3. If a duplicate pocket card is desired, a form available online must be submitted along with a fee.

(b) A change in the name of the business organization.

1. Notification must include evidence of the new name registered with the Secretary of State's office, if applicable.

2. If a duplicate pocket card is desired, a form available online must be submitted along with a fee.

3. This notification must occur within 45 days of the change.

(c) A change in the business organization's structure.

1. If a business organization's structure changes (e.g., ABC, Inc. to ABC, LLC), this is not considered a name change.

2. To license the new business organization, a previously qualified Qualifying Agent may apply for licensure by prior approval by submitting the appropriate form, available online, and fee.

3. This notification must occur within 45 days of the change.

(d) A change in an individual's or qualifying agent's name.

1. Notification must include copies of legal name change documents (e.g. divorce decree, marriage license, etc.)

2. If a duplicate pocket card is desired, a form, available online, must be submitted along with a fee.

3. This notification must occur within 30 days of the change.

(e) A change in the Qualify Agent affiliation with a business organization.

1. Notification that a Qualifying Agent is no longer affiliated with a business organization must be reported by the Qualifying Agent within 30 days of disaffiliation.

2. Notification that a Qualifying Agent is no longer affiliated with a business organization must be reported by an officer or an owner of the company within 45 days of disaffiliation.

3. A Qualifying Agent license will have the status of "null and void" upon the Board's receipt of such notice.

4. A Residential-Basic or Residential-Light Commercial Qualifying Agent will have ~~120 days~~ 1 year from the date of disaffiliation to submit an application for licensure by prior approval with the appropriate fee.

5. A business organization will have 120 days from the date of disaffiliation to submit an application for another Qualifying Agent, unless the business organization has another Qualifying Agent.

6. A Residential-Basic or Residential-Light Commercial Qualifying Agent who leaves a business organization and does not submit a prior approval application within ~~120 days~~ 1 year of disaffiliation must re-apply for licensure by examination. Exam scores that are less than two years old at the time of application may be used to meet the examination requirement.

However, application for licensure is still required.

Authority O.C.G.A. Secs. 43-41-5, 43-41-6, 43-41-9.

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Approval of Open Session Minutes:

A motion was made by Brian Daniel, seconded by Keely Fennell, and the Board voted unanimously to approve the minutes of the December 4, 2012, January 9, 2013, and January 25, 2013 Residential Division meetings 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 discussed Board Rule 553-12-.06 Revocation for Failure to Renew and Reinstatement, setting a reinstatement policy and adding Continuing Education requirements to the reinstatement application. The Board made a recommendation to table this discussion for Darren Mickler, Andy Cooper and Bob Barnard to create a draft of a new Board Rule and present in the next 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 Mark Herbert, seconded by Bobby Cleveland, and the Residential Division voted unanimously to ratify licenses issued from January 9, 2013 – February 19, 2013.

Executive Session:

At 9:44 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).

Bobby Cleveland left at 11:00 a.m.

Open Session was declared at 11:36 a.m. to vote on discussions from Executive Session.

Approval of Executive Session Minutes:

A motion was made by Bill Duck, seconded by Bob Barnard, and the Board voted unanimously to approve the Executive Session minutes of the December 4, 2012, January 9, 2013, and January 25, 2013 Residential Division meetings as presented.

Personal Appearances:

Applicant 1812906 – At the Board's request, this applicant appeared before the Board along with the company's attorney to discuss the Qualifying Agent application. The Board voted to send a letter requesting clarification on the name of the company.

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Applicant 1779709 – This applicant appeared before the Board to appeal the Board’s decision to issue a consent order. The Board voted to uphold decision to issue licensure with 24 month probation due to bankruptcy. Bob Barnard recused himself from the vote.

Applicant 1767408 – This applicant appeared before the Board to appeal denial of his application due to a complaint regarding the projects he used on his application. The Board voted to close complaint and issue license. Andy Cooper recused himself from the vote.

Applicant 1098908 – The Board voted to accept Consent Order for probation for licensure and close.

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 voted to deny this application. Applicant needs to submit an examination application. The fee will be waived and he will get credit for his exam scores since he has passed the exam.

Applicant # 1802074

The Residential Division reviewed the application. The Board voted to request a G.C.I.C. report and table for further investigation.

Applicant # 1796139

The Residential Division reviewed the application and accepted the Cognizant’s recommendation to deny this applicant due to applicant not having two projects within the last four years to qualify as a RLQA.

Applicant # 1792698

The Residential Division reviewed the application and accepted the Cognizant’s recommendation to deny this applicant due to projects not meeting the time frame

Applicant # 1798127

The Residential Division reviewed the application and accepted the Cognizant’s recommendation to deny this request due to the applicant not having two projects within the last four years to qualify as a RLQA.

Applicant # 1795215

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

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Board Office:

Board considered a request for insurance information on Applicant 1071940, and voted to deny the request.

RGC110209 – Board voted to refer to AG for revocation of licensure.

RGC110028 – Board voted to close.

RGC130109 – Board voted to uphold decision on licensure with probation, and accept applicant's withdrawal of application pursuant to his request.

RGC130154 – Board voted to issue license under consent order with probation to run concurrent with criminal probation.

RGC120296 – Board voted to accept Voluntary Surrender of licensure and close.

38108 – Board voted to accept request for release of probation on license.

38570 – Board voted to accept request for release of probation on license.

RGC120116 – Board voted to accept signed C&D order from Richard Squires and close.

RGC130003 – Board voted to close as work is a specialty.

RGC130153 – Board voted to refer to SSI for C&D, and to gather evidence of fraud in respondent's falsifying a licensure certificate.

RGC130087 – Board voted to close as matter was pre-licensure.

RGC130106 – Board voted to close with no action.

RGC130090 – Board voted to close as work was a specialty.

RGC130057 – Board voted to refer to SSI for C&D and/or sufficient evidence for a C&D Hearing.

RGC130063 – Board voted to refer to SSI for C&D and/or sufficient evidence for a C&D Hearing.

RGC130080 - Board voted to refer to SSI for C&D and/or sufficient evidence for a C&D Hearing.

RGC120304 – Board voted to refer to SSI for C&D on unlicensed party and gather sufficient evidence for discipline on licensee for assisting unlicensed practice.

RGC130121 – Board voted to refer to SSI for appropriate investigation.

RGC130123 – Board voted to close as work is a specialty.

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- RGC130129 - Board voted to refer to SSI for C&D and/or sufficient evidence for a C&D Hearing.
- RGC130130 – Board voted to close due to insufficient information.
- RGC130131 – Board voted to refer to SSI as companion case to 7 others.
- RGC130136 – Board voted to refer to SSI for C&D, and/or sufficient evidence for a C&D Hearing.
- RGC130137 – Board voted to close as work did not require a license.
- RGC130139 – Board voted to refer to Conditioned Air Board.
- RGC130140 – Board voted to refer to SSI for C&D and/or sufficient evidence for a C&D Hearing.
- RGC130141 – Board voted to refer to SSI for gathering sufficient evidence for disciplinary measures against licensee.
- RGC120216 – Board voted to refer to SSI for C&D and/or sufficient evidence for a C&D Hearing.
- RGC120070 – Board voted to close due to no response from complainant in over 60 days.
- RGC120038 – Board voted to close due to age and inactivity.
- RGC120141 – Board voted to close and allow applicant to continue with licensing process.
- RGC130134 – Board voted to close because of no cooperation from complainant.
- RGC120134 – Board voted to close due to lack of response from complainant.
- RGC120135 – Board voted to close because insufficient information was submitted.
- RGC120140 – Board voted to close as deficiencies have been satisfied.
- RGC110219 – Board voted to flag file and close.
- RGC130040 – Board voted to close due to lack of response from complainant.
- RGC130041 – Board voted to accept Consent Order for renewal due to conviction and close.
- RGC110153 – Board voted to close with no action.
- RGC130094 – Board voted to close as respondent has become licensed.
- RGC130097 – Board voted to close due to no response from complainant.

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RGC110186 – Board voted to close due to age and respondent becoming licensed.

RGC130082 – Board voted to close as complaint was withdrawn.

RGC110147 – Board voted to close because of no response from complainant.

RGC120059 – Board voted to close due to insufficient information.

RGC130090 – Board voted to close as work is a specialty.

RGC130057 – Board voted to refer to SSI for C&D on unlicensed person and gather evidence for discipline for the licensee for assisting unlicensed practice.

RGC120243 – Board voted to refer to SSI for C&D for unlicensed practice and/or gather sufficient evidence for C&D Hearing.

RGC130080 – Board voted to refer to SSI for C&D for unlicensed practice and/or gather sufficient evidence for C&D Hearing.

RGC130051 – Board voted to close as respondent is deceased.

RGC120145 – Board voted to close as work is a specialty.

RGC130136 – Board voted to refer to SSI for C&D for unlicensed practice and/or gather evidence sufficient for C&D Hearing.

RGC130010 – Board voted to close due to lack of response from complainant.

RGC130011 – Board voted to close due to lack of response from complainant.

RGC100344 – Board voted to refer to SSI upon receipt of updated information.

RGC120276 – Board voted to close due to lack of response from complainant.

RGC130135 – Board voted to close as this is a civil matter.

RGC130012 – Board voted to refer to SSI for sufficient evidence to revoke license.

RGC120153 – Board voted to refer to SSI for C&D for unlicensed practice, and to send a letter to licensed QA for company reminding him of his QA responsibilities.

RGC130148 – Board voted to refer to SSI with instructions to contact persons in complainant's report to learn progress of their projects, and to get records from building departments and check on inspections.

RGC100308 – Board voted to close with no action.

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- RGC100315 – Board voted to close due to age and inactivity.
- RGC110001 – Board voted to close with no action.
- RGC100343 – Board voted to close due to lack of respondent information.
- RGC110003 – Board voted to close due to age and inactivity.
- RGC110005 – Board voted to close due to age and inactivity.
- RGC110009 – Board voted to close due to non-responsiveness.
- RGC110022 – Board voted to close due to non-responsiveness.
- RGC120158 – Board voted to close with no action.
- RGC120106 – Board voted to refer to AG for revocation of licensure.
- RGC130018 – Board voted to refer to SSI after receipt of response from builder.
- RGC120184 – Board voted to close as work did not require a license.
- RGC100297 – Board voted to close with no action.
- RGC120203 – Board voted to close with no action.
- RGC130143 – Board voted to refer to SSI for C&D and/or gather evidence sufficient for C&D Hearing.
- RGC120145 – Board voted to close as work was a specialty.
- RGC110320 – Board voted to close due to lack of information submitted.
- RGC130151 – Board voted to refer to SSI for C&D and/or evidence sufficient for C&D Hearing.
- RGC130056 – Board voted to close, as the Board has no jurisdiction.
- RGC120104 – Board voted to close, as work was found by investigations to be a specialty.
- RGC120105 – Board voted to close as respondent was listed with a homebuilders association which does not require or indicate State licensure.
- RGC120218 – Board voted to close as work in question was less than \$2500.

Attorney General's Report:

Scarlett Shell presented a status report to the Board.

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With no other business to discuss, the Residential Division adjourned at 12:25 p.m.

Minutes recorded by:

Swan Fleming, Board Support Specialist

Minutes Edited/Reviewed by:

Darren Mickler, Executive Director