

**STATE LICENSING BOARD FOR
RESIDENTIAL AND GENERAL CONTRACTORS
Residential Division Meeting: June 12, 2013**

The State Licensing Board for Residential and General Contractors met on Wednesday, June 12, 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

Members absent:

Bobby Cleveland

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 8:57 a.m., Board Chair Andy Cooper established that a quorum was present and called the meeting to order.

Approval of Open Session Minutes:

A motion was made by Bob Barnard, seconded by Mark Herbert, and the Board voted unanimously to approve the minutes of the February 20, 2013 Residential Division Board meeting as presented.

Old/New Business:

The Board discussed Continuing Education hours regarding 553-12-.06 Reinstatement. The Board made a recommendation to add "Continuing Education hours have to be current for the time you have been inactive" to the Reinstatement application.

The Board discussed webinar courses. The Board made a recommendation to add an intermediate questionnaire and an exit questionnaire.

Election of Officers:

Bill Duck of Midland, Georgia was elected as the 2013-2014 Chair of the State Licensing Board for Residential and General Contractors: Residential Division.

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Keely Fennell of Statesboro, Georgia was elected as the 2013-2014 Vice Chair of the State Licensing Board for Residential and General Contractors: Residential Division.

Executive Director's Report:

Darren Mickler informed the Board of the following change to the Interested Parties list:

Recently, the Professional Licensing Boards Division of the Secretary of State's Office updated their software regarding the Interested Parties list maintained by the Board. The Interested Parties list is a way for the Board to notify licensees, as well as interested parties and associations, of current rules being proposed by the Board. Subscribers of this list are sent electronic notifications each time a proposed rule is being considered by the Board. Any person wishing to receive these notifications must now subscribe to the updated Interested Parties list maintained by the Board. Even if you were previously subscribed to receive such notifications, you will need to complete the subscription process again in order to continue receiving notifications from the Board.

If you would like to receive such notifications in the future, please visit the following link to subscribe: <http://sos.georgia.gov/plb/subscribe.htm>

If you choose not to subscribe, you will not receive these notifications from the Board. The proposed rules may always be viewed at the Board's website.

Darren Mickler discussed reciprocity with South Carolina, Alabama, and North Carolina.

Written Requests/Correspondence:

The Board reviewed a written request from Fred Landers for clarification regarding CE requirements of a Residential Basic license for the 2014 renewal. The Board made a recommendation to send a letter/response referring Mr. Landers to the Board Rules and Laws.

Petition for Rule Waiver: The Division considered a petition for a waiver of Rule 553-11-.01 from William Scott Rawls. 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.

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 Bob Barnard, seconded by Mark Herbert, and the Residential Division voted unanimously to ratify licenses issued from February 20, 2013 - June 11, 2013.

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Executive Session:

At 11:05 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, 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 11:51 a.m. to vote on discussions from Executive Session.

Approval of Executive Session Minutes:

A motion was made by Bob Barnard, seconded by Bob Mark Herbert, and the Board voted unanimously to approve the Executive Session minutes of the February 20, 2013 Residential Division meeting as presented.

Personal Appearances:

Applicant #1812906 – This applicant appeared before the Board along with the company’s attorney to discuss the Qualifying Agent application. The Board considered additional correspondence received. The Board voted to deny the applicant for prior approval but applicant may re-apply by exam. Upon passage of the exam, applicant’s license shall be issued with a consent order placing the license on probation for twelve months with the following conditions: licensure can never be used in local stores and shall not be extended to satellite offices without obtaining a qualifying agent at each location.

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 applicant due to unlicensed practice and issue a consent order assessing a \$500 fine. Applicant was approved to sit for the exam.

Applicant # 1818352

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

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Board Office:

Bob Barnard made a motion to accept the following recommendations from Executive Session:

ORR –The Board voted to deny the open records request for application information on Applicant 1197279.

ORR – The Board voted to deny the open records request for application information on Applicant 1157301.

John Hamilton Morse IV, Sugar Hill - The Board voted to accept docketed consent order for licensure and close.

Jefrey Pabst, Duluth - The Board voted to accept docketed consent order for licensure and close.

James Payne, Blue Ridge – The Board voted to accept docketed consent order for reactivation and close.

RGC130181 – The Board voted to refer to SSI for C&D.

RGC130120 – The Board voted to close as respondent could not be located.

Richard Erlewine, Lakemont - The Board voted to accept docketed consent order for licensure placing license on 24 months' probation and close.

RGC130169 – The Board voted to close with no action, as application has been withdrawn.

Timothy Sean McLain, Atlanta – The Board voted to accept docketed consent order for licensure and close.

Michael Alexander Golota, Cumming – The Board voted to accept docketed consent order for licensure and close.

RGC120237 – The Board voted to close due to lack of response from complainant.

Tony Williams, Richmond Hill – The Board voted to accept docketed voluntary C&D and close.

Gene Gore, Grayson – The Board voted to accept docketed voluntary C&D and close.

RGC130100 – The Board voted to close with no action due to no response from complainant.

RGC130161 – The Board voted to close with no action as project appears to be specialty.

RGC120194 – The Board voted to close with no action, unable to locate respondent.

RGC130119 – The Board voted to accept docketed consent order for licensure and close.

Mike Robbins, Acworth – The Board voted to accept docketed voluntary C&D and close.

Mike Vahdat, Marietta – The Board voted to accept docketed voluntary C&D and close.

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RGC120132 – The Board voted to place license on probation for 2 years for unprofessional conduct.

RGC130038 – The Board voted to close with no action as respondent could not be located.

RGC120222 – The Board voted to close as work is a specialty.

RGC120224 – The Board voted to close with no action as work is a specialty.

RGC120225 – The Board voted to close with no action as respondent could not be located.

RGC130068 – The Board voted to close with no action due to no response from complainant.

RGC120226 – The Board voted to close with no action due to no response from complainant.

RGC120227 – The Board voted to close with no action due to no response from complainant.

RGC120228 – The Board voted to close with no action due to no response from complainant.

RGC120231 – The Board voted to close with no action as consent order was not required.

RGC130101 – The Board voted to close with no action due to no response from complainant.

RGC130071 – The Board voted to close with no action as business was closed.

RGC120221 – The Board voted to close with no action.

RGC120232 – The Board voted to close with no action as work was pre-licensure.

RGC120022 – The Board voted to close with no action as respondent's license has lapsed, and he has moved out of state.

RGC130193 – The Board voted to send to SSI for C&D.

RGC130194 - The Board voted to send to SSI for C&D.

RGC130196 – The Board voted to send to SSI for C&D.

RGC130197 – The Board voted to send to SSI for C&D.

RGC130198 – The Board voted to send to SSI for C&D.

RGC130199 – The Board voted to send to SSI for C&D.

RGC130080 – The Board voted to refer to out of state Board and close.

RGC130139 – The Board voted to refer to conditioned air board and close.

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- RGC120216 – The Board voted to close with no action as this is a civil matter.
- RGC120293 – The Board voted to close with no action, due to no response from complainant.
- RGC120093 – The Board voted to close with no action.
- RGC120204 – The Board voted to close with no action.
- RGC 120285 – The Board voted to close with docketed C&D.
- Timothy Dean, Locust Grove – The Board voted to release probation.
- RGC120279 – The Board voted to refer to SSI.
- RGC120104 – The Board voted to close with no action.
- RGC110228 – the Board voted to close with no action, as this was pre-licensure.
- RGC110311 – The Board voted to accept docketed consent order and \$2500 fine and close.
- RGC130138 – The Board voted to close with no action, due to no response from complainant.
- RGC120152 – The Board voted to close with no action, due to work is a specialty.
- RGC120158 – The Board voted to close with no action.
- RGC120195 – The Board voted to refer to SSI.
- RGC120103 - The Board voted to close with no action.
- RGC130124 – The Board voted to close with no action, due to no response from complainant.
- RGC130126 – The Board voted to close with no action, due to work is a specialty.
- RGC130152 – The Board voted to close with no action, due to work is a specialty.
- RGC130177 – The Board voted to refer to SSI.
- RGC130202 – The Board voted to close with no action, due to no jurisdiction.
- RGC100148 – The Board voted to close with no action. No activity since 2010.
- RGC100163 - The Board voted to close with no action. No activity since 2010.
- RGC100177 - The Board voted to close with no action. No activity since 2010.

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RGC100184 - The Board voted to close with no action. No activity since 2010.

RGC100193 - The Board voted to close with no action. No activity since 2010.

RGC100196 - The Board voted to close with no action. No activity since 2010.

RGC100203 - The Board voted to close with no action. No activity since 2010.

RGC100215 - The Board voted to close with notation license is not to be reactivated.

RGC100218 - The Board voted to close with no action. No activity since 2010.

RGC100219 - The Board voted to close with no action. No activity since 2010.

RGC100221- The Board voted to close with no action. No activity since 2010.

RGC100262 - The Board voted to close with no action. No activity since 2010.

RGC100266 - The Board voted to close with no action. No activity since 2010.

RGC100274 - The Board voted to close with no action. No activity since 2010.

RGC100293 - The Board voted to close with no action. No activity since 2010.

RGC100320 - The Board voted to close with no action. Resolution achieved between respondent and complainant.

RGC100344 - The Board voted to close with no action. No activity since 2010.

RGC110025 - The Board voted to close with no action. No activity since 2010.

RGC130043/110299 – The Board voted to sanction licensee with consent order for 24 months' probation.

RGC120192/120264 – The Board voted to suspend license until court appointed debt is paid in full, and upon lifting of suspension the license is to be placed on 24 months' probation.

Applicant #1276959 – The Board voted to allow applicant to sit for the residential light exam. Application fee is waived.

RGC110220 – The Board voted to close with no action as matter is civil.

RGC130218 – The Board voted to issue a C&D for unlicensed practice and allow respondent to take the test, then license on probation.

RGC130222 – The Board voted to send to SSI for C&D.

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RGC120064 – The Board voted to update information and send to SSI for C&D.

RGC130127 – The Board voted to close as work is a specialty.

RGC120300 – The Board voted to forward to AG's office to begin proceedings to revoke license.

RGC130095 – The Board voted to refer to SSI for assisting unlicensed practice.

RGC130077/130054 – The Board voted to refer to AG's office for a C&D hearing.

RGC120125 – The Board voted to forward to AG's Office for suspension of license.

RGC120216 – The Board voted to forward to AG's office for a C&D hearing.

RGC130183 – The Board voted to forward to SSI for gathering evidence for suspension of license.

RGC110064 – The Board voted to forward to AG office for violation of a C&D.

RGC130206 – The Board voted to refer to SSI for C&D.

RGC130121 – The Board voted to close with no action.

Henry Alexander, Marietta – The Board voted to accept docketed consent order for licensure and close.

RGC120127 – The Board voted to refer to SSI for C&D and assisting unlicensed practice.

RGC130175 – The Board voted to refer to SSI for C&D for unlicensed practice.

Jason Vickers, Evans – The Board voted to accept docketed consent order for licensure for and close.

Mark Herbert seconded. The motion carried unanimously.

Attorney General's Report:

Scarlett Shell presented a status report to the Board. A motion was made by Bob Barnard, seconded by Mark Herbert, and the Residential Division voted unanimously to accept the Attorney General's report as presented.

Legal Services Report:

Sonya Williams presented the following cases requesting closure:

The Board made a recommendation to refer this case to the Secretary of State's Investigative Services for a voluntary C&D.

Applicant # 1775106

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The Board made a recommendation to refer this case to the Secretary of State's Investigative Services for a voluntary C&D.

RGC130113

With no other business to discuss, the Residential Division adjourned at 12:03 p.m.

Minutes recorded by:

Swan Fleming, Board Support Specialist

Minutes Edited/Reviewed by:

Darren Mickler, Executive Director