

STATE LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS

Residential Division

March 16, 2016

Open Session Minutes

The State Licensing Board for Residential and General Contractors, Residential Division met on Wednesday, March 16, 2016, at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia, for the purpose of conducting Board business.

Members present:

Delmar Robert "Bob" Barnard, Division Chairman
Timothy Andrew "Andy" Cooper, Division Vice Chairman
William "Bill" Lewis Duck, Jr.
Mark B. Herbert
Robert "Bobby" Joseph Cleveland, Jr
Keely Meredith Nesmith Fennell
Ted Noe

Members absent:

None

Staff present:

Deborah Beard, Executive Director
Laura Fremont, Board Support Specialist
D. Williams-McNeely, Senior Assistant Attorney General

Visitors present:

None

Call Meeting to Order:

At 9:06 a.m., Board Chair Barnard established that a quorum was present and called the meeting to order.

Approval of Open Session Minutes:

A motion was made by Herbert, seconded by Duck, and the Board voted to approve the minutes of the January 13, 2016 Residential Division Board meeting as presented. None opposed, motion carried.

Unlicensed Practice Complaint Process Options:

Barnard requested the below information be placed in the minutes to document how the Board can handle unlicensed practice complaints, per Board attorney.

1. Complaint can be referred to Investigations
 - a. If Investigations does not determine that unlicensed practice is occurring, they can collect evidence and refer the case back to the Board for closure.
 - b. If Investigations determines that unlicensed practice is occurring, they can offer the ULP party a voluntary Cease and Desist order to sign.
 - i. If the ULP party signs the voluntary C&D order, the case would be referred back to the Board for closure.
 - ii. If the ULP party refuses to sign the voluntary C&D order, Investigations can collect evidence and refer the case back to the Board.
 1. The Board can then serve the ULP party for a hearing.
 2. After a hearing, the Board (or Administrative Law Judge) can decide to issue a C&D order.
 - a. If the ULP party then violates the C&D order, the Board has the option of issuing a fine.
 - c. If licensee assisting an Unlicensed person then discipline the unlicensed person along with the licensee.

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Licenses Issued Report:

The Residential Division reviewed the list of applicants that have been previously reviewed and administratively approved by staff and/or by Division Board Members. A motion was made by Duck, seconded by Herbert, and the Residential Division voted to ratify 5 Residential Basic Individual, 21 Residential Basic Qualifying Agent, 21 Residential Basic Company, 2 Residential Light Commercial Individual, 18 Residential Light Qualifying Agent, and 18 Residential Light Company licenses issued from January 1, 2016-February 29, 2016. None opposed, motion carried.

Residential Basic Individual

RBI003720	Eyre, Brandon Tyler	RBI003723	Yacobacci, Joey Anthony
RBI003721	Bryson, Jason Eugene	RBI003724	Lindenberg, David Hampton
RBI003722	Sherick, Stephen		

Residential Basic Qualifying Agent

RBQA005992	Ray, Steve Alexander	RBQA006003	Smith, Chadley L
RBQA005993	Thein, Brett Eugene	RBQA006004	Vaughn, Willard Ray
RBQA005994	Williams, Peter Mark	RBQA006005	Hicks, Dennis Dewayne
RBQA005995	Fletcher, Marcus Monroe	RBQA006006	Parr, James Lee
RBQA005996	Beaty, Chris K	RBQA006007	Jones, Rhonda Lynn
RBQA005997	Elisha, Solomon Rajiv	RBQA006008	Lockman, Gary Sanders
RBQA005998	Shipskie, Timothy Robert	RBQA006009	Phillips, Charles Edgar, IV
RBQA005999	Hudson, Michael Ray	RBQA006010	Lau, Carter Louis
RBQA006000	Adamski, Laura Smith	RBQA006011	Mock, Antony Isaac
RBQA006001	Hall, Jeffrey Michael	RBQA006012	Maughon, William Grant
RBQA006002	Pittman, Michael Lee		

Residential Basic Company

RBCO005993	Ray Residential LLC	RBCO006004	ERIE Construction Mid-West Inc
RBCO005994	Habitat for Humanity of NW Metro Atlanta Inc	RBCO006005	Omega Homes of Georgia LLC
RBCO005995	American Craftsman Homes	RBCO006006	DDH Construction Services Inc
RBCO005996	Marcus Fletcher Construction LLC	RBCO006007	Larry James Construction Services Inc
RBCO005997	Cross Building LLC	RBCO006008	JJ Select LLC
RBCO005998	Georgia Outdoor Living Design LLC	RBCO006009	Lockman Properties LLC
RBCO005999	Core Homebuilders LLC	RBCO006010	Allegiant Contracting and Construction
RBCO006000	Quality Construction Group LLC	Services LLC	
RBCO006001	RLT Homes LLC	RBCO006011	LGI Homes Georgia, LLC
RBCO006002	Four Winds Construction LLC	RBCO006012	Mock Construction LLC
RBCO006003	PittCo Woodworks LLC	RBCO006013	Southern Generations Builders LLC

Residential Light Commercial Individual

RLCI001548	Holt, David L	RLCI001549	Grimes, Kenneth Clarence
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Residential Light Qualifying Agent

RLQA003889	Cooper, Thomas Dobkin	RLQA003898	Allen, Randolph Michael
RLQA003890	Royal, Jeffrey Everett	RLQA003899	Howard, Ryan Morgan
RLQA003891	Tucker, Clinton Lee	RLQA003900	El Moshneb, Yasser K
RLQA003892	Khosrownia, Ali Asghar	RLQA003901	Walk, Scott Alan
RLQA003893	Brown, Christian Kyle	RLQA003902	Ryals, Andrew Jason
RLQA003894	Lunsford, Lindsay Marie	RLQA003903	Becht, Charles Eugene
RLQA003895	White, Ruff Allen	RLQA003904	Hartmann, Marshall Collier
RLQA003896	Youngblood, William Fulton	RLQA003905	Murray, James Moy
RLQA003897	Herron, Donald Howard	RLQA003906	Lee, Harron Jacob, Jr

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Residential Light Company

RLCO003887	Cooper Homes Inc	RLCO003896	Summit Pointe Management Group LLC
RLCO003888	Madison Development Company LLC	RLCO003897	Post and Beam Builders LLC
RLCO003889	Kenai Companies LLC	RLCO003898	Sunflower Homes Inc
RLCO003890	Deep South Services Inc	RLCO003899	Jonathan Moore Homes LLC
RLCO003891	Magnet Construction LLC	RLCO003900	Ryals Construction Company Inc
RLCO003892	Pulte Home Corporation	RLCO003901	MG Development LLC
RLCO003893	Allen White Development Inc	RLCO003902	Hartmann Construction Inc
RLCO003894	Youngblood Construction Group	RLCO003903	Headmen Contracting LLC
RLCO003895	GDE Renovations LLC	RLCO003904	Country Heritage Homes LLC

Board Orders:

A motion was made by Herbert, seconded by Fennell, and the Residential Division voted to ratify the following Public Board Orders. None opposed, Herbert abstained, motion carried.

Hartmann, Marshall Collier	Consent Agreement for Licensure
Rowe, Amy Thompson	Consent Agreement for Licensure
Beaty, Chris K.	Consent Agreement for Licensure
Lababidi, Ali Fahed	Consent Agreement for Licensure
Calaicone, Fred Joseph	Consent Agreement for Licensure
Holman, Larry C	Consent Agreement for Licensure
Jones, Ian Blaine	Consent Agreement for Licensure
Murray, James	Consent Agreement for Licensure

Board Order Discussion:

The Board discussed the terms required of applicants when a Consent Agreement for Licensure is offered due to financial responsibility issues. The Board discussed requiring individuals to complete a financial responsibility course in addition to required continuing education. If the applicant has taken a financial course in the last 5 years the applicant may submit proof of completion of the course, in lieu of completing another financial course.

Open Records Request:

A motion was made by Fennell, seconded by Noe, and the Board voted to deny the request to release records which are confidential according to O.C.G.A. § 43-1-2(k) on the following Open Records Request. None opposed, motion carried.

- Genevieve Dame – Requested a complete copy of the file that [we] maintain on Sunrise Construction Company RLCO001937.
- Sean Hynes, Downey & Cleveland LLP – Requested any and all material in connection with Donald Alexander Bowles RBQA001875, and Donald Bowles, Inc. RBCO003526.

Request to Terminate Probation:

A motion was made by Duck, seconded by Cleveland, and the Board voted to approve terminating probation for the following licensees. None opposed, motion carried.

Pharis Daniel Bennett	RBQA004298
Dean Arthur Conn	RBQA005552
Gregory Martin Head	RBQA005738
Nathaniel Dugger	RBI003425

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Roderick Henry Hartman RBI003597

Petition for Rule Waiver – Ronald Clifford Peeler

A motion was made by Herbert, seconded by Duck, and the Board voted to deny the Petition for Rule Waiver due to failure to demonstrate sufficient hardship. Herbert, Duck, and Fennell in favor; Noe and Cleveland opposed; Barnard and Cooper abstained; motion carried.

Correspondence:

The Board reviewed correspondence from Paul Scarbary regarding questions about the authorization permit agent form.

1. By this form being fully executed and submitted to the permit office, the unlicensed individual can sign the permit application and building permit on behalf of the licensed company. Answer: Yes

2. The owner of the new building must be directly contracted with the company licensed and permitted to build the structure. Answer: Yes.

3. Can the owner contract with an agent/individual to hire a licensed contractor to build the facility? If yes, does the agent/individual have to hold a specific license? Answer: Yes. Please see O.C.G.A. § 43-41-2(3).

A motion was made by Duck, seconded by Herbert, and the Board voted to respond to the questions as noted above. None opposed, motion carried.

Authorized Permit Agent Form:

A motion was made by Herbert, seconded by Cooper, and the Board voted to accept the revised Agent Permit Form. None opposed, motion carried.

The Board stated the Business License, Building Permit, and Contract should all be in the same company name as listed on the license issued.

Executive Session:

At 10:20 a.m. a motion was made by Duck, seconded by Herbert, and the Board members present: Barnard, Cooper, Duck, Herbert, Cleveland, Fennell, Noe voted unanimously to enter into Executive Session in accordance with O.C.G.A. §§ 43-1-2(k), 43-1-19(h), and 50-14-2(1) to deliberate on applications, complaints, enforcement matters, review executive session minutes, and to receive the Senior Assistant Attorney General's report. None opposed, motion carried.

Chairman Barnard exited the meeting at 11:08 a.m. to conduct Investigative Interviews. Vice Chairman Cooper chaired the meeting at that time.

At the conclusion of the Executive Session on Wednesday, March 16, 2016, Cooper declared the meeting to be "open" pursuant to the Open and Public Meeting Act, O.C.G.A. §§ 50-14-1 et seq. No votes were taken during executive session.

OPEN SESSION:

Approval of Executive Session Minutes:

A motion was made by Herbert, seconded by Cooper, and the Board voted to approve the Executive Session minutes of the January 13, 2016 Residential Division meeting as presented. None opposed, motion carried.

Application Review:

A motion was made by Noe, seconded by Duck, and the Board voted to accept the following recommendations on the applications reviewed. None opposed, motion carried.

Approve the following applicants to sit for the exam and upon passing exam, may issue license.

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2604820

Approve the following applicants for licensure based on prior approval and refer to Legal Services for a Consent Agreement for Licensure by Prior Approval to include 24 months' probation and complete a pre-approved financial education course (in addition to CE hours) for failure to demonstrate financial responsibility.

2598524

2603230

2609729

Approve the following applicants for licensure based on reactivation and refer to Legal Services for a Consent Agreement for Licensure by Reactivation to include 24 months' probation and complete a pre-approved financial education course (in addition to CE hours) for failure to demonstrate financial responsibility.

2601789

Approve the following applicants to sit for the exam. Upon passing the exam, refer to Legal Services for a Consent Agreement for Licensure by Exam to include 24 months' probation and complete a pre-approved financial education course (in addition to CE hours) for failure to demonstrate financial responsibility.

2587620

2604866

2607157

2595934

2605083

2608266

Deny the following applicants to sit for the exam due to failure to meet qualifications.

2592139

Uphold denial of licensure to the following applicants based on felony conviction(s).

2527485

The following applicants submitted an incomplete application. Review once deficient documentation is received.

2604515 – Request applicant submit permit information for projects.

2591553 – Request applicant submit proof of 21 hours of CE and corrected bank documentation.

The following applicants were tabled until the next meeting for further review.

2562336

2592357

2605814

Renewal Review:

A motion was made by Cleveland, seconded by Herbert, and the Board voted to accept the following recommendations on the renewal applications reviewed. None opposed, motion carried.

Rescind previous motion, renew license, and request licensee submit certified court disposition documents.

1065614

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Complaint and Compliance Case Review:

A motion was made by Fennell, seconded by Cleveland, and the Board voted to accept the following recommendations on the complaint and compliance cases reviewed. None opposed, motion carried.

Accept signed Voluntary Cease and Desist orders and close the following cases with no further action.

RGC140099

Accept signed Consent Order/Agreement and close the following cases with no further action.

RGC150309

Close the following cases with no action.

RGC150159	RGC150196	RGC150229	RGC150280
RGC150176	RGC150213	RGC150246	

The following cases were tabled until the next meeting for further review.

RGC150300	RGC160117	RGC160165	RGC160192	RGC160211
RGC150313	RGC160120	RGC160169	RGC160198	RGC160212
RGC160004	RGC160122	RGC160170	RGC160199	RGC160213
RGC160018	RGC160123	RGC160171	RGC160200	RGC160217
RGC160034	RGC160124	RGC160172	RGC160201	RGC160225
RGC160037	RGC160153	RGC160179	RGC160202	
RGC160048	RGC160158	RGC160180	RGC160203	
RGC160078	RGC160161	RGC160181	RGC160206	
RGC160085	RGC160162	RGC160184	RGC160210	

Attorney General Report:

A motion was made by Duck, seconded by Fennell, and the Board voted to accept the recommendation to proceed to a hearing on case RGC150221 from the Attorney General's Case Status and Activity Report. None opposed, motion carried.

Application Review Policy:

A motion was made by Herbert, seconded by Duck, and the Board voted to require Cognizant review of all applicants reporting specialty experience or projects. The Board will discuss further at their next meeting. None opposed, motion carried.

With no other business to discuss, the Residential Division meeting adjourned at 12:24 p.m.

The next meeting scheduled Board meeting will be held on Wednesday, April 20, 2016 at 9:00 a.m.

Minutes recorded by:
Minutes edited/reviewed by:

Laura Fremont, Board Support Specialist
Deborah Beard, Executive Director

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DELMAR ROBERT "BOB" BARNARD

Division Chairman

DEBORAH BEARD

Executive Director

These minutes were approved on **04-20-16**.