

GEORGIA STATE CONSTRUCTION INDUSTRY LICENSING BOARD
DIVISION OF UTILITY CONTRACTORS
BOARD MEETING: October 26, 2011

The Georgia State Construction Board of Utility Contractors met on October 26, 2011 at the office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.

Board Members Present:

David Rawson, Chairperson
Jim Belk
Janette King
Maudine Wright

Staff Members Present:

Darren Mickler, Executive Director
Charlotte Mason, Licensing Analyst

Attorney General Representative:

Graham Barron, Assistant Attorney General via teleconference

The meeting was called to order at 9:13 a.m. by Chairperson Rawson.

Approval of Minutes:

Chairman Rawson made a motion to approve the minutes of the July 13, 2011 Board meeting. Mr. Belk seconded. The motion carried unanimously.

Executive Session

Mr. Rawson made a motion to enter into Executive Session in accordance with O.C.G.A.43-1-2(k) and 43-1-19(h) to deliberate on applications and investigative matters and to receive an investigative report. Mr. Belk seconded the motion. Voting in favor of the motion were those members present who included Board Members James Belk, Janette King, David Rawson, Keith Steen and Maudine Wright. The Board concluded Executive Session in order to vote on these matters and to continue with the public session.

The following staff members presented reports to the Board:

The Board Attorney provided a written status report on cases referred for action.

Open Session

Open Session reconvened at 11:46 a.m. with the following Board members present – Chairman Rawson, Keith Steen, Jim Belk, Janette King and Maudine Wright.

The Board considered the following correspondence and items of information:

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Investigations and Complaints

UTIL120003 - This case involves allegations of unlicensed practice. The Board made a recommendation to table case for further information.

UTIL120004 - This case involves an applicant with convictions. The Board made a recommendation to close this case.

To authorize approval or disapproval of Manager Examination applications, contractor applications and foreman application, as reviewed.

To issue, based on review by approved staff, the following utility foreman certificates:

UF204619	Carroll, Michael Duggan	UF204640	Carway, Michael James
UF204620	Carter, Noah Chad	UF204641	Campbell, Floyd Wayne
UF204621	Green, Randall	UF204642	Schwamb, Anthony Lee
UF204622	Whitcomb, James Gillam	UF204643	Bowlin, William Larry
UF204623	Roach, Matthew Wade, II	UF204644	Owens, Gene Tunny, III
UF204624	Michie, Bradley O'Neal	UF204645	Nutting, William Louis
UF204625	Sciabarrasi, Philip Louis	UF204646	Bryan, Shannon Blan
UF204626	Niemchak, James Mark	UF204647	Jack, Randal Lee
UF204627	Lamb, Christopher Scott	UF204648	Cronan, Freddy Frank
UF204628	Pryor, Larry Donnie	UF204649	Loggins, Blane Thomas
UF204629	Jacobs, Ricky A	UF204650	Williams, Charles Milton
UF204630	Raiford, Christopher Michael	UF204651	Jenrette, Willie Edward
UF204631	Young, Bryan Glen	UF204652	Scott, Earl D, Jr
UF204632	Gant, Christopher Adam	UF204653	Snell, Devin Earle
UF204633	Marshall, David Glen	UF204654	Snell, Joseph Eric
UF204634	Dewitt, Justin Earl	UF204655	Deese, Jon Vincent
UF204635	Siroky, Roger Allen	UF204656	Bell, Sequoia M
UF204636	Fulmore, Louis O	UF204657	Wagner, Dwayne R
UF204637	Williams, Vincent Leonard, Sr.	UF204658	Myers, Jody Michael
UF204638	Martin, Brian Nathan	UF204659	Fombutu, Frank Vanyuga
UF204639	Brogdon, James A		

To approve the results of the **September, 2011** examination results and issue Utility Manager certificates to those applicants obtaining a score of 70 or above. The following licenses were issued:

UM102428	Magill, J Timothy	UM102432	Thompson, Lester
UM102429	Peppers, Jason Brett	UM102433	Warda, David G
UM102430	Pinover, Bradford Bruce	UM102434	Yousefzadeh, Mohammed
UM102431	Rabun, John Thomas, Jr.		

To issue, based on review by approved staff, the following Utility Contractor certificates:

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UC302164	J & M Contractors LLC	UC302174	Atlanta Grading & Utilities LLC
UC302165	Complete Sitework Services LLC	UC302175	Phoenix Fabricators and Erectors Inc
UC302166	Summit Construction & Development	UC302176	Energy Services South LLC
UC302167	Archer Western Construction LLC	UC302177	A & D Environmental Services GA LLC
UC302168	Blondys LLC	UC302178	J H Hiers Construction LLC
UC302169	CECO Pipeline Services Company Inc	UC302179	Kennedy & Tillman LLC
UC302170	John W Wilson Grading Inc	UC302180	Ultimate Underground
UC302171	Jacklett Construction Inc	UC302181	SWW Construction LLC
UC302172	Quality Enterprises USA Inc	UC302182	George Grading and Hauling Inc
UC302173	Overland Contracting Inc		

Rules:

The Board discussed revisions to its rules and considered the following modifications to Rule # 121-2-07; 121-2-08; 121-2-09, 121-2-10 and 121-5-03.

121-2-.07 Statewide Utility Contractor License and Foreman Certification. Amended.

- (1) The applicant for statewide utility contractor examination must submit a completed application which:
- (a) Indicates if the applicant is a sole proprietorship, partnership, or corporation and, if a partnership or corporation, lists the names and addresses of the partners or officers and when and where formed or incorporated.
 - (b) Includes a copy of the safety policy adopted by the applicant. The safety policy must state the applicant's concern and support of safety, active and continuing efforts to provide a safe working environment, compliance with state and federal safety requirements, maintenance of a safety program, and requirements for regularly scheduled safety meetings for all field personnel.
 - (c) Includes a statement attesting to the employment of at least one current utility manager certificate holder on a regular, full-time basis to supervise the applicant's utility work by each permanent office.

- (2) The utility contractor must notify the division in writing within five (5) days of the severance of connection between such utility contractor and the utility manager certificate holder or holders upon whom the qualification of the utility contractor rests.

Authority O.C.G.A. Secs. 43-14-5, 43-14-6, 43-14-8.2. **History.** Original Rule entitled "Statewide Utility Contractor License and Foreman Certification" adopted. F. June 18, 1993; eff. July 8, 1993. **Amended:** F. Dec. 2, 1993; eff. Dec. 22, 1993. **Amended:** ER. 121-2-0.37-.07 adopted. F. May 5, 1994; eff. Apr. 28, 1994, the date of adoption. **Amended:** Permanent Rule adopted. F. June 27, 1994; eff. July 17, 1994.

121-2-.08 Statewide Utility Manager Certificate.

- (1) Applicants for statewide utility manager certificate must:

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- (a) submit a completed application;
 - (b) meet the prerequisite experience requirement, as defined in this Rule;
 - (c) pay the required fees;
 - (d) and obtain a score of seventy (70) on the utility manager examination.
- (2) Applicants for utility manager certificate must have a minimum of 2 years of experience as a licensed utility foreman in the State of Georgia or equivalent experience from another state as a manager or foreman in the field and a minimum of 3 years total experience for the construction, erection, alteration, or repair of utility systems at least five feet underground, including but not limited to 12 hours of actual instruction from a board-approved safety training course.

(3) Applicants for a statewide utility manager certificate must submit notarized letters on company letterhead from their employers listed in Part II – Experience Record on the Application for Certification as a Utility Manager to verify their experience record in the field for the minimum duration required for certification by this rule.

Authority O.C.G.A. Secs. 43-1-25, 43-14-5, 43-14-6, 43-14-8.3, 43-14-25. **History.** Original Rule entitled “Statewide Utility Manager Certificate” adopted. F. June 18, 1993; eff. July 8, 1993. **Repealed:** New Rule of same title adopted. F. Feb. 25, 2008; eff. Mar. 16, 2008. **Repealed:** New Rule of same title adopted. F. Jul. 13, 2011; eff. Aug. 2, 2011.

121-2-.09 Statewide Utility Foreman Certificate.

(1) Applicants for a statewide utility foreman certificate must submit a completed application with the required fee, which documents the successful completion of a division approved course of safety training as detailed in section 121-2-.10 of the board rules.

~~(2) In lieu of safety training, the applicant may submit a completed application with the required fee on or before December 31, 1994, which documents to the satisfaction of the division at least two years of experience as a utility foreman during the period of January 1, 1984, and June 30, 1994.~~

(2). Applicants for a statewide utility foreman certificate must have at least one (1) year of experience in the field in the construction, erection, alteration or repair of utility systems at least five feet underground to be eligible for this certification.

(3). Applicants for a statewide utility foreman certificate must submit notarized letters on company letterhead from their employers listed in Part II – Experience Record on the Application for Certification as a Utility Foreman to verify their experience record in the field for the minimum duration required for certification by this rule.

Authority O.C.G.A. Secs. 43-14-5, 43-14-6, 43-14-8.4. **History.** Original Rule entitled “Statewide Utility Foreman Certificate” adopted. F. June 18, 1993; eff. July 8, 1993.
Amended: ER. 121-2-0.37-.09 adopted.

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F. May 5, 1994; eff. Apr. 28, 1994, the date of adoption. **Amended:** Permanent Rule adopted. F. June 27, 1994; eff. July 17, 1994.

121-2-.10, Utility Foreman Safety Training Course.

(1) The Safety Training Course required of persons applying for utility foreman certification must be a course with at least 12 7 hours of actual instruction including Competent Person in Trenching and Excavation and Confined Space Entry training. The course must give adequate instruction on methods of design of protective systems, procedures for conducting initial inspections, soil assessment methods, methods for checking for the presence of fissures, methods of assessing the capacity of the system to resist load, methods of assessing the stability of adjoining structures, and methods of conducting daily inspections and inspection based on changing circumstances, as covered by 29CFR1926(P). The course instructor must have field experience, training experience, and educational background and have completed a Safety Training Course, acceptable to the division.

(2) In order to be approved as a Safety Training Course, the course outline and procedures, participate workbook, and instructor's qualifications must be submitted to the division. If the course and the instructor are acceptable to the Utility division, the course will receive probationary approval for one year. Continuation of the approval beyond the initial one year period will be based on the board review of the course and instructor, any audit by the division of the course, participants attending. As a condition of approval, the division reserves the right to have members or staff attend courses unannounced and without change. If the division determines that the course is not adequate or the instructor is not qualified, the division may cancel its approval at any time. If the course or instructor are not accepted by OSHA as adequate for competent person training or confined space entry training, the division may cancel its approval of the course or instructor at any time. Persons conducting a course for which approval has been denied or canceled may request to meet with the division to discuss the course.

(3) After February 1, 2012, no additional courses for safety training for utility contracting will be approved by the board as dictated per O.C.G.A. 43-14-8.3 and 42-14-8.4.

Authority O.C.G.A. Secs. 43-14-5, 43-14-6. **History.** Original Rule entitled "Utility Foreman Safety Training Course" adopted. F. Jun. 18, 1993; eff. Jul. 8, 1993.

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121-5-.03 Schedule of Fines

The Georgia Construction Industry Licensing Board Utility Division may impose fines for violations of O.C.G.A. Title 43 Chapter 14 (43-14). The fines shall be imposed for certain violations to this statute, and the amount of the fine shall vary due to the violation. A licensee who actually holds a license or a person who is required to be licensed by this chapter who commits a violation as listed below may be fined as indicated below. A governing body, city, county, or authority who commits a violation as listed below may be fined as indicated below. The division may at its discretion change the Schedule of Fines in whole or in parts as necessary. The licensee or other person, governing body, city, county or authority in violation of the statute shall pay the fine in full within (30) days after receiving written notification from a representative of the division unless the licensee or other person, governing body, city, county or authority in violation of the statute requests in writing a hearing before the division. A request for a hearing from the licensee or other person, governing body, city, county or authority in violation of the statute must be made in writing and received by the division within (30) days after written notification from the division. Failure to either pay the fine or request a hearing shall result in immediate suspension of the license (if held) pending a hearing by the division to determine the type of disciplinary action that is to be imposed on the licensee up to and including revocation of the license. An unlicensed person, governing body, city, county or authority in violation of the statute will be reported to the Georgia Secretary of State's office for disciplinary action and recovery of the fine assessed. The Utility Division may impose the following disciplinary actions and fines:

- (a) The first violation of the current statute by an offender is subject to the fine as imposed by the division.
- (b) The second violation of the current statute by an offender is subject to suspension of the license (if held) for a period of up to two (2) years. Offenders without a current license will be reported to the Georgia Secretary of State's office for disciplinary action and recovery of the fine assessed.
- (c) A third violation of the current statute will result in revocation of the license (if held).
- (d) The violations and fines are as follows:
 - (1) Any action by a person, sole proprietorship, partnership or corporation who advertises in a manner that the general public believes that person is a Utility Contractor for the purpose or intent to perform work as a Utility Contractor subsequent to O.C.G.A. 43-14-12.2 (b); \$2,500.00
 - (2) Any action by a person, sole proprietorship, partnership or corporation who submits a bid for utility contracting that the general public perceives or that the current law dictates as utility contracting; \$2,500.00
 - (3) Any action by a person, sole proprietorship, partnership or corporation who signs a contract for utility contracting without a valid utility contractor license; \$5,000.00

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There being no further business, at 12:23 p.m., Chairman Rawson moved to adjourn.
Janette King seconded. The motion carried unanimously.

Board Secretary

Date Approved

Executive Director

Division Chairman