

# STATE CONSTRUCTION INDUSTRY LICENSING BOARD

## Division of Conditioned Air Contractors

April 6, 2016 Meeting

### Open Session Minutes

A meeting of the Georgia State Construction Industry Licensing Board, Division of Conditioned Air Contractors was held on Wednesday, April 6, 2016, at the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia for the purpose of conducting Board business.

**Members present:**

Ken Davis, Chairman  
Johnny Lyons  
Kevin Green

**Members absent:**

Rudy Weaver  
Michael Miller, Consumer Member

**Staff present:**

Deborah Beard, Executive Director  
Laura Fremont, Board Support Specialist  
Brooke Newby, PLB Staff Attorney – via teleconference  
Josh Waters, Operations and Compliance Manager  
David Stubins, Senior Assistant Attorney General

**Visitors present:**

None

**Call to Order:**

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

**Approval of Open Session Minutes:**

A motion was made by Green, seconded by Davis, and the Board voted to approve the minutes of the November 4, 2015 meeting and December 15, 2015 teleconference. None opposed, motion carried.

**Ratifications:**

The Division of Conditioned Air Contractors reviewed the list of applicants which were previously reviewed and administratively approved by Cognizant Board Members. A motion was made by Lyons, seconded by Green, and the Board voted to ratify 24 Conditioned Air Restricted and 24 Conditioned Air Non-Restricted licenses issued from November 1, 2015-March 31, 2016. None opposed, motion carried.

**Restricted**

CR110196 Akins, Matthew Edward  
CR110197 Baugh, Gregory Nathan  
CR110198 Bingham, Robert Keith  
CR110199 Bishop, Jonathan Lewis  
CR110200 Cerny, Jonathan David  
CR110201 Denny, Jason Wallace  
CR110202 Elliott, Dennis Michael  
CR110203 Fearon, Lorenzo James  
CR110204 Gary, Angelo  
CR110205 Glass, Carson Kit  
CR110206 Harper, Elton W, Jr  
CR110207 Hughes, Robert Ashley

CR110208 Jeffcoat, Todd Allen  
CR110209 Jett, Johnnie Steven  
CR110210 Lewis, David Michael  
CR110211 Mahedy, Paul Patrick  
CR110212 Montanez, Luis Sanchez  
CR110213 Ostrander, Aaron Leigh  
CR110214 Quigg, Jacob Reid  
CR110215 Quinn, Justin William  
CR110216 Shakir, Salim A  
CR110217 Watson, Charles Randall  
CR110218 Davis, David Keith  
CR110219 Younginer, Michael Anthony

**Non- Restricted**

CN210945 Ballard, Travis Lane  
CN210946 Ball, Justin Wade  
CN210947 Bray, Matthew Ryan  
CN210948 Bryan, Wesley David  
CN210949 Childers, Harvey Dean, Jr

CN210950 Cotton, Michael Shannon  
CN210951 Golden, John Gregory  
CN210952 Jaffe, Stephen Eric  
CN210953 Neese, Jordan Lee  
CN210954 Pierce, Terry Lee

# STATE CONSTRUCTION INDUSTRY LICENSING BOARD

## Division of Conditioned Air Contractors

April 6, 2016 Meeting

### Open Session Minutes

CN210955	Rich, Robert Christopher	CN210962	Williford, Austin Bruce
CN210956	Roper, Terry	CN210963	Cooper, James Dennis
CN210957	Scott, Charles Keith	CN210964	Bell, Charles Marcus
CN210958	Stokes, Brian Lee	CN210965	James, Ty Allen
CN210959	Street, Russell Orian	CN210966	Miles, Edgar Donald, IV
CN210960	Timpson, Timothy J	CN210967	Everett, Travis James
CN210961	Waters, David Jason	CN210968	Lowry, Samuel Martin, Jr

#### **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.

Hamrick, Adam	Voluntary Cease and Desist
Hamrick, Angelea	Voluntary Cease and Desist
Davis, Gregory	Voluntary Cease and Desist
Lowe, Jacob	Voluntary Cease and Desist
Kendrick, Christopher	Voluntary Cease and Desist

#### **Business Registration:**

Deborah Beard, Executive Director present the Board with a proposed application for the Conditioned Air Business Registration. She updated the Board as to how the Conditioned Air Business Registration license would be issued, how the number would be displayed on the website, and how the public could verify the license number. The Board was also informed the Business Registration number will be the same number as the qualifying licensee and it would have the same expiration date. There will be no renewal of the Business Registration because it will automatically renew once the qualifying licensee renews. The Board reviewed and discussed the information presented.

A motion was made by Davis, seconded by Lyons, and the Board voted to accept the applications and forms that have been created to provide for collection of the Business Registration of licensees. None opposed, motion carried.

#### **Discussion:**

The Board discussed installation of commercial range hoods/vents, duct cleaning, and commercial refrigeration. A motion was made by Davis, seconded by Lyons, and the Board voted that licensure is not required for duct cleaning or commercial refrigeration, however, licensure is required for installation of commercial range hoods/vents and any cleaning involving HVAC equipment. None opposed, motion carried.

#### **Exam Approval Letter:**

Deborah Beard, Executive Director discussed with the Board the current process for their applications and the exam approval letter. A policy was presented to the Board regarding a timeframe in which applications would be valid. The Board was provided with a revised exam approval letter to include language which has been previously discussed. The letter informs applicants the application is valid for one year, and passing the exam does not authorize them to practice. The letter also informs applicants that upon receipt of a passing score, the Board maintains the authority to further review the application and the Board may deny licensure pursuant to O.C.G.A. §§ 43-1-19 and 43-14-6. The Board reviewed and discussed the policy and proposed revised exam approval letter.

A motion was made by Davis, seconded by Green, and the Board voted to accept the revised Exam Approval Letter. None opposed, motion carried.

# STATE CONSTRUCTION INDUSTRY LICENSING BOARD

## Division of Conditioned Air Contractors

April 6, 2016 Meeting

### Open Session Minutes

#### **Discussion:**

During discussion of voluntary C&D offered for ULP, Stubins stated that it was no use to offer a second voluntary C&D because there was nothing that we can do if they violate the order. Stubins recommended that the board staff notify the cognizant when a complaint is sent over that a previous voluntary C&D was offered and signed. He then suggested that once the cognizant is aware of the 1st signed voluntary C&D, to just close the additional complaint case, since there is nothing further that can be done.

Green stated that he did not see the point of serving on the board if they (Board) is only going to “beat up” on licensees. Stubins stated that he thinks we should tell complainants that hire ULP and then complain about the work done/not done to “pound sand”. That the homeowners who decide to use an ULP have gotten what they deserve.

Stubins said he has been advised that the AG’s office is not authorized to forward complaints to the local jurisdictions for prosecution. However, the Board can vote for the Board staff to forward the case to the local jurisdictions for prosecution.

The final decision was to still send the ULP complaints to the cognizant for review, and if possible, to include notification if the ULP party had already signed a voluntary C&D.

#### **Staff Administrative Authority Policy:**

The Board discussed staff administrative authority policies. A motion was made by Lyons, seconded by Davis, and the Board voted to accept the administrative authority policies as revised. None opposed, motion carried.

#### **Election of Division Chair:**

A motion was made by Lyons, seconded by Green, and the Board voted to elect Ken Davis as the Division Chair for 2016. None opposed, motion carried.

#### **Cognizant Selection:**

A motion was made by Lyons, seconded by Green, and the Board voted to select Ken Davis and Rudy Weaver as Complaint Cognizants. None opposed, motion carried.

A motion was made by Weaver, seconded by Green, and the Board voted to select Johnny Lyons and Kevin Green as Application Cognizants. None opposed, motion carried.

#### **CE Provider Requests:**

A motion was made by Lyons, seconded by Davis, and the Board voted to approve the courses offered by GA Power and WATSCO. None opposed, motion carried.

#### **Correspondence:**

A motion was made by Green, seconded by Lyons, and the Board voted to respond to correspondence received from Emily Vowell, that the Board has not waived exam requirements and all applications received after September 30, 1983, are subject to the current licensure qualifications, including examination and reference requirements. None opposed, motion carried.

A motion was made by Green, seconded by Lyons, and the Board voted to respond to correspondence received from Thaddeus Reay, that the Board referred him to Board Rule 121-2-.03(1). None opposed, motion carried.

#### **Executive Session:**

# STATE CONSTRUCTION INDUSTRY LICENSING BOARD

## Division of Conditioned Air Contractors

April 6, 2016 Meeting

### Open Session Minutes

At 10:48 a.m. a motion was made by Lyons, seconded by Green, and the Board members present voted 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). None opposed, motion carried.

At the conclusion of the Executive Session on Wednesday, April 6, 2016, Davis 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 Lyons, seconded by Davis, and the Board voted to approve the Executive Session minutes of the November 4, 2015 meeting and December 15, 2015 teleconference. None opposed, motion carried.

##### Applicant Appearances:

A motion was made by Lyons, seconded by Green, and the Board voted to accept the recommendations on the applicant appearances conducted. None opposed, motion carried.

2583863 – Uphold previous decision.

2569460 – Uphold previous decision.

2584687 – Rescind previous denial and approve to sit for the exam, and upon passing, may issue license.

##### Application:

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

Approve the following applicant(s) for licensure based on reciprocity with Louisiana.

2588941                      2603851

Approve the following applicant(s) for licensure based on reciprocity with South Carolina.

2581611                      2607251                      2610851                      2611324

Approve the following applicant(s) for licensure based on reciprocity with Texas.

2591940

Approve the following applicant(s) for reinstatement.

2607307

The following applicant(s) passed the exam. Approve for licensure.

2586128                      2588750                      2589110                      2589357                      2589361

The following applicant(s) passed the exam. Refer to Legal Services for a Consent Agreement for Licensure by Exam to include 24 months' probation.

2535725                      2586771

Approve the following applicant(s) to sit for the exam and upon passing exam, may issue license.

2284645	2536145	2589466	2589666	2590267
2472453	2536238	2589475	2589669	2591136
2530709	2573918	2589496	2589822	2591675
2535725	2588771	2589620	2589825	2593235

**STATE CONSTRUCTION INDUSTRY LICENSING BOARD**  
**Division of Conditioned Air Contractors**  
**April 6, 2016 Meeting**  
**Open Session Minutes**

2594296	2606607	2609091	2611570	2612288
2594872	2606877	2609769	2611925	2612304
2596841	2607783	2610276	2612036	2612345
2598770	2608502	2611126	2612061	2612459
2602923	2608507	2611306	2612112	2612464
2604390	2608512	2611313	2612263	2612545

Approve the following applicant(s) to sit for the exam and upon passing exam, board review is required prior to issuing license.

2612285

Deny the following applicant(s) to sit for the exam due to failure to meet qualifications.

259716	2567310	2595051	2612692
2301273	2569777	2611565	2534632
2472376	2594030	2611585	

Uphold the previous decision on the following applicant(s).

2589495

The following applicant(s) submitted an incomplete renewal application and will be reviewed once deficient documentation is received.

2536455 – Submit certified court documents for the final dispositions for the 2012 charges.

2586994 – Submit a more detailed job description.

2589031 – Submit missing reference form.

2589160 – Submit W-2 for employment listed on application.

2589498 – Submit detailed work experience in installation and management.

2589507 – Submit additional reference.

2611302 – Submit detailed work experience in design.

The following applicant(s) were tabled until the next meeting for further review.

2478259	2590948	2610134	2612148	2612461
2503311	2591631	2611576	2612151	2612462
2513793	2592640	2611710	2612162	2612568
2536830	2598498	2611928	2612269	2612672
2569522	2602607	2612042	2612293	2613012
2573012	2604483	2612067	2612310	2567993
2581939	2605787	2612139	2612341	2438302
2582819	2610062	2612144	2612458	2603777

**Renewal Review:**

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

Approve the following renewal applicant(s) for renewal with no further action.

723348	723778	873349	1157780	1757654
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Approve the following renewal applicant(s) for renewal with a letter of concern.

# STATE CONSTRUCTION INDUSTRY LICENSING BOARD

## Division of Conditioned Air Contractors

April 6, 2016 Meeting

### Open Session Minutes

1793101

Approve the following renewal applicant(s) for renewal and request court documentation once criminal case is closed.  
940243

Refer the following renewal applicant(s) to Attorney General's office for license revocation.  
727165                      853358

Refer the following renewal applicant(s) to Attorney General's office for voluntary license surrender.  
721461                      721449

Send deficiency letter to the following applicant(s) and renewal application will be reviewed again once deficient documentation is received.

- 728389 – Submit documentation of mental health evaluation and completion of anger management course as required by criminal sentence.
- 728268 – Submit a letter of explanation for the criminal activity.
- 729427 – Submit a current GCIC.
- 721493 – Submit certified court documents for the final disposition of the criminal case.
- 1261510 – Submit documentation that fine has been paid.

#### **Discussion:**

A motion was made by Lyons, seconded by Green, and the Board voted to decline a request presented by David Stubins, Senior Assistant Attorney General, on behalf of CAAG, for a joint voluntary program to restrict distributors from selling HVAC equipment to unlicensed persons. None opposed, motion carried.

A motion was made by Lyons, seconded by Green, and the Board voted to decline a proposal from David Stubins, Senior Assistant Attorney General, for the Board to pursue legislation regarding display of warranty information and/or to request assistance from the Georgia Department of Law Consumer Protection Unit regarding legislation. None opposed, motion carried.

A motion was made by Lyons, seconded by Green, and the Board voted to authorize David Stubins, Senior Assistant Attorney General, to communicate with the Georgia Department of Law Consumer Protection Unit on increasing consumer education on the HVAC warranty provision relating to unlicensed installation. None opposed, motion carried.

#### **Case Review (Legal and Discipline cases):**

(CA= Conditioned Air Contractor Investigative Case Number)

A motion was made by Lyons, seconded by Green, and the Board voted to accept the recommendations on the cases reviewed. None opposed, motion carried.

Accept signed Voluntary Cease and Desist order and close the following case(s) with no further action.  
CA160007                      CA160019                      CA160041

Close the following case(s) with no action.  
CA130120                      CA150003                      CA160002                      CA160029                      CA160040

Close the following case(s) with no action due to no violation.

**STATE CONSTRUCTION INDUSTRY LICENSING BOARD**  
**Division of Conditioned Air Contractors**  
**April 6, 2016 Meeting**  
**Open Session Minutes**

CA130123

CA160025

CA160028

CA150063

Request documented evidence from complainant on the following case(s).

CA160014

Refer the following case(s) to Investigations.

CA160023

Close the following case(s) with no action due to lack of response from complainant.

CA160034

Close the following case(s) with no action based on request from complainant.

CA160038

Close the following case(s) with no action due to no jurisdiction and refer to Consumer Affairs.

CA160055

Refer the following case(s) to Attorney General's office for a Consent Order to include 24 months' probation and a fine of \$5,000 for both licensees involved.

CA150048

Refer the following case(s) to Attorney General's office for a Cease and Desist order.

CA160050

Refer the following case(s) to Attorney General's office for a Consent Order to include 24 months' probation, 8 additional hours of Continuing Education, and full restitution to the respondent.

CA160024

Table the following case(s) until the next meeting for further review.

CA030061

With no other business to discuss, the meeting adjourned at 6:16 p.m.

The next meeting will be held on Wednesday, August 3, 2016 at 9:00 a.m.

Minutes recorded by:

Laura Fremont, Board Support Specialist

Minutes edited/reviewed by:

Deborah Beard, Executive Director

**KEN DAVIS**

Division Chairman

**DEBORAH BEARD**

Executive Director

These minutes were approved on **08-03-16**.