

STATE LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS
Residential Contractor Division
February 22, 2017
Open Session Minutes

The State Licensing Board for Residential and General Contractors, Residential Contractor Division met on Wednesday, February 22, 2017, 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
William "Bill" Lewis Duck, Jr.
Keely Meredith Nesmith Fennell
Jarrett McIntosh
Ted Noe
Robert "Bobby" Joseph Cleveland, Jr
Timothy Andrew "Andy" Cooper, Division Vice Chair

Members absent:

None

Staff present:

Deborah Beard , Executive Director
Ken English, Licensure Supervisor
Laura Fremont, Licensure Analyst
Amber Burch, Board Support Specialist
Maximillian Changus, Assistant Attorney General
Amanda Califf, Licensure Analyst

Visitors present:

Eddie Burrand
Sherryl Burrand

Call Meeting to Order:

At 9:02 a.m., Division Chair Barnard established that a quorum was present and called the meeting to order.

Approval of Open Session Minutes:

A motion was made by McIntosh, seconded by Duck, and the Board voted to approve the minutes of the January 11, 2017 Residential Contractor Division Board meeting. None opposed, motion carried.

Licenses Issued Report:

The Residential Contractor 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 Cooper, seconded by Noe, and the Residential Division voted to ratify 2 Residential Basic Individual, 10 Residential Basic Qualifying Agent, 10 Residential Basic Company, 2 Residential Light Commercial Individual, 9 Residential Light Qualifying Agent, and 9 Residential Light Company licenses issued from January 1-31, 2017. None opposed, motion carried.

Residential Basic Individual

RBI003765	Charles C Osborne	RBI003766	Milton Jeffrey Waldrop
-----------	-------------------	-----------	------------------------

Residential Basic Qualifying Agent

RBQA006201	Stephen Randall Valenti	RBQA006206	Jazz Lee Hunt
RBQA006202	Chadwick Stephen Knott	RBQA006207	Christopher Stuart Veal
RBQA006203	James Edward Zboran	RBQA006208	Michael Deane Johnson
RBQA006204	Mitchell R. Martin	RBQA006209	Roger William Morlan, II
RBQA006205	David Eugene Taylor	RBQA006210	Robert Brian Travers

STATE LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS
Residential Contractor Division
February 22, 2017
Open Session Minutes

Residential Basic Company

RBCO006203	Kanler Inc	RBCO006208	Hunts Construction LLC
RBCO006204	Yonah Home Company LLC	RBCO006209	Chris Veal Construction LLC
RBCO006205	Water Tight Roofing and Construction LLC	RBCO006210	360 Construction LLC
RBCO006206	Stone Martin Builders LLC	RBCO006211	All Restoration Solutions Inc
RBCO006207	CMH Parks, Inc dba Chafin Builders	RBCO006212	On The Level Development Group Inc

Residential Light Commercial Individual

RLCI001558	Wayne Carl Lee	RLCI001559	Brandon Paul Rickman
------------	----------------	------------	----------------------

Residential Light Qualifying Agent

RLQA004023	Anthony S Perry	RLQA004028	Thomas Edward Merck
RLQA004024	Jimmy Ellison	RLQA004029	George Alan Collins
RLQA004025	Michael A Shina	RLQA004030	Emmett Warren Chupp
RLQA004026	Michael Albert Ashkouti	RLQA004031	Evan Bradley Crowe
RLQA004027	Stanley Glenn Hyatt		

Residential Light Qualifying Agent

RLCO004023	Rezide Properties LLC	RLCO004028	Merck & Associates LLC
RLCO004024	Southland Construction LLC	RLCO004029	Perry Custom Homes LLC
RLCO004025	Solstice Housing Group LLC	RLCO004030	RDW Construction Company LLC
RLCO004026	Heritage Capitol Partners LLC	RLCO004031	CroweBuilt Homes LLC
RLCO004027	Virtue Construction Co Inc		

Board Orders:

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

Waddell, Jeffrey	Consent Agreement for Reinstatement
Parker, Sam	Consent Agreement For Reactivation

Request to Terminate Probation:

A motion was made by Duck, seconded by McIntosh, and the Board voted to approve terminating probation for the following licensee(s). None opposed, motion carried.

Glawson III, William	RLQA003868
Golota, Michael	RBI003628
Beaty, Chris	RBQA005996
Jones, Carl	RLQA003720

Correspondence:

Marc Caputo – A motion was made by Duck, seconded by Keely, and the Board voted to respond that according to O.C.G.A. § 43-41-17(h) it is not legal for homeowners to pull permits and then have a licensee build the home and/or hire unlicensed persons to supervise a job.

Paul Reed – A motion was by Duck, seconded by Keely, and the Board voted to refer to O.C.G.A. 43-41 and specifically O.C.G.A. § 43-41-17(h) due to licensure being required for structural changes.

STATE LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS
Residential Contractor Division
February 22, 2017
Open Session Minutes

Discussion Items:

Barnard informed the Board he asked Ronald Eddie Burrand and Sheryl Burrand to come to the meeting to discuss with the Board their experience when trying to reinstate Mr. Burrand's license. Sheryl Burrand explained she called the office to find out what needed to be done for Eddie Burrand to reinstate his license. The call center representative referred her to the Board website to review the Board laws and rules, and the staff member emailed her a copy of the reinstatement application. Mrs. Burrand verified Mr. Burrand received notification in 2010 to renew his license, but he couldn't afford the renewal and so he let it lapse. She said no one ever told them in 2010 they could inactive his license. She said she didn't realize there was a five (5) year rule to reinstate.

She reported submitting the reinstatement application for Mr. Burrand and listing a new company instead of the previous company Mr. Burrand was licensed with as the qualifying agent. She reported Mr. Burrand received a deficiency letter from the Board office and what information was needed to complete the application. They contacted their attorney about their company being dissolved with corporations and whether to reactivate the license. They decided to reactivate the initial company license with corporations and then contacted the Board office to verify the company was now in an active status. Once they submitted all required documents they received a letter saying Mr. Burrand had to take the exam. She said they didn't understand the reinstatement process and aren't very computer literate to find information on the Board website. She said they called the Analysts assigned to Mr. Burrand's application and he was very nice and helpful.

The Analyst informed them of the reinstatement process including requirements if a license is lapsed more than five years. Mrs. Burrand said her issue was that they didn't realize Mr. Burrand was going to have to sit for the exam. They didn't realize if Mr. Burrand had reinstated within five (5) years he wouldn't have been required to sit for the exam. Mr. Burrand reported he hasn't had to take a test in years and isn't sure he can pass if required to sit for the exam.

Barnard stated he feels the staff is doing their job, but that the system is flawed. He feels the call center is giving misinformation. He reported calling the call center three different times to see what he would be told and all three times he was given misinformation. He said the call center representatives have to take calls for thirty-eight boards and there is no way they can know all of the Board laws and rules. He said the applicant should have been told when he called the office that he was going to have to sit for the exam, since his license was lapsed over five (5) years. He said if the license is lapsed over five (5) years there is nothing else an applicant can do other than sit for the exam.

Board Attorney Changus informed Mr. Burrand he had the right to request a Rule Waiver or Variance of the rule which requires individuals to sit for the exam after license has lapsed over five (5) years. Mr. Burrand was provided with a copy of a Rule Waiver or Variance request form. Mr. Burrand was told to identify the rule and the hardship.

Barnard informed the Board he had some policies he would like the Board to consider.

- **Reinstatement Policy:**

Barnard presented a proposed reinstatement policy. Barnard explained it has been the Boards practice to require those reinstating after five (5) years to sit for the exam. He discussed how he determines if a license has been lapsed five (5) years. Board discussed Rule 553-12-.06 as it relates to reinstatement and if reinstatement is submitted more than five (5) years after the expiration date of the license, the applicant shall submit fee, application, including sitting for the exam. Board discussed Rule 553-12-.01 which states renewal is due and payable by June 30th of even years. Also, the Board does have a late renewal period which runs through December 31st even years.

STATE LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS
Residential Contractor Division
February 22, 2017
Open Session Minutes

Discussion included how the Board determined the fee to reinstate. Initially it was \$100 fee for the application and \$200 reinstatement fee because the individual didn't renew. Therefore, the total reinstatement application fee was \$300. Beard informed the Board that the office has received a number of calls inquiring about the reinstatement fee because it was unclear on the application. This also caused applicants to receive deficiency letters because the incorrect fee was being submitted with reinstatement applications. She informed the Board of the revised language on the application which now lists a \$300 application/reinstatement fee. This change appears to have resolved the confusion applicants had as it relates to the reinstatement application fee.

After all the discussion it was determined that Board Rule 553-12-.06 is clear if the reinstatement application is submitted more than 5 years after the expiration date of the license re-exam will be required. No further action needed at this time.

Board also discussed inactivating a license and reactivating a license. Board Rule 553-10-.01 titled "Inactive License" was discussed.

▪ **Staff Policy on Letters:**

Point of clarification was presented from Barnard that once a Cognizant Board Member has made an applicant eligible to sit for the exam, reinstatement, etc. staff may send the exam approval letter out to the applicant and Board may ratify at the next board meeting.

No further action as this is a procedural process.

▪ **Board Meeting Items:**

Barnard requested staff send letters regarding Board decisions be sent within fourteen business days of board meetings. The only thing that will be in exception of going through the Board chairman's office or governor's office. Beard informed the Board it is the in-house process for staff to have the letters sent within two to four business days.

Board determined no policy was needed as this a procedural process.

▪ **Renewal Applications Questions (ANSWERS) :**

Barnard would like to have additional questions added to the renewal application. Below is what he discussed:

- Need a question asking if they have had any financial issues since last renewal
- Need a question asking for all the companies they are associated with as QA
- Need a question to ask if they work a minimum of 25 hours a week for the company they are renewing and are they paid with a W2
- Need a question that ask about their responsibilities
- Add the CE's to be listed on the renewal application. Can be stored with application and when we do our random selection we can go to the application for the items.

The Board discussed the questions and possible ways to handle future renewals.

No final decisions were made at this time as the current renewal cycle has passed.

▪ **Policy on Qualified Agents:**

Moved to the Executive Session.

STATE LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS

Residential Contractor Division

February 22, 2017

Open Session Minutes

- **Consultants- Definitions and Policy:**

Barnard discussed a problem he is seeing with homeowners pulling permits who then use a “consultant” who then pays subs to do the job. Individuals are claiming to be consultants to build homes. The consultant is using his own company account, subcontractors, and telling the homeowner what needs to be done. The homeowner pays the consultant who then pays the sub-contractors and everyone else associated with the project.

Barnard gave an example of a homeowner hiring a consultant who then told the homeowner how, what, when, and where to do all that needs to be done. The homeowner wrote all checks to the consultant, but the homeowner pulled the permit.

Barnard discussed adding a definition for Consultant and/or a policy informing individuals if they are going to be a Consultant they must be licensed. No action was taken on this matter at this time.

Executive Director’s Report:

Beard reported to the Board on the following items:

- Secretary Kemp provided a press release to the public warning storm victims to be wary of unlicensed contractors. The South Georgia area was recently affected by violent tornadoes and the release informed the public of the need to be wary of unlicensed contractors.
- Introduced new Board Support Specialist Amber Burch.
- The new program Share Point/Bridge will be coming out soon. A general overview of how the program will work was discussed with the Board. This system will replace the software program currently being utilized by the Board for their board packet information.
- Question presented to the Board - If QA for a company and the company dissolves we have been advised to “Null & Void” the license. Can they apply by prior approval for another license? Board Rule 553-11-.01 notes a QA who leaves a company will have their license placed in “null & void” status, however, they may apply by prior approval within the year before having to sit for the exam again.

Executive Session:

At 10:25 a.m. a motion was made by Fennell, seconded by Duck, and the Division members present 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.

At the conclusion of the Executive Session on Wednesday February 22,2017, Barnard 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.

Rule Discussion:

A motion was made by Cooper, and seconded by Noe and the Board voted to send the following rule to the Attorney General’s Office for a memorandum of authority. None opposed, motion carried.

SYNOPSIS OF PROPOSED AMENDMENTS TO THE STATE BOARD OF RESIDENTIAL AND GENERAL CONTRACTORS RULE FOR CHAPTER 553-3 QUALIFICATIONS FOR LICENSURE – RESIDENTIAL CONTRACTORS

Purpose: The purpose of this rule is to establish a rule which establishes the qualifications needed for military spouses and transitioning service members to be licensed in Georgia.

Main Features: The rule establishes the qualifications needed for military spouses and transitioning service members to be licensed in Georgia.

553-3-.07 Licensure for Military Spouses and Transitioning Service Members

- (1) Military spouses and Transitioning Service members may qualify for a Residential Basic Contractor license by endorsement where the applicant:
 - (a) Has submitted a completed military application;
 - (b) Hold a license from another state for which the training experience, and testing substantially meet or exceed the requirements under this state;
 - (c) Has submitted a verification of licensure in good standing from the endorsing state as part of the application.
- (2) Transitioning service members may qualify for a Residential Light-Commercial Contractor license by examination where the applicant:
 - (a) Has submitted a completed military application and requisite fee;
 - (b) Has provided proof applicant has obtained a specialty, certification, training or experience in the military while a service member which substantially meets or exceeds the requirements to obtain a license in this state;
 - (c) Has met the following Military Occupation Specialties:
 - Army – Utilities Operation and Maintenance Technician
MOS 210A (rank E5 or above)
 - Air Force –Civil Engineer
AFSC 32 EX1 (rank E5 or above)
Officer Only
 - Marine Corps – Utilities Chief
MOS1169
Rank GySgt – MGSgt
Possess experience in MOS:
1141, 1142, 1161, or 1171;
 - (d) Has submitted letters from Training Non Commissioned Officers or Training Manager;
 - (e) Has submitted letters of recommendation from Commander or Designated Representative;
 - (f) Has successfully passed the Georgia business and law examination and are in compliance with O.C.G.A.§ 43-41-6.

Approval of Executive Session Minutes:

A motion was made by McIntosh, seconded by Fennell, and the Board voted to approve the Executive Session minutes of the October 25, 2016 Residential Contractor Division meeting. None opposed, motion carried.

Appearances:

Applicant #2642566 (W.S.N.) - A motion was made by Cooper, seconded by Noe, and the Board voted to uphold denial and hold application until January 2018 and applicant may submit a GCIC for the Board to re-consider licensure.

Applicant #2591553 (N. G.) – A motion was made by Cooper, seconded by Noe, and the Board voted to rescind previous motion and reactivate license without exam.

Applicant #2638834 (J.G.) - A motion was made by Cooper, seconded by Noe, and the Board voted to rescind previous motion and allow applicant to sit for the exam and upon passing referring to Legal Services for a Consent Agreement for Licensure to include twenty-four (24) months' probation.

Review of Applications Report:

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

Approve granting 60 day exam period extension from the end of current period.

2609152

2607271

STATE LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS

Residential Contractor Division

February 22, 2017

Open Session Minutes

Table the following applicant(s) until the next meeting.

2642127

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

2657286

2592376

2657203

2651825

Obtain correct certificate of insurance, approve to sit for exam, and upon passing the refer the following applicant(s) to Legal Services for a Consent Agreement for Licensure by Examination to include 24 months' probation and a \$1,000 fine for unlicensed practice.

2642181

Approve to sit for the exam and upon passing refer to Legal Services for a Consent Agreement for Licensure by Exam to include 24 months' probation for failure to demonstrate financial responsibility.

2610793

Approve the following applicant(s) upon receipt of corrected certificate of insurance, bank credit reference reflecting correct corporation name, and ensuring company name is consistent in the application.

2653618

Send applicant a letter for deficiency as discussed in Executive Session.

2653083

Rescind previous motion and refer the following applicant(s) to Legal Services for a Consent Agreement for Licensure by Examination to include 24 months' probation for failure to demonstrate financial responsibility.

2529411

Rescind previous motion and issue license.

2646510

Review of Correspondence:

Applicant #2543247 (N.S.) - A motion was made by Cooper, seconded by Noe and the Board voted to send letter to applicant referencing O.C.G.A. § 43-41-6(g) and inform applicant they must abide by the law and re-exam within one year after taking of the last examination and submit an application with the appropriate fees. None opposed, motion carried.

Review of Complaint and Compliance Report:

(RGC= Residential/General Contractors Investigative Case Number)

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

Close the following case(s) with no action.

RGC170191

RGC160265

RGC170098

RGC170143

RGC170214

RGC160283

RGC160268

RGC170127

RGC170149

RGC170226

RGC170073

RGC160272

RGC170128

RGC170171

RGC170233

RGC160021

RGC160281

RGC170129

RGC170199

RGC170154

RGC160186

RGC170020

RGC170130

RGC170212

RGC170144

RGC170180

STATE LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS
Residential Contractor Division
February 22, 2017
Open Session Minutes

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

RGC160221	RGC160253	RGC160273	RGC170192	RGC170219
RGC160252	RGC160267	RGC170184	RGC170211	

Close the following case with no action due to no violation.

RGC170223

Null and void license since company is dissolved and close case due to no jurisdiction.

RGC160193

Close the following case and advise complainant to file a complaint with the North Carolina Board.

RGC170190

Close the following case and may want to pursue civil action.

RGC160144

Null and void license since company is dissolved and close case due to no jurisdiction.

RGC160197

Close the following case since work was specialty work.

RGC170195

Close the following case as work was traditional specialty work.

RGC170234

Refer the following case to the Attorney General's Office for a cease and desist order.

RGC170208

Refer case to the Attorney General's Office for a response or revocation.

RGC170155

Refer the following case to the Attorney General's Office for revocation.

RGC140003

Refer the following case to Investigations for a cease and desist order and letter to homeowner as discussed in Executive Session.

RGC170209

Attorney General's Report:

A motion was made by Duck, seconded by Cooper, and the Board voted to accept the following Consent Orders as presented by the Assistant Attorney General. None opposed, motion carried.

Discussion:

Fennell discussed her concerns about the Burrard's addressing the Board in Open Session. She felt this could have been handled in a different manner. She requested the Board Chair handle this type situation differently in the future.

STATE LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS
Residential Contractor Division
February 22, 2017
Open Session Minutes

Fennell addressed staff as it related to concerns of misinformation being provided to the public by the call center representatives. She asked staff to try and come up with a solution and look at how the issues can be improved and report back to the Board. Barnard responded the problem is not with the staff, but with the call center. Fennell also asked staff to look at how the Board could possibly add continuing education to the renewal process. The Board has time to consider options before the next renewal period. Beard advised she would consult with the Division Director regarding their concerns.

Cognizant:

A motion was made by McIntosh, seconded by Duck, and the Board voted to approve Ted Noe as a Cognizant Board Member. None opposed, motion carried.

With no other business to discuss, the Residential Contractor Division meeting adjourned at 1:04 p.m.

The next meeting scheduled Division meeting will be held on April 18, 2017.

Minutes recorded by:
Minutes edited/reviewed by:

Amber Burch, Board Support Specialist
Deborah Beard, Executive Director

DELMAR ROBERT "BOB" BARNARD
Division Chairman

DEBORAH BEARD
Executive Director

These minutes were approved on April 18, 2017.