

# STATE LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS

April 18, 2017

## Open Session Minutes

The State Licensing Board for Residential and General Contractors met on Tuesday, April 18, 2017, at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia, for the purpose of conducting Board business.

### **Members present:**

#### **Residential Division**

Delmar Robert "Bob" Barnard, Board Vice Chairman & Division Chairman  
William "Bill" Lewis Duck, Jr.  
Ted Noe  
Timothy Andrew "Andy" Cooper, Division Vice Chairman  
Jarrett McIntosh

#### **General Division**

Carroll Brian Daniel, Board Chairman & Division Chairman  
Timothy Ansley  
Stanley Aaron McWhorter  
Morgan Wheeler

### **Members absent:**

#### **Residential Division**

Keely Meredith Nesmith Fennell  
Robert "Bobby" Joseph Cleveland, Jr

#### **General Division**

Patrick "Tony" A. Pellicano  
Eugene "Gene" Dunwoody, Jr  
Charles David Moody, Jr

### **Staff present:**

Deborah Beard, Executive Director  
Amber Burch , Board Support Specialist  
Ken English, Licensing Supervisor  
Laura Fremont , Licensure Analyst  
Maximillian Changus, Assistant Attorney General  
Josh Waters, Operations and Compliance Manager  
Macy McCarty, Attorney –PLB Legal Services Department

### **Call Meeting to Order:**

At 9:10 a.m., Board Chairman Daniel established that a quorum was present and called the meeting to order.

### **Approval of Open Session Minutes:**

A motion was made by Barnard, seconded by Ansley, and the Board voted to approve the minutes of the September 13, 2016 Board meeting as presented. None opposed, motion carried.

### **Discussion Items:**

- **C & D Process** - The Board discussed establishing a policy giving the Investigations Department the administrative authority to issue a cease and desist order. The Board would have to define unlicensed practice and include guidelines for the Investigations Department in the policy. An alternative discussed by the Board was to establish a policy giving the Cognizant Board Member the authority to refer cases to investigations for a cease and desist order, if unlicensed practice is verified. The Board would ratify and approve at the next available meeting following the referral. No vote was taken at this time.

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- **Rule Review** - The Board discussed different versions of the rule for licensure for military spouses and transitioning service members. After review and discussion of the rules, the Board agreed to use the same rule language for each Division and move forward with the proposed rule in order to comply with O.C.G.A. § 43-1-34. A motion was made by Wheeler, seconded by Noe and the Board voted to refer Rule 553-3-.07 Licensure For Military Spouses and Transitioning Service Members in the Profession of Residential Contracting and Rule 553-4-.07 Licensure For Military Spouses and Transitioning Service Members in the Profession of General Contracting to the Attorney General's Office for a memorandum of authority and upon receipt move forward with posting the rule. The Board hearing to adopt the rules will be on June 21, 2017 at 9:00 a.m.

### **SYNOPSIS OF PROPOSED NEW RULE TO THE STATE LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS; CHAPTER 553-3 QUALIFICATIONS FOR LICENSURE - RESIDENTIAL CONTRACTOR DIVISION; NEW RULE 553-3-.07 LICENSURE FOR MILITARY SPOUSES AND TRANSITIONING SERVICE MEMBERS IN THE PROFESSION OF RESIDENTIAL CONTRACTING**

**Purpose:** The purpose of this rule is to adopt a rule implementing a process by which Military Spouses and Transitioning Service Members may qualify for licensure with the State Licensing Board For Residential and General Contractors, in accordance with O.C.G.A. § 43-1-34.

**Main Features:** The rule provides for a process by which Military Spouses and Transitioning Service Members may qualify for licensure with the State Licensing Board For Residential and General Contractors, in accordance with O.C.G.A. § 43-1-34.

### **THE PROPOSED NEW RULE TO THE STATE LICENSING BOARD FOR RESIDENTIAL AND GENERAL CONTRACTORS; CHAPTER 553-3 QUALIFICATIONS FOR LICENSURE – RESIDENTIAL CONTRACTOR; NEW RULE 553-3-.07 LICENSURE FOR MILITARY SPOUSES AND TRANSITIONING SERVICE MEMBERS IN THE PROFESSION OF RESIDENTIAL CONTRACTING**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

#### **553-3-.07 Licensure For Military Spouses and Transitioning Service Members in the Profession of Residential Contracting.**

(1) As used in the rule:

(a) "Military" means the United States armed forces, including the National Guard;

(c) "Military spouse" means a spouse of a service member or transitioning service member;

(d) "Service Member" means an active or reserve member of the armed forces, including the National Guard.

(e) "Transitioning service member" means a member of the military on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.

(2) Effective July 1, 2017, military spouses and transitioning service members may qualify for expedited processing of the license application by showing that the applicant is a military spouse or transitioning service member and that the applicant has paid the fee and meets the requirements for a license under the law and rules for the type of license for which the applicant has applied and in accordance with Title 43, Chapter 41.

**SYNOPSIS OF PROPOSED NEW RULE TO THE STATE LICENSING BOARD FOR  
RESIDENTIAL AND GENERAL CONTRACTORS; NEW RULE FOR CHAPTER 553-4 QUALIFICATIONS FOR LICENSURE –  
GENERAL CONTRACTOR DIVISION; NEW RULE 553-4-.07 LICENSURE FOR MILITARY SPOUSES AND TRANSITIONING  
SERVICE MEMBERS IN THE PROFESSION OF GENERAL CONTRACTING**

**Purpose:** The purpose of this rule is to adopt a rule implementing a process by which Military Spouses and Transitioning Service Members may qualify for licensure with the State Licensing Board For Residential and General Contractors, in accordance with O.C.G.A. § 43-1-34.

**Main Features:** The rule provides for a process by which Military Spouses and Transitioning Service Members may qualify for licensure with the State Licensing Board For Residential and General Contractors, in accordance with O.C.G.A. § 43-1-34.

**THE PROPOSED NEW RULE TO THE STATE LICENSING BOARD FOR  
RESIDENTIAL AND GENERAL CONTRACTORS; CHAPTER 553-4 QUALIFICATIONS FOR LICENSURE – GENERAL  
CONTRACTOR; NEW RULE 553-4-.07 LICENSURE FOR MILITARY SPOUSES AND TRANSITIONING SERVICE MEMBERS IN  
THE PROFESSION OF GENERAL CONTRACTING**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

**553-4-.07 Licensure For Military Spouses and Transitioning Service Members in the Profession of General Contracting.**

(1) As used in the rule:

(a) "Military" means the United States armed forces, including the National Guard;

(b) "Military spouse" means a spouse of a service member or transitioning service member;

(c) "Service Member" means an active or reserve member of the armed forces, including the National Guard.

(d) "Transitioning service member" means a member of the military on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.

(2) Effective July 1, 2017, military spouses and transitioning service members may qualify for expedited processing of the license application by showing that the applicant is a military spouse or transitioning service member and that the applicant has paid the fee and meets the requirements for a license under the law and rules for the type of license for which the applicant has applied and in accordance with Title 43, Chapter 41.

**Correspondence:**

**Edmondson, Laura-** The Board reviewed and discussed correspondence received from Laura Edmondson regarding licensing for general contractors, and specifically the specialty contractor categories. A motion was made by Ansley, seconded by Wheeler, and the Board voted to respond that based on the information submitted, the Board determined no license is needed as this work is considered specialty work. Please note if any modifications are made then the work would fall out of the category of specialty work. Also refer her to O.C.G.A. § 43-41-17, specialty contractors who offer or contract to perform or undertake or perform for an owner limited, specialty, or specific trade contractor work do not have to hold a license as a residential or general contractor if they are performing work within their specialty. However, nothing in Chapter 41 shall permit a specialty contractor to perform work that falls within the licensing requirements of Chapter 14 of Title 43 where such specialty contractor is not duly licensed under such chapter to perform such work. None opposed, motion carried.

**Executive Director's Report:**

Beard informed the Board the Docks/Piers/Walkways Building clarification policy has been approved by the Governor and the information has been updated on the Limited Service Specialty Contractors list. The revised list is currently available on the Board website.

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## Open Session Minutes

### Executive Session:

At 9:42 a.m. a motion was made by Barnard, seconded by Noe, 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 Tuesday, April 18, 2017, Daniel 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 Wheeler, seconded by Duck, and the Board voted to approve the Executive Session minutes of the September 13, 2016 Board meeting with corrections. None opposed, motion carried.

### Applications Report

There were no applications to review.

### Appointment of Officers for 2017-2018

A motion was made by Barnard, seconded by McIntosh, and the Board voted to approve Cooper as the Residential Contractor Division Chairman, and Noe as the Residential Division Vice-Chairman. None opposed, motion carried.

A motion was made by Daniel, seconded by McWhorter, and the Board voted to approve Pellicano as the General Contractor Division Chairman, and Ansley as the General Contractor Division Vice-Chairman. None opposed, motion carried.

Cooper will be the Division Chairman for the State Board of Residential and General Contractors, and Pellicano will be the Division Vice-Chairman for the State Board of Residential and General Contractors for the 2017-2018 board year.

### Executive Session:

At 9:47 a.m. a motion was made by Morgan, seconded by Barnard, 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. Barnard directed the Board staff and Assistant Attorney General to leave the meeting. Josh Waters and Macy McCarty were asked to remain.

At the conclusion of the Executive Session on Tuesday, April 18, 2017, Daniel 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:

With no other business to discuss, the State Licensing Board for Residential and General Contractors meeting adjourned at 10:15 a.m. The next scheduled Board meeting will be held on Wednesday, June 21, 2017 at 9:00 a.m.

Minutes recorded by:

**Amber Burch**, Board Support Specialist

Minutes edited/reviewed by:

**Deborah Beard**, Executive Director

**Carroll “Brian” Daniel**

Board Chairman

**DEBORAH BEARD**

Executive Director

These minutes were approved on August 16, 2017.