



STATE OF GEORGIA CONSTRUCTION INDUSTRY LICENSING BOARD

**NOTICE OF INTENT TO ADOPT PROPOSED AMENDMENTS TO THE GEORGIA
STATE CONSTRUCTION INDUSTRY LICENSING BOARD
BOARD RULE CHAPTER 121-5 DISCIPLINARY PROCEEDING, RULE 121-5-.02
UNPROFESSIONAL CONDUCT, DEFINED
AND NOTICE OF PUBLIC HEARING**

RULE 121-5-.02 UNPROFESSIONAL CONDUCT, DEFINED

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Construction Industry Licensing Board (hereinafter “Board”) proposes amendments to Rule 121-5-.02 Unprofessional Conduct, Defined (hereinafter “proposed rule”).

This notice, together with an exact copy of the rule, is being distributed to all persons who have requested, in writing, that they be placed on the interested party notification list. A copy of this notice and the rule may be reviewed during normal business hours (8:00 am to 5:00 pm Monday through Friday, except official State holidays) at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Board’s industry specific web pages at <https://sos.ga.gov/page/board-conditioned-air-rules-and-regulations>, <https://sos.ga.gov/page/board-electrical-contractors-rules-and-regulations>, <https://sos.ga.gov/page/georgia-state-board-low-voltage-contractors-rules>, <https://sos.ga.gov/page/board-plumbers-rules-and-regulations>, <https://sos.ga.gov/page/utility-contractors-rules-and-regulations>. Copies may also be requested by contacting the Board at 404-424-9966.

The public will have an opportunity to comment upon and provide input into the proposed amendments at a public hearing to be held, **Thursday, October 24, 2024, beginning at 10:00 a.m.** in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. The hearing will be held in person and via teleconference. The WebEx link for virtual participation is: <https://gasos.webex.com/gasos/j.php?MTID=mbf10d4dc1d16d9b7dbf1dc6bbe7aff82>.

Interested parties affected by the rule may submit written comments to the Board no later than close of business on **Thursday, October 17, 2024**. Written comments must be legible, signed, contain contact information from the maker (address, telephone number, email address), and should be addressed to La Trena Tyler-Jones, Executive Director, State of Georgia Construction Industry Licensing Board, 237 Coliseum Drive, Macon, Georgia 31217. Comments may be submitted by fax to (866) 888-8026 or by email to Trades4@sos.ga.gov.

During the public hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument, whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements will be limited to five (5) minutes per person.

The Board voted to adopt this Notice of Intent at its meeting on **August 27, 2024**. The Board also voted that the formulation and adoption of these rule amendments do not impose an excessive regulatory cost on any licensee, and any cost to comply with the proposed rule amendments cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-14-5, 43-14-6 and 43-14-8.2. Additionally, the Board voted that it was neither legal nor feasible in meeting the objectives of O.C.G.A. §§ 43-14-5, 43-14-6 and 43-14-8.2 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned, operated, and dominant in the profession.

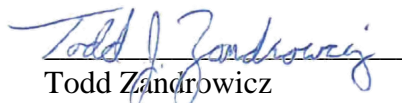
According to the Department of Law, State of Georgia, the Georgia State Construction Industry

Licensing Board has the authority to adopt the proposed rule amendments to Rule 121-5-.02 pursuant to authority contained in O.C.G.A. §§ 43-14-5, 43-14-6 and 43-14-8.2.

For further information, contact the Board office at (404) 424-9966.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This 23rd day of September, 2024



Todd Zandrowicz
Division Director
Professional Licensing Boards Division

Posted: 09/23/2024

**SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA STATE CONSTRUCTION
INDUSTRY LICENSING BOARD RULE CHAPTER 121-5 DISCIPLINARY
PROCEEDING, RULE 121-5-.02 UNPROFESSIONAL CONDUCT, DEFINED**

Purpose/Main Feature: These rule amendments would remove unnecessary words for a better flow of context.

Rule 121-5-.02 Unprofessional Conduct, Defined

"Unprofessional conduct" shall include, but not be limited to the following:

- (a) Violating local ordinances relating to the performance of contracted work covered by O.C.G.A. Chapter 43-14 including, ~~but not limited to,~~ failure to obtain the required permits and inspections required by local ordinance;
- (b) Establishing a pattern of charging amounts substantially in excess of any original estimate given by the licensee without having informed the consumer, prior to the accrual of such charges, that the final amount due would or could be substantially in excess of the original estimate;
- (c) Knowingly charging for unnecessary work;
- (d) Diverting funds or property received or obtained for the completion of a specific contract without the specific authorization of the consumer and/or the contractor for that particular job;
- (e) Failing to disclose the name and license number of the person or persons supervising and performing contracted work for a sole proprietorship, partnership, or corporation whenever such information is reasonably requested by the Board or its designee, any other state agency or representative, or any consumer or member of the public.
- (f) Failing to register with the Division the name of the business which the licensee or certificate holder qualifies under Chapter 121-6 or failing to notify the Division in writing within five (5) days of the severance of connection with a registered business.
- (g) Operating as a utility contractor without employing a person who holds a current utility manager certificate to supervise the work performed by each permanent office.

- (h) Registering a sole proprietorship, partnership, limited liability company, or corporation which the Division determines to be in violation of O.C.G.A. 10-1-490, which requires the registration of trade names with the Superior Court.
- (i) Failing to provide documentation of the registration with Superior Court of trade names to the division upon request.

Authority: O.C.G.A §§ 43-14-5, 43-14-6 and 43-14-8.2.

RULES
OF
GEORGIA STATE CONSTRUCTION INDUSTRY LICENSING BOARD
CHAPTER 121-5 DISCIPLINARY PROCEEDING
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