

SUMMARY FOR HBLB BOARD MEETING April 23, 2020

Not Official Minutes

The Board meeting was called to order on Thursday, April 23, 2020, at 10:02 a.m., in the Conference Room of the Home Builders Licensure Board, 445 Herron Street, Montgomery, Alabama, by Chairman William R. (Bill) DeLoney. The meeting was held via Cisco WebEx authorized by Governor Kay Ivey's March 17, 2020 Emergency Order. Prior notice of the meeting was given as required by the Open Meetings Act.

Becky Crum called the roll of Board members. Board members present for the meeting were: Don Spurlin, Kenneth Chandler, Thomas L. (Lynn) Corder, Bill DeLoney, Ken Kirchler, Peggy Turner, Michael Toles, Roddy Sample, and Randy Cunningham. A quorum was present. Also present were: J. R. (Chip) Carden, Jr., Executive Director, J. Seth Gowan, Deputy Attorney General, Lauren Razick, Assistant Attorney General, Suanne Parnell and Becky Crum.

Chairman DeLoney called for approval of the February 27, 2020 Board meeting minutes. Upon motion of Don Spurlin, seconded by Peggy Turner, a roll call vote was done. The Board meeting minutes of the February 27, 2020 meeting were approved unanimously. Bill DeLoney, Chairman, did not vote.

Chairman DeLoney called for Appeals and/or Hearings. The Board held a hearing on A & A Homebuilders, Inc., Floyd Alexander, designated qualifying representative, file number 9279. Mr. Alexander appeared before the Board to represent the applicant. After consideration of Mr. Alexander's testimony and further review of the file, upon motion of Don Spurlin, seconded by Michael Toles, and a roll call vote taken, the Board voted unanimously to approve the license of A & A Homebuilders, Inc., licensure file number 9279. Bill DeLoney, Chairman, did not vote.

The Board held a hearing on Custom Home Services, LLC., Stephen A. Smoake, designated qualifying representative, file number 26848. Mr. Smoake appeared before the Board to represent the applicant. After consideration of Mr. Smoake's testimony and further review of the file, upon motion of Peggy Turner, seconded by Roddy Sample, and a roll call vote taken, the Board voted unanimously to approve the license of Custom Home Services, LLC., licensure file number 26848. Bill DeLoney, Chairman, did not vote.

Mr. Carden informed the Board that he had executed an amendment to the Memorandum of Agreement with Prov Testing to allow online proctoring of the homebuilders examination in response to the Covid-19 health emergency shutting down onsite testing centers.

Don Spurlin updated the Board on the impact of the Covid-19 emergency on the remedial class "Residential Homebuilding in Alabama," which is a requirement in some disciplinary actions taken by the Board. Licensees are currently unable to complete the comprehensive examination component of the class. After discussion of the Board and upon motion of Don Spurlin, seconded by Ken Kirchler and a roll call vote taken, the Board voted unanimously to suspend the comprehensive examination, but to review on monthly basis the provider's progress to establish a viable alternative to onsite testing.

Chairman DeLoney called for the Legal Report. Seth Gowan gave an overview of the Homeowners' Recovery Fund. Mr. Gowan stated that there are two (2) verified claims against the Homeowners' Recovery Fund, with possible total payouts of \$40,000. Both had previously been approved for payment.

Mr. Gowan stated that three (3) unlicensed builder files reviewed had administratively resolved their violation of the Act and were found to contain no probable cause that the unlicensed builders followed a course of conduct that would be grounds for discipline under the Act and recommends that the unlicensed builder files be closed: UB 19-153, UB 19-157 and UB 19-192. Upon motion of Ken Kirchler, seconded by Randy Cunningham, the Board voted to ratify the administrative resolutions as cited above. Bill DeLoney, Chairman, did not vote. Roddy Sample and Don Spurlin, who served on the Investigative Committee, recused.

Mr. Gowan presented the settlement agreement in the matter of complaint against Smith Lake Construction, Inc., Timothy Darren Cleghorn, designated qualifying representative, licensure file number 24829, disciplinary action file number CC 19-060. Upon motion of Lynn Corder, seconded by Kenneth Chandler, and roll call vote taken, the Board voted to approve the Settlement Agreement. Bill DeLoney, Chairman, did not vote. Ken Kirchler, who served on the Investigative Committee, recused.

Mr. Gowan presented the settlement agreement in the matter of complaint against Charles Matthew Turner, licensure file number 17436, disciplinary action file numbers CC 19-063 and CC 19-067. Upon motion of Lynn Corder, seconded by Peggy Turner, and roll call vote taken, the Board voted to approve the Settlement Agreement. Bill DeLoney, Chairman, did not vote. Don Spurlin, who served on the Investigative Committee, recused.

Mr. Gowan presented the settlement agreement in the matter of complaint against Stevie Lynn Casey, licensure file number 23705, disciplinary action file number CC 19-079. Upon motion of Don Spurlin, seconded by Ken Kirchler, and roll call vote taken, the Board voted to approve the Settlement Agreement. Bill DeLoney, Chairman, did not vote. Roddy Sample, who served on the Investigative Committee, recused.

Mr. Gowan presented the settlement agreement in the matter of complaint against JNB Services, LLC, William Travis Holley, designated qualifying representative, licensure file number 25756, disciplinary action file number CC 19-105. Upon motion of Michael Toles, seconded by Randy Cunningham, and roll call vote taken, the Board voted to approve the Settlement Agreement. Bill DeLoney, Chairman, did not vote. Ken Kirchler, who served on the Investigative Committee, recused.

Mr. Gowan presented the settlement agreement in the matter of complaint against Master Plan Construction, LLC, Cindy Gail Bailey, designated qualifying representative, licensure file number 25343, disciplinary action file number CC 19-110. Upon motion of Peggy Turner, seconded by Randy Cunningham, and roll call vote taken, the Board voted to approve the Settlement Agreement. Bill DeLoney, Chairman, did not vote. Ken Kirchler, who served on the Investigative Committee, recused.

Chairman DeLoney called for License Applications Meeting Standards. Upon motion of Kenneth Chandler, seconded by Randy Cunningham, and roll call vote taken, the Board voted to approve and/or ratify the lists of new applications, rejected new applications, new roofers applications, and expired licenses (copies attached). Bill DeLoney, Chairman, did not vote.

Chairman DeLoney called for Licensure Applications for Board Review. The Board reviewed the application for Legacy Roof Contractors, LLC, Parker Byrd, designated qualifying representative, licensure file number 25425. Upon motion by Michael Toles, seconded by Roddy Sample, and a roll call vote taken, the Board voted to deny the application. Bill DeLoney, Chairman, did not vote.

The Board reviewed the application for Clinton A. Cochran, licensure file number 10822. Upon motion by Michael Toles, seconded by Randy Cunningham, and roll call vote taken, the Board voted to deny they application. Bill DeLoney, Chairman, did not vote.

The Board reviewed the application for Adam Kingry, licensure file number 24426. Upon motion by Michael Toles, seconded by Ken Kirchler, and roll call vote taken, the Board voted to carry over the application to allow the applicant additional time to provide requested documentation. Bill DeLoney, Chairman, did not vote.

The Board reviewed the application for Charlie Heath Mason, licensure file number 15062. Upon motion by Michael Toles, seconded by Ken Kirchler, and roll call vote taken, the Board voted to deny the application. Bill DeLoney, Chairman, did not vote.

The Board reviewed the application for Lonnie O. Duncan, licensure file number 7122. Upon motion by Ken Kirchler, seconded by Kenneth Chandler, and roll call vote taken, the Board voted to deny the application. Bill DeLoney, Chairman, did not vote.

The Board reviewed the application for Waid Contracting, LLC, G. Lee Waid, designated qualifying representative, licensure file number 17040. Upon motion by Don Spurlin, seconded by Ken Kirchler, and roll call vote taken, the Board voted to deny the application. Bill DeLoney, Chairman, did not vote.

The Board reviewed the application for Gossett & Associates, LLC, Johnny W. Gossett, designated qualifying representative, licensure file number 25573. Upon motion by Ken Kirchler, seconded by Kenneth Chandler, and roll call vote taken, the Board voted to deny the application. Bill DeLoney, Chairman, did not vote.

The Board reviewed the application for Fletcher Baldwin, licensure file number 4250. Upon motion by Ken Kirchler, seconded by Don Spurlin, and roll call vote taken, the Board voted to deny the application. Bill DeLoney, Chairman, did not vote.

The Board reviewed the application for Timothy Wayne Ward, licensure file number 30848. Upon motion by Don Spurlin, seconded by Kenneth Chandler, and roll call vote taken, the Board voted to carry over the application to allow the applicant to appear before the board. Bill DeLoney, Chairman, did not vote.

The Board reviewed the application for Timberline Construction Company, LLC, Meghan P. Hutson, designated qualifying representative, licensure file number 24389. Upon motion by Kenneth Chandler, seconded by Randy Cunningham, and roll call vote taken, the Board voted to deny the application. Bill DeLoney, Chairman, did not vote.

The Board reviewed the application for Michael Brandon Massey, licensure file number 8978. Upon motion by Roddy Sample, seconded by Peggy Turner, and roll call vote taken, the Board voted to deny the application. Bill DeLoney, Chairman, did not vote.

The Board reviewed the application for David Acton Building Corporation, William D. Acton, designated qualifying representative, licensure file number 7978. Upon motion by Peggy Turner, seconded by Roddy Sample, and roll call vote taken, the Board voted to deny the application. Bill DeLoney, Chairman, did not vote.

The Board reviewed the application for Anthony Blake Millican, licensure file number 9773. Upon motion by Roddy Sample, seconded by Peggy Turner, and roll call vote taken, the Board voted to carry over the application to allow the applicant additional time to provide requested documentation. Bill DeLoney, Chairman, did not vote.

The Board reviewed the application for Michael Adam Tant, licensure file number 15068. Upon motion by Ken Kirchler, seconded by Kenneth Chandler, and roll call vote taken, the Board voted to carry over the application to allow the applicant additional time to provide requested documentation. Bill DeLoney, Chairman, did not vote. Lynn Corder abstained.

Chairman DeLoney stated that the next Board meeting would be on Thursday, May 28, 2020 at 10:00 AM in the conference room of the Home Builders Licensure Board, 445 Herron Street, Montgomery, Alabama.

There being no further business to come before the Board, upon motion of Don Spurlin, seconded by Randy Cunningham, and roll call vote taken, the meeting was adjourned at 12:18 PM.