

1 TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE

2  
3 BOARD FOR LICENSING CONTRACTORS MEETING

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6  
7 Thursday, January 27, 2022  
8 Nashville, Tennessee  
9 10:20 A.M.

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13  
14 **ATTENDING COMMITTEE MEMBERS**

15  
16 KEITH WHITTINGTON - Chair, Johnson City  
17 RANDY CHASE, Nashville  
18 BENNY JONES, Manchester  
19 JENNIFER RANSOM, Memphis  
20 REESE SMITH, Franklin  
21 RONNIE TICKLE, Memphis

22 ORIGINAL

23  
24  
25  
26 **ATTENDING STATE STAFF**

27  
28 CAROLYN LAZENBY - Board Executive Director  
29 AWNI FILAT - Litigation Attorney  
30 STUART HUFFMAN - Litigation Attorney  
31 JOHN MURPHY - Associate Counsel  
32 KATHERINE HOLLIMAN - Licensing  
33 JANINE WILLS - Administrative Manager  
34 REGINA LEMERAND - ASA 3

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*A & A Court Reporting*

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1 CHAIR WHITTINGTON: All right, I'm going to  
2 call the meeting to order. This is the January 27, 2022  
3 meeting for the Board for Licensing Contractors.

4 UNIDENTIFIED: It looks like we are having  
5 an issue with the phone system which, unfortunately, means  
6 we cannot hear anything that's going on in the conference  
7 room.

8 CHAIR WHITTINGTON: We need to turn that off  
9 please.

10 UNIDENTIFIED: They are working on that if  
11 you can just be -

12 CHAIR WHITTINGTON: We'll start with a  
13 rollcall vote starting with my left.

14 MS. LAZENBY: Jennifer Ransom. The other  
15 left?

16 CHAIR WHITTINGTON: That's your left.  
17 (Laughter) It doesn't matter. Just do a rollcall vote.

18 MR. JONES: Benny Jones, Manchester.

19 MR. CHASE: Randy Chase, Nashville.

20 MR. SMITH: Reese Smith, Franklin.

21 CHAIR WHITTINGTON: Keith Whittington,  
22 Johnson City.

23 MR. TICKLE: Ronnie Tickle, Memphis.

24 MS. RANSOM: Jennifer Ransom, Memphis

1 CHAIR WHITTINGTON: Okay, we do have a  
2 quorum.

3 At this time we'll review and approve the agenda  
4 and we have several changes.

5 Carolyn, you want to read those changes out to  
6 us?

7 MS. LAZENBY: Yes. We have Go Build on the  
8 Director's Update and I would like to move it up on the  
9 agenda and let them go ahead. And then we also have a  
10 change on the Draft Rules. I've got on there that it's  
11 regarding certified mail and it actually is more involved  
12 than that. And John will give you all an update on that.

13 MR. MURPHY: So, we'd be amending the  
14 agenda. There's the certified mail rule but then there's  
15 also the application rulemaking. We've made some minor  
16 changes. We can review that when we get to the agenda.

17 CHAIR WHITTINGTON: Okay, then we're going  
18 to defer the November meeting minutes until the March  
19 meeting. They're not ready.

20 MS. LAZENBY: Right.

21 CHAIR WHITTINGTON: And then the September,  
22 well, we can do that when we read the September minutes in.

23 Any other changes to the, to the agenda? If not,  
24 I'll entertain a motion to accept.

1 MR. SMITH: So moved.

2 MR. TICKLE: Second.

3 CHAIR WHITTINGTON: Got a motion and a  
4 second. Is there any discussion? (No response) All those  
5 in favor say aye. (All respond aye) Opposed likewise.  
6 (No response) The motion carries.

7 So, moving on with the meeting then, Go Build is  
8 here. We are going to move you guys right on up. You want  
9 to come on up, and give your presentation, and we'll, we'll  
10 go from there.

11 MR. COMPTON: Thank you, Mr. Chairman, thank  
12 you, members of the Board, to move us up so we can, we can  
13 present to you guys. It's wonderful to be here. Carolyn  
14 has been involved with this; Legal's been involved. We've  
15 had industry people involved with this.

16 I'm Toby Compton. I'm the Deputy Commissioner  
17 for the Department. So, my background was in commercial  
18 construction back in the day. I work for Associate  
19 Builders and Contractors. I have to say my mentor, Bob  
20 Biggs, is here. He's taught me everything I know for good  
21 or bad. For good or bad.

22 But be that as it may, I was involved on the  
23 association side with creating Go Build legislation. And  
24 now that I've transitioned to the Department away from ABC

1 I see it from a different side of things. I don't need to  
2 go into the need in construction. You face it every day.

3 And, Reese, I know you do.

4 Everyone does just getting good workers on the  
5 job site. Go Build was created to help fulfill some of  
6 that need. And during the Covid period the program has  
7 gone down. What we're trying to do today with the plan  
8 that we've put in place, you guys have received, and with  
9 some additional funding is to kind of get that back up so  
10 that we get the marketing and that, that, that natural kind  
11 of recruitment campaign going out there with the young  
12 people so that they come into the industry. I think that  
13 when we kind of had these discussions and kind of worked  
14 through these challenges we've come up with what I think is  
15 a good three year plan that gets you from today to the  
16 sunset period for the program.

17 Along that pathway, if we fund it correctly, one  
18 of the challenges is for them to get somewhat in a position  
19 where they're going to be more sustainable. Also increase  
20 their volunteers across the state. Got 95 counties,  
21 there's no reason why, we've got 95 counties and we've got  
22 contractors in all 95 counties. And so, it'd be important  
23 to get the volunteer campaign ramped up in a certain way  
24 that we were put in touch with these young people

1 particularly in our rural counties, right? It's one of the  
2 Governor's initiatives.

3           So, I'm going to turn it over to, I'll recognize,  
4 Mr. Pitts I've already recognized. Alec Frey is a Board  
5 member in the back. He is with the Road Builders  
6 Association, which is Kent's group. Brian Kelly, the  
7 Executive Director, you guys have met him over some period  
8 of time, is with us today. He was a key architect of, of  
9 the plan that you guys have seen.

10           And good job, Brian. I think you really buttoned  
11 it up really well.

12           But I'm going to turn it over to Kent Starwalt  
13 just to kind of talk from the industry perspective. Kent  
14 and I lobbied this bill the first time and the second time.  
15 And so, Kent, Kent knows this very intimately and I'll be  
16 here if there's any questions or comments.

17           MR. STARWALT: Good morning, Kent Starwalt,  
18 Executive Vice President of the Tennessee Road Builders  
19 Association. Pleasure to be with you again today. I'm  
20 going to be really brief because I know you guys have got a  
21 lot of other business to do.

22           First of all, I want to say we appreciate the  
23 collaborative effort by the Department, and the industry,  
24 and the Go Build Board in putting together this plan. We

1 think it's a very good plan to move Go Build forward and  
2 we'd appreciate your support of the plan. And, and if you  
3 have any questions we'll be glad to answer anything you  
4 might have.

5 MR. CHASE: I spent a good deal reading  
6 through the report. It's a good-looking report. We look  
7 forward to the next three years and seeing some good  
8 returns from this and some positive changes in the  
9 construction employment. You know, we need that. It's,  
10 it's bad across the state.

11 MR. STARWALT: It is. And we, we appreciate  
12 the efforts of this Board and your continued support of  
13 this since 2016 when we first came about. And so, yeah,  
14 we, we clearly recognize the need for additional employees  
15 in our industry. And we, we, you know, really looking  
16 forward to, again, wrapping up our promotion campaign and  
17 getting this going again. So, thank you very much.

18 MR. SMITH: I would move for approval with  
19 one suggestion.

20 Reese. Our lady's asked us to identify  
21 ourselves.

22 MR. TICKLE: Ronnie Tickle, second.

23 CHAIR WHITTINGTON: Okay, I have a motion  
24 and a second to approve the Go Build plan for the next



1 three years. Is there any discussion or questions?

2 MR. SMITH: I'd like to see an update. We  
3 don't meet but six times a year. You don't need to come  
4 every meeting but instead of once a year. Just a simple  
5 update and I know we've had it before. Maybe some numbers  
6 as opposed to, well, we're really doing good and we had  
7 three of this and three of that.

8 MR. COMPTON: As we get going we'll get  
9 Brian or someone to quarterly maybe, sounds good, as we get  
10 the campaign going to send you guys some metrics or, or  
11 come and present.

12 MR. CHASE: Yeah, I mean, I think that's the  
13 hard thing is how do you measure your effect, you know, in  
14 the market. I don't really know how you do that but it  
15 would be good at least to see some metrics on what you  
16 think your effect is, you know, is on the market.

17 MR. COMPTON: Randy, thank you for saying  
18 that. In the plan there are some and when they hire a  
19 marketing firm, PR agency, something of that nature we will  
20 further create the metrics. There's some metrics in there.  
21 We'll kind of hone those in. We'll come back to you guys,  
22 and let you know what those are, and then report back on  
23 those. Now, on a quarterly basis you're not going to see,  
24 you know, it's going to be tough to see but on an annual

1 basis we hope you're going to see this, right? And not  
2 just the little dips. But they'll get the money in  
3 September, August, September of this year after the budget  
4 passes. We'll hire the firm and get that going. And  
5 you'll see that by the end of the year, okay?

6 MR. CHASE: And that marketing firm is the  
7 big dollar value in your budget, so, you know, hopefully  
8 you're, you're picking the right person, and keeping an eye  
9 on them, and holding them accountable, and that kind of  
10 thing.

11 MR. COMPTON: It will be our IP process.

12 MR. CHASE: Okay.

13 MR. COMPTON: Competitively bid and that  
14 firm will be highly vetted.

15 MR. CHASE: Good.

16 CHAIR WHITTINGTON: Any other discussion?  
17 If not, I think we'll have a rollcall vote for this.

18 Carolyn, if you will.

19 MS. LAZENBY: Sure.

20 Jennifer Ransom.

21 MS. RANSOM: Aye.

22 MS. LAZENBY: Ronnie Tickle.

23 MR. TICKLE: Aye.

24 MS. LAZENBY: Reese Smith.

1 MR. SMITH: Yes.

2 MS. LAZENBY: Randy Chase.

3 MR. CHASE: Yes.

4 MS. LAZENBY: Benny Jones.

5 MR. JONES: Yes.

6 MS. LAZENBY: And Keith Whittington.

7 CHAIR WHITTINGTON: Yes.

8 MR. STARWALT: Thank you all, very much. We  
9 appreciate your support.

10 CHAIR WHITTINGTON: Thank you.

11 Okay, moving along the agenda, our next thing is  
12 to adopt the Robert's Rules of Orders. Is there anything  
13 we need to do other than to have a motion and a second for  
14 that?

15 MS. LAZENBY: No.

16 CHAIR WHITTINGTON: Then I'll entertain a  
17 motion to adopt the Robert's Rules of Orders for 2022.

18 MR. TICKLE: Motion.

19 MS. RANSOM: Second.

20 CHAIR WHITTINGTON: Have a motion and a  
21 second. Any discussion? (No response) All in favor say  
22 aye. (All respond aye) Those opposed likewise. (No  
23 response) Motion carries.

24 And has everyone had a minute to read over your

1 conflict of interest and sign that? (All indicate yes)

2 Okay, we've got that taken care of.

3 As we stated in the changes to the meeting  
4 minutes, the November meeting minutes will be deferred  
5 until the March meeting. Can I get an approval with the  
6 addition that Randy Chase was attending the meeting via  
7 Zoom, and that wasn't noted, and we want to have that added  
8 to the meeting minutes? Can I get an approval for the  
9 September 2021 minutes of the meeting?

10 MR. TICKLE: Motion.

11 MR. JONES: Second.

12 CHAIR WHITTINGTON: A motion and a second.

13 Any discussion? (No response) All in favor say aye. (All  
14 respond aye) Opposed likewise. (No response) Motion  
15 carries.

16 The next thing's the hardships, to approve the  
17 hardships.

18 MS. LAZENBY: These were all reviewed by  
19 Board members and posted on the website.

20 CHAIR WHITTINGTON: Is there a motion we  
21 approve the hardships?

22 MR. CHASE: Randy Chase, I make a motion we  
23 approve the hardships.

24 MR. JONES: Second.

1                   CHAIR WHITTINGTON: Got a motion and a  
2 second. Any discussion? (No response) All in favor say  
3 aye. (All respond aye) All opposed likewise. (No  
4 response) The motion carries.

5                   Then our license approvals. Can't get anywhere  
6 in my iPad. Can I get a motion to accept the license  
7 approvals?

8                   MR. SMITH: So moved, Reese.

9                   MR. TICKLE: Ronnie Tickle, second.

10                  CHAIR WHITTINGTON: Have a motion and a  
11 second. Is there any discussion? (No response) All in  
12 favor say aye. (All respond aye) Opposed likewise. (No  
13 response) The motion carries.

14                  And then the waived interviews, we need an  
15 approval for that. Can I get a motion?

16                  MR. CHASE: Randy Chase, so moved.

17                  MR. JONES: Benny Jones, second.

18                  CHAIR WHITTINGTON: Have a motion and a  
19 second. Is there any discussion? (No response) All in  
20 favor say aye. (All respond aye) Opposed likewise. (No  
21 response) The motion carries.

22                  And then revisions. Probably should've just done this  
23 as a whole but do I have a motion to approve the revisions?  
24 That's add class, mode change, and name changes.

1 MR. CHASE: Randy Chase, so moved.

2 MR. SMITH: Second, Reese Smith.

3 CHAIR WHITTINGTON: Okay, I've got a motion  
4 and a second. Is there any discussion? (No response) All  
5 in favor say aye. (All respond aye) Opposed likewise.  
6 (No response)

7 Okay, then LLEs, LLPs, and home improvements. Do  
8 we have any, any changes to that? (No response) Can I get  
9 a motion to approve?

10 MR. CHASE: Randy Chase, so moved.

11 MR. JONES: Benny Jones, second.

12 CHAIR WHITTINGTON: Got a motion and a  
13 second. Any discussion? (No response) Those in favor say  
14 aye. (All respond aye) Opposed likewise. (No response)

15 Okay, then we're into our interviews. We'll, anyone  
16 have an interview starting with Benny over here to my left?  
17 Did you, if you have any applications with factors.

18 MR. JONES: Yes, I have one, Mr. Chairman.  
19 And I, at this time, it's a limited license electrician and  
20 I'm going to recommend not approving it. I'd like to see a  
21 little more history, a little more work history. And  
22 that's something we need to look at on down the road. So,  
23 at this time I'm going to deny it.

24 CHAIR WHITTINGTON: Do we need the number

1 read into minutes?

2 MS. LAZENBY: Yes.

3 CHAIR WHITTINGTON: Please read the license,  
4 application number.

5 MR. JONES: Application number 198110.

6 CHAIRMAN WHITTINGTON: Randy, did you have  
7 any?

8 MR. CHASE: No, I did not.

9 CHAIRMAN WHITTINGTON: Reese?

10 MR. SMITH: No.

11 CHAIRMAN WHITTINGTON: I had one. It was a  
12 home improvement application. It was CJ Management and  
13 Consulting. I'm issuing a civil penalty for three  
14 violations at \$250 each for contracting without a license  
15 that they showed up on their license. And we interviewed  
16 them, and they agreed to pay the civil penalty, and then  
17 we'd to be able to issue the license.

18 Anyone else have an interview?

19 MS. RANSOM: I do. Case 77574. He owes a  
20 \$1000 consent order, which he has agreed to pay. And at  
21 that point we will approve his new application. He had a  
22 previous complaint that was closed, well, that was flagged  
23 for complaint because he closed the company. But he has  
24 submitted a new application. He did appear for the

1 interview and agrees to pay the consent order. Upon  
2 receiving that we'll go ahead and approve his application.

3           And then the second one was 77140. Randy  
4 approved his BCA with a \$1.5 million monetary limit. The  
5 applicant wanted a full BC but doesn't have the experience  
6 for that. So, I agreed with Randy's assessment and advised  
7 the applicant to get some subcontracting work experience in  
8 and then resubmit for an add class as well as a monetary  
9 limit increase. They applied for 3 million. So, he agreed  
10 to go with the BCA 1.5 million and then he'll reapply.

11           CHAIR WHITTINGTON: Okay, that's all our  
12 applications with factors and interviews. Can I get a  
13 motion to, to approve?

14           MR. SMITH: Move for approval, Reese Smith.

15           MR. TICKLE: Ronnie Tickle, second.

16           CHAIR WHITTINGTON: Any discussion? (No  
17 response) All in favor say aye. (All respond aye)  
18 Opposed likewise. (No response)

19           Okay, now we have two new applications for our  
20 continuing education course...

21           MS. LAZENBY: Providers.

22           CHAIR WHITTINGTON: Providers.

23           Carolyn, you want to...?

24           MS. LAZENBY: Yes, we went over these. It's



1 for Kansas City, Kansas State University. They provided a  
2 list of courses they're going to do. I think they're  
3 primarily radon courses. And the Department of Environment  
4 and Conservation also accepts these courses.

5 And then we also had The Media Factory apply to  
6 be a continuing education provider.

7 CHAIR WHITTINGTON: Is there any questions  
8 about either one of these providers?

9 MR. SMITH: Is Kansas State in person,  
10 online?

11 MS. LAZENBY: They offer it both.

12 MR. SMITH: So, they'll have a brick and  
13 mortar here in the state?

14 MS. LAZENBY: Yes.

15 MR. SMITH: Wow.

16 CHAIR WHITTINGTON: Any other questions?

17 (No response) Can I get a motion to approve the two new  
18 course providers, Kansas State University and The Media  
19 Factory?

20 MS. RANSOM: Jennifer Ransom, move for  
21 approval.

22 MR. JONES: Benny Jones, second.

23 CHAIR WHITTINGTON: Have a motion and a  
24 second. All in favor say aye. (All respond aye) Opposed

1 likewise. (No response)

2 MS. LAZENBY: We have one amendment to your  
3 motion. This is the one that Ronnie interviewed that  
4 didn't get added on to.

5 MR. TICKLE: Mine was, mine was hidden in  
6 the back. File number 77328. This was a gentleman that  
7 was applying for a small R license. He did five jobs  
8 without a license. He is from Memphis. He's been working  
9 for one of the big outfits in Memphis that does remodeling.  
10 He did not know that he had to have a license. He found  
11 out. He was interviewed by Keith originally. And I  
12 reduced his fine from \$2250 to 1500 because he was legit  
13 and I interviewed him face-to-face.

14 CHAIR WHITTINGTON: Okay, I need a motion to  
15 accept the file number 77328 as an amendment to our  
16 applications with factors and interviews. Can I get a  
17 motion?

18 CHAIR WHITTINGTON: Got a motion and a  
19 second.

20 COURT REPORTER: I'm sorry; who made the  
21 motion and second?

22 CHAIR WHITTINGTON: Make the motion.

23 MR. TICKLE: I make the motion.

24 CHAIR WHITTINGTON: I need a second.

1 MS. RANSOM: Second, Jennifer Ransom.

2 CHAIR WHITTINGTON: Have a motion and a  
3 second. Any other discussion? (No response) All in favor  
4 say aye. (All respond aye) Opposed likewise. (No  
5 response)

6 MS. LAZENBY: They're asking that we pause  
7 the meeting just for one second. Can we pause for a  
8 second?

9 (Brief recess)

10 MS. LAZENBY: We're going to let you all go  
11 ahead because they can't hear and they're blowing up with  
12 questions that they can't hear. So, we're going to let  
13 them know a court reporter will be transcribing this, and  
14 we'll be posting it, and they'll still have it. So, you  
15 all can go ahead with your meeting.

16 CHAIR WHITTINGTON: The next thing on the  
17 agenda is the Legal Report. So, if you guys are ready.

18 Mr. Huffman: This is Attorney Stuart  
19 Huffman.

20 The subcommittees met and there were no changes  
21 to the recommendations on the report. There are two that  
22 are up for discussion. Number 67 2021 07 0971. I believe  
23 Attorney John Murphy will be discussing that with the  
24 Board.

1                   Number 71 2021 07 1931 and Attorney Awni Filat  
2 will be discussing that, discussing that with the Board.

3                   MR. MURPHY: Thanks, Stuart.

4                   So, regarding number 67 on the Legal Report, this  
5 is an industrial complaint. The complainant was, did  
6 submit this anonymously. The predication was that there is  
7 electrical and plumbing work being contracted. So, counsel  
8 did request an investigation. And during that  
9 investigation no electrical work and no plumbing work was,  
10 was found to be conducted, however, the contract in the  
11 scope of work for this project did include hydro-excavation  
12 and other like projects. So, this is really for the  
13 Board's discussion, however, following Board precedent the  
14 Board has both required and issued licenses for excavation  
15 because it's part of your classifications and hydro-  
16 excavation is included under that. So, for -

17                   MR. CHASE: Yeah, I talked to John about  
18 this. We reviewed it. I think there was some confusion by  
19 the complainant. He thought that the contractor was  
20 performing electrical and plumbing work when he was  
21 actually just doing hydro-excavation, which is kind of a  
22 specialty. It's not your traditional excavation where  
23 you've got a backhoe and all that. You have a truck and  
24 you're blasting water. It's typically in an area that's

1 hard to get to or whatever. But anyway, I think we just  
2 need to direct to this guy, maybe warn him, and get him to  
3 obtain a license. It's that BC excavation license and get  
4 him squared away. I think he was probably just confused on  
5 what he was supposed to have as well, so. I think if we do  
6 that then we can close it out.

7 MR. FILAT: All right, so, I've got number  
8 71. This is a case that I wanted to bring up for  
9 discussion since the nature of this case had to do with an  
10 electrician that willingly and knowingly violated our order  
11 where a vulnerable population was involved. Basically, the  
12 background of this story is the electrician's wife was  
13 running an elderly group home out of their residence that  
14 was unregulated and did not meet fire and safety codes.  
15 And after multiple orders and warnings from the State they  
16 continued to run this home. And after the utilities were  
17 cut off the electrician went ahead and put a generator  
18 with, as you can see here, I kind of like highlighted how  
19 faulty the generator was and unsafe it was for the  
20 population to provide power to that home. So, I wanted to  
21 bring this up to discussion before the Board with regards  
22 of what you wanted to do as a penalty for this egregious  
23 conduct.

24 CHAIRMAN WHITTINGTON: Board? I don't think

1 we've really got an electrician that's sitting on the Board  
2 at this time but how does the Board members feel about  
3 that?

4 MR. CHASE: I think, I think Jennifer kind  
5 of reviewed it.

6 MS. RANSOM: Yeah, I reviewed it. I think  
7 based on just the kind of egregious nature of him defying  
8 the stop work orders multiple times and putting such a  
9 vulnerable population at considerable risk I think a  
10 revocation of license is in order for this particular case.

11 MR. TICKLE: For the electrician?

12 MS. RANSOM: For the electrician.

13 MR. TICKLE: For the electrician.

14 CHAIR WHITTINGTON: Now, just for the  
15 record, I would, I would like for you to make that a motion  
16 and can you state the license number in, in your motion  
17 please?

18 MS. RANSOM: Let's see, I don't know if I,  
19 do I have the license number?

20 MR. FILAT: The license, the license number  
21 is actually not on the legal report. We have to provide  
22 that -

23 MS. RANSOM: Okay

24 MR. FILAT: - I guess after.

1 MS. RANSOM: So, I don't have the license  
2 number but -

3 MR. FILAT: Have a case number.

4 MS. RANSOM: The case number's 202 107 931.  
5 And I move, making a motion to revoke the license of the  
6 electrician.

7 MR. TICKLE: Ronnie Tickle, I second it.

8 CHAIR WHITTINGTON: Got a motion and a  
9 second. Is there any further discussion?

10 MR. SMITH: What do we do in the meantime?  
11 As we all know, it could be months before we could have a  
12 hearing and he could still be out there working. Is this  
13 egregious enough to have a -

14 MR. FILAT: It is up for discussion before  
15 the Board. So, if you believe that this is egregious  
16 enough for a summary suspension -

17 MR. SMITH: That's what I was thinking.

18 MR. FILAT: - then you could totally do  
19 that.

20 MS. RANSOM: I, in my opinion it is  
21 egregious enough for a summary suspension. I think because  
22 he has already proven that he doesn't necessarily agree to,  
23 you know, stop work when an order is enforced or  
24 implemented I think he does need a bit of a heavier hand.

1 CHAIR WHITTINGTON: Okay, can you amend your  
2 motion then to, to reflect that?

3 MS. RANSOM: Okay, so, amended motion to  
4 reflect a summary suspension for case number 202 107 931.

5 CHAIR WHITTINGTON: And, and, Ronnie, will  
6 you amend your second?

7 MR. TICKLE: I amend my second.

8 CHAIR WHITTINGTON: Any further discussion?  
9 (No response) All in favor say aye. (All respond aye)  
10 Opposed likewise. (No response) Then the motion carries.

11 And I guess, Carolyn, you will get that process  
12 started?

13 Or, Awni, you'll do that? Get the process  
14 started and notify us -

15 MR. FILAT: Yes, sir.

16 CHAIR WHITTINGTON: - as to a date and time?

17 MR. FILAT: Yes, sir.

18 MR. TICKLE: Let me ask you something else,  
19 I didn't hear you bring up, sounds to me like the people  
20 who are running the nursing home or whatever you want to  
21 say is, is at fault too. Is anything being done about  
22 that?

23 MR. FILAT: Yes. So, this was back in,  
24 between the months of March and in May of last year. And



1 it was actually his wife who was running the elderly home.  
2 And, I guess, since he was an electrician they couldn't  
3 find a placement or whatever the case may be for the  
4 elderly people that were in that home. And once the  
5 utilities were cut off the Respondent, I spoke with him  
6 yesterday, told me that they had nowhere to put the elderly  
7 and that they didn't want them to sit in the dark, so, he  
8 just rigged up, I guess, a faulty generator just for them  
9 to have power even though it didn't have, it wasn't up to  
10 code. And the place wasn't up to code. I think Fire and  
11 Prevention, Fire and Prevention is actually taking care of,  
12 I guess, the actual owner and this is just kind of like a,  
13 for us to make sure that we've covered all our bases with  
14 regards to his license and his activity with the Board.

15 MR. TICKLE: But we don't know what's going  
16 to happen to the elderly people, is that right?

17 MR. SMITH: I'm sure that's already  
18 happened.

19 MR. FILAT: That's already been taken care  
20 of. The home has been shut down and -

21 MR. TICKLE: Okay, I, I just want to be sure  
22 they're taken care of.

23 MR. FILAT: They are.

24 MS. RANSOM: Right.

1                   MR. FILAT: I don't know where they are,  
2 specifically, but it's all taken care of.

3                   MR. TICKLE: Okay, that's fine. Thank you.

4                   MR. SMITH: Do you know about how long the  
5 generator ran, provided for the elderly? That's okay. I  
6 was just wondering.

7                   MR. FILAT: I believe it ran for 11 days.

8                   MR. SMITH: Okay.

9                   MR. TICKLE: Oh, my.

10                  CHAIR WHITTINGTON: Okay, that, that's all  
11 of the Legal Report and additions to the Legal Report. Are  
12 there any questions? If none, then I will entertain a  
13 motion to approve the legal report.

14                  MR. SMITH: So moved, Reese Smith.

15                  CHAIR WHITTINGTON: Have a motion.

16                  MR. CHASE: Randy Chase, second.

17                  CHAIR WHITTINGTON: Got a second. All in  
18 favor say aye. (All respond aye) Opposed likewise. (No  
19 response)

20                  Then we've got some Draft Rules that John's going  
21 to bring before us regarding certified mail and contacting.

22                  MR. MURPHY: Thank you, Mr. Chairman.

23                  There are two rule-making items this morning.  
24 The first, I'm going to be happy to present the Board's,

1 for the Board's review, consideration, and approval rule-  
2 making language regarding certified mail that we briefly  
3 discussed during the November meeting. And then second,  
4 there are some minor changes to the application rule-making  
5 packet for your review and reapproval. Additionally, there  
6 are some recommendations for adjusted language on that as  
7 well.

8           We're going to take the certified mail rule  
9 first. As Assistant Commissioner Martin had outlined in  
10 the previous meeting, the Modernization Bill was passed in  
11 the last legislative session, which created efficiencies  
12 and cost savings for the Regulatory Boards Division. It  
13 was really an oversight that the Contractors Board was  
14 wasn't included in the legislative language regarding  
15 certified mail but that language is actually found in the  
16 Board's rules under misconduct. Additionally, as the  
17 Assistant Commissioner described in November, our  
18 Centralized Complaint Division discussed using email and  
19 regular mail as that first attempt before using certified  
20 mail to determine response during that meeting, kind of a  
21 workflow of how to get to certified mail. So, this rule  
22 amendment would create the necessary flexibility for the  
23 Department's Centralized Complaint Division to send notices  
24 of complaints through email, regular mail, certified mail,

1 and other methods that insure receipt of the notice of  
2 complaint as required in the misconduct. Should the rule-  
3 making packet be approved by the Board, the Rules section  
4 that would be open for amendment is 0680-01-.27 and that's  
5 the rule for misconduct.

6 I'd be happy to briefly summarize the rule-making  
7 process or answer any questions but this would follow the  
8 same process that we used for the application rule-making.

9 CHAIR WHITTINGTON: I think there's, I think  
10 there's no explanation on that part needed. Do you need  
11 any approval or is this just something that's going to take  
12 place?

13 MR. MURPHY: Yes, sir, I need approval for  
14 the language as drafted.

15 CHAIR WHITTINGTON: Okay, I'll entertain a  
16 motion for approval of the Draft Rules of certified mail.

17 MR. JONES: So moved, Benny Jones.

18 MS. RANSOM: Jennifer Ransom, second.

19 CHAIR WHITTINGTON: Motion and a second.  
20 Any further discussion? (No response) All in favor say  
21 aye. (All respond aye) Opposed likewise. (No response)  
22 And, and the motion carries.

23 MR. MURPHY: Thank you, Mr. Chairman.

24 Regarding the second rule-making, this would be

1 the application rule-making packet. We made some minor  
2 changes to the rule-making, to the application rule-making  
3 packet. That was approved through a rule-making hearing in  
4 November. It's mainly formatting and text. However,  
5 because there were changes we would like the Board for  
6 reapproval of those before we send them through the  
7 remaining portions of the rule-making process. However, it  
8 also highlighted, because we're at this process to re-  
9 review the rule at this point we wanted to bring some of  
10 the current language to the Board's attention that could be  
11 modified at this point so you could amend the language. In  
12 the Board's statute it requires the Board to meet at least  
13 once in each grand division and that language is currently  
14 in this rule-making draft. However, if the Board decided  
15 to make this rule more evergreen it could decide to take  
16 that language out of this rule because we already have that  
17 requirement in statute. The rule language is, actually,  
18 pretty repetitive and duplicative. And should there ever  
19 be a change in law, like we're seeing right now with the  
20 certified mail, the rule would still be a requirement  
21 because it's in the Board's rules. So, the Board could  
22 decide to remove that language from the rule because it's  
23 already a requirement in statute.

24 CHAIR WHITTINGTON: So, if it's still

1 required in the statute we still will meet in each grand  
2 division at least three, there will be at least three  
3 meetings each year that we'll be meeting in person, is that  
4 correct?

5 MR. MURPHY: Yes, Mr. Chairman.

6 CHAIR WHITTINGTON: Okay, I just want to  
7 make sure, I don't know, how does the rest of the Board  
8 feel about meeting in each grand division? My thoughts are  
9 for those that may not be able to make the trip all the way  
10 to Nashville that it's a more convenient process for maybe  
11 them to attend one of our meetings closer to their home  
12 town if we, if we make the effort to get there and I think  
13 the Board needs to continue doing that. Anybody?

14 MR. JONES: I agree.

15 MR. MURPHY: It, it, the way that the  
16 statute is is it is a Board requirement right now and that  
17 the way that the rule is drafted it would be a requirement  
18 in the rule. So, what this language would do is change the  
19 rule language. So, it wouldn't be a statutory change; it  
20 would just be a change to the rules.

21 MR. SMITH: So, could it be optional? I  
22 mean, like, you know, with this Covid stuff, weather, or  
23 whatever.

24 MR. MURPHY: At, at this point, no, because

1 it is a statutory requirement, so, it's required by law.  
2 However, if there is ever a change in law we would have to  
3 come back and change these rules.

4 MR. SMITH: Okay.

5 MR. MURPHY: So, if we wanted to do it now  
6 because the rule's already open we could make this change  
7 in the rule.

8 MS. LAZENBY: John, would this also make it  
9 so the Board could meet any time of the year instead of,  
10 they wouldn't have to meet like in March and May? They  
11 could very well meet in June?

12 MR. MURPHY: That's correct. So, the way  
13 the ruling, which, that's being proposed is it would amend  
14 the current rule, which is it specifically enumerates the  
15 months that the Board meets and also the requirement to  
16 meet once in each grand division. What this would do is it  
17 would remove the specificity of the months. So, it would -

18 CHAIR WHITTINGTON: Give us a little more  
19 flexibility -

20 MR. MURPHY: - flexibility.

21 CHAIR WHITTINGTON: - to arrange a meeting  
22 at a proper time.

23 MR. MURPHY: That's correct.

24 CHAIR WHITTINGTON: Yeah, we need that.

1 MS. RANSOM: Yeah. So, what's the motion?  
2 To remove the rule?

3 MR. MURPHY: The motion would be to amend  
4 the proposed rules, to remove the language, specifically,  
5 about meeting once in each grand division. That's all the  
6 motion that would be needed because the way the rule is  
7 currently drafted with the proposed language we already  
8 have removed this enumerating specific months.

9 MS. RANSOM: Okay. So moved.

10 CHAIR WHITTINGTON: I have a motion. Can I  
11 get a second?

12 MR. CHASE: Randy Chase, second.

13 CHAIR WHITTINGTON: Any other discussion?

14 (No response) All in favor say aye. (All respond aye)

15 Opposed likewise. (No response) Then the motion carries.

16 The next thing I'd like to do is I'd like to say  
17 to Carolyn especially what a great job you've been doing.  
18 I know it's been tough. You're short on employees; Covid  
19 has been a heck of thing; some people working from home;  
20 some people straggling in here. And, and how difficult it  
21 is to deal with people and it's not gone unnoticed. Just  
22 want to say that we appreciate you very much.

23 MS. LAZENBY: Thank you.

24 CHAIR WHITTINGTON: Having said that, now,



1 we're going to call on you as our Executive Director to  
2 give us your Updates on the budget and legislation.

3 MS. LAZENBY: Okay, sure. First thing I  
4 want to pass out just a citation update that John put  
5 together. And this is something you can just review at  
6 your convenience. But if you do have questions now you can  
7 certainly do so. But John's been doing an excellent job  
8 with getting the citations out. And Regina has been doing  
9 an excellent job, as well, in getting these out. Something  
10 else that Regina put together was she did a count on how  
11 many complaints the Board has been presented last year.  
12 During the fiscal year you all looked at over 561 cases as  
13 of December 8<sup>th</sup>. 608 cases were opened as of December and  
14 you all closed 562 cases. So, I believe you all have done  
15 a wonderful job as well. As far as, I appreciate Regina  
16 putting those numbers together. We happened to look at  
17 just how many, how much money collected out of our budget,  
18 which for the year and we've collected over \$182,000 in  
19 fines for this year, I mean, for last fiscal year. So,  
20 that's quite a bit of money. Right now we have a reserve  
21 balance of close to 3 million. The actual number is like  
22 2.9 million in reserve for contractors and 1.7 million in  
23 LLE and LLP. We did have to do a hearing, well, we are  
24 going to be doing a hearing on January 31<sup>st</sup>, next week with

1 the Legislature, the Government Ops Committee, because of  
2 some CORE or software expense it put us in the red for LLE  
3 and LLP. So, we have to go up there and explain why we're  
4 in the red. And so far from our one-on-one meetings with  
5 state reps that we've done this week getting ready for that  
6 hearing they all understand that that's the only reason why  
7 we are in the red for that amount. And as far as our  
8 budget we are right on target for contractors and  
9 electricians on the monies we've collected. We've  
10 collected over 2 million in revenue. I'm sorry; 1 million  
11 in revenue just up until as of November. That's as far as  
12 our numbers are. And then, of course, expenditures were  
13 along, right along with that. So, we're 110 to the good.  
14 So, but that manages to work out at the end of us having a  
15 positive balance in contractors.

16 And as far as formal hearings, we didn't have any  
17 since the last meeting. They all got settled. I believe  
18 we had two that were settled, so. And I think these were  
19 probably already presented on the legal report, so.

20 But that's all I have.

21 CHAIR WHITTINGTON: Okay, thank you for the  
22 Updates.

23 MS. LAZENBY: And I do want to say one thing  
24 since you all are being so generous. Kathy Holliman has

1 done an extraordinary job. She's been doing revisions;  
2 she's been doing LLEs; she's been doing Zen death, which is  
3 like thousands of emails and phone calls that we have to  
4 respond to, public record requests, verifications. I don't  
5 know how she does it. I constantly tell her please go take  
6 a nap. You are making me tired. (Laughter) But, so, she  
7 has done, we couldn't have done it without her. And then  
8 on that note I will say we have just hired a replacement  
9 for John Haughtigan. This is Janine Wills. And so, she  
10 just started this week. And so, she's in training right  
11 now and she's catching on greatly. She comes from the  
12 Customer Service Center, so, she already knew a whole lot  
13 about the Contractors Board. So, we're looking forward to  
14 working with her. And that's it.

15 CHAIR WHITTINGTON: Welcome.

16 MS. RANSOM: Welcome.

17 MS. HOLLIMAN: Thank you.

18 MS. RANSOM: Thank you, Kathy.

19 CHAIR WHITTINGTON: Is there any new  
20 business? (No response) Seeing none, I'll entertain a  
21 motion to adjourn.

22 MR. TICKLE: Motion.

23 MR. JONES: Second.

24 CHAIR WHITTINGTON: Have a motion and a

1 second. All in favor do so by standing on your feet.

2 (Laughter) Meeting is adjourned.

3 (Meeting adjourned)

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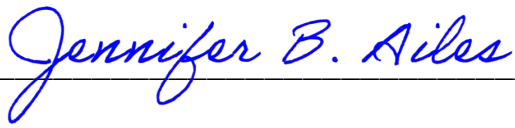
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STATE OF TENNESSEE, to wit:

I, Jennifer B. Ailes, Licensed Court Reporter and Notary Public in and for the State of Tennessee, do hereby certify that I reported by means of voice writing the foregoing proceedings; that later the proceedings were reduced to computerized transcription by me, and the foregoing pages contain true and accurate transcript of the proceedings heard in this cause to the best of my knowledge, skill, and ability.

I further certify that I am neither of counsel nor related to any of the parties of said cause, nor in any manner interested in the result hereof.

Given under my hand this 7th day of February 2022.

  
\_\_\_\_\_

Jennifer B. Ailes, Court Reporter  
TN License No. 118 expires June 30, 2022  
Notary Public, State of TN at Large  
My commission expires July 6, 2025.