

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-5.14
Rule Title: Public Records-Public Information
 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

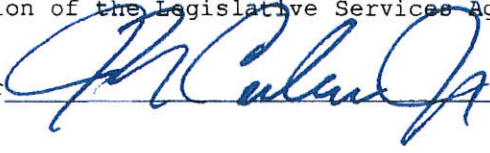
Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer 
Date June 20, 2018

(DATE FILED)
(STAMP)

Home Builders Licensure Board
NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builders Licensure Board

RULE NO. & TITLE:

Ala. Admin. Code r. 465-X-5-.10. Reissuance or Reinstatement of License After Revocation or Suspension.

Ala. Admin. Code r. 465-X-5-.13. Institution of Criminal Proceedings.

Ala. Admin. Code r. 465-X-5-.14. Public Records – Public Information.

INTENDED ACTION: Amend rules.

SUBSTANCE OF PROPOSED ACTION:

The amendment of Ala. Admin. Code r. 465-X-5.10 adds language regarding suspensions or revocations for not meeting bond requirement.

The amendment of Ala. Admin. Code r. 465-X-5-.13 authorized Board to pursue criminal charges against unlicensed residential roofers as well as unlicensed builders.

The amendment of Ala. Admin. Code r. 465-X-5-.14 grants authority to provide public records information on residential roofers.

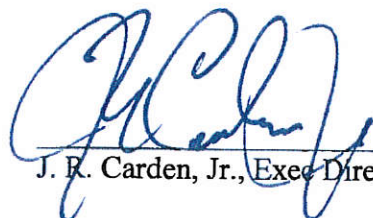
TIME, PLACE, MANNER OF PRESENTING VIEWS:

All interested parties may submit data, views or arguments respecting the proposed amendment by mail or in person for the 35-day period beginning June 29, 2018. Persons wishing to submit data, views or arguments orally should contact the Board's executive director between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding State holidays, at 334-242-2230, to set up an appointment for such oral presentations.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 25, 2018

CONTACT PERSON AT AGENCY:

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J. R. Carden, Jr., Exec Director

465-X-5-14 Public Records-Public Information.

(1) The Board must release the following information to the public regarding complaint and investigation files, disciplinary action proceedings:

(a) A settlement agreement adopted and ratified by the Board that closes a complaint file and represents the Board's final decision in the disciplinary action proceedings,

(b) The formal charges against a residential home builder or a residential roofer filed by the Board's executive secretary and any amendments thereto, orders to show cause, and

(c) The Board's final decision in disciplinary action proceedings entered after a formal disciplinary action hearing.

(2) Disciplinary action hearings shall not be open to the public.

Authors: Beth Acker; Kathy Perry Brasfield, Jamie A. Durham, J. Seth Gowan.

Statutory Authority: Code of Ala. 1975, §§ 13A-14-2(a), 34-14A-2, 34-14A-8, 36-12-40, 41-22-12(g).

History: **New Rule:** New Rule and Emergency Rule filed October 1, 1997; Emergency Rule effective October 1, 1997. New Rule filed January 28, 1998. **Amended:** Filed August 4, 2006; effective September 8, 2006. **Amended:** ~~Amended:~~ Filed August 25, 2011; effective September 29, 2011. **Amended:** Filed _____; effective _____.