STATE LICENSING BOARD FOR CONTRACTORS
COMMERCIAL BOARD MINUTES

March 19, 2015

The regular meeting of the Commercial Board was called to order by the Vice Chairman Victor Weston on Thursday, March 18, 2015 at 9:33 a.m. at 2525 Quail Drive, Baton Rouge, Louisiana.

Members of the Board present:

Lee Mallett, Chairman
Victor Weston, Vice Chairman
N.R. "Noah" Broussard
William J. Clouatre
Nelson A. "Andy" Dupuy, Jr.
August Gallo, Jr.
Danny R. Graham
Kenneth Jones
Donald G. Lambert
Garland Meredith
Christopher Stuart
Byron Talbot
Art O. Walker

Members Lloyd "Chip" Badeaux and Courtney Fenet, Jr. were absent. Finding a quorum present, the regular order of business began.

Also attending the meeting were: Michael B. McDuff, Executive Director; Judy Dupuy, Board Administrator; Judge Darrell White, Retired, Hearing Officer; Jennifer Sims, Board Attorney; and from the staff, Bobbie Hughes, Brent Templet, Tricia Wood, Doug Traylor, Nathan Rawls, and John Dixon; Compliance Director, Marianne Sullivan; Compliance Investigators, Leann Evans, Todd Brady, Scott Corley, Johnny Rogers; and Tarah Barbier recording the minutes.

Mr. Stuart led the members and audience in the Pledge of Allegiance.

Judge Darrell White gave the invocation, introduced himself, and advised those present of his duties.

Mr. Lambert made a motion to accept the Minutes of the **February 19, 2015** regular meeting, and Mr. Clouatre seconded. The motion passed.

Mr. McDuff introduced guest Ronald Burrough with the Attorney General's office.

NEW BUSINESS

C. **QUALIFYING PARTY HEARING(S):**

1. **FINLO CONSTRUCTION COMPANY, INC.,** Hattiesburg, Mississippi – La. R.S. 37:2156.1, Sec. 103 Rules and Regulations of the Board.

   Ms. Dupuy gave a summary of the allegations. No one was present on behalf FINLO CONSTRUCTION COMPANY, INC. Ms. Sims entered into evidence the exhibit packet and it was admitted. Mr. Stuart made a motion to suspend the commercial license for FINLO CONSTRUCTION COMPANY, INC allowing the license to be reinstated by staff if the Qualifying Party is replaced. Mr. Clouatre seconded. The motion passed.

D. **JUDGMENT(S):**

1. **BBT CONSTRUCTION MANAGEMENT, LLC,** Thibodaux, Louisiana – La. R.S. 37:2150-2192, (A)(8) and (A)(9), 2156.1(D)(1) and Section 115 of the Board's Rules and Regulations.

   Ms. Dupuy gave a summary of the allegations. No one was present on behalf of BBT CONSTRUCTION MANAGEMENT, LLC. Ms. Sims entered the exhibit packet into evidence and

it was admitted. Ms. Sims stated that a representative for the company requested a continuance for this matter. The continuance was granted until the April 16, 2015 hearing.

2. **CHRIS MATISE,** Kenner, Louisiana – La. R.S. 37:2150-2192, (A)(8) and (A)(9), 2156.1(D)(1) and Section 115 of the Board's Rules and Regulations.

   Ms. Dupuy gave a summary of the allegations. CHRIS MATISE was not present. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Jones made a motion to revoke the commercial license for CHRIS MATISE. Mr. Gallo seconded. The motion passed.

E. **COMPLIANCE HEARING(S):**

1. Matters 1a - 1h were consolidated.

   a) **CA DEVELOPMENT, LLC,** San Antonio, Texas – La. R.S. 2160(A)(1).

   Ms. Hughes gave a summary of the allegations and read the settlement offer presented by CA DEVELOPMENT, LLC. Mr. Graham made a motion to accept the settlement offer as presented. Mr. Gallo seconded. The motion passed.

   b) **EDNA LUMBER CO., INC.,** Edna, Texas – La. R.S. 37:2158(A)(4).

   Ms. Hughes gave a summary of the allegations and read the settlement offer presented by EDNA LUMBER CO., INC. Attorney Brett Cobb was also present on behalf of EDNA LUMBER CO., INC. Mr. Graham made a motion to accept the settlement offer as presented. Mr. Gallo seconded. The motion passed.

   c) **BLACK HAWK CONCRETE CONSTRUCTION, LLC,** Shreveport, Louisiana – La. R.S. 2160(A)(1).

   Ms. Hughes gave a summary of the allegations and read the settlement offer presented by BLACK HAWK CONCRETE CONSTRUCTION, LLC. The settlement offer was a combined offer for matters E. 1c. and E. 4. and included a no contest plea. The decision on this matter was deferred until E. 4. on the agenda was heard.

   d) **JUAN MARTINEZ D/B/A JYG MARTINEZ MASONRY,** Dallas, Texas – La. R.S. 2160(A)(1).

   Ms. Hughes gave a summary of the allegations. Juan Martinez was present on behalf of JUAN MARTINEZ D/B/A JYG MARTINEZ MASONRY and was sworn in. Mr. Martinez entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Clouatre seconded. The motion passed. Mr. Martinez gave a statement. Mr. Stuart made a motion to fine JUAN MARTINEZ D/B/A JYG MARTINEZ MASONRY $500 plus $500 administrative costs allowing that the fine to be waived if the company obtains a license within 90 days.

   e) **TC CONSTRUCTION, LLC,** Arlington, Texas – La. R.S. 2160(A)(1).

   Ms. Hughes gave a summary of the allegations and read the settlement offer presented by TC CONSTRUCTION, LLC. Mr. Graham made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

   f) **HARBORFRONT INTERIORS INCORPORATED,** Muskegon, Michigan – La. R.S. 2160(A)(1).

   Ms. Hughes gave a summary of the allegations and read the settlement offer presented by HARBORFRONT INTERIORS INCORPORATED. Mr. Graham made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

g) **METROPLEX REFRIGERATION, INC.,** Fort Worth, Texas – La. R.S. 2160(A)(1).

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by METROPLEX REFRIGERATION, INC. Mr. Graham made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

h) **FEDERAL HEATH SIGN COMPANY, LLC,** Delaware, Ohio – La. R.S. 37:2158(A)(4).

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by FEDERAL HEATH SIGN COMPANY, LLC. Mr. Graham made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

2. a) **JERRY KACHEL BUILDERS, INC.,** Spring, Texas – La. R.S. 37:2158(A)(4).

Ms. Hughes gave a summary of the allegations. Greg Knowlton was present on behalf of JERRY KACHEL BUILDERS, INC. and was sworn in. Mr. Knowlton entered a guilty plea. Mr. Clouatre made a motion to accept the plea. Mr. Stuart seconded. The motion passed. Mr. Knowlton gave a statement. Mr. Dupuy made a motion to fine JERRY KACHEL BUILDERS, INC. $2000 plus $500 in administrative costs, place the company on a one year probation allowing that if the company does not comply with the probation requirements the license will automatically be revoked, and the Qualifying Party on record for the company to retake the Business and Law examination within 90 days. Mr. Weston seconded. The motion passed with one nay.

b) **JOSEPH LAMB D/B/A JOE LAMB CONSTRUCTION,** Alexandria, Louisiana – La. R.S. 2160(A)(1).

Ms. Hughes gave a summary of the allegations. No one was present on behalf of JOSEPH LAMB D/B/A JOE LAMB CONSTRUCTION. Investigator Scott Corley was called to the stand and was sworn in. Mr. Corley reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Lambert made a motion to find JOSEPH LAMB D/B/A JOE LAMB CONSTRUCTION to be in violation. Mr. Clouatre seconded. The motion passed. Mr. Lambert made a motion to assess a fine of $5000 plus $500 in administrative costs. Mr. Weston seconded. The motion passed.

3. Matters 3a – 3d were consolidated.

a) **WILLIAM DEROZAN D/B/A WILLIAMS & SONS AUTOMOTIVE & TOWING,** New Roads, Louisiana – La. R.S. 2160(A)(1).

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by WILLIAM DEROZAN D/B/A WILLIAMS & SONS AUTOMOTIVE & TOWING. Attorney Tom Nelson was present on behalf of the company. Mr. Nelson gave a statement. Mr. Stuart made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Lambert seconded. The motion passed.

b) **ELC CONSTRUCTION CO.,** Brookshire, Texas – La. R.S. 37:2158(A)(3),(A)(4),(A)(5) and Rules and Regulations of the Board Sec. 109(A).

Ms. Hughes gave a summary of the allegations. Attorney Cy D'Aquila, Jr. was present on behalf of ELC CONSTRUCTION CO. Mr. D'Aquila entered a no contest plea. Mr. Stuart made a motion to accept the plea. Mr. Lambert seconded. The motion passed. Mr. D'Aquila gave a statement. Mr. D'Aquila presented a settlement offer to the board. Mr. Lambert made a motion to accept the settlement offer as presented. Mr. Stuart seconded. The motion passed.

c) **ROBERT COLVIN D/B/A COLVIN CONSTRUCTION,** New Roads, Louisiana – La. R.S. 2160(A)(1).

Ms. Hughes gave a summary of the allegations. Attorney Cy D'Aquila, Jr. was also present on behalf of ROBERT COLVIN D/B/A COLVIN CONSTRUCTION. Mr. D'Aquila entered a no contest plea. Mr. Stuart made a motion to accept the plea. Mr. Lambert seconded. The motion passed. Mr. D'Aquila presented a settlement offer to the board. Mr. Dupuy made a motion to reject the settlement offer as presented. Mr. Weston seconded. The motion passed. Mr. D'Aquila gave a statement. Mr. Dupuy made a motion to reconsider and accept the settlement offer previously presented, which included an application for licensure to be completed. Mr. Clouatre seconded. The motion passed.

d) **JOHN SAIZON, JR.,** New Roads, Louisiana – La. R.S. 2160(A)(1).

Ms. Hughes gave a summary of the allegations. JOHN SAIZON, JR. was present and sworn in. Mr. Saizon entered a no contest plea. Mr. Meredith made a motion to accept the plea. Mr. Clouatre seconded. The motion passed. Mr. Saizon presented a settlement offer to the board. Mr. Lambert made a motion to accept the settlement offer as presented, which included an application for licensure to be completed within 90 days. Mr. Clouatre seconded. The motion passed.

4. **BLACK HAWK CONCRETE CONSTRUCTION, LLC,** Shreveport, Louisiana – La. R.S. 2160(A)(1).

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by BLACK HAWK CONCRETE CONSTRUCTION, LLC. The settlement offer included a combined offer for matters E. 1c. and E. 4. on the agenda and included a no contest plea. Mr. Jones made a motion to accept the settlement offer as presented. Mr. Gallo seconded. The motion passed.

F. STATUTORY CITATIONS R.S. 37:21621:

Ms. Hughes presented the statutory citations. Mr. Clouatre made a motion to accept the statutory citations as presented. Mr. Jones seconded. The motion passed.

OLD BUSINESS

G. COMPLIANCE HEARING(S)/CONTINUANCES:

1. **CLARENCE J. HAWKINS D/B/A DEPENDABLE APPLIANCE,** Shreveport, Louisiana –La. R.S. 2160(A)(1).

Ms. Hughes gave a summary of the allegations. No one was present on behalf of CLARENCE J. HAWKINS D/B/A DEPENDABLE APPLIANCE. Investigator Marianne Sullivan was called to the stand and was sworn in. Ms. Sullivan reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Meredith made a motion to find CLARENCE J. HAWKINS D/B/A DEPENDABLE APPLIANCE to be in violation. Mr. Gallo seconded. The motion passed. Mr. Meredith made a motion to assess the maximum fine plus $500 in administrative costs and to issue a cease and desist. Mr. Gallo seconded. The motion passed.

H. REQUEST FOR REHEARING/RECONSIDERATION:

1. **CVS PHARMACY, INC.,** Woonsocket, Rhode Island – La. R.S. 2160(A)(1).

Ms. Hughes gave a summary of the allegations and the decision rendered by the board on January 15, 2015. Attorney Brett Furr was present on behalf CVS PHARMACY, INC. Ms. Sims gave a statement and a recommendation to the board. Mr. Gallo made a motion to reconsider the matter and to also dismiss the case. Mr. Weston seconded. The motion passed.

2. **COBB INDUSTRIAL, INC.,** Marietta, Georgia – La. R.S. 2160(A)(1)

   Ms. Hughes gave a summary of the allegations and the decision rendered by the board on February 19, 2015. Ms. Hughes read the settlement offer presented by COBB INDUSTRIAL, INC if the board were to reconsider the penalty. Mr. Lambert made a motion to reconsider the penalty from the February 19, 2015 Commercial Meeting. Mr. Clouatre seconded. The motion passed. Attorney G. Patrick Hand, III was present on behalf of COBB INDUSTRIAL, INC. Mr. Hand gave a statement. Mr. Meredith made a motion to accept the settlement offer as presented. Mr. Lambert seconded. The motion passed.

3. **ALI R. MESBAH,** Gretna, Louisiana – La. R.S. 37:2158(A)(3) and Rules and Regulations of the Board Sec. 109(A).

   Ms. Hughes gave a summary of the allegations and the decision rendered by the board on February 19, 2015. ALI R. MESBAH was present and sworn in. Mr. Lambert made a motion to reconsider the penalty from the February 19, 2015 Commercial Meeting. Mr. Clouatre seconded. The motion passed. Mr. Mesbah gave a statement. Mr. Mesbah presented documents to the board. Mr. Gallo made a motion to dismiss the case and previous penalty. Mr. Meredith seconded. The motion passed.

I. **COMMITTEE REPORTS:**

1. Report from the Staff –Ms. Dupuy reminded Board Members of the May 15, 2015 Annual Ethics reporting deadline and provided copies of the forms.
2. Building Committee –Mr. McDuff stated to the board the Building Committee is considering improvements for the agency.
3. Classification and Testing Committee – Mr. Gallo had no new report.
4. Legislative/Rules and Regulations Committee – Mr. Fenet was not present and there was no new report.
5. Finance Committee – Mr. Dupuy made a motion to accept the year-end financial report as presented. Mr. Clouatre seconded. The motion passed.
6. Residential Building Committee – Mr. Badeaux was not present. Mr. Weston gave the report at a later time.

J. Consideration of residential applications, home improvement registrations and residential licensure exemptions as listed and attached to the agenda, and actions of the **March 18, 2015** Residential Building Subcommittee. (Pages 6-11)

   Mr. Weston made a motion to approve the residential applications as listed on the agenda, and Mr. Gallo seconded. The motion passed.
   Mr. Weston made a motion to approve the home improvement applications as listed on the agenda, and Mr. Gallo seconded. The motion passed.
   Mr. Weston made a motion to approve the residential exemptions as listed on the agenda, and Mr. Gallo seconded. The motion passed.
   Mr. Weston made a motion to approve the actions taken at the March 18, 2015 Residential Building Subcommittee meeting and Mr. Gallo seconded. The motion passed.

K. Consideration of commercial licensure exemptions as listed and attached to the agenda. (Page 12-14)

   Mr. Dupuy made a motion to approve the Reciprocity exemptions based as listed on pages 12-13 of the agenda with the exclusion of ELITE DIRECTIONAL DRILLING & UTILITIES, LLC. Mr. Clouatre seconded. The motion passed.
   Mr. Dupuy made a motion to approve the new application commercial exemptions as listed on page 14 of the agenda. Mr. Clouatre seconded, and the motion passed.
   Mr. Dupuy made a motion to approve the currently licensed companies' exemptions as listed on page 14 of the agenda, with the amendment to GULF COAST SCRAP & SALVAGE, INC. to be only approved for the Building Construction examination exemption. Mr. Clouatre seconded, and the motion passed.

L. Consideration of mold remediation application as listed and attached to the agenda. (Page 15)

Mr. Lambert made a motion to approve the mold remediation application as listed on the agenda, and Mr. Stuart seconded. The motion passed.

M. Consideration of additional classifications as listed and attached to the agenda. (Pages 16-17)

Mr. Lambert made a motion to approve the additional classifications as listed on the agenda, and Mr. Stuart seconded. The motion passed.

N. Consideration of commercial applications as listed and attached to the agenda.

- **PENDING ALL REQUIREMENTS BEING MET** (Pages 18-27)

Mr. Lambert made a motion to approve the applications on pages 18-27, and Mr. Stuart seconded. The motion passed.

ADJOURNMENT

Mr. Lambert made a motion to adjourn at 11:05 a.m., and Mr. Clouatre seconded. The motion passed.

Lee Mallett, Chairman

Nelson A. "Andy" Dupuy, Jr., Treasurer