

STATE LICENSING BOARD FOR CONTRACTORS
COMMERCIAL BOARD MEETING MINUTES

October 15, 2015

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallet, on Thursday, October 15, 2015 at 9:35 a.m. at 2525 Quail Drive, Baton Rouge, Louisiana.

Members of the Board present:

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

Board Members Courtney Fenet and Garland Meredith 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 (recording the minutes); Judge Darrell White, Retired, Hearing Officer; Jennifer Sims, Board Attorney; and from the staff, Bobbie Hughes, Brent Templet, Doug Traylor, Nathan Rawls, and John Dixon; Compliance Investigators, Frank Vaughan, Todd Brady, Dylan Bourg, Leann Evans, Bobby Abraham, and Tommy Mimnaugh.

Mr. Mallett 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. Weston made a motion to accept the Minutes of the **September 17, 2015** regular meeting, and Mr. Cloutre seconded. The motion passed.

NEW BUSINESS

C. QUALIFYING PARTY HEARINGS:

1. **UNITED RENOVATIONS, L.P.**, Carrollton, Texas – 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 of UNITED RENOVATIONS, L.P. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Talbot made a motion to suspend the license until such time that a qualifying party has been properly added to the license. Mr. Cloutre seconded the motion, and the motion passed.

D. JUDGMENTS:

1. **MELANCON CONSTRUCTION OF NORTH LA, LLC**, Prairieville, Louisiana – La. R.S. 37:2150-2192, 2158(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. Ms. Heather Melancon was present on behalf of MELANCON CONSTRUCTION OF NORTH LA, LLC and was sworn in. Allen Webb was present on behalf of Webb Plumbing and was sworn in. Ms. Sims entered the exhibit packet into evidence and it was admitted. Ms. Melancon gave a statement. Mr. Cloutre made a motion for MELANCON CONSTRUCTION OF NORTH LA LLC to either pay/resolve the judgment or enter

into a payment plan with the creditor within thirty (30) days and to allow staff to automatically revoke the license if the matter is not resolved or a payment plan is not entered into within the timeframe given. Mr. Gallo seconded the motion, and the motion passed.

2. **ALL STAR HEATING & AIR, LLC**, St. Amant, Louisiana – La. R.S. 37:2150-2192, 2158(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. Mr. Joseph J. Calvaruso and his attorney, Jeff Rice, were present on behalf of ALL STAR HEATING & AIR, LLC. Homeowner Janet Rhodus was also present. Mr. Calvaruso and Ms. Rhodus were sworn in. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Rice informed the Board that the matter is under appeal before the 1st Circuit Court of Appeal and provided a copy of the Notice of Appeal to the Board. The documents were admitted into evidence. Mr. Cloutre made a motion to suspend this matter pending the outcome of the appeal, and for both parties to keep the staff apprised of the outcome. Mr. Gallo seconded, and the motion passed.

E. COMPLIANCE HEARINGS:

1. **JONATAN PINEDA D/B/A AAA + CONSTRUCTION, LLC**, Marrero, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. No one was present on behalf of JONATAN PINEDA D/B/A AAA+ CONSTRUCTION, LLC. Investigator Dylan Bourg was called to the stand and sworn in. Mr. Bourg reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Badeaux made a motion to find JONATAN PINEDA D/B/A AAA+ CONSTRUCTION, LLC to be in violation and to assess the maximum fine plus \$500 in administrative costs. Mr. Graham seconded the motion, and the motion passed.

2. **CHRIS QUARTEMONT D/B/A C.K.Q. ELECTRIC**, Marksville, Louisiana – La. R.S. 2160(A)(1)(2)

Ms. Hughes gave a summary of the allegations. Mr. Chris Quartemont was present on behalf of CHRIS QUARTEMONT D/B/A C.K.Q. ELECTRIC and was sworn in. Mr. Quartemont entered a no contest plea. Mr. Cloutre made a motion to accept the plea. Mr. Stuart seconded, and the motion passed. Mr. Quartemont gave a statement. Mr. Lambert made a motion to assess \$100 in administrative costs and require CHRIS QUARTEMONT D/B/A C.K.Q. ELECTRIC to obtain a license. Mr. Talbot seconded the motion, and the motion passed.

3. **ARK-LA-TEX SHOP BUILDERS, INC.**, Haughton, Louisiana – La. R.S. 2160(A)(1)

Mr. Mallett recused himself from this matter. Ms. Hughes gave a summary of the allegations. Mr. Howard Prince, Jr. was present on behalf of ARK-LA-TEX SHOP BUILDERS, INC., and was sworn in. Mr. Prince entered a no contest plea. Mr. Jones made a motion to accept the plea, and Mr. Lambert seconded. The motion passed. Mr. Prince gave a statement. Mr. Talbot made a motion to fine the company \$2000 plus \$500 in administrative costs allowing the fine to be reduced to \$1000 plus \$500 in administrative costs if the company obtains a license within 60 days. Mr. Cloutre seconded the motion, and the motion passed.

4. a) **KIMBEL MECHANICAL SYSTEMS, INC.**, Springdale, Arkansas – La. R.S. 37:2158(A)(4)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by KIMBEL MECHANICAL SYSTEMS, INC. Mr. Jones made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Cloutre seconded, and the motion passed.

- b) **LA REG, LLC D/B/A REGGIE’S PLUMBING**, Lafayette, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. Ms. Hughes reported to the Board that LA REG’s license was previously revoked by the Board for nonpayment of a judgment and also stated that the company has requested a continuance. No one was present on behalf of LA REG, LLC D/B/A REGGIE’S PLUMBING. Mr. Gallo made a motion to deny the continuance and to proceed with the hearing. Mr. Talbot seconded the motion, and the motion passed.

Investigator Tommy Mimnaugh was called to the stand and sworn in. Mr. Mimnaugh reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Gallo made a motion to find LA REG, LLC D/B/A REGGIE'S PLUMBING to be in violation and to assess the maximum fine plus \$500 in administrative costs. Mr. Cloutre seconded the motion, and the motion passed.

5. Matters 5a and 5b were consolidated.

a) **AQUATIC POOLS & SPAS, LLC**, Sulphur, Louisiana – La. R.S. 37:2158 (A)(9)

Ms. Hughes gave a summary of the allegations. No one was present on behalf of AQUATIC POOLS & SPAS, LLC. Investigator Frank Vaughan was called to the stand and sworn in. Mr. Vaughan reviewed the exhibit packet. Ms. Sims added additional documents to the exhibit packet as Exhibit 19. Ms. Sims entered the exhibit packet with Exhibits 1-19 into evidence and it was admitted. Mr. Dupuy made a motion to find AQUATIC POOLS & SPAS, LLC to be in violation. Mr. Stuart seconded the motion, and the motion passed. Mr. Dupuy made a motion to revoke the license of AQUATIC POOLS & SPAS, LLC and to assess the maximum fine plus \$500 in administrative costs. Mr. Gallo seconded the motion, and the motion passed.

b) **FABIO CANTU, JR.**, Sulphur, Louisiana – La. R.S. 37:2158 (A)(9)

Ms. Hughes gave a summary of the allegations. FABIO CANTU, JR. was not present due to incarceration. The Board unanimously voted to proceed with this matter. Investigator Frank Vaughan, who was previously sworn in, reviewed the exhibit packet. Ms. Sims added additional documents to the exhibit packet as Exhibit 19. Ms. Sims entered the exhibit packet with Exhibits 1-19 into evidence and it was admitted. Mr. Dupuy made a motion to find FABIO CANTU, JR. to be in violation. Mr. Stuarts seconded the motion, and the motion passed. Mr. Dupuy made a motion to revoke the Qualifying Party eligibility of FABIO CANTU, JR. and to assess the maximum fine plus \$500 in administrative costs. Mr. Gallo seconded the motion, and the motion passed.

6. a) **AXIOM DR CONSTRUCTION, LLC**, Spring, Texas – La. R.S. 37:2158(A)(3),(A)(4), and Rules and Regulations of the Board Sec. 109(A)

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

b) **USA FLOOR-TEC, INC.**, Van Alstyne, Texas – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations, and read the settlement offer presented by USA FLOOR-TEC, INC. Mr. Cloutre made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded, and the motion passed.

c) **EDA CONTRACTORS, INC.**, Lawrenceville, Georgia – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. No one was present on behalf of EDA CONTRACTORS, INC. Investigator Dylan Bourg, who was previously sworn in, was called to the stand. Mr. Bourg reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Dupuy made a motion to find EDA CONTRACTORS, INC. to be in violation. Mr. Gallo seconded the motion, and the motion passed. Mr. Weston made a motion to assess the maximum fine plus \$500 in administrative costs. Mr. Gallo seconded the motion, and the motion passed.

7. Matters 7a – 7c were consolidated.

- a) **SWORD CONSTRUCTION, LLC**, Kingwood, Texas – La. R.S. 37:2158(A)(4)

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

- b) **PROGRESSIVE TECHNOLOGY SYSTEMS, INC.**, Cheektowaga, New York – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations, and read the settlement offer presented by PROGRESSIVE TECHNOLOGY SYSTEMS, INC. Mr. Badeaux made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Cloutre seconded the motion, and the motion passed.

- c) **ALLIED ELECTRIC, LLC**, Walker, Louisiana – La. R.S. 37:2158(A)(5)

Ms. Hughes gave a summary of the allegations. Mr. John Roux was present on behalf of ALLIED ELECTRIC, LLC along with his attorneys Scott Frazier and Jacob Huddleston. Mr. Roux was sworn in and entered a no contest plea. Mr. Weston made a motion to accept the plea, and Mr. Jones seconded. The motion passed. Mr. Roux gave a statement. Mr. Lambert made a motion to dismiss this matter, and Mr. Gallo seconded. The motion passed.

F. STATUTORY CITATIONS:

Ms. Hughes presented the statutory citations. Mr. Dupuy made a motion to accept the statutory citations as presented. Mr. Stuart seconded. The motion passed. Mr. John Seago made an appearance on behalf of Herman & Kittle Properties, Inc.

OLD BUSINESS

G. COMPLIANCE HEARINGS/CONTINUANCES:

1. a) **ERIK ADOLPH ERNST**, Mandeville, Louisiana – La. R.S. 37:2158 (A)(9)

Ms. Hughes gave a summary of the allegations. ERICK ADOLPH ERNST was not present. Mr. Ernst has entered into an agreement with the Board to revoke his license, remove himself as qualifying party, and not to reapply for a license for a two-year period. Ms. Sims entered the Agreement into evidence, and it was admitted. Mr. Jones made a motion to accept the agreement. Mr. Gallo seconded the motion, and the motion passed.

- b) **RIVERLAND LANDSCAPE DESIGN AND SERVICES, INC.**, Mandeville, Louisiana – La. R.S. 37:2158 (A)(9)

Ms. Hughes gave a summary of the allegations. No one was present on behalf of RIVERLAND LANDSCAPE DESIGN AND SERVICES, INC. Mr. Ernst has entered into an agreement with the Board to revoke his license, remove himself as qualifying party, and not to reapply for a license for a two-year period. Ms. Sims entered the Agreement into evidence, and it was admitted. Mr. Jones made a motion to accept the agreement. Mr. Gallo seconded the motion, and the motion passed.

H. REQUEST FOR REHEARING/RECONSIDERATION:

1. **HIGH QUALITY CONSTRUCTION, LLC**, Metairie, Louisiana – La. R.S. 2160(A)(1).

Ms. Hughes gave a summary of the allegations. Mr. Rogerio Santos was present on behalf of HIGH QUALITY CONSTRUCTION, LLC and was sworn in. Mr. Badeaux made a motion to grant the rehearing request. Mr. Stuart seconded the motion, and the rehearing was granted. Mr.

Santos gave a statement. Mr. Weston made a motion to dismiss this matter. Mr. Lambert seconded the motion, and the motion passed.

The Committee Reports were moved to the end of the agenda.

- I. Consideration of residential applications, home improvement registrations and residential licensure exemptions as listed and attached to the agenda, and actions of the **October 14, 2015** Residential Building Subcommittee. (Pages 5 - 10)

Mr. Jones made a motion to approve the residential applications as listed on the agenda, and Mr. Gallo seconded. The motion passed.

Mr. Jones made a motion to approve the home improvement applications as listed on the agenda, and Mr. Gallo seconded. The motion passed.

Mr. Jones made a motion to approve the residential exemptions as listed on the agenda, and Mr. Gallo seconded. The motion passed.

Mr. Jones made a motion to approve the actions taken at the October 14, 2015 Residential Building Subcommittee meeting and Mr. Gallo seconded. The motion passed.

- J. Consideration of commercial licensure exemptions as listed and attached to the agenda. (Pages 11-13)

Mr. Clouatre made a motion to approve the Reciprocity exemptions based as listed on pages of the agenda, and Mr. Stuart seconded. The motion passed.

Mr. Clouatre made a motion to approve the Exemptions as listed on page of the agenda. Mr. Stuart seconded, and the motion passed.

- K. Consideration of mold remediation application as listed and attached to the agenda. (Page 14)

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

- L. Consideration of additional classifications as listed and attached to the agenda. (Pages 15-16)

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

- M. Consideration of commercial applications as listed and attached to the agenda. (Pages 17-25)

• **PENDING ALL REQUIREMENTS BEING MET**

Mr. Lambert made a motion to approve the commercial applications as listed on the agenda. Mr. Stuart seconded. The motion passed. Mr. Mark Roberts a representative of PESADO ENERGY SERVICES, LLC made an appearance before the Board.

- N. **COMMITTEE REPORTS:**

1. Report from the Staff –Ms. Dupuy provided the 2016 meeting calendar and reported that the resolution for legal contracts would be provided in November.

EXECUTIVE SESSION

Mr. Lambert made a motion for the Board to go into Executive Session at 11:04 a.m. to discuss legal strategies for the purpose of discussing matters subject to the attorney client privilege. Mr. Gallo seconded the motion and the motion passed unanimously. Mr. Lambert made a motion to return to the regular session of the meeting at 11:28. Mr. Gallo seconded the motion and the motion passed.

2. Building Committee – With a motion by Mr. Lambert and seconded by Mr. Gallo, the Board authorized the staff to move forward with the Building matters.
3. Classification and Testing Committee – Mr. Clouatre gave his report at an earlier time.
4. Legislative/Rules and Regulations Committee – Mr. Gallo reported that there was no new business.

5. Finance Committee – Mr. Clouatre made a motion to accept the September financial statement as presented. Mr. Lambert seconded. The motion passed. Mr. Clouatre made a motion to approve the budget adjustments submitted to the Board. Mr. Lambert seconded and the motion passed.
6. Residential Building Committee – Mr. Jones gave his report at an earlier time.

ADJOURNMENT

Mr. Clouatre made a motion to adjourn at 11:32 a.m., and Mr. Gallo seconded. The motion passed.

Lee Mallett, Chairman

Byron E. Talbot, Secretary