STATE LICENSING BOARD FOR CONTRACTORS
RESIDENTIAL BUILDING CONTRACTORS SUBCOMMITTEE MINUTES

April 15, 2015

The regular meeting of the Residential Building Contractors Subcommittee was called to order by the Chairman, Kenneth W. Jones, on Wednesday, April 15, 2015 at 9:36 a.m. at 2525 Quail Drive, Baton Rouge, Louisiana.

Members of the Subcommittee present:

Kenneth W. Jones, Chairman
Lee Mallett
Nick Castjohn
Karon "Kay" Gibson
Billy Ward
Wesley L. "Wes" Wyman, Jr.

Members Jodi Penn and Karon "Kay" Gibson were absent. There being a quorum present, the regular order of business was called.

Also attending the meeting were: Michael McDuff, Executive Director; Judy Dupuy, Board Administrator; Judge Darrell White, Retired, Hearing Officer; Jennifer Sims, Board Attorney; and from the staff, Nathan Rawls, Marianne Sullivan, Bobbie Hughes, Brent Templet, Todd Brady, Monica Davis, Emma Payne, Elaine Riggins, John Dixon; compliance investigators, Toddy Brady, Carl Bourque, Greg Perrin, William Collins, Dylan Bourg, and Leann Evans; and Tarah Barbier recording the minutes.

Mr. Jones led the Pledge of Allegiance.

Judge Darrell White gave the invocation.

Mr. Castjohn made a motion to accept the Minutes of the March 18, 2015, Residential Building Committee Meeting, and Mr. Wyman seconded. The motion passed.

Mr. McDuff introduced guests Ronald Burrough with the Attorney General's office, Peter Young with the Louisiana Home Builders Association, and Rudolph Babin and James Henry with the Department of Insurance.

NEW BUSINESS

C. **INSURANCE HEARING(S):**

RESIDENTIAL BUILDING, HOME IMPROVEMENT, AND MOLD REMEDIATION; GENERAL LIABILITY & WORKERS' COMPENSATION – La. R.S. 2150–2192, 2186(B)(6), 2189(A)(7) and Rules and Regulations Sec. 1503(D)

ARGUETA CONSTRUCTION L.L.C.; BILLY RAY DEW; BMM CONSTRUCTION, LLC; BROOKS QUALITY PAINTING LLC; BUILD NOW, L.L.C.; DAVID HARRISON; GILCO HOME SERVICES, LLC; JEFF'S LAWN SERVICE, L.L.C.; LEGACY ENTERPRISES OF OPELOUSAS, LLC; LENARD ENTERPRISES, LLC; MANSION SERVICES, INC.; NEW CENTURY HOMES, LLC; RYAN WILLIAM PAUL; SIMPSON ENVIRONMENTAL SERVICES, INC.; TALLULAH CONSTRUCTION, INC.; and UNITED REMODELING AND CONSTRUCTION LLC were removed from the Agenda

Emma Payne was called to the stand and sworn in to give testimony regarding the documentation of general liability and workers' compensation and confirmed service for those entities listed on the agenda and that this was a first offense for those companies.

CALEB L. MARTIN was present and sworn in. Mr. Martin gave a statement affirming that there was a lapse in insurance coverage. Mr. Wyman made a motion to revoke the license back to the date of last insurance coverage allowing staff to reinstate the license or registration if proof of no lapse is provided, to issue a cease and desist order, assess $500 in administrative costs, and to allow the company to reapply for license/registration in 30 days if there was a lapse in coverage. Mr. Castjohn seconded, and the motion passed unanimously.

Victor Whitfield was present on behalf of CIRCLE HOMES, INC. and was sworn in. Mr. Whitfield gave a statement affirming that there was a lapse in insurance coverage. Mr. Castjohn made a motion to revoke the license back to the date of last insurance coverage allowing staff to reinstate the license or registration if proof of no lapse is provided, to issue a cease and desist order, assess $500 in administrative costs, and to allow the company to reapply for license/registration in 30 days if there was a lapse in coverage. Mr. Wyman seconded, and the motion passed.

Daniel and Diana Reyes were present on behalf of DANIEL REYES CONSTRUCTION L.L.C. and were sworn in. Ms. Reyes presented an insurance certificate to the board and it was admitted. Ms. Sims stated that the insurance company needed to add "State Licensing Board for Contractors" as the certificate holder to the insurance certificate. The board decided to give the company 30 days to make the correction on the insurance certificate and if the matter has not been resolved in those 30 days to bring the company back before the board.

Leon Clayton was present on behalf of LEON CLAYTON ENTERPRISES, LLC and was sworn in. Mr. Clayton gave a statement affirming that there was a lapse in insurance coverage. Mr. Ward made a motion to revoke the license back to the date of last insurance coverage allowing staff to reinstate the license or registration if proof of no lapse is provided, to issue a cease and desist order, assess $500 in administrative costs, and to allow the company to reapply for license/registration in 30 days if there was a lapse in coverage. Mr. Castjohn seconded, and the motion passed

No one was present on behalf of A 2 Z CONSULTING LOUISIANA LLC; ACADIANA CUSTOM BUILDERS LLC; B.W. WAGNER CONSTRUCTION L.L.C.; BASS BUILDERS, L.L.C.; BBT CONSTRUCTION MANAGEMENT, LLC; BENGE LANDSCAPE, L.L.C.; BENNY KILGORE; BROWN DOG CONSTRUCTION, L.L.C.; CCB SERVICES, LLC; DEBRA SIRMON ROBERTS; DELIGHTFUL DESIGNS, L.L.C.; DISTINGUISHED IMPRESSIONS, LLC; DOUGAY SERVICES LLC; DUNN'S CARPENTRY AND REMODELING LLC; ELITE DEVELOPMENT, L.L.C.; HENRY LEE FONTENOT JR.; HOLMES A/C REPAIR AND SERVICES L.L.C.; JACLEV DEVELOPERS, L.L.C.; JAMES WELLS; JAVADO ANTONIO WILLIAMS; M & E RENOVATION AND REPAIR, LLC; RGL CONSTRUCTORS, L.L.C.; and WALTER PERRY. Mr. Castjohn made a motion to suspend the license or registration of the aforementioned companies and individuals back to the date of last insurance coverage allowing staff to reinstate the license or registration if proof of no lapse is provided, to issue a cease and desist order, to assess a fine of $500 plus $500 in administrative costs, and to allow the company to reapply for license/registration in 30 days. Mr. Wyman seconded, and the motion passed.

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

1. **LEON CLAYTON ENTERPRISES, LLC,** Lafayette, Louisiana – La. R.S. 37:2158 (A)(3) and Rules and Regulations Section 101(A).

   Mr. Rawls gave a summary of the allegations. Leon Clayton, who was previously sworn in, was present on behalf of LEON CLAYTON ENTERPRISES, LLC. Mr. Clayton entered a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Ward seconded. The motion passed. Mr. Clayton gave a statement and presented documents to the board. After the documents were reviewed, Ms. Sims stated the documents were acceptable. Mr. Wyman made a motion to dismiss the violation. Mr. Ward seconded. The motion passed.

2. Matters 2a and 2b were consolidated.

   a) **TERRAL BOYS, INC.,** Dubach, Louisiana – La. R.S. 37:2158 (A)(5).

   Mr. Rawls gave a summary of the allegations. Steve and Kenneth Terral were present on behalf of TERRAL BOYS, INC. and were sworn in. Steve Terral entered a guilty plea. Mr. Castjohn made a motion to accept the plea. Mr. Ward seconded. The motion passed. Steve Terral gave a statement. Mr. Wyman made a motion to fine TERRAL BOYS, INC. the maximum fine plus $1000 in administrative costs, one year probation, and the Qualifying Party on record for the company to retake the Business and Law examination. Mr. Castjohn seconded. The motion passed.

   b) **JUAN ARZOLA D/B/A ARZOLA CONSTRUCTION,** Ruston, Louisiana – La. R.S. 37:2167 (A).

   Mr. Rawls gave a summary of the allegations. Juan Arzola was present on behalf of JUAN ARZOLA D/B/A ARZOLA CONSTRUCTION and was sworn in. Nathan Gomec was present as an interpreter for Mr. Arzola and was sworn in. Mr. Gomec entered a guilty plea on Mr. Arzola's behalf. Mr. Ward made a motion to accept the plea. Mr. Castjohn seconded. The motion passed. Mr. Rawls stated that the company has applied for a license. Mr. Gomec gave a statement on Mr. Arzola's behalf. Mr. Wyman made a motion to fine JUAN ARZOLA D/B/A ARZOLA CONSTRUCTION $10,000 plus $1000 in administrative costs allowing the fine to be reduced to $1000 if the company obtains a residential license within 90 days and to place the company on 6 months of probation once the company obtains a license . Mr. Castjohn seconded. The motion passed.

3. **WILLIAM J. BAGNELL,** Covington, Louisiana – La. R.S. 37:2167 (A).

   Mr. Rawls gave a summary of the allegations. WILLIAM J. BAGNELL was present and sworn in. Mr. Bagnell entered a guilty plea. Mr. Castjohn made a motion to accept the plea. Mr. Wyman seconded. The motion passed. Mr. Bagnell gave a statement. Mr. Castjohn made a motion to dismiss the violation. Mr. Ward seconded. The motion passed.

4. **ROBERT L. ADAMS, JR. D/B/A ADAMS INDUSTRIES, LLC,** Denham Springs, Louisiana – La. R.S. 37:2175.2 (A)(1).

   Mr. Rawls gave a summary of the allegations. Robert Adams was present on behalf of ROBERT L. ADAMS, JR. D/B/A ADAMS INDUSTRIES, LLC and was sworn in. Mr. Adams entered a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Wyman seconded. The motion passed. Mr. Adams gave a statement. Mr. Wyman made a motion to fine ROBERT L. ADAMS, JR. D/B/A ADAMS INDUSTRIES, LLC $1000 plus $1000 in administrative costs allowing the fine to be reduced to $500 plus $500 in administrative costs if the company obtains a license or registration within 90 days. Mr. Castjohn seconded. The motion passed.

5. **OWEN AND SCARLET CALLICOATTE,** Addis, Louisiana – La. R.S. 37:2175.2 (A)(1).

   Mr. Ward recused himself from this matter. Mr. Rawls gave a summary of the allegations and read the settlement offer presented by OWEN AND SCARLET CALLICOATTE. Owen and Scarlet Callicoatte were present and sworn in. Mr. Callicoatte gave a statement. Mr. Castjohn made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Wyman seconded. The motion passed.

6. **LLOPIS ENTERPRISE, LLC,** New Orleans, Louisiana – La. R.S. 37:2175.2 (A)(1).

   Mr. Rawls gave a summary of the allegations. Kerry Llopis was present on behalf of LLOPIS ENTERPRISE, LLC and was sworn in. Mr. Llopis entered a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Wyman seconded. The motion passed. Mr. Llopis gave a statement. Mr. Ward made a motion to fine LLOPIS ENTERPRISE, LLC $3000 plus $1000 in administrative costs allowing that if the company pays the previous fine from 2008 within 60 days the fine will be reduced to $1000 and to issue a cease and desist order.

OLD BUSINESS

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

1. **JAMES KINDY D/B/A KINDY CONSULTING & CONSTRUCTION SERVICES,** Chalmette, Louisiana – La. R.S. 37:2175.2 (A)(1).

   Mr. Rawls gave a summary of the allegations and read the settlement offer presented by JAMES KINDY D/B/A KINDY CONSULTING & CONSTRUCTION SERVICES. Mr. Wyman made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Ward seconded. The motion passed.

2. **GAYNELL ROBERTS,** Denham Springs, Louisiana – La. R.S. 37:2167 (A).

   Mr. Rawls gave a summary of the allegations and read the settlement offer presented on behalf of GAYNELL ROBERTS. Gaynell Roberts was present and sworn in. Attorney Eric Pittman was present to represent Ms. Roberts and gave a statement. Investigator Leann Evans was called to the stand and was sworn in. Ms. Evans gave a statement. Mr. Wyman made a motion to accept the settlement offer as presented. Mr. Castjohn seconded. The motion passed.

F. CONSIDERATION OF LICENSURE EXEMPTION(S):

Mr. Ward made a motion to approve the exemptions as listed on the agenda, and Mr. Castjohn seconded. The motion passed.

G. Consideration of new applications for residential building construction license to be approved pending as listed on the agenda. (Pages 4-6)

Mr. Wyman made a motion to approve the new residential building license applications as listed on the agenda. Mr. Ward seconded. The motion passed.

H. Consideration of new applications for home improvement registration as listed on the agenda. (Pages 7-9)

Mr. Wyman made a motion to approve the new home improvement registration applications as listed on the agenda, and Mr. Ward seconded. The motion passed.

ADJOURNMENT

Mr. Castjohn made a motion to adjourn at 11:00 a.m., and Mr. Ward seconded. The motion passed.

Kenneth W. Jones, Chairman

Lee Mallett, Vice Chairman