STATE LICENSING BOARD FOR CONTRACTORS
RESIDENTIAL BUILDING CONTRACTORS SUBCOMMITTEE MINUTES

July 15, 2015

The regular meeting of the Residential Building Contractors Subcommittee was called to order by the Chairman, Kenneth W. Jones, on Wednesday, July 15, 2015 at 9:38 a.m. at 2525 Quail Drive, Baton Rouge, Louisiana.

Members of the Subcommittee present:

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

Member Jodi Penn was 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, Emma Payne, Elaine Riggins, John Dixon,; compliance investigators, Todd Brady, Carl Bourque, Frank Vaughan, Bryan Zeringue, and Charmel Peterson; and Tarah Barbier recording the minutes.

Mr. Ward led the Pledge of Allegiance.

Judge Darrell White gave the invocation.

Mr. Castjohn made a motion to accept the Minutes of the June 17, 2015, Residential Building Committee Meeting, and Mr. Wyman seconded. The motion passed.

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

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)

PEABODY'S CONTRACTOR SERVICE LLC and WATER TIGHT 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.

CHARLES RAY MULFORD was present and was sworn in. Mr. Mulford gave a statement affirming that there was a lapse in insurance coverage. Mr. Wyman made a motion to suspend the license/registration 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 $250 in administrative costs, and to allow Charles Ray Mulford's license/registration to be reissued upon proof of insurance coverage. Mr. Castjohn seconded, and the motion passed unanimously.

Curtis Reed was present on behalf of PATELA CONSTRUCTION INC. and was sworn in. Mr. Reed gave a statement affirming that there was a lapse in insurance coverage. Mr. Castjohn made a motion to suspend the license/registration 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 $250 in administrative costs, and to allow the company's license/registration to be reissued upon proof of insurance coverage. Mr. Wyman seconded, and the motion passed.

Daniel Shepherd was present on behalf of STONEBRIDGE CONTRACTORS, LLC and was sworn in. Mr. Shepherd gave a statement affirming that there was a lapse in insurance coverage. Mr. Castjohn made a motion to suspend the license/registration 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 $250 in administrative costs, and to allow the company's license/registration to be reissued upon proof of insurance coverage. Mr. Wyman seconded, and the motion passed.

No one was present on behalf of ALL IN ONE COMMERCIAL CONSTRUCTION AND REMODELING, LIMITED; BILL BOSWELL; CLIFTON ORVILLE SMITH; CONCRETE PLUS, LLC; G G CONSTRUCTION AND DESIGN LLC; HILTON BUILDERS LLC; HUVAL CONSTRUCTION, LLC; J & H CUSTOM POOLS AND SPAS, L.L.C.; KENNETH DAVID BAKER; MANSON SERVICES, INC.; MARTIN AND PEN BUILDERS LLC; MECHLEB BUILDERS, LLC; REC CONSTRUCTION INC; RIVER BUILDERS, INC.; ROYAL EAGLE SERVICES, L.L.C.; ROYAL RENOVATIONS LLC; TODD A. CARRUTH; TOP CHOICE PROPERTY MAINTENANCE LLC; and ZION PAINTING AND DRYWALL LLC. 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, to issue a cease and desist order, to assess a fine of $500 plus $500 in administrative costs, and to allow staff to reinstate the license or registration if proof of no lapse is provided. Mr. Wyman seconded, and the motion passed.

Ms. Sims requested matter F. 1. BUSBY ROOFING, INC. to be heard before the D. COMPLIANCE HEARINGS agenda items. Mr. Wyman made a motion to hear matter F. 1. BUSBY ROOFING, INC. before the D. COMPLIANCE HEARINGS agenda items. Mr. Castjohn seconded. The motion passed.

F. **COMPLIANCE HEARING/CONTINUANCE:**

1. **BUSBY ROOFING, INC.,** Denham Springs, Louisiana – La. R.S. 37:2175.2 (A)(1)

   Mr. Rawls gave a summary of the allegations. Attorney Brent B. Boxill and J. D. Busby were present on behalf of BUSBY ROOFING, INC. Mr. Busby was sworn in. Mr. Boxill entered a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Wyman seconded. The motion passed. Mr. Boxill presented a $500 settlement offer to the board. Mr. Castjohn made a motion to accept the settlement offer amending the offer to state the $500 to be applied to administrative costs. Mr. Ward seconded. The motion passed.

D. **COMPLIANCE HEARINGS:**

1. **SOUTHERN SIDING COMPANY, INC.,** Baton Rouge, Louisiana – La. R.S. 37:2167 (A) and 2175.2(E)(3)

   Mr. Rawls gave a summary of the allegations. Attorney John Dale Powers was present on behalf of SOUTHERN SIDING COMPANY, INC. Mr. Powers entered a no contest plea for the violations related to La. R.S. 37:2167(A) and entered a denial plea for violations related to La. R.S. 37:2175.2(E)(3). Mr. Castjohn made a motion to accept the no contest plea for the violations for La. R.S. 37:2167(A). Mr. Wyman seconded. The motion passed. 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. Powers questioned Ms. Sullivan. Mr. Powers gave a statement. Ms. Gibson made a motion to fine SOUTHERN SIDING COMPANY, INC. for violations related to La. R.S. 37:2167(A) $2500 plus $2500 in administrative costs, to issue a cease and desist order for projects over $75,000, to allow the fine to be reduced to $2500 in administrative costs if the company obtains a residential license within ninety (90) days, and to place the company on probation for two years.

For the remaining violations related to La. R.S. 37:2175.2(E)(3) Ms. Sims requested the exhibit packet admitted for the previous violations to be adopted and considered for these violations. The exhibit packet was adopted. Investigator Marianne Sullivan, who was previously sworn in, was called to the stand for this matter. Ms. Sullivan gave a statement. Mr. Powers questioned Ms. Sullivan. Homeowner Vallory Hills was called to the stand as representative of the homeowners present for this matter and was sworn in. Ms. Hills gave a statement. Ms. Sullivan gave an additional statement. Mr. Powers gave a closing statement. Ms. Gibson made a motion to find SOUTHERN SIDING COMPANY, INC. to be in violation related to La. R.S. 37:2175.2(E)(3). Mr. Wyman seconded. The motion passed. Homeowner Russell Hills was called to the stand and was sworn in. Mr. Hills gave a statement on behalf of the homeowners present for this matter and declined to allow the company to complete the projects on their properties. Mr. Ward made a motion to revoke the company's home improvement registration, to assess a fine of $5000 plus $1000 in administrative costs, to allow the company to complete the ongoing projects, and to give the company five (5) business days to turn over a listing of the company's ongoing projects. Ms. Gibson seconded. The motion passed.

2. **HAMMERED CONSTRUCTION, LLC,** Sulphur, Louisiana – La. R.S. 37:2167 (A) and/or 2175.2 (A)(1)

   Mr. Rawls gave a summary of the allegations. Josh Lacomb was present on behalf of HAMMERED CONSTRUCTION, LLC and was sworn in. Mr. Lacomb entered a guilty plea. Mr. Castjohn made a motion to accept the plea. Mr. Wyman seconded. The motion passed. Mr. Lacomb gave a statement. Mr. Wyman made a motion to fine HAMMERED CONSTRUCTION, LLC $1000 plus $1000 in administrative costs. Mr. Castjohn seconded. The motion passed.

3. **IRONCITY CONTRACTING, LLC,** New Orleans, Louisiana – La. R.S. 37:2167 (A)

   Mr. Rawls gave a summary of the allegations. No one was present on behalf of IRONCITY CONTRACTING, LLC. Investigator Charmel Peterson was called to the stand and was sworn in. Ms. Peterson reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Castjohn made a motion to find IRONCITY CONTRACTING, LLC to be in violation, to assess the maximum fine plus $1000 in administrative costs, and to issue a cease and desist order. Ms. Gibson seconded. The motion passed.

4. **TONY RAY PASS D/B/A TOTAL RENOVATION PROFESSIONALS,** Denham Springs, Louisiana – La. R.S. 37:2167 (A) and/or 2175.2 (A)(1) and 2160(A)(2)

   Mr. Rawls gave a summary of the allegations. Tony Pass was present on behalf of TONY RAY PASS D/B/A TOTAL RENOVATION PROFESSIONALS and was sworn in. Mr. Pass entered a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Ward seconded. The motion passed. Mr. Pass gave a statement. Mr. Castjohn made a motion to assess $500 in administrative costs, to issue a cease and desist order, and to waive the administrative costs if TONY RAY PASS D/B/A TOTAL RENOVATION PROFESSIONALS obtains a registration within ninety (90) days.

5. **JAMES F. RATCLIFF D/B/A J&J WOODWORKING & REMODELING,** Shreveport, 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 F. RATCLIFF D/B/A J&J WOODWORKING & REMODELING. 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. **EULOGIO SALAZAR D/B/A EULOGIO'S POOL PLASTERING, INC.,** Kenner, Louisiana – La. R.S. 37:2175.2 (A)(1)

   Mr. Rawls gave a summary of the allegations. Eulogio Salazar was present on behalf of EULOGIO SALAZAR D/B/A EULOGIO'S POOL PLASTERING, INC. and was sworn in. Mr. Salazar entered a no contest plea. Mr. Castjohn made a motion to accept the no contest plea. Ms. Gibson seconded. The motion passed. Mr. Salazar gave a statement. Ms. Gibson made a motion to fine EULOGIO SALAZAR D/B/A EULOGIO'S POOL PLASTERING, INC. $500 plus $500 in

administrative costs, to issue a cease and desist order, and to allow the fine to be waived and the administrative costs to be reduced to $250 if the company obtains a Residential Swimming Pool license within 120 days.

7. **BOLDUC ENTERPRISES, LLC,** Greenwell Springs, Louisiana – La. R.S. 37:2175.2 (A)(1)

   Mr. Rawls gave a summary of the allegations. No one was present on behalf of BOLDUC ENTERPRISES, LLC. Investigator Carl Bourque was called to the stand and was sworn in. Mr. Bourque reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Castjohn made a motion to find BOLDUC ENTERPRISES, LLC to be in violation, to assess the maximum fine plus $1000 in administrative costs, and to issue a cease and desist order. Mr. Ward seconded. The motion passed.

8. **CHADWILLFIXIT, LLC,** Kenner, Louisiana – La. R.S. 37:2175.2 (A)(1)

   Mr. Rawls gave a summary of the allegations. Chad Miller was present on behalf of CHADWILLFIXIT, LLC and was sworn in. Mr. Miller entered a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Wyman seconded. The motion passed. Mr. Miller gave a statement. Mr. Castjohn made a motion to fine CHADWILLFIXIT, LLC $500 plus $500 in administrative costs, to issue a cease and desist order, and to allow only the fine to be waived if company obtains a registration within 120 days.

E. **STATUTORY CITATIONS:**

Mr. Rawls presented the statutory citations. Mr. Castjohn made a motion to accept the statutory citations as presented. Mr. Ward seconded. The motion passed.

OLD BUSINESS

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

1. **BUSBY ROOFING, INC.,** Denham Springs, Louisiana – La. R.S. 37:2175.2 (A)(1)

   This matter was moved to the front of the agenda.

G. CONSIDERATION OF LICENSURE EXEMPTIONS:

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

H. Consideration of additional classifications for residential licenses as listed and attached to the agenda. (Pages 5)

Ms. Gibson made a motion to approve the additional classifications for residential licenses as listed on the agenda. Mr. Castjohn seconded. The motion passed.

Mr. Castjohn made a motion to amend the agenda to create sub-classifications under the major classification of Residential Building Contractor to include: (1) Pile Driving; (2) Residential Foundations; (3) Framing; (4) Residential Roofing; (5) Residential Masonry/Stucco; and (6) Swimming Pools with a proposed effective date of October 1, 2015. Ms. Gibson seconded. The motion passed.

Mr. Castjohn made a motion to amend the agenda to create Residential Subcontractor Labor Only sub-classifications under the major classification of Residential Building Contractor to include: (1) Pile Driving; (2) Residential Foundations; (3) Framing; (4) Residential Roofing; (5) Residential Masonry/Stucco; and (6) Swimming Pools with a proposed effective date of October 1, 2015. Ms. Gibson seconded. The motion passed.

Mr. Castjohn made a motion to amend the agenda to create two residential additional sub-classifications and labor only sub-classifications for Electrical and Mechanical with a proposed effective date of October 1, 2015. Ms. Gibson seconded. The motion passed.

I. Consideration of residential applications as listed and attached to the agenda. (Pages 6-10)

Ms. Gibson made a motion to amend the agenda to add the residential application MAJESTIC HOMES OF LAKE CHARLES LLC. Mr. Castjohn seconded. The motion passed. Ms. Gibson made a motion to approve the residential applications as listed on the agenda along with MAJESTIC HOMES OF LAKE CHARLES LLC. Mr. Castjohn seconded. The motion passed.

K. Consideration of applications for home improvement registration as listed on the agenda. (Pages 11-13)

Ms. Gibson made a motion to approve the home improvement registration applications as listed on the agenda, and Mr. Castjohn seconded. The motion passed.

ADJOURNMENT

Mr. Castjohn made a motion to adjourn at 11:35 a.m., and Ms. Gibson seconded. The motion passed.

Kenneth W. Jones, Chairman

Lee Mallett, Vice Chairman