

STATE LICENSING BOARD FOR CONTRACTORS
COMMERCIAL BOARD MEETING MINUTES

January 21, 2016

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallet, on Thursday, January 21, 2016 at 9:33 a.m. at 2525 Quail Drive, Baton Rouge, Louisiana.

Members of the Board present:

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

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, Nathan Rawls, Brent Templet, Monica Davis, Debbie Belyeu, Doug Traylor, Emma Payne, and John Dixon; Compliance Director, Bobbie Hughes; Compliance Investigators, Marianne Sullivan, Dylan Bourg, Todd Brady, Johnny Rogers and William Valentine; and Tarah Revette recording the minutes.

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. Lambert made a motion to accept the Minutes of the **December 17, 2015** regular meeting, and Mr. Stuart seconded. The motion passed.

Mr. McDuff introduced Alberto DePuy and Ronald Burrough with the Attorney General's office; Ken Naquin, Michael Demouy and Nikki Ragusa with Louisiana Associated General Contractors; James Henry and Rudy Babin with the Department of Insurance; and John Barker, Director of the State Plumbing Board of Louisiana.

NEW BUSINESS

C. JUDGMENTS:

1. **ALL STAR HEATING & AIR, LLC**, St. Amant, 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

This item was moved to the end of the agenda. The matter was heard after agenda item F. 1. Ms. Dupuy gave a summary of the allegations. Janet Rhodus was present as the creditor in this matter and was sworn in. Ms. Sims entered the exhibit packet into evidence along with correspondence received from the debtor's attorney David Mooney. The exhibit packet and correspondence were admitted. Ms. Sims summarized to the board the correspondence received from Mr. Mooney and gave counsel to the board regarding this matter. Mr. Lambert made a motion to defer this matter until a later time. Mr. Weston seconded. The motion passed. Ms. Rhodus gave a statement to the board.

2. **ANTWINE'S PLUMBING AND HEATING, INC.**, Alexandria, 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. Ms. Dupuy also noted an error on the agenda stating that the judgment was rendered in the parish of St. Tammany not Calcasieu. Jerrell Antwine was present on behalf of ANTWINE'S PLUMBING AND HEATING, INC. and was sworn in. Attorney Francis White was also present on behalf of the creditor. Mr. Antwine gave a statement. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. White stated that he would like recess the matter to discuss a payment plan with Mr. Antwine. The matter was recessed. The matter was resumed after the Compliance Hearings for matters 2a - 2d were heard. Mr. White stated that a payment plan has been agreed upon with Mr. Antwine. Mr. Weston made a motion for ANTWINE'S PLUMBING AND HEATING, INC. to resolve the judgment within sixty (60) days per the terms of the payment plan and if the company fails to satisfy the judgment within the timeframe given, the license will be automatically revoked. Mr. Dupuy seconded. The motion passed.

3. **SPARK ELECTRIC, A/C, HEATING & GAS, LLC**, Slidell, 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. Kevin Williams was present on behalf of SPARK ELECTRIC, A/C, HEATING & GAS, LLC and was sworn in. Attorney Francis White was also present on behalf of the creditor. Mr. White gave a statement that a payment plan was discussed with Mr. Williams' attorney. Mr. Williams agreed to the thirty (30) day payment plan being discussed between the attorneys. Mr. Stuart made a motion for SPARK ELECTRIC, A/C, HEATING & GAS, LLC to resolve the judgment within thirty (30) days per the terms of the payment plan and if the company fails to satisfy the judgment within the timeframe given, the license will be automatically revoked. Mr. Weston seconded. The motion passed.

D. COMPLIANCE HEARINGS:

1. a) **TBT INDUSTRIES, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by TBT INDUSTRIES, LLC, which included a no contest plea. Mr. Lambert made a motion to accept the settlement offer as presented. Mr. Gallo seconded. The motion failed. Mr. Meredith made a counteroffer to accept the no contest plea, to assess \$1000 plus \$500 plus cost and to place the company on probation for 1 year. Mr. Graham seconded. The motion passed.

- b) **TOTAL METAL SERVICES, LLC**, Prairieville, Louisiana – La. R.S. 37:2160 (A)(1)

Ms. Hughes gave a summary of the allegations. No one was present on behalf of TOTAL METAL SERVICES, LLC. Investigator Johnny Rogers was called to the stand and sworn in. Mr. Rogers reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Meredith made a motion to find TOTAL METAL SERVICES, LLC 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. Mr. Gallo seconded. The motion passed.

2. a) **SHIVERS CONSTRUCTION COMPANY, LLC**, Jackson, Mississippi – La. R.S. 37:2158 (A)(4)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by SHIVERS CONSTRUCTION COMPANY, LLC. Mr. Weston made a motion to accept the settlement offer as presented. Mr. Gallo seconded. The motion passed.

- b) **P & P POOLS, LLC**, Brandon, Mississippi – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by P & P POOLS, LLC. Mr. Weston made a motion to accept the settlement offer as presented. Mr. Stuart seconded. The motion passed.

- c) **CONSTRUCTION RESOURCE MANAGEMENT, LLC**, Brandon, Mississippi – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented CONSTRUCTION RESOURCE MANAGEMENT, LLC. Attorney Brent Cobb was present on behalf of the company and gave a statement. Mr. Weston made a motion to accept the settlement offer as presented. Mr. Graham seconded. The motion passed.

- d) **GURLEY'S CONCRETE, LLC D/B/A GURLEY'S CONCRETE & SIGNATURE POOLS**, New Orleans, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. No one was present on behalf of GURLEY'S CONCRETE, LLC D/B/A GURLEY'S CONCRETE & SIGNATURE POOLS. Investigator Marianne Sullivan was called to the stand and sworn in. Ms. Sullivan reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Weston made a motion to find GURLEY'S CONCRETE, LLC D/B/A GURLEY'S CONCRETE & SIGNATURE POOLS to be in violation. Mr. Stuart seconded. The motion passed. Mr. Weston made a motion to assess the maximum fine plus \$500 in administrative costs and to issue a cease and desist order. Mr. Stuart seconded. The motion passed.

3. a) **RESTAURANT SPECIALTIES, INC.**, Sunbury, Ohio – La. R.S. 37:2158(A)(4)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by RESTAURANT SPECIALTIES, INC. Mr. Weston made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Lambert seconded. The motion passed.

- b) **ISHMAEL JIMENEZ D/B/A JIMENEZ REMODELING**, Bay Saint Louis, Mississippi – La. R.S. 37:2160 (A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by ISHMAEL JIMENEZ D/B/A JIMENEZ REMODELING. Mr. Weston made a motion to accept the settlement offer as presented. Mr. Lambert seconded. The motion passed.

4. **DAVID LEE SALSBUURY**, Oak Ridge, Louisiana – La. R.S. 37:2158 (A)(4)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by DAVID LEE SALSBUURY. The settlement offer was denied. Mr. Meredith made a counteroffer to accept settlement offer as presented, which included a no contest plea, with the amendment to place the company on probation for 1 year. Mr. Lambert seconded. The motion passed.

5. a) **CAPITAL CONSTRUCTION SERVICES, INC.**, Fishers, Indiana – La. R.S. 2158(A)(4)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by CAPITAL CONSTRUCTION SERVICES, INC. Mr. Talbot made a motion to reject the settlement offer. Mr. Weston seconded. The motion passed.

- b) **MARTIN MITCHELL**, Pearl River, Louisiana – La. R.S. 2158(A)(3)(5) and Rules and Regulations Section 109

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by MARTIN MITCHELL. Mr. Talbot made a motion to reject the settlement offer. Mr. Weston seconded. The motion passed.

- c) **NATIONAL ECONOMY PLUMBERS, INC.**, New Orleans, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Hughes gave a summary of the allegations. David Howard was present on behalf of NATIONAL ECONOMY PLUMBERS, INC. and was sworn in. Mr. Howard entered a denial plea. Mr. Weston made a motion to accept the plea. Mr. Gallo seconded. The motion passed. 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. Howard questioned Mr. Bourg regarding the documents within the exhibit packet. Mr. Howard gave a statement regarding the extent of his involvement in the Sola Salon project. Mr. Talbot made a motion to continue this matter for the February 18, 2016 Commercial Meeting. Mr. Weston seconded. The motion passed.

- d) **WEST DESIGN AND BUILD, LLC**, Indianapolis, Indiana – La. R.S. 37:2160 (A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer by WEST DESIGN AND BUILD, LLC. Mr. Talbot made a motion to reject the settlement offer. Mr. Weston seconded. The motion passed.

- e) **BOOTH ELECTRICAL, LLC**, Palmetto, Florida – La. R.S. 37:2160 (A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by BOOTH ELECTRICAL, LLC. Mr. Talbot made a motion to reject the settlement offer. Mr. Weston seconded. The motion passed.

6. a) **CRAIG CAMPBELL CONSTRUCTION COMPANY, LLC**, Baton Rouge, Louisiana – La. R.S. 2158(A)(4)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by CRAIG CAMPBELL CONSTRUCTION COMPANY, LLC. Mr. Weston made a counteroffer to accept settlement offer as presented, which included a no contest plea, with the amendment to place the company on probation for 1 year. Mr. Fenet seconded. The motion passed.

- b) **INTERFACESERVICES, INC.**, Acworth, Georgia – La. R.S. 2160(A)(1)

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

7. a) **U.S. GENERAL CONSTRUCTION INC.**, Alpharetta, Georgia – La. R.S. 37:2158(A)(4)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by U.S. GENERAL CONSTRUCTION INC. Mr. Cloutre made a motion to accept the settlement offer as presented. Mr. Lambert seconded. The motion passed.

- b) **MORELOCK & COMPANY IRONWORKS, INC.**, Williamson, Georgia – La. R.S. 37:2160 (A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by MORELOCK & COMPANY IRONWORKS, INC. Mr. Cloutre made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Lambert seconded. The motion passed.

8. **STEVEN WAYNE SANDERS D/B/A SANDERS CONSTRUCTION AND/OR NEWMAN SANDERS LLC**, Kentwood, Louisiana – La. R.S. 37:2160 (A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by STEVEN WAYNE SANDERS D/B/A SANDERS CONSTRUCTION AND/OR NEWMAN SANDERS LLC. Mr. Talbot made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Jones seconded. The motion passed.

9. **D.A.S. LIFTS & ELEVATOR SERVICES, LLC**, New Orleans, Louisiana – La. R.S. 37:2159 (B)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by D.A.S. LIFTS & ELEVATOR SERVICES, LLC. Mr. Dupuy made a motion to accept the settlement offer as presented. Mr. Lambert seconded. The motion passed.

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

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

OLD BUSINESS

F. REQUEST FOR REHEARING/RECONSIDERATION:

1. **LOWELL LISTER D/B/A L&L ELECTRIC**, Shreveport, Louisiana – La. R.S. 37:2160(A)(1)(2)

Ms. Hughes gave a summary of the allegations. Lowell Lister was present on behalf of LOWELL LISTER D/B/A L&L ELECTRIC and was sworn in. Mr. Lister gave a statement regarding the request for a rehearing. Mr. Badeaux made a motion to rehear this matter. Mr. Jones seconded. The motion passed. Mr. Lister entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Meredith seconded. The motion passed. Mr. Lister gave a statement regarding this matter. Mr. Meredith made a motion to assess a fine of \$4,316 plus \$500 in administrative cost allowing the fine to be reduced to \$1000 plus \$500 in administrative costs if the company obtains a license within 90 days. Mr. Jones seconded. The motion passed.

Prior to the Committee Reports Mr. McDuff introduced guest John Barker with the State Plumbing Board of Louisiana (SPBLA) and thanked Mr. Barker for his contribution to the construction industry. Mr. Barker addressed the board regarding intergovernmental cooperation and communication between LSLBC and SPBLA. Mr. Naquin also addressed the board and thanked Mr. Barker for his contribution.

G. COMMITTEE REPORTS:

1. Report from the Staff – Mr. Dupuy gave a report regarding the March Residential and Commercial Meetings taking place in Lake Charles, Louisiana.
2. Building Committee – Mr. Graham gave an update regarding the possible relocation for the agency.
3. Classification and Testing Committee – Mr. Gallo had no new report.
4. Legislative/Rules and Regulations Committee – Mr. Fenet had no new report
5. Finance Committee – Mr. Dupuy made a motion to accept the January financial statement as presented. Mr. Weston seconded. The motion passed.
6. Residential Building Committee – Mr. Jones gave the report at a later time.

- H. Consideration of new residential applications, home improvement registrations and residential licensure exemptions as listed and attached to the agenda, and actions of the **January 13, 2016** Residential Building Subcommittee. (Pages 5-10)

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

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

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

Mr. Jones made a motion to approve the actions taken at the January 13, 2016 Residential Building Subcommittee meeting and Mr. Meredith seconded. The motion passed.

- I. Consideration of commercial licensure exemptions as listed and attached to the agenda. (Page 11-12)

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

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

- J. Consideration of mold remediation application as listed and attached to the agenda. (Page 13)

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

K. Consideration of additional classifications as listed and attached to the agenda. (Pages 14-15)

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

L. Consideration of commercial applications as listed and attached to the agenda. (Pages 16-23)

Mr. Lambert made a motion to approve the commercial applications as listed on the agenda. Mr. Clouatre seconded. The motion passed.

ADJOURNMENT

Mr. Jones made a motion to adjourn at 11:21 a.m., and Mr. Dupuy seconded. The motion passed.

Lee Mallett, Chairman

Byron E. Talbot, Secretary