

STATE LICENSING BOARD FOR CONTRACTORS
COMMERCIAL BOARD MEETING MINUTES

February 18, 2016

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallet, on Thursday, February 18, 2016 at 9:33 a.m. at 2525 Quail Drive, Baton Rouge, Louisiana.

Members of the Board present:

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

Members Courtney Fenet, Jr. and Danny R. Graham 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, Nathan Rawls, Brent Templet, Monica Davis, Debbie Belyeu, Emma Payne, Nikki Lopez, and John Dixon; Compliance Director, Marianne Sullivan; Compliance Investigators, Dylan Bourg, and Todd Brady; and Tarah Revette recording the minutes.

Mr. Clouatre 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 **January 21, 2016** regular meeting, and Mr. Weston seconded. The motion passed.

Mr. McDuff introduced Alberto DePuy and Ronald Burrough with the Attorney General's office; Nikki Ragusa with Louisiana Associated General Contractors; and Brad Hassert with the St. Tammany Sheriff's office.

NEW BUSINESS

C. QUALIFYING PARTY HEARINGS:

1. **DRAGAN SEGVIC LLC**, New Orleans, Louisiana – La. R.S. 37:2156.1, Sec. 103 Rules and Regulations of the Board

Ms. Dupuy removed this item from the agenda.

2. **FDH, INC.**, Raleigh, North Carolina – 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 FDH, INC. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Gallo made a motion to suspend the company's license until such time the company has replaced the qualifying party. Mr. Clouatre seconded. The motion passed.

3. **GRANGER TELECOM CORPORATION**, San Antonio, Texas – La. R.S. 37:2156.1, Sec. 103 Rules and Regulations of the Board

Ms. Dupuy removed this item from the agenda.

4. **JES JENKINS ELECTRICAL SERVICES LLC**, Lafayette, Louisiana – La. R.S. 37:2156.1, Sec. 103 Rules and Regulations of the Board

Ms. Dupuy gave a summary of the allegations. John Jenkins was present on behalf of JES JENKINS ELECTRICAL SERVICES LLC and was sworn in. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Jenkins gave a statement. Mr. Meredith made a motion to allow the company 60 days to replace the qualifying party for this company and to allow staff to automatically suspend the license if the qualifying party is not replaced within the timeframe given. Mr. Talbot seconded. The motion passed.

5. **MM CONSTRUCTION LLC (OF MS)**, Vicksburg, 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 of MM CONSTRUCTION LLC (OF MS). Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Gallo made a motion to suspend the company's license until such time the company has replaced the qualifying party. Mr. Talbot seconded. The motion passed.

D. 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

Ms. Dupuy gave a summary of the allegations. No one was present on behalf of ALL STAR HEATING & AIR, LLC. Ms. Sims addressed the board regarding this matter and also stated that the company has surrendered their license. No action was needed due to the surrender of the license. The creditor, Janet Rhodus, was present and was sworn in. Ms. Rhodus addressed the board.

2. **JBS CONSTRUCTION AND DEVELOPMENT, L.L.C.**, Greenwell Springs, 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 JBS CONSTRUCTION AND DEVELOPMENT, L.L.C. Attorney Frank White for the creditor was present and addressed the board. Mr. Talbot made a motion for the JBS CONSTRUCTION AND DEVELOPMENT, L.L.C. to satisfy the judgment in full or to enter into a payment plan agreed to with the creditor within 30 days and failure to comply with either of these terms will result in an automatic revocation of the company's licenses. Mr. Dupuy seconded. The motion passed.

E. COMPLIANCE HEARINGS:

1. **JESUS PIZANO JIMENEZ D/B/A BATON ROUGE IRON WORKS**, Austin, Texas – La. R.S. 37:2160 (A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by JESUS PIZANO JIMENEZ D/B/A BATON ROUGE IRON WORKS. Mr. Badeaux made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

2. a) **COMPLETE CONSTRUCTION CONTRACTORS, 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 COMPLETE CONSTRUCTION CONTRACTORS, LLC. Louis Sirico, owner of the Elf

Express Hotel, was present and sworn in. Mr. Sirico provided testimony to the board regarding this matter. Mr. Jones made a motion to decline the settlement offer. Mr. Meredith seconded. The motion passed.

- b) **DAUFGELT, INC. D/B/A BATON ROUGE IRON WORKS**, Prairieville, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. Neil Feder was present on behalf of DAUFGELT, INC. D/B/A BATON ROUGE IRON WORKS and was sworn in. Mr. Felder entered a no contest plea. Mr. Dupuy made a motion to accept the plea. Mr. Jones seconded. The motion passed. Mr. Felder gave a statement. Mr. Meredith made a motion to dismiss the violation. Mr. Jones seconded. The motion passed with 2 objections.

3. **LEGACY HEATING & AIR CONDITIONING SERVICES, LLC**, New Braunfels, Texas – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by LEGACY HEATING & AIR CONDITIONING SERVICES, LLC. Mr. Gallo made a motion to accept the settlement offer as presented. Mr. Talbot seconded. The motion passed.

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

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

OLD BUSINESS

G. **COMPLIANCE HEARINGS/CONTINUANCES:**

Matters 1-6 were consolidated.

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

Ms. Hughes gave a summary of the allegations. Attorney Chris Martin was present on behalf of CAPITAL CONSTRUCTION SERVICES, INC. and presented a settlement offer to the board, which included a no contest plea. Mr. Cloutre made a motion to accept the settlement offer as presented and the plea but with the amendment to place the company on probation for one year. Mr. Gallo seconded. The motion passed.

2. **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. MARTIN MITCHELL was present and sworn in. Mr. Mitchell admitted to the first violation, La. R.S. 2158(A)(3)(5), and entered a no contest plea for the second violation, Rules and Regulations Section 109. Mr. Cloutre made a motion to accept the pleas. Mr. Gallo seconded. The motion passed. Mr. Mitchell gave a statement. Mr. Meredith made a motion to assess a fine of \$1000 plus \$500 in administrative costs, to place the company on probation for one year, and to require Martin Mitchell to take and pass the Business and Law exam at this agency's Baton Rouge location within 60 days. Mr. Lambert seconded. The motion passed.

3. **NATIONAL ECONOMY PLUMBERS, INC.**, New Orleans, Louisiana – La. R.S. 37:2160(A)(1)

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. Investigator Dylan Bourg was called to the stand and was 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 documents within the exhibit packet. Jon Robinson, owner of Capital Construction Services, Inc., was sworn in and provided testimony to the board regarding this matter. Mr. Bourg provided additional testimony to the board. Jansen Gehring, owner of West Design and Build, LLC, was sworn in and provided testimony to the board. Martin Mitchell,

previously sworn in, also provided testimony regarding this matter. Mr. Howard gave a closing statement to the board. Mr. Meredith made a motion to find NATIONAL ECONOMY PLUMBERS, INC. to be in violation. Mr. Gallo seconded. The motion passed. Mr. Meredith made a motion assess \$500 in administrative costs and to report this matter to the State Plumbing Board of Louisiana. Mr. Gallo seconded. The motion passed.

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

Ms. Hughes gave a summary of the allegations. Attorney Chris Martin was present on behalf of WEST DESIGN & BUILD, LLC and presented a settlement offer to the board. Mr. Cloutre made a motion to accept the settlement offer as presented and the plea but with the amendment to place the company on probation for one year once the license is issued. Mr. Gallo seconded. The motion passed.

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

Ms. Hughes gave a summary of the allegations. No one was present on behalf of BOOTH ELECTRICAL, LLC. Investigator Dylan Bourg, who was previously sworn in, was called to the stand and reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Weston made a motion to find BOOTH ELECTRICAL, LLC to be in violation. Mr. Meredith seconded. The motion passed. Mr. Weston made a motion to assess the maximum fine plus \$500 in administrative costs and to notify the Florida Construction Industry Licensing Board regarding this matter. Mr. Meredith seconded. The motion passed.

6. **CLI PLUMBING, LLC**, Nashville, Tennessee – La. R.S. 37:2160(A)(1)

Ms. Hughes gave a summary of the allegations. No one was present on behalf of CLI PLUMBING, LLC. Investigator Dylan Bourg, who was previously sworn in, was called to the stand and reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Weston made a motion to find CLI PLUMBING, LLC 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. Mr. Lambert seconded. The motion passed.

H. REQUEST FOR REHEARING/RECONSIDERATION:

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

Ms. Hughes gave a summary of the allegations. Attorney Dominick Bianca was present on behalf of TOTAL METAL SERVICES, LLC. Mr. Talbot made a motion to rehear the matter. Mr. Dupuy seconded. The motion passed. Mr. Bianca gave a statement and entered a no contest plea. Mr. Weston made a motion to accept the plea. Mr. Stuart seconded. The motion passed. Mr. Bianca presented a settlement offer to the board. Mr. Talbot made a motion to accept the settlement offer as presented. Mr. Stuart seconded. The motion passed.

I. 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. Mr. Weston made a motion to approve a resolution for a legal contract with Bankston & Associates, LLC. Mr. Gallo seconded. The motion passed.
2. Building Committee – Mr. McDuff provided an update on the plans for a new building.
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 February financial statement as presented. Mr. Lambert seconded. The motion passed.
6. Residential Building Committee – Mr. Jones gave the report at a later time.

J. Consideration of additional classifications for residential licenses, residential applications, home improvement registrations and residential licensure exemptions as listed and attached to the agenda, and actions of the **February 17, 2015** Residential Building Subcommittee. (Pages 5-13)

Mr. Jones made a motion to approve the additional classifications for residential licenses as listed on the agenda, and Mr. Talbot seconded. The motion passed.

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

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

Mr. Jones made a motion to approve the residential exemptions as listed on the agenda with the exception of MCMILLIAN & HOLDEN, LLC. Mr. Talbot seconded. The motion passed.

Mr. Jones made a motion to approve the actions taken at the February 17, 2016 Residential Building Subcommittee meeting and Mr. Talbot seconded. The motion passed.

K. Consideration of commercial licensure exemptions as listed and attached to the agenda. (Page 14-18)

Mr. Dupuy made a motion to approve the exemptions based on Reciprocity as listed on pages 14-16 of the agenda, and Mr. Stuart seconded. The motion passed.

Mr. Dupuy made a motion to approve the Exemptions as listed on pages 16-18 of the agenda with the exceptions of the following: CLEMENT BUILDING COMPANY, LLC to be approved for Highway, Street, and Bridge Construction only; MCGEHEE ENTERPRISES INCORPORATED OF LOUISIANA and MCMILLIAN & HOLDEN, LLC were not approved; and SOUTH COAST SOLAR, L.L.C. to be approved by staff pending receipt of resume. Mr. Stuart seconded, and the motion passed.

L. Consideration of additional classifications as listed and attached to the agenda. (Pages 19-21)

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 22-31)

Mr. Lambert made a motion to amend the agenda for AEGIS ELECTRIC LLC to add Electrical Work (Statewide) to its classifications listed on the agenda and to also add ROMANO PLUMBING, LLC for Plumbing (Statewide) to the commercial applications for approval. Mr. Stuart seconded. The motion passed unanimously. Mr. Lambert made a motion to approve the commercial applications as listed on the agenda. Mr. Stuart seconded. The motion passed.

ADJOURNMENT

Mr. Talbot made a motion to adjourn at 11: 25 a.m., and Mr. Dupuy seconded. The motion passed.

Lee Mallett, Chairman

Byron E. Talbot, Secretary