

STATE LICENSING BOARD FOR CONTRACTORS
COMMERCIAL BOARD MEETING MINUTES

July 21, 2016

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallet, on Thursday, July 21, 2016 at 9:35 a.m. at 2525 Quail Drive, Baton Rouge, Louisiana.

Members of the Board present:

- Lee Mallet, 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

Member Victor Weston was 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, Nathan Rawls, Brent Templet, Monica Davis, Debbie Belyeu, Ashleigh Scott, Doug Traylor, Morgan Etienne, Nikki Lopez-Crawford, Emma Payne, Elaine Riggins, Rhonda Levy, and John Dixon; Compliance Director, Brad Hassert; Compliance Investigators, Marianne Sullivan, Scott Corley, Sabina Miller, Dylan Bourg, Carl Bourque, Frank Vaughn, and Todd Brady; and Tarah Revette recording the minutes.

Mr. Jones 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 **June 16, 2016** regular meeting. Mr. Cloutre seconded. The motion passed.

Mr. McDuff introduced new staff members: Morgan Etienne with the Examinations Department, Ashleigh Scott with the Compliance Department and Rhonda Levy the Public Information Director. Ms. Sims also introduced guests Josie Serigne, Madison Hentz, Barrett Bailey, and Shannan Jaeckel who are law clerks with Breazeale, Sachse & Wilson, L.L.P.

NEW BUSINESS

C. JUDGMENTS:

1. **BRIDGESTONE CONSTRUCTION CO. INC.**, New Orleans, 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. Ephriam Opara was present on behalf of BRIDGESTONE CONSTRUCTION CO., INC. and was sworn in. Attorney Bradley Aldrich was also present on behalf of the creditor. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Aldrich gave a statement to the board regarding this judgment matter. Mr. Opara also gave a statement. Mr. Aldrich gave an additional statement. Mr. Graham made a motion for BRIDGESTONE CONSTRUCTION CO. INC. to satisfy the judgment in full or to enter into a payment plan agreed to with the creditor within 60 days and failure to comply with either of these terms will result in an automatic revocation of the company's licenses. Mr. Stuart seconded. The motion passed.

2. **GENERATORS UNLIMITED OF LOUISIANA, LLC**, Denham Springs, 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. Attorney Robert Harrison and Jessie Wise were present on behalf of GENERATORS UNLIMITED OF LOUISIANA, LLC. Mr. Wise was sworn in. Attorney Teresa Cop was present on behalf of the creditor. Ms. Sims entered the exhibit packet into evidence and it was admitted. Ms. Cop and Mr. Harrison gave a statement to the board regarding this judgment matter. Ms. Cop gave an additional statement. Mr. Cloutre made a motion for GENERATORS UNLIMITED OF LOUISIANA, LLC to satisfy the judgment in full or to enter into a payment plan agreed to with the creditor within 60 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.

3. **I G H CONTRACTING SERVICES, LLC**, Harvey, 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. Eric Thompson was present on behalf of I G H CONTRACTING SERVICES, LLC and was sworn in. Ms. Sims entered the exhibit packet into evidence and it was admitted. Ms. Sims gave a summary to the board regarding the documents in the exhibit packet. Mr. Thompson gave a statement. Mr. Cloutre made a motion for I G H CONTRACTING SERVICES, LLC to satisfy the judgment in full or to enter into a payment plan agreed to with the creditor within 60 days and failure to comply with either of these terms will result in an automatic revocation of the company’s licenses. Mr. Gallo seconded. The motion passed.

4. a) **PAR CONTRACTORS, INC.**, New Orleans, 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

- b) **PAR CONTRACTORS, INC.**, New Orleans, 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. Revette requested that these matters be continued due to service being unconfirmed. Mr. Gallo made a motion to continue matters 4a and 4b. Mr. Meredith seconded. The motion passed.

D. COMPLIANCE HEARINGS:

1. **SWITZER STUCCO & PLASTER, INC.**, Little Rock, Arkansas – La. R.S. 37:2160(A)(1)

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by SWITZER STUCCO & PLASTER, INC. Mr. Gallo made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Stuart seconded. The motion passed.

2. **ACME EXTERIORS, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2160(A)(1)

Mr. Rawls gave a summary of the allegations. Marvin Taliancich was present on behalf ACME EXTERIORS, LLC and was sworn in. Mr. Taliancich admitted to the violations. Mr. Lambert made a motion to accept the guilty plea. Mr. Jones seconded. The motion passed. Mr. Taliancich gave a statement to the board regarding this matter. Mr. Taliancich requested a continuance and waived service for the August 18, 2016 Commercial Meeting. Mr. Jones made a motion to grant the continuance. Mr. Lambert seconded. The motion passed.

3. **STEPHEN A. CORCORAN D/B/A STEVE’S AIR CONDITIONING AND HEATING**, Metairie, Louisiana – La. R.S. 37:2160(A)(1)

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by STEPHEN A. CORCORAN D/B/A STEVE’S AIR CONDITIONING AND HEATING. Mr. Gallo made a motion to accept the settlement offer, which included a no contest plea. Mr. Graham seconded. The motion passed.

4. Matters 4a and 4b were consolidated.

- a) **JOHN N. PATE CONSTRUCTION COMPANY, INC.**, Hammond, Louisiana – La. R.S. 2160(A)(1)
- b) **NICK’S HEATING & AIR CONDITIONING, LLC**, Hammond, Louisiana – La. R.S. 37:2158(A)(4)

Mr. Rawls gave a summary of the allegations for matters 4a and 4b. Nick Olivia was present on behalf of NICK’S HEATING & AIR CONDITIONING, LLC and was sworn in. Mr. Olivia denied the allegations. 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. Olivia gave a statement regarding the allegation. Mr. Lambert made a motion to find NICK’S HEATING & AIR CONDITIONING, LLC to be in violation. Mr. Badeaux seconded. The motion passed. Mr. Lambert made a motion to assess \$500 in administrative costs. Mr. Badeaux seconded. The motion passed. The motion passed with two opposed from Mr. Dupuy and Mr. Meredith.

Mr. Rawls read the settlement offer presented by JOHN N. PATE CONSTRUCTION COMPANY, INC. Mr. Stuart made a motion to accept the settlement offer as presented for JOHN N. PATE CONSTRUCTION COMPANY, INC., which included a no contest plea. Mr. Graham seconded. The motion passed.

5. a) **INK CONSTRUCTION, LLC**, Wichita, Kansas – La. R.S. 2160(A)(1)

Mr. Rawls gave a summary of the allegations. Mr. Rawls stated that there’s questionable service regarding both projects listed in the alleged violations and requested a continuance. Mr. Lambert made a motion to grant the continuance for both projects/violations. Mr. Jones seconded. The motion passed.

b) **WALTER ANTIN, III**, New Orleans, Louisiana – La. R.S. 37:2158(A)(5)

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by WALTER ANTIN III. Mr. Meredith made a motion to decline the settlement offer as presented. Mr. Fenet seconded. The motion passed.

c) **LOPEZ MECHANICAL INC.**, Kenner, Louisiana – La. R.S. 37:2163 (A)(5)

Ms. Sims recused herself from this matter. Mr. Rawls gave a summary of the allegations and read the settlement offer presented by LOPEZ MECHANICAL INC. Mr. Lambert made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

6. **RIVER CITY AIR CONDITIONING, INC.**, Baton Rouge, Louisiana – La. R.S. 2158(A)(3)(4) and Rules and Regulations Section 109(A)

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by RIVER CITY AIR CONDITIONING, INC. Mr. Lambert made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Stuart seconded. The motion passed.

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

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

OLD BUSINESS

F. COMPLIANCE HEARINGS/CONTINUANCES:

1. **FLOOR DE LIS, LLC, A PEL HUGHES COMPANY**, New Orleans, Louisiana – La. R.S. 2160(A)(1)

This matter was continued.

2. **ALEXANDRIA HOSPITALITY PARTNERS, LLC**, Alexandria, Louisiana – La. R.S. 2160(A)(1)

Mr. Rawls gave a summary of the allegations. Attorney Kelvin Sanders and Martin Johnson were present on behalf of ALEXANDRIA HOSPITALITY PARTNERS, LLC. Mr. Johnson was sworn in. Mr. Sanders entered a no contest plea. Mr. Meredith made a motion to accept the plea. Mr. Gallo seconded. The motion passed. Mr. Sanders presented a settlement offer to the board. Mr. Graham made a motion to deny the settlement offer. Mr. Gallo seconded. The motion passed. Mr. Sanders and Mr. Johnson gave a statement regarding this matter. The matter recessed at 10:30 a.m. The matter was resumed at 10:38 a.m. after matters 3a and 3b were heard. Mr. Sanders presented a substitute settlement offer to the board. Mr. Dupuy made a motion to accept the substitute settlement offer. Mr. Stuart seconded. The motion passed with one opposed from Mr. Graham.

3. Matters 3a and 3b were consolidated.

a) **RAM CONSTRUCTION**, Denham Springs, Louisiana – La. R.S. 37:2158(A)(4)

b) **T'S CONCRETE SERVICES, LLC**, Walker, Louisiana – La. R.S. 2160(A)(1)

Mr. Rawls gave a summary of the allegations for matters 3a and 3b. No one was present on behalf of RAM CONSTRUCTION or T'S CONCRETE SERVICES, LLC. Investigator Carl Bourque was called to the stand and was sworn in. Mr. Bourque reviewed the exhibit packets for both companies and they were admitted. Mr. Badeaux made a motion to find RAM CONSTRUCTION to be in violation. Mr. Jones seconded. The motion passed. Mr. Badeaux made a motion to fine RAM CONSTRUCTION the maximum fine plus \$500 in administrative costs. Mr. Jones seconded. The motion passed. Mr. Dupuy made a motion to find T'S CONCRETE SERVICES, LLC to be in violation. Mr. Jones seconded. The motion passed. Mr. Dupuy made a motion to assess the maximum fine plus \$500 in administrative costs. Mr. Graham seconded. The motion passed.

Matters F. 4. under COMPLIANCE CONTINUANCES and G. 1. under REQUEST FOR REHEARING are companion matters for the same project and were consolidated.

F. 4. **COMMANDO ENTERPRISES, LLC**, Gretna, Louisiana – La. R.S. 37:2158(A)(5)

G. 1. **MOREAU SERVICES, LLC**, Lafayette, Louisiana – La. R.S. 2160(A)(1)

Mr. Rawls stated that matters F. 4. and G. 1. are companion matters due to alleged violations occurring on the same project. Mr. Rawls also stated that MOREAU SERVICES, LLC was requesting a rehearing. Attorney John Schneider and Richard Boatwright were present on behalf of COMMANDO ENTERPRISES, LLC. Mr. Boatwright was sworn in. Attorney Joshua Allison, Quincy Moreau, Delaina Moreau, and James Dunaway were present on behalf of MOREAU SERVICES, LLC. Mr. Moreau, Mrs. Moreau, and Mr. Dunaway were sworn in. Mr. Allison gave a statement regarding the rehearing request. Mr. Gallo made a motion to grant the rehearing. Mr. Dupuy seconded. The motion passed. Ms. Sims requested a consolidation of matters F. 4. and G. 1. The consolidation was granted with no objections from the attorneys. Mr. Rawls gave a summary of the allegations for matters F. 4. and G. 1. Mr. Schneider entered a denial plea on behalf of COMMANDO ENTERPRISES, LLC. Mr. Allison entered a denial plea on behalf of MOREAU SERVICES, LLC. Investigator Frank Vaughn was called to the stand and was sworn in. Mr. Vaughn reviewed the exhibit packets for both companies. Ms. Sims entered the exhibit packets into evidence. Mr. Schneider objected to Exhibit 3 for the COMMANDO ENTERPRISES, LLC exhibit packet. Mr. Allison objected to Exhibits 7, 8, and 9 for the MOREAU SERVICES, LLC exhibit packet. Ms. Sims gave a response to the objections. Judge White overruled the objections and admitted the exhibit packets for both companies in their entirety. The board, Mr. Schneider, and Mr. Allison questioned Mr. Vaughn regarding his investigation of these matters. Mr. Moreau gave a statement. The board also questioned Mr. Moreau. Mr. Schneider and Mr. Allison gave statements to the board regarding these matters. Mr. Stuart made a motion to take no action against COMMANDO ENTERPRISES, LLC and MOREAU SERVICES, LLC. Mr. Lambert seconded. The board had a discussion regarding the motion. Ms. Sims addressed the board with additional information. Mr. Moreau, Mr. Schneider, and Mr. Allison gave additional statements to the board. Mr. Mallett called for a vote on the motion. The motion passed with one opposed from Mr. Badeaux.

H. **REQUEST FOR RECONSIDERATION OF PENALTY:**

1. **MASON JAMES CONSTRUCTION, LLC**, Lafayette, Louisiana – La. R.S. 2160(A)(1)

Mr. Rawls gave a summary of the allegations and read the company's request for a reconsideration of penalty from the May 19, 2016 Commercial meeting. Attorney Aidan Reynolds and Adrian Moore were present on behalf of MASON JAMES CONSTRUCTION, LLC. Mr. Moore was sworn in. Mr. Reynolds gave a statement regarding the reconsideration request. Mr. Lambert made a motion to reconsider the penalty for this matter. Mr. Graham seconded. The motion passed. Mr. Reynolds gave a statement regarding the alleged violation and presented a settlement offer to the board. Mr. Lambert made a motion to accept the settlement offer as presented. Mr. Dupuy seconded. The motion passed.

I. **COMMITTEE REPORTS:**

1. Report from the Staff – Mr. McDuff had no new report.
2. Building Committee – Mr. Graham provided an update regarding the agency's 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 June 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 new residential applications, and home improvement registrations as listed and attached to the agenda. (Pages 5-12)

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.

K. Consideration of commercial licensure exemptions as listed and attached to the agenda. (Page 13-15)

Mr. Dupuy made a motion to approve the exemptions based on Reciprocity as listed on pages 13-14 of the agenda, and Mr. Lambert seconded. The motion passed.

Mr. Dupuy made a motion to approve the Exemptions as listed on pages 14-15 of the agenda. Mr. Lambert seconded, and the motion passed.

L. Consideration of mold remediation application as listed and attached to the agenda. (Page 16)

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

M. Consideration of additional classifications as listed and attached to the agenda. (Pages 17-20)

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

N. Consideration of commercial applications as listed and attached to the agenda. (Pages 21-33)

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

EXECUTIVE SESSION

Mr. Talbot made a motion to go into Executive Session. Mr. Fenet seconded. The motion passed. The meeting went into Executive Session at 11:46 a.m. until 11:56 a.m.

Mr. Dupuy made a motion to adopt a resolution for a legal services contract with Bankston & Associates, LLC. Mr. Fenet seconded. The motion passed unanimously.

ADJOURNMENT

Mr. Fenet made a motion to adjourn at 12:01 p.m., and Mr. Dupuy seconded. The motion passed.

Lee Mallett, Chairman

Byron E. Talbot, Secretary