

STATE LICENSING BOARD FOR CONTRACTORS
COMMERCIAL BOARD MEETING MINUTES

August 20, 2015

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallet, on Thursday, August 20, 2015 at 9:37 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.
- Courtney Fenet, Jr.
- August Gallo, Jr.
- Danny R. Graham
- Kenneth Jones
- Donald G. Lambert
- Garland Meredith
- Christopher N. Stuart
- Byron Talbot
- Art O. Walker

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, Brent Templet, Tricia Wood, Doug Traylor, Nathan Rawls, Emma Payne, Elaine Riggins, and John Dixon; Compliance Director, Marianne Sullivan; Compliance Investigators, Tommy Mimnaugh, Jeanette Raffray, Todd Brady, and Leann Evans; and Tarah Barbier recording the minutes.

Mr. Dupuy 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 **July 16, 2015** regular meeting, and Mr. Jones seconded. The motion passed.

Mr. McDuff introduced Jeanette Raffray the new investigator for the board in the New Orleans area; compliance investigator Barry Scheuermann with Louisiana Department of Insurance; Brooks Myers and Rick Moore with Home Depot's Service Licensing Department; Ken Naquin with Louisiana Associated General Contractors; Chuck Berryman and Elizabeth Poret with LSU Construction Management program; and Josh Rounds with Performance Construction and president of the Construction Industry Advisory Council.

Mr. Weston gave a presentation regarding the Construction Education Voluntary Donations for the year 2014 raised by voluntary donations from licensed contractors. Mr. Weston also presented a check to Mr. Berryman and Mr. Rounds for the LSU Construction Management program on behalf of the Louisiana State Licensing Board of Contractors. Mr. Rounds presented a plaque to Mr. Weston in appreciation for his efforts towards the Construction Management program statewide. Mr. Mallet also recognized Mr. Naquin in his efforts towards raising money towards this program.

NEW BUSINESS

D. COMPLIANCE HEARING(S):

1. **CNC CONSTRUCTION & AIR CONDITIONING, LLC**, Harvey, Louisiana – La. R.S. 37:2158 (A)(3) and Rules and Regulations Section 101(A).

This item was removed from the agenda.

2. a) **MERRELL ALAN ADKINS**, Winnsboro, Louisiana – La. R.S. 37:2158(A)(4).

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by MERRELL ALAN ADKINS. Mr. Gallo made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Meredith seconded. The motion passed.

- b) **DAVID STEVENS D/B/A STEVENS HEATING & COOLING, INC.**, Gilbert, Louisiana – La. R.S. 2160(A)(1).

This matter has been continued.

3. a) **K.B. KAUFMANN & CO., INC.**, Slidell, Louisiana – La. R.S. 37:2158(A)(4).

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by K.B. KAUFMANN & CO., 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.

- b) **WILLIAMS CONCRETE, LLC**, Lacombe, Louisiana – La. R.S. 2160(A)(1).

Ms. Hughes gave a summary of the allegations. No one was present on behalf of WILLIAMS CONCRETE, LLC. Investigator Leann Evans was called to the stand and was sworn in. Ms. Evans reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Cloutre made a motion to find WILLIAMS CONCRETE, LLC to be in violation. Mr. Gallo seconded. The motion passed. Mr. Cloutre made a motion to assess \$1500 plus \$500 in administrative costs and to allow the fine to be reduced to \$500 plus \$500 in administrative costs if the company obtains the proper license in ninety (90) days.

4. **GULOTTA CONSTRUCTION & RENTALS, LLC**, St. Martinville, Louisiana – La. R.S. 2160(A)(1).

Ms. Hughes gave a summary of the allegations. Benjamin Gulotta was present on behalf of GULOTTA CONSTRUCTION & RENTALS, LLC and was sworn in. Mr. Gulotta entered a no contest plea. Mr. Cloutre made a motion to accept the plea. Mr. Stuart seconded. The motion passed. Mr. Gulotta gave a statement. Mr. Cloutre made a motion to assess a fine of \$3000 plus \$500 in administrative costs and to allow the fine to be reduced to \$1000 plus \$500 in administrative costs if the company obtains the proper license within ninety (90) days. Mr. Jones seconded. The motion passed.

5. **CLARKS LANDSCAPING AN TURF CARE LLC**, Gonzales, Louisiana – La. R.S. 2160(A)(1).

Ms. Hughes gave a summary of the allegations. No one was present on behalf of CLARKS LANDSCAPE AN TURF CARE LLC. Ms. Hughes stated that this was a statutory citation and it has been paid. Mr. Weston made a motion to accept the statutory citation for CLARKS LANDSCAPING AN TURF CARE LLC. Mr. Talbot seconded. The motion passed.

6. **84 LUMBER COMPANY**, Eighty Four, Pennsylvania – La. R.S. 2158(A)(3)(A)(9) and Rules and Regulations Sections 1111 and 113(A).

This matter was moved to the end of the agenda. Attorney Murphy Foster was present on behalf of the board. Attorney Mark Frilot was present on behalf of 84 LUMBER COMPANY. Mr. Foster gave an opening statement. Ms. Hughes gave a summary of the allegations. Mr. Frilot entered a denial plea and gave an opening statement. Mr. Frilot requested a continuance for this matter. Mr. Talbot made a motion to deny the continuance request. Mr. Badeaux seconded. The motion passed. Mr. Foster requested a recess on this matter to give counsel the opportunity to contact the client. Mr. Cloutre made a motion to grant a recess. Mr. Jones seconded. The motion passed. Immediately after the recess was granted, Mr. Cloutre made a motion to reconvene the meeting to continue with the remaining items on the agenda. Mr. Meredith seconded. The motion passed. After the remaining agenda items were concluded the meeting did go into recess at 11:05 a.m. At 11:16 a.m. the meeting resumed. Mr. Foster stated an agreement has been reached with 84 LUMBER COMPANY upon approval by the board. Mr. Frilot presented an agreement upon approval from the board to allow the continuance pending full resolution of the commercial disputes with the stipulation that 84 LUMBER COMPANY will discontinue operating under the same or substantially the same terms of the Master Services Agreements or Work Orders at issue in this case. 84 LUMBER COMPANY will also voluntarily give a monthly reporting to the board for one year including any currently pending litigations throughout the duration of this reporting period. Mr. Foster and Mr. Frilot gave additional statements. Mr. Meredith made a motion to accept Mr. Frilot's offer. Mr. Jones seconded. The motion passed.

E. 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. Weston seconded. The motion passed.

OLD BUSINESS

F. REQUEST FOR REHEARING/RECONSIDERATION:

1. **HELICAL SOLUTIONS, LLC**, Lafayette, Louisiana – La. R.S. 2160(A)(1).

Ms. Hughes gave a summary of the allegations. Ms. Hughes presented a request for reconsideration of penalty and a settlement offer to the board on behalf of HELICAL SOLUTIONS, LLC. Mr. Cloutre made a motion to reconsider the penalty for this matter. Mr. Jones seconded. The motion passed. Mr. Weston made a motion to accept the settlement offer as presented. Mr. Dupuy seconded. The motion passed.

G. COMMITTEE REPORTS:

1. Report from the Staff – Mr. Weston informed the board about the upcoming mandatory training to take place in October for all the board members.
2. Building Committee – Mr. Graham stated that proposed building renovations for the agency is on hold for the moment.
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 July financial statement as presented. Mr. Cloutre seconded. The motion passed.
6. Residential Building Committee – Mr. Jones gave the report at a later time.

- H. 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 **August 19, 2015** Residential Building Subcommittee. (Pages 4-13)

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

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 August 19, 2015 Residential Building Subcommittee meeting and Mr. Meredith seconded. The motion passed.

J. Consideration of commercial licensure exemptions as listed and attached to the agenda. (Page 14-16)

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. Clouatre seconded, and the motion passed.

K. Consideration of mold remediation application as listed and attached to the agenda. (Page 17)

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

L. Consideration of additional classifications as listed and attached to the agenda. (Pages 18-20)

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

M. Consideration of commercial applications as listed and attached to the agenda. (Pages 21-31)

Mr. Lambert made a motion to approve the commercial applications as listed on the agenda. Mr. Stuart seconded. The motion passed. Mr. Weston made a motion to not approve the commercial application for BORING & TUNNELING COMPANY OF AMERICA, LLC. Mr. Fenet seconded. The motion passed.

ADJOURNMENT

Mr. Fenet made a motion to adjourn at 11: 30 a.m., and Mr. Dupuy seconded. The motion passed.

Lee Mallett, Chairman

Byron E. Talbot, Secretary