

STATE LICENSING BOARD FOR CONTRACTORS
COMMERCIAL BOARD MEETING MINUTES

September 15, 2016

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallet, on Thursday, September 15, 2016 at 9:36 a.m. at 2525 Quail Drive, Baton Rouge, Louisiana.

Members of the Board present:

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

Members Courtney Fenet and Danny 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; Larry Bankston, Board Attorney; and from the staff, Leann Evans, Nathan Rawls, Brent Templet, Monica Davis, Doug Traylor, Nikki Lopez, Morgan Etienne, Emma Payne, Elaine Riggins, and John Dixon; Compliance Director, Brad Hassert; Compliance Investigators, Todd Brady, Marianne Sullivan, Scott Corley, Jessie Wells, Dylan Bourg, and Charmel Peterson; and Tarah Revette recording the minutes.

Mr. Meredith 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 21, 2016** regular meeting. Mr. Stuart seconded. The motion passed.

Mr. McDuff introduced Attorney Jenna Linn with Bankston & Associates and the board's new attorney Larry Bankston with Bankston & Associates. Mr. McDuff also introduced Mrs. Sonya Gallo, wife to board member August Gallo.

NEW BUSINESS

C. QUALIFYING PARTY HEARINGS – 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 DENOVO CONSTRUCTORS, INC. Ms. Dupuy stated that service could not be confirmed for the hearing notice. Mr. Jones made a motion to defer this matter. Mr. Talbot seconded. The motion passed.

D. 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. No one was present on behalf of BRIDGESTON CONSTRUCTION CO., INC. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Gallo made a motion to revoke BRIDGESTONE CONSTRUCTION CO., INC.'s commercial and residential license. Mr. Jones seconded. The motion passed.

2. Matters 2a and 2b were consolidated.

- 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. Dupuy gave a summary of the allegations. David McGee was present on behalf of PAR CONTRACTORS, INC. and was sworn in. No one was present with the creditor Butler Mordock, APLC. Julie Stephany with the creditor Landry Lumber & Supply Company was present and was sworn in. Mr. McGee stated that an agreement was made with the creditor Butler Mordock, APLC. Mr. Bankston questioned Ms. Stephany regarding the judgment. Mr. Bankston entered the exhibit packets into evidence for both matters. Mr. McGee gave an additional statement. Mr. Talbot made a motion for PAR CONTRACTORS, INC. to satisfy the judgment in full or to enter into a payment plan agreed to with the creditor Landry Lumber & Supply Company and to have staff verify that a payment plan was entered into with Butler Mordock, APLC within 30 days and failure to comply with these terms will result in an automatic revocation of the company’s licenses. Mr. Weston seconded. The motion passed.

E. COMPLIANCE HEARINGS:

1. **MANSON SERVICES, LLC**, Metairie, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Kenneth Ledet and Pedro Medina were present on behalf of MANSON SERVICES, LLC and were sworn in. Mr. Ledet entered a denial plea. Investigator Dylan Bourg was called to the stand and was sworn in. Mr. Bourg reviewed the exhibit packet and provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Ledet questioned Mr. Bourg and entered documents into evidence. The documents were admitted. Mr. Ledet gave a statement. The board questioned Mr. Ledet. Mr. Ledet changed his initial plea to a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Stuart seconded. The motion passed. Mr. Ledet gave an additional statement. Mr. Cloutre made a motion assess a \$500 fine plus \$500 in administrative costs and to allow the fine only to be waived if the company obtains a license within 60-90 days. Mr. Stuart seconded. The motion passed.

Matters 2a – 2c and 3a – 3b were consolidated. Ms. Evans gave a summary for these matters. Mr. Meredith recused himself from these matters.

- 2. a) **LINCECUM PROPERTIES, LLC**, Monroe, Louisiana – La. R.S. 37:2160(A)(1)
- b) **NICKY KELLUCK**, Monroe, Louisiana – La. R.S. 2160(A)(1)
- c) **SHAWN ROBINSON CONSTRUCTION, INC.**, Monroe, Louisiana – La. R.S. 37:2158(A)(5)
- 3. a) **OUACHITA CAPITAL, LLC**, Slidell, Louisiana – La. R.S. 37:2167 (A)
- b) **NICKY KELLUCK**, Monroe, Louisiana – La. R.S. 37:2167 (A)
- c) **SHAWN ROBINSON CONSTRUCTION, INC.**, Monroe, Louisiana – La. R.S. 37:2158(A)(5)

Lynn Lincecum was present on behalf of LINCECUM PROPERTIES, LLC and was sworn in. Mr. Lincecum entered a no contest plea. Mr. Jones made a motion to accept the no contest plea. Mr. Talbot seconded. The motion passed. Mr. Lincecum gave a statement. The board questioned Mr. Lincecum. Mr. Robinson also gave a statement on this matter. Mr. Dupuy made a motion to assess a \$250 fine plus \$500 in administrative costs. Mr. Gallo seconded. The motion passed.

No one was present on half of NICKY KELLUCK. Mr. Robinson and Mr. Lincecum gave statements regarding Nicky Kellick’s role in these matters. Ms. Evans read the settlement offer presented by Nicky Kellick. Mr. Cloutre made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Stuart seconded. The motion passed.

No one was present on behalf of OUACHITA CAPITAL, LLC. Ms. Evans read the settlement offer presented by Ouachita Capital, LLC. Mr. Lambert made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

Shawn Robinson was present on behalf of SHAWN ROBINSON CONSTRUCTION, INC. and was sworn in. Mr. Robinson entered a no contest plea for matters 2b and 3b. Mr. Jones made a motion accept the pleas. Mr. Talbot seconded. The motion passed. Mr. Robinson gave a statement. Mr. Bankston and the board questioned Mr. Robinson. Mr. Clouatre made a motion to assess a \$1500 fine plus \$500 in administrative costs for the combine matters 2c and 3c. Mr. Jones seconded. The motion passed.

4. **WALLS AND WALLS, INC.**, St. Martinville, Louisiana – La. R.S. 2160(A)(1).

Ms. Evans gave a summary of the allegations and read the settlement offer presented by WALLS AND WALLS, INC. Mr. Badeaux made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Dupuy seconded. After discussion by the board, the motion passed with 7 ayes and 6 nays.

5. **COMPLETE PROPERTY SERVICES, INC.**, Oldsmar, Florida – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by COMPLETE PROPERTY SERVICES, INC. Mr. Jones made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Lambert seconded. The motion passed.

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

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

OLD BUSINESS

G. **COMPLIANCE HEARINGS/CONTINUANCES:**

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

Ms. Evans gave a summary of the allegations. WALTER ANTIN III was present and sworn in. Mr. Antin entered a no contest plea. Mr. Lambert made a motion to accept the plea. Mr. Dupuy seconded. The motion passed. Mr. Antin gave a statement. The board questioned Mr. Antin. Mr. Antin presented a settlement offer to the board. Mr. Jones made a motion to assess a \$500 fine plus \$500 in administrative costs for each violation. Mr. Talbot seconded. The motion passed.

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

Ms. Evans gave a summary of the allegations. No one was present on behalf of ACME EXTERIORS, LLC. Investigator Marianne Sullivan was called to the stand and was sworn in. Ms. Sullivan reviewed the exhibit packets and provided testimony to the board. Mr. Bankston entered the exhibit packets into evidence and they were admitted. Mr. Meredith made a motion to find ACME EXTERIORS, LLC to be in violation. Mr. Jones seconded. The motion passed. Mr. Meredith made a motion to assess the maximum fine plus \$500 in administrative costs. Mr. Talbot seconded. The motion passed.

H. **REQUEST FOR REHEARING:**

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

Ms. Evans gave a summary of the allegations and stated that the company had submitted a rehearing request. Neil Patel was present on behalf of RAM CONSTRUCTION and was sworn in. Mr. Dupuy made a motion to grant the rehearing request. Mr. Badeaux seconded. The motion passed. Mr. Patel gave a statement and entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Gallo seconded. The motion passed. Mr. Patel gave a statement. Mr. Jones made a motion to assess a \$2000 fine plus \$500 in administrative costs. Mr. Stuart seconded. The motion passed.

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

Ms. Evans stated that the T'S CONCRETE SERVICES, LLC had submitted a rehearing request. No one was present on behalf of T'S CONCRETE SERVICES, LLC. Mr. Meredith made a motion to deny the rehearing request. Mr. Talbot seconded. The motion passed.

Mr. Weston recognized Mr. McDuff for his recent appointment as President of the National Association of State Contractors Licensing Agencies.

I. COMMITTEE REPORTS:

1. Report from the Staff – Ms. Dupuy provided a report to the board regarding expediting of licenses following the recent flooding in Louisiana. Mr. Dupuy made a motion to grant staff the authority to continue to expedite the process of licensure. Mr. Jones seconded. The motion passed. Ms. Dupuy also informed the board of the upcoming annual training in October.
2. Building Committee –Mr. McDuff stated that the building committee met that morning regarding the new building for the agency. Mr. Dupuy made a motion to allow the staff and counsel to proceed with the acquisition for the property from AGC for the new building. Mr. Meredith seconded. The motion passed.
3. Classification and Testing Committee – Mr. Gallo stated that the report will be given at a later time.
4. Legislative/Rules and Regulations Committee – Mr. Talbot had no new report
5. Finance Committee – Mr. Dupuy made a motion to accept the August financial statement as presented. Mr. Stuart 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 **September 14, 2016** Residential Building Subcommittee. (Pages 5-26)

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

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

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

Mr. Badeaux made a motion to approve the actions taken at the September 14, 2016 Residential Building Subcommittee meeting and Mr. Dupuy seconded. The motion passed.

- K. Consideration of reciprocity and exemption requests as listed and attached to the agenda. (Page 27-31)

Mr. Dupuy made a motion to approve the exemptions based on Reciprocity as listed on pages 27-29 of the agenda, and Mr. Stuart seconded. The motion passed.

Mr. Dupuy made a motion to approve the Exemptions as listed on pages 29-31 of the agenda with the exception of the following: GREEN HARBOR, LLC; KOASATI CONSTRUCTION MANAGEMENT, LLC; and commercial exemption for NEIGHBORHOOD RESTORATION OF BATON ROUGE, LLC. Mr. Dupuy also stated that the exemption request for ITS REGIONAL, L.L.C. to be approved upon receipt of three reference letters. Mr. Gallo seconded, and the motion passed.

- L. Consideration of mold remediation application as listed and attached to the agenda. (Page 32-33)

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

- M. Consideration of additional classifications as listed and attached to the agenda. (Pages 34-36)

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

N. Consideration of commercial applications as listed and attached to the agenda. (Pages 37-54)

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

ADJOURNMENT

Mr. Dupuy made a motion to adjourn at 11: 14 a.m., and Mr. Gallo seconded. The motion passed.

Lee Mallett, Chairman

Byron E. Talbot, Secretary