

STATE LICENSING BOARD FOR CONTRACTORS
COMMERCIAL BOARD MEETING MINUTES

October 20, 2016

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallet, on Thursday, October 20, 2016 at 9:44 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.
- Courtney Fenet, Jr.
- August Gallo, Jr.
- Danny R. Graham
- Kenneth Jones
- Donald G. Lambert
- Garland Meredith
- Christopher N. Stuart
- Byron Talbot
- Victor Weston, Vice Chairman

Member Art Walker 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; Larry Bankston, Board Attorney; and from the staff, Leann Evans, Brent Templet, Nathan Rawls, Doug Traylor, Monica Davis, Lowana Cola, Morgan Etienne, Emma Payne, Elaine Riggins, and John Dixon; Compliance Director, Brad Hassert; Compliance Investigators, Bobbie Hughes, Jessie Wells, Marianne Sullivan, and Todd Brady; and Tarah Revette recording the minutes.

Mr. Stuart 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 **September 15, 2016** regular meeting. Mr. Stuart seconded. The motion passed.

Mr. McDuff introduced new compliance investigators for the board Ashleigh Scott and Brad Domingue; Ronald Burrough with the Attorney General's office; Bill Croft and Bill Bryan with GCR Incorporated; Sid Gautreaux, Sheriff of East Baton Rouge and President of Louisiana Sheriffs' Association; and Michael Ranatza, Director of Louisiana Sheriffs' Association.

Sheriff Sid Gautreaux and Mr. Ranatza addressed the board regarding the continued partnership between the East Baton Rouge Sheriff's office, the Louisiana Sheriffs' Association and the Louisiana State Licensing Board for Contractors. Sheriff Gautreaux introduced Detectives Brian Blanche and Brian Hatch with the East Baton Rouge Sheriff's office. Mr. Hatch and Mr. Blanche addressed the board regarding the investigation process for contractor fraud.

NEW BUSINESS

C. COMPLIANCE HEARINGS:

1. **MIKE JONES ELECTRIC, INC.**, West Monroe, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by MIKE JONES ELECTRIC, INC. Mr. Meredith made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Graham seconded. The motion passed.

2. **SMITH SERVICE, LLC**, West Monroe, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of SMITH SERVICES, LLC. Investigator Jessie Wells was called to the stand and was sworn in. Mr. Wells reviewed the exhibit packet and provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Meredith made a motion to find SMITH SERVICES, LLC to be in violation. Mr. Graham seconded. The motion passed. Mr. Meredith made a motion to access the maximum fine plus \$500 in administrative costs. Mr. Graham seconded. The motion passed.

3. **DREW CONCRETE WORKS, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2160(A)(1)

Mr. Bankston recused himself from this matter. Ms. Evans gave a summary of the allegations and read the settlement offer presented by DREW CONCRETE WORKS, LLC. Mr. Lambert made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Stuart seconded. The motion passed.

4. **JAY MCDONALD D/B/A MCDONALD CONSTRUCTION, INC.**, Ball, Louisiana – La. R.S. 2160(A)(1)

Ms. Evans gave a summary of the allegations. Jay McDonald was present on behalf of JAY MCDONALD D/B/A MCDONALD CONSTRUCTION, INC. and was sworn in. Mr. McDonald entered a denial plea. Investigator Scott Corley was called to the stand and was sworn in. Mr. Corley reviewed the exhibit packet and provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. McDonald gave a statement to the board regarding the alleged violation. The board questioned Mr. McDonald. Mr. Stuart made a motion to defer action on this matter contingent upon the company obtaining a license and enter into a payment plan for the previous fine owed within 90 days. Mr. Lambert seconded. The motion passed.

5. a) **MBD MAINTENANCE, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by MBD MAINTENANCE, LLC. 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) **S&E PLUMBING, LLC**, Denham Springs, Louisiana – La. R.S. 2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by S&E PLUMBING, LLC. Mr. Dupuy made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Graham seconded. The motion passed.

6. a) **ARLINGTON CONSTRUCTION SERVICES, LLC**, Birmingham, Alabama – La. R.S. 37:2158(A)(4)

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

- b) **CONCRETE SERVICES, LLC**, Jemison, Alabama – La. R.S. 2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by CONCRETE SERVICES, LLC. Investigator Marianne Sullivan was called to the stand and was sworn in. Ms. Sullivan provided testimony to the board regarding this matter. Mr. Dupuy made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Stuart seconded. The motion passed.

7. a) **ALL STAR LAND, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by ALL STAR LAND, LLC. 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) **AUDUBON GLASS WORKS, LLC**, Prairieville, Louisiana – La. R.S. 2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by AUDUBON GLASS WORKS, LLC. Mr. Talbot made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Graham seconded. The motion passed.

8. **AXICOM DR CONSTRUCTION, LLC**, Spring, Texas – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by AXICOM DR CONSTRUCTION, LLC. Mr. Dupuy made a motion to reject the settlement offer as presented. Mr. Fenet seconded. The motion passed with one opposed by Mr. Badeaux.

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

Ms. Evans gave a summary of the allegations. Attorney Matthew Emmons was present on behalf of INK CONSTRUCTION, LLC. Mr. Emmons presented a settlement offer to the board and gave a statement. Investigator Todd Brady was called to the stand and was sworn in. Mr. Brady provided testimony to the board regarding this matter. Mr. Emmons amended the original settlement offer. Mr. Graham made a motion to accept the amended settlement offer, which included a no contest plea. Mr. Stuart seconded. The motion passed.

10. **PANNELL'S ASSOCIATED ELECTRIC, INC.**, Shreveport, Louisiana – La. R.S. 37:2158(A)(4)(3) and Rules and Regulations Section 109(A)

Ms. Evans gave a summary of the allegations. James Pannell was present on behalf of PANNELL'S ASSOCIATED ELECTRIC, INC. and was sworn in. Mr. Pannell entered a denial plea. Investigator Scott Corley, who was previously sworn in, was called to the stand. Mr. Corley reviewed the exhibit packets for both violations and provided testimony to the board. Mr. Pannell gave a statement to the board regarding the alleged violation. The board questioned Mr. Pannell regarding this matter. Mr. Lambert made a motion to dismiss the alleged violations. Mr. Talbot seconded. The motion passed.

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

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

OLD BUSINESS

E. **COMPLIANCE HEARINGS/CONTINUANCES:**

1. **CRAIG STEPHEN PARDUE**, Vidalia, Louisiana – La. R.S. 37:2175.3(A)(2)(4) and 2158(A)(3) and Rules and Regulations Section 109(A)

Ms. Evans gave a summary of the allegations. CRAIG STEPHEN PARDUE was present and was sworn in. Mr. Pardue entered a no contest plea for violation 37:2158(A)(3) and Rules and Regulations Section 109(A) and entered a denial plea for the remaining alleged violations 37:2175.3(A)(2)(4). Mr. Jones made a motion to accept the no contest plea for the 37:2158(A)(3) and Rules and Regulations Section 109(A) violation. Mr. Stuart seconded. The motion passed. Investigator Scott Corley, who was previously sworn, was called to the stand and reviewed the exhibit packet. Mr. Corley also provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Bankston questioned Mr. Pardue. Mr. Pardue gave a statement to the board regarding the alleged violation. Mr. Graham made a motion to dismiss the violations for 37:2175.3(A)(2)(4). Mr. Lambert seconded. The motion passed. For the remaining violation Mr. Graham made a motion to assess a \$1000 fine plus \$500 in administrative costs. Mr. Fenet seconded. The motion passed.

2. **KEVIN & CHRIS STEWART D/B/A GAFFORD CONSTRUCTION & DESIGNS**, Houma, Louisiana – La. R.S. 2160(A)(1)

This matter was continued.

F. REQUEST FOR REHEARING/RECONSIDERATION:

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

Ms. Evans gave a summary of the allegations and stated that the company had submitted a rehearing request. Marvin Taliencich was present on behalf of ACME EXTERIORS, LLC and was sworn in. Mr. Talbot made a motion to grant the rehearing request. Mr. Stuart seconded. Mr. Taliencich entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Fenet seconded. The motion passed. Mr. Taliencich gave a statement regarding the alleged violation. Mr. Stuart made a motion to assess the maximum fine plus \$500 in administrative costs and to allow the fine to be reduced to \$1000 plus \$500 in administrative costs if the company obtains a license in 90 days. Mr. Lambert seconded. The motion passed.

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

Ms. Evans gave a summary of the allegations and stated that the company had submitted a rehearing request. No one was present for T'S CONCRETE SERVICES, LLC. Mr. Badeaux made a motion to deny the rehearing request. Mr. Dupuy seconded. The motion passed.

<G. RESOLUTION – Purchase of Land>

The agenda was amended under item H.2. to add the Resolution to the agenda. Mr. Dupuy presented the Resolution to the Board authorizing Executive Director, Michael McDuff, or Chairman, Lee Mallett to execute the Act of Sale for the land purchase. A motion was made by Mr. Dupuy and seconded by Mr. Jones to approve the Resolution. The motion passed with a unanimous vote.

H. COMMITTEE REPORTS:

1. Report from the Staff – Ms. Dupuy reported to the board regarding the amount of applications and website traffic received after the Historic Flood of 2016.
 2. Building Committee –Mr. Graham gave a report regarding the progress on the agency's new building project. A motion was made by Mr. Graham and seconded by Mr. Talbot, to amend the agenda to include agenda item G. for the consideration of a resolution by the board to purchase land for the purpose of constructing a new office building to conduct the affairs of the Board. Upon unanimous approval, this matter was added to the agenda.
 3. Classification and Testing Committee – Mr. Cloutre stated that the report will be given at a later time.
 4. Legislative/Rules and Regulations Committee – Mr. Fenet had no new report
 5. Finance Committee – Mr. Dupuy made a motion to accept the September financial statement as presented. Mr. Fenet seconded. The motion passed.
 6. Residential Building Committee – Mr. Jones gave the report at a later time.
- I. 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 **October 19, 2016** Residential Building Subcommittee. (Pages 5-36)

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 October 19, 2016 Residential Building Subcommittee meeting and Mr. Meredith seconded. The motion passed.

J. Consideration of reciprocity and exemption requests as listed and attached to the agenda. (Page 37-40)

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

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

K. Consideration of mold remediation application as listed and attached to the agenda. (Page 41-42)

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 43-45)

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 46-56)

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

ADJOURNMENT

Mr. Meredith made a motion to adjourn at 11: 40 a.m., and Mr. Fenet seconded. The motion passed.

Lee Mallett, Chairman

Byron E. Talbot, Secretary