

**STATE LICENSING BOARD FOR CONTRACTORS**  
**COMMERCIAL BOARD MEETING MINUTES**

**November 19, 2015**

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallet, on Thursday, November 19, 2015 at 9:38 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.
- Danny R. Graham
- Kenneth Jones
- Donald G. Lambert
- Christopher N. Stuart
- Byron Talbot
- Art O. Walker

Courtney Fenet, Jr. and Garland Meredith 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, Brent Templet, Monica Davis, Debbie Belyeu, Doug Traylor, Nathan Rawls, Emma Payne, Elaine Riggins, and John Dixon; Compliance Director, Marianne Sullivan; Compliance Investigators, Tommy Mimnaugh, Charmel Peterson, Sabina Miller, Jesse Wells, Dylan Bourg, Scott Corley, Johnny Rogers, William Valentine, Carl Bourque, William Collins, Jeanette Raffray, Todd Brady, and Leann Evans; and Tarah Revette recording the minutes.

Mr. Walker led the members and audience in the Pledge of Allegiance.

A moment of silence was given in observance of Veteran's Day.

Judge Darrell White gave the invocation, introduced himself, and advised those present of his duties.

Mr. Clouatre made a motion to accept the Minutes of the **October 15, 2015** regular meeting, and Mr. Weston seconded. The motion passed.

Mr. McDuff introduced guests Jimmy Mallet, former board member Brent Honore; James Henry and Rudy Babin with the Department of Insurance; Stephanie Laborde with Milling Benson Woodward, LLP; and Louisiana State Representative Jack Montoucet.

**NEW BUSINESS**

**C. QUALIFYING PARTY HEARINGS:**

1. **ENVIRO & INDUSTRIAL CONTRACTORS, INC.**, Lake Charles, Louisiana – 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 ENVIRO & INDUSTRIAL CONTRACTORS, INC. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Talbot made a motion to suspend the commercial license for ENVIRO & INDUSTRIAL CONTRACTORS, INC. until the qualifying party is replaced. Mr. Clouatre seconded. The motion passed.

2. **HOGAN & RICHARD GENERAL CONTRACTORS LLC**, Lake Charles, Louisiana – 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 HOGAN & RICHARD GENERAL CONTRACTORS LLC. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Talbot made a motion to suspend the commercial license for HOGAN & RICHARD GENERAL CONTRACTORS LLC until the qualifying party is replaced. Mr. Clouatre seconded. The motion passed.

#### D. JUDGMENTS:

1. **DANIEL JAMES THIBODEAUX**, Lake Charles, 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. DANIEL JAMES THIBODEAUX was not present. Ms. Sims entered the exhibit packet into evidence and it was admitted. Attorney Francis White III was present on behalf of the creditor and gave a statement. Mr. Clouatre made a motion to revoke the license and to issue a cease and desist order. Mr. Talbot seconded. The motion passed.

2. **SPARK ELECTRIC A/C, HEATING & GAS, LLC**, Metairie, 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

This matter was removed from the agenda.

3. **SWEPCO, INC.**, Chalmette, 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

This matter was removed from the agenda.

4. **WORK CONSTRUCTION COMPANY, INCORPORATED**, Mandeville, 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 Phillip Wallace was present on behalf WORK CONSTRUCTION COMPANY, INCORPORATED. Attorney Francis White III was present on behalf of the creditor and gave a statement. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Clouatre made a motion to continue this matter indefinitely. Mr. Talbot seconded. The motion passed.

5. **WWP MANAGEMENT, L.L.C.**, Glynn, 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. Donald Glynn was present on behalf of WWP MANAGEMENT, L.L.C. and was sworn in. Attorney Jay Simon was present on behalf of the creditor. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Glynn gave a statement. Mr. Simon gave a statement. Mr. Lambert made a motion to revoke the commercial license for WWP MANAGEMENT, L.L.C. Mr. Stuart seconded. The motion passed.

#### E. COMPLIANCE HEARINGS:

1. a) **GAP BUILDERS, LLC**, Lafayette, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by GAP BUILDERS, LLC. Mr. Clouatre made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

- b) **MEP GREEN DESIGN AND BUILD, PLLC**, Houston, Texas – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by MEP GREEN DESIGN AND BUILD, PLLC. Mr. Clouatre made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

- c) **TNT COMPONENTS INCORPORATED D/B/A TNT PLUMBING**, Houston, Texas – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by TNT COMPONENTS INCORPORATED D/B/A TNT PLUMBING. Mr. Cloutre made a motion to accept the no contest plea and submitted a counteroffer for consideration. Mr. Gallo seconded. The motion passed.

2. **AAA HOTEL MANAGEMENT, INC.**, Lafayette, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Hughes gave a summary of the allegations. Dixit Patel was present on behalf of AAA HOTEL MANAGEMENT, INC. and was sworn in. Mr. Patel 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. Graham made a motion to fine AAA HOTEL MANAGEMENT, INC. the maximum fine plus \$500 in administrative costs, and to require the qualifying party to retake the Building Construction and the Business and Law exams in 60 days allowing staff to revoke the license if the exam is not taken and passed within the time frame given. Mr. Jones seconded. The motion passed.

3. a) **D & B CONVEYOR SYSTEMS, INC.**, Savannah, Georgia – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by D & B CONVEYOR SYSTEMS, INC. Attorney David Allgood was present on behalf of D & B CONVEYOR SYSTEMS, INC. Mr. Graham made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Cloutre seconded. The motion passed.

Matters 3b and 3c were consolidated.

- b) **A & G CONVEYORS, LLC**, Brandon, Mississippi – La. R.S. 2160(A)(1)

- c) **R & G CONTROLS, LLC**, Spring Hill, Florida – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. No one was present on behalf of A & G CONVEYORS, LLC and R & G CONTROLS, LLC. Investigator Todd Brady was called to the stand and was sworn in. Mr. Brady reviewed the exhibit packet for both matters. Ms. Sims entered the exhibit packets for both matters into evidence and they were admitted. Senior Manager for FedEx Ground, Jennifer Jamison was present and sworn in. Attorney W. Brett Mason was also present on behalf of FedEx Ground and gave a statement. Ms. Jamison stated that changes were being made to their bid packages and procedures. Mr. Weston made a motion to find A & G CONVEYORS, LLC and R & G CONTROLS, LLC to be in violation. Mr. Badeaux made a motion to assess A & G CONVEYORS, LLC the maximum fine plus \$500 in administrative costs. Mr. Cloutre seconded. The motion passed. Mr. Badeaux made a motion to assess R & G CONTROLS, LLC the maximum fine plus \$500 in administrative costs. Mr. Cloutre seconded. The motion passed.

- d) **E-ZONE ELECTRIC, INC.**, Spring, Texas – La. R.S. 37:2160 (A)(1), La. R.S. 37:2158(A)(4) and 2158(A)(5)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by E-ZONE ELECTRIC, INC. Mr. Talbot made a motion to accept the settlement offer as presented, which included a no contest plea and the stipulation that the company will not be renewing their commercial license. Mr. Jones seconded. The motion passed.

- e) **HENRY LEE FONTENOT, JR.**, Kinder, Louisiana – La. R.S. 37:2158(A)(5) and 2158(A)(4)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by HENRY LEE FONTENOT, JR. Mr. Jones made a motion to accept the settlement offer as presented, which included a no contest plea and a voluntary 12 month probation with the caveat that if a violation occurs during the probation period the company would voluntarily surrender their license. Mr. Graham seconded. The motion passed.

The compliance hearings were paused at this time due to the arrival of a special guest, Former Governor of Louisiana Edwin Edwards. On behalf of the Board, Mr. Mallett and Mr. Lambert gave a presentation to recognize Mr. Edwards for his contribution to the construction industry and the community. Mr. Edwards addressed the Board and thanked them for the recognition. Representative Jack Montoucet and Mr. Jimmy Mallett also thanked Mr. Edwards for his contributions and service.

4. a) **DONNIE GILL**, Walker, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. DONNIE GILL was not present. Investigator Todd Brady, 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. Cloutre made a motion to find DONNIE GILL to be in violation. Mr. Jones seconded. The motion passed. Mr. Cloutre made a motion to assess the maximum fine plus \$500 in administrative costs. Mr. Stuart seconded. The motion passed.

b) **DARRELL'S ELECTRIC INC.**, Clinton, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Hughes gave a summary of the allegations. Darrell Ellis was present on behalf of DARRELL'S ELECTRIC INC. and was sworn in. Mr. Ellis entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Gallo seconded. The motion passed. Mr. Ellis gave a statement. Mr. Jones made a motion to assess the \$500 in administrative costs. Mr. Talbot seconded. The motion passed.

5. **BLUE LAGOON POOL AND SPA LLC**, Slidell, Louisiana – La. R.S. 2158(A)(9)

Ms. Hughes gave a summary of the allegations. No one was present on behalf of BLUE LAGOON POOL AND SPA LLC. Investigator Carl Bourque was called to the stand and sworn in. Mr. Bourque reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Cloutre made a motion to find BLUE LAGOON POOL AND SPA LLC to be in violation. Mr. Jones seconded. The motion passed. Mr. Cloutre made a motion to revoke BLUE LAGOON POOL AND SPA LLC license/registration. Mr. Stuart seconded. The motion passed. Mr. Cloutre also made a motion to assess the maximum fine plus \$500 in administrative costs. Mr. Stuart seconded. The motion passed.

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

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

**OLD BUSINESS**

G. **COMPLIANCE HEARING/CONTINUANCE:**

1. **D & K IMPROVEMENTS LLC**, West Monroe, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by D & K IMPROVEMENTS LLC. Mr. Gallo made a motion to accept the settlement offer as presented, which included a no contest plea and a guarantee to obtain a license within 120 days. Mr. Graham seconded. The motion passed.

H. **REQUEST FOR REHEARING/RECONSIDERATION:**

1. **EDA CONTRACTORS, INC.**, Lawrenceville, Georgia – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. No one was present on behalf of EDA CONTRACTORS, INC. Mr. Dupuy made a motion to deny the request for reconsideration. Mr. Cloutre seconded. The motion passed.

**I. COMMITTEE REPORTS:**

1. Report from the Staff – Mr. Weston made a motion to the 1<sup>st</sup> resolution to approve a legal contract for 2016 for the firm of Milling Benson Woodward, LLP. Mr. Dupuy seconded. The motion passed. Mr. Weston made a motion to the 2<sup>nd</sup> resolution to approve a legal contract for 2016 for the firm of Breazeale, Sachse & Wilson, LLP. Mr. Talbot seconded. The motion passed.
2. Building Committee –Mr. Graham had no new report.
3. Classification and Testing Committee – Mr. Gallo had no new report.
4. Legislative/Rules and Regulations Committee – Mr. McDuff stated a report will be given at December’s Commercial Meeting.
5. Finance Committee – Mr. Dupuy made a motion to accept the November financial statement as presented. Mr. Clouatre seconded. The motion passed. Mr. Dupuy asked the Board to review the 2016 project budget to be voted on at December’s Commercial Meeting.
6. Residential Building Committee – Mr. Jones gave the report at a later time.

**J. Consideration of new residential applications, home improvement registrations and residential licensure exemptions as listed and attached to the agenda, and actions of the **November 18, 2015** Residential Building Subcommittee. (Pages 5-12)**

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

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

Mr. Jones made a motion to approve the residential exemptions as listed on the agenda with the exception of ROBERT T. EZELL, and Mr. Gallo seconded. The motion passed.

Mr. Jones made a motion to approve the actions taken at the November 18, 2015 Residential Building Subcommittee meeting and Mr. Gallo seconded. The motion passed.

**K. Consideration of commercial licensure exemptions as listed and attached to the agenda. (Page 13-16)**

Mr. Dupuy made a motion to approve the exemptions based on Reciprocity as listed on pages 13-15 of the agenda, and Mr. Clouatre seconded. The motion passed.

Mr. Dupuy made a motion to approve the Exemptions as listed on pages 15-16 of the agenda with the exceptions of the following: I G H CONTRACTING SERVICES was approved for exemption of Municipal and Public Works Construction and Specialty: Highway, Street Construction Exclusive of Bridges, but was not approved for the exemption of the Highway, Street, and Bridge Construction exam; INFINITY CONSTRUCTION AND TRUCKING, LLC was approved for exemption of Municipal and Public Works Construction and Specialty: Highway, Street Construction Exclusive of Bridges, but was not approved for the exemption of the Highway, Street, and Bridge Construction exam; QUARTERMAN, LLC will be approved upon receipt of the exemption form or resume; and SMART COMMUNICATION SYSTEMS, LLC was not approved for the exemption of the 60 day waiting period. Mr. Clouatre seconded, and the motion passed.

**L. 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. Weston seconded. The motion passed.

**M. 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. Stuart seconded. The motion passed.

**N. Consideration of commercial applications as listed and attached to the agenda. (Pages 21-32)**

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

**ADJOURNMENT**

Mr. Clouatre made a motion to adjourn at 11: 07 a.m., and Mr. Talbot seconded. The motion passed.

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Lee Mallett, Chairman

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Byron E. Talbot, Secretary