

STATE LICENSING BOARD FOR CONTRACTORS
RESIDENTIAL BUILDING CONTRACTORS SUBCOMMITTEE MINUTES

June 15, 2016

The regular meeting of the Residential Building Contractors Subcommittee was called to order by the Chairman, Kenneth W. Jones, on Wednesday, June 15, 2016 at 9:33 a.m. at 2525 Quail Drive, Baton Rouge, Louisiana.

Members of the Subcommittee present:

Kenneth “Ken” W. Jones, Chairman
Lloyd “Chip” Badaeux
Nick Castjohn
Karon “Kay” Gibson
Billy Ward
Wesley L. “Wes” Wyman, Jr.

Member Jodi Penn was absent. There being a quorum present, the regular order of business was called.

Also attending the meeting were: Michael McDuff, Executive Director; Judy Dupuy, Board Administrator; Judge Darrell White, Retired, Hearing Officer; Jennifer Sims, Board Attorney; and from the staff, Nathan Rawls, Marianne Sullivan, Bobbie Hughes, Brent Templet, Emma Payne, Elaine Riggins, John Dixon,; compliance investigators, Carl Bourque, Dylan Bourg; and Tarah Revette recording the minutes.

Mr. Wyman led the Pledge of Allegiance.

Judge Darrell White gave the invocation.

Mr. Castjohn made a motion to accept the Minutes of the May 18, 2016, Residential Building Committee Meeting. Mr. Ward seconded. The motion passed.

Mr. McDuff introduced guests Ronald Burrough with the Attorney General’s office and James Henry and Rudolph Babin with the Department of Insurance.

NEW BUSINESS

C. INSURANCE HEARINGS:

RESIDENTIAL BUILDING, HOME IMPROVEMENT, AND MOLD REMEDIATION; GENERAL LIABILITY & WORKERS’ COMPENSATION – La. R.S. 2150–2192, 2186(B)(6), 2189(A)(7) and Rules and Regulations Sec. 1503(D)

Emma Payne was called to the stand and sworn in to give testimony regarding the documentation of general liability and workers’ compensation and confirmed service for those entities listed on the agenda.

ESSENTIALS ENTERPRISES, LLC; FOUNDS CONSTRUCTION, L.L.C.; GOFORTH CONSTRUCTION L.L.C.; JACK OF ALL TRADES OF SW LA LLC; KIM ANGELLE; POLLARD ROOFING, L.L.C. and RIVERSIDE BUILDERS LLC were removed from the agenda.

Ms. Payne confirmed that this is the first violation for the company’s listed on the agenda except for ACADIANA CUSTOM BUILDERS LLC and CONSTRUCTION SPECIALIST GROUP, LLC, which this was their 2nd violation.

Justin Asper was present on behalf of ASPER CONSTRUCTION SERVICES LLC and was sworn in. Mr. Asper gave a statement and affirmed that there was a lapse in insurance coverage. Mr. Castjohn made a motion to suspend the license back to the date of last insurance coverage, to issue a cease and desist order, assess \$250 in administrative cost, and to allow the company’s license/registration to be reissued upon proof of insurance coverage. Mr. Wyman seconded, and the motion passed unanimously.

Craig Easter was present on behalf of BIGDAWG HOME IMPROVEMENTS, INC. and was sworn in. Mr. Easter gave a statement and affirmed that there was a lapse in insurance coverage. Mr. Castjohn made a motion to suspend the license back to the date of last insurance coverage, to issue a cease and desist order, assess \$250 in administrative cost, and to allow the company's license/registration to be reissued upon proof of insurance coverage. Mr. Wyman seconded, and the motion passed unanimously.

Derrick Varnado was present on behalf of IRON TRIANGLE DEVELOPMENT, LLC and was sworn in. Mr. Varnado gave a statement and affirmed that there was a lapse in insurance coverage. Mr. Castjohn made a motion to suspend the license back to the date of last insurance coverage, to issue a cease and desist order, assess \$250 in administrative cost, and to allow the company's license/registration to be reissued upon proof of insurance coverage. Mr. Wyman seconded, and the motion passed unanimously.

Russell Price was present on behalf of R.K.P. CONTRACTOR SERVICES, L.L.C. and was sworn in. Mr. Price gave a statement and affirmed that there was a lapse in insurance coverage. Mr. Castjohn made a motion to suspend the license back to the date of last insurance coverage, to issue a cease and desist order, assess \$250 in administrative cost, and to allow the company's license/registration to be reissued upon proof of insurance coverage. Ms. Gibson seconded, and the motion passed unanimously.

No one was present on behalf of AFFORDABLE RESIDENTIAL MODIFICATIONS L.L.C.; ALLISON DELAHOUSAYE; BAYOU CRAFT BUILDERS, LLC; CAMBAS HOMES, INC.; DCI OF ALEXANDRIA, INC.; DLS CONSTRUCTION LLC; E.A. KEENAN, L.L.C.; FARTHING ELECTRIC, L.L.C.; G&G CONTRACTORS; HAMMER PROPERTY MANAGEMENT, LLC; HERNANDEZ HOME IMPROVEMENT LLC; HOLLEY BUILDERS, L.L.C.; LA REMODELERS, LLC; MECHANICAL CONSTRUCTION COMPANY, L.L.C.; RIGHT CHOICE REPAIRS & MAINTENANCE, LLC; THEOTOKAS ENTERPRISES, LLC and WILKINS & CO., INC. Mr. Castjohn made a motion to suspend the license or registration of the aforementioned companies and individuals back to the date of last insurance coverage allowing staff to reinstate the license or registration if proof of no lapse is provided, to issue a cease and desist order, to assess a fine of \$500 plus \$500 in administrative cost, and to allow the company's license/registration to be reissued upon proof of insurance coverage. Mr. Ward seconded, and the motion passed.

No was was present on behalf of ACADIANA CUSTOM BUILDERS LLC and CONSTRUCTION SPECIALIST GROUP, LLC. Mr. Castjohn made a motion to suspend the license or registration for aforementioned companies back to the date of last insurance coverage allowing staff to reinstate the license or registration if proof of no lapse is provided, to issue a cease and desist order, to assess a fine of \$500 plus \$1000 in administrative cost, require the qualifying parties to take the Business and Law exam within 120 days for each entity, and to allow the company's license/registration to be reissued upon proof of insurance coverage. Mr. Ward seconded, and the motion passed.

D. COMPLIANCE HEARINGS:

1. **DONOVAN LABBE D/B/A KINGDOM WORLD BUILDING**, West Monroe, Louisiana – La. R.S. 37:2175.2 (A)(1)

Mr. Rawls gave a summary of the allegations. Donovan Labbe was present on behalf of DONOVAN LABBE D/B/A KINGDOM WORLD BUILDING and was sworn in. Mr. Labbe entered a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Wyman seconded. The motion passed. Mr. Donovan gave a statement. Mr. Castjohn made a motion to assess a fine of \$1000 plus \$1000 in administrative costs, to issue a cease and desist order, and to allow the fine only to be waived if the company obtains a home improvement registration within 120 days. Mr. Wyman seconded. The motion passed.

2. **2832 2834 2821 2823 ST. ANN LLC**, Chalmette, Louisiana – La. R.S. 37:2175.2 (A)(1)

Mr. Rawls gave a summary of the allegations. Chad Perez was present on behalf of 2832 2834 2821 2823 ST. ANN LLC and was sworn in. Mr. Perez entered a no contest plea. Mr. Ward made a motion to accept the plea. Mr. Wyman seconded. The motion passed. Mr. Perez gave a statement. Mr. Castjohn made a motion to assess \$1000 in administrative costs. Mr. Ward seconded. The motion passed.

E. STATUTORY CITATIONS:

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

OLD BUSINESS

F. COMPLIANCE HEARINGS/CONTINUANCES:

1. **BOBBY L. CHRISTY, JR. D/B/A BLC CONTRACTORS, INC.**, Sibley, Louisiana – La. R.S. 37:2167 (A) and/or 2175.2 (A)(1)

Mr. Rawls gave a summary of the allegations. Attorney Sherb Sentell was present on behalf of BOBBY L. CHRISTY, JR. D/B/A BLC CONTRACTORS, INC. Homeowner Wendell Wilson was also present and was sworn in. Mr. Sentell entered a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Wyman seconded. The motion passed. Mr. Sentell gave a statement and submitted documents to the board. The documents were admitted. Mr. Wilson provided testimony to the board. Mr. Sentell gave an additional statement. Investigator William Collins was called to the stand and was sworn in. Mr. Collins provided testimony to the board. Mr. Sentell gave a closing statement. Mr. Castjohn made a motion to assess \$4000 plus \$1000 administrative costs, to issue a cease and desist order, and to allow the fine to be reduced to \$1500 plus \$1000 in administrative costs if the company obtains a license/registration within 120 days. Mr. Wyman seconded. The motion passed.

2. **ROBBY ELLIS**, Baton Rouge, Louisiana – La. R.S. 37:2175.2 (A)(1); 37:2175.1 (A)

Mr. Rawls gave a summary of the allegations. ROBBY ELLIS was present and sworn in. Mr. Ellis entered a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Wyman seconded. The motion passed. Mr. Ellis gave a statement. Mr. Ward made a motion to assess a fine of \$2000 plus \$1000 in administrative costs, to issue a cease and desist order, to allow the fine to be reduced to \$1000 plus \$1000 in administrative costs if the company obtains a registration within 120 days. Mr. Wyman seconded. The motion passed.

3. Matters 3a and 3b were consolidated.

- a) **PELICAN STATE LAND COMPANY, LLC**, Covington, Louisiana – La. R.S. 37:2167 (A)
- b) **ESTEES CONTRACTORS, LLC**, Covington, Louisiana – La. R.S. 37:2167 (A)

Mr. Rawls gave a summary of the allegations. Steven Hunter Estess was present on behalf of PELICAN STATE LAND COMPANY, LLC and ESTESS CONTRACTORS, LLC. Mr. Estess had a signed and notarized document giving him the authority to speak on behalf of PELICAN STATE LAND COMPANY, LLC. Mr. Estess entered a no contest plea on behalf of ESTESS CONTRACTORS, LLC. Mr. Castjohn made a motion to accept the plea. Mr. Wyman seconded. The motion passed. Mr. Estess entered a no contest plea on behalf of PELICAN STATE LAND COMPANY, LLC. Mr. Castjohn made a motion to accept the plea. Mr. Wyman seconded. The motion passed. Ms. Sims gave a brief summary of both companies' previous violations, licensure status, and outstanding fines owed to the board. Mr. Estess gave a statement. Investigator Carl Bourque was called to the stand and was sworn in. Mr. Bourque provided testimony to the board. Ms. Sims entered email correspondence into evidence and it was admitted. Mr. Estess gave a closing statement to the board. Mr. Castjohn made a motion in regards to ESTESS CONTRACTORS, LLC to extend the company's revocation of their residential license and Steven Hunter Estess's qualifying party status until January 1, 2020, to issue a cease and desist order, to assess \$5000 in administrative costs, and to refer this matter to the Attorney General's office. Mr. Ward seconded. The motion passed. Mr. Castjohn made a motion in regards to PELICAN STATE LAND COMPANY, LLC to revoke the company's licenses and Steven Gary Estess's qualifying party status until January 1, 2020, to issue a cease and desist order, and to assess a fine of \$50,000 plus \$5000 in administrative costs. Mr. Wyman seconded. The motion passed.

G. REQUEST FOR REHEARING:

1. **ROWDY OWENS, JR.**, New Iberia, Louisiana – La. R.S. 37:2175.2 (A)(1)

Mr. Rawls requested a rehearing for this matter due to unconfirmed service for the May 18, 2016 meeting. Mr. Castjohn made a motion to rehear this matter. Mr. Wyman seconded. The motion passed. Mr. Rawls gave a summary of the allegations and read the settlement offer presented on behalf of ROWDY OWENS, JR. Mr. Wyman made a motion to accept the settlement offer as presented, which included a no contest plea. Ms. Gibson seconded. The motion passed.

- H. Consideration of new applications for residential building construction license to be approved pending as listed on the agenda. (Pages 4-8)

Ms. Gibson made a motion to approve the new residential building license applications as listed on the agenda. Mr. Castjohn seconded. The motion passed.

- I. Consideration of new applications for home improvement registration as listed on the agenda. (Pages 9-11)

Ms. Gibson made a motion to approve the new home improvement registration applications as listed on the agenda, and Mr. Castjohn seconded. The motion passed.

ADJOURNMENT

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

Kenneth W. Jones, Chairman

Lloyd “Chip” Badaeux, Vice Chairman