

STATE LICENSING BOARD FOR CONTRACTORS
RESIDENTIAL BUILDING CONTRACTORS SUBCOMMITTEE MINUTES

August 19, 2015

The regular meeting of the Residential Building Contractors Subcommittee was called to order by the Chairman, Kenneth W. Jones, on Wednesday, August 19, 2015 at 9:38 a.m. at 2525 Quail Drive, Baton Rouge, Louisiana.

Members of the Subcommittee present:

	Lloyd "Chip" Badeaux, Chairman
	Lee Mallett
	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 Barbier recording the minutes.

Ms. Gibson led the Pledge of Allegiance.

Judge Darrell White gave the invocation.

Mr. Ward made a motion to accept the Minutes of the July 15, 2015, Residential Building Committee Meeting, and Mr. Wyman seconded. The motion passed.

Mr. McDuff introduced guests Peter Young and Jeannie Dodd with the Louisiana Home Builders Association; 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.

Mr. Andershock requested that the following companies be removed from the agenda due to no lapse in insurance coverage. ECO ENTERPRISES LLC, TEVYE FERNANDO RAMAZZINI MAZARIEGOS, and WILLIAM MARK MCGRAW. Mr. Castjohn made a motion to remove these items from the agenda. Mr. Wyman seconded. The motion passed.

Mark Higdon was present on behalf of ALUMINUM & SCREEN CONSTRUCTION, LLC and was sworn in. Mr. Harris gave a statement affirming that there was a lapse in insurance coverage. Mr. Wyman made a motion to revoke the company's license. Mr. Ward seconded, and the motion passed. Mr. Ward made a motion to waive the fine. Mr. Castjohn seconded. The motion passed.

Mr. Castjohn recused himself from the TREZEVANT BUILDERS & CONSTRUCTORS, L.L.C. insurance matter. No one was present on behalf of ADAM G. CARPENTER OR CHRISTOPHER M. BILLIOT LLC; BEFORE AND AFTER EQUITY BUILDERS LLC; BILLY WIGGINS; C & J CONTRACTORS LLC; DANIEL GOSS CONSTRUCTION, LLC; EUGENE & ASSOCIATES, L.L.C.; LEON HURST SR.; MTW ENTERPRISES, LLC; NTP CONSTRUCTION LA, LLC;

PATRICK D. BOGGS; SEAN DAVID CALLAWAY; TREZEVANT BUILDERS & CONSTRUCTORS, L.L.C.; TWIN CITY BUILDERS, LLC. Ms. Gibson made a motion to suspend the license or registration of the aforementioned companies and individuals back to the date of last insurance coverage, to issue a cease and desist order, and to assess a fine of \$1000 in administrative costs allowing staff to reinstate the license or registration if proof of no lapse is provided, and to allow the company to reapply for license/registration there was a lapse in coverage. Mr. Castjohn seconded, and the motion passed.

D. COMPLIANCE HEARINGS:

1. **J & B CONST., LLC**, New Orleans, Louisiana – La. R.S. 37:2167 (A)

This matter was continued.

2. **CNC CONSTRUCTION & AIR CONDITIONING, LLC**, Harvey, Louisiana – La. R.S. 37:2167 (A)

Mr. Rawls gave a summary of the allegations. Curtis Nguyen was present on behalf of CNC CONSTRUCTION & AIR CONDITIONING, LLC was sworn in. Investigator Dylan Bourq was called to the stand and was sworn in. Mr. Bourq reviewed the exhibit packet. Mr. Andershock entered the exhibit packet into evidence and it was admitted. Mr. Bourq gave a statement. Mr. Nguyen entered a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Wyman seconded. The motion passed. Mr. Nguyen gave a statement. Mr. Bourq gave an additional statement. Mr. Wyman made a motion to fine CNC CONSTRUCTION & AIR CONDITIONING, LLC \$1000 plus \$1000 in administrative costs, to issue a cease and desist order, and to waive the fine only if the company obtains a residential license within ninety (90) days. Mr. Castjohn seconded. The motion passed.

3. **RAUL VIDA RUBIO D/B/A VIDA DRYWALL, INC.**, Monroe, Louisiana – La. R.S. 37:2175.2 (A)(1)

Mr. Rawls gave a summary of the allegations. Raul Vida Rubio was present on behalf of RAUL VIDA RUBIO D/B/A VIDA DRYWALL, INC. and was sworn in. Mr. Rubio admitted to the violation. Mr. Castjohn made a motion to accept the plea. Mr. Wyman seconded. The motion passed. Mr. Rubio gave a statement. Mr. Ward made a motion to dismiss this matter contingent upon the company applies for a home improvement registration within thirty (30) days. Ms. Gibson seconded. The motion passed.

4. **BILL REDFERN D/B/A EXTERIOR PRESSURE CLEANERS**, Alexandria, Louisiana – La. R.S. 37:2175.2 (A)(1); 37:2160 (A)(2)

This matter was continued.

5. **LEE F. SCOTT D/B/A SCOTT'S ROOFING & REMODELING**, Shreveport, Louisiana – La. R.S. 37:2175.2 (A)(1); 37:2160 (A)(2).

Mr. Rawls gave a summary of the allegations. No one was present on behalf of LEE F. SCOTT D/B/A SCOTT'S ROOFING & REMODELING. Investigator Carl Bourque was called the stand and was sworn in. Mr. Bourque reviewed the exhibit packet. Mr. Andershock entered the exhibit packet into evidence and it was admitted. Mr. Castjohn made a motion to find LEE F. SCOTT D/B/A SCOTT'S ROOFING & REMODELING to be in violation. Mr. Ward seconded. The motion passed. Mr. Castjohn made a motion to assess the maximum fine plus \$1000 in administrative costs, and to issue a cease and desist order. Mr. Ward seconded. The motion passed.

OLD BUSINESS

E. COMPLIANCE HEARING(S)/CONTINUANCES:

Matters E.1. and E.2. were moved to the end of the agenda and they were consolidated.

1. **ERIK ERNST DESIGN, INC.**, Mandeville, Louisiana – La. R.S. 37:2167 (A) and/or 2175.2 (A)(1).

2. **RIVERLAND LANDSCAPE DESIGN AND SERVICES, INC.**, Mandeville, Louisiana – La. R.S. 37:2167 (A).

Mr. Rawls gave a summary of the allegations. Attorney C. Michael Winters and Erik Ernst were present. Mr. Ernst was sworn in. Attorney John M. Dubreuil was present on behalf of the homeowner Tonya Vining. Mr. Dubreuil gave a statement regarding the consolidation of matters E.1. and E.2. Mr. Castjohn made a motion to consolidate matters E.1. and E.2. Mr. Wyman seconded. The motion passed. Mr. Winters entered a denial plea for the alleged violations La R.S. 37:2167(A) and 2175.2(A)(2) on behalf of ERIK ERNST DESIGN, INC. Mr. Winters also entered a denial plea for the alleged violation La. R.S. 37:2167(A) on behalf of RIVERLANDLANDSCAPE DESIGN AND SERVICES, INC. Investigator Carl Bourque, who was previously sworn in, was called to the stand and reviewed the exhibit packets for both companies. Mr. Andershock entered the exhibit packets into evidence and they were admitted. Mr. Ernst gave a statement. Mr. Winters questioned Mr. Ernst. Mr. Ernst gave an additional statement. Mr. Winters requested to change the initial denial pleas for all alleged violations to a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Wyman seconded. The motion passed. Mr. Ernst presented an insurance certificate to the board and it was admitted. Mr. Dubreuil gave a statement and stated that a copy of the same insurance certificate was given to the homeowner. Mr. Dubreuil presented documents to the board and they were admitted. Mr. Winters gave a closing statement. Mr. Castjohn made a motion to revoke the home improvement registration for RIVERLAND LANDSCAPE DESIGN AND SERVICES, INC., assess \$1000 in administrative costs, refer the findings of this matter to the commercial board, a two year prohibition of RIVERLAND LANDSCAPE DESIGN AND SERVICES, INC. from applying for a license, and to issue a cease and desist order. Mr. Wyman seconded. The motion passed. Mr. Castjohn made a motion to fine ERIK ERNST DESIGN, INC. \$25,000 plus \$1000 in administrative costs, a two year prohibition of ERIK ERNST DESIGN, INC. from applying for a license, to issue and cease and desist order, and to allow the fine to be reduced to \$5000 plus \$1000 in administrative costs if Erik Ernst obtains a license once the two year prohibition is lifted. Ms. Gibson seconded. The motion passed.

F. REQUEST FOR REHEARINGS/RECONSIDERATIONS:

1. **IRONCITY CONTRACTING, LLC**, New Orleans, Louisiana – La. R.S. 37:2167 (A).

Mr. Rawls gave a summary of the allegations. Derrick Kelley was present on behalf of IRONCITY CONTRACTING, LLC and was sworn in. Mr. Kelley gave a statement. Mr. Castjohn made a motion to reconsider the penalty for this matter. Mr. Ward seconded. The motion passed. Mr. Castjohn made a motion to reduce the original penalty to \$2500 plus \$1000 in administrative costs if the company obtains a Residential license and retakes the Business and Law exam within ninety (90) days and to issue a cease and desist order.

2. **O.B.G.C. INVESTMENTS, LLC D/B/A O.B.G.C. INC.**, Harvey, Louisiana – La. R.S. 37:2175.2 (A)(1); 37:2160 (A)(2).

Mr. Rawls gave a summary of the allegations. Pablo and Adrian Ospina were present on behalf of O.B.G.C. INVESTMENTS, LLC D/B/A O.B.G.C. INC. Pablo and Adrian Ospina were sworn in. Mr. Wyman made a motion to reconsider the penalty for this matter. Mr. Castjohn seconded. The motion passed. Mr. Wyman made a motion to waive the fine and to assess \$1000 in administrative cost only contingent upon OSPINA BROTHERS GENERAL CONTRACTORS LLC obtaining the proper license(s).

3. **THE BUILDING PERFORMANCE CENTER, LLC**, Metairie, Louisiana – La. R.S. 37:2175.2 (A)(1).

Mr. Rawls gave a summary of the allegations and the findings of the committee. No one was present on behalf of THE BUILDING PERFORMANCE CENTER, LLC. The reconsideration of the penalty request was denied.

G. REQUEST FOR INSURANCE RECONSIDERATION OF PENALTY:

1. **MODULAR INDUSTRIES, L.L.C.**, Berwick, Louisiana – La. R.S. 2150–2192, 2186(B)(6), 2189(A)(7) and Rules and Regulations Sec. 1503(D).

No one was present on behalf of MODULAR INDUSTRIES, L.L.C. Ms. Emma, who was previously sworn in, was called to the stand and gave a statement. Mr. Castjohn made a motion to deny the request for reconsideration of penalty. Mr. Ward seconded. The motion passed.

2. **TRICHE CONSTRUCTION, L.L.C.**, LaPlace, Louisiana – La. R.S. 2150–2192, 2186(B)(6), 2189(A)(7) and Rules and Regulations Sec. 1503(D).

Dorrel Triche was present on behalf of TRICHE CONSTRUCTION, L.L.C. and was sworn in. Mr. Triche gave a statement. Mr. Wyman made a motion to reconsider the penalty for TRICHE CONSTRUCTION, L.L.C. Mr. Ward seconded. The motion passed. Mr. Castjohn made a motion to waive the fine and assess \$250 in administrative costs only. Mr. Ward seconded. The motion passed.

H. CONSIDERATION OF LICENSURE EXEMPTION(S):

Ms. Gibson made a motion to approve the exemptions as listed on the agenda, and Mr. Castjohn seconded. The motion passed.

- I. Consideration of additional classifications for residential licenses as listed and attached to the agenda. (Pages 5)

Ms. Gibson made a motion to approve the additional classifications for residential licenses as listed on the agenda. Mr. Castjohn seconded. The motion passed.

- J. Consideration of new applications for residential building construction license to be approved pending as listed on the agenda. (Pages 6-9)

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

- K. Consideration of new applications for home improvement registration as listed on the agenda. (Pages 10-13)

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.

Mr. Castjohn made a motion to approve the draft for Residential Subclassifications and Labor Only Licenses with a proposed effective date of October 1, 2015. Mr. Ward seconded. The motion passed.

ADJOURNMENT

Mr. Castjohn made a motion to adjourn at 11:48 a.m., and Mr. Ward seconded. The motion passed.

Kenneth W. Jones, Chairman

Lee Mallett, Vice Chairman