

STATE LICENSING BOARD FOR CONTRACTORS
RESIDENTIAL BUILDING CONTRACTORS SUBCOMMITTEE MINUTES

September 14, 2016

The regular meeting of the Residential Building Contractors Subcommittee was called to order by the Chairman, Kenneth W. Jones, on Wednesday, September 14, 2016 at 9:36 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; Larry Bankston, Board Attorney; from the staff, Nathan Rawls, Brent Templet, Debbie Belyeu, Emma Payne, Elaine Riggins, Doug Traylor, John Dixon,; Compliance Director, Brad Hassert; Compliance Investigators, Todd Brady, Carl Bourque, Frank Vaughn, Scott Corley, Jessie Wells, Charmel Peterson, and Dylan Bourg; and Tarah Revette recording the minutes.

Mr. Badaeux led the Pledge of Allegiance.

Judge Darrell White gave the invocation.

Mr. Castjohn made a motion to accept the Minutes of the June 15, 2016, Residential Building Committee Meeting. Mr. Wyman seconded. The motion passed.

NEW BUSINESS

C. INSURANCE HEARING(S):

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)

Applications Supervisor Elaine Riggins was called to the stand and sworn in to give testimony regarding the documentation of general liability and workers’ compensation. Ms. Riggins removed BARNES HVAC & HOME REPAIRS LLC; BRAD CANOVA DESIGN & CONSTRUCTION, LLC; DENISON BUILDERS, INC.; GREMILLION HOMES, INC.; HEARTLAND CONSTRUCTION, INC.; HEZEKIAH SAM WELLS; HISU, LLC; HOWELL PARTNERS, L.L.C.; JC PATIN GROUP, LLC; JENNRAND DIVERSIFIED, L.L.C.; NEW WAVE PROPERTIES LLC; PORTA ENTERPRISES, LLC; and VETERAN CONSTRUCTION, GROUP, LLC from the agenda due to proof of insurance coverage being provided with no lapse.

Ms. Riggins also confirmed service for the remaining entities listed on the agenda except for JIM BONSALL and ZAUNBRECHER BUILDERS INC., which were removed from the agenda.

Chelsea Finn was present on behalf of THE LEXEL GROUP, INC. and was sworn in. Ms. Finn 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, and to allow the company’s license/registration to be reissued upon proof of insurance coverage. Mr. Ward seconded, and the motion passed unanimously.

Mercedes Arteaga was present on behalf of GL CONSTRUCTION, LLC and was sworn in. Mr. Arteaga 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.

Richard Machen was present on behalf of MACHEN DESIGN & CONSTRUCTION LLC and was sworn in. Mr. Machen affirmed that there was a lapse in insurance coverage and gave a statement. Mr. Wyman made a motion to defer this matter. Mr. Castjohn seconded, and the motion passed unanimously.

William Lewis was present on behalf of UATC & ASSOCIATES, INC. and was sworn in. Mr. Lewis gave a statement and affirmed that there was a lapse in insurance coverage. Mr. Castjohn made a motion to defer this matter. Mr. Ward seconded, and the motion passed unanimously.

RYAN NATHANIEL VIRDEN was present and was sworn in. Mr. Virden 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, and to allow the company's license/registration to be reissued upon proof of insurance coverage. Mr. Wyman seconded, and the motion passed unanimously.

Joseph Hardy was present on behalf of JOSEPH HARDY CONSTRUCTION, INC. and was sworn in. Mr. Hardy gave a statement and affirmed that there was a lapse in insurance coverage. Ms. Riggins provided testimony for this matter. 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 \$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 with one objection from Ms. Gibson.

No one was present on behalf of ALEXANDER RICHARD KEARNEY; BODIE DEVELOPMENT GROUP LLC; CANGELOSI ENTERPRISES, LLC; CRAIG BROUSSARD; DOWDEN CONSTRUCTION, L.L.C.; GENESIS CONTRACTORS, LLC; GLOBUS MANAGEMENT GROUP, LLC; HANDS OF INTEGRITY MAINTENANCE, LLC; HARTFORD MAINTENANCE LLC; HIGHROAD SOLUTIONS, INC.; HOME AND BATH SOLUTIONS LLC; ISAACO LLC; J. ADAM TOWN CONSTRUCTION, LLC; JKR CONST. INVSTMNTS, L.L.C.; KENNETH HEBERT BUILDERS, INC.; L. SCOTT CONSTRUCTION COMPANY, INC.; LUIS SOLER; PELICAN PROPERTY SOLUTIONS, LLC; SOUTHERN OAKS CONSTRUCTION L.L.C.; STEP BY STEP CONSTRUCTION & ROOFING LLC; TOWNE SQUARE BUILDERS LLC; TRAVIS PAUL TALAMO; VETERAN CONTRACTORS, L.L.C.; and XPERT RESTORATION SERVICES, LLC. 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.

D. COMPLIANCE HEARINGS:

1. **O. C. MORGAN, JR., D/B/A O. C. MORGAN CONCRETE AND DIRT**, Shreveport, Louisiana – La. R.S. 37:2167 (A)

Mr. Rawls gave a summary of the allegations. O. C. Morgan was present on behalf of O. C. MORGAN, JR., D/B/A O. C. MORGAN CONCRETE AND DIRT and was sworn in. Mr. Morgan entered a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Wyman seconded. The motion passed. Mr. Morgan gave a statement. Mr. Ward made a motion to assess \$500 fine plus \$1000 in administrative costs and to issue a cease and desist order. Mr. Wyman seconded. The motion passed.

2. **MICHAEL A. TREMONT**, Lake Charles, Louisiana – La. R.S. 37:2167 (A)

Mr. Rawls gave a summary of the allegations. MICHAEL A. TREMONT was not present. Investigator Frank Vaughn was called to the stand and was sworn in. Mr. Vaughn reviewed the exhibit packet and gave a statement. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Castjohn made a motion to find MICHAEL A. TREMONT to be in violation, to assess the maximum fine plus \$1000 in administrative costs, and to issue a cease and desist. Mr. Ward seconded. The motion passed.

3. **SJK RENTAL PROPERTIES, LLC**, Calhoun, Louisiana – La. R.S. 37:2167 (A)

Mr. Rawls gave a summary of the allegations. Steven Kelley was present on behalf of SJK RENTAL PROPERTIES, LLC and was sworn in. Mr. Kelley entered a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Ward seconded. The motion passed. Mr. Kelley gave a statement. Mr. Castjohn made a motion to assess \$1000 in administrative costs. Mr. Wyman seconded. The motion passed.

4. Matters 4a and 4b were consolidated.

- a) **GALLOWAY CONSTRUCTION OF LAFAYETTE, LLC**, Lafayette, Louisiana – La. R.S. 37:2167 (A)

Mr. Rawls gave a summary of the allegations. Monroe Galloway was present on behalf of GALLOWAY CONSTRUCTION OF LAFAYETTE, LLC and was sworn in. Mr. Galloway entered a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Ward seconded. The motion passed. Mr. Galloway gave a statement. The board questioned Mr. Galloway on this matter. Mr. Castjohn made a motion to assess a \$10,000 fine plus \$1000 in administrative costs, to issue a cease and desist order, and to allow the fine to be reduced to \$2000 plus \$1000 in administrative costs if the company obtains a residential license within 120 days. Mr. Ward seconded. The motion passed.

- b) **MYRON J. WILSON, SR.**, Lafayette, Louisiana – La. R.S. 37:2158 (A)(5)

Mr. Rawls gave a summary of the allegations. MYRON WILSON was present and was sworn in. Mr. Wilson entered a denial plea. Investigator Carl Bourque was called to the stand and was sworn in. Mr. Bourque reviewed the exhibit packet and provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Wilson gave a statement. The board questioned Mr. Wilson regarding this matter. Mr. Bourque gave an additional statement. Mr. Wilson changed his initial denial plea to a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Wyman 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.

5. **PITTMAN RESTORATION CONSTRUCTION, LLC**, Elmwood, Louisiana – La. R.S. 37:2167 (A)

Mr. Castjohn recused himself from this matter. Mr. Rawls gave a summary of the allegations. No one was present on behalf of PITTMAN RESTORATION CONSTRUCTION, LLC. Investigator Charmel Peterson was called to the stand and was sworn in. Ms. Peterson reviewed the exhibit packet and provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Ward made a motion to find PITTMAN RESTORATION CONSTRUCTION, LLC to be in violation. Ms. Gibson seconded. The motion passed. Mr. Ward made a motion to assess the maximum fine plus \$1000 in administrative costs and to issue a cease and desist order. Ms. Gibson seconded. The motion passed.

6. Matters 6a – 6c were consolidated.

a) **PURE BUILDERS, LLC**, Harvey, Louisiana – La. R.S. 37:2167 (A)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of PURE BUILDERS, LLC. 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. Castjohn made a motion to find PURE BUILDERS, LLC to be in violation, to assess the maximum fine plus \$1000 in administrative costs, and to issue a cease and desist order. Ms. Gibson seconded. The motion passed. Mr. Ward seconded. The motion passed.

b) **GTI SERVICES, LLC**, New Orleans, Louisiana – La. R.S. 37:2158 (A)(5)

Mr. Rawls gave a summary of the allegations. Greg Irving was present on behalf of GTI SERVICES, LLC and was sworn in. Mr. Irving entered a denial plea. Mr. Bourg, who was previously sworn, reviewed the exhibit packet and provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Irving gave a statement. The board questioned Mr. Irving regarding this matter. Mr. Castjohn made a motion to dismiss this matter. Mr. Ward seconded. The motion passed.

c) **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 and was sworn in. Mr. Nguyen entered a denial plea. Mr. Bourg, who was previously sworn, reviewed the exhibit packet and provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Nguyen gave a statement. The board questioned Mr. Nguyen regarding this matter. Mr. Nguyen changed his initial plea to a no contest plea. Mr. Wyman made a motion to accept the plea. Mr. Castjohn seconded. The motion passed. Mr. Nguyen gave an additional statement. Mr. Bourg provided additional testimony to the board. Mr. Castjohn made a motion to assess a \$5000 fine plus \$1000 in administrative costs and to allow the company's previous fine to be combined with this matter's fine to be reduced to \$2500 plus \$1000 administrative costs if the company obtains a residential license within 120 days. Mr. Ward seconded. The motion passed.

7. **STONE RIVER DEVELOPMENT, INC.**, West Monroe, Louisiana – La. R.S. 37:2158 (A)(5)

Mr. Rawls gave a summary of the allegations. Doug Weaver was present on behalf of STONE RIVER DEVELOPMENT, INC. and was sworn in. Mr. Weaver entered a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Ward seconded. The motion passed. Mr. Weaver gave a statement. Ms. Gibson made a motion to assess \$500 plus \$1000 in administrative costs. Mr. Ward seconded. The motion passed.

8. **EULOGIO'S POOL PLASTERING, INC.**, Kenner, Louisiana – La. R.S. 37:2167 (A)

Mr. Wyman recused himself from this matter. Mr. Rawls gave a summary of the allegations. Eulogio Salazar was present on behalf of EULOGIO'S POOL PLASTERING, INC. and was sworn in. Homeowners Gustavo and Gloria Garcia were also presented and sworn in. Mr. Salazar entered a no contest plea. Mr. Ward made a motion to accept the plea. Mr. Castjohn seconded. The motion passed. The board questioned Mr. Salazar regarding this matter. Ms. Garcia provided testimony to the board. Ms. Gibson made a motion to assess a \$2,500 fine plus \$1000 administrative costs, to issue a cease and desist order, and to allow the fine to be reduced to \$500 plus \$1000 administrative costs if the company obtains a residential license within 120 days. Mr. Castjohn seconded. The motion passed.

9. **K.S.A.D. ENTERPRISES, LLC**, Crowley, Louisiana – La. R.S. 37:2167 (A)

Mr. Rawls gave a summary of the allegations and stated that the agenda had an error for the company's name. Mr. Rawls stated the correct company name is K.S.A.D. ENTERPRISES, LLC not K.A.S.D. ENTERPRISES, LLC. No one was present on behalf of K.S.A.D. ENTERPRISES, LLC. 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. Castjohn made a motion to find K.S.A.D. ENTERPRISES, LLC to be in violation, to assess the maximum fine plus \$1000 in administrative costs, and to issue a cease and desist order. Mr. Wyman seconded. The motion passed.

10. **CENTRAL POOL SERVICES, LLC**, Pollock, Louisiana – La. R.S. 37:2167 (A)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of CENTRAL POOL SERVICES, LLC. Investigator Scott Corley, who was previously sworn in, was called to the stand and reviewed the exhibit packet. Mr. Corley provided testimony to the board. Mr. Castjohn made a motion to find CENTRAL POOL SERVICES, LLC to be in violation, to assess the maximum fine plus \$1000 in administrative costs, and to issue a cease and desist order. Mr. Ward seconded. The motion passed.

11. **PHASE 1 CONSTRUCTION OF NO, LLC**, New Orleans, Louisiana – La. R.S. 37:2175.2 (A)(1)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of PHASE 1 CONSTRUCTION OF NO, LLC. Investigator Charmel Peterson, who was previously sworn, was called to the stand and reviewed the exhibit packet. Ms. Peterson also provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Castjohn made a motion to find PHASE 1 CONSTRUCTION OF NO, LLC to be in violation, to assess the maximum fine plus \$1000 in administrative costs, to issue a cease and desist order, to refer this matter to the Attorney General's office, the District Attorney's office, the Louisiana Department of Insurance and the Louisiana Workforce Commission. Mr. Wyman seconded. The motion passed.

12. **NEWMAN CONSTRUCTION, LLC**, Hammond, Louisiana – La. R.S. 37:2175.2 (A)(1)

Mr. Rawls gave a summary of the allegations. Bryan Newman was present on behalf of NEWMAN CONSTRUCTION, LLC and was sworn in. Mr. Newman entered a no contest plea. Mr. Ward made a motion to accept the plea. Mr. Wyman seconded. The motion passed. Mr. Newman gave a statement. The board questioned Mr. Newman. Ms. Gibson made a motion to assess a \$1000 fine plus \$1000 in administrative costs, to issue a cease and desist order, and to allow the fine to be reduced to \$500 plus \$1000 in administrative costs if the company obtains a license within 120 days. Mr. Wyman seconded. The motion passed.

13. **LARIVE CONSTRUCTION AND RENOVATIONS, LLC**, New Orleans, Louisiana – La. R.S. 37:2175.3(A)(2)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of LARIVE CONSTRUCTION AND RENOVATIONS, LLC. Investigator Charmel Peterson, who was previously sworn, was called to the stand and reviewed the exhibit packet. Ms. Peterson provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Castjohn made a motion to find LARIVE CONSTRUCTION AND RENOVATIONS, LLC to be in violation, to assess the maximum fine plus \$1000 in administrative costs, to refer the matter to the New Orleans District Attorney's office, and to issue a cease and desist order. Mr. Wyman seconded. The motion passed.

E. STATUTORY CITATIONS:

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

OLD BUSINESS

F. REQUEST FOR REHEARINGS:

1. **OFF TOP GENERAL CONTRACTORS, LLC**, LaPlace, Louisiana – La. R.S. 37:2175.2 (A)(1); 37:2175.1 (A)(7)

Mr. Rawls stated that the company had requested a rehearing. No one was present on behalf of OFF TOP GENERAL CONTRACTORS, LLC. Homeowner Noveritte Velavallade was present and sworn in. Mr. Wyman made a motion to deny the rehearing request. Mr. Castjohn seconded. The motion passed. Mr. Velavallade provided testimony to the board regarding this matter.

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

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

- H. Consideration of residential applications as listed and attached to the agenda. (Pages 6-13)

Ms. Gibson made a motion to approve the residential applications as listed on the agenda. Mr. Wyman seconded. The motion passed.

- I. Consideration of new applications for home improvement registration as listed and attached to the agenda. (Pages 14-26)

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

ADJOURNMENT

Mr. Castjohn made a motion to adjourn at 12:13 p.m., and Mr. Ward seconded. The motion passed.

Kenneth W. Jones, Chairman

Lloyd “Chip” Badeaux, Vice Chairman