

STATE LICENSING BOARD FOR CONTRACTORS
RESIDENTIAL BUILDING CONTRACTORS SUBCOMMITTEE

MEETING MINUTES

November 16, 2016

The regular meeting of the Residential Building Contractors Subcommittee was called to order by the Chairman, Kenneth W. Jones, on Wednesday, November 16, 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
	Jim Fine
	Jody Guidry
	Rob Hamilton
	Frank Morse, Jr.
	Wesley L. “Wes” Wyman, Jr.

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; and from the staff, Nathan Rawls, Leann Evans, Lowana Cola, Debbie Belyeu, Brent Templet, Emma Payne, Elaine Riggins, Doug Traylor, John Dixon; compliance investigators, Carl Bourque, Dylan Bourg, Bobbie Hughes, Johnny Rogers, Marianne Sullivan, Scott Corley, and Tarah Revette recording the minutes.

Mr. Fine led the Pledge of Allegiance.

Judge Darrell White gave the invocation.

Mr. Wyman made a motion to accept the Minutes of the October 19, 2016, Residential Building Committee Meeting. Mr. Morse seconded. The motion passed.

Mr. McDuff introduced guests Ronald Burrough with Louisiana Attorney General’s office and Ed Guillory with Home Depot.

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)

Applications Supervisor Elaine Riggins was called to the stand and sworn in to give testimony regarding the documentation of general liability and workers’ compensation insurance coverage. Ms. Riggins removed ACADEMY HOME IMPROVEMENTS, L.L.C.; ASCENSION PROPERTIES, INC.; BENOIT ROOFING, LLC; BRUNO CONSTRUCTION AND INTERIORS LLC; CHARLES INVESTMENTS, LLC; KELLY RAY SIMON; QUALITY DESIGN BUILDERS, INC.; SCOTT F. WALMSLEY; and TURN KEY SERVICES OF LOUISIANA 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 ALLEGIANCE HOME DESIGN, L.L.C.; ANC CONSTRUCTION, LLC; HOLTECH BUILDING & DEVELOPMENT CORP.; HOME ENERGY SAVERS L.L.C.; JERRY WAYNE REINNIGER; and PREMIER SOUTHERN BUILDERS, LLC, which were removed from the agenda.

For the remaining companies Ms. Riggins confirmed that this is the first violation for these companies except for BRAD CANOVA DESIGN & CONSTRUCTION, LLC and LL 5 ENTERPRISE, L.L.C., which is their second violation.

Chris Parker was present on behalf of CHARLES MITCHELL ELECTRIC, L.L.C. and was sworn in. Mr. Parker gave a statement and affirmed that there was a lapse in insurance coverage. Mr. Wyman made a motion to suspend the license/registration 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, assess \$250 in administrative cost, and to allow the company's license/registration to be reissued upon proof of insurance coverage. Mr. Morse seconded, and the motion passed unanimously.

Anderson Dowling was present on behalf of BLUE ORLEANS CONSTRUCTION, LLC and was sworn in. Mr. Dowling gave a statement and affirmed that there was a lapse in insurance coverage. Mr. Wyman made a motion to suspend the license/registration 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, assess \$250 in administrative cost, and to allow the company's license/registration to be reissued upon proof of insurance coverage. Mr. Fine seconded, and the motion passed unanimously.

Paul Loria was present on behalf of UNIQUE PEOPLE LIVING IN UNIQUE HOMES L.L.C. and was sworn in. Mr. Loria gave a statement and affirmed that there was a lapse in insurance coverage. Mr. Wyman made a motion to suspend the license/registration 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, assess \$250 in administrative cost, and to allow the company's license/registration to be reissued upon proof of insurance coverage. Mr. Fine seconded, and the motion passed unanimously.

No one was present on behalf of ARANDA'S CONTRACTORS, LLC; ECO ENTERPRISES LLC; FMA, INC.; GLOBAL EFFICIENT ENERGY, LLC; JETT CONSTRUCTION, L.L.C.; K B C REMODELING & RENOVATIONS, LLC; KEVIN EARL MEADOWS; MERRICK PIERCE; MIKE MOURET SIDING, L.L.C.; NAVARRO CUSTOM HOMES INC.; TURNIPSEED CAMERAS & SECURITY NEEDS LLC; and WILLIAM PHILLIP RICHARD. Mr. Wyman 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. Fine seconded, and the motion passed.

No one was present on behalf of BRAD CANOVA DESIGN & CONSTRUCTION, LLC; and LL 5 ENTERPRISE, L.L.C. Mr. Wyman made a motion to revoke 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. Morse seconded, and the motion passed.

D. COMPLIANCE HEARINGS:

Staff requested agenda item D. 10. moved to the beginning of the Compliance Hearings. Mr. Wyman made a motion to move agenda item D.10. to the beginning of the Compliance Hearings. Mr. Fine seconded. The motion passed.

10. TED DEVALL, SR. D/B/A T.R. CONSTRUCTION CO. AND/OR DEVALL CONSTRUCTION CO., Baton Rouge, Louisiana – La. R.S. 37:2175.2 (A)(1)

Mr. Rawls gave a summary of the allegations. Ted Devall was present on behalf of TED DEVALL, SR. D/B/A T.R. CONSTRUCTION CO. AND/OR DEVALL CONSTRUCTION CO. and was sworn in. Mr. Devall entered a no contest plea. Mr. Devall gave a statement regarding this matter. Mr. Wyman made a motion to accept the plea. Mr. Morse seconded. The motion passed. Mr. Devall gave a statement. Mr. Wyman made a motion to assess \$500 in administrative costs. Mr. Guidry seconded. The motion passed.

1. **THE HOME IMPROVEMENT GROUP OF LOUISIANA, LLC**, New Orleans, Louisiana – La. R.S. 37:2158 (A)(9)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of THE HOME IMPROVEMENT GROUP OF LOUISIANA, 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. Homeowners Denise and Anthony Bush were present and were sworn in. Mr. and Mrs. Bush provided testimony to the board. Mr. Wyman made a motion to find THE HOME IMPROVEMENT GROUP OF LOUISIANA, LLC to be in violation. Mr. Morse seconded. The motion passed. Mr. Wyman made a motion to assess the maximum fine plus \$1000 in administrative costs, to revoke residential license for this company, and to issue a cease and desist order. Mr. Morse seconded. The motion passed.

Staff requested agenda item D. 8. moved and heard after agenda item D.1. Mr. Wyman made a motion to move agenda item D.8. to be heard after agenda item D.1. Mr. Morse seconded. The motion passed.

8. **MICHAEL CERNIGLIA D/B/A ALL-PRO ROOFING**, Slidell, Louisiana – La. R.S. 37:2175.2 (A)(1)

Mr. Rawls gave a summary of the allegations. Michael Cerniglia was present on behalf of MICHAEL CERNIGLIA D/B/A ALL-PRO ROOFING and was sworn in. Mr. Cerniglia entered a denial plea. Investigator Dylan Bourg, who was previously sworn, was called to the stand. 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. Cerniglia gave a statement to the board regarding this matter. Mr. Wyman made a motion to dismiss this matter. Mr. Guidry seconded. The motion passed.

2. Matters 2a and 2b were consolidated.

- a) **HDMK CONSTRUCTION, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2158 (A)(4)

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by HDMK CONSTRUCTION, LLC. Mr. Wyman made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Morse seconded. The motion passed.

- b) **RONALD BREELAND AND/OR ECS MARINE, LLC**, Maurepas, Louisiana – La. R.S. 37:2167 (A)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of RONALD BREELAND AND/OR ECS MARINE, LLC. Investigator Johnny Rogers was called to the stand and was sworn in. Mr. Rogers reviewed the exhibit packet and provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Wyman made a motion to find RONALD BREELAND AND/OR ECS MARINE, LLC to be in violation. Mr. Morse seconded. The motion passed. Mr. Wyman made a motion to assess the maximum fine plus \$1000 in administrative costs and to issue a cease and desist order. Mr. Morse seconded. The motion passed.

3. **AFFORDABLE CONTRACTORS, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2167 (A)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of AFFORDABLE CONTRACTORS, LLC. David Kite, a former representative of AFFORDABLE CONTRACTORS, LLC, was present and was sworn in. Mr. Kite stated that he is no longer affiliated with nor an owner of the company and provided testimony to the board regarding this matter. Investigator Bobbie Hughes was called to the stand and was sworn in. Ms. Hughes reviewed the exhibit packet and provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Wyman made a motion to find AFFORDABLE CONTRACTORS, LLC to be in violation. Mr. Fine seconded. The motion passed. Mr. Wyman made a motion to assess the maximum fine plus \$1000 in administrative costs, revoke the company's home improvement registration, and to issue a cease and desist order. Mr. Guidry seconded. The motion passed.

4. **K&D CONTRACTORS, LLC**, West Monroe, Louisiana – La. R.S. 37:2167 (A)

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by K&D CONTRACTORS, LLC. Mr. Wyman made a motion to accept the settlement offer as presented, which included a no contest plea, contingent upon the company obtaining a proper license and/or registration within 90 days. Mr. Morse seconded. The motion passed.

5. **BUSH CONTRACTORS, LLC**, Pierre Part, Louisiana – La. R.S. 37:2167 (A); 37:2175.2 (A)(1)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of BUSH CONTRACTORS, LLC. Investigator Dylan Bourg, who was previously sworn in, was called to the stand. 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. Wyman made a motion to find BUSH CONTRACTORS to be in violation. Mr. Morse seconded. The motion passed. Mr. Wyman made a motion to assess the maximum fine plus \$1000 in administrative costs and to issue a cease and desist order. Mr. Morse seconded. The motion passed.

6. **DANIEL BURKETT**, Alexandria, Louisiana – La. R.S. 37:2175.2 (A)(1); 37:2175.1 (A)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of DANIEL BURKETT. 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. Wyman made a motion to find DANIEL BURKETT to be in violation. Mr. Morse seconded. The motion passed. Mr. Wyman made a motion to assess the maximum fine plus \$1000 in administrative costs and to issue a cease and desist order. Mr. Morse seconded. The motion passed.

7. **KENNETH ERWIN D/B/A HORNBECK CONCRETE WORKS, LLC**, Hornbeck, Louisiana – La. R.S. 37:2175.2 (A)(1)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of KENNETH ERWIN D/B/A HORNBECK CONCRETE WORKS, LLC. Investigator Scott Corley, who was previously sworn in, was called to the stand. 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. Wyman made a motion to find KENNETH ERWIN D/B/A HORNBECK CONCRETE WORKS, LLC to be in violation. Mr. Guidry seconded. The motion passed. Mr. Wyman made a motion to assess the maximum fine plus \$1000 in administrative costs and to issue a cease and desist order. Mr. Morse seconded. The motion passed.

<Item D. 8. heard after item D.1. at beginning of Compliance Hearings.>

9. **L2K ENTERPRISE, LLC**, Gonzales, Louisiana – La. R.S. 37:2175.2 (A)(1)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of L2K ENTERPRISE, LLC. Investigator Marianne Sullivan was called to the stand and was sworn in. Ms. Sullivan reviewed the exhibit packet and provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Wyman made a motion to find L2K ENTERPRISE, LLC to be in violation. Mr. Morse seconded. The motion passed. Mr. Wyman made a motion to assess the maximum fine plus \$1000 in administrative costs, to allow the fine to be reduced to \$500 plus \$500 in administrative costs if the company obtains a license/registration within 120 days, and to issue a ceases and desist order. Mr. Hamilton seconded. The motion passed.

<Item D. 10. moved to the beginning of the Compliance Hearings and heard before item D. 1.>

11. **KENNETH DON PACE**, Monroe, Louisiana – La. R.S. 37:2175.2 (A)(1)

Mr. Rawls gave a summary of the allegations. KENNETH DON PACE was not present. Investigator Scott Corley, who was previously sworn in, was called to the stand. 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. Wyman made a motion to find KENNETH DON PACE to be in violation. Mr. Guidry seconded. The motion passed. Mr. Wyman made a motion to assess the maximum fine plus \$1000 in administrative costs, to suspend the home improvement registration until the fine is paid, and to issue a cease and desist order. Mr. Hamilton 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. Hamilton seconded. The motion passed.

OLD BUSINESS

F. **COMPLIANCE HEARING(S)/CONTINUANCES:**

1. **MICHAEL STERLING**, Anacoco, Louisiana – La. R.S. 37:2167 (A)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of MICHAEL STERLING. Investigator Scott Corley, who was previously sworn in, was called to the stand. 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. Wyman made a motion to find MICHAEL STERLING to be in violation. Mr. Guidry seconded. The motion passed. Mr. Wyman made a motion to assess the maximum fine plus \$1000 in administrative costs and to issue a cease and desist order. Mr. Morse seconded. The motion passed.

G. **REQUEST FOR REHEARINGS/RECONSIDERATIONS:**

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

Tyron Dewey was present on behalf of OFF TOP GENERAL CONTRACTORS, LLC and was sworn in. Mr. Dewey gave a statement regarding his rehearing request. Mr. Wyman made a motion to rehear this matter. Mr. Fine seconded. The motion passed. Mr. Rawls gave a summary of the allegations. Mr. Dewey entered a no contest plea. Mr. Wyman made a motion to accept the plea. Mr. Morse seconded. The motion passed. Mr. Dewey gave a statement to the board. Mr. Wyman made a motion to assess \$500 in administrative costs. Mr. Hamilton seconded. The motion passed.

Mr. Wyman made a motion to rehear the insurance matter previous heard under agenda item C. INSURANCE HEARINGS for TURNIPSEED CAMERAS & SECURITY NEEDS LLC. Mr. Morse seconded. The motion passed. La’Roy Turnipseed was present on behalf of this company and was sworn in. Mr. Turnipseed gave a statement to the board regarding his company’s insurance coverage. Mr. Wyman made a motion to suspend the license/registration 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, assess \$250 in administrative costs, and to allow the company’s license/registration to be reissued upon proof of insurance coverage. Mr. Morse seconded. The motion passed.

I. Consideration of additional classifications for residential licenses as listed and attached to the agenda. (Page 4)

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

- J. Consideration of new applications for residential building construction license to be approved pending as listed on the agenda. (Pages 5-13)

Mr. Wyman made a motion to approve the new residential building license applications as listed on the agenda with the exception of G TEMPLE CONSTRUCTION LLC. Mr. Fine seconded. The motion passed.

- K. Consideration of new applications for home improvement registration as listed on the agenda. (Pages 14-23)

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

ADJOURNMENT

Mr. Wyman made a motion to adjourn at 11:21 a.m., and Mr. Morse seconded. The motion passed.

Kenneth W. Jones, Chairman

Lloyd "Chip" Badeaux, Vice Chairman