STATE LICENSING BOARD FOR CONTRACTORS
RESIDENTIAL BUILDING CONTRACTORS SUBCOMMITTEE MINUTES

March 18, 2015

The regular meeting of the Residential Building Contractors Subcommittee was called to order by the Vice Chairman Lee Mallet on Wednesday, March 18, 2015 at 9:33 a.m. at 2525 Quail Drive, Baton Rouge, Louisiana.

Members of the Subcommittee present:

Lee Mallett, Vice Chairman
Nick Castjohn
Karon "Kay" Gibson
Billy Ward
Wesley L. "Wes" Wyman, Jr.

Members Lloyd "Chip" Badeaux and Jodi Penn were 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, Monica Davis, Emma Payne, Elaine Riggins, John Dixon; compliance investigators, Leann Evans, Robert Guesnon, Dylan Bourg, and Carl Bourque; and Tarah Barbier recording the minutes.

Mr. Mallet led the Pledge of Allegiance.

Judge Darrell White gave the invocation.

Ms. Gibson made a motion to accept the Minutes of the February 18, 2015, Residential Building Committee Meeting, and Mr. Wyman seconded. The motion passed.

Mr. McDuff introduced guests Ronald Burrough with the Attorney General's office, Peter Young with the Louisiana Home Builders Association, and Rudolph Babin and James Henry with the Department of Insurance.

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)

PEABODY'S CONTRACTOR SERVICE LLC was removed from the Agenda for Worker's Compensation only.

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 and that this was a first offense for those companies.

Christopher Perdomo was present on behalf of AUGUSTINO BROTHERS, INC. and was sworn in. Karl Mundt was also present on behalf of Hartwig Moss Insurance Agency and was sworn in. Mr. Perdomo gave a statement affirming that there was a lapse in insurance coverage. Mr. Mundt also gave a statement and submitted documents to the board to be admitted into evidence. The documents were admitted. Mr. Ward made a motion to revoke the license back to the date of last insurance coverage allowing staff to reinstate the license or registration if proof of no lapse is provided, assess $500 in administrative costs, to issue a cease and desist order, and to allow the company to reapply for license/registration in 30 days if there was a lapse in coverage. Ms. Gibson seconded, and the motion passed unanimously.

Maurice Simmons and Ashley Jones were present on behalf of BIG YELLOW CONSTRUCTION LLC and were sworn in. Mr. Simmons and Ms. Jones gave a statement affirming that there was a lapse in insurance coverage. Ms. Jones submitted documents to the board to be admitted into evidence and they were admitted. Ms. Gibson made a motion to revoke the license back to the date of last insurance coverage allowing staff to reinstate the license or registration if proof of no lapse is provided, assess $500 in administrative costs, to issue a cease and desist order, to allow the company to reapply for license/registration in 30 days if there was a lapse in coverage and to waive the fine and administrative costs. Mr. Castjohn seconded, and the motion passed.

Warren Patrick Jelks was present on behalf of WPJ CONTRACTING & ASSOCIATES LLC and was sworn in. Mr. Jelks gave a statement affirming that there was a lapse in insurance coverage. Mr. Castjohn made a motion to revoke the license back to the date of last insurance coverage allowing staff to reinstate the license or registration if proof of no lapse is provided, assess $500 in administrative costs, to issue a cease and desist order, to allow the company to reapply for license/registration in 30 days if there was a lapse in coverage and to waive the fine and administrative costs. Mr. Ward seconded, and the motion passed.

No one was present on behalf of CODY L. ANDREPONT; ESTATE HOME BUILDERS L.L.C.; GMK CONSTRUCTION, L.L.C.; KOPPER LIGHT ELECTRIC, LLC; LAKEVIEW CONSTRUCTION & DEVELOPMENT, L.L.C; LL 5 ENTERPRISE, L.L.C.; LUCAS JORDAN MANUEL; VALDIVIA CONSTRUCTION LLC; SPECIAL CARE SERVICES OF LOUISIANA, INC.; and TIMMY L. JEFFERY JR. 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, to issue a cease and desist order, and to assess a fine of $500 plus $500 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 in 30 days. Mr. Wyman seconded, and the motion passed.

D. **COMPLIANCE HEARING(S):**

1. Matters 1a and 1b were consolidated.

   a) **RICKEY WILLIAMS,** Plaquemine, Louisiana – La. R.S. 37:2158 (A)(5)

   Mr. Rawls gave a summary of the allegations. RICKEY WILLIAMS was present and sworn in. Mr. Williams entered a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Wyman seconded. The motion passed. Mr. Williams gave a statement. Investigator Leann Evans was called to the stand and was sworn in. Ms. Evans gave a statement. Mr. Castjohn made a motion to fine RICKEY WILLIAMS $1000 plus $1000 in administrative costs. Ms. Gibson seconded. The motion passed.

   b) **CARLOS PAREDES,** Plaquemine, Louisiana – La. R.S. 37:2167 (A)

   Mr. Rawls gave a summary of the allegations. CARLOS PAREDES was present and sworn in. Mr. Paredes entered a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Ward seconded. The motion passed. Mr. Paredes gave a statement. Investigator Leann Evans, previously sworn, also gave a statement regarding this matter. Mr. Castjohn made a motion to fine CARLOS PAREDES $10,000 plus $1000 administrative costs allowing the fine to be reduced to $2500 if obtains a license within 90 days. Mr. Ward seconded. The motion passed.

2. **GAYNELL ROBERTS,** Denham Springs, Louisiana – La. R.S. 37:2167 (A)

   Mr. Rawls gave a summary of the allegations and read the settlement offer presented by GAYNELL ROBERTS. Mr. Ward made a motion to deny the settlement offer. Mr. Castjohn seconded. The motion passed.

3. **DRS DEVELOPERS, LLC,** New Orleans, Louisiana – La. R.S. 37:2167 (A)

   No one was present on behalf of DRS DEVELOPERS, LLC. Investigator Carl Bourque was called to the stand and was sworn in. Mr. Bourque reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Castjohn made a motion to find DRS DEVELOPERS, 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.

4. **LEGACY HOMES NEW ORLEANS, LLC,** New Orleans, Louisiana – La. R.S. 37:2167 (A)

   Mr. Rawls gave a summary of the allegations. No one was present on behalf of LEGACY HOMES NEW ORLEANS, LLC. Mr. Rawls stated that the company contacted him to request a continuance. The continuance was denied by the board. Investigator Carl Bourque, 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. Castjohn made a motion to find LEGACY HOMES NEW ORLEANS, 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.

5. **S & W REMODELING & CONSTRUCTION, LLC,** Baker, Louisiana – La. R.S. 37:2175.2 (A)(1)

   Mr. Rawls gave a summary of the allegations. Kenneth Stewart was present on behalf of S & W REMODELING & CONSTRUCTION, LLC and was sworn in. Mr. Stewart entered a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Ward seconded. The motion passed. Mr. Stewart gave a statement. Ms. Gibson made a motion to fine S & W REMODELING & CONSTRUCTION, LLC $1000 plus $500 in administrative costs allowing the fine to be reduced to $500 if the company obtains a home improvement registration within 90 days. Mr. Wyman seconded. The motion passed.

6. **DELTA ROOFING AND SIDING, LLC,** Port Sulphur, Louisiana – La. R.S. 37:2175.2 (A)(1)

   Mr. Rawls gave a summary of the allegations. Dashmir Sula was present on behalf of DELTA ROOFING AND SIDING, LLC and was sworn in. Mr. Sula entered a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Ward seconded. The motion passed. Mr. Sula gave a statement. Mr. Castjohn made a motion to fine DELTA ROOFING AND SIDING, LLC $5000 plus $1000 in administrative costs allowing that the fine to be reduced to $1000 if the company obtains a home improvement registration within 90 days and to issue a cease and desist order. Mr. Ward seconded. The motion passed.

7. **JOHNNY BROWN, JR. D/B/A AFFORDABLE REPAIRS,** Baton Rouge, Louisiana – La. R.S. 37:2175.2 (A)(1).

   No one was present on behalf of JOHNNY BROWN, JR. D/B/A AFFORDABLE REPAIRS. Investigator Leann Evans, 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. Castjohn made a motion to find JOHNNY BROWN, JR. D/B/A AFFORDABLE REPAIRS 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.

8. **JAMES KINDY D/B/A KINDY CONSULTING & CONSTRUCTION SERVICES,** Chalmette, Louisiana – La. R.S. 37:2175.2 (A)(1)

   James Kindy was present on behalf of JAMES KINDY D/B/A KINDY CONSULTING & CONSTRUCTION SERVICES and was sworn in. Mr. Kindy requested a continuance on this matter. Mr. Ward made a motion to grant the continuance until the April 15, 2015 hearing. Mr. Castjohn seconded. The motion passed.

9. **CAJUN ROOFING AND CARPENTRY, LLC.** Galliano, Louisiana – La. R.S. 37:2175.2 (A)(1); 2175.3(A)(8).

   No one was present on behalf of CAJUN ROOFING AND CARPENTRY, LLC. Investigator Robert Guesnon was called to the stand and was sworn in. Mr. Guesnon reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Castjohn made a motion to find CAJUN ROOFING AND CARPENTRY, LLC to be in violation, to assess the maximum fine for both violations plus $1000 in administrative costs, and to issue a cease and desist order. Ms. Gibson seconded. The motion passed.

10. **CHUCK M. SIEBER D/B/A CHUCK SIEBER BUILDERS.** St. Martinville, Louisiana – La. R.S. 37:2175.2 (A)(1); 2175.1 (A)(1-5)

    No one was present on behalf of CHUCK M. SIEBER D/B/A CHUCK SIEBER BUILDERS. Investigator Carl Bourque, 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. Castjohn made a motion to find CHUCK M. SIEBER D/B/A CHUCK SIEBER BUILDERS 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.

E. **STATUTORY CITATIONS:**

The staff reported that all statutory citations have been resolved.

OLD BUSINESS

F. CONSIDERATION OF LICENSURE EXEMPTION(S):

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

G. Consideration of new applications for residential building construction license to be approved pending as listed on the agenda. (Pages 4-6)

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

H. Consideration of new applications for home improvement registration as listed on the agenda. (Pages 7-8)

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 10:42 a.m., and Mr. Ward seconded. The motion passed.

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Lloyd "Chip" Badeaux, Chairman

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Lee Mallett, Vice Chairman