

# STATE LICENSING BOARD FOR CONTRACTORS

## COMMERCIAL BOARD

### MEETING MINUTES

March 21, 2019

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallett, on Thursday, March 21, 2019 at 9:32 a.m. at 2525 Quail Drive, Baton Rouge, Louisiana.

Members of the Board present:

- Lee Mallett, Chairman
- William J. Clouatre, Vice Chairman
- Lloyd "Chip" Badeaux
- Brian J. Bordelon
- N.R. "Noah" Broussard
- Nelson A. "Andy" Dupuy, Jr.
- Courtney Fenet
- August Gallo, Jr.
- Danny R. Graham
- Jaelyn S. Hotard
- Kenneth W. Jones
- Donald G. Lambert
- Garland Meredith
- Christopher N. Stuart
- Byron Talbot
- Elliott L. Temple
- Victor Weston
- Bertrand A. Wilson

Finding a quorum present, the regular order of business began.

Also attending the meeting were: Michael B. McDuff, Executive Director; Judy Dupuy, Board Administrator; Judge Darrell White, Retired, Hearing Officer; Kevin Landreneau, Board Attorney; and from the staff, Leann Evans, Carrie Morgan, Lowana Cola, Maranda Legaux, Monica Davis, Wendy Loup, John Dixon; Compliance Director, Brad Hassert; Compliance Investigators, Nathan Rawls, James Franklin, Jessie Wells, John LeBlanc; and Tarah Revette recording the minutes.

Mr. Bordelon led the members and audience in the Pledge of Allegiance.

Judge Darrell White gave the invocation, introduced himself, and advised those present of his duties.

Mr. Lambert made a motion to accept the Minutes of the **February 21, 2019** regular meeting. Mr. Weston seconded. The motion passed.

Mr. Hassert introduced guests Alex Reinboth with the Louisiana Attorney General's office and Brooks Myers with The Home Depot.

### **NEW BUSINESS**

#### **C. QUALIFYING PARTY HEARINGS – La. R.S. 37:2156.1, Sec. 113 Rules and Regulations of the Board**

Judy Dupuy, Board Administrator, Leann Evans and Brad Hassert with the Compliance Department were sworn in.

1. Ms. Dupuy gave a summary of the allegations. No one was present on behalf of MOTOROLA SOLUTIONS, INC. Ms. Dupuy reviewed the exhibit packet and provided testimony to the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Weston made a motion to find MOTOROLA SOLUTIONS, INC. to be in violation, to allow the company 30 days to replace the qualifying party and pass the required examinations and if the company fails to

comply within the timeframe given the company's license will be automatically suspended by staff. Mr. Fenet seconded. The motion passed.

2. Ms. Dupuy gave a summary of the allegations. No one was present on behalf of REULET HVAC, LLC. Ms. Dupuy reviewed the exhibit packet and provided testimony to the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Weston made a motion to find REULET HVAC LLC to be in violation, to allow the company 30 days to replace the qualifying party and pass the required examinations and if the company fails to comply within the timeframe given the company's license will be automatically suspended by staff. Mr. Stuart seconded. The motion passed.

#### D. JUDGMENTS:

1. **BOLES CONSTRUCTION, LLC**, Mandeville, Louisiana – La. R.S. 37:2150-2192, La. R.S. 37:2158(A)(8) and (A)(9), La. R.S. 37:2156.1(D)(1) and Section 115 of the Board's Rules and Regulations

This matter was removed from the agenda.

2. **G&S CONSTRUCTION SERVICES, L.L.C.**, Baton Rouge, Louisiana – La. R.S. 37:2150-2192, La. R.S. 37:2158(A)(8) and (A)(9), La. R.S. 37:2156.1(D)(1) and Section 115 of the Board's Rules and Regulations

Ms. Evans gave a summary of the allegations. Michael Glaser was present on behalf of G&S CONSTRUCTION SERVICES, L.L.C. and was sworn in. Ms. Evans reviewed the exhibit packet and provided testimony to the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Landreneau questioned Mr. Glaser. Mr. Graham made a motion to give G & S CONSTRUCTION SERVICES, L.L.C. 30 days to pay the judgment or enter into/comply with the payment plan. If these terms are not satisfied within 30 days, the license will be automatically suspended by staff. If a payment plan is agreed upon, the Board further ordered that any deviation from or default of the payment plan will result in the license being automatically suspended by staff. Mr. Gallo seconded. The motion passed.

#### E. COMPLIANCE HEARINGS:

1. a) **HAYS ROOFING AND MAINTENANCE, LLC**, West Monroe, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by HAYS ROOFING AND MAINTENANCE, LLC. Mr. Graham made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Temple seconded. The motion passed.

- b) **A1 ROOF SAVERS, INC.**, Jackson, Mississippi – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of A1 ROOF SAVERS, INC. Investigator Jessie Wells was called to the stand and was sworn in. Mr. Wells reviewed the exhibit packet and provided testimony to the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Lambert made a motion to find A1 ROOF SAVERS, INC. to be in violation, to assess the maximum fine plus \$500 administrative costs and to issue a cease and desist order. Mr. Gallo seconded. The motion passed.

2. a) **OLYMPUS CONSTRUCTION, INC.**, Jonesboro, Arkansas – La. R.S. 37:2158(A)(4)
- b) **EDWIN SAMUEL CABALLERO D/B/A CABALLERO CONSTRUCTION**, Jonesboro, Arkansas – La. R.S. 37:2160(A)(1)
- c) **I & G CONSTRUCTION INC ARKANSAS**, Jonesboro, Arkansas – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers presented by OLYMPUS CONSTRUCTION, INC., EDWIN SAMUEL CABALLERO D/B/A CABALLERO CONSTRUCTION and I & G CONSTRUCTION INC ARKANSAS. Mr. Temple made a motion to accept the settlement offers for matters 2a -2c as presented, which all included a no contest plea. Mr. Meredith seconded. The motion passed.

3. a) **RESWEBER CONSTRUCTION COMPANY, INC.**, Baton Rouge, Louisiana – La. R.S. 37:2158(A)(4)
- b) **JSJR ENTERPRISES LLC**, Gonzales, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers presented by RESWEBER CONSTRUCTION COMPANY, INC. and JSJR ENTERPRISES LLC. Mr. Temple made a motion to accept both settlement offers as presented, which both included a no contest plea. Mr. Meredith seconded. The motion passed.

4. a) **PANTERRA DEVELOPMENT LTD., L.L.P.**, Dallas, Texas – La. R.S. 37:2158(A)(4); 2158(A)(3) and Rules and Regulations of the Board Section 109(A)
- b) **RONALD DAVID MCARTHUR, JR.**, LaPlace, Louisiana – La. R.S. 37:2159(B); 2158(A)(3) and Rules and Regulations of the Board Section 109(A)

Ms. Evans gave a summary of the allegations and read the settlement offers presented by PANTERRA DEVELOPMENT LTD., L.L.P. and RONALD DAVID MCARTHUR, JR. Mr. Lambert made a motion to accept both settlement offers as presented, which both included a no contest plea. Mr. Jones seconded. The motion passed.

5. a) **EQUAL ENTERPRISE INC.**, Canton, Georgia – La. R.S. 37:2158(A)(4)
- b) **RYERSON CONCRETE LLC**, Las Vegas, Nevada – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers presented by EQUAL ENTERPRISE INC. and RYERSON CONCRETE LLC. Mr. Lambert made a motion to accept both settlement offers as presented, which both included a no contest plea. Mr. Fenet seconded. The motion passed.

6. **ACKEL CONSTRUCTION COMPANY, LLC**, Harahan, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations. Attorney Jonathan Schultis was present on behalf of ACKEL CONSTRUCTION COMPANY, LLC. George Ackel was also present on behalf of ACKEL CONSTRUCTION COMPANY, LLC and was sworn in. Mr. Schultis entered a denial plea. Investigator John LeBlanc was called to the stand and was sworn in. Mr. LeBlanc reviewed the exhibit packet and provided testimony to the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Landreneau questioned Mr. Ackel. Mr. Schultis questioned Mr. LeBlanc. The board questioned Mr. Ackel. Mr. Landreneau further questioned Mr. Ackel. Mr. Ackel provided a statement. Mr. Ackel changed his denial plea to a no contest plea. Mr. Jones made a motion to accept the no contest plea. Mr. Meredith seconded. The motion passed. Mr. Graham made a motion to assess a \$1000 fine plus \$500 administrative costs. Mr. Jones seconded. The motion passed.

7. **JP ALLEN CONSTRUCTION LLC**, Baton Rouge, Louisiana – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations. Jason Allen was present on behalf of JP ALLEN CONSTRUCTION LLC and was sworn in. Mr. Allen entered a denial plea. Investigator Nathan Rawls was called to the stand and was sworn in. Mr. Rawls reviewed the exhibit packet and provided testimony to the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Landreneau questioned Mr. Allen. Mr. Allen provided a statement. Mr. Allen changed his denial plea to a no contest plea. Mr. Lambert made a motion to accept the no contest plea. Mr. Jones seconded. The motion passed. Mr. Weston made a motion to assess a \$375 fine plus \$375 administrative costs. Mr. Fenet seconded. The motion passed.

8. **GERALD DUHON D/B/A DUHON HOUSE MOVERS**, Lake Charles, Louisiana – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by GERALD DUHON D/B/A DUHON HOUSE MOVERS. Mr. Talbot made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Temple seconded. The motion passed.

9. **RESCUE A/C HEAT & REFRIGERATION LLC**, Slidell, Louisiana – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations. Jose Rijo was present on behalf of RESCUE A/C HEAT & REFRIGERATION LLC and was sworn in. Mr. Rijo entered a no contest plea. Mr. Meredith made a motion to accept the no contest plea. Mr. Talbot seconded. The motion passed. Mr. Rijo provided a statement to the board. The board questioned Mr. Rijo. Mr. Meredith made a motion to assess a \$1000 fine plus \$500 administrative costs and to allow the fine to be reduced to \$500 plus \$500 administrative costs if the company obtains a proper license/and or registration within 90 days. Mr. Talbot seconded. The motion passed.

Matters 10 and 11 were consolidated.

10) **LANCO OPERATIONS, L.L.C.**, LaPlace, Louisiana – La. R.S. 37:2158(A)(4)

11) **MARK HARTENSTEIN D/B/A GRACI HART ELECTRIC**, Metairie, Louisiana – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations for both matters. Lou Lanza was present on behalf of LANCO OPERATIONS, L.L.C. and was sworn in. Attorneys Christopher Gaffney and Charles Cusimano were present on behalf of MARK HARTENSTEIN D/B/A GRACI HART ELECTRIC. Ronald Graci was also present on behalf of MARK HARTENSTEIN D/B/A GRACI HART ELECTRIC and was sworn in. Mr. Lanza entered a denial plea. Mr. Graci also entered a denial plea. Investigator James Franklin was called to the stand and was sworn in. Mr. Franklin reviewed both exhibit packets and provided testimony to the board. Mr. Landreneau entered the exhibit packets into evidence and they were admitted. Mr. Landreneau questioned Mr. Lanza and Mr. Graci. Mr. Gaffney and Mr. Cusimano addressed the board. Mr. Gaffney submitted additional documents into evidence. The documents were admitted. These matters were recessed at 10:45 a.m.

These matters were resumed at 11:03 a.m. After further discussion, Mr. Cusimano changed the initial denial plea for MARK HARTENSTEIN D/B/A GRACI HART ELECTRIC to a no contest plea. Mr. Jones made a motion to accept the no contest plea. Mr. Temple seconded. The motion passed. Mr. Meredith made a motion to assess MARK HARTENSTEIN D/B/A GRACI HART ELECTRIC a \$1000 fine plus \$500 administrative costs. Mr. Graham seconded. The motion passed with opposition from Mr. Talbot, Mr. Fenet, Mr. Badeaux and Mr. Broussard. Mr. Lanza changed his initial denial plea for LANCO OPERATIONS, L.L.C. to a no contest plea. Mr. Jones made a motion to accept the no contest plea. Mr. Temple seconded. The motion passed. Mr. Meredith made a motion to assess LANCO OPERATIONS, L.L.C. \$500 administrative costs. Mr. Fenet seconded. The motion passed with opposition by Mr. Badeaux.

12. **NICHOLAS PAUL LARocca D/B/A CAJUN AIR**, Lake Charles, Louisiana – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by NICHOLAS PAUL LARocca D/B/A CAJUN AIR. Mr. Talbot made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

**F. STATUTORY CITATIONS:**

Ms. Evans presented the statutory citations. Mr. Jones made a motion to accept the statutory citations as presented. Mr. Temple seconded. The motion passed.

**OLD BUSINESS**

**G. CONTINUANCES:**

1. **SANCHEZ-4, L.L.C.**, West Monroe, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Attorney Sam Henry was present on behalf of SANCHEZ-4, L.L.C. Laura Sanchez was also present on behalf of SANCHEZ-4, L.L.C. and was sworn in. Mr. Henry entered a no contest plea. Mr. Jones made a motion to accept the no contest plea. Mr. Meredith seconded. The motion passed. Mr. Henry provided a statement to the board. Investigator Jessie Wells, previously sworn, was called to the stand. Mr. Henry questioned Mr.

Wells. The board questioned Mr. Wells. Ms. Sanchez was questioned by the board. Mr. Henry presented the settlement offer from SANCHEZ-4, L.L.C. Mr. Weston made a motion to accept the settlement offer as presented. Mr. Temple seconded. The motion passed.

2. **Z CONSTRUCTORS NATIONWIDE, LLC**, Dallas, Texas – La. R.S. 37:2158(A)(4)

Mr. Meredith recused himself from the matter. Ms. Evans gave a summary of the allegations and read the settlement offer presented by Z CONSTRUCTORS NATIONWIDE, LLC. Mr. Talbot made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

3. **JUDSON COWARD, INC.**, Houston, Texas – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by JUDSON COWARD, INC. Mr. Weston made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Jones seconded. The motion passed.

#### H. **REQUESTS FOR REHEARING:**

1. **4FRONT ENGINEERED SOLUTIONS, INC.**, Carrollton, Texas – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and the previous action taken by the board regarding this matter. The staff recommended a rehearing due to service issues. Mr. Meredith made a motion to rehear the matter. Mr. Jones seconded. The motion passed. Ms. Evans read the settlement offer presented by 4FRONT ENGINEERED SOLUTIONS, INC. Mr. Meredith made a motion to accept the settlement offer, which included a no contest plea. Mr. Jones seconded. The motion passed.

2. **HANNON CONTRACTING, LLC**, Storm Lake, Iowa – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and the previous action taken by the board regarding this matter. Juan Delira was present on behalf of HANNON CONTRACTING, LLC and was sworn in. Mr. Dupuy made a motion to rehear the matter. Mr. Graham seconded. The motion passed. Mr. Delira entered a no contest plea. Mr. Meredith made a motion to accept the no contest plea. Mr. Talbot seconded. The motion passed. Mr. Delira provided a statement to the board. The board questioned Mr. Delira. Mr. Talbot made a motion to assess a \$250 fine plus \$250 administrative costs. Mr. Graham seconded. The motion passed.

#### I. **REPORTS:**

1. Staff Reports – Ms. Dupuy had no new report.
2. Building Report – Mr. Graham made a motion for the Resolution for Act of Cash Sale of Building at 2525 Quail Drive, Baton Rouge, LA 70808. Mr. Meredith seconded. The motion passed. Mr. McDuff provided an update regarding the new building downtown.
3. Classification and Testing Report – Mr. Gallo stated that the report will be given at a later time.
4. Legislative/Rules and Regulations Report – Mr. Fenet and Mr. McDuff gave an update on proposed legislation regarding LSLBC statutes.
5. Finance Report – Mr. Dupuy presented the February financial statement and asked for a motion to approve. Mr. Weston made a motion to accept the February financial statement as presented. Mr. Gallo seconded. The motion passed.
6. Residential Building Report – Mr. Badeaux gave the report at a later time.

- J. Consideration of additional classifications for residential licenses, residential applications, home improvement registrations and actions of the **March 20, 2019** Residential Building Subcommittee. (Pages 5-12)

Mr. Badeaux made a motion to approve the additional classifications for residential licenses as listed on the agenda, and Mr. Temple seconded. The motion passed.

Mr. Badeaux made a motion to approve the residential applications as listed on the agenda, and Mr. Weston seconded. The motion passed.

Mr. Badeaux made a motion to approve the home improvement applications as listed on the agenda, and Mr. Lambert seconded. The motion passed.

Mr. Badeaux made a motion to approve and ratify the actions taken at the **March 20, 2019** Residential Building Subcommittee meeting and Mr. Temple seconded. The motion passed.

- K. Consideration of reciprocity and exemption requests as listed and attached to the agenda. (Pages 13-14)

Mr. Dupuy made a motion to approve the exemptions based on Reciprocity as listed on the agenda. Mr. Weston seconded. The motion passed.

Mr. Dupuy made a motion to approve the Exemptions as listed on the agenda with the exception of Optimal Field Services, LLC. Mr. Dupuy continued the motion to state that this company was approved for 7-88 in lieu of Highway, Street and Bridge Construction but must pass the required examination for Heavy Construction. Mr. Weston seconded. The motion passed.

- L. Consideration of mold remediation application as listed and attached to the agenda. (Page 15)

<This matter was considered following the Executive Session.>

- M. Consideration of additional classifications as listed and attached to the agenda. (Pages 16-18)

Mr. Lambert made a motion to approve the additional classifications as listed on the agenda, and Mr. Fenet seconded. The motion passed.

- N. Consideration of commercial applications as listed and attached to the agenda. (Pages 19-27)

Mr. Lambert made a motion to approve the commercial applications as listed on the agenda. Mr. Fenet seconded. The motion passed.

#### **EXECUTIVE SESSION**

Mr. Weston made a motion for the Board to go into Executive Session at 11:25 a.m. to discuss legal and statutory matters. Mr. Lambert seconded. The motion passed unanimously. Mr. Lambert made a motion to return to the regular session of the meeting at 11:32 a.m. Mr. Weston seconded. The motion was passed.

Mr. Lambert made a motion to approve the mold remediation application as listed on the agenda, and Mr. Jones seconded. The motion passed.

Mr. Lambert made a motion to amend Mr. Dupuy's previous motion regarding the approval of the Exemptions. Mr. Fenet seconded. The motion passed. Mr. Dupuy withdrew his previous motion regarding exemptions and restated his motion to approve the Exemptions as listed on the agenda with the exception of Jokers Wyld, LLC. Mr. Dupuy continued the motion to state that this company was approved for 7-88 in lieu of Highway, Street and Bridge Construction but must pass the required examination for Heavy Construction. Mr. Weston seconded. The motion passed.

#### **ADJOURNMENT**

Mr. Gallo made a motion to adjourn at 11:34 a.m., and Mr. Meredith seconded. The motion passed.

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Lee Mallett, Chairman

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Byron E. Talbot, Secretary