

STATE LICENSING BOARD FOR CONTRACTORS

COMMERCIAL BOARD

MEETING MINUTES

January 17, 2019

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallett, on Thursday, January 17, 2019 at 9:31 a.m. at 2525 Quail Drive, Baton Rouge, Louisiana.

Members of the Board present:

- Lee Mallett, Chairman
- William J. Cloutre, Vice Chairman
- Lloyd "Chip" Badeaux
- N.R. "Noah" Broussard
- Nelson A. "Andy" Dupuy, Jr.
- Courtney Fenet
- Danny R. Graham
- Kenneth Jones
- Donald G. Lambert
- Garland Meredith
- Byron Talbot
- Elliott L. Temple
- Victor Weston

Members August Gallo, Jr. and Jaclyn S. Hotard were absent. 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, Elaine Riggins, Carrie Morgan, Lowana Cola, Wendy Loup and John Dixon; Compliance Director, Brad Hassert; Compliance Investigators, Jessie Wells, Laurie LaRose, Marianne Sullivan, M. Scott Corley, Craig Juan and Tarah Revette recording the minutes.

Mr. Weston 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. Jones made a motion to accept the Minutes of the **December 20, 2018** regular meeting. Mr. Temple seconded. The motion passed.

Mr. Hassert introduced guest Alex Reinboth with the Louisiana Attorney General's office. Mr. Hassert also introduced two new investigators for the board – Laurie LaRose and Craig Juan. Mr. McDuff introduced State Representative Rodney Lyons, House Commerce Committee.

NEW BUSINESS

C. JUDGMENTS/QUALIFYING PARTY HEARINGS:

1. **CODY L. ANDREPONT**, Eunice, 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 and Mr. Hassert, of the compliance department were sworn in. Ms. Evans gave a summary of the allegations. CODY L. ANDREPONT was present and was sworn in. Ms. Evans reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence. Mr. Landreneau questioned Mr. Andrepont. Mr. Andrepont also addressed the board. Mr. Talbot made a motion to give CODY L. ANDREPONT 30 days to pay the judgment or enter into a payment plan. If these terms are not satisfied within 30 days the license for CODY L. ANDREPONT will be automatically revoked by staff. Mr. Weston seconded. The motion passed.

2. **MORGAN BUILDINGS & SPAS, INC.**, Dallas, Texas – 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

No one was present on behalf of MORGAN BUILDINGS & SPAS, INC. Ms. Evans received a phone call the day before the meeting from MORGAN BUILDINGS & SPAS, INC. asking for a continuance. Mr. Landreneau stated the staff is opposed to a continuance. After discussion by Mr. Landreneau and the board Mr. Graham made a motion to deny the continuance request. Mr. Dupuy seconded. The motion passed. Attorney Paul Miniclier was present on behalf of the creditor Sherone Bragg. Ms. Bragg was present and was sworn in. Ms. Evans gave a summary of the allegations. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Landreneau questioned Ms. Bragg. Mr. Miniclier and Ms. Bragg provided statements to the board. Mr. Jones made a motion to give MORGAN BUILDINGS & SPAS, INC. 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 revoked 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 revoked by staff. Mr. Lambert seconded. The motion passed.

D. COMPLIANCE HEARINGS:

1. **UNITED BUILT HOMES, L.L.C.**, Springdale, Arkansas – La. R.S. 37:2158(A)(4), 2 counts

Ms. Evans gave a summary of the allegations and read the settlement offer presented by UNITED BUILT HOMES, L.L.C. Mr. Lambert made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Badeaux seconded. The motion passed with opposition from Mr. Weston, Mr. Fenet and Mr. Jones.

< State Representative Rodney Lyons asked for a moment to address the board. >

2. a) **GERALD N. CANDITO CONSTRUCTION CORPORATION**, Cartersville, Georgia – La. R.S. 37:2158(A)(4), 2 counts

Ms. Evans gave a summary of the allegations and read the settlement offer presented by GERALD N. CANDITO CONSTRUCTION CORPORATION. Mr. Graham made a motion to accept the settlement offer presented, which included a no contest plea. Mr. Jones seconded. The motion passed.

- b) **MECHANICAL SERVICES DIRECT, LLC**, Covington, Georgia – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of MECHANICAL SERVICES DIRECT, LLC. Investigator Jessie Wells was called to the stand and was sworn in. Mr. Wells reviewed the exhibit packet for MECHANICAL SERVICES DIRECT, LLC. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Landreneau questioned Mr. Wells. Mr. Temple made a motion to find MECHANICAL SERVICES DIRECT, LLC to be in violation. Mr. Talbot seconded. The motion passed. Mr. Graham made a motion to assess the maximum fine plus \$500 administrative costs and to issue a cease and desist order. Mr. Talbot seconded. The motion passed.

- c) **GRIFFITH ELECTRICAL LLC**, Gulfport, Mississippi – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by GRIFFITH ELECTRICAL LLC. Mr. Lambert made a motion to accept the settlement offer, which included a no contest plea. Mr. Fenet seconded. The motion passed.

3. a) **BID GROUP CONSTRUCTION US INC.**, Saint George, South Carolina – La. R.S. 37:2158(A)(4)
b) **T&S CONCRETE PLACEMENT, LLC**, Spanish Fort, Alabama – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers presented by BID GROUP CONSTRUCTION US INC. and T&S CONCRETE PLACEMENT, LLC. Mr. Lambert made a motion to accept the settlement offers as presented, which both included no contest pleas. Mr. Fenet seconded. The motion passed.

4. Mr. Badeaux recused himself from matters 4a and 4b.

a) **COLONEL CONSTRUCTION, LLC**, Thibodaux, Louisiana – La. R.S. 37:2158(A)(5)

Ms. Evans gave a summary of the allegations. Tommy Lasseigne was present on behalf of COLONEL CONSTRUCTION, LLC and was sworn in. Mr. Lasseigne made a denial plea. Investigator Jessie Wells, previously sworn, was called to the stand. Mr. Wells reviewed the exhibit packet for COLONEL CONSTRUCTION, LLC and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Landreneau questioned Mr. Wells. Mr. Landreneau questioned Mr. Lasseigne. Mr. Landreneau further questioned Mr. Wells. After discussion, Mr. Weston made a motion to dismiss the case against COLONEL CONSTRUCTION, LLC. Mr. Lambert seconded. The motion passed.

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

Ms. Evans gave a summary of the allegations and read the settlement offer presented by SANCHEZ-4, L.L.C. After discussion by the board, Mr. Weston made a motion to deny the settlement offer presented by SANCHEZ-4, L.L.C., which included a no contest plea. Mr. Fenet seconded. The motion passed.

5. a) **POWERHOUSE RETAIL SERVICES, LLC**, Crowley, Texas – La. R.S. 37:2158(A)(4)

b) **DARRELL P. SCHROEDER D/B/A D & K ELECTRIC**, Gulfport, Mississippi – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers presented by POWERHOUSE RETAILS SERVICES, LLC and DARREL P. SCHROEDER D/B/A D & K ELECTRIC which included no contest pleas. After discussion, Mr. Weston made a motion to reject the settlement offer presented by POWERHOUSE RETAIL SERVICES, LLC. Mr. Jones seconded. The motion passed. After further discussion, Mr. Weston made a motion to accept the settlement offer presented by DARRELL P. SCHROEDER D/B/A D & K ELECTRIC, which included a no contest plea. Mr. Lambert seconded. The motion passed.

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

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

b) **FULLERTON BUILDING SYSTEMS, INC.**, Plymouth, Minnesota – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by FULLERTON BUILDING SYSTEMS, INC. Mr. Lambert made a motion to accept the settlement offer as presented by FULLERTON BUILDING SYSTEMS, INC., which included a no contest plea. Mr. Fenet seconded. The motion passed.

c) **CFT NV DEVELOPMENTS LLC**, Rosemead, California – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by CFT NV DEVELOPMENTS LLC. Mr. Dupuy made a motion to accept the settlement offer, which included a no contest plea. Mr. Graham seconded. The motion passed.

7. **DUSTIN BIRELY D/B/A BIRELY'S AC & HEATING**, Vidalia, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and stated DUSTIN BIRELY D/B/A BIRLEY'S AC & HEATING had been contacted during the board meeting by board investigator Scott Corley. Mr. Corley was called to the stand and was sworn in. Mr. Corley stated Dustin Birley made a settlement offer on the phone during a conversation with Mr. Corley. Mr. Lambert made a motion to accept the settlement offer, which included a no contest plea. Mr. Graham seconded. The motion passed.

E. **STATUTORY CITATIONS:**

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

F. **CONTINUANCES:**

1. **BRYANT BUILDING AND CONSTRUCTION, INC.**, Donaldsonville, Louisiana – La. R.S. 37:2158(A)(3) and Rules and Regulations of the Board Sec. 115(C); 2167(A); 2185(A)

Ms. Evans gave a summary of the allegations. Paul Bryant was present on behalf of BRYANT BUILDING AND CONSTRUCTION, INC. and was sworn in. Mr. Bryant entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Meredith seconded. The motion passed. Mr. Bryant provided a statement to the board. The board questioned Mr. Bryant and Mr. Landreneau. Mr. Lambert made a motion to assess a \$1000 fine plus \$500 in administrative costs and to issue a cease and desist order. Mr. Jones seconded. The motion passed.

OLD BUSINESS

G. **REPORTS:**

1. Staff Reports –Ms. Dupuy gave an update regarding LSLBC's new licensing system, ARLS.
2. Building Report – Mr. Graham gave an update on the new building downtown.
3. Classification and Testing Report – The report was deferred to Mr. Dupuy to be read later.
4. Legislative/Rules and Regulations Report – There was no new report.
5. Finance Report –Mr. Dupuy presented the December financial statement and asked for a motion to approve. Mr. Lambert made a motion to accept the December financial statement as presented. Mr. Fenet seconded. The motion passed. Mr. Dupuy then made a motion to accept the 2018 Louisiana Compliance Questionnaire for Audit Engagements of Government Entities as presented for the agency audit. Mr. Fenet seconded. The motion passed.
6. Residential Building Report – Mr. Badeaux gave the report at a later time.

H. Consideration of additional classifications for residential licenses, residential applications, home improvement registrations and actions of the **January 16, 2019** Residential Building Subcommittee. (Pages 5-10)

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

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

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

Mr. Badeaux made a motion to approve and ratify the actions taken at the January 16, 2019 Residential Building Subcommittee meeting and Mr. Dupuy seconded. The motion passed.

I. Consideration of reciprocity and exemption requests as listed and attached to the agenda. (Pages 11-12)

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

Mr. Dupuy made a motion to approve the Exemptions as listed on the agenda. Mr. Fenet seconded. The motion passed.

- J. Consideration of additional classifications as listed and attached to the agenda. (Pages 13-14)

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

- K. Consideration of commercial applications as listed and attached to the agenda. (Pages 15-22)

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

ADJOURNMENT

Mr. Lambert made a motion to adjourn at 10:50 a.m., and Mr. Dupuy seconded. The motion passed.

Lee Mallett, Chairman

Byron E. Talbot, Secretary