

STATE LICENSING BOARD FOR CONTRACTORS

COMMERCIAL BOARD

MEETING MINUTES

February 15, 2018

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallett, on Thursday, February 15, 2018 at 9:33 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
- N.R. "Noah" Broussard
- Nelson A. "Andy" Dupuy, Jr.
- Danny R. Graham
- Kenneth Jones
- Donald G. Lambert
- Garland Meredith
- Christopher N. Stuart
- Byron Talbot
- Victor Weston

Members Courtney Fenet, Jr. 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, Nathan Rawls, Brent Templet, Elaine Riggins, Wendy Loup, Emma Payne and John Dixon; Compliance Director, Brad Hassert; Compliance Investigators, Todd Brady, Johnny Rogers, Dylan Bourg, Casey Cretsinger, William Collins, Marianne Sullivan, and Scott Corley; 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. Lambert made a motion to accept the Minutes of the **December 21, 2017** regular meeting. Mr. Stuart seconded. The motion passed.

Mr. McDuff introduced Alex Reinboth with the Louisiana Attorney General's office and Chris Bodet, a new compliance investigator for the board.

The board recognized Judge Lewis S. Doherty, III, former hearing officer for the Louisiana State Licensing Board for Contractors, for his faithful service as well as his many other accomplishments. On Judge Doherty's behalf, his son, Allen Doherty, and his daughter, Allison Doherty accepted the resolution presented by the board. Allen and Allison Doherty addressed and thanked the board for the recognition of their father by the board.

NEW BUSINESS

C. JUDGMENTS/QUALIFYING PARTY HEARINGS:

Ms. Dupuy and Ms. Evans were sworn in.

1. **ACCU-BUILDERS, INC.**, Baton Rouge, Louisiana – La. R.S. 37:2156.1, Sec. 103 Rules and Regulations of the Board

Ms. Dupuy gave a summary of the allegations. No one was present on behalf of ACCU-BUILDERS, INC. Ms. Dupuy reviewed the exhibit packet and provided testimony for the board.

Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Talbot made a motion to give ACCU-BUILDERS, INC. 30 days to pay the judgment or enter into a payment plan. If these terms are not satisfied within 30 days the licenses will be automatically revoked by staff. Mr. Weston seconded. The motion passed.

2. **JOHN BEGNAUD ELECTRIC MOTORS, INC.**, Milton, Louisiana – La. R.S. 37:2156.1, Sec. 103 Rules and Regulations of the Board

Ms. Dupuy gave a summary of the allegations. No one was present on behalf of JOHN BEGNAUD ELECTRIC MOTORS, INC. Attorney Creighton Abadie was present on behalf of the creditor, Coburn Supply Company, Inc. Mr. Abadie addressed the board regarding this matter. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Jones made a motion to give JOHN BEGNAUD ELECTRIC MOTORS, INC. 30 days to pay the judgment or enter into a payment plan. If these terms are not satisfied within 30 days the licenses will be automatically revoked by staff. Mr. Meredith seconded. The motion passed.

3. **CHESSLEY WOOD**, Ragley, Louisiana – La. R.S. 37:2156.1, Sec. 103 Rules and Regulations of the Board

Ms. Dupuy gave a summary of the allegations. CHESSLEY WOOD was not present. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Talbot made a motion to give CHESSLEY WOOD 30 days to pay the judgment or enter into a payment plan. If these terms are not satisfied within 30 days the licenses will be automatically revoked by staff. Mr. Jones seconded. The motion passed.

D. COMPLIANCE HEARINGS:

1. **DANIEL HUMBERTO PASTRANA**, Marrero, Louisiana – La. R.S. 37:2158 (A)(3) and Rules and Regulations Section 101

Ms. Evans gave a summary of the allegations. DANIEL HUMBERTO PASTRANA was present and was sworn in. Attorney Scott Hackenberg was also present on behalf of Mr. Pastrana. 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. Pastrana gave a statement to the board regarding this matter. Mr. Hackenberg entered documents into evidence and they were admitted. Mr. Hackenberg gave a statement to the board. The board questioned Mr. Pastrana. Mr. Meredith made a motion to give DANIEL HUMBERTO PASTRANA 30 days to provide the requested records to the board or the company's license will automatically be revoked by staff. Mr. Jones seconded. The motion passed.

2. **RESTORATION CONTRACTING SERVICES, LLC**, Shreveport, Louisiana – La. R.S. 37:2158 (A)(3) and Rules and Regulations Section 101

Ms. Evans gave a summary of the allegations. No one was present on behalf of RESTORATION CONTRACTING SERVICES, 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. Graham made a motion to revoke the license for RESTORATION CONTRACTING SERVICES, LLC. Mr. Lambert seconded. The motion passed. Mr. Landreneau requested the board to make a motion for a finding of guilt or innocence. Mr. Graham made a motion to find RESTORATION CONTRACTING SERVICES, LLC to be in violation. Mr. Jones seconded. The motion passed. Mr. Graham made a motion to revoke the license for RESTORATION CONTRACTING SERVICES, LLC and to issue a cease and desist order. Mr. Lambert seconded. The motion passed.

3. Matters 3a and 3b were consolidated.

- a) **G-MAN CONSTRUCTION, LLC**, New Orleans, Louisiana – La. R.S. 37:2175.3(A)(1)
- b) **DONALDSON CONSTRUCTION, LLC**, New Orleans, Louisiana – La. R.S. 37:2158(A)(5)

Ms. Evans gave a summary of the allegations for both matters. Gerard Perez was present on behalf of G-MAN CONSTRUCTION, LLC and was sworn in. Joseph Donaldson was present on behalf of DONALDSON CONSTRUCTION, LLC and was sworn in. Attorney Wyman

Bankston was present to represent both parties. Mr. Bankston entered a no contest plea for both parties. Mr. Meredith made a motion accept the no contest plea for both parties. Mr. Stuart seconded. The motion passed. Mr. Bankston gave a statement to the board regarding both matters. Mr. Meredith made a motion to assess for G-MAN CONSTRUCTION, LLC a fine of \$2000 plus \$500 in administrative costs and to allow the fine to be reduced to \$1000 plus \$500 in administrative costs in the company obtains a proper license within 90 days. Mr. Jones seconded. The motion passed. Mr. Meredith made a motion to assess for DONALDSON CONSTRUCTION, LLC a fine of \$1000 plus \$500 in administrative costs. Mr. Jones seconded. The motion passed.

4. a) **WAFFLE HOUSE, INC.,** Norcross, Georgia – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by WAFFLE HOUSE, INC. Mr. Meredith made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Graham seconded. The motion passed.

- b) **JEREMY BROWN D/B/A AIR CONDITION DEPOT,** Kemp, Texas – La. R.S. 2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of JEREMY BROWN D/B/A AIR CONDITION DEPOT. Investigator Williams Collins was called to the stand and was sworn in. Mr. Collins reviewed the exhibit packet and provided testimony to the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Graham made a motion to find JEREMY BROWN D/B/A AIR CONDITION DEPOT to be in violation. Mr. Stuart seconded. The motion passed. Mr. Graham made a motion to assess the maximum fine plus \$500 in administrative costs. Mr. Stuart seconded. The motion passed.

5. a) **PATTERSON & DEWAR ENGINEERS, INC.,** Norcross, Georgia – La. R.S. 37:2158(A)(4)
b) **P.T. ELECTRICAL SERVICES, INC.,** Harvey, Louisiana – La. R.S. 2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers presented by PATTERSON & DEWAR ENGINEERS, INC. and P.T. ELECTRICAL SERVICES, INC. Mr. Badeaux made a motion to accept both of the settlement offers as presented, which both included a no contest plea. Mr. Lambert seconded. The motion passed.

6. Matters 6a – 6b were consolidated.

- a) **RYAN COMPANIES US, INC.,** Minneapolis, Minnesota – La. R.S. 37:2158(A)(4)
b) **KAISER CONSTRUCTION SERVICES, LLC,** Fenton, Missouri – La. R.S. 37:2160(A)(1)
c) **RYTEC CORPORATION,** Jackson, Wisconsin – La. R.S. 37:2160(A)(1)
d) **SUBZERO CONSTRUCTORS, INC.,** Rancho Santa Margarita, California – La. R.S. 37:2160(A)(1)
e) **GRAY MATERIAL HANDLING, INC.,** Griffin, Georgia – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers presented by RYAN COMPANIES US, INC.; KAISER CONSTRUCTION SERVICES, LLC; RYTEC CORPORATION; SUBZERO CONSTRUCTORS, INC. and GRAY MATERIAL HANDLING, INC.

Attorney Thomas Darling was present on behalf of RYAN COMPANIES US, INC. Ms. Evans also stated that each settlement offer included a no contest plea. Mr. Graham made a motion to accept the no contest pleas regarding matters 6a – 6e. Mr. Meredith seconded. The motion passed. Mr. Darling gave a statement to the board regarding these matters. Mr. Graham made a motion to reject the settlement offer regarding RYAN COMPANIES US, INC. Mr. Badeaux seconded. After discussion, Mr. Weston moved to recess the matter for RYAN COMPANIES US, INC. Mr. Graham seconded. Matter 6a was recessed with no objection. Mr. Meredith made a motion to accept the settlement offers as presented for matters 6b – 6e. Mr. Graham seconded. The motion passed.

<Matter 6a was recessed and resumed after matter F. 3. was heard.>

Mr. Darling presented a new settlement offer to the board. Mr. Jones made a motion to accept the new settlement offer for RYAN COMPANIES US, INC. Mr. Meredith seconded. The motion passed.

7. **BEST CHOICE PLUMBING, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of BEST CHOICE PLUMBING, 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. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Dupuy made a motion to find BEST CHOICE PLUMBING, LLC to be in violation. Mr. Weston seconded. The motion passed. Mr. Dupuy made a motion to assess the maximum fine plus \$500 in administrative costs. Mr. Weston seconded. The motion passed.

8. **TLC A/C & HEATING, LLC**, Marrero, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of TLC A/C & HEATING, 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. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Jones made a motion to find TLC A/C & HEATING, LLC to be in violation. Mr. Meredith seconded. The motion passed. Mr. Jones made a motion to assess the maximum fine plus \$500 in administrative costs. The motion passed.

E. **STATUTORY CITATIONS:**

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

OLD BUSINESS

F. **REQUEST FOR REHEARING/RECONSIDERATION OF PENALTY:**

1. **ROBERT ARCE D/B/A ARCE MONTANA ELECTRIC**, Mandeville, Louisiana – La. R.S. 37:2163(A)(4)

Ms. Evans gave a summary of the allegations. Robert Arce and Michael Montana were present on behalf of ROBERT ARCE D/B/A ARCE MONTANA ELECTRIC. Mr. Arce and Mr. Montana were both sworn in. Mr. Arce gave a statement to the board regarding the rehearing request. Mr. Dupuy made a motion to grant the rehearing request. Mr. Talbot seconded. The motion passed. Mr. Arce entered a no contest plea. Mr. Stuart made a motion to accept the plea. Mr. Meredith seconded. The motion passed. Mr. Arce presented a settlement offer to the board which included the agreement that the company would obtain a license within 90 days. Mr. Graham made a motion to accept the settlement offer as presented. Mr. Dupuy seconded. The motion passed. After discussion, Mr. Graham made a motion to reject the previously accepted settlement offer. Mr. Weston seconded the motion passed. Mr. Arce presented an amended settlement offer which included the agreement that the company would obtain a license within 90 days. Mr. Stuart made a motion to accept the amended settlement offer as presented. Mr. Jones seconded. The motion passed.

2. **DDL CONSTRUCTION, LLC**, New Orleans, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Daniel Lopes was present on behalf of DDL CONSTRUCTION, LLC and was sworn in. Mr. Lopes gave a statement to the board regarding the rehearing request. Mr. Dupuy made a motion to grant the rehearing request. Mr. Stuart seconded. The motion passed. Maria Brady, a staff member of the board, acted as an interpreter for Mr. Lopes and was sworn in. Mr. Lopes entered a plea of admission. Mr. Jones made a motion to accept the plea. Mr. Talbot seconded. The motion passed. The board questioned Mr. Lopes. Mr. Lopes gave a statement to the board regarding this matter. After discussion, Mr. Lambert made a motion to assess \$500 in administrative costs and to issue a cease and desist order. Mr. Talbot seconded. The motion passed.

3. **CASTILLO BROS., LLC**, Sulphur, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of CASTILLO BROS., LLC. Ms. Evans stated that staff requested the rehearing and read the settlement offer presented by CASTILLO BROS., LLC. Mr. Graham made a motion to grant the rehearing request and to accept the settlement offer as presented. Mr. Talbot seconded. The motion passed with one opposed by Mr. Jones.

G. **REPORTS:**

1. Staff Reports –Ms. Dupuy called on Mr. Weston who presented a resolution to the board regarding Judge White as a hearing officer as the board. Mr. Weston made a motion to approve the resolution to accept Judge Darrell White as the hearing officer for the board and the contractual agreement between the board and Judge White. Mr. Lambert seconded. The motion passed.
2. Building Report – Mr. Graham stated that the board will be receiving bids on the agency’s new building on March 1, 2018 at 2:00 p.m.
3. Classification and Testing Report – Mr. Dupuy stated that the report will be given at a later time.
4. Legislative/Rules and Regulations Report – There was no new report.
5. Finance Report – Mr. Dupuy asked for a motion to accept the January financial statement as presented. Mr. Lambert made a motion to accept the January financial statement as presented. Mr. Stuart seconded. The motion passed. Mr. Lambert made a motion accept the 2017 Louisiana Compliance Questionnaire for Audit Engagements of Government Entities as presented. Mr. Stuart 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 **February 14, 2018** Residential Building Subcommittee. (Pages 5-14)

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

Mr. Badeaux made a motion to approve the residential applications as listed on the agenda, and Mr. Lambert 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 February 14, 2018 Residential Building Subcommittee meeting and Mr. Jones seconded. The motion passed.

I. Consideration of reciprocity and exemption requests as listed and attached to the agenda. (Pages 15-17)

Mr. Dupuy made a motion to approve the exemptions based on Reciprocity as listed on the agenda, and Mr. Stuart seconded. Mr. Dupuy and Mr. Clouatre recused themselves from the vote regarding this matter. The motion passed.

Mr. Dupuy made a motion to approve the Exemptions as listed on the agenda. Mr. Stuart seconded. Mr. Dupuy and Mr. Clouatre recused themselves from the vote regarding this matter. The motion passed.

J. Consideration of mold remediation application as listed and attached to the agenda. (Page 18)

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

K. Consideration of additional classifications as listed and attached to the agenda. (Pages 19-20)

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

L. Consideration of commercial applications as listed and attached to the agenda. (Pages 21-31)

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

ADJOURNMENT

Mr. Dupuy made a motion to adjourn at 11:08 a.m., and Mr. Stuart seconded. The motion passed.

Lee Mallett, Chairman

Byron E. Talbot, Secretary