

STATE LICENSING BOARD FOR CONTRACTORS

COMMERCIAL BOARD

MEETING MINUTES

February 20, 2020

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallett, on Thursday, February 20, 2020, at 9:30 a.m. at 600 North Street, 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, Jr.
- August Gallo, Jr.
- Danny R. Graham
- Kenneth Jones
- Donald G. Lambert
- Garland Meredith
- Joel Rushing
- Byron Talbot
- Victor Weston

Members Elliott Temple and Christopher N. Stuart 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, Carrie Morgan, Brent Templet, Maranda Legaux, Monica Davis and John Dixon; Compliance Director, Brad Hassert; Compliance Investigators, Jessica Jones, Bobbie Hughes, Frank Vaughn, Johnny Rogers; and Tarah Revette recording the minutes.

Mr. Clouatre 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 **January 16, 2020** regular meeting. Mr. Meredith seconded. The motion passed.

Mr. Hassert introduced guest Alex Reinboth with the Louisiana Attorney General's Office.

PUBLIC COMMENT

No requests were received from the public to address the Licensing Board.

NEW BUSINESS

Leann Evans and Brad Hassert with the Compliance Department were sworn in.

D. COMPLIANCE HEARINGS:

1. a) **R.A. HEATH CONSTRUCTION, LLC**, Buford, Georgia – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by R.A. HEATH CONSTRUCTION, LLC. Mr. Lambert made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Dupuy seconded. The motion passed.

- b) **DRAIN CLEANING OF BATON ROUGE INC.**, Walker, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by DRAIN CLEANING OF BATON ROUGE INC. Mr. Lambert made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Dupuy seconded. The motion passed.

2. a) **PERFORMANCE ELECTRIC, INC.**, Baton Rouge, Louisiana – La. R.S. 37:2158(A)(4)
b) **GB'S ELECTRIC LLC**, Prairieville, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers submitted by PERFORMANCE ELECTRIC, INC. and GB'S ELECTRIC LLC. Mr. Meredith made a motion to accept both settlement offers as presented, which both included a no contest plea. Mr. Talbot seconded. The motion passed.

3. a) **MICHAEL NUGENT BACKHOE SERVICE INC.**, Deville, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations. Michael Nugent was present on behalf of MICHAEL NUGENT BACKHOE SERVICE INC. and was sworn in. Mr. Nugent entered a denial plea. Investigator Frank Vaughn was called to the stand and was sworn in. Mr. Vaughn reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Landreneau questioned Mr. Nugent. The board questioned Mr. Nugent. Mr. Nugent gave a statement to the board. Mr. Nugent changed his initial denial plea to a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Broussard seconded. The motion passed. Mr. Jones made a motion to assess an administrative penalty of a \$1000 fine plus \$500 in administrative costs. Mr. Badeaux seconded. The motion passed.

- b) **EDDIE RAY LEJUINE D/B/A E & M RV SERVICES**, Hackberry, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by EDDIE RAY LEJUINE D/B/A E & M RV SERVICES. Mr. Meredith made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

- c) **STEPHEN DOUCET D/B/A SPEED CONSTRUCTION SERVICES**, Church Point, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of STEPHEN DOUCET D/B/A SPEED CONSTRUCTION SERVICES. Investigator Frank Vaughn, who was previously sworn, was called to the stand. Mr. Vaughn reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Jones made a motion to find STEPHEN DOUCET D/B/A SPEED CONSTRUCTION SERVICES to be in violation. Mr. Talbot seconded. The motion passed. Mr. Jones made a motion to assess the maximum fine plus \$500 in administrative costs and to issue a cease and desist order. Mr. Gallo seconded. The motion passed.

4. a) **EDWARDS COMMUNITIES CONSTRUCTION COMPANY, LLC**, Columbus, Ohio – La. R.S. 37:2158(A)(4), 4 counts

Ms. Evans gave a summary of the allegations and read the settlement offer presented by EDWARDS COMMUNITIES CONSTRUCTION COMPANY, LLC. Mr. Meredith made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Lambert seconded. The motion passed.

- b) **FULCRUM ENTERPRISES L.L.C.**, New Orleans, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Terrence Rice was present on behalf of FULCRUM ENTERPRISES L.L.C. and was sworn in. Mr. Rice entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Weston seconded. The motion passed. Investigator Jessica Jones was called to the stand and was sworn in. Ms. Jones reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Rice gave a statement to the board. Mr. Landreneau questioned Mr. Rice. Mr. Fenet made a motion to assess an administrative penalty of only \$500 in administrative costs. Mr. Gallo seconded. The motion passed.

- c) **RONALD SILVA D/B/A BUILDERS' INSULATION**, Covington, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by RONALD SILVA D/B/A BUILDERS' INSULATION. Mr. Graham made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

- d) **APEX MASONRY, INC.**, Alpharetta, Georgia – La. R.S. 37:2160(A)(1).

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

- e) **CARMELO HERNANDEZ D/B/A JHC FRAMING LLC**, Balch Springs, Texas – La. R.S. 37:2160(A)(1).

Ms. Evans gave a summary of the allegations. Victor Rosales was present on behalf of CARMELO HERNANDEZ D/B/A JHC FRAMING LLC and was sworn in. Mr. Rosales entered a no contest plea. Mr. Meredith made a motion to accept the plea. Mr. Jones seconded. The motion passed. Mr. Rosales gave a statement to the board. The board questioned Mr. Rosales. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Weston made a motion to assess an administrative penalty of a \$2000 fine plus \$500 in administrative costs if the company obtains the proper license within 60 days and upon failure to obtain the proper license within the timeframe given the administrative penalty of the maximum fine plus \$500 administrative costs will be assessed. Mr. Gallo seconded. The motion passed.

5. **CM CONTRACTORS OF LA. INC.**, Lafayette, Louisiana – La. R.S. 37: 2158(A)(3) and Rules and Regulations of the Board Section 135(A)

Ms. Evans gave a summary of the allegations. Mitchell Studebaker was present on behalf of CM CONTRACTORS OF LA. INC and was sworn in. Mr. Studebaker entered a no contest plea. Mr. Meredith made a motion to accept the plea. Mr. Talbot seconded. The motion passed. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Studebaker gave a statement to the board. Investigator John Leblanc was called to the stand and was sworn in. Mr. Leblanc provided testimony to the board. Mr. Uggen was also present on behalf of the company and was sworn in. Mr. Uggen gave a statement to the board. Mr. Graham made a motion to assess the maximum fine plus \$500 in administrative costs and to give the company ten (10) days to produce the requested records satisfactory to staff. Mr. Weston seconded. The motion passed. Mr. Graham amended his original motion to assess the maximum fine plus \$500 in administrative costs and to give the company ten (10) days to produce the requested records satisfactory to staff and upon failure to do so within the time-frame given, allow staff to revoke the license. Mr. Weston seconded. The motion passed.

6. a) **POOL'S CONSTRUCTION LLC**, Walker, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans stated that POOL'S CONSTRUCTION LLC requested a continuance. Mr. Jones made a motion to remove this matter from the agenda. Mr. Temple seconded. The motion passed.

- b) **SWARTZ PAVING, LLC**, Prairieville, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Scott Swartz was present on behalf of SWARTZ PAVING, LLC and was sworn in. Mr. Swartz entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Badeaux seconded. The motion passed. Investigator Bobbie Hughes was called to the stand and was sworn in. Ms. Hughes reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Swartz questioned Ms. Hughes. The board questioned Mr. Swartz. Mr. Talbot made a motion to assess an administrative penalty of a \$1000 fine plus \$500 in administrative costs. Mr. Lambert seconded. The motion passed.

7. a) **SEAWARD ELECTRIC L.L.C.**, Lake Charles, Louisiana – La. R.S. 37:2158(A)(4), 4 counts

Ms. Evans gave a summary of the allegations and read the settlement offer presented by SEAWARD ELECTRIC L.L.C. Mr. Meredith made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Talbot seconded. The motion passed.

- b) **BAB'S PLUMBING LLC**, Lake Charles, Louisiana – La. R.S. 37:2160(A)(1), 4 counts

Ms. Evans gave a summary of the allegations. No one was present on behalf of BAB'S PLUMBING LLC. Investigator Frank Vaughn, who was previously sworn, was called to the stand. Mr. Vaughn reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. After discussion, Mr. Gallo made a motion to find BAB'S PLUMBING LLC to be in violation. Mr. Talbot seconded. The motion passed. Mr. Gallo made a motion to assess the maximum fine plus \$500 in administrative costs. Mr. Weston seconded. The motion passed.

8. **KNOEBEL CONSTRUCTION, INC.**, Chesterfield, Missouri – La. R.S. 37:2158(A)(4), 2 counts.

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

E. STATUTORY CITATIONS:

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

OLD BUSINESS

F. REQUEST FOR REHEARING:

1. a) **AQUATIC POOLS & SPAS LLC**, Sulphur, Louisiana – La. R.S. 37:2158(A)(9)
b) **FABIO CANTU, JR.**, Sulphur, Louisiana – La. R.S. 37:2158 (A)(9)

Ms. Evans stated that these matters were before the board as a rehearing request. Mr. Graham made a motion to rehear matters 1a and 1b. Mr. Broussard seconded. The motion passed. Ms. Evans gave a summary of the allegations. FABIO CANTU, JR. was present on behalf of himself and AQUATIC POOLS & SPAS LLC and was sworn in. Mr. Cantu presented a settlement offer to the board for both matters and maintaining the board's previous action on October 15, 2015 regarding the revocation of his license and his qualifying party status. Mr. Cantu also requested the ability to reapply as a qualifying party and the ability to reapply for licensure. The board questioned Mr. Cantu. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Graham made a motion to accept the settlement offer as presented, to allow the company to reapply for licensure and to allow Mr. Cantu to reapply as a qualifying party. Mr. Badeaux seconded. The motion passed.

G. APPLICATIONS; ADDITIONAL CLASSIFICATIONS; RECIPROCITY

1. Residential Building Report – Mr. Badeaux

- a. Consideration of additional classifications for residential licenses, residential applications and home improvement registrations as listed and attached to the agenda. (Pages 5-15)

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

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

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

- b. Consideration of the actions of the **February 19, 2020** Residential Building Subcommittee.

Mr. Badeaux made a motion to approve and ratify the actions taken at the February 19, 2020 Residential Building Subcommittee meeting and Mr. Jones seconded. The motion passed.

2. Consideration of reciprocity and exemption requests as listed and attached to the agenda. (Pages 16-18)

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

Based on Staff recommendations, Mr. Dupuy made a motion to approve the Exemptions as listed on the agenda. Mr. Weston seconded. The motion passed.

3. Consideration of mold remediation application as listed and attached to the agenda. (Page 19)

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

4. Consideration of additional classifications as listed and attached to the agenda. (Pages 20-22)

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

5. Consideration of commercial applications as listed and attached to the agenda. (Pages 23-34)

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

H. REPORTS:

1. Finance Report – Mr. Dupuy asked for a motion to accept the financial statement for the period ending January 31, 2020 as presented. Mr. Weston made a motion to accept the financial statement for the period ending January 31, 2020 as presented. Mr. Lamber seconded. The motion passed.

ADJOURNMENT

Mr. Dupuy made a motion to adjourn at 10:55 a.m., and Mr. Weston seconded. The motion passed unanimously.

Lee Mallett, Chairman

Byron E. Talbot, Secretary