

# STATE LICENSING BOARD FOR CONTRACTORS

## COMMERCIAL BOARD

### MEETING MINUTES

February 21, 2019

The regular meeting of the Commercial Board was called to order by the Vice-Chairman, William J. Clouatre, on Thursday, February 21, 2019 at 9:30 a.m. at 2525 Quail Drive, Baton Rouge, Louisiana.

Members of the Board present:

- William J. Clouatre, Vice Chairman
- Lloyd "Chip" Badeaux
- Brian J. Bordelon
- N.R. "Noah" Broussard
- Nelson A. "Andy" Dupuy, Jr.
- August Gallo, Jr.
- Jaclyn S. Hotard
- Kenneth Jones
- Donald G. Lambert
- Garland Meredith
- Byron Talbot
- Elliott L. Temple
- Victor Weston
- Bertrand A. Wilson

Chairman Lee Mallett and members Courtney Fenet, Danny R. Graham 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, Elaine Riggins, Wendy Loup, Lowana Cola, Carrie Morgan and John Dixon; Compliance Director, Brad Hassert; Compliance Investigators, James Franklin, Scott Corley, Dylan Bourg, Johnny Rogers, Charmel Peterson, Jessie Wells, Bobbie Hughes; and Tarah Revette recording the minutes.

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

Judge Darrell White gave the invocation. Judge White asked for a moment of silence for Rechelle Anne Hotard, sister of member Jaclyn Hotard. Judge White introduced himself, and advised those present of his duties.

Mr. Dupuy made a motion to accept the Minutes of the **January 17, 2019** regular meeting. Mr. Jones seconded. The motion passed.

Mr. Hassert introduced guests Margeret Collier with the Louisiana Attorney General's office and John Walters with Associated Builders & Contractors.

Judge White administered the oath of office for new board members Bertrand Wilson and Brian Bordelon.

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

### NEW BUSINESS

#### C. JUDGMENTS/QUALIFYING PARTY HEARINGS:

1. **KELLER COMMERCIAL, LLC**, New Orleans, 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. Attorney Teresa Cop was present to represent the creditor, Walk On Art, LLC. Ms. Evans 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 Ms. Cop. Mr. Talbot made a motion to give KELLER COMMERCIAL, LLC 30 days to pay the judgment or enter into a payment plan. If these terms are not satisfied within 30 days or enter into/comply with a payment plan, the license will be suspended. Mr. Jones seconded. The motion passed.

2. **BRL CONSTRUCTION, LLC**, Shreveport, LA – 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

The staff removed this item from the agenda.

3. **HAWKMOON CONSTRUCTION SERVICES, LLC**, Mandeville, LA – 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. Attorney Tim Thriffiley was present to represent the creditor, Nairn Concrete Services. Mark Blake was present on behalf of HAWKMOON CONSTRUCTION SERVICES, LLC and was sworn in. Mr. Landreneau questioned Mr. Thriffiley. Ms. Evans 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. Blake. Mr. Talbot made a motion to give HAWKMOON CONSTRUCTION SERVICES, LLC 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 suspended by staff. Mr. Dupuy seconded. The motion passed.

4. **BOLES CONSTRUCTION, LLC**, Mandeville, LA – 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. Attorney Donald Cashio was present to represent the creditor Lumber Products, Inc. Ricky Boles was present on behalf of BOLES CONSTRUCTION, LLC and was sworn in. Ms. Evans 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. Boles, who then requested a continuance. Mr. Cashio gave a statement. Mr. Lambert made a motion to deny the continuance. Ms. Hotard seconded. The motion passed. Mr. Dupuy made a motion to give BOLES CONSTRUCTION, LLC 60 days to pay the judgment or enter into/comply with the payment plan. If these terms are not satisfied within 60 days, the license will be suspended by staff. Mr. Talbot seconded. The motion passed with opposition from Ms. Hotard.

#### D. COMPLIANCE HEARINGS:

1. **BARRON BUILDERS OF PINEVILLE, INC.**, Pineville, Louisiana – La. R.S. 37:2158(A)(4)

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

2. **MESSER GROUP TEXAS, INC.**, Coppell, Texas – La. R.S. 37:2158(A)(4)

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

3. **TOP QUALITY OUTDOOR SERVICES, LLC**, Covington, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by TOP QUALITY OUTDOOR SERVICES, LLC. Mr. Lambert made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Jones seconded. The motion passed.

4. Matters 4a and 4b were consolidated.

- a) **PERSONAL TOUCH SERVICES, INC.**, Kenner, Louisiana – La. R.S. 37:2158(A)(5)
- b) **JEREME BUFKIN D/B/A NOLA OAK DESIGN AND BUILD LLC**, Kenner, Louisiana – La. R.S. 37:2175.3(A)(1)

Ms. Evans gave a summary of the allegations. Jereme Bufkin was present on behalf of JEREME BUFKIN D/B/A NOLA OAK DESIGN AND BUILD LLC. Mr. Bufkin entered a no contest plea. Mr. Meredith made a motion to accept the no contest plea. Mr. Jones seconded. The motion passed. Mr. Bufkin gave a statement to the board. The board questioned Mr. Bufkin. Investigator Dylan Bourg was called to the stand and was sworn in. Mr. Bourg reviewed the exhibit packet for JEREME BUFKIN D/B/A NOLA OAK DESIGN AND BUILD LLC. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Landreneau questioned Mr. Bourg. Mr. Meredith made a motion to assess a \$1000 fine plus \$500 in administrative costs and to issue a cease and desist order, the fine to be reduced to \$500 plus \$500 in administrative costs if the company obtains a license/registration within 90 days. Mr. Temple seconded. The motion passed.

Manuel Rodriguez was present on behalf of PERSONAL TOUCH SERVICES, INC. and was sworn in. Mr. Rodriguez entered a plea of denial. Mr. Bourg reviewed the exhibit packet for PERSONAL TOUCH SERVICES, INC. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Landreneau questioned Mr. Bourg. Mr. Rodriguez provided a statement. Mr. Landreneau questioned Mr. Rodriguez. The board questioned Mr. Bourg and Mr. Rodriguez. After discussion, Ms. Hotard made a motion to find PERSONAL TOUCH SERVICES, INC. to be in violation. Mr. Gallo seconded. The motion passed with opposition from Mr. Badeaux and Mr. Jones. Ms. Hotard made a motion to issue PERSONAL TOUCH SERVICES, INC. a warning to comply with the board's rules and regulations. Mr. Dupuy seconded. The motion passed.

5. **ACE OF SPADES LLC**, Paincourtville, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Keisha Robinson and Troy Robinson were present on behalf of ACE OF SPADES LLC. Ms. Robinson entered a no contest plea. Mr. Jones made a motion to accept the no contest plea. Mr. Dupuy seconded. The motion passed. Ms. Robinson provided a statement to the board. The board questioned Ms. Evans. Mr. Landreneau and the board questioned Ms. Robinson. Mr. Robinson provided a statement. After discussion, Mr. Dupuy made a motion to assess no fine for ACE OF SPADES LLC. Mr. Lambert seconded. The motion passed.

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

Ms. Evans gave a summary of the allegations and read the settlement offer presented by Z CONSTRUCTORS NATIONWIDE, LLC. After discussion, Mr. Gallo made a motion to reject the settlement offer as presented, which included a no contest plea. Mr. Dupuy seconded. The motion passed.

b) **WILLIAMS AND SONS MASONRY CO., LLC**, College Station, Texas – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by WILLIAMS AND SONS MASONRY CO., LLC. Mr. Gallo made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Talbot seconded. The motion passed.

7. a) **AIR COOL, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2158(A)(4)

b) **JASEN ARNOLD D/B/A ARNOLD ERECTORS AND/OR ARNOLD CONTRACTORS**, Greensburg, Louisiana – La. R.S. 37:2160(A)(1)

c) **M & M SCOTT ENTERPRISE, LLC**, Walker, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers presented by AIR COOL, LLC, JASEN ARNOLD D/B/A ARNOLD ERECTORS AND/OR ARNOLD CONTRACTORS and M & M SCOTT ENTERPRISE, LLC. Mr. Dupuy made a motion to

accept the settlement offers as presented, which included no contest pleas. Mr. Talbot seconded. The motion passed.

d) **EJA PARTNERS, 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 EJA PARTNERS, LLC. Investigator Todd Brady was called to the stand and was sworn in. Mr. Brady reviewed the exhibit packet. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Talbot made a motion to find EJA PARTNERS, LLC to be in violation. Mr. Jones seconded. The motion passed. Mr. Talbot 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.

8. **B A M CONSTRUCTION, INC.**, Chalmette, Louisiana – La. R.S. 37:2158(A)(5)

Ms. Evans gave a summary of the allegations. Michael Domingue was present on behalf of B A M CONSTRUCTION, INC. and was sworn in. Mr. Domingue entered a plea of admission. Mr. Dupuy made a motion to accept the plea. Mr. Jones seconded. The motion passed. Mr. Domingue provided a statement. Mr. Domingue changed his initial plea to enter a no contest plea. Mr. Meredith made a motion to accept the no contest plea. Mr. Gallo seconded. The motion passed. Mr. Meredith made a motion to assess \$500 administrative costs. Mr. Lambert seconded. The motion passed with opposition from Ms. Hotard.

9. a) **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. Gallo made a motion to reject the settlement offer as presented, which included a no contest plea. Mr. Dupuy seconded. The motion passed.

b) **WILSON CONCRETE CONSTRUCTION, LLC**, Natchitoches, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of WILSON CONCRETE CONSTRUCTION, LLC. Investigator Scott Corley was called to the stand and was sworn in. Mr. Corley reviewed the exhibit packet and provided testimony. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Landreneau questioned Mr. Corley. Mr. Talbot made a motion to find WILSON CONCRETE CONSTRUCTION LLC to be in violation. Mr. Lambert seconded. The motion passed. Mr. Talbot made a motion to assess the maximum fine plus \$500 administrative costs and to issue a cease and desist order. Mr. Lambert seconded. The motion passed.

10. **A+ RENOVATIONS LLC OF LOUISIANA**, Bunkie, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by A+ RENOVATIONS LLC OF LOUISIANA. Mr. Talbot made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Jones seconded. The motion passed.

11. **RAYMOND CONSTRUCTION ENTERPRISES, L.L.C.**, Monroe, Louisiana – La. R.S. 37:2158(A)(4)

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

12. **MARK VALENTINE D/B/A VALENTINE MECHANICAL, LLC**, Griffin, Georgia – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by MARK VALENTINE D/B/A VALENTINE MECHANICAL, 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.

13. **NEYSER & DILIA REYES**, Baton Rouge, Louisiana – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations. Attorney James Vilas present on behalf of both NEYSER & DILIA REYES and Marian Templet, homeowner. Mr. Jones recused himself from the matter. Ms. Templet was sworn in. Investigator Johnny Rogers was called to the stand and was sworn in. Mr. Rogers reviewed the exhibit packet and provided testimony. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Vilas provided statements on behalf of both Neyser & Dilia Reyes and Ms. Templet. Mr. Badeaux made a motion to dismiss the matter. Ms. Hotard seconded. The motion passed.

14. **JAMES G. FOREMAN, LLC D/B/A SIGHT AND SOUND**, Hattiesburg, Mississippi – La. R.S. 37:2163(A)(4)

Ms. Evans gave a summary of the allegations. James G. Foreman was present on behalf of JAMES G. FOREMAN, LLC D/B/A SIGHT AND SOUND and was sworn in. Mr. Foreman entered a no contest plea. Mr. Jones made a motion to accept the no contest plea. Mr. Meredith seconded. The motion passed. Mr. Foreman provided a statement. Investigator Bobbie Hughes was called to the stand and was sworn in. Ms. Hughes provided testimony to the board. Mr. Lambert made a motion to dismiss the matter. Mr. Gallo seconded. The motion passed.

15. **STONEY HUTSON D/B/A STONEY'S ASPHALT & CONCRETE SERVICES LLC**, Coweta, Oklahoma – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by STONEY HUTSON D/B/A STONEY'S ASPHAT & CONCRETE SERVICES LLC. Mr. Dupuy made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Talbot 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. Dupuy seconded. The motion passed.

**F. CONTINUANCES:**

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

Mr. Meredith recused himself from the matter. Ms. Evans gave a summary of the allegations. Attorney Trippe Hawthorne was present on behalf of POWERHOUSE RETAIL SERVICES, LLC. Josh Hargrave was also present on behalf of POWERHOUSE RETAIL SERVICES, LLC and was sworn in. Mr. Hawthorne entered a no contest plea. Mr. Dupuy made a motion to accept the no contest plea. Mr. Gallo seconded. The motion passed. Mr. Hawthorne provided a statement to the board. The board questioned Mr. Hargrave. Mr. Lambert made a motion to assess the maximum fine plus \$500 in administrative costs. Ms. Hotard seconded. The motion passed.

**OLD BUSINESS**

**G. REPORTS:**

1. Staff Reports –Ms. Dupuy had no new report.
2. Building Report – Mr. McDuff provided a new building update. Mr. McDuff also announced there will not meetings in June because of the move to the new building.
3. Classification and Testing Report – Mr. Gallo 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 presented the January financial statement and asked for a motion to approve. Mr. Jones made a motion to accept the January financial statement as presented. Mr. Gallo seconded. The motion passed.
6. Residential Building Report – Mr. Badeaux gave the report at a later time.

**H. Consideration of residential applications, home improvement registrations and actions of the **February 20, 2019** Residential Building Subcommittee. (Pages 5-14)**

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 20, 2019 Residential Building Subcommittee meeting and Mr. Lambert 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, with the exception of Hobbs Construction, LLC. This company will be required to take the trade exams. Mr. Jones seconded. The motion passed.

Mr. Dupuy made a motion to approve the Exemptions as listed on the agenda, with the exceptions of Charles Stewart, Enterprises, Inc. and Taylor Homes, LLC. These companies will be required to take the trade exams. The motion also included for Preston Banks Construction Company, LLC to exempt only the 7-88 Concrete Construction (Excluding Highways, Streets, and Bridges) classification. Mr. Jones seconded. 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. Gallo seconded. The motion passed.

K. Consideration of additional classifications as listed and attached to the agenda. (Pages 19-21)

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

L. Consideration of commercial applications as listed and attached to the agenda. (Pages 22-33)

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

**ADJOURNMENT**

Mr. Lambert made a motion to adjourn at 11:35 a.m., and Mr. Jones seconded. The motion passed.

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Lee Mallett, Chairman

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Byron E. Talbot, Secretary