

STATE LICENSING BOARD FOR CONTRACTORS

COMMERCIAL BOARD

MEETING MINUTES

April 20, 2017

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallet, on Thursday, April 20, 2017 at 9:38 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
- Courtney Fenet, Jr.
- August Gallo, Jr.
- Jaclyn S. Hotard
- Donald G. Lambert
- Garland Meredith
- Christopher N. Stuart
- Byron Talbot
- Victor Weston, Vice Chairman

Members Nelson A. "Andy" Dupuy, Jr.; Danny R. Graham; and Kenneth W. Jones 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; Larry Bankston, Board Attorney; and from the staff, Leann Evans, Brent Templet, Lowana Cola, Maranda Legaux, Emma Payne, and John Dixon; Compliance Director, Brad Hassert; Compliance Investigators, Todd Brady, Dylan Bourg, Casey Cretsinger, and Brad Domingue; and Tarah Revette recording the minutes.

Mr. Fenet 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 **March 16, 2017** regular meeting. Mr. Stuart seconded. The motion passed.

Mr. McDuff introduced Ronald Burrough with the Louisiana Attorney General's office, Ken Naquin with Louisiana Associated General Contractors, and Casey Cretsinger the new compliance investigator for the board.

Mr. Naquin addressed the board regarding the 2017 Legislative Session and bills related to LSLBC.

<Agenda item N. Resolution-Consideration of Resolution Concerning Delegation of Licensure Authority was heard before Agenda item C. Qualifying Party Hearings >

Mr. Weston presented to the board the Resolution Concerning Delegation of Licensure Authority which authorizes staff to expedite the application process and to issue licenses and/or registrations once all requirements are met prior to approval by the board as a result of the August Flood of 2016. The board previously gave staff the authority at the Commercial meeting on September 15, 2016 by motion and approval. Mr. McDuff and Mr. Bankston addressed the board regarding this matter. Mr. Naquin on behalf of AGC expressed his support in the resolution. Attorney Larry Roedel was present on behalf of Innovative Emergency Management, Inc. and addressed the board. Mr. Roedel objected to the proposed Resolution. After discussion, Mr. Weston made a motion to approve the Resolution. Mr. Fenet seconded. The motion passed with no objections.

NEW BUSINESS

C. **QUALIFYING PARTY HEARINGS** – La. R.S. 37:2156.1, Sec. 103 Rules and Regulations of the Board

1. Ms. Dupuy gave a summary of the allegations and stated that the company has requested additional 30 days to complete the examinations. No one was present on behalf of DYNAMIC CONSTRUCTION & DEVELOPMENT, INC. Mr. Gallo made a motion to grant the additional 30 days to complete the examinations. Mr. Meredith seconded. The motion passed.

D. **JUDGMENTS:**

1. **EAGLE ELECTRIC OF HOUMA, INC.**, Houma, Louisiana – La. R.S. 37:2150-2192, 2158(A)(8) and (A)(9), 2156.1(D)(1) and Section 115 of the Board’s Rules and Regulations

Mr. Talbot recused himself from this matter. Ms. Dupuy gave a summary of the allegations. No one was present on behalf of EAGLE ELECTRIC OF HOUMA, INC. Attorney Frank White was present on behalf of the creditor, Teche Electric Supply, LLC. Mr. Bankston entered the exhibit packets into evidence and it was admitted. Mr. Weston made a motion to give EAGLE ELECTRIC OF HOUMA, INC. 30 days to pay the judgment. If the judgment is not satisfied within 30 days the license will be automatically revoked by staff. Mr. Gallo seconded. The motion passed.

2. **JBS CONSTRUCTION AND DEVELOPMENT, LLC**, Greenwell Springs, Louisiana – La. R.S. 37:2150-2192, 2158(A)(8) and (A)(9), 2156.1(D)(1) and Section 115 of the Board’s Rules and Regulations

Ms. Dupuy gave a summary of the allegations. Blake Seguin was present on behalf of JBS CONSTRUCTION AND DEVELOPMENT, LLC. Attorney Frank White was present on behalf of the creditor, Southern Pipe & Supply Company, Inc. Mr. Bankston entered the exhibit packets into evidence and it was admitted. Mr. Weston made a motion to give JBS CONSTRUCTION AND DEVELOPMENT, LLC 30 days to pay the judgment. If the judgment is not satisfied within 30 days the license will be automatically revoked by staff. Mr. Stuart seconded. The motion passed.

E. **COMPLIANCE HEARINGS:**

1. a) **COMPLETE CONSTRUCTION CONTRACTORS, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2158(A)(2)
- b) **MATTHEW J. MORRIS**, Baton Rouge, Louisiana – La. R.S. 37:2158(A)(2)

Ms. Evans requested these matters to be continued to allow for due process. Mr. Gallo made a motion to defer these matters. Mr. Meredith seconded. The motion passed.

2. Matters 2a and 2b were consolidated. Mr. Lambert recused himself from matters 2a and 2b.

- a) **BRYANT MANAGEMENT, LLC**, Harahan, Louisiana – La. R.S. 37:2158(A)(5)

Ms. Evans gave a summary of the allegations. Allen Bryant was present on behalf of BRYANT MANAGEMENT, LLC and was sworn in. Mr. Bryant entered a no contest plea. Mr. Meredith made a motion to accept the plea. Mr. Gallo seconded. The motion passed. Mr. Bryant gave a statement to the board. Mr. Weston made a motion to assess a fine of \$1000 plus \$500 in administrative costs. Mr. Stuart seconded. The motion passed. Mr. Fenet abstained from the vote.

- b) **WILEY WOOD D/B/A VISION CUSTOM POOLS**, River Ridge, Louisiana – La. R.S. 37:2167(A)

Ms. Evans gave a summary of the allegations. Wiley Wood was present on behalf of WILEY WOOD D/B/A VISION CUSTOM POOLS and was sworn in. Mr. Wood entered a no contest plea. Mr. Meredith made a motion to accept the plea. Mr. Gallo seconded. The motion passed. Mr. Wiley gave a statement to the board. Mr. Meredith made a motion to assess a fine of \$1000 plus \$500 in administration costs and to allow the fine to be reduced to \$500 plus \$500 in administrative costs if the company obtains the proper license within 90 days.

3. **CHADWICK MURRAY D/B/A CM ELECTRIC, L.L.C.**, Vidalia, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by CHADWICK MURRAY D/B/A CM ELECTRIC, L.L.C. Mr. Meredith made a motion to reject the settlement offer as present. Mr. Talbot seconded. The motion passed with two opposed by Mr. Stuart and Mr. Badeaux.

4. Matters 4a and 4b were consolidated. Mr. Weston made a motion to consolidate matters 4a and 4b. Mr. Gallo seconded. The motion passed.
 - a) **GROUPE CONSTRUCTION, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2158(A)(2)
 - b) **HOMER NELMS CHARLES**, Baton Rouge, Louisiana – La. R.S. 37:2158(A)(2)

Ms. Evans gave a summary of the allegations. No one was present on behalf of GROUPE CONSTRUCTION, LLC. HOMER NELMS CHARLES was not present. Investigator Todd Brady was called to the stand and was sworn in. Mr. Brady reviewed the exhibit packets and provided testimony to the board. Mr. Bankston entered the exhibit packets into evidence and they were admitted. Mr. Meredith made a motion to suspend the license for GROUPE CONSTRUCTION, LLC until the company obtains a new qualifying party. Mr. Lambert seconded. The motion passed. Mr. Meredith made a motion to disqualify HOMER NELMS CHARLES as a qualifying party until Mr. Charles resolves his legal issues. Mr. Lambert seconded. The motion passed.

5. **WEST PLUMBING, LLC**, Gretna, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by WEST PLUMBING, LLC. Mr. Weston made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

6. **SOUTHERN SPRAY FOAM INSULATION, LLC**, Lafayette, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by SOUTHERN SPRAY FOAM INSULATION, LLC. Mr. Lambert made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Weston seconded. The motion passed.

7. **ABLE ENERGY CORP.**, River Falls, Wisconsin – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of ABLE ENERGY CORP. Investigator Brent Templet was called the stand and was sworn in. Mr. Templet reviewed the exhibit packet and provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Talbot made a motion to find ABLE ENERGY CORP. to be in violation. Mr. Meredith seconded. The motion passed. Mr. Talbot made a motion to assess the maximum fine plus \$500 in administrative costs and to refer this matter to the Attorney General's office. Mr. Meredith seconded. The motion passed.

F. STATUTORY CITATIONS:

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

OLD BUSINESS

G. COMPLIANCE HEARINGS/CONTINUANCES:

1. **JUNIOR'S POOL PLASTERING, LLC**, Kenner, Louisiana – La. R.S. 37:2167(A)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by JUNIOR'S POOL PLASTERING, LLC. Mr. Weston made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Fenet seconded. The motion passed.

2. **MICHAEL STERLING**, Anacoco, Louisiana – La. R.S. 37:2158(A)(9)

Ms. Evans gave a summary of the allegations. MICHAEL STERLING was not present. Investigator Todd Brady, who was previously sworn, was called to the stand. Mr. Brady reviewed the exhibit packet and provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Meredith made a motion to find MICHAEL STERLING to be in violation. Mr. Weston seconded. The motion passed. Mr. Meredith made a motion to revoke the commercial license for Michael Sterling.

H. REPORTS:

1. Staff Report – Ms. Dupuy reminded the board about the annual ethics filing requirements due to the Ethics Board May 15, 2017.
2. Building Report –Mr. McDuff stated that new building project for the agency is on hold indefinitely.
3. Classification and Testing Report – Mr. Gallo reported that Mr. Cloutre will present the exemptions.
4. Legislative/Rules and Regulations Report – Mr. McDuff gave a report about the 2017 Legislative Session and the bills related to or affect the agency.
5. Finance Report – Mr. Cloutre reviewed the March financial statement. Mr. Lambert made a motion to accept the March financial statement as presented. Mr. Gallo seconded. The motion passed. Mr. Cloutre also gave a report on the 2016 Audit.
6. Residential Building Report – Mr. Badeaux gave the report at a later time.

I. Consideration of additional classifications for residential licenses, residential applications, home improvement registrations as listed and attached to the agenda, and actions of the **April 19, 2017 Residential Building Subcommittee. (Pages 4-17)**

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 the actions taken at the April 19, 2017 Residential Building Subcommittee meeting and Mr. Gallo seconded. The motion passed.

J. Consideration of reciprocity and exemption requests as listed and attached to the agenda. (Page 18-20)

Mr. Cloutre made a motion to approve the exemptions based on Reciprocity as listed on pages of the agenda, and Mr. Gallo seconded. The motion passed.

Mr. Cloutre made a motion to approve the Exemptions as listed on page of the agenda, except for FIRMIN TRUCKING LLC which was approved pending reference letters. Mr. Weston seconded, and the motion passed.

K. Consideration of mold remediation application as listed and attached to the agenda. (Page 21)

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

L. Consideration of additional classifications as listed and attached to the agenda. (Pages 22-25)

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

M. Consideration of commercial applications as listed and attached to the agenda. (Pages 26-37)

Mr. Lambert made a motion to approve the commercial applications as listed on the agenda. Mr. Gallo seconded. The motion passed. Mr. Lambert made a motion to remove JAC CONTRACTING, L.L.C. commercial application from the agenda. Mr. Gallo seconded. The motion passed.

N. Resolution-Consideration of Resolution Concerning Delegation of Licensure Authority

This matter was heard before agenda item C. Qualifying Party Hearings.

EXECUTIVE SESSION

At 11:00 a.m. Mr. Talbot made a motion to go into Executive Session for the purpose of discussing upcoming litigation. Mr. Weston seconded. The motion passed unanimously. At 11:27 a.m. Mr. Weston made a motion to leave Executive Session. Mr. Lambert seconded. The motion passed unanimously.

ADJOURNMENT

Mr. Fenet made a motion to adjourn at 11: 27 a.m., and Mr. Gallo seconded. The motion passed.

Lee Mallett, Chairman

Byron E. Talbot, Secretary