

STATE LICENSING BOARD FOR CONTRACTORS

COMMERCIAL BOARD

MEETING MINUTES

May 17, 2018

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallett, on Thursday, May 17, 2018 at 9:33 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
- Nelson A. “Andy” Dupuy, Jr.
- Courtney Fenet
- August Gallo, Jr.
- Danny R. Graham
- Jaelyn S. Hotard
- Kenneth Jones
- Donald G. Lambert
- Garland Meredith
- Elliott L. Temple

Members N.R. “Noah” Broussard, Byron Talbot, and Victor Weston 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, Brent Templet, Elaine Riggins, and John Dixon; Compliance Director, Brad Hassert; Compliance Investigators, Frank Vaughn, Jessica Jones, Marianne Sullivan, James Franklin, William Valentine, Scott Corley and Dylan Bourg; and Wendy Loup recording the minutes.

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

Judge Darrell White gave the invocation. Mr. Lambert asked for a moment of silence for former first lady of Louisiana, Elaine Schwartzburg Edwards. Judge White introduced himself, and advised those present of his duties.

Mr. Lambert made a motion to accept the Minutes of the **April 19, 2018** regular meeting. Mr. Cloutre seconded. The motion passed.

Mr. Hassert introduced guest Alicia Wheeler with the Louisiana Attorney General’s office and Ken Naquin with Louisiana Associated General Contractors. Mr. Naquin addressed the board regarding the 2018 legislative session in relation to the construction industry.

New Commercial Member Elliott Temple was sworn in by Judge Darrell White.

NEW BUSINESS

C. JUDGMENTS/QUALIFYING PARTY HEARINGS:

1. **LOUISIANA MAINTENANCE SPECIALTIES INC.**, Baton Rouge, Louisiana – La. R.S. 37:2156.1, Sec. 103 Rules and Regulations of the Board

Ms. Evans gave a summary of the allegations. John Kelly was present on behalf of LOUISIANA MAINTENANCE SPECIALTIES INC. and was sworn in. Attorney Steven Schilling was present to represent the creditors, David Law and Clayton Mitchell. David Law was also present and was sworn in. Leann Evans and Brad Hassert with the Compliance Department were sworn in. Ms. Evans reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence. Mr. Kelly requested a continuance. Mr. Schilling requested the

continuance be denied. The board questioned Mr. Kelly. Mr. Lambert made a motion to deny the continuance request. Mr. Graham seconded. The motion passed. After discussion, the exhibit packet was admitted into evidence. Mr. Landreneau questioned Mr. Schilling regarding the judgement. Mr. Landreneau requested that the board revoke the qualifying party status for John Kelly. After discussion, Mr. Graham made a motion to give John Kelley with LOUISIANA MAINTENANCE SPECIALTIES INC. 60 days to pay the judgment or enter into a payment plan. If these terms are not satisfied within 60 days, the qualifying party status for John Kelly 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 qualifying party status for John Kelly being automatically revoked by staff. Mr. Gallo seconded. The motion passed.

2. **CORMIER'S PLUMBING, LLC**, Sulphur, Louisiana – La. R.S. 37:2156.1, Sec. 103 Rules and Regulations of the Board

Ms. Evans gave a summary of the allegations. No one was present on behalf of CORMIER'S PLUMBING, LLC. Ms. Evans received notice from Attorney Francis White, representing the creditor, Southern Pipe & Supply Company, Inc., that a payment plan had been entered into with CORMIER'S PLUMBING, LLC, but no payments have been received. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Gallo made a motion to give CORMIER'S PLUMBING, 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 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.

3. **COLDEWY CORPORATION**, Metairie, Louisiana – La. R.S. 37:2156.1, Sec. 103 Rules and Regulations of the Board

Ms. Evans gave a summary of the allegations. Greg Landrieu and Attorney Henry Klein were present on behalf of COLDEWAY CORPORATION. Mr. Landrieu was sworn in. The creditors, Linda and Vernon Boudreaux, were present and sworn in. Mr. Klein stated that there could be a service issue regarding the judgment rendered by the 24th Judicial District Court and gave an additional statement regarding this matter. Mr. Landreneau suggested that the board continue this matter. Ms. Boudreaux provided testimony to the board. After discussion, Mr. Lambert made a motion to give COLDEWAY CORPORATION 45 days for the company to file proper pleadings with the court and to notify the board regarding the documents being file. Mr. Fenet seconded. The motion passed.

4. **TEAM DEVELOPMENT, LLC**, Denham Springs, Louisiana – La. R.S. 37:2156.1, Sec. 103 Rules and Regulations of the Board

Ms. Evans gave a summary of the allegations. Attorney Thomas Lockwood was present on behalf of TEAM DEVELOPMENT, LLC. James Bullman was present on behalf of the creditors and was sworn in. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Landreneau questioned Mr. Lockwood. Mr. Lockwood gave a statement to the board and also stated that the judgment will be paid within 10 days. Mr. Meredith made a motion to give TEAM DEVELOPMENT, LLC 30 days to pay the judgment or enter into a 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. Graham seconded. The motion passed.

D. COMPLIANCE HEARINGS:

1. a) **KETA CONSTRUCTION COMPANY**, Metairie, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations. Blake Boudreaux was present on behalf of KETA CONSTRUCTION COMPANY and was sworn in. Ms. Evans read the settlement offer to the board presented by KETA CONSTRUCTION COMPANY. Mr. Boudreaux entered a no contest plea. Mr. Badaeux made a motion to accept the plea. Mr. Meredith seconded. The motion passed. Mr. Boudreaux gave a statement to the board. Mr. Badaeux made a motion to

reject the settlement offer as presented and to assess a \$4000 fine plus \$500 in administrative costs. Mr. Graham seconded. After discussion, the motion was called to a vote and the motion did not pass. Ms. Hotard made a motion to accept the settlement offer as presented. Mr. Lambert seconded. The motion passed with opposition by Mr. Jones and Mr. Badeaux.

- c) **ELIZABETH BLUM D/B/A R.L. BLUM CONSTRUCTION**, New Orleans, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Elizabeth Blum was present on behalf of ELIZABETH BLUM D/B/A R.L. BLUM CONSTRUCTION and was sworn in. Ms. Blum gave a statement to the board. Ms. Blum requested for this matter to be continued. After discussion, Ms. Hotard made a motion to grant the continuance request. Mr. Graham seconded. The motion passed.

Matters 1b and 1d were consolidated.

- b) **J. FERGUSON CONSTRUCTION, INC.**, Weatherford, Texas – La. R.S. 37:2160(A)(1)
d) **RI FLOORING, L.L.C.**, Metairie, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations for matters 1b and 1d. No one was present on behalf of J. FERGUSON CONSTRUCTION, INC. Investigator Jessica Jones was called to the stand and was sworn in. Ms. Jones 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 J. FERGUSON CONSTRUCTION, INC. to be in violation. Mr. Lambert seconded. The motion passed. Mr. Graham made a motion to assess the maximum fine plus \$500 in administrative costs. Mr. Lambert seconded. The motion passed with opposition by Mr. Badeaux.

No one was present on behalf of RI FLOORING, L.L.C. Investigator Jones, who was previously sworn, was called to the stand. Ms. Jones 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 RI FLOORING, L.L.C. to be in violation. Mr. Gallo seconded. The motion passed. Mr. Jones made a motion to assess the maximum fine plus \$500 in administrative costs. Mr. Gallo seconded. The motion passed.

2. a) **M. TRAK, LLC**, Livonia, Louisiana – La. R.S. 37:2159(B)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by M. TRAK, LLC. Mr. Dupuy made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Fenet seconded. Investigator Marianne Sullivan was called to the stand and was sworn in. The board questioned Ms. Sullivan regarding this matter. Mr. Jones also addressed the board regarding this matter. The motion passed with opposition by Mr. Jones.

- b) **LERMA CONSTRUCTION, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Ledin Zubia was present on behalf of LERMA CONSTRUCTION, LLC and was sworn in. Ms. Zubia requested a continuance on this matter. Mr. Gallo made a motion to grant the continuance request. Mr. Graham seconded. The motion passed.

3. Matters 3a and 3b were consolidated.

- a) **F & F CONSTRUCTION COMPANY, INC.**, Memphis, Tennessee – La. R.S. 37:2158(A)(4)
b) **TONY CABRERA D/B/A TONY'S CONSTRUCTION COMPANY**, Memphis, Tennessee – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Attorney Matthew Emmons and Mike Forbis was present on behalf of F & F CONSTRUCTION COMPANY, INC. Antonio Cabrera and Osclelia Cabrera were present on behalf of TONY CABRERA D/B/A TONY'S CONSTRUCTION COMPANY. Mr. Forbis, Mr. Cabrera and Ms. Cabrera were sworn in. Mr. Emmons gave a statement to the board. Mr. Emmons entered a no contest plea. Ms. Cabrera

entered a no contest plea. Mr. Gallo made a motion to accept the pleas for both parties. Mr. Graham seconded. The motion passed. Mr. Emmons gave an additional statement to the board and presented a settlement offer to the board. Mr. Lambert made a motion to accept the settlement offer as presented. Mr. Jones seconded. The motion passed. Ms. Cabrera gave a statement to the board and presented a settlement offer to the board. Ms. Hotard made a motion to accept the settlement offer as presented with the stipulation that the company obtain its license within 90 days. Mr. Lambert seconded. The motion passed.

4. a) **LAKE DEVELOPMENT CONSTRUCTION, INC.**, Metairie, Louisiana – La. R.S. 37:2158(A)(4)
- b) **CLEARWATER OUTDOOR CREATIONS, LLC**, Covington, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations for both matters and read the settlement offers presented by LAKE DEVELOPMENT CONSTRUCTION, INC. and CLEARWATER OUTDOOR CREATIONS, LLC. Mr. Lambert made a motion to accept the settlement offer as presented for LAKE DEVELOPMENT CONSTRUCTION, INC., which included a no contest plea. Investigator James Franklin was called to the stand and was sworn in. Mr. Franklin provided testimony to the board regarding these matters. Mr. Dupuy seconded Mr. Lambert's motion. The motion passed. Mr. Dupuy made a motion to accept the settlement offer as presented for CLEARWATER OUTDOOR CREATIONS, LLC, which included a no contest plea. Mr. Lambert seconded. The motion passed.

5. a) **JVK CONSTRUCTORS, LLC**, Brentwood, Tennessee – La. R.S. 37:2158(A)(4)

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

- b) **DEAN SMITH D/B/A D & D REMODELING**, Vivian, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of DEAN SMITH D/B/A D & D REMODELING. Investigator James Franklin, who was previously sworn, was called to the stand. Mr. Franklin reviewed the exhibit packet and provided testimony to the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. The board questioned Mr. Franklin regarding this matter. Mr. Lambert made a motion to find DEAN SMITH D/B/A D & D REMODELING to be in violation. Mr. Dupuy seconded. The motion passed. Mr. Lambert made a motion to assess a \$3000 fine plus \$500 in administrative costs. Mr. Fenet seconded. The motion passed.

6. a) **ASX CONSTRUCTION, LLC**, Lafayette, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offers presented by ASX 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) **PRECISION ELECTRIC & AIR, LLC**, Vinton, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offers presented by PRECISION ELECTRIC & AIR, 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.

7. **DAVE'S SHOP ELECTRICAL AIR CONDITIONING, LLC**, Leesville, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. David Toney was present on behalf of DAVE'S SHOP ELECTRICAL AIR CONDITIONING, LLC and was sworn in. Mr. Toney entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Meredith seconded. The motion passed. Mr. Toney gave a statement regarding this matter. The board questioned Mr. Toney. Mr. Gallo made a motion to assess \$500 in administrative costs. Mr. Fenet seconded. The motion passed.

8. **LA FAMIGLIA OF SHREVEPORT, LLC**, Shreveport, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by LA FAMIGLIA OF SHREVEPORT, LLC. Mr. Lambert made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo 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. **PROTECH FIXTURE & DISPLAY LLC**, Mandeville, Louisiana – La. R.S. 37:2158(A)(3)

Ms. Evans gave a summary of the allegations. Attorney Mark Lazarre and Sharon Daigle were present on behalf of PROTECH FIXTURE & DISPLAY LLC. Ms. Daigle was sworn in. Michael Noto was also present and was sworn in. Mr. Lazarre entered a denial plea. Investigator James Franklin, who was previously sworn in, was called to the stand. Mr. Franklin reviewed the exhibit packet. Mr. Landreneau entered with the exhibit packet into evidence and it was admitted. Mr. Landreneau and Mr. Lazarre questioned Mr. Franklin. Mr. Lazarre and Mr. Landreneau questioned Ms. Daigle. Mr. Lazarre entered documents into evidence and they were admitted. Mr. Lazarre questioned Mr. Noto. Mr. Meredith made a motion to find PROTECH FIXTURE & DISPLAY LLC to be in violation. Mr. Graham seconded. The motion passed. Mr. Meredith made a motion to assess a \$1000 fine plus \$500 in administrative costs. Mr. Jones seconded. The motion passed with opposition by Mr. Badeaux.

2. **J.S. ALTIMORE, LLC**, Houston, Texas – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Attorney Jacob Huddleston was present on behalf of J.S. ALTIMORE, LLC and presented a settlement offer to the board. After discussion, the board rejected the settlement offer. Mr. Huddleston then requested a continuance. Mr. Dupuy made a motion to grant the continuance request. Mr. Gallo seconded. The motion passed.

3. **MAGNOLIA STATE CONSTRUCTION, LLC**, Alexandria, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Chris Naalbandian was present on behalf of MAGNOLIA STATE CONSTRUCTION, LLC and was sworn in. Mr. Naalbandian entered a no contest plea. Mr. Meredith made a motion to accept the plea. Mr. Gallo seconded. The motion passed. Mr. Naalbandian gave a statement to the board regarding this matter. Mr. Meredith made a motion to assess a \$1000 fine plus \$500 in administrative costs and to obtain the proper license within 90 days. Mr. Graham seconded.

4. **NOLA A/C & HEATING, LLC**, River Ridge, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by NOLA A/C & HEATING, LLC. Mr. Badeaux made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Hotard seconded. The motion passed.

OLD BUSINESS

H. REPORTS:

1. Staff Reports –Ms. Dupuy called on Mr. Alford to present the 2017 Audit Report.

Mr. Ken Alford, with Provost Salter Harper & Alford, addressed the board regarding the 2017 Audit Report and the 2017 Audited Financial Statement. Mr. Gallo made a motion to accept the 2017 Audit Report and the 2017 Audited Financial Statement as presented. Mr. Graham seconded. The motion passed.

2. Building Report – Mr. Graham had no new report.

3. Classification and Testing Report – Mr. Gallo stated that the report will be given at a later time.

4. Legislative/Rules and Regulations Report – Mr. McDuff gave a summary of the 2018 legislative session in relation to LSLBC. Mr. McDuff also provided a copy of proposed changes to be made to LSLBC’s Rules and Regulations for the board’s review.
 5. Finance Report –Mr. Dupuy presented the April financial statement and asked for a motion to approve. Mr. Lambert made a motion to accept the April financial statement as presented. Mr. Temple seconded. The motion passed.
 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 and actions of the **May 16, 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. 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. Fenet seconded. The motion passed.

Mr. Badeaux made a motion to approve and ratify the actions taken at the May 16, 2018 Residential Building Subcommittee meeting and Mr. Fenet seconded. The motion passed.

- J. 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. Mr. Dupuy continued his motion to amend the agenda to add KAP Electric, Inc. who was adding Heavy Construction to their license, and Mr. Jones seconded.

Mr. Dupuy made a motion to approve the Exemptions as listed on the agenda with the exception of Firecastle Group, LLC and Glenn Sebring Enterprises, Inc., which were denied. Mr. Dupuy continued his motion by approving the exemption of specialty classifications for Glenn Sebring Enterprises, Inc. and also adding and approving the exemption for KAP Electric, Inc. who was adding Heavy Construction to their license. Mr. Jones seconded. The motion passed.

- K. 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. Dupuy seconded. The motion passed.

- L. Consideration of additional classifications as listed and attached to the agenda. (Pages 19-22)

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

- M. Consideration of commercial applications as listed and attached to the agenda. (Pages 23-31)

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

ADJOURNMENT

Mr. Dupuy made a motion to adjourn at 11:52 a.m., and Mr. Fenet seconded. The motion passed.

Lee Mallett, Chairman

Byron E. Talbot, Secretary