

STATE LICENSING BOARD FOR CONTRACTORS

COMMERCIAL BOARD

MEETING MINUTES

May 18, 2017

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallet, on Thursday, May 18, 2017 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
- N.R. "Noah" Broussard
- Nelson A. "Andy" Dupuy, Jr.
- Courtney Fenet, Jr.
- August Gallo, Jr.
- Danny R. Graham
- Jaelyn S. Hotard
- Kenneth Jones
- Donald G. Lambert
- Garland Meredith
- Christopher N. Stuart
- Byron Talbot

Member Victor Weston was 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, Doug Traylor and John Dixon; Compliance Director, Brad Hassert; Compliance Investigators, Todd Brady, Jessica Jones, Scott Corley, William Collins, Johnny Rogers, and James Franklin; 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 **April 20, 2017** regular meeting and asked Ms. Revette to make a correction on the Minutes for April 20, 2017 to show Mr. Lambert had recused himself from agenda item E. 2b. Mr. Dupuy seconded. The motion passed.

Mr. McDuff introduced James Franklin the new investigator for the board in the Hammond area; Brooks Myers with Home Depot's Service Licensing Department; and Ronald Burrough with the Louisiana Attorney General's office.

NEW BUSINESS

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

1. Ms. Revette gave a summary of the allegations. Brandon Alexander was present on behalf of GREYSTAR CORPORATION and was sworn in. Mr. Alexander gave a statement to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Talbot made a motion to allow the company 30 days to replace the qualifying party and pass the required examinations and if the company fails to comply within the timeframe given the company's license will be automatically revoked by staff. Mr. Jones seconded. The motion passed.

2. Ms. Revette gave a summary of the allegations. No one was present on behalf of NEW SOUTH CONSTRUCTION COMPANY, INC. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Talbot made a motion to allow the company 30 days to replace the qualifying party and pass the required examinations and if the company fails to comply within the timeframe given the company's license will be automatically revoked by staff. Mr. Graham seconded. The motion passed.

D. JUDGMENTS:

1. **MOSER CONSTRUCTION, LLC**, Baton Rouge, 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. Evans gave a summary of the allegations. No one was present on behalf of MOSER CONSTRUCTION, LLC. Attorney Danielle Borel was present on behalf of the creditor, Holmes Materials, LLC. Ms. Borel stated that an 18 month payment plan has been agreed on with Moser Construction, LLC and asked this item to be removed from the agenda. Ms. Borel also asked that if the company defaults on the payment plan that the company will be brought back before the board. Mr. Jones made a motion to remove MOSER CONSTRUCTION, LLC from the agenda. Mr. Talbot seconded. The motion passed. Mr. Bankston entered the exhibit packet into evidence and it was admitted.

2. **JERRY WAYNE NOBLE**, Prairieville, 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. Evans stated that service of the hearing notice could not be confirmed and stated this matter will be continued.

E. COMPLIANCE HEARINGS:

1. **CODY KING D/B/A C&L ROOFING**, Jena, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by CODY KING D/B/A C&L ROOFING. Mr. Dupuy made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Graham seconded. The motion passed.

2. **PYLANT ROOFING, LLC**, Calhoun, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Chris Pylant was present on behalf of PYLANT ROOFING, LLC and was sworn in. Mr. Pylant entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Fenet seconded. The motion passed. Mr. Pylant gave a statement regarding this matter. Mr. Jones made a motion to assess \$500 in administrative costs only. Mr. Fenet seconded. The motion passed.

3. 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.

4. a) **GC DEVELOPMENT CORP. OF NORTH CAROLINA**, Raleigh, North Carolina – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by GC DEVELOPMENT CORP. OF NORTH CAROLINA. 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) **PMM AMERICA, INC.**, Carrollton, Georgia – La. R.S. 2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by PMM AMERICA, INC. Mr. Graham a motion to accept the settlement offer as presented, which included a contest plea. Mr. Stuart seconded. The motion passed.

5. **CASE & ASSOCIATES GENERAL CONTRACTORS**, Houston, Texas – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by CASE & ASSOCIATES GENERAL CONTRACTORS. After discussion, Mr. Lambert made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Dupuy seconded. The motion passed.

<Agenda item E. 6. was heard in conjunction to E. 5. due to the alleged violations occurring on the same project.>

6. **T & C FABRICATORS, INC.**, Kenner, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Charles Tumminello was present on behalf of T & C FABRICATORS, INC. and was sworn in. Mr. Tumminello entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Talbot seconded. The motion passed. Mr. Tumminello gave a statement to the board regarding this matter. The board questioned Mr. Tumminello. Mr. Stuart made a motion to assess \$500 in administrative costs only. Mr. Graham seconded. The motion passed. Mr. Graham seconded. The motion passed.

7. **SCOTTY LOUIS FORD, SR.**, Columbia, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations. No one was present on behalf of SCOTTY LOUIS FORD, SR. 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. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Cloutre made a motion to find SCOTTY LOUIS FORD, SR. to be in violation. Mr. Lambert seconded. The motion passed. Mr. Cloutre made a motion to assess a \$1000 fine plus \$500 in administrative costs. Mr. Gallo 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. Jones seconded. The motion passed.

OLD BUSINESS

<Matters G. 1a and 1b were heard in conjunction to E. 7. due to the alleged violations occurring on the same project.>

G. COMPLIANCE HEARINGS/CONTINUANCES:

1. a) **RUT KUTTERS MOTORSPORTS, LLC**, Vidalia, Louisiana – La. R.S. 2160(A)(1)

Ms. Evans gave a summary of the allegation and read the settlement offer presented by RUT KUTTERS MOTORSPORTS, LLC. Mr. Cloutre made a motion to deny the settlement offer as presented and countered with a settlement offer of \$1000 fine plus \$500 in administrative costs, which included a no contest plea. Mr. Gallo seconded. The motion passed.

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

Ms. Evans gave a summary of the allegations and read the settlement offers as presented by CHADWICK MURRAY D/B/A CM ELECTRIC, L.L.C. Mr. Cloutre made a motion to accept the settlement offers as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

<Prior to agenda item H. Mr. McDuff addressed the board and stated that a contractor in the audience is requested the board to open the agenda. Larry Favalora with FAVALORA CONSTRUCTORS, INCORPORATED addressed the board regarding his outstanding judgment and requested the company's license to be reinstated. Mr. Favalora was sworn in. Mr. Jones made a motion to open the agenda to this matter. Mr. Lambert seconded. The motion passed. Mr. Jones made a motion reconsider the board's action from February 16, 2017, to reinstate the license for FAVALORA CONSTRUCTORS, INCORPORATED upon proof that a payment plan has been agreed to by all parties and to allow staff to automatically revoke the company's license if the company fails to comply with the payment plan. Mr. Gallo seconded. The motion passed.

H. PRESENTATION OF AUDIT:

Mr. Ken Alford, with Provost Salter Harper & Alford, addressed the board regarding the 2016 Audit Report and the 2016 Audited Financial Statement. Mr. McDuff also addressed the board.

I. REPORTS:

1. Staff Report – Mr. McDuff had no new report.
2. Building Report –Mr. Graham stated that proposed plans for a new building for the agency is on hold for the moment.
3. Classification and Testing Report –Mr. Gallo reported that Mr. Dupuy will present the exemptions.
4. Legislative/Rules and Regulations Report – Mr. Fenet stated that a handout was given summarizing the 2017 legislative session in relation to LSLBC.
5. Finance Report – Mr. Dupuy reported on the April financial statement. Mr. Clouatre made a motion to accept the April financial statement as presented. Mr. Stuart seconded. The motion passed. Mr. Clouatre made a motion to accept the 2016 Audit Report and the 2016 Audited Financial Statement as presented. Mr. Jones seconded. The motion passed.
6. Residential Building Report – Mr. Mallett announced to the board that he will be serving as Vice Chairman and Mr. Badeaux will serve as the Chairman of the Residential Subcommittee going forward. Mr. Jones gave the report at a later time.

- J. Consideration of additional classifications for residential licenses, residential applications, home improvement registrations and residential licensure exemptions as listed and attached to the agenda, and actions of the **May 17, 2017** Residential Building Subcommittee. (Pages 4-12)

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

Mr. Jones requested the board to approve the residential applications as listed on the agenda. Mr. Gallo made a motion to approve the residential applications as listed on the agenda, and **Mr. Meredith** seconded. The motion passed.

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

Mr. Jones requested the actions taken by the Residential Subcommittee on May 17, 2017 to be approved by the board. Mr. Gallo made a motion to approve the actions taken at the May 17, 2017 Residential Building Subcommittee meeting and Mr. Graham seconded. The motion passed.

- K. Consideration of reciprocity and exemption requests as listed and attached to the agenda. (Page 13-16)

Mr. Dupuy 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. Dupuy made a motion to approve the exemptions as listed on page of the agenda with the exception of W.J.C.S GENERAL CONTRACTOR OF THE SOUTH, LLC. Mr. Dupuy also included in the motion to amend the agenda to show Daniel Wayne Davis as the qualifying party for S & W Construction Partners, LP. Mr. Gallo seconded, and the motion passed.

L. Consideration of mold remediation application as listed and attached to the agenda. (Page 17)

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

M. Consideration of additional classifications as listed and attached to the agenda. (Pages 18-19)

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

N. Consideration of commercial applications as listed and attached to the agenda. (Pages 20-29)

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

ADJOURNMENT

Mr. Stuart made a motion to adjourn at 10: 30 a.m., and Mr. Lambert seconded. The motion passed.

Lee Mallett, Chairman

Byron E. Talbot, Secretary