

STATE LICENSING BOARD FOR CONTRACTORS

COMMERCIAL BOARD

MEETING MINUTES

June 15, 2017

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallet, on Thursday, June 15, 2017 at 9:30 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
- Donald G. Lambert
- Garland Meredith
- Christopher N. Stuart
- Byron Talbot

Members Kenneth Jones 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; Larry Bankston, Board Attorney; and from the staff, Leann Evans, Brent Templet, Lowana Cola, Emma Payne, and Monica Davis; Compliance Director, Brad Hassert; Compliance Investigators, Frank Vaughn, Jr., Scott Corley, Jessie Wells, Ashleigh Scott, and Marianne Sullivan; and Tarah Revette recording the minutes.

Mr. Gallo 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 **May 18, 2017** regular meeting. Mr. Dupuy seconded. The motion passed.

Mr. McDuff introduced Ronald Burrough with the Louisiana Attorney General's office.

NEW BUSINESS

C. JUDGMENTS/QUALIFYING PARTY SUSPENSIONS:

1. **MOORE ELECTRIC, INC.**, 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. Dupuy gave a summary of the allegations. No one was present on behalf of MOORE ELECTRIC, INC. The creditor for this matter, Henry "Skip" Gill, was present and was sworn in. Mr. Gill provided testimony in this matter. Mr. Bankston entered the exhibit packets into evidence and it was admitted. Mr. Meredith made a motion to give MOORE ELECTRIC, INC. 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. Mr. Graham seconded. The motion passed

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 gave a summary of the allegations. JERRY WAYNE NOBLE was not present. Attorney Scott Frazier was present on behalf of WAYNE INDUSTRIES, LLC. Mr. Frazier addressed the board regarding this matter and asked the board to allow 90 days to replace Mr. Noble as the qualifying party for this company. Mr. Talbot made a motion to give WAYNE INDUSTRIES, LLC 90 days to replace Jerry Wayne Noble as the qualifying party for the company with a new qualifying party on the company’s license. Mr. Fenet seconded. The motion passed. Mr. Bankston entered the exhibit packet into evidence and it was admitted.

3. **THOMAS GENNUSA, III**, Metairie, 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. THOMAS GENNUSA III was present and was sworn in. Attorneys Jimmy Castex and Denise Puente were present on behalf of Thomas Gennusa III. Attorney Vallerie Oxner was present on behalf of the creditors, James and Jane Hotard. Mr. Bankston entered the exhibit packet into evidence and it was admitted without objection. Mr. Bankston gave a brief summary to the board regarding the alleged violations. Mr. Castex admitted documents into evidence and they were admitted without objection. Mr. Castex gave a statement to the board regarding this matter. Ms. Oxner also gave a statement regarding this matter. After discussion, Mr. Gennusa gave a statement. The board questioned Mr. Gennusa. James and Jane Hotard were sworn in. Mr. and Ms. Hotard provided testimony to the board. Mr. Castex and Ms. Oxner both gave closing statements. After further discussion, Mr. Lambert made a motion to dismiss this matter. Mr. Stuart seconded. The motion passed with a vote of 8 ayes and 5 nays, Mr. Talbot, Mr. Gallo, Mr. Cloutre, Ms. Hotard, and Mr. Badeaux opposed.

D. COMPLIANCE HEARINGS:

1. a) **RYAN DICHARRY CONSTRUCTION, LLC**, St. Gabriel, Louisiana – La. R.S. 37:2158 (A)(4)

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

- b) **RORY BADEAUX D/B/A BADEAUX'S PLUMBING**, Galliano, Louisiana – La. R.S. 37:2160 (A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by RORY BADEAUX D/B/A BADEAUX’S PLUMBING. Mr. Meredith made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

2. a) **A+ ELITE RV AND BOAT STORAGE, LLC**, Alexandria, Louisiana – La. R.S. 37:2160 (A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by A+ ELITE RV AND BOAT STORAGE, 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) **DISCOUNTED ROOFING, CARPORTS, AND METAL BUILDINGS, LLC**, Mansura, Louisiana – La. R.S. 2160 (A)(1).

Ms. Evans gave a summary of the allegations. No one was present on behalf of DISCOUNTED ROOFING, CARPORTS, AND METAL BUILDINGS, LLC. 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. Stuart made a motion to find DISCOUNTED ROOFING, CARPORTS, AND METAL BUILDINGS, LLC to be in violation and to assess a \$1000 fine plus \$500 in administrative costs. Mr. Fenet seconded. The motion passed.

3. a) **ELITE RETAIL SERVICES, INC.**, Lake Jackson, Texas – La. R.S. 37:2158 (A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by ELITE RETAIL SERVICES, INC. After discussion, Mr. Stuart made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

- b) **FILIBERTO PUENTE CONSTRUCTION**, Houston, Texas – La. R.S. 2160(A)(1)

This matter has been continued.

4. **LEWIS STONE, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2160 (A)(1)

Mr. Talbot recused himself from this matter. Ms. Evans gave a summary of the allegations. Shane Lewis was present on behalf of LEWIS STONE, LLC and was sworn in. Mr. Lewis entered a no contest plea. Mr. Meredith made a motion to accept the plea. Mr. Graham seconded. The motion passed. Mr. Lewis gave a statement to the board regarding this matter. The board questioned Mr. Lewis. Investigator Marianne Sullivan was called to the stand and was sworn in. Ms. Sullivan provided testimony to the board. Mr. Graham made a motion to assess a \$2000 fine plus \$500 in administrative costs and to allow the fine to be reduced to \$1000 plus \$500 in administrative costs if the company obtains a license within 60 days. Mr. Stuart seconded. The motion passed.

5. **BENGAL CONSTRUCTION COMPANY, LLC**, Gonzales, Louisiana – La. R.S. 37:2160 (A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by BENGAL CONSTRUCTION COMPANY, LLC. Mr. Dupuy made a motion to deny the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

6. **TIMOTHY JOHNSON D/B/A JOHNSON ROOFING & HOME REPAIRS**, Winnsboro, Louisiana – La. R.S. 37:2160 (A)(1)

Ms. Evans gave a summary of the allegations. Timothy Johnson was present on behalf of TIMOTHY JOHNSON D/B/A JOHNSON ROOFING & HOME REPAIRS and was sworn in. Mr. Johnson entered a no contest plea. Mr. Cloutre made a motion to accept the plea. Mr. Graham seconded. The motion passed. Mr. Johnson gave a statement to the board regarding this matter. The board questioned Mr. Johnson. Mr. Cloutre made a motion to assess a \$1000 fine plus \$500 in administrative costs and to allow the fine to be reduced to \$500 plus \$500 in administrative costs if the company obtains a license within 90 days. Mr. Graham seconded. The motion passed. Mr. Graham seconded. The motion passed.

E. STATUTORY CITATIONS R.S. 37:21621:

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

G. REPORTS:

1. Staff Report – Ms. Dupuy introduced to the board a new texting application called Text-to-Verify to help the public to verify licensure of a contractor.
2. Building Report – Mr. Dupuy stated that the board is considering upgrading the building. Mr. Dupuy made a motion to increase the Advertising budget for LSLBC by \$125,000. Mr. Talbot seconded. The motion passed. Mr. Dupuy made a motion to allow staff to move forward with putting budgets together to upgrade the LSLBC building. Mr. Gallo seconded. The motion passed.
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 out summarizing the 2017 legislative session in relation to LSLBC.
5. Finance Report – Mr. Stuart made a motion to accept the May financial statement as presented. Mr. Graham seconded. The motion passed.
6. Residential Building Report – Mr. Badeaux gave the report at a later time.

- H. 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 **June 14, 2017** Residential Building Subcommittee. (Pages 4-13)

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. Broussard seconded. The motion passed.

Mr. Badeaux made a motion to approve the actions taken at the June 14, 2017 Residential Building Subcommittee meeting and Mr. Dupuy seconded. The motion passed.

- I. Consideration of reciprocity and exemption requests as listed and attached to the agenda. (Page 14-15)

Mr. Dupuy made a motion to approve the exemptions based on Reciprocity as listed on the agenda with the exception of Diversified Construction & Design, LLC, who were only approved for Residential Building Contractor and Building Construction. Mr. Clouatre seconded. The motion passed.

Mr. Dupuy made a motion to approve the Exemptions as listed on the agenda. Mr. Clouatre seconded, and the motion passed.

- J. Consideration of mold remediation application as listed and attached to the agenda. (Page 16)

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

- K. Consideration of additional classifications as listed and attached to the agenda. (Pages 17-18)

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

- L. Consideration of commercial applications as listed and attached to the agenda. (Pages 19-26)

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

Mr. McDuff addressed the board regarding the reciprocity agreement between LSLBC and the Alabama Licensing Board for General Contractors and the possibility of ending the reciprocity agreement.

ADJOURNMENT

Mr. Clouatre made a motion to adjourn at 11:29 a.m., and Mr. Gallo seconded. The motion passed.

Lee Mallett, Chairman

Byron E. Talbot, Secretary