

# **STATE LICENSING BOARD FOR CONTRACTORS**

## **COMMERCIAL BOARD**

### **MEETING MINUTES**

**July 18, 2019**

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallett, on Thursday, July 18, 2019 at 9:59 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
- Brian J. Bordelon
- 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
- Elliott Temple
- Victor Weston

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, Carrie Morgan, Brent Templet, Elaine Riggins, Lowana Cola, Monica Davis and John Dixon; Compliance Director, Brad Hassert; Compliance Investigators, Dylan Bourg, Frank Vaughn, William Valentine, William Collins, Jessie Wells, Steve Chiasson, James Franklin, Scott Corley, Charmel Peterson, Todd Brady and Marianne Sullivan; and Tarah Revette recording the minutes.

Mr. Talbot 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 16, 2019** regular meeting. Mr. Stuart seconded. The motion passed.

Mr. Weston presented and made a motion to approve the resolution to retain and employ Landreneau and Associates, LLC as special counsel for the Board. Mr. Weston continued the motion to state that the resolution shall be effective July 1, 2019 and ending June 30, 2022. Mr. Jones seconded. The motion passed unanimously.

#### **NEW BUSINESS**

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

#### **C. JUDGMENTS:**

1. **XCEL AIR CONDITIONING SERVICES, INC.**, Mandeville, 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 707 of the Board’s Rules and Regulations

Ms. Evans gave a summary of the allegations. No one was present on behalf of XCEL AIR CONDITIONING SERVICES, INC. Attorney Teresa Copy was present on behalf of the creditor, Louisiana Controls, Inc. 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. Meredith made a motion to find XCEL AIR CONDITIONING SERVICES, INC. to be in violation, to give the company 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 suspended 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 suspended by staff. If at any time the license is suspended by staff related to this matter, staff can reinstate the license after the judgment has been paid in full. Mr. Gallo seconded. The motion passed.

2. **KSK PLUMBING & MECHANICAL LLC**, Metairie, 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 707 of the Board’s Rules and Regulations

This matter was removed from the agenda.

3. **SOUTHERN STAR CONSTRUCTION COMPANY, INC.**, Covington, 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 707 of the Board’s Rules and Regulations

Ms. Evans gave a summary of the allegations. No one was present on behalf of SOUTHERN STAR CONSTRUCTION COMPANY, INC. Attorney Taylor Eley and Cassandra Milhouse were present on behalf of the creditor, Northlake Glass, LLC. Ms. Milhouse 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 Ms. Eley. Mr. Stuart made a motion to find SOUTHERN STAR CONSTRUCTION COMPANY, INC. to be in violation, to give the company 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 suspended 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 suspended by staff. If at any time the license is suspended by staff related to this matter, staff can reinstate the license after the judgment has been paid in full. Mr. Dupuy seconded. The motion passed.

#### D. COMPLIANCE HEARINGS:

1. a) **OLYMPUS CONSTRUCTION, INC.**, Jonesboro, Arkansas – La. R.S. 37:2158(A)(4)  
b) **RICHARD AKEL D/B/A NATIONAL CONTRACT FLOORS**, Little Rock, Arkansas – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers presented by OLYMPUS CONSTRUCTION, INC. and RICHARD AKEL D/B/A NATIONAL CONTRACT FLOORS. Mr. Lambert made a motion to accept both settlement offers as presented, which both included a no contest plea. Mr. Meredith seconded. The motion passed.

2. a) **RON SPARKS INC.**, Forney, Louisiana – La. R.S. 37:2158(A)(4)

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

- b) **RODEZ CONTRACTORS CO. INC.**, Houston, Texas – La. R.S. 37:2160 (A)(1)

Ms. Evans gave a summary of the allegations. Angel Rodriguez was present on behalf of RODEZ CONTRACTORS CO. INC. and was sworn in. Mr. Rodriguez entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Meredith seconded. The motion passed. Mr. Rodriguez gave a statement to the board regarding this matter. After discussion, Mr. Meredith made a motion to assess \$1000 in administrative costs and to allow the administrative costs to be reduced to \$500 if the company obtains a proper license within 60 days. Mr. Gallo seconded. The motion passed.

3. Matters 3a – 3e were consolidated.

a) **DEVIER ENTERPRISES LLC**, Mandeville, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by DEVIER ENTERPRISES LLC. Mr. Temple made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Broussard seconded. The motion passed.

b) **ADVANCED PROJECT SOLUTIONS, LLP**, Madison, Wisconsin – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by ADVANCED PROJECT SOLUTIONS, LLP. Mr. Lambert made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Stuart seconded. The motion passed.

c) **NET, INC. D/B/A NETWORK ENGINEERING TECHNOLOGIES**, Middleton, Wisconsin – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by NET, INC. D/B/A NETWORK ENGINEERING TECHNOLOGIES. Mr. Stuart made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Lambert seconded. The motion passed.

d) **CHAMPION ALARMS AND SURVEILLANCE, L.L.C.**, Mandeville, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Darren Dimaggio was present on behalf of CHAMPION ALARMS AND SURVEILLANCE, L.L.C. and was sworn in. After discussion, Mr. Dimaggio entered a no contest plea. Mr. Talbot made a motion to accept the plea. Mr. Graham seconded. After discussion, the motion passed. Investigator Frank Vaughn was called to the stand and was sworn in. Mr. Vaughn reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. After discussion, Mr. Weston made a motion to assess \$500 in administrative costs and to allow the administrative costs to be reduced to zero if the company obtains a proper license within 60 days. Mr. Meredith seconded. The motion passed.

e) **DOUGLAS STAFFORD D/B/A DS TELECOMMUNICATIONS**, Walker, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by DOUGLAS STAFFORD D/B/A DS TELECOMMUNICATIONS. Mr. Lambert made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

4. a) **ROSEHILL CONSTRUCTION, L.L.C.**, Baton Rouge, Louisiana – La. R.S. 37:2158(A)(4)

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

b) **ALLIED FIRE PROTECTION, LP**, Pearland, Texas – La. R.S. 2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by ALLIED FIRE PROTECTION, LP. Mr. Graham made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Temple seconded. The motion passed.

5. a) **CANNON MEDICAL, INC.**, Kenner, Louisiana – La. R.S. 37:2158(A)(4)

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

- b) **ROBERT C. FRUCHTNICHT, II D/B/A ADVANCE PLUMBING CO.**, Ponchatoula, Louisiana – La. R.S. 2160(A)(1)

Ms. Evans gave a summary of the allegations. Robert Fruchtnicht was present on behalf of ROBERT C. FRUCHTNICHT, II D/B/A ADVANCE PLUMBING CO. and was sworn in. Mr. Fruchtnicht entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Temple seconded. The motion passed. Mr. Fruchtnicht gave a statement to the board regarding this matter. Mr. Lambert made a motion to assess no penalty. Mr. Talbot seconded. The motion passed with opposition from Mr. Badeaux.

6. **MONTIE O'NEAL D/B/A O'NEAL ROOFING**, Midlothian, Texas – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by MONTIE O'NEAL D/B/A O'NEAL ROOFING. Mr. Weston made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Dupuy seconded. The motion passed.

7. a) **JESSUP CONSTRUCTION LLC**, Pineville, Louisiana – La. R.S. 37:2158(A)(4)

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

- b) **SCOTT MICHAEL GUIDROZ**, Lockport, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. SCOTT MICHAEL GUIDROZ was present and was sworn in. Mr. Guidroz entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Temple seconded. The motion passed. Mr. Landreneau questioned Mr. Guidroz. The board questioned Mr. Guidroz. After discussion, Mr. Talbot made a motion to assess \$500 in administrative costs and to allow the administrative costs to be reduced to zero if Mr. Guidroz obtains a proper license within 90 days. Mr. Gallo 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. Clouatre seconded. The motion passed.

#### OLD BUSINESS

#### F. COMPLIANCE HEARINGS/CONTINUANCES:

1. **HAROLD MICHAEL THIAVILLE D/B/A ELECTRONIC SYSTEMS & SECURITY, L.L.C.**, Gretna, Louisiana – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by HAROLD MICHAEL THIAVILLE D/B/A ELECTRONIC SYSTEMS & SECURITY, L.L.C. After discussion, Mr. Dupuy made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Fenet seconded. The motion passed with opposition from Mr. Stuart.

2. **COLE SELECT SERVICES, LLC**, Vivian, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of COLE SELECT SERVICES, LLC. Investigator William Collins was called to the stand and was sworn in. Mr. Collins reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Meredith made a motion to find COLE SELECT SERVICES, LLC to be in violation. Mr. Lambert seconded. The motion passed. Mr. Meredith made a motion to assess a \$1500 fine plus \$500 in administrative costs, to allow the fine to be reduced to \$500 plus \$500 in administrative costs if the company obtains a proper license within 60 days and to notify the State Plumbing Board of Louisiana of this matter. Mr. Graham seconded. The motion passed with opposition from Mr. Gallo, Mr. Badeaux and Mr. Weston.

3. **GABRIEL SPENCER D/B/A ACCURATE ROOF SYSTEMS**, Flint, Texas – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of GABRIEL SPENCER D/B/A ACCURATE ROOF SYSTEMS. Investigator William Valentine was called to the stand and was sworn in. Mr. Valentine reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Temple made a motion to find GABRIEL SPENCER D/B/A ACCURATE ROOF SYSTEMS to be in violation. Mr. Jones seconded. The motion passed. Mr. Temple made a motion to assess the maximum fine plus \$500 in administrative costs. Mr. Gallo seconded. The motion passed.

**G. APPLICATIONS; ADDITIONAL CLASSIFICATIONS; RECIPROCITY**

1. Residential Building Report – Mr. Badeaux gave the report at a later time.
2. Consideration of additional classifications for residential licenses, residential applications, home improvement registrations and actions of the **July 17, 2019** Residential Building Subcommittee. (Pages 5-20)

Mr. Badeaux made a motion to approve the additional classifications for residential licenses as listed on the agenda, and Mr. Talbot 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. Jones seconded. The motion passed.

Mr. Badeaux made a motion to approve and ratify the actions taken at the July 17, 2019 Residential Building Subcommittee meeting and Mr. Jones seconded. The motion passed.

3. Consideration of reciprocity and exemption requests as listed and attached to the agenda. (Pages 21-25)

Based on Staff recommendations, Mr. Dupuy made a motion to approve the exemptions based on Reciprocity as listed on the agenda. Mr. Weston seconded. The motion passed.

Based on Staff recommendations, Mr. Dupuy made a motion to approve the Exemptions as listed on the agenda with the exception of Bertucci Bros Plumbing, LLC and Christopher Kevin Evans. Bertucci Bros Plumbing, LLC and Christopher Kevin Evans will be required to take the examination(s). Mr. Weston seconded. The motion passed.

4. Consideration of mold remediation application as listed and attached to the agenda. (Page 26)

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

5. Consideration of additional classifications as listed and attached to the agenda. (Pages 27-31)

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

6. Consideration of commercial applications as listed and attached to the agenda. (Pages 32-49)

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

**H. REPORTS:**

1. Staff Reports –Ms. Dupuy had no new report.
2. Building Report – Mr. Graham had no report but commented regarding the hearing room’s audio system.

3. Legislative/Rules and Regulations Report – Mr. Fenet gave a summary of the 2019 legislative session in relation to LSLBC.
4. Finance Report – Mr. Dupuy asked for a motion to accept the financial statement for the period ending June 30, 2019 as presented. Mr. Weston made a motion to accept the financial statement for the period ending June 30, 2019 as presented. Mr. Stuart seconded. The motion passed.

**ADJOURNMENT**

Ms. Hotard made a motion to adjourn at 11:09 a.m., and Mr. Jones seconded. The motion passed.

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Lee Mallett, Chairman

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Byron E. Talbot, Secretary