

# **STATE LICENSING BOARD FOR CONTRACTORS**

## **COMMERCIAL BOARD**

### **MEETING MINUTES**

**August 15, 2019**

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallett, on Thursday, August 15, 2019 at 9:32 a.m. at 600 North Street, Baton Rouge, Louisiana.

Members of the Board present:

- Lee Mallett, Chairman
- William J. Cloutre, 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
- Jaclyn S. Hotard
- Kenneth Jones
- Donald G. Lambert
- Garland Meredith
- Christopher N. Stuart
- Byron Talbot
- Victor Weston

Members Elliott Temple and Jaclyn S. Hotard were absent during roll call; however, Ms. Hotard arrived later in the meeting. Finding a quorum present, the regular order of business began.

Also attending the meeting were: Michael B. McDuff, Executive Director; 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, Nathan Rawls, William Collins, James Franklin, Dylan Bourg, Steve Chiasson; 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 **July 15, 2019** regular meeting. Mr. Meredith seconded. The motion passed.

Mr. Hassert introduced guest Ken Naquin with the Louisiana Associated General Contractors and Sean Beavers, who is a new Compliance Investigator with the board.

Mr. Weston presented and made a motion to approve the resolution to retain and employ Taylor, Porter, Brooks & Phillips, L.L.P. as special counsel for the Board. Mr. Weston continued the motion to state that the resolution shall be effective August 15, 2019 and ending August 14, 2020. Mr. Dupuy seconded. The motion passed unanimously.

### **NEW BUSINESS**

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

### **C. JUDGMENTS:**

1. **MAURICIO AND SONS PLUMBING LLC**, Kenner, 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 MAURICIO AND SONS PLUMBING LLC. Attorney Matthew R. Emmons was present on behalf of the creditor, Ferguson Enterprises, 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 Mr. Emmons. Mr. Emmons gave a statement to the board. Mr. Fenet made a motion to find MAURICIO AND SONS PLUMBING LLC 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. Graham seconded. The motion passed.

2. **FAVALORA CONSTRUCTORS, INCORPORATED**, Kenner, 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. Laurence Favalora was present on behalf of FAVALORA CONSTRUCTORS, INCORPORATED and was sworn in. Attorney Jesse Lagarde was present on behalf of the creditor, Howard Pile Driving Company, 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. Favalora also gave a statement to the board. Mr. Lagarde gave a statement to the board. Mr. Graham made a motion to find FAVALORA CONSTRUCTORS, INCORPORATED 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. Talbot seconded. The motion passed.

3. **GEO COMPANY, LLC**, New Orleans, 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 GEO COMPANY, LLC. 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. Meredith made a motion to find GEO COMPANY, LLC 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.

#### D. COMPLIANCE HEARINGS:

1. a) **SUPERSHINE POWERWASHING LLC**, Chalmette, Louisiana – La. R.S. 37:2160(A)(1)  
b) **CEA BUILDERS LLC**, Orlando, Florida – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations for matters 1a and 1b. No one was present on behalf of SUPERSHINE POWERWASHING LLC. No one was present on behalf of CEA BUILDERS LLC. Investigator Steve Chiasson was called to the stand and was sworn in. Mr. Chiasson reviewed the exhibit packets for both matters and provided testimony for the board. Mr. Landreneau entered the exhibit packets for both matters into evidence and they were admitted. Mr. Gallo made a motion to find SUPERSHINE POWERWASHING LLC and CEA BUILDERS LLC to be in violation. Mr. Stuart seconded. The motion passed. Mr. Weston made a motion to assess the maximum fine plus \$500 in administrative costs and to issue a cease and desist order for each company. Mr. Gallo seconded. The motion passed.

2. a) **CHAD M. KIMBLE**, Meraux, Louisiana – La. R.S. 37:2158(A)(5)

Ms. Evans gave a summary of the allegations. CHAD M. KIMBLE was present and was sworn in. Mr. Kimble entered a no contest plea. Mr. Meredith made a motion to accept the plea. Mr. Stuart seconded. The motion passed. Mr. Kimble gave a statement to the board. Mr. Stuart made a motion to assess an administrative penalty of a \$1000 fine plus \$500 in administrative costs. Mr. Meredith seconded. The motion passed.

- b) **RONALD CONTRERAS**, Poplarville, Mississippi – La. R.S. 37:2160(A)(1)

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

Ms. Evans stated that the agenda needed a correction regarding Matter 3a. Ms. Evans stated that matter 3a should be for the Prien Lake Charles Storage Project in the amount of \$300,000.00 and the company was from Baytown, Texas.

3. a) **LANDMARK INTEREST CORPORATION OF TEXAS**, Baytown, Texas – La. R.S. 37:2158(A)(4), 2 counts  
b) **MCCLINTOCK CORPORATION**, Houston, Texas – La. R.S. 37:2160(A)(1)  
c) **VPRO ELECTRIC, LLC**, Humble, Texas – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers presented by LANDMARK INTEREST CORPORATION OF TEXAS; MCCLINTOCK CORPORATION and VPRO ELECTRIC, LLC. Attorney Matthew R. Emmons was present on behalf of MCCLINTOCK CORPORATION and gave a statement to the board. Mr. Stuart made a motion to accept the settlement offers for all three companies as presented, which all offers included a no contest plea. Mr. Meredith seconded. The motion passed.

Mr. Graham recused himself from Matters 4a and 4b.

4. a) **B.A.S. CONSTRUCTION CO., INC.**, Ruston, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by B.A.S. CONSTRUCTION CO., INC. Mr. Meredith made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Lambert seconded. The motion passed.

- b) **GENTRY & HOLDER FLOORS, INC.**, Frierson, Louisiana – La. R.S. 2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of GENTRY & HOLDER FLOORS, INC. Investigator Scott Corley was called to the stand and was sworn in. Mr. Corley reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Talbot made a motion to find GENTRY & HOLDER FLOORS, INC. to be in violation, to assess the maximum fine plus \$500 in administrative costs. Mr. Gallo seconded. The motion passed with opposition from Mr. Stuart and Mr. Fenet.

5. **CITADEL BUILDERS, L.L.C.**, Metairie, Louisiana – La. R.S. 37:2158(A)(4)

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

6. a) **STEPHEN A. RICE D/B/A SWEET PEA FAMILY ROOFING CO.**, Baton Rouge, Louisiana – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of STEPHEN A. RICE D/B/A SWEET PEA FAMILY ROOFING CO. Investigator Marianne Sullivan was called to the stand and was sworn in. Ms. Sullivan reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was

admitted. Mr. Gallo made a motion to find STEPHEN A. RICE D/B/A SWEET PEA FAMILY ROOFING CO. to be in violation. Mr. Talbot seconded. The motion passed. Mr. Weston made a motion to assess an administrative penalty of a \$1000 fine plus \$500 in administrative costs. Mr. Dupuy seconded. The motion passed.

- b) **HERMEN ROMERO**, Baton Rouge, Louisiana – La. R.S. 37: 2160(A)(1)

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

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

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

7. **CAMERON MOORE CONSTRUCTION, LLC**, 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 CAMERON MOORE 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.

8. **GREEN SOLAR TECHNOLOGIES LOUISIANA, INC.**, New Orleans, Louisiana – La. R.S. 37:2158(A)(2) and (10)

Ms. Evans gave a summary of the allegations. Ms. Evans gave a summary of the allegations and read the settlement offer presented by GREEN SOLAR TECHNOLOGIES LOUISIANA, INC. Mr. Gallo made a motion to accept the settlement offer as presented, which included a no contest plea, the company voluntarily surrendered their license and agreed to not reapply for a new license for at least one year. Mr. Stuart seconded. The motion passed.

9. a) **SODEXO CONSTRUCTION, INC.**, Bowling Green, Kentucky – La. R.S. 37:2158(A)(4), 2 Counts

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

- b) **NOUVEAU CONSTRUCTION AND TECHNOLOGY SERVICES**, Carrollton, Texas – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by NOUVEAU CONSTRUCTION AND TECHNOLOGY SERVICES. Mr. Graham made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

- c) **WILSON CONCRETE CONSTRUCTION, LLC**, Natchitoches, Louisiana – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of WILSON CONCRETE CONSTRUCTION, 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. The board questioned Mr. Collins. Mr. Talbot made a motion to find WILSON CONCRETE CONSTRUCTION, LLC to be in violation. Mr. Talbot seconded. The motion passed. Investigator Scott Corley, who was previously sworn, was also called to the stand. Mr. Corley provided testimony to the board. After discussion, Mr. Graham made a motion to assess the maximum fine plus \$500 in administrative costs and issued a cease and desist order. Mr. Talbot seconded. The motion passed.

10. a) **STOA CONSTRUCTION, L.L.C.**, Hammond, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by STOA CONSTRUCTION, L.L.C. 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) **PINNACLE EXTERIOR CONSTRUCTION LLC**, Baton Rouge, Louisiana – La. R.S. 37:2160(A)(1)

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

11. **PRO COMM CONSTRUCTION GROUP, L.L.C.**, Luling, Louisiana – La. R.S. 37: 2158(A)(3) and Rules and Regulations of the Board Section 135(A)

Ms. Evans gave a summary of the allegations. Stephen Keys was present on behalf of PRO COMM CONSTRUCTION GROUP, L.L.C. and was sworn in. Mr. Keys entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Talbot seconded. The motion passed. Mr. Keys gave a statement to the board. Investigator Todd Brady was called to the stand and was sworn in. Mr. Brady provided testimony for the board regarding this matter. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Weston made a motion to assess an administrative penalty of a \$1000 fine plus \$500 in administrative costs and to allow the company to provide the requested documents to the board within 30 days or the company's license will be suspended. Mr. Meredith seconded. The motion passed.

12. **BAD IDEA LLC**, Eunice, Louisiana – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by BAD IDEA 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.

13. **BRANIFF CONSTRUCTION, L.L.C.**, Lafayette, Louisiana – La. R.S. 37: 2160(A)(1)

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

#### E. 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

#### F. COMPLIANCE HEARINGS/CONTINUANCES:

1. **SULLIVAN LAMAUR MICHAEL**, Gretna, Louisiana – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations. SULLIVAN LAMAUR MICHAEL was present and was sworn in. Mr. Michael entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Stuart seconded. The motion passed. Mr. Michael gave a statement to the board. After discussion, Mr. Gallo made a motion to dismiss the matter and to not assess an administrative penalty. Mr. Fenet seconded. The motion passed with opposition from Mr. Badeaux.

2. **TURN KEY REALTY, L.L.C.**, Vivian, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Claudia Haupt was present on behalf of TURN KEY REALTY, L.L.C. and was sworn in. Ms. Haupt entered a denial plea. Investigator Dylan Bourg was called to the stand and was sworn in. Mr. Bourg 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. Haupt. The board questioned Ms. Haupt. Ms. Haupt changed her initial denial plea to a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Lambert seconded. The motion passed. Mr. Lambert made a motion to not assess an administrative penalty. Mr. Jones seconded. The motion passed with opposition from Mr. Badeaux.

#### **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 **August 14, 2019** Residential Building Subcommittee. (Pages 5-12)

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. Jones seconded. The motion passed.

Mr. Badeaux made a motion to approve and ratify the actions taken at the August 14, 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 13-15)

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 Thornville Services Inc and White Star Commercial, Inc. Thornville Services Inc and White Star Commercial, Inc. 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 16)

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

5. Consideration of additional classifications as listed and attached to the agenda. (Pages 17-19)

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

6. 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.

#### **H. REPORTS:**

1. Staff Reports –Ms. Dupuy had no new report.
2. Building Report – Mr. Graham had no new report. The board members discussed the board room’s new audio system and issues to be corrected.
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 July 31, 2019 as presented. Mr. Gallo made a motion to accept the financial statement for the period ending July 31, 2019 as presented. Mr. Jones seconded. The motion passed.

**ADJOURNMENT**

Mr. Weston made a motion to adjourn at 11:03 a.m., and Mr. Fenet seconded. The motion passed.

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Lee Mallett, Chairman

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Byron E. Talbot, Secretary