

STATE LICENSING BOARD FOR CONTRACTORS

COMMERCIAL BOARD

MEETING MINUTES

September 19, 2019

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallett, on Thursday, September 19, 2019, at 9:33 a.m. at 600 North Street, Baton Rouge, Louisiana.

Members of the Board present:

- Lee Mallett, Chairman
- William J. Clouatre, Vice Chairman
- Lloyd "Chip" Badeaux
- N.R. "Noah" Broussard
- Nelson A. "Andy" Dupuy, Jr.
- August Gallo, Jr.
- Kenneth Jones
- Donald G. Lambert
- Garland Meredith
- Christopher N. Stuart
- Elliott Temple
- Victor Weston

Members Brian J. Bordelon, Courtney Fenet, Jr., Danny R. Graham, Jaclyn S. Hotard and Byron Talbot 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, Carrie Morgan, Brent Templet, Elaine Riggins, Lowana Cola, Deidra Robey and John Dixon; Compliance Director, Brad Hassert; Compliance Investigators, Bobbie Hughes, Nathan Rawls, William Collins; and Tarah Revette recording the minutes.

Mr. Clouatre 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 **August 15, 2019** regular meeting. Mr. Stuart seconded. The motion passed.

Mr. McDuff introduced guest Alex Reinboth with the Louisiana Attorney General's Office and Rudy Babin and Norrie Falgout with the Louisiana Department of Insurance. Mr. McDuff also introduced guests Dr. Willie Smith (Chancellor), Todd Dozier (Dean of Business) and Tim Dykes with Baton Rouge Community College; Dr. F. King Alexander (LSU President), Dr. Charles "Chuck" Berryman (LSU Chairman, Construction Management), Elizabeth Green, Stephanie Heumann, and Travis Blair with Louisiana State University; Art Favre with Performance Contractors; and Ken Naquin and Michael Demouy with Louisiana Associated General Contractors.

Mr. Weston provided an update to the Board regarding the voluntary contributions made last week from the Construction Education Trust Fund (CETF) to ULM (University of Louisiana at Monroe) and Louisiana Tech University. Mr. Weston presented the CETF contribution to Baton Rouge Community College and LSU who were present. Dr. Smith, Dr. Alexander and Dr. Berryman addressed and thanked the board for the CETF contribution. Mr. Mallett made remarks to the board and audience regarding the construction industry.

NEW BUSINESS

Judy Dupuy, Board Administrator; Leann Evans and Brad Hassert with the Compliance Department were sworn in.

C. **QUALIFYING PARTY HEARINGS** – La. R.S. 37:2156.1, Sec. 113 Rules and Regulations of the Board.

1. **ANCON MARINE, INC.**, Carson, CA (CL 63927)

Ms. Dupuy gave a summary of the allegations. No one was present on behalf of ANCON MARINE, INC. Ms. Dupuy reviewed the exhibit packet and provided testimony to the board. Mr. Landreneau entered the exhibit packet into to evidence and it was admitted. Mr. Gallo made a motion to allow the company 30 days to add a qualifying party to the license, which includes meeting all requirements, and if the matter is not resolved within the timeframe given to allow staff to automatically suspend the license. Mr. Jones seconded. The motion passed.

D. **JUDGMENTS:**

1. **HANSEL L. TEMPLE**, Baton Rouge, 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 HANSEL L. TEMPLE. Attorney Creighton Abadie was present on behalf of the creditor, Coburn Supply 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. Landreneau questioned Mr. Abadie. Mr. Abadie gave a statement to the board. Mr. Gallo made a motion to find HANSEL L. TEMPLE 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.

E. **COMPLIANCE HEARINGS:**

1. **SOUTHERN FINISHERS ENTERPRISES LLC**, Cumming, Georgia – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of SOUTHERN FINISHERS ENTERPRISES LLC. Investigator Nathan Rawls was called to the stand and was sworn in. Mr. Rawls 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 SOUTHERN FINISHERS ENTERPRISES LLC 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 and to issue a cease and desist order. Mr. Jones seconded. The motion passed.

2. **HENRY'S AIR CONDITIONING AND HEATING SERVICE, LLC**, Opelousas, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer submitted by HENRY'S AIR CONDITIONING AND HEATING SERVICE, LLC. Mr. Gallo made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Stuart seconded. The motion passed.

3. **MANUEL LOPEZ D/B/A LOPEZ REMODELING**, Lake Charles, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer submitted by MANUEL LOPEZ D/B/A LOPEZ REMODELING. 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) **JOE R. JONES CONSTRUCTION, INC.**, Weatherford, Texas – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer submitted by JOE R. JONES CONSTRUCTION, INC. Mr. Temple made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

- b) **GENESIS FIRE PROTECTION, INC.**, Seagoville, Texas – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer submitted by GENESIS FIRE PROTECTION, 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.

5. a) **WESTWARD ENTERPRISE LLC**, Baton Rouge, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer submitted by WESTWARD ENTERPRISE LLC. 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) **ANDRE'S AIR & HEAT LLC**, Baton Rouge, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Danny Tutt was present on behalf of ANDRE'S AIR & HEAT LLC and was sworn in. Mr. Tutt entered a no contest plea. Mr. Broussard made a motion to accept the plea. Mr. Stuart seconded. The motion passed. Mr. Tutt gave a statement to the board. Mr. Broussard made a motion to assess an administrative penalty of a \$1000 fine plus \$500 in administrative costs and to allow the administrative penalty will be reduced to \$500 in administrative costs only if the company to obtain a license within 90 days. Mr. Jones seconded. The motion passed.

6. Matters 6a – 6c were consolidated.

- a) **CORBIN MANAGEMENT GROUP, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2167(A) and 2185(A)

Ms. Evans gave a summary of the allegations. Troy Corbin was present on behalf of CORBIN MANAGEMENT GROUP, LLC and was sworn in. Mr. Corbin entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Temple seconded. The motion passed. Mr. Corbin gave a statement to the board. Mr. Badeaux made a motion to assess an administrative penalty of a \$1000 fine plus \$500 in administrative costs and to allow the administrative penalty will be reduced to a \$500 fine plus \$500 in administrative costs if the company to obtain a proper license within 120 days. Mr. Gallo seconded. The motion passed.

- b) **HOFFMANN'S ELECTRIC, LLC**, Kenner, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer submitted by HOFFMANN'S ELECTRIC, LLC. Mr. Jones made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Temple seconded. The motion passed.

- c) **EDDIE VAUGHN D/B/A DREAM BUILDERS**, Baton Rouge, Louisiana – La. R.S. 37:2175.3(A)(1)

Ms. Evans gave a summary of the allegations. Eddie Vaughn was present on behalf of EDDIE VAUGHN D/B/A DREAM BUILDERS and was sworn in. Mr. Vaughn entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Temple seconded. The motion passed. Mr. Vaughn gave a statement to the board. Mr. Badeaux made a motion to assess an administrative penalty of a \$500 fine plus \$500 in administrative costs and to allow the administrative penalty will be reduced to \$500 in administrative costs only if the company to obtain a proper license within 120 days. Mr. Jones seconded. The motion passed.

7. **AMBER CONSTRUCTION COMPANY, INC.**, Lake Arthur, Louisiana – La. R.S. 37:2158(A)(4)

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

8. a) **BERRY CONSTRUCTION CO., INC. OF TENNESSEE**, Chattanooga, Tennessee – La. R.S. 37:2158(A)(4)

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

- b) **KNIGHT SIGN INDUSTRIES, INC.**, Tuscaloosa, Alabama – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer submitted by KNIGHT SIGN INDUSTRIES, INC. Mr. Gallo made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Temple seconded. The motion passed.

9. **CHESTER ROY HOLLINS**, Bossier City, Louisiana – La. R.S. 37: 2158(A)(5)

Ms. Evans gave a summary of the allegations. CHESTER ROY HOLLINS was present and was sworn in. Mr. Hollins entered a no contest plea. Mr. Lambert made a motion to accept the plea. Mr. Meredith seconded. The motion passed. Mr. Hollins gave a statement to the board. The board questioned Mr. Hollins. Mr. Weston made a motion to assess the maximum fine plus \$500 in administrative costs. Mr. Weston continued the motion to state that if Mr. Hollins has any violations with the board within the next eighteen (18) months to allow staff to automatically revoke Mr. Hollins license. Mr. Badeaux seconded. The motion passed.

F. STATUTORY CITATIONS:

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

OLD BUSINESS

G. REQUEST FOR REHEARING:

1. **RYTAM CONSTRUCTION SERVICES, INC.**, Harvey, Louisiana – La. R.S. 37:2167(B)(1), 16 Counts

Ms. Evans gave a summary of the allegations. Whitney Dickerson was present on behalf of RYTAM CONSTRUCTION SERVICES, INC. and was sworn in. Mr. Landreneau addressed the board and stated that Mr. Dickerson had requested a reconsideration of penalty and not a rehearing request. Mr. Dickerson stated that he is maintaining his previous no contest plea from the hearing held on August 14, 2019. After discussion, Mr. Gallo made a motion to grant the reconsideration of penalty request. Mr. Stuart seconded. The motion passed with opposition from Mr. Weston. Compliance Director Brad Hassert, who was previously sworn, was called to the stand. Mr. Hassert 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. Dickerson and Mr. Hassert. Mr. Dickerson gave a statement to the board and stated that he does not dispute the records or any of Mr. Hassert's testimony. After discussion, Mr. Stuart made a motion to ratify the administrative penalty assessed at the August 14, 2019 Residential Subcommittee meeting, which was a \$6000 fine plus \$1000 in administrative costs, and to allow the license to be reinstated once the administrative penalty is paid in full. Mr. Gallo seconded. The motion passed.

2. **GENTRY & HOLDER FLOORS, INC.**, Frierson, Louisiana – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations and the previous action taken by the board. Ms. Evans stated that staff has requested the rehearing for this matter and read the settlement offer submitted by GENTRY & HOLDER FLOORS, INC. Mr. Jones made a motion to grant the rehearing request and to accept the settlement offer as presented, which included a no contest plea. Mr. Temple seconded. The motion passed.

H. APPLICATIONS; ADDITIONAL CLASSIFICATIONS; RECIPROCITY

1. Residential Building Report – Mr. Temple gave the report at a later time.

2. Consideration of additional classifications for residential licenses, residential applications, home improvement registrations and actions of the **September 18, 2019** Residential Building Subcommittee. (Pages 5-13)

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

Mr. Temple made a motion to approve the residential applications as listed on the agenda, and Mr. Badeaux seconded. The motion passed.

Mr. Temple made a motion to approve the home improvement applications as listed on the agenda, and Mr. Badeaux seconded. The motion passed.

Mr. Temple made a motion to approve and ratify the actions taken at the September 18, 2019 Residential Building Subcommittee meeting and Mr. Badeaux seconded. The motion passed.

3. Consideration of reciprocity and exemption requests as listed and attached to the agenda. (Pages 14-16)

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

Based on Staff recommendations, Mr. Dupuy made a motion to approve the Exemptions as listed on the agenda. Mr. Jones seconded. The motion passed.

4. 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. Meredith seconded. The motion passed.

5. 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. Meredith seconded. The motion passed.

6. Consideration of commercial applications as listed and attached to the agenda. (Pages 20-31)

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

I. REPORTS:

1. Staff Reports – Ms. Dupuy stated that two handouts were provided, the 2020 Board Meeting Schedule, and the Itinerary for the Commercial Meeting on November 21, 2019. Ms. Dupuy also introduced Deidra Robey, who is a new staff member in the Applications Department.
2. Building Report – There was no new report.
3. Legislative/Rules and Regulations Report – There was no new report.
4. Finance Report – Mr. Dupuy asked for a motion to accept the financial statement for the period ending August 31, 2019 as presented. Mr. Weston made a motion to accept the financial statement for the period ending August 31, 2019 as presented. Mr. Broussard seconded. The motion passed.

ADJOURNMENT

Mr. Dupuy made a motion to adjourn at 10:50 a.m., and Mr. Stuart seconded. The motion passed.

Lee Mallett, Chairman

Byron E. Talbot, Secretary