

STATE LICENSING BOARD FOR CONTRACTORS

COMMERCIAL BOARD

MEETING MINUTES

September 20, 2018

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallett, on Thursday, September 20, 2018 at 9:41 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.
- Danny R. Graham
- Jaclyn S. Hotard
- Kenneth Jones
- Donald G. Lambert
- Garland Meredith
- Christopher N. Stuart
- Byron Talbot
- Elliott L. Temple
- Victor Weston

Members Courtney Fenet, Jr. and August Gallo, Jr. 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, Elaine Riggins, Wendy Loup, Lowana Cola, Monica Davis, Carrie Morgan, Maranda Legaux and John Dixon; Compliance Director, Brad Hassert; Compliance Investigators, Frank Vaughn, Johnny Rogers, Jessica Jones, Marianne Sullivan, James Franklin, William Valentine, Scott Corley and Dylan Bourg; and Tarah Revette recording the minutes.

Mr. Donald G. Lambert 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 16, 2018** regular meeting. Mr. Broussard seconded. The motion passed.

Mr. Hassert introduced guests Alex Reinboth with the Louisiana Attorney General's Office; Ken Naquin, Michael Demoux and Loren Fair with Louisiana Associated General Contractors; Baton Rouge Community College Chancellor Dr. Larissa Littleton-Steib, BRCC Construction Program Manager Tim Dykes, Vice Chancellor Philip Smith and Rob Liles of BRCC. Mr. Weston spoke about the voluntary contributions to the Baton Rouge Community College Construction Management Program. Dr. Steib and Mr. Dykes addressed the board.

NEW BUSINESS

C. QUALIFYING PARTY HEARINGS:

1. **R & R HEATING AND COOLING, LLC**, West Monroe, Louisiana – La. R.S. 37:2156.1, Sec. 103 Rules and Regulations of the Board

Ms. Judy Dupuy gave a summary of the allegations. Ms. Dupuy stated the agenda needed to be corrected to state R & R HEATING AND COOLING, LLC had Business and Law and Mechanical Work (Statewide) classifications.

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

Mr. Landreneau questioned Ms. Dupuy. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Talbot made a motion to allow R & R HEATING AND COOLING, LLC 30 days to add a qualifying party, to complete the required exams and to allow staff to automatically suspend the license if the qualifying party and the exams are not passed within the timeframe given. Mr. Jones seconded. The motion passed.

D. JUDGMENTS:

1. **HOLLY CONSTRUCTION, LLC**, 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 115 of the Board’s Rules and Regulations

Ms. Evans gave a summary of the allegations. No one was present on behalf of HOLLY CONSTRUCTION, LLC. Ms. Evans received notice from Attorney Andrew Morrell, representing HOLLY CONSTRUCTION, LLC that a payment plan had been entered into with creditor JOAN MURPHY. Ms. Murphy was called to the stand, sworn in and provided testimony. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Talbot made a motion to give HOLLY’S CONSTRUCTION, LLC 30 days to pay the judgment. If these terms are not satisfied within 30 days, the license will be automatically revoked by staff. Mr. Stuart seconded. The motion passed.

E. COMPLIANCE HEARINGS:

1. **AMERICAN CONSTRUCTION MANAGEMENT SERVICES, INC.**, Metairie, Louisiana – La. R.S. 37:2158(A)(4)

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

2. a) **ABRAMS GROUP CONSTRUCTION, LLC**, Pace, Florida – La. R.S. 37:2158(A)(4)
b) **THE SEWELL GROUP, LLC**, Eufaula, Alabama – La. R.S. 37:2160(A)(1)
c) **WSB CONSTRUCTOR’S INC.**, Hahira, Georgia – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations for matters 2a – 2c. Ms. Evans read the settlement offers to the board presented by ABRAMS GROUP CONSTRUCTION, LLC; THE SEWELL GROUP, LLC and WSB CONSTRUCTOR’S INC. Mr. Meredith made a motion to accept the settlement offers as presented for matters 2a – 2c, which all included no contest pleas. Mr. Gallo seconded. The motion passed.

3. a) **MAGEE BUILDERS, L.L.C.**, Bush, Louisiana – La. R.S. 37:2158(A)(4)
b) **MINER, LTD.**, Jefferson, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations for matters 3a and 3b. Ms. Evans read the settlement offers presented by MAGEE BUILDERS, L.L.C. and MINER, LTD. Mr. Graham made a motion to accept both settlement offers as presented, which both included no contest pleas. Mr. Lambert seconded. The motion passed.

4. a) **ARCO/MURRAY NATIONAL CONSTRUCTION CO., INC.**, Saint Louis, Missouri – La.R.S.37:2158(A)(4)
b) **S&S WELDING, INC.**, South Bartow, Florida – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations for matters 4a and 4b. Ms. Evans read the settlement offers presented by ARCO/MURRAY NATIONAL CONSTRUCTION CO., INC., and S&S WELDING, INC. Mr. Jones made a motion to accept both settlement offers as presented, which both included no contest pleas. Mr. Temple seconded. The motion passed.

5. a) **MLM CONSTRUCTION, LLC**, Metairie, Louisiana – La. R.S. 37:2158(A)(4)
- b) **KREWE SERVICES LLC**, Harvey, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations for matters 5a and 5b. Ms. Evans read the settlement offers presented by MLM CONSTRUCTION, LLC and KREWE SERVICES LLC. Mr. Lambert made a motion to accept both settlement offers as presented, which both included no contest pleas. Mr. Stuart seconded. The motion passed.

6. Matters 6a and 6b were consolidated.

- a) **CB&I, LLC**, The Woodlands, Texas – La. R.S. 37:2158(A)(4)
- b) **AESCIT CORPORATION**, New Hope, Pennsylvania – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by AESCIT CORPORATION which included a no contest plea. Mr. Graham made a motion to accept the no contest plea. Mr. Talbot seconded. Mr. Graham made a motion to accept the settlement offer as presented. Mr. Temple seconded. The motion passed. Attorney Matthew Emmons was present on behalf of CB&I, LLC. Mr. Emmons presented a settlement offer to the board. Mr. Emmons was questioned by the board. Mr. Jones made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Dupuy seconded. The motion passed.

7. a) **PETE'S PLUMBING OF LIVINGSTON PARISH, LLC**, Denham Springs, Louisiana – La. R.S. 37:2158(A)(4)
- b) **CHARTER SOUTH, INC.**, Birmingham, Alabama – La. R.S. 37:2158(A)(4)
- c) **JETT'S ENTERPRISES, INC.**, Norwood, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations for matters 7a - 7c. Ms. Evans read the settlement offers presented by PETE'S PLUMBING OF LIVINGSTON PARISH, LLC, CHARTER SOUTH, INC. and JETT'S ENTERPRISES, INC. Mr. Stuart made a motion to accept settlement offers 7a – 7c as presented, which all included no contest pleas. Mr. Graham seconded. The motion passed.

8. **ALL STAR ELECTRIC & AIR CONDITIONING, L.L.C.**, 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 ALL STAR ELECTRIC & AIR CONDITIONING, L.L.C. Investigator Johnny Rogers was called to the stand and sworn in. Mr. Rogers reviewed the exhibit packet and provided testimony to the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Meredith made a motion to find ALL STAR ELECTRIC & AIR CONDITIONING, L.L.C. to be in violation. Mr. Dupuy seconded. The motion passed. Mr. Meredith made a motion to assess the maximum fine plus \$500 in administrative costs and to issue a cease and desist order. Mr. Stuart 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. Meredith seconded. The motion passed.

F. **REQUEST FOR REHEARING:**

1. **GURLEY'S CONCRETE, LLC D/B/A GURLEY'S CONCRETE & SIGNATURE POOLS OF LA.**, New Orleans, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and the previous action taken by the board regarding this matter. Patrick Gurley was present on behalf of GURLEY'S CONCRETE, LLC D/B/A GURLEY'S CONCRETE & SIGNATURE POOLS OF LA. and was sworn in. Mr. Lambert made a motion to grant the rehearing request. Mr. Stuart seconded. The motion passed. Mr. Gurley entered a plea of admission. Mr. Stuart made a motion to accept the plea. Mr. Lambert seconded. The motion passed. The board questioned Mr. Gurley. Investigator Marianne Sullivan was called to

the stand and sworn in. Mr. Landreneau questioned Ms. Sullivan. Mr. Gurley changed his initial plea to no contest plea. Mr. Lambert made a motion to accept the plea. Mr. Jones seconded. The motion passed. Mr. Lambert made a motion to assess a \$1000 fine plus \$500 in administrative costs if licensed within 120 days. Mr. Temple seconded. The motion passed.

2. **OCMAND CONSTRUCTION COMPANY, L.L.C.**, Breaux Bridge, Louisiana – La. R.S. 37:2158(A)(4)

The staff removed this item from the agenda.

OLD BUSINESS

G. REPORTS:

1. Staff Reports –Ms. Dupuy gave a reminder regarding the time change for the Commercial Board meeting on November 15, 2018.
2. Building Report – Mr. Graham had no new report.
3. Classification and Testing Report – Mr. Dupuy stated that the report will be given at a later time.
4. Legislative/Rules and Regulations Report – There was nothing new to report.
5. Finance Report –Mr. Dupuy presented the August financial statement and asked for a motion to approve. Mr. Lambert made a motion to accept the August financial statement as presented. Mr. Stuart 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 actions of the **September 19, 2018** Residential Building Subcommittee. (Pages 5-11)

Mr. Badeaux made a motion to open the agenda to add and approve Sotelo Construction, LLC out of Lake Charles, LA for Residential Framing (Subcontract Labor Only). 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. Lambert seconded. The motion passed.

Mr. Badeaux made a motion to approve and ratify the actions taken at the September 19, 2018 Residential Building Subcommittee meeting and Mr. Jones seconded. The motion passed.

- I. Consideration of reciprocity and exemption requests as listed and attached to the agenda. (Pages 12-15)

Mr. Dupuy made a motion to approve the exemptions based on Reciprocity as listed on the agenda. Mr. Lambert seconded. The motion passed.

Mr. Dupuy recused himself from the vote regarding Fussell Properties, L.L.C. Mr. Dupuy made a motion to approve the remaining exemptions as listed on the agenda, with the exception of Palm Garden Depot LLC. Mr. Jones seconded. 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. Stuart seconded. The motion passed.

- K. Consideration of additional classifications as listed and attached to the agenda. (Pages 17-20)

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 21-32)

Mr. Clouatre made a motion to open the agenda to add and approve BF LA Construction, LLC of Lake Charles, LA for Furnishing Labor Only. Mr. Lambert seconded. The motion passed.

Mr. Lambert made a motion to approve the commercial applications as listed on the agenda. Mr. Stuart seconded. The motion passed. Mr. Dupuy recused himself from the vote regarding Fussell Properties, L.L.C.

ADJOURNMENT

Mr. Jones made a motion to adjourn at 10:33 a.m., and Mr. Temple seconded. The motion passed.

Lee Mallett, Chairman

Byron E. Talbot, Secretary