

STATE LICENSING BOARD FOR CONTRACTORS

COMMERCIAL BOARD

MEETING MINUTES

October 18, 2018

The regular meeting of the Commercial Board was called to order by member, Byron Talbot, on Thursday, October 18, 2018 at 9:36 a.m. at 2525 Quail Drive, Baton Rouge, Louisiana.

Members of the Board present:

- Lloyd "Chip" Badeaux
- N.R. "Noah" Broussard
- Courtney Fenet
- August Gallo, Jr.
- Kenneth Jones
- Donald G. Lambert
- Garland Meredith
- Christopher N. Stuart
- Byron Talbot
- Elliott L. Temple

Lee Mallett, Chairman; William J. Clouatre, Vice Chairman; and Members, Nelson A. "Andy" Dupuy, Jr., Danny R. Graham, Jaclyn S. Hotard 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; Kevin Landreneau, Board Attorney; and from the staff, Leann Evans, Carrie Morgan, Lowana Cola, Elaine Riggins, and John Dixon; Compliance Director, Brad Hassert; Compliance Investigators, Todd Brady, Frank Vaughn, Johnny Rogers and Tarah Revette recording the minutes.

Mr. Meredith led the members and audience in the Pledge of Allegiance.

Judge Darrell White gave the invocation. Judge White introduced himself, and advised those present of his duties.

Mr. Stuart made a motion to accept the Minutes of the **September 20, 2018** regular meeting. Mr. Meredith seconded. The motion passed.

Mr. Hassert introduced guests Alex Reinboth with the Louisiana Attorney General's office and Brooks Myers with The Home Depot.

NEW BUSINESS

Leann Evans with the Compliance Department, Elaine Riggins with the Applications Department and Brad Hassert with the Compliance Department for the board were sworn in.

C. JUDGMENTS/QUALIFYING PARTY HEARINGS:

1. **KULAGA CONSTRUCTION CO., INC.**, DeRidder, 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 KULAGA CONSTRUCTION CO., INC. Attorney Candice Martin, was present on behalf of the creditor Stuart C. Irby Co. Ms. Martin provided testimony to the board. Ms. Evans reviewed the exhibit packet and provided testimony before the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Meredith made a motion to give KULAGA CONSTRUCTION CO., 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. Stuart seconded. The motion passed.

2. **PC WORKSTATION LLC**, Denham Springs, 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 PC WORKSTATION LLC. Ms. Evans received notice from Attorney Francis White, representing the creditor, Graybar Electric Company, Inc., that no payments have been received. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Stuart made a motion to give PC WORKSTATION LLC 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 revoked 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 revoked by staff. Mr. Gallo seconded. The motion passed. Bobbie Walls, owner of PC WORKSTATION LLC, arrived late. Mr. Jones made a motion to reconsider the matter. Mr. Stuart seconded. The motion passed. Mr. Walls provided a statement to the board. Mr. Meredith made a motion to continue the matter for 30 days. Mr. Gallo seconded. The motion passed. Mr. Walls waived notice for the December 20, 2018 Commercial Board meeting.

D. COMPLIANCE HEARINGS:

1. **COLE BUILDERS L.L.C.**, Cascilla, Mississippi – La. R.S. 37:2158(A)(4)

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

2. **J.L. BOYD PROPERTIES LLC**, Zachary, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by J.L. BOYD PROPERTIES LLC. Mr. Fenet made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

3. Matters 3a through 3d were consolidated.

- a) **WURZEL BUILDERS, LTD.**, Austin, Texas – La. R.S. 37:2158(A)(4)
- b) **ALL-IN-ONE ELECTRICAL, LLC**, New Orleans, Louisiana – La. R.S. 37:2158(A)(4)
- c) **CEDAR PARK ELECTRICAL CONTRACTOR, LLC**, Cedar Park, Texas – La. R.S. 37:2160(A)(1)
- d) **DANNY LEE CONSTRUCTION, LLC**, Senatobia, Mississippi – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. John Mitchell was present on behalf of WURZEL BUILDERS, LTD. and was sworn in. Ramrio Garcia was present on behalf of CEDAR PARK ELECTRICAL CONTRACTOR, LLC and was sworn in. No one was present on behalf of DANNY LEE CONSTRUCTION, LLC. Ms. Evans read the settlement offers presented by WURZEL BUILDERS, LTD and ALL-IN-ONE ELECTRICAL, LLC. Mr. Meredith made a motion to accept both settlement offers, which both included no contest pleas. Mr. Temple seconded. The motion passed. Mr. Garcia entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Meredith seconded. The motion passed. Mr. Badeaux made a motion to assess a \$1000 fine plus \$500 in administrative costs. Mr. Meredith seconded. The motion passed. Investigator Johnny Rogers was called to the stand and was sworn in. Mr. Rogers reviewed the exhibit packet for DANNY LEE CONSTRUCTION, LLC and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Stuart made a motion to find DANNY LEE CONSTRUCTION, LLC to be in violation, to assess the maximum fine plus \$500 in administrative costs and to issue a cease and desist order. Mr. Gallo seconded. The motion passed.

4. a) **TATE CONSTRUCTION GROUP, LLC**, Thibodaux, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations. Eric Tate was present on behalf of TATE CONSTRUCTION GROUP, LLC and was sworn in. Mr. Tate entered a denial plea. Mr.

Hassert, previously sworn, was called to the stand. Mr. Hassert 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. Tate. Mr. Tate questioned Mr. Hassert. Mr. Landreneau questioned Mr. Tate again. The board questioned both Mr. Hassert and Mr. Tate. Mr. Tate changed his initial denial plea to a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Meredith seconded. Mr. Fenet opposed the motion. The motion passed. After further discussion of the matter, Mr. Badeaux made a motion to amend the motion to find TATE CONSTRUCTION GROUP, LLC not guilty of the violations. Mr. Broussard seconded. The motion passed.

- b) **JOSE ELIZONDO VILLARREAL D/B/A ELIZONDO CONSTRUCTION, LLC**, Thibodaux, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of JOSE ELIZONDO VILLARREAL D/B/A ELIZONDO CONSTRUCTION, LLC. Mr. Hassert 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 JOSE ELIZONDO VILLARREAL D/B/A ELIZONDO CONSTRUCTION, LLC to be in violation. Mr. Jones seconded. The motion passed. Mr. Meredith made a motion to assess a \$5500 fine plus \$500 administrative costs and to issue a cease and desist order. Mr. Jones seconded. The motion passed. Mr. McDuff was called to the stand and was sworn in. Mr. McDuff provided additional testimony.

5. a) **TROY CONSTRUCTION, LLC TEXAS**, Houston, Texas – La. R.S. 37:2158(A)(4)
b) **2BROS RESOURCES, LLC**, Houston, Texas – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers presented by TROY CONSTRUCTION, LLC TEXAS and 2BROS RESOURCES, LLC. Mr. Meredith made a motion to accept both settlement offers as presented, which both included no contest pleas. Mr. Stuart seconded. The motion passed.

6. a) **REGAL CONSTRUCTION, LLC**, LaPlace, Louisiana – La. R.S. 37:2158(A)(4)
b) **KENNETH MATTHEWS D/B/A MATTHEWS CONSTRUCTION, LLC**, LaPlace, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers presented by REGAL CONSTRUCTION, LLC and KENNETH MATTHEWS D/B/A MATTHEWS CONSTRUCTION, LLC. Mr. Stuart made a motion to accept the settlement offer as presented by REGAL CONSTRUCTION, LLC, which included a no contest plea. Mr. Gallo seconded. The motion passed. After discussion, Mr. Jones made a motion to reject the settlement offer presented by KENNETH MATTHEWS D/B/A MATTHEWS CONSTRUCTION, LLC. Mr. Gallo seconded. The motion passed.

7. a) **JETTON GENERAL CONTRACTING, INC.**, Paragould, Arkansas – La. R.S. 37:2158(A)(4)
b) **ACTIVE FIRE PROTECTION SERVICES, LLC**, Memphis, Tennessee – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers presented by JETTON GENERAL CONTRACTING, INC. and ACTIVE FIRE PROTECTION SERVICES, LLC. Mr. Badeaux made a motion to accept the settlement offer as presented by JETTON GENERAL CONTRACTING, INC., which included a no contest plea. Mr. Lambert seconded. The motion passed. Mr. Lambert made a motion to accept the settlement offer as presented by, ACTIVE FIRE PROTECTION SERVICES, LLC, which included a no contest plea. Mr. Stuart seconded. The motion passed.

8. **CB&I, LLC**, The Woodlands, Texas – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by CB&I, LLC. Attorney Matthew Emmons was present on behalf of CB&I, LLC. Mr. Landreneau addressed the board regarding this matter. Mr. Meredith made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Stuart seconded. The motion passed.

9. **CHRISTOPHER B. KUZLIK D/B/A LET'S PAVE**, Oak Brook, Illinois – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by CHRISTOPHER B. KUZLIK D/B/A LET'S PAVE. Mr. Meredith made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Stuart seconded. The motion passed.

10. **MIDSOUTH COATING, LLC**, Metairie, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by MIDSOUTH COATING, 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.

11. **THE HOUSE MOVER LLC**, St Amant, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of THE HOUSE MOVER LLC. Investigator Johnny Rogers, previously sworn, was called to the stand. Mr. Rogers reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Stuart made a motion to find THE HOUSE MOVER LLC to be in violation. Mr. Jones seconded. The motion passed. Mr. Meredith made a motion to assess the maximum fine plus \$500 in administrative costs, to issue a cease and desist order and to allow the fine to be reconsidered by the board if the company obtains a proper license within 120 days. Mr. Gallo seconded. The motion passed.

12. **RICARDO GAMEZ**, Westlake, Louisiana – La. R.S. 37:2167(A)

Ms. Evans gave a summary of the allegations. No one was present on behalf of RICARDO GAMEZ. 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. Mr. Stuart questioned Mr. Landreneau. Mr. Jones made a motion to find RICARDO GAMEZ to be in violation. Mr. Gallo seconded. The motion passed. Mr. Jones made a motion to assess the maximum fine plus \$500 in administrative costs, to issue a cease and desist order and to allow the fine to be reduced to a \$1000 fine plus \$500 in administrative costs if the company becomes licensed within 120 days. Mr. Stuart 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.

F. REQUEST FOR REHEARING/RECONSIDERATION OF PENALTY:

1. **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 and the previous action taken by the board regarding this matter. Troy Guidry was present on behalf of ALL STAR ELECTRIC & AIR CONDITIONING, L.L.C. and was sworn in. Mr. Guidry provided a statement to the board. The board questioned Mr. Guidry. Mr. Badeaux made a motion to grant the rehearing request. Mr. Gallo seconded. The motion passed. Mr. Guidry entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Stuart seconded. The motion passed. Mr. Meredith made a motion to assess the maximum fine plus \$500 in administrative costs and to allow the fine to be reduced to \$500 plus \$500 in administrative costs if the company becomes licensed within 90 days. Mr. Fenet seconded. The motion passed.

OLD BUSINESS

G. REPORTS:

1. Staff Reports – There was no new report.
2. Building Report – There was no new report.

3. Classification and Testing Report – Mr. Gallo made a motion to approve the exemptions based on Reciprocity as listed on the agenda. Mr. Stuart seconded. The motion passed. Mr. Gallo made a motion to approve the Exemptions as listed on the agenda with the exception of Empire Construction and Restoration, LLC which was denied. Mr. Stuart seconded. The motion passed.
 4. Legislative/Rules and Regulations Report – There was no new report.
 5. Finance Report –Mr. McDuff presented the September financial statement and asked for a motion to approve. Mr. Lambert made a motion to accept the September financial statement as presented. Mr. Fenet 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 **October 17, 2018** 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. Fenet seconded. The motion passed.

Mr. Badeaux made a motion to approve and ratify the actions taken at the October 17, 2018 Residential Building Subcommittee meeting and Mr. Fenet seconded. The motion passed.

- I. Consideration of reciprocity and exemption requests as listed and attached to the agenda. (Pages 13-15)

The reciprocity and exemption requests were taken under consideration earlier.

- 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 17-18)

Mr. Lambert made a motion to approve the additional classifications as listed on the agenda, and Mr. Temple 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 about the November meeting.>

< Mr. Lambert was reappointed to the Commercial Board and was sworn in by Judge White.>

ADJOURNMENT

Mr. Stuart made a motion to adjourn at 10:56 a.m., and Mr. Fenet seconded. The motion passed.

Lee Mallett, Chairman

Byron E. Talbot, Secretary