

STATE LICENSING BOARD FOR CONTRACTORS

COMMERCIAL BOARD

MEETING MINUTES

December 19, 2019

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallett, on Thursday, December 19, 2019 at 9:30 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
- Brian J. Bordelon
- N.R. “Noah” Broussard
- Nelson A. “Andy” Dupuy, Jr.
- Courtney Fenet, Jr.
- August Gallo, Jr.
- Kenneth Jones
- Donald G. Lambert
- Garland Meredith
- Christopher N. Stuart
- Byron Talbot
- Elliott Temple
- Victor Weston

Members Danny Graham and Jaclyn S. Hotard 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, Maranda Legaux, Monica Davis and John Dixon; Compliance Director, Brad Hassert; Compliance Investigator, Scott Corley; and Tarah Revette recording the minutes.

Mr. Meredith 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 **November 21, 2019** regular meeting. Mr. Stuart seconded. The motion passed.

Mr. Hassert introduced guests Alex Reinboth with the Louisiana Attorney General’s Office and Attorney Kimona Hogan with the Louisiana House Commerce Committee.

ACT 454 OF 2018 - PUBLIC COMMENT ON THE RULES OF THE LICENSING BOARD, LAC TITLE 46, PART XXIX, CONTRACTORS

In compliance with Act 454 of the 2018 Regular Session, and after proper publication of Notice in the Louisiana Register, November 20, 2019, Vol. 45, No. 11, Ms. Dupuy made a call for all anyone wishing to comment on any rule of the Licensing Board under LAC Title 46, Part XXIX, Contractors. No requests were received from the public to address the board under this matter. Ms. Dupuy also reported to the Board, that as part of the Notice, no written comments were received regarding this matter.

PUBLIC COMMENT

Kelly Commander with Command Construction Industries LLC requested to address the board. Ms. Commander addressed the board regarding a complaint submitted to the board regarding the Our Lady of the Lake Children’s Hospital construction project. Ms. Commander also provided documents to the board regarding this matter. Mr. Landreneau addressed the board regarding this matter.

NEW BUSINESS

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

E. JUDGMENTS:

1. **FLATLINE CONCRETE, L.L.C.**, 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 707 of the Board’s Rules and Regulations.

Ms. Evans gave a summary of the allegations. Attorney Wyman Bankston and Nick Ebenbeck were present on behalf of FLATLINE CONCRETE, L.L.C. Mr. Ebenbeck was sworn in. Mr. Bankston submitted documents to Mr. Landreneau to show that a motion to annul the judgment has been filed. Mr. Landreneau asked the board to continue this matter until there is a final resolution of the motion to annul the judgment. Mr. Jones made a motion to continue this matter. Mr. Fenet 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.

Ms. Evans gave a summary of the allegations. No one was present on behalf of KSK PLUMBING & MECHANICAL LLC. Attorney Taylor Eley was present on behalf of the creditor, Southland Plumbing Supply, 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. Landreneau questioned Ms. Eley. Ms. Eley gave a statement to the board. Mr. Talbot made a motion to find KSK PLUMBING & MECHANICAL 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. Dupuy seconded. The motion passed.

F. COMPLIANCE HEARINGS:

1. a) **WOMACK AND SONS CONSTRUCTION GROUP, INC.**, Harrisonburg, Louisiana – La. R.S. 37:2158(A)(4)
- b) **RYAN MATTHEW ETHERIDGE D/B/A TRIPLE E CONSTRUCTION**, Winnfield, Louisiana – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers submitted by WOMACK AND SONS CONSTRUCTION GROUP, INC. and RYAN MATTHEW ETHERIDGE D/B/A TRIPLE E CONSTRUCTION. Mr. Temple made a motion to accept both settlement offers as presented, which both included a no contest plea. Mr. Fenet seconded. The motion passed.

2. a) **BUDGET CONSTRUCTION SERVICES LLC**, Metairie, Louisiana – La. R.S. 37:2158(A)(4), 3 counts; and 2158(A)(3) and Rules and Regulations of the Board Sections 133(A) and 313(A)

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

- b) **MICHAEL MOGUL D/B/A DC STUCCO & DRYWALL**, Kenner, Louisiana – La. R.S. 37:2160(A)(1)
- c) **ERIC MONTES D/B/A ALL SEASONS AC AND HEAT**, Houston, Texas – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers submitted by MICHAEL MOGUL D/B/A DC STUCCO & DRYWALL and ERIC MONTES D/B/A

ALL SEASONS AC AND HEAT. Mr. Lambert made a motion to accept both settlement offers as presented, which both included a no contest plea. Mr. Weston seconded. The motion passed.

3. a) **ALTECH, INC. OF TEXAS**, Texarkana, Texas – La. R.S. 37:2158(A)(4), 2 counts
- b) **JMR MANAGEMENT, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers submitted by ALTECH, INC. OF TEXAS and JMR MANAGEMENT, LLC. Mr. Meredith made a motion to accept both settlement offers as presented, which both included a no contest plea. Mr. Lambert seconded. The motion passed.

4. a) **URBAN CONSTRUCTION SOUTHWEST INC.**, Houston, Texas – La. R.S. 37:2158(A)(4)
- b) **WHITEROC DRYWALL LLC D/B/A WHITEROC COMMERCIAL DRYWALL**, Houston, Texas – La. R.S. 37:2160(A)

Ms. Evans gave a summary of the allegations and read the settlement offers submitted by URBAN CONSTRUCTION SOUTHWEST INC. and WHITEROC DRYWALL LLC D/B/A WHITEROC COMMERCIAL DRYWALL. Mr. Dupuy made a motion to accept both settlement offers as presented, which both included a no contest plea. Mr. Stuart seconded. The motion passed.

5. a) **BELFOR USA GROUP INC**, Birmingham, Michigan – La. R.S. 37:2158(A)(4)
- b) **RAPID INSTALLATION GROUP INC**, Coplay, Pennsylvania – La. R.S. 37:2160(A)

Ms. Evans gave a summary of the allegations and read the settlement offers submitted by BELFOR USA GROUP INC and RAPID INSTALLATION GROUP INC. Mr. Lambert made a motion to accept both settlement offers as presented, which both included a no contest plea. Mr. Stuart seconded. The motion passed.

6. a) **SAGELY'S HOME MAINTENANCE LLC**, Jackson, Louisiana – La. R.S. 37:2160(A)
- b) **CHANCE'S HVAC LLC**, St. Francisville, Louisiana – La. R.S. 37:2160(A)

Ms. Evans gave a summary of the allegations and read the settlement offers submitted by SAGELY'S HOME MAINTENANCE LLC and CHANCE'S HVAC LLC. Mr. Lambert made a motion to accept both settlement offers as presented, which both included a no contest plea. Mr. Stuart seconded. The motion passed.

G. STATUTORY CITATIONS:

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

OLD BUSINESS

H. COMPLIANCE HEARINGS/CONTINUANCES:

1. **JOHNSON ROOFING COMPANY LLC**, Neosho, Missouri – La. R.S. 37:2160(A)

Ms. Evans gave a summary of the allegations. No one was present on behalf of JOHNSON ROOFING COMPANY LLC. 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. Weston made a motion to find JOHNSON ROOFING COMPANY 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 allow the administrative penalty to be reduced to \$3000 plus \$500 if the company obtains a proper license within 60 days. Mr. Stuart seconded. The motion passed.

I. APPLICATIONS; ADDITIONAL CLASSIFICATIONS; RECIPROCITY

1. Residential Building Report – Mr. Badeaux

- a. Consideration of residential applications and home improvement registrations as listed and attached to the agenda. (Pages 5-10)

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

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

- b. Consideration of the actions of the **December 18, 2019** Residential Building Subcommittee.

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

2. Consideration of reciprocity and exemption requests as listed and attached to the agenda. (Pages 11-13)

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. Mr. Weston seconded. The motion passed.

3. Consideration of mold remediation application as listed and attached to the agenda. (Page 14)

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

4. Consideration of additional classifications as listed and attached to the agenda. (Pages 15-16)

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

5. Consideration of commercial applications as listed and attached to the agenda. (Pages 17-23)

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

J. REPORTS:

1. Staff Reports –Ms. Dupuy had no new report.
2. Building Report – There was no new report.
3. Legislative/Rules and Regulations Report – Mr. Fenet had no new report.
4. Finance Report – Mr. Dupuy

Mr. Dupuy made a motion to accept the financial statement for the period ending November 30, 2019 as presented. Mr. Weston seconded. The motion passed.

Mr. Dupuy made a motion to accept the Proposed 2020 Louisiana State Licensing Board for Contractors Operating Budget as presented. Mr. Jones seconded. The motion passed.

Mr. Dupuy made a motion to adjust the following items on the 2019 Operating Budget as listed on the account handout. Mr. Stuart seconded. The motion passed.

<The following adjusts were made to the 2019 Operating Budget.>

EXPENDITURES:

Increase:

Computer Supplies	\$ 120,000.00
Advertising & Publicity	\$ 92,000.00
Exam Program	\$ 80,000.00

Building Supplies	\$ 59,000.00
Telephone	\$ 40,000.00
Other Professional Fees	\$ 25,000.00
Utilities	\$ 20,000.00
Janitorial, Lawn, Trash & Pest Control Services	\$ 19,000.00
Air Conditioning & Electrical Repair Services	\$ 12,000.00

Decrease:

Building – Construction in Progress	(\$150,000.00)
Office Supplies	(\$100,000.00)
Attorney Fees	(\$60,000.00)
Group Insurance	(\$55,000.00)
Computer Equipment	(\$50,000.00)
Postage	(\$36,000.00)
Equipment Maintenance	(\$9,000.00)

EXECUTIVE SESSION

Mr. Weston made a motion for the Board to go into Executive Session at 10:15 a.m. to discuss legal matters. Mr. Fenet seconded. The motion passed unanimously. The Board returned to regular session at 10:37 a.m.

ADJOURNMENT

Mr. Mallett made a motion to adjourn at 10:37 a.m., and Mr. Clouatre seconded. The motion passed unanimously.

Lee Mallett, Chairman

Byron E. Talbot, Secretary