

STATE LICENSING BOARD FOR CONTRACTORS
RESIDENTIAL BUILDING CONTRACTORS SUBCOMMITTEE

MEETING MINUTES

January 18, 2017

The regular meeting of the Residential Building Contractors Subcommittee was called to order by the Chairman, Kenneth W. Jones, on Wednesday, January 18, 2017 at 9:33 a.m. at 2525 Quail Drive, Baton Rouge, Louisiana.

Members of the Subcommittee present:

	Kenneth “Ken” W. Jones, Chairman
	Lloyd “Chip” Badeaux
	Jim Fine
	Jody Guidry
	Rob Hamilton
	Frank Morse, Jr.
	Wesley L. “Wes” Wyman, Jr

There being a quorum present, the regular order of business was called.

Also attending the meeting were: Michael McDuff, Executive Director; Judy Dupuy, Board Administrator; Judge Darrell White, Retired, Hearing Officer; Larry Bankston, Board Attorney; and from the staff, Nathan Rawls, Leann Evans, Brent Templet, Debbie Belyeu, Lowana Cola, Emma Payne, Elaine Riggins, John Dixon; Compliance Director, Brad Hassert; Compliance Investigators, Carl Bourque, Jessie Wells, Todd Brady, Charmel Peterson, Scott Corley, Bobby Abraham, Marianne Sullivan, Bobbie Hughes, Dylan Bourg; and Tarah Revette recording the minutes.

Mr. Guidry led the Pledge of Allegiance.

Judge Darrell White gave the invocation.

Mr. Guidry made a motion to accept the Minutes of the December 15, 2016, Residential Building Subcommittee Meeting. Mr. Hamilton seconded. The motion passed.

Mr. McDuff introduced guests Ronald Burrough and Alberto DePuy with the Louisiana Attorney General’s office and James Henry and Rudolph Babin with the Department of Insurance.

NEW BUSINESS

C. INSURANCE HEARINGS:

RESIDENTIAL BUILDING, HOME IMPROVEMENT, AND MOLD REMEDIATION; GENERAL LIABILITY & WORKERS’ COMPENSATION – La. R.S. 2150–2192, 2186(B)(6), 2189(A)(7) and Rules and Regulations Sec. 1503(D)

Applications Supervisor Elaine Riggins was called to the stand and sworn in to give testimony regarding the documentation of general liability and workers’ compensation insurance coverage. Ms. Riggins removed 3MS OF NEW ORLEANS DEVELOPMENT, L.L.C.; BLANDCO, L.L.C.; BRIAN J. HARTMAN; FLOORS 4 U AND HOME IMPROVEMENT LLC; GRANDLAKE CONSTRUCTION COMPANY, INC.; GRID IRON CONSTRUCTION, LLC; IRON TRIANGLE DEVELOPMENT, LLC; JMJ CONSTRUCTION LLC; MAHOGANY RENOVATIONS, INC.; RED STICK REMODELING, LLC; RKRT REAL ESTATE INVESTORS LLC; ST. ROCH AVENUE CONTRACTORS L.L.C. and VIVI PROPERTY INVESTMENTS LLC from the agenda.

Ms. Riggins also confirmed service for the remaining entities listed on the agenda. Ms. Riggins confirmed that this is the first violation for these companies except for CLIFFORD BERNARD WILLIAMS and WILLIAMS CONTRACTORS & CONSTRUCTION SERVICE, LLC, which was their second violation.

Tim Clark was present on behalf of ROOSTER CONSTRUCTION, LLC and TIM CLARK CONSTRUCTION, LLC. Mr. Clark was sworn in. Mr. Clark gave a statement and affirmed that there was a lapse in insurance coverage for both entities. Mr. Wyman made a motion to suspend the licenses for both companies back to the date of last insurance coverage allowing staff to reinstate the license or registration if proof of no lapse is provided, to issue a cease and desist order, assess \$250 in administrative cost for each company and to allow the company's license/registration to be reissued upon proof of insurance coverage. Mr. Wyman also stated that if proof of no lapse is provided the fine will be reduced to zero for both companies. Mr. Morse seconded, and the motion passed unanimously.

Todd Lavalla was present on behalf of LAVALLA ENVIRONMENTAL SERVICES LLC and was sworn in. Mr. Lavalla gave a statement and affirmed that there was a lapse in insurance coverage. Mr. Wyman made a motion to suspend the licenses for both companies back to the date of last insurance coverage allowing staff to reinstate the license or registration if proof of no lapse is provided, to issue a cease and desist order, assess \$250 in administrative cost for each company and to allow the company's license/registration to be reissued upon proof of insurance coverage. Mr. Wyman also stated that if proof of no lapse is provided the fine will be reduced to zero. Mr. Morse seconded, and the motion passed unanimously.

Barry Jenkins was present on behalf of B&G CONSTRUCTION & RESTORATION, INC. and was sworn in. Mr. Jenkins gave a statement and affirmed that there was a lapse in insurance coverage. Mr. Wyman made a motion to suspend the licenses for both companies back to the date of last insurance coverage allowing staff to reinstate the license or registration if proof of no lapse is provided, to issue a cease and desist order, assess \$250 in administrative cost for each company and to allow the company's license/registration to be reissued upon proof of insurance coverage. Mr. Wyman also stated that if proof of no lapse is provided the fine will be reduced to zero. Mr. Guidry seconded, and the motion passed unanimously.

Mark Bess was present on behalf of BESS GROUP OF CONSTRUCTION AND DEVELOPMENT LLC and was sworn in. Mr. Bess gave a statement and affirmed that there was a lapse in insurance coverage. Mr. Wyman made a motion to suspend the licenses for both companies back to the date of last insurance coverage allowing staff to reinstate the license or registration if proof of no lapse is provided, to issue a cease and desist order, assess \$250 in administrative cost for each company and to allow the company's license/registration to be reissued upon proof of insurance coverage. Mr. Guidry seconded, and the motion passed unanimously.

Abner Pacheco was present on behalf of PACHECO'S TOTAL REMODELING LLC and was sworn in. Mr. Pacheco gave a statement and affirmed that there was a lapse in insurance coverage. Mr. Wyman made a motion to suspend the licenses for both companies back to the date of last insurance coverage allowing staff to reinstate the license or registration if proof of no lapse is provided, to issue a cease and desist order, assess \$250 in administrative cost for each company and to allow the company's license/registration to be reissued upon proof of insurance coverage. Mr. Hamilton seconded, and the motion passed unanimously.

Jason Klein was present on behalf of CIRCA BUILDERS, LLC and was sworn in. Mr. Klein gave a statement and affirmed that there was a lapse in insurance coverage. Mr. Wyman made a motion to suspend the licenses for both companies back to the date of last insurance coverage allowing staff to reinstate the license or registration if proof of no lapse is provided, to issue a cease and desist order, assess \$250 in administrative cost for each company, and to allow the company's license/registration to be reissued upon proof of insurance coverage. Mr. Morse seconded, and the motion passed unanimously.

No one was present on behalf of BARNEY J. CARTER JR; DAVID SACCO; HOWARD VOLD; INTEGRITY TRIM AND REMODELING, LLC; MADSKY ROOFING & RESTORATION, LLC; NEW DAY PERSONAL CARE SERVICES LLC; RHYMES RENOVATIONS & CONTRACTING, L.L.C.; ULTIMATE DISCOUNT CONSTRUCTION LLC and WINSTON L. BRUMFIELD. Wyman made a motion to suspend the license or registration of the aforementioned companies and individuals back to the date of last insurance coverage allowing staff to reinstate the license or registration if proof of no lapse is provided, to issue a cease and desist order, to assess a fine of \$500 plus \$500 in administrative cost, and to allow the company's license/registration to be reissued upon proof of insurance coverage. Mr. Morse seconded, and the motion passed.

No one was present on behalf of CLIFFORD BERNARD WILLIAMS. Mr. Morse made a motion to revoke the license or registration of CLIFFORD BERNARD WILLIAMS back to the date of last insurance coverage for a period of one year, to issue a cease and desist order, to assess a fine of \$500 plus \$500 in administrative cost, and to allow the company's license/registration to be reissued upon proof of insurance coverage. Mr. Hamilton seconded, and the motion passed.

No one was present on behalf of WILLIAMS CONTRACTORS & CONSTRUCTION SERVICE, LLC. Mr. Hamilton made a motion to revoke the license or registration of WILLIAMS CONTRACTORS & CONSTRUCTION SERVICE, LLC back to the date of last insurance coverage for a period of one year, to issue a cease and desist order, to assess a fine of \$500 plus \$500 in administrative cost, and to allow the company's license/registration to be reissued upon proof of insurance coverage. Mr. Wyman seconded, and the motion passed.

D. COMPLIANCE HEARINGS:

1. **ANTHONY TOWNSEND D/B/A CUSTOM POOLS**, Ridgcrest, Louisiana – La. R.S. 37:2167(A)

Mr. Rawls gave a summary of the allegations. Anthony Townsend was present on behalf of ANTHONY TOWNSEND D/B/A CUSTOM POOLS and was sworn in. Mr. Townsend entered a denial plea. Mr. Wyman made a motion to accept the plea. Mr. Guidry seconded. The motion passed. Mr. Townsend gave a statement. Mr. Wyman made a motion to assess a \$500 fine plus \$500 in administrative costs and to issue a cease and desist order. Mr. Morse seconded. The motion passes.

2. **NATIONAL FOUNDATION REPAIR OF BATON ROUGE, L.L.C.**, New Orleans, Louisiana – La. R.S. 37:2160(A)(1)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of NATIONAL FOUNDATION REPAIR OF BATON ROUGE, L.L.C. Investigator Carl Bourque was called to the stand and was sworn in. Mr. Bourque reviewed the exhibit packet and provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Wyman made a motion to find NATIONAL FOUNDATION REPAIR OF BATON ROUGE, L.L.C. to be in violation. Mr. Morse seconded. The motion passed. Mr. Wyman made a motion to assess the maximum fine plus \$1000 administrative costs and to issue a cease and desist order. Mr. Hamilton seconded. The motion passed.

3. **JEREMIAH JONES D/B/A I AND J HOME REPAIR**, Tallulah, Louisiana – La. R.S. 37:2175.2(A)(1)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of JEREMIAH JONES D/B/A I AND J HOME REPAIR. Investigator Jessie Wells was called to the stand and was sworn in. Mr. Wells reviewed the exhibit packet and provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Wyman made a motion to find JEREMIAH JONES D/B/A I AND J HOME REPAIR to be in violation. Mr. Guidry seconded. The motion passed. Mr. Wyman made a motion to assess the maximum fine plus \$1000 in administrative costs, to issue a cease and desist order and to refer this matter to the local sheriff's office. Mr. Morse seconded. The motion passed.

4. **RONNIE HOUCK D/B/A HOUCK BUILDING AND REMODELING**, Bastrop, Louisiana – La. R.S. 37:2175.2 (A)(1)

Mr. Rawls stated that Ronnie Houck requested a continuance. Mr. Wyman made a motion to grant the continuance. Mr. Guidry seconded. The motion passed.

5. **TRI STAR, LLC**, Hemphill, Texas – La. R.S. 37:2175.2(A)(1)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of TRI STAR, LLC. Investigator Scott Corley was called to the stand and was sworn in. Mr. Corley reviewed the exhibit packet and provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Wyman made a motion to find TRI STAR, LLC to be in violation. Mr. Morse seconded. The motion passed. Mr. Wyman made a motion to assess the maximum fine plus \$1000 in administrative costs and to issue a cease and desist order. Mr. Hamilton seconded. The motion passed.

6. **STEVEN ANDREW ALEXANDER**, Calhoun, Louisiana – La. R.S. 37:2175.2(A)(1)

Mr. Rawls gave a summary of the allegations. STEVEN ANDREW ALEXANDER was not present. Investigator Jessie Wells, who was previously sworn, was called to the stand. Mr. Wells reviewed the exhibit packet and provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Wyman made a motion to find STEVEN ANDREW ALEXANDER to be in violation. Mr. Morse seconded. The motion passed. Mr. Wyman made a motion to assess the maximum fine plus \$1000 in administrative costs, to issue a cease and desist order and to refer this matter to the local sheriff's office. Mr. Morse seconded. The motion passed.

7. **LUIS MALDONADO**, New Orleans, Louisiana – La. R.S. 37:2175.2(A)(1)

Mr. Rawls gave a summary of the allegations. LUIS MALDONADO was present and was sworn in. Mr. Maldonado entered a no contest plea. Mr. Wyman made a motion to accept the plea. Mr. Morse seconded. The motion passed. Mr. Maldonado gave a statement. Investigator Charmel Peterson was called to the stand and was sworn in. Ms. Peterson provided testimony to the board. Mr. Wyman made a motion to assess a fine of \$500 plus \$500 in administrative costs and to issue a cease and desist order. Mr. Morse seconded. The motion passed.

8. **CERTIFIED TREE CARE, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2175.2(A)(1)

Mr. Rawls gave a summary of the allegations and stated that the company had requested a continuance. No one was present on behalf of CERTIFIED TREE CARE, LLC. Investigator Marianne Sullivan was called to the stand and was sworn in. Ms. Sullivan reviewed the exhibit packet and provided testimony to the board. The continuance request was denied. Mr. Guidry made a motion to find CERTIFIED TREE CARE, LLC to be in violation. Mr. Morse seconded. The motion passed. Mr. Guidry made a motion to assess the maximum fine plus \$1000 in administrative costs and to issue a cease and desist order. Mr. Wyman seconded. The motion passed.

9. **H. BODDEN RENOVATIONS, LLC**, Gretna, Louisiana – La. R.S. 37:2185(A)

Mr. Rawls stated that service could not be confirmed and requested to continue this matter. Mr. Wyman made a motion to continue this matter. Mr. Morse seconded. The motion passed.

E. STATUTORY CITATIONS:

Mr. Rawls presented the statutory citations. Mr. Wyman made a motion to accept the statutory citations as presented. Mr. Morse seconded. The motion passed.

OLD BUSINESS

F. REQUESTS FOR REHEARING:

1. **BUSH CONTRACTORS, LLC**, Pierre Part, Louisiana – La. R.S. 37:2167(A); 2175.2(A)(1)

Mr. Rawls gave a summary of the allegations and stated the rehearing request for BUSH CONTRACTORS, LLC that was initially heard at the November 16, 2016 meeting. Jeff Bush was present on behalf of BUSH CONTRACTORS, LLC and was sworn in. Mr. Wyman made a motion to grant the rehearing request. Mr. Guidry seconded. The motion passed. Mr. Bush entered a no contest plea. Mr. Hamilton made a motion to accept the plea. Mr. Wyman seconded. The motion passed. Mr. Bush gave a statement. Mr. Wyman made a motion to assess a \$5000 fine plus \$1000 in administrative costs, to issue a cease and desist order and to allow the fine to be reduced to \$500 plus \$500 in administrative costs if the company obtains a proper license and/or registration within 90 days. Mr. Morse seconded. The motion passed.

2. **MICHAEL STERLING**, Anacoco, Louisiana – La. R.S. 37:2167 (A)

Mr. Rawls gave a summary of the rehearing request. Michael Sterling was not present. Mr. Wyman made a motion to deny the rehearing request. Mr. Morse seconded. The motion passed.

G. REQUEST FOR RECONSIDERATION OF PENALTY:

1. **RONALD BREELAND AND/OR ECS MARINE, LLC**, Maurepas, Louisiana – La. R.S. 37:2167(A)

Mr. Rawls gave a summary of the allegations and stated that the company requested a reconsider of the penalty from the November 16, 2016 meeting. Ronald Breeland was present on behalf of RONALD BREELAND AND/OR ECS MARINE, LLC and was sworn in. Mr. Breeland gave a statement regarding the reconsideration of penalty request. Mr. Wyman made a motion to reconsider the penalty. Mr. Guidry seconded. The motion passed. Mr. Breeland gave a statement. Mr. Wyman made a motion to fine the company \$500 plus \$500 in administrative costs and to issue a cease and desist order. Mr. Guidry seconded. The motion passed.

- H. Consideration of additional classifications for residential licenses as listed and attached to the agenda. (Page 5)

Mr. Guidry made a motion to approve the additional classifications for residential licenses as listed on the agenda. Mr. Morse seconded. The motion passed.

- I. Consideration of residential applications as listed on the agenda. (Pages 6-10)

Mr. Wyman made a motion to approve the residential applications as listed on the agenda. Mr. Morse seconded. The motion passed.

- J. Consideration of home improvement applications as listed on the agenda. (Pages 11-16)

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

ADJOURNMENT

Mr. Wyman made a motion to adjourn at 11:09 a.m., and Mr. Guidry seconded. The motion passed.

Kenneth W. Jones, Chairman

Lloyd “Chip” Badeaux, Vice Chairman