

STATE LICENSING BOARD FOR CONTRACTORS
RESIDENTIAL BUILDING CONTRACTORS SUBCOMMITTEE

MEETING MINUTES

March 15, 2017

The regular meeting of the Residential Building Contractors Subcommittee was called to order by the Chairman, Kenneth W. Jones, on Wednesday, March 15, 2017 at 9:35 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.

Member Wesley L. “Wes” Wyman, Jr. was absent. 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 Temple, Lowana Cola, Emma Payne, Elaine Riggins, Doug Traylor, John Dixon; Brad Hassert, Compliance Director; compliance investigators, Carl Bourque, Dylan Bourg, Jessie Wells, Scott Corley, Marianne Sullivan, Brad Domingue, and Bobbie Hughes; and Tarah Revette recording the minutes.

Mr. Fine led the Pledge of Allegiance.

Judge Darrell White gave the invocation.

Mr. Hamilton made a motion to accept the Minutes of the February 15, 2017, Residential Building Subcommittee Meeting. Mr. Guidry seconded. The motion passed.

Mr. McDuff introduced guests Jeannie Dodd with the Louisiana Home Builders Association; 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 ICONIC CONSTRUCTION, INC. NOLA; MCLIN CONSTRUCTION, LLC; and RAIN TIGHT ROOFING, INC. 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 HAUSS BUILDERS, INC., which was their second violation.

Pierre Gauthier was present on behalf of COTTONPORT BUILDING SUPPLY, INC. and was sworn in. Mr. Gauthier gave a statement and affirmed that there was a lapse in insurance coverage. Mr. Morse made a motion to suspend the license/registration 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, and to allow the company’s license/registration to be reissued upon proof of insurance coverage. Mr. Hamilton seconded, and the motion passed unanimously.

Leon Gafford was present on behalf of GAFFORD DESIGN'S CONSTRUCTION, LLC and was sworn in. Mr. Gafford gave a statement and affirmed that there was a lapse in insurance coverage. Mr. Guidry made a motion to suspend the license/registration back to the date of last insurance coverage, to issue a cease and desist order, assess \$250 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 unanimously.

No one was present on behalf of ALLENS B. CONTRACTOR LLC; A-PLUS CONTRACTORS, LLC; CHRISTOPHER WADE WAGUESPACK; DARREL PAUL MICHAUD; GEM BUILDERS, L.L.C.; HAYWOOD PROPERTY MANAGEMENT LLC; JANICE CORMIER CONTRACTING, LLC; and JOHNSON BUILDERS, L.L.C. Mr. Fine 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 \$250 plus \$500 in administrative cost, and to allow the company's license/registration to be reissued upon proof of insurance coverage. Mr. Ward seconded, and the motion passed.

No one was present on behalf of HAUSS BUILDERS, INC. Mr. Morse made a motion to suspend the license or registration of HAUSS BUILDERS, INC. back to the date of last insurance coverage for a period of one year, to issue a cease and desist order, to assess a \$500 fine 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.

D. COMPLIANCE HEARINGS:

1. **ROGER A. RIVERS**, Noble, Louisiana – La. R.S. 37:2158(A)(3); and Rules and Regulations of the Board Sec. 109; 2175.3(A)(2); 2175.3(A)(5)

Mr. Rawls gave a summary of the allegations. ROGER A. RIVERS was not present. 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. Guidry made a motion to find ROGER A. RIVERS to be in violation. Mr. Hamilton seconded. The motion passed. Mr. Guidry made a motion to assess a \$5000 fine plus \$1000 in administrative costs and to issue a cease and desist order. Mr. Fine seconded. The motion passed.

2. **KEVIN PURVIS**, Tallulah, Louisiana – La. R.S. 37:2167(A)

Mr. Rawls gave a summary of the allegations. KEVIN PURVIS was present and was sworn in. Mr. Purvis entered a no contest plea. Mr. Guidry made a motion to accept the plea. Mr. Morse seconded. The motion passed. Mr. Purvis gave a statement to the board. Investigator Jessie Wells was called to the stand and was sworn in. Mr. Wells provided testimony to the board. Mr. Guidry made a motion to assess a \$5000 fine plus \$1000 in administrative costs, to issue a cease and desist order until properly licensed and/or registered and to allow the fine to be reduced to only the \$1000 in administrative costs if Mr. Purvis obtains a proper license and/or registration within 120 days. Mr. Hamilton seconded. The motion passed.

3. **KAIZER & SMITH, LLC**, Mandeville, Louisiana – La. R.S. 37:2167(A)

Mr. Rawls gave a summary of the allegations. Jeremiah Kaizer was present on behalf of KAIZER & SMITH, LLC and was sworn in. Mr. Kaizer entered a no contest plea. Mr. Guidry made a motion to accept the plea. Mr. Morse seconded. The motion passed. Mr. Kaizer gave a statement to the board. Investigator Bobbie Hughes was called to the stand and was sworn in. Mr. Hughes provided testimony to the board. The board questioned Mr. Kaizer. Mr. Guidry made a motion to assess a \$1000 fine plus \$1000 in administrative costs and to issue a cease and desist order. Mr. Morse seconded. The motion passed.

4. **CAT RECOVERY SERVICES, INC.**, Marietta, Georgia – La. R.S. 37:2185(A)

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by CAT RECOVERY SERVICES, INC. Mr. Morse made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Fine seconded. The motion passed.

5. **KASI LYNN GOODMAN D/B/A K&B CONSTRUCTION, LLC**, Mt. Herman, Louisiana – La. R.S. 37:2175.2(A)(1); 2185(A)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of KASI LYNN GOODMAN D/B/A K&B CONSTRUCTION, LLC. Homeowners Taylor and John McGrath were also present and were sworn in. Investigator Bobbie Hughes, who was previously sworn in, was called to the stand. Ms. Hughes reviewed the exhibit packet and provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Ms. McGrath provided testimony to the board. Mr. Guidry made a motion to find KASI LYNN GOODMAN D/B/A K&B CONSTRUCTION, LLC to be in violation. Mr. Hamilton seconded. The motion passed. Mr. Guidry made a motion to assess a \$10,000 fine plus \$1000 in administrative costs, to issue a cease and desist order and to suspend the company's Home Improvement Registration until this matter comes back before the board within 90 days. Mr. Morse seconded. The motion passed.

6. **CURTIS ORGERON, JR. D/B/A CAJUN ROOFING & CARPENTRY, LLC**, Galliano, Louisiana – La. R.S. 37:2175.2(A)(1); 2175.3(A)(8)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of CURTIS ORGERON, JR. D/B/A CAJUN ROOFING & CARPENTRY, LLC. Investigator Ashleigh Scott was to the stand and was sworn in. Ms. Scott reviewed the exhibit packet and provided testimony to the board. Mr. Guidry made a motion find CURTIS ORGERON, JR. D/B/A CAJUN ROOFING & CARPENTRY, LLC to be in violation. Mr. Hamilton seconded. The motion passed. Mr. Guidry made a motion to assess the maximum fine plus \$1000 in administrative costs, to issue a cease and desist order and the board authorized counsel to seek injunctive relief. Mr. Morse seconded. The motion passed.

7. **CHARLES MAIDEN D/B/A MAIDEN'S RESIDENTIAL SERVICES**, Baton Rouge, Louisiana – La. R.S. 37:2175.2(A)(1)

Mr. Rawls gave a summary of the allegations. Charles Maiden was present on behalf of CHARLES MAIDEN D/B/A MAIDEN'S RESIDENTIAL SERVICES and was sworn in. Mr. Maiden entered a no contest plea. Mr. Guidry made a motion to accept the plea. Mr. Hamilton seconded. The motion passed. Mr. Maiden gave a statement to the board. Investigator Marianne Sullivan was called to the stand and was sworn in. Ms. Sullivan provided testimony to the board. The board questioned Mr. Maiden. Mr. Hamilton made a motion to assess a \$2500 fine plus \$1000 in administrative costs, to issue a cease and desist order, and to allow the fine to be reduced to \$500 plus \$1000 in administrative costs if Mr. Maiden obtains a proper license and/or registration within 120 days. Mr. Guidry seconded. The motion passed.

8. **LIONEL J. COLA D/B/A LIONEL J. COLA CONSTRUCTION**, Vacherie, Louisiana – La. R.S. 37:2175.2(A)(1)

Mr. Rawls gave a summary of the allegations. Lionel Cola was present on behalf of LIONEL J. COLA D/B/A LIONEL J. COLA CONSTRUCTION and was sworn in. Mr. Cola requested a continuance. Mr. Morse made a motion to grant the continuance request and to be heard at the April 19, 2017 Residential meeting. Mr. Fine seconded. The motion passed. Attorney Johanna Posada representing Homeowner Venetia Gooden requested the board to hear Ms. Gooden's testimony because Ms. Gooden will be unable to attend the April 19, 2017 meeting. Homeowner Venetia Gooden was called to the stand and was sworn in. Ms. Gooden provided testimony to the board. The testimony will be taken into consideration for the April 19, 2017 Residential meeting.

9. **SAM GAMBINO D/B/A GAMBINO'S CARPENTRY**, Jefferson, Louisiana – La. R.S. 37:2175.2(A)(1)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of SAM GAMBINO D/B/A GAMBINO'S CARPENTRY. Investigator Dylan Bourg was called to the stand and was sworn in. Mr. Bourg reviewed the exhibit packet and provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Hamilton made a motion to find SAM GAMBINO D/B/A GAMBINO'S CARPENTRY to be in violation. Mr. Guidry seconded. The motion passed. Mr. Hamilton made a motion to assess a \$6000 fine plus \$1000 in administrative costs and to issue a cease and desist order. Mr. Morse seconded. The motion passed.

E. STATUTORY CITATIONS:

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

OLD BUSINESS

F. COMPLIANCE HEARING(S)/CONTINUANCES:

1. **DEXTER SOLOMON D/B/A SOLOMON'S MAINTENANCE AND HOME REPAIR, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2175.2(A)(1); 2185(A)

Mr. Rawls gave a summary of the allegations. Dexter Solomon was present on behalf of DEXTER SOLOMON D/B/A SOLOMON'S MAINTENANCE AND HOME REPAIR, LLC and was sworn in. Mr. Solomon entered a no contest plea. Mr. Guidry made a motion to accept the plea. Mr. Hamilton seconded. The motion passed. Mr. Solomon gave a statement to the board. Mr. Guidry 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 \$1000 in administrative costs if Mr. Solomon obtains a proper license and/or registration within 120 days. Mr. Hamilton seconded. The motion passed.

2. **QUINTON MENARD D/B/A AFFORDABLE SERVICES**, Cankton, Louisiana – La. R.S. 37:2175.2(A)(1); 2175.3(A)(8)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of QUINTON MENARD D/B/A AFFORDABLE SERVICES. Investigator Brad Domingue was called to the stand and was sworn in. Mr. Domingue reviewed the exhibit packet and provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Guidry made a motion to find QUINTON MENARD D/B/A AFFORDABLE SERVICES 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, to issue a cease and desist order and to refer this matter to the local District Attorney's office. Mr. Morse seconded. The motion passed.

G. REQUEST FOR REHEARINGS/RECONSIDERATIONS:

1. **KENNETH DON PACE**, Monroe, Louisiana – La. R.S. 37:2175.2(A)(1)

Mr. Rawls gave a summary of the allegations. KENNETH DON PACE was present and was sworn in. Mr. Pace had submitted a rehearing request and addressed the board regarding the request. Mr. Guidry made a motion to grant the rehearing request. Mr. Fine seconded. The motion passed. Mr. Pace entered a no contest plea. Mr. Guidry made a motion to assess the plea. Mr. Fine seconded. The motion passed. Mr. Pace gave a statement to the board. Mr. Guidry made a motion to accept the field citation and to reinstate the Home Improvement Registration once the citation has been paid. Mr. Hamilton seconded. The motion passed.

2. **RADIANT HOME IMPROVEMENT, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2167(A); 2158(A)(3) and Rules and Regulations 1109(A), 105(A)(6)

Mr. Rawls gave a summary of the allegations. Attorney Steven Watterson was present on behalf of RADIANT HOME IMPROVEMENT, LLC. Mr. Watterson stated that the company had submitted a rehearing request and addressed the board regarding the request. Mr. Watterson also requested the board to possibly reduce the fine and requested clarification on the cease and desist order. Mr. Morse made a motion to reopen the hearing for the limited purpose of receiving any additional information that was not previously provided to the board from either the company or board staff. Mr. Guidry seconded. Mr. Watterson addressed the board. Homeowner Tequila Aucoin was called to the stand and was sworn in. Ms. Aucoin provided testimony to the board. After discussion, Mr. Morse made a motion to ratify the previous fines assessed at the February 15, 2017 Residential meeting and combine with the fines previously assessed to Tanweer Bhatti and to allow the company to enter into a Conditional License Agreement for a term of 18 months. Mr. Hamilton seconded. The motion passed with one objection by Mr. Guidry.

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

Mr. Fine 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 and attached to the agenda. (Pages 6-12)

Mark Howard, member of Provident Disaster Resource Management LLC was sworn in and addressed the board. Mr. Howard objected to the approval of residential application for INNOVATIVE EMERGENCY MANAGEMENT, INC. Attorney Larry Roedel was present on behalf of Innovative Emergency Management, Inc. and addressed the board. Mr. Roedel requested the board to proceed with the approval of the company's residential application.

Mr. Guidry made a motion to approve the new residential license applications as listed on the agenda. Mr. Fine seconded. The motion passed.

- J. Consideration of home improvement applications as listed and attached to the agenda. (Pages 13-18)

Mr. Guidry made a motion to approve the new home improvement registration applications as listed on the agenda, and Mr. Fine seconded. The motion passed.

ADJOURNMENT

Mr. Morse made a motion to adjourn at 11:27 a.m., and Mr. Fine seconded. The motion passed.

Kenneth W. Jones, Chairman

Lloyd "Chip" Badeaux, Vice Chairman