

STATE LICENSING BOARD FOR CONTRACTORS

COMMERCIAL BOARD

MEETING MINUTES

October 19, 2017

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallet, on Thursday, October 19, 2017 at 9:35 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.
- Courtney Fenet, Jr.
- August Gallo, Jr.
- Danny R. Graham
- Kenneth Jones
- Donald G. Lambert
- Garland Meredith
- Christopher N. Stuart
- Byron Talbot
- Victor Weston

Member Jaclyn S. Hotard was 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; Stephanie Laborde, Board Attorney; and from the staff, Leann Evans, Nathan Rawls, Brent Templet, Emma Payne, Elaine Riggins, and John Dixon; Compliance Brad Hassert, Compliance Director; Compliance Investigators, Scott Corley, Frank Vaughn, Todd Brady, Casey Cretsinger, Dylan Bourg, Johnny Rogers, Ashleigh Scott and Marianne Sullivan; 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 **September 21, 2017** regular meeting. Mr. Stuart seconded. The motion passed.

Mr. McDuff recognized Ms. Emma Payne, Applications Director, who is retiring at the end of the month, for her 36 years of service with the LSLBC. Ms. Payne addressed the board. The board thanked Ms. Payne for her service to the agency.

Mr. Weston addressed the audience and staff regarding the Contractors Educational Trust Fund (CETF). The fines collected with LSLBC are deposited into the CETF which is distributed to universities in Louisiana for contractor education. Since 1992, LSLBC has distributed over 7 million dollars to the CETF. On October 18, 2017, the Louisiana State University dedicated a conference room at Pleasant Hall to CETF to recognize the Contractors Licensing Board for their contributions.

NEW BUSINESS

C. JUDGMENTS:

1. **CONSTRUCTIVE SERVICES, LLC**, Prairieville, Louisiana – La. R.S. 37:2156.1, Sec. 103 Rules and Regulations of the Board

Ms. Dupuy gave a summary of the allegations. No one was present on behalf of CONSTRUCTIVE SERVICES, LLC. Ronald Phillips, the creditor for this matter, was also present and was sworn in. Ms. Laborde entered the exhibit packet into evidence and it was admitted. Mr. Phillips provided testimony to the board. Mr. Weston made a motion to revoke the home improvement registration for CONSTRUCTIVE SERVICES, LLC. Mr. Gallo seconded. The motion passed.

E. **COMPLIANCE HEARINGS:**

Leann Evans, Compliance Supervisor, was sworn in.

1. a) **CALCASIEU PLUMBING, LLC**, Lake Charles, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of CALCASIEU PLUMBING, LLC. Investigator Frank Vaughn was called to the stand and was sworn in. Mr. Vaughn reviewed the exhibit packet and provided testimony to the board. Ms. Laborde entered the exhibit packet into evidence and it was admitted. Mr. Weston made a motion to find CALCASIEU PLUMBING, LLC to be in violation. Mr. Graham seconded. The motion passed. Mr. Weston made a motion to assess the maximum fine plus \$500 in administrative costs and to refer this matter to the State Plumbing Board of Louisiana. Mr. Gallo seconded. The motion passed.

- b) **CASTILLO BROS., LLC**, Lake Charles, Louisiana – La. R.S. 37:2160(A)(1)

This matter has been continued.

2. a) **DCD CONSTRUCTION, INC.**, Ocean Springs, Mississippi – La. R.S. 37:2158(A)(4)

- b) **BUDGET PLUMBING, LLC**, Harvey, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers presented by DCD CONSTRUCTION, INC. and BUDGET PLUMBING, LLC. Mr. Graham made a motion to accept to the settlement offers as presented, which both included a no contest plea. Mr. Fenet seconded. The motion passed.

3. **VERTEX CONSTRUCTION GROUP, LLC**, Denham Springs, Louisiana – La. R.S. 37:2158(A)(4)

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

4. a) **R & N POOL SERVICE, INC.**, Houma, Louisiana – La. R.S. 37:2158(A)(5)

This matter has been continued.

- b) **ISAIAS TOSCANO, JR. D/B/A JUNIOR'S POOL PLASTERING, LLC**, Kenner, Louisiana – La. R.S. 37:2167(A)

Ms. Evans gave a summary of the allegations. No one was present on behalf of ISAIAS TOSCANO, JR. D/B/A JUNIOR'S POOL PLASTERING, LLC. Investigator Ashleigh Scott was called to the stand and was sworn in. Ms. Scott reviewed the exhibit packet and provided testimony to the board. Ms. Laborde entered the exhibit packet into evidence and it was admitted. Mr. Weston made a motion to find ISAIAS TOSCANO, JR. D/B/A JUNIOR'S POOL PLASTERING, 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. Mr. Gallo seconded. The motion passed.

5. **BUCKEYE CONTRACTORS, INC.**, Kenner, Louisiana – La. R.S. 37:2158(A)(4)

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

6. **THREE DEUCES, INC.**, Pearl River, Louisiana – La. R.S. 37:2158(A)(4)

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

7. **DA SILVA CONSTRUCTION, LLC**, Slidell, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of DA SILVA CONSTRUCTION, LLC. Investigator Dylan Bourg was called to the stand and was sworn in. Mr. Bourg reviewed the exhibit packet and provided testimony to the board. Ms. Laborde entered the exhibit packet into evidence and it was admitted. Mr. Meredith made a motion to find DA SILVA CONSTRUCTION, LLC 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 allow the fine to be reduced to \$2000 plus \$500 in administrative costs if the company obtains a license within 90 days. Mr. Gallo seconded. The motion passed.

8. **NORTH COAST BUILDERS CORP.**, Alpharetta, Georgia – La. R.S. 37:2160(A)(1)

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

9. **DDL CONSTRUCTION, LLC**, New Orleans, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans stated that there was a clerical issue when the hearing notice sent to the company and on the agenda. The company should be DDL CONSTRUCTION, INC. Ms. Laborde stated that the company was adequately served despite the clerical error. After discussion, Judge White stated that the company was adequately served. Ms. Evans gave a summary of the allegations. No one was present on behalf of DDL CONSTRUCTION, INC. Investigator Casey Cretsinger was called to the stand and was sworn in. Ms. Cretsinger reviewed the exhibit packet and provided testimony to the board. Ms. Laborde entered the exhibit packet into evidence and it was admitted. Mr. Meredith made a motion to find DDL CONSTRUCTION, INC. 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. Mr. Weston seconded. The motion passed.

<After agenda item D. 9.was heard, Ms. Evans stated that the representatives for DA SILVA CONSTRUCTION, LLC listed under agenda item D. 7. were now present and would like their matter reheard.>

Mr. Badaux made a motion to rehear agenda item D.7. related to DA SILVA CONSTRUCTION, LLC. Jose Da Silva was present on behalf of DA SILVA CONSTRUCTION, LLC and was sworn in. Due to a language barrier, Greyze Vieira was present to act as a translator for Mr. Da Silva and was sworn in. Mr. Da Silva entered a plea of admission. Mr. Meredith made a motion to accept the plea. Mr. Talbot seconded. The motion passed. Mr. Da Silva gave a statement to the board regarding this matter. The board questioned Mr. Da Silva. After discussion, 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 obtains a license within 60 days. Mr. Stuart seconded. The motion passed with one opposed from Mr. Fenet.

10. **BETHEL CLEANING & CONSTRUCTION, LLC**, Metairie, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Andre Arevalo was present on behalf of BETHEL CLEANING & CONSTRUCTION, LLC and was sworn in. Mr. Arevalo entered a plea of admission. Mr. Weston made a motion to accept the plea. Mr. Stuart seconded. The motion passed. Mr. Arevalo gave a statement to the board regarding this matter. Mr. Weston made a motion to assess a \$5000 fine plus \$500 in administrative costs and to allow the fine to be reduced to \$1000 plus \$500 in administrative costs if the company obtains a license within 60 days. Mr. Jones seconded. The motion passed.

11. **LAPLACE RADIATOR AND A/C REPAIRS, INC. D/B/A CAPITAL MECHANICAL SERVICE**, Hammond, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Attorney Kenneth “Ken” Riche and Michael Lambardino were present on behalf of LAPLACE RADIATOR AND A/C REPAIRS, INC. D/B/A CAPITAL MECHANICAL SERVICE. Mr. Lambardino was sworn in. Mr. Riche entered a no contest plea. Mr. Meredith made a motion to accept the plea. Mr. Weston seconded. The motion passed. Mr. Riche presented a settlement offer to the board. Mr. Lambardino gave a statement to the board regarding this matter. Mr. Weston made a motion to accept the settlement offer as presented. Mr. Gallo seconded. The motion passed.

12. Matters 12a and 12b were consolidated.

- a) **EDDIE PALMER, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Eddie Palmer was present on behalf of EDDIE PALMER, LLC and was sworn in. Mr. Palmer entered a plea of admission. Mr. Meredith made a motion to accept the plea. Mr. Gallo seconded. The motion passed. Mr. Palmer gave a statement to the board regarding this matter. The board questioned Mr. Palmer. Mr. Dupuy made a motion to assess a \$1000 fine plus \$500 in administrative costs. Mr. Jones seconded. The motion passed.

- b) **ANTONIO ROOFING, LLC**, Denham Springs, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Antonio Vasquez was present on behalf of ANTONIO ROOFING, LLC and was sworn in. Mr. Vasquez entered a no contest plea. Mr. Meredith made a motion to accept the plea. Mr. Gallo seconded. The motion passed. Mr. Vasquez gave a statement to the board regarding this matter. Mr. Badeaux made a motion to assess \$500 in administrative costs. Mr. Gallo seconded. The motion passed.

13. **ANTONIO ROOFING, LLC**, Denham Springs, Louisiana – La. R.S. 2167(A)

Ms. Evans gave a summary of the allegations. Antonio Vasquez was present on behalf of ANTONIO ROOFING, LLC and was previously sworn in. Mr. Vasquez entered a no contest plea. Mr. Meredith made a motion to accept the plea. Mr. Talbot seconded. The motion passed. Investigator Marianne Sullivan was called to the stand and was sworn in. Ms. Sullivan provided testimony to the board. Mr. Talbot made a motion to assess a \$1000 fine plus \$500 in administrative costs. Mr. Dupuy seconded. The motion passed.

F. **STATUTORY CITATIONS R.S. 37:21621:**

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

OLD BUSINESS

G. **REQUEST FOR REHEARING OF PENALTY:**

1. **VIC-D CONSTRUCTION CO., INC.**, Crowley, Texas – La. R.S. 2160(A)(1).

Ms. Evans gave a summary of the allegations. Eloisa Gonzales was present on behalf of VIC-D CONSTRUCTION CO., INC. and was sworn in. Ms. Gonzales addressed the board regarding the reconsideration of penalty request. Mr. Badeaux made a motion a motion to grant the reconsideration of penalty request. Mr. Talbot seconded. The motion passed. Ms. Gonzales gave a statement to the board regarding this matter. Mr. Talbot made a motion to assess a \$1000 fine plus \$500 in administrative costs. Mr. Graham seconded. The motion passed.

H. **REPORTS:**

1. Staff Reports – Ms. Dupuy reminded the board that the November commercial meeting will be held on Wednesday, November 15, 2017 at 2:00 p.m. Ms. Dupuy also provided the board with the 2018 board meeting schedule for review.

Mr. Talbot presented a Resolution to allow the Louisiana Department Environmental Quality “Asbestos Supervisor” certificate to be accepted in lieu of a trade exam for the Asbestos Removal and Abatement specialty classification with LSLBC. Mr. McDuff addressed the board regarding this resolution. Mr. Talbot made a motion to accept the resolution as presented. Mr. Lambert seconded. The motion passed unanimously.

2. Building Report –Mr. Graham updated the board regarding the proposed development of the agency’s new building.
3. Classification and Testing Report – Mr. Gallo stated that the report will be given at a later time. Mr. McDuff presented to the board the consolidated Classification List of LSLBC classifications.
4. Legislative/Rules and Regulations Report – Mr. Fenet had no new report
5. Finance Report – Mr. Weston made a motion to accept the September financial statement as presented. Mr. Stuart seconded. The motion passed. Mr. Dupuy stated that the proposed 2018 Operated Budget was reviewed and will be presented to the board for approval at the next meeting.

Mr. Dupuy asked for a motion to adjust and increase the 2017 Operating Budget as follows:

Increase: **Terminal Leave Paid** by \$13,000.00; **Equipment Maintenance** by \$4,000.00; **Processing Fees** by \$20,000.00; **Computer Supplies** by \$25,000.00; **Computer Equipment** by \$20,000.00

Decrease: **Salaries** by (\$213,000.00); **Retirement** by (\$72,000.00); **Group Insurance** by (\$32,000.00); **Travel - Professional Development** by (\$8,000.00); **Travel – Field Personnel** by (\$35,000.00); **Printing** by (\$20,000.00); **General Insurance** by (\$30,000.00); **Dues & Software Subscription** by (\$20,000.00); **Office Supplies** by (\$10,000.00); **Building – Construction in Progress** by (\$4,393,824.00).

Mr. Weston made a motion to adjust and increase the 2017 Operating Budget as stated by Mr. Dupuy. Mr. Stuart seconded, and the motion passed unanimously.

6. Residential Building Report – Mr. Badeaux gave the report at a later time.
- I. Consideration of additional classifications for residential licenses, residential applications, home improvement registrations and residential licensure exemptions as listed and attached to the agenda, and actions of the **October 18, 2017** Residential Building Subcommittee. (Pages 4-15)

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

Mr. Badeaux made a motion to approve the residential applications as listed on the agenda with the exception of REGAL REMODELERS, L.L.C., which was deferred by the Residential Subcommittee. Mr. Lambert seconded. The motion passed.

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

Mr. Badeaux made a motion to approve and ratify the actions taken at the October 18, 2017 Residential Building Subcommittee meeting and Mr. Lambert seconded. The motion passed.

- J. Consideration of reciprocity and exemption requests as listed and attached to the agenda. (Pages 16-19)

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

Mr. Dupuy made a motion to approve the Exemptions as listed on the agenda. Mr. Weston seconded, and the motion passed.

- K. Consideration of mold remediation application as listed and attached to the agenda. (Page 20)

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

L. Consideration of additional classifications as listed and attached to the agenda. (Pages 21-23)

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

M. Consideration of commercial applications as listed and attached to the agenda. (Pages 24-33)

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

ADJOURNMENT

Mr. Jones made a motion to adjourn at 11: 23 a.m., and Mr. Gallo seconded. The motion passed.

Lee Mallett, Chairman

Byron E. Talbot, Secretary