

STATE LICENSING BOARD FOR CONTRACTORS
COMMERCIAL BOARD MEETING MINUTES
DECEMBER 19, 2013

The regular monthly meeting of the Board was called to order by the Chairman at 9:30 a.m. in the Conference Room of the Board's offices, Baton Rouge, Louisiana. Members of the Board present:

Lee Mallett, Chairman
Byron Talbot, Vice Chairman
Lloyd "Chip" Badeaux
August Gallo, Jr.
Danny Graham
Kenneth Jones
Donald G. Lambert
Christopher Stuart
Art O. Walker
Victor Weston

William Clouatre, George Crain, Jr., Nelson A. "Andy" Dupuy, Jr., Courtney Fenet, Jr., and Garland Meredith 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; Murphy J. Foster, Board Attorney; and from the staff, Nathan Rawls, Bobbie Hughes, Brent Templet, Tricia Wood, Kristin Tullier, Doug Traylor, Sharon Fabre, and John Dixon; Compliance Director, Marianne Sullivan; Compliance Investigators, Carl Bourque, Todd Brady, Leann Evans, Charmel Peterson, Frank Vaughan, and Jessie Wells; and Kara Kearney recording the minutes.

Mr. Stuart 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, 2013** regular meeting. Mr. Stuart seconded, the motion passed.

Mr. McDuff introduced Ken Naquin with Associated General Contractors.

NEW BUSINESS

C. JUDGMENT(S):

1. **BENBROOK CONTRACTING, LLC**, Marrero, LA – La. R.S. 37:2150-2192, Sec. 2158(A)(9).

Ms. Dupuy gave a summary of the allegations. Antoine Irvine and attorney Tom St. Germain were present on behalf of BENBROOK CONTRACTING, LLC. Mr. Irvine was sworn in. The judgment was filed and admitted into evidence. Mr. St. Germain made a statement. Mr. Talbot made a motion to allow BENBROOK CONTRACTING, LLC 60 days to resolve the judgment or the license will be revoked. Mr. Stuart seconded, and the motion passed.

2. **HAL COLLUMS CONSTRUCTION, LLC**, New Orleans, LA – La. R.S. 37:2150-2192, Sec. 2158(A)(9).

Mr. Weston made a motion to remove this matter from the agenda, and Mr. Talbot seconded. The motion passed.

D. COMPLIANCE HEARING(S):

1. **J.A.C. BUILDERS, LLC**, New Orleans, Louisiana – La. R.S. 37:2158 (A)(2)(3) and Rules and Regulations of the Board Sec. 105 (A).

Mr. Rawls gave a summary of the allegations. No one was present on behalf of J.A.C. BUILDERS, LLC. Investigator Todd Brady was called to the stand and sworn in to review the exhibits. The exhibit packet was filed and admitted into evidence. Mr. Weston made a motion to find J.A.C. BUILDERS, LLC to be in violation, and Mr. Talbot seconded. The motion passed. Mr. Weston made a motion to revoke the license of J.A.C. BUILDERS, LLC and fine the maximum fine on each violation for a total of \$2,000 plus administrative costs. Mr. Talbot seconded, and the motion passed.

2. **HOME COMFORT ENTERPRISES, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2158(A)(3) and Rules and Regulations of the Board Sec. 109.

Mr. Rawls gave a summary of the allegations. No one was present on behalf of HOME COMFORT ENTERPRISES, LLC. Mr. Rawls read the settlement offer presented by HOME COMFORT ENTERPRISES, LLC. Mr. Talbot made a motion to reject the settlement offer, and Mr. Weston seconded. The motion passed.

Brigham Ragusa appeared on behalf of HOME COMFORT ENTERPRISES, LLC at a later time during the meeting and was sworn in. Mr. Ragusa entered a no contest plea. Mr. Badeaux made a motion to accept the plea, and Mr. Walker seconded. The motion passed. Mr. Ragusa made a statement. Mr. Stuart made a motion to fine HOME COMFORT ENTERPRISES, LLC \$1,000 plus administrative costs, and Mr. Weston seconded. The motion passed.

3. a) **MILLSTONE GENERAL CONTRACTORS, LLC**, North Salem, Indiana – La. R.S. 37:2160(A)(1), La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by MILLSTONE GENERAL CONTRACTORS, LLC, which did not have a representative present. Mr. Weston made a motion to accept the settlement offer, and Mr. Talbot seconded. The motion passed.

- b) **SCHINDLER ELEVATOR CORPORATION**, Morristown, New Jersey – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations. Attorney David Gold was present on behalf of SCHINDLER ELEVATOR CORPORATION and entered a no contest plea. Mr. Weston made a motion to accept the plea, and Mr. Talbot seconded. The motion passed. Mr. Gold gave a statement. Mr. Weston made a motion to fine SCHINDLER ELEVATOR CORPORATION \$1,000 plus administrative costs, and Mr. Stuart seconded. The motion passed.

- c) **BRADFORD ELECTRIC COMPANY INCORPORATED**, New Market, Alabama – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by BRADFORD ELECTRIC COMPANY INCORPORATED, which did not have a representative present. Mr. Gallo made a motion to accept the settlement offer, and Mr. Weston seconded. The motion passed.

- d) **FIVE S FARMS & CONSTRUCTION CO., INC.**, Ville Platte, Louisiana – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by FIVE S FARMS & CONSTRUCTION CO., INC., which did not have a representative present. Mr. Weston made a motion to reject the settlement offer and counter with a fine of \$1,000 plus administrative costs, and Mr. Talbot seconded. The motion passed.

- e) **FAST PAINTING, INC.**, Baton Rouge, Louisiana – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations. No one was present on behalf of FAST PAINTING, INC. Investigator Frank Vaughan was called to the stand and sworn in for review of the exhibits. The exhibit packet was filed and admitted. Mr. Talbot made a motion to find FAST PAINTING, INC. to be in violation, and Mr. Weston seconded. The motion passed. Mr. Talbot made a motion to fine FAST PAINTING, INC. the maximum fine plus administrative costs, and Mr. Stuart seconded. The motion passed.

4. a) **SHERRILL CONSTRUCTION CO., LLC**, Tyler, Texas – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by SHERRILL CONSTRUCTION CO., LLC, which did not have a representative present. Mr. Talbot made a motion to reject the settlement offer and counter with a fine of \$1,000 plus administrative costs, and Mr. Graham seconded. The motion passed.

- b) **TOM WRIGHT CONSTRUCTION, LLC D/B/A BUILT WRIGHT CONSTRUCTION**, Waco, Texas – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by TOM WRIGHT CONSTRUCTION, LLC D/B/A BUILT WRIGHT CONSTRUCTION, which did not have a representative present. Mr. Badeaux made a motion to accept the settlement offer, and Mr. Walker seconded. The motion passed.

- c) **KINGREY CONSTRUCTION, LLC**, Waco, Texas – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by KINGREY CONSTRUCTION, LLC, which did not have a representative present. Mr. Talbot made a motion to reject the settlement offer and counter with a fine of \$3,000 plus administrative costs, and Mr. Gallo seconded. The motion passed.

5. a) **PENCO CONSTRUCTION GROUP- IMPERIAL JOINT VENTURE**, Austin, Texas – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offers presented by PENCO CONSTRUCTION GROUP, LLC AND IMPERIAL CONSTRUCTION, INC., neither of which had a representative present. Mr. Weston made a motion to accept the settlement offers, and Mr. Gallo seconded. The motion passed.

- b) **WILLIAM RHODS D/B/A WR ROOFING AND CONSTRUCTION**, Mansfield, Texas – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by WILLIAM RHODS D/B/A WR ROOFING AND CONSTRUCTION, which did not have a representative present. Mr. Jones made a motion to reject the settlement offer and counter with a fine of \$5,000 plus administrative costs, reduced to \$2,000 plus administrative costs if licensed within 90 days. Mr. Weston seconded, and the motion passed.

6. a) **DANIEL UTILITY CONSTRUCTION, INC.**, Little Rock, Arkansas – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by DANIEL UTILITY CONSTRUCTION, INC., which did not have a representative present. Mr. Graham made a motion to reject the settlement offer, and Mr. Weston seconded. The motion passed. Mr. Graham made a motion to counter with a fine of \$1,000 plus administrative costs, and Mr. Talbot seconded. The motion passed.

- b) **MICHAEL QUIROZ D/B/A ARC ELECTRIC**, Burleson, Texas – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations. No one was present on behalf of MICHAEL QUIROZ D/B/A ARC ELECTRIC. Investigator Leann Evans was called to the stand and sworn in for review of the exhibit packet. The exhibits were filed and admitted. Mr. Talbot made a motion to find MICHAEL QUIROZ D/B/A ARC ELECTRIC to be in violation, and Mr. Weston seconded. The motion passed. Mr. Talbot made a motion to issue the maximum fine plus administrative costs, and Mr. Graham seconded. The motion passed.

7. a) **VOELKEL MCWILLIAMS CONSTRUCTION, LLC**, Mandeville, Louisiana – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by VOELKEL MCWILLIAMS CONSTRUCTION, LLC, which did not have a representative present. Mr. Weston made a motion to reject the settlement offer and counter with a fine of \$1,000 plus administrative costs, and Mr. Gallo seconded. The motion passed.

- b) **PATTISON SIGN GROUP, INC.**, Knoxville, Tennessee – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by PATTISON SIGN GROUP, INC., which did not have a representative present. Mr. Weston made a motion to accept the settlement offer, and Mr. Gallo seconded. The motion passed.

8. a) **BARNES INC. OF MISSISSIPPI**, Jackson, Mississippi – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by BARNES INC. OF MISSISSIPPI, which did not have a representative present. Mr. Graham made a motion to accept the settlement offer, and Mr. Jones seconded. The motion passed.

- b) **JAMES S. BERRY D/B/A QUALITY 1ST ENTERPRISES, LLC**, Crystal Springs, Mississippi – La. R.S. 37:2160 (A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by JAMES S. BERRY D/B/A QUALITY 1ST ENTERPRISES, LLC, which did not have a representative present. Mr. Badeaux made a motion to accept the settlement offer, and Mr. Lambert seconded. The motion passed.

- c) **RENE BANKSTON, JR. D/B/A BANKSTON, JR. D/B/A BANKSTON ENTERPRISES, LLC**, Louisville, Mississippi – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by RENE BANKSTON, JR. D/B/A BANKSTON, JR. D/B/A BANKSTON ENTERPRISES, LLC, which did not have a representative present. Mr. Jones made a motion to accept the settlement offer, and Mr. Talbot seconded. The motion passed.

9. a) **ALPHA ENTERPRISES I, LLC**, Port Allen, Louisiana – La. R.S. 37:2160(A)(1).

- b) **WILLIAMS CONSTRUCTION COMPANY OF PORT ALLEN, LOUISIANA**, Port Allen, Louisiana – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations. Kem Anderson was present on behalf of ALPHA ENTERPRISES I, LLC, and Frank Williams was present on behalf of WILLIAMS CONSTRUCTION

COMPANY OF PORT ALLEN, LOUISIANA. Both parties were sworn in. Mr. Anderson entered a no contest plea. Mr. Weston made a motion to accept the plea, and Mr. Talbot seconded. The motion passed. Mr. Williams entered a no contest plea. Mr. Weston made a motion to accept the plea, and Mr. Jones seconded. The motion passed. Each party gave a statement. Mr. Weston made a motion to dismiss both matters, and Mr. Gallo seconded. The motion passed.

10. **MAC'S AIR CONDITIONING, INC.**, Woodville, Mississippi – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by MAC'S AIR CONDITIONING, INC., which did not have a representative present. Mr. Gallo made a motion to accept the settlement offer, and Mr. Badeaux seconded. The motion passed.

11. **EDGECOMBE CONSTRUCTION, LLC**, Buras, Louisiana – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by EDGECOMBE CONSTRUCTION, LLC, which did not have a representative present. Mr. Talbot made a motion to accept the settlement offer, and Mr. Badeaux seconded. The motion passed.

12. **SCOTT BELL**, Baton Rouge, Louisiana – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations. Attorney Alesia Ardoin was present on behalf of SCOTT BELL. Ms. Ardoin presented a settlement offer. Mr. Gallo made a motion to accept the offer, and Mr. Talbot seconded. The motion passed.

13. **ANTONIO RUBIO**, Monroe, Louisiana – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations. No one was present on behalf of ANTONIO RUBIO. Investigator Jessie Wells was called to the stand and sworn in for review of the exhibits. The exhibits were filed and admitted. Mr. Gallo made a motion to find ANTONIO RUBIO to be in violation, and Mr. Talbot seconded. The motion passed. Mr. Gallo made a motion to fine ANTONIO RUBIO the maximum fine plus administrative costs, reduced to \$1,000 plus administrative costs if licensed within 90 days. Mr. Talbot seconded, and the motion passed.

OLD BUSINESS

E. COMPLIANCE HEARING/CONTINUANCE(S):

1. **SOUTHEAST CONSTRUCTION, LLC**, Fairhope, Alabama – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations. David Sanders was present on behalf of SOUTHEAST CONSTRUCTION, LLC and sworn in. Mr. Sanders entered a no contest plea. Mr. Jones made a motion to accept the plea, and Mr. Gallo seconded. The motion passed. Mr. Sanders made a statement before the Board. Mr. Badeaux made a motion to fine SOUTHEAST CONSTRUCTION, LLC \$500 plus administrative costs, and Mr. Lambert seconded. The motion passed.

2. **ROB-BILT POLEBARNES, LLC**, Tahlequah, Oklahoma – La. R.S. 37:2160 (A)(1).

Mr. Rawls gave a summary of the allegations. Attorney E.R. Robinson, III was present and entered a no contest plea on behalf of ROB-BILT POLEBARNES, LLC. Mr. Weston made a motion to accept the plea, and Mr. Talbot seconded. The motion passed. Mr. Robinson presented a settlement offer. Mr. Lambert made a motion to accept the offer, and Mr. Talbot seconded. The motion passed.

F. COMMITTEE REPORTS:

1. Report from the Staff – Ms. Dupuy gave a report on the required ethics training certification.
2. Building Committee – Mr. McDuff gave an update on the building generator.
3. Classification and Testing Committee – Mr. Weston made a motion to accept the 2013 audit questionnaire, and Mr. Jones seconded. The motion passed.
4. Legislative/Rules and Regulations Committee – Mr. Gallo had nothing new to report.
5. Finance Committee – Mr. Lambert made a motion to accept the financials as presented, and Mr. Talbot seconded. The motion passed.
Mr. Weston made a motion to increase the advertising budget by \$90,000, the computer budget by \$20,000, and the building budget by \$19,000. Mr. Lambert seconded, and the motion passed.
6. Residential Building Committee – Mr. Badeaux made a motion to approve the actions of the November 5 Residential Committee Meeting, and Mr. Lambert seconded. The motion passed.

G. Consideration of residential applications, home improvement registrations and exemptions as listed and attached to the agenda. (Pages 6 - 10)

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

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

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

H. Consideration of commercial licensure exemptions as listed and attached to the agenda. (Pages 12 & 13)

Mr. Weston made a motion to approve the licensure exemption requests as listed on the agenda, and Mr. Gallo seconded.

I. Consideration of mold remediation application as listed and attached to the agenda. (Page 15)

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

J. 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. Jones seconded. The motion passed.

K. Consideration of commercial applications as listed and attached to the agenda.

- **PENDING ALL REQUIREMENTS BEING MET** (Pages 20 - 27)

Mr. Lambert made a motion to approve the applications as listed on pages 20-27, and Mr. Gallo seconded. The motion passed.

- **REGULAR COMMERCIAL APPLICATIONS** (Page 28)

Mr. Lambert made a motion to approve the commercial applications as listed on page 28, and Mr. Gallo seconded. The motion passed.

Mr. McDuff gave a statement regarding the February training session. Mr. Mallett gave a statement regarding Board committees.

ADJOURNMENT

Mr. Talbot made a motion to adjourn the meeting at 11:25 a.m., and Mr. Gallo seconded. The motion passed.

Chairman

Secretary/Treasurer