

STATE LICENSING BOARD FOR CONTRACTORS

COMMERCIAL BOARD

MEETING MINUTES

July 20, 2017

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallet, on Thursday, July 20, 2017 at 9:36 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.
- Kenneth Jones
- Donald G. Lambert
- Garland Meredith
- Byron Talbot
- Victor Weston

Members Danny R. Graham, Jaclyn S. Hotard, and Christopher N. Stuart 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; Larry Bankston, Board Attorney; and from the staff, Leann Evans, Brent Templet, Lowana Cola, and John Dixon; Compliance Director, Brad Hassert; Compliance Investigators, Todd Brady, Frank Vaughn, Carl Bourque, and Johnny Rogers; and Tarah Revette recording the minutes.

Mr. Jones 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 **June 15, 2017** regular meeting. Mr. Weston seconded. The motion passed.

Mr. Hassert asked Compliance Investigator Carl Bourque to come forward. Mr. Hassert recognized Mr. Bourque for his 13 years of service with LSLBC. Mr. Hassert also stated that Mr. Bourque will be retiring from the agency at the end of July. The Board thanked Mr. Bourque for his service to the agency and congratulated Mr. Bourque on his retirement.

NEW BUSINESS

C. **QUALIFYING PARTY HEARINGS** – La. R.S. 37:2156.1, Sec. 103 Rules and Regulations of the Board

1. Ms. Dupuy gave a summary of the allegations. No one was present on behalf of CLYDE BERGEMANN US INC. Mr. Talbot made a motion to allow the company 30 days to replace the qualifying party and pass the required examinations and if the company fails to comply within the timeframe given the company's license will be automatically revoked by staff. Mr. Fenet seconded. The motion passed. Mr. Bankston entered the exhibit packet into evidence and it was admitted.

D. JUDGMENTS:

1. **BOKAS BUILDING DESIGNS, LLC**, Zachary, Louisiana – La. R.S. 37:2150-2192, 2158(A)(8) and (A)(9), 2156.1(D)(1) and Section 115 of the Board’s Rules and Regulations

Ms. Dupuy gave a summary of the allegations. Attorney Henry King and Tim Kinyomi were present on behalf of BOKAS BUILDING DESIGNS, LLC. Mr. Kinyomi was sworn in. Dean Hooker, the creditor for this matter, was also present and was sworn in. Mr. Bankston addressed the board regarding this matter. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Kinyomi gave a statement to the board. Ms. Hooker provided testimony to the board. Mr. Jones made a motion to give BOKAS BUILDING DESIGNS, LLC 30 days to pay the judgment or enter into a payment plan. If these terms are not satisfied within 30 days the license will be automatically revoked by staff. Mr. Gallo seconded. The motion passed. The payment was made in the presence of the Board by Mr. Kinyomi to Ms. Hooker.

2. a) **WORK CONSTRUCTION COMPANY, INCORPORATED**, Mandeville, Louisiana – La. R.S. 37:2150-2192, 2158(A)(8) and (A)(9), 2156.1(D)(1) and Section 115 of the Board’s Rules and Regulations
- b) **WORK CONSTRUCTION COMPANY, INCORPORATED**, Mandeville, Louisiana – La. R.S. 37:2150-2192, 2158(A)(8) and (A)(9), 2156.1(D)(1) and Section 115 of the Board’s Rules and Regulations

Ms. Dupuy gave a summary of the allegations. Attorney Phillip Wallace and Ed Kimball were present on behalf of WORK CONSTRUCTION COMPANY, INCORPORATED. Attorney Frank White was present on behalf of the creditors for both matters. Mr. Bankston entered the exhibit packets for both matters into evidence and they were admitted. Mr. White provided testimony to the board. Mr. Clouatre made a motion to give WORK CONSTRUCTION COMPANY, INCORPORATED 60 days to pay the judgment or resume payments in accordance to the existing payment plan. If these terms are not satisfied within 60 days the license will be automatically revoked by staff. Mr. Weston seconded. The motion passed.

E. COMPLIANCE HEARINGS:

Leann Evans, Administrative Compliance Director, was sworn in.

1. a) **A – PROFESSIONAL HEATING & AIR CONDITIONING, LLC**, Hammond, Louisiana La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by A – PROFESSIONAL HEATING & AIR CONDITIONING, LLC. Mr. Gallo made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Fenet seconded. The motion passed.

- b) **ELITE CONSTRUCTION, INC.**, Lexington, Georgia – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of ELITE CONSTRUCTION, INC. Investigator Frank Vaughn was called to the stand and was sworn in. Mr. Vaughn reviewed the exhibit packet and provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Weston made a motion to find ELITE CONSTRUCTION, INC. to be in violation. Mr. Dupuy 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.

2. a) **ROBERT WOLFE CONSTRUCTION, INC.**, Gretna, Louisiana – La. R.S. 37:2158(A)(4)

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

- b) **JUAN YANEZ D/B/A J. YANEZ CONSTRUCTION**, Metairie, Louisiana – La. R.S. 2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by JUAN YANEZ D/B/A J. YANEZ CONSTRUCTION. Mr. Fenet made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

3. **KENNETH GENZASI WANG**, Baton Rouge, Louisiana – La. R.S. 37:2158(A)(3) and Rules and Regulations of the Board Sec. 109

Ms. Evans gave a summary of the allegations. KENNETH GENZASI WANG was present and was sworn in. Mr. Wang entered a no contest plea. Mr. Gallo made a motion to accept the plea. Mr. Dupuy seconded. The motion passed. Mr. Wang gave a statement. Mr. Gallo made a motion to access \$500 in administrative costs. Mr. Meredith seconded. The motion passed.

4. a) **COMMERCIAL RENOVATION SERVICES, 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 COMMERCIAL RENOVATION SERVICES, INC. Mr. Gallo made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Weston seconded. The motion passed.

- b) **WILLIAM RILEY ROBERSON D/B/A COVENANT NETWORKING SOLUTIONS**, Prosper, Texas – La. R.S. 37:2160(A)(1)

This matter has been continued.

5. Matters 5a and 5b were consolidated.

- a) **C. DWAYNE ROSE**, Hammond, Louisiana – La. R.S. 37:2158(A)(5)

- b) **CIRQUE, INC.**, Hammond, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. C. DWAYNE ROSE was present and was sworn in. Paul Murphy was present on behalf of CIRQUE, INC. and was sworn in. Mr. Rose entered a denial plea. Mr. Meredith made a motion to accept the plea. Mr. Jones seconded. The motion passed. Mr. Murphy entered a no contest plea. Mr. Meredith made a motion to accept the plea. Mr. Jones seconded. The motion passed. Investigator Todd Brady was called to the stand and was sworn in. Mr. Brady reviewed the exhibit packet and provided testimony to the board. Mr. Bankston entered the exhibit packet into evidence and it was admitted. Mr. Murphy gave a statement to the board regarding these matters. Mr. Brady provided additional testimony to the board. Mr. Bankston addressed the Board. The board questioned Mr. Rose and Mr. Murphy. After discussion, Mr. Rose changed his initial denial plea to a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Weston seconded. The motion passed. Mr. Weston made a motion to assess a \$1000 fine plus \$500 in administrative costs and one year probation for C. DWAYNE ROSE. Mr. Gallo seconded. The motion passed with one opposed from Mr. Fenet. Mr. Weston made a motion to assess a \$1000 fine plus \$500 in administrative costs for CIRQUE, INC. Mr. Jones seconded. The motion passed.

<After matters 5a and 5b were heard, Mr. McDuff asked Ken Naquin with the Louisiana Associated General Contractors to address the board not in relation to agenda item E. Compliance Hearings.>

Ken Naquin addressed the board regarding the rescission of the reciprocity agreement between LSLBC and the Alabama Licensing Board for General Contractors. Mr. Naquin requested the board to meet with representatives from the Alabama Licensing Board for General Contractors to discuss the rescission of the reciprocity agreement. The board agreed to the meeting with the Alabama Licensing Board for General Contractors. Mr. McDuff also addressed the board regarding the meeting.

6. WILBUR CHIASSON, JR. D/B/A J.R. CHIASSON DRAIN CLEANING & REPAIRS, Marrero, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by WILBUR CHIASSON, JR. D/B/A J.R. CHIASSON DRAIN CLEANING & REPAIRS. Mr. Talbot made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Dupuy seconded. The motion passed.

OLD BUSINESS

F. COMPLIANCE HEARINGS/CONTINUANCES:

1. FILIBERTO PUENTE CONSTRUCTION, Houston, Texas – La. R.S. 2160(A)(1)

Ms. Evans gave a summary of the allegations. Filiberto Puente was present on behalf of FILIBERTO PUENTE CONSTRUCTION and was sworn in. Mr. Puente entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Meredith seconded. The motion passed. Mr. Puente gave a statement to the board. Mr. Talbot made a motion to assess a \$1000 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 proper license within 90 days. Mr. Fenet seconded. The motion passed.

G. REQUEST FOR JUDGMENT REHEARING/RECONSIDERATION OF PENALTY:

1. PARMS CONSRUCTION, LLC, Baton Rouge, Louisiana – La. R.S. 2160(A)(1)

Ms. Dupuy gave a summary of the violation and the board action taken on February 16, 2017. Ms. Dupuy stated that the company notified the board that the judgment was satisfied and the company is requesting reinstatement of their license. Willie Parms was present on behalf of PARMS CONSTRUCTION, LLC and was sworn in. Mr. Cloutre made a motion to reconsider the penalty. Mr. Talbot seconded. The motion passed. Mr. Talbot made a motion to have staff verify that the judgment has been satisfied and to reinstate the company's license if the judgment has been satisfied. Mr. Gallo seconded. The motion passed.

H. REPORTS:

1. Staff Reports – Mr. Dupuy made a motion to approve the resolution, Amendment to Agreement, which will extend the contract with the board attorney, Larry Bankston with Bankston & Associates, LLC, until December 31, 2018. Mr. Gallo seconded. The motion passed.
2. Building Report – Mr. McDuff stated that building renovations plans for the agency existing building are being created and also possibly a presentation for a new building for the agency.
3. Classification and Testing Report – Mr. Gallo stated that the report will be given at a later time.
4. Legislative/Rules and Regulations Report – Mr. Fenet had no new report
5. Finance Report – Mr. Dupuy asked for a motion to approve the June financial statement as presented. Mr. Gallo made a motion to accept the June financial statement as presented. Mr. Talbot seconded. The motion passed.
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 **July 19, 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, and Mr. Gallo seconded. The motion passed.

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

Mr. Badeaux made a motion to approve the actions taken at the July 19, 2017 Residential Building Subcommittee meeting and Mr. Jones seconded. The motion passed.

J. Consideration of reciprocity and exemption requests as listed and attached to the agenda. (Page 16-18)

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

Mr. Dupuy made a motion to approve the Exemptions as listed on the agenda with the addition of BRAD FOREMAN CONSTRUCTION, LLC, which was not listed on the agenda, and excluding RISLYN GROUP LLC. Mr. Weston seconded, and the motion passed.

K. Consideration of mold remediation application as listed and attached to the agenda. (Page 19)

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

L. Consideration of additional classifications as listed and attached to the agenda. (Pages 20-22)

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

M. Consideration of commercial applications as listed and attached to the agenda. (Pages 23-33)

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

EXECUTIVE SESSION

Mr. Cloutre made a motion to go into Executive Session and recess regular meeting at 10:51 a.m. Mr. Fenet seconded. The motion passed.

Mr. Gallo made a motion to leave Executive Session and reconvene regular meeting at 11:03 a.m. Mr. Cloutre seconded. The motion passed.

Mr. Gallo made a motion to accept the settlement as proposed. Mr. Cloutre seconded. The motion passed unanimously.

Mr. Cloutre read the following:

The Board has resolved the following litigation:

“William D. Martin, Jr. and Macola, LLC vs. State Licensing Board for Contractors, Docket No. 564,388-B, First Judicial District Court, Caddo Parish, Louisiana.”

The Board acknowledges that Macola, LLC and Lamay-O, Inc. are licensed residential contractors in good standing with the Board.

ADJOURNMENT

Mr. Jones made a motion to adjourn at 11:04 a.m., and Mr. Meredith seconded. The motion passed.

Lee Mallett, Chairman

Byron E. Talbot, Secretary