

STATE LICENSING BOARD FOR CONTRACTORS
COMMERCIAL BOARD MEETING MINUTES
NOVEMBER 21, 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
William Cloutre
George Crain, Jr.
Nelson A. "Andy" Dupuy, Jr.
Courtney Fenet, Jr.
August Gallo, Jr.
Danny Graham
Kenneth Jones
Donald G. Lambert
Garland Meredith
Christopher Stuart
Art O. Walker
Victor Weston

No members 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, Bobby Abraham, Lynwood Allemore, Dylan Bourg, Carl Bourque, Todd Brady, William Collins, Leann Evans, Tommy Mimnaugh, Charmel Peterson, Johnny Rogers, Frank Vaughan, Chris Verges, and Jessie Wells; and Kara Kearney recording the minutes.

Mr. Walker 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.

A motion was made to accept the Minutes of the **October 17, 2013** regular meeting. The motion was seconded and passed unanimously.

Mr. McDuff introduced Kim Calloway, Rashida Keith, Sandy Painting, Nevonda Reed and Brandi Cannon with the Louisiana House of Representatives. Also present were Lynda Evans with the Capital Region Builders Association, Jeannie Dodd with the Louisiana Homebuilders Association, Ken Naquin with Associated General Contractors, John Walters with ABC, and Nick Castjohn of the LSLBC Residential Building Committee.

Mr. Jones gave a statement regarding Act 399 and the Office of Debt Recovery (ODR). Mr. Talbot made a motion to move forward with collecting debt through the Office of Debt Recovery, and Mr. Weston seconded. The motion passed.

NEW BUSINESS

C. JUDGMENT(S):

1. **CRUZ CONSTRUCTION, LLC**, Monroe, LA – La. R.S. 37:2150-2192, Sec. 2158(A)(9).

Ms. Dupuy gave a summary of the allegations. Edwin Cruz was present and sworn in. Mr. Cruz gave a statement to the Board. The judgment was filed and admitted into evidence. Mr. Talbot made a motion to allow CRUZ CONSTRUCTION, LLC 60 days to resolve the unpaid judgment or the license will be revoked. Mr. Gallo seconded, and the motion passed.

2. **ELEVATION MASTERS, INC.**, New Orleans, LA – La. R.S. 37:2150-2192, Sec. 2158(A)(9).

Ms. Dupuy gave a summary of the allegations. Terrence Mitchell and his attorney Sundiata Haley were present on behalf of ELEVATION MASTERS, INC. Attorney Philip Ciaccia, Jr. was present on behalf of the creditor. Mr. Mitchell was sworn in, and each party gave a statement. The judgments were filed and admitted. Mr. Weston made a motion to allow ELEVATION MASTERS, INC. until February 1, 2014, to resolve the unpaid judgment or the license will be revoked. Mr. Meredith seconded, and the motion passed.

3. **ROBLEY DEL TAYLOR**, Crowley, LA – La. R.S. 37:2150-2192, Sec. 2158(A)(9).

Ms. Dupuy gave a summary of the allegations. Robley Taylor was present on behalf of ROBLEY DEL TAYLOR. Creditors Phyllis and Richard Watson and their attorney Anne Watson were also present. All parties were sworn in and each gave a statement. Mr. Talbot made a motion to allow

ROBLEY DEL TAYLOR 30 days to resolve the unpaid judgment or the license will be revoked. Mr. Gallo seconded, and the motion passed.

4. **SONGY AND SONS ENTERPRISE, LLC**, Denham Springs, LA – La. R.S. 37:2150-2192, Sec. 2158(A)(9).

Ms. Dupuy gave a summary of the allegations. Mr. Jones recused himself. Nathan Songy was present and sworn in. Four judgments were filed and admitted into evidence. Mr. Songy gave a statement. Mr. Talbot made a motion to revoke the license of SONGY AND SONS ENTERPRISE, LLC, and Mr. Weston seconded. The motion passed.

5. **THOMAS RAYMOND LOFTON**, Baton Rouge, LA – La. R.S. 37:2150-2192, Sec. 2158(A)(9).

Ms. Dupuy gave a summary of the allegations. Thomas Lofton was present and sworn in. The judgment was filed and admitted. Mr. Lofton gave a statement. Mr. Meredith made a motion to allow THOMAS RAYMOND LOFTON 30 days to resolve the unpaid judgment or the license will be revoked. Mr. Dupuy seconded, and the motion passed.

D. COMPLIANCE HEARING(S):

1. **BUILDING RESTORATION CORPORATION**, Roseville, Minnesota – La. R.S. 37:2159(B).

Mr. Rawls gave a summary of the allegations. No one was present on behalf of BUILDING RESTORATION CORPORATION. Mr. Rawls read a settlement offer presented by BUILDING RESTORATION CORPORATION. Mr. Weston made motion to accept the settlement offer, and Mr. Graham seconded. The motion passed.

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

Mr. Rawls gave a summary of the allegations. No one was present on behalf of ROB-BILT POLEBARN, LLC. Mr. Rawls read a settlement offer presented by ROB-BILT POLEBARN, LLC. Mr. Talbot made motion to reject the settlement offer, and Mr. Dupuy seconded. The motion passed.

3. a) **LAYNE HEAVY CIVIL, INC.**, Orleans, Indiana – La. R.S. 37:2158(A)(4).
b) **LINDA MCCLAIN**, Eufaula, Alabama – La. R.S. 37:2158(A)(3) and Rules and Regulations of the Board Sec. 109.

Mr. Rawls gave a summary of the allegations and read the settlement offers presented by LAYNE HEAVY CIVIL, INC. and LINDA MCCLAIN, neither of which had a representative present. Mr. Cloutre made a motion to accept the settlement offers as presented, and Mr. Talbot seconded. The motion passed.

4. a) **MANN'S CONSTRUCTION, INC.**, West Monroe, Louisiana – La. R.S. 37:2158(A)(4).
b) **CARROLL & SONS ROOFING, L.L.C.**, Winnsboro, Louisiana – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offers presented by MANN'S CONSTRUCTION, INC. and CARROLL & SONS ROOFING, L.L.C., neither of which had a representative present. Mr. Meredith made a motion to accept the settlement offers as presented, and Mr. Cloutre seconded. The motion passed.

5. a) **JAX DEVELOPMENT, INC.**, Monroe, Louisiana – La. R.S. 37:2160 (A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by JAX DEVELOPMENT, INC., which did not have a representative present. Mr. Talbot made a motion to accept the settlement offer as presented, and Mr. Cloutre seconded. The motion passed.

- b) **PREMIER AIR SERVICES, INC.**, Swartz, Louisiana – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by PREMIER AIR SERVICES, INC., which did not have a representative present. Mr. Weston made a motion to accept the settlement offer as presented, and Mr. Cloutre seconded. The motion passed.

- c) **DAVID DEWAIN DUKE**, West Monroe, Louisiana – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by DAVID DEWAIN DUKE, who did not have a representative present. Mr. Dupuy made a motion to accept the settlement offer as presented, and Mr. Cloutre seconded. The motion passed.

- d) **JOSE MARIO TERAN**, Palestine, Texas – La. R.S. 37:2160 (A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by JOSE MARIO TERAN, who did not have a representative present. Mr. Cloutre made a motion to accept the settlement offer as presented, and Mr. Walker seconded. The motion passed.

6. a) **VAN TASSEL-PROCTOR, INC.**, Little Rock, Arkansas – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations. Attorney John Madison was present on behalf of VAN TASSEL-PROCTOR, INC., and made a settlement offer. Mr. Cloutre made a motion to accept the settlement offer as presented, and Mr. Meredith seconded. The motion passed.

- b) **INDUSTRIAL ROOFING, INC.**, Spiro, Oklahoma – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations. No one was present on behalf of INDUSTRIAL ROOFING, INC. Investigator Jessie Wells was called to the stand and sworn in for review of the exhibits. The complete exhibit packet was filed and admitted into evidence. Mr. Dupuy made a motion to find INDUSTRIAL ROOFING, INC. to be in violation, and Mr. Graham seconded. The motion passed. Mr. Dupuy made a motion to fine INDUSTRIAL ROOFING, INC. the maximum fine plus administrative costs, and Mr. Graham seconded. The motion passed with Mr. Badaux's objection. After discussion, Mr. Weston made a motion to rescind Mr. Dupuy's penalty motion, and Mr. Fenet seconded. The motion passed. Mr. Meredith made a motion to fine INDUSTRIAL ROOFING, INC. \$2,500 plus administrative costs, reduced to \$1,000 plus administrative costs if licensed within 90 days. Mr. Fenet seconded, and the motion passed.

- c) **DWAYNE BENTON D/B/A BENTON CONSTRUCTION CO. LLC**, Beebe, Arkansas – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations. No one was present on behalf of DWAYNE BENTON D/B/A BENTON CONSTRUCTION CO. LLC. Investigator Jessie Wells was called to the stand and sworn in for review of the exhibits. The complete exhibit packet was filed and admitted into evidence. Mr. Fenet made a motion to find DWAYNE BENTON D/B/A BENTON CONSTRUCTION CO. LLC to be in violation and fine \$2,500 plus administrative costs, reduced to \$1,000 plus costs if licensed within 90 days. Mr. Cloutre seconded, and the motion passed.

- d) **EXCO, INC.**, West Monroe, Louisiana – La. R.S. 37:2160(A)(1).

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

7. **GARY MATTE D/B/A GARY MATTE HOME CENTER AND/OR GARY MATTE BUILDERS INC.**, Rayne, Louisiana – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations. Laura Matte was present on behalf of GARY MATTE D/B/A GARY MATTE HOME CENTER AND/OR GARY MATTE BUILDERS INC. and sworn in. Ms. Matte entered a no contest plea. Mr. Jones made a motion to accept the plea, and Mr. Meredith seconded. The motion passed. Ms. Matte gave a statement to the board. Mr. Lambert made a motion to dismiss the case, and Mr. Graham seconded. The motion passed.

OLD BUSINESS

E. COMPLIANCE HEARING/CONTINUANCE(S):

1. **KENNETH D. DAVIS D/B/A DAVIS SPECIALTIES, INC.**, Gulfport, Mississippi – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by KENNETH D. DAVIS D/B/A DAVIS SPECIALTIES, INC., which did not have a representative present. Mr. Graham made a motion to accept the settlement offer as presented, and Mr. Dupuy seconded. The motion passed.

F. REQUEST FOR JUDGMENT REHEARING:

1. **MOORE ELECTRIC, INC.**, Baton Rouge, Louisiana – La. R.S. 37:2150-2192, Sec. 2158 (A)(9).

Ms. Dupuy gave a summary of the allegations. Ralph Moore of Moore Electric, Inc. was present and sworn in. Also present was Frank White, attorney for the creditor. The judgment was filed and admitted. Each party gave a statement. Mr. Cloutre made a motion to uphold the action taken by the Board at the October 17, 2013, hearing, and Mr. Talbot seconded. The motion passed. The Board will entertain a rehearing when the creditor has been satisfied.

G. COMMITTEE REPORTS:

1. Report from the Staff – Mr. McDuff gave a report on the training workshop to take place February 19, 2014.
2. Building Committee – Mr. McDuff gave a report on the generator.
3. Classification and Testing Committee – Mr. Weston gave his report at a later time.

4. Legislative/Rules and Regulations Committee – Mr. Gallo made a motion to accept the revisions to the rules and regulations, and Mr. Meredith seconded. The motion passed.
5. Act 725 Committee – Mr. Meredith had nothing new to report.
6. Finance Committee – Mr. Dupuy made a motion to accept the financials as presented, and Mr. Cloutre seconded. The motion passed. Mr. Dupuy made a motion to approve the 2014 budget, and Mr. Cloutre seconded. The motion passed.
7. Residential Building Committee – Mr. Badeaux made a motion to approve the actions of the November 6 Residential Committee Meeting. Mr. Talbot seconded, and the motion passed.

- H. Consideration of residential applications, home improvement registrations and exemptions as listed and attached to the agenda. (Pages 5-10)

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

- I. Consideration of commercial licensure exemptions as listed and attached to the agenda. (Pages 12 - 15)

Mr. Dupuy made a motion to approve the exemptions as listed on pages 12-13, and Mr. Cloutre seconded. The motion passed.

Mr. Dupuy made a motion to approve the new application exemptions as listed on pages 14-15 with the exception of MCC ELECTRIC, LLC; THE MCC GROUP, LLC; MCC MECHANICAL, LLC; MCC SERVICES, LLC; MECHANICAL CONSTRUCTION COMPANY, LLC; METAL CONSTRUCTION COMPANY, LLC; and TRISON CONSTRUCTION, LLC. Mr. Cloutre seconded, and the motion passed.

- J. Consideration of mold remediation application as listed and attached to the agenda. (Page 17)

Mr. Lambert made a motion to approve the mold remediation application as listed on page 17, and Mr. Stuart seconded. The motion passed.

- K. Consideration of additional classifications as listed and attached to the agenda. (Pages 19 - 21)

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

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

- **PENDING ALL REQUIREMENTS BEING MET** (Pages 23 - 32)

Mr. Lambert made a motion to accept the commercial applications on pages 23-32, and Mr. Stuart seconded. The motion passed.

- **REGULAR COMMERCIAL APPLICATIONS** (Page 33 - 34)

Mr. Lambert made a motion to accept the commercial applications on pages 33-34, and Mr. Stuart seconded.

ADJOURNMENT

Mr. Gallo made a motion to adjourn, and Mr. Graham seconded. The motion passed, and the meeting was adjourned at 11:07 a.m.

Chairman

Secretary/Treasurer