

STATE LICENSING BOARD FOR CONTRACTORS
COMMERCIAL BOARD MEETING MINUTES
APRIL 17, 2014

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
Nelson A. "Andy" Dupuy, Jr.
Courtney Fenet, Jr.
August Gallo, Jr.
Danny Graham
Kenneth Jones
Donald G. Lambert
Garland Meredith
Victor Weston

Christopher Stuart and Art O. Walker 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, Lynwood Allemore, Todd Brady, Leann Evans, Frank Vaughan, William Collins, Johnny Rogers, and Dylan Bourg; and Kara Kearney recording the minutes.

Mr. Dupuy 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 **March 20, 2014*** regular meeting. Mr. Cloutre seconded, the motion passed.

Mr. McDuff introduced Ronald Burrough and Daniel McAllister with the Louisiana Department of Justice. Mr. McDuff presented a plaque to Lynwood Allemore, who is retiring in May after 28 years of service.

NEW BUSINESS

C. JUDGMENT(S):

1. **CURRY MCDONALD CHARRIER**, Walker, LA – La. R.S. 37:2150-2192, Sec. 2158(A)(9).

Ms. Dupuy gave a summary of the allegations. No one was present on behalf of CURRY MCDONALD CHARRIER. Attorney Frank White was present on behalf of the creditor, Teche Electric. Mr. White gave a statement. The judgment was filed and admitted into evidence. Mr. Cloutre made a motion to allow CURRY MCDONALD CHARRIER 60 days to settle the judgment or enter into a payment plan, or the license will be revoked, and Mr. Talbot seconded. The motion passed.

D. COMPLIANCE HEARING(S):

1. **THE CHURCH UNITED FOR COMMUNITY DEVELOPMENT**, Gonzales, 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. Miguel Estrada and Andre Halker were present on behalf of THE CHURCH UNITED FOR COMMUNITY DEVELOPMENT and sworn in. Mr. Estrada entered a no contest plea. Mr. Weston made a motion to accept the plea, and Mr. Talbot seconded. The motion passed. Mr. Estrada gave a statement and submitted documents. Mr. Weston made a motion to waive fines and administrative costs, and Mr. Dupuy seconded. The motion passed.

2. **NEIGHBORHOOD RESTORATION OF BATON ROUGE, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by NEIGHBORHOOD RESTORATION OF BATON ROUGE, LLC, which did not have a representative present. Mr. Cloutre made a motion to accept the settlement offer, which included a no contest plea, and Mr. Graham seconded. The motion passed.

3. **BOBBY L. ACHORD**, Denham Springs, Louisiana – La. R.S. 37:2158(A)(3) and Rules and Regulations of the Board Sec. 109.

*Administrative Correction

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by BOBBY L. ACHORD, who did not have a representative present. Mr. Cloutre made a motion to accept the settlement offer, which included a no contest plea, and Mr. Talbot seconded. The motion passed.

4. **RAILROAD SPECIALTIES, INC.**, Littleton, Colorado – La. R.S. 37:2163(A)(4)

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by RAILROAD SPECIALTIES, INC., which did not have a representative present. Mr. Cloutre made a motion to accept the settlement offer, which included a no contest plea, and Mr. Talbot seconded. The motion passed.

5. a) **PETE’S PLUMBING OF LIVINGSTON PARISH, LLC**, Denham Springs, Louisiana – La. R.S. 37:2158(A)(5).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by PETE’S PLUMBING OF LIVINGSTON PARISH, LLC, which did not have a representative present. Mr. Cloutre made a motion to accept the settlement offer, which included a no contest plea, and Mr. Weston seconded. The motion passed.

b) **JLR ENTERPRISES, INC.**, Bueche, Louisiana – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations. Frank Rumfola was present on behalf of JLR ENTERPRISES, INC. and sworn in. Mr. Rumfola entered a no contest plea. Mr. Cloutre made a motion to accept the plea, and Mr. Graham seconded. The motion passed. Mr. Rumfola gave a statement. Mr. Weston made a motion to fine JLR ENTERPRISES, INC. \$1,000 plus administrative costs, and Mr. Dupuy seconded. The motion passed.

6. a) **NELSON BUILDERS, LLC**, 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 NELSON BUILDERS, LLC, which did not have a representative present. Mr. Fenet made a motion to accept the settlement offer, which included a no contest plea, and Mr. Talbot seconded. The motion passed.

b) **ALL BUILDERS L.L.C.**, Bernice, Louisiana – La. R.S. 37:2160 (A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by ALL BUILDERS L.L.C., which did not have a representative present. Mr. Weston made a motion to accept the settlement offer, which included a no contest plea, and Mr. Cloutre seconded. The motion passed.

c) **CHARLES TUCKER D/B/A TUCKER MASONRY**, Monroe, Louisiana – La. R.S. 37:2160(A)(1).

This matter was continued.

7. a) **PRICE CEILING, INC.**, Clanton, Alabama – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by PRICE CEILING, INC., which did not have a representative present. Mr. Cloutre made a motion to accept the settlement offer, which included a no contest plea, and Mr. Talbot seconded. The motion passed.

b) **SPINKS CONSTRUCTION, INC.**, St. Francisville, Louisiana – La. R.S. 37:2159(B) and 2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by SPINKS CONSTRUCTION, INC., which did not have a representative present. Mr. Gallo made a motion to accept the settlement offer, which included a no contest plea, and Mr. Cloutre seconded. The motion passed.

c) **PROSCAN TECHNOLOGIES**, Cordova, Tennessee – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by PROSCAN TECHNOLOGIES, which did not have a representative present. Mr. Jones made a motion to accept the settlement offer, which included a no contest plea, and Mr. Graham seconded. The motion passed.

8. a) **BING BISHOP CONSTRUCTION CO., INC.**, Monroe, Louisiana – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by BING BISHOP CONSTRUCTION CO., INC., which did not have a representative present. Mr. Cloutre

made a motion to accept the settlement offer, which included a no contest plea, and Mr. Talbot seconded. The motion passed.

- b) **PREMO STALLONE, INC.**, Vidalia, Louisiana – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by PREMO STALLONE, INC., which did not have a representative present. Mr. Gallo made a motion to accept the settlement offer, which included a no contest plea, and Mr. Graham seconded. The motion passed.

9. a) **GUY HOPKINS CONSTRUCTION CO., INC.**, Baton Rouge, Louisiana – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations. Attorney Scott Frazier was present on behalf of GUY HOPKINS CONSTRUCTION CO., INC. and entered a denial plea. Mr. Frazier presented a settlement offer of \$1,500 to the Contractors Educational Trust Fund (CETF) and no violation on record. Mr. Gallo made a motion to accept the settlement offer, and Mr. Weston seconded. The motion passed.

- b) **THOMAS & LEBLANC LLC**, Baton Rouge, Louisiana – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by THOMAS & LEBLANC LLC, which did not have a representative present. Mr. Weston made a motion to reject the settlement offer, which included a no contest plea, and Mr. Talbot seconded. The motion passed. Mr. Weston made a motion to counter a \$1,000 fine plus administrative costs, and Mr. Graham seconded. The motion passed.

10. a) **HOLYFIELD CONSTRUCTION, INC.**, Monroe, Louisiana – La. R.S. 37:2158(A)(4).

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

- b) **DUSTIN JONES D/B/A DUSTIN JONES CONSTRUCTION**, Greenwood, Louisiana – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by DUSTIN JONES D/B/A DUSTIN JONES CONSTRUCTION, which did not have a representative present. Mr. Cloutre made a motion to reject the settlement offer, which included a no contest plea, and counter a \$1,000 fine plus administrative costs, reduced to \$500 plus administrative costs if licensed within 6 months. Mr. Talbot seconded, and the motion passed.

11. a) **S&B CONSTRUCTION GROUP, LLC**, Indianapolis, Indiana – La. R.S. 37:2158(A)(4), 2158(A)(3) and Rules and Regulations of the Board Sec. 1109.

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by S&B CONSTRUCTION GROUP, LLC, which did not have a representative present. Mr. Meredith made a motion to accept the settlement offer, which included a no contest plea, and Mr. Talbot seconded. The motion passed.

- b) **PALMER EICHER D/B/A PSE CORPORATION**, Noblesville, Indiana – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by PALMER EICHER D/B/A PSE CORPORATION, which did not have a representative present. Mr. Meredith made a motion to reject the settlement offer, which included a no contest plea, and counter a \$1,000 fine plus administrative costs, and Mr. Talbot seconded. The motion passed.

12. **GOD'S KINGDOM BUILDER'S UNLIMITED MASTER TRADESMAN, LLC**, Marrero, Louisiana – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations. Grant White was present on behalf of GOD'S KINGDOM BUILDER'S UNLIMITED MASTER TRADESMAN, LLC and sworn in. Mr. White entered a no contest plea. Mr. Jones made a motion to accept the plea, and Mr. Talbot seconded. The motion passed. Mr. White gave a statement. Mr. Meredith made a motion to fine GOD'S KINGDOM BUILDER'S UNLIMITED MASTER TRADESMAN, LLC \$500 plus administrative costs, and Mr. Fenet seconded. The motion passed.

13. **CUSTOM HOMES BY JIM FUSSELL, INC.**, Baton Rouge, Louisiana – La. R.S. 37:2158(A)(9).

Mr. Dupuy recused himself. Mr. Rawls gave a summary of the allegations. Jim Fussell, Joy Jones, and attorneys Scott Frazier and Gerald Azay were present on behalf of CUSTOM HOMES BY JIM FUSSELL, INC. Mr. Badeaux made a motion to ratify the action taken at the April 2 Residential Committee Meeting regarding CUSTOM HOMES BY JIM FUSSELL, INC., and Mr. Gallo seconded. The motion passed. Mr. Frazier entered a plea of denial, gave a statement and submitted documents, which were filed and admitted into evidence with the objection of Mr. Foster. Mr.

Talbot made a motion to allow CUSTOM HOMES BY JIM FUSSELL, INC. to retain its commercial license and be put on probation for 12 months, and Mr. Gallo seconded. The motion passed.

OLD BUSINESS

E. COMPLIANCE HEARING/CONTINUANCE:

1. **CMELECTRIC, LLC**, Ferriday, Louisiana – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by CM ELECTRIC, LLC, which did not have a representative present. Mr. Cloutre made a motion to accept the settlement offer, which included a no contest plea, and Mr. Talbot seconded. The motion passed.

F. COMMITTEE REPORTS:

1. Report from the Staff – Ms. Dupuy gave a statement on the ethics report on financial disclosure.
2. Building Committee – Mr. Graham had no new report.
3. Classification and Testing Committee – Mr. Dupuy gave the report at a later time.
4. Legislative/Rules and Regulations Committee – Mr. Fenet gave a statement regarding legislative updates, and Mr. McDuff gave a report on specific bills being tracked by the LSLBC, SB 447 and HB 919.
5. Finance Committee – Mr. Dupuy made a motion to accept the financials as presented, and Mr. Cloutre seconded. The motion passed. Mr. Dupuy gave a statement on the clean audit for accounting.
6. Fines – Mr. Jones gave a report on the Office of Debt Recovery fine collections.
7. Public Relations – Mr. Weston made a motion to approve \$32,000 in funding for an ad campaign by Nola.com/The Times Picayune, and Mr. Cloutre seconded. Mr. Weston gave a statement regarding the Contractors Educational Trust Fund (CETF) presentation to Delgado University and ULM.
8. Residential Building Committee – Mr. Badeaux made a motion to approve the actions taken at the April 2 Residential Committee Meeting, and Mr. Lambert seconded. The motion passed.

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

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

Mr. Badeaux made a motion to approve the home improvement registrations, and Mr. Dupuy seconded. The motion passed.

Mr. Badeaux made a motion to approve the residential licensure exemptions, and Mr. Gallo seconded. The motion passed.

- H. Consideration of commercial licensure exemptions as listed and attached to the agenda. (Pages 12-14)

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

Mr. Dupuy made a motion to approve the exemptions as listed on pages 13 and 14, with the exception of ELEKTRO FISCHER USA, LP and BAYOU COMPANIES, LLC. Mr. Cloutre seconded, and the motion passed.

- I. Consideration of additional classifications as listed and attached to the agenda. (Pages 16-18)

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

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

- **PENDING ALL REQUIREMENTS BEING MET** (Pages 20-30)

Mr. Lambert made a motion to approve the commercial applications on pages 20-30, and Mr. Dupuy seconded. The motion passed.

- **REGULAR COMMERCIAL APPLICATIONS** (Page 31)

Mr. Lambert made a motion to approve the commercial applications on page 31, and Mr. Cloutre seconded. The motion passed.

ADJOURNMENT

The meeting was adjourned at 11:00 a.m.

Lee Mallett, Chairman

Nelson A. "Andy" Dupuy, Jr., Secretary/Treasurer