

STATE LICENSING BOARD FOR CONTRACTORS
COMMERCIAL BOARD MEETING MINUTES
JUNE 19, 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.
Kenneth Jones
Donald G. Lambert
Garland Meredith
Art O. Walker

Danny Graham, Christopher Stuart, and Victor Weston 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; Jennifer Sims, Board Attorney; and from the staff, 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, Jessie Wells, Tommy Mimnaugh, Frank Vaughan, William Collins, Johnny Rogers, and Dylan Bourg; and Kara Kearney recording the minutes.

Mr. Talbot 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 **May 15, 2014** regular meeting. Mr. Cloutre seconded, the motion passed.

Mr. McDuff introduced Ken Naquin with the Louisiana AGC and John Walters with the Louisiana Associated Builders Associating. Mr. Walters gave a statement on the resolved dispute between civil contractors and the state plumbing board regarding Yard Pipe. Mr. Naquin gave a statement on House Bill 919, now Act 561. Mr. Talbot presented a resolution to August Gallo in recognition of his leadership in assisting with Act 561 of this year's legislative session.

NEW BUSINESS

C. JUDGMENT:

1. **PROGRESSIVE ROOFING, LLC**, Kenner, LA – La. R.S. 37:2150-2192, 2158(A)(9).

Ms. Dupuy gave a summary of the allegations. Chris Matisse was present on behalf of PROGRESSIVE ROOFING, LLC. Jessie Reynolds and attorney Galen Hair were present on behalf of the creditor. Mr. Matisse and Mr. Reynolds were sworn in. Each party gave a statement. Mr. Talbot made a motion to allow PROGRESSIVE ROOFING, LLC 90 days to pay the judgment or the license will be suspended. Mr. Lambert seconded, and the motion passed.

D. JUDGMENT REHEARING(S):

1. a) **SOUTHERN HOMES RENOVATIONS, LLC**, Metairie, Louisiana – La. R.S. 37:2150-2192, 2158(A)(8) and (A)(9), La. R.S. 37:2156.1(D)(1), and Sec. 115 of the Board's Rules and Regulations.
b) **SOUTHERN HOMES, LLC**, Metairie, Louisiana – La. R. S. 37:2150-2192, 2158(A)(8) and (A)(9), La. R.S. 2156.1(D)(1), and Sec. 115 of the Board's Rules and Regulations.
c) **STERLING HOMES, LLC**, Metairie, Louisiana – La. R.S. 37:2150-2192, La. R.S. 37:2158(A)(8) and (A)(9), La. R.S. 2156.1(D)(1), and Section 115 of the Board's Rules and Regulations
d) **MAPLEWOOD, LLC**, Metairie, Louisiana - La. R.S. 37:2150-2192, 2158(A)(8) and (A)(9), La. R.S. 2156.1(D)(1), and Section 115 of the Board's Rules and Regulations

Ms. Sims gave a summary of the previous decision made by the Board on May 15, 2014, and explained that this case should be reconsidered due to miscommunication. Mr. Cloutre made a motion to place on inactive status the residential licenses of STERLING HOMES, LLC (RL.82749), MAPLEWOOD, LLC (RL.880971), and SOUTHERN HOMES, LLC (RL.27404), suspend indefinitely the commercial license of SOUTHERN HOMES, LLC (CL.80354), and revoke the residential license of SOUTHERN HOMES RENOVATIONS, LLC (RL.89718). Mr. Gallo seconded, and the motion passed.

E. COMPLIANCE HEARING(S):

1. a) **ZIRKELBACH CONSTRUCTION, INC.**, Palmetto, Florida – La. R.S. 37:2160(A)(1).
- b) **WRANGLER CONSTRUCTION COMPANY, LLC**, Lake Charles, Louisiana – La. R.S. 37:2158(A)(4).
- c) **TROUTH AIR CONDITIONING & SHEET METAL, INC.**, Sulphur, Louisiana – La. R.S. 37:2158(A)(4).
- d) **FAIRBORN EQUIPMENT COMPANY, INC.**, Upper Sandusky, Ohio – La. R.S. 37:2158(A)(4).
- e) **TOMMASI BROTHERS, INC.**, Lake Charles, Louisiana – La. R.S. 37:2158(A)(4).
- f) **RIVERS FENCE COMPANY, INC.**, Lake Charles, Louisiana – La. R.S. 37:2158(A)(4).
- g) **R.W.S. CONSTRUCTION, INC. D/B/A WS CONSTRUCTION**, Providence, North Carolina – La. R.S. 37:2158(A)(3),(A)(4) and Rules and Regulations of the Board Sec. 109.
- h) **OVERHEAD DOOR CORPORATION**, Lewisville, Texas – La. R.S. 37:2158(A)(4).
- i) **LANIER PLUMBING, INC.**, Lake Charles, Louisiana – La. R.S. 37:2158(A)(4).
- j) **EMULSIFIED-ASPHALT, INC.**, Lake Charles, Louisiana – La. R.S. 37:2158(A)(4).
- k) **DECKER FINISHING, LLC**, DeRidder, Louisiana – La. R.S. 37:2158(A)(4).
- l) **CONCRETE CORING COMPANY, INC.**, Zachary, Louisiana – La. R.S. 37:2158(A)(4).

Matters 1 a-l were consolidated. Ms. Hughes gave a summary of the allegations. Alan Zirkelbach and attorney Richard Easterling were present on behalf of ZIRKELBACH CONSTRUCTION, INC. Mr. Zirkelbach entered a plea of admission. Mr. Meredith made a motion to accept the plea, and Mr. Fenet seconded. The motion passed. Mr. Easterling gave a statement. Ms. Sims called investigator Frank Vaughan to the stand, who was sworn in to give a statement regarding the investigation. Mr. Talbot made a motion to fine ZIRKELBACH CONSTRUCTION, INC. \$10,000 plus administrative costs, and Mr. Jones seconded. The motion passed.

Ms. Hughes read the settlement offers presented by WRANGLER CONSTRUCTION COMPANY, LLC, TROUTH AIR CONDITIONING & SHEET METAL, INC., FAIRBORN EQUIPMENT COMPANY, INC., TOMMASI BROTHERS, INC., RIVERS FENCE COMPANY, INC., R.W.S. CONSTRUCTION, INC. D/B/A WS CONSTRUCTION, OVERHEAD DOOR CORPORATION, LANIER PLUMBING, INC., EMULSIFIED-ASPHALT, INC., DECKER FINISHING, LLC, and CONCRETE CORING COMPANY, INC. No one was present on behalf of the aforementioned companies. Mr. Talbot made a motion to accept all settlement offers as presented, and Mr. Fenet seconded. The motion passed.

2. a) **KIPO, LLC**, Harahan, Louisiana – La. R.S. 37:2160(A)(1).
- b) **GELPI HOMES, INC.**, Metairie, Louisiana – La. R.S. 37:2158(A)(4).
- c) **REX RENOVATIONS, INC.**, River Ridge, Louisiana – La. R.S. 37:2160(A)(1).
- d) **RIVER RIDGE PLUMBING, INC.**, River Ridge, Louisiana – La. R.S. 37:2160(A)(1).
- e) **AIR CONDITIONING AMBULANCE SERVICE, INC.**, Kenner, Louisiana – La. R.S. 37:2158(A)(4).

Ms. Hughes gave a summary of the allegations and read the settlement offers presented by KIPO, LLC, GELPI HOMES, INC., REX RENOVATIONS, INC., RIVER RIDGE PLUMBING, INC., and AIR CONDITIONING AMBULANCE SERVICE, INC., none of which had a representative present. Mr. Meredith made a motion to accept the settlement offers as presented, all of which included a no contest plea, and Mr. Gallo seconded. The motion passed.

3. a) **PANATTONI CONSTRUCTION, INC.**, Sacramento, California – La. R.S. 37:2158(A)(4).
- b) **E R S BUILDING MAINTENANCE, INC.**, Gonzales, Louisiana – La. R.S. 37:2158 (A)(5).
- c) **MOUNTAIN TOP ENTERPRISES, LLC OF TEXAS**, Oklahoma City, Oklahoma – La. R.S. 37:2158(A)(3) and Rules and Regulations of the Board Sec. 109.
- d) **PAULSON-CHEEK MECHANICAL, INC.**, Norcross, Georgia – La. R.S. 37:2160(A)(1).

Ms. Hughes gave a summary of the allegations. Marshall Cheek was present on behalf of PAULSON-CHEEK MECHANICAL, INC. and sworn in. Ms. Hughes read the settlement offers presented by PANATTONI CONSTRUCTION, INC., E R S BUILDING MAINTENANCE, INC. and MOUNTAIN TOP ENTERPRISES, LLC OF TEXAS, which did not have representatives present. Mr. Cheek entered a no contest plea and made a settlement offer. Investigator Todd Brady was called to the stand and sworn in to give a statement on the case.

Mr. Clouatre made a motion to accept the settlement offer from PANATTONI CONSTRUCTION, INC. as presented, and Mr. Talbot seconded. The motion passed. Mr. Clouatre made a motion to reject the settlement offer presented by E R S BUILDING MAINTENANCE, INC., which included a no contest plea, and Mr. Talbot seconded. The motion passed. Mr. Clouatre made a motion to accept the settlement offer from MOUNTAIN TOP ENTERPRISES, LLC OF TEXAS as presented, which included a plea of admission, and Mr. Lambert seconded. The motion passed. Mr. Fenet made a motion to accept the settlement offer from PAULSON-CHEEK MECHANICAL, INC. as presented, and Mr. Lambert seconded. The motion passed.

4. a) **JOHN WAYNE TORRES CONSTRUCTION, LLC**, Lottie, Louisiana – La. R.S. 37:2158(A)(4).
- b) **C & E METAL WORKS LLC**, Melville, Louisiana – La. R.S. 37:2160(A)(1).

Ms. Hughes gave a summary of the allegations and read the settlement offers presented by JOHN WAYNE TORRES CONSTRUCTION, LLC and C & E METAL WORKS LLC. Mr. Talbot made a motion to accept the settlement offer from JOHN WAYNE TORRES CONSTRUCTION, LLC as presented, which included a no contest plea, and Mr. Meredith seconded. The motion passed with an objection by Mr. Fenet. Mr. Dupuy made a motion to accept the settlement offer from C & E METAL WORKS LLC as presented, and Mr. Talbot seconded. The motion passed.

5. **H & A PAVING, LLC**, Eunice, Louisiana – La. R.S. 37:2160(A)(1).

Ms. Hughes gave a summary of the allegations. No one was present on behalf of H & A PAVING, LLC. Investigator Tommy Mimnaugh was called to the stand and sworn in to review the exhibits. The exhibit packet was filed and admitted into evidence. Mr. Badeaux made a motion to find H & A PAVING, LLC to be in violation and fine the maximum fine plus administrative costs, and Mr. Gallo seconded. The motion passed.

6. a) **WALBRIDGE ALDINGER COMPANY**, Detroit, Michigan – La. R.S. 37:2158(A)(4).
b) **BERNARDO, INC.**, Katy, Texas – La. R.S. 37:2160(A)(1).

Ms. Hughes gave a summary of the allegations and read the settlement offers presented by WALBRIDGE ALDINGER COMPANY and BERNARDO, INC., which did not have representatives present. Bobby Abraham was called to the stand and sworn in to give a statement regarding the investigation. Mr. Gallo made a motion to accept the settlement offers as presented, which included no contest pleas, and Mr. Lambert seconded. The motion passed.

7. a) **D AND L OF OUACHITA, INC.**, Calhoun, Louisiana – La. R.S. 37:2158(A)(4).
b) **RICK HEACOCK D/B/A BAYOU MASONRY**, West Monroe, Louisiana – La. R.S. 37:2160(A)(1).

Ms. Hughes gave a summary of the allegations and read the settlement offers presented by D AND L OF OUACHITA, INC. and RICK HEACOCK D/B/A BAYOU MASONRY, which did not have representatives present. Mr. Gallo made a motion to accept the settlement offers, which included no contest pleas, stipulating that RICK HEACOCK D/B/A BAYOU MASONRY return for a hearing if not licensed within 90 days and Mr. Cloutre seconded. The motion passed.

8. a) **DELRAY CONTRACTORS, LLC**, Delhi, Louisiana – La. R.S. 37:2158(A)(4).

Ms. Hughes gave as summary of the allegations. No one was present on behalf of DELRAY CONTRACTORS, LLC. Jessie Wells was called to the stand and sworn in to review the exhibits. The exhibit packet was filed and admitted. Mr. Fenet made a motion to find DELRAY CONTRACTORS, LLC to be in violation, and Mr. Jones seconded. The motion passed. Mr. Talbot made a motion to assess the maximum fine plus administrative costs and allow 60 days to pay the fine or be suspended. Mr. Gallo seconded, and the motion passed.

- b) **BILLY RITCHIE D/B/A RITCHIE PLUMBING**, Winnsboro, Louisiana – La. R.S. 37:2160(A)(1).

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by BILLY RITCHIE D/B/A RITCHIE PLUMBING, which did not have a representative present. Mr. Gallo made a motion to accept the settlement offer as presented, and Mr. Talbot seconded. The motion passed.

9. a) **SKYRIDER, INC.**, Weatherford, Texas – La. R.S. 37:2158(A)(4).

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

- b) **TURN-KEY FOUNDATIONS, LLC**, Walker, Louisiana – La. R.S. 37:2160(A)(1).

Ms. Hughes gave a summary of the allegations. Kristi Netherland and attorney Nancy Richeaux were present on behalf of TURN-KEY FOUNDATIONS, LLC. Ms. Netherland was sworn in. Ms. Richeaux entered a no contest plea and presented a settlement offer. Ms. Netherland gave a statement. Mr. Meredith made a motion to accept the settlement offer stipulating that TURN-KEY FOUNDATIONS, LLC must get a license within 90 days, and Mr. Talbot seconded. The motion passed.

10. a) **PROVIAS CONSTRUCTION, LLC**, Brandon, Mississippi – La. R.S. 37:2158(A)(4).

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by PROVIAS CONSTRUCTION, LLC, which did not have a representative present. Mr. Talbot made a motion to accept the settlement offer as presented, which included a plea of admission, and Mr. Jones seconded. The motion passed.

- b) **MELVIN HINSON**, Redwood, Mississippi – La. R.S. 37:2158(A)(3) and Rules and Regulations of the Board Sec. 109.

Ms. Hughes gave a summary of the allegations. No one was present on behalf of MELVIN HINSON. Leann Evans was called to the stand and sworn in for review of the exhibits. The exhibits were filed and admitted into evidence. Mr. Meredith made a motion to find MELVIN HINSON to be in violation, issue the maximum fine plus administrative costs, and suspend the license if fines are not paid within 30 days. Mr. Gallo seconded, and the motion passed.

OLD BUSINESS

F. COMPLIANCE HEARING/CONTINUANCE:

1. a) **PRECISION STEEL FRAMING & CONSTRUCTION, L.L.C.**, West Monroe, Louisiana – La. R.S. 37:2158(A)(4).
- b) **TRUMAN WRIGHT PLUMBING, INC.**, West Monroe, Louisiana – La. R. S. 37:2160(A)(1).
- c) **TOMMY RHODES D/B/A TOMMY RHODES ENTERPRISES**, West Monroe, Louisiana – La. R.S. 37:2160(A)(1).

Matters 1. a, b, and c were consolidated. Ms. Hughes gave a summary of the allegations. Pamela Hart and Grady Williams were present on behalf of PRECISION STEEL FRAMING & CONSTRUCTION, L.L.C., Shane Wright was present on behalf of TRUMAN WRIGHT PLUMBING, INC., and Tommy Rhodes was present on behalf of TOMMY RHODES D/B/A TOMMY RHODES ENTERPRISES. Each party was sworn in and entered a no contest plea. Mr. Meredith made a motion to accept the plea from PRECISION STEEL FRAMING & CONSTRUCTION, L.L.C., and Mr. Fenet seconded. The motion passed. Mr. Meredith made a motion to accept the plea from TRUMAN WRIGHT PLUMBING, INC., and Mr. Gallo seconded. The motion passed. Mr. Meredith made a motion to accept the plea from TOMMY RHODES D/B/A TOMMY RHODES ENTERPRISES, and Mr. Gallo seconded. The motion passed.

Each party gave a statement. Mr. Meredith made a motion to accept the settlement offer from PRECISION STEEL FRAMING & CONSTRUCTION, L.L.C. of \$1,000 plus administrative costs, and Mr. Gallo seconded. The motion passed.

Mr. Meredith made a motion to accept the settlement offer from TRUMAN WRIGHT PLUMBING, INC. of \$500 plus administrative costs contingent upon getting licensed within 90 days, and Mr. Clouatre seconded. The motion passed.

Mr. Clouatre made a motion to accept the settlement offer from TOMMY RHODES D/B/A TOMMY RHODES ENTERPRISES of \$500 plus administrative costs contingent upon getting licensed within 90 days. Mr. Fenet seconded, and the motion passed.

2. a) **LANCO CONSTRUCTION, INC.**, LaPlace, Louisiana – La. R.S. 37:2158(A)(4).
- b) **PRO STEEL, INC.**, Yoder, Colorado – La. R.S. 37:2160(A)(1).

Ms. Hughes gave a summary of the allegations and read the settlement offers presented by LANCO CONSTRUCTION, INC. and PRO STEEL, INC., which did not have representatives present. Mr. Clouatre made a motion to accept both settlement offers, which included no contest pleas, and Mr. Gallo seconded. The motion passed.

3. **SPRINGHILL CONSTRUCTION CO., LLC**, Springhill, Louisiana – La. R.S. 37:2160(A)(1).

Ms. Hughes gave a summary of the allegations. A. Lamar Smith was present on behalf of SPRINGHILL CONSTRUCTION CO., LLC and sworn in. Mr. Meredith made a motion to amend the agenda to correct the location of the alleged violation, and Mr. Clouatre seconded. The motion passed. Mr. Smith entered a no contest plea. Mr. Clouatre made a motion to accept the plea, and Mr. Gallo seconded. The motion passed. Mr. Smith gave a statement. Mr. Clouatre made a motion to fine SPRINGHILL CONSTRUCTION CO., LLC \$500 plus administrative costs, reduced to administrative costs only if licensed within 90 days. Mr. Gallo seconded, and the motion passed.

G. COMMITTEE REPORTS:

1. Report from the Staff – Ms. Dupuy had no new report.
2. Building Committee – No new report.
3. Classification and Testing Committee – Mr. Gallo gave his report at a later time.
4. Legislative/Rules and Regulations Committee – Mr. McDuff gave a report on legislative updates and upcoming revisions to the rules and regulations.
5. Finance Committee – Mr. Dupuy made a motion to accept the financials as presented, and Mr. Clouatre seconded. The motion passed.
6. Fines – Mr. Jones had no new report.
7. Public Relations – No new report.
8. Residential Building Committee – Mr. Badeaux gave his report at a later time.

- H. Consideration of residential applications, home improvement registrations and residential licensure exemptions as listed and attached to the agenda, and actions of the **June 11, 2014** Residential Building Subcommittee. (Pages 8-14)

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

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

Mr. Badeaux made a motion to accept the exemptions as listed on the agenda, and Mr. Lambert seconded. The motion passed.

Mr. Badeaux made a motion to approve the actions taken at the Residential Committee Meeting held on June 11, 2014, and Mr. Lambert seconded. The motion passed.

- I. Consideration of commercial licensure exemptions as listed and attached to the agenda. (Pages 16-19)

Mr. Dupuy recused himself. Mr. Clouatre made a motion to accept the commercial licensure exemptions for reciprocity as listed on the agenda, and Mr. Lambert seconded. The motion passed.

Mr. Clouatre made a motion to accept the commercial licensure exemptions for new applications as listed on the agenda with the exception of MJ CONSTRUCTION GROUP, L.L.C. Mr. Lambert seconded, and the motion passed.

- J. Consideration of mold remediation applications as listed and attached to the agenda. (Pages 21)

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

- K. Consideration of additional classifications as listed and attached to the agenda. (Pages 23-24)

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

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

- **PENDING ALL REQUIREMENTS BEING MET** (Pages 26-37)

Mr. Lambert made a motion to accept the commercial applications on pages 26-37, and Mr. Clouatre seconded. The motion passed.

- **REGULAR COMMERCIAL APPLICATIONS** (Page 38)

Mr. Lambert made a motion to accept the commercial applications on page 38, and Mr. Gallo seconded. The motion passed.

EXECUTIVE SESSION

The Board went into Executive Session at 11:55 a.m.

ADJOURNMENT

The meeting was adjourned at 12:30 p.m.

Lee Mallett, Chairman

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