

STATE LICENSING BOARD FOR CONTRACTORS
COMMERCIAL BOARD MEETING MINUTES

January 15, 2015

The regular monthly meeting of the Board was called to order by the Chairman at 9:39 a.m. in the Conference Room of the Board's offices, Baton Rouge, Louisiana. Members of the Board present:

Lee Mallett, Chairman
Lloyd "Chip" Badeaux
N.R. "Noah" Broussard
William J. Clouatre
Nelson A. "Andy" Dupuy, Jr.
Courtney Fenet, Jr.
August Gallo, Jr.
Danny R. Graham
Kenneth Jones
Donald G. Lambert
Garland Meredith
Christopher Stuart
Art O. Walker
Victor Weston

Byron Talbot was 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, Doug Traylor, Nathan Rawls, and John Dixon; Compliance Director, Marianne Sullivan; Compliance Investigators, Leann Evans, Johnny Rogers, Carl Bourque, and Scott Corley; and Tarah Barbier 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. Weston made a motion to accept the Minutes of the **December 18, 2014** regular meeting, and Mr. Dupuy seconded. The motion passed.

Mr. McDuff introduced Ronald Burrough with the Attorney General's office and Henry Heier with the Louisiana Mechanical Contractors Association.

Mr. Weston presented two resolutions to the board regarding legal contracts for the year 2015. Mr. Weston made a motion to approve the first resolution, a legal contract with Breazeale, Sachse, Wilson LLP. Mr. Fenet seconded. The motion passed. Mr. Weston made a motion to approve the second resolution, a legal contract with Milling, Benson, Woodward, LLP. Mr. Fenet seconded. The motion passed.

NEW BUSINESS

C. QUALIFYING PARTY HEARING(S):

1. **SABER CONSTRUCTION, INC.**, Houston, TX – La. R.S. 37:2156.1, Sec. 103 Rules and Regulations of the Board

Ms. Dupuy gave a summary of the allegations. No one was present on behalf of SABER CONSTRUCTION, INC. Ms. Sims entered into evidence the exhibit packet and it was admitted. Mr. Gallo made a motion to revoke the commercial license for SABER CONSTRUCTION, INC. Mr. Weston seconded. The motion passed.

D. JUDGMENT(S):

1. **BAILEY CONSTRUCTION AND DEVELOPMENT, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2150-2192, 2158(A)(8) and (A)(9), 2156.1 (D)(1), and Sec. 115 of the Board's Rules and Regulations.

Ms. Dupuy gave a summary of the allegations. No one was present on behalf of BAILEY CONSTRUCTION AND DEVELOPMENT, LLC. Attorney Jacque B. Pucheu, Jr. was present on behalf of the creditor. Ms. Sims entered into evidence exhibit packet and it was admitted. Ms. Sims also entered into evidence a copy of an email to Mr. Pucheu from BAILEY CONSTRUCTION AND DEVELOPMENT, LLC and it was admitted. Mr. Pucheu gave a statement. Mr. Weston made a motion to revoke the commercial license for BAILEY CONSTRUCTION AND DEVELOPMENT, LLC and to issue a cease and desist order. Mr. Cloutre seconded. The motion passed.

E. COMPLIANCE HEARING(S):

1. **HOV SERVICES, INC.**, Southlake, Texas – La. R.S. 37:2158(A)(3) and Rules and Regulations of the Board Sec. 109(A)

Ms. Hughes gave a summary of the allegations. Attorney Gary Rouse and Allen Thibodaux were present on behalf of HOV SERVICES, INC and Mr. Thibodaux was sworn in. Attorney Philip C. Ciaccio, Jr., Pete Vicari, and Tripp Rabalais were also present on behalf of the complainant. Mr. Vicari and Mr. Rabalais were sworn in. Mr. Rouse gave a statement and presented a settlement offer to the board. Mr. Rouse also entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Cloutre seconded. The motion passed. Mr. Ciaccio and Mr. Vicari gave a statement. Mr. Cloutre made a motion to accept the settlement offer. Mr. Badeaux seconded. The motion passed.

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

Mr. Dupuy recused himself from this matter. Ms. Hughes gave a summary of the allegations. Attorney Scott E. Frazier and Jim Fussell were present on behalf of CUSTOM HOMES BY JIM FUSSELL, INC. Mr. Fussell was sworn in and entered a denial plea. Investigator Carl Bourque was called to the stand and was sworn in. Mr. Bourque reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Ms. Sims called Creighton Verges as a witness to the stand and was sworn in. Mr. Verges was questioned by Ms. Sims and Mr. Frazier. Mr. Frazier entered two documents into evidence and they were admitted. Mr. Fussell was questioned by Mr. Frazier and Ms. Sims regarding these documents. Homeowner Robin Pilcher was also present and sworn in. Mr. Pilcher gave a statement. Mr. Meredith made a motion to find CUSTOM HOMES BY JIM FUSSELL, INC. to be in violation. Mr. Gallo seconded. The motion passed. Mr. Meredith made a motion to revoke the commercial and residential license for CUSTOM HOMES BY JIM FUSSELL, INC., assess a fine of \$1000 plus \$500 administrative costs, and the allowance for the company to complete one ongoing commercial project located at 10245 Siegen Lane, Baton Rouge, Louisiana. Mr. Gallo seconded. The motion passed.

3. a) **VERWATER U.S.A. PROJECTS LLC**, Kemah, Texas – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by VERWATER U.S.A. PROJECTS LLC. Mr. Meredith made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Dupuy seconded. The motion passed.

- b) **QPS ENGINEERING, LLC**, Tulsa, Oklahoma – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. Attorney Majorie McKeithen was present on behalf of QPS ENGINEERING, LLC and entered a no contest plea. Mr. Badeaux made a motion to accept the plea. Mr. Cloutre seconded. The motion passed. Ms. Hughes read the settlement offer presented by QPS ENGINEERING, LLC. Mr. Meredith made a motion to accept the settlement offer as presented. Mr. Dupuy seconded. The motion passed.

- c) **HICKERSON ENTERPRISES, LLC**, Vacherie, Louisiana – La. R.S. 37:2159(B)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by HICKERSON ENTERPRISES, LLC. Mr. Meredith made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Dupuy seconded. The motion passed.

- d) **BYRON E. TALBOT CONTRACTOR, INC.**, Shriever, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Sims recused herself from this matter. Ms. Hughes gave a summary of the allegations and read the settlement offer presented by BYRON E. TALBOT CONTRACTOR, INC. Mr. Meredith made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Dupuy seconded. The motion passed

- e) **A3M VACUUM SERVICES, LLC**, Reserve, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Sims recused herself from this matter. Ms. Hughes gave a summary of the allegations and read the settlement offer presented by A3M VACUUM SERVICES, LLC. Mr. Meredith made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Dupuy seconded. The motion passed

4. **TEREX MHPS CORP F/K/A DEMAG CRANES AND COMPONENTS CORPORATION**
Solon, Ohio – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by TEREX MHPS CORP F/K/A DEMAG CRANES AND COMPONENTS CORPORATION. Mr. Graham made a motion to accept the settlement offer as presented. Mr. Cloutre seconded. The motion passed.

5. **RELIABLE POWER SYSTEMS OF LOUISIANA, LLC**, New Iberia, Louisiana – La. R.S. 2163(A)(4)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by RELIABLE POWER SYSTEMS OF LOUISIANA, LLC. Mr. Lambert made a motion to accept the settlement offer as presented, which included a guilty plea. Mr. Cloutre seconded. The motion passed.

6. **CREATIVE NIGHTCLUBS, LLC**, Cocoa, Florida – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by CREATIVE NIGHTCLUBS, LLC. Mr. Meredith made a motion to accept the settlement offer as presented. Mr. Cloutre seconded. The motion passed.

7. **LAZY D'S PROPERTIES, LLC**, DeRidder, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. David Duplechain was present on behalf of LAZY D'S PROPERTIES, LLC and was sworn in. Mr. Duplechain entered a denial plea. Investigator Scott Corley was called to the stand and was sworn in. Mr. Corley reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Corley was questioned by Ms. Sims and Mr. Duplechain. Mr. Duplechain gave a statement. Mr. Badeaux made a motion to find LAZY D'S PROPERTIES, LLC to be in violation. Mr. Gallo seconded. The motion passed. Mr. Badeaux made a motion to assess the company \$500 in administrative costs. Mr. Walker seconded. The motion passed with 3 objections.

8. Matters 8a and 8b were consolidated.

- a) **BRENT RAY DAUZAT D/B/A TRIPLEX CONSTRUCTION, LLC**, Effie, Louisiana – La. R.S. 37:2158(A)(3),(A)(5) and Rules and Regulations of the Board Sec. 109(A)

Ms. Hughes gave a summary of the allegations. Brent Dauzat was present on behalf of BRENT RAY DAUZAT D/B/A TRIPLEX CONSTRUCTION, LLC and was sworn in. Mr. Dauzat entered a no contest plea. Mr. Lambert made a motion to accept the plea. Mr. Clouatre seconded. The motion passed. Mr. Dauzat gave a statement. Mr. Badeaux made a motion to fine the company \$1000 plus \$500 administrative costs. The motion passed with 4 objections.

- b) **SIMPSON'S METAL BUILDINGS & ROOFS, LLC**, Marksville, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. Travis and Lorraine Simpson were present on behalf of SIMPSON'S METAL BUILDINGS & ROOFS, LLC and were sworn in. Mr. Simpson entered a no contest plea. Mr. Lambert made a motion to accept the plea. Mr. Clouatre seconded. The motion passed. Mr. Simpson gave a statement. Ms. Simpson gave a statement. Mr. Badeaux made a motion to fine SIMPSON'S METAL BUILDINGS & ROOFS, LLC \$1000 plus \$500 in administrative costs. Mr. Jones seconded. The motion passed with 3 objections.

9. a) **CHRISTOPHER GEORGE HAINES**, Denham Springs, Louisiana – La. R.S. 37:2158(A)(3) and Rules and Regulations of the Board Sec. 109(A)

Ms. Hughes gave a summary of the allegations. No one was present on behalf of CHRISTOPHER GEORGE HAINES. Investigator Leann Evans was called to the stand and sworn in. Ms. Evans reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Dupuy made a motion to find CHRISTOPHER GEORGE EVANS to be in violation. Mr. Graham seconded. The motion passed. Mr. Dupuy made a motion to fine the company \$1000 plus \$500 in administrative costs. Mr. Clouatre seconded. The motion passed.

- b) **BOUMA CONSTRUCTION, INC.**, Grand Rapids, Michigan – La. R.S. 37:2158(A)(4)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by BOUMA CONSTRUCTION, INC. Mr. Stuart made a motion to accept the settlement offer as presented. Mr. Graham seconded. The motion passed.

- c) **UFP MID-ATLANTIC, LLC**, Raleigh, North Carolina – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by UFP MID-ATLANTIC, LLC. Mr. Stuart made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Graham seconded. The motion passed.

- d) **HIGH TIDE COMMERCIAL INDUSTRIAL, LLC**, Palm City, Florida – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by HIGH TIDE COMMERCIAL INDUSTRIAL, LLC. Mr. Stuart made a motion to accept the settlement offer as presented. Mr. Graham seconded. The motion passed.

- e) **LEBLANC PLUMBING, INC.**, Springfield, Louisiana – La. R.S. 37:2158(A)(4) and Rules and Regulations 1103(B)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by LEBLANC PLUMBING, INC. Mr. Stuart made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Graham seconded. The motion passed.

10. **MGW CONSTRUCTION**, Humble, Texas – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by MGW CONSTRUCTION. Mr. Dupuy made a motion to accept the settlement offer as presented. Mr. Clouatre seconded. The motion passed.

11. a) **ALLIED ROOFING AND TREE SERVICE, LLC**, Monroe, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by ALLIED ROOFING AND TREE SERVICE, LLC. Mr. Badeaux made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Cloutre seconded. The motion passed.

- b) **ARDIZONNE ENTERPRISES, INC.**, Indianapolis, Indiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. Michael Lux was present on behalf of ARDIZONNE ENTERPRISES, INC. and was sworn in. Mr. Lux entered a no contest plea. Mr. Dupuy made a motion to accept the plea. Mr. Walker seconded. The motion passed. Mr. Lux gave a statement and presented a settlement offer to the board. Mr. Jones made a motion to accept the settlement offer as presented. Mr. Graham seconded. The motion passed.

12. a) **LEVINE & POOR, INC.**, Memphis, Tennessee – La. R.S. 37:2158(A)(4)

Ms. Hughes gave a summary of the allegations. Attorney F. Evans Schmidt was present on behalf of LEVINE & POOR, INC. Mr. Schmidt gave a statement and presented a settlement offer to the board. Mr. Stuart made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Lambert seconded. The motion passed.

- b) **STEEL WORKS, INC.**, Montgomery, Alabama – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by STEEL WORKS, INC. Mr. Stuart made a motion to accept the settlement offer as presented. Mr. Lambert seconded. The motion passed.

- c) **THE ROOFING COMPANY, INC.**, Lanette, Alabama – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by THE ROOFING COMPANY, INC. Mr. Stuart made a motion to accept the settlement offer as presented. Mr. Lambert seconded. The motion passed.

- d) **CVS PHARMACY, INC.**, Woonsocket, Rhode Island – La. R.S. 2160(A)(1)

Ms. Sims and Mr. Badeaux recused themselves from this matter. Ms. Hughes gave a summary of the allegations. No one was present on behalf of CVS PHARMACY, INC. Ms. Hughes called Leann Evans to the stand, who was previously sworn in, to review the exhibit packet. Ms. Hughes entered the exhibit packet into evidence and it was admitted. Mr. Dupuy made a motion to find CVS PHARMACY, INC. to be in violation. Mr. Stuart seconded. The motion passed. Mr. Dupuy made a motion to fine the company \$10,000 plus \$500 in administrative costs. Mr. Stuart seconded. The motion passed.

- e) **BASS SECURITY SERVICES, INC.**, Cleveland, Ohio – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by BASS SECURITY SERVICES, INC. Mr. Stuart made a motion to accept the settlement offer as presented. Mr. Lambert seconded. The motion passed.

F. STATUTORY CITATIONS R.S. 37:21621:

Ms. Hughes presented the statutory citations. Mr. Lambert made a motion to accept the statutory citations as presented. Mr. Dupuy seconded. The motion passed.

OLD BUSINESS

G. COMPLIANCE HEARING(S)/CONTINUANCES:

1. CLARENCE J. HAWKINS D/B/A DEPENDABLE APPLIANCE, Shreveport, Louisiana – La. R.S. 2160(A)(1)

This matter was continued.

H. REQUEST FOR REHEARING/RECONSIDERATION:

1. A.S.A.P. SHEETMETAL, INC., Metairie, Louisiana – LA. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. Dale Chiasson was present on behalf of A.S.A.P. SHEETMETAL, INC. and was sworn in. Mr. Chiasson gave a statement. Mr. Badeaux made a motion to rehear the case. Mr. Clouatre seconded. The motion passed. Mr. Chiasson entered a no contest plea. Mr. Clouatre made a motion to accept the plea. Mr. Stuart seconded. The motion passed. Mr. Chiasson presented a settlement offer to the board. Mr. Graham made a motion to accept the settlement offer as presented. Mr. Jones seconded. The motion passed.

I. COMMITTEE REPORTS:

1. Report from the Staff – Ms. Dupuy had no new report.
2. Building Committee – Mr. Graham had no new report.
3. Classification and Testing Committee – Mr. Jones had no new report.
4. Legislative/Rules and Regulations Committee – Mr. Fenet had no new report.
5. Finance Committee – Mr. Dupuy made a motion to accept the year-end financial report as presented. Mr. Clouatre seconded. The motion passed.
6. Fines – Mr. Jones had no new report.
7. Public Relations – Mr. Weston had no new report.
8. Residential Building Committee – Mr. Badeaux gave the report at a later time.

- J. Consideration of residential applications, home improvement registrations and residential licensure exemptions as listed and attached to the agenda, and actions of the **January 14, 2015** Residential Building Subcommittee. (Pages 6-10)

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

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

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

Mr. Badeaux made a motion to approve the actions taken at the January 14, 2015 Residential Building Subcommittee meeting and Mr. Clouatre seconded. The motion passed.

- K. Consideration of commercial licensure exemptions as listed and attached to the agenda. (Page 11-13)

Mr. Dupuy made a motion to approve the Reciprocity exemptions based as listed on pages 11-12 of the agenda, and Mr. Clouatre seconded. The motion passed.

Mr. Dupuy made a motion to approve the Exemptions as listed on page 12-13 of the agenda pending receipt of resume from Victor P. Bonura Enterprises, Inc.. Mr. Clouatre seconded, and the motion passed.

- L. Consideration of mold remediation application as listed and attached to the agenda. (Page 14)

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

- M. Consideration of additional classifications as listed and attached to the agenda. (Pages 15-16)

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

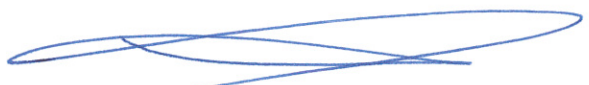
N. Consideration of commercial applications as listed and attached to the agenda.

- **PENDING ALL REQUIREMENTS BEING MET** (Pages 17-22)

Mr. Lambert made a motion to approve the applications on pages 17-22, and Mr. Clouatre seconded. The motion passed.

ADJOURNMENT

Mr. Dupuy made a motion to adjourn at 12:50 p.m., and Mr. Gallo seconded. The motion passed.



Lee Mallett, Chairman



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

10/10/10