

STATE LICENSING BOARD FOR CONTRACTORS
COMMERCIAL BOARD MEETING MINUTES

September 17, 2015

The regular meeting of the Commercial Board was called to order by the Vice Chairman, Victor Weston, on Thursday, September 17, 2015 at 9:37 a.m. at 2525 Quail Drive, Baton Rouge, Louisiana.

Members of the Board present:

Victor Weston, Vice Chairman
Lloyd "Chip" Badaeux
William J. Cloutre
Nelson A. "Andy" Dupuy, Jr.
Courtney Fenet, Jr.
August Gallo, Jr.
Danny R. Graham
Kenneth Jones
Donald G. Lambert
Garland Meredith
Christopher Stuart
Byron Talbot

Chairman, Lee Mallett, and members N.R. "Noah" Broussard 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; Jennifer Sims, Board Attorney; and from the staff, Bobbie Hughes, Brent Templet, Tricia Wood, and John Dixon; Compliance Director, Marianne Sullivan; Compliance Investigators, Frank Vaughan, Leann Evans, and Jessie Wells; and Tarah Barbier recording the minutes.

Mr. Mallett 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 **August 20, 2015** regular meeting, and Mr. Cloutre seconded. The motion passed.

Mr. McDuff introduced guest Ken Naquin with Louisiana Associated General Contractors.

NEW BUSINESS

C. QUALIFYING PARTY HEARING(S):

1. **PREMIERE, INC.**, New Iberia, Louisiana – 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 PREMIERE, INC. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Talbot made a motion to revoke the commercial license for PREMIERE, INC. Mr. Gallo seconded. The motion passed.

D. JUDGMENT(S):

1. **BRIDGES BUILDERS CONSTRUCTION GROUP LLC**, New Orleans, 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. Earin Bridges was present on behalf of BRIDGES BUILDERS CONSTRUCTION GROUP LLC. Attorney Michael S. Wolf was present on behalf of Mr. Bridges. Mr. Wolf stated that an agreement has been reached to pay the unpaid judgment. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Cloutre made a motion to have staff verify that an agreement has been reached with all parties involved and to allow staff to

revoke the commercial license for BRIDGES BUILDERS CONSTRUCTION GROUP LLC if proof is provided to staff that Mr. Bridges is not in compliance with the agreement. Mr. Gallo seconded. The motion passed.

E. **COMPLIANCE HEARING(S):**

1. a) **SHS DEVELOPMENT, INC.**, Flowood, Mississippi – La. R.S. 37:2158(A)(4)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by SHS DEVELOPMENT, INC. Mr. Cloutre made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

- b) **BAILEY ELECTRICAL CONTRACTING, LLC**, Jackson, Mississippi – La. R.S. 2160(A)(1)

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

- c) **JERRY EDWARDS ELECTRICAL, LLC**, Dry Prong, Louisiana – La. R.S. 37:2158 (A)(5)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by JERRY EDWARDS ELECTRICAL, LLC, which included a voluntary probation with the length of the probation to be determined by the board. Mr. Meredith made a motion to accept the settlement offer as presented and to place JERRY EDWARDS ELECTRICAL, LLC on two years of probation. Mr. Cloutre seconded. The motion passed.

2. a) **GUNTER CONSTRUCTION, INC.**, Sulphur, Louisiana – La. R.S. 37:2158(A)(4)

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

- b) **WILLIAM MURPHREE**, Lake Charles, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by WILLIAM MURPHREE. Mr. Lambert made a motion to accept the settlement offer as presented, which included a no contest plea and that WILLIAM MURPHREE will obtain a license within 120 days. Mr. Stuart seconded. The motion passed.

3. a) **WINNSBORO FAST LANE, LLC**, Winnsboro, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by WINNSBORO FAST LANE, LLC. Mr. Gallo made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Cloutre seconded. The motion passed.

- b) **KEITH HAWTHORNE**, Winnsboro, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by KEITH HAWTHORNE. Mr. Gallo made a motion to counter offer for the company to obtain a license within 120 days, to assess \$500 in administrative cost, and if the company does not obtain a license within 120 days the company will be assessed the maximum fine plus \$500 in administrative cost. Mr. Cloutre seconded. The motion passed.

- c) **JERRY CURINGTON D/B/A CURINGTON ELECTRICAL**, Winnsboro, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. No one was present on behalf of JERRY CURINGTON D/B/A CURINGTON ELECTRICAL. Investigator Jessie Wells was called to the stand and was sworn in. Mr. Wells reviewed the exhibit packet. Ms. Sims entered the

exhibit packet into evidence and it was admitted. Mr. Wells gave a statement regarding this matter. Mr. Meredith made a motion to find JERRY CURINGTON D/B/A CURINGTON ELECTRICAL to be in violation. Mr. Jones seconded. The motion passed. Mr. Meredith made a motion to assess the maximum fine plus \$500 in administrative cost, to issue a cease and desist, and allowing the fine to be reduced to \$500 plus \$500 in administrative cost if the company obtains a license within 120 days. Mr. Clouatre seconded. The motion passed.

4. Matters 4a – 4d were consolidated.

a) **SCHUMACHER HOMES OF LOUISIANA, INC.**, Canton, Ohio – La. R.S. 37:2158(A)(4)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by SCHUMACHER HOMES OF LOUISIANA, INC. Mr. Clouatre made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Lambert seconded. The motion passed.

b) **HIGH QUALITY CONSTRUCTION, LLC**, Metairie, Louisiana – La. R.S. 2160(A)(1)

This matter was heard after item 4d. Ms. Hughes gave a summary of the allegations. No one was present on behalf of HIGH QUALITY CONSTRUCTION, LLC. Investigator Leann Evans, who was previously sworn in, was called to the stand and reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Clouatre made a motion to find HIGH QUALITY CONSTRUCTION, LLC to be in violation. Mr. Badeaux seconded. The motion passed. Mr. Clouatre made a motion to assess \$1000 plus \$500 in administrative costs and to allow the fine to be reduced to only \$500 in administrative cost if the company obtains a license within 120 days. Mr. Badeaux seconded. The motion passed with one objection.

c) **PAT'S HAULING, LLC**, Hammond, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. Melvin Tantillo was present on behalf of PAT'S HAULING, LLC and was sworn in. John Schillage was also present with Mr. Tantillo and was sworn in. Mr. Tantillo entered a denial plea. Investigator Leann Evans was called to the stand and was sworn in. Ms. Evans reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Tantillo gave a statement. Mr. Gallo made a motion to dismiss this matter. Mr. Jones seconded. The motion passed.

d) **MANUEL CERVANTES**, Tickfaw, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. MANUEL CERVANTES was present and was sworn in. Mr. Cervantes entered a denial plea. Investigator Leann Evans, who was previously sworn in, was called to the stand and reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Cervantes questioned Ms. Evans. Mr. Cervantes gave a statement. Mr. Schillage also gave a statement. Mr. Dupuy made a motion to dismiss this matter. Mr. Fenet seconded. The motion passed.

5. a) **DRAKE CONSTRUCTION CO. OF OHIO**, Cleveland, Ohio – La. R.S. 37:2158(A)(4)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by DRAKE CONSTRUCTION CO. OF OHIO. Mr. Fenet made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Meredith seconded. The motion passed.

b) **MASTER CARE FLOORING, INC.**, Baltimore, Maryland – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by MASTER CARE FLOORING, INC. Mr. Fenet made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Meredith seconded. The motion passed.

6. a) **CORNERSTONE CONSTRUCTION OF LA, LLC**, Denham Springs, Louisiana – La. R.S. 37:2158(A)(4)

Mr. Lambert recused himself from this matter. Gene Lambert was present on behalf of CORNERSTONE CONSTRUCTION OF LA, LLC and was sworn in. Attorney Charles “Chip” S. Lambert, Jr. was present on behalf of the company. Mr. C. Lambert presented a settlement offer to the board. The board declined the settlement offer. Mr. G. Lambert gave a statement. Mr. C. Lambert presented an amended settlement offer to the board. Mr. Jones made a motion to accept the amended settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

- b) **LEADING EDGE INDUSTRIES INC. D/B/A JS CONSTRUCTION**, Calimesa, California – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by LEADING EDGE INDUSTRIES INC. D/B/A JS CONSTRUCTION. Mr. Meredith made a motion to accept the settlement offer as present, which included a no contest plea and the company will obtain a license within 120 days. Mr. Stuart seconded. The motion passed.

- c) **JUSTIN BLAINE MCNEMAR AND/OR JUSTIN MCNEMAR CONST., LLC**, Prairieville, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. No one was present on behalf of JUSTIN BLAINE MCNEMAR AND/OR JUSTIN MCNEMAR CONST., LLC. Investigator Todd Brady was called to the stand and was sworn in. Mr. Brady reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Brady gave a statement. Mr. Meredith made a motion to find JUSTIN BLAINE MCNEMAR AND/OR JUSTIN MCNEMAR CONST., LLC to be in violation. Mr. Stuart seconded. The motion passed. Mr. Meredith made a motion to assess the maximum fine plus \$500 in administrative cost and to issue a cease and desist order. Mr. Jones seconded. The motion passed.

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

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

OLD BUSINESS

G. COMPLIANCE HEARING(S)/CONTINUANCES:

1. **DAVID STEVENS D/B/A STEVENS HEATING & COOLING, INC.**, Gilbert, Louisiana – La. R.S. 2160(A)(1).

Ms. Hughes gave a summary of the allegations. Patricia Stevens was present on behalf of DAVID STEVENS D/B/A STEVENS HEATING & COOLING, INC. and was sworn in. Ms. Stevens entered a no contest plea. Mr. Stuart made a motion to accept the plea. Mr. Jones seconded. The motion passed. Ms. Stevens gave a statement. Mr. Jones made a motion to assess \$2000 plus \$500 in administrative cost and to allow the fine to be reduced to \$500 plus \$500 in administrative cost if the company obtains a license within 180 days.

H. REQUEST FOR REHEARINGS/RECONSIDERATIONS:

1. **CLC REMODELING AND CONSTRUCTION SERVICES, LLC**, Beaumont, Texas – La. R.S. 2160(A)(1).

Ms. Hughes gave a summary of the allegations and read the board’s actions from the July 16, 2015 board meeting. No one was present on behalf of CLC REMODELING AND CONSTRUCTION SERVICES, LLC. Mr. Meredith made a motion to deny the rehearing request. Mr. Gallo seconded. The motion passed.

2. **RAZOR CONSTRUCTION, LLC F/K/A JOSEPH HARVEYS CONSTRUCTION, LLC**, Lake Charles, Louisiana – La. R.S. 2160(A)(1).

Ms. Hughes gave a summary of the allegations and read the board's actions from the July 16, 2015 board meeting. No one was present on behalf of RAZOR CONSTRUCTION, LLC F/K/A JOSEPH HARVEYS CONSTRUCTION, LLC. Mr. Meredith made a motion to rehear this matter. Mr. Gallo seconded. The motion passed. Mr. Meredith made a motion to assess \$1500 plus \$500 in administrative cost and to allow the fine to be reduced to \$500 plus \$500 in administrative cost if the company obtains a license.

3. **VARNELL FRAMING CO., INC.**, Brandon, Mississippi – La. R.S. 2160(A)(1).

Ms. Hughes gave a summary of the allegation and the decision rendered by the board on October 16, 2008. Ms. Hughes read the settlement offer presented by VARNELL FRAMING CO., INC. Mr. Badeaux made a motion to accept the settlement offer as presented, which included a guilty plea. Mr. Jones seconded. The motion passed.

I. COMMITTEE REPORTS:

1. Report from the Staff –Ms. Dupuy reminded the board about the upcoming mandatory training to take place in October for all the board members.
2. Building Committee –Mr. McDuff addressed the board regarding building improvements to the current agency's building and comparing with cost for a new building for the agency. Mr. Jones made a motion to authorize the Building Committee expenditures up to \$10,000 to research and prepare a rendered site plan for a new building for the agency. Mr. Dupuy seconded. The motion passed. Mr. Naquin also addressed the board.
3. Classification and Testing Committee – Mr. Cloutre had no new report.
4. Legislative/Rules and Regulations Committee – Mr. Fenet had no new report. Mr. McDuff addressed the board regarding the proposed Residential Subclassifications to be posted the following week.
5. Finance Committee – Mr. Dupuy made a motion to accept the August financial statement as presented. Mr. Cloutre seconded. The motion passed.
6. Residential Building Committee – Mr. Jones 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 **September 16, 2015** Residential Building Subcommittee. (Pages 6-13)

Mr. Jones made a motion to approve the additional classifications for residential licenses as listed on the agenda, and Mr. Meredith seconded. The motion passed.

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

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

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

Mr. Jones made a motion to approve the actions taken at the September 16, 2015 Residential Building Subcommittee meeting and Mr. Meredith seconded. The motion passed.

- K. Consideration of commercial licensure exemptions as listed and attached to the agenda. (Pages 14-17)

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

Mr. Dupuy made a motion to approve the Exemptions as listed on page of the agenda. Mr. Cloutre seconded, and the motion passed.

- L. Consideration of mold remediation application as listed and attached to the agenda. (Page 18)

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

M. Consideration of additional classifications as listed and attached to the agenda. (Pages 19-20)

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

N. Consideration of commercial applications as listed and attached to the agenda. (Pages 21-31)

• **PENDING ALL REQUIREMENTS BEING MET**

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

ADJOURNMENT

Mr. Fenet made a motion to adjourn at 11:37 a.m., and Mr. Clouatre seconded. The motion passed.

Lee Mallett, Chairman

Byron E. Talbot, Secretary