STATE LICENSING BOARD FOR CONTRACTORS RESIDENTIAL BUILDING COMMITTEE MEETING MINUTES

October 15, 2014

The regular monthly meeting of the Residential Building Committee was called to order by the Chairman at 9:30 a.m. in Conference Room of the Board's offices, Baton Rouge, Louisiana.

Members of the Committee present: Lloyd "Chip" Badeaux, Chairman

Lee Mallett Nick Castjohn Karon "Kay" Gibson

Billy Ward

Wesley L. "Wes" Wyman, Jr.

Jodi C. Penn, member was absent. There being a quorum present, the regular order of business was called.

Also attending the meeting were: Michael McDuff, Executive Director; Judy Dupuy, Board Administrator; Judge Darrell White, Retired, Hearing Officer; Jennifer Sims, Board Attorney; and from the staff, Bobbie Hughes, Nathan Rawls, Brent Templet, Emma Payne, Elaine Riggins, John Dixon, Kristin Tullier; compliance investigators, Jessie Wells, Tommy Mimnaugh, William Valentine, Leann Evans, Dylan Bourg and Carl Bourque; and Sharon Fabre recording the minutes.

Mr. Badeaux led the Pledge of Allegiance.

Judge Darrell White gave the invocation.

Mr. Castjohn made a motion to accept the Minutes of the September 17, 2014, Residential Building Committee Meeting, and Mr. Wyman seconded. The motion passed.

Mr. McDuff introduced guests Ronald Burrough with the Attorney General's office, and Kimberly Callaway and Rashida Keith, with the House of Representatives Commerce Committee.

NEW BUSINESS

C. INSURANCE HEARING(S):

RESIDENTIAL BUILDING, HOME IMPROVEMENT, AND MOLD REMEDIATION; GENERAL LIABILITY & WORKERS' COMPENSATION – La. R.S. 2150–2192, 2186(B)(6), 2189(A)(7) and Rules and Regulations Sec. 1503(D)

Ms. Sims called Emma Payne to the stand. Ms. Payne was sworn in and gave a statement regarding the proof of general liability and/or workers' compensation coverage for those listed on the agenda. ALL ABOUT DESIGN, LLC, BUSY BEE RESTORATION, INC., FRANK HUNTER CONSTRUCTION, LLC, IRON TRIANGLE DEVELOPMENT, LLC, KEVIN ARTHUR LEIGH, LARSEN & SHANE, LLC, LIVING SOLUTIONS CONSTRUCTION, LLC, MARLON DALE ROWELL, MORALES, INC., OSCAR R. DUBON, PADDISON BUILDERS & ASSOCIATES, INC., PRIME RESIDENTIAL CONTRACTORS, LLC, RAMM CONSTRUCTION GROUP, LLC, RICKY PREJEAN CONSTRUCTION, INC., ROYAL S. RENOVATIONS, LLC, SHOW-ME QUALITY CONSTRUCTION, LLC, & W.T. WEEKS CONSTRUCTION, LLC were removed from the agenda.

No one was present on behalf of CHAMBLISS GROUP, LLC, THE, INEN CONSTRUCTION & SERVICES, LLC, and THOROUGHBRED FLOOR SERVICE, LLC. Ms. Payne reported to the subcommittee that this was the first offense of these companies. Mr. Castjohn made a motion to suspend the licenses or registrations, of each entity, back to the date of lapsed coverage, to issue a cease and desist order, to impose a fine of \$500.00 plus administrative costs, and to allow the companies to reapply after 30 days. Mr. Wyman seconded, and the motion passed.

No one was present on behalf of CUSTOM IMPROVEMENTS, LLC, and HOME IMPROVEMENT GROUP OF LOUISIANA, LLC. Ms. Payne reported to the subcommittee that this was the second offense of these companies. Mr. Castjohn made a motion to revoke the licenses or registrations, of each entity, to issue a cease and desist order, and to impose a fine of \$500.00 plus administrative costs. Mr. Ward seconded, and the motion passed.

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

1. ESTESS CONTRACTORS, LLC. New Orleans, Louisiana - La. R.S. 37:2158(A)(9)

Mr. Nick Castjohn recused himself. Mr. Rawls gave a summary of the allegations. Steven Hunter Estess and attorney Scott Sternberg were present on behalf of ESTESS CONTRACTORS, LLC. Mr. Estess was sworn in and entered a no contest plea. Mr. Ward made a motion to accept the plea, and Mr. Wyman seconded. The motion passed. Mr. Estess gave a statement. Ms. Sims gave a statement. Ms. Gibson called Carl Bourque to the stand. Mr. Bourque was sworn in and gave testimony regarding the investigation. Homeowners Robert Rowell and Brittany Hembree were sworn in and each gave separate statements. Ms. Gibson made a motion to fine ESTESS CONTRACTORS, LLC \$4,000 plus \$500 administrative costs, to issue a cease and desist order, and to revoke the license for 2 years. Mr. Ward seconded, and the motion passed.

2. a) GTI SERVICES, INC., New Orleans, Louisiana – La. R.S. 37:2158 (A)(5).

Mr. Rawls stated that a representative of GTI SERVICES, INC. requested a continuance. Mr. Ward made a motion to continue this matter, and Mr. Castjohn seconded. The motion passed.

b) **JOHN WHITE,** Boutee, Louisiana – La. R.S. 37:2175.2 (A)(1)

Mr. Rawls gave a summary of the allegations. John White was present and sworn in. Mr. White entered a no contest plea. Mr. Castjohn made a motion to accept the plea, and Mr. Wyman seconded. The motion passed. Mr. White gave a statement. Ms. Gibson made a motion to fine JOHN WHITE \$500 plus \$500 in administrative costs, and to issue a cease and desist order. Mr. Ward seconded and the motion passed.

3. PBG HOMES OF LA, LLC F/K/A PROVIDENT HOMES, LLC, Denham Springs, Louisiana - La. R.S. 37:2158(A)(9)

Mr. Rawls gave a summary of the allegations. Attorney Trenton Grand was present on behalf of PBG Homes of LA, LLC f/k/A Provident Homes, LLC. Mr. Grand entered a no contest plea and requested a continuance. Mr. Castjohn made a motion to accept the plea and Ms. Gibson seconded. The motion passed. Mr. Grand gave a statement. Mr. Castjohn made a motion to grant PBG Homes of LA, LLC f/k/A Provident Homes, LLC a continuance for 90 days with the requirement that status reports be submitted monthly. Mr. Wyman seconded. The motion passed.

4. TRAVIS WILLIAMS D/B/A SPEEDY CONSTRUCTION, INC., Gretna, Louisiana – La. R.S. 37:2175.2 (A)(1) and La R.S. 37:2160 (A)(2)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of Travis Williams D/B/A Speedy Construction, Inc. Investigator Dylan Bourg was called to the stand and sworn in to review the exhibits. The exhibit packet was filed and admitted into evidence. Ms. Gibson made a motion to find Travis Williams D/B/A Speedy Construction, Inc. to be in violation, and Mr. Wyman seconded. Ms. Gibson made a motion to fine Travis Williams D/B/A Speedy Construction, Inc. the maximum fine, plus \$1,000 in administrative costs, and to issue a cease and desist order. Mr. Castjohn seconded. The motion passed.

5. **T & S ENTERPRISES, LLC,** New Orleans, Louisiana – La. R.S. 37:2167 (A) and/or 2175.2 (A)(1)

Mr. Rawls gave a summary of the allegations. Attorney Andrew Lee was present on behalf of T & S ENTERPRISES, LLC. Mr. Lee requested a continuance. Mr. Castjohn made a motion to grant the continuance with a cease and desist order issued. Mr. Wyman seconded. The motion passed.

6. <u>AERIAL CONSTRUCTION, LLC D/B/A AERIAL CONTRACTING, LLC,</u> River Ridge, Louisiana – La. R.S. 37:2175.2 (A)(1)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of AERIAL CONSTRUCTION, LLC D/B/A AERIAL CONTRACTING, LLC. Ms. Sims called investigator Leann Evans to the stand. Ms. Evans was sworn in to review the exhibit packets. Ms. Sims filed the exhibits into evidence and they were admitted. Mr. Castjohn made a motion to find AERIAL CONSTRUCTION, LLC D/B/A AERIAL CONTRACTING, LLC to be in violation, to assess the maximum fine plus \$1000 in administrative costs, and to issue a cease and desist order. Mr. Wyman seconded, and the motion passed.

7. <u>Joseph Stanley d/b/a Joseph Stanley's Asphalt, Paving, and Sealcoating,</u> Slidell, Louisiana – La. R.S. 37:2175.2 (A)(1)

Mr. Rawls gave a summary of the allegations and presented the settlement offer for Joseph Stanley D/B/A Joseph Stanley's Asphalt, Paving, and Sealcoating. No one was present on behalf of Joseph Stanley D/B/A Joseph Stanley's Asphalt, Paving, and Sealcoating. Mr. Casthjohn made a motion to accept the settlement offer. Mr. Wyman seconded. The motion passed.

8. MCWATERS REMODELING & ROOFING, LLC, Shreveport, Louisiana – La. R.S. 37:2175.2 (A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by MCWATERS REMODELING & ROOFING, LLC. No one was present on behalf of MCWATERS REMODELING & ROOFING, LLC. Mr. Castjohn made a motion to accept the settlement offer, which included a no contest plea. Mr. Wyman seconded. The motion passed.

9. Murven C. Shoemaker, Jr. D/B/A G & M Construction, West Monroe, Louisiana – La. R.S. 37:2175.2 (A)(1)

Mr. Rawls gave a summary of the allegations. Murven C. Shoemaker, Jr. was present on behalf of Murven C. Shoemaker, Jr. D/B/A G & M Construction, and sworn in. Mr. Shoemaker entered a no contest plea. Mr. Castjohn made a motion to accept the plea, and Mr. Wyman seconded. The motion passed. Mr. Shoemaker made a statement. Mr. Wyman made a motion to dismiss the case against Murven C. Shoemaker, Jr. D/B/A G & M Construction. Mr. Castjohn seconded, and the motion passed.

OLD BUSINESS

F. COMPLIANCE HEARING(S)/CONTINUANCES:

1. JOAQUIN M. DEL OLMO, Crowley, Louisiana – Louisiana La. R.S. 37:2175.2 (A)(1).

Mr. Rawls gave a summary of the allegations. JoaQuin M. Del Olmo and Attorney Stephen Spring were present on behalf of JOAQUIN M. DEL OLMO. Mr. Del Olmo was sworn in. Mr. Spring gave a statement and presented documents to the Board. Tommy Mimnaugh was sworn in to review the exhibits. Ms. Sims filed and introduced the complete exhibit packet into evidence, and it was admitted. Mr. Spring questioned Mr. Mimnaugh. Mr. Del Olmo entered a no contest plea. Mr. Castjohn made a motion to accept the plea, and Mr. Wyman seconded. The motion passed. Mr. Castjohn made a motion to fine JOAQUIN M. DEL OLMO, \$1,500 plus \$1,000 in administrative costs, and to issue a cease and desist order. If Mr. Del Olmo gets registered in 90 days, the fine will be reduced to \$500 plus \$500 in administrative costs with the cease and desist order being lifted. Mr. Wyman seconded, and the motion passed.

2. HIGHLAND INDUSTRIES OF NORTHWEST LOUISIANA, Shreveport, Louisiana – La. R.S. 37:2167 (A)

Mr. Rawls gave a summary of the allegations. Attorney Trippe Hawthorne was present on behalf of HIGHLAND INDUSTRIES OF NORTHWEST LOUISIANA. Mr. Hawthorne made a statement and settlement offer. Ms. Gibson made a motion to reject the settlement offer, and Mr. Castjohn seconded. The motion passed. Mr. Hawthorne requested a continuance. Mr. Ward made a motion to grant a continuance. Mr. Wyman seconded. The motion passed.

G. CONSIDERATION OF LICENSURE EXEMPTION(S):

- Mr. Castjohn made a motion to approve the exemptions as listed on the agenda, and Mr. Ward seconded. The motion passed. (Page 3)
- H. Consideration of new applications for residential building construction license to be approved pending as listed on the agenda. (Pages 4 & 5)
 - Mr. Castjohn made a motion to approve the new residential building license applications as listed on the agenda, and Mr. Ward seconded. The motion passed.
- Consideration of new applications for home improvement registration as listed on the agenda. (Pages 6 -
 - Mr. Castjohn made a motion to approve the new residential building license applications as listed on the agenda, and Mr. Ward seconded. The motion passed.

AD

Mr

ett made a motion to adjourn at 12:00 p.m., and Mr. Castjohn. The motion passed.				
loyd "Chip" Badea	ıx, Chairman			