

# **STATE LICENSING BOARD FOR CONTRACTORS**

## **COMMERCIAL BOARD**

### **MEETING MINUTES**

**January 20, 2022**

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallett, on Thursday, January 20, 2022, at 9:30 a.m. at 600 North Street, Baton Rouge, Louisiana.

Members of the Board present:

- William J. Cloutre, Vice Chairman
- Lloyd "Chip" Badeaux
- Ronald Barron
- N.R. "Noah" Broussard
- Nelson A. "Andy" Dupuy, Jr.
- Courtney Fenet, Jr.
- Kenneth Jones
- Curtis Joseph
- Donald G. Lambert
- Garland Meredith
- Joel Rushing
- Christopher N. Stuart
- Elliott Temple
- Keith Tillage
- Victor Weston

Chairman, Lee Mallett, and members, Brian J. Bordelon, August Gallo, Jr. and Danny R. Graham 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; Jeffrey Wale, Hearing Officer; Kevin Landreneau, Board Attorney; and from the staff, Leann Evans, Carrie Morgan, Monica Webster, Lowana Cola and Monica Davis; Compliance Director, Brad Hassert; and Elaine Riggins recording the minutes.

Mr. Stuart led the members and audience in the Pledge of Allegiance.

Mr. Wale introduced himself as the new hearing officer overseeing these proceedings and addressed the audience and board on the administrative procedures for hearings.

Mr. Lambert made a motion to accept the Minutes of the **December 15, 2021**, regular meeting. Mr. Stuart seconded. The motion passed.

Mr. Hassert introduced guests Ken Naquin with the Louisiana Associated General Contractors and Alex Reinboth with the Louisiana Attorney General's Office.

#### **PUBLIC COMMENT**

No requests were received from the public to address the Licensing Board.

#### **NEW BUSINESS**

Leann Evans and Brad Hassert with the Compliance Department were sworn in.

#### **D. JUDGMENT:**

1. **BIG YELLOW CONSTRUCTION LLC**, New Orleans, Louisiana – La. R.S. 37:2150-2192, La. R.S. 37:2158(A)(8) and (A)(9), La. R.S. 37:2156.1(D)(1) and Section 707 of the Board's Rules and Regulations

Ms. Evans gave a summary of the allegations. Attorney Clayton Schnyder Jr. was present on behalf of BIG YELLOW CONSTRUCTION LLC and was sworn in. Mr. Schnyder addressed the board regarding this matter. Mr. Schnyder entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Broussard seconded. The motion passed. Ms. Evans reviewed the exhibit packet and provided testimony for the Board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Landreneau questioned Mr. Schnyder. Mr. Temple made a motion to suspend the license for BIG YELLOW CONSTRUCTION LLC until such time the judgment is paid in full or enter into/comply with the payment plan. If the license expires prior to the judgment being resolved, the company may be required to reapply for a new license. Mr. Tillage seconded. The motion passed.

**E. COMPLIANCE HEARINGS:**

1. a) **CREATIVE EDGE CONTRACTORS, LLC**, Jennings, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by CREATIVE EDGE CONTRACTORS, LLC. Mr. Joseph made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Temple seconded. The motion passed.

- b) **CRECENSIO MARTINEZ D/B/A METAL BUILDING CONSTRUCTION**, Houston, Texas – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of CRECENSIO MARTINEZ D/B/A METAL BUILDING CONSTRUCTION. Brad Hassert, Compliance Director, who was previously sworn, was called to the stand. Mr. Hassert reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Weston made a motion to find CRECENSIO MARTINEZ D/B/A METAL BUILDING CONSTRUCTION to be in violation. Mr. Temple seconded. The motion passed. Mr. Weston made a motion to assess the maximum fine plus \$500 in administrative costs. Mr. Rushing seconded. The motion passed.

2. a) **AFFILIATED MULTI-FAMILY SERVICES, INC.**, Dallas, Texas – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations. No one was present on behalf of AFFILIATED MULTI-FAMILY SERVICES, INC. Brad Hassert, Compliance Director, who was previously sworn, was called to the stand. Mr. Hassert reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Weston made a motion to find AFFILIATED MULTI-FAMILY SERVICES, INC. to be in violation. Mr. Dupuy seconded. The motion passed. Mr. Weston made a motion to assess the maximum fine plus \$500 in administrative costs. Mr. Tillage seconded. The motion passed.

- b) **COMMERCIAL ROOFING SPECIALISTS, LLC**, Arlington, Texas – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by COMMERCIAL ROOFING SPECIALISTS, LLC. Mr. Joseph made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Temple seconded. The motion passed.

3. a) **MAGELLAN CONSTRUCTION, L.L.C.**, Lafayette, Louisiana – La. R.S. 37:2158(A)(4), 5 counts

Ms. Evans gave a summary of the allegations and read the settlement offer presented by MAGELLAN CONSTRUCTION, L.L.C. Mr. Stuart made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Joseph seconded. The motion passed.

- b) **EMTEK, LLC**, Livonia, Michigan –La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by EMTEK, LLC. Mr. Tillage made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Joseph seconded. The motion passed.

- c) **GREEN SOUTH DEMOLITION, LLC**, Jonesboro, Georgia – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by GREEN SOUTH DEMOLITION, LLC. Mr. Tillage made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Temple seconded. The motion passed.

- d) **NORTHEAST GEORGIA CARPET, INC.**, Baldwin, Georgia – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by NORTHEAST GEORGIA CARPET, INC. Mr. Joseph made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Dupuy seconded. The motion passed.

- e) **SEAN'S LANDSCAPING, LLC**, New Orleans, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of SEAN'S LANDSCAPING, LLC. Brad Hassert, Compliance Director, who was previously sworn, was called to the stand. Mr. Hassert reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Weston made a motion to find SEAN'S LANDSCAPING, LLC to be in violation. Mr. Jones seconded. The motion passed. Mr. Weston made a motion to assess an administrative penalty of the maximum fine plus \$500 in administrative costs and to be reduced to \$2500 plus \$500 administrative costs if the company obtains a proper license within 90 days. Mr. Jones seconded. After discussion, the motion passed with opposition from Mr. Fenet.

4. a) **S & W CONSTRUCTION PARTNERS LP**, Aledo, Texas – La. R.S. 37:2158(A)(4), 3 counts

Mr. Badeaux recused himself from this matter. Ms. Evans gave a summary of the allegations. Attorney Tripp Hawthorne was present on behalf of S & W CONSTRUCTION PARTNERS LP. Mr. Hawthorne entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Broussard seconded. The motion passed. Brad Hassert, Compliance Director, who was previously sworn, was called to the stand. Mr. Hassert reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Hawthorne gave a statement to the board and presented a settlement offer to the board. Mr. Lambert made a motion to reject the settlement offer as presented. Mr. Tillage seconded. Mr. Tillage made a motion to assess an administrative penalty of \$10,000 fine plus \$500 in administrative costs. Mr. Joseph seconded. After discussion, the motion passed.

- b) **KYLE SHERIFF D/B/A SHERIFF WELDING SERVICES, LLC**, Sanger, Texas – La. R.S. 37:2160(A)(1)

Mr. Badeaux recused himself from this matter. Ms. Evans gave a summary of the allegations. No one was present on behalf of KYLE SHERIFF D/B/A SHERIFF WELDING SERVICES, LLC. Brad Hassert, Compliance Director, who was previously sworn, was called to the stand. Mr. Hassert reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Tillage made a motion to find KYLE SHERIFF D/B/A SHERIFF WELDING SERVICES, LLC to be in violation. Mr. Weston seconded. The motion passed. Mr. Weston made a motion to assess the maximum fine plus \$500 in administrative costs. Mr. Stuart seconded. After discussion, the motion passed.

- c) **MCGEE CORPORATION**, Matthews, North Carolina – La. R.S. 37:2158(A)(4), 2 counts

Mr. Badeaux recused himself from this matter. Ms. Evans gave a summary of the allegations and read the settlement offer presented by MCGEE CORPORATION. Mr. Meredith made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Lambert seconded. The motion passed.

- d) **MARK MURRAY**, Springtown, Texas – La. R.S. 37:2160(A)(1)

Mr. Badeaux recused himself from this matter. Ms. Evans gave a summary of the allegations. No one was present on behalf of MARK MURRAY. Brad Hassert, Compliance Director, who was previously sworn, was called to the stand. Mr. Hassert reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Weston made a motion to find MARK MURRAY to be in violation. Mr. Joseph seconded. The motion passed. After discussion, Mr. Stuart made a motion to assess an administrative penalty of \$1000 fine plus \$500 in administrative costs. Mr. Meredith seconded. The motion passed.

- e) **DANNY CANTRELL D/B/A CANTRELL CONSTRUCTION**, Wagoner, Oklahoma – La. R.S. 37:2160(A)(1)

Mr. Badeaux recused himself from this matter. Ms. Evans gave a summary of the allegations. No one was present on behalf of DANNY CANTRELL D/B/A CANTRELL CONSTRUCTION. Brad Hassert, Compliance Director, who was previously sworn, was called to the stand. Mr. Hassert reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Joseph made a motion to find DANNY CANTRELL D/B/A CANTRELL CONSTRUCTION to be in violation. Mr. Tillage seconded. The motion passed. Mr. Temple made a motion to assess an administrative penalty of a \$1000 fine plus \$500 in administrative costs. Mr. Meredith seconded. The motion passed.

5. **ST. PIERRE'S SERVICES, INC.**, St. Rose, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of ST. PIERRE'S SERVICES, INC. Brad Hassert, Compliance Director, who was previously sworn, was called to the stand. Mr. Hassert reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Temple made a motion to find ST. PIERRE'S SERVICES, INC to be in violation. Mr. Joseph seconded. The motion passed. Mr. Weston made a motion to assess an administrative penalty of a \$1000 fine plus \$500 in administrative costs and to be reduced to a \$500 fine plus \$500 in administrative days if the company obtains a proper license within 120 days. Mr. Weston seconded. The motion passed.

6. **SOUTHEAST PLUMBING CONTRACTORS, L.L.C.**, Cutoff, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Trevor Bourg was present on behalf of SOUTHEAST PLUMBING CONTRACTORS, L.L.C. and was sworn in. Mr. Bourg entered a no contest plea. Mr. Temple made a motion to accept the plea. Mr. Jones seconded. The motion passed. Mr. Bourg gave a statement to the board. Brad Hassert, Compliance Director, who was previously sworn, was called to the stand. Mr. Hassert reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Weston made a motion to assess an administrative penalty of no fine and \$500 in administrative costs. Mr. Lambert seconded. The motion passed.

7. **ALLEN SCHUMACHER**, Hammond, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of ALLEN SCHUMACHER. Brad Hassert, Compliance Director, who was previously sworn, was called to the stand. Mr. Hassert reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Joseph made a motion to find ALLEN SCHUMACHER to be in violation. Mr. Rushing seconded. The motion passed. Mr. Joseph made a motion to assess the maximum fine plus \$500 in administrative costs. Mr. Tillage seconded. The motion passed.

8. **RAY E. BAILEY D/B/A BAILEY BUILDERS LLC**, Gonzales, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of RAY E. BAILEY D/B/A BAILEY BUILDERS LLC. Brad Hassert, Compliance Director, who was previously sworn, was called to the stand. Mr. Hassert reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Rushing made a

motion to find RAY E. BAILEY D/B/A BAILEY BUILDERS LLC to be in violation. Mr. Joseph seconded. The motion passed. Mr. Barron made a motion to assess the maximum fine plus \$500 in administrative costs. Mr. Joseph seconded. The motion passed.

9. **TDC ENVIRONMENTAL SERVICES LLC**, Denham Springs, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by TDC ENVIRONMENTAL SERVICES LLC. Mr. Jones made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Meredith seconded. The motion passed.

10. **W J PAINTING & CONSTRUCTION, LLC**, Metairie, Louisiana – La. R.S. 37:2163(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by W J PAINTING & CONSTRUCTION, LLC. Mr. Tillage made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Stuart seconded. The motion passed.

F. **STATUTORY CITATIONS:**

Ms. Evans presented the statutory citations. Mr. Jones made a motion to accept the statutory citations as presented. Mr. Meredith seconded. The motion passed.

G. **APPLICATIONS; ADDITIONAL CLASSIFICATIONS; RECIPROCITY**

1. Residential Building Subcommittee Report

- a. Consideration of additional classifications for residential licenses, residential applications and home improvement registrations as listed and attached to the agenda. (Pages 5-19)

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

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

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

- b. Consideration of the actions of the **January 19, 2022**, Residential Building Subcommittee.

Mr. Temple made a motion to approve and ratify the actions taken at the January 20, 2022, Residential Building Subcommittee meeting and Mr. Jones seconded. The motion passed.

2. Consideration of reciprocity and exemption requests as listed and attached to the agenda. (Pages 20-22)

Based on Staff recommendations, Mr. Dupuy made a motion to approve the exemptions based on Reciprocity as listed on the agenda. Mr. Joseph seconded. The motion passed.

Based on Staff recommendations, Mr. Dupuy made a motion to approve the Exemption as listed on the agenda. Mr. Joseph seconded. The motion passed.

3. Consideration of mold remediation application as listed and attached to the agenda. (Page 23)

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

4. Consideration of additional classifications as listed and attached to the agenda. (Pages 24-26)

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

5. Consideration of commercial applications as listed and attached to the agenda. (Pages 27-38)

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

#### H. **REPORTS:**

1. Finance Report – Mr. Dupuy asked for a motion to accept the financial statement for the period ending December 31, 2021, as presented. Mr. Weston made a motion to accept the financial statement for the period ending December 31, 2022, as presented. Mr. Stuart seconded. The motion passed. Mr. Dupuy also made a motion to accept the 2021 Louisiana Compliance Questionnaire, for Audit Engagements of Governments, as presented for the agency audit. Mr. Temple seconded. The motion passed.

Mr. Weston addressed the board and staff regarding several matters relating to annual training required of the board members, outstanding fines that are turned over to the Louisiana Attorney General's office, and the presentation of cases at board hearings. Mr. McDuff and Mr. Hassert addressed the board regarding these matters. Mr. Tillage, Mr. Dupuy and Mr. Clouatre provided input on streamlining the format of the agenda relating to subcontractors. Mr. McDuff addressed the board regarding proposed statutory changes being presented to legislature in 2022.

#### **ADJOURNMENT**

Mr. Dupuy made a motion to adjourn at 11:10 a.m., and Mr. Weston seconded. The motion passed unanimously.

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Lee Mallett, Chairman

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Elliott Temple, Secretary