

STATE LICENSING BOARD FOR CONTRACTORS

COMMERCIAL BOARD

MEETING MINUTES

November 18, 2021

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallett, on Thursday, November 18, 2021, at 9:30 a.m. at 600 North Street, Baton Rouge, Louisiana.

Members of the Board present:

- Lee Mallett, Chairman
- William J. Clouatre, Vice Chairman
- Lloyd “Chip” Badeaux
- Ronald Barron
- Nelson A. “Andy” Dupuy, Jr.
- Courtney Fenet, Jr.
- August Gallo, Jr.
- Curtis Joseph
- Donald G. Lambert
- Garland Meredith
- Joel Rushing
- Christopher N. Stuart
- Elliott Temple
- Keith Tillage
- Victor Weston

Members, Brian J. Bordelon; N.R. “Noah” Broussard; Danny R. Graham and Kenneth Jones 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; Kevin Landreneau, Board Attorney; and from the staff, Leann Evans, Carrie Morgan, Elaine Riggins, Monica Webster, Lowana Cola and Monica Davis; Compliance Director, Brad Hassert; Compliance Investigator, Sean Beaver; and Tarah Revette recording the minutes.

Mr. Meredith 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 **October 21, 2021**, regular meeting. Mr. Joseph seconded. The motion passed.

Mr. Hassert introduced guest Austin Holliday with the Louisiana Attorney General’s office

PUBLIC COMMENT

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

NEW BUSINESS

Carrie Morgan and Brad Hassert with the Compliance Department were sworn in.

D. JUDGMENTS:

1. **FUDESCO CONSTRUCTION GROUP, LLC**, Gonzales, 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. Morgan gave a summary of the allegations. No one was present on behalf of FUDESCO CONSTRUCTION GROUP, LLC. Ms. Morgan, who was prev. sworn, 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 FUDESCO CONSTRUCTION GROUP, LLC to be in violation, to give the company 30 days to pay the judgment or enter into/comply with the payment plan. If these terms are not satisfied within 30 days, the license will be automatically suspended by staff. If a payment plan is agreed upon, the board further ordered that any deviation from or default of the payment plan will result in the license being automatically suspended by staff. If at any time the license is suspended by staff related to this matter, staff can reinstate the license after the judgment has been paid in full. Mr. Fenet seconded. The motion passed.

2. **GL CONSTRUCTION, LLC**, Baton Rouge, 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 Robert Ainsworth was present on behalf of GL CONSTRUCTION, LLC. Ms. Evans was called to the stand and was sworn in. Ms. Evans reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Chester Lempitsky III, who arrived late, was also present on behalf of GL Construction, LLC and was sworn. Mr. Landreneau and the board questioned Mr. Lempitsky. Mr. Ainsworth gave a statement to the board. After discussion, Mr. Cloutre made a motion to find GL CONSTRUCTION, LLC to be in violation, to give the company 30 days to pay the judgment or enter into/comply with the payment plan. If these terms are not satisfied within 30 days, the licenses will be automatically suspended by staff. If a payment plan is agreed upon, the board further ordered that any deviation from or default of the payment plan will result in the licenses being automatically suspended by staff. If at any time the licenses is suspended by staff related to this matter, staff can reinstate the licenses after the judgment has been paid in full. Mr. Gallo seconded. The motion passed.

3. **DENNIS JAMES MANNINO**, Baton Rouge, 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. No one was present on behalf of DENNIS JAMES MANNINO. Ms. Evans, who was previously sworn, 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 DENNIS JAMES MANNINO to be in violation, to give the Mr. Mannino 30 days to pay the judgment or enter into/comply with the payment plan. If these terms are not satisfied within 30 days, the qualifying party status for Mr. Mannino will be automatically suspended by staff. If a payment plan is agreed upon, the board further ordered that any deviation from or default of the payment plan will result in the qualifying party status for Mr. Mannino being automatically suspended by staff. If at any time the qualifying party status for Mr. Mannino is suspended by staff related to this matter, staff can reinstate the qualifying party status for Mr. Mannino after the judgment has been paid in full. Mr. Stuart seconded. The motion passed.

4. **ROOF CRAFTERS LLC**, McComb, Mississippi – 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. No one was present on behalf of ROOF CRAFTERS LLC. Attorney Chris Vitenas was present on behalf of the creditor, American Builders & Contractors Supply Co. Ms. Evans, who was previously sworn, 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. Vitenas. Mr. Vitenas gave a statement to the board. After discussion, Mr. Weston made a motion to find ROOF CRAFTERS LLC to be in violation and to revoke the company’s home improvement registration. Mr. Tillage seconded. The motion passed.

5. **BRADCOURT CONSTRUCTION ELECTRICAL & MECHANICAL LLC**, St. Martinville, 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. No one was present on behalf of BRADCOURT CONSTRUCTION ELECTRICAL & MECHANICAL LLC. Ms. Evans, who was previously sworn, 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 BRADCOURT CONSTRUCTION ELECTRICAL & MECHANICAL LLC to be in violation, to give the company 30 days to pay the judgment or enter into/comply with the payment plan. If these terms are not

satisfied within 30 days, the license will be automatically suspended by staff. If a payment plan is agreed upon, the board further ordered that any deviation from or default of the payment plan will result in the license being automatically suspended by staff. If at any time the license is suspended by staff related to this matter, staff can reinstate the license after the judgment has been paid in full. Mr. Joseph seconded. The motion passed.

6. **STORM ELECTRIC, L.L.C.**, Clinton, 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. Storm Lantrip was present on behalf of STORM ELECTRIC, L.L.C. Ms. Evans, who was previously sworn, 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. Lantrip. Mr. Lantrip gave a statement to the board. Mr. Weston made a motion to find STORM ELECTRIC, L.L.C. to be in violation, to give the company 30 days to pay the judgment or enter into/comply with the payment plan. If these terms are not satisfied within 30 days, the license will be automatically suspended by staff. If a payment plan is agreed upon, the board further ordered that any deviation from or default of the payment plan will result in the license being automatically suspended by staff. If at any time the license is suspended by staff related to this matter, staff can reinstate the license after the judgment has been paid in full. Mr. Gallo seconded. The motion passed.

E. COMPLIANCE HEARINGS:

1. a) **ALPA CONSTRUCTION INC.**, Bedford Park, Illinois – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by ALPA CONSTRUCTION INC. Mr. Weston made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Meredith seconded. The motion passed.

- b) **PERRY GRUVER D/B/A MFI AND/OR MERCHANDISING FRONTIERS, INC.**, Winterset, Iowa – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of PERRY GRUVER D/B/A MFI AND/OR MERCHANDISING FRONTIERS, 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. Joseph made a motion to find PERRY GRUVER D/B/A MFI AND/OR MERCHANDISING FRONTIERS, INC. to be in violation. Mr. Tillage 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.

2. a) **BMS CAT, INC.**, Haltom City, Texas – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by BMS CAT, 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) **SOUTHERN TECHNOLOGIES, L.L.C.**, Lake Charles, Louisiana – La. R.S. 37:2160(A)(1)

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

- c) **ALL SEASON AIR & HEAT, LLC**, Lake Charles, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of ALL SEASON AIR & HEAT, 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 ALL SEASON AIR & HEAT, LLC to be in violation. Mr. Meredith seconded. The motion passed. Mr. Tillage made a motion to assess the maximum fine plus \$500 in administrative costs. Mr. Gallo seconded. The motion passed.

3. a) **CAVALRY CONSTRUCTION COMPANY, LLC**, Houston, Texas – La. R.S. 37:2158(A)(4), 4 counts

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

- b) **GT PAINTING & REMODELING, INC.**, San Antonio, Texas – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by GT PAINTING & REMODELING, INC. Mr. Cloutre made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Barron seconded. The motion passed.

4. **STEVE'S ELECTRIC, L.L.C.**, Paragould, Arkansas –La. R.S. 37:2158(A)(4).

Staff requested that this matter be continued due to questionable service of the hearing notice. Mr. Weston made a motion to grant the continuance. Mr. Stuart seconded. The motion passed.

5. **PLANET CONSTRUCTION J2911, LLC**, Duson, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of PLANET CONSTRUCTION J2911, 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 PLANET CONSTRUCTION J2911, LLC to be in violation. Mr. Stuart seconded. The motion passed. After discussion, Mr. Weston made a motion to assess an administrative penalty of a \$30,000 fine plus \$500 in administrative costs. Mr. Fenet seconded. The motion passed with opposition from Mr. Tillage, Mr. Badeaux and Mr. Rushing.

6. **TMT TRUCKING LLC**, Baton Rouge, Louisiana – La. R.S. 37:2160(A)(1)

Mr. Hassert requested that this matter be continued. Mr. Lambert made a motion to grant the continuance. Mr. Stuart seconded. The motion passed.

7. **3-H CONSTRUCTION & TREE REMOVAL LLC**, Baton Rouge, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by 3-H CONSTRUCTION & TREE REMOVAL LLC. Mr. Stuart made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Lambert seconded. The motion passed.

8. **GOTOP, LLC**, New Orleans, Louisiana – La. R.S. 37:2160(A)(1), 2 counts

Ms. Evans gave a summary of the allegations. Paul Badeaux was present on behalf of GOTOP, LLC and was sworn in. Mr. P. Badeaux entered a no contest plea. Mr. Temple made a motion to accept the plea. Mr. Tillage seconded. The motion passed. Brad Hassert, Compliance Director, who was previously sworn, was called to the stand. Mr. Hassert reviewed the exhibit packets and provided testimony for the board. Mr. Landreneau entered both exhibit packets into evidence and they were admitted. Mr. P. Badeaux gave a statement to the board regarding this matter. The board questioned Mr. P. Badeaux. Mr. Weston made a motion to assess an administrative penalty of a \$1000 fine plus \$500 in administrative costs. Mr. Lambert seconded. The motion passed.

9. **STEPHEN BERNARD**, Shreveport, Louisiana – La. R.S. 37:2158(A)(5), 4 counts

Ms. Evans gave a summary of the allegations. STEPHEN BERNARD was present and was sworn in. Mr. Bernard entered a no contest plea. Mr. Temple made a motion to accept the plea. Mr. Rushing 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. Bernard gave a statement to the board regarding this matter. The board questioned Mr. Bernard. Mr. Weston made a motion to assess an administrative penalty of a \$4000 fine plus \$500 in administrative costs. Mr. Rushing seconded. The motion passed.

10. **MATT MAGEE PLUMBING REPAIR, LLC**, Franklinton, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of MATT MAGEE PLUMBING REPAIR, 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. Lambert made a motion to find MATT MAGEE PLUMBING REPAIR, LLC to be in violation. Mr. Gallo seconded. The motion passed. Mr. Weston made a motion to assess the maximum fine plus \$500 in administrative costs. Mr. Gallo seconded. The motion passed.

11. **PERLE CONSTRUCTION MATERIALS, LLC**, New Orleans, Louisiana – La. R.S. 37:2158(A)(4)

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

12. **ACCARDO AND LAMBERT PLUMBING AND HEATING, INC.**, New Orleans, Louisiana – La. R.S. 37:2158(A)(5), 3 counts

13. **ACCARDO AND LAMBERT PLUMBING AND HEATING, INC.**, New Orleans, Louisiana – La. R.S. 37:2158(A)(5).

Ms. Evans stated that the attorney representing ACCARDO AND LAMBERT PLUMBING AND HEATING, INC. requested that matters 12 and 13 to be continued. Mr. Temple made a motion to grant the continuance for matters 12 and 13. Mr. Tillage seconded. The motion passed.

14. **ACKEL CONSTRUCTION COMPANY, LLC**, Harahan, Louisiana – La. R.S. 37:2158(A)(3) and Rules and Regulations of the Board Section 705(A)

Mr. Lambert and Mr. Badeaux recused themselves from this matter. Ms. Evans gave a summary of the allegations. Attorney Matthew Pepper and George Ackel were present on behalf of ACKEL CONSTRUCTION COMPANY, LLC. Mr. Ackel was sworn in. Mr. Pepper entered a denial plea. Investigator Sean Beavers was called to the stand and was sworn in. Mr. Beavers reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Peppers questioned Mr. Beavers. The board and Mr. Landreneau questioned Mr. Ackel. Mr. Peppers also questioned Mr. Ackel. Mr. Landreneau and the board questioned Mr. Ackel again. Mr. Pepper and Mr. Ackel gave closing statements to the board. Mr. Clouatre made a motion to find ACKEL CONSTRUCTION COMPANY, LLC to be in violation. Mr. Tillage seconded. After discussion, the motion passed. The board, Mr. Landreneau, Mr. Peppers, Mr. Ackel and Mr. Hassert discussed the penalty options. Mr. Meredith made a motion to assess an administrative penalty of a \$10,000 fine plus \$500 in administrative costs and to allow the company 30 days to provide a bond pre-approval letter from a proper bond awarding authority for the proposed amount of the Bayou St. John Fairgrounds project, which must prove that the company was able to get the required bond at the time the project was bid. Mr. Meredith continued the motion to state that if the bond pre-approval letter is provided to staff within the timeframe given to allow the administrative penalty to be reduced to a \$5000 fine plus \$500 in administrative costs. Mr. Temple seconded. The motion passed.

15. **HERMANOS RIVERA CONSTRUCTION, LLC**, New Orleans, Louisiana – La. R.S. 37:2158(A)(2)

Ms. Evans gave a summary of the allegations. Ricardo “Ricky” Rivera was present on behalf of HERMANOS RIVERA CONSTRUCTION, LLC and was sworn in. Mr. Rivera entered a plea of admission. Mr. Stuart made a motion to accept the plea. Mr. Meredith seconded. The motion passed. Investigator Sean Beavers, who was previously sworn, was called to the stand. Mr. Beavers reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Rivera gave a statement to the board regarding this matter. The board questioned Mr. Rivera. Mr. Beavers provided an additional testimony to the board. Mr. Weston made a motion to revoke the mechanical and plumbing classifications from the commercial license. Mr. Gallo seconded. The motion passed with opposition from Mr. Temple, Mr. Tillage and Mr. Fenet.

16. **EDWARD NICHOLAS FRAICHE, III**, New Orleans, Louisiana – La. R.S. 37:2158(A)(2)

Ms. Evans gave a summary of the allegations. EDWARD NICHOLAS FRAICHE, III was present and was sworn in. Mr. Fraiche entered a plea of admission. Mr. Tillage made a motion to accept the plea. Mr. Joseph seconded. The motion passed. Investigator Sean Beavers, who was previously sworn, was called to the stand. Mr. Beavers 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. Fraiche. Mr. Tillage made a motion to revoke the qualifying party status for EDWARD NICHOLAS FRAICHE, III. Mr. Joseph seconded. The motion passed.

17. **BENSER, LLC**, Slidell, Louisiana – La. R.S. 37:2158(A)(2)

Ms. Evans gave a summary of the allegations. Mark Titus was present on behalf of BENSER, LLC and was sworn in. Mr. Titus entered a denial plea. Investigator Sean Beavers, who was previously sworn, was called to the stand. Mr. Beavers reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau questioned Mr. Titus and Mr. Beavers. Mr. Titus gave a statement to the board and entered documents into evidence. The documents were admitted. The board questioned Mr. Titus. Mr. Gallo made a motion to dismiss this matter. Mr. Badeaux seconded. The motion passed.

F. **STATUTORY CITATIONS:**

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

OLD BUSINESS

G. **REQUEST FOR REHEARING:**

1. **J & J ELECTRICAL & CONSTRUCTION, L.L.C.**, Duson, Louisiana – La. R.S. 37:2158(A)(4)

No one was present on behalf of J & J ELECTRICAL & CONSTRUCTION, L.L.C. Mr. Badeaux made a motion to deny the rehearing request. Mr. Stuart seconded. The motion passed.

H. **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 6-29)

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

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

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

- b. Consideration of the actions of the **November 17, 2021**, Residential Building Subcommittee.

Mr. Badeaux made a motion to approve and ratify the actions taken at the November 17, 2021, Residential Building Subcommittee meeting and Mr. Temple seconded. The motion passed.

2. Consideration of reciprocity and exemption requests as listed and attached to the agenda. (Pages 30-35)

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

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

3. Consideration of mold remediation application as listed and attached to the agenda. (Page 36-37)

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

4. Consideration of additional classifications as listed and attached to the agenda. (Pages 38-40)

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

5. Consideration of commercial applications as listed and attached to the agenda. (Pages 41-52)

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

I. REPORTS:

1. Finance Report – Mr. Dupuy asked for a motion to accept the financial statement for the period ending October 31, 2021, as presented. Mr. Weston made a motion to accept the financial statement for the period ending October 31, 2021, as presented. Mr. Tillage seconded. The motion passed.

ADJOURNMENT

Mr. Dupuy made a motion to adjourn at 12:27 p.m., and Mr. Temple seconded. The motion passed unanimously.

Lee Mallett, Chairman

Elliott Temple, Secretary