

STATE LICENSING BOARD FOR CONTRACTORS

COMMERCIAL BOARD

MEETING MINUTES

November 19, 2020

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallett, on Thursday, November 19, 2020, at 9:33 a.m. at 600 North Street, Baton Rouge, Louisiana.

Members of the Board present:

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

Members 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; Judge Darrell White, Retired, Hearing Officer; Kevin Landreneau, Board Attorney; and from the staff, Leann Evans, Carrie Morgan, Elaine Riggins, Lowana Cola, Monica Davis and John Dixon; Compliance Director, Brad Hassert; Compliance Investigator, James Franklin; and Tarah Revette recording the minutes.

Mr. Broussard 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 **October 15, 2020** regular meeting. Mr. Meredith seconded. The motion passed.

Mr. McDuff introduced guests Ken Naquin and Kerry Hunt with the Louisiana Associated General Contractors and Alex Reinboth with the Louisiana Attorney General's office.

Mr. McDuff also introduced and welcomed new commercial board members, Ronald Barron and Curtis Joseph. Judge White administered the oath of office to Mr. Barron and Mr. Joseph.

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. JUDGMENTS:

1. **PATRICK SHANE BALES**, Walker, 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 requested that this item be removed from the agenda. Mr. Jones made a motion to remove this matter from the agenda. Mr. Tillage seconded. The motion passed.

2. **E. JACOB CONSTRUCTION, INC.**, 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. Joe Goodson was present on behalf of E. JACOB CONSTRUCTION, INC. and was sworn in. Attorney Teresa Cop was present on behalf of the creditor, Puma Construction, LLC. Ms. Cop gave a statement to the board and requested a 30 day continuance on this matter as a payment plan is being worked out with Mr. Goodson. Mr. Jones made a motion to grant a 30 day continuance on this matter. Mr. Broussard seconded. The motion passed.

E. COMPLIANCE HEARINGS:

1. **WOODWARD DESIGNS + BUILD, 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 WOODWARD DESIGNS + BUILD, LLC. Mr. Lambert made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Weston seconded. The motion passed.

2. **LANDRY CONSTRUCTION, INC.**, Kenner, Louisiana – La. R.S. 37:2158(A)(4)

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

3. **DAVID HAMILTON D/B/A HAMILTON AIR CONDITIONING & HEATING SERVICE**, New Orleans, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Jarmall Hamilton was present on behalf of David Hamilton, who is the owner of DAVID HAMILTON D/B/A HAMILTON AIR CONDITIONING & HEATING SERVICE. Mr. Hamilton was sworn in and entered a no contest plea. Mr. Temple made a motion to accept the plea. Mr. Stuart 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. Hamilton gave a statement to the board. Mr. Weston made a motion to assess no penalty for this matter. Mr. Stuart seconded. The motion passed.

4. **MAR CONSTRUCTION OF BR, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2159(B)

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

5. **BLUE SKY CONTRACTOR LLC**, Harvey, Louisiana – La. R.S. 37:2158(A)(4)

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

6. **MDL PREMIER CONTRACTORS, LLC**, Livingston, Louisiana – La. R.S. 37:2159(B)

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

7. a) **THE IDEAL COMPANY, INC. (OHIO)**, Clayton, Ohio – La. R.S. 37:2158 (A)(4), 2158(A)(3) and Rules and Regulations of the Board Section 133(A)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by THE IDEAL COMPANY, INC. (OHIO). Mr. Temple made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Meredith seconded. The motion passed.

- b) **TODD GUTHRIE SLAUGHTER D/B/A BOWMAN FLOORING AND/OR BOWMAN COMMERCIAL**, Acworth, Georgia – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of TODD GUTHRIE SLAUGHTER D/B/A BOWMAN FLOORING AND/OR BOWMAN COMMERCIAL. 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 TODD GUTHRIE SLAUGHTER D/B/A BOWMAN FLOORING AND/OR BOWMAN COMMERCIAL to be in violation. Mr. Meredith seconded. The motion passed. Mr. Weston made a motion to assess an administrative penalty of \$1000 fine plus \$500 in administrative costs. Mr. Stuart seconded. The motion passed.

8. a) **RESTORE MASTERS CONTRACTING, LLC**, Jacksonville, Florida – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by RESTORE MASTERS CONTRACTING, LLC. 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) **PAXTON CONSTRUCTION, LLC**, Reeves, Louisiana – La. R.S. 37:2160(A)(1)

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

9. a) **RITTINER EQUIPMENT COMPANY, INC.**, Metairie, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Evans requested that this matter be continued. Mr. Hassert, Compliance Director, who was previously sworn, addressed the board regarding this matter. Mr. Jones made a motion to grant the continuance. Mr. Fenet seconded. The motion passed.

- b) **P&L GAS DISPENSERS, LLC**, Houston, Texas – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of P&L GAS DISPENSERS, 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 P&L GAS DISPENSERS, LLC to be in violation. Mr. Weston seconded. The motion passed. Mr. Weston made a motion to assess an administrative penalty of the maximum fine plus \$500 in administrative costs. Mr. Fenet seconded. The motion passed.

10. **WOODWARD TISHMAN, A JOINT VENTURE**, New York/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 WOODWARD TISHMAN, A JOINT VENTURE. Mr. Stuart made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Temple seconded. The motion passed with opposition from Mr. Broussard.

11. **MACON INC.**, Paradise, Texas – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of MACON 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 MACON INC. to be in violation. Mr. Jones seconded. The motion passed. Mr. Temple made a motion to assess an administrative penalty of the maximum fine plus \$500 in administrative costs. Mr. Badeaux seconded. After discussion, the motion passed.

12. **DARREN DUFFY D/B/A NATIONAL FOUNDATION REPAIR**, Baton Rouge, Louisiana – La. R.S. 37:2160(A)(1)

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

13. **BARRISTER CONSTRUCTION, LLC**, Hammond, Louisiana – La. R.S. 37:2158(A)(4); 2158(A)(3) and Rules and Regulations of the Board Section 135(A); 2159(B); and 2189(A)(6)

Ms. Evans gave a summary of the allegations. John Bowers was present on behalf of BARRISTER CONSTRUCTION, LLC and was sworn in. Mr. Bowers entered a no contest plea. Mr. Temple made a motion to accept the plea. Mr. Jones seconded. The motion passed. Investigator James Franklin was called to the stand and was sworn in. Mr. Franklin reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Bowers gave a statement and presented a settlement offer to the board. Mr. Hassert provided testimony to the board. The board questioned Mr. Bowers. Mr. Stuart made a motion to accept the settlement offer as presented of a \$2000 fine plus \$500 in administrative costs. Mr. Broussard seconded. The motion passed with opposition from Mr. Temple and Mr. Tillage.

14. **WILLIAM DENICOLA**, Port Allen, Louisiana – La. R.S. 37:2160(A)(1)

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

F. STATUTORY CITATIONS:

<Matter F. 5. under Statutory Citations and matter H. 1. under Request for Rehearing were heard together. >

1. **R CONSTRUCTION COMPANY OF TEXAS**, Buffalo, Texas – La. R.S. 37:2159(B)

Ms. Evans gave a summary of the allegations and provided a summary of the previous action taken by the board. Ms. Evans also requested the board rescind the previous action taken by the board on this matter as this company is listed on this month's agenda under Statutory Citations for the same matter. Mr. Weston made the motion to rescind the previous action taken at the October 15, 2020 commercial meeting regarding this matter and accept the statutory citation as presented. Mr. Jones seconded. The motion passed.

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

OLD BUSINESS

G. COMPLIANCE HEARINGS/CONTINUANCES:

1. **SUMMIT BAY CONSTRUCTION, INC.**, Tampa, Florida – La. R.S. 37:2158(A)(3) and Rules and Regulations of the Board Section 135(A)

Ms. Evans requested that this matter be continued. After discussion, Mr. Stuart made a motion to grant the continuance. Mr. Dupuy seconded. The motion passed.

2. **PLANET CONSTRUCTION J2911, LLC**, Duson, Louisiana – La. R.S. 37:2158(A)(3) and Rules and Regulations of the Board Section 135(A)

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. Lambert made a motion to find PLANET CONSTRUCTION J2911, LLC to be in violation. Mr. Weston seconded. The motion passed. Mr. Weston made a motion to assess an administrative penalty of the maximum fine plus \$500 in administrative costs, to suspend the company's license and to allow staff to reinstate the license once the requested documents are produced. Mr. Stuart seconded. The motion passed.

H. **REQUEST FOR REHEARING:**

1. **R CONSTRUCTION COMPANY OF TEXAS**, Buffalo, Texas – La. R.S. 37:2159(B)

This matter was heard earlier in the meeting with Statutory Citation F. 5.

H. **APPLICATIONS; ADDITIONAL CLASSIFICATIONS; RECIPROCITY**

1. Residential Building Report – Mr. Badeaux
 - a. Consideration of additional classifications for residential licenses, residential applications and home improvement registrations as listed and attached to the agenda. (Pages 5-26)

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. Temple seconded. The motion passed.
 - b. Consideration of the actions of the **November 18, 2020** Residential Building Subcommittee.

Mr. Badeaux made a motion to approve and ratify the actions taken at the November 18, 2020 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 27-31)

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. Weston seconded. The motion passed.
3. Consideration of mold remediation application as listed and attached to the agenda. (Page 32-33)

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 34-37)

Mr. Lambert made a motion to approve the additional classifications as listed on the agenda, and Mr. Meredith seconded. The motion passed.
5. Consideration of commercial applications as listed and attached to the agenda. (Pages 38-52)

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

I. REPORTS:

1. Staff Reports – Ms. Dupuy provided an update on the agency’s 2020 cyber audit of servers, software systems and website and plans for a follow-up cursory audit in early 2021.
2. Finance Report – Mr. Dupuy asked for a motion to accept the financial statement for the period ending October 31, 2020 as presented. Mr. Weston made a motion to accept the financial statement for the period ending October 31, 2020 as presented. Mr. Jones seconded. The motion passed.

Mr. Dupuy asked for a motion to adjust the following items on the 2020 Operating Budget as listed on the accounting handout. Mr. Weston made a motion to adjust the following items on the 2020 Operating Budget as listed on the accounting handout. Mr. Jones seconded. The motion passed.

<The following adjusts were made to the 2020 Operating Budget.>

EXPENDITURES:

Increase:

Advertising & Publicity	\$45,000.00
Automotive(Fuel, Oil Changes, Tires, Batteries)	\$1,132.00
Building	\$2,557.00
Computer	\$65,000.00

Decrease:

Exam Program	(\$45,000.00)
Computer Equipment	(\$20,000.00)
Building – Construction in Progress	(\$3,689.00)
Attorney Fees	(\$45,000.00)

ADJOURNMENT

Mr. Lambert made a motion to adjourn at 10:36 a.m., and Mr. Weston seconded. The motion passed unanimously.

Lee Mallett, Chairman

Elliott Temple, Secretary