

**STATE LICENSING BOARD FOR CONTRACTORS**

**COMMERCIAL BOARD**

**MEETING MINUTES**

**December 17, 2020**

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallett, on Thursday, December 17, 2020, at 9:32 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
- 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 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; Judge Darrell White, Retired, Hearing Officer; Kevin Landreneau, Board Attorney; and from the staff, Leann Evans, Carrie Morgan, Lowana Cola and Monica Davis; Compliance Director, Brad Hassert; and Tarah Revette recording the minutes.

Mr. Fenet 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 **December 16, 2020** regular meeting. Mr. Meredith seconded. The motion passed.

Mr. Hassert introduced guest 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. JUDGMENTS:**

1. **ED'S PLUMBING SERVICE AND PORTABLE TOILET SERVICE, INC. AND EDWARD G. DIMAGGIO**, Hammond, 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 ED'S PLUMBING SERVICE AND PORTABLE TOILET SERVICE, INC. AND EDWARD G. DIMAGGIO. 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. Emmons gave a statement to the board. Mr.

Fenet made a motion to find ED'S PLUMBING SERVICE AND PORTABLE TOILET SERVICE, INC. AND EDWARD G. DIMAGGIO to be in violation. Mr. Stuart seconded. The motion passed. Mr. Weston made a motion 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. Stuart seconded. The motion passed.

E. **COMPLIANCE HEARINGS:**

1. **CM CONTRACTORS OF LA., INC.**, Lafayette, Louisiana – La. R.S. 37:2159(B) and 2158(A)(4)

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

2. a) **CRESCENT RIVER CONSTRUCTION, INC.**, 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 CRESCENT RIVER CONSTRUCTION, INC. Mr. Stuart made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Dupuy seconded. The motion passed.

- b) **H5K COMPANY, LLC**, Belle Chasse, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of H5K COMPANY, 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 H5K COMPANY, LLC to be in violation. Mr. Jones seconded. The motion passed. Mr. Weston made a motion to assess an administrative penalty of \$5000 fine plus \$500 in administrative costs. Mr. Lambert seconded. The motion passed.

3. a) **SWORD CONSTRUCTION, L.L.C.**, Kingwood, Texas – La. R.S. 37:2158(A)(4)

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

- b) **MTY STEEL LLC**, Colorado Springs, Colorado – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by MTY STEEL 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.

4. a) **SWORD CONSTRUCTION, L.L.C.**, Kingwood, Texas – La. R.S. 37:2158(A)(4)

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

- b) **SKY VIEW STEEL LLC**, Pueblo, Colorado – La. R.S. 37:2160(A)(1)

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

5. a) **NORTHWEST CONSTRUCTION & DESIGN, L.L.C.**, West Monroe, Louisiana – La. R.S. 37:2158(A)(5)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by NORTHWEST CONSTRUCTION & DESIGN, L.L.C. Mr. Hassert, Compliance Director, who was previously sworn, addressed the board regarding this matter. Mr. Weston made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Stuart seconded. The motion passed.

- b) **ENERGY SAVERS OF AMERICA, LLC**, West Monroe, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by ENERGY SAVERS OF AMERICA, LLC. Mr. Hassert, Compliance Director, who was previously sworn, addressed the board regarding this matter. After discussion, Mr. Meredith made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Lambert seconded. The motion passed.

6. **FISCHER'S INCORPORATED**, 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 FISCHER'S INCORPORATED. Mr. Stuart made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Lambert seconded. The motion passed.

7. **MELVIN COLEMAN**, Baton Rouge, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans stated that Mr. Coleman requested that this matter be continued. Mr. Jones made a motion to grant the continuance. Mr. Temple seconded. The motion passed.

8. a) **L.C.S., INC. OF MISSISSIPPI**, Aberdeen, Mississippi – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by L.C.S., INC. OF MISSISSIPPI. Attorney Teresa Cop was present on behalf of L.C.S., INC. OF MISSISSIPPI and gave a statement to the board. Mr. Temple made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Dupuy seconded. The motion passed.

- b) **LOUISIANA PAVING COMPANY LLC**, Minden, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Rodney Young was present on behalf of LOUISIANA PAVING COMPANY LLC and was sworn in. Mr. Young 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 packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Landreneau questioned Mr. Young. Mr. Hassert provided testimony to the board. The board questioned Mr. Young. Mr. Young gave a statement to the board. Mr. Weston made a motion to assess an administrative penalty of \$500 in administrative costs and to allow the administrative penalty to be reduced to zero if Mr. Young obtains a proper license within 90 days. Mr. Stuart seconded. The motion passed.

- c) **JUAN ALLAROE D/B/A PERFORMANCE DRYWALL AND PAINTING**, Brandon, Mississippi – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of JUAN ALLAROE D/B/A PERFORMANCE DRYWALL AND PAINTING. 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 JUAN ALLAROE D/B/A PERFORMANCE DRYWALL AND PAINTING to be in violation. Mr. Temple seconded. The motion passed. The board questioned Mr. Hassert. Mr. Weston made a motion to assess an administrative penalty of the maximum fine plus \$500 in administrative costs. Mr.

Meredith seconded. Mr. Temple presented an alternate motion to assess an administrative penalty of a \$5000 fine plus \$500 in administrative costs. Mr. Tillage seconded. The alternate motion failed with 11 opposed. A vote was called on the original motion made by Mr. Weston and seconded by Mr. Meredith to assess an administrative penalty of the maximum fine plus \$500 in administrative costs. The motion passed with opposition from Mr. Temple and Mr. Tillage.

9. **L.C.S., INC. OF MISSISSIPPI**, Aberdeen, Mississippi – 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. Attorney Teresa Cop was present on behalf of L.C.S., INC. OF MISSISSIPPI and gave a statement to the board. The board questioned Ms. Cop. After discussion, Mr. Lambert made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Stuart seconded. The motion passed.

10. **PHOENIX FABRICATORS AND ERECTORS, LLC**, Avon, Indiana – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by PHOENIX FABRICATORS AND ERECTORS, LLC. The board questioned Ms. Evans. Mr. Lambert made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Temple 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. Tillage seconded. The motion passed.

#### OLD BUSINESS

#### G. COMPLIANCE HEARINGS/CONTINUANCES:

1. **RHODRIC RANDLE D/B/A RANDLE'S REMODELING & H.I. CONTRACTOR**, Monroe, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of RHODRIC RANDLE D/B/A RANDLE'S REMODELING & H.I. CONTRACTOR. 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 RHODRIC RANDLE D/B/A RANDLE'S REMODELING & H.I. CONTRACTOR to be in violation. Mr. Stuart seconded. Mr. Weston made an alternate motion to continue this matter. Mr. Fenet seconded. The motion passed.

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

Ms. Evans gave a summary of the allegations. No one was present on behalf of DARREN DUFFY D/B/A NATIONAL FOUNDATION REPAIR. 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 DARREN DUFFY D/B/A NATIONAL FOUNDATION REPAIR to be in violation. Mr. Meredith 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.

3. **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 gave a summary of the allegations and read the settlement offer presented by SUMMIT BAY CONSTRUCTION, INC. Mr. Jones made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Temple seconded. The motion passed.

#### H. REQUEST FOR REHEARING:

1. CULBERTSON CONTRACTORS, LLC, Brookhaven, Mississippi – La. R.S. 37:2158(A)(4), 2 counts

Ms. Evans stated that staff has requested a rehearing on this matter due to a clerical error on the October 15, 2020, where this matter should have been removed from the October 15, 2020 commercial agenda and staff was asking the board to rescind the fine. Mr. Jones made a motion to grant the rehearing and rescind the fine. Mr. Tillage seconded. The motion passed.

2. MOMO'S CONSTRUCTION LLC, Dallas, Texas – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and the previous action taken by the board regarding this matter. Attorney Gary McKenzie was present on behalf of MOMO'S CONSTRUCTION LLC. Mr. McKenzie addressed the board regarding the request for a rehearing. Mr. Badeaux made a motion to grant the request for hearing. Mr. Temple seconded. The motion passed. Mr. McKenzie entered a no contest plea. Mr. Temple made a motion to accept the plea Mr. Jones seconded. The motion passed. Mr. McKenzie presented a settlement offer to the board. Mr. Weston made a motion to reject the settlement offer and to assess an administrative penalty of a \$3000 fine plus \$500 in administrative costs. Mr. Jones seconded. After discussion, Mr. Stuart made an alternate motion to accept the settlement offer as presented. Mr. Tillage seconded. The motion passed with opposition from Mr. Weston.

3. GARY ALLEN CHANDLER JR. D/B/A MIRACRETE CONCRETE COATINGS & TRANFORMATIONS, Mandeville, Louisiana – La. R.S. 37:2160(A)(1)

No one was present on behalf of GARY ALLEN CHANDLER JR. D/B/A MIRACRETE CONCRETE COATINGS & TRANFORMATIONS. Mr. Badeaux made a motion to deny the request for rehearing. Mr. Jones seconded. The motion passed.

#### I. APPLICATIONS; ADDITIONAL CLASSIFICATIONS; RECIPROCITY

1. Residential Building Report – Mr. Badeaux gave the report at a later time.
  - a. Consideration of additional classifications for residential licenses, residential applications and home improvement registrations as listed and attached to the agenda. (Pages 6-19)

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 **December 16, 2020** Residential Building Subcommittee.

Mr. Badeaux made a motion to approve and ratify the actions taken at the December 16, 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 20-21)

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 22)

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 23-25)

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 26-35)

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

**J. REPORTS:**

1. Finance Report – Mr. Dupuy asked for a motion to accept the financial statement for the period ending November 30, 2020 as presented. Mr. Weston made a motion to accept the financial statement for the period ending November 30, 2020 as presented. Mr. Jones seconded. The motion passed.

Mr. Dupuy asked for a motion to accept the Proposed 2021 Louisiana State Licensing Board for Contractors Operating Budget as presented. Mr. Weston made a motion to accept the Proposed 2021 Louisiana State Licensing Board for Contractors Operating Budget as presented. Mr. Jones seconded. The motion passed.

**ADJOURNMENT**

Mr. Weston made a motion to adjourn at 10:46 a.m., and Mr. Jones seconded. The motion passed unanimously.

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Lee Mallett, Chairman

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Elliott Temple, Secretary