

STATE LICENSING BOARD FOR CONTRACTORS
COMMERCIAL BOARD MEETING MINUTES

December 18, 2014

The regular monthly meeting of the Board was called to order by the Chairman at 9:39 a.m. in the Conference Room of the Board's offices, Baton Rouge, Louisiana. Members of the Board present:

Lee Mallett, Chairman
Byron Talbot, Vice Chairman
Lloyd "Chip" Badeaux
N.R. "Noah" Broussard
Nelson A. "Andy" Dupuy, Jr.
Courtney Fenet, Jr.
Danny R. Graham
Kenneth Jones
Donald G. Lambert
Garland Meredith
Christopher Stuart
Art O. Walker
Victor Weston

William J. Clouatre and August Gallo, Jr. 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; Jennifer Sims, Board Attorney; and from the staff, Bobbie Hughes, Brent Templet, Tricia Wood, Doug Traylor, Nikki Lopez, Nathan Rawls, and John Dixon; Compliance Director, Marianne Sullivan; Compliance Investigators, Frank Vaughan, Leann Evans, Johnny Rogers, Todd Brady, Charmel Peterson, and Scott Corley; and Tarah Barbier recording the minutes.

Mr. Weston 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 **November 20, 2014** regular meeting, and Mr. Jones seconded. The motion passed.

Mr. McDuff introduced Ronald Burrough with the Attorney General's office, Barry Scheuermann with the Department of Insurance, John Walters with the Associated Builders and Contractors, Ken Naquin with the Louisiana Associated General Contractors, and Henry Heier with the Louisiana Mechanical Contractors Association.

Mr. Mallett announced the resignation of Byron Talbot, Vice Chairman of the Commercial Board and recommended Mr. Weston as a replacement. Mr. Talbot made a motion to nominate Victor Weston as Vice Chairman. Mr. Fenet seconded. The motion passed.

NEW BUSINESS

C. QUALIFYING PARTY HEARING(S):

1. **GUNTERSVILLE SHEET METAL WORKS, INC.**, Guntersville, AL – La. R.S. 37:2156.1, Sec. 103 Rules and Regulations of the Board

Ms. Dupuy gave a summary of the allegations. No one was present on behalf of GUNTERSVILLE SHEET METAL WORKS, INC. Ms. Sims entered into evidence the correspondence sent to the company and it was admitted. Mr. Jones made a motion to revoke GUNTERSVILLE SHEET METAL WORKS, INC. commercial license. Mr. Dupuy seconded. The motion passed.

2. **SIGNS AND BANNERS L.L.C.**, Shreveport, Louisiana – La. R.S. 37:2156.1, Sec. 103 Rules and Regulations of the Board

Ms. Dupuy gave a summary of the allegations. No one was present on behalf of SIGNS AND BANNERS L.L.C. Ms. Sims entered into evidence the correspondence sent to the company and it was admitted. Mr. Meredith made a motion to revoke SIGNS AND BANNERS L.L.C. commercial license. Mr. Weston seconded. The motion passed.

D. COMPLIANCE HEARING(S):

1. **SMITH BUILDERS, LLC**, West Monroe, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by SMITH BUILDERS, LLC. Mr. Talbot made a motion to accept the settlement. Mr. Stuart seconded. The motion passed.

2. a) **TYCO INTEGRATED SECURITY, LLC**, Boca Raton, Florida – La. R.S. 37:2158(A)(4)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by TYCO INTEGRATED SECURITY, LLC. Mr. Talbot made a motion to accept the settlement offer, which included a no contest plea. Mr. Weston seconded. The motion passed.
- b) **DAVID MARINI D/B/A DFW AUTOMATIC SPRINKLER, INC.**, Forney, Texas – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by DAVID MARINI D/B/A DFW AUTOMATIC SPRINKLER, INC. Mr. Stuart made a motion to accept the settlement. Mr. Graham seconded. The motion passed.
- c) **DARDEN RESTAURANTS, INC.**, Orlando, Florida – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by DARDEN RESTAURANTS, INC. Mr. Stuart made a motion to accept the settlement offer, which included a no contest plea. Mr. Weston seconded. The motion passed.
- d) **JERRY KACHEL BUILDER, INC.**, Spring, Texas – La. R.S. 37:2158(A)(4)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by JERRY KACHEL BUILDER, INC. Mr. Graham made a motion to accept the settlement offer, which included a no contest plea. Mr. Fenet seconded. The motion passed.
3. a) **HILL PHOENIX, INC.**, Fort Worth, Texas – La. R.S. 37:2158(A)(4) and 2159(B)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by HILL PHOENIX, INC. Mr. Lambert made a motion to accept the settlement offer, which included a no contest plea. Mr. Stuart seconded. The motion passed.
- b) **THE STEWART/PERRY COMPANY, INC.**, Birmingham, Alabama – La. R.S. 37:2158(A)(4)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by THE STEWART/PERRY COMPANY, INC with a Finding of No Fault. Mr. Dupuy made a motion to decline the Finding of No Fault. Mr. Meredith seconded. The motion passed. Mr. Stuart made a motion to counteroffer with the settlement offer as presented, but with a no contest plea. Mr. Fenet seconded. The motion passed.
- c) **SOUTHERN REFRIGERATION, LLC**, Destrahan, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by SOUTHERN REFRIGERATION, LLC. Mr. Fenet made a motion to accept the settlement offer, which included a no contest plea. Mr. Graham seconded. The motion passed.
4. **HOV SERVICES, INC.**, Coppell, Texas – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. Ron Cogborn was present on behalf of HOV SERVICES, INC. and was sworn in. Mr. Cogborn was represented by Attorney Gary Rouse and Jason Cavnac. The complainant, Peter Vicari, was present and sworn in. Mr. Vicari was represented by Attorney Philip Ciaccio, Jr. Mr. Rouse entered a no contest plea. Mr. Lambert made a motion to accept the plea. Mr. Dupuy seconded. The motion passed. Mr. Rouse gave a statement. Mr. Rouse entered documents into evidence and they were admitted. Mr. Cogborn gave a statement. Mr. Vicari gave a statement. Mr. Meredith made a motion to sustain the exception and dismiss the case based on the five year limitation prescribed in the Administrative Procedure Act. Mr. Lambert seconded. The motion passed.
5. **A.S.A.P. SHEETMETAL, INC.**, Metairie, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by A.S.A.P. SHEETMETAL, INC. Mr. Talbot made a motion to accept the settlement offer, which included a no contest plea. Mr. Graham seconded. The motion passed.
6. **FRED M. CAIN D/B/A CAIN'S HEATING & AIR CONDITIONING**, Greenwell Springs, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. Fred Mickey Cain was present on behalf of FRED M. CAIN D/B/A CAIN'S HEATING & AIR CONDITIONING and was sworn in. Mr. Cain entered a denial plea. Investigator Leann Evans was called to the stand and was sworn in. Ms. Evans reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Cain gave a statement. Mr. Fenet made a motion to find FRED M CAIN D/B/A CAIN'S HEATING & AIR CONDITIONING to not be in violation. Mr. Lambert seconded. The motion passed with one objection.
7. **HIGHWAY 63 COLLISION, LLC**, Clinton, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. Daniel and Christine Rodriguez were present on behalf of HIGHWAY 63 COLLISION, LLC and were sworn in. Mrs. Rodriguez entered a denial plea. Mr. Dupuy made a motion to accept the denial plea. Mr. Graham seconded. The motion passed. Investigator Todd Brady was called to the stand and was sworn in. Mr. Brady reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mrs. Rodriguez gave a statement. Mrs. Rodriguez changed the plea to a no contest plea. Mr. Lambert made a motion to accept the plea. Mr. Jones seconded. The motion passed. Mr. Lambert made a motion to not fine HIGHWAY 63 COLLISION, LLC. Mr. Fenet seconded. The motion passed.

8. **COMPLETE HOUSE CONSTRUCTION, LLC**, Lake Charles, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. No one was present on behalf of COMPLETE HOUSE CONSTRUCTION, LLC. Investigator Frank Vaughn was called to the stand and was sworn in. Mr. Vaughn reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Lambert made a motion to find COMPLETE HOUSE CONSTRUCTION, LLC to be in violation. Mr. Stuart seconded. The motion passed. Mr. Dupuy made a motion to access the maximum fine plus \$500 administrative costs. Mr. Lambert seconded. The motion passed.

9. Matters 9a and 9b were consolidated.

a) **ROBIN DEL FLETCHER**, Rosepine, Louisiana – La. R.S. 37:2158 (A)(3) and Rules and Regulations Section 1103(B)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by ROBIN DEL FLETCHER. Mr. Talbot made a motion to accept the settlement offer. Mr. Stuart seconded. The motion passed.

b) **BGB CONSTRUCTION, LLC**, Leesville, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. Billy Burgess was present on behalf of BGB CONSTRUCTION, LLC and was sworn in. Mr. Burgess entered a no contest plea. Mr. Weston made a motion to accept the plea. Mr. Jones seconded. The motion passed. Mr. Weston made a motion to fine BGB CONSTRUCTION, LLC \$500 plus \$500 in administrative costs. Mr. Fenet seconded. The motion passed.

10. a) **BALFOUR BEATTY CONSTRUCTION, LLC**, Charlotte, North Carolina – La. R.S. 37:2158(A)(4)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by BALFOUR BEATTY CONSTRUCTION, LLC. Mr. Weston made a motion to counteroffer of a \$1000 fine plus \$500 administrative costs, which included a no contest plea. Mr. Fenet seconded. The motion passed.

b) **BAYOU FIRE PROTECTION, INC.**, Lake Charles, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. Ronnie Foreman was present on behalf of BAYOU FIRE PROTECTION, INC and was sworn in. Mr. Foreman entered a no contest plea. Mr. Talbot made a motion to accept the plea. Mr. Jones seconded. The motion passed. Mr. Foreman gave a statement and presented a settlement offer of \$500 plus \$500 administrative costs. Mr. Lambert made a motion to accept the settlement offer. Mr. Graham seconded. The motion passed.

11. **RONNIE LYNN FOREMAN D/B/A BAYOU FIRE & SECURITY SERVICES, LLC AND BAYOU FIRE PROTECTION, INC.**, Lake Charles, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. Ronnie Foreman, who was previously sworn in, was present on behalf of RONNIE LYNN FOREMAN D/B/A BAYOU FIRE & SECURITY SERVICES, LLC AND BAYOU FIRE PROTECTION, INC. Mr. Foreman entered a no contest plea. Mr. Talbot made a motion to accept the plea. Mr. Jones seconded. The motion passed. Mr. Foreman gave a statement and presented a settlement offer of \$500 plus \$500 administrative costs. Mr. Lambert made a motion to accept the settlement offer. Mr. Stuart seconded. The motion passed.

12. a) **WELLS CONSTRUCTION, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2158(A)(4)

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

b) **JASON HICKS D/B/A J'S PLUMBING**, Livingston, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations. No one was present on behalf of JASON HICKS D/B/A J'S PLUMBING. Investigator Johnny Rogers was called to the stand and was sworn in. Mr. Rogers reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Dupuy made a motion to find JASON HICKS/ D/B/A J'S PLUMBING to be in violation. Mr. Weston seconded. The motion passed. Mr. Dupuy made a motion to assess the maximum fine plus \$500 administrative costs. Mr. Lambert seconded. The motion passed.

13. **JOHN ANDREW MAGNINAT**, Mandeville, Louisiana – La. R.S. 37:2158(A)(3) and Rules and Regulations of the Board Sec. 109

Ms. Hughes gave a summary of the allegations. JOHN ANDREW MAGNINAT was present and was sworn in. Mr. Magninat entered a no contest plea. Mr. Weston made a motion to accept the plea. Mr. Meredith seconded. The motion passed. Mr. Magninat gave a statement. Mr. Weston made a motion to dismiss the violation. Mr. Talbot seconded. The motion passed.

14. **PAT'S GARAGE DOORS & REPAIRS, LLC**, Pride, Louisiana – La. R.S. 2160(A)(1)

Ms. Hughes gave a summary of the allegations and read the settlement offer presented by PAT'S GARAGE DOORS & REPAIRS, LLC. Mr. Lambert made a motion to accept the settlement offer. Mr. Stuart seconded. The motion passed.

E. **STATUTORY CITATIONS R.S. 37:21621:**

Ms. Hughes presented the statutory citations. Mr. Weston made a motion to accept the statutory citations as presented. Mr. Talbot seconded. The motion passed.

OLD BUSINESS

F. **COMPLIANCE HEARING(S)/CONTINUANCES:**

1. **WYNDHAM CONTRACTING GROUP, LLC**, New Orleans, Louisiana – La. R.S. 37:2158(A)(3) and Rules and Regulations Section 1111

Ms. Hughes gave a summary of the allegations. Roland Sparrow was present on behalf of WYNDHAM CONTRACTING GROUP, LLC and was sworn in. Attorney Charles Hardie was also present on behalf of GRANT PARISH SCHOOL BOARD, the complainant. Mr. Sparrow entered a denial plea. Investigator Brent Templet was called to the stand and was sworn in. Mr. Templet reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Sparrow gave a statement. Mr. Hardie gave a statement. Mr. Lambert made a motion to find WYNDHAM CONTRACTING GROUP, LLC to not be in violation. Mr. Meredith seconded. The motion passed.

2. **DAVID GREGORY TOAL**, New Orleans, Louisiana – La. R.S. 37:2158(A)(2)

Ms. Hughes gave a summary of the allegations. DAVID GREGORY TOAL was present and sworn in. Mr. Toal requested a second continuance. Daryl Clements, who was a contractor present at the hearing, requested to speak and was sworn in. Mr. Clements gave a statement. The continuance request was denied. Investigator Todd Brady, who was previously sworn in, was called to the stand and reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Toal gave a statement. Mr. Jones made a motion to find DAVID GREGORY TOAL to be in violation. Mr. Weston seconded. The motion passed. Mr. Meredith made a motion to disqualify DAVID GREGORY TOAL as an eligible Qualifying Party for any entity until the outstanding judgments are satisfied.

3. **THE OLYMPIC GROUP, LLC**, Metairie, Louisiana – La. R.S. 37:2158(A)(3) and Rules and Regulations Section 1111

Ms. Hughes gave a summary of the allegations and also informed the board that the violation dates back to 2011 where no official finding was made, the matter was deferred to the courts. THE OLYMPIC GROUP, LLC was placed on probation in October of 2011 by the board and has been providing the required monthly reports since that time. Maurice Hurst was present on behalf of THE OLYMPIC GROUP, LLC and was sworn in. Mr. Hurst gave a statement and requested the probation be lifted. Investigator Brent Templet, who was previously sworn in, was called to the stand and gave a statement. Mr. Hurst gave a statement. Mr. Lambert made a motion to find THE OLYMPIC GROUP, LLC to not be in violation and to lift the probation. Mr. Stuart seconded. The motion passed.

G. **COMMITTEE REPORTS:**

1. Report from the Staff –Ms. Dupuy introduced the implementation of the binders for the Board members use for each meeting. Mr. McDuff stated that the previously approved and adopted rule for Construction Management had some changes made with the wording and definition and has been posted to the public and the effective date for the new rule will be March of 2015.
2. Building Committee –Mr. Graham had no new report.
3. Classification and Testing Committee – Mr. Jones had no new report.
4. Legislative/Rules and Regulations Committee – Mr. Fenet had no new report.
5. Finance Committee – Mr. Dupuy made a motion to accept the financial report presented. Mr. Weston seconded. The motion passed. Mr. Dupuy made a motion to accept the 2015 final budget as presented. Mr. Weston seconded. The motion passed. Mr. Dupuy made a motion to accept the Compliance Questionnaire for audit engagements of government entities as presented. Mr. Weston seconded. The motion passed.
6. Fines – Mr. Jones had no new report.
7. Public Relations – Mr. Weston stated that the staff is working to aggressively on an advertisement campaign to raise public awareness.
8. Residential Building Committee – Mr. Walker gave the report for Mr. Badaeux at a later time.

- H. Consideration of residential applications, home improvement registrations and residential licensure exemptions as listed and attached to the agenda, and actions of the **December 17, 2014 Residential Building Subcommittee**. (Pages 5-9)

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

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

Mr. Walker made a motion to approve the exemptions as listed on the agenda, and Mr. Lambert seconded. The motion passed.

Mr. Walker made a motion to approve the actions taken at the December 17, 2014 Residential Building Subcommittee meeting and Mr. Lambert seconded. The motion passed.

- I. Consideration of commercial licensure exemptions as listed and attached to the agenda. (Page 11-15)

Mr. Dupuy made a motion to approve the Reciprocity exemptions based as listed on pages 11-13 of the agenda, and Mr. Stuart seconded. The motion passed.

Mr. Dupuy made a motion to approve the Exemptions as listed on page 14-15 of the agenda. Mr. Stuart seconded, and the motion passed.

- J. Consideration of additional classifications as listed and attached to the agenda. (Pages 17-18)

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

- K. Consideration of commercial applications as listed and attached to the agenda.

- **PENDING ALL REQUIREMENTS BEING MET** (Pages 20-28)

Mr. Lambert made a motion to approve the applications on pages 20-28, and Mr. Walker seconded. The motion passed.

ADJOURNMENT

The meeting was adjourned at 12:10 p.m.

Lee Mallett, Chairman

Nelson A. "Andy" Dupuy, Jr., Secretary/Treasurer