

STATE LICENSING BOARD FOR CONTRACTORS
COMMERCIAL BOARD MEETING MINUTES
MARCH 20, 2014

The regular monthly meeting of the Board was called to order by the Chairman at 9:30 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
William Cloutre
Nelson A. "Andy" Dupuy, Jr.
Courtney Fenet, Jr.
August Gallo, Jr.
Danny Graham
Kenneth Jones
Donald G. Lambert
Christopher Stuart
Victor Weston

Garland Meredith and Art O. Walker 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; Murphy J. Foster, Board Attorney; and from the staff, Nathan Rawls, Bobbie Hughes, Brent Templet, Tricia Wood, Kristin Tullier, Doug Traylor, Sharon Fabre, and John Dixon; Compliance Director, Marianne Sullivan; Compliance Investigators, Carl Bourque, Todd Brady, Leann Evans, Frank Vaughan, William Collins, Johnny Rogers, and Dylan Bourg; and Kara Kearney recording the minutes.

Mr. Mallett 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 **February 20, 2014*** regular meeting. Mr. Cloutre seconded, the motion passed.

Mr. McDuff introduced Ken Naquin with Associated General Contractors, Jarrod Coniglio and DJ Mesh with the La. Department of Revenue. Mr. Coniglio gave a program status report regarding the Office of Debt Recovery.

NEW BUSINESS

C. JUDGMENT(S):

1. **RCS CONTRACTORS, INC.**, Port Allen, Louisiana – La. R.S. 37:2150-2192, Sec. 2158(A)(9).

Ms. Dupuy gave a summary of the allegations. Roland Alonso was present on behalf of RCS CONTRACTORS, INC. and attorney David Schexnaydre was present on behalf of the creditor, Traffic Solutions, Inc. Mr. Alonso was sworn in. Mr. Foster questioned Mr. Alonso. The judgment was filed and admitted into evidence. Mr. Talbot made a motion to allow RCS CONTRACTORS, INC. 60 days to resolve the judgment or the license will be revoked. Mr. Weston seconded, and the motion passed.

D. COMPLIANCE HEARING(S):

1. a) **SADER POWER ENTERPRISES, LLC**, New Orleans, Louisiana – La. R.S. 37:2160(A)(1).
b) **ML CONSULTING AND SERVICES, LLC**, Metairie, Louisiana – La. R.S. 37:2158(A)(5).

Matters 1 a. and b. were consolidated. Mr. Rawls gave a summary of the allegations. John Sader and attorney Mark Frilot were present on behalf of SADER POWER ENTERPRISES, LLC. Morgan Lehr and attorney Daniel Ranson were present on behalf of ML CONSULTING AND SERVICES, LLC. Mr. Sader and Mr. Lehr were sworn in. Mr. Sader entered a no contest plea. Mr. Lambert made a motion to accept the plea, and Mr. Weston seconded. The motion passed. Mr. Lehr entered a no contest plea. Mr. Lambert made a motion to accept the plea, and Mr. Weston seconded. The motion passed.

Mr. Frilot presented a settlement offer of \$3,000 plus administrative costs on behalf of SADER POWER ENTERPRISES, LLC. Mr. Foster questioned both parties. Mr. Cloutre made a motion to reject the settlement offer, and Mr. Gallo seconded. The motion passed.

Mr. Cloutre made a motion to fine SADER POWER ENTERPRISES, LLC \$7,500 plus administrative costs and specified that SADER POWER ENTERPRISES, LLC cannot accept new agreements until properly licensed within 60 days. Mr. Lambert seconded, and the motion passed.

*Administrative Correction

Mr. Ranson presented a settlement offer of \$1,500 plus administrative costs on behalf of ML CONSULTING AND SERVICES, LLC. Mr. Talbot made a motion to accept the offer, and Mr. Gallo seconded. The motion passed with one objection.

2. **ACADIAN INSULATION & SOLAR, LLC**, Covington, Louisiana – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations. Robert Hesson was present on behalf of ACADIAN INSULATION & SOLAR, LLC and sworn in. Mr. Hesson entered a no contest plea. Mr. Jones made a motion to accept the plea, and Mr. Dupuy seconded. The motion passed. Mr. Hesson gave a statement. Mr. Cloutre made a motion to fine ACADIAN INSULATION & SOLAR, LLC \$1,000 plus administrative costs, reduced to \$500 plus administrative costs if licensed within 60 days. Mr. Weston seconded, and the motion passed.

3. **UNISTRUT ALABAMA DIVISION OF STRUT SERVICES GROUP, INC.**, Birmingham, Alabama – La. R.S. 37:2163 (A)(4).

Mr. Rawls gave a summary of the allegations. Ricky Herron was present on behalf of UNISTRUT ALABAMA DIVISION OF STRUT SERVICES GROUP, INC. and sworn in. Mr. Herron entered a no contest plea. Mr. Weston made a motion to accept the plea, and Mr. Cloutre seconded. The motion passed. Mr. Herron gave a statement. Mr. Graham made a motion to fine UNISTRUT ALABAMA DIVISION OF STRUT SERVICES GROUP, INC. \$1,000 plus administrative costs, reduced to administrative costs only if licensed within 90 days. Mr. Stuart seconded, and the motion passed.

4. a) **BROOKS/NDB JOINT VENTURE**, Fort Myers, Florida – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by BROOKS/NDB JOINT VENTURE, which did not have a representative present. Mr. Cloutre made a motion to accept the settlement offer, which included a no contest plea, and Mr. Weston seconded. The motion passed with an objection by Mr. Fenet.

- b) **BROOKS & FREUND LLC**, Fort Myers, Florida – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by BROOKS & FREUND LLC, which did not have a representative present. Mr. Cloutre made a motion to accept the settlement offer, which included a no contest plea and Mr. Weston seconded. The motion passed with an opposition by Mr. Fenet.

- c) **NATIONAL DEVELOPMENT BUILDERS, INC.**, Fort Myers, Florida – La. R.S. 37:2158 (A)(3)(A)(4) and Rules and Regulations Section 1103.

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by NATIONAL DEVELOPMENT BUILDERS, INC., which did not have a representative present. Mr. Cloutre made a motion to accept the settlement offer, which included a no contest plea, and Mr. Weston seconded. The motion passed with an opposition by Mr. Fenet.

- d) **SWLA LAWN AND LANDSCAPE, L.L.C.**, Sulphur, Louisiana – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by SWLA LAWN AND LANDSCAPE, L.L.C., which did not have a representative present. Mr. Graham made a motion to accept the settlement offer, which included a no contest plea, and Mr. Cloutre seconded. The motion passed with an objection by Mr. Fenet.

- e) **AC PRODUCTS, INC. D/B/A ARMSTRONG CABINET PRODUCTS**, The Colony, Texas – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by AC PRODUCTS, INC. D/B/A ARMSTRONG CABINET PRODUCTS, which did not have a representative present. Mr. Graham made a motion to accept the settlement offer, which included a no contest plea, and Mr. Cloutre seconded. The motion passed with an objection by Mr. Fenet.

- f) **PHOENIX DEVELOPMENT CORPORATION OF MS.**, Centreville, Mississippi – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations. Bernie Bagley was present on behalf of PHOENIX DEVELOPMENT CORPORATION OF MS. and sworn in. Mr. Bagley entered a no contest plea. Mr. Weston made a motion to accept the plea, and Mr. Graham seconded. The motion passed. Mr. Bagley gave a statement. Mr. Cloutre made a motion to issue a \$500 fine plus administrative costs, and Mr. Gallo seconded. The motion passed with and opposition by Mr. Fenet.

- g) **BOLTON CONSTRUCTION SERVICES, LLC**, Lake Charles, Louisiana – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by BOLTON CONSTRUCTION SERVICES, LLC, which did not have a representative present. Mr. Graham made a motion to accept the settlement offer, which included a no contest plea, and Mr. Cloutre seconded. The motion passed with an objection by Mr. Fenet.

- h) **H.E. GUIDRY CONSTRUCTION, LLC**, Church Point, Louisiana – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by H.E. GUIDRY CONSTRUCTION, LLC, which did not have a representative present. Mr. Graham made a motion to accept the settlement offer, which included a no contest plea, and Mr. Cloutre seconded. The motion passed with an objection by Mr. Fenet.

- i) **TGLP, INC.**, Lake Charles, Louisiana – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by TGLP, INC., which did not have a representative present. Mr. Graham made a motion to accept the settlement offer, which included a no contest plea, and Mr. Cloutre seconded. The motion passed with an objection by Mr. Fenet.

- j) **IDIM CONSTRUCTION LLC**, Carencro, Louisiana – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by IDIM CONSTRUCTION LLC, which did not have a representative present. Mr. Graham made a motion to accept the settlement offer, which included a no contest plea, and Mr. Cloutre seconded. The motion passed with an objection by Mr. Fenet.

- k) **CWI HOLDINGS, LLC D/B/A BUILDERS' INSULATION** Orlando, Florida – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by CWI HOLDINGS, LLC D/B/A BUILDERS' INSULATION, which did not have a representative present. Mr. Graham made a motion to accept the settlement offer, which included a no contest plea, and Mr. Cloutre seconded. The motion passed with an objection by Mr. Fenet.

- l) **B&D ELECTRIC CO. OF BATON ROUGE, INC.**, Denham Springs, Louisiana – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by B&D ELECTRIC CO. OF BATON ROUGE, INC. Robert Pendarvis was present on behalf of B&D ELECTRIC CO. OF BATON ROUGE and sworn in. Mr. Pendarvis gave a statement. Mr. Graham made a motion to accept the settlement offer, which included a no contest plea, and Mr. Cloutre seconded. The motion passed with an objection by Mr. Fenet.

- m) **ROBLEY DEL TAYLOR D/B/A FAIRWAY CONTRACTORS**, Crowley, Louisiana – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations. No one was present on behalf of ROBLEY DEL TAYLOR D/B/A FAIRWAY CONTRACTORS. Investigator Frank Vaughan was called to the stand and sworn in for review of the exhibits. The exhibit packet was filed and admitted into evidence. Mr. Jones made a motion to find ROBLEY DEL TAYLOR D/B/A FAIRWAY CONTRACTORS to be in violation, and Mr. Talbot seconded. The motion passed. Mr. Jones made a motion to fine ROBLEY DEL TAYLOR D/B/A FAIRWAY CONTRACTORS \$1,000 plus administrative costs, issue a cease and desist order and place on probation. Mr. Fenet seconded, and the motion passed.

- n) **MELVIN HINSON D/B/A HINSON PLUMBING**, Redwood, Mississippi – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by MELVIN HINSON D/B/A HINSON PLUMBING, who did not have a representative present. Mr. Graham made a motion to accept the settlement offer, which included a plea of admission, and Mr. Cloutre seconded. The motion passed with an objection by Mr. Fenet.

- o) **MANGRUM'S AIR CONDITIONING & HEATING, INC.**, Sulphur, Louisiana – R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by MANGRUM'S AIR CONDITIONING & HEATING, INC., which did not have a representative present. Mr. Graham made a motion to accept the settlement offer, which included a no contest plea, and Mr. Cloutre seconded. The motion passed with an objection by Mr. Fenet.

- p) **ADVANCED PAINTING CO., INC. OF MICHIGAN**, Lafayette, Louisiana – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by ADVANCED PAINTING CO., INC. OF MICHIGAN, which did not have a representative present. Mr. Graham made a motion to accept the settlement offer, which included a no contest plea, and Mr. Cloutre seconded. The motion passed with an objection by Mr. Fenet.

5. **THE PARKES COMPANIES, INC. D/B/A PARKES CONSTRUCTION**, Franklin, Tennessee – La. R.S. 37:2158(A)(4).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by THE PARKES COMPANIES, INC D/B/A PARKES CONSTRUCTION, which did not have a representative present. Mr. Jones made a motion to accept the settlement offer, which included a no contest plea, and Mr. Weston seconded. The motion passed.

6. **THORPE SHEET METAL, INC.**, Washington, Mississippi – La. R.S. 37:2159(B).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by THORPE SHEET METAL, INC., which did not have a representative present. Mr. Gallo made a motion to accept the settlement offer, which included a no contest plea, and Mr. Dupuy seconded. The motion passed.

OLD BUSINESS

E. COMPLIANCE HEARING/CONTINUANCE:

1. **NATIONAL CARPORTS, INC.**, Sherman, Texas – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by NATIONAL CARPORTS, INC., which did not have a representative present. Mr. Dupuy made a motion to accept the plea, and Mr. Gallo seconded. The motion passed.

2. **GARY'S PLUMBING COMPANY**, Washington, Louisiana – La. R.S. 37:2160(A)(1).

Mr. Rawls gave a summary of the allegations. Gary Vidrine was present on behalf of GARY'S PLUMBING COMPANY and sworn in. Mr. Vidrine entered a no contest plea. Mr. Jones made a motion to accept the plea, and Mr. Dupuy seconded. The motion passed. Mr. Vidrine gave a statement. Mr. Jones made a motion to fine GARY'S PLUMBING COMPANY \$500 plus administrative costs, and Mr. Dupuy seconded. The motion passed.

3. a) **MARK YOUNG**, Alexandria, Louisiana – La. R.S. 37:2160(A)(1).
b) **RAY SETLIFF**, Pineville, Louisiana – La. R.S. 37:2160(A)(1).
c) **CLYDE PENNINGTON**, Pineville, Louisiana – La. R.S. 37:2158(A)(4).
d) **CHRIS P. LITTLETON**, Pineville, Louisiana – R.S. 37:2158(A)(4).

Matters 3 a-d were consolidated. Mr. Rawls gave a summary of the allegations and read the settlement offer presented by MARK YOUNG, who was not present. Mr. Graham made a motion to accept the settlement offer, which included a no contest plea, and Mr. Clouatre seconded. The motion passed.

Ray Setliff, CLYDE PENNINGTON, Kay Pennington and CHRIS LITTLETON were present and sworn in. Mr. Setliff entered a no contest plea. Mr. Weston made a motion to accept the plea, and Mr. Gallo seconded. The motion passed. Mr. Pennington entered a no contest plea. Mr. Weston made a motion to accept the plea, and Mr. Gallo seconded. The motion passed. Mr. Littleton entered a no contest plea. Mr. Weston made a motion to accept the plea, and Mr. Clouatre seconded. The motion passed. Each party gave a statement. Mr. Lambert made a motion to dismiss the case, and Mr. Gallo seconded. The motion passed.

F. COMMITTEE REPORTS:

1. Report from the Staff – Ms. Dupuy gave a report on the new LSLBC brochure and its distribution to permit offices and a report on the legislative directory.
2. Building Committee – Mr. Graham had no new report.
3. Classification and Testing Committee – Mr. Dupuy gave the report at a later time.
4. Legislative/Rules and Regulations Committee – Mr. Fenet gave a report on legislative updates and Mr. McDuff gave a report on solar energy bills.
5. Finance Committee – Mr. Dupuy made a motion to accept the financials as presented, and Mr. Lambert seconded. The motion passed.
6. Fines – Mr. Jones gave a statement regarding the Office of Debt Recovery and fines.
7. Public Relations – Mr. Weston gave a report on the public relations plans.
8. Residential Building Committee – Mr. Badeaux made a motion to approve the actions taken at the March 5 Residential Committee Meeting, and Mr. Weston seconded. The motion passed.

G. Consideration of residential applications, home improvement registrations and exemptions as listed and attached to the agenda. (Pages 6-10)

Mr. Badeaux made a motion to approve the residential applications with the exception of Southern Magnolia Landscaping, LLC, and Mr. Dupuy seconded. The motion passed.

Mr. Badeaux made a motion to approve the home improvement applications, and Mr. Dupuy seconded. The motion passed.

Mr. Badeaux made a motion to approve the exemptions as listed on the agenda with the exception of Southern Magnolia Landscaping, LLC. Mr. Lambert seconded, and the motion passed.

H. Consideration of commercial licensure exemptions as listed and attached to the agenda. (Pages 12-14)

Mr. Weston recused himself. Mr. Dupuy made a motion to approve the exemptions as listed on the agenda with the exception of CMS Consultants, LLC and ARC Mechanical Contractors, Inc. (removed highway, street, added heavy industrial piping). Mr. Lambert seconded. The motion passed.

- I. Consideration of mold remediation applications as listed and attached to the agenda. (Page 16)
Mr. Lambert made a motion to approve the mold remediation applications as listed on the agenda, and Mr. Stuart seconded. The motion passed.
- J. Consideration of additional classifications as listed and attached to the agenda. (Pages 18-20)
Mr. Lambert made a motion to approve the additional classifications as listed on the agenda, and Mr. Stuart seconded. The motion passed.
- K. Consideration of commercial applications as listed and attached to the agenda.
 - **PENDING ALL REQUIREMENTS BEING MET** (Pages 22-34)
Mr. Lambert made a motion to approve the applications on pages 22-34, and Mr. Stuart seconded. The motion passed.
 - **REGULAR COMMERCIAL APPLICATIONS** (Page 35 & 36)
Mr. Lambert made a motion to approve the applications on pages 35 and 36, and Mr. Gallo seconded. The motion passed.

EXECUTIVE SESSION

The Board went into executive session at 12:03.

ADJOURNMENT

The meeting was adjourned at 12:27.

Lee Mallett, Chairman

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