

# **STATE LICENSING BOARD FOR CONTRACTORS**

## **COMMERCIAL BOARD**

### **MEETING MINUTES**

**September 17, 2020**

The regular meeting of the Commercial Board was called to order by the Vice Chairman, William J. Cloutre, on Thursday, September 17, 2020, at 9:30 a.m. at 600 North Street, Baton Rouge, Louisiana.

Members of the Board present:

- William J. Cloutre, Vice Chairman
- Lloyd “Chip” Badaux
- Brian J. Bordelon
- N.R. “Noah” Broussard
- Courtney Fenet, Jr.
- Kenneth Jones
- Donald G. Lambert
- Garland Meredith
- Joel Rushing
- Christopher N. Stuart
- Elliott L. Temple
- Victor Weston

Chairman, Lee Mallett and Members Nelson A. “Andy” Dupuy, Jr.; 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, Brent Templet, Elaine Riggins, Lowana Cola and Monica Davis; Compliance Director, Brad Hassert; Compliance Investigator, John Leblanc; and Tarah Revette recording the minutes.

Mr. Badaux 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 **August 20, 2020** regular meeting. Mr. Stuart seconded. The motion passed.

Mr. McDuff introduced guests John Walters with the Associated Builders and Contractors of Louisiana; Ken Naquin, Michael Demouy, Lauren Fain and Kerry Hunt with Louisiana Associated General Contractors and Alex Reinboth with the Louisiana Attorney General’s Office. Mr. McDuff also introduced guests Dr. Willie Smith (Chancellor), Dr. Sarah Barlow, Phillip Smith and Timothy Dykes with Baton Rouge Community College (BRCC).

Mr. Weston addressed the board and audience and presented the Construction Education Trust Fund (CETF) contribution to Dr. Smith with BRCC. Dr. Smith addressed and thanked the board for the CETF contribution. Mr. McDuff provided an update to the Board regarding the upcoming voluntary contributions to be distributed from the CETF to University of Louisiana at Monroe, Louisiana Tech University and Louisiana State University. Mr. Cloutre made remarks to the board and audience regarding the construction industry.

### **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. **TOMAHAWK CONSTRUCTION, LLC**, Pearl River, 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 this matter be removed from the agenda as a payment plan has been finalized with the creditor. Mr. Jones made a motion to dismiss this matter. Mr. Stuart seconded. The motion passed.

2. **FLATLINE CONCRETE, L.L.C.**, Denham Springs, 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 FLATLINE CONCRETE, 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. Fenet made a motion to find FLATLINE CONCRETE, L.L.C. to be in violation, to suspend the license and to allow staff to reinstate the license after the judgment has been paid in full or the company has entered into with a payment plan. Mr. Lambert seconded. The motion passed.

3. **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 this matter to be continued. Mr. Lambert made a motion to grant a continuance. Mr. Temple seconded. The motion passed.

**D. COMPLIANCE HEARINGS:**

1. **MULLIN LANDSCAPE ASSOCIATES, LLC**, St. Rose, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by MULLIN LANDSCAPE ASSOCIATES, 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.

2. **JOE R. JONES CONSTRUCTION, INC.**, Weatherford, Texas – La. R.S. 37:2158(A)(4)

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

3. a) **DEDICATED CONSTRUCTION MANAGEMENT LLC**, Waukesha, Wisconsin – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations. No one was present on behalf of DEDICATED CONSTRUCTION MANAGEMENT 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 DEDICATED CONSTRUCTION MANAGEMENT LLC 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. Stuart seconded. The motion passed.

- b) **JAMES HAWKINS D/B/A SONICS DRYWALL SYSTEMS**, Marrero, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. James Hawkins was present on behalf of JAMES HAWKINS D/B/A SONICS DRYWALL SYSTEMS and was sworn in. Mr. Hawkins entered a no contest plea. Mr. Temple made a motion to accept the plea. Mr. Jones 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. Hawkins gave a statement to the board. Mr. Weston made a motion to assess an administrative penalty of a \$1000 fine plus \$500 in administrative costs. Mr. Stuart seconded. The motion passed.

4. a) **CAPSTONE BUILDING CORP. OF ALABAMA**, Birmingham, Alabama – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by CAPSTONE BUILDING CORP. OF ALABAMA. Mr. Stuart made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Lambert seconded. The motion passed.

- b) **FLORES FRAMING & CONSTRUCTION LLC**, 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 FLORES FRAMING & CONSTRUCTION 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 FLORES FRAMING & CONSTRUCTION LLC to be in violation. Mr. Temple seconded. The motion passed. Mr. Weston made a motion to assess an administrative penalty of \$2000 plus \$500 in administrative costs. Mr. Lambert seconded. After discussion, Mr. Weston amended the motion to assess the maximum fine plus \$500 in administrative costs. Mr. Lambert seconded the amended motion. After further discussion, Mr. Stuart made an amended motion to assess the maximum fine plus \$500 in administrative costs and to allow the administrative penalty to be reduced to a \$1000 fine plus \$500 if the company obtains a proper license within 90 days. Mr. Weston seconded. The amended motion made by Mr. Stuart passed.

5. **CM METALS, LLC**, Geismar, Louisiana – La. R.S. 37:2158(A)(4)

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

6. a) **HARCO CONSTRUCTORS, LLC**, North Little Rock, Arkansas – La. R.S. 37:2158(A)(4), 2 counts

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

- b) **ROADRUNNER CONSTRUCTION, INC.**, Little Rock, Arkansas – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by ROADRUNNER CONSTRUCTION, INC. Mr. Lambert made a motion to deny the settlement offer as presented. Mr. Jones seconded. During discussion, Mr. Stuart made a substitute motion to accept the settlement offer as presented, which included a no contest plea. Mr. Temple seconded. The substitute motion passed with opposition from Mr. Jones, Mr. Broussard, Mr. Weston and Mr. Lambert.

7. **OSCAR ALEJANDRO ALCALA ESCOBAR**, Dallas, Texas – La. R.S. 37:2160(A)(1)

Ms. Evans requested that this matter be removed from the agenda. Mr. Jones made a motion to remove this matter from the agenda. Mr. Fenet seconded. The motion passed.

8. a) **TERRA BELLA LANDSCAPE DESIGN AND MANAGEMENT, LLC**, Bossier City, Louisiana – La. R.S. 37:2158(A)(4) and 2159(B)
- b) **RUSSELL K. WHITE D/B/A RUSSELL K. WHITE LANDSCAPE CONSTRUCTION**, Ruston, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers presented by TERRA BELLA LANDSCAPE DESIGN AND MANAGEMENT, LLC and RUSSELL K. WHITE D/B/A RUSSELL K. WHITE LANDSCAPE CONSTRUCTION. The board questioned Mr. Hassert regarding these matters. After discussion, Mr. Lambert made a motion to accept both settlement offers as presented, which both offers included a no contest plea. Mr. Dupuy seconded. The motion passed.

9. **PETERSENDEAN TEXAS, INC.**, Houston, Texas – La. R.S. 2158(A)(3) and Rules and Regulations of the Board Section 133(A)

Ms. Evans gave a summary of the allegations. No one was present on behalf of PETERSENDEAN TEXAS, 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. Weston made a motion to find PETERSENDEAN TEXAS, INC. to be in violation. Mr. Stuart seconded. The motion passed. Mr. Weston made a motion to assess an administrative penalty of a \$1000 fine plus \$500 in administrative costs. Mr. Stuart seconded. The motion passed.

10. **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 requested that this matter be continued. Mr. Jones made a motion to grant the continuance. Mr. Temple seconded. The motion passed.

11. **SUMMIT BAY CONSTRUCTION, INC.**, Lafayette, Louisiana – 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. Mr. Jones made a motion to grant the continuance. Mr. Temple seconded. The motion passed.

12. **OSMAN CONSTRUCTION LLC**, New Orleans, 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 OSMAN CONSTRUCTION LLC. Investigator John Leblanc was called to the stand and was sworn in. Mr. Leblanc 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 OSMAN CONSTRUCTION LLC to be in violation. Mr. Weston seconded. The motion passed. After discussion, Mr. Weston made a motion to suspend the license, to allow staff to reinstate the license once this matter is resolved to the staff's satisfaction and to assess an administrative penalty of \$500 in administrative costs. Mr. Lambert seconded. The motion passed.

13. **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. Stuart made a motion to grant the continuance. Mr. Weston seconded. The motion passed.

F. **STATUTORY CITATIONS:**

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

## OLD BUSINESS

### G. REQUEST FOR REHEARING:

1. ACCARDO AND LAMBERT PLUMBING AND HEATING, INC., New Orleans, Louisiana – La. R.S. 37:2158(A)(3) and Rules and Regulations of the Board Section 135(A), 3 counts

Ms. Evans gave a summary of the allegations and the previous action taken by the board. Daniel Lambert was present on behalf of ACCARDO AND LAMBERT PLUMBING AND HEATING, INC. and was sworn in. Mr. Meredith made a motion to grant a reconsideration of penalty. Mr. Jones seconded. The motion passed. Mr. Weston made a motion to assess an administrative penalty of a \$4500 fine plus \$500 in administrative costs and to reinstate the license. Mr. Lambert seconded. The motion passed.

### H. 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 5-20)

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

Mr. Badeaux made a motion to approve and ratify the actions taken at the September 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 21-22)

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

Based on Staff recommendations, Mr. Weston made a motion to approve the Exemptions as listed on the agenda with the exception of Mag-Lou Enterprises LLC, who will be required to take the examination(s). Mr. Stuart seconded. The motion passed.

3. Consideration of mold remediation application as listed and attached to the agenda. (Page 23)

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 24-25)

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 26-37)

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

**I. REPORTS:**

1. Staff Reports – Mr. McDuff and Mr. Hassert addressed the board regarding the board’s response to the Hurricane Laura disaster recovery and the board’s policies and procedures regarding licensure. Mr. McDuff also covered several press releases issued by the staff. Mr. McDuff and Mr. Hassert addressed the board regarding the board’s response to the Hurricane Laura disaster recovery and the board’s policy and procedures regarding licensure. Mr. McDuff also addressed the board’s recent press releases.

Mr. Weston presented and made a motion to approve a resolution to the board to delegate Judy Dupuy, Board Administrator, the powers of appointing authority as such are contemplated by the Rules of the State Civil Commission, such that she has the full and complete authority to hire, discipline, make decisions and execute the documentation required by law to manage the employees of the Louisiana State Licensing Board for Contractors. Mr. Stuart seconded. The motion passed unanimously.

Mr. Weston presented and made a motion to approve a resolution to the board to delegate to Michael McDuff, Executive Director, the powers of appointing authority as such are contemplated by the Rules of the State Civil Commission, such that he has the full and complete authority to hire, discipline, make decisions and execute the documentation required by law to manage the employees of the Louisiana State Licensing Board for Contractors. Mr. Temple seconded. The motion passed unanimously.

2. Finance Report – Mr. Weston made a motion to accept the financial statement for the period ending August 31, 2020 as presented. Mr. Stuart seconded. The motion passed.

**ADJOURNMENT**

Mr. Meredith made a motion to adjourn at 10:57 a.m., and Mr. Stuart seconded. The motion passed unanimously.

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William Clouatre, Vice Chairman

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Elliott Temple, Secretary