

STATE LICENSING BOARD FOR CONTRACTORS
RESIDENTIAL BUILDING COMMITTEE MEETING MINUTES

December 17, 2014

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

Members of the Committee present: Lloyd "Chip" Badeaux, Chairman
 Lee Mallett
 Nick Castjohn
 Karon "Kay" Gibson
 Billy Ward
 Wesley L. "Wes" Wyman, Jr.

Jodi C. Penn, member was absent. There being a quorum present, the regular order of business was called.

Also attending the meeting were: Michael McDuff, Executive Director; Judy Dupuy, Board Administrator; Judge Darrell White, Retired, Hearing Officer; Jennifer Sims, Board Attorney; and from the staff, Nathan Rawls, Marianne Sullivan, Brent Templet, Emma Payne, Elaine Riggins, John Dixon, Monica Davis; compliance investigators, Robert Guesnon and Carl Bourque; and Tarah Barbier recording the minutes.

Mr. Ward led the Pledge of Allegiance.

Judge Darrell White gave the invocation.

Mr. Castjohn made a motion to accept the Minutes of the November 19, 2014, Residential Building Committee Meeting, and Mr. Wyman seconded. The motion passed.

Mr. McDuff introduced guests Ronald Burrough with the Attorney General's office, and James Henry and Rudy Babin with the Louisiana Department of Insurance.

NEW BUSINESS

C. INSURANCE HEARING(S):

RESIDENTIAL BUILDING, HOME IMPROVEMENT, AND MOLD REMEDIATION; GENERAL LIABILITY & WORKERS' COMPENSATION – La. R.S. 2150–2192, 2186(B)(6), 2189(A)(7) and Rules and Regulations Sec. 1503(D)

ROMAIN CONSTRUCTION, LLC and WARREN A. PETERS were removed from the Agenda for General Liability only.

Emma Payne was called to the stand and sworn in to give testimony regarding the documentation of general liability and workers' compensation and confirmed service for those entities listed on the agenda and that this was a first offense for those companies.

Myles Bailey was present on behalf of BAILEY'S HOME REPAIR, INC. and was sworn in. Mr. Bailey gave a statement affirming that there was a lapse in insurance coverage. Ms. Gibson made a motion to revoke the license back to the date of last insurance coverage, to issue a cease and desist order, assess a fine of \$500 plus \$500 in administrative costs allowing staff to reinstate the license or registration if proof of no lapse is provided, and to allow the company to reapply for license/registration in 30 days. Mr. Ward seconded, and the motion passed.

Sulma Rojas was present on behalf of MJF CONSTRUCTION LLC and was sworn in. Ms. Rojas gave a statement affirming that there was a lapse in insurance coverage. Mr. Castjohn made a motion to revoke the license back to the date of last insurance coverage, to issue a cease and desist order, assess a fine of \$500 plus \$500 in administrative costs allowing staff to reinstate the license or registration if proof of no lapse is provided, and to allow the company to reapply for license/registration in 30 days. Mr. Ward seconded, and the motion passed.

No one was present on behalf of AMX ENVIRONMENTAL, LTD; B & K PROPERTY INVESTMENTS, LLC; BLAIR BUILDERS, L.L.C.; BOLLINGER BUILDERS, L.L.C.; CUSTOM CONSTRUCTION AND RESTORATIONS, L.L.C.; D&B PROPERTY MAINTENANCE, LLC; DANIEL GOSS CONSTRUCTION, LLC; ELBERT & BRAZELTON CONSTRUCTION, LLC; ETI, INC.; G. FULTON ENTERPRISES, LLC; GUY'S CONSTRUCTION, L.L.C.; HUDDLESTON ENTERPRISES OF WEST

MONROE, INC.; J. GUILLORY BUILDERS, L.L.C.; JEFF HOLLAND ENTERPRISES, L.L.C.; KRAEMER-SHOWS OILFIELD SERVICES, L.L.C.; LB RENOVATIONS LLC; LOCKETT CONSTRUCTION COMPANY, INC.; MICHAEL DEWAYNE WILSON; N.O.D.S. HOME BUILDERS, L.L.C.; NOLA BUILD CONTRACTING SERVICES INC.; PORT BUILDING SPECIALTIES, LLC; RLH INVESTMENTS, LLC; and TWIN CITY ENTERPRISES, INC. Mr. Castjohn made a motion to suspend the license or registration of the aforementioned companies and individuals back to the date of last insurance coverage, to issue a cease and desist order, and to assess a fine of \$500 plus \$500 in administrative costs allowing staff to reinstate the license or registration if proof of no lapse is provided, and to allow the company to reapply for license/registration in 30 days. Ms. Ward seconded, and the motion passed.

D. COMPLIANCE HEARING(S):

1. **ACE HOME IMPROVEMENTS, LLC D/B/A ACE SHORING**, Poplarville, Mississippi – La. R.S. 37:2160 (A)(1)

This matter was continued.

2. **AKARI WILLIAMS**, Houma, Louisiana – La. R.S. 37:2167 (A)

Mr. Rawls gave a summary of the allegations. AKARI WILLIAMS was present and was sworn in. Mr. Williams admitted to the violation. Mr. Williams gave a statement. Investigator Robert Guesnon was called to the stand and was sworn in. Mr. Guesnon gave a statement. Mr. Wyman made a motion to fine AKARI WILLIAMS \$5000 plus \$1000 in administrative costs and to issue a cease and desist order. If Mr. Williams acquires a licensed residential contractor to finish the project or if he becomes a licensed residential contractor within 90 days the fine will be reduced to \$1000 plus \$1000 in administrative costs. Mr. Ward seconded the motion. The motion passed.

3. **RICK'S CARPENTRY & REPAIRS, INC.**, Chauvin, Louisiana – La. R.S. 37:2167 (A)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of RICK'S CARPENTRY & REPAIRS, INC. Investigator Robert Guesnon, 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. Castjohn made a motion to find RICK'S CARPENTRY & REPAIRS, INC. to be in violation, to assess the maximum fine plus \$1000 administrative costs, and to issue a cease and desist order. Mr. Ward seconded the motion. The motion passed.

4. **FULLEN CONSTRUCTION, INC.**, New Orleans, Louisiana – La. R.S. 37:2167 (A)

Mr. Rawls gave a summary of the allegations. Mr. Rawls also informed the Committee that the company had applied for a Residential license in 2013, but it was never issued and the application was written off. Brenda and Robert Fullen were present on behalf of FULLEN CONSTRUCTION, INC and were sworn in. Mr. Fullen admitted to the violation and gave a statement. Mr. Ward made a motion to fine FULLEN CONSTRUCTION, INC. \$5000 plus \$1000 in administrative costs and to issue a cease and desist order. If the company obtains a residential license within 90 days the fine will be reduced to \$1000 plus \$1000 in administrative costs. Mr. Castjohn seconded the motion. The motion passed.

5. **JOSHUA FOUQUET**, Covington, Louisiana – La. R.S. 37:2167 (A)

This matter was continued.

6. **BBT CONSTRUCTION MANAGEMENT, LLC**, Thibodaux, Louisiana – La. R.S. 37:2167 (A)

Mr. Rawls gave a summary of the allegations. Mr. Rawls also informed the Committee that the company has obtained a Residential license as of June of 2014 and the violation occurred in January of 2014. Ahmad Trench was present on behalf of BBT CONSTRUCTION MANAGEMENT, LLC and was sworn in. Mr. Trench entered a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Wyman seconded. The motion passed. Mr. Trench gave a statement. Mr. Ward made a motion to fine BBT CONSTRUCTION MANAGEMENT, LLC \$5000 plus \$1000 in administrative costs. If the company within 90 days provides proof of continuous insurance coverage from the time of their previous residential license expired in 2011 until the new residential license was obtained the fine will be reduced to \$1000 plus \$1000 in administrative costs. Ms. Gibson seconded the motion. The motion passed.

7. **GREGORY L. THOMAS D/B/A LIL OR NEXT 2 NOTHING**, Westwego, Louisiana – La. R.S. 37:2175.2 (A)(1); 37:2160 (A)(2)

Mr. Rawls gave a summary of the allegations. Gregory Thomas was present on behalf of GREGORY L. THOMAS D/B/A LIL OR NEXT 2 NOTHING and was sworn in. Mr. Thomas entered a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Ward seconded. The motion passed. Mr. Thomas gave a statement. Investigator Carl Bourque was called to the stand and was sworn in. Mr. Bourque gave a statement. Mr. Wyman made a motion to fine GREGORY L. THOMAS D/B/A LIL OR NEXT 2 NOTHING \$1000 plus \$1000 in administrative costs and issued a cease and desist order. Ms. Gibson seconded the motion. The motion passed.

OLD BUSINESS

E. COMPLIANCE HEARING(S)/CONTINUANCES:

1. **F.I.N.S. CONSTRUCTION LLC**, New Orleans, Louisiana – La. R.S. 37:2167 (A)

Mr. Rawls gave a summary of the allegations. Bob Armbruster was present on behalf of F.I.N.S. CONSTRUCTION LLC and was sworn in. The homeowner Jeffrey Giavotella was present and also sworn in. Mr. Armbruster entered a no contest plea. Mr. Castjohn made a motion to accept the plea. Mr. Wyman seconded. The motion passed. Mr. Armbruster gave a statement. Mr. Giavotella gave a statement. Mr. Ward made a motion to fine BBT CONSTRUCTION MANAGEMENT, LLC \$5000 plus \$1000 in administrative costs and to issue a cease and desist order. If the company obtains a residential license within 90 days and provides proof of continuous insurance coverage during the project the fine will be reduced to \$1000 plus \$1000 in administrative costs. Ms. Gibson seconded the motion. The motion passed.

2. **PHASE 1 CONSTRUCTION OF NO, LLC D/B/A PHASE 1 CONSTRUCTION**, New Orleans, Louisiana – La. R.S. 37:2175.2 (A)(1)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of PHASE 1 CONSTRUCTION OF NO, LLC D/B/A PHASE 1 CONSTRUCTION. Mr. Bourque, who was previously sworn in, was called to the stand to review the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Mr. Castjohn made a motion to find PHASE 1 CONSTRUCTION OF NO, LLC D/B/A PHASE 1 CONSTRUCTION to be in violation, to assess the maximum fine plus \$1000 in administrative costs, and to issue a cease and desist order. Mr. Wyman seconded. The motion passed.

F. REQUEST FOR REHEARING/RECONSIDERATION

1. **RICHARD MORGAN D/B/A MORGAN HOME IMPROVEMENT** Monroe, Louisiana – La. R.S. 37:2175.2 (A)(1)

Mr. Rawls gave a summary of the allegations and also read the decision of the Residential Committee from August 17, 2014 meeting. Richard Morgan was present on behalf of RICHARD MORGAN D/B/A MORGAN HOME IMPROVEMENT and was sworn in. Mr. Ward made a motion to approve the request to reconsider the fine assessed to RICHARD MORGAN D/B/A MORGAN HOME IMPROVEMENT. Mr. Wyman seconded. The motion passed. Mr. Morgan gave a statement. Mr. Wyman made a motion to fine RICHARD MORGAN D/B/A MORGAN HOME IMPROVEMENT \$1000 plus \$1000 administrative costs. Ms. Gibson seconded with the option to discuss. Ms. Gibson made a substitute motion to fine Mr. Morgan \$500 plus \$500 administrative costs. Mr. Wyman amended Ms. Gibson's motion to assess the company \$500 in administrative costs and the previously issued cease and desist order to remain in place. Mr. Ward seconded the amended motion. The motion passed.

G. CONSIDERATION OF LICENSURE EXEMPTION(S):

Ms. Gibson made a motion to approve the exemptions as listed on the agenda, and Mr. Castjohn seconded. The motion passed. (Page 3)

- I. Consideration of new applications for residential building construction license to be approved pending as listed on the agenda. (Pages 4-5)

Ms. Gibson made a motion to approve the new residential building license applications as listed on the agenda with the exception of SEVERN RIVER GROUP, LLC and Mr. Castjohn seconded. The motion passed.

- J. Consideration of new applications for home improvement registration as listed on the agenda. (Pages 6-7)

Ms. Gibson made a motion to approve the new home improvement registration applications as listed on the agenda, and Mr. Castjohn seconded. The motion passed.

ADJOURNMENT

Mr. Castjohn made a motion to adjourn at 11:15 a.m., and Mr. Ward seconded. The motion passed.

Lloyd "Chip" Badeaux, Chairman

Lee Mallett, Vice Chairman