

**Louisiana State Uniform Construction Code Council (LSUCCC)**  
November 3, 2015  
**10:00 AM**  
**8181 Independence Blvd**  
**Baton Rouge, Louisiana 70806**  
**Meeting Minutes**

The Chair welcomed all present and **called the meeting to order at 10:34 A.M.**

The Pledge of Allegiance was recited.

The Chair requested a roll call of the members which reflected the following:

Members Present: Mr. J. Barry; Mr. W. Barry; Mr. Boudreaux; Mr. Brown; Mr. B. Byrd;  
Mr. Courouleau; Mr. Dhume; Mr. Gadberry; Mr. Hebert; Mr. Hoffman;  
Mr. Kramer; Mr. Metcalf; Mr. Price; Mr. Robinson; Mr. Thibodeaux;  
Mr. Scott Wallace

Members Absent: Ms. Benjamin; Mr. Landry; Mr. Naquin; Mr. Stevens

Excused absence: Ms. Benjamin; Mr. Landry; Mr. Naquin; Mr. Stevens

16 members present and 4 members absent constitute a Quorum.

A **motion** was made by Mr. Dhume to adopt the minutes from the Oct 7<sup>th</sup>, 2015, LSUCCC meeting. The motion received a **second** from Ms. Brown. The chair asked if there were any objections to the motion, there were no objections and the **motion was approved.**

A **motion** was made by Mr. Courouleau to conduct the next regular LSUCCC meeting in Baton Rouge, LA, Tuesday December 15<sup>th</sup>, 2015 @ 10 AM. The **motion was seconded** by Mr. Hebert. The Chair asked if there were any objections to the motion, there were no objections and the **motion was approved.**

The Chair opened the floor for the Technical Codes Study and Advisory committee report by Mr. Boudreaux. Mr. Boudreaux reported the Technical Committee met prior to the LSUCCC meeting. There were two items discussed during the meeting. A motion was made to forward a recommendation to amend the 2012 IRC Section R303.4 **less than 3 ACH, instead of 5ACH.** The **motion passed with no objections** and is therefore **forwarded to the LSUCCC for consideration.**

A **motion was made** by Mr. Brown to adopt the recommendation by the Technical Codes Study Committee regarding Amendment R303.4 of the 2012 IRC as noted below. The **motion was seconded** by Mr. J. Barry. Mr. Joiner read the motion into the record. The Chair asked if there were any objections to the motion, there were no objections and the **motion was approved.**

**R303.4 Mechanical ventilation.** Where the air infiltration rate of a dwelling unit is less than **35-air** changes per hour when tested with a blower door at a pressure of 0.2 inch w.c (50 Pa) in accordance with [Section N1102.4.1.2](#), the dwelling unit shall be provided with whole-house mechanical ventilation in accordance with [Section M1507.3](#).

The Chair acknowledged Mr. Bren Kramer. Mr. Kramer requested to know how the amending of R303.4 would be implemented, whether it would be through an emergency rule or the regular process. The members of the council discussed the best way to implement the amendment and the time frame that it would take. If the amendment qualifies as an emergency rule Mr. Joiner stated it would be written and ready by January. There is a December 10<sup>th</sup> deadline for preparing the document for the IPC, IRC, and IBC and then they could proceed with the writing of the amendment to R303.4. That concluded the report for the Technical Codes Study and Advisory Committee report.

The Chair opened the floor for the Legislative Advisory Committee report from Mr. Bobby Byrd. Mr. Byrd stated that the committee has not met and there was no report at this time. That concluded the report for the Legislative Advisory Committee.

The Chair opened the floor for the Code Enforcement Advisory Committee Report from Mr. Foy Gadberry. Mr. Gadberry opened the floor for Mr. Joiner to discuss the re-registering of Mr. Delvin Portier as a Third Party Provider through the LSUCCC. Mr. Portier had acted as a building official without proper credentials and other infractions in the past. The Council brought him before the Code Enforcement Advisory Committee based on the facts at that time. The Code Enforcement Advisory Committee set forth a penalty of 6 Months Suspension/6 months under a CBO due to Mr. Portier's infractions. Mr. Portier rejected the offer of the penalty and the matter went to an Administrative Law Judge to hear the case. Mr. Quidd presented the facts to the Administrative Law Judge. Mr. Quidd, Mr. Smith, and Mr. Crouch all looked over the ruling made by the Administrative Law Judge. All three attorneys agreed that the revocation of Mr. Portier was not permanent. Once Mr. Portier became properly qualified he could re-apply and be re-registered. The Chair asked if Mr. Joiner had taken proper steps prior to his re-registering Mr. Portier. Mr. Joiner stated the steps he took prior to re-registering him, which included sending an email to each council member notifying them of (1) submission of the registration by Mr. Portier and (2) confirmation with the attorneys concerning their legal opinion of the revocation of the Administrative Law Judge. Mr. Joiner also noted that he had a lengthy discussion with Mr. Portier notifying him of the new ruling based on the Attorney General's Opinion that it is not a requirement, nor is it mandated that a jurisdiction accept a third party's inspection report. Per Mr. Joiner, Mr. Portier understood the new ruling and planned to meet with the local jurisdiction officials where he planned to inspect, prior to inspecting, to make sure they would accept his inspections. Mr. Wich, South Central Planning, spoke concerning the matter to the council. Mr. Wich disagreed with what the judge's intent was and stated that the judge reviewed whether the code council had the right to revoke his registration and the judge did side with the council. Mr. Wich stated the Mr. Portier had the proper certifications at the time but that he blatantly ignored the code during inspections, he was not qualified to do some inspections, and at times did not do inspections he stated that he did. Mr. Wich cited home owners in his area have had to make costly repairs in order to bring their homes into compliance that had been previously inspected by Mr. Portier. Foundation heights are one of the issues that they are finding from inspections that Mr. Portier had performed. The Chair restated that the decision to reinstate Mr. Portier was based on the advice of legal counsel for the council. Mr. Crouch, attorney for the code council, explained that the decision was based on if Mr. Portier would bring a mandamus upon the council and could it be properly defended. Mr. Crouch stated that there was no defense in the matter and a person's livelihood cannot be taken away forever. Mr. Wich stated his concern was mainly that the re-registering of Mr. Portier was not brought to a public meeting and addressed in a council meeting.

Mr. Joiner again stated that he had notified the council by email of the request to register. He received no concerns from any of the council members. Mr. Crouch, attorney for the council, reiterated that even if this matter had been brought in front of the council during a meeting and the council voted to refuse him the right to re-register then Mr. Portier would still have the right to bring a mandamus against the council at that time. The Chair also stated that since there was no response to Mr. Joiner's email then it could be the understanding that there was no concern by the council; therefore, the registration should move forward as other registration and re-registration request. That concluded the report for the Code Enforcement Advisory Committee.

## **New Business:**

### **1. Review and approve final SOP for 2015 review committee. (Mike Metcalf/Bobby Byrd)**

A **motion was made** by Mr. Hoffman to adopt the Standard Operating Procedures for the LSUCCC 2015 Review Committee Requirements as written. The **motion was seconded** by Mr. Wallace. The Chair opened the floor for discussion. After discussion as noted below, the Chair asked for any objections, there were no objections therefore the **motion passed to adopt** the SOP's for the 2015 Review Committee Requirements as written.

Mr. Brown requested that documents be sent to the council members sooner in order to be able to look over the documentation prior to the meetings. Discussion continued to the protocol for the subcommittee meetings and meeting the requirements of the public meeting law for minutes, public agendas, and meeting places to hold the meetings. Mr. Hebert offered to chair a committee for The Chair and it was accepted and appreciated.

### **2. Review and approve public application form for consideration of review committee appointments. (Mike Metcalf).**

A **motion was made** by Mr. Brown to approve the public application form provided with adding the email address to send the application to once completed. The **motion was seconded** by Mr. Hebert. The Chair opened the floor for discussion. Mr. Joiner stated, upon approval, he would send the application and SOP's via email to those on the public agenda email list. He requested that anyone who was part of a membership that is not on his public agenda email the forms to those on the membership list so that the information could get out to the public and organizations that may wish to participate or apply. The Chair asked if there were any objections to the motion and the additional amending to add the email address. There were no objections, therefore the **motion passed**.

A **motion was made** by Mr. Hoffman to include December 10<sup>th</sup>, 2015 as the deadline to submit applications on the public application form. The **motion was seconded** by Mr. Gadberry. The Chair opened the floor for discussion. There was no discussion. The Chair asked for any objections, there were no objections; therefore the **motion passed**.

**3. Appointment of LSUCCC members to review committees by LSUCCC Chairman. (Mike Metcalf)**

The Chair read the list of LSUCCC members that have been appointed to the review committees.

The Chair stated that if there were any questions or adjustments requested those would be address at this time.

IRC Sub Committee LSUCCC Members– Al Courouleau, Chris Brown, Bobby Byrd, John Barry, Phil Hoffman (Chair)

IPC Sub Committee LSUCCC Members- Wilford Barry, Foy Gadberry, David Thibodeaux (Chair), Caryn Benjamin, Bren Kramer

IBC, IEBC Sub Committee LSUCCC Members – Bhola Dhume, Scott Wallace, Jerry Hebert (Chair), Greg Landry

The Chair thanked the members who agreed to Chair these subcommittees, especially with the new rules and requirements of keeping minutes and agendas. Mr. Hoffman requested a meeting notice when the IPC would be meeting so they can keep concerns between the codes voiced.

**A motion was made** by Mr. Boudreaux to approve the sub committees as read into the record. **The motion was seconded** by Mr. B. Byrd. There was no discussion. There were **no objections; therefore the committees are seeded as read into the record.**

Mr. Joiner reminded the sub committees that the council members only get reimbursed for days that there is a council meeting. Mr. Joiner will do his best to find rooms to reserve on those days if they would like to coordinate their meetings on the council meeting dates. Mr. Crouch noted that the idea of the call in phone meeting would be ok as long as the meeting was held at a public place where the public could come if they would like to attend and a proper agenda was posted in advance of the meeting. The funding for the phone in meetings would be the responsibility of the sub committees. Mr. Hoffman asked if he could use a tape recording to then write up his minutes after the meeting. Mr. Hoffman asked if there was a possibility to request an extra staff member to assist Mr. Joiner. Mr. Crouch read the administrative procedures act on what constitutes an emergency rule. Mr. Joiner noted the job change for Administrative Assistant Ms. Gonzales should provide more assistance to the council after the first of the year.

**4. Recognition of outgoing Chairman Foy Gadberry (reception to follow adjournment) (Mike Metcalf)**

The Chair recognized Mr. Foy Gadberry for his exemplary service to the LSUCCC during his term as Chairman. Mr. Gadberry was presented a plaque from the council.

With no other items on the agenda and no motion to accept other business a motion was made by Mr. Hoffman and seconded by Mr. Barry to adjourn, with no other new business the meeting was adjourned at 1:06 p.m.

END OF MINUTES