

MINUTES

**UTAH
CONSTRUCTION SERVICES COMMISSION
MEETING**

January 28, 2009

**Room 474 Fourth Floor– 9:00 AM
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:00 AM

ADJOURNED: 11:10 AM

Bureau Manager:

Dan S. Jones

Board Secretary:

Ann Naegelin

Board Members Present:

Bradley Stevens, Commission Chairman and
Electrician Board Chairman
Steve Bowers
Larry Love, Burglar Alarm Board Chairman
David Told, Plumbers Board Chairman
Jerry Preston
John Wilcox

Board Members Absent:

Joel Jolley, excused
Carl Tippets, excused

Guests:

Mark Steiner, Care Roofing
Jeff Pedersen, UPHCA
Ken Shulsen, ABC of Utah
David Hedrick, DLH Builders
Jenna Williams, Utah Contractors Center
Aleta Fairbanks, Utah Masonry Council

DOPL Staff Present:

Ross Ford, Associate Director
Wayne Holman, Chief Investigator/License Manager
Dan T. Jones, Investigation Supervisor
Dennis Meservy, Bureau Manager
Allyson Robinson, Board Secretary

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Minutes

The minutes from the November 26, 2008 meeting

were reviewed. Mr. Love made a motion to approve the minutes as written. Mr. Told seconded the motion. Motion passed by unanimous vote.

PROBATION INTERVIEW:

Care Roofing and Remodeling Inc
Mark Steiner, Probation Interview

Mr. Steiner met with the Commission to request termination of his urine screens. The terms of his probation required urine screen for 18 months. He has completed 2 ½ years with no positive screens. Mr. Preston made a motion to terminate the urine screens. Mr. Bowers seconded the motion. Motion passed by unanimous vote. Mr. Steiner appears to be in compliance with the terms of his probation.

REVIEW PROPOSED DISCIPLINARY ACTIONS:

Craig R. Rydalch, hiring unlicensed contractors

Mr. Jones reviewed proposed disciplinary action for Mr. Rydalch for hiring an unlicensed person to do electrical work. The MOU proposes a \$1,000 fine and issues a Cease and Desist. Mr. Love made a motion to accept the MOU as written. Mr. Told seconded the motion. Motion passed by unanimous vote.

Eric Smith Rose, unlicensed contractor

Mr. Jones reviewed proposed disciplinary action for Mr. Rose for contracting without a license. The MOU proposes a \$500 fine and issues a Cease and Desist order. Mr. Bowers made a motion to approve the MOU as written. Ms. Gibbs seconded the motion. Motion passed by unanimous vote.

D & D Excavating LLC, default order

Mr. Jones reviewed the default order for D & D Excavating LLC. The licensee has failed to respond to a petition filed. Mr. Bowers made a motion to approve the default order. Mr. Love seconded the motion. Motion passed by unanimous vote.

Innovative Homes and Development Inc,
default order

Mr. Jones reviewed the default order for Innovation Homes and Development Inc. The licensee has failed to respond to a petition filed. Mr. Told made a motion to approve the default order. Mr. Preston seconded the motion. Motion passed by unanimous vote.

Sunplay Pools Construction, default order

Mr. Jones reviewed the default order for Sunplay Pools Construction. The licensee failed to respond to a petition filed. Ms. Gibbs made a motion to accept the default order. Mr. Told seconded the motion. Motion passed by unanimous vote.

Max Jean Hard, apprentice plumber

Mr. Meservy reviewed the proposed Memorandum Of Understanding for Mr. Hard. Mr. Hard did meet with the Plumbing Board. Mr. Bowers made a motion to approve the MOU with the modification that Mr. Hard must meet with the Plumbing Board before a journeyman license will be issued. Mr. Preston seconded the motion. Motion passed with six votes in favor and one vote against. Mr. Told voted against the motion.

DLH Builder Inc.
David Hedrick
Thierry Lesueur

Mr. Hedrick met with the Commission to discuss his application. Mr. Hedrick did not disclose all of his criminal history on his application. He disclosed his Utah history, but not his history in Washington. He also did not disclose a 2005 bankruptcy on his application. Mr. Hedrick insists he disclosed the information to the Utah Contractor Center. Jenna Williams, Utah Contractor Center, indicates the bankruptcy was not disclosed to them and submitted the handwritten document completed by the applicant to verify the information was not disclosed to them. Mr. Jones read the question regarding liens, bankruptcy and judgments to the Commission. Mr. Jones explained that normally an application with these problems would be denied, but since there was disagreement as to what information was disclosed to the Utah Contractor Center, he wanted the Commission to review. Mr. Told made a motion to deny the application. Mr. Hedrick must wait at least one year from the application date to reapply. Mr. Preston seconded the motion. Motion passed by unanimous vote.

DISCUSSION ITEMS:

Investigation Updates

Dan T. Jones reviewed investigation statistics for December 2008.

Continuing Education Registry

Mr. Jones reviewed changes to the Continuing Education Registry MOU. The MOU has been revised to include the following: Registry must maintain accurate attendance records; the attendance records must be submitted to the Division; the approval records and attendance records must be made available to the Division for audit.

Education Registry MOU

The Associated General Contractors of America, Utah Chapter and the Homebuilders Association of the State of Utah will be asked to sign the revised MOUs.

Ms. Fairbanks, Utah Masonry Council is comfortable with the addition of ABC of Utah as a continuing education registry. Mr. Love made a motion to accept the MOUs with the revisions. Mr. Wilcox seconded the motion. Motion passed by unanimous vote.

Legislative Update

Mr. Stevens indicated Representative Bigelow is running a Bill to repeal the requirement for continuing education. Mr. Love made a motion that the Commission supports continuing education and opposes the HB 249. Mr. Stevens will speak on behalf of the Commission regarding continuing education. Mr. Told seconded the motion. Motion passed by unanimous vote.

Separate Bills may also be introduced to make changes the handyman exemption and to require apprentice, journeyman and master licenses for the HVAC classification.

Plumbing Continuing Education

Mr. Told reviewed possible changes to the plumber rules concerning continuing education. Jeff Peterson of the Utah Plumbing & Heating Contractor Association indicates that the unions and industry are in support the continuing education requirements.

Mr. Jones advised the Commission that this item should be place on the agenda for the next Plumbing Board and Commission meeting. Mr. Meservy will submit the proposed rules in the correct format for review by the Board and Commission.

ADJOURN:

11:10 AM

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

February 25, 2009
Date Approved

(ss) Bradley Stevens
Chairperson, Construction Services Commission

February 25, 2009
Date Approved

(ss) Dan S. Jones
Bureau Manager, Division of Occupational & Professional
Licensing