

MINUTES

**UTAH
CONSTRUCTION SERVICES COMMISSION
MEETING**

May 27, 2009

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

CONVENED: 9:00 AM

ADJOURNED: 11:45 PM

Bureau Manager:

Dan S. Jones

Board Secretary:

Ann Naegelin

Board Members Present

Bradley Stevens, Commission Chairman and
Electrician Board Chairman

Larry Love, Burglar Alarm Board Chairman

David Told, Plumbers Board Chairman

Steve Bowers

Joel Jolley

Carl Tippets

Wendy Gibbs

John Wilcox

Jerry Preston

Guests:

Renee McDonough, IEC of Utah

Jeff Pedersen, UPHCA

Jenna Williams, Utah Contactor Center

Gary Bacon, Radon Mitigation

Ryan Mccoy, Action Property Investments

Andy Negrette, Concrete Concepts

Curtis Nielsen,

Gary Case, Gary Case Roofing

Daniel Zerba, D-N-A Builders Inc.

Clint Hardman, Hard Rock Excavation

Nau Masiva, K F M Construction

DOPL Staff Present:

Wayne Holman, Chief Investigator/License Manager

Ray Walker, Regulatory and Compliance Officer

Ronda Trujillo, Compliance Specialist

Dennis Meservy, Bureau Manager

Kent Barnes, Compliance Manager

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

Approval of March Commission Minutes

APPOINTMENTS:

Probation Update
Ronda Trujillo

Hauling Handy Man Services
Probation Interview

Gary Case Roofing
Probation Interview

Frances Benedicto
Probation Interview

Aspen Inc
Probation Interview

DECISIONS AND RECOMMENDATIONS

The minutes from the April 29, 2009 meeting were reviewed. Mr. Love made a motion to approve the minutes as written. Mr. Jolley seconded the motion. Motion passed by unanimous vote.

Ms. Trujillo gave a summary of the probation interview process.

Mr. Robb appeared for his probation interview. He submitted a current BCI report. Mr. Told made a motion to terminate probation. Mr. Love seconded the motion. Motion passed by unanimous vote. Mr. Robb is in compliance with the terms of his probation.

Mr. Case appeared for his probation interview. He has not submitted proof of liability insurance, workers compensation insurance and unemployment insurance. Mr. Love made a motion to terminate probation upon receipt of proof of liability insurance, workers compensation insurance and unemployment insurance. Mr. Preston seconded the motion. Motion passed by unanimous vote. Mr. Case is in compliance with the terms of his probation upon receipt of the insurance documents.

The probation for Frances Benedicto was reviewed. Mr. Love made a motion to terminate probation. Ms. Gibbs seconded the motion. Motion passed by unanimous vote. Mr. Benedicto is in compliance with the terms of his probation.

The probation for Aspen, inc was reviewed. Mr. Bowers made a motion to terminate probation. Mr. Love seconded the motion. Motion passed by unanimous vote. Aspen Inc is in compliance with the terms of is probation.

Lowrance Homes, Inc.
Joey Lowrance

Lowrance Homes, Inc did not respond to correspondence from the Division regarding their probation. Mr. Tippetts made a motion to find Lowrance Homes, Inc. not in compliance with the terms of their probation. Mr. Wilcox seconded the motion. Motion passed by unanimous vote. Not in compliance.

KFM Construction

Mr. Bowers made a motion to find KFM Construction not in compliance with the terms of their probation. Mr. Love seconded the motion. Motion passed by unanimous vote.

The Masiva's came into the meeting after the Commission made the decision on their status. The Masiva's did not have any of the information requested in prior correspondence from the Division. The decision of the Commission did not change. Not in compliance.

Hard Rock Excavation, Inc

Mr. Hardman of Hard Rock Excavation appeared for his probation interview. He indicated that Hard Rock Excavation is no longer in business. Mr. Hardman submitted a disassociation form yesterday. He agreed to surrender the E100 classification. The qualifier for the E100 is the person with the criminal history. Mr. Love made a motion to allow the S310 classification remain if Mr. Hardman surrenders the E100 classification. Mr. Bowers seconded the motion. Mr. Love amended his motion to include termination of probation upon Mr. Hardman's surrender of the license. He will be in non compliance if he does not surrender the license. Mr. Bowers seconded the motion. Motion passed with eight votes in favor. Mr. Told abstained from the vote.

DNA Builder, Inc

Mr. Zerba appeared for his probation interview. He must submit a BCI report. Mr. Bowers made a motion to find DNA Builders are not in compliance with the terms of their probation. Mr. Told seconded the motion. Motion passed by unanimous vote. Not in compliance.

Chazz, LLC

Mr. Yellowitz called this morning and indicated he is no longer in business. He was advised he is not in compliance with the terms of his probation. Mr. Told made a motion to find Chazz, LLC is not in compliance with the terms of probation. Mr. Preston seconded the motion. Motion passed by unanimous vote. Not in compliance

**DISCUSSION ITEMS:
REVIEW PROPOSED DISCIPLINARY
ACTIONS:**

Nu-trend Electric Company

Mr. Jones gave a brief explanation of the Stipulation and Order for Nu-Trend Electric Company for failure to maintain financial responsibility. Mr. Bowers made a motion to accept the Stipulation and Order with a change to require monthly credit reports. Mr. Wilcox seconded the motion. Motion passed by unanimous vote.

Concrete Concepts Inc

Mr. Jones gave a brief explanation of the Stipulation and Order for Concrete Concepts, Inc for failure financial responsibility. Mr. Bowers made a motion to accept the Stipulation and Order as written. Mr. Tippetts seconded the motion. Motion passed by unanimous vote.

Action Property Investment, LLC

Mr. Jones gave a brief explanation of the Memorandum of Understanding for Action Property Investment, LLC. Mr. Wilcox made a motion to accept the terms of the MOU. Ms. Gibbs seconded the motion. Motion passed by unanimous vote.

APPLICATIONS FOR REVIEW:

Jeremy Fifield, Apprentice Electrician
Application Review

Mr. Meservy reviewed the Memorandum of Understanding for Jeremy Fifield. Mr. Told made a motion to accept the MOU. Mr. Wilcox seconded the motion. Motion passed by unanimous vote.

DISCUSSION ITEMS:

Investigation Update

Mr. Holman reviewed the investigation report. Item noted with no action taken.

Proposed Electrician Rules

Mr. Stevens explained the reason for the proposed changes to the Electricians Licensing Rules. Mr. Told made a motion to accept the proposed changes. Mr. Jolley seconded the motion. Motion passed by unanimous vote. The proposed changes will be published and a public hearing will be scheduled.

Radon Mitigation License Requirements

The Commission discussed radon mitigation. Radon mitigation work can no longer be done under the affirmation of exemption of license.

Gary Bacon reported twelve people in Utah are certified for radon mitigation. The certifications are from the National Environmental Health Association (NEHA). NEHA has two separate certifications, one for measurement and one for mitigation.

Mr. Tippetts made a motion to issue a license with an S700 classification for radon mitigation. The qualifier must have one year of experience, an NEHA Certification for radon mitigation and pass the Utah Business Law Exam. The application can be approved by the Division. The Commission must review any application that does not meet these requirements. Mr. Preston seconded the motion. Motion passed by unanimous vote.

The Commission requested that Mr. Told and Mr. Bacon put together an ad hoc committee to research the need for a radon mitigation license classification.

Utah Home Builders Association
Gas Certification Exam Provider Request

Mr. Told indicated the Plumbers Board did not receive the RMGA gas certification exam in time to review at their last meeting. The exam will be reviewed at the next Plumber Board meeting.

Mr. Told made a motion to accept the HBA Gas Certification providing the Plumbers Board find the exam equivalent to the RMGA exam. Mr. Tippetts seconded the motion. Motion passed by unanimous vote.

ADJOURN:

11:45 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.

June 24, 2009
Date Approved

(ss) Bradley F. Stevens
Chairperson, Construction Services Commission

June 24, 2009
Date Approved

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