

MINUTES

**UTAH
CONSTRUCTION SERVICES COMMISSION
MEETING**

November 25, 2009

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

CONVENED: 9:08 AM

ADJOURNED: 12:24 PM

Bureau Manager:

Dan S. Jones

Board Secretary:

Ann Naegelin

Board Members Present

David Told, Commission and Plumber Board
Chairman

Dirk Burton, Electrician Board Chairman

Larry Love, Burglar Alarm Board Chairman

Carl Tippets

Wendy Gibbs

C Reed Brown

Jerry Preston

John Wilcox

Board Members Absent

Steve Bowers, excused

Guests:

Jeff Pedersen, UPHCA

Greg Simonson, Rinhart, Fetzer & Simonson

Wayne Farnsworth, Woodside Homes

John Wardle, Woodside Homes

Brian Quick, Woodside Homes

Ernie Ely, Ely Construction

Dan Scarbrough, DMLP Resources

DOPL Staff Present:

Mark B. Steinagel, Division Director

Ray Walker, Regulatory and Compliance Officer

Dennis Meservy, Bureau Manager

Ronda Trujillo, Compliance Specialist

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

9:00 Rules Hearing

Judge Eklund conducted a rules hearing.

Approval of October Commission Minutes

The minutes from the October 28, 2009 meeting were reviewed. Mr. Love made a motion to approve the minutes as written. Mr. Burton seconded the motion. Motion passed by unanimous vote.

APPOINTMENTS:

Woodside Homes

Mr. Jones gave a brief overview of the statutes and rules pertaining to renewal of a license when there are financial responsibility issues. Representatives from Woodside Homes gave of presentation regarding their financial situation and renewal of their license.

Mr. Jones reviewed the usual probation terms for financial responsibility.

Mr. Tippetts made a motion to require a licensure bond for one million dollars and probation or the option of a five million dollar bond and no probation. Probation would be for one year. The bond amount can be reviewed at a later date once audited financial statements are available. Mr. Brown seconded the motion. Mr. Tippetts amended his motion to include conditional renewal of the license for one month. Mr. Brown seconded the amended motion. The amended motion passed by unanimous vote. The Stipulation and Order, if negotiated, will need to be approved by the Commission.

Mr. Simonson stated they reserve any claim for protection allowed to Woodside Home Corporation under the bankruptcy code.

Mr. Walker explained that the Division review is made of financial responsibility as a whole not based solely upon a bankruptcy filing. It is not automatically concluded that a company is not financially responsible solely because of a bankruptcy filing.

Probation Update
Ronda Trujillo

Ms. Trujillo reported on the licenses on probation. Fifty two contractor licenses are on probation. Twelve

of the licenses not in compliance with the terms of their probation.

RGL Construction
Probation Interview

RGL Construction did not appear for their probation interview. Mr. Love made a motion to find RGL Construction not in compliance with the terms of probation and for the Division to take appropriate action. Mr. Preston seconded the motion. Motion passed by unanimous vote.

A K & R Whipple
Probation Interview

A K & R Whipple has completed the terms of their Stipulation and Order. Mr. Tippets made a motion to terminate probation. Mr. Wilcox seconded the motion. Motion passed by unanimous vote.

DMPL Resources LLC
Probation Interview

Mr. Scarbrough appeared for a probation interview. He is not in compliance with his Stipulation and Order. Mr. Scarbrough has not had a qualifier during the time of license, and he has not notified the Division of a change in qualifiers. Tax liens and a law suit were filed against him. None of these items were reported to the Division within 10 days as required. Mr. Jones reviewed proposed language for a revised Stipulation and Order.

Mr. Love made a motion to accept the revised Stipulation and Order. Mr. Brown seconded the motion. Motion passed by unanimous vote.

REVIEW PROPOSED DISCIPLINARY ACTIONS:

Ravage Construction Inc
Default Order

Mr. Jones reviewed the Default Order. Mr. Love made a motion to accept the Default Order and the recommendations of the Division. Mr. Wilcox seconded the motion. Motion passed by unanimous vote.

Jon Wadsworth, Wadsworth Builders LLC
Stipulation and Order

Mr. Jones reviewed the terms of the Stipulation and Order. Mr. Burton made a motion to accept the proposed Stipulation and Order. Mr. Preston seconded the motion. Motion passed by unanimous vote.

George W. Johansen Construction Co
Stipulation and Order

Mr. Jones reviewed the terms of the Stipulation and Order. Mr. Love made a motion to accept the

	proposed Stipulation and Order. Mr. Tippetts seconded the motion. Motion passed by unanimous vote.
1 Stop Construction Inc Stipulation and Order	Mr. Jones reviewed the terms of the Stipulation and Order. Mr. Burton made a motion to accept the proposed Stipulation and Order. Mr. Burton seconded the motion. Motion passed by unanimous vote.
Hotline Exchange Inc Stipulations and Order	Mr. Jones reviewed the terms of the Stipulation and Order. Mr. Burton made a motion to accept the proposed Stipulation and Order. Mr. Burton seconded the motion. Motion passed by unanimous vote.
Twin Peaks Paint Contracting LLC Stipulation and Order	Mr. Jones reviewed the terms of the Stipulation and Order. Mr. Burton made a motion to accept the proposed Stipulation and Order. Mr. Burton seconded the motion. Motion passed by unanimous vote.
Footing Specialists, Inc dba Horizon Concrete Stipulation and Order	Mr. Jones reviewed the terms of the Stipulation and Order. Mr. Burton made a motion to accept the Stipulation and Order. Mr. Burton seconded the motion. Motion passed by unanimous vote.
Erney's HVAC Inc Order of Dismissal	Mr. Jones reviewed the Order of Dismissal. Mr. Love made a motion to accept the Order of Dismissal. Mr. Brown seconded the motion. Motion passed with six votes in favor. Ms. Gibbs did not vote.
Hunter Homes, Inc Order of Dismissal	Mr. Jones reviewed the Order of Dismissal. Mr. Love made a motion to accept the Order of Dismissal. Mr. Brown seconded the motion. Motion passed with six votes in favor. Ms. Gibbs did not vote.
Richard Stilson dba Stilson Mechanical Order of Dismissal	Mr. Jones reviewed the Order of Dismissal. Mr. Love made a motion to accept the Order of Dismissal. Mr. Brown seconded the motion. Motion passed with six votes in favor. Ms. Gibbs did not vote.
Beehive Roofing, LLC Stipulation and Order	Mr. Jones reviewed the terms of the Stipulation and Order. Mr. Preston made a motion to accept the proposed Stipulation and Order. Mr. Wilcox seconded the motion. Motion passed by unanimous vote.
Structure Design, Inc Stipulation and Order	Mr. Jones reviewed the terms of the Stipulation and Order. Mr. Preston made a motion to accept the

proposed Stipulation and Order. Mr. Wilcox seconded the motion. Motion passed by unanimous vote.

Six Pence, Inc
Stipulation and Order

Mr. Jones reviewed the terms of the Stipulation and Order. Mr. Preston made a motion to accept the proposed Stipulation and Order. Mr. Wilcox seconded the motion. Motion passed by unanimous vote.

Lloyds, Custom Cabinets
Stipulation and Order

Mr. Jones reviewed the terms of the Stipulation and Order. Mr. Preston made a motion to accept the proposed Stipulation and Order. Mr. Wilcox seconded the motion. Motion passed by unanimous vote.

APPLICATIONS FOR REVIEW:

Kitty Karlene Dirickson, apprentice electrician
Memorandum of Understanding

Mr. Meservy gave an explanation of the proposed Memorandum of Understanding. Ms. Dirickson met with the Electrical Board to discuss her application. Mr. Love made a motion to accept the Memorandum of Understanding. Ms. Gibbs seconded the motion. Motion passed by unanimous vote.

Picasso Custom Homes, LLC
Memorandum of Understanding

Mr. Jones gave a brief explanation of the proposed Memorandum of Understanding. Mr. Wilcox made a motion to accept the Memorandum of Understanding. Mr. Brown seconded the motion. Motion passed by unanimous vote.

Ely Construction & Consulting, LLC
Memorandum of Understanding

Mr. Ely appeared to discuss his application for license. Mr. Jones gave a brief explanation of his application. The Division is not making a recommendation at this time.

Mr. Ely was cited on August 24, 2009, for contracting without a license. He represented to the investigator that he was in the process of applying for a license. His application was received on September 30, 2009.

Mr. Ely gave a response to Mr. Jones' explanation. Mr. Ely represents that he did not tell the investigator he was in the process of obtaining a license. The investigator made a notation on the citation that he was in process of applying for a license.

Mr. Tippets made a motion to deny the application for license. The motion died for lack of a second.

The Commission asked Mr. Ely to submit information regarding the number of projects he completed in 2007. His application will be reviewed after we receive this information.

DISCUSSION ITEMS:

Investigation Update

The investigation report was reviewed. No action was taken.

ADJOURN:

12:24 PM

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.

December 30, 2009
Date Approved

(ss) Dave Told
Chairperson, Construction Services Commission

December 30, 2009
Date Approved

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