

MINUTES

**UTAH
CONSTRUCTION SERVICES COMMISSION
MEETING**

February 24, 2010

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

CONVENED: 9:04 AM

ADJOURNED: 12:35 PM

Bureau Manager:
Board Secretary:

Dan S. Jones
Ann Naegelin

Board Members Present

Larry Love, Burglar Alarm Board Chairman,
conducting
Dirk Burton, Electrician Board Chairman
Steve Bowers
Carl Tippets
Jerry Preston
John Wilcox
Wendy Gibbs

Board Members Absent

David Told, Commission and Plumber Board
Chairman, excused
C Reed Brown, excused

Guests:

Alan Smith, Accelerated Paving, Inc
Ken Standal, BBH Consulting, Inc
JR Reed, BBH Consulting, Inc
Jenna Williams, Utah Contractor Center
Lisa Nielsen, Gibson Development
Harold, Gibson Development
Jaime Silva, JSP Construction, Inc

DOPL Staff Present:

Mark Steinagel, Division Director
Ray Walker, Regulatory and Compliance Officer
Wayne Holman, Chief Investigator
Dennis Meservy, Bureau Manager
Ronda Trujillo, Compliance Specialist

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approval of January Commission Minutes

The minutes from the January 27, 2010 meeting were reviewed. Mr. Wilcox made a motion to approve the minutes as written. Mr. Prescott seconded the motion. Motion passed by unanimous vote.

Probation Update
Ronda Trujillo

Ms. Trujillo reported that 70 contractor licenses are on probation. Eight of the probationary licenses are not in compliance with the terms of their probation.

APPOINTMENTS:

9:15 am Six Pence, Rory Pence
Probation Interview

Mr. Pence did not appear for his probation interview.

9:30 am Gibson Development

The application for Gibson Development was reviewed. Mr. Jones reviewed the financial information submitted by the applicant. It was determined that the S310, S390 and S410 classifications fit the type of work better than the B100 classification. Mr. Bowers made a motion to set the bond amount for B100 at \$250,000 and for the other classifications at \$50,000. Mr. Tippetts seconded the motion. Motion passed by unanimous vote.

9:45 am Accelerated Paving Inc

Mr. Smith, Accelerated Paving, Inc., met with the Commission in order to determine a bond amount for renewal of their license. Mr. Jones reviewed the financial information submitted by the applicant. Less than 5% of their work is done in Utah. Mr. Tippetts made a motion to set the bond amount at \$100,000 for licensure with probation or \$250,000 for licensure without probation. Ms. Gibbs seconded the motion. Motion passed by unanimous vote.

REVIEW PROPOSED DISCIPLINARY ACTIONS:

James O. Coles, Liberty Electric Inc.
Stipulation and Order

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

Dan Wolfe, Red Wolf Development, Inc.
Stipulation and Order

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

Jaime Silva Perez, JSP Construction, Inc.
Stipulation and Order

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

United Subcontractor Inc.
Stipulation and Order

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

Jorge L. Castellanos, JC Single Ply Roofing, Inc.
Stipulation and Order

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

Brett Little, PA Construction, Inc.
Stipulation and Order

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

Dustin Larsen, DRCX, Inc.
Stipulation and Order

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

Shane Weese, Absolute Power, LLC
Stipulation and Order

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

Jerimie Peterson, Downs Vu Kitchen & Bath, Inc.
Stipulation and Order

Mr. Jones reviewed the terms of the proposed Stipulation and Order. Mr. Bowers made a motion to accept the Stipulation and Order as outlined. Mr.

Preston seconded the motion. Motion passed by unanimous vote.

Troy Lindsey,

Mr. Holman reviewed the terms of the proposed Stipulation and Order. The Electrician Board reviewed the Stipulation and Order. Mr. Bowers made a motion to accept the Stipulation and Order as outlined. Mr. Preston seconded the motion. Motion passed by unanimous vote.

APPLICATIONS FOR REVIEW:

BBH Consulting, Inc, experience review

Mr. Jones reviewed the experience submitted with the application. BBH Consulting, Inc. will modify the application for an R100 classification. They have met the requirements for that classification.

Northwest Linings & Geotextile Products, Inc.
S700 Classification

Northwest Linings & Geotextile Products, Inc is requesting an S700 classification for installation of geomembranes. Mr. Bowers made a motion to approve the application. Mr. Prescott seconded the motion. Motion passed by unanimous vote.

Mr. Tippetts made a motion that the Division may approve future applications for the S700 classification for geomembranes without the Commission review of each application. Mr. Wilcox seconded the motion. Motion passed by unanimous vote.

Discuss Qualifier Applications

Mr. Jones reviewed some issues that have come to his attention regarding failure to have an appropriate qualifier or the qualifier being involved in other unprofessional conduct.

For example, cases have found:

1. An individual is named as a qualifier, but they are not actively involved in the operations of the business.
2. A person was the qualifier and owner of a contractor which filed bankruptcy and now wants to be a qualifier on a new company.
3. A company applied for renewal, but the qualifier did not disclose a bankruptcy. And is now applying to be a qualifier on another license.

4. A proposed qualifier did not check box as owner, officer, manager, but indicated he is a consultant.

The Commission stated the staff was making an appropriate review of these issues. If there are questions regarding the appropriate action in these cases, the Commission will review as may be needed.

Investigations Update

Mr. Holman gave a report on the investigations for the past month. He also reported that the investigators have resumed their saturations. Seven citations were issued recently during a saturation in southern Utah County.

Legislative Update

Mr. Walker updated the Commission on the current Legislative Session.

Hearing Process

Mr. Steinagel apologized for the length of last month's meeting. The Division will change how the hearings are scheduled until the rule is changed to handle the financial responsibility cases as informal proceedings.

He also reported that a letter will be mailed to about 6,000 contractor licensees for continuing education audits.

Fine Schedule

Mr. Walker asked for input from the Commission regarding reduction of fines in the hearings. The Commission does not want the fines to be lowered without mitigating circumstances.

ADJOURN:

12:35 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.

March 31, 2010
Date Approved

(ss) David Told
Chairperson, Construction Services Commission

March 31, 2010
Date Approved

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