

MINUTES

**UTAH
CONSTRUCTION SERVICES COMMISSION
MEETING**

April 28, 2010

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

CONVENED: 9:02 AM

ADJOURNED: 12:58 PM

Bureau Manager:

Dan S. Jones

Board Secretary:

Ann Naegelin

Board Members Present

David Told, Commission and Plumber Board Chair

Dirk Burton, Electrician Board Chair

Wendy Gibbs

Steve Bowers

C Reed Brown

Larry Love, Burglar Alarm Board Chair, excused

Jerry Preston

John Wilcox

Board Members Absent

Carl Tippets, excused

Guests:

Jeff Dalton, Six D Excavation

Jeremy Evaland, Attorney for d & F Construction LLC

Dave Vaea, D & F Construction, LLC

Jenna Williams, Utah Contractor License Center

Teri Paulson, Contractor School

Taz Biesinger, UHBA

Jason Lovell, All Systems Plumbing

Mitch Otto, All Systems Plumbing

C Steven Nielson, 9Bar7, LLC

Bryant Baxter, Ashley Construction, LLC

DOPL Staff Present:

Mark Steinagel, Division Director

Ray Walker, Regulatory & Compliance Officer

Dennis Meservy, Bureau Manager

Ronda Trujillo, Compliance Specialist

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

Approval of March Commission Minutes

The minutes from the March 31, 2010 meeting were reviewed. Mr. Burton made a motion to approve the minutes as written. Ms. Gibbs seconded the motion. Motion passed by unanimous vote.

Probation Update
Ronda Trujillo

Ms. Trujillo reported there are 89 contractor licenses on probation. Fifteen of the probationary licenses are not in compliance with the terms of their probation.

APPOINTMENTS:

Six D Excavation
Probation Interview

Mr. Jones reviewed the probation history for Jeff Dalton. Mr. Dalton answered questions from the Commission members. The Commission explained to Mr. Dalton that he needs to start calling each day for his drug screens. Ms. Trujillo explained to him that even if he cannot get to a test site before 1:00 pm, he should still go in for his test. Mr. Love made a motion that if Mr. Dalton has any more violations to his probation, the Division will file a motion for Order to Show Cause why the license should not be revoked. Mr. Brown seconded the motion. Motion passed by unanimous vote.

D & F Construction Services, Inc
Set Bond Amount

Mr. Bowers asked to be recused from this agenda item. Mr. Jones reviewed the information submitted regarding renewal of this license. Mr. Vaea and his attorney, Mr. Evaland answered questions from the Commission. Mr. Preston made a motion to set a bond amount at \$230,000. The bond must be for at least one year. Mr. Love seconded the motion. Motion passed with six votes in favor. Mr. Told voted against the motion. Mr. Bowers did not vote. Mr. Vaea will have 30 days to obtain the bond.

Dun-Rite Refrigeration
Application Review

Mr. Jones gave a brief history of the license for Dun-Rite Refrigeration and Mr. Govostes. Dun-Rite Refrigeration has a current Affirmation of Exemption from Contractor License registration. Mr. Govostes gave an explanation of his history. Mr. Love made a motion to have Mr. Jones determine a fine amount and

a proposed Stipulation and Order. The Commission will review the proposed Stipulation in May. Mr. Wilcox seconded the motion. Motion passed by unanimous vote.

Proposed Rules Changes

Mr. Jones reviewed proposed changes to the rules including: changes due to the addition of the elevator classification, clarification of acceptable verification of experience, requirements for a B100 qualifier and clarification of material authority of a qualifier.

The proposed changes were discussed and comments from guests were heard. Mr. Walker explained the law requires a qualifier be involved in the legal and material conduct of the company. Mr. Bowers made a motion to accept the proposed changes except the proposed changes to the B100 will not be published at this time. The amount of ownership a qualifier should have in a company should be 20%. Mr. Love seconded the motion. Motion passed by unanimous vote.

Mr. Burton reviewed proposed changes to the scope of practice for the B100 or R100 regarding solar photovoltaic work. The scope of practice for the general building contractor and the residential and small commercial contractor allows photovoltaic installations if the work is performed under the immediate supervision of an employee who holds a current NABCEP certification. Mr. Bowers made a motion to change the language of R156-55a-301 to require a B100 or R100 obtain the S202 classification to do solar photovoltaic work. Mr. Burton seconded the motion. Motion passed with seven votes in favor. Mr. Wilcox abstained from vote.

Mr. Meservy discussed a change to R156-55c-302c regarding passing the exam. This item has been approved by the plumbing board. Mr. Love made a motion to approve these changes. Mr. Brown seconded the motion. Motion passed by unanimous vote.

All System Plumbing LLC
Application Review

The application for All Systems Plumbing, LLC was reviewed. Mr. Brown made a motion to allow All System Plumbing, LLC to submit an affidavit from the qualifier as evidence that he is exercising material authority of the business as required by the statute. Mr. Burton seconded the motion. Motion passed by unanimous vote.

Clinton Nielson, 9Bar7 LLC
Review Bonding Requirement

Mr. Jones reviewed the application for 9Bar7, LLC and their financial history.

Mr. Nielson gave an explanation of his credit history. Mr. Told explained that the Commission cannot set the amount for a bond at less than \$50,000. Mr. Nielson explained that they will only be bidding on federal projects which require a bond. Ms. Gibbs made a motion to approve the application and restrict his practice to federal projects which require a bond. Mr. Brown seconded the motion. The Commission discussed the motion. Mr. Brown withdrew his second. Motion died for lack of a second. Mr. Brown made a motion to require 9Bar7, LLC to obtain a \$50,000 bond. Mr. Preston seconded the motion. Motion passed with five votes in favor. Mr. Bowers and Ms. Gibbs voted against the motion. Mr. Wilcox did not vote.

Ashley Construction LLC
Set Bond Amount

Mr. Jones reviewed the application for Ashley Construction LLC and their financial history.

Mr. Baxter answered questions from the Commission. Mr. Preston made a motion to approve the license with an R100 classification and require a \$50,000 bond. He could apply for the B100 after one year and a review of his financial status. Mr. Bowers seconded the motion. Motion passed by unanimous vote.

**REVIEW PROPOSED DISCIPLINARY
ACTIONS:**

Scott Mitchell
Mitchell Excavation, Inc.
Stipulation and Order

Mr. Jones gave a brief explanation of this Stipulation and Order. Mr. Wilcox made a motion to approve the Order as written. Mr. Love seconded the motion. Motion passed by unanimous vote.

Gary Kummer Construction LLC
Stipulation and Order

Mr. Jones gave a brief explanation of this Stipulation and Order. Mr. Wilcox made a motion to approve the Order as written. Mr. Love seconded the motion. Motion passed by unanimous vote.

Kelly Christensen
Acme Contractors, Inc.
Stipulation and Order

Mr. Jones gave a brief explanation of this Stipulation and Order. Mr. Wilcox made a motion to approve the Order as written. Mr. Love seconded the motion. Motion passed by unanimous vote.

Mark Hansen
Wasatch Valley Construction LLC
Stipulation and Order

Mr. Jones gave a brief explanation of this Stipulation and Order. Mr. Wilcox made a motion to approve the Order as written. Mr. Love seconded the motion. Motion passed by unanimous vote.

Mike Steven
Currant Creek Metals, LC
Stipulation and Order

Mr. Jones gave a brief explanation of this Stipulation and Order. Mr. Wilcox made a motion to approve the Order as written. Mr. Love seconded the motion. Motion passed by unanimous vote.

William Pierce Gardner III
William Troy Riddell
Alpine Design General Contractors, LLC
Stipulation and Order

Mr. Jones gave a brief explanation of this Stipulation and Order. Mr. Wilcox made a motion to approve the Order as written. Mr. Love seconded the motion. Motion passed by unanimous vote.

Jared Shaw
Centerline Development
Memorandum of Understanding

Mr. Jones gave a brief explanation of this Memorandum of Understanding. Mr. Wilcox made a motion to approve the MOU as written. Mr. Love seconded the motion. Motion passed by unanimous vote.

Jeff Schockley
Big Sky Design, Inc
Stipulation and Order

Mr. Jones gave a brief explanation of this Stipulation and Order. Mr. Wilcox made a motion to approve the Order as written. Mr. Love seconded the motion. Motion passed by unanimous vote.

Robert H Brady
Cambridge Builders, Inc
Stipulation and Order

Mr. Jones gave a brief explanation of this Stipulation and Order. Mr. Wilcox made a motion to approve the Order as written. Mr. Love seconded the motion. Motion passed by unanimous vote.

Thomas L Perkins
Perks Diamond Construction, Inc
Stipulation and Order

Mr. Jones gave a brief explanation of this Stipulation and Order. Mr. Wilcox made a motion to approve the Order as written. Mr. Love seconded the motion. Motion passed by unanimous vote.

Guadalupe Argumedo
dba A&J Stonemason
Stipulation and Order

Mr. Jones gave a brief explanation of this Stipulation and Order. Mr. Wilcox made a motion to approve the Order as written. Mr. Love seconded the motion. Motion passed by unanimous vote.

Trevor W. Black
Stipulation and Order

Mr. Jones gave a brief explanation of this Stipulation and Order. Mr. Wilcox made a motion to approve the Order as written. Mr. Love seconded the motion. Motion passed by unanimous vote.

Trent and Darcy Burnett
Silvercreek Landscaping, Inc.
Stipulation and Order

Mr. Jones gave a brief explanation of this Stipulation and Order. Mr. Wilcox made a motion to approve the Order as written. Mr. Love seconded the motion. Motion passed by unanimous vote.

Barry K Burr
dba Vivid Construction, LLC
Order Reinstating License

Mr. Jones explained this licensee has completed the terms of probation. Mr. Wilcox made a motion to approve the Order Reinstating the License. Mr. Love seconded the motion. Motion passed by unanimous vote.

Doc Oc Cleaner & Maintenance Services, Inc.
dba Pyramid Stone Masonry
Order Reinstating License

Mr. Jones explained this licensee has completed the terms of probation. Mr. Wilcox made a motion to approve the Order Reinstating the License. Mr. Love seconded the motion. Motion passed by unanimous vote.

DISCUSSION ITEMS:

Investigation Update

The investigation statistics were reviewed. Item noted with no action taken.

ADJOURN:

12:58 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.

May 26, 2010
Date Approved

(ss) David Told
Chairperson, Construction Services Commission

May 26, 2010
Date Approved

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