

MINUTES
UTAH
CONSTRUCTION SERVICES COMMISSION
MEETING

February 29, 2012

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

CONVENED: 9:00 AM

ADJOURNED: 11:50 AM

Bureau Manager:

Dan S. Jones

Board Secretary:

Ann Naegelin

Board Members Present

Carl Tippets, Acting Chair
Dirk Burton, Electrical Board Chair
Steve Bower
Jerry Preston
Chris Martineau
Wendy Gibbs

Board Members Absent

C Reed Brown, excused
Scott Sessions, Burglar Alarm Board Chair, excused
David Told, Commission and Plumber Board Chair,
excused

Guests:

Dana Farmer, UPHCA
McDonough, IEC of Utah
Brad Stevens, IEC of Utah
Mike Moffatt, Utah Contractor License Center
Ross Ford, SLCC
Deana Herring, Legislative Auditor
Jake Dinsdale, Legislative Auditor
Brian Jorgensen, apprentice electrician
Gary Gray, Aloha Pools LLC
Kevin Davis, Aloha Pools LLC
William Besendorfer, journeyman electrician
Adam Lake, High Line Enterprises, Inc.
Shawn Hill, electrician
Marcell Trujillo, electrician

DOPL Staff Present:

Ray Walker, Regulatory and Compliance Officer
Wayne Holman, Investigation Supervisor
April Ellis, Auditor
Brian Hermann, Auditor
Neena Bowen, Compliance Specialist

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approval of February 6, 2012 Commission Minutes

The minutes from the February 6, 2012 meeting were reviewed. Mr. Martineau made a motion to approve minutes as corrected. Mr. Preston seconded the motion. Motion passed by unanimous vote.

Investigation Update

Mr. Holman gave an investigations update. He reported on the February field day.

Compliance Update

Ms. Bowen gave a probation report for contractors who are on probation for reasons other than financial responsibility. Mr. Hermann will have a report next month for the contractors who are on probation for financial responsibility.

APPOINTMENTS:

Brian Jorgensen
Apprentice Electrician
Failure to Comply with Probation

Mr. Jones reviewed the file for Brian Jorgensen. Mr. Jorgensen answered questions from the Commission. Mr. Bowers made a motion to table this for 60 days. His compliance will be reviewed at the March and April Commission meetings. If he is not compliant, an Order of Revocation will be approved. Mr. Preston seconded the motion. Motion passed by unanimous vote.

Aloha Pools, LLC
Application Review
Set Bond Amount – Review Misrepresentation and Unlicensed Practiced

Mr. Jones reviewed the application and history for Aloha Pools, LLC. Gary Gray and Kevin Davis of Aloha Pools answered questions from the Commission. Mr. Preston made a motion to require a \$50,000 bond with the B100 classification or \$25,000 bond with an R100 classification; and a total of \$500 fine for unlicensed practice and misrepresentation. No fine will be assessed for misrepresentation on their application. Mr. Bowers seconded the motion. Motion passed by unanimous vote.

Hussman Corporation
NOAA Failure to Replace Qualifier
Inadequate Response

Mr. Jones reviewed the file for Hussman Corporation. Mr. Martineau made a motion to revoke the license for failure to replace the qualifier. Ms. Gibbs seconded the motion. Motion passed by unanimous vote.

Thermal Floors LLC
NOAA Failure to Replace Qualifier
Inadequate Response

Mr. Jones reviewed the file for Thermal Floors LLC. Mr. Martineau made a motion to revoke the license for failure to replace the qualifier. Ms. Gibbs seconded the motion. Motion passed by unanimous vote.

Steve Bateman
First Class Tile & Stone
Renewal Application Review

Mr. Jones reviewed the history for Steve Bateman, First Class Tile & Stone. Mr. Preston asked to be recused. Mr. Bowers made a motion to deny the renewal application. Mr. Burton seconded the motion. Motion passed with five votes in favor. Mr. Preston did not vote.

Trevor Flitton
Apprentice Electrician

Mr. Jones reviewed the history for Trevor Flitton. This item tabled for 30 days.

William Besendorfer
Journeyman Electrician
Motion to Set Aside Revocation

Mr. Jones reviewed the history for William Besendorfer. Mr. Besendorfer answered questions from the Commission. Mr. Burton made a motion to set aside the Order of Revocation. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Jason Terry Short
Acting Beyond the Scope of Apprenticeship
and Forged License

Mr. Jones reviewed the Notice of Agency Action for Jason Terry Short. Mr. Short was working beyond the scope of his apprentice license and he had a forged journeyman license. Ms. Gibbs made a motion to revoke the apprentice license and assess a fine \$1,000. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Shawn Ray Hill
Master Electrician
Reinstatement Application

Mr. Jones reviewed the history for Shawn Ray Hill. The Electrical Board reviewed the reinstatement and had a split vote. Mr. Burton made a motion to change to a journeyman license with probation for five years. After one year, Mr. Hill may request to reinstate his master license. Mr. Martineau seconded the motion. Motion passed by unanimous vote. The Commission approved a thirty day conditional journeyman license while the Stipulation and Order is drafted and signed.

Highline Enterprises
Adam Lake
Review Criminal History

Mr. Jones reviewed the criminal history for Highline Enterprises. Mr. Lake answered questions from the Commission. Mr. Bowers made a motion to renew the license without probation. Mr. Burton seconded the motion. Motion passed with five votes in favor. Mr. Tippets voted against the motion.

Marcell Trujillo
Apprentice Electrician

Mr. Jones reviewed the history for Marcell Trujillo. Mr. Trujillo answered questions from the Commission. Mr. Burton made a motion to approve the Order as written. Ms. Gibbs seconded the motion. Motion passed by unanimous vote.

DISCUSSION ITEMS:

Ontrak Construction & Development
Stipulation and Order
Criminal History

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

Robert Zachary Diment
Stipulation and Order
Financial Responsibility

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

Freeland Construction Billy Freeland Inc
Order Reinstating License

Mr. Jones reviewed the Order Reinstating License. Mr. Preston made a motion to approve the Order. Mr. Burton seconded the motion. Motion passed by unanimous vote.

Dirthogs Excavating LLC
Stipulation and Order
Financial Responsibility

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

LM Construction LLC
Stipulation and Order
Financial Responsibility

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

Jacobsen Plumbing & Heating Inc
Stipulation and Order
Financial Responsibility

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

Heat Paving Inc
Stipulation and Order
Financial Responsibility

Mr. Jones reviewed the Stipulation and Order. Mr. Tippetts asked to be recused. Ms. Gibbs made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Tippetts did not vote.

Fine-Line Cabinet Mill and Interior Finish Inc
Stipulation and Order
Financial Responsibility

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

Superior Hardwood & Tile LLC
Stipulation and Order
Financial Responsibility

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

Orange Mountain Heating & Air Conditioning
Stipulation and Order
Financial Responsibility

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

Chris Schiffman & Sons Painting Inc
Stipulation and Order
Financial Responsibility

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

Bart Gross
dba Wilderness Waterfalls & Landscaping
Stipulation and Order
Financial Responsibility

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

Russell M Lyman
Stipulation and Order
Financial Responsibility

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

Hanson Home Works Inc
Stipulation and Order
Financial Responsibility

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

Jeremy James Fresquez
Stipulation and Order
Journeyman Plumber

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

B A Robinson & Sons Construction Inc
Stipulation and Order
Financial Responsibility

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

First Fire Protection Inc
Stipulation and Order
Financial Responsibility

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

Robert Davis
dba Robert Davis Masonry
Stipulation and Order
Financial Responsibility

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

Nathan Andrew Curtis
Journeyman Electrician

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

Jordan T Gleave
Burglar Alarm Company Agent
Surrender Stipulation and Order

Mr. Jones reviewed the Surrender Stipulation and Order. Mr. Preston made a motion to approve the Order. Mr. Burton seconded the motion. Motion passed by unanimous vote.

Lenny Sears
Journeyman Electrician
Stipulation and Order

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

Little K Inc
Stipulation and Order
Financial Responsibility

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

Lake City Custom Homes Inc
Stipulation and Order
Financial Responsibility

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

Moncrete Inc
Stipulation and Order
Financial Responsibility

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

Patch's Majestic Metals Inc
Stipulation and Order
Financial Responsibility

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

1, LLC
Stipulation and Order
Financial Responsibility

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

Welch Concrete Construction LLC
Stipulation and Order
Financial Responsibility

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

Northstar Engineering LLP
Default Order
Failure to Replace Qualifier

Mr. Jones reviewed the Default Order for failure to replace qualifier. Mr. Bowers made a motion to approve the Order. Mr. Preston seconded the motion. Motion passed by unanimous vote.

K T S Prolux LLC
Default Order
Failure to Replace Qualifier

Mr. Jones reviewed the Default Order for failure to replace qualifier. Mr. Bowers made a motion to approve the Order. Mr. Preston seconded the motion. Motion passed by unanimous vote.

Haws Mechanical
Default Order
Failure to Replace Qualifier

Mr. Jones reviewed the Default Order for failure to replace qualifier. Mr. Bowers made a motion to approve the Order. Mr. Preston seconded the motion. Motion passed by unanimous vote.

Clear Creek Filed Inspection & Preservation Inc
Default Order
Failure to Replace Qualifier

Mr. Jones reviewed the Default Order for failure to replace qualifier. Mr. Bowers made a motion to approve the Order. Mr. Preston seconded the motion. Motion passed by unanimous vote.

Harvest Park Homes LLC
Default Order
Failure to Replace Qualifier

Mr. Jones reviewed the Default Order for failure to replace qualifier. Mr. Bowers made a motion to approve the Order. Mr. Preston seconded the motion. Motion passed by unanimous vote.

DISCUSSION ITEMS

Proposed changes to the rules

The Commission discussed proposed changes to the rules regarding the amount for bonds. Mr. Martineau made a motion to approve the proposed changes. The

Division will be able to apply proposed bonding amounts using the criteria in the proposed rule changes. Mr. Preston seconded the motion. Motion passed by unanimous vote.

Scope of work allowed under S211 Boiler Installation Contractor

The Commission discussed the scope of practice for the S21 Boiler Installation Contractor. The Commission asked for input from the Plumber Board. This item will be discussed next month.

Order to Show Cause Filing

The Commission discussed a request from the Electrical Board to allow filing of an Order to Show cause without a probation interview when a person is not compliant with the terms of their probation. Mr. Bowers made a motion to file an Order to Show Cause without an interview with the Board or Commission for non compliant probationers who are not responding to our correspondence. Mr. Burton seconded the motion. Motion passed by unanimous vote.

Internet continuing education courses

Ms. Barkdull reported on a problem the Electrical Board found with a continuing education provider. A member of the Electrical Board completed the course in a less than an hour, but a person receives four hours of continuing education. He was able to complete the course even though he had failed an exam on purpose. Ms. Barkdull will advise the provider of their courses will no longer be accepted.

Commission members may contact Ms. Barkdull if they are interested in auditing any of the internet continuing education courses.

Legislative Update

Mr. Walker gave a Legislative update.

Open and Public Meeting Act Training

This item was reviewed.

ADJOURN:

11:50 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.

03/28/2012
Date Approved

(ss) David Told
Chairperson, Construction Services Commission

03/28/2012
Date Approved

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