

MINUTES

UTAH RESIDENCE LIEN RECOVERY FUND ADVISORY BOARD MEETING

May 9, 2012
North Conference Room – 8:15 am
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 8:17 am

ADJOURNED: 9:20 am

Board Members Present:

Douglas W Darrington, Chair
Patty Fullmer, Vice Chair
Bradley Stevens
Jeff Richards
Calvin Bowen

DOPL Staff Present:

Program Manager, Dane Ishihara
Fund Secretary, Tracy Naff
AAG, Tony Patterson

Guests:

Mary & James Williams, agents for Gary & Cathy Williams
Ryan Robison, counsel for Visionary Homes LLC and Mt
Sterling Construction Inc
Ryan Braithwaite, counsel for Metro Ready Mix

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Review and approve minutes from the March 14, 2012 board meeting.

Mr Stevens made a motion to approve the March 14, 2012 minutes as written. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.

Affidavits of Compliance Approved Prior to the Board Meeting:

Alan & Christina Anderson v Jake's Heating & Air Conditioning Inc
Donald & Lauri Baldwin v Jake's Heating & Air Conditioning Inc
A Clyde & Patricia Smith v Jake's Heating & Air Conditioning Inc
Dean Stephens v RTA Concrete LLC
Richard & Alana Lewis v RTA Concrete LLC
Teresa Joan Neibaur v RTA Concrete LLC
Rick & Danielle Braegger v San Terra Construction & Drywall Inc
Marie Dougherty v San Terra Construction & Drywall Inc

Certificates of Compliance Approved Prior to the Board Meeting:

Dianna Bassett v RTA Concrete LLC
Michael Fiechter v RTA Concrete LLC
Wayne & Chris Price v RTA Concrete LLC
Marc & Vickie Petereson v Williamson Homes LLC
Amos Wright v Castle Rock Paving
Ryan Willden v Memmott Builders LLC
Grant Burton v Rosco Construction LLC

Homeowner Applications for review:

1. Board Review Requested

- a) BEAWI001 Gary & Catherine Williams v Bear River Electric Inc dba Utah Development Group. Mr Ishihara gave a brief explanation of the application. Mrs Williams commented that all payments although written to third parties were handed directly to the Original contractor. Mr Williams stated Provo City suggested all payments be made to subcontractors. Mr Ishihara recommended to the board the application be stayed. Discussion regarding a conditional recommendation of approval provided an affidavit be submitted. Mr Richards made a motion to approve the application on a condition that the homeowners and interested parties submit an affidavit. Mr Patterson clarified that the affidavit include testimony. Mr Richards amended his motion that the affidavit included the testimony of the homeowners made during board meeting. Mr Stevens seconded the motion. Mr Richards amended the motion to state that a response not received within a ten day time frame will allow the application to be denied. Motion passed by unanimous vote.

2. Recommended for Approval & Explanation Required

- a) VISDAV001 Greta Anderson v Visionary Homes LLC - Mr Ishihara gave a brief explanation of the application. Mr Richards made a motion to approve the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.
- b) VISFUL001 Ryan & Cyndee Fulmer v Visionary Homes LLC - Mr Ishihara gave a brief explanation of the application. Mr Richards made a motion to approve the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.
- c) VISMIL001 Branson & Katie Millis v Visionary Homes LLC - Mr Ishihara gave a brief explanation of the application. Mr Richards made a motion to approve the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.

- d) MTSHOG001 Paul & Kari Hoggan v Mt Sterling Construction Inc - Mr Ishihara gave a brief explanation of the application. Mr Richards made a motion to approve the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.

3. Recommended for Approval & Explanation Required

- a) VALNEL001 Brad Nelson v Anthony Valles Construction. Mr Ishihara gave a brief explanation of the application. Discussion about the requirements for Certificate of Compliance and the separate issue of filing timely. Mr Patterson clarified statute. Mr Nelson gave his explanation of filing timely. Mr Braithwaite provided his understanding of statute. Mr Nelson explained his reasoning for not answering a question on the affidavit regarding primary residence. Mr Bowen made a motion to approve the application. Mr Stevens seconded the motion.

4. Recommended for Denial & Explanation Required

- a) LAKWIL001 Spencer & Michelle Willis v Lake City Custom Homes Inc – Mr Ishihara gave a brief explanation of the application. Mr Richards made a motion to deny the application. Mr Bowen seconded the motion. Motion passed by unanimous vote.
- b) PINBAS001 Heidi Bassett v Pine Ridge Excavation & Landscapes – Mr Ishihara gave a brief explanation of the application. Mr Richards made a motion to deny the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.
- c) SANTER001 Jack Terry v San Terra Construction & Drywall Inc – Mr Ishihara gave a brief explanation of the application. Mr Stevens made a motion to deny the application. Mr Bowen seconded the motion. Motion passed by unanimous vote.

Informal Claims for Review:

1. Recommended for Approval & No Explanation Required

- a) LRF-2010-0517-02 Sunroc Corporation v Dave Baxter Landscapes (Lisi) - Mr Richards made a motion to approve the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.
- b) LRF-2011-0921-02 Oldcastle APB West dba Amcor Masonry Products v B Construction Inc (Bergner) - Mr Richards made a motion to approve the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.

2. Recommended for Approval & Explanation Required

- a) LRF-2011-1102-01 Ralph Ponds Plumbing and Radiant Inc dba Ponds Plumbing & Heating v Advanzt Enterprises NT LLC dba Upscale Downstairs - Mr Richards made a motion to approve the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.

3. Recommended for Denial & Explanation Required

- a) LRF-2011-0118-02 Sunroc Corporation v The Frontgate Sudance Alliance LLC (Muller) - Mr Ishihara gave a brief explanation of the application. Mr Stevens made a motion to deny the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.

ADJOURN:

Meeting adjourned at 9:20

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.

06/13/2012
Date Approved

(ss) Douglas Darrington
Chairperson, Residence Lien Recovery Fund Advisory Board

06/13/2012
Date Approved

(ss) Dane Ishihara
Program Coordinator, Division of Occupational & Professional
Licensing