

MINUTES

**UTAH
Residence Lien Recovery Fund Advisory Board
MEETING**

July 11, 2007

**North Conference Room – 8:15
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:18 a.m.

ADJOURNED: 10:45 a.m.

Bureau Manager:

Dan S Jones

Board Secretary:

Ann Naegelin

Board Members Present:

James Havell, Vice-Chair

Joanne Martin

Merlin Taylor

Allen Nielson

Board Members Absent:

Jeff Richards

John Erickson

Guests:

Jeffrey T. Colemere, Lien Claimant Attorney

Rick Pigott, Homeowner

Jason Neumann, Homeowner

Carol Koehler, Homeowner

Dave Koehler, Homeowner

Frantz Ostmann, Ostmann Corporation

Bradley L. Tilt, Cole Attorney

Amanda Cole, Homeowner

Louise Cole, Homeowner

Clayton Sandy, Spouse, Amanda Cole

DOPL Staff Present:

Program Coordinator, Rich Oborn

AAG, Tony Patterson

Director, David Stanley

Program Specialist, Dane Ishihara

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Review and approve minutes from June board meeting.

Ms. Martin made a motion to approve the minutes.

Mr. Taylor seconded the motion. Motion passed with a unanimous vote.

Discuss August board meeting

The August Board meeting will be changed to Thursday, August 9, 2007

Elect new vice-chairperson.

Mr. Nielson nominated Mr. Taylor as the Vice-Chair. Ms. Martin seconded the motion. Motion passed with a unanimous vote.

Discuss current board member vacancy

The vacancy on the Board has not been filled. The Division is waiting for the new board member appointments from the Governor.

Certificate of Compliance for review:

1. Uncontested Applications – Recommended for Approval & No Explanation Required
 - a. ALTMES001 Haroldo & Mirtha Mestrallet v Alta Vista Homes LLC - Dane / Ms. Martin and Mr. Nielson asked to be recused. Mr. Taylor made a motion to approve the application on the condition that a statement is received from the parties involved that they will accept the decision without a quorum. Mr. Havell seconded the motion. Motion passed with two votes. Ms. Martin and Mr. Nielson did not vote.
 - b. DCBPIG001 Richard & Cheryl Pigott v DC Builders Inc – Dane / Mr. Taylor made a motion to approve. Mr. Nielson seconded the motion. Motion passed with a unanimous vote.
 - c. FOOLEO001 Jan Leonard v Foothill Management Group LLC - Karen / Mr. Taylor made a motion to approve. Mr. Nielson seconded the motion. Motion passed with a unanimous vote.
 - d. GOLSLY001 Nicholous & Brooke Slye v Gold Leaf Homes Inc - Dane / Mr. Taylor made a motion to approve. Mr. Nielson seconded the motion. Motion passed with a unanimous vote.
 - e. JACSCO001 Greg Jacobson v Scotland Construction & Development Inc – Dane / Ms. Martin asked to be recused. Mr. Nielson made a motion to approve on the condition that all parties involved agree to accept the decision without a quorum. Mr. Taylor seconded the motion. Vote was three in favor. Motion passed. Ms. Martin did not vote.
 - f. JMHPOU001 Brad & Jennifer Poulsen v JMH Enterprises Inc - Karen / Mr. Taylor made a motion to approve. Mr. Nielson seconded the motion. Motion passed with a unanimous vote.

questions regarding the spread sheet prepared by Mr. Oborn. The Board reviewed the information prepared regarding this application. Mr. Oborn accounted for additions and subtraction to original contract amount based on the review by the Board. He also accounted for the amount paid by the homeowners to the contractor and others. Mr. Taylor made a motion to approve the application as determined by their review. Mr. Nielson seconded the motion. Motion passed with a unanimous vote.

Informal Claims for Review:

1. Uncontested Claims – Recommended for Approval & No Explanation Required
 - a. LRF-2007-0208-01 Elite Exteriors Inc v United Builders Inc (Colver) – Karen / Ms. Martin made a motion to approve the claim. Mr. Taylor seconded the motion. Motion passed by unanimous vote.
 - b. LRF-2007-0509-01 Burton Lumber & Hardware v Scotland Construction & Development Inc (Strong) – Dane / Ms Martin asked to be recused. Mr. Nielson made a motion to approve the claim subject to receiving a statement from all parties to accept decision of the Board without a quorum. Mr. Taylor seconded the motion. Vote was three is favor. Motion passed. Ms. Martin did not vote.
 - c. LRF-2007-0509-02 Burton Lumber & Hardware v Scotland Construction & Development Inc (Henrie) – Dane / Ms. Martin asked to be recused. Mr. Nielson made a motion to approve subject to receiving a statement from all parties to accept decision of the Board without a quorum. Mr. Taylor seconded the motion. Vote was three is favor. Motion passed. Ms. Martin did not vote.
 - d. LRF-2007-0509-03 Burton Lumber & Hardware v Scotland Construction & Development Inc (JAM Investments LC) – Dane / Ms. Martin asked to be recused. Mr. Nielson made a motion to approve subject to receiving a statement from all parties to accept decision of the Board without a quorum. Mr.

Taylor seconded the motion. Vote was three is favor. Motion passed. Ms. Martin did not vote.

- e. LRF-2007-0509-04 Burton Lumber & Hardware v Scotland Construction & Development Inc (Lundbeck) – Dane / Ms. Martin asked to be recused. Mr. Nielson made a motion to approve subject to receiving a statement from all parties to accept decision of the Board without a quorum. Mr. Taylor seconded the motion. Vote was three is favor. Motion passed. Ms. Martin did not vote.
- f. LRF-2007-0509-05 Burton Lumber & Hardware v Scotland Construction & Development Inc (Taylor) – Dane / Ms. Martin asked to be recused. Mr. Nielson made a motion to approve subject to receiving a statement from all parties to accept decision of the Board without a quorum. Mr. Taylor seconded the motion. Vote was three is favor. Motion passed. Ms. Martin did not vote.

2. Uncontested Claims – Recommended for Approval & Explanation Required

- a. LRF-2007-0213-02 Sunroc Corporation v Jaco Building & Development Inc (Stevens) – Dane / Mr. Ishihara gave a brief explanation for this claim. Mr. Nielson made a motion to approve. Ms. Martin seconded the motion. Motion passed by unanimous vote.

ADJOURN: 10:45 A.M.

Motion to adjourn by Mr. Nielson made a motion to adjourn.

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.

09/12/2007
Date Approved

(ss) James Havell
Chairperson, Residence Lien Recovery Fund Advisory Board

09/12/2007
Date Approved

(ss) Rich Oborn
Program Coordinator, Residence Lien Recovery Fund