

**MINUTES**

**UTAH  
RESIDENCE LIEN RECOVERY FUND  
ADVISORY BOARD  
MEETING**

**October 14, 2009**

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

**CONVENED:** 8:15 am

**ADJOURNED:** 11:30 am

**Board Members Present:**

Jeff Richards, Vice-Chair  
Karyn Bunnell  
Merlin Taylor  
Douglas W Darrington  
Patty Fullmer

**Board Members Absent:**

James Havell, Chair

**Guests:**

James Elegante, homeowner  
Leslie Van Frank, attorney for Bob & Peggy Nicholson  
Bob Nicholson, homeowner  
Peggy Nicholson, homeowner  
Bruce Richards, attorney for Brook & Brian Harris

**DOPL Staff Present:**

AAG, Tony Patterson  
Operations Manager, Dave Taylor  
Program Manager, Dane Ishihara  
Claims Examiner, Jon Uriarte  
Claim Examiner, Armela Christiansen  
Board Secretary, Ann Naegelin

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

Review and approve minutes from the September 2009 board meeting.

Ms. Fullmer made a motion to approve the September 2009 minutes as written. Ms. Bunnell seconded the motion. Motion passed by unanimous vote.

SCR Changes

This item will be discussed at the next meeting.

November Meeting Date

The Board will not meet in November. The next meeting will be held on December 2.

**Homeowner Applications Approved by the Division:**

The following applications were approved by the Division:

- a) David D & Kathleen J Hansen v Acme Contractors Inc
- b) Dana Lea Donohue v Largo LC
- c) Rita Stone v Timberlake Homes Inc
- d) Juli Ann Wiest v Southern Utah Construction & Remodeling Inc
- e) Mark & Candace Benedetti v R.Q.Construction LTD
- f) Mark A L & Lynn D Atkinson & Morrow v WILLIAMS BUILDERS INC
- g) Tim, Charles, Chad Collings, Harrell, Whimpey v Imperial Homes, Inc

**Homeowner Applications for Review:**

1. Recommended for Denial & Explanation Required

- a) FARNIC001 Robert & Peggy Nicholson v Anthony Farnsworth – Mr. Ishihara gave an explanation of this application. Attorney for the Nicholson also gave an explanation of the application. Mr. Jensen, attorney for lien claimant, Appliance Wholesale Plus, was available by telephone. After reviewing the additional information, the Divisions’s recommendation is the contract is paid in full. Mr. Bunnell made a motion to approve the application in that the homeowner has submitted evidence the contract was paid in full. Mr. Darrington seconded the motion. Motion passed by unanimous vote.

2. Recommended for Denial & Explanation Required

- a) ELEPCC001 James Elegante v P.C. Companies LLC – Mr. Ishihara gave a brief explanation of the application. The homeowner, James Elegante, submitted additional information. He gave an explanation of the items submitted. The Division’s position is that items have been included that were outside of the original contract. Mr. Taylor made a motion to approve the application based on the evidence submitted. Ms. Fullmer seconded the motion. Motion passed by unanimous vote.

3. Recommended for Denial & Explanation Required
  - a) HARCOB001 Brock & Brianne Harris v Cobalt Homes Inc – Mr. Patterson gave an explanation of this application. Mr. Bruce Richards, attorney for the homeowners, also gave an explanation of the application. The Harris’ did not purchase the home from a qualified owner. Mr. Darrington made a motion to deny the application as recommended. Ms. Fullmer seconded the motion. Motion passed by unanimous vote.
4. Recommended for Approval & Explanation Required
  - a) CRUCAS001 Daniel & Desma Cassidy v Crusade Stucco & Stone LLC – Ms. Christiansen gave a brief explanation of this application. Mr. Taylor made a motion to approve the application as recommended by the Division. Mr. Darrington seconded the motion. Motion passed by unanimous vote.

**Informal Claims for Review:**

1. Recommended for Approval & No Explanation required
  - a) LRF-2009-0114-02 L & W Supply Corporation v Vega Drywall Inc (Shipp Family Investments Ltd) – Mr. Richards asked to be recused. Mr. Darrington made a motion to approve the claim as recommended by the Division. Ms. Fullmer seconded the motion. Motion passed with five votes in favor. Mr. Richards did not vote.
  - b) LRF-2009-0127-01 Cedar Fence Company Inc v J Ballard Homes Inc (James) – This item will be discussed at a later date.
  - c) LRF-2009-0402-01 Cedar Fence Company Inc v J Ballard Homes Inc (Roma) – This item will be discussed at a later date.
  - d) LRF-2009-0402-02 Cedar Fence Company Inc v J Ballard Homes Inc (Fritzsche) - This item will be discussed at a later date.
  - e) LRF-2009-0507-01 Staker & Parsons Companies

- v 2Mx Inc (Davis) – Ms. Bunnell made a motion to approve the claims as recommended by the Division. Ms. Fullmer seconded the motion. Motion passed by unanimous vote.
- f) LRF-2009-0720-02 Harper Ready Mix Company v Wolverine Construction Inc (Creamer) - Ms. Bunnell made a motion to approve the claims as recommended by the Division. Ms. Fullmer seconded the motion. Motion passed by unanimous vote.
- g) LRF-2009-0720-06 Harper Ready Mix Company v Wolverine Construction Inc (Sullivan) - Ms. Bunnell made a motion to approve the claims as recommended by the Division. Ms. Fullmer seconded the motion. Motion passed by unanimous vote.
- h) LRF-2009-0721-01 Burton Lumber & Hardware Co. v RedRock Contracting Inc (Shields) - Ms. Bunnell made a motion to approve the claims as recommended by the Division. Ms. Fullmer seconded the motion. Motion passed by unanimous vote.
- i) LRF-2009-0728-01 Burton Lumber & Hardware Co. v Kirby Construction Inc Rockwell Homes Inc (Buckley) - Ms. Bunnell made a motion to approve the claims as recommended by the Division. Ms. Fullmer seconded the motion. Motion passed by unanimous vote.
- j) LRF-2009-0728-02 Burton Lumber & Hardware Co. v Kirby Construction Inc Rockwell Homes Inc (Swensen) - Ms. Bunnell made a motion to approve the claims as recommended by the Division. Ms. Fullmer seconded the motion. Motion passed by unanimous vote.
- k) LRF-2009-0728-03 Burton Lumber & Hardware Co. v Kirby Construction Inc Rockwell Homes Inc (Leany) - Ms. Bunnell made a motion to approve the claims as recommended by the Division. Ms. Fullmer seconded the motion. Motion passed by unanimous vote.
- l) LRF-2009-0728-04 Burton Lumber & Hardware Co. v Kirby Construction Inc Rockwell Homes Inc (Mattingly) – Ms. Bunnell made a motion to approve the claims as recommended by the Division. Ms. Fullmer seconded the motion.

Motion passed by unanimous vote.  
LRF-2009-0820-01 Stock Building Supply West, Inc. v  
Rockwell Homes Inc (Buckley) Ms. Bunnell made a  
motion to approve the claims as recommended by the  
Division. Ms. Fullmer seconded the motion. Motion  
passed by unanimous vote.

**ADJOURN:** Meeting adjourned at 11:30 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.*

December 2, 2009 (ss) James Havell  
Date Approved Chairperson, Residence Lien Recovery Fund Advisory Board

December 2, 2009 (ss) Dane Ishihara  
Date Approved Program Coordinator, Division of Occupational &  
Professional Licensing