

MINUTES

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

**May 12, 2010
North Conference Room – 8:15 am
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:15 am

ADJOURNED: 10:30 am

Board Members Present:

James Havell, Chair
Jeff Richards, Vice-Chair
Douglas W Darrington
Merlin Taylor
Patty Fullmer
Karyn Bunnell
Daniel Dearden, arrived at 8:35 am

Board Members Absent:

DOPL Staff Present:

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

Guests:

Chris Schmutz, attorney for CCAM Enterprises, LLC
Paul Mayer, attorney for Burton Lumber & Hardware
Scott Halton, CCAM Enterprises, LLC

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Review and approve minutes from the April 2010 board meeting.

Mr. Darrington made a motion to approve the April 2010 minutes as written. Mr. Richards seconded the motion. Motion passed by unanimous vote.

Discuss rule changes

Mr. Ishihara presented proposed rules to the Board for review. Mr. Richards made a motion to approve the draft of the rules and continue with the process. Mr. Taylor seconded the motion. Motion passed by unanimous vote.

Staffing Update

The Division is in the process of filling the vacant position in the Lien Recovery Fund.

Homeowner Applications for Review:

1. Recommended for Denial & Explanation Required
 - a) ACECOF001 Jason and Lisa Cofran v ACE Everlasting Construction Inc – Mr. Ishihara gave a brief explanation of this application. Mr. Richards made a motion to deny this application. Ms. Fullmer seconded the motion. Motion passed by unanimous vote.
 - b) ALPWO001 Susan and Richard Woolley v Alpine Design Landscapes LC - Mr. Ishihara gave a brief explanation of this application. Ms. Bunnell made a motion to deny this application. Mr. Richards seconded the motion. Motion passed by unanimous vote.

Informal Claims for Review:

1. Recommended for Approval & No Explanation required
 - a) LRF-2009-0304-03 BMC West Corporation v Todd Homes LLC (Gegrich) – Ms. Fullmer asked to be recused. Ms. Bunnell made a motion to approve this claim as recommended by the Division. Mr. Richards seconded the motion. Motion passed with five votes in favor. Ms. Fullmer did not vote.
 - b) LRF-2010-0119-01 Staker & Parsons Companies v Infiniti Construction Corp (Lloyd) - Ms. Fullmer asked to be recused. Ms. Bunnell made a motion to approve this claim as recommended by the Division. Mr. Richards seconded the motion. Motion passed with five votes in favor. Ms. Fullmer did not vote.
2. Recommended for Approval & Explanation required
 - a) LRF-2008-1008-01 Sunroc Corporation v Blade Leigh Construction Inc (Gallagher) – Mr. Ishihara gave a brief explanation of this claim. Mr. Richards made a motion to approve the claim as recommended by the Division. Ms. Fullmer seconded the motion. Motion passed by unanimous vote.
3. Recommended for Denial & Explanation required
 - a) LRF-2009-0831-04 Burton Lumber & Hardware v Espirit Homes, LLC (Parkin) – Mr. Uriarte gave a brief explanation of this claim. Mr. Mayer, attorney for Burton Lumber, gave a brief statement regarding this claim. Mr. Patterson responded to Mr. Mayer's statements. Mr. Richards made a motion to deny this claim as recommended by the Division. Mr. Taylor seconded the motion. Motion passed with six votes in favor to deny. Mr. Havell voted against denial.
4. Recommended for Denial & Explanation required
 - a) LRF-2008-0911-04 CCAM Enterprises LLC v Rockin R Enterprises LP dba Red Rock Cabinets (Barnes) – Mr.

Ishihara gave a brief explanation of this claim. Mr. Schmutz gave an explanation of this claim. Mr. Patterson reviewed information regarding prior claims. Mr. Darrington made a motion to deny this claim as recommended by the Division. Ms. Fullmer seconded the motion. Motion passed by unanimous vote.

- b) LRF-2008-0911-09 CCAM Enterprises LLC v Rockin R Enterprises LP dba Red Rock Cabinets (Weir) - Mr. Ishihara gave a brief explanation of this claim. Mr. Schmutz gave an explanation of this claim. Mr. Patterson reviewed information regarding prior claims. Mr. Darrington made a motion to deny this claim as recommended by the Division. Ms. Fullmer seconded the motion. Motion passed by unanimous vote.
- c) LRF-2008-0911-10 CCAM Enterprises LLC v Rockin R Enterprises LP dba Red Rock Cabinets (Wilson) - Mr. Ishihara gave a brief explanation of this claim. Mr. Schmutz gave an explanation of this claim. Mr. Patterson reviewed information regarding prior claims. Mr. Darrington made a motion to deny this claim as recommended by the Division. Ms. Fullmer seconded the motion. Motion passed by unanimous vote.
- d) LRF-2008-0911-13 CCAM Enterprises LLC v Rockin R Enterprises LP dba Red Rock Cabinets (McDonald) - Mr. Ishihara gave a brief explanation of this claim. Mr. Schmutz gave an explanation of this claim. Mr. Patterson reviewed information regarding prior claims. Mr. Darrington made a motion to deny this claim as recommended by the Division. Ms. Fullmer seconded the motion. Motion passed by unanimous vote.

5. Recommended for Denial & Explanation required

- a) LRF-2008-0911-02 CCAM Enterprises LLC v Rockin R Enterprises LP dba Red Rock Cabinets (Perkins) – Mr. Ishihara gave an explanation of the additional items on this claim. Mr. Schmutz gave an explanation of this claim. Mr. Richards made a motion to deny this claim. Mr. Darrington seconded the motion. Motion passed by unanimous vote. Mr. Taylor made a motion to reconsider the prior motion. Mr. Richards seconded the motion. Motion passed by unanimous vote. Mr. Dearden made a motion to deny this claim as recommended by the Division with the exception of the supplemental information. Ms. Fullmer seconded the motion. Motion passed by unanimous vote.
- b) LRF-2008-0911-03 CCAM Enterprises LLC v Rockin R Enterprises LP dba Red Rock Cabinets (Baum) – Mr. Ishihara gave an explanation of this item. Additional information was submitted to verify the property was for sale to the public. Mr. Schmutz gave a response to the Division’s explanation. Mr. Darrington made a motion to deny claim as recommended by the Division. The Board accepted the proof that the property was for sale to the public and did not use this in making their decision. Ms.

Bunnell seconded the motion. Motion passed by unanimous vote.

- c) LRF-2008-0911-11 CCAM Enterprises LLC v Rockin R Enterprises LP dba Red Rock Cabinets (Wood) – Mr. Ishihara gave an explanation of the additional items on this claim. Mr. Schmutz gave a response to the Division’s explanation. Mr. Richards made a motion to deny this claim as recommended by the Division. Ms. Fullmer seconded the motion. Motion passed by unanimous vote.
- d) LRF-2008-0911-12 CCAM Enterprises LLC v Rockin R Enterprises LP dba Red Rock Cabinets (Williams) – Mr. Ishihara gave a brief explanation of the additional items on this claim. Mr. Schmutz gave a response to the Division’s explanation. He presented a copy of the deed for the property. Mr. Ishihara indicated that based on the information submitted, the property was owner occupied. Mr. Richards made a motion to deny this claim as recommended by the Division. The Board accepted proof the property was owner occupied and did not use this in making their decision. Mr. Darrington seconded the motion. Motion passed by unanimous vote.

ADJOURN: Meeting adjourned at 10:30 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.

June 9, 2010
Date Approved

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

June 9, 2010
Date Approved

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