

MINUTES

UTAH RESIDENCE LIEN RECOVERY FUND ADVISORY BOARD MEETING

December 10, 2008

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

CONVENED: 8:22 am

ADJOURNED: 10:25 am

Board Members Present:

James Havell, Chair
Patty Fullmer
Karyn Bunnell
Jeff Richards, Vice-Chair
Joanne Martin
Merlin Taylor

Board Members Absent:

Guests:

Bob Burton, Burton Lumber
Karl Pierce, Homeowner
Mike Kelley, Attorney for Karl Pierce
Susan L. Berman, Homeowner
Ken Yates, Attorney for Susan L. Berman
Larry Moore, Attorney for Alsup Construction

DOPL Staff Present:

Director, F. David Stanley
Associate Director, Ross Ford
Program Manager, Dane Ishihara
Claims Examiner, Jessica Giatras
Claims Examiner, Jon Uriarte
Operations Manager, Dave Taylor
AAG, Tony Patterson
Board Secretary, Ann Naegelin

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Review and approve minutes from the November 2008 board meeting.

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

Rules Changes

Mr. Ishihara explained some proposed changes to the rules necessary for clarification. Proposed language will be written and reviewed by the Board at a future Board meeting.

Payment Plans

Ms. Giatras gave an update on the payment plan for Cobalt Homes. Mr. Uriarte gave an update on the payment plan for Castle Homes.

Homeowner Applications Approved by the Division:

The following applications were approved by the Division:

- a. Steven Park v Jeremi Tobler Construction Inc
- b. Brian Clark v Ellis & Sons Construction

Homeowner Applications for Review:

1. Recommended for Denial & Explanation Required
 - a. AWHPIE001 Karl Pierce v A Wholesale Siding & Window Company LLC – Mr. Ishihara gave a brief explanation of the application. The original contractor did not respond to the Division’s correspondence. The original contractor returned the certified check submitted for payment in full. Ms. Bunnell made a motion to deny the claim. Ms. Bunnell amended her motion to continue this application for thirty days to allow the homeowner to pay the contract in full by paying the sub contractor. Ms. Fullmer seconded the motion. Ms. Martin and Ms. Bunnell voted in favor. Mr. Taylor, Mr. Richards, Ms. Fullmer voted against the motion. Motion did not pass. Mr. Taylor made a motion to approve the claim as the homeowner has attempted to pay the contract in full. Motion was not seconded. Ms. Fullmer made a motion to continue the application for 30 days to allow the homeowner to negotiate payment to the sub contractors. Mr. Richards seconded the motion. Motion passed by unanimous vote.
 - b. CHRBER001 Susan L. Berman v Christensen Lath & Plastering LLC - Ms. Giatras gave a brief explanation of this application. Mr. Richards asked to be recused. The homeowner and her attorney answered questions from the Board. Ms. Fullmer made a motion to approve the application based on the homeowner’s statements. Mr. Taylor seconded the motion. Motion passed with five votes in favor. Mr. Richards did not vote.
 - c. PARCLA001 Gerald & Lula Clark v Paramount Homes Inc - Ms. Giatras gave a brief explanation of the application. Ms. Fullmer made a motion to deny this application. Ms. Martin seconded the motion. Motion passed by unanimous vote.
 - d. TAUDAV001 Jennifer Davis v Sateki Taulanga – Mr. Ishihara gave a brief explanation of this application. Ms. Fullmer made a motion to deny this application. Mr. Taylor seconded the motion. Motion passed by unanimous vote

Informal Claims for Review:

1. Recommended for Approval – No Explanation Required
 - a. LRF-2008-1001-01 Burton Lumber v Moeller & Sons Builders LLC- Ms. Bunnell made a motion to approve the claim as recalculated. Mr. Richards seconded the motion. Motion passed by unanimous vote.

- b. LRF-2008-1001-02 Burton Lumber v Moeller & Sons Builders LLC- Ms. Bunnell made a motion to approve the claim as recalculated. Mr. Richards seconded the motion. Motion passed by unanimous vote.
 - c. LRF-2008-1001-03 Burton Lumber v Moeller & Sons Builders LLC- Ms. Bunnell made a motion to approve the claim as recalculated. Mr. Richards seconded the motion. Motion passed by unanimous vote.
 - d. LRF-2008-1001-04 Burton Lumber v Moeller & Sons Builders LLC- Ms. Bunnell made a motion to approve the claim as recalculated. Mr. Richards seconded the motion. Motion passed by unanimous vote.
 - e. LRF-2008-1001-05 Burton Lumber v Moeller & Sons Builders LLC- Ms. Bunnell made a motion to approve the claim as recalculated. Mr. Richards seconded the motion. Motion passed by unanimous vote.
 - f. LRF-2008-1001-06 Burton Lumber v Moeller & Sons Builders LLC- Ms. Bunnell made a motion to approve the claim as recalculated. Mr. Richards seconded the motion. Motion passed by unanimous vote.
 - g. LRF-2008-1001-07 Burton Lumber v Moeller & Sons Builders LLC- Ms. Bunnell made a motion to approve the claim as recalculated. Mr. Richards seconded the motion. Motion passed by unanimous vote.
 - h. LRF-2008-1001-08 Burton Lumber v Moeller & Sons Builders LLC- Ms. Bunnell made a motion to approve the claim as recalculated. Mr. Richards seconded the motion. Motion passed by unanimous vote.
 - i. LRF-2008-1001-09 Burton Lumber v Moeller & Sons Builders LLC- Ms. Bunnell made a motion to approve the claim as recalculated. Mr. Richards seconded the motion. Motion passed by unanimous vote.
 - j. LRF-2008-1002-01 Geneva Rock Products v CR Peterson Inc- Mr. Richards made a motion to approve the claim as recommended by the Division. Mr. Richards seconded the motion. Motion passed by unanimous vote.
 - k. LRF-2008-1014-01 Parrish Construction v Gold Leaf Homes Inc- Ms. Bunnell made a motion to approve the claim as recommended by the Division. Mr. Richards seconded the motion. Motion passed by unanimous vote.
2. Recommended for Approval – Explanation Required
- a. LRF-2008-0922-02 Burton Lumber v Alsup Construction LLC – Mr. Ishihara gave a brief explanation of this claim. Mr. Moore, attorney for Alsup Construction LLC, gave a brief explanation. Mr. Burton responded to his comments. Ms. Fullmer made a motion to deny the request for a continuance. The motion died without a second. Mr. Richards made a motion to grant a continuance for sixty days. Ms. Bunnell seconded the motion. Motion passed by unanimous vote.
 - b. LRF-2008-0922-03 Burton Lumber v Alsup Construction LLC - Mr. Ishihara gave a brief explanation of this claim. Mr. Moore, attorney for Alsup Construction LLC, gave a brief explanation. Mr. Burton responded to his comments. Ms. Fullmer made a motion to deny the request for a

continuance. The motion died without a second. Mr. Richards made a motion to grant a continuance for sixty days. Ms. Bunnell seconded the motion. Motion passed by unanimous vote.

3. Recommended for Denial – Explanation Required
 - a. LRF-2007-0828-01 Stock Building Supply West v Ron Hansen Construction Inc - Mr. Ishihara gave a brief explanation of the claim. Mr. Richards made a motion to deny the claim. Ms. Fullmer seconded the motion. Motion passed by unanimous vote.
 - b. LRF-2008-0909-02 Pacific Coast Supply LLC v Dave Mayoh Construction LLC – A request to continue this claim was received.
 - c. LRF-2008-0915-01 Sunroc Corporation v Taylor Brothers Construction Inc- Mr. Uriarte gave a brief explanation of the claim. Mr. Richards made a motion to deny this claim. Ms. Martin seconded the motion. Motion passed by unanimous vote.

ADJOURN:

Meeting adjourned at 10:25 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.

January 14, 2009
Date Approved

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

January 14, 2009
Date Approved

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