

MINUTES

UTAH RESIDENCE LIEN RECOVERY FUND ADVISORY BOARD MEETING

January 14, 2009

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

CONVENED: 8:20 am

ADJOURNED: 9:40 am

Board Members Present:

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

Board Members Absent:

Patty Fullmer

Guests:

Dorothy Rutherford, Homeowner
Judd Mackintosh, Mac & Tosh Concrete, Inc
Karl Pierce, Homeowner
Randall Trueblood, Attorney

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 December 2008 board meeting.

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

Homeowner Applications Approved by the Division:

The following applications were approved by the Division:

- a) Michael P Tribe v Rock Hard Construction
- b) Reuben L & Dorothy Hurst v Practical Living Spaces
- c) Frank & Lisa Prosser v B V Peterson & Sons
- d) Dennis & Anne Heaston v Ross Construction Inc
- e) Michael & Jana Plowman v The Basement King Inc
- f) Kevin Woods v Eugene Beauty Concrete
- g) Ross & Natalie Frandsen v Citadel Builders
- h) Robert Ingle v Tri-Tex, Inc
- i) Frank A & Kamarie Petrone v Practical Living Spaces
- j) Justin Chilcote v Ryan Allen Construction INC
- k) Greg & Betsy Chapman v The Basement King Inc
- l) Richard B Storrs v J Ballard Homes Inc
- m) Franz & Clara Bell v No Sweat Construction, LLC
- n) Daniel & Melissa Lovett v Desert Point Builders Inc
- o) Jeffrey & Elizabeth Martin v CH Jenkins & Sons LL

Homeowner Applications for Review:

- 1. Recommended for Denial & Explanation Required
 - a) CREGIL001 Jared Gillespie v Crestwood Homebuilders of Utah – Mr. Ishihara gave a brief explanation of this application. Ms. Martin made a motion to deny the application. Mr. Richards seconded the motion. Motion passed by unanimous vote.
 - b) MAERUT001 Dorothy Rutherford v Maestro Builders – Mr. Uriarte gave a brief explanation of this application. Ms. Bunnell made a motion to deny the claim based on the evidence provided. Ms. Martin seconded the motion. The homeowner gave a brief explanation. Motion did not pass by unanimous vote. Ms. Martin made a motion to table this item until next month to allow the homeowner enough time to submit a copy of additional information, including all liens and the default judgment. Mr. Taylor seconded the motion. Motion passed by unanimous vote.
 - c) NOBSIM001 Ronald L. Sims v Noble Landscape Inc. – Mr. Uriarte gave a brief explanation of this application. Mr. Richards made a motion to approve the application. Mr. Taylor seconded the motion. Motion passed by unanimous vote.
 - d) PETBOL001 Eric & Pamela Boland v C R Petersen Concrete – Mr. Uriarte gave a brief explanation of this application. The attorney for the homeowner gave a brief explanation. Ms. Martin made a motion to extend the application until next month to allow the homeowner time to obtain a statement that the payment for \$2,000 to Mr. Murphy was authorized by CR Peterson. Ms. Bunnell seconded the motion. Motion passed by unanimous vote. Ms. Martin

amended the motion to authorize the Division to proceed with the application if the applicant provides a statement satisfactory to the Division that the payment was authorized by CR Peterson and that it represents payment in full. Mr. Richards seconded the motion. Motion passed by unanimous vote.

2. Recommended for Approval & Explanation Required
 - a) ELDNIE001 Eric Nielson v El Dorado Group – Mr. Ishihara gave a brief explanation of this application. Ms. Martin made a motion to approve the application. Mr. Richards seconded the motion. Passed by unanimous vote.

Informal Claims for Review:

1. Recommended for Approval
 - a) LRF-2006-0227-01 Ready Made Concrete Inc v ARC Landscape Contractors LLC (Buins) – Ms. Martin asked to be recused. Ms. Bunnell made a motion to approve the application as recommended by the Division. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
 - b) LRF-2006-0228-02 Ready Made Concrete Inc v ARC Landscape Contractors LLC (Lefranc) - Ms. Martin asked to be recused. Ms. Bunnell made a motion to approve the application as recommended by the Division. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
 - c) LRF-2008-0213-02 Staker & Parsons Companies v Scotland Construction & Development Inc (Henrie) - Ms. Martin asked to be recused. Ms. Bunnell made a motion to approve the application as recommended by the Division. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
 - d) LRF-2008-0702-01 Robert W Speirs Plumbing Co v Scotland Construction & Development Inc (Moller) - Ms. Martin asked to be recused. Ms. Bunnell made a motion to approve the application as recommended by the Division. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
 - e) LRF-2008-0702-02 Robert W Speirs Plumbing Co v Scotland Construction & Development Inc (Mendez) - Ms. Martin asked to be recused. Ms. Bunnell made a motion to approve the application as recommended by the Division. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.

- f) LRF-2008-0702-03 Robert W Speirs Plumbing Co v Scotland Construction & Development Inc (Jacobson) - Ms. Martin asked to be recused. Ms. Bunnell made a motion to approve the application as recommended by the Division. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
- g) LRF-2008-1103-01 Mac & Tosh Concrete, Inc. v Evolution Custom Homes Inc (Penderghast) - Ms. Martin asked to be recused. Ms. Bunnell made a motion to approve the application as recommended by the Division. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
- h) LRF-2008-1113-05 Burton Lumber & Hardware v Big Brother Construction Inc (Bain) - Ms. Martin asked to be recused. Ms. Bunnell made a motion to approve the application as recommended by the Division. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
- i) LRF-2008-1113-06 Burton Lumber & Hardware v Big Brother Construction Inc (Montgomery) - Ms. Martin asked to be recused. Ms. Bunnell made a motion to approve the application as recommended by the Division. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
- j) LRF-2008-1117-04 Burton Lumber & Hardware v Deseret Investments Inc (Goodwin) - Ms. Martin asked to be recused. Ms. Bunnell made a motion to approve the application as recommended by the Division. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
- k) LRF-2008-1117-05 Burton Lumber & Hardware v Deseret Investments Inc (Hauzen) - Ms. Martin asked to be recused. Ms. Bunnell made a motion to approve the application as recommended by the Division. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
- l) LRF-2008-1117-06 Burton Lumber & Hardware v Deseret Investments Inc (Anderson) - Ms. Martin asked to be recused. Ms. Bunnell made a motion to approve the application as recommended by the Division. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
- m) LRF-2008-1117-07 Burton Lumber & Hardware v Wilson Scott Inc (Likens) - Ms. Martin asked to be recused. Ms. Bunnell made a motion to approve the

- application as recommended by the Division. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
- n) LRF-2008-1117-08 Burton Lumber & Hardware v Wilson Scott Inc (Warnick) - Ms. Martin asked to be recused. Ms. Bunnell made a motion to approve the application as recommended by the Division. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
 - o) LRF-2008-1117-09 Burton Lumber & Hardware v Wilson Scott Inc (Hew-Len) - Ms. Martin asked to be recused. Ms. Bunnell made a motion to approve the application as recommended by the Division. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
 - p) LRF-2008-1117-10 Burton Lumber & Hardware v Wilson Scott Inc (Larsen) - Ms. Martin asked to be recused. Ms. Bunnell made a motion to approve the application as recommended by the Division. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
 - q) LRF-2008-1117-11 Burton Lumber & Hardware v Wilson Scott Inc (Anderson) - Ms. Martin asked to be recused. Ms. Bunnell made a motion to approve the application as recommended by the Division. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
 - r) LRF-2008-1117-12 Burton Lumber & Hardware v Wilson Scott Inc (Davies) - Ms. Martin asked to be recused. Ms. Bunnell made a motion to approve the application as recommended by the Division. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
 - s) LRF-2008-1120-01 Gunner Heating & Air Conditioning, LLC v Ryan Allen Construction INC (Wood) - Ms. Martin asked to be recused. Ms. Bunnell made a motion to approve the application as recommended by the Division. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
2. Recommended for Denial & Explanation Required
- a) LRF-2006-0130-01 Ready Made Concrete Inc v ARC Landscape Contractors LLC (Bonney) – This item is being continued.
 - b) LRF-2006-0130-02 Ready Made Concrete Inc v ARC Landscape Contractors LLC (Allen) – This item is being continued.
 - c) LRF-2006-0228-01 Ready Made Concrete Inc v ARC Landscape Contractors LLC (Coven) - This item is being continued.

ADJOURN: Meeting adjourned at 9:40 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.

February 11, 2009
Date Approved (ss) Merlin Taylor
Acting Chairperson, Residence Lien Recovery Fund
Advisory Board

February 11, 2009
Date Approved (ss) Dane Ishihara
Program Coordinator, Division of Occupational &
Professional Licensing