

MINUTES

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

June 13, 2007

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

CONVENED: 8:18 a.m.

ADJOURNED: 11:18 a.m.

Bureau Manager:

Dan S Jones

Board Secretary:

Ann Naegelin

Board Members Present:

James Havell, Chair

Joanne Martin

Merlin Taylor

Allen Nielson

Jeff Richards

Board Members Absent:

Karyn Erickson

John Erickson

Guests:

Jim Dunn, No Sweat Construction

Branden Clark, Homeowner

William Noall, Attorney for John Wise

Joyce Kress Dalley, Homeowner

Vern Wilson, The Iron Anvil

Dave and Carol Koehler, Homeowner

Mike Stringham, Homeowner

W. DeNiro, Homeowner

Clint Petersen, C R Petersen, Inc

DOPL Staff Present:

Program Coordinator, Rich Oborn

AAG, Tony Patterson

Director, David Stanley

Program Specialist, Dane Ishihara

Claims Examiner, Karen Campbell

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Lien Recovery Fund mission statement.

Mr. Oborn reviewed the mission statement for the Lien Recovery Fund.

Review and approve minutes from April & May board meetings.

Ms. Martin made a motion to approve the minutes from the April and May meeting. Mr. Nielson seconded the motion. Motion passed by unanimous vote.

Elect new chairperson.

Ms. Martin made a motion to elect Mr. Havell as the Chair. Mr. Nielson seconded the motion. Motion passed by unanimous vote. A Vice Chair will be selected after a new board member has been appointed.

Certificate of Compliance for review:

1. Recommended for Approval & No Explanation Required
 - a. DALHAR001 Joyce Dalley v Hardrock Custom Concrete Co – Karen / Mr. Taylor made a motion to approve the application. Mr. Havell seconded the motion. Motion passed with a unanimous vote.
 - b. GRAHHG001 John Grant v H & H General Contracting Inc – Karen / Mr. Taylor made a motion to approve the application. Mr. Havell seconded the motion. Motion passed with a unanimous vote.
 - c. HANDAV001 John & Lisa Davis v Hansens Contracted Services LLC – Dane / Mr. Taylor made a motion to approve the application. Mr. Havell seconded the motion. Motion passed with a unanimous vote.
2. Recommended for Approval & Explanation Required
 - a. BLAWIS001 John Wise v Blade Leigh Construction Inc – Karen / Ms. Campbell gave a brief explanation of the application. Mr. Nielson made a motion to approve the application. Ms. Martin seconded the motion. Motion passed with a unanimous vote.
 - b. CLAHBA001 Branden F & ShannaRae Clark v HBA Consulting LLC – Rich / Ms. Martin made a motion to approve the application. Mr. Taylor seconded the motion. Motion passed with a unanimous vote.
 - c. KOECRP001 David E & Carol S Koehler v C R Petersen Inc – Rich / Mr. Oborn gave a brief explanation of the application. The parties do not agree the contract has been paid in full. Mr. Taylor made a motion to table the item until the next meeting. He would like additional information such as photos, job cost, etc. Ms. Martin seconded the motion. The additional documents should be submitted within two weeks. Motion passed with a unanimous vote.
 - d. MARHAM001 Robert A & Nancy K Hamer v Mark Milby Construction Inc – Karen / Ms. Campbell gave a brief explanation of the application. Mr. Neilson made a motion to approve the application. Mr. Taylor seconded the motion. Motion passed with a unanimous vote.
 - e. OLSDAV001 Jerry & Parivash Olsen v Dave Mayoh Construction LLC – Karen / Mr. Nielson made a motion to table this application until July. Ms. Martin seconded the motion. Motion passed by unanimous vote.

3. Recommended for Denial & Explanation Required
 - a. DENGRA001 William V DeNiro v The Granite Guy - Karen and Rich / The Board discussed this application. The Board recognized William DeNiro, the homeowner, who shared his experience relating to the project with the Board. Ms. Martin made a motion to deny this application based on the fact the contractor was unlicensed. Mr. Taylor seconded the motion. Motion passed with a unanimous vote.
4. No Recommendation & Explanation Required
 - a. STRCON001 Michael Stringham v Concrete Connection Inc – Rich / The Board discussed this application. There is no evidence of a written contract prior to work commencing. Mr. Taylor made a motion that Mr. Stringham consummated the contract with the withdrawal and subsequent paperwork with the construction repair, along with notes on the estimate for a lower price for cash. Mr. Patterson indicates the withdrawal along with the admission by the parties in the subsequent document is the written evidence of a contract. Mr. Richards added that the notation on the estimate for a reduced price for cash, documents the reason the homeowner made cash withdrawal from his bank. Mr. Richards seconded the motion. Motion passed with unanimous vote.

Informal Claims for Review:

1. Recommended for Approval & No Explanation Required
 - a. LRF-2007-0226-01 Stock Building Supply West Inc v Basements 4-U (Bird) – Dane / Ms. Martin made a motion to approve the claim. Mr. Nielson seconded the motion. Motion passed with unanimous vote.
 - b. LRF-2007-0402-01 No Sweat Construction LLC v Basements 4-U (Jarrett) - Dane / Ms. Martin asked to be recused. Mr. Nielson made a motion to approve this claim. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
 - c. LRF-2007-0402-02 No Sweat Construction LLC v Basements 4-U (Hidalgo) – Dane / Ms. Martin asked to be recused. Mr. Nielson made a motion to approve this claim. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
 - d. LRF-2007-0402-04 No Sweat Construction LLC v Basements 4-U (Alexander) – Dane / Ms. Martin asked to be recused. Mr. Nielson made a motion to approve this claim. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
 - e. LRF-2007-0403-01 No Sweat Construction LLC v Basements 4-U (Martin) - Dane / Ms. Martin asked to be recused. Mr. Nielson made a motion to approve this claim. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
 - f. LRF-2007-0403-02 No Sweat Construction LLC v Basements 4-U (Lewis) - Dane / Ms. Martin asked to be recused. Mr. Nielson made a motion to approve this claim. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.

2. Recommended for Approval & Explanation Required
 - a. LRF-2007-0220-01 Hawkeye Construction & Concrete Inc v Vision, A Design and Build Company LLC (Owen) - Dane / Mr. Nielson made a motion to approve this claim. Ms. Martin seconded the motion. Motion passed with a unanimous vote.
 - b. LRF-2007-0402-03 No Sweat Construction LLC v Basements 4-U (Dominguez) – Dane / Ms. Martin asked to be recused. Mr. Richards made a motion to approve this claim. Mr. Taylor seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.

3. Recommended for Denial & Explanation Required
 - a. LRF-2006-0823-01 Double U Inc v Cobalt Homes Inc (Patton) - Rich / Mr. Nielson asked to be recused. The Board discussed the claim. Mr. Richards made a motion to deny this claim. Ms. Martin seconded the motion. Motion passed with three votes in favor. Mr. Havell voted against the motion. Mr. Nielson did not vote.
 - b. LRF-2006-0823-02 Double U Inc v Cobalt Homes Inc (Annison) – Rich / Mr. Nielson asked to be recused. The Board discussed the claim. Mr. Richards made a motion to deny this claim. Ms. Martin seconded the motion. Motion passed with three votes in favor. Mr. Havell voted against the motion. Mr. Nielson did not vote.
 - c. LRF-2006-0823-03 Double U Inc v Cobalt Homes Inc (Herrick) - Rich / Mr. Nielson asked to be recused. The Board discussed the claim. Mr. Richards made a motion to deny this claim. Ms. Martin seconded the motion. Motion passed with three votes in favor. Mr. Havell voted against the motion. Mr. Nielson did not vote.

ADJOURN: Motion to adjourn by Allen Nielson.

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.

July 11, 2007
Date Approved

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

July 11, 2007
Date Approved

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