

MINUTES

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

May 14, 2008

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

CONVENED: 8:15 am

ADJOURNED: 10:20 am

Board Members Present:

James Havell, Chair
Merlin Taylor, Vice-Chair
Patty Fullmer
Karyn Bunnell, left at 9:45
Allen Nielson
Jeff Richards
Joanne Martin

Board Members Absent:

Guests:

Scott Bringham, Homeowner
Javier Barrientos, Homeowner
John and Sarah Kendrick, Homeowner
Jim Miller, Miller Construction Service

DOPL Staff Present:

Division Director David Stanley
Program Manager, Dane Ishihara
Claims Examiner, Jessica Giatras
AAG, Tony Patterson
Board Secretary, Ann Naegelin
Bureau Manager, Rich Oborn

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Review and approve minutes from the April 2008 board meeting.

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

Discuss application increase

Mr. Ishihara presented a graph that represents the increase in the number of applications received since this time last year. No action taken.

Discuss applications approved prior to board meeting

Homeowner Applications Approved by Division:

Homeowner Applications for Review:

Mr. Ishihara explained that the database is being updated. The applications approved by the Division will be available next month. No action taken

The following application were approved by the Division:

1. Recommended for Approval & Explanation Required
 - a. CHABAR001 Javier & Corrine Barrientos v Charles Christiansen Cons LLC – Mr. Ishihara gave a brief explanation of this application. Mr. Richards made a motion to approve the application. Ms. Martin seconded the motion. Six votes in favor. Motion passed by unanimous vote.
 - b. CNSCOO001 Jason & Angela Cook v CNS Construction LLC – Mr. Ishihara gave a brief explanation of this application. Mr. Richards made a motion to approve the application. Ms. Martin seconded the motion. Six votes in favor. Motion passed by unanimous vote.
 - c. CONGER001 Kimberly Gerard v Construction Management and Land Design Group LLC – Mr. Ishihara gave a brief explanation of this application. Mr. Richards made a motion to approve the application. Ms. Fullmer seconded the motion. Six votes in favor. Motion passed by unanimous vote.
 - d. DECSMI001 Gary Smith v Decked Out Builders Inc – Mr. Taylor made a motion to approve. Mr. Richards seconded the motion. Six votes in favor. Motion passed by unanimous vote.
 - e. KENMIL001 John T & Sarah A Kendrick v Miller Construction Services Inc – Mr. Oborn gave an explanation of this application. The homeowners and the contractor all agree that the maximum contract price was exceeded. Mr. Taylor is concerned that the Board is being asked to determine a warranty issue. There are two bids in the packet for removing the stone and replacing it, but there is not a professional opinion on the defect. Mr. Taylor has been asked to consult as an expert witness by the attorney for Miller Construction on another matter. Mr. Kendrick feels that it is a conflict of interest. Mr. Taylor will be recused from discussing or voting on this application. The Board discussed the language on the bill indicating the warranty is voided. Mr. Miller acknowledges that he should facilitate warranty of the stone and workmanship if it has been determined that they are bad. He would like to have the manufacturer look at the job to determine if there is a warranty issue. The Board is not adjudicating the warranty

issues, they are only determining if the contract has been paid in full. The unpaid amount is \$13,000. Ms. Fullmer made a motion to approve based on taking off the warranty amount and that Mr. Miller goes back and fixes the problems. She withdrew her motion. Ms. Fullmer would like to see bids for repair. The bids received were for tear down and replace, but they did not indicate the reason for the tear down and replacement. Mr. Nielson made a motion to deny the application as the Board cannot determine if the contract has been paid in full. Mr. Richards seconded the motion. Mr. Richards voted in favor. Five voted against. Mr. Taylor did not vote. Motion did not pass. Mr. Nielson made a motion to table this issue for 14 days to give enough time for the homeowner and contractor to prove whether or not the contract has been paid in full. Ms. Bunnell seconded the motion. Mr. Nielson amended the motion to allow for 30 days to respond. Mr. Richards seconded the amended motion. Motion passed by six in favor. Mr. Taylor did not vote.

- f. WHOBRI001 Scott Bringhurst v Wholesale Siding & Window Co LLC – Mr. Ishihara gave a brief explanation of the application. Ms. Fullmer made a motion to approve the application. Mr. Taylor seconded the motion. Six votes in favor. Motion passed by unanimous vote.

Informal Claims for Review:

Uncontested Claims

- a. LRF-2007-0621-01 Burton Lumber & Hardware v Durable Development LLC (Ficken) – Ms. Martin made a motion to approve the claim as recommended by the Division. Mr. Richards seconded the motion. Six votes in favor. Motion passed unanimous vote.
- b. LRF-2008-0116-01 L K L Associates Inc v Scotland Construction & Development Inc (Whitney) – Ms. Martin asked to be recused. Ms. Fullmer made a motion to approve the claim as recommended. Mr. Richards seconded the motion. Motion passed with five votes in favor. Ms. Martin did not vote.
- c. LRF-2008-0207-01 Titan Stairs and Trim Inc v Grand Improvements Inc (Dolton) - Ms. Martin made a motion to approve the claim as recommended by the Division. Mr. Richards seconded the motion. Six votes in favor. Motion passed by unanimous vote.

ADJOURN:

Meeting adjourned at 10:20 am

Page 4 of 4

Minutes

Residence Lien Recovery Fund Advisory Board

May 14, 2008

business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

June 11, 2008
Date Approved

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

June 11, 2008
Date Approved

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