

MINUTES

**UTAH
CONSTRUCTION SERVICES COMMISSION**

December 31, 2014

**Room 474 - 9:00 AM
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:00 AM

ADJOURNED: 2:10 PM

**Bureau Manager:
Board Secretary:**

Dan Jones
Ann Naegelin

Board Members Present

Jerry Preston, Chairman
Kevin Clubb, Electrical Board Chair
Larry Gillett, Burglar Alarm Board Chair
Sean Conlon, Plumber Board Chair, electronic
Chris Martineau
Joseph Ligori
Robert Campbell

Board Members Absent

Brad Knowlton

Guests:

Michael Moffatt, UTCLC
Rob J Patrick
Will Pierce, DATC
Ross Ford, UHBA
John Hill, RMGA
Taz Beisinger, UHBA
Dave Hill, UPHCA
Jerry Oldroyd, Ballard Spahn, LLP
Patrick Ascione, Ascione & Associates LLC
James Dunn, Utah Flood & Fire Network, LLC
Glade Thompson ECO Alarm
Ryan Curtis, ECO Alarm
Sherman Dangerfield, ECO Alarm
Andrew Hatton, ECO Alarm
Greg Hadley, Attorney for ECO Alarm
Joel Farrar, J Christopher Custom Homes LLC
Cam Miller, Utah Flood & Fire Network, LLC
Shawn Robinson, Cook, Skeen & Robinson
Gentry Stephenson, Kozy Homes, LLC

DOPL Staff Present:

Ray Walker, Regulatory and Compliance Officer
Gordon Summers, Investigation Supervisor
Stephen Duncombe, Bureau Manager
Josef Sharp, Financial Auditor
Neena Bowen, Compliance Specialist
Danielle Healy, Auditing Technician
Boyce Barnes, Construction CE Tech

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approval of November 19, 2104 Minutes

Mr. Martineau made a motion to approve the minutes from the November 19, 2014 meeting. Mr. Gillett seconded the motion. Motion passed by unanimous vote.

Investigation Update

Mr. Furlong gave an investigations update. Item was noted with no action taken.

DISCUSSION ITEMS:

Changes to 20 Hour Pre-Licensure

Mr. Hill requested a change to the 20 hours pre-licensure rules to allow approval of an association smaller than 250 members as a pre-license education provider.

Mr. Ligori made a motion to allow a Utah based association with five years or more experience to apply as a pre-licensure education provider regardless of the number of contractor members in their association. They will need to meet the education standards and be approved by the Commission. Mr. Gillett seconded the motion. Motion passed by unanimous vote.

Review Pre-Licensure Education Applicant

The Commission discussed the application from RMGA to be a Pre-licensure education provider. This item will be reviewed at the January meeting.

Review Insurance Requirements

Mr. Beisinger discussed exclusions that are included with some insurance policies. This item will be discussed at the January meeting.

Approval of Pre-Licensure Education
Instructors

The Commission discussed approval of instructors for pre-licensure education providers. The Commission

Discuss Pre-Licensure by Live Broadcast

does not need to approve new instructors.

The Commission discussed pre-licensure education by live broadcast. This item will be discussed at the next meeting.

Flat Iron Development LLC
Order of Dismissal

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Castle Home Enterprises LLC
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

AAR Roofing Contractor INC
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Tommy R Alexander
dba Alexander Tile
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Contractor's School Inc
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Arnulfo Christopher Rivera
Order Reinstating License

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Adam Russell Roy Reeve
Order Reinstating License

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion

Craig Holt Concrete Inc
Order Reinstating License

passed with five votes in favor. Mr. Conlon did not vote.

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Sullivan Homes LLC
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Kenneth Ray Adams
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

J & M Painting Plus LLC
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

OLC Consulting LLC
Order of Dismissal

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Cody D Jonston
Order of Dismissal

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Blake Mathews Construction Inc
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

CW Construction LLC
Order of Dismissal

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Alan Grant Shields
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Revolution Painting LLC
Order of Dismissal

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

K Moeller & Associates Inc
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Summit Drywall & Plaster Interiors Inc
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Strictly Hardwood
Order of Dismissal

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Rainey Homes Inc
Order of Dismissal

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Grange Construction Inc
Order of Dismissal

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion

Deco Tile Inc
Stipulation and Order

passed with five votes in favor. Mr. Conlon did not vote.

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Andrews Construction Inc
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Jason Mark Blair
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Tosara Tile & Stone LLC
Order of Dismissal

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Custom Craft Homes LLC
Order of Dismissal

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Triple T Construction Inc
Order of Dismissal

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

England Painting LLC
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Michael Anthony MacMillan
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Shawn Ray Hill
Default Order

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Mountain Land Inc
Default Order

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Donahue Drywall LLC
Default Order

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Beto's Stucco & Plastering Inc
Default Order

Mr. Jones reviewed the Order with the Commission. Mr. Clubb made a motion to approve the Order as written. Mr. Martineau seconded the motion. Motion passed with five votes in favor. Mr. Conlon did not vote.

Probation Update

Ms. Bowen reported there are 25 contractors on probation for criminal history. Twenty three licenses are compliant. First Class Tile and Stone, is non compliant. They have until January 3, 2015 to submit a bond. An NOAA will be issued if a bond is not received. Legend Enterprise was out of compliance. They are now compliant with their probation.

Ms. Healy reported there are 154 contractors on probation for financial responsibility. One hundred and three are compliant. Fifty one are non compliant. Ms. Healy will file a Notice of Agency Action for those who do not come into compliance.

Utah Flood and Fire Network LLC
aka National Flood and Fire Network Inc

Mr. Jones reviewed the history for Utah Flood and Fire Network, LLC. The company did a conversion with the Division of Corporations but not report the change to the Division. They have not submitted current credit reports or tax returns as requested.

Mr. Martineau made motion to require the company apply for license under the correct name, post a \$125,000 bond, and assess a \$500 fine for misrepresentation on their renewal. This matter will be tabled until January 28, 2015. If the conditions are not resolved, the license will be revoked. Mr. Ligori seconded the motion. Motion passed by unanimous vote.

ECO Alarm LLC

Mr. Jones reviewed the history for this company. The company had been under investigation from the Utah Division of Consumer Protection at the time they made application for license. They answered no to the question on their application that they were not currently under investigation or did not have any disciplinary action pending against them by any local, state or federal licensing, enforcement or regulatory agency. ECO Alarm LLC presented their position.

Mr. Clubb made a motion to request the Burglar Alarm Board review the Notice of Agency Action and ECO Alarm LLC's response; the application in which a misrepresentation was made; and make a recommendation to the Construction Services Commission regarding this matter. A proposed Order will be drafted to assess a \$500 for misrepresentation on the application and the recommendation from the Burglar Alarm Board. After the recommendation is received from the Burglar Alarm Board this matter will be rescheduled for review by the Construction Services Commission. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

J Christopher Custom Homes LLC

Mr. Jones reviewed the history for J Christopher Custom Homes LLC. Joel Farrar answered questions from the Commission. Mr. Clubb made a motion to table this item until January. Mr. Gillett seconded the motion. Motion passed by unanimous vote.

Tensu Megrel

Mr. Jones gave a brief explanation of the issue Mr. Megrel would like to discuss. Mr. Megrel made a proposal for a rule change. It was noted that the proposed rule change is not necessary as the Division already has authority to taken action on the matter presented. No action was taken on this proposal.

Kozy Homes LLC

Mr. Martineau made a motion to close the meeting to discuss the character, competence, and mental or physical health of an individual. Mr. Clubb seconded the motion. Motion passed by unanimous vote.

The meeting was reopened.

Mr. Ligori made a motion to have the Assistant Attorney General draft a Stipulation to place the license on probation as long as Mr. Stephenson is on the sex offender registry. He will be restricted from working in occupied residences. Mr. Gillett seconded the motion. Motion passed by unanimous vote.

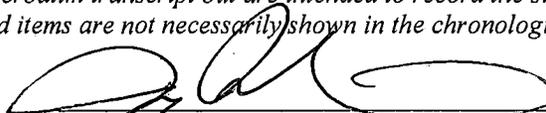
ADJOURN:

2:10 PM

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.

1-28-15

Date Approved



Chairperson, Construction Services Commission

1-28-15

Date Approved



Bureau Manager, Division of Occupational & Professional
Licensing

**SWORN STATEMENT
SUPPORTING CLOSURE OF BOARD MEETING**

DOPL-FM-010 05/02/2006

I Jerry Preston acted as the presiding member of the Construction Services
Commission Board, which met on December 31, 2014

Appropriate notice was given of the Board's meeting as required by §52-4-202.

A quorum of the Board was present at the meeting and voted by at least a two-thirds vote, as detailed in the minutes of the open meeting, to close a portion of the meeting to discuss the following:

- the character, professional competence, or physical or mental health of an individual (52-4-205(1)(a))
- strategy regarding pending or reasonably imminent litigation (§52-4-205(1)(c))
- deployment of security personnel, devices, or systems (§52-4-205(1)(f))
- investigative proceedings regarding allegations of criminal misconduct (§52-4-205(1)(g))

The content of the closed portion of the Board meeting was restricted to a discussion of the matter(s) for which the meeting was closed.

With regard to the closed meeting, the following was publically announced and recorded, and entered on the minutes of the open meeting at which the closed meeting was approved:

- (a) the reason or reasons for holding the closed meeting;
- (b) the location where the closed meeting will be held; and
- (c) the vote of each member of the public body either for or against the motion to hold the closed meeting.

If required, and/or kept or maintained, the recording and any minutes of the closed meeting will include:

- (a) the date, time, and place of the meeting;
- (b) the names of members present and absent; and
- (c) the names of all others present except where such disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.

Pursuant to §52-4-206(5), a sworn statement is required to close a meeting under §52-4-205 (1)(a) or 52-4-205(1)(f), but a record by tape recording or detailed minutes is not required.

- A record was not made
- A record was made by: Tape Recording Detailed Written Minutes

Pursuant to §52-4-206(1), a record by tape recording is required for a meeting closed under §52-4-205(1)(c) or 52-4-205(1)(g), and was made.

- Detailed written minutes of the content of a closed meeting although not required, are permitted and were kept of the meeting.

I hereby swear or affirm under penalty of perjury that the above information is true and correct to the best of my knowledge.


Board Chairman or other Presiding Member

1-28-15
Date of Signature