

MINUTES
UTAH
CONSTRUCTION SERVICES COMMISSION
MEETING

November 24, 2010

North Conference Room– 9:00 AM
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 9:04 AM

ADJOURNED: 3:20 PM

Bureau Manager:

Dan S. Jones

Board Secretary:

Ann Naegelin

Board Members Present

David Told, Commission and Plumber Board Chair
Larry Love, Burglar Alarm Board Chair
Frank Rydalch, Electrician Board Chair
Carl Tippetts
Chris Martineau
Jerry Preston
Wendy Gibbs

Board Members Absent

C Reed Brown, excused
Steve Bowers, excused

Guests:

Will Pierce, DATC
Brad Stevens, Green Power Solutions
Rich Kingery, Electrical Licensing Board
Carl Brailsford, UEJATC
George Halliday, IBEW
Renee McDonough, IEC of Utah
Gary Beckstrand
Dirk Burton, Electrical Licensing Board
Barry Donald Chalmers, apprentice plumber
Kenneth Palmer, Intermountain Electric Signs
Jay Bingham, Intermountain Electric Signs
Teddy Gurule, TJ Enterprises
Joe McAllister, Attorney for TJ Enterprises
David Inkley, Inkley Brothers Corp
Jesse Bo Stewart, apprentice plumber
Ron Arbshay, Rancho Tooele Development
Ron Condi, accountant, Rancho Tooele Development
Joe Nelson, J Nelson Plumbing Inc

Justin Peck, Subcon Services, Inc
Monte Dickerson, Structure Design, Inc
Aaron Tate, Tate Construction and Remodel

DOPL Staff Present:

Mark Steinagel, Division Director
Ray Walker, Regulatory and Compliance Officer
Clyde Ormond, Bureau Manager
Ronda Trujillo, Compliance Specialist

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approval of October 2010 Commission
Minutes

The minutes from the October, 2010 meeting were reviewed. Mr. Love made a motion to approve the minutes as written. Mr. Preston seconded the motion. Motion passed by unanimous vote.

Probation Update
Ronda Trujillo

Ms. Trujillo reported on the non compliant contractor licenses on probation. Non compliant licensees will be asked to meet with the Commission next month.

APPOINTMENTS:

Crane Institute of America

The Crane Institute of America sent in a request to accept their certification for crane operators. Ms. Dickinson was contacted by telephone to answer questions from Commission members. Mr. Love made a motion to accept the certification from Crane Institute of America. Mr. Martineau seconded the motion. Motion passed by unanimous vote. The Division will submit proposed rules to add this certification.

Incidental Practice for Plumbers

The Commission discussed proposed changes by the Plumbers Board to the definition of incidental practice for plumbers. Mr. Told indicated some changes were brought up by industry. He would like to have the Plumbers Board review these changes. This item was tabled until the next meeting.

Solar Photovoltaic Rules

The Commission discussed the changes approved by the Electrical Board. Mr. Stephens gave a demonstration of installation of solar photovoltaic systems. Mr. Burton explained why he supports the

proposed changes. Mr. Rydalch and Mr. Kingery explained why they do not support the changes. Mr. Tippetts made a motion to accept the language approved by the Electrical Board. Mr. Love seconded the motion. Motion passed with six votes in favor. Mr. Rydalch voted against the motion.

Two Top Construction
Marshall Nielson
Notice of Agency Action
Financial Responsibility

Mr. Jones explained the Notice of Agency Action for financial responsibility. Two Top Construction, LLC submitted an answer to the Notice of Agency Action. Mr. Jones stated the response is not sufficient. Mr. Tippetts made a motion to approve the proposed Order to Revoke the license and note that upon application for reinstatement of license a bond of at least \$150,000 will be required. Mr. Love seconded the motion. Motion passed by unanimous vote.

Allred Builders, LLC
Spencer Allred
Notice of Agency Action
Financial Responsibility

Mr. Jones reviewed the Notice of Agency Action. Allred Builders, LLC provided a \$50,000 bond, however based on the misrepresentation, a \$500 fine is recommended. Mr. Love made a motion to approve the proposed Order and impose a \$500 fine. Ms. Gibbs seconded the motion. Motion passed by unanimous vote.

RMD Construction Ltd, LLC
Robert Dickey
Notice of Agency Action
Financial Responsibility

Mr. Jones reviewed the Notice of Agency Action for financial responsibility. Mr. Rydalch made a motion to approve the proposed Order to revoke the license and impose a \$500 fine. Mr. Preston seconded the motion. Motion passed by unanimous vote.

Rancho Tooele Development
Mathew Arbshay
Ron Condi
Notice of Agency Action
Financial Responsibility

Mr. Jones reviewed the Notice of Agency Action. Mr. Arbshay explained his financial situation. Mr. Love made a motion to approve the Order to revoke the license effective January 31, 2011, which Order may be set aside if the judgments are released or payment agreements which are acceptable to the Division are in place. Mr. Rydalch seconded the motion. Motion passed by unanimous vote.

JMM Roofing
Joe Mendillo
Notice of Agency Action
Financial Responsibility

Mr. Jones reviewed the Notice of Agency Action for JMM Roofing. Mr. Mendillo answered questions from the Commission. Mr. Tippetts made a suggestion to reduce the amount of the bond to \$10,000 bond and allow 30 days to obtain the bond.

The current rule does not allow for a bond less than \$50,000. The Commission requested the Division to draft a proposed rule to allow for bonds of less than \$50,000 under limited circumstances. This item was tabled for the next meeting.

West Hills Construction, Inc
Moroni Jessop
Notice of Agency Action
Financial Responsibility
Set Bond Amount

Mr. Jones reviewed the Notice of Agency Action for financial responsibility. Mr. Love made a motion to accept the proposed Order to revoke the license and impose a \$500 fine for the misrepresentation. It will also be noted that upon application for reinstatement a license bond of at least \$150,000 shall be required. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

JR Construction Inc
Robert Capson
Notice of Agency Action
Financial Responsibility

Mr. Jones reviewed the Notice of Agency Action for financial responsibility. Ms. Gibbs made a motion to accept the proposed Order and note that upon application for reinstatement a license bond of at least \$150,000 shall be required. Mr. Preston seconded the motion. Motion passed by unanimous vote.

TJ Enterprises
Probation Interview

TJ Enterprises met for their probation interview. An appeal of the agency action has been filed. Mr. Jones noted the Order has a clerical error of the date documentation is due. Mr. Tippetts made a motion to table this item until December 29, 2010 meeting. Mr. Preston seconded the motion. Motion passed by unanimous vote.

J Nelson Plumbing, Inc
Probation Interview

Mr. Jones reviewed the terms of the Stipulation for J Nelson Plumbing, Inc. Mr. Nelson answered questions from the Commission. Mr. Tippetts made a motion to allow until the December 29, 2010 meeting to come into compliance. If they do not we will file a notice of agency action. Mr. Love seconded the motion. Motion passed by unanimous vote.

Inkley Brothers Corp
Probation Interview

Mr. Jones reviewed the terms of probation for Inkley Brothers Corp. They have been non compliant for six months. Mr. Tippetts made a motion direct the Division to file the Notice of Agency Action. Mr. Love seconded the motion. Motion passed by unanimous vote.

Intermountain Electric Sign Inc
Probation Interview

Mr. Jones reviewed the terms of probation for Intermountain Electric Sign Inc. Payment arrangements with the Utah State Tax Commission and the IRS were submitted. They have a payment agreement with one more company. They will have seven days to submit the information or a Notice of Agency Action will be filed.

Red Wolf Development Inc
Probation Interview

Mr. Jones reviewed the terms of probation for Red Wolf Development, Inc. Mr. Love made a motion to direct the Division to file a Notice of Agency Action. Mr. Tippetts seconded the motion. Motion passed with six votes in favor. Mr. Told did not vote.

Restaurant Specialists Inc
Probation Interview

Mr. Jones reviewed the terms of probation for Restaurant Specialists, Inc. Mr. Tippetts made a motion to direct the Division to file a Notice of Agency Action. Ms. Gibbs seconded the motion. Motion passed by unanimous vote.

Structure Design Inc
Probation Interview

Mr. Jones reviewed the terms of probation. A new judgment has been entered since the Stipulation was entered. His attorney is in the process of obtaining a payment agreement. Mr. Love made a motion to direct the Division to file a Notice of Agency Action if the judgment is not resolved to the satisfaction of the Division. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Subcon Services Inc
Probation Interview

Mr. Jones reviewed the terms of probation. A new judgment has been entered since the Stipulation was entered. Mr. Peck indicated he does not owe the amount of the judgment. He has an attorney working on a motion to set aside the new judgment. Mr. Tippetts made a motion to allow 30 days for Mr. Peck to submit documentation that there is a valid challenge on the judgment, otherwise the Division is directed to file a Notice of Agency Action. Ms. Gibbs seconded the motion. Motion passed by unanimous vote.

Tate Construction and Remodel
Probation Interview

Mr. Jones reviewed the terms of probation. Mr. Tate explained he recently lost his computer system. Mr. Rydalch made a motion to direct the Division to file a Notice of Agency Action. Mr. Love seconded the motion. Motion passed with six votes in favor. Mr.

Told did not vote.

HEARING:

The Old Garden Shed
Denial of Renewal

Judge Eklund conducted a hearing.

**REVIEW PROPOSED DISCIPLINARY
ACTIONS:**

Mike Clark Construction, Inc
Order Reinstating License

Mr. Clark has satisfied the judgment. Mr. Love made a motion to reinstate the license for Mike Clark Construction. Mr. Rydalch seconded the motion. Motion passed by unanimous vote.

Ray Bird Design, Inc
Stipulation and Order

Mr. Jones reviewed the Stipulation and Order. Mr. Tippetts made a motion to approve the Stipulation and Order as written. Ms. Gibbs seconded the motion. Motion passed by unanimous vote.

Alpha-Crete Inc.
Default Order
Failure to Replace Qualifier

Mr. Jones reviewed the Default Order for failure to replace a qualifier. Ms. Gibbs made a motion to approve the Default Order as written. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Creative Countertops
Default Order
Failure to Replace Qualifier

Mr. Jones reviewed the Default Order for failure to replace a qualifier. Ms. Gibbs made a motion to approve the Default Order as written. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Ryan Quilter Construction
Default Order
Financial Responsibility

Mr. Jones reviewed the Default Order. Mr. Love made a motion to approve the Default Order as written. Mr. Preston seconded the motion. Motion passed by unanimous vote.

Performance Construction of Utah, LLC
Default Order
Financial Responsibility

Mr. Jones reviewed the Default Order. Mr. Love made a motion to approve the Default Order as written. Mr. Preston seconded the motion. Motion passed by unanimous vote.

Penco Incorporated
Default Order
Financial Responsibility

Mr. Jones reviewed the Default Order. Mr. Love made a motion to approve the Default Order as written. Mr. Preston seconded the motion. Motion passed by

Clear View Plumbing, Inc
Default Order
Financial Responsibility

unanimous vote.

Mr. Jones reviewed the Default Order. Mr. Love made a motion to approve the Default Order as written. Mr. Preston seconded the motion. Motion passed by unanimous vote.

Pulsipher Construction Inc
Default Order
Financial Responsibility

Mr. Jones reviewed the Default Order. Mr. Love made a motion to approve the Default Order as written. Mr. Preston seconded the motion. Motion passed by unanimous vote.

Hog Excavation Inc
Default Order
Financial Responsibility

Mr. Jones reviewed the Default Order. Mr. Love made a motion to approve the Default Order as written. Mr. Preston seconded the motion. Motion passed by unanimous vote.

Mountainview Excavating Inc
Default Order

Mr. Preston made a motion to approve the Default Order. Mr. Tippetts seconded the motion to approve the Default Order as written. Mr. Martineau did not vote. Motion passed with six votes in favor.

Tony Lovato Painting, Inc.
Order setting aside prior revocation and upholding the fine

Mr. Jones reviewed the terms of the Order. Ms. Gibbs made a motion to approve the Order as written. Mr. Love seconded the motion. Motion passed by unanimous vote.

DISCUSSION ITEMS:

Investigation Update

The Commission reviewed the investigation update. No action was taken.

Jesse Bo Stewart
Apprentice Plumber
MOU

Mr. Jones reviewed the proposed Memorandum of Understanding for Mr. Stewart. Mr. Stewart was at the meeting to answer questions from the Commission. Mr. Preston made a motion to accept the MOU as written. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Barry Donald Chalmers
Apprentice Plumber
Non-disciplinary

Mr. Jones reviewed the terms of the Memorandum of Understanding. Mr. Chalmers explained his criminal history. Mr. Love made a motion to accept the MOU as written. Ms. Gibbs seconded the motion. Motion passed by unanimous vote.

Travis John Engels
Apprentice Electrician
Stipulation and Order

Mr. Jones reviewed the terms of the Stipulation and Order. Mr. Love a motion to accept the Stipulation and Order as written. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Michael Bird
Apprentice Electrician
Memorandum of Understanding

Mr. Jones reviewed the terms of the Memorandum of Understanding. Mr. Rydalch made a motion to approve the MOU as written. Ms. Gibbs seconded the motion. Motion passed by unanimous vote.

Gerald Stanley
Journeyman Electrician
MOU

Mr. Jones reviewed the proposed Memorandum of Understanding. Mr. Stanley answered questions from the Commission. Mr. Rydalch made a motion to accept the MOU as written. Mr. Tippets seconded the motion. Motion passed by unanimous vote.

ADJOURN:

3:20 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.

December 29, 2010
Date Approved

(ss) David Told
Chairperson, Construction Services Commission

December 29, 2010
Date Approved

(ss) Dan S. Jones
Bureau Manager, Division of Occupational & Professional
Licensing