

MINUTES

**UTAH
CONSTRUCTION SERVICES COMMISSION
MEETING**

December 29, 2010

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

CONVENED: 9:00 AM

ADJOURNED: 12:53 PM

Bureau Manager:

Dan S. Jones

Board Secretary:

Ann Naegelin

Board Members Present

David Told, Commission and Plumber Board Chair

Frank Rydalch, Electrician Board Chair

Carl Tippets

Chris Martineau

Jerry Preston

Wendy Gibbs

C Reed Brown

Steve Bowers

Board Members Absent

Larry Love, Burglar Alarm Board Chair, excused

Guests:

Jeff Pedersen, UPHCA

Mike Moffatt, Utah Contractor License Center

Clay Smith, G & S Sales

Troy Lindsay

Rory Pence, Six Pence, Inc

Robert Larsen, apprentice electrician

Jerry Spradling, Grant Mackay Co

Joe McAllister, Bostwick & Price

Ted Gurule, T J Enterprises

Shane Busch, JCS Construction

Joe Ellis, JE Flooring

Wade L Shaw, Eddy L Shaw Construction Co, Inc.

DOPL Staff Present:

Ray Walker, Regulatory and Compliance Officer

Clyde Ormond, Bureau Manager

Ronda Trujillo, Compliance Specialist

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ADMINISTRATIVE BUSINESS:

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Ronda Trujillo

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Journeyman Electrician
Memorandum of Understanding

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C W Construction, LLC
Set Bond Amount

Booth Fire Protection, Inc
Notice of Agency Action
Financial Responsibility

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**UTAH
CONSTRUCTION SERVICES COMMISSION
MEETING**

December 29, 2010

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

CONVENED: 9:00 AM

ADJOURNED: 12:53 PM

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Dan S. Jones

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Judge Eklund conducted a hearing regarding the license of Troy Lindsay.

Mr. Jones reviewed the terms of the Memorandum of Understanding. Mr. Bowers made a motion to approve the Memorandum of Understanding as written. Mr. Brown seconded the motion. Motion passed by unanimous vote

Mr. Jones reviewed the Memorandum of Understanding. Mr. Larsen answered questions from the Commission. Mr. Bowers made a motion to approve the Memorandum of Understanding as written. Mr. Rydalch seconded the motion. Motion passed by unanimous vote.

Mr. Jones reviewed the information for C W Construction, LLC. A \$50,000 bond has already been submitted. A \$150,000 bond is recommended. Mr. Bowers made a motion to approve the recommendation from DOPL. Mr. Brown seconded the motion. Motion passed by unanimous vote

Mr. Jones reviewed the Notice of Agency Action. Booth Fire Protection surrendered their license, however based on the misrepresentation, a \$500 fine is recommended. Mr. Bowers made a motion to approve the proposed Order and impose a \$500 fine. Mr.

Brown seconded the motion. Motion passed by unanimous vote

Grant Mackay
Notice of Agency Action
Failure to Replace Qualifier

Mr. Jones reviewed the Notice of Agency Action. The qualifier for their E100 and B100 resigned. They have not replaced the qualifier for either classification. This revocation does not effect the S460 demolition and wrecking classification. Mr. Jerry Spradling from Grant Mackay explained their situation. Mr. Brown made a motion to approve the revocation of the E100 and B100 classification for failure to replace qualifier. Mr. Tippetts seconded the motion. Motion passed by unanimous vote.

Rory Pence
Six Pence, Inc.
Request to Set Aside Stipulation and Order

Mr. Jones reviewed the history of this matter. Mr. Pence submitted information supporting his side. He does have a Federal Tax Lien. His license has been revoked. He will need to apply for a new license and demonstrate he has a payment arrangement with the IRS or post a license bond. Mr. Brown made a motion that the application to set aside the Stipulation should be denied. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Shane Busch
JCS Construction Inc
Notice of Agency Action
Financial Responsibility

Mr. Jones reviewed the Notice of Agency of Action. Mr. Jones explained the options available to the Commission and Mr. Busch. Mr. Busch is requesting that he be allowed to continue under the terms of his probation. Mr. Tippetts made a motion to revoke the license and stay the revocation in favor of continuing probation with strict compliance to the existing terms. A public reprimand will also be issued. Mr. Brown seconded the motion. Motion passed by unanimous vote.

Blake Hadfield
Woodbridge Development, Inc
Notice of Agency Action
Financial Responsibility

Mr. Jones reviewed the Notice of Agency Action. Mr. Jones noted a response was filed. Mr. Bowers made a motion to approve the proposed Order to revoke the license and impose a \$500 fine. Mr. Brown seconded the motion. Motion passed by unanimous vote.

Teddy Gurule
TJ Enterprises
Probation Interview

Mr. Jones explained that an appeal has been filed. He noted some additional judgments and tax liens have been filed since the Stipulation was signed. Mr. McAllister, attorney for TJ Enterprises, stated he was

not aware of any new judgments being filed. Mr. Jones will provide a list of new judgments and tax liens for Mr. McAllister. Mr. Preston requested a current financial report for TJ Enterprises. This matter will be reviewed again in February.

Joe Mendillo
JMM Roofing
Set Bond Amount

Mr. Jones reviewed the circumstances of JMM Roofing. Mr. Brown made a motion to continue this item for 60 days provided a \$10,000 license bond be filed no later than January 31, 2011. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Alpine Design General Contractor LLC
Probation Interview, Non Compliance

Mr. Jones reviewed the terms of probation for Alpine Design General Contractor, LLC. They are not in compliance with their probation. Mr. Bowers made a motion to direct the Division to file the Notice of Agency Action. Mr. Brown seconded the motion. Motion passed by unanimous vote.

CJ's Flooring Outlet Inc
Probation Interview, Non Compliance

Mr. Jones reviewed the terms of probation. Mr. Ellis has not complied with the drug testing requirements. He has taken some of the required drug tests, but he has missed some. The tests he has taken have been negative. Mr. Ellis answered questions from the Commission. Mr. Tippetts made a motion that probation continue but that any further violations will result in filing a Notice of Agency of Action with an Order to Show Cause of why the license should not be revoked. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Eddy L Shaw Construction Co Inc
Probation Interview, Non Compliance

Mr. Jones reviewed the terms of the Stipulation and Order. Subsequent to the signing of the Stipulation, additional judgments and tax liens have been filed. Mr. Martineau and Mr. Preston asked to be recused. Mr. Shaw indicated he is trying to workout payment arrangements on the IRS tax lien. Mr. Shaw stated payment arrangement should be worked out in the next few months. Mr. Bowers made a motion that we receive monthly documentation from Mr. Shaw regarding his progress in making arrangements with the IRS. If he fails to keep DOPL informed of his progress with the IRS, a Notice of Agency Action will be filed. Mr. Brown seconded the motion. Motion

passed with six votes in favor. Mr. Martineau and Mr. Preston did not vote.

Portrait Flooring Inc
Probation Interview, Non Compliance

Mr. Jones reviewed the terms of probation. Mr. Dille answered questions from the Commission. He is now in compliance with his probation.

**REVIEW PROPOSED DISCIPLINARY
ACTIONS:**

Burns Construction and Remodeling
Default Order
Failure to Replace Qualifier

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

CDM Heating and Cooling Inc
Default Order
Failure to Replace Qualifier

Mr. Jones reviewed the Default Order for failure to replace qualifier for the S210 general plumbing classification. Mr. Bowers made a motion to approve the Default Order as written. Mr. Brown seconded the motion. Motion passed by unanimous vote.

Distinguished Homes LLC
Default Order
Financial Responsibility

Mr. Jones reviewed the Default Order. Mr. Bowers mad a motion to approve the Default Order as written. Mr. Brown seconded the motion. Motion passed by unanimous vote.

Swan Valley Construction LLC
Default Order
Financial Responsibility

Mr. Jones reviewed the Default Order. Mr. Bowers mad a motion to approve the Default Order as written. Mr. Brown seconded the motion. Motion passed by unanimous vote.

Gary R Dent
Default Order
Financial Responsibility

Mr. Jones reviewed the Default Order. Mr. Bowers mad a motion to approve the Default Order as written. Mr. Brown seconded the motion. Motion passed by unanimous vote.

Euro Craft Cabinetry & Design Inc
Default Order
Financial Responsibility

Mr. Jones reviewed the Default Order. Mr. Bowers mad a motion to approve the Default Order as written. Mr. Brown seconded the motion. Motion passed by unanimous vote.

Suncrest Electric Corporations
Default Order
Financial Responsibility

Mr. Jones reviewed the Default Order. Mr. Bowers mad a motion to approve the Default Order as written. Mr. Brown seconded the motion. Motion passed by

Rancho Tooele Development, LLC
Review Proposed Order
Financial Responsibility

unanimous vote.

Mr. Jones reviewed the proposed Order. The Order recommends revocation of license on January 31, 2011. The revocation will be set aside if prior to January 31, 2011, the licensee provides evidence the judgments have been paid or the licensee provides a \$150,000 license bond or signs a probationary agreement. Mr. Bowers made a motion to approve the Default Order as written. Mr. Brown seconded the motion. Motion passed by unanimous vote.

Bijan Sedghi and Michael Andrew Young
All Serve Heating & A/C, LLC
Stipulation and Order

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

Kenneth T Wilmot
American Prestige Construction
dba American Prestige Roofing
Stipulation and Order

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

Daniel William Strong
Stipulation and Order

Mr. Jones reviewed the Stipulation and Order. Mr. Preston asked to be recused. Mr. Bowers made a motion to approve the Stipulation and Order as written. Mr. Brown seconded the motion. Motion passed with seven votes in favor. Mr. Preston did not vote.

Charles Edward Herbert
Master Plumber
Memorandum of Understanding

Mr. Jones reviewed the terms of the Memorandum of Understanding. Mr. Herbert answered questions from the Commission. Mr. Preston made a motion to approve the Memorandum of Understanding. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Six D Excavation, Inc
Order Reinstating License

Mr. Jones reviewed the Order to reinstate. The qualifier has been terminated. Mr. Bowers made a motion to approve the Order. Mr. Brown seconded the motion. Motion passed by unanimous vote.

DISCUSSION ITEMS:

Investigation Update

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

Proposed Changes to Plumbing Rules
Incidental Practice

The Commission reviewed proposed changes to the incidental practice for plumbers. Clay Smith explained the importance of having licensed plumbers install water heaters. Mr. Preston made a motion to accept the changes as written. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Continuing Education Costs for Plumbers

Mr. Jones reported on what was discussed by the Plumbers Board regarding cost of continuing education. Item was noted with no action taken.

Discuss Bond Limit Rule

Proposed language which would allow a bond of less than \$50,000 under limited circumstances was reviewed. Mr. Tippetts made a motion to accept the proposed language as amended. Mr. Preston seconded the motion. Motion passed by unanimous vote.

ADJOURN:

12:53 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.

January 26, 2011
Date Approved

(ss) Dave Told
Chairperson, Construction Services Commission

January 26, 2011
Date Approved

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