

MINUTES
UTAH
CONSTRUCTION SERVICES COMMISSION
MEETING

October 31, 2012

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

CONVENED: 9:00 AM

ADJOURNED: 12:15 PM

Bureau Manager:

Dan S. Jones

Board Secretary:

Ann Naegelin

Board Members Present

Ed Gongaware, Plumber Board Chair
Scott Sessions, Burglar Alarm Board Chair
Kevin Clubb, Electrical Board Chair
Chris Martineau
Daniel Schoenfeld, left at 10:45 am
Jerry Preston
Robert Campbell Jr.

Board Members Absent

C Reed Brown, excused
Steve Bowers, excused

Guests:

Mike Moffatt, Utah Contractors License Center
Ross Ford, Utah Homebuilder Association
Charles Herbert,
Sean Conlon, Plumber Board Vice Chair
Dana Farmer, UPHCA
Shawn Harding, H & H Steel Fabrication
Charlie Herbert, Herbert Plumbing
James Cox, Cox Construction & Design, LLC
Ben Lieberman, Attorney for Pellco CEU
Michael Huntsman, Huntsman Construction, LLC

DOPL Staff Present:

Mark Steinagel, Division Director
Ray Walker, Regulatory and Compliance Officer
David Furlong, Chief Investigator
Neena Bowen, Compliance Specialist
April Ellis, Bureau Manager
Bowen Call, Auditor
Steven Duncombe, Auditor

Karen McCall, Board Secretary
Sally Stewart, Bureau Manager
Debra Hobbins, Bureau Manager
Noël Taxin, Bureau Manager
Rich Oborn, Bureau Manager
Robyn Barkdull, CE Program Specialist
Grant Allen, CE Tech

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

Swear in New Board Member

New Commission Chairman

Approval of August and September 2012
Commission Minutes

Compliance Update

Investigation Update

APPOINTMENTS:

Discussion Item
Stepping up from R100 to B100
Experience Requirements
Employment of Qualifier
Alternative Experience

David Brewer

DECISIONS AND RECOMMENDATIONS

Mr. Campbell was sworn is a new Commission member.

Jerry Preston was selected as the new chairman.

Mr. Martineau made a motion to approve the August and September minutes as written. Mr. Gongaware seconded the motion. Motion passed by unanimous vote.

Ms. Bowen gave a probation report for contractors on probation for reasons other than financial responsibility.

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

The Commission discussed several issues such as, stepping up from an R100 to a B100 classification, stepping up from a sub classification to an R100 classification, the requirement for experience to be completed within the last ten years, employment of a qualifier, alternative experience, and qualifying for license using experience as an owner builder.

These items will continue to be discussed in future meetings.

Mr. Jones and the Commission reviewed the experience for Daniel Brewer. Mr. Brewer explained his experience and answered questions from the

Commission. Mr. Martineau made a motion to accept the experience for David Brewer. Mr. Campbell seconded the motion. Motion passed by unanimous vote.

Industrial Gear and Machine Works
Inadequate Response
Failure to Replace Qualifier

Mr. Jones reviewed the inadequate response from Industrial Gear and Machine Works. Mr. Campbell made a motion to approve the recommendation of the Division to revoke the license for failure to replace the qualifier. Mr. Schoenfeld seconded the motion. Motion passed by unanimous vote.

Wylie Construction LLC
Inadequate Response
Financial Responsibility

Mr. Jones reviewed the inadequate response from Wylie Construction LLC. Mr. Martineau made a motion to approve the recommendation of the Division to revoke the license for financial responsibility and assess a \$500 administrative fine for misrepresentation on their renewal. Mr. Gongaware seconded the motion. Motion passed by unanimous vote.

Cox Construction & Design LLC
Inadequate Response
Financial Responsibility

Mr. Jones reviewed the history and inadequate response for Cox Construction & Design LLC. He indicated the company is no longer doing business. James Cox answered questions from the Commission. Mr. Session made a motion to accept the recommendation from the Division to assess a \$1000 fine for misrepresentation. Mr. Schoenfeld seconded the motion. Motion passed by unanimous vote.

Danny Mathews
Apprentice Plumber
Non Compliance with Probation

Mr. Jones reviewed the inadequate response from Danny Mathews. Mr. Clubb made a motion to accept the recommendation from the Division to revoke the license for non compliance with his probation. Mr. Campbell seconded the motion. Motion passed by unanimous vote.

Charles Herbert
Probation Interview

Mr. Jones reviewed the history for Charles Herbert. Mr. Herbert answered questions from the Commission. Mr. Sessions made a motion to extend the probation for five more years from August, 2012. Mr. Herbert will receive a reprimand for non compliance with the terms of his probation. If he does not have strict compliance with the terms of his probation, a Notice of Agency Action will be drafted to revoke his license will be drafted. Mr. Herbert must

comply with the recommendations from the counselor for counseling and attendance at twelve step meeting. Mr. Gongaware seconded the motion. Motion passed by unanimous vote.

Samuel Abrams
Abrams Plumbing Inc
Request for Early Termination of Probation

Mr. Jones reviewed a request from Samuel Abrams for early termination of his probation. Mr. Preston asked to be recused. Mr. Martineau made a motion to terminate probation for Abrams Plumbing. Mr. Campbell seconded the motion. Motion passed by unanimous vote.

Pellco CEU

Mr. Steinagel gave a brief explanation of the continuing education registry. Mr. Jones reviewed the response to the Notice of Agency Action.

Mr. Leiberman indicated that Pellco CEU wants to make the necessary corrections to provide continuing education for Utah licensees.

Mr. Sessions made a motion revoke the approval for Pellco effective the date the Order is signed. Pellco can no longer promote the course, the Division will send out a notice to licensees who have not completed their continuing education advising them of Pellco's status, the Division will accept hours for those licensees who have already completed the course, Pellco will have until November 10 to upload hours already completed. Mr. Campbell seconded the motion. Motion passed with six votes in favor. Mr. Schoenfeld left the meeting early and did not vote.

Huntsman Construction
Review Application

Mr. Jones and the Commission reviewed the history for Michael Huntsman. Mr. Huntsman answered questions from the Commission. Mr. Martineau made a motion to approve the license for Huntsman Construction without probation if he agrees to step down to an R100 classification. Mr. Sessions seconded the motion. Motion passed with six votes in favor. Mr. Schoenfeld left the meeting early and did not vote.

David Brewer

Mr. Jones and the Commission reviewed the experience for Daniel Brewer. Mr. Brewer explained his experience and answered questions from the

Commission. Mr. Martineau made a motion to accept the experience for David Brewer. Mr. Campbell seconded the motion. Motion passed by unanimous vote.

DISCUSSION ITEMS:

Mark Gregory Carter
Financial Responsibility

Mr. Jones reviewed the proposed Stipulation and Order. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Caleb Steven Sharpe
Apprentice Electrician

Mr. Jones reviewed the Order Reinstating License. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Travis John Engels
Journeyman Electrician

Mr. Jones reviewed the proposed Stipulation and Order. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Mark Conti
Alarm Company Agent

Mr. Jones reviewed the proposed Memorandum of Understanding. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Michael S Warren Jr.
Apprentice Plumber

Mr. Jones reviewed the proposed Stipulation and Order. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Brett Lorscheider
Apprentice Electrician

Mr. Jones reviewed the proposed Stipulation and Order. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Scott Craig Daniels
Apprentice Electrician

Mr. Jones reviewed the Order Reinstating License. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Guy Howard Johnson
Master Electrician

Mr. Jones reviewed the Order Reinstating License. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Apple Homes LLC
Financial Responsibility

Mr. Jones reviewed the proposed Stipulation and Order. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

John Jeremy Erickson
Apprentice Electrician

Mr. Jones reviewed the proposed Stipulation and Order. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Custom Cool Pools & Spas, Inc

Mr. Jones reviewed the Order Reinstating License. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Sned's General Construction LLC

Mr. Jones reviewed the Order Reinstating License. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Clancey Painting LLC
Default Order
Failure to Replace Qualifier

Mr. Jones reviewed the proposed Default Order. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Colledge Construction & Consulting Inc
Default Order
Failure to Replace Qualifier

Mr. Jones reviewed the proposed Default Order. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Complete Construction Services
Default Order
Failure to Replace Qualifier

Mr. Jones reviewed the proposed Default Order. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Jar-Con Inc
Default Order
Failure to Replace Qualifier

Mr. Jones reviewed the proposed Default Order. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Premier Technology Inc
Default Order
Failure to Replace Qualifier

Mr. Jones reviewed the proposed Default Order. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Kaye Construction Inc
Default Order
Financial Responsibility

Mr. Jones reviewed the proposed Default Order. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Home Improvement Solutions
Default Order
Failure to Replace Qualifier

Mr. Jones reviewed the proposed Default Order. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Marcell Trujillo
Default Order
Failure to Comply with Probation

Mr. Jones reviewed the proposed Default Order. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Scott Lilywhite
Default Order
Failure to Comply with Probation

Mr. Jones reviewed the proposed Default Order. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Arthur Devin Gomez
Default Order
Failure to Comply with Probation

Mr. Jones reviewed the proposed Default Order. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Lenny Dee Sears
Default Order
Failure to Comply with Probation

Mr. Jones reviewed the proposed Default Order. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Miguel Zurita

Mr. Jones reviewed the proposed Default Order. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

CM & K LLC
Default Order
Non Compliance with Probation

Mr. Jones reviewed the proposed Default Order. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Wasatch Sun LLC
Default Order
Failure to Replace Qualifier

Mr. Jones reviewed the proposed Default Order. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Brandon Jay Perrault
Default Order
Failure to Comply with Probation

Mr. Jones reviewed the proposed Default Order. Mr. Sessions made a motion to approve the Order. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Fibrwrap Construction Services Inc
S700 Classification

Mr. Jones reviewed the application for Fibrwrap Construction Services Inc. for an S700 classification. The Commission requested they come to the November meeting to explain the type of work they will be doing.

ADJOURN:

12:15 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.

November 28, 2012
Date Approved

(ss) Jerry Preston
Chairperson, Construction Services Commission

November 28, 2012
Date Approved

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