

MINUTES

**UTAH
CONSTRUCTION SERVICES COMMISSION
MEETING**

February 27, 2013

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

CONVENED: 9:00 AM

ADJOURNED: 3:30 PM

Bureau Manager:
Board Secretary:

Dan S. Jones
Ann Naegelin

Board Members Present

Jerry Preston, Chairman
Kevin Clubb, Electrical Board Chair
Scott Sessions, Burglar Alarm Board Chair
Ed Gongaware, Commission and Plumber Board Chair
Chris Martineau
Robert Campbell

Board Members Absent

C Reed Brown, excused
Daniel Schoenfeld

Guests:

Will Pierce, DATC
Brad Steven, IEC of Utah
Ross Ford, Utah HBA
Mike Moffatt, UTCLC
Sean Conlon, Utah Plumbers Board
Ryan Willden, Monster Construction
Steve Rogers, Attorney for Monster Construction
Kathy Milton USDOL
Tad Starr, USDOL
Jennifer Napier-Pearce SL Tribune
Dan Larson
Antonio Uroza
Larry Jensen, Nelco Contractors, Inc
Ben Thompson, BL Thompson Development
Richard Carr, BAC Local, Utah 4 Corners
Corey Atkinson, Universal Contracting LLC
Craig Winder, Attorney for Universal Contracting
Daniel Watkins, Attorney for Universal Contracting

Joe Leavitt
Dennis Chavez

DOPL Staff Present:

Mark Steinagel, Division Director
Ray Walker, Regulatory and Compliance Officer
David Furlong, Chief Investigator
Stephen Duncombe, Bureau Manager
April Ellis, Bureau Manager
Gordon Summers, Investigation Supervisor
Neena Bowen, Compliance Specialist
Bowen Call, Auditor
Tom Brady, Department Deputy Director
Jenni Jonsson, Administrative Law Judge
Judi Jensen, AAG

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approval of February 1, 2013 Commission Minutes

The minutes from the February 1, 2013 meeting were reviewed. Mr. Clubb made a motion to approve minutes as corrected. Mr. Gonagaware seconded the motion. Motion passed by unanimous vote.

Investigation Update

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

Compliance Update

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

Mr. Gongaware made a motion to file a Notice of Agency Action for S and D Plumbing for non compliance with their probation. Mr. Clubb seconded the motion. Passed by unanimous vote.

APPOINTMENTS:

Monster Construction

Ryan Willden, Monster Construction and Steve Roger, attorney for Monster Construction, met with the Commission. They asked to have this item removed from the Default Order and allow more time to work out arrangements with their creditors. Mr. Martineau made a motion to allow 30 days for Monster Construction to submit the information requested for

Jorge Antonio Rodriguez Ruiz
Inadequate Response
Contracting without a license

financial responsibility. Mr. Sessions seconded the motion. Motion passed by unanimous vote.

Mr. Jones reviewed the response filed by Jorge. Ruiz. Mr. Ruiz did not attend the meeting or furnish tax returns. Mr. Martineau made a motion to issue a Cease and Desist with a \$500 fine. Mr. Campbell seconded the motion. Motion passed by unanimous vote.

Emilio Garci Montiel
Inadequate Response
Contracting without a license

Mr. Jones reviewed the response filed by Emilio Montiel. Mr. Montiel did not attend the meeting. He did submit a tax return but the 1099 income was not reported on schedule C. Mr. Martineau made a motion to issue a Cease and Desist with a \$500 fine. Mr. Campbell seconded the motion. Motion passed by unanimous vote.

Oswaldo Terrones Ruiz
Inadequate Response
Contracting without a license

Mr. Jones reviewed the response filed by Oswaldo Ruiz. Mr. Ruiz did not attend the meeting. He did submit a tax return but the 1099 income was not reported on schedule C. Mr. Martineau made a motion to issue a Cease and Desist with a \$500 fine. Mr. Campbell seconded the motion. Motion passed by unanimous vote.

Jose Marcos Garcia Montiel
Inadequate Response
Contracting without a license

Mr. Jones reviewed the response filed by Jose Montiel. Mr. Montiel did not attend the meeting. He did submit a tax return but the 1099 income was not reported on schedule C. Mr. Martineau made a motion to issue a Cease and Desist with a \$500 fine. Mr. Campbell seconded the motion. Motion passed by unanimous vote.

Antonio Uroza
Inadequate Response
Contracting without a license

Mr. Jones reviewed the information for Antonio Uroza. Mr. Uroza submitted tax returns which show he included the 1099 wages. Mr. Sessions made a motion to issue a Cease and Desist, without a fine. Mr. Clubb seconded the motion. Motion passed by unanimous vote.

Zorobabel Trujillo Cortes
Inadequate Response
Contracting without a license

Mr. Jones reviewed the response filed by Zorobabel Cortes. Mr. Cortes did not attend the meeting. He did submit a tax return but the 1099 income was not reported on schedule C. Mr. Martineau made a motion

to issue a Cease and Desist with a \$500 fine. Mr. Campbell seconded the motion. Motion passed by unanimous vote.

Furnished tax return, 1099 income not reported on schedule C

Eloy Terrones Ruiz
Inadequate Response
Contracting without a license

Mr. Jones reviewed the information for Eloy Terrones Ruiz. Mr. Ruiz submitted tax returns which show he filed tax returns which included the 1099 wages. Mr. Sessions made a motion to issue a Cease and Desist, without a fine. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Jesus Ruvalcaba Martinez
Inadequate Response
Contracting without a license

Mr. Jones reviewed the information for Jesus Martinez. Mr. Martinez did not submit a tax return. Mr. Sessions made a motion to issue a Cease and Desist, with a \$500 fine. Mr. Martineau seconded the motion. Motion passed by unanimous vote. Did not furnish tax return.

Priciliano Burgos
Inadequate Response
Contracting without a license

Mr. Jones reviewed the response filed by Priciliano Burgos. Mr. Burgos did not attend the meeting. He did submit a tax return but the 1099 income was not reported on schedule C. Mr. Martineau made a motion to issue a Cease and Desist with a \$500 fine. Mr. Campbell seconded the motion. Motion passed by unanimous vote.

Raul Landeros
Inadequate Response
Contracting without a license

Mr. Jones reviewed the response filed by Raul Landeros. Mr. Landeros did not attend the meeting. He did submit a tax return but the 1099 income was not reported on schedule C. Mr. Martineau made a motion to issue a Cease and Desist with a \$500 fine. Mr. Campbell seconded the motion. Motion passed by unanimous vote.

Jose Ramon Rodriguez-Cruz
Inadequate Response
Contracting without a license

Mr. Jones reviewed the response filed by Jose Rodriguez-Cruz. Mr. Rodriguez-Cruz did not attend the meeting. He did submit a tax return but the 1099 income was not reported on schedule C. Mr. Martineau made a motion to issue a Cease and Desist with a \$500 fine. Mr. Campbell seconded the motion. Motion passed by unanimous vote.

Enrique Gerardo Pantoja

Mr. Jones reviewed the information for Jesus

Inadequate Response
Contracting without a license

Martinez. Mr. Pantoja did not submit a tax return. Mr. Sessions made a motion to issue a Cease and Desist, with a \$500 fine. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

Danny Larson
Non Compliance Probation Interview

Ms. Bowen reviewed the history for Danny Larson. Mr. Larson answered questions from the Commission. Mr. Gongaware made a motion to continue with probation. A Notice of Agency Action will be filed if he has another positive test. Mr. Campbell seconded the motion. Motion passed by unanimous vote.

Leading Edge Electric

This item was continued until March.

A & J Stone Mason
Non Compliance Probation Interview

A representative from A & J Stone Mason did not appear for their interview. Mr. Campbell made a motion to issue a Notice of Agency Action. Mr. Clubb seconded the motion. Motion passed by unanimous vote.

BL Thompson Development
Non Compliance Probation Interview

Mr. Jones reviewed the history for BL Thompson. Mr. Thompson answered questions from the Commission. He has been making some payments on the judgments. The new judgment is for a company he is the qualifier for. Mr. Martineau made a motion to allow 30 days for Mr. Thompson to become compliant with the terms of his probation. Mr. Sessions seconded the motion. Motion passed with five votes in favor. Mr. Campbell did not vote.

BPI Enterprises
Non Compliance Probation Interview

A representative from BPI Enterprises did not appear for their interview. Mr. Campbell made a motion to issue a Notice of Agency Action. Mr. Clubb seconded the motion. Motion passed by unanimous vote.

Double J Mechanical
Non Compliance Probation Interview

A representative from Double J Mechanical did not appear for their interview. Mr. Campbell made a motion to issue a Notice of Agency Action. Mr. Clubb seconded the motion. Motion passed by unanimous vote.

Funk Brothers Construction
Non Compliance Probation Interview

Mr. Jones reviewed the history for Funk Brothers Construction. Mr. Funk represented that he has repaid all of his creditors. He will need to submit proof of payment. Mr. Martineau made a motion to allow him

30 days to come into compliance. Mr. Campbell seconded the motion.

Geoffrey Peterson
Non Compliance Probation Interview

Geoffrey Peterson did not appear for his interview. Mr. Campbell made a motion to issue a Notice of Agency Action. Mr. Clubb seconded the motion. Motion passed by unanimous vote.

High Creek Heating & Cooling
Non Compliance Probation Interview

A representative from High Creek Heating & Cooling did not appear for their interview. Mr. Campbell made a motion to issue a Notice of Agency Action. Mr. Clubb seconded the motion. Motion passed by unanimous vote.

Mitchell Company
Non Compliance Probation Interview

A representative from Mitchell Company did not appear for their interview. Mr. Campbell made a motion to issue a Notice of Agency Action. Mr. Clubb seconded the motion. Motion passed by unanimous vote.

Mark Noren
Non Compliance Probation Interview

Mark Noren did not appear for his interview. Mr. Campbell made a motion to issue a Notice of Agency Action. Mr. Clubb seconded the motion. Motion passed by unanimous vote.

DISCUSSION ITEMS:

Mac Jean Hard
Order Reinstating License

The Commission reviewed the proposed Order Reinstating License. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Jacob Mark Johnson
dba J & J Painting Services
Stipulation and Order
Financial Responsibility
Bart Gross
Order Reinstating License

The Commission reviewed the proposed Order Reinstating License. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Henele Kolo Mani
dba Mani Construction
Order Reinstating License

The Commission reviewed the proposed Order Reinstating License. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Twin Peaks Paint Contracting LLC
Order Reinstating License

The Commission reviewed the proposed Order Reinstating License. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Daniel William Strong
Order Reinstating License

The Commission reviewed the proposed Order Reinstating License. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Monument Setters LLC
Order Reinstating License

The Commission reviewed the proposed Order Reinstating License. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Ryan Andrew Prescott
Apprentice Electrician
Stipulation and Order

The Commission reviewed the proposed Stipulation and Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Shannon Bramlett
Journeyman Electrician
Stipulation and Order

The Commission reviewed the proposed Stipulation and Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

KC Dale Beckstead
Apprentice Plumber
Stipulation and Order

The Commission reviewed the proposed Stipulation and Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Clinton Rader
Order Reinstating License

The Commission reviewed the proposed Order Reinstating License. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Leed Electric Inc
Electrical Contractor
Stipulation and Order

The Commission reviewed the proposed Stipulation and Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Kellogg brown & Root LLC
Default Order
Failure to replace qualifier

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Bryce E Owens
Default Order
Failure to comply with probation

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Eriberto Cruz
Default Order
Contracting with a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Moises Machado
Default Order
Contracting without a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Bernardo Munoz Frausto
Default Order
Contracting without a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Jose Talavera
Default Order
Contracting without a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Gregorio Uvario-Lopez
Default Order
Contracting without a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Luis Romero
Default Order
Contracting without a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Manolo Najarro
Default Order
Contracting without a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Agustin Hernandez
Default Order
Contracting without a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Ricardo Valdovinos
Default Order
Contracting without a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Tony Chavez
Default Order
Contracting without a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Arnold Mata
Default Order
Contracting without a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Francisco Barajas
Default Order
Contracting without a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Jesus Guzman
Default Order
Contracting without a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Jose Delgado
Default Order
Contracting without a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Elmer Garcia
Default Order
Contracting without a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Tulio Mendez-Najarro
Default Order
Contracting without a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Luzvin Ruano
Default Order
Contracting without a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Mariano Choncoa
Default Order
Contracting without a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Carlos Hernandex
Default Order
Contracting without a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Emilio Villa-Lopez
Default Order
Contracting without a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Armando Vasquez
Default Order
Contracting without a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Ronald Flores-Camaja
Default Order
Contracting without a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Jorge A Espino
Default Order
Contracting without a license

The Commission reviewed the proposed Default Order. Mr. Martineau made a motion to approve the Order as written. Mr. Session seconded the motion. Motion passed by unanimous vote.

Your Comfort Heating, Air Conditioning &
Fireplace LLC
Default Order Unprofessional Conduct
Order by Division of Consumer Protection

Mr. Jones reviewed the Default Order for Your Comfort Heating, Air Conditioning & Fireplace LLC. Mr. Gongaware made a motion to approve the Default Order as written. Mr. Clubb seconded the motion. Motion passed by unanimous vote.

Universal Contracting LLC

Mr. Steinagel has asked Tom Brady, the Department Deputy Director, to act as the Division Director for the Universal Contracting LLC matter.

Mr. Martineau recused himself from this discussion.

Mr. Jones reviewed the two counts that were not continued in the Stipulation and Order signed in

December. He presented the information found when the Division reviewed the information submitted by Universal Contracting.

Craig Winder, Danny Watkins, Corey Atkinson gave a response to Mr. Jones' information.

Comment was heard from the public in attendance at the meeting.

The Commission would like to close the meeting to receive legal advice from their attorney. Mr. Preston read the Sworn Statement Supporting Closure on Board Meeting. Vote was unanimous to close the meeting to the public.

Motion by Mr. Campbell to end closed session. Mr. Session seconded the motion. Motion passed by unanimous vote. Meeting was reopened to the public.

The Commission asked some additional questions to Universal Contracting. The meeting will be closed for the Commission to deliberate after they have concluded the remaining business on the agenda.

Classification and Qualifier Requirements

Mr. Jones updated the Commission on the rule filing approved last month.

A person from the public was in attendance to discuss the step up in classification. Mr. Jones addressed his questions and explained the rule filing.

This will be tabled until next month.

Louisiana Contractor Examinations

Mr. Jones reviewed a request from Louisiana to accept some of their sub classifications to qualify for the E100 license in Utah without taking the Utah trade exam. Mr. Clubb made a motion to accept the Highway, Street and Bridge Construction; Heavy Construction; and Municipal and Public Works Construction classifications exams for the E100 classification. Mr. Gongaware seconded the motion. Motion passed by unanimous vote.

Closed Session to deliberate

The meeting was closed in order for the Commission to deliberate a decision on the Universal Contracting

matter. Mr. Preston read the Sworn Statement Supporting Closure on Board Meeting. Vote was unanimous to close the meeting to the public. Mr. Preston opened the meeting and the meeting was adjourned.

ADJOURN: 3:30 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.

May 1, 2013
Date Approved

(ss) Jerry Preston
Chairperson, Construction Services Commission

May 1, 2013
Date Approved

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