

MINUTES

**UTAH
RESIDENCE LIEN RECOVERY FUND
ADVISORY BOARD
MEETING**

**September 8, 2010
North Conference Room – 8:15 am
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:17am

ADJOURNED: 9:55am

Board Members Present:

Jeff Richards, Chair
Douglas W Darrington, Vice-Chair
James Havell
Merlin Taylor
Patty Fullmer
Calvin Bowen

Board Members Absent:

Daniel Dearden

DOPL Staff Present:

Program Manager, Dane Ishihara
Fund Secretary, Tracy Naff
AAG, Tony Patterson

Guests:

Jerry Argyle, homeowner
Brenton Ryan Skinner, homeowner
Daryt Butler, HD Butler Construction Inc

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Review and approve minutes from the August 2010 board meeting.

Mr. Havell made a motion to approve the August 2010 minutes as written. Mrs. Fullmer seconded the motion. Motion passed by unanimous vote.

Homeowner Applications for Review:

1. Recommended for Denial & Explanation required
 - a) CKSMEC001 David & Diane Meacham v CK's Peak Investments LLC – Mr. Ishihara gave a brief explanation of this application. Mr. Darrington made a motion to deny the

- application. Mr. Havell seconded the motion. Motion passed by unanimous vote.
- b) DEEHAN001 Ronald Hansen v Deets Construction Inc – Mr. Ishihara gave a brief explanation of this application. Mr. Taylor made a motion to deny the application. Mr. Havell seconded the motion. Motion passed by unanimous vote.
 - c) GOLFIS001 Glen Fish v Victor Vaca Construction Inc – Mr. Ishihara gave a brief explanation of this application. Mr. Patterson addressed the legal matter of “paid in full” as stated by the contractor on the contract. Mr. Ishihara amended the Division’s recommendation. Mr. Havell made a motion to approve the application. Mr. Taylor seconded the motion. Motion passed by unanimous vote.
 - d) JERSKI001 Brenton Ryan Skinner v Jeremi Tobler Construction Inc – Mr. Ishihara gave a brief explanation of this application. Mr. Skinner responded. Mr. Darrington made a motion to to table the application and allow Mr. Skinner an opportunity to provide additional evidence of payment in full. Mr. Taylor seconded the motion. Motion passed by unanimous vote.
 - e) LONTUI001 Trulie Tuitavuki v Longhorn Contractors LLC – Mr. Ishihara gave a brief explanation of this application. Mr. Darrington made a motion to deny the application. Mr. Havell seconded the motion. Motion passed by unanimous vote.
 - f) MATARG001 Jerry Argyle v Mathew Berry – Mr. Ishihara gave a brief explanation of this application. Mr. Argyle responded. Mr. Patterson provided clarification regarding the statutory requirements of written contract. Mr. Darrington made a motion to deny the application. Mrs. Fullmer seconded the motion. Motion passed by unanimous vote.
 - g) TEREBR001 Hashem M Ebrahimi v Terry Enman Concrete Co LLC – Mr. Ishihara gave a brief explanation of this application. Mr. Havell made a motion to deny the application. Mrs. Fullmer seconded the motion. Motion passed by unanimous vote.
 - h) UNLFAR001 Melvin & Renee Farnsworth v Unlimited Lath Plastering Inc – Mr. Ishihara gave a brief explanation of this

application. Mrs. Fullmer made a motion to deny the application. Mr. Darrington seconded the motion. Motion passed by unanimous vote.

- i) WOOTRU001 Kenneth & Jan Broadbent v Wood Works by Design Inc – Mr. Ishihara gave a brief explanation of this application. Mr. Patterson commented. Mr. Havell made a motion to deny the application. Mr. Darrington seconded the motion. Motion passed by unanimous vote.

1. Recommended for Denial & Explanation Required

- a) LRF-2009-0406-01 Stock Building Supply Inc v Exterior Finishes (Warburton) – Mr. Ishihara gave a brief explanation of this application. Mrs. Fullmer provided an opinion regarding Proof of Claim requirements and Chapter 7 bankruptcy. Mr. Patterson provided background related to requirements. Mr. Darrington made a motion to deny the application. Mr. Taylor seconded the motion. Motion passed by unanimous vote.
- b) LRF-2010-0113-01 Ronco Inc v Anthony Farnsworth (Nicholson) – Mr. Ishihara gave a brief explanation of this application. Mr. Darrington made a motion to deny the application. Mr. Bowen seconded the motion. Motion passed by unanimous vote.

2. Recommended for Denial & Explanation Required

- a) LRF-2009-0223-02 BMC West Corporation v TCON Homes (Bahner) – Mrs. Fullmer recused herself. Mr. Ishihara gave a brief explanation of this application. Mrs. Fullmer, speaking as a representative of BMC West, responded. Mr. Patterson provided an explanation regarding responsibility of providing correct address. Mr. Darrington made a motion to deny the application. Mr. Taylor seconded the motion. Motion passed by unanimous vote.
- b) LRF-2009-0615-01 BMC West Corporation v TCON Limited Partnership (Cuthbertson) – Mrs. Fullmer recused herself. Mr. Ishihara gave a brief explanation of this application. Mrs. Fullmer, speaking as a representative of BMC West, responded.

Mr. Patterson provided an explanation regarding responsibility of providing correct address. Mr. Darrington made a motion to deny the application. Mr. Taylor seconded the motion. Motion passed by unanimous vote.

3. Recommended for Approval & No Explanation required

- a) LRF-2009-0826-02 Derald T Smith LC v Evolution Custom Homes Inc (Ludlow) - Mr. Darrington made a motion to approve the application. Mrs. Fullmer seconded the motion. Motion passed by unanimous vote.
- b) LRF-2009-0831-02 Stringham Lumber Co Inc v Esprit Construction (Lim-Anderson) – Mr. Darrington made a motion to approve the application. Mrs. Fullmer seconded the motion. Motion passed by unanimous vote
- c) LRF-2009-0902-02 Stringham Lumber Co Inc v Esprit Construction (Guthrie) – Mr. Darrington made a motion to approve the application. Mrs. Fullmer seconded the motion. Motion passed by unanimous vote.
- d) LRF-2009-0902-03 Stringham Lumber Co v Esprit Construction (Wall) – Mr. Darrington made a motion to approve the application. Mrs. Fullmer seconded the motion. Motion passed by unanimous vote.
- e) LRF-2009-0902-04 Stringham Lumber Co Inc v Esprit Construction (Richardson) – Mr. Darrington made a motion to approve the application. Mrs. Fullmer seconded the motion. Motion passed by unanimous vote.
- f) LRF-2009-0923-03 Stringham Lumber Co Inc v Esprit Construction (Pacheco) – Mr. Darrington made a motion to approve the application. Mrs. Fullmer seconded the motion. Motion passed by unanimous vote.
- g) LRF-2009-1109-01 Stringham Lumber Co Inc v Esprit Construction (Christianson) – Mr. Darrington made a motion to approve the application. Mrs. Fullmer seconded the motion. Motion passed by unanimous vote.
- h) LRF-2009-1209-01 Boyd Construction Corporation v Hallen Homes LLC (Sidwell) – Mr. Darrington made a motion to approve the application. Mrs. Fullmer seconded the motion. Motion passed by

- unanimous vote.
- I) LRF-2010-0303-01 Staker & Parsons Companies v Doug Jessop Construction Inc (Kiefer) – Mr. Darrington made a motion to approve the application. Mrs. Fullmer seconded the motion. Motion passed by unanimous vote.

2. Recommended for Approval & Explanation required

- a) LRF-2010-0111-01 Burton Lumber & Hardware v H D Butler Construction Inc (Taylor) – Mr. Ishihara gave a brief explanation of this application. Mr. Butler of HD Butler Construction responded. Mr. Patterson provided an explanation. Mr. Havell made a motion to approve the application. Mr. Darrington seconded the motion. Motion passed by unanimous vote.

ADJOURN:

Meeting adjourned at 9:55am

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.

October 13, 2010
Date Approved

(ss) Jeff Richards
Chairperson, Residence Lien Recovery Fund Advisory Board

October 13, 2010
Date Approved

(ss) Dane Ishihara
Program Coordinator, Division of Occupational & Professional Licensing