

MINUTES

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

**October 13, 2010
North Conference Room – 8:15 am
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:15 am

ADJOURNED: 10:00 am

Board Members Present:

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

Board Members Absent:

Calvin Bowen
Daniel Deardon

DOPL Staff Present:

Program Manager, Dane Ishihara
Claims Examiner, Mike Palumbo
Fund Secretary, Tracy Naff
Division Director, Mark Steinagel
Operations Manager, Dave Taylor
AAG, Tony Patterson

Guests:

Jerry Burn, SADBUR001, homeowner
Kirt Sadler, SADBUR001, original contractor
Dennis Gile, Elite Exteriors
Ryan Braithwaite, Counsel for Metro Ready Mix LLC
Scott Bridge, Counsel for Staker & Parsons Companies

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Review and approve minutes from the 2010 board meeting.

Mr Darrington made a motion to approve the September 2010 minutes as written. Mr Taylor seconded the motion. Motion passed by unanimous vote.

Staffing Update

Mr Ishihara introduced new Claims Examiner, Mike Palumbo. Mr Palumbo introduced himself.

Formal Claims For Review:

1. LRF-2005-1130-01 Williams Glass Company Inc v Continium Contracting Co (Peterson) Mr Patterson

gave a brief explanation of this application. Mr Patterson recommended to withdraw the request to dismiss the application. Mr Taylor made a motion to withdraw the request. Mrs Fuller seconded the motion. Motion passed by unanimous vote.

Homeowner Applications for Review:

1. Board Review Requested
 - a) SADBUR001 Jerry Burn v Sadler Construction Inc. Mr Ishihara gave a brief explanation of this application. Jerry Burn gave a brief summary of his evidence. Mr Taylor made a motion to approve the application. Mr Darrington seconded the motion. Motion passed by unanimous vote.
2. Recommended for Approval & Explanation required
 - a) ULISTA001 Gilbert & Monica Ulibarri v Justin Staub. Mr Ishihara gave a brief explanation of this application. The Board and the Division discussed short sales and requirements for Certificate of Compliance. Mr Darrington made a motion to approve the application. Mr Taylor seconded the motion. Motion passed by unanimous vote.

Informal Claims for Review:

1. Recommended for Denial & Explanation required
 - a) LRF-2009-0720-14 Metro Ready Mix LLC v Wolverine Construction Inc (Aucunas). Mr Patterson gave an explanation of this application stating the application should be denied for failure to timely file the application. Mr Braithwaite gave a summary of Metro's arguments. Mr Darrington made a motion to deny the application as recommended by the Division. Mrs Fuller seconded the motion. Motion passed by unanimous vote.
2. Recommended for Approval & Explanation required
 - b) LRF-2009-0928-02 Harper Ready Mix Company v Velocity Concrete & Design LLC (Christensen) Mr Darrington recused himself. Mr Taylor made a motion to approve the application upon claimant providing statement waiving the right to a quorum. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.

- c) LRF-2009-0825-02 BMC West Corporation v Brent V Peterson dba B V Peterson & Sons (Prosser). Mrs Fullmer recused herself. Mr Taylor made a motion to approve the application upon claimant providing statement waiving the right to a quorum. Mr Darrington seconded the motion. Motion passed by unanimous vote.
- d) LRF-2009-0831-03 LKL Associates Inc v Robin Nielson dba Exterior Finishes (White). Mr Darrinton made a motion to approve the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.
- e) LRF-2009-0831-05 Staker & Parsons Companies v Canyonlands Construction & Development LLC (Gronning) Mr Bridge questioned payment in full. Mr Ishihara explained the calculation of payment. Mr Patterson clarified the issue. Mr Darrington made a motion to approve the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.
- f) LRF-2009-1028-01 Sunroc Corporation v Southern Sun Construction Inc (Kirkland) Mr Darrington made a motion to approve the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.
- g) LRF-2009-1130-01 Jeff Dumas Concrete Construction LLC v Boulder Creek Homes & Construction Inc (Day) Mr Darrington made a motion to approve the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.
- h) LRF-2009-1203-02 Brundage Bone Concrete Pumping Utah Inc v Dean Robert Morgan dba Wolverine Construction (Grimley). Mr Darrington made a motion to approve the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.
- i) LRF-2009-1214-01 Harper Ready Mix Company v Front Gate Homes Inc (Brito) Mr Darrington recused himself. Mr Taylor made a motion to approve the application upon claimant providing a statement waiving the right to a quorum. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.
- j) LRF-2010-0119-02 Sunroc Corporation v Ledge Stone Masonry Inc (Moore) – Dane.

- Mr Darrington made a motion to approve the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.
- k) LRF-2010-0203-03 Elite Exteriors Inc v Remodeler Inc (Rasetti) – Dane. Mr Darrington made a motion to approve the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.
 - l) LRF-2010-0208-01 California Wholesale Material Supply dba CALPLY v Nieporte Construction Inc (Withers) – Dane. Mr Richards recused himself. Mr Taylor made a motion to approve the application upon claimant providing statement waiving the requirement to a quorum. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.
 - m) LRF-2010-0211-02 California Wholesale Material Supply dba CALPLY v Nieporte Construction Inc (Rutherford) – Dane. Mr Richards recused himself. Mr Taylor made a motion to approve the application upon claimant providing statement waiving the requirement to a quorum. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.
 - n) LRF-2010-0304-01 Metro Ready Mix LLC v Samuel Mailangi Vanisi (Cort One LLC) – Dane. Mr Darrington made a motion to approve the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.

ADJOURN: Meeting adjourned at 10:00 am

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 10, 2010 (ss) Jeff Richards
Date Approved Chairperson, Residence Lien Recovery Fund Advisory Board

November 10, 2010 (ss) Dane Ishihara
Date Approved Program Coordinator, Division of Occupational & Professional
Licensing