

**MINUTES**

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

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

**CONVENED:** 8:15 am

**ADJOURNED:** 10:02 am

**Board Members Present:**

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

**DOPL Staff Present:**

Program Manager, Dane Ishihara  
Claims Examiner, Mike Palumbo  
Fund Secretary, Tracy Naff  
AAG, Tony Patterson

**Guests:**

Kenneth Webb, homeowner  
Kayla Webb, homeowner  
Kevin Bischoff, counsel for Stringham Lumber  
Liisa Hancock, counsel for A Good Brick Mason  
Tayler Fox, counsel for Aspire Design

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

Review and approve minutes from the November 2010 board meeting.

Mr Darrington made a motion to approve the November 2010 minutes as written. Patty Fullmer seconded the motion. Motion passed by unanimous vote.

**Homeowner Application Approved Prior to the Board Meeting:**

1. JBEPIL001 Dean & Janel Fillinger v J & B Enterprises Inc

**Homeowner Applications for Review:**

1. Recommended for Denial & Explanation Required  
a) DESSTO001 Brian Storer v Deseret Investments Inc – Mr Ishihara gave a brief

explanation of the application. Mr Taylor made a motion to deny the application. Mr Darrington seconded the motion. Motion passed by unanimous vote.

2. Recommended for Approval & Explanation Required

- a) BOUWEB001 Kenneth Lee & Kayla Ann Webb v Boulder Creek Homes & Construction Inc. Mr Palumbo gave a brief explanation of the application. Jim Havell made a motion to approve the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.

**Informal Claims for Review:**

1. Recommended for Denial & Explanation Required

- a) LRF-2010-0405-02 Pantheon Construction Corporation v Arcadia Mortgage Inc (Troilo) Mr Palumbo gave a brief explanation of the application. Mr Darrington made a motion to deny the application. Mr Taylor seconded the motion. Motion passed by unanimous vote.
- b) LRF-2010-0414-03 Bullet Electric Inc v Arcadia Mortgage Inc (Troilo) Mr Palumbo gave a brief explanation of the application. Mr Darrington made a motion to deny the application. Mr Taylor seconded the motion. Motion passed by unanimous vote.
- c) LRF-2010-0414-04 Fullweather Exteriors v Arcadia Mortgage Inc (Troilo) Mr Palumbo gave a brief explanation of the application. Mr Darrington made a motion to deny the application. Mr Taylor seconded the motion. Motion passed by unanimous vote.
- d) LRF-2010-0414-05 Pacific Cabinets LC v Arcadia Mortgage Inc (Troilo) Mr Palumbo gave a brief explanation of the application. Mr Darrington made a motion to deny the application. Mr Taylor seconded the motion. Motion passed by unanimous vote.
- e) LRF-2010-0415-01 Quicksilver Construction LLC v Arcadia Mortgage Inc (Troilo) Mr Palumbo gave a brief explanation of the application. Mr Darrington made a motion to deny the application. Mr Taylor seconded the motion. Motion passed by unanimous vote.

2. Recommended for Denial & Explanation Required

- a) LRF-2009-0303-01 Wheelwright Lumber Co v Old School Inc (Spraw). Mr Ishihara gave a brief explanation of the application. Mr Darrington made a motion to deny the application. Mr Bowen seconded the motion. Motion passed by unanimous vote.
- b) LRF-2009-0914-02 Ted's Brick & Stone LLC v T-Con Limited Partnership (Nielsen). Mr Ishihara gave a brief explanation of the application. Mrs Fullmer made a motion to deny the application. Mr Havell seconded the motion. Motion passed by unanimous vote.
- c) LRF-2009-1125-01 Muddy Boys Inc v Jimmy Zufelt construction (Harper). Mr Richards recused himself. Mr Ishihara gave a brief explanation of this application. Mr Taylor made a motion to deny the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.
- d) LRF-2010-0111-03 Sunroc Corporation v Anthony Farnsworth (Nicholson). Mr Ishihara gave a brief explanation of the application. Mr Darrington made a motion to deny the application. Jim Havell seconded the motion. Motion passed by unanimous vote.
- e) LRF-2010-0203-02 Stringham Lumber Co Inc v Mountain States Construction & Development LLC (Rahimi). Mr Ishihara gave a brief explanation of the application. Mr Bishoff gave his analysis of the facts. Mr Patterson responded. Mr Ishihara verified the Certificate of Compliance was properly issued and that the contractor license had expired after the work had begun. Mr Havell made a motion to deny the application. Mrs Fullmer seconded the motion. Motion passed with 4 in favor, 2 opposed.
- f) LRF-2010-0211-01 A Good Brick Mason v Wilson Scott Inc (Sardina). Mr Ishihara gave a brief explanation of the application. Ms Hancock stated that they thought the application was timely filed. Mr Patterson explained the reasons legislature extended filing times. Mr Bowen made a motion to deny the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.

g) LRF-2010-0405-01 Aspire Design Inc v J Ballard Homes Inc (Consuelos) Mr Ishihara gave a brief explanation of the application. Mr Fox addressed the similarities between J Ballard homes and Americraft Homes. Mr Patterson suggested a court order to determine similarities. Mr Taylor made a motion to table the application. Mr Ishihara recommended instead that the application be placed on prolonged status to provide adequate time. Mr Fox agreed.

1. Recommended for Approval & Explanation Required

a) LRF-2010-0429-01 LKL Associates Inc v Lassiter LLC (Eberhardt). Mr Richards recused himself. Mr Palumbo gave a brief explanation of this application. Mrs Fuller made a motion to approve the application. Mr Taylor seconded the motion. Motion passed by unanimous vote.

2. Recommended for Approval & No Explanation Required.

- a) LRF-2010-0311-01 Stringham Lumber Co Inc v David W Horne dba Esprit Construction (Service). Mr Richards recused himself. Mr Taylor made a motion to approve the application. Mr Havell seconded the motion. Motion passed by unanimous vote.
- b) LRF-2010-0311-02 Stringham Lumber Co Inc v David W Horne dba Esprit Construction (Tucker). Mr Richards recused himself. Mr Taylor made a motion to approve the application. Mr Havell seconded the motion. Motion passed by unanimous vote.
- c) LRF-2010-0329-01 Sunroc Corporation v Sunstone Builders Inc (Birmingham). Mr Richards recused himself. Mr Taylor made a motion to approve the application. Mr Havell seconded the motion. Motion passed by unanimous vote.
- d) LRF-2010-0401-02 Scott Powell Drywall Inc v Boulder Creek Homes & Construction Inc (Gomez). Mr Richards recused himself. Mr Taylor made a motion to approve the application. Mr Havell seconded the motion. Motion passed by unanimous vote.
- e) LRF-2010-0401-03 LKL Associates Inc v Ross Construction Inc (Scott) Mr Richards

recused himself. Mr Taylor made a motion to approve the application. Mr Havell seconded the motion. Motion passed by unanimous vote.

- f) LRF-2010-0401-04 LKL Associates Inc v Ross Construction Inc (Consuelos) Mr Richards recused himself. Mr Taylor made a motion to approve the application. Mr Havell seconded the motion. Motion passed by unanimous vote.
- g) LRF-2010-0524-01 CCAM Enterprises LLC dba Classic Cabinets v Construction Specialists LC (Pollitt) Mr Richards recused himself. Mr Taylor made a motion to approve the application. Mr Havell seconded the motion. Motion passed by unanimous vote.
- h) LRF-2010-0614-01 Sunroc Corporation v Brick Block And Stone Masonry Inc (Tupper) Mr Richards recused himself. Mr Taylor made a motion to approve the application. Mr Havell seconded the motion. Motion passed by unanimous vote.
- i) LRF-2010-0614-02 Sunroc Corporation v Brick Block And Stone Masonry Inc (Sneed) Mr Richards recused himself. Mr Taylor made a motion to approve the application. Mr Havell seconded the motion. Motion passed by unanimous vote.
- j) LRF-2010-0701-03 Stock Building Supply West Inc v Rigby Construction Inc (Rawlings) Mr Richards recused himself. Mr Taylor made a motion to approve the application. Mr Havell seconded the motion. Motion passed by unanimous vote.

**ADJOURN:** Meeting adjourned at 10:02 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.*

December 8, 2010  
Date Approved

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

December 8, 2010  
Date Approved

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