

MINUTES

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

**February 9, 2011
North Conference Room – 8:15 am
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:15 am

ADJOURNED: 10:34 am

Board Members Present:

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

DOPL Staff Present:

Program Manager, Dane Ishihara
Claims Examiner, Michael Palumbo
Fund Secretary, Tracy Naff
AAG, Tony Patterson
Operations Manager, Dave Taylor

Guests:

Sherry Jones, homeowner
Ivan Jones, homeowner's relative
James Tracy, counsel for Sherry Jones
Michael Arsenault, homeowner
William & Elizabeth Krech, homeowners
Donato Testa, homeowner
Ryan & Debra Arata, homeowners
Ashley Drier, homeowner
Alan Gardner, homeowner
Craig Radford, homeowner
Jill Lamoreaux, interpreter for Craig Radford
Rania Boneck, interpreter for Craig Radford
Dale Boam, counsel for Craig Radford

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Review and approve minutes from the January 12, 2011 board meeting.

Mr Darrington made a motion to approve the January 12, 2011 minutes as written. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.

Homeowner Application Approved Prior to the Board Meeting:

ESPWIL001 Steve G & Luz Williamson v Esprit Construction
CCLBRU001 Kevin Bruni v C & C Landscapes Inc
SWASMI002 Harold & Linda Smith v Swapp Roofing Inc
STROBR001 Kerrin & Tamara O'Brien v Streamline Construction & Design LLC. This application was erroneously listed as approved on the meeting agenda. The application was denied.

Homeowner Applications for Review:

1. Recommended for Denial & Explanation required
 - a) SVKRAD001 Craig J Radford v Sione V Kinikini dba SVK & Sons Construction - Mr Ishihara gave a brief explanation of the application. Mr Boam attempted to explain the reasoning behind the Agency Review. Mr Patterson clarified the correspondence between the Administrative Law Judge and Mr Boam. Mr Darrington made a motion to deny the application. Mr Taylor seconded the motion. Motion passed by unanimous vote.

2. Recommended for Approval & Explanation Required
 - a) WILJON002 Sherry Jones v Wilco LLC - Mr Ishihara gave a brief explanation of the application. Mr Patterson explained the application being remanded back to the Division and the thirty day filing deadline not being a requirement for the issuance of a Certificate of Compliance. Mr Taylor made a motion to approve the application. Mrs Fullmer seconded the motion. Mr Taylor amended the motion to include the recommendation from the previous report, as well as the current report. Mrs Fullmer seconded the amended motion. Motion passed by unanimous vote.

3. Recommended for Approval & Explanation Required
 - a) ADVCAR001 Nathan R Carling v Advanced Enterprises NT LLC dba Upscale Downstairs - Mr Palumbo gave a brief explanation of the application. Mrs Fullmer recused herself. Mr Darrington made a motion to approve the application. Mr Bowen seconded the motion. Motion passed by unanimous vote.
 - b) ADVDEW001 Jonathan & Meagan Dew v Advanz Enterprises NT LLC dba Upscale Downstairs - Mr Palumbo gave a brief explanation of the application. Mrs Fullmer recused herself. Mr Taylor made a motion to approve the application. Mr Darrington

- seconded the motion. Motion passed by unanimous vote.
- c) ADVDRE001 Jason & Ashley Dreier v Advanced Enterprises NT LLC dba Upscale Downstairs - Mr Palumbo gave a brief explanation of the application. Mrs Fullmer recused herself. Mr Taylor made a motion to approve the application. Mr Bowen seconded the motion. Motion passed by unanimous vote.
 - d) ADVTES001 Donato & Deborah Testa v Advanced Enterprises NT LLC dba Upscale Downstairs - Mr Palumbo gave a brief explanation of the application. Mrs Fullmer recused herself. Mr Darrington made a motion to approve the application. Mr Taylor seconded the motion. Motion passed by unanimous vote.
 - e) ARSADV001 Michael & Allison Arsenault v Advanced Enterprises NT LLC dba Upscale Downstairs - Mr Palumbo gave a brief explanation of the application. Mrs Fullmer recused herself. Mr Taylor made a motion to approve the application. Mr Darrington seconded the motion. Motion passed by unanimous vote.
 - f) UPSGAR001 Alan & Brenda Gardner v Advanced Enterprises NT LLC dba Upscale Downstairs - Mr Palumbo gave a brief explanation of the application. Mrs Fullmer recused herself. Mr Bowen made a motion to approve the application. Mr Taylor seconded the motion. Motion passed by unanimous vote.
 - g) UPSLAR001 Michael & Theresa Larkin v Advanced Enterprises NT LLC dba Upscale Downstairs - Mr Palumbo gave a brief explanation of the application. Mrs Fullmer recused herself. Mr Darrington made a motion to approve the application. Mr Bowen seconded the motion. Motion passed by unanimous vote.

4. Recommended for Denial & Explanation Required

- a) ADVKRE001 William & Elizabeth Krech v Advanz Enterprises NT LLC dba Upscale Downstairs - Mr Palumbo gave a brief explanation of the application. Mrs Fullmer recused herself. Mr Krech discussed the intent of the Lien Recovery Fund. Mr Patterson gave a brief history of the statute. Mr Darrington made a motion to deny the application. Mr Bowen seconded the motion. Motion passed by unanimous vote.
- b) KIMBEN001 Brad & Maureen Benson v Kim Dunn Construction Inc - Mr Palumbo gave a brief

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

- c) KENSIM001 Frank Simmons v Kenzeg Development LLC - Mr Palumbo gave a brief explanation of the application. Mr Darrington made a motion to deny the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.
- d) RHIARA001 Ryan S Arata v Rhino Building Inc- Mr Ishihara gave a brief explanation of the application. Mr Richards explained statute regarding written contract to homeowners. Mrs Arata responded with an explanation. Mr Darrington made a motion to deny the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.

Informal Claims for Review:

1. Recommended for Approval & No Explanation Required

- a) LRF-2010-0412-03 Sunroc Corporation v Imagine Construction Inc LLC (Skinner) – Mr Darrington made a motion to approve the application. Mr Bowen seconded the motion. Motion passed by unanimous vote.
- b) LRF-2010-0517-03 Sunroc Corporation v Dave Baxter dba Dave Baxter Landscapes (Thurman) - Mr Darrington made a motion to approve the application. Mr Bowen seconded the motion. Motion passed by unanimous vote.
- c) LRF-2010-0927-02 Sunroc Corporation v Snedeger & Sons Concrete Inc (Stevens) - Mr Darrington made a motion to approve the application. Mr Bowen seconded the motion. Motion passed by unanimous vote.
- d) LRF-2010-1101-05 Staker & Parsons Companies v Great American Homes Inc (McDowell) - Mr Darrington made a motion to approve the application. Mr Bowen seconded the motion. Motion passed by unanimous vote.
- e) LRF-2010-1117-01 Scott Turner dba C-K & J's Concrete v Boulder Creek Homes & Construction Inc (Webb) - Mr Darrington made a motion to approve the application. Mr Bowen seconded the motion. Motion passed by unanimous vote.

2. Recommended for Denial & Explanation Required

- a) LRF-2010-0614-Whitewater Whirlpool Baths & Systems Inc v Kelly Anderson Construction Inc

(Ludlow) - 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-2010-0420-02 Pacific Cabinets LC v Michael C Posner (Scarborough) - Mr Palumbo gave a brief explanation of the application. Mrs Fullmer made a motion to deny the application. Mr Taylor seconded the motion. Motion passed by unanimous vote.

ADJOURN:

Meeting adjourned at 10:34 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.

March 9, 2010
Date Approved

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

March 9, 2010
Date Approved

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