

MINUTES

UTAH

Residence Lien Recovery Fund Advisory Board

MEETING

Meeting Minutes February 14, 2007

North Conference Room – 8:15

Heber Wells Building

Salt Lake City, UT 84111

CONVENED: 8:15

ADJOURNED: 11:30

Bureau Manager:

Dan S. Jones

Board Secretary:

Ann Naegelin

Board Members Present:

Karyn Bunnell, Chair
James Havell, Vice-Chair
Joanne Martin
Allen Nielson
Merlin Taylor

Board Members Absent:

John Erickson
Jeff Richards

Guests:

Darla Dolton, homeowner
Conrad Purvis, homeowner
Cheryl Russell, homeowner
Mike Van Horn,
Brian H. Booth, attorney
Nathan F. Schwing, homeowner
Eric Bird, homeowner
David Bridge, attorney
Wayne Fritz, homeowner
Howard Mann, homeowner
Clark Ruttinger, U of U student

DOPL Staff Present:

Program Coordinator, Rich Oborn
AAG, Tony Patterson
Program Specialist, Dane Ishihara
Claims Examiner, Karen Campbell
Division Director, David Stanley

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

APPROVAL OF JANUARY BOARD MINUTES:

UNCONTESTED APPLICATIONS FOR CERTIFICATE OF COMPLIANCE:

DECISIONS AND RECOMMENDATIONS

Mr. Oborn gave a brief update from the legislative session. HB 259 passed out of the House. This Bill clarifies the language pertaining to a real estate developer. Mr. Patterson gave a brief update for HB 277. This Bill clarifies the process when there is a bankruptcy.

Ms. Martin made a motion to approve the minutes. Mr. Taylor seconded the motion. Motion passed by unanimous vote.

1. Uncontested Applications – Recommended for Approval & No Explanation Required
 - a. FRIGRA001 Wayne & Daniele Fritz v Grantsville Cabinetry LLC – Karen / Mr. Havell made a motion to approve. Ms. Martin seconded the motion. Motion passed by unanimous vote.
 - b. GRAKNI001 Abraham & Sucel Granados v Knight Fencing Inc – Rich / Mr. Havell made a motion to approve. Ms. Martin seconded the motion. Motion passed by unanimous vote.
 - c. MANKNI001 Howard P Mann v Knight Fencing Inc – Rich / Mr. Havell made a motion to approve. Ms. Martin seconded the motion. Motion passed by unanimous vote.
 - d. MENSCO001 Maria Mendez v Scotland Construction & Development Inc – Karen / Ms. Martin asked to be recused. Mr. Taylor made a motion to approve. Mr. Nielson seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
 - e. TAYSCO001 Terry & Marilyn Taylor v Scotland Construction & Development Inc – Karen / Ms. Martin asked to be recused. Mr. Taylor made a motion to approve. Mr. Nielson seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.

2. Uncontested Applications – Recommended for Approval & Explanation Required
 - a. BIRBAS001 Eric J & Lisa Bird v Basements 4-U – Dane / Ms. Martin made a motion to approve. Mr. Taylor seconded the motion. Motion passed by unanimous vote.

- b. JAMSCO001 JAM Investments LC v Scotland Construction & Development Inc – Rich / Ms. Martin recused. Mr. Oborn gave a brief explanation of the claim. Mr. Neilson made a motion to approve as recommended by the Division. Mr. Havell seconded the motion. Motion passed with four votes in favor. Ms. Martin did not vote.
- c. PURKAS001 Conrad J & Brenda J Purvis v Kasey Malan Construction Inc – Rich / Mr. Oborn gave a brief explanation of the claim. Mr. Havell made a motion to approve. Mr. Nielson seconded the motion. Motion passed by unanimous vote.
- d. RUSBUI001 Cheryl Russell v Built Rite Construction Idaho/Utah – Karen / Ms. Campbel gave a brief explanation of this claim. Mr. Taylor made a motion to approve. Mr. Havell seconded the motion. Motion passed by unanimous vote.
- e. SCHVIS001 Nathan Schwing v Vision, A Design and Build Company, Inc - Rich & Karen / Mr. Oborn gave a brief explanation of the claim. Mr. Nielson made a motion to approve. Mr. Taylor seconded the motion. Motion passed by unanimous vote.

**CONTESTED APPLICATION –
RECOMMENDED FOR DENIAL &
EXPLANATION REQUIRED**

- a. DOLGRA001 Dennis & Darla Dolton v Grand Improvements Inc – Rich / Mr. Oborn gave a brief explanation of this application. The Board discussed the application. The homeowner only agreed to the July quote, which is the quote that went to the bank. The Board reviewed each item of the July quote. The original contract amount was accepted as \$128,908. The final contract price after adjustments is 110,250.57. The homeowner has paid \$103,542. Mr. Nielson made a motion that the amount owed on the original contract is \$110, 250.57. The homeowner has paid a total of \$103,542. When the homeowner submits proof that they have paid the additional \$6,708.57 to the original contractor or lien claimants within 60 days they will be issued a COC without having to submit another application. Ms. Martin seconded the motion.

Motion passed by unanimous vote. Motion carried.

INFORMAL CLAIMS FOR REVIEW:

- a. LRF-2006-1109-01 Labrador Construction Inc v Vision, A Design and Build Company LLC (Caldwell) – Dane / Ms. Martin made a motion to approve as recommended by the Division. Mr. Havell seconded the motion. Motion passed by unanimous vote.
- b. LRF-2006-1109-02 Labrador Construction Inc v Vision, A Design and Build Company LLC (Starkey) - Dane / Ms. Martin made a motion to approve as recommended by the Division. Mr. Havell seconded the motion. Motion passed by unanimous vote.
- c. LRF-2006-1109-03 Labrador Construction Inc v Vision, A Design and Build Company LLC (Adamson) - Dane / Ms. Martin made a motion to approve as recommended by the Division. Mr. Havell seconded the motion. Motion passed by unanimous vote.
- d. LRF-2006-1116-01 Service Solutions LLC v Cobalt Homes Inc (Murphy) – Dane / Mr. Nielson asked to be recused. Mr. Taylor made a motion to approve as recommended by the Division. Mr. Havell seconded the motion. Motion passed with four votes in favor. Mr. Nielson did not vote.
- e. LRF-2006-1124-01 Labrador Construction Inc v Vision, A Design and Build Company LLC (Smith) - Dane / Ms. Martin made a motion to approve as recommended by the Division. Mr. Havell seconded the motion. Motion passed by unanimous vote.

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 14, 2007
Date Approved

(ss) Karyn Bunnell
Chair Residence Lien Recovery Fund Advisory Board

March 14, 2007
Date Approved

(ss) Rich Oborn
Residence Lien Recovery Fund Program Coordinator