

MINUTES

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

December 2, 2009

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

CONVENED: 8:17 am

ADJOURNED: 10:40 am

Board Members Present:

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

Board Members Absent:

Daniel Dearden, excused

Guests:

Craig McCullough, homeowner
Steve Larson, homeowner
Brady Gibbs, Longokura, PC, attorney for John Marcum
Cliff Payne, attorney for Bryce Sutton & Michael Stalilionis
Zachary Kerr, homeowner
Emily Tracy, student observer
Bryce Sutton, by telephone

DOPL Staff Present:

Division Director, Mark Steinagel
AAG, Tony Patterson
Operations Manager, Dave Taylor
Program Manager, Dane Ishihara
Claims Examiner, Jon Uriarte
Claims Examiner, Armela Christiansen
Board Secretary, Ann Naegelin

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Review and approve minutes from the October 2009 board meeting.

Ms. Bunnell made a motion to approve the October 2009 minutes as written. Mr. Richards seconded the motion. Motion passed by unanimous vote.

Fund Balance

The Fund balance will be discussed at the next meeting.

Homeowner Applications Approved by the Division:

The following applications were approved by the Division:

- a) Andrew & Tara Thackeray v Sunburst Homes, LLC
- b) Craig Bush v Esprit Construction
- c) David Mack & McCaye Christianson v Esprit Construction
- d) Mark & Candace Benedetti v R.Q. Construction LTD
- e) Nancy Roberts v J D Thompson Construction Inc
- f) Ronald R Lins v Alumaline Home Contractors

Homeowner Applications for Review:

1. Recommended for Denial & Explanation Required

- a) ESPLAR001 Steve Larson v Esprit Construction – Mr. Uriarte gave a brief explanation of this application. Ms. Bunnell made a motion to deny this application. Mr. Darrington seconded the motion. Motion passed by unanimous vote.
- b) RIVAVE001 River Pines LLC v Averi Construction LLC- Mr. Ishihara gave a brief explanation of this application. Mr. Richards made a motion to deny the application. Ms. Fullmer seconded the motion. Motion passed by unanimous vote.
- c) BOUPUF001 Lex & Sharon Puffer v Boulder Creek Homes & Consturction Inc- Mr. Uriarte gave a brief explanation of this application. Mr. Taylor made a motion to approve the application. Mr. Darrington seconded the motion. Mr. Ishihara reminded the Board the LRF is established so a homeowner does not pay for goods and services more than once. We do not have evidence the contract was paid in full the first time. Mr. Taylor and Mr. Darrington voted in favor of the motion. Ms. Bunnell, Mr. Havell and Mr. Richards voted against the motion. Ms. Fullmer abstained from voting. Motion did not pass. Ms. Fullmer made a motion to allow the homeowner additional time to submit additional evidence the contract was paid in full. Ms. Bunnell seconded the motion. Motion passed with five votes in favor. Mr. Richards voted against the motion.
- d) JBAMAR001 John Robert Marcum v J Ballard Homes Inc- Ms. Bunnell asked to be recused. Mr. Ishihara gave a brief explanation of the application. Ms. Fullmer made a motion to deny the application. Mr. Darrington seconded the

motion. Motion passed with five votes in favor.
Ms. Bunnell did not vote.

- e) QUAKER001 Zachary, Jon & Shalaene Kerr v Quaken Grove Inc- Mr. Uriarte gave a brief explanation of this application. Mr. Richards made a motion to approve this application. Mr. Taylor seconded the motion. Motion passed with five votes in favor of the motion. Ms. Bunnell voted against the motion.
- f) TIMMCC001 Craig & Patricia McCullough v Timberline Log Homes- Mr. Ishihara gave a brief explanation of this application. Mr. Richards made a motion to deny this application. Ms. Fullmer seconded the motion. Motion passed by unanimous vote.
- g) MAJSUT001 Bryce Sutton & Michael Stalilionis v Majestic Ridge Builders Inc- Mr. Uriarte gave a brief explanation of the application. Mr. Richards made a motion to table the application while the homeowner obtains more information. Mr. Taylor seconded the motion. Motion passed by unanimous vote.

2. Recommended for Approval & Explanation Required

- a) WASOBR001 Michael & Sandra Obrey v Wasden Construction LLC- Mr. Ishihara gave a brief explanation of this application. Mr. Richards made a motion to approve the application. Ms. Bunnell seconded the motion. Motion passed by unanimous vote.

Informal Claims for Review:

1. Recommended for Approval & No Explanation required

- a) LRF-2008-1223-01 Park City Stone and Garden LLC v Stensrud Construction LLC- Mr. Darrington made a motion to approve this claim. Ms. Bunnell seconded the motion. Motion passed with five votes in favor. Mr. Richards did not vote.
- b) LRF-2009-0114-01 Bodily Plumbing & Radiant Heat Inc v Killian Construction & Development Inc- Mr. Darrington made a motion to approve this claim. Ms. Bunnell seconded the motion. Motion passed with five votes in favor. Mr.

- Richards did not vote.
- c) LRF-2009-0127-01 Cedar Fence Company Inc v J Ballard Homes Inc- This application was withdrawn.
 - d) LRF-2009-0402-01 Cedar Fence Company Inc v J Ballard Homes Inc- This application was withdrawn.
 - e) LRF-2009-0608-01 Geneva Rock Products (SLC) v Epic Home Builders Inc- Mr. Darrington made a motion to approve this claim. Ms. Bunnell seconded the motion. Motion passed with five votes in favor. Mr. Richards did not vote.
 - f) LRF-2009-0623-01 A & T Plumbing Inc v Epic Home Builders Inc- Mr. Darrington made a motion to approve this claim. Ms. Bunnell seconded the motion. Motion passed with five votes in favor. Mr. Richards did not vote.
 - g) LRF-2009-0625-01 Geneva Rock Products (SLC) v Northern Exposure Construction- Mr. Darrington made a motion to approve this claim. Ms. Bunnell seconded the motion. Motion passed with five votes in favor. Mr. Richards did not vote.
 - h) LRF-2009-0709-01 California Wholesale Material Supply dba CALPLY v Christensen Lath & Plastering, LLC- Mr. Darrington made a motion to approve this claim. Ms. Bunnell seconded the motion. Motion passed with five votes in favor. Mr. Richards did not vote.
 - i) LRF-2009-0716-01 Sunroc Corporation v ACE Everlasting Construction Inc- Mr. Darrington made a motion to approve this claim. Ms. Bunnell seconded the motion. Motion passed with five votes in favor. Mr. Richards did not vote.
 - j) LRF-2009-0720-01 Harper Ready Mix Company v Wolverine Construction Inc- Mr. Darrington made a motion to approve this claim. Ms. Bunnell seconded the motion. Motion passed with five votes in favor. Mr. Richards did not vote.
 - k) LRF-2009-0720-03 Harper Ready Mix Company v Wolverine Construction Inc- Mr. Darrington made a motion to approve this claim. Ms. Bunnell seconded the motion. Motion passed with five votes in favor. Mr. Richards did not vote.
 - l) LRF-2009-0720-04 Harper Ready Mix Company v Wolverine Construction Inc- Mr. Darrington made a motion to approve this claim. Ms. Bunnell

- seconded the motion. Motion passed with five votes in favor. Mr. Richards did not vote.
- m) LRF-2009-0720-07 Harper Ready Mix Company v Wolverine Construction Inc- Mr. Darrington made a motion to approve this claim. Ms. Bunnell seconded the motion. Motion passed with five votes in favor. Mr. Richards did not vote.
 - n) LRF-2009-0720-09 Harper Ready Mix Company v Wolverine Construction Inc- Mr. Darrington made a motion to approve this claim. Ms. Bunnell seconded the motion. Motion passed with five votes in favor. Mr. Richards did not vote.
 - o) LRF-2009-0720-10 Harper Ready Mix Company v Wolverine Construction Inc- Mr. Darrington made a motion to approve this claim. Ms. Bunnell seconded the motion. Motion passed with five votes in favor. Mr. Richards did not vote.
 - p) LRF-2009-0720-11 Harper Ready Mix Company v Wolverine Construction Inc- Mr. Darrington made a motion to approve this claim. Ms. Bunnell seconded the motion. Motion passed with five votes in favor. Mr. Richards did not vote.
 - q) LRF-2009-0827-01 Stringham Lumber Co Inc. v Custom Decking Inc- Mr. Darrington made a motion to approve this claim. Ms. Bunnell seconded the motion. Motion passed with five votes in favor. Mr. Richards did not vote.
 - r) LRF-2009-0827-02 Stock Building Supply West Inc v Odell Roofing Inc- Mr. Darrington made a motion to approve this claim. Ms. Bunnell seconded the motion. Motion passed with five votes in favor. Mr. Richards did not vote.
 - s) LRF-2009-0915-01 Stock Building Supply West Inc v Odell Roofing Inc- Mr. Darrington made a motion to approve this claim. Ms. Bunnell seconded the motion. Motion passed with five votes in favor. Mr. Richards did not vote.
 - t) LRF-2009-0915-04 Stock Building Supply West Inc v Odell Roofing Inc- Mr. Darrington made a motion to approve this claim. Ms. Bunnell seconded the motion. Motion passed with five votes in favor. Mr. Richards did not vote.
 - u) LRF-2009-0915-05 Stock Building Supply West Inc v Odell Roofing Inc- Mr. Darrington made a motion to approve this claim. Ms. Bunnell seconded the motion. Motion passed with five

- votes in favor. Mr. Richards did not vote.
- v) LRF-2009-0923-01 Sunroc Corporation v Nation Builders, Inc- Mr. Darrington made a motion to approve this claim. Ms. Bunnell seconded the motion. Motion passed with five votes in favor. Mr. Richards did not vote.
 - w) LRF-2009-1012-01 Harper Ready Mix Company v Canyonlands Construction and Development, LLC- Mr. Darrington made a motion to approve this claim. Ms. Bunnell seconded the motion. Motion passed with five votes in favor. Mr. Richards did not vote.
 - x) LRF-2009-1027-01 Scott Powell Drywall Inc v Boulder Creek Homes and Construction Inc- Mr. Darrington made a motion to approve this claim. Ms. Bunnell seconded the motion. Motion passed with five votes in favor. Mr. Richards did not vote.

2. Recommended for Denial & Explanation Required

- a) LRF-2008-0911-06 CCAM Enterprises LLC dba Classic Cabinets v Rockin R Enterprises LP dba Red Rock Cabinets-This item was tabled until a later date.

ADJOURN: Meeting adjourned at 10:40 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.

February 10, 2010
Date Approved

(ss) James E. Havell
Chairperson, Residence Lien Recovery Fund Advisory Board

February 10, 2010
Date Approved

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