

## Agenda

### CONSTRUCTION SERVICES COMMISSION

#### MEETING

July 29, 2015

9:00 a.m. Room 474

Heber M. Wells Building

160 E. 300 S. Salt Lake City, Utah

*This agenda is subject to change up to 24 hours prior to the meeting.*

#### **HEARING:**

9:00 am Rules Hearing

#### **ADMINISTRATIVE BUSINESS:**

Sign Travel Form

Swear in New Commission Members

Select New Chairman

Approve Minutes June 24, 2015 Meeting

Investigation Update, David Furlong

#### **DISCUSSION ITEMS:**

Review Pending Stipulations, Orders Ending Probation and Reinstating License to Good Standing and Orders Dismissing Case:

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- Double T Plumbing Construction Inc, Stipulation and Order, misrepresentation and fine
- Robert Hansen Roofing LLC, Stipulation and Order,
- Vision Home Builders LLC, Stipulation and Order, misrepresentation and fine
- Red Canyon Acoustics Inc, Stipulation and Order, misrepresentation and fine
- Jesse Haynes, journeyman plumber, Stipulation and Order, criminal history
- Shakespeare Construction LLC, Stipulation and Order, misrepresentation and fine
- Evolution Drywall LLC, Stipulation and Order, misrepresentation and fine
- MBYG Home Builders Inc, Stipulation and Order, misrepresentation and fine
- Handy Excavation Inc, Stipulation and Order, financial responsibility
- Titan Roofing LLC, Stipulation and Order, misrepresentation and fine
- SJS Construction Inc, Stipulation and Order, misrepresentation and fine
- JDN Construction Inc, Stipulation and Order, probationary license
- Roycroft Homes & Construction LLC, public reprimand

- Scott Boyd Erickson, dba Sun Landscaping Inc, Stipulation and Order, fine
- Ram Core Construction Inc, Stipulation and Order, criminal history
- Northeast Construction, Inc, Stipulation and Order, financial records and fine
- Bleazard Drywall, LLC, Stipulation and Order, disciplinary and fine
- Kingdom Stone Masonry LLC, Stipulation and Order, fine
- Diamond Roofing, LLC, Stipulation and Order, financial responsibility
- Davis County, Order of Dismissal
- Wind River Homes Inc, Order of Dismissal
- Michael Douglas Carver, Order Reinstating License
- Robert Earl Tucker, Jr., Nondisciplinary Order Reinstating License
- 

Review pending Default Orders, Failure to Respond and Orders on cases with admissions or similar:

- Beehive Telephone Company Inc, Amended Default Order, financial responsibility
- High Country Landscaping Inc, Default Order, financial responsibility and misrepresentation
- Bingham Construction Inc, Default Order, financial responsibility and misrepresentation
- Miller Time Drywall LLC, Default Order, financial responsibility and misrepresentation
- James Wiseman, dba Wiseman Building Services, Default Order, financial responsibility, bond cancellation
- Chisl Inc, Default Order, financial responsibility, bond cancellation
- Casey Dunn, dba Dunn Painting, Default Order, financial responsibility, bond cancellation
- Johnson Custom Homes LLC, Default Order, financial responsibility, bond cancellation
- Pace Development LLC, Default Order, financial responsibility, bond cancellation
- Miner's Construction & Remodeling Inc, Default Order, financial responsibility
- Kolby James Martinez, Default Order, non compliance with probation and fine
- Frank Eddie Stricker, Default Order, non compliance with probation and fine
- Evans Tile & Stone, Default Order, financial responsibility, bond cancellation
- Ryan Michael Leavitt, Default Order, failure to comply
- Jason Carl Cochran, Default Order, failure to respond

Probation Update, Neena Bowen, Danielle Healy

**APPOINTMENTS:**

**NEXT SCHEDULED MEETING:**

August 26, 2015

**Note:** In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify, Dave Taylor, ADA Coordinator, at least three working days prior to the meeting. Division of Occupational & Professional Licensing, 160 East 300 South, Salt Lake City, Utah 84115, 801-530-6628 or toll-free in Utah only 866-275-3675

**MINUTES**

**UTAH  
CONSTRUCTION SERVICES COMMISSION**

**June 24, 2015**

**North Conference Room - 9:00 AM  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED: 9:08AM**

**ADJOURNED: 11:09 AM**

**Bureau Manager:  
Board Secretary:**

Dan Jones  
Ann Naegelin

**Board Members Present**

Kevin Clubb, Acting Chair, Electrical Board Chair  
Sean Conlon, Plumber Board Chair  
Chris Martineau  
Joseph Ligori  
Robert Campbell  
Brad Knowlton  
David Young

**Board Members Absent**

Jerry Preston, Chairman, excused  
Larry Gillett, Burglar Alarm Board Chair, excused

**Guests:**

Mike Moffatt, UTCLC  
John Hill, RMGA  
Rich Thorn, AGC of Utah  
Joey Gilbert, AGC of Utah  
Richard Fullmer, AGC of Utah  
Ross Ford, Utah HBA  
Nate Cooley, Ram Core Construction  
Chris Devore, Ram Core Construction

**DOPL Staff Present:**

Ray Walker, Regulatory and Compliance Officer  
David Furlong, Chief Investigator  
Gordon Summers, Investigation Supervisor  
Stephen Duncombe, Bureau Manager  
Josef Sharp, Financial Auditor  
Neena Bowen, Compliance Specialist  
Danielle Healy, Audit Tech/Compliance Specialist

**TOPICS FOR DISCUSSION**

**ADMINISTRATIVE BUSINESS:**

Approval of May 27, 2015 Minutes

Mr. Campbell made a motion to approve the minutes from the May 27, 2015 meeting. Mr. Ligori seconded the motion. Motion passed by unanimous vote.

Investigation Update

Mr. Summers gave an investigations update. Item was noted with no action taken.

Mr. Furlong reported that Utah will be participating in a thirteen state sting operation with NASCLA.

**DISCUSSION ITEMS:**

Pre-License Education Course Review  
AGC of Utah

The AGC of Utah presented their 20 Hour Pre-License Education Course. They answered questions from the Commission about their course. They will be using the same curriculum as the Utah HBA. Mr. Martineau made a motion to approve the application from the AGC of Utah. Mr. Knowlton seconded the motion. Motion passed by unanimous vote.

Review Proposed Rule Change

The Commission discussed a proposed change to R156-55a-301(2) scope of practice for the S370 fire suppression systems contractor. Mr. Young made a motion to accept the proposed rule change. Mr. Conlon seconded the motion. Motion passed by unanimous vote. The rule will be published and a public hearing will be scheduled.

Review Changes to Utah HBA Course

The Commission reviewed the request from the Utah HBA to make changes to their 20 Hour Pre-License Education Course. The Commission discussed the request and decided the types of changes submitted do not require approval from the Commission.

Joe R Leavitt  
Order Reinstating License

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Preferred Aluminum & Remodeling Inc  
Order Reinstating License

Mr. Jones reviewed the Order with the Commission.  
Mr. Knowlton made a motion to approve the Order.  
Mr. Conlon seconded the motion. Motion passed by  
unanimous vote.

Chris Scott Versey  
Order Reinstating License

Mr. Jones reviewed the Order with the Commission.  
Mr. Knowlton made a motion to approve the Order.  
Mr. Conlon seconded the motion. Motion passed by  
unanimous vote.

Nailbenders Woodwork & Design LLC  
Order of Dismissal

Mr. Jones reviewed the Order with the Commission.  
Mr. Knowlton made a motion to approve the Order.  
Mr. Conlon seconded the motion. Motion passed by  
unanimous vote.

True Form Construction LLC  
Order of Dismissal

Mr. Jones reviewed the Order with the Commission.  
Mr. Knowlton made a motion to approve the Order.  
Mr. Conlon seconded the motion. Motion passed by  
unanimous vote.

Blackmesa Excavating Inc  
Order Reinstating License

Mr. Jones reviewed the Order with the Commission.  
Mr. Knowlton made a motion to approve the Order.  
Mr. Conlon seconded the motion. Motion passed by  
unanimous vote.

Celia Steel Erections Inc  
Order of Dismissal

Mr. Jones reviewed the Order with the Commission.  
Mr. Knowlton made a motion to approve the Order.  
Mr. Conlon seconded the motion. Motion passed by  
unanimous vote.

Lambert Hardwood Flooring Inc  
Order Reinstating License

Mr. Jones reviewed the Order with the Commission.  
Mr. Knowlton made a motion to approve the Order.  
Mr. Conlon seconded the motion. Motion passed by  
unanimous vote.

O & M Quality Stucco LLC  
Order Reinstating License

Mr. Jones reviewed the Order with the Commission.  
Mr. Knowlton made a motion to approve the Order.  
Mr. Conlon seconded the motion. Motion passed by  
unanimous vote.

Joel Timo  
Order Reinstating License

Mr. Jones reviewed the Order with the Commission.  
Mr. Knowlton made a motion to approve the Order.  
Mr. Conlon seconded the motion. Motion passed by  
unanimous vote.

Masters Touch Builders LLC  
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Ross Construction Management Inc  
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Turner Concrete Incorporated  
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Blue River Construction LLC  
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

James Michael Skeem  
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

TC Drywall Inc  
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Old Town Painting LLC  
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Isileli Hakemei Fangupo  
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Pathway Directional Boring Underground  
Utility LLC  
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Cutting Edge Building Group LLC  
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Austin Todd Hawkins  
Non-Disciplinary Limitation Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Spencer Garrett Riley  
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Hennefer Plumbing Inc  
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Shannon G Bramlett  
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Brent John Sorensen  
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Chris Boyack Construction Inc  
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Houston D Howe  
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Myrtis Tyrone James  
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.



Liberty Mechanical LLC  
Stipulation and Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Inkley Brother's Corporation  
Default Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Beehive Telephone Company Inc  
Default Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Tate's Construction Contracting Inc  
Default Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

DKA Construction LLC  
Default Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Mitchell Hardwood Flooring  
Default Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Baugh Construction & Development  
Default Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

MPK Flooring LLC  
Default Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Shawn Richard Young  
Default Order

Mr. Jones reviewed the Order with the Commission. Mr. Knowlton made a motion to approve the Order. Mr. Conlon seconded the motion. Motion passed by unanimous vote.

Compliance Report

Ms. Bowen and Ms. Healy gave a compliance report for the contractors on probation.

Closed Portion of Meeting

Mr. Conlon made a motion to close the meeting to discuss the character, professional competence or physical or mental health of an individual. Mr. Martineau seconded the motion. Motion passed by unanimous vote.

The meeting was re-opened in order to make a decision on the application for Ram Core Construction Inc.

Nathan William Cooley  
Ram Core Construction Inc

Mr. Clubb reviewed the recommendations discussed in the closed session. A motion was made by Mr. Conlon to have the assistant attorney general draft a Stipulation and Order for reinstatement of the E100 classification on probation. Practice will be restricted to directional boring and work incidental to directional boring. All of the standard requirements for sex offender criminal history will be included in the Order. Mr. Martineau seconded the motion. Motion passed with six votes in favor. Mr. Knowlton voted against the motion.

*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.*

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Chairperson, Construction Services Commission

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Bureau Manager, Division of Occupational &  
Professional Licensing

**SWORN STATEMENT**  
**SUPPORTING CLOSURE OF BOARD MEETING**

DOPL-FM-010 05/02/2006

I Kevin Clubb acted as the presiding member of the Construction Services  
Commission Board, which met on 6-24-15

Appropriate notice was given of the Board's meeting as required by §52-4-202.

A quorum of the Board was present at the meeting and voted by at least a two-thirds vote, as detailed in the minutes of the open meeting, to close a portion of the meeting to discuss the following:

- the character, professional competence, or physical or mental health of an individual (52-4-205(1)(a))
- strategy regarding pending or reasonably imminent litigation (§52-4-205(1)(c))
- deployment of security personnel, devices, or systems (§52-4-205(1)(f))
- investigative proceedings regarding allegations of criminal misconduct (§52-4-205(1)(g))

The content of the closed portion of the Board meeting was restricted to a discussion of the matter(s) for which the meeting was closed.

With regard to the closed meeting, the following was publically announced and recorded, and entered on the minutes of the open meeting at which the closed meeting was approved:

- (a) the reason or reasons for holding the closed meeting;
- (b) the location where the closed meeting will be held; and
- (c) the vote of each member of the public body either for or against the motion to hold the closed meeting.

If required, and/or kept or maintained, the recording and any minutes of the closed meeting will include:

- (a) the date, time, and place of the meeting;
- (b) the names of members present and absent; and
- (c) the names of all others present except where such disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.

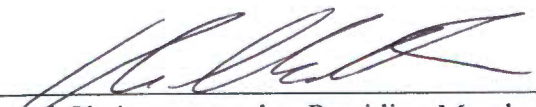
Pursuant to §52-4-206(5), a sworn statement is required to close a meeting under §52-4-205 (1)(a) or 52-4-205(1)(f), but a record by tape recording or detailed minutes is not required.

- A record was not made
- A record was made by:  Tape Recording  Detailed Written Minutes

Pursuant to §52-4-206(1), a record by tape recording is required for a meeting closed under §52-4-205(1)(c) or 52-4-205(1)(g), and was made.

- Detailed written minutes of the content of a closed meeting although not required, are permitted and were kept of the meeting.

I hereby swear or affirm under penalty of perjury that the above information is true and correct to the best of my knowledge.

  
Board Chairman or other Presiding Member

6-24-15  
Date of Signature

## Brian Babcock

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**From:** Randy Emery <REmery@buckner.com>  
**Sent:** Wednesday, July 22, 2015 9:31 AM  
**To:** Brian Babcock  
**Cc:** Richard Thorn; dsnow@beehiveinsurance.com; sclark@dalebarton.com  
**Subject:** DOPL Insurance Issue  
**Attachments:** Rule R156-55a[2].pdf

Brian,

Thanks for sharing this with me, very interesting. It would be nice to think that language such as this in DOPL's licensing requirements might move the insurance industry to offer a broader and more comprehensive policy, but it's not. The fact of the matter is that carriers are becoming much more restrictive on the contractors they will even consider offering coverage for and more often than not they want to limit coverages when they do. While as you suggest the "your work" exclusion could be problematic, but there are several others.

I'm always taking exception when absolute language is used such as; "...shall not exempt from coverage any area of construction within the scope of the work performed." Does anyone really think that's possible. Just review the list of exclusion in a CGL policy.

In today's market residential builders are some of the most difficult to find coverage for. Just one example: Travelers and CNA have absolute residential exclusion endorsements on their policies. On many accounts Travelers will give it back in Utah, as will CNA but with a limitation on the completed operations coverage where most our claims are. Those few carriers that will offer coverage for residential builders almost always have exclusions for subsidence or any movement of dirt and earth. In addition, they prefer to include an exclusion for "damage to your work performed by a subcontractor".

These are the big ones, but what about pollution exclusions, or design, or construction management? I believe all our contractors weather they understand it or not have exposure to these kind of risk, and yet most go uninsured. If I thought this provision in the DOPL contractor licensing requirements would cause the carriers to offer better policies and or drive contractors to purchase more comprehensive coverages, I would be all for it. But the fact of the matter is, this requirement simply can not be met as written.

Em  
Randy C. Emery



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On 7/21/15, 5:50 PM, "Brian Babcock" <[brian@babcockscott.com](mailto:brian@babcockscott.com)> wrote:

All:

Attached is a copy of a proposed rule change with DOPL. The rule change deals primarily with the continuing education of contractors, but there is also a change as it relates to insurance. Please review on page 3, the new subsection (2) in green. This deals with public liability insurance coverage required by contractors as part of their license. This change

## Brian Babcock

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**From:** Doug Snow <dsnow@beehiveinsurance.com>  
**Sent:** Tuesday, July 21, 2015 7:36 PM  
**To:** Brian Babcock  
**Subject:** RE: Insurance Issue

Brian  
Thanks for sending this over. Because of my schedule it will be difficult for me to attend a meeting to discuss this either this week or next. However, I believe the intent of Taz and DOPL could be successfully accomplished by refinement of the wording they are using. In that spirit I would offer something like the following:

(2) The public liability insurance coverage required under Subsection 58-55-302(2)(b), and Subsection (1) shall be underwritten using standard liability insurance forms produced by the Insurance Services Office (ISO) and not contain any exclusion endorsements or policy amendments that eliminate coverage for third party liability claims arising out of the work performed by the contractor.

As you know the GL policy is not intended to be a warranty policy for poor workmanship and there should be no expectation of that in the licensing rules. Please let me know if you have additional thoughts. Thanks  
ds

*Doug Snow*

Beehive Insurance Agency, Inc.  
W. Douglas Snow, President  
P. O. Box 571431, Murray, UT 84157-1431  
Direct Phone 801-685-6870  
Fax 801-685-2899



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**From:** Brian Babcock [mailto:brian@babcockscott.com]  
**Sent:** Tuesday, July 21, 2015 5:51 PM  
**To:** Doug Snow; remery@buckner.com; sclark@dalebarton.com  
**Cc:** Richard Thorn  
**Subject:** Insurance Issue

All:

Attached is a copy of a proposed rule change with DOPL. The rule change deals primarily with the continuing education of contractors, but there is also a change as it relates to insurance. Please review on page 3, the new subsection (2) in green. This deals with public liability insurance coverage required by contractors as part of their license. This change indicates that the policy "shall not exempt from coverage any area of construction within the scope of the work performed."

## Brian Babcock

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**From:** Teri Paulson <teri.paulson@integratedslc.com>  
**Sent:** Tuesday, July 28, 2015 6:54 PM  
**To:** Bob Babcock; Brian Babcock  
**Subject:** Fwd: Proposed Insurance Rule Change

Here is the original proposed language: (2) The public liability insurance coverage required under Subsection 58-55-302(2)(b), and Subsection (1) above, shall not exempt from coverage any area of construction within the scope of the work performed.

Here are two possible alternatives:

1 - (2) The public liability insurance coverage required under Subsection 58-55-302(2)(b), and Subsection (1) above, shall not exempt from coverage any area of construction within the scope of the work performed. This does not apply to standard ISO policy form exclusions.

2 - (2) The public liability insurance coverage required under Subsection 58-55-302(2)(b), and Subsection (1) above, shall not have trade specific exclusions for the scope of work performed.

Our argument is that the they are asking the insurance carriers to literally insure against anything and everything. This would cause a massive exodus from Utah of the standard insurance carriers. It would almost certainly increase the cost of insurance dramatically. The type of exclusions the board is attempting to address are not standard exclusions. They are endorsed exclusions.

Teri Paulson

Integrated Insurance Solutions



**Flynn  
Paulson**

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