

**STATE OF UTAH
CONSTRUCTION SERVICES COMMISSION
MEETING MINUTES
OCTOBER 25, 2023 - 9:00 AM**

CONVENED: 9:03 AM

ADJOURNED: 9:57 AM

Bureau Manager:
Board Secretary:

Allyson Pettley
Katie Corak

Board Members Present:

John Simonsen, Chair
Rich Lewis, Vice-Chair
Fred Johnson
J. Daniel Schoenfeld
Jason Peterson
Justin May
Terry McBride
Timothy Savage

Guests:

David Jessie Riddle, Applicant
Run-Zhi Lai, Hepworth Legal
Mike Moffatt-Utah Contractor Licensing Center

DOPL Staff Present:

Bob Main, Investigations Supervisor
Stephen Duncombe, Bureau Manager
Tracy Taylor, Bureau Manager
Jenna Mayne, Testing Program Manager
Lisa Lynn, Compliance Specialist
Pamela Bennett, Investigator
Jennifer Boshard, Board Secretary

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

Oath of Office - J. Daniel Schoenfeld

Oath of Office - John Simonsen

Oath of Office - Timothy Savage

DECISIONS AND RECOMMENDATIONS

Ms. Pettley administered the oath of office to the new public member of the Construction Services Commission, J. Daniel Schoenfeld.

Ms. Pettley administered the oath of office to new Construction Services Commission member, John Simonsen.

Ms. Pettley administered the oath of office to new Construction Services Commission member Timothy Savage.

**Elect New Commission Chairperson
& Vice-Chairperson**

Mr. Simonsen volunteered to serve as chair. Mr. May nominated Mr. Simonsen to serve as Chairperson. Mr. Johnson seconded the motion. The motion passed unanimously. Mr. Peterson nominated Mr. Lewis to serve as Vice-Chairperson. Mr. McBride second the motion. The motion passed unanimously.

Approval of September 2023 Minutes:

Mr. May made a motion to approve the September 20, 2023 Minutes as written. Mr. Peterson seconded the motion. Motion passed unanimously.

Investigation Update:

Mr. Main provided the Commission with an investigations update. Mr. Main explained that his team of investigators are very busy. The investigations team is seeing an uptick in fraud related cases, especially amongst S330 contractors collecting deposits for jobs but not performing little to no work on the projects they were hired for. This led to a larger discussion about the scope of the S330 license as related to swimming pools and subcontracting. The Commission expressed desire to see statutory changes to this license. Item noted with no action taken.

Probation Update:

Ms. Lynn provided the Commission with a compliance update. Item noted with no action taken.

ACTION ITEMS:

Findings of Fact, Conclusions of Law & Orders:

None

**Default Orders & Failure to Respond and Other
Similar Cases:**

Imprint Builders LLC

Ms. Pettley reviewed the Order with the Commission. Mr. May made a motion to approve the Order as written. Mr. Savage seconded the motion. Motion passed unanimously.

Commercial Fire LLC

Ms. Pettley reviewed the Order with the Commission. Mr. May made a motion to approve the Order as written. Mr. Savage seconded the motion. Motion passed unanimously.

D&M Construction Design & Repair LLC

Ms. Pettley reviewed the Order with the Commission. Mr. May made a motion to approve the Order as written. Mr. Savage seconded the motion. Motion passed unanimously.

Holcim – SWR Inc

Ms. Pettley reviewed the Order with the Commission. Mr. May made a motion to approve the Order as written. Mr. Savage seconded the motion. Motion passed unanimously.

PTL Enterprises LLC

Ms. Pettley struck this item from the agenda.

Orders Amending or Ending Probation, Or Reinstating License:

Enrique's Drywall LLC

Ms. Pettley reviewed the Order with the Commission. Mr. May made a motion to approve the Order as written. Mr. Lewis seconded the motion. Motion unanimously.

Stipulations & Other Stipulated Orders:

Rice Asset Management LLC DBA Jar Estate Development

Ms. Pettley reviewed the Order with the Commission. Mr. McBride made a motion to approve the Order as written. Mr. Savage seconded the motion. Motion passed unanimously.

Salt Lake HVAC LLC

Ms. Pettley reviewed the Order with the Commission. Mr. McBride made a motion to approve the Order as written. Mr. Savage seconded the motion. Motion passed by unanimous vote.

APPOINTMENTS:

David Jessie Riddle – Riddle Construction Inc.

Ms. Pettley reviewed the Mr. Riddle's criminal background and summarized Mr. Riddle's previous meeting with the Commission. Mr. Riddle's attorney, Run-Zhi Lai made a statement to the Commission, and outlined certain conditions Mr. Riddle would agree to in a probation stipulation. Mr. Simonsen addressed Mr. Riddle and explained that some of the comments he made during his last appointment with the Commission regarding his planned hiring practices were alarming to the Commission members and that was why his previous application was denied. Mr. Lai explained that Mr. Riddle would agree to not hire anyone on the sex

offender registry. The Commission discussed what additional stipulations and reporting requirements would need to be added to a probationary stipulation in order for them to move forward with granting Mr. Riddle a license on probation. After some discussion, the Commission determined that in addition to the standard probation stipulation language, there would need to be a requirement for Mr. Riddle to verify that all subcontractors he hires have active licenses in good standing with DOPL and are not on probation, and require that DOPL monitor Mr. Riddle's W-2 employees through reports from the Utah Department of Workforce Services to ensure Mr. Riddle does not employ anyone with a similar criminal background. Mr. Peterson made a motion to grant Mr. Riddle B-100 and E-100 licenses on probation with the added requirements that Mr. Riddle verify that all subcontractors he hires have active licenses in good standing with DOPL, and that DOPL monitor Mr. Riddle's W-2 employees through reports from the Department of Workforce Services to ensure Mr. Riddle does not employ anyone with a similar criminal background. Before there was a second to the motion, Mr. Simonsen stated he would like to review the stipulation prior to approving it. Mr. Simonsen believes this will be helpful for the new Commission members so that they are able to see a probation stipulation prior to approving one. Therefore, Mr. Peterson withdrew his motion. DOPL will work with the Utah Attorney General's office and Mr. Lai to draft a probation stipulation for Mr. Riddle and provide it to the Commission for their review prior to the next meeting; and the Commission will vote on the stipulation at that time.

DISCUSSION ITEMS:

None

OTHER BUSINESS:

None

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.

11/29/2023

Date Approved



Allyson Pettley, Bureau Manager
Division of Professional Licensing

11/29/2023

Date Approved



John Simonsen, Chairperson
Construction Services Commission