

MINUTES

**UTAH
CONSTRUCTION SERVICES COMMISSION
MEETING**

May 29, 2013

**Room 210 Room– 9:00 AM
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:00 AM

ADJOURNED: 12:10 pm

Bureau Manager:

Dan S. Jones

Board Secretary:

Ann Naegelin

Board Members Present

Jerry Preston, Chairman
Scott Sessions, Burglar Alarm Board Chair
Ed Gongaware, Commission and Plumber Board Chair
Kevin Clubb, Electrical Board Chair
Chris Martineau
Robert Campbell

Board Members Absent

C Reed Brown, excused

Guests:

Will Pierce, DATC
Sean Conlon, Plumber Board Member
Ross Ford, UHBA
Steven Clough, Wasatch Excavation, LLC
Scott Christensen, Leading Edge Electric, LLC

DOPL Staff Present:

Ray Walker, Regulatory and Compliance Officer
Gordon Summers, Investigations Supervisor
Stephen Duncombe, Bureau Manager
April Ellis, Bureau Manager
Stephanie Wells, Auditor
Neena Bowen, Compliance Specialist
Danielle Healy, Licensing Tech
Robyn Barkdull, CE Coordinator
Grant Allen, CE Technician

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approval of May 1, 2013 Commission Minutes Mr. Martineau made a motion to approve the minutes from the May 1, 2013 meeting. Mr. Clubb seconded the motion. Motion passed by unanimous vote.

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

Open and Public Meeting Act Mr. Jones updated the Commission on the changes to the Open and Public Meeting Act. He explained the process the Commission will use to open and close the meetings.

DISCUSSION ITEMS:

Proposed Rules Changes Mr. Jones discussed the proposed changes to the rules. Final language will be prepared for review at the June meeting.

Discuss classification and qualifier requirements including:
– step up in classification
– qualifiers failing to perform
– unlawful experience
– alternative means of experience

The Commission had a lengthy discussion of how to allow a contractor to step up from one classification to another. Mr. Jones will prepare possible rule language for discussion at the next meeting.

Classic Services Inc
Stipulation and Order Mr. Campbell made a motion to approve the Order as written. Mr. Gongaware seconded the motion. Motion passed by unanimous vote.

Randy Paul Weston
Apprentice Plumber
Stipulation and Order Mr. Campbell made a motion to approve the Order as written. Mr. Gongaware seconded the motion. Motion passed by unanimous vote.

DFS Construction Inc
Stipulation and Order Mr. Campbell made a motion to approve the Order as written. Mr. Gongaware seconded the motion. Motion passed by unanimous vote.

Laurens Joseph Nak
Burglar Alarm Company
Stipulation and Order Mr. Campbell made a motion to approve the Order as written. Mr. Gongaware seconded the motion. Motion passed by unanimous vote.

Byrd/TG LLC
Stipulation and Order Mr. Campbell made a motion to approve the Order as written. Mr. Gongaware seconded the motion. Motion passed by unanimous vote.

Isaac Romero
Apprentice Electrician
Stipulation and Order

Mr. Campbell made a motion to approve the Order as written. Mr. Gongaware seconded the motion.
Motion passed by unanimous vote.

Jose Marvin Lopez-Interiano
Apprentice Electrician
Stipulation and Order

Mr. Campbell made a motion to approve the Order as written. Mr. Gongaware seconded the motion.
Motion passed by unanimous vote.

Bret Proveaux
Apprentice Plumber
Stipulation and Order

Mr. Campbell made a motion to approve the Order as written. Mr. Gongaware seconded the motion.
Motion passed by unanimous vote.

Scott Sorensen
Apprentice Plumber
Stipulation and Order

Mr. Campbell made a motion to approve the Order as written. Mr. Gongaware seconded the motion.
Motion passed by unanimous vote.

Tyler Bergman
Journeyman Plumber
Stipulation and Order

Mr. Campbell made a motion to approve the Order as written. Mr. Gongaware seconded the motion.
Motion passed by unanimous vote.

HC Construction LLC
Default Order

Mr. Campbell made a motion to approve the Order as written. Mr. Gongaware seconded the motion.
Motion passed by unanimous vote.

Closed Portion of the Meeting

Mr. Preston made a motion to close the meeting. Mr. Campbell seconded the motion. Motion passed by unanimous vote.

Reopen Meeting

The members of the Commission reopened the meeting.

Compliance Update

Ms. Bowen gave a probation report for contractors who are on probation for reasons other than financial responsibility. Item noted with no action taken.

Ms. Healy gave a probation report for contractors who are on probation for financial responsibility. Item noted with no action taken.

Sundown Construction
Early Release from Probation

This item will be reviewed at another meeting.

Fakouri Electrical Engineering Inc

Ms. Ewalt was not available. The appointment will be rescheduled for June 26, 2013.

Jeff Allen Davis
dba Premium Siding

Mr. Sessions made a motion to revoke the license for Jeff Allen Davis, dba Premium Siding. Mr. Clubb seconded the motion. Motion passed by unanimous vote.

BMK Construction LLC
Review experience of Bradley Kearl

Mr. Sessions made a motion to approve Mr. Kearl for an R100 classification based on substantial equivalency. Mr. Gongaware seconded the motion. Motion passed with five votes in favor. Mr. Campbell abstained from the vote.

Monster Construction LLC

Mr. Sessions made a motion to revoke the license for Monster Construction. Mr. Clubb seconded the motion. Motion passed by unanimous vote.

Leading Edge Electric LLC
Inadequate Response

Mr. Martineau made a motion to allow 30 days for Leading Edge Electric LLC to come into compliance or the license will be revoked. Mr. Sessions seconded the motion. Motion passed with five votes in favor. Mr. Campbell voted against the motion.

ADJOURN:

12:10 PM

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.

6-24-13
Date Approved

(ss) 
Chairperson, Construction Services Commission

6-24-13
Date Approved

(ss) 
Bureau Manager, Division of Occupational & Professional
Licensing

SWORN STATEMENT
SUPPORTING CLOSURE OF BOARD MEETING

DOPL-FM-010 05/02/2006

I Jimmy Priest acted as the presiding member of the Const. Service Commission Board, which met on _____

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

5-29-13

Date of Signature