

IDAHO CONTRACTORS BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 7/28/2015

BOARD MEMBERS PRESENT: John Robert Pilote - Chair
Deborah Ann Karren
Gary Robert Bond
Charles Roy Ellis

BOARD MEMBERS ABSENT: Scott Schriber

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitchell Toryansky, Legal Counsel
Eric Nelson, Board Prosecutor
Roger Hales, Attorney
Mary Miles, Technical Records Specialist I

OTHERS PRESENT: Nathan C. Nourse

The meeting was called to order at 8:45 AM MDT by John Robert Pilote.

APPROVAL OF MINUTES

Mr. Ellis made a motion to approve the minutes of 5/19/2015 and 6/16/2015. It was seconded by Mr. Bond. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said that law changes are due to the Governor's Office by August 1st and rule changes are due the third week of August.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$123,802.41 as of 6/30/2015. Ms. Peel presented information regarding the collection of fines and costs.

DISCIPLINE

Mr. Nelson presented a memorandum regarding case numbers CON-2015-23, CON-2014-49, CON-2015-36, CON-2014-109, CON-2014-77, CON-2015-5, CON-2015-37, CON-2015-69, and CON-2014-81. After discussion, the Board gave recommendations for appropriate discipline.

Mr. Nelson present a memorandum regarding case numbers CON-2014-80, CON-2014-53, CON-2015-48, and CON-2015-6.

Mr. Bond made a motion to close case CON-2014-80. It was seconded by Mr. Ellis. Motion carried.

Mr. Ellis made a motion to close case CON-2014-53. It was seconded by Mr. Bond. Motion carried.

Mr. Ellis made a motion to close case CON-2015-48. It was seconded by Mr. Bond. Motion carried.

Mr. Bond made a motion to close case CON-2015-6. It was seconded by Mr. Ellis. Motion carried.

Mr. Nelson presented Stipulation and Consent Orders in cases CON-2014-27, CON-2014-36, CON-2014-44, CON-2014-51, CON-2014-52, CON-2014-66, CON-2014-82, CON-2014-84, CON-2014-106, CON-2015-7, CON-2015-10, CON-2015-14, CON-2015-15, CON-2015-25, CON-2015-54, CON-2015-62, CON-2015-74, CON-2015-83, and CON-2015-86. Mr. Bond made a motion to approve all the Consent Orders and allow the Board Chair to sign on behalf of the Board. It was seconded by Mr. Ellis. Motion carried.

Mr. Nelson presented Findings of Fact, Conclusions of Law, and Final Orders in cases CON-2014-28, CON-2014-43, CON-2014-45, CON-2014-105, CON-2015-64, and CON-2015-66. Mr. Bond made a motion to approve all the Findings of Fact, Conclusions of Law, and Final Orders and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. Karren. Motion carried.

Mr. Nelson presented Emergency Suspensions for cases CON-2015-75 and CON-2015-77. Mr. Ellis made a motion to approve all the Emergency Suspensions and allow the Board Chair to sign on behalf of the Board. It was seconded by Mr. Bond. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Mr. Ellis made a motion to approve the Bureau's recommendation and authorize closure in cases I-CON-2015-183, I-CON-2015-176, I-CON-2015-232, I-CON-2015-186, I-CON-2015-188, I-CON-2015-198, I-CON-2015-206, I-CON-2015-208, I-CON-2015-193, and I-CON-2015-207. It was seconded by Mr. Bond. Motion carried.

Ms. Karren made a motion to approve the Bureau's recommendation and authorize closure in cases I-CON-2015-46, I-CON-2015-156, I-CON-2015-200, and I-CON-2015-204. It was seconded by Mr. Ellis. Motion carried.

BOARD MEMBER TRAINING

Mr. Toryanski presented a PowerPoint presentation on the role of the Board.

SUB-COMMITTEE REPORT

Mr. Hales discussed the proposed fee increase and potential law changes for entities. The sub-committee met with Jeremy Pisca of the Idaho Contractors Association to discuss the proposed changes.

Mr. Bond made a motion for the sub-committee to work with Mr. Hales and Mr. Pisca to draft the language for law changes regarding entities to present to the Board. Any proposed changes would be for the 2017 Legislative Session. It was seconded by Mr. Ellis. Motion carried.

FEE INCREASE PROPOSALS

Ms. Hall presented to the Board members three fee increase scenarios.

Mr. Bond made a motion to accept the first option for the fee increase. It was seconded by Mr. Ellis. Motion carried.

67-2614 / RULE CHANGE

A motion was made to approve the draft for the proposed rule change for Rule 175 and to submit the draft to the Governor's Office. This change brings the renewal and reinstatement in line with recent changes to Idaho Code 67-2614.

TO DO LIST

The Board reviewed the to do list and no action was taken.

Ms. Hall reported that the Bureau followed up on information sent to the Idaho Industrial Commission. The Idaho Industrial Commission receives records from

the Department of Labor regarding employers who say they are exempt from worker's compensation insurance. The Department Of Labor is working with the Industrial Commission. The Board decided no additional follow up was necessary.

EXECUTIVE SESSION

Ms. Karren made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Ellis. The vote was: Ms. Karren, aye; Mr. Ellis, aye; Mr. Bond, aye; and Mr. Pilote, aye. Motion carried.

Mr. Ellis made a motion to come out of executive session. It was seconded by Mr. Bond. The vote was: Ms. Karren, aye; Mr. Ellis, aye; Mr. Bond, aye; and Mr. Pilote, aye. Motion carried.

Mr. Ellis made a motion to approve Nathan Nourse for licensure. It was seconded by Mr. Bond. Motion carried.

NATIONAL ASSOCIATION OF STATE CONTRACTORS LICENSING AGENCIES CONFERENCE

The Board members discussed the 2015 NASCLA Conference and decided to not attend.

AMENDING THE AGENDA

Mr. Ellis made a motion to amend the agenda to reconsider the previous order for CON-2015-66 because the respondent had come to the Bureau and requested to be heard. It was seconded by Ms. Karren. Motion carried.

EXECUTIVE SESSION

Ms. Karren made a motion that the Board go into executive session to discuss pending litigation with counsel per Idaho Code § 74-206 (1)(f). The purpose of the executive session will be to discuss the Finding of Fact, Conclusions of Law, and Final Order for CON-2015-66. It was seconded by Mr. Bond. The vote was: Ms. Karren, aye; Mr. Ellis, aye; Mr. Bond, aye; and Mr. Pilote, aye. Motion carried.

Mr. Bond made a motion to come out of executive session. It was seconded by Mr. Ellis. The vote was: Ms. Karren, aye; Mr. Ellis, aye; Mr. Bond, aye; and Mr. Pilote, aye. Motion carried.

Ms. Karren made a motion to reconsider the previous order and allow Mr. Riggs to sign a revised Stipulation and Consent Order. It was seconded by Mr. Ellis . Motion carried.

OWNER/OFFICER NAME CHANGE FORM

The Board made a motion to accept the new owner/officer name change form. It was seconded by Mr. Bond. Motion carried.

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Mr. Bond made a motion to come out of executive session. It was seconded by Mr. Ellis. The vote was: Ms. Karren, aye; Mr. Ellis, aye; Mr. Bond, aye; and Mr. Pilote, aye. Motion carried.

APPLICATIONS

Mr. Bond made a motion to approve the following for licensure:

Approved for Licensure

SAWTOOTH LANDSCAPE & IRRIGATION SALES LLC	RCE-39432
BIG DS PAINTING	RCE-39604
RANDYS TILE AND STONE LLC	RCE-39609
CURTIS WORMSBAKER LLC	RCE-39716
BIG DOG FRAMERS LLC LENZ CONSTRUCTION	RCE-39782
JW HOWELL CONSTRUCTION LLC	RCE-39836
INLAND WOODWORK AND DESIGN LLC	RCE-40072
ROCK & ROLL FLOORING AND TILE LLC	RCE-40116
BROOKSHIRE JUSTIN LEE	RCT-40026
CASH SCOTT MICHAEL	RCT-39939
KOKKO DERRICK CLAYTON	RCT-39711
NOURSE NATHAN CODY	RCT-39900
RUSSELL NICOLAS LEROY	RCT-39452
WOLF DANIEL DAMON	RCT-39905

It was seconded by Mr. Ellis. Motion carried.

ELECTION OF BOARD CHAIR

Ms. Karren made a motion to nominate Mr. Pilote as Board Chair. It was seconded by Mr. Bond. Motion carried

Mr. Ellis made a motion to close nominations and approve Mr. Pilote as Board Chair. It was seconded by Ms. Karren. Motion carried.

NASCLA 2015 STATE REPORT

Mr. Ellis made a motion to approve the NASCLA 2015 State Report. It was seconded by Mr. Bond. Motion carried.

NEXT MEETING was scheduled for 8/11/2015 conference call at 10:00 AM.

ADJOURNMENT

Mr. Bond made a motion to adjourn the meeting at 12:15 PM. It was seconded by Ms. Karren. Motion carried.

John Robert Pilote, Chair

Deborah Ann Karren

Scott Schriber

Gary Robert Bond

Charles Roy Ellis

Tana Cory, Bureau Chief