

**PUBLIC WORKS CONTRACTORS LICENSE BOARD
VIDEOCONFERENCE MEETING**

Monday – April 2, 2012 – 9:30 a.m. (MT)

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian, Idaho
1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho
2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho**

NOTE: The following report is not intended to be a verbatim transcript of the discussions at the meeting, but is intended to record the significant features of those discussions.

Chairman Torry McAlvain called the meeting to order at 9:32 a.m. (MT)

Board Members Present:

Torry McAlvain, Chairman
John Sheldon, Vice-Chairman
Jerry A. Peterson
Ken Worst
Brian Bailey

DBS Staff Present:

C. Kelly Pearce, Administrator
Steve Keys, Deputy Administrator, Operations
Janice Foster, Deputy Administrator, Administration
Patrick Grace, Deputy Attorney General
Rod Freligh, Regional Manager, Region 1
Chris Jensen, Regional Manager, Region 3
Dave Decker, Financial Specialist
Renee Bryant, Administrative Assistant 2/Board Secretary

Board Members Absent:

Garry Tolley

Lisa Hatch and Steffani Lippert were recognized for their many years of service on the PWCL Board with commemorative plaques.

Chairman McAlvain welcomed Brian Bailey to the Board. Mr. Bailey assumes the position of specialty sub-contractor representative.

◆ **Open Forum**

No items or concerns were brought forth.

◆ **Approval of the April 2, 2012 Agenda**

To consider moving forward with a temporary and pending rule, Steve Keys requested item six “Set License Fee for ‘CC’ License” be moved from informational to action agenda.

MOTION: John Sheldon made a motion to approve the agenda with the change. Jerry Peterson seconded. All in favor, motion carried.

◆ **Approval of the January 9, 2012 Board Meeting Minutes**

MOTION: Jerry Peterson made a motion to approve the minutes as written. John Sheldon seconded. All in favor, motion carried.

◆ **Administrative Hearing--Monsey Construction Consulting Services**

Kevin Monsey, Monsey Construction Consulting Services, was not present when the administrative hearing was originally introduced. Chairman McAlvain moved the topic to the last item of the action agenda.

◆ **Clarification of Specialty Licenses**

Randell Hodgkinson, Randell Concrete Inc., discussed his confusion with regard to the following PWCL license categories and the knowledge/experience needed to legally install concrete for a bridge structure in the public right-of-way:

- 02850 “Bridges and Structures” – A specialty contractor whose primary business includes the installation, alteration and repair of bridges and related structures, including culverts.
- 02855 “Bridge Crossings and Box Culverts” – A specialty contractor whose primary business is the installation or construction, or both, of any bridge or crossing structure shorter than twenty (20) feet measured on the centerline of the roadway or trail.
- 03300 “Concrete” – A specialty contractor whose primary business includes the ability and expertise to process, proportion, batch and mix aggregates consisting of sand, gravel, crushed rock or other inert materials having clean uncoated grains of strong and durable minerals, cement and water or to do any part or any combination of any thereof, in such a manner that acceptable mass, pavement, flat and other cement and concrete work can be poured, placed, finished and installed, including the placing, forming and setting of screeds for pavement or flat work. Also includes concrete sidewalks, driveways, curbs and gutters.
- 03370 “Specially Placed Concrete, Concrete Pumping and Shotcreting” – A specialty contractor whose primary business includes the ability and equipment necessary to deliver and install concrete, and similar materials to their final destination in buildings and structures.

Torry McAlvain asked the Division to look into redefining the license categories with regard to concrete and bridges; presenting the changes at the July 16th Board meeting.

ACTION: For the July 2012 Board meeting, the DBS will redefine license categories 02850 “Bridges and Structures”, 02855 “Bridge Crossings and Box Culverts”, 03300 “Concrete”, and 03370 “Specially Placed Concrete, Concrete Pumping and Shotcreting” .

◆ **Set License Fee for ‘CC’ License**

House Bill 465, to establish a new “CC” license between the “B” and “C” licenses, passed the 2012 legislature and becomes effective July 1, 2012.

In order to issue licenses when the legislation takes effect in July, the DBS would like to promulgate a temporary and pending rule. The rule would include the following requirements: \$125 license fee, compiled financial statements, \$75,000 minimum net worth, and \$25,000 minimum working capital.

MOTION: Jerry Peterson made a motion to accept the proposal as presented. John Sheldon seconded. All in favor, motion carried.

◆ **Financial Statement Dates**

In some cases, the Division has noticed almost a year lag between the date covered by the financial statement and the date the accountant signs the statement. The DBS recommended, and the Board supported, the following change to IDAPA 07.05.01.110.01.d: “An annual financial statement, as herein defined, that ~~was issued~~ **covers a period of time ending** no more than twelve (12) months prior to the date of submission of the application, ...”.

ACTION: The Division will bring to the July 16th Board meeting a rulemaking proposal to change the requirement for financial statement dates.

◆ **Deputy Administrator Report**

Quarterly PWCL Board Report – There have been approximately 630 public works licenses (originals, renewals, upgrades and downgrades) issued from January through March 2012.

The program has collected \$25,855 in assessments for the fiscal year and \$2,050 for the calendar year.

Docushare – Steve Keys provided an overview of the Division’s recently purchased software “Docushare”. This automated system will allow the DBS staff to manage PWCL files/records; moving away from paper files.

◆ **Administrator Report**

Financial Report – Dave Decker reviewed the Public Works Contractors Licensing fund FY 2012 financial statements as of February 29, 2012.

PWCL Exams – Janice Foster provided an overview of the Division’s new exam program. Testing will be available in the Division’s three offices. Caria Nakano-Jensen explained the process and deadlines specific to the PWCL Board.

The Board accepted Ms. Nakano-Jensen’s offer to provide each board member with a copy of the contractors’ manual.

ACTION: Upon completion, Caria Nakano-Jensen will provide an electronic copy of the newly created contractors’ manual to each PWCL board member.

Pocatello Office Relocated – The Pocatello office has moved. It is in the same complex; however, is larger, more convenient, and has a testing area. The new address is: 2055 Garrett Way, Building 1, Suite 4, Pocatello, ID 83201.

State Employee Raises – The 2012 legislature passed a 2% across-the-board salary increase for all state employees.

BSU Expansion – The Division has completed the plan review on the expansion of the BSU stadium.

◆ **Administrative Hearing--Monsey Construction Consulting Services**

Kevin Monsey represented Monsey Construction Consulting Services, Deputy Administrator-Operations Steve Keys represented the Division of Building Safety, and Deputy Attorney General Patrick Grace was the facilitator. PWCL Board Member Brian Bailey recused himself from the hearing. The complaint is as follows: “Idaho Code § 54-4508(1)(c) provides that it is unlawful to hold oneself or one’s firm out as a construction manager by engaging in any act meeting the definition or character of a construction manager within the state of Idaho without first obtaining and having a license issued by the Division of Building Safety.” All parties presented testimony and argument on the complaint.

At the request of Mr. Monsey, Patrick Grace to research whether he can legally provide the name of the individual who informed the Division of Mr. Monsey’s agreement with Bonner County to provide CM services.

ACTION: Patrick Grace will contact Mr. Monsey with an answer to his request of who complained to the DBS with regard to his agreement with Bonner County to provide CM services.

MOTION: Jerry Peterson made a motion to uphold the fine of \$2,000, and include an additional administrative cost not to exceed \$1,200. John Sheldon seconded. Vote taken, three ayes and one nay, motion passed.

ACTION: Patrick Grace will create a Final Written Order for Chairman McAlvain’s signature and provide a signed copy to Mr. Monsey.

◆ **Old/New Business**

There was no old/new business to discuss.

◆ **Executive Session**

An Executive Session was not required.

MOTION: John Sheldon made a motion to adjourn the meeting. Jerry Peterson seconded. All in favor, motion carried. The meeting adjourned at 11:45 a.m.

TORRY MCALVAIN, CHAIRMAN
PUBLIC WORKS CONTRACTORS
LICENSE BOARD

C. KELLY PEARCE, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE
06/13/12rb

DATE