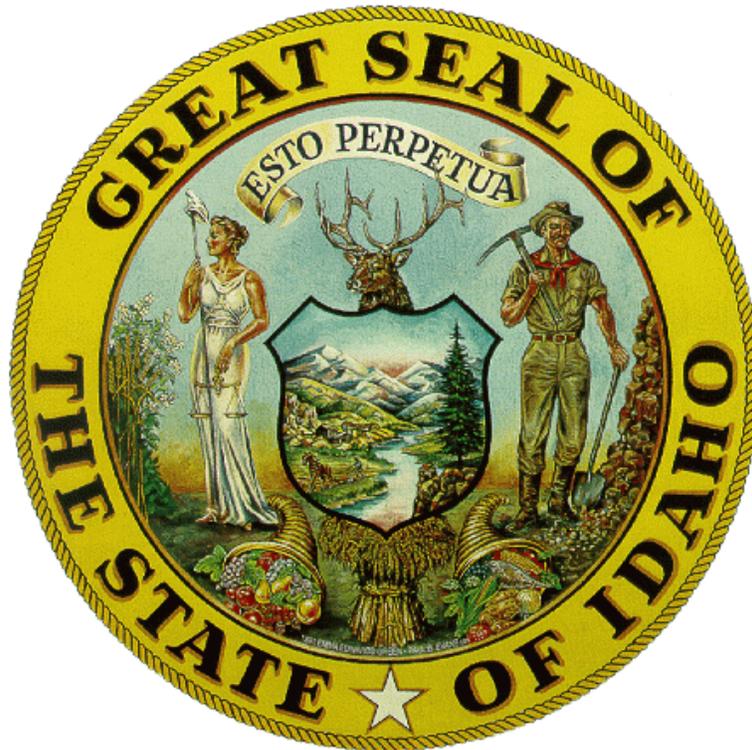


DIVISION OF BUILDING SAFETY

PUBLIC WORKS CONTRACTORS LICENSE BOARD
VIDEOCONFERENCE MEETING

JANUARY 9, 2012



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 01

Agenda

PRESENTER: Chairman Torry McAlvain

OBJECTIVE: Approve the agenda for the January 9, 2012 PWCL Board Videoconference meeting.

ACTION: Consent

BACKGROUND:

**PROCEDURAL
HISTORY:**

ATTACHMENTS: January 9, 2012 PWCL Board tentative Agenda



TENTATIVE AGENDA

NOTICE OF PUBLIC MEETING

***PUBLIC WORKS CONTRACTORS LICENSE BOARD
VIDEOCONFERENCE MEETING***

**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 2, Suite 7, Pocatello, Idaho
dbs.idaho.gov – (208) 332-7137**

***Monday, January 9, 2012
9:30 a.m. – 12:30 p.m. (MT)***

(Note: Meeting Time is 8:30 a.m. PT)

9:30 a.m. CALL TO ORDER – Torry McAlvain, Chairman
o Roll Call & Introductions
o Open Forum

CONSENT AGENDA

1. Approval of the January 9, 2012 Agenda
2. Approval of the October 3, 2011 Board Meeting Minutes

ACTION AGENDA

3. Possible Administrative Hearing--Monsey Construction Consulting Services – Steve Keys

INFORMATIONAL AGENDA

4. Exam Status – Caria Nakano-Jensen
5. Licenses and Bankruptcies – Steve Keys
6. Financial Statement Dates – Steve Keys
7. Deputy Administrator Report – Steve Keys
8. Administrator Report
 - a. Financial Report – C. Kelly Pearce and Kirk Weiskircher
 - b. Administrator – C. Kelly Pearce

OLD/NEW BUSINESS

EXECUTIVE SESSION

12:30 p.m. ADJOURN

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 02

Minutes

PRESENTER: Chairman Torry McAlvain

OBJECTIVE: Approve the minutes from the October 3, 2011 PWCL Board Videoconference Meeting.

ACTION: Consent

BACKGROUND:

PROCEDURAL HISTORY:

ATTACHMENTS: October 3, 2011 PWCL Board Meeting draft Minutes



**PUBLIC WORKS CONTRACTORS LICENSE BOARD
VIDEOCONFERENCE MEETING**

Monday – October 3, 2011 – 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 2, Suite 7, Pocatello, Idaho**

***DRAFT MINUTES OF THE OCTOBER 3, 2011 MEETING**

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
Garry Tolley

DBS Staff Present:

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

Board Members Absent:

Steffani Lippert

Ron Whitney was introduced as the newly appointed Regional Manager, Region 2, for the Division of Building Safety.

◆ **Open Forum**

No items or concerns were brought forth.

◆ **Approval of the October 3, 2011 Agenda**

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

◆ **Approval of the July 7, 2011 Board Meeting Minutes**

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

◆ **Schedule 2012 Meeting Dates**

Idaho Code § 54-1908 "Meetings -- Quorum" states, "The Board shall hold not less than four (4) regular meetings each year, on a day not later than the fifteenth day of the month in each of the months of January, April, July and October." For logistical reasons, the July meeting was scheduled as close to the statute requirements as possible.

The 2012 PWCL Board meeting dates are as follows: January 9th, April 2nd, July 16th, and October 1st. The meetings will commence at 9:30 a.m. (MT)/8:30 a.m. (PT).

MOTION: Jerry Peterson made a motion to accept the 2012 PWCL Board meeting dates. John Sheldon seconded. All in favor, motion carried.

◆ **Construction Manager License Complaint**

Steve Keys reiterated the circumstances surrounding the complaint against Bonner County and Monsey Construction Consulting Services. Upon further investigation, DBS determined there was a clear violation of the construction manager license law, and recommended the Board consent to an administrative hearing.

MOTION: Jerry Peterson made a motion to authorize DBS to proceed with the administrative hearing against Monsey Construction Consulting Services. Garry Tolley seconded. All in favor, motion carried.

ACTION: The Division will schedule an administrative hearing for Monsey Construction Consulting Services.

◆ **University of Idaho (UI) Complaint**

As previously discussed, a summary of the Division and Board's positions, with regard to the complaints against UI hiring non-licensed public works contractors, has been sent to the general counsel's office at UI. As of today, the Division has not received a response.

◆ **Deputy Administrator Report**

Reorganize PWCL Program – The reorganization, as it affects the Public Works Contractors License Program, has been completed. Steve Keys explained the roles of the employees.

New Category-CM at Risk – A meeting has been scheduled between DBS, Division of Public Works, and interested parties to discuss legislation to establish a new category for construction manager at risk. Associated General Contractors has tentatively endorsed the new license type. The only possible obstacle is existing provisions in the Public Works Contractors law that prohibits a construction manager and contractor to act in a dual capacity.

PWCL Licensure Report – Compared to last year, the number of original applications is down; however, renewals are up. With the economic downturn, more contractors are resorting to supplementary means to maintain or downgrade their licenses.

Licenses and Bankruptcies – A process must be followed to suspend or rescind a PWCL contractor license from a licensee which has filed bankruptcy. Until the process is complete, the license is active and the contractor can bid on jobs. Torry McAlvain suggested the issue be addressed to allow the Division immediate action on the license.

ACTION: DBS will review the issue "Licenses and Bankruptcies"; bringing it back to the Board for review at a future meeting.

Financial Statement Dates – Currently, the law states an annual financial statement must be issued no more than 12 months prior to the date of submission of the application. In some cases, a contractor’s license is out 18 months or more from the actual date reflected in the statement. To prevent contractors working outside their class, DBS would like to discuss, at a future date, a provision of the law as it relates to the date of the financial statements.

ACTION: DBS will review the issue “Financial Statement Dates”; bringing it back to the Board for review at a future meeting.

◆ **Administrator Report**

Financial Report – Kirk Weiskircher reviewed the Public Works Contractors Licensing fund FY 2012 financial statements as of August 31, 2011.

Public Works Projects -- Permits and Building Inspections – Statutorily, DBS is responsible for the issuance of permits and building inspections on state public works projects in Idaho.

The first of July, the Division sent letters on the statutory requirements to state agencies involved in public works defined buildings and state agencies that independently generate their own buildings outside the public works activity. The changes will apply to projects beginning after July 1, 2011.

Personnel – When the Administrator was appointed to DBS in 2007, there were 152 authorized full-time positions. As of today, staff has been reduced by 33%.

Assigned Work Stations – In the past, inspectors have worked from their residences. DBS has contracted with IDOL to rent work stations from 12 of their facilities throughout Idaho. The Division’s three locations will provide accommodations to inspectors as well. The majority of inspectors will commute, by personal transportation, to their assigned facilities. Work hours will be 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays. During non-business hours, state vehicles will be parked at the designated facilities.

City of Ketchum Contract – DBS has a contract with the city of Ketchum to provide the following services: Plan review, building, electrical, HVAC, and plumbing inspections. A downsized modification to a major hotel complex has been approved by Ketchum’s Planning and Zoning Department. It is estimated construction will begin the spring of 2012.

City of Meridian Contract – Under contract, DBS has assumed responsibility for electrical inspections only for the city of Meridian. The city retains the legal responsibility for enforcement and their program.

Treasure Valley PWCL Projects – The Division will provide assistance with plan reviews and/or inspections on a new bowling alley/entertainment center, Scentsy headquarters, and \$8.7 million assisted living facility in the Boise/Meridian area.

Nez Perce Tribe Contract – A meeting was held between DBS and the Nez Perce Tribe. If approved, DBS will provide plan review, building, electrical, HVAC, and plumbing inspections on the addition of a gaming casino south of Lewiston and a \$2.5 million truck stop.

Board Positions – Idaho Code § 54-1905 states in part, “The governor shall appoint a member to said board for a term of three (3) years, and no member shall be appointed to more than two (2) consecutive terms.” In 2012 the majority of the board member’s terms expire. The Division continues to work with the Governor’s office to fill the positions.

◆ **Old/New Business**

There was no old/new business to discuss.

◆ **Executive Session**

An Executive Session was not required.

MOTION: Jerry Peterson made a motion to adjourn the meeting. Garry Tolley seconded. All in favor, motion carried. The meeting adjourned at 10:29 a.m.

TORRY MCALVAIN, CHAIRMAN
PUBLIC WORKS CONTRACTORS
LICENSE BOARD

C. KELLY PEARCE, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

DATE

*These DRAFT minutes are subject to possible correction and final approval by the Public Works Contractors License Board.
11/09/11rb

PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 03 Possible Admin. Hearing--Monsey Const. Consulting Services

PRESENTER: Steve Keys

OBJECTIVE: Administer a ruling on the Monsey Consulting Services hearing.

ACTION: Affirm or reject penalties as described in Idaho Code § 54-4508 (1).

BACKGROUND: Bonner County entered into an agreement with Monsey Construction Consulting Services to provide CM services. Monsey is not licensed and the county neglected to require the performance bond. The statutory provision for handling a CM complaint lies solely with the Board.

At the July meeting, the situation was explained and legal procedures for a hearing clarified. DBS conducted an investigation and at the October 2011 meeting stated Monsey Consulting Services was in violation of Idaho Code § 54-4508 (1) (c) "Disciplinary proceedings". The Board consented to an administrative hearing.

Idaho Code § 54-4508 (1) (c) "Disciplinary proceedings" states, "The board shall have the authority to deny or refuse to renew a license or certificate of authority, defer or precondition licensure, suspend or revoke a license, impose an administrative fine not to exceed twenty thousand dollars (\$20,000) per violation, impose the administrative costs of bringing the action before the board including, but not limited to, hearing officer fees, expert witness fees, attorney's fees, cost of hearing transcripts and copies, or impose probationary conditions on the holder of a license or certificate of authority, upon the following grounds: (c) Holding oneself or one's firm out as a construction manager by engaging in any act meeting the definition or character of a construction manager as defined herein without a legally required license."

ATTACHMENTS: Documentation to follow



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 04

Exam Status

PRESENTER: Caria Nakano-Jensen

OBJECTIVE: Provide a short presentation on the current development of the Division's testing program.

ACTION: Informational

BACKGROUND: DBS employee Caria Nakano-Jensen has assumed the responsibility of managing the relationship with the Division's testing vendors, and coordinating the CEU program with the Division's program managers. Her long-term responsibility will be to oversee and develop tests so the Division can administer its own testing program for licensing.

PROCEDURAL HISTORY:

ATTACHMENTS: No documentation



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 05

Licenses and Bankruptcies

PRESENTER: Steve Keys

OBJECTIVE: Inform the Board of any actions the Division may take with regard to suspending/rescinding a PWCL license once an individual/company has filed bankruptcy.

ACTION: Informational

BACKGROUND: A process must be followed to suspend or rescind a PWCL contractor license from a licensee which has filed bankruptcy. Until the process is complete, the license is active and the contractor can bid on jobs. Torry McAlvain suggested the issue be addressed to allow the Division immediate action on the license.

PROCEDURAL HISTORY:

ATTACHMENTS: No documentation



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 06

Financial Statement Dates

PRESENTER: Steve Keys

OBJECTIVE: To assure the financial data required for licensure is timely and reflects the current status of the applicant.

ACTION: Informational

BACKGROUND: Currently, the law states an annual financial statement must be issued no more than 12 months prior to the date of submission of the application. In some cases, a contractor's license is out 18 months or more from the actual date reflected in the statement. To prevent contractors working outside their class, DBS would like to discuss, at a future date, a provision of the law as it relates to the date of the financial statements.

PROCEDURAL HISTORY:

ATTACHMENTS: No documentation



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 07

Deputy Administrator Report

PRESENTER: Steve Keys

OBJECTIVE: Report on the recent activities within the PWCL program.

ACTION: Informational

BACKGROUND: This topic is addressed at all regularly scheduled PWCL Board meetings.

**PROCEDURAL
HISTORY:**

ATTACHMENTS: No documentation



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 08a

Financial Report

PRESENTER: C. Kelly Pearce and Kirk Weiskircher

OBJECTIVE: Review the Financial Report for the PWCL fund.

ACTION: Informational

BACKGROUND: This topic is addressed at all regularly scheduled PWCL Board meetings.

**PROCEDURAL
HISTORY:**

ATTACHMENTS: PWCL Board Financial Report





Division of Building Safety
PUBLIC WORKS CONTRACTORS LICENSING FUND
 Fiscal Year 2012 Financial Statements
 As of 11/30/2011

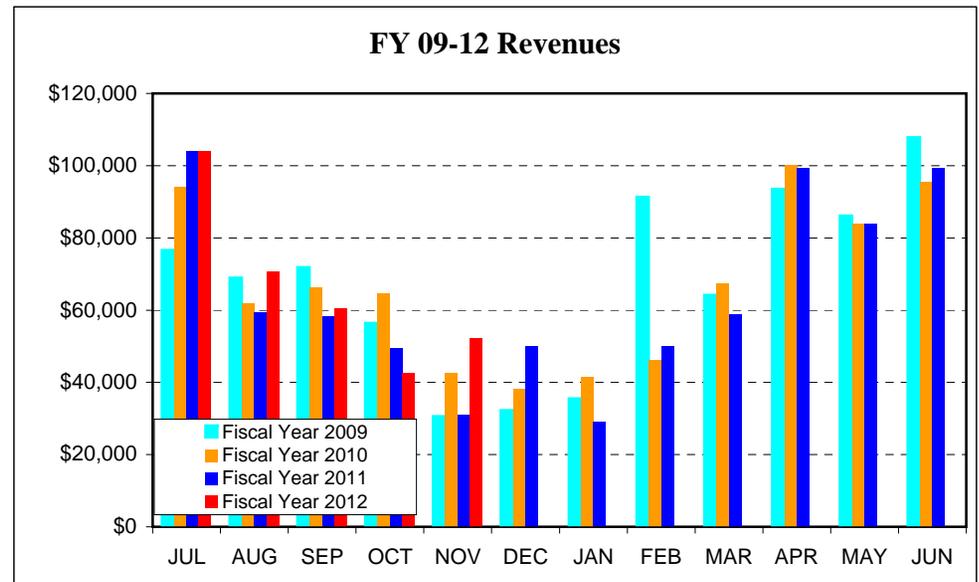
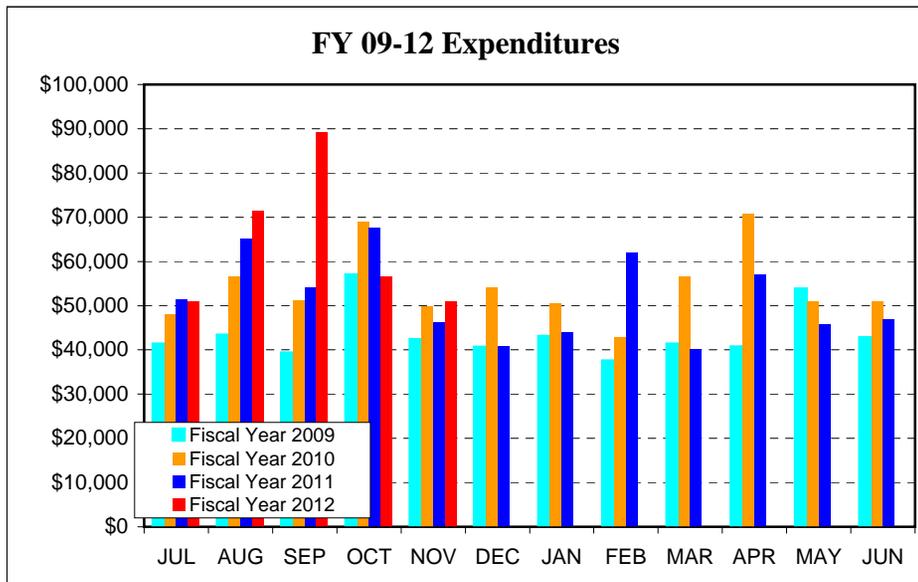
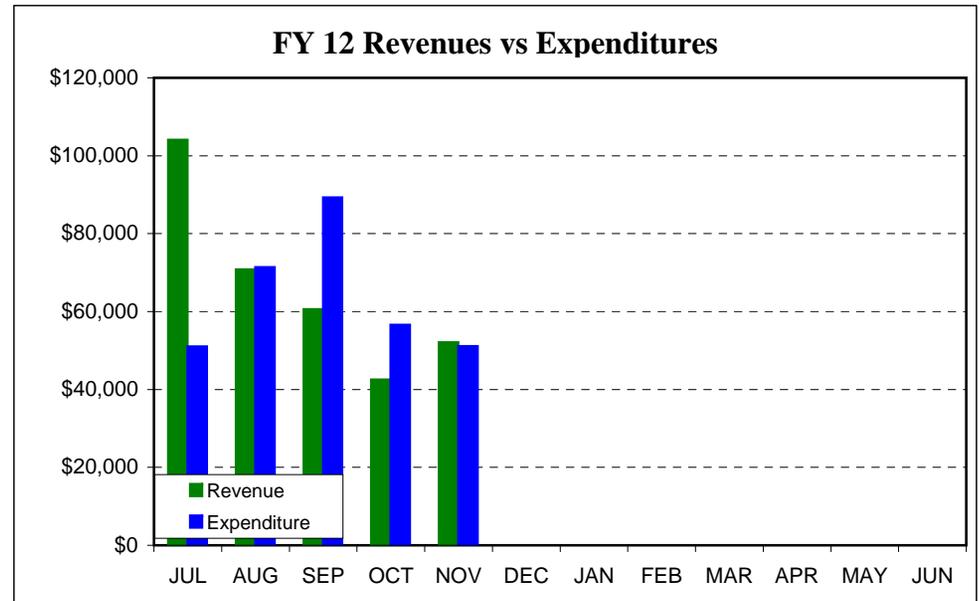
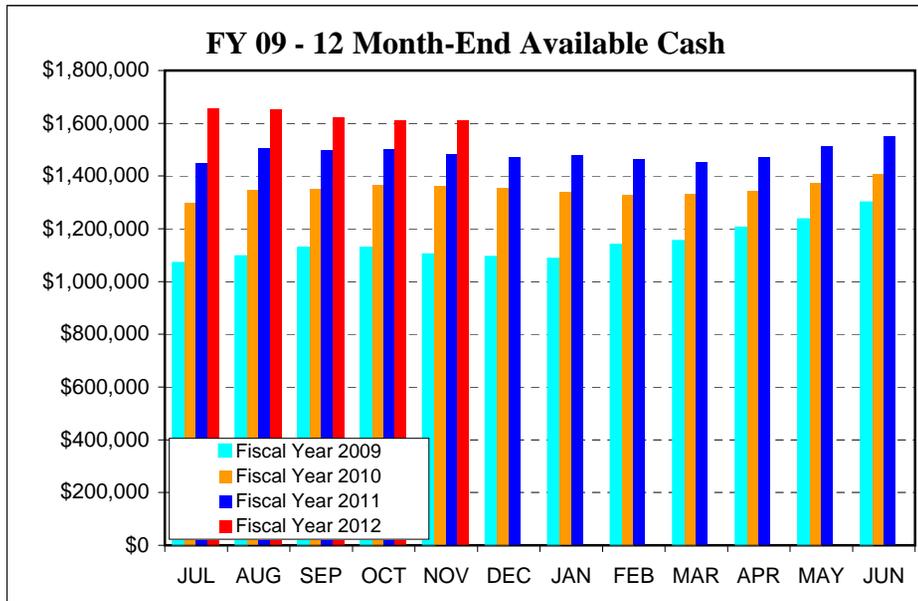
Statement of Revenues and Expenditures

Class	Budget	Fiscal Year To Date	YTD as a % of Budget *	Remaining Budet	Projected for Remainder of Year	Projected Year End Totals	Projected Total as a % of Budget
Revenues:	738,000	329,975	44.7%	408,025	420,000	749,975	101.6%
Expenditures							
Personnel:	600,000	250,398	41.7%	349,602	346,900	597,298	99.5%
Operating:	157,400	68,130	43.3%	89,270	77,000	145,130	92.2%
Capital:	26,400	803	3.0%	25,597	25,000	25,803	97.7%
Total Expenditures	783,800	319,331	40.7%	464,469	448,900	768,231	98.0%
Net for FY 2012	(45,800)	10,644			(28,900)	(18,256)	

Statement of Cash Balance

Beginning Cash Available	Revenues	Expenditures and Encumbrances	Other Changes in Cash	Available Cash	Projected Change in Cash for Remainder of Year	Projected Year End Available Cash
1,602,133	329,975	(319,331)	(2,431)	1,610,346	(28,900)	1,581,446

PUBLIC WORKS CONTRACTORS LICENSING FUND



PUBLIC WORKS CONTRACTORS LICENSE BOARD

Agenda Item No. 08b

Administrator Report

PRESENTER: C. Kelly Pearce

OBJECTIVE: Provide an overview of the Division's current activities.

ACTION: Informational

BACKGROUND: This topic is addressed at all regularly scheduled PWCL Board meetings.

**PROCEDURAL
HISTORY:**

ATTACHMENTS: No documentation

