

**PUBLIC WORKS CONTRACTORS LICENSE BOARD  
VIDEOCONFERENCE MEETING**

**Monday – January 9, 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 2, Suite 7, 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.**

Due to a delayed arrival by Chairman Torry McAlvain, Vice-Chairman John Sheldon called the meeting to order at 9:46 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

◆ **Open Forum**

No items or concerns were brought forth.

◆ **Approval of the January 9, 2012 Agenda**

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

◆ **Approval of the October 3, 2011 Board Meeting Minutes**

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

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

In December 2011, Kevin Monsey, Monsey Construction Consulting Services, received and replied to correspondence from DBS with regard to a notice of complaint and request for administrative fine.

To settle the complaint, Mr. Monsey offered to pay a reduced fine of \$500, requested a one-year temporary license based on his qualifications, and committed to complete the necessary paperwork and tests in order to obtain a construction manager (CM) license.

**MOTION:** Torry McAlvain made a motion to deny Kevin Monsey's request to reduce the fine from \$2,000 to \$500 and conduct a hearing at the April 2, 2012 PWCL Board meeting. Jerry Peterson seconded. All in favor, motion carried.

**ACTION:** An Administrative Hearing for Monsey Construction Consulting Services will be held at the April 2012 PWCL Board meeting.

◆ **Exam Status**

Due to issues with the current testing provider, the Division has chosen to create its own testing program. A brief explanation on the development of the new exams was provided by Program Specialist Caria Nakano-Jensen. The estimated implementation date of the PWCL and plumbing exams is April 1, 2012.

◆ **Licenses and Bankruptcies**

This topic was originally addressed at the October 2011 Board meeting. It has been determined any time DBS takes action against a public works contractor; the action needs to be predicated on whether the contractor has suffered any downgrade in his financial position, not whether he has been through a bankruptcy.

Steve Keys brought the Board up-to-date on the status of a Notice and Order of Suspension issued to Portneuf Electric, Inc.

◆ **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. Many times the review statement on the actual balance sheet or financial statement may be six to eight months after the time covered by the financial statement. The Board was asked to consider the period of time covered by the financial statement be changed to no more than 12 months from the current date rather than the date on the financial statement.

The Board agreed, and the Division offered to provide a draft proposal of the recommended changes at the April 2012 Board meeting.

**ACTION:** A draft proposal of the recommended changes with regard to financial statement dates will be brought to the April 2, 2012 PWCL Board meeting.

◆ **Deputy Administrator Report**

Quarterly PWCL Board Report – As of December 31, 2011, there are 3180 active public works contractors. The Division has seen an increase in the number of downgrades. However, there have been upgrades since 2010 to indicate some firms are slowly recovering from the recent economic situation.

DBS collected approximately \$36,300 in assessments for FY 2011. This fiscal year, as of December 31, 2011, the amount collected is \$23,805.

2012 Pending Legislation – The Public Works Contractor License classifications contains a wide disparity between the “B” and “C” license classes in terms of the work experience and financial abilities necessary to qualify for each license. The creation of a new class “CC” license would allow an applicant with the requisite work experience and financial ability - to include a subsequent administrative rule requirement of a minimum net worth of seventy five thousand dollars (\$75,000) with twenty five thousand dollars (\$25,000) in working capital - to execute public works contracts of not more than four hundred thousand dollars (\$400,000).

2012 Pending Rule – Docket 07-0501-1101 -- The proposed rule would provide for an additional fee for those public works contractor license applicants who request an extension of time in which to submit an application, as well as a provision to expedite a public works contractor license application along with a commensurate fee for providing such service.

◆ **Administrator Report**

Financial Report – Kirk Weiskircher reviewed the Public Works Contractors Licensing fund FY 2012 financial statements as of November 30, 2011.

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

Deputy Attorney General – Office Relocation – Deputy Attorney General Patrick Grace has physically relocated back to the Attorney General’s office. He will be available in the Division’s Meridian office one half day per week.

Governor’s Budget Presentation – The Governor held a meeting with cabinet members to brief them on his State of the State and Budget Address. It is his intent to begin to replenish the rainy day fund, which has been severely drained over the last four years.

Lakeside Elementary School – The grand opening of the newly built school in the Plummer-Worley School District will be Friday, January 20, 2012.

Tribal Contracts – DBS has contracted with the Shoshone-Bannock, Coeur d’Alene, and Nez Perce tribes to provide plan review, building, electrical, HVAC, and plumbing inspections on their facilities.

City of Meridian Contract – Under contract, DBS has assumed responsibility for electrical inspections and electrical plan reviews for the city of Meridian.

◆ **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 10:50 a.m.

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JOHN SHELDON, VICE-CHAIRMAN  
PUBLIC WORKS CONTRACTORS  
LICENSE BOARD

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C. KELLY PEARCE, ADMINISTRATOR  
DIVISION OF BUILDING SAFETY

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DATE  
*01/30/12rb*

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DATE