

**DAMAGE PREVENTION BOARD  
SPECIAL VIDEOCONFERENCE MEETING**

**Thursday – February 7, 2019 – 9:30 a.m. (MST)**

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

**MINUTES OF THE FEBRUARY 7, 2019 MEETING**

**NOTE:** The following report is not a verbatim transcript of the discussions at the meeting; however, it is intended to record the significant features of those discussions.

Chairman Jeffrey Diehl called the special meeting to order at 9:30 a.m. (MST)

**Board Members Present:**

Jeffrey Diehl, Chairman  
Jerry Piper, Vice-Chairman  
Julie Maki  
Nichole Rush  
Mark Van Slyke  
Bob Chandler  
Scott Spears  
Jeanna Anderson (Teleconference)  
Roy Ellis (Teleconference)  
Vaughn Rasmussen (Pocatello)

**DBS Staff Members Present:**

Ron Whitney, Deputy Administrator  
Spencer Holm, Deputy Attorney General  
Larry Jeffres, Regional Manager, Region 1  
Patrick J. Grace, Regional Manager, Region 2  
Adam Bowcutt, Regional Manager, Region 3  
Amy Kohler, Compliance Program Specialist  
Renee Bryant, Administrative Assistant 2

◆ **Vote to Accept Civil Penalty Fee Structure as Official Policy**

Chairman Diehl provided the background on the creation of the civil penalty fee structure. With the encouragement of the Associated General Contractors (AGC), the Board was asked to consider adopting the fee structure as an official board policy. There will be no changes to the statute or rules, and all parties will be able to view, understand how it progresses, and what the criteria is for the assessment of the different fine values.

**MOTION:** Nichole Rush made a motion to accept the civil penalty fee schedule as presented. Mark Van Slyke seconded. All in favor, motion carried.

◆ **Vote to Support or Oppose the Idaho Associated General Contractors Draft Bill**

At the January 2019 Board meeting, Mr. Hammon, AGC, shared proposed legislation in Open Forum. Since the topic was not an action item nor informational agenda item, the Board was advised to review and consider the language; however, reframe from comments or discussion.

The AGC, chairman and DBS staff have met since the January meeting, and in the board packet is an updated AGC draft proposal. Outlined in red are the AGC's changes and in blue are changes the Board submitted in August 2018 for consideration at the 2019 legislative session. In addition, the AGC has withdrawn its language for bill consideration, and does not intend to submit any legislative request beyond what the Board, through DBS, has already submitted.

The topic *Vote to Support or Oppose the Idaho Associated General Contractors Draft Bill* is an action agenda item; therefore, as a formality, the Board needs to take a position. As a reminder, the intention of the Board is to drive down damages and create equal opportunity for all stakeholders to contribute to that objective. Based on process, the Chairman opposed the language, stating while there may be some substantive information in the proposal, it is important to continue to rely on the Board's habits and best practices of cooperating, collaborating and thoroughly vetting all information, and the Board simply has not had an opportunity to do that at this time.

**MOTION:** Bob Chandler made a motion to not support the AGC's proposed legislation. Jerry Piper seconded. All in favor, motion carried.

◆ **Old/New Business**

Criteria for Reviewing Complaints – Based on a meeting with the AGC, the fact that the violation “Precautions to Avoid Damage” is a subjective fact driven violation, and is currently the number one complaint, the Division will create a new checklist for use in the complaint process.

Board Members Mark Van Slyke, Nichole Rush and Jeanna Anderson, as well as Chairman Diehl are interested in participating in the creation of the checklist. Regional Manager Patrick Grace stated the Division will start with the basic level of criteria; i.e., did you call, did you wait, did you maintain the lines, did you hand dig, etc. The Chairman asked, and Regional Manager Grace agreed, to bring to the March 14, 2019 Board meeting four or five basic criteria the Division would like to institute from a complaint review position.

**ACTION:** The Regional Manager will provide basic criteria for possible use in the complaint process at the March 2019 Board meeting.

**ACTION:** The topic *Criteria for Reviewing Complaints* will be addressed at the March 14, 2019 Board meeting as an informational item.

National Safe Digging Month – Board Member Van Slyke reminded DBS that April is National Safe Digging Month. It is his hope that DBS is in communication with the Governor and he will, by proclamation, recognize April as Safe Digging Month.

Grants – Deputy Administrator Ron Whitney stated as of today, February 7, 2019, the Board has received funding from the PHMSA and PUC grants. The monies will help fund a new full-time position to help with the complaint process, as well as the training program.

◆ **Adjournment**

Chairperson Diehl adjourned the meeting at 10:02 a.m.

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JEFFREY DIEHL, CHAIRMAN  
DAMAGE PREVENTION BOARD

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RON WHITNEY, DEPUTY ADMINISTRATOR  
DIVISION OF BUILDING SAFETY

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DATE

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DATE

02/08/2019rb