

**PUBLIC WORKS CONTRACTORS LICENSE BOARD  
SPECIAL TELECONFERENCE MEETING**

**Thursday – February 8, 2018 – 9:30 a.m. (MST)**

**Division of Building Safety  
1090 East Watertower Street, Suite 150, Meridian**

**MINUTES OF THE FEBRUARY 8, 2018 MEETING**

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

The meeting began at 9:32 a.m. (MST)

**Board Members Present:**

Jim Roletto, Chairman  
Joe Jackson  
Robbie Austin  
Garry Tolley  
Karen Echeverria  
Chuck Graves  
Brian Bailey

**DBS Staff Present:**

Chris L. Jensen, Administrator  
Ron Whitney, Deputy Administrator  
Spencer Holm, Deputy Attorney General  
Larry Jeffres, Regional Manager, Region 1  
Patrick Grace, Regional Manager, Region 2  
Jeff Egan, Regional Manager, Region 3  
Amy Kohler, Compliance Program Specialist  
Renee Bryant, Administrative Assistant 2

◆ **Granite Excavation, Inc.’s Petition for Reconsideration of Final Order**

Wayne Meuleman, attorney for Granite Excavation, Inc., addressed the reason for the initial appeal, asking the Board to sustain the appeal and return it to the District to make a decision based upon the correctly submitted information.

Payette Lakes Recreational Water and Sewer District’s attorney John Hucks stated the District followed the statute, as well as all procedural guidelines in the statute as set forth by Hearing Officer O’Leary. In addition, the District was not under any obligation to allow supplemental applications after the time period had expired. Therefore, Mr. Hucks urged the PWCL Board to sustain the Recommended Order for Reconsideration from the Hearing Officer and close out this matter.

Deputy Attorney General Spencer Holm clarified the intent of an email he sent to the Board on February 7, 2018, explained the procedural process for granting/denying the Petition for Reconsideration, addressed the hearing officer’s recommendation, stated the Administrative Procedure Act does not provide for recommended orders in this situation, and suggested the Board treat this as an informal recommendation. The Deputy Attorney General also explained the Board could reach the same conclusion as the hearing officer by relying on discretion granted to the Board by Idaho Code section 67-2805 instead of agency deference.

**MOTION:** Karen Echeverria made a motion to deny the request for reconsideration. Chuck Graves seconded. Roll call vote: Robbie Austin, yes; Chuck Graves, yes; Brian Bailey, yes;

Joe Jackson, yes; Karen Echeverria, yes; Garry Tolley, yes; and Jim Roletto, yes. All in favor, motion carried.

The Board agreed for the Deputy Attorney General to draft an Order denying the Petition for Reconsideration.

**ACTION:** The Deputy Attorney General will draft an Order denying the Petition for Reconsideration for the Chairman's signature.

◆ **Adjournment**

**MOTION:** Karen Echeverria made a motion to adjourn the meeting. Garry Tolley seconded. All in favor, motion carried.

The meeting adjourned at 10:00 a.m. (MST).

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JIM ROLETTO, CHAIRMAN  
PUBLIC WORKS CONTRACTORS  
LICENSE BOARD

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CHRIS L. JENSEN, ADMINISTRATOR  
DIVISION OF BUILDING SAFETY

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DATE

02/28/2018rb

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DATE