

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

Tuesday - March 15, 2016 - 10:00 a.m. (MDT)

**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**

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 Roletto called the meeting to order at 10:00 a.m. (MDT)

Board Members Present:

Jim Roletto, Chairman
Joe Jackson, Vice-Chairman
Evan Goodwin
Robbie Austin
Brian Bailey
Chuck Graves

Board Members Absent:

Garry Tolley

DBS Staff Present:

C. Kelly Pearce, Administrator
Steve Keys, Deputy Administrator-Operations
Ron Whitney, Deputy Administrator-Administration
Patrick Grace, Deputy Attorney General
Bill Hatch, Public Information Officer
Larry Jeffres, Regional Manager, Region 1
Chris Jensen, Regional Manager, Region 3
Chuck Knapp, Regional Supervisor, Region 1
Gary Sonnen, Regional Supervisor, Region 1
Adam Bowcutt, Regional Supervisor, Region 3
Terry Blessing, Compliance Program Supervisor
Renee Bryant, Administrative Assistant 2/Board Recorder

◆ **Industrial Builders/City of Caldwell**

As instructed at the February 18th special PWCL Board meeting, a hearing officer was appointed to review the Industrial Builders, Inc. appeal. Within the required 35-day period, the Hearing Officer provided, and the Board received, a Recommended Order.

During this procedure, the Deputy Attorney General became aware of conflicting time frames between Idaho Code §§ 67-2805[3][b][iv] and 67-5243[3] as they pertain to the governing of appeal processes.

The Board was prepared to meet the statutory obligation and make a decision. However, with the discrepancies in procedural rules, the Board agreed to allow the parties to file, if any, reconsideration (14 days) or exceptions (21 days) before making a final decision.

To avoid future issues, it was suggested the Board and DBS review Idaho Code § 67-2805[3][b][iv] for possible changes.

ACTION: At a future meeting, the Division will bring proposed changes to Idaho Code § 67-2805[3][b][iv] as it pertains to the PWCL appeal process.

MOTION: Joe Jackson made a motion for the Board to delay its final decision until the reconsideration time frame expires. Chuck Graves seconded. All in favor, motion carried.

◆ **Bonneville School District/Hughes General Contractors, Inc.**

There was an inquiry for the Board to go into a special hearing to discuss this matter internally. An Executive Session, if needed, was noticed up on the agenda.

MOTION: Chuck Graves made a motion the Board, pursuant to Idaho Code § 74-206, convene into Executive Session to communicate with legal counsel regarding pending or imminently-likely litigation [Idaho Code § 74-20a]. Brian Bailey seconded. Roll call vote: Robbie Austin, yes; Brian Bailey, yes; Chuck Graves, yes; Evan Goodwin, yes; Joe Jackson, yes and Jim Roletto, yes. All in favor, motion carried.

◆ **Executive Session**

Pursuant to Idaho Code § 74-206(1)(f), an Executive Session was held with the following individuals: Board Members Roletto, Jackson, Graves, Goodwin, Bailey, and Austin, Administrator Pearce, Deputy Administrator-Operations Keys, Deputy Attorney General Grace, and Board Recorder Bryant.

The Board discussed with legal counsel the written analysis provided to it by counsel. Included in the analysis was legal ramifications, legal opinions and risks associated with the CM licensing controversy pending before it, which was imminently likely to be litigated.

MOTION: Chuck Graves made a motion to conclude the Executive Session and return to the regular session. Joe Jackson seconded. All in favor, motion carried.

◆ **Bonneville School District/Hughes General Contractors, Inc. (Cont'd)**

Board members Jackson, Graves and Goodwin recused themselves from voting on this topic. To the extent that action was required to reflect the inability to proceed with this matter, the Chairman asked for a motion among the remaining members.

MOTION: Brian Bailey made a motion that the Board drop the matter entirely as it relates to the school district and Hughes General Contractors, Inc. Robbie Austin Seconded. All in favor, motion carried.

◆ **Adjournment**

MOTION: Chuck Graves made a motion to adjourn the meeting. Joe Jackson seconded. All in favor, motion carried.

The meeting adjourned at 11:33 a.m. (MDT).

JIM ROLETTO, CHAIRMAN
PUBLIC WORKS CONTRACTORS
LICENSE BOARD

C. KELLY PEARCE, ADMINISTRATOR
DIVISION OF BUILDING SAFETY AND
BOARD SECRETARY

DATE

DATE