

KENNY C. GUINN  
Governor

## STATE OF NEVADA

REPLY TO:

### MEMBERS

KIM W. GREGORY  
*Chairman*  
DOUGLAS W. CARSON  
MARGARET CAVIN  
JERRY HIGGINS  
DENNIS K. JOHNSON  
RANDY SCHAEFER  
MICHAEL ZECH



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## STATE CONTRACTORS' BOARD

### MINUTES OF THE MEETING JANUARY 23, 2001

The meeting of the State Contractors' Board was called to order by Chairman Kim Gregory at 8:20 a.m., Tuesday, January 23, 2001, State Contractors' Board, Las Vegas, Nevada. EXHIBIT A is the Meeting Agenda and EXHIBIT B is the Sign In Log.

#### BOARD MEMBERS PRESENT:

Mr. Kim Gregory - Chairman  
Mr. Douglas W. Carson  
Ms. Margaret Cavin  
Mr. Jerry Higgins  
Mr. Dennis Johnson  
Mr. Randy Schaefer  
Mr. Mike Zech

#### BOARD MEMBERS ABSENT:

None

#### STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer  
Mr. Robert Griffy, Legal Counsel (Haney, Woloson & Mullins)  
Mr. Dennis Haney, Legal Counsel (Haney, Woloson & Mullins)  
Mr. David Reese, Legal Counsel (Cook, Roberts & Reese)  
Ms. Nancy Mathias, Licensing Administrator  
Mr. George Lyford, Director of Special Investigations Unit  
Mr. Rick Bertuzzi, Director of Investigations  
Mr. Roy Schoonmaker, Investigations Supervisor  
Mr. Frank Torres, Deputy Director of Investigations  
Mr. Peter Benedict, Investigator  
Mr. Linc Dante', Investigator  
Mr. Bob Macke, Investigator Supervisor  
Mr. Greg Mincheff, Investigator  
Mr. Mike Perko, Investigator  
Mr. Ron Ramsey, Investigator  
Mr. Tom Tucker, Investigator  
Mr. Greg Welch, Investigator Supervisor  
Mr. Chet Yekin, Investigator  
Ms. Pat Potter, Licensing Supervisor  
Ms. Susie Kiger, Legal Assistant  
Ms. Lisa Bedsole, License Analyst  
Mr. Bill Brandon, Recording Secretary

#### OTHERS PRESENT:

Cari Inkenbrandt, Court Reporter, CSR Associates of Nevada; Gail Culbertson, SNE Equipment; Ed Van Meetrum, Addison Construction Supply; Amy McIntosh, Addison Construction Supply; Gayle Kirk, Steel Engineers; Donalee King, Economy Steel; Darci

Green, A C Houston Lumber Company corporate counsel; Mehdi Owliaie, President, Medco Construction, Inc., Dorsey Green, Brian Dennis Nelson and Brian Bugni, Mojave Electric; Glen Hans Campbell, Dependable Painting, James Baker; Lloyd Bouvier, Jordie Primack and Bret Primack, Primack Homes; Len Schwartz, Esq., Primack Homes Counsel; Nicolle Mioduszewski; Diana Dee; Jeff Stafford; Dan Bradley, Dan Bradley's Glass Shop; Dayle Hall, Hall Plumbing & Drywall; Jo Ann Downer, International Marble; Ralph Orduno & Towina Schnurr, D L H Distributing; Patrick D. Murphy & Gayle Kirk, Steel Engineers, Inc.; Ms. Donna Teich; Scott L. Bulloch, Andy Kay, Crescent Hardy, Legacy Construction; Harold Quider, Esq.; Charles Higuera, Patio Designs; John D. Hanover, Esq.; Carl Loza, Living Waters; Gregory Godon, Godon Development; Charles David Manning, Carson Valley Wholesale Flooring, Mr. Portnoff.

Ms. Grein stated that Peter Benedict, Greg Mincheff and Linc Dante had posted the agenda in compliance with the open meeting law on January 17, 2001, at the Sawyer State Building, Clark County Library, and Las Vegas City Hall. Additionally, the agenda had been posted in each office of the Board, Las Vegas and Reno, and on the Board's Internet web site.

Mr. Gregory called for a motion to approve the minutes of January 9, 2001.

Ms. Cavin pointed out that page 1 and page 9 needed to be amended to reflect that Lee Westlake was associated with T W Construction rather than Western Traction.

**MR. ZECH MOVED TO APPROVE THE MINUTES OF JANUARY 9, 2001 WITH THE AMENDMENT.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

It was learned there were 22 items on the amended agenda, each item of an emergency nature.

**MR. ZECH MOVED TO HEAR THE AMENDED AGENDA.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

### **EXECUTIVE SESSION**

Ms. Grein brought a request for summary suspension against License #32761, Aqua Blue Pools, Walter Clyde Welty and Katherine Eveleen Welty, Owners, and related Licenses #31666, 33317, 33463, 45394, and 41007, held by the Welty's. Ms. Grein reported that there were 24 complaints presently under investigation. Based upon information in the board's possession, public safety could be at risk, therefor Ms. Grein recommended the Board summarily suspend the license.

**MR. JOHNSON MOVED TO SUSPEND LICENSE #32761, AQUA BLUE POOLS, AND RELATED LICENSES #31666, #35853, #45394 AND #41007.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**DISCIPLINARY HEARINGS****ZELLER ENTERPRISES #31243 & 39471 – DISCIPLINARY HEARING****AUBRY GROUP INC #34009 – DISCIPLINARY HEARING**

The Notice of Hearing & Complaint, dated December 21, 2000, consisting of pages 1 - 121, was sent certified mail to the Respondent at the address of record on file with the Board. The return receipt was dated December 22, 2000.

The hearing was for possible violations of NRS 624.3012 (2), willful or deliberate failure by any licensee or agent or officer thereof to pay any money when due for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefor; NRS 624.3013 (3), failure to establish financial responsibility; NRS 624.3013 (5), as set forth in NAC 624.640 (3), failing to report a change in address to the Board within 30 days; NRS 624.3013 (5), failure to include the monetary limit placed on the license, as required by NAC 624.640 (5); NRS 624.3017 (1), Workmanship which is not commensurate with the standard of the trade; NRS 624.301 (5), failure or refusal to comply with the terms of a construction contract or written warranty; NRS 624.3013 (5), as set forth in NAC 624.700 (3) (a), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to comply with the notice to correct; NRS 624.3015 (2), bidding to contract or contracting for a sum for one construction contract or project in excess of the limit placed on the license by the board; NRS 624.3014 (2), intent to evade the provisions of this chapter; (a) aiding or abetting an unlicensed person to evade the provisions of this chapter, (d) acting as agent, partner or associate of an unlicensed person; and NRS 624.3018 (2), performance by any partnership, corporation, firm or association of any act or omission constituting a cause for disciplinary action likewise constitutes a cause for disciplinary action against any licensee who is a member, officer, director or associate of such partnership, corporation, firm or association, and who participated in such prohibited act or omission.

Edward Taylor, Labor Express, Gail Culbertson, SNE Equipment, Ed Van Meetrum and Amy McIntosh, Addison Construction Supply, Gail Gaskill, Tri Delta, Inc., Tyler Laiman, and NSCB Investigators Greg Welsh, Mike Perko and Ron Ramsey, were sworn in. Also in attendance was Darcy Green, Corporate Counsel, A C Houston Lumber Company.

Mr. Mark Gorden Zeller, Zeller Enterprises, was not present, nor was anyone present on Respondent's behalf.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1.

Mr. Tyler Laiman testified that he had obtained a Default Judgement against the Respondent for the outstanding amount of \$1,311.00 for unpaid labor costs. Mr. Laiman stated his last contact with the Respondent was on September 19, 2000.

The Default Judgment was entered into the record as EXHIBIT 2.

Gail Culbertson testified that SNE Equipment entered into a contract with the Respondent to provide services totaling \$17,248.00. The last contact with the Respondent was in September 2000 when the Respondent stated he did not have the money to pay the outstanding amount due.

Darci Green stated that a contract was entered into with the Respondent on November 19, 1998 to allow the Respondent to purchase materials and supplies, and an outstanding balance of \$1,765.63 was still due. Attempts to contact the Respondent have been unsuccessful.

Investigator Ramsey testified that on March 27, 2000 he went to the Respondent's address of record. A door hanger message was left since no one was at the premises. Mr. Ramsey has had no contact with the Respondent.

Investigator Welch testified that he investigated Respondent's agreement with Church Development Group, Inc. to build three church buildings, one at First Baptist Church of the Lakes project, one at Shiloh Baptist Church and School on Cheyenne and one at West Charleston Baptist Church on West Gowan. The Respondent did build the churches and as a result there were workmanship issues. The Church Development Group acting as the general contractor ran the projects, however they were not licensed.

Mr. Ed Van Meetrum testified that he and the Respondent entered into an agreement to allow the Respondent to purchase materials from Addison Construction Supply. The Complainant was owed \$7,500.00 and has been unable to contact the Respondent.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO ACCEPT THE FILE AND TESTIMONY AS FORMAL FINDINGS OF FACTS, CONCLUSIONS OF LAW.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. CARSON MOVED TO FIND ZELLER ENTERPRISES, LICENSE #31243 AND #39471, IN VIOLATION OF ALL CHARGES.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. CARSON MOVED FOR DISMISSAL OF CHARGES AGAINST AUBREY GROUP, LICENSE #34009.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. CARSON MOVED TO REVOKE LICENSE #31243 AND #39471, ZELLER ENTERPRISES; TO REQUIRE RESTITUTION TO THE DAMAGED PARTIES AND TO RECOVER THE INVESTIGATIVE COSTS OF \$4,939.00 IF THE RESPONDENT OR ANY PRINCIPAL THEREOF REAPPLIED FOR LICENSURE. ALSO, MR. MARK GORDON ZELLER IS PROHIBITED FROM SERVING AS AN OFFICER ON ANY LICENSE IN THE STATE OF NEVADA.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**A J CONCRETE #35315 – DISCIPLINARY HEARING**

Gayle Kirk, Steel Engineers, Inc., Donalee King, Economy Steel, Inc., and NSCB Investigator Ron Ramsey, were sworn in.

The Notice of Hearing & Complaint, dated December 8, 2000, consisting of pages 1 - 24, was sent certified mail to the Respondent at the address of record, 2595 Chandler Avenue, #5, Las Vegas, NV 89120. The return receipt was not received.

The hearing was for possible violations of NRS 624.3012 (2), willful or deliberate failure by any licensee or agent or officer thereof to pay any money when due for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefor; NRS 624.3013 (3), failure to establish financial responsibility; NRS 624.3013 (5), as set forth in NAC 624.700 (3) (a), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to comply with the notice to correct; NRS 624.3013 (5), as set forth in NAC 624.640 (3), failing to report a change in address to the Board within 30 days; and NRS 624.3013 (4), failure to keep in force the bond or cash deposit pursuant to NRS 624-270 for the full period required by the board.

Mr. Alejandro G. Cota, A. J. Concrete, was not present, nor was anyone present on Respondent's behalf.

Mr. Zech recused himself.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1.

Gayle Kirk testified that Steel Engineers and the Respondent entered into an agreement to allow the Respondent to purchase materials. The Complainant was owed \$10,080.29 and has been unable to contact the Respondent.

Donalee King testified that Economy Steel, Inc. and the Respondent entered into an agreement to allow the Respondent to purchase materials. The Complainant was owed \$7,048.02 and last contact with the Respondent was March 3, 2000. A claim has been filed against the Respondent's bond.

Mr. Ramsey testified he investigated the complaints and on July 8, 1999 requested a financial statement, which was not received. The Respondent has not responded to other board requests. The Licensee was currently suspended for failure to maintain a current bond.

The evidentiary portion of the hearing was closed.

**MR. SCHAEFER MOVED TO ACCEPT THE FILE AND TESTIMONY AS FORMAL FINDINGS OF FACTS, CONCLUSIONS OF LAW.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED. (MR. ZECH ABSTAINED)**

**MR. SCHAEFER MOVED TO FIND A J CONCRETE LICENSE #35315, IN VIOLATION OF ALL CHARGES.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED. (MR. ZECH ABSTAINED)**

**MR. SCHAEFER MOVED TO REVOKE LICENSE #35315, A J CONCRETE; TO REQUIRE FULL RESTITUTION TO DAMAGED PARTIES; AND TO RECOVER INVESTIGATIVE COSTS OF \$1,525.00 IF THE RESPONDENT OR ANY PRINCIPAL THEREOF REAPPLIED FOR LICENSURE.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED. (MR. ZECH ABSTAINED)**

**MEDCO CONSTRUCTION INC #33771, 32003 and 33770 – DISCIPLINARY HEARING**

**RYAN ANTHONY & ASSOCIATES #45211 – DISCIPLINARY HEARING**

Mehdi Owliaie, President, MEDCO Construction Inc., Brian Bugni, CFO, and Dennis F. Nelson, CEO, Mojave Electric, Inc., and NSCB Investigator Ron Ramsey, were sworn in. Also in attendance was Darcy Green, Corporate Counsel for A.C. Houston Lumber Company.

The Notice of Hearing & Complaint, dated December 8, 2000, consisting of pages 1 - 56, was sent certified mail to the Respondent at the address of record on file with the Board. The return receipt was dated December 11, 2000.

The hearing was for possible violations of NRS 624.3013 (3), failure to establish financial responsibility; NRS 624.3017 (1), Workmanship which is not commensurate with the standard of the trade; and NRS 624.3013 (5), as set forth in NAC 624.700 (3) (a), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to comply with the notice to correct.

Mr. Carson recused himself.

Ms. Grein stated that a letter from Keith Gregory, Counsel for MEDCO Construction, Inc., requesting a continuance is dated January 19, 2001 was received yesterday, January 22, 2001 via facsimile.

The letter requesting the continuance was entered into the record as EXHIBIT 1.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 2, and the stipulation was not signed.

The Board continued the Hearing until 10:15 a.m., January 24, 2001.

**DEPENDABLE PAINTING, #28605 – DISCIPLINARY HEARING (Continued from 11/21/00)**

Glenn Hans Campbell, Owner, Dependable Painting, James Baker and Ryan Tenant, Complainants, and NSCB Investigators Greg Welch, Bob Macke and Mike Perko, were sworn in.

The Notice of Hearing & Complaint, dated October 17, 2000, consisting of pages 1-32, had been sent certified mail to the Respondent at the address of record on file with the Board. The return receipt had not been received. The Notice of Continuance Hearing, dated December 5, 2000, consisting of pages 1 – 2, was sent certified mail to the Respondent's address of record, 1619 Abbey Avenue, Henderson, NV 89014. Return receipt was dated December 8, 2000.

The hearing was for possible violation of NRS 624.3017 (1), Workmanship which is not commensurate with standards of the trade; NRS 624.301 (4), willful failure or refusal without legal excuse on the part of a licensee as a contractor to prosecute a construction project or operation with reasonable diligence, thereby causing material injury to another;

and NRS 624.3013 (5), as set forth in NAC 624.700 (3) (a) and NAC 624.640 (5), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to comply with the notice to correct, and by failing to include the license number and monetary limit on the bid or contract.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1, and the stipulation was not signed.

Mr. Campbell indicated that his attorney had called and requested a continuance. The appropriate procedure to request a continuance was explained to Mr. Campbell and the decision was made to go forward with the hearing. Mr. Campbell became argumentative and accused staff members of "trying to hang me on this thing ever since this started." Chairman Gregory again explained that the request for continuance must be in writing and submitted in a timely manner. Mr. Campbell stated his disdain for the investigators stating: "I'm sick of these two over here. Little parasites."

Mr. Schaefer recused himself.

Mr. Baker testified that he and the Respondent entered into an agreement on or about February 2, 2000 for the painting of Complainants residence. Workmanship issues noted were tiles broken on roof of garage, second floor window over-sprays, front door and garage fascia paint peeling and mismatched paint colors. Additionally, the Respondent is responsible for a broken window in the back of the house. Mr. Baker stated that when he tried to bring the workmanship issues to the attention of the Respondent he had been verbally assaulted. While Mr. Baker was trying to state his case, Mr. Campbell called him a liar.

Chairman Gregory once again admonished Mr. Campbell for his threatening outbursts.

Mr. Welch testified that he and Mr. Macke verified the workmanship items of the Baker complaint and issued a Notice to Correct dated August 24, 2000. Two items have not been corrected, the paint peeling on the front door and on the garage fascia.

Mr. Macke testified that he was present with Mr. Welch and validated the workmanship items. Additionally, the agreement did not contain the Respondent's monetary limit.

Mr. Campbell testified that the roof tiles did break under his footing because they were old, and he had them replaced. The different colors of paint were due to an error in mixing the paint by Home Depot. Mr. Campbell also admitted that he had broken a window. Several times throughout his testimony, Mr. Campbell referred to the homeowners as whiners and made derogatory statements about the investigative staff of the Board.

Chairman Gregory asked Mr. Campbell about his relationship with the homeowners. Mr. Campbell stated that when Investigator Perko was at the home investigating the workmanship issues he (Campbell) had a disagreement with the homeowners and told them to shut up.

Letters of reference for Mr. Campbell were entered into the record as EXHIBITS B, C, D and E.

The assorted receipts for replacement window and paint were entered into the record as EXHIBITS F through L.

The evidentiary portion of the hearing was closed.

**MR. ZECH MOVED TO ACCEPT THE FILE AND TESTIMONY AS FORMAL FINDINGS OF FACTS, CONCLUSIONS OF LAW.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED. (MR. SCHAEFER ABSTAINED)**

**PRIMACK HOMES INC #39359 – DISCIPLINARY HEARING**

**PRIMIER CONSTRUCTION #44414 – DISCIPLINARY HEARING**

**CUSTOM HOMES BY CHATEAU LLC #51092 – DISCIPLINARY HEARING**

Lloyd Philip Bouvier, Jordan Primack and Bret Primack, Primack Homes and Primier Construction, Dayle Arlon Hall, Hall Pint & Drywall, Dan Bradley Glass Shop, Joanne Downer, International Marble, Inc., Jeffrey Stafford, Republic Electric, Inc., Deanna Dean, Dean Roofing Company, Inc., Nicolle Mioduszewski, and NSCB Investigator Ron Ramsey, were sworn in, and in attendance was Leonard Schwartzen, Counsel for Primack Homes.

The Notice of Hearing & Complaint, dated December 8, 2000, consisting of pages 1 - 33, was sent certified mail to the Respondent at the address of record on file with the Board. The return receipt was dated December 12, 2000.

The hearing was for possible violations of NRS 624.3012 (2), willful or deliberate failure by any licensee or agent or officer thereof to pay any money when due for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefor; NRS 624.3013 (3), failure to establish financial responsibility; NRS 624.3013 (5), as set forth in NAC 624.640 (3), failing to report a change in address to the Board within 30 days; and NRS 624.3018 (2), performance by any partnership, corporation, firm or association of any act or omission constituting a cause for disciplinary action likewise constitutes a cause for disciplinary action against any licensee who is a member, officer, director or associate of such partnership, corporation, firm or association, and who participated in such prohibited act or omission.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1, and the stipulation was not signed.

Mr. Griffy stated that the Financial Statement submitted had not been prepared by a CPA as required.

The Financial Statement completed without a CPA certification was entered into the record as EXHIBIT 2.

Mr. Ramsey testified that November 2, 2000 a request for the financial statement was sent certified mail and has not been received.

Mr. Schwartzen asked if a settlement could be offered to the Complainants.

A recess was taken to allow settlement discussion.

Mr. Haney stated to the Board that an agreement had been reached and requested a continuance.

The Respondent will be required to submit a Financial Statement prepared by a CPA within 30-days. Projects presently under construction could be completed, but no new work undertaken. A status report will be presented to the Board within thirty days. The license would remain suspended.

**MR. CARSON MOVED FOR A CONTINUANCE WITH A 30-DAY STATUS UPDATE.**

**MR. SCHAFFER SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**CONTEMPORARY EXTERIORS, #44108 – DISCIPLINARY HEARING**

Tawnia Schnurr, D L H Distributing and Ralph Orduno, and NSCB Investigators Greg Welch, Linc Dante' and Ron Ramsey, were sworn in.

Mr. Dwight L. Ross, Contemporary Exteriors, was not present, nor was anyone present on Respondent's behalf.

The Notice of Hearing & Complaint, dated December 12, 2000, consisting of pages 1 - 55, was sent certified mail to the Respondent at the address of record on file with the Board. The return receipt was not received.

The hearing was for possible violations of NRS 624.3017 (1), Workmanship which is not commensurate with the standard of the trade; NRS 624.3013 (5), as set forth in NAC 624.700 (3) (a), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to comply with the notice to correct; NRS 624.3013 (5), failure to include the monetary limit placed on the license, as required by NAC 624.640 (5); NRS 624.3013 (3), failure to establish financial responsibility; NRS 624.3015 (1), acting in the capacity of a contractor beyond the scope of the license; NRS 624.3016 (1), any fraudulent or deceitful act committed in the capacity of a contractor; NRS 624.3012 (2), willful or deliberate failure by any licensee or agent or officer thereof to pay any money when due for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefor; NRS 624.302 (5), failure or refusal to respond to a written request from the board or its designee to cooperate in the investigation of a complaint; and NRS 624.3013 (4), failure to keep in force the bond or cash deposit pursuant to NRS 624-270 for the full period required by the board.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1.

Ms. Schnurr testified that on September 21, 1998, the Respondent entered into a contract for the installation of siding. Upon completion of the work, several workmanship issues were identified including wooden jams not covered, a large hole on the porch, and lifting and separating of siding. The Complainant has been unable to contact the Respondent.

Mr. Ramsey testified that he investigated Ms. Schnurr's complaint and validated the workmanship issues and also has been unable to contact the Respondent. A Notice to Correct and request for a Financial Statement was sent to the Respondent. The Respondent has not complied with the Board's directives.

Mr. Welsh testified that he reviewed the Respondent's contracts of Ms. Schnurr, the Bosemans, and the Ordunos, and none showed the monetary limits and license number. Mr. Welsh did speak to the Respondent three weeks ago, after issuance of the Notice of Hearing and the Respondent indicated that he would be present.

Mr. Ramsey testified that he investigated Mr. Rudd's complaint. Mr. Rudd had entered into an agreement with the Respondent for the installation of windows and gave the Respondent a \$425.00 deposit and has not been able to contact the Respondent since.

Mr. Dante testified that he investigated and validated the DLH Distributing complaint of non-

payment. The Respondent purchased \$2,575.95 worth of supplies and materials and has not paid the Complainant. D L H Distributing submitted a bond claim and was told the bond had been paid out 100%.

Mr. Welch testified that he investigated and validated Mr. Boseman's complaint that the Respondent had been paid a \$100.00 deposit to install a window and did not return to the job site. Mr. Welch stated he has had no contact with the Respondent after the Notice of Administrative Meeting was sent on September 5, 2000.

Mr. Orduno testified that he entered into a contract with the Respondent for the installation of windows and paid \$574.00. The Respondent did not return to install the windows and Mr. Orduno has been unable to contact the Respondent.

Mr. Welch testified that he investigated and validated Mr. Orduno's complaint. The Respondent's license is suspended for failure to maintain a bond.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO ACCEPT THE FILE AND TESTIMONY AS FORMAL FINDINGS OF FACTS, CONCLUSIONS OF LAW.**

**MR. SCHAFFER SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. CARSON MOVED TO FIND CONTEMPORARY EXTERIORS, LICENSE #44108, IN VIOLATION OF ALL CHARGES**

**MR. SCHAFFER SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. CARSON MOVED TO REVOKE LICENSE #44108, CONTEMPORARY EXTERIORS; TO REQUIRE FULL RESTITUTION TO DAMAGED PARTIES; AND TO RECOVER INVESTIGATIVE COSTS OF \$4,081.00 IF THE RESPONDENT OR ANY PRINCIPAL THEREOF REAPPLIED FOR LICENSURE.**

**MR. SCHAFFER SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

#### **P. M. MECHANICAL, INC., #14679, 19150 and 21732 – DISCIPLINARY HEARING**

Patrick Dean Murphy, President, P.M. Mechanical, Inc, Gayle Kirk, Steel Engineers, Inc., and NSCB Investigator Bob Macke, were sworn in.

The Notice of Hearing & Complaint, dated December 22, 2000, consisting of pages 1 - 14, was sent certified mail to the Respondent at the address of record on file with the Board. The return receipt was dated December 27, 2000.

The hearing was for possible violations of NRS 624.3012 (2), willful or deliberate failure by any licensee or agent or officer thereof to pay any money when due for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefor; NRS 624.3013 (3), failure to establish financial responsibility; and NRS 624.3013 (4), failure to keep in force

the bond or cash deposit pursuant to NRS 624-270 for the full period required by the board.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1, and the stipulation was signed.

Mr. Zech and Mr. Carson recused themselves.

Ms. Kirk testified that the Respondent entered into an agreement with Steel Engineers, Inc. to allow the Respondent to purchase materials. The Complainant is owed \$2,315.69 and has been unable to contact the Respondent. Claims filed against the bond have not been paid because the bonding company will not accept invoices as proof of the claim.

Mr. Macke testified he investigated the complaints and on October 12, 1999 requested a financial statement, which was not received from the Respondent. The Respondent's bond has been canceled, and he has not responded to the Board requests.

Mr. Murphy testified that he does not intend to renew his license and will surrender the license. He also stated he would write to the bonding company to acknowledge responsibility for the debt.

The evidentiary portion of the hearing was closed.

**MR. JOHNSON MOVED TO ACCEPT THE VOLUNTARY SURRENDER OF LICENSES #14679, #19150 AND #21732, P. M. MECHANICAL, INC.**

**MS. CAVIN SECONDED THE MOTION**

**THE MOTION CARRIED. (MR. CARSON AND MR. ZECH ABSTAINED)**

**LEO B MARGOLIAN, #24158 – DISCIPLINARY HEARING (Continued from 12/19/00)**

The Notice of Hearing & Complaint, dated November 14, 2000, consisting of pages 1-22, sent certified mail to the Respondent at the address of record on file with the Board. The return receipt was dated November 20, 2000. The Notice of Continued Hearing sent certified mail to the Respondent at the address of record on file with the Board. The return receipt was dated December 26, 2000.

The hearing was for possible violation of NRS 624.3017 (1), Workmanship which is not commensurate with the standard of the trade; and NRS 624.3013(5), as set forth in NAC 624.700(3)(a), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to comply with the notice to correct.

Ms. Donna Teich, Complainant, along with NSCB Investigator Greg Mincheff, were previously sworn.

Mr. Leo B. Margolian, was not present, nor was anyone present on Respondent's behalf.

Mr. Mincheff testified that that he validated that two of the original items in the residence to correct are still not corrected; number 3, floor squeak and number 15, hole in baseboard. Additionally, a residual issue remains from a previous correction, item number 11, a crack in the grouting on kitchen counter between the riser and the top.

Ms. Teich testified the Respondent performed carpet repairs Friday, January 17, 2001, said he would be attending today's hearing.

The evidentiary portion of the hearing was closed.

**MR. ZECH MOVED TO FIND LEO B. MARGOLIAN, LICENSE #24158, IN VIOLATION OF ALL CHARGES**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. CARSON MOVED TO SUSPEND LICENSE #24158, LEO B. MARGOLIAN; ORDERED RESTITUTION OF \$1,000.00 TO MS. DONNA TEICH; ASSESSED A FINE OF \$2,500; AND THE RECOVERY OF THE INVESTIGATIVE COSTS OF \$3,553.00; AND IF NOT PAID WITHIN SIXTY DAYS, THE LICENSE WOULD AUTOMATICALLY BE REVOKED.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**CAMELOT ELECTRIC, #45037 – DISCIPLINARY HEARING**

The Notice of Hearing & Complaint, dated December 20, 2000, consisting of pages 1 - 17, was sent certified mail to the Respondent at the address of record on file with the Board. The return receipt was not received.

The hearing was for possible violations of NRS 624.3012 (2), willful or deliberate failure by any licensee or agent or officer thereof to pay any money when due for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefor; NRS 624.3013 (3), failure to establish financial responsibility; NRS 624.302 (5), failure or refusal to respond to a written request from the board or its designee to cooperate in the investigation of a complaint; and NRS 624.3013 (4), failure to keep in force the bond or cash deposit pursuant to NRS 624-270 for the full period required by the board.

Mike Perko, NSCB Investigator, was sworn in.

Mr. John E. Miller, Camelot Electric, was not present, nor was anyone present on Respondent's behalf.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1.

Mr. Perko testified he investigated the Nedco Supply complaint and on September 15, 2000 requested a Financial Statement, which was not received. The Respondent has not responded to other Board requests. The Respondent's bond did pay Nedco Supply \$6,793.60.

The evidentiary portion of the hearing was closed.

**MS. CAVIN MOVED TO ACCEPT THE FILE AND TESTIMONY AS FORMAL FINDINGS OF FACTS, CONCLUSIONS OF LAW.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MS. CAVIN MOVED TO FIND CAMELOT ELECTRIC, LICENSE #45037, IN VIOLATION OF ALL CHARGES**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MS. CAVIN MOVED TO REVOKE LICENSE #45037, CAMELOT ELECTRIC; TO REQUIRE FULL RESTITUTION TO DAMAGED PARTIES; AND TO RECOVER INVESTIGATIVE COSTS OF \$1,422.00 IF THE RESPONDENT OR ANY PRINCIPAL THEREOF REAPPLIED FOR LICENSURE.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**EXECUTIVE SESSION** (Continued)

The status reports for the investigation and special investigation department were presented by Mr. Rick Bertuzzi and Mr. Roy Schoonmaker.

Ms. Grein presented a comparison report of investigative cases.

Ms. Grein presented financial report.

**MR. CARSON MOVED TO ACCEPT THE FINANCIAL STATEMENT OF DECEMBER 31, 2000.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. JOHNSON MOVED TO APPROVE THE BANK OF AMERICA MONEY MARKET ACCOUNT CHECK #1041 THROUGH #1046 AND TRANSFER NUMBERS #00-05 THROUGH 00-11; BANKOF AMERICA COMMERCIAL CHECKING ACCOUNT CHECK #20607 THROUGH #21121 WITH VOIDED CHECKS 20701, 20713, 20720, 20735, 20358, 20765, & 20925; AND FIRST INTERSTATE BANK PAYROLL ACCOUNT CHECK #19007 THROUGH #19408.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

Ms. Grein provided the Board members a copy of the proposed regulation for investigator qualifications including suggested amendments to resolve concerns brought forward qt the workshop held in this matter. Ms. Grein outlined the suggested changes to the regulation and stated that the Board had held a public workshop and two public hearings to solicit comments on the proposed regulation.

**MR. JOHNSON MOVED TO ADOPT THE AMENDED INVESTIGATOR QUALIFICATION REGULATIONS.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

Ms. Grein presented Executive Officer Report referencing pages 8 & 9, a breakdown of Board actions.

**MR. JOHNSON MOVED TO APPROVE EXECUTIVE OFFICER REPORT.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

The Board discussed the procedures for processing license renewal applications. Attorney Dennis Haney provided the board with a legal opinion concerning the requirements that a licensee must meet to constitute substantial compliance with the renewal requirement.

**MR. JOHNSON MOVED TO CONDITIONALLY ACCEPT LICENSE RENEWAL APPLICATIONS THAT ARE SUBSTANTIALLY COMPLIANT AND PROVIDE THE LICENSEE WITH THE OPPORTUNITY TO COMPLETE THE APPLICATION.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

### **APPLICATIONS**

The following motion closed the meeting to the public.

**MR. ZECH MOVED TO CLOSE THE MEETING TO THE PUBLIC.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

### **LEGACY CONSTRUCTION & DEVELOPMENT, INC #43329; LEGACY CONSTRUCTION ENTERPRISES, #50647 – Name Similarity**

Present for the discussion were: Crescent Hardy and Scott Bulloch, Legacy Construction & Development, Inc.; Andy Kay and Harold Quider, Legacy Construction Enterprises.

The Board was informed by letter from Legacy Construction and Development, Inc., License #43329 that it was being adversely affected by the similar name Legacy Construction Enterprises, License #50647. Both parties expressed their desire to retain the license name as issued and each licensee stated his specific concern.

**MR. ZECH MOVED THAT A CHANGE OF NAME WOULD NOT BE REQUIRED AND DIRECTED STAFF TO NOTIFY EACH LICENSEE TO USE HIS COMPLETE AND PROPER NAME ON CORRESPONDENCE, CONTRACTS, AND TELEPHONE CALLS IN ORDER TO AVOID CONFUSION.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

The applications on the agenda were reviewed and discussion occurred on the following: Nos. 1-15, 28, 21-22, 27, 30, 34, 36-39, 46, 50, 56, 61, 65, 67-67, 75-79, 92, 99, 101-107, 110, 113, 120, 126-130, 132, 134, 136, 145-147, 149, 152-156, 161-12, 165-168; and on

the amended agenda: Nos. 1, 3-11, 19, and 21.

**PATIO DESIGNS BY CHARLES** – New Application

Charles D. Huguera (C-14 (I)). Mr. Higuera responded to the Board's concern regarding an unsatisfied California tax lien and bankruptcy filed in 1987.

**MR. ZECH MOVED FOR APPROVAL OF A C-14 (I) LICENSE WITH A \$20,000 LIMIT AND A \$20,000 BOND CONDITIONED UPON HIS PROVIDING A CURRENT FINANCIAL STATEMENT AND PROOF THAT THE TAX LIEN HAS BEEN SATISFACTORILY RESOLVED.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**LIVING WATERS & D P D, INC.** – Request for late renewal.

Licensee was requesting that the Board grant late renewal of the license and explained that he did not send in his license renewal application because of financial difficulty experienced with the Venetian Hotel job.

**THE BOARD APPROVED THE LICENSE RENEWAL ON A PROBATIONARY STATUS REQUIRING THE LICENSEE TO SUBMIT THE REQUIRED APPLICATION AND FEES; A \$20,000 BOND WITH AN EFFECTIVE DATE OF NOVEMBER 11, 2000 AND SUBMIT A CHANGE OF OFFICER APPLICATION WITH 30 DAYS. IN ADDITION, AS A CONDITION OF LICENSURE, THE LICENSEE MUST POST PAYMENT AND PERFORMANCE BONDS FOR ALL PROJECTS PERFORMED. THE LICENSEE WILL BE REQUIRED TO PROVIDE A FINANCIAL STATEMENT WITHIN SIX MONTHS.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. ZECH MOVED TO OPEN THE MEETING TO THE PUBLIC.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. ZECH MOVED TO ACCEPT ALL APPLICATIONS NOT SPECIFICALLY DISCUSSED IN THE CLOSED SESSION.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

Mr. Gregory exited the Board Hearing at 2:30 p.m. Mr. Zech assumed the chair.

The Notice of Hearing & Complaint, dated December 4, 2000, consisting of pages 1 - 7, was sent to the Respondent by certified mail at the address of record on file with the Board. The return receipt was dated December 9, 2000.

Mr. Gregory L. Godon, President, Godon Development, Inc., and NSCB Lisa Bedsole License Analyst, were sworn in.

Mr. Griffy summarized that the hearing was for denial of the license renewal because the licensee had failed to establish financial responsibility.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1, and the stipulation was signed.

The Financial Statement was entered into the record as EXHIBIT A.

The Credit Summary Report from Experian entered into the record as EXHIBIT B.

The Board discussed the Financial Statement provided by the licensee.

**MR. JOHNSON MOVED TO RENEW LICENSE #48508.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**CARSON VALLEY WHOLESALE FLOORING #47950 – DISCIPLINARY HEARING**  
(Continuation of January 9, 2001 Hearing in Reno)

The Board continued the hearing of Carson Valley Flooring and directed the Respondent to file a Certified Public Accountant prepared Financial Statement.

Mr. Charles D. Manning, Carson Valley Wholesale Flooring, was not present, nor was anyone present on Respondent's behalf.

Mr. Frank Torres, Assistant Director of Investigations provided the Board a copy of the Financial Statement that had been submitted by Mr. Manning.

The Financial Statement was entered into evidence as Exhibit A.

**MR. JOHNSON MOVED TO CONTINUE THE MATTER UNTIL THE NEXT RENO MEETING. THE LICENSE WILL REMAIN ACTIVE.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**GARY W. MCANDREWS CONSTRUCTION – Application Hearing**

The Board had tabled the application at an earlier meeting, requesting that the applicant appear for an interview to discuss financial responsibility issues and his involvement with Stone Cheney Construction.

Gary McAndrews, owner, was present.

Mr. McAndrews stated that he had been the Vice President of Construction for Stone Cheney Construction in the state of Nevada. He had been promoted to help resolve

outstanding financial problems of the company. To the best of his knowledge, he is not a corporate officer nor does he have knowledge of personal ownership of any stock in Stone Cheney Construction.

**MR. CARSON MOVED TO APPROVE LICENSE WITH A TWO HUNDRED THOUSAND (\$200,000) LIMIT AND A FIFTY THOUSAND (\$50,000) BOND.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**PUBLIC COMMENT**

No one from the general public was present to speak for or against any items on the agenda.

There being no further business to come before the Board, the meeting was adjourned by Chairman Zech at 3:30 p.m.

Respectfully Submitted,

Bill Brandon, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kim Gregory, Chairman

Michael Zech, Vice Chairman