

KENNY C. GUINN  
Governor

## STATE OF NEVADA

REPLY TO:

### MEMBERS

KIM W. GREGORY  
*Chairman*  
DOUG CARSON  
MARGARET CAVIN  
DENNIS K. JOHNSON  
DEBORAH WINNINGHAM SHELTRA  
MICHAEL ZECH



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## STATE CONTRACTORS' BOARD

### MINUTES OF THE MEETING FEBRUARY 23, 2000

The meeting of the State Contractors' Board was called to order by Vice-Chairman Mike Zech at 8:45 a.m., Wednesday, February 23, 2000, State Contractors' Board, Las Vegas, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

#### **BOARD MEMBERS PRESENT:**

Mr. Michael Zech – Vice Chairman  
Mr. Doug Carson (Arrived at 8:55 a.m.)  
Ms. Margaret Cavin  
Mr. Dennis Johnson  
Ms. Deborah Sheltra

#### **BOARD MEMBERS ABSENT:**

Mr. Kim Gregory

#### **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. Hal Taylor, Legal Counsel  
Ms. Nancy Mathias, Licensing Administrator  
Mr. George Lyford, Director of Special Investigations Unit  
Mr. Rick Bertuzzi, Director of Investigations  
Ms. Pat Potter, Licensing Supervisor  
Ms. Maryann Enbody, Licensing Analyst  
Mr. Carmen Caruso, Investigator  
Mr. Linc Dante', Investigator  
Mr. Bob Macke, Investigator  
Mr. Greg Mincheff, Investigator  
Mr. Mike Perko, Investigator  
Mr. Tom Tucker, Investigator  
Mr. Bruce Yarborough, Investigator  
Ms. Betty Wills, Recording Secretary

#### **OTHERS PRESENT:**

Kendall Heath, Court Reporter, CSR Associates of Nevada; Keith Gregory, Legal Counsel, C R I Electric Inc, Haskew Engineering & Construction, Sunworld Landscape & Maintenance, V T Construction, and D M L Construction; Earl Hardin, President, Hardin Concrete Company Inc; Eric Dobberstein, Legal Counsel, Hardin Concrete Company Inc; Henry L. Smith, President, Imagine Builders; Stuart Mason, Vice President, Venetian Resort Hotel Casino; Kevin Stalwart, Legal Counsel for the Venetian Resort Hotel Casino; William Martin, Qualified Employee, Venetian Resort Hotel Casino; Don Martinez, Owner, Dawn-Mar Construction; Brian Defilippis, President, Blackhawk Construction and Stucco

Savers; Danial Paul Dunbar, Owner, Dunbar Construction; Kevin Fanning, President, Brelle West Construction Management Corporation; Pat Laino, Install Coordinator, Lowes H I W Inc; Joe Monteiro, President, A1 Concrete Cutting; Kenneth Mercurio, Member/Qualifier, The Accurate Companies; Manuel Perea, Owner, Perea Landscapes; Gary Barton, Owner, Designer Rugs Plus; Fred Ahlstrom, President, Falcon Homes, Inc; Brian Terry, Legal Counsel for Falcon Homes Inc.; Rick Farinelli, Homeowner/Complainant; Russell Lewis, Homeowner/Complainant; Cal Potter, Legal Counsel for Mr. Lewis; Richard Kersenbrock, Representative for Russell Lewis; David Johnson, Legal Counsel, Greystone Nevada LLC, Tim Kent, Divisional President, Greystone Nevada LLC, Charles and Linda Freimanis, Complainants; William May, Jr., President, General Building Contractors of Nevada; Sherry May, General Building Contractors of Nevada and Northwestern Inc.; Ed & Sharon Bargert, Complainants; Ed Pennewell, President, La Paz Ceramic Tile; Dan Bradley, President, Dan Bradley Glass; Robert Haidet, Owner, Image Landscape Construction; Brent Harrison, President, Canac Kitchens of Las Vegas, Ted Parker, Legal Counsel in the Banich complaint, Vision Craft Homes; Mike Mushkin, Legal Counsel, Vision Craft Homes; James Lee, Legal Counsel, Canac Kitchens of Las Vegas, Richard Caleel, Legal Counsel representing the Baniches; Rosemary Domingo, Project Supervisor, Vision Craft Homes; Larry Jackson, Owner, Westview Concrete; Kevin Patterson, Laborer, Westview Concrete; Fred Gawryk, Homeowner/Complainant; and Terrance Banich, Homeowner/Complainant.

\* \* \* \* \*

Ms. Grein stated that Ben Sample and Greg Welsh, NSCB Investigators, had posted the agenda in compliance with the open meeting law on February 16, 2000, 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. Zech called for a motion to approve the minutes of February 8, 2000.

**MR. JOHNSON MOVED TO APPROVE THE MINUTES OF FEBRUARY 8, 2000.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

It was learned there were 33 items on the amended agenda, each item of an emergency nature. Additionally, there was a request for an advisory opinion from A1 Concrete Cutting.

**MS. SHELTRA MOVED TO HEAR THE AMENDED AGENDA.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**ENFORCEMENT ADVISORY COMMITTEE**

There were no items for consideration, therefore the matter was continued.

**APPLICATIONS**

The following motion closed the meeting to the public.

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

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

The meeting was then closed to the public pursuant to NRS 241.030 to discuss financial and other data, which is confidential under NRS 624.110 (2).

**A B C SEAMLESS OF NEVADA** (C3 – Carpentry) NEW APPLICATION, RECONSIDERATION OF NAME SIMILARITY

The application had been approved on January 25, 2000. At that time the Board had requested that the applicant, Gerald Plowman, Owner, provide a letter from A B C Seamless of Nevada giving Mr. Plowman permission to use the name A B C Seamless Siding. Mr. Plowman had since received a letter from the home office giving him their permission to use A B C Seamless of Reno. The Board approved the use of the name as represented. Mr. Plowman, who was present, was so notified.

**AMERICAN PREMIER HOMES AND DEVELOPMENT** #42749 (B2 – Residential & Small Commercial) FINANCIAL STATEMENT ON REVIEW

A disciplinary hearing had been held on January 25, 2000, wherein it had been learned the previous indemnifiers, Robert and Kellie Lively had removed their indemnification. Mr. Rapaport had since indemnified the license. Hagai Rapaport, President, was present. He was informed the financial review had been approved with the limit and bond to remain the same.

**C R I ELECTRIC INC** #48715 (C2 – Electrical Contracting) CHANGE IN QUALIFIER

**C R I ELECTRIC INC** #48715 (C2 – Electrical Contracting) CHANGE IN OFFICER

**HASKEW ENGINEERING & CONSTRUCTION INC.** (C1 – Plumbing & Heating) NEW APPLICATION

**HASKEW ENGINEERING & CONSTRUCTION INC.** (C2– Electrical Contracting) NEW APPLICATION

Bruce Yarborough, NSCB Investigator, and Keith Gregory, Legal Counsel, C R I Electric Inc. and Haskew Engineering & Construction Inc., were present.

Mr. Yarborough reported on the background investigation he had performed regarding David Sterns, Kenneth Haskew, Vernon Peden, and various companies they were associated with, and provided a flow chart of his findings. Attorney Gregory had provided the board with a letter indicating Vernon Peden had been removed as an officer, and David Sterns as a Director. The letter also indicated that Mr. Sterns had never been authorized to sign checks or contracts with any of the companies detailed in Mr. Yarborough's report.

Attorney Gregory informed the Board that E C N International was a holding company with several subsidiaries under it. It was not licensed and did not intend to acquire a license, whereas C R I was a subsidiary, and the desire was to keep it licensed. The only other corporation E C N was interested in was Haskew Engineering. Mr. Gregory provided the Board with new financial information, and spoke to the background of the parties referenced, and their current status relating to the two license applications. Additionally, Mr. Gregory detailed the reasons for an FBI investigation, which he stated did not involve the parties reported upon. He then submitted a letter to that effect.

A discussion followed regarding the information, which had been presented.

**MR. JOHNSON MOVED TO APPROVE KENNETH HASKEW AS THE QUALIFIER ON LICENSE #48715, C R I ELECTRIC INC, TO REQUIRE BI-MONTHLY REPORTING INCLUSIVE OF CONTRACTS, PAYABLES, RECEIVABLES, EXPENDITURES, AND LAWSUITS, AND TO REQUIRE A FINANCIAL REVIEW UPON RENEWAL IN JULY, 2000.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. JOHNSON MOVED TO APPROVE THE OFFICER CHANGE ON LICENSE #48715, C R I ELECTRIC INC.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

As new financial information had been provided for Haskew Engineering & Construction, the following motion was offered.

**MR. CARSON MOVED TO TABLE THE TWO LICENSE APPLICATIONS TO ALLOW STAFF TO REVIEW THE FINANCIAL INFORMATION.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**SUNWORLD LANDSCAPE & MAINTENANCE CO #35610 (C10 – Landscape Contracting) RAISE IN LIMIT, RECONSIDERATION**

The raise in limit application had been approved on February 8, 2000 for \$3 million, but there had been no general consensus regarding the bond requirement.

Attorney Keith Gregory was present to represent the Licensee. He was informed the bond would remain unchanged at \$10,000.

**V T CONSTRUCTION #40726 (A – General Engineering) ONE TIME RAISE IN LIMIT**

Attorney Keith Gregory was present to represent the Licensee. He was informed the one time raise in limit for the Wolff Elementary School had been approved for \$2 million, payment and performance bonds if required.

**HARDIN CONCRETE COMPANY INC (C5 – Concrete Contracting) NEW APPLICATION, RECONSIDERATION**

Mr. Zech abstained.

Earl Hardin, President, Hardin Concrete Company Inc, and Eric Dobberstein, Legal Counsel, Hardin Concrete Company Inc, were present.

The application had been tabled on August 24, 1999 for possible indemnification and proof of payment to Sun State Equipment.

Carmen Caruso, NSCB Investigator, testified a complaint had been opened in 1996, prior to the bankruptcy or in the same general time period of the bankruptcy.

Mr. Dobberstein stated the matter had been discharged in the bankruptcy.

Mr. Caruso countered he had no evidence to that effect.

Mr. Dobberstein believed a copy of the petition had been provided to the board, as well as the discharge.

Mr. Hardin added that Mr. McDougal had presented a claim to Mr. Hardin on the same date the bankruptcy closed.

Mr. Haney clarified that if Mr. McDougal was not listed in the petition, the matter was not discharged.

Mr. Caruso stated that Mr. McDougal was still owed \$1,407.02.

Mr. Haney pointed out that if the debt was still valid, it had to be paid or the bankruptcy would have to be reopened and a petition made to discharge the debt.

Further discussion occurred regarding a \$500 debt that had been incurred prior to the bankruptcy, and to which Mr. Dobberstein responded he was not aware of.

**MR. CARSON MOVED TO TABLE THE ITEM TO THE NEXT LAS VEGAS MEETING.**

**MS. SHELTRA SECONDED THE MOTION.**

In further discussion, Mike Perko, NSCB Investigator, testified that he had met with Mr. Hardin regarding a workmanship issue, and both had agreed that the issue could be resolved by patching but the homeowner did not agree to allow Mr. Hardin to correct the matter.

**THE MOTION CARRIED.**

**IMAGINE BUILDERS** (B2 – Residential & Small Commercial) NEW APPLICATION, RECONSIDERATION

The license application had been approved on January 25, 2000 with a license limit of \$100,000 and a \$10,000 bond. The applicant was requesting a reconsideration to a higher limit and an appropriate bond.

Henry L. Smith, President, was present. A financial discussion ensued wherein Mr. Smith pointed out that prior to switching to a corporation, as a sole proprietor his license limit had been \$175,000, and he cited two other licenses which had limits that had been raised, not lowered. Speaking to his past record as a contractor, he requested the Board to consider his license history when making its decision.

**MR. JOHNSON MOVED TO APPROVE THE LICENSE APPLICATION WITH A LIMIT OF \$175,000 AND A \$10,000 BOND, WITH A FINANCIAL REVIEW UPON RENEWAL.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED. (MS. SHELTRA WAS OPPOSED)**

**VENETIAN RESORT HOTEL CASINO** (E2 – Owner Exceeding 3 Stories) NEW APPLICATION

Stuart Mason, Vice President, Venetian Resort Hotel Casino; Kevin Stalwart, Legal Counsel for the Venetian Resort Hotel Casino, and William Martin, Qualified Employee, were present.

Ms. Grein stated there was one pending complaint, which was being sent to an Enforcement Advisory Committee meeting.

Mr. Mason spoke on Mr. Martin's behalf, indicating Mr. Martin had been one of the facility managers at the Treasure Island and the Mirage, which always performed their own remodeling work. Mr. Mason represented that the Venetian was only interested in performing its own remodeling and tenant improvement work.

**MR. JOHNSON MOVED TO APPROVE THE LICENSE APPLICATION WITH A LIMIT OF \$20 MILLION AND A \$50,000 BOND.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED. (MS. SHELTRA WAS OPPOSED)**

**DAWN-MAR CONSTRUCTION** (B2 – Residential & Small Commercial) NEW APPLICATION

Don Martinez, Owner, was present. The board informed Mr. Martinez the license application had been approved with a limit of \$2 million.

Mr. Martinez requested a higher limit, saying his bonding company would bond up to \$4.5 million. He then spoke on his behalf citing his license record in California.

**MR. CARSON MOVED TO APPROVE THE LICENSE APPLICATION WITH A LIMIT OF \$3 MILLION AND A \$30,000 BOND.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**BLACKHAWK CONSTRUCTION INC** (B2 – Residential & Small Commercial) NEW APPLICATION, RECONSIDERATION

**STUCCO SAVERS** (C3 – Carpentry) NEW APPLICATION

Brian Defilippis, President was present.

The license application had been denied on January 11, 2000 for financial responsibility. New financial information had been provided.

Mr. Defilippis was informed the license application for Stucco Savers had been approved with a limit of \$100,000 and a \$10,000 bond, and the application for Blackhawk Construction Inc had been approved with a limit of \$200,000 and a \$15,000 bond.

**CLARKS QUALITY ROOFING INC** (C15A – Roofing) NEW APPLICATION, NAME SIMILARITY

Terry Bengel, Representative, was present. He was informed the license application had been approved with a license limit of \$5 million and a \$30,000 bond, no name change required.

**DUNBAR CONSTRUCTION** #47535 (B2 – Residential & Small Commercial) FINANCIAL REVIEW UPON RENEWAL

Daniel Paul Dunbar, Owner, was present. Mr. Dunbar said he did not know there were two collection accounts on his credit report that were not reflected on his financial statement. The items totaled \$206, and Mr. Dunbar had paid both upon learning of them. When asked what type of work he performed, Mr. Dunbar replied that he remodeled bathrooms. He did not anticipate doing any larger jobs.

The Board approved the renewal of license #47535, Dunbar Construction, with a financial statement review upon renewal in December, 2000.

**MARTIN MEDIA A CALIFORNIA LIMITED PARTNERSHIP #46728 (C6 – Erecting Signs)  
90-DAY EXTENSION TO REPLACE QUALIFIER**

The Board approved the 90-day extension to May 23, 2000.

**BRELLE WEST CONSTRUCTION MANAGEMENT CORPORATION (B2 – Residential & Small Commercial) NEW APPLICATION, RECONSIDERATION**

Kevin Fanning, President, Brelle West Construction Management Corporation, was present.

The application had been denied on January 11, 2000, for failure to establish financial responsibility.

Mr. Fanning provided the details of his offer and compromise to the State of California, where he currently resided. Mr. Fanning said he constructed mini-storage and service stations. Many of his clients traveled out-of-state to build, and he desired to follow them. The mini-storage work was in the range of \$1 million to \$1.5 million, whereas Mr. Fanning's portion was approximately 10%.

Mr. Haney explained to Mr. Fanning that in Nevada the limit needed to be the aggregate amount of the entire project. The one time raise in limit was then explained to Mr. Fanning.

Mr. Carson noted his concerns, and asked for a personal financial statement.

**MR. CARSON MOVED TO TABLE THE LICENSE APPLICATION FOR 6 MONTHS.**

**THE MOTION DIED FOR A LACK OF A SECOND.**

In further discussion, Mr. Fanning was informed, in addition to the one time raise in limit, he could have his clients indemnify his license on a per job basis. Mr. Fanning assured the Board he had no intention of moving to Nevada, he wanted the license to only perform the occasional job for his established clients.

**MR. JOHNSON MOVED TO APPROVE THE LICENSE APPLICATION WITH A LIMIT OF \$100,000 AND A \$20,000 BOND, AND A FINANCIAL REVIEW UPON RENEWAL.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**LOWES H I W INC (C3 – Carpentry) NEW APPLICATION, CLASSIFICATION DETERMINATION**

**LOWES H I W INC (C8 – Glass & Glazing) NEW APPLICATION, CLASSIFICATION DETERMINATION**

**LOWES H I W INC (C4 – Painting & Decorating) NEW APPLICATION, CLASSIFICATION DETERMINATION**

**LOWES H I W INC (C14 – Steel Reinforcing & Erection) NEW APPLICATION, CLASSIFICATION DETERMINATION**

**LOWES H I W INC (C15 – Roofing & Siding) NEW APPLICATION, CLASSIFICATION DETERMINATION**

**LOWES H I W INC (C16 – Finishing Floors) NEW APPLICATION, CLASSIFICATION**

**DETERMINATION****LOWES H I W INC** (C25 – Fencing & Equipping Playgrounds) NEW APPLICATION

Pat Laino, Install Coordinator, was present. She explained to the Board that Lowes main focus was on kitchen remodeling and floor covering.

Ms. Laino was informed all licenses had been approved with license limits of \$25,000 and \$5,000 bonds.

**HYATT CORPORATION** (B – General Building) NEW APPLICATION

Bill Hickman, Representative, and Mark Bruce, Legal Counsel for the Hyatt Corporation, were present.

The two representatives were informed the license application had been approved with an unlimited license limit and a \$50,000 bond, upon amending the license application.

**POINT BLANK FRAMING INC** #45563 (C3 – Carpentry) RAISE IN LIMIT

Bob Nix, President, was present. He was informed the raise in limit application had been approved for \$3.5 Million and a \$20,000 bond.

**FANTASY CONSTRUCTION INC** #33803A (B2 – Residential & Small Commercial) ONE TIME RAISE IN LIMIT

Mel Dexter, Representative, was present. He was informed the one time raise in limit for the St. Thomas Place Apartments project had been approved for \$4,500,000, payment and performance bonds if required.

**SUNDANCE BUILDERS** #48735 (B2 – Residential & Small Commercial) ONE TIME RAISE IN LIMIT

Tom Frank, Member and Qualifier, was present. He was informed the one time raise in limit for the St. Thomas Place Apartments project had been approved for \$4,100,000, payment and performance bonds if required.

**MICHAEL ANTHONY COMPANIES** (C5 – Concrete Contracting) NEW APPLICATION

Carlos Diaz, Representative, was present. He was informed the license application had been approved with a limit of \$250,000 and a \$15,000 bond.

The application review was continued until later in the day.

**MR. JOHNSON MOVED TO REOPEN THE MEETING TO THE PUBLIC.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**ADVISORY OPINIONS****1. A1 CONCRETE CUTTING**

Joe Monteiro, President, A1 Concrete Cutting, was present. Mr. Monteiro explained he had been in business since 1987 cutting concrete. Once cut, he removed the concrete. Sometimes, in the course of performing this work, he was required to remove sheet rock or carpet to get to the concrete that needed to be cut.

Board staff had notified Mr. Monteiro that his bid to Korte Bellew included soft demolition, and that he did not hold the proper license to perform that type of work. He was notified that he needed a C40 license to perform soft demolition, which he said he was now applying for.

Mr. Welsh, NSCB Investigator, stated he had a copy of the bid that had been submitted to Korte Bellew. Mr. Welsh then explained how he had determined that a C40 license was necessary.

Discussion then focused on what soft demolition meant.

The Board opined that an A13 license was more appropriate, suggesting that Mr. Monteiro broaden his A license to include the A13 sub classification.

## **2. THE ACCURATE COMPANIES**

Kenneth Mercurio, Member/Qualifier, was present. He explained the various licenses the company had held and said the company had attempted to consolidate all of their former licenses into the A classification.

The Accurate Companies was questioning if they were properly licensed to perform concrete coating and waterproofing work.

The Board opined that a full A could perform the work described.

## **EXECUTIVE SESSION**

The Executive Session was postponed until February 24, 2000.

## **DISCIPLINARY HEARINGS**

### **PEREA LANDSCAPES #39239 & #44235 – REHEARING (Continued from 12/22/99)**

Manuel Perea, Owner, Perea Landscapes; had sent a letter requesting a rehearing because he did not receive the board's initial notice. Mr. Perea had provided a letter from Postnet, his mail drop box, stating that they had neglected to give Mr. Perea his additional mail.

**MR. JOHNSON MOVED TO REHEAR PEREA LANDSCAPES, LICENSE #39239.**

**MR. CARSON SECONDED THE HEARING.**

**THE MOTION CARRIED.**

Manuel Perea, Owner, Perea Landscapes, and Carmen Caruso, NSCB Investigator, were sworn in.

The notice of hearing, dated November 18, 1999 and consisting of pages 1-14, had been sent certified mail. The return receipt was dated November 20, 1999, signed by Kathy Way.

The notice of rehearing, dated February 7, 2000. Service had been effected February 9, 2000.

The hearing was for possible violation of NRS 624.3012 (2), willful or deliberate failure by any licensee or agent or officer thereof to pay any moneys 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 funds therefor; and NRS 624.3013 (3); failure to establish financial responsibility pursuant to NRS 624.220, 624.260, 624.263 and

624.265 at the time of renewal of the license or at any other time when required by the board.

The hearing notice was entered into the record as EXHIBIT 1, and Mr. Perea's letter requesting the rehearing was entered into the record as EXHIBIT 2.

The stipulation was signed.

Mr. Taylor stated that in the last hearing, Keith Pearce, Red Mountain Ready Mix, Complainant, had been present. He had testified to an amended amount owing of \$979.75. Additionally, there was a charge of failure to provide documentation to establish financial responsibility.

Mr. Caruso testified he had received a fax this a.m. indicating that the full amount had been paid to Red Mountain Ready Mix as of 7:45 a.m., this date.

Mr. Perea apologized for not being present in the last hearing. He spoke to the mail foul-up, to his character, and to the problems, which he said were due to some of the people who had filed bankruptcies and did not pay him. He had been attempting to keep in business and to pay everyone off. His financial statement was being prepared and he believed he would have it to the board in the next 3 or 4 days. Mr. Perea confirmed he had paid Ready Mountain Ready Mix.

Discussion then focused on the financial statement request, and Mr. Perea's efforts to have one prepared.

Mr. Perea stated he had finished up projects he had under contract prior to his suspension, detailing which projects.

The evidentiary was closed.

**MR. JOHNSON MOVED TO RETRACT THE REVOCATION OF LICENSE #39239 & #44235, PEREA LANDSCAPES.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. JOHNSON MOVED TO DISMISS THE FIRST CAUSE OF ACTION, NRS 624.3012 (2), AND FOR THE SECOND CAUSE OF ACTION, NRS 624.3013 (3), TO PLACE BOTH LICENSES UNDER SUSPENSION UNTIL A FINANCIAL STATEMENT WAS RECEIVED AND ACTED UPON.**

**MS. CAVIN SECONDED THE MOTION.**

In further discussion of the motion, Ms. Sheltra stated she was concerned about dismissing NRS 624.3012 (2).

**THE MOTION DID NOT PASS.**

**MR. CARSON MOVED TO FIND LICENSE ##39239 & #44235, PEREA LANDSCAPES. IN VIOLATION OF BOTH COUNTS.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED. (MR. JOHNSON & MS. CAVIN WERE OPPOSED)**

Penalty phase.

**MR. CARSON MOVED TO PLACE A 1-YR LETTER OF REPRIMAND INTO THE**

**LICENSE FILE OF PEREA LANDSCAPES, LICENSE #39239 & #44235, FOR BOTH CHARGES, THE LICENSES TO BE PLACED ON SUSPENSION UNTIL BOARD REVIEW OF THE FINANCIAL STATEMENT, AND TO RECOVER THE INVESTIGATIVE COSTS OF \$2,843, TO BE PAID TO PRIOR TO REINSTATEMENT OF BOTH LICENSES.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**DESIGNER RUGS PLUS #43526 – REHEARING (Continued from 12/22/99 and 1/25/00)**

Gary Barton, Owner, was present. He had provided the Board with documentation pertaining to Workers' Compensation and payments to Industrial Insurance.

Mr. Taylor reminded the Board that Mr. Barton had been working with unlicensed installers, and Mr. Barton was going to attempt to find documentation to support his representation that he had paid Workers Compensation and Industrial Insurance for the installers he used.

Mr. Lyford said he had received copies of the Employees' Quarterly Contribution Wage Report of 1997 and 1998. None of the unlicensed contractors were listed. Mr. Barton had provided some records reflecting some payments to SIIS. Some months reflected payments covering installations, some did not.

Mr. Barton testified that it was possible that some of the contractors were paying their own insurance, stating his reason why he believed they were insured. So, some he paid for, while others he did not.

Mr. Mincheff stated the homeowner had been made as whole as possible.

Discussion then focused on free lance carpet layers, which was believed to be widespread.

The evidentiary was closed.

**MR. CARSON MOVED TO FIND LICENSE #43526, DESIGNER RUGS PLUS, IN VIOLATION OF NRS 624.3017**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO DISMISS ALL OTHER CHARGES.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Penalty phase.

**MR. CARSON MOVED TO PLACE A 3-YEAR LETTER OF REPRIMAND INTO THE LICENSE FILE OF DESIGNER RUGS PLUS, LICENSE #43526, AND TO RECOVER THE INVESTIGATIVE COSTS OF \$6,409 PRIOR TO FUTURE CONSIDERATION OF LICENSURE.**

Mr. Johnson suggested a reduction of the investigative cost.

**MR. CARSON AMENDED HIS MOTION TO PLACE A 3-YEAR LETTER OF REPRIMAND INTO THE LICENSE FILE OF DESIGNER RUGS PLUS, LICENSE #43526, AND TO RECOVER THE INVESTIGATIVE COST OF \$4,500, RATHER**

THAN \$6,409, PRIOR TO FUTURE CONSIDERATION OF LICENSURE.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED.

**FALCON HOMES, INC.** #37203 – CONTINUED DISCIPLINARY HEARING (Continued from 1/11/00)

Fred Ahlstrom, President, Falcon Homes, Inc; Brian Terry, Legal Counsel for Falcon Homes Inc.; Rick Farinelli, Homeowner/Complainant; Russell Lewis, Homeowner/Complainant; Cal Potter, Legal Counsel for Mr. Lewis, Richard Kersenbrock, Representative for Russell Lewis; and Tom Tucker, NSCB Investigator, were present.

Mr. Taylor stated the purpose of the hearing.

### **RICK FARINELLI COMPLAINT**

Mr. Terry explained that following the previous hearing, he and a engineering consultant had been to the Farinelli property. All parties had agreed to a global scope of repair for the Farinelli residence. Subsequently, the project had been bid and the bids were being provided to the Farinellis this day. Mr. Terry said the Farinellis had advised him this day of a painting contractor they desired to use and of the contractor's bid. Mr. Terry did not believe that to be a problem, and assured the Board that the matter would be resolved within the next 30 days at Falcon Homes' expense. The Farinellis concurred.

### **RUSSELL LEWIS COMPLAINT**

Mr. Taylor stated it what had occurred in discussions with the engineers regarding their findings, and in discussion with counsel.

Mr. Lewis read the following into the record.

**First, before the hearing continues, we want to hand out this information. It is not new information as it is requirements of law from the approved plans and specs given to us by Falcon Homes showing how our house was to be built. And we were told by Falcon Homes it was built exactly to same. This will show requirements of laws and codes, the general requirements, notes, and specific requirements; and what is required governs the construction of our house. This should help us to proceed and stay within facts, and support our claims. We ask the discussion here today that our hearing be confined to fact supported by laws, codes, and governing requirements to same. We are asking Hal Taylor to accept, for the record, and pass out a copy to all required. We are asking that a copy be placed in the records of this hearing. The set with the long sheet is from the approved plans and specifications showing general requirements and details of specific requirements. The other two sets are the UBC and Clark County codes showing the requirements to follow the approved plans and specs and specific requirements of same. NRS 624.3017 also require the UBC to be adhered to. We ask the State Contractors' Board require that Falcon Homes remove all sill plates and replace with approved material in our plans, and reinstall all new material by methods shown in the UBC and our approved plans and specifications as required by law and code.**

Mr. Kersenbrock, provided Mr. Russell with copies of the above statement and the stated documentation, explaining that the information had been provided to Mr. Lewis by Falcon Homes. Mr. Kersenbrock said Mr. Lewis also had a letter from Falcon Homes indicating that they had built his residence exactly per these plans and specifications, adding that if there was a conflict between the specific or general plan, the specific plan governed.

Mr. Kersenbrock was asked if he was an engineer. Mr. Kersenbrock said he was not, and he provided the Board with his background.

Mr. Terry and Mr. Potter each spoke to the civil matter.

Mr. Taylor suggested postponing the hearing for 60 days for resolution.

Mr. Lewis commented his house was unmarketable, but he agreed to a 60-day continuance.

**MR. CARSON MOVED TO CONTINUE THE MATTER FOR 60 DAYS, WITH A REPORT TO STAFF IN 30 DAYS.**

**MR. JOHNSON SECONDED THE MOTION.**

In discussion, Mr. Taylor proposed accepting Mr. Lewis' records into the record. Mr. Terry commented he did not have a problem with entering the 1991 UBC code or the entire plans and specs of the home or the Clark County Administrative Code into the record, but he objected to entering only certain portions of the codes. He had no objection to all of the code being entered into the record because there were other sections in the code Mr. Terry said he was relying upon, which were not contained in Mr. Lewis' exhibits.

Mr. Lewis' documentation was entered into the record as EXHIBIT 5, and Mr. Terry was informed that he would be given the opportunity to present his exhibits at a later date.

**THE MOTION CARRIED.**

**INCO HOMES CORPORATION #37874 – DISCIPLINE HEARING**

**G H I INC #41511 – DISCIPLINE HEARING**

**GREYSTONE NEVADA LLC #48844 –DISCIPLINE HEARING**

David Johnson, Legal Counsel, Greystone Nevada LLC, Tim Kent, Divisional President, Greystone Nevada LLC, and Charles and Linda Freimanis, Complainants, were present.

Mr. Johnson stated that Greystone had submitted a letter to the Board, signed by the complainant, requesting a 30-day continuance to allow Greystone the opportunity to work the matter out. The letter had been sent to the Board on February 18, 2000.

Mr. Taylor stated he had not seen the letter. Mr. Taylor read the letter into the record.

**Greystone has agreed to complete the repairs designated in the notice to correct letter dated August 3, 1999, for the Freimanis' home.**

Mr. Taylor said there was an attached letter from Mr. Freimanis requesting the State Contractors' Board to postpone the hearing for 30 days to allow Greystone the opportunity to complete the repairs.

Mr. Freimanis concurred he would like his home fixed, and agreed another 30 days was fine with him.

**MR. JOHNSON MOVED TO POSTPONE THE HEARING FOR 30 DAYS BASED UPON REPRESENTATION.**

**MS CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**GENERAL BUILDING CONTRACTORS OF NEVADA #37083 – DISCIPLINARY HEARING****NORTHWESTERN INC #48069 – DISCIPLINARY HEARING**

The notice of hearing and complaint, dated December 17, 1999 and consisting of pages 1-23, had been sent certified mail. Return receipt was dated December 27, 1999.

The notice of continued hearing dated January 3, 2000, had been sent certified mail. No return receipt was received. The notice had been personally delivered to Sherry May on January 25, 2000. (See affidavit of Susan Kiger.)

An amended complaint (re: correction to paragraph 8) dated January 11, 2000, had been sent certified mail. No return receipt was received.

The hearing was for possible violation of NRS 624.3017 (1), workmanship which was not commensurate with standards of the trade in general or which was below the standards in the building or construction codes adopted by the city or county in which the work was performed; 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 to the notice to correct.; and NRS 624.3018 (2), the 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 hearing notice was entered into the record as EXHIBIT 1.

William May, Jr., President, General Building Contractors of Nevada; Sherry May, General Building Contractors of Nevada; Greg Mincheff, NSCB Investigator; and Ed & Sharon Bargert, Complainants; were sworn in, and the stipulation was signed.

Mr. Taylor stated the amended complaint listed 3 allegations of workmanship complaints. There was also an allegation of failure to comply with the notices to correct.

Mr. Taylor questioned Mr. Bargert, who said he had entered into a contract with the Respondent to purchase a custom home for a purchase price of \$340,000. The entire purchase price had been paid. The workmanship issues involved exterior lighting, the entry door, and shower faucets. The Respondent had built the home.

Mr. Mincheff validated the charges in the amended complaint, adding that there had been no compliance with the notices to correct: the first dated April 29, 1999, and the second dated October 29, 1999. Mr. Mincheff testified there had been very little contact with the Respondent.

Mr. May testified he had an agreement to fix the Bargerts' residence, and he had been denied access on numerous occasions. Mr. May then addressed the workmanship items, detailing what had occurred regarding the lighting, providing the Board with documentation that was entered into the record as EXHIBIT A, and which Mr. May said was a punch list that had been corrected. Mr. May noted he had sworn testimony that Mr. Bargert had stated in court that the items he had alleged in the complaint as problematic were okay.

Discussion followed regarding the exhibits.

Mr. May contended that the charges were false and that Mr. Bargert had told the court he was happy with the home. It was pointed out to Mr. May that Mr. Mincheff had validated the three charges. When questioned about being denied access to the home, Mr. May said he had been denied access several times. Discussion then followed regarding Mr. May being denied access to the residence.

Ultimately, both Mr. Bargert and Mr. May agreed they were willing to get the items corrected. But Mr. May requested that a different investigator handle the matter because he said he had difficulties getting a response from Mr. Mincheff. His request was granted.

**MS. SHELTRA MOVED TO CONTINUE THE HEARING FOR 30 DAYS, THE MATTER TO BE MONITORED BY A FIELD INVESTIGATOR.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**D M L CONSTRUCTION** #33597 – DISCIPLINARY HEARING (Continued from 11/23/99, and 1/11/00)

Donald Long, Owner, D M L Construction; Keith Gregory, Legal Counsel, D M L Construction; and Bob Macke, NSCB Investigator, were present.

Mr. Taylor reminded the Board that at the last meeting Investigator Macke was to research the file to segregate the subcontractors on the individual homes of the complainants, and to subpoena Mr. Nielson, Mr. Schulman, and Mr. Roots. It was Mr. Taylor's understanding that in regard to three of the houses, other than the Kelly residence, the subcontractors had been identified by voucher, check, and contract. A meeting was scheduled for Friday, February 25, 2000 with the subcontractors informing them that notices to correct would be sent. Regarding the Kelly residence, the subcontractors had not been successfully identified, although two subcontractors who had pulled permits had been identified. The intent was to contact those two contractors to determine who had performed the voucher control. Addressing the subpoenas, Mr. Taylor stated Mr. Nielson was not to be found, and Jimmy Roots had run from the Board Investigator.

Bob Macke, NSCB Investigator, then spoke to his encounter with Mr. Roots, providing the Board with the details, adding that the subpoena had been duly served but not complied with. Ms. Kelly had advised Mr. Macke that Mr. Roots was on the job site this very morning. Mr. Macke confirmed that the Kelly residence had not been served by D M I as attested to by voucher control. Mr. Schulman had not been located, and although it was unconfirmed, it was believed Mr. Nielson was possibly in Hawaii. Mr. Nielson's attorney was aware that the Board was attempting to find him. Mr. Macke stated there were no complaints regarding the three houses that D M L had admitted loaning his license to build. All complaints stemmed from the house Brent Vaughn built using D M L's license.

Attorney Gregory pointed out he had not been invited to the Friday meeting, and asked the Board if he could be present. His request was granted.

Mr. Macke then provided the Board with additional information regarding the contracts. He said what he was seeing was only a paper trail as opposed to a direct relationship between any general contractor and the subcontractors. Mr. Macke was asked to pursue Frank Nielson, Bob Schulman, and Jimmy Roots.

**MR. CARSON MOVED TO CONTINUE THE HEARING FOR 30 DAYS.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Mr. Haney left the meeting at 1:30 p.m. Mr. Griffy assumed the position of representing the Board.

**ROBERT V. JONES CORP. #23498 – DISCIPLINARY HEARING****THE ROBERT V. JONES COMPANY #44321 – DISCIPLINARY HEARING****R V J C ELECTRICAL #43827 – DISCIPLINARY HEARING****SUN VALLEY PLUMBING AND MECHANICAL #42529 - DISCIPLINARY HEARING**  
(Continued from 8/25/99, 9/23/99, 11/23/99, 12/22/99, and 1/11/00)

Robert V. Jones, President, Robert V. Jones Corp., was not present, and neither was his attorney, James Kohl.

Linc Dante, NSCB Investigator; Ed Pennewell, President, La Paz Ceramic Tile; and Dan Bradley, President, Dan Bradley Glass, were present.

Linc Dante', NSCB Investigator, testified he had had no contact with either Mr. Kohl or Mr. Jones since the last Board hearing.

Ms. Grein said she had received a letter addressed to Kim Gregory, which had not been forwarded to him as the case had not been concluded. When asked if the letter had asked for a continuation, Ms. Grein replied no. Other than the letter, it was established no one had heard from either the Licensee or legal counsel.

Mr. Griffy recapped what had occurred in the previous hearing, and stated today's hearing was for the purpose of hearing outstanding evidence regarding the La Paz complaint. For the record, Mr. Griffy stated that both the Licensee and Legal Counsel had been present at the last hearing.

The notice of hearing had been sent on February 5, 2000. Service was effected at the address of record.

**LA PAZ COMPLAINT**

Ms. Mathias reported on the La Paz accounting, stating she could substantiate only the amount that had been paid to La Paz based upon the canceled checks in the file. She had been unable to substantiate the amount of work performed on any particular subdivision. In the last hearing Jones Corporation had entered an exhibit to which La Paz had responded. The new document was entered into the record as EXHIBIT 16. Ms. Mathias stated the Jones Corp. and La Paz did not agree as to how much had been paid or how much was owed. The contracts were for a per unit price, however there was nothing to establish the amount of work performed.

Mr. Pennewell stated it was always agreed that Jones was going to pay him, but nothing occurred until he filed his complaint. The only two people in Jones office who knew how much was owed to him was Jack Daniels and Kathryn Hayes. Neither had attended any of the hearings. Both agreed, verbally, that Mr. Pennewell was owed \$160,000.

Mr. Dante' stated that the reason why the amount was difficult to establish was because many of Mr. Pennewell's documents had been destroyed by two floods. A complete picture would never be forthcoming because the documents no longer existed.

Mr. Pennewell commented that Jones Corp. should just produce the amount stated in the signed agreement.

Mr. Dante pointed out that Mr. Jones had signed the document on December 4, 1997, indicating that he owed La Paz approximately \$212,000 subject to reconciliation. At that time, Mr. Jones was the hands-on individual operating the company. After the complaint had been filed, the owner of Jones Corp, who had no hands on experience with the company, came up with the determination that La Paz owed them the money.

**DAN BRADLEY GLASS COMPLAINT**

Mr. Bradley said he had a note wherein Mr. Jones had agreed to pay him the amount he was owed no later than the end of April. Mr. Bradley said he too had not had any contact with the Jones Corp.

The evidentiary was closed.

It was suggested that both Mr. Pennewell and Mr. Bradley file against the bonds.

Mr. Macke, Mr. Mincheff, and Mr. Dante reported they were working on open complaints, but there had been no response from anyone within the organization, and no one had been able to reach the corporate office.

**MR. CARSON MOVED TO FIND LICENSE #23498, ROBERT V. JONES CORP., LICENSE #44321, THE ROBERT V. JONES COMPANY, LICENSE #43827, R V J C ELECTRICAL, AND LICENSE #42529, SUN VALLEY PLUMBING AND MECHANICAL IN VIOLATION OF ALL CHARGES**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Penalty phase.

**MR. CARSON MOVED TO REVOKE ALL 4 LICENSES.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO IMPOSE AN ADMINISTRATIVE FINE OF \$5,000 FOR EACH VIOLATION, FOR A TOTAL OF 15 VIOLATIONS, AND A TOTAL ADMINISTRATIVE FINE OF \$75,000.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO IMPOSE THE INVESTIGATIVE COSTS OF \$9,359.64.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**IMAGE LANDSCAPE CONSTRUCTION #43970 – DISCIPLINARY HEARING (Continued from 12/22/99 and 1/25/00)**

Robert Haidet, Owner, Image Landscape Construction, and Tom Tucker, NSCB Investigator, were present.

Mr. Taylor said there had been a settlement, the work had started, but the complainant was not going to be rushed to get the project completed.

Mr. Tucker confirmed that the work had been started and the concrete poured.

Mr. Haidet said the subcontractor had been paid, and was ready to go, but Ms. Russell was holding up the work.

**MR. JOHNSON MOVED TO REINSTATE THE LICENSE.**

**MR. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Mr. Haidet queried if his concrete license could be reinstated. He was told he needed to acquire a bond, backdated to 1998.

**MR. CARSON MOVED TO FIND LICENSE #43970, IMAGE LANDSCAPE CONSTRUCTION, IN VIOLATION OF ALL CHARGES.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Penalty phase.

**MR. CARSON MOVED TO PLACE A 3-YEAR LETTER OF REPRIMAND IN THE LICENSE FILE, TO RECOVER THE INVESTIGATIVE COSTS OF \$3,030.66, TO BE PAID WITHIN 60 DAYS OR THE LICENSE WOULD BE AUTOMATICALLY SUSPENDED.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO RETURN THE MATTER TO THE BOARD IF THE RUSSELL MATTER WAS NOT COMPLETED WITHIN 60 DAYS.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Staff was directed to place Mr. Haidet's C5 application on the Board agenda.

**VISION CRAFT HOMES #45953 – DISCIPLINARY HEARING** (Continued from 10/26/99, and 10/21/99)

Brent Harrison, President, Canac Kitchens of Las Vegas, Ted Parker, Legal Counsel in the Banich complaint, Vision Craft Homes; Mike Mushkin, Legal Counsel, Vision Craft Homes; James Lee, Legal Counsel, Canac Kitchens of Las Vegas, and Richard Caleel, Legal Counsel representing the Baniches, were present, and the following attendees were sworn in: Greg Welsh, NSCB Investigator; Greg Mincheff, NSCB Investigator; Rosemary Domingo, Project Supervisor, Vision Craft Homes; Larry Jackson, Owner, Westview Concrete; Kevin Patterson, Laborer, Westview Concrete; Fred Gawryk, Homeowner/Complainant; and Terrance Banich, Homeowner/Complainant.

Mr. Griffy refreshed the Board's memory as to what had occurred in the previous hearings, detailing the issues, and providing the Board an update as to the current status of the complaints.

### **CURRENT STATUS OF CANAC KITCHEN**

Regarding the Canac Kitchen complaint, Mr. Griffy said that as of today there was a written settlement agreement in progress. The terms of the settlement were that the balance would be paid when the appliances were delivered to the Licensee's attorney's office. Which attorney was unclear. Canac would then release its lien.

### **CURRENT STATUS GAWRYK COMPLAINT**

A letter, dated February 2, 2000, had been received from the architect indicating 22 items deviated from the plans and specifications.

Mr. Mushkin stated he had not received a copy of the letter from the architect, therefore it could not be used as evidence in today's hearing. He then confirmed the settlement agreement, adding that the funds had been in escrow for some time awaiting resolution, which would occur upon delivery of the product.

### **BANICH COMPLAINT DISCUSSION**

Mr. Caleel spoke to the life, safety issues, stating that an invoice to repair the stairway glass panels, requiring a 50% down payment, had been forwarded to Teddy Parker's office requesting the funds so as to commence the repair work. Mr. Caleel said that was the last contact with the Licensee, and no work had been started on the stairway glass issue.

Mr. Parker offered a copy of a check for \$3,100, which was entered into the record as EXHIBIT 5. The check was dated February 20, 2000. Mr. Caleel believed the invoice had been submitted on the first or second week of January.

Mr. Parker explained the delay, and agreed to scratch out the memo on the check that read "Full and final settlement of all claims and liens."

Mr. Caleel stated there were approximately 7 leaks in the roof, with a considerable amount of mold and rot accumulating; the gas furnace was not connected; and the electrical system remained in the same state, which was in violation of code in 12 or 13 different areas.

Mr. Parker countered that the roof leak had not been determined to be a life, safety issue, but added there had been a monetary offer made to the Baniches at a settlement conference to resolve all the issues. No response had been received. Since then, there had been a meeting with a mediator to mediate the case pursuant to Chapter 40, which precluded the Board from taking any action. Mr. Parker then noted that the glass panel issue was being taken care of, whereas a thorough inspection of the electrical issue had not been performed.

Mr. Mushkin pointed out that they had been unable to gain access to the property to make the corrections. Each attempt had been frustrated.

Mr. Caleel responded with a written response to the issue of access, which was not entered into the record. More discussion followed regarding the matter, after which Mr. Caleel agreed to allow access.

Mr. Parker referenced the notice to correct, and stated the electrical issue had not been included. He said was using that notice as a yardstick, therefore there had not been an opportunity to inspect for electrical deficiencies prior to now because it was not on the notice to correct.

Mr. Mincheff said the notice to correct was dated April, 1999. The superficial inspection he had performed was not a comprehensive electrical analysis. An expert had since identified the deficiencies. But Mr. Mincheff concurred that the original notice did not contain the electrical issues.

Dialogue ensued regarding how the electrical issue had been identified, and how it had been addressed.

Mr. Mushkin then agreed to fix the electrical items identified by Mr. Mincheff, who was to coordinate all of the work.

Mr. Mushkin clarified that the Board was making a determination that the electrical items were health, safety issues. It was suggested that, if necessary, an expert be hired, possibly Dennis Nelson.

Mr. Caleel asked the Board to treat the roofing issue as a life safety issue as well. Subsequently, Mr. Mincheff was asked to also look at the roofing issue. Additionally, Mr. Mincheff was asked to maintain a diary or log of all calls, response, or non-response pertaining to the matter.

**The matter was continued for 30 days with a progress report in two weeks.**

### **THE CHARGE OF MISREPRESENTATION**

No further testimony was offered.

### **FRED GAWRYK COMPLAINT DISCUSSION**

Given the document referenced earlier in the hearing from the architect, Mr. Mushkin stated he was not prepared to refute it, and he asked for time to prepare.

Mr. Taylor suggested that Mr. Griffy present his case. Mr. Mushkin would reserve the right to cross-examine. Mr. Mushkin was in agreement.

Hereafter, the 12<sup>th</sup> and 14 cause of action were addressed. Regarding the 12<sup>th</sup> cause of action, Mr. Mushkin admitted Vision Craft owed Sun Services \$195. Regarding the 14<sup>th</sup> cause of action, Mr. Mincheff provided the Board with photographs he had taken the previous day as to the status of the workmanship issues. The photographs were entered into the record as EXHIBIT 6. Mr. Gawryk claimed the Licensee had abandoned the home, and Mr. Berg explained why he had filed a temporary injunction against Mr. Gawryk.

Mr. Mushkin then clarified what had occurred in district court, and he accused Mr. Gawryk of a breach of contract, detailing why.

A discussion was entered into regarding letters, which had been submitted to the Board by Vision Craft, asking for direction.

Addressing the 16<sup>th</sup> cause of action, the illegal use of unlicensed contractors, Mr. Gawryk stated that David Rasmussen refused to provide him with information pertaining to licensing. Mr. Gawryk had then asked Mr. Rasmussen who he worked for. Mr. Rasmussen told him that he worked for himself. Mr. Gawryk added that it was Rosemary Domingo who introduced him to Mr. Rasmussen. Rosemary Domingo had informed Mr. Gawryk that Mr. Rasmussen would be the subcontractor for the glass windows.

Mr. Mushkin then questioned Mr. Berg who said he had contracted with Southern Nevada Masonry, a licensed Nevada contractor, to perform the glass block work. Mr. Rasmussen worked for Southern Nevada Masonry, and that is whom he paid to perform the work.

Ms. Domingo confirmed Mr. Berg's testimony.

In the 17<sup>th</sup> cause and 18<sup>th</sup> cause of action, which addressed whether Kevin Patterson was a licensed contractor or not, Mr. Patterson stated he occasionally worked for Mr. Jackson. He had learned there was a lien in his name from Sierra Ready Mix. Mr. Patterson said he had contacted Sierra Ready Mix and had learned their had never been a lien against the property. They were willing to provide him with a letter to that effect, verifying the same.

Mr. Jackson testified he owned West View Concrete, he had performed the concrete work at the Gawryk residence, and had been paid in full.

It was noted the records had been subpoenaed, but Mr. Mincheff pointed out there was a discrepancy in the records..

Mr. Griffy said there was no evidence regarding the 15<sup>th</sup> cause of action.

The 13<sup>th</sup> cause of action was continued, and it was to be pursued after Mr. Mushkin looked at the architect letter.

When asked how many projects he had under construction, Mr. Berg stated he was finishing up one home, and he had several in the design stage.

Addressing the 10<sup>th</sup> cause of action, it was learned the financial statement had been provided, with comment as to the events surrounding an accommodation, which had been made by the previous Director of Investigation, Thomas Knapp, regarding the financial statement. Mr. Johnson pointed out that the financial statement that had been received was current as requested, and as accommodated for by Mr. Knapp.

**MR. CARSON MOVED TO CONTINUE THE HEARING FOR 30 DAYS, WITH A STATUS REPORT IN TWO WEEKS, AND TO SUMMARILY SUSPEND THE LICENSE FOR THE SAME PERIOD OF TIME.**

**MS. SHELTRA SECONDED THE MOTION.**

In further discussion of the motion, Mr. Johnson did not agree with the summary suspension, and for the record, Mr. Zech stated he did not think the matter would be resolved in 30 days.

**THE MOTION CARRIED. (MR. JOHNSON WAS OPPOSED)**

**APPLICATIONS** (Continued)

The following motion closed the meeting to the public.

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

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

The meeting was then closed to the public pursuant to NRS 241.030 to discuss financial and other data, which is confidential under NRS 624.110 (2).

The remainder of the applications on the agenda were reviewed and discussion occurred on the following: Nos. 3, 6-7, 10-15, 25, 30-31, 37, 39, 40, 43, 52-53, 76, 78, 86-90, 93-95, 100-101, 103-105, 107-108, 111-112, 116-117, 119-120, 125, 128-129, 133-134, 137-138, and 140-144; and on the amended agenda: Nos. 1-3, 8-9, 16-17, 28-29, and 32-33.

**MR. JOHNSON MOVED TO REOPEN THE MEETING TO THE PUBLIC.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. JOHNSON MOVED TO APPROVE ALL APPLICATIONS NOT SPECIFICALLY DISCUSSED IN CLOSED SESSION PER STAFF RECOMMENDATION.**

**MR. CARSON 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 Gregory at 5:33 p.m.

Respectfully Submitted,

Betty Wills, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kim Gregory, Chairman