

KENNY C. GUINN  
Governor

## STATE OF NEVADA



### MEMBERS

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

## STATE CONTRACTORS' BOARD

### REPLY TO:

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## MINUTES OF THE MEETING MARCH 20, 2001

The meeting of the State Contractors' Board was called to order by Chairman Kim Gregory at 8:35 a.m., Tuesday, March 20, 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	Departed at 10:30 a.m.
Mr. Douglas Carson	
Ms. Margaret Cavin	
Mr. Jerry Higgins	
Mr. Dennis Johnson	
Mr. Randy Schaefer	Departed at 5:50 p.m.
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, Supervisor, Criminal Investigations  
Mr. Frank Torres, Assistant Director of Investigations  
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, Supervisor, Licensing  
Ms. Susie Kiger, Legal Assistant  
Ms. Lisa Bedsole, License Analyst  
Ms. Doris Talley, License Analyst  
Ms. Mary Ann Enbody, License Analyst  
Mr. James Porter, Criminal Investigator  
Mr. Bill Brandon, Recording Secretary

**OTHERS PRESENT:**

Cari Inkenbrandt, Court Reporter, CSR Associates of Nevada; Otto Morrison; Noelle Tracy; Joseph Cella; Frances Cella; Stephen Reinhold; Bryan Kowalczyk; Gary Justice; Hugh Spencer, President, Blue Bird Pools; Adrienne Rush; Tim Lockett, Assistant Director, UNLV; Charla Glimp, Project Buyer, UNLV; Michael Wynn, Territory Manager, Grainger Industrial Supply; Robin S. Mellos, President, Western Fire Prevention; Terry Manley, President, Champion Homes; Bob Meranto, President, Just Concrete, Inc.; Jane Groves, Coast West Plumbing; Sue Ruff, Cont. Adm, CEDCO; Tricia Sirkel; Narvie Wesley, Owner, N.W. Masonry; Joe Cole; Kathy Cole; Peter M. Brown, Owner, Deserae General Contractors; Henry Broderick; Wilma Broderick; Steve Lane, Counsel for Deserae General Contractors; Michael Cameron, President, BBC Engineering; David Dupont, Project Engineer, BBC Engineering; Michael Miller, Owner, Miller & Sons Excavation, Inc.; Edward Schmitt, Active Plumbing; Robert Tibesar, President, Tibesar Construction; and Don Puls, Vice President, Tibesar Construction

Ms. Grein stated that Linc Dante', Jim Porter and Tom Tucker had posted the agenda in compliance with the open meeting law on March 14, 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. ZECH MOVED TO APPROVE THE MINUTES OF FEBRUARY 21 AND FEBRUARY 22, 2001 AND MARCH 6, 2001.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

On the amended agenda, each item of an emergency nature (Carson Construction and Clark County School District, and under discussion for Legislative action and the Board's position on AB-477, AB-478, AB-495, AB-398, SB-380, SB-420, SB-274, AB-375, AB 379, AB-392, SB-370, AB 479, and AB-225).

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

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**CLOSED PERSONNEL SESSION**

On a motion by Mr. Zech, seconded by Mr. Carson, and approved by unanimous vote, a closed personnel session was conducted.

A motion was made, seconded and carried to reopen the meeting to the public.

**MR. ZECH MOVED THAT ALL NOTICES ISSUED PURSUANT TO NRS 241.033 FOR THE CLOSED PERSONNEL SESSION BE DISMISSED.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. JOHNSON MOVED TO CONSIDER HIRING AN INDIVIDUAL TO PERFORM HUMAN RESOURCES DUTIES WITH THE JOB DISCRPTION AND SCOPE OF DUTIES TO BE APPROVED BY THE BOARD.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. CARSON MOVED TO ACCEPT THE ACTIONS TAKEN BY THE EXECUTIVE OFFICER REGARDING MR. LYFORD CONCLUDE THE MATTER.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

Mr. Gregory addressed the assembled staff stating that actions taken by the Executive Officer in the last two years have been at the direct direction of the Board, including the GPS system and the new investigative format.

### **EXECUTIVE OFFICERS DEPARTMENT STATUS REPORT**

Department status reports were given by George Lyford, Rick Bertuzzi, Frank Torres, Roy Schoonmaker and Nancy Mathias. The Board was updated on the status of the "Aging Reports." Ms. Grein and Mr. Macke presented a review of the Standards Workmanship Manual.

### **LEGISLATIVE REPORT**

Ms. Grein provided an update on SB-337 that provides for the regulation of boilers, elevators, pressure vessels, boiler inspectors and elevator mechanics (BDR 40-1033); AB-379 that would require all plumbers to show proof of a certificate prior to being licensed as a General Contractor. The Board opined to remain neutral.

AB-392 that would reduce contractor license fees. The Board opined that the NSCB is opposed to AB-392.

SB-370 pertaining to Liens. The Board stated no opinion but will discuss on March 21, 2001.

She also advised the Board that she attended a hearing on SB-81 & AB-133 legislation held on March 13, 2001. No action was taken on the bills.

### **DISCIPLINARY HEARING**

**AQUA BLUE POOLS, #32761** **WELTY CONSTRUCTION, #31666,** **LOGOS PLUMBING,**

#35853, LOGOS POOLS, #45394, AND K E W EXCAVATION, #41007 – DISCIPLINARY HEARING

The Notice of Hearing & Complaint, dated March 15, 2001, 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 received by NSCB dated February 21, 2001.

The hearing was for possible violations of NRS 624.301 (5), willful failure or refusal without legal excuse on the part of a licensee to comply with the terms of a construction contract or written warranty; NRS 624.3011 (1) (b) (1), willful or deliberate disregard and violation of the building laws of the state or of any political subdivision thereof; NRS 624.3016 (5) as set forth in NRS 597.716 (3), NRS 597.719 (2), and NRS 597.719 (3), failure to comply with the regulations of the board governing contracts for the construction of residential pools and spas; NRS 624.3013 (5), as set forth in NRS 624.600 and NAC 624.6958 (2)(i)(1)(2), failure in any material respect to comply with the provisions of this chapter or the regulations of the board; NRS 624.3013 (5), failure to include the monetary limit placed on the license, as required by NAC 624.640 (5); 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; NRS 624.301 (1), abandonment without legal excuse of any construction project or operation engaged in or undertaken by the licensee as 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 624.3017 (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; 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.

Mr. Walter Welty and Mrs. Katherine Welty, partners, were not present, nor was anyone present on the Respondents' behalf.

Mr. Otto Morrison, Ms. Noelle Tracy, Mr. Joseph Cella, Mrs. Frances Cella, Mr. Stephen Reinhold, Mr. Gary Justice, and NSCB Investigators Mr. Greg Welch, Mr. Greg Mincheff and Mr. Chet Yekin were sworn in.

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

Mr. Kowalczyk testified that on April 27, 2000 he entered into a contract with the Respondent for the construction of a swimming pool for which he paid a total of \$26,300.00. The Respondent did not complete the plastering work and was last on the job site December 30, 2000. Mr. Kowalczyk testified the remote control system and the pool vacuum sweep system have not been completed.

Mr. Mincheff testified that during an administrative meeting on December 29, 2000 the Respondent stated, that the uncompleted portions of Mr. Kowalczyk's contract were being addressed. Mr. Mincheff testified that he has had no further contact with the Respondent. Mr. Mincheff further stated, after a review of all the complainant's contracts, none contained the required notice of homeowners right to request a bond for payment and performance and the full and unconditional mechanic's lien releases for the portion of the work for which payment has been made.

Mr. Justice testified that liens placed on his residence have not been paid by the Respondent and attempts to contact the Respondent have been unsuccessful.

Mr. Yekin testified that Mr. Justice's contract with the Respondent did not contain the required monetary limit.

Mr. Morrison testified that he entered into a contract with the Respondent for the building of a pool, a spa and a pool covering and paid \$12,450.00. The Respondent has not completed the pool or the pool covering. A lien was placed on the residence, which the Complainant paid after efforts to contact the Respondent were unsuccessful.

Ms. Tracy testified that her mother, Mrs. Janice Meyer, entered into a contract with the Respondent on May 22, 2000 for the construction of a pool and spa and paid \$28,342.00. The Respondent's representative was last at the residence on March 15, 2001 and approximately 99% of the project is completed. A lien has been placed on the residence and efforts by the Complainant to contact the Respondent have been unsuccessful.

Mr. Yekin testified that a Notice to Correct and Final Notice were issued and the last contact with the Mr. Morrison's project would be completed.

Mr. Reinhold testified that he entered into a contract with the Respondent on July 22, 2000 for the construction of a pool and a spa for which he has paid \$30,400.00. The Respondent was last on the project December 1, 2000 and the project is approximately 80% completed. Liens have been placed against the residence and efforts to contact the Respondents have been unsuccessful.

Mr. Yekin testified that a Notice to Correct and Final Notice were issued and the last contact with the Respondent was on December 1, 2000 at the Respondent's office. The Respondent stated the project would be completed.

Mr. & Mrs. Cella testified that they entered into a contract with the Respondent for the construction of a pool with a waterfall and have paid \$24,918.00. The project is approximately 80% complete and last contact with the Respondent was in December, 2000 after liens were placed against the residence

Mr. Yekin testified that a Notice to Correct and Final Notice were issued and the last contact with the Respondent was on December 1, 2000 at the Respondent's office. The Respondent stated the project would be completed.

Mr. Yekin testified that a Notice to Correct and Final Notice were issued with respect to the contract between the Respondent and Mr. Dan Florian, for the building of a pool and spa, which are approximately 85% completed. The last contact with the Respondent was on December 1, 2000 at the Respondent's office. The Respondent stated the project would be completed.

Mr. Griffy stated that there are 41 outstanding complaints that were filed against the Respondent from August, 2000 through March, 2001.

The Complaint Listing was entered into the record as EXHIBIT 2.

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.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO DISMISS CAUSES #6 AND #20.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO AMEND THE COMPLAINT TO CORRECT THE NUMBERING SEQUENCE .**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO FIND LICENSE #32761, AQUA BLUE POOLS, LICENSE #31666, WELTY CONSTRUCTION, LICENSE #35853, LOGOS PLUMBING, LICENSE #45394, LOGOS POOLS, AND LICENSE #41007, K E W EXCAVATION, IN VIOLATION OF ALL REMAINING CAUSES OF ACTION.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO REVOKE LICENSE #32761, AQUA BLUE POOLS, LICENSE #31666, WELTY CONSTRUCTION, LICENSE #35853, LOGOS PLUMBING, LICENSE #45394, LOGOS POOLS, AND LICENSE #41007, K E W EXCAVATION; TO REQUIRE FULL RESTITUTION TO DAMAGED PARTIES; AND TO RECOVER INVESTIGATIVE COSTS OF \$6,098.00 IF THE RESPONDENT OR ANY PRINCIPAL THEREOF REAPPLIED FOR LICENSURE.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

### **BLUE BIRD POOLS, #27119, - DISCIPLINARY HEARING**

The Notice of Hearing & Complaint, dated March 8, 2001, consisting of pages 1-7, was sent certified mail to the Respondent as the address of record on file with the Board. The return receipt was received by NSCB dated February 10, 2001.

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 set forth by NAC 624.640; NRS 624.3013 (5) as set forth in NAC 624.6958(2) (d) (k) (o), failure to comply with the regulations of the board in presenting an estimated date of completion; to submit a plan and scale drawing; and to provide a statement of mechanics liens release upon payment per NAC 624.6966 (3).

The Notice of Hearing and Complaint was entered into the record as [EXHIBIT 1](#).

The Stipulation was signed and entered in the record as EXHIBIT 2.

Mr. Hugh Spencer, President, Blue Bird Pools, Ms. Adrienne Rush, and NSCB Investigator Mr. Bob Macke were sworn in.

Mrs. Rush testified that she entered into a contract with the Respondent on May 11, 1998 for the construction of a swimming pool and incidental concrete flatwork for which she paid \$28,875.00. Approximately six months later the flatwork started cracking and after contacting the Respondent a silicon covering was applied to the flatwork. The flatwork again began showing cracking which the Respondent did not correct until March 12, 2001.

Mr. Macke testified that he investigated and found the flatwork not to be within the industry standards and issued a Notice to Correct on March 31, 2000 and a Final Notice on July 19, 2000. The Respondent did apply an epoxy coating but the cracking reappeared. The Respondent's contract did not contain the required pool regulation language or the monetary limit of the license as required by law.

Mr. Spencer testified the job was completed on August 20, 1998 and Mr. Spencer was not contacted by the Complainant for a year and a half. The Respondent did repair the deck on May 4, 2000. The Complainant waited another six months and then complained of the concrete being slippery. Even though the flatwork was not under warranty, the flatwork was sandblasted and a decking placed on March 12, 2001. The Respondent testified that he did not realize the contract he was using was incomplete and his failure to notify the Board of his address change was an oversight.

Seven pictures provided by the Respondent of the flatwork were entered into the record as Exhibit A.

Mrs. Rush's letter, provided by the Respondent, choosing the color of the decking was entered into the record as Exhibit B.

A sample of the contract, Limited Warranty and Contractor Information Form were provided by the Respondent and were entered into the record as Exhibit C.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO FIND LICENSE #27119, BLUE BIRD POOLS, IN VIOLATION OF ALL CHARGES.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO FIND LICENSE #27119, BLUE BIRD POOLS; IN VIOLATION OF CAUSES #3, #4, #5, #6, AND #7 AND FINE LICENSEE \$300 FOR EACH CAUSE FOR A TOTAL OF \$1,500.00.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO FIND LICENSE # 27119, BLUE BIRD POOLS; IN VIOLATION OF CAUSES #1 AND #2 AND FINE LICENSEE \$500.00 FOR EACH CAUSE FOR A TOTAL OF \$1,000.00.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO REQUIRE LICENSE # 27119, BLUE BIRD POOLS; TO REIMBURSE THE INVESTIGATIVE COSTS OF \$1,931.00 WITHIN 60 DAYS, TO PAY LEVIED FINES WITHIN 90 DAYS OR LICENSE WILL BE SUSPENDED.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

### **ADVISORY OPINIONS**

**U.N.L.V** – The University of Nevada Las Vegas requested an Advisory Opinion concerning licensing requirements to furnish and install National Partition walls.

Mr. Tim Lockett, Assistant Director, UNLV, Ms. Charla Glimp, Project Buyer, UNLV and Mr. Michael Wynn, Territory Manager, Grainger Industrial Supply were present during the discussion.

Based upon the information provided, the Board opined that an AB (General Engineering and General Building), a B-(General Building), a B-2 (Residential and Small Commercial), or a C-3 (Carpentry) license classification would be required to perform the work described.

**WESTERN FIRE PREVENTION & AIR FILTER SERVICE, INC.** – Western Fire Prevention & Air Filter Service Inc. requested an Advisory Opinion concerning licensing requirements for wet fire suppression systems.

A review of the file for Western Fire Prevention & Air Filter Service, Inc. determined that the license had been issued in 1969 and had included Wet Fire Suppression.

Mr. Robin S. Mellos, President, Western Fire Prevention was present for the discussion.

Based upon the information provided, the Board determined the C-41a (Automatic Fire Sprinklers) classification could be added to the license of Western Fire Prevention & Air Filter Service, Inc., license number 10317 based on the original classification.

**MR. JOHNSON MOVED TO EXPAND THE LICENSE TO INCLUDE THE C-41a LICENSE CLASSIFICATION.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**DIRT WORKS UNLIMITED** – Dirt Works Unlimited requested an Advisory Opinion concerning licensing requirements for digging and backfill at County landfills.

No one was present representing Dirt Works Unlimited during the discussion.

Based upon the information provided, the Board opined that an A (General Engineering); A-7 (Excavating) or an A-12 (Excavating, Grading, Trenching and Surfacing) license classification would be required to perform the work described.

**D & K DRYWALL, INC.** – D & D Drywall Inc. requested an Advisory Opinion concerning licensing requirements to set hollow metal frames and doors.

No one was present representing D & K Drywall, Inc. during the discussion.

Based upon the information provided, including testimony from the Board's investigator Bob Macke that the door frame and door installation was part of a larger project which included the installation of nonstructural studs, drywall, lath and plaster, the Board opined that the work could be performed as incidental and supplemental to the full scope of the project.

**CARSON CONSTRUCTION MANAGEMENT, INC.** – Carson Construction requested an Advisory Opinion concerning licensing requirements for the installation of shade ramadas, playground equipment, fitness trail, site furnishings and flagpoles.

A representative of Carson Construction Management, Inc. was present for the discussion.

Based upon the information provided, the Board opined that a licensee holding a C-25- (Fencing and Equipping Playgrounds) could install prefab shade ramadas if their installation is incidental and supplemental to equipping of the playground.

### **DISCIPLINARY HEARING**

**CHAMPION HOMES**, #37853 and **MANLEY DEVELOPMENT INC.**, #36387 – DISCIPLINARY HEARING STAFF UPDATE (Continued from January 24, 2001 and February 22, 2001).

Mr. Griffy stated that this update was to determine the status of workmanship issues and money owing complaints.

Counsel for Champion Homes stated all work had been completed to Mrs. Sirkel's satisfaction. Mrs. Sirkel wrote a letter stating the work was completed to her satisfaction. Other money owing complaints will be updated during April 24, 2001 hearing.

Letter from Mrs. Sirkel entered into the record as EXHIBIT A.

Mr. Zech stated that the Board will hear the final staff update for License #37853, Champion Homes and License # 36387, Manley Development Inc., on April 24, 2001.

### **N W MASONRY**, #45548 – DISCIPLINARY HEARING

The Notice of Hearing & Complaint, dated February 16, 2001, consisting of pages 1-7, was sent certified mail to the Respondent at the address of record on file with the Board. The return receipt was received by NSCB dated February 17, 2001.

The hearing was for possible violations 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.

Mr. Narvie Wesley, Owner, N.W. Masonry, Mr. Joe Cole, Mrs. Kathy Cole, and NSCB Investigator Mr. Mike Perko were sworn in.

The Notice of Hearing & Complaint was entered into the record as EXHIBIT 1.

The Stipulation was signed and entered into the record as EXHIBIT 2.

Mr. Wesley requested a continuance since two of his witnesses could not be present.

Mr. Zech asked for a motion on a continuance.

**MS. CAVIN MOVED TO PROCEED WITH THE HEARING AND ACCEPT TESTIMONY FROM THOSE PRESENT.**

**MR. SCHAEFER SECONDED THE MOTION.**

**MOTION CARRIED.**

Mr. Reese, NSCB Counsel, clarified that Cause of Action #2, failure to comply with the Board's Notices to Correct and Cause of Action #3, failure to pay for materials when the Respondent had received sufficient funds as payment or has the ability to pay, are both violations of NRS 624.3013 (5).

Mrs. Cole testified that she entered into a contract with the Respondent on March 4, 2000 for the construction of a concrete patio and fence walls and paid \$10,765.00. Mrs. Cole testified that the Respondent did not obtain the proper permit for the patio slab; that the conduit for the junction box is not properly placed in the concrete; there is a missing expansion joint in the driveway; the required footings for the patio support posts were not poured; and the concrete patio slab is deteriorating. She testified that the footings for the patio cover were dirt filled instead of concrete filled. The Respondent did obtain another contractor to pour the new post supports and to grind down and reslurry the patios concrete, but in less than one week the pad was again deteriorating.

Two pictures of the electrical box connection entered into evidence as EXHIBIT 3.

Seven pictures of the patio cover footings entered into evidence as EXHIBIT 4.

One picture of the deteriorating patio concrete entered into evidence as EXHIBIT 5.

Four pictures of the electrical run entered into evidence as EXHIBIT 6.

Mr. Perko testified that he validated the complaint and issued the Notice to Correct and verified that the Respondent was not licensed to perform concrete work..

Mr. Wesley testified he was putting rock in the holes for the concrete mix when the holes were dug. The patio cover supports were originally placed eight feet apart but the contractor installing the patio cover required them to be two feet apart. The Respondent testified he was trying to make the corrections when the Complainant refused him further access to the property.

The Respondent provided the NW Masonry letter stating the patio needs to be sandblasted and reslurried which was entered into the record as EXHIBIT A.

The Respondent provided the Tropical Builders receipt which was entered into the record as [EXHIBIT B](#).

The evidentiary portion of the hearing was closed.

**MR. HIGGINS MOVED TO CONTINUE THE MATTER FOR 60 DAYS TO ALLOW FOR CORRECTIVE ACTION TO BE TAKEN. AN NSCB INVESTIGATOR WILL COORDINATE REPAIRS WITH THE HOMEOWNER AND CONTRACTOR. AN UPDATE WILL BE PROVIDED AT THE APRIL 24, 2001 BOARD MEETING.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

### **DESERAE GENERAL CONTRACTOR, #36998 – DISCIPLINARY HEARING**

The Notice of Hearing & Complaint, dated February 15, 2001, consisting of pages 1-7, was sent certified mail to the Respondent at the address of record on file with the Board. The return receipt was received by NSCB dated February 16, 2001.

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 624.3011 (1) (b) (1), willful or deliberate disregard and violation of the building laws of the state or of any political subdivision thereof; and NRS 624.3013 (5), failure to include the monetary limit placed on the license, as set forth in NAC 624.640 (5).

Mr. Peter M. Brown, Owner, Deserae General Contractors, Mr. Henry Broderick, Mrs. Wilma Broderick, and NSCB Investigator Mr. Greg Mincheff were sworn in, also in attendance was Mr. Steve Lane, Counsel for Deserae General Contractor.

The Notice of Hearing & Complaint was entered into the record as [EXHIBIT 1](#).

The Stipulation was signed and entered into the record as [EXHIBIT 2](#).

The Building Construction Contract was entered into the record as [EXHIBIT 3](#).

Mr. Broderick testified that he entered into a contract with the Respondent on February 17, 1996 for the construction of a single-family residence and paid \$102,900.00. During October, 1999 a crack appeared in the concrete driveway and inside the residence that was brought to the Respondent's attention in January, 2000. The Respondent recommended a repair for the driveway but not for the crack inside the residence. The driveway crack was repaired by the Respondent in October, 2000. The crack inside the residence is now 22 feet in length and the offset is three inches. Mr. Broderick filed a complaint with the NSCB after the Respondent stated the crack in the residence was due to Mr. Broderick watering too close to the pad.

Mr. Brown, under questioning by his Counsel, stated he is willing to make the repairs needed in the residence. . The Respondent states he has contacted engineers to provide options for the repair work.

Mr. Mincheff testified that the soils report supplied by Mr. Brown was a generic report used for the entire area. An investigative report by JAC Caesar found that the garret flat pad

was only 3 or 3.1 inches thick, the footings were 8 inches thick and that there was no reinforcement steel within the pad or footings. The report refers to the foundation as being under designed or under constructed.

Mr. Mike Cameron, President, BBC Engineering testified that neither soils report is conclusive., and that watering too close to the house is most likely the problem.

Mr. David Dupont, Project Engineer, BBC Engineering stated the procedures needed to repair the residence could take a month to finalize.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO CONTINUE THE HEARING FOR 90 DAYS TO ALLOW REPAIRS TO BE COMPLETED. AN UPDATE WILL BE REQUIRED EVERY 30 DAYS AND IF REPAIRS HAVE NOT BEEN COMPLETED SATISFACTORILY WITHIN 90 DAYS, THE LICENSE WILL BE SUSPENDED.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. JOHNSON MOVED THAT LICENSE #36998, DESERAE GENERAL CONTRACTOR, BE REMOVED FROM PROBATIONARY STATUS AND TO DISMISS REQUIREMENT FOR PERFORMANCE BONDS.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

## **APPLICATIONS**

### **MILLER & SONS EXCAVATION, INC. (A-12 – Excavate, Grade, Trenching, Surfacing) - NEW APPLICATION HEARING**

The Notice of Hearing & Complaint, dated March 1, 2001, consisting of pages 1-10, was sent to the Respondent at the address of record on file with the Board. The Amended & Complaint, dated March 7, 2001, consisting of 1 page, was sent certified mail to the Respondent at the address of record on file with the Board. The return receipt was not received by NSCB.

The hearing was for denial of Miller & Sons Excavation, Inc. license application pursuant to NRS 624.263, failure to establish the financial responsibility required of an applicant for a contractor's license, and NRS 624.265 (1c), failure to demonstrate good character.

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

The Stipulation was signed and entered into the record as EXHIBIT 2.

Mr. Michael F. Miller, President, Miller & Sons Excavation, Inc., and NSCB License Analyst Ms. Doris Talley were sworn in.

Mr. Miller testified that the payroll taxes were being paid on time. Mr. Miller testified that each pool dig contract was for approximately \$1,500.00 and that a monetary limit on the applied for license of \$5,000.00 was sufficient to conduct business.

**MR. JOHNSON MOVED THAT MILLER & SONS EXCAVATION, INC. LICENSE CLASSIFICATION A-12 (EXCAVATE/GRADE/TRENCH/SURFACE) BE APPROVED WITH A MONETARY LIMIT OF \$10,000.00 AND A BOND OF \$5,000.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**ACTIVE PLUMBING INC., d/b/a AFFORDABLE PLUMBING (C-1 Plumbing/Heating) - NEW APPLICATION**

The Notice of Hearing & Complaint, dated February 13, 2001, consisting of pages 1-57, was sent to the Respondent at the address of record on file with the Board. The return receipt was received by NSCB dated February 17, 2001. The Amended Notice of Hearing & Complaint dated March 7, 2001, consisting of 1 page, was sent certified mail to the Respondent at the address of record on file with the Board. The return receipt was received by NSCB dated March 10, 2001.

The hearing was for the denial of Active Plumbing Inc. license application pursuant to NRS 624.263, failure to establish the financial responsibility required of an applicant for a contractor's license, and NRS 624.260, failure to demonstrate a degree of experience, financial responsibility and knowledge deemed necessary for the safety and protection of the public.

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

The Stipulation was signed and entered into the record as EXHIBIT 2.

Mr. Edward Schmitt, President, Active Plumbing Inc., d/b/a Affordable Plumbing, Robert Tibesar, President, Tibesar Construction, Mr. Don Puls, Vice President, Tibesar Construction, and NSCB Analyst Doris Talley were sworn in.

The Financial Statement for Active Plumbing, Inc., d/b/a Affordable Plumbing, was entered into the record as EXHIBIT 3.

Mr. Schmitt testified that he has been making every effort to pay all suppliers and Mr. Tibesar the money they are owed. The IRS has been paid in full. Mr. Schmitt testified he is waiting for his accountant to send him the requested Financial Statement.

Mr. Tibesar testified that Edward Schmitt's former company, Active Plumbing, had been a subcontractor for his firm on the Henderson Fire Station #92 project. Mr. Tibesar further testified that Active Plumbing had abandoned the project forcing him to hire another contractor to complete the project. At that time it was discovered that the work performed by Active Plumbing was substandard and did not meet building code.

Mr. Zech recommended tabling the application until a Financial Statement could be provided.

**MR. CARSON MOVED TO CONTINUE THE HEARING UNTIL APRIL 24, 2001 AND REQUESTED AN UPDATED FINANCIAL STATEMENT.**

**MR. SCHAEFER SECONDED.**

**THE MOTION CARRIED.**

**E C M OF TENNESSEE, INC. (B-2 – Residential and Small Commercial) - NEW**

**APPLICATION**

The Notice of Hearing & Complaint, dated February 13, 2001, consisting of pages 1-14, was sent to the Respondent at the address of record on file with the Board. The return receipt was received by NSCB dated February 20, 2001. The Amended & Complaint, dated March 7, 2001, consisting of 1 page, was sent certified mail to the Respondent at the address of record on file with the Board. The return receipt was not received by NSCB.

The hearing was for the denial of E C M of Tennessee, Inc. license application pursuant to NRS 624.263, failure to establish the financial responsibility required of an applicant for a contractor's license, and NRS 624.3013 (2), failure to establish financial responsibility pursuant to NRS 624.220 and 624.260 to 624.265, inclusive, at the time of renewal of the license or at any other time when required by the board

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

No one was present representing the E C M of Tennessee, Inc.

NSCB Analyst Ms. Doris Talley was sworn in.

**MR. CARSON MOVED TO DENY THE APPLICATION OF E C M OF TENNESSEE, INC.**

**MS. CAVIN 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 6:00 p.m.

Respectfully Submitted,

Bill Brandon, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kim Gregory, Chairman

Michael Zech, Vice Chairman