

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

MINUTES OF THE MEETING MARCH 21, 2001

REPLY TO:

RENO
9670 Gateway Drive, Suite 100
Reno, Nevada 89511
(775) 688-1141
Fax (775) 688-1271
Investigations (775) 688-1150

LAS VEGAS

4220 So. Maryland Parkway
Building D, Suite 800
Las Vegas, Nevada 89119
(702) 486-1100
Fax (702) 486-1190
Investigations (702) 486-1110

The meeting of the State Contractors' Board was called to order by Chairman Kim Gregory at 8:30 a.m., Wednesday, March 21, 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. Mike Zech - Vice Chairman
Mr. Douglas Carson
Ms. Margaret Cavin
Mr. Jerry Higgins
Mr. Dennis Johnson

BOARD MEMBERS ABSENT:

Mr. Kim Gregory
Mr. Randy Schaefer

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Robert Griffy, 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. Bob Macke, Investigator, Supervisor
Mr. Greg Mincheff, Investigator
Mr. Ron Ramsey, Investigator
Mr. Greg Welch, Investigator Supervisor
Ms. Pat Potter, Supervisor, Licensing
Ms. Susie Kiger, Legal Assistant
Ms. Lisa Bedsole, License Analyst
Ms. Doris Talley, License Analyst
Mr. Bill Brandon, Recording Secretary

OTHERS PRESENT:

Cari Inkenbrandt, Court Reporter, CSR Associates of Nevada; Joseph Valdez; Lucy Hoegemann; Nancy L. Allf, Counsel, H T I; Noel Clifford Sheckells, President, H T I; Brad Smith, Supervisor, H T I; Deana Walley, Controller, H T I; Elaine Mason; Kimberly Barry, President, Landgraphics; Tom Barry, Owner, Landgraphics; Ed Hanigan, Counsel, Landgraphics; Brand Thornton, Owner, Kolob Heating and Cooling; Kellie Keen, Secretary, Kolob Heating and Cooling; Bob Meranto, President, Just Concrete, Inc.; James Martin,

Counsel, Big Town Mechanical; James Barton, Big Town Mechanical; Anthony Elwart, Owner, A.E.E. Cement Contractor; Robert Whitaker, Homestead Landscape; Brian Burnman, Counsel, A.E.E. Cement Contractor; Jeff Stafford, Owner, Republic Electric; Jerry Stafford, General Manager, Republic Electric; JoAnne Downer, President, International Marble; Lloyd Bouvier, President, Primack Homes; Jordan S. Primack, Secretary, Primack Homes; Kenneth Folsom, Jr., Owner, Folsom Construction Company; Carl Jess Baker, Owner, B B Z Construction; Keith Gregory, Counsel; David Allsop, Owner, David S. Allsop; Bruce Francis, Owner, Metal Tech; Byron C. Worrell, Owner, Integrated System Group; Gail Maxwell, Chief Investigator and Larry Dijon, Investigator, Labor Commission; Bob Meranto, President, Just Concrete, Inc.; Roy Jackson, President and Rick Jackson, Vice President, Jackson Electric Inc.; J. Albanese, QE, United Air Service; Tonya Byrd, Owner, Byrd Underground; Andrew Jackson, Owner, Jaxan Electrical; Jack Pattee, President, American Framing Systems; Guy Gravel, General Manager/President, Paver Module of Nevada; Alma Roundy, Office Manager, Medal Tech; Joseph Neilson, President, Aaron Construction Inc.; Michelle Pori, Executive Vice President, Saxton Inc.; George C. Brucato, Owner, Brucato Paint; and Mike White, Owner, Quantum Construction.

EXECUTIVE SESSION

Unfinished business March 20, 2001

On the amended agenda, each item of an emergency nature (new License Applications (1-18) and under discussion for Legislative action and the Board's position on AB-478, AB-495, AB-498, SB-380, SB-420, SB274, AB-375 and AB-379).

MR. CARSON MOVED TO ACCEPT THE AMENDED AGENDA.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

LEGISLATIVE REPORT

Ms. Grein presented an update to the Board on pending legislation.

AB 477 - Revises procedures for resolving construction defects.

MR. JOHNSON MOVED TO OPPOSE AB 477.

MS. CAVIN SECONDED THE MOTION.

THE MOTION PASSED.

AB 478 – Allows collective bargaining for employees of boards & commissions, LCB & Supreme Court, creates a labor relations board. **Discussion:** The Board opined to take no action on AB 478.

AB 495 – Requires NSCB to suspend license of contractors who fail to comply with ten citations ordering corrective action.

MR. JOHNSON MOVED TO OPPOSE LEGISLATIVE BILL AB 495.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

AB 498 – Requires inspections by licensed engineers prior to issuance of building permits and Certificate of Occupancy. The Board opined to take no position on AB 498.

SB 380 – Requires NSCB to obtain proof of business license and payment of taxes prior to issuance or renewal of contractors license.

MS. CAVIN MOVED TO OPPOSE LEGISLATIVE BILL SB 380.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

SB 420 – Requires boards to submit monthly summary of disciplinary actions & biennial reports to legislature. **Discussion:** The Board opined to remain neutral.

SB 274 – Prompt Pay. **Discussion:** Ms. Grein updated the Board that the subcommittee hearing discussion on March 22, and outlined that a general contractor can approach an owner and state that subcontractor will not be used.

AB 375 and AB 379 – Requires the Division of Industrial Relations to certify Electricians & Plumbers and prohibits the NSCB from issuing or renewing a license without certification.

MR. JOHNSON MOVED TO OPPOSE LEGISLATIVE BILLS AB 375 AND AB 379.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

AB 392 – Reduces fees for contractors holding multiple licenses & reduces maximum cap on fees to \$350.

MR. CARSON MOVED TO OPPOSE LEGISLATIVE BILL AB 392.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

SB 370 – Revises lien law. **Discussion:** The Board opined to have NSCB Counsel Dennis Haney review SB 370 and present recommendations to the Board.

AB 479 – Revises open meeting law.

MR. JOHNSON MOVED TO OPPOSE LEGISLATIVE BILL AB 479.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

AB 225 – Discussion: Ms. Grein updated the Board that AB 225 is coming to the Legislature Floor on March 22, 2001 and she will monitor and update the Board.

DISCIPLINARY HEARING

GEORGE HOEGEMANN, d/b/a SOUTHWEST RESOURCES, #45934 – DISCIPLINARY HEARING

The Notice of Hearing & Complaint, dated February 9, 2001, consisting of pages 1- 8, 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 possible violation of NRS 624.3013 (5) as set forth in NRS 624.30175, failure to comply with the regulations of the board to provide certain subpoenas or warrants for reinstatement of license; NRS 624.3013 (2), misrepresentation of a material fact by an applicant or licensee in connection with any information or evidence furnished the board in connection with official matters of the board; NRS 624.3016 (1), any fraudulent or deceitful act committed in the capacity of a contractor; NRS 624.3013 (3), failure to establish financial responsibility; 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; and 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.

Mrs. Lucy Hoegemann, Employee, Southwest Resources, Mr. Joseph Valdez, and NSCB Director of Special Investigations Mr. Roy Schoonmaker were sworn in.

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

Mr. Griffy stated the Amended to Notice of Hearing and Complaint, page 1 line 10 and page 3, line 6, should be corrected to read "George Hoegemann".

Mr. Schoonmaker testified that he attempted to hand-deliver the Notice of Hearing and Complaint to the Respondent's private residence but no one answered the door.

Mr. Schoonmaker testified that Ms. Hoegemann, the Respondent's ex-wife, filed a complaint alleging the Respondent had falsified his License Application. During the investigation, on May 24, 2000, Mr. Schoonmaker contacted Ms. Lilly Morris of the Connecticut Superior Court and confirmed that Mr. Hoegemann was required to pay child support in the amount of \$250.00 per week for his two children and was in arrears at that time in the amount of \$124,006.00. The Respondent failed to inform the Board that he was under court order to pay child support. Mr. Schoonmaker testified that he last spoke to a male identifying himself as the Respondent on November 17, 2000, at the Respondent's residence, and advised the individual of the investigation and requested a Financial Statement. The Respondent stated he was destitute and did not know what he would do. Mr. Schoonmaker testified he had no further contacts with the Respondent.

Mr. Schoonmaker testified that on October 10, 2000, Mr. Homer Blankenship advised Mr. Schoonmaker, via telephone, that he had not signed the Respondent's Reference Certificate and that he did not know the Respondent. Mr. Schoonmaker testified that he received a letter from Mr. Blankenship stating he did not know the Respondent. The signatures on Mr. Blankenship's letter and the Respondent's Reference Certificate did not match.

Mr. Joseph Valdez testified that the application for the Respondent's contractor license had him listed as a reference and Mr. Valdez does not know and has never met the Respondent. Mr. Valdez testified that he use to be a QE for Saxton, a company the Respondent had done business with. Additionally, Mr. Valdez testified that he did not know a Sara E. Herbert, a Notary Public who notarized the forged signature on the Reference Certificate.

Ms. Hoegemann testified that the Notary Public, Ms. Sara E. Herbert, is an old friend of the Respondents. Ms. Hoegemann also stated that none of the references on the contractor license application signed the forms, and, that one of the references was her brother in California. Ms. Hoegemann, testified that she brought the complaint because the Respondent had used her credit file for the business. Her last contact with the Respondent

was in August, 2000 and she confirmed the business has been vacated for several months and that the Respondents residential address is on Ponderosa Way.

The evidentiary portion of the hearing was closed.

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

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. HIGGINS MOVED TO FIND LICENSE #45934, GEORGE HOEGEMANN, d/b/a SOUTHWEST RESOURCES, IN VIOLATION OF ALL CHARGES.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. HIGGINS MOVED TO REVOKE LICENSE #45934, GEORGE HOEGEMANN, d/b/a SOUTHWEST RESOURCES; TO REQUIRE FULL RESTITUTION TO DAMAGED PARTIES; AND TO RECOVER INVESTIGATIVE COSTS OF \$3,088.00 IF THE RESPONDENT OR ANY PRINCIPAL THEREOF REAPPLIED FOR LICENSURE.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

H T I, #35148 - DISCIPLINARY HEARING

The Notice of Hearing & Complaint, dated February 15, 2001, consisting of pages 1-8, was sent certified mail to the Respondent as the address of record on file with the Board. The return receipt was not received by NSCB.

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 624.3017 (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 in 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 624.3013 (4), failure to keep in force the bond or cash deposit pursuant to NRS 624-270 for the full period required by the board; and 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,

Mr. Noel C. Sheckells, President, Mr. Brad Smith, Supervisor, Ms. Deana Walley, Controller, H T I, and Mr. Greg Mincheff were sworn in, and also in attendance was Nancy L. Allf, Counsel, H T I.

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

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

The Respondent's letter requesting a continuance, dated March 16, 2001, was entered into the record as EXHIBIT A.

Mr. Mincheff testified that he investigated Mr. Richard Danzig's complaint about the hard and soft wired installation of audio-video equipment at Mr. Danzig's residence for which the Complainant paid \$20,000.00. Mr. Mincheff testified that when the equipment was turned on he only heard static. Mr. Mincheff further testified review of the contract showed the monetary limit and license number were missing and the required bond has not been renewed. The Respondent failed to appear at a meeting October 8, 2000. Mr. Mincheff has had no other contact with the Respondent.

Mr. Sheckells testified that the Complainant purchased the residence from Pulte Homes and wanted speakers installed in the ceilings. The installation was completed utilizing new equipment and the Complainant's old system. The Complainant contacted the Respondent about 30 days later complaining about the acoustics. The Complainant had larger speakers in his previous residence so the Respondent installed \$2,000.00 worth of eight-inch speakers at no cost to the Complainant. The Complainant requested service three more times because of malfunctions that were determined to be user error and was not charged for any of the visits. Approximately two years later the Complainant requested the wiring be identified to enable the Complainant to disconnect electronic components and reassemble them. The Respondent complied with the request at no charge.

Mr. Smith testified that at least thirty visits can be documented to Mr. Danzig's residence and in most instances the Respondent's representative found that the Complainant had caused the malfunction.

The evidentiary portion of the hearing was closed.

MR. JOHNSON MOVED TO DISMISS ALL CHARGES AGAINST LICENSE # 35148, H T I.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

WEATHERS CONSTRUCTION, #47152 – DISCIPLINARY HEARING

The Notice of Hearing & Complaint, dated February 16, 2001, consisting of pages 1-8, 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 possible violations of NRS 624.3017 (1), workmanship which is not commensurate with the standard of the trade; 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 624.3011 (1) (a), willful or prejudicial departure from or disregard of plans or specifications in any material respect without the consent of the owner or his authorized representative and the person entitled to have the particular construction project or operations completed in accordance with the plans and specifications; 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 in NAC 624.640 (5); 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. Willie Weathers, Jr., President, Weathers Construction was not present, nor was anyone present on Respondent's behalf.

Ms. Elaine Mason and NSCB Investigator Mr. Mike Perko were sworn in.

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

Ms. Mason testified that she entered into a contract with the Respondent for the construction of a room addition for which she paid \$22,300.00. The Complainant brought fifteen workmanship issues to the Respondent's attention. The Respondent replied that a few things needed to be done but never returned to the residence and the Complainant has had no further contact with the Respondent.

Mr. Perko investigated the complaint and validated the workmanship issues. A Notice to Correct was mailed to the Respondent on June 5, 2000 and a Final Notice on July 18, 2000. The Respondent failed to attend the first meeting between the Complainant and NSCB investigator but did appear at the second meeting. The Respondent disputed some items but would make corrections to the others but never returned to the residence. Mr. Perko reviewed the contract and found that the monetary limit and the license number were not on the document.

Mr. Griffy stated that the license number was on the work proposal.

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 WITH CAUSES #2 AND #5 DISMISSED.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MS. CAVIN MOVED TO FIND LICENSE #47152, WEATHERS CONSTRUCTION, IN VIOLATION OF CAUSES #1, #3, #4 AND #6.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MS. CAVIN MOVED TO REVOKE LICENSE #47152, WEATHERS CONSTRUCTION; TO REQUIRE FULL RESTITUTION TO DAMAGED PARTY; AND TO RECOVER INVESTIGATIVE COSTS OF \$1,898.00 IF THE RESPONDENT OR ANY PRINCIPAL THEREOF REAPPLIED FOR LICENSURE.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

The Notice of Hearing & Complaint, dated February 15, 2001, consisting of pages 1- 6, 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 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 in NAC 624.640 (5); and NRS 624.3014(1) (a), acting in the capacity of a contractor under any license issued in the name of another the licensee.

Mr. William Bishop, Owner, Bishop Paving, was not present, nor was anyone present on Respondent's behalf.

NSCB Investigator Greg Mincheff was sworn in.

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

A letter from Mr. DeLong, the Complainant, stating that he had been reimbursed, dated March 16, 2001 was entered into the record as EXHIBIT2.

Mr. Mincheff testified that he investigated the complaint and found that the workmanship was not up to industry standard. A review of the Respondent's contract showed the monetary limit and the license number were omitted and that the company name was incorrect. Mr. Mincheff testified that this is the third investigation of Bishop Paving involving poor workmanship where the Complainants were paid restitution by the Respondent.

The evidentiary portion of the hearing was closed.

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

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO FIND LICENSE #42843, BISHOP PAVING, IN VIOLATION OF ALL CHARGES.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO REVOKE LICENSE #42843, BISHOP PAVING, AND TO RECOVER INVESTIGATIVE COSTS OF \$2,646.00 IF THE RESPONDENT OR ANY PRINCIPAL THEREOF REAPPLIED FOR LICENSURE.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

LANDGRAPHICS INC., #38139 – DISCIPLINARY HEARING

The Notice of Hearing & Complaint, dated February 15, 2001, consisting of pages 1-6, 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 624.3012 (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; and NRS 624.3013 (3), failure to establish financial responsibility.

Mr. Tom Barry, Owner and Ms. Kimberly Barry, President, Landgraphics, and NSCB Investigator Mr. Ron Ramsey were sworn in, and also in attendance was Ed Hanigan, Counsel, Landgraphics.

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. Griffy stated that he had received confirmation that Rainbow Rock had been paid in full on March 12, 2001.

Landgraphics Counsel stated the principle amount owed has been paid but litigation is pending over the disputed amount.

Mr. Ramsey testified he investigated the complaint and determined that the Respondent failed to pay the Complainant \$25,888.51 for materials and supplies. Mr. Ramsey mailed a request for a Financial Statement on October 26, 2000 and the Financial Statement has not been received.

Ms. Barry testified the Financial Statement had just been completed.

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

The evidentiary portion of the hearing was closed.

MR. CARSON MOVED TO FIND LICENSE #38139, LANDGRAPHICS INC., IN VIOLATION OF CAUSE #1 AND TO DISMISS CAUSE #2.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED THAT LICENSE #38139, LANDGRAPHICS INC., PAY THE NSCB INVESTIGATIVE COSTS OF \$1,649.00 WITHIN 90 DAYS OR THE LICENSE WILL BE SUSPENDED AND THAT A LETTER OF REPRIMAND BE PLACED IN LICENSEE'S FILE FOR ONE YEAR.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO RENEW LICENSE #38139, LANDGRAPHICS INC, THE NEXT RENEWAL DUE IN AUGUST, 2001; THE LICENSE LIMIT WILL BE \$100,000 WITH THE SAME BOND REQUIRED, A PERSONAL FINANCIAL STATEMENT MUST BE FILED WITHIN 60 DAYS OR THE LICENSE WILL BE SUSPENDED.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

KOLOB HEATING AND COOLING, #39996 AND KOLOB PLUMBING, #47897 – DISCIPLINARY HEARING

The Notice of Hearing & Complaint, dated February 15, 2001, consisting of pages 1-6, 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 violation 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; and NRS 624.3013 (3), failure to establish financial responsibility.

Mr. Brand Thornton, Owner, and Kellie Keen, Secretary, Kolob Heating and Cooling, Mr. Bob Meranto, President, Just Concrete, James Barton, Big Town Mechanical, and NSCB Investigator Mr. Ron Ramsey were sworn in, and in attendance was James Martin, Counsel, Big Town Mechanical.

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. Mark Barton testified that Big Town Mechanical entered into a contract with the Respondent for the construction of cold and hot HVAC lines for which \$4,830.00 is owed by the Respondent. Complainant has been unable to contact the Respondent.

Mr. Ramsey testified that he had contacted the Respondent on April 17, 2000. Mr. Ramsey testified that the contract was not signed by the Respondent. A Financial Statement was requested by certified mail on March 31, 2000 and was not received.

Mr. Thornton testified that he never had any contact with the Complainant. A terminated employee had apparently entered into the contract. The Respondent testified that the office address changed to 3955 West Sunset, Suite 103 as Kolob Heating and Cooling.

A business card for Kolob Mechanical was entered into evidence as EXHIBIT 3.

The evidentiary portion of the hearing was closed.

MR. CARSON MOVED TO FIND LICENSE #39996, KOLOB HEATING AND COOLING AND LICENSE #47897, KOLOB PLUMBING, IN VIOLATION OF ALL CHARGES.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO SUSPEND #39996, KOLOB HEATING AND COOLING AND LICENSE #47897, KOLOB PLUMBING; THAT A FINANCIAL STATEMENT TO SUPPORT THE LICENSE LIMIT BE SUBMITTED WITHIN 60 DAYS FOR STAFF REVIEW OR LICENSE IS REVOKED; IN ADDITION , AN AGREEMENT TO PAY THE DAMAGED PARTY WITHIN 90 DAYS MUST BE SUBMITTED OR LICENSE IS REVOKED.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

A.E.E. CEMENT CONTRACTOR, #36573 – RECONSIDERATION OF DECISION & ORDER – RE-HEARING (Continued from December 19, 2000 and February 22, 2001).

Notice of Hearing & Complaint, dated November 15, 2000, consisting of pages 1-22, sent certified mail to the address of record on file with the Board. The return receipt not received. The Notice of Re-Hearing & Complaint, dated February 28, 2001, 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 1, 2001.

The hearing was for possible violation of NRS 624.3017 (1), Workmanship which is not commensurate with the standards of the industry; 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. Anthony Elwart, Owner, A.E.E. Cement Contractor, Mr. Robert Whitaker, Homestead Landscape, and NSCB Investigators Mr. Greg Welch and Mr. Bob Macke were sworn in, also in attendance was Brian Burnman, Counsel, A.E.E. Cement Contractor.

The Stipulation was signed and entered into the record as EXHIBIT 1.

Mr. Griffy stated this re-hearing pertains to money owing complaints. The license revocation was rescinded by Board action on February 22, 2001.

Mr. Macke testified that the Respondent entered into a contract with Bleazard Concrete on December 1, 1997 to complete concrete flatwork and paid \$250.00. Mr. Macke investigated the complaint and validated that the Workmanship was not up to industry standards.

Mr. Whitaker, Homestead Landscaping Supervisor, testified that A.E.E. had been a subcontractor in the past.

Mr. Elwart testified that he had no knowledge of the complaint but would have made the corrections if afforded the opportunity to do so. The Respondent testified that he finally made contact with Mr. Bleazard on March 20, 2001 at Mr. Bleazard's Homestead Landscaping office. The Respondent then told the Complainant that he wanted to settle this matter before going before the board at which time Mr. Bleazard asked for \$5,000.

Mr. Macke testified the first complaint investigated by NSCB Investigator, Mr. Thomas, was closed for lack of documentation and was reopened in October, 2000. The Administrative Hearing scheduled at the job site, based on Mr. Thomas's notes, reflected that A.E.E. did not attend and that none of the notices were returned as undeliverable.

The evidentiary portion of the hearing was closed.

MR. CARSON MOVED TO FIND LICENSE #36573, A.E.E. CEMENT CONTRACTOR; IN VIOLATION OF CAUSE #1 AND TO DISMISS CAUSE #2.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED THAT LICENSE #36573, A.E.E. CEMENT CONTRACTOR, PAY \$1,000.00 OF THE INVESTIGATIVE COSTS WITHIN 90 DAYS OR LICENSE WILL BE SUSPENDED; A LETTER OF REPRIMAND WILL BE PLACED IN LICENSE FILE FOR ONE YEAR.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

PRIMACK HOMES INC., #39359, PRIMIER CONSTRUCTION, #44414 - DISCIPLINARY HEARING STAFF UPDATE (Continued from January 23, 2001 and February 22, 2001).

Mr. Griffy stated this staff update pertains to the establishment of payments to subcontractors.

Mr. Lloyd Philip Bouvier, President, Primack Homes, Mr. Jeffrey Stafford, Owner, Republic Electric, Inc., Mr. Jerry Stafford, General Manager, Republic Electric, Inc., Mr. Jordan S. Primack, Primack Homes, JoAnne Downer, President, International Marble and NSCB Investigator Mr. Ron Ramsey were present.

Mr. Ron Ramsey stated that on Monday all current complainants had been contacted and that three contractors (American Building, Hall Paint and Drywall, Dean Roofing) have accepted the cash settlement payment offer upon selling of identified homes. A few others have not accepted the agreements yet.

Mr. Jerry Stafford stated that the breakdown of monies received for the sale of the homes in question reflected a brokerage fee of \$175,797.00 and the realtor is Primack Realty.

Mr. Bouvier stated that the homes are in foreclosure. Primack is not in bankruptcy.

MR. CARSON MOVED TO CONTINUE UNTIL APRIL 24, 2001 FOR FINAL DECISION.

MR. JOHNSON SECONDED.

THE MOTION CARRIED.

ADVISORY OPINIONS

CLARK COUNTY SCHOOL DISTRICT – Clark County School District requested an Advisory Opinion concerning licensing requirements for the grading, compaction, installation of concrete pads for bleachers and seating, retaining wall, fencing and relocation of a concession stand at Cheyenne High School.

No one was present representing the Clark County School District during the discussion.

Based upon the information provided, the Board opined that a licensee holding an A (General Engineering); AB (General Engineering & Building); B (General Building); B2 (Residential and Small Commercial); or a C-5 (Concrete) classification could act as the prime contractor for the project.

APPLICATIONS

FOLSOM CONSTRUCTION COMPANY (B-2 – Residential & Small Commercial) NEW APPLICATION

The Notice of Hearing & Complaint, dated February 16, 2001, consisting of pages 1-28, 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.

Mr. Kenneth Folsom, Jr., Owner, Folsom Construction Company and NSCB License Analyst Doris were sworn.

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. CARSON MOVED TO CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH NRS 241.033 TO DISCUSS FINANCIAL MATTERS.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

The Statement of Financial Condition was entered into the record as EXHIBIT #3.

Ms. Talley testified regarding Applicant's financial condition. The Applicant filed bankruptcy in Oklahoma January 11, 2000.

Mr. Folsom testified that he has contracts with Jack In The Box in Lancaster, California presently. His bankruptcy was caused by a divorce in 1997. He is presently doing restaurant remodels in California that vary in cost from \$8,000.00 to \$135,000.00.

Mr. Folsom provided a letter from Lyn E. Ables Law Offices pertaining to the Longshot, Inc. venture which was entered into the record as EXHIBIT #A.

Mr. Folsom provided Letters of Recommendation which were entered into the record as EXHIBIT #B.

The Profit and Loss Statements from 1992 – 1999, with exception of 1996 and 1997, were entered into the record as EXHIBIT #C.

MR. HIGGINS MOVED TO REOPEN THE HEARING TO THE PUBLIC.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MS. CAVIN MOVED TO TABLE THE APPLICATION FOR 60 DAYS TO ALLOW FOLSOM CONSTRUCTION COMPANY AN OPPORTUNITY TO SECURE AN

INDEMNITOR AND PROVIDE THE REQUIRED FINANCIAL STATEMENT.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

B B Z CONSTRUCTION (B-2 – Residential & Small Commercial) NEW APPLICATION

The Notice of Hearing & Complaint, dated February 16, 2001, consisting of pages 1-10, 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.

Mr. Carl Jess Baker, Owner, B B Z Construction and NSCB License Analyst Doris Talley were sworn.

The file was entered into the record as EXHIBIT #1.

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

The Statement of Financial Condition was entered into the record as EXHIBIT #3.

MR. CARSON MOVED TO CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH NRS 241.033 TO DISCUSS FINANCIAL MATTERS.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

Ms. Talley testified that the Financial Statement required in the Notice of Hearing and Complaint had not been received. In addition there were concerns about a tax lien and sufficient working capital.

Mr. Baker testified that his father may indemnify his company. Mr. Baker testified that he wants to perform remodeling work and in the future expand to a higher level.

Mr. Baker provided his Bank Statement which was entered into the record as EXHIBIT #A.

MR. CARSON MOVED TO OPEN THE HEARING TO THE PUBLIC.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MS. CAVIN MOVED TO TABLE THE APPLICATION FOR 60 DAYS TO ALLOW B B Z CONSTRUCTION AN OPPORTUNITY TO SECURE AN INDEMNITOR, OR THE APPLICATION WOULD BE DENIED.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

DAVID S. ALLSOP (B-2 – Residential & Small Commercial) NEW APPLICATION – RECONSIDERATION – BOARD DECISION

David Allsop, Owner, David S. Allsop, and Rod Woodbury, Counsel, David S. Allsop, was present. He was notified that the license application B-2 classification had been approved with a limit of \$1,000,000 with Bond of \$20,000.

AMERICAN FRAMING SYSTEMS (B-2 – Residential & Small Commercial) NEW APPLICATION

Jack W. Pattee, Jr., President, American Framing Systems, was present. He was notified that the license application B-2 classification was tabled for 30 days to provide an opportunity to secure an Indemnitor and provide the required Financial Statement.

GEORGE C BRUCATO PAINTING (C-16A – Covering Floors; Carpet laying) NEW APPLICATION, RECONSIDERATION

George C. Brucato, Owner, Brucato Painting, was present. He was notified that the license application C-16A & D classification had been approved with a limit of \$20,000 and a \$5,000 bond.

FOLIAGE UNLIMITED LANDSCAPING LLC (C-10 – Landscape Contracting) NEW APPLICATION

Keith Gregory, Counsel, Foliage Unlimited Landscaping LLC, was present. He was notified that the license application C-10 classification had been approved with a limit of \$100,000 and a \$5,000 bond.

JACKSON ELECTRIC INC (C-2 – Electrical Contracting) NAME SIMILARITY - BOARD DECISION

Roy Jackson, President and Rick Jackson, Vice President, Jackson Electric Inc. and Andrew Jackson, Owner, Jaxan Electric, were present.

Mr. Andrew Jackson stated that the similarity with Jackson Electric Inc.'s name could cause confusion to the public.

Mr. Roy Jackson requested that if name change is required that sufficient time be allowed to utilize stationary and other supplies so as not to cause his business a financial burden.

MR. HIGGINS MOVED THAT JACKSON ELECTRIC INC WILL HAVE UNTIL ITS RENEWAL DATE TO CHANGE ITS NAME.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

METAL TECH (C-14 – Steel Reinforcing & Erection) NAME SIMILARITY - BOARD DECISION

Bruce Francis, Owner, MetalTech, and Alma Roundy, Office Manager, Medal Tech, were present.

Mr. Bruce Francis stated the similarity in the names, regardless of the space between the two words, was confusing with regards to identification of which company was doing business.

Mr. Alma Roundy stated a search of the license records failed to turn up the single word name of MetalTech.

MS. CAVIN MOVED THAT THE NAME METAL TECH WOULD HAVE TO BE CHANGED.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

QUANTUM CONSTRUCTION (B-2 – Residential & Small Commercial) RENEWAL OF EXPIRED LICENSE

Michael Steven White, Owner, Quantum Construction, was present. He was notified that the license renewal application for a B-2 classification had been approved.

SARATOGA LAND & DEVELOPMENT (B – General Building) NEW APPLICATION

Jamie Saxton, Vice President, and Michelle Pori, Executive Vice President, Saxton Inc., Michael Cordy, and Ron Reilly, were present.

Mr. Zech recused himself.

The matter before the board was a new license application. The corporation that had been licensed by the Board had been dissolved in 1995.

The Board expressed concern regarding the financial responsibility of the company.

Michele Pori, Executive Vice President, Saxton, Inc. testified to the restructuring of the company. She explained the system of payment to lenders and sub-contractors. She also addressed several pending complaints, including pending litigation involving the company.

She informed the Board that Saratoga Land & Development is not under a receivership and has not filed for bankruptcy protection. However, she testified cash flow problems continue.

It was suggested that personal indemnification by the officers of the company be considered and the Board requested personal financial statements of those individuals indemnifying the company prior to further hearing of the application. Action on the application was tabled for 90 days to allow the applicant to submit a current Financial Statement for the company and personal financial statements if the officers choose to indemnify the corporation.

MR. JOHNSON MOVED TO TABLE APPLICATION FOR 90 DAYS UNTIL THE FINANCIAL STATEMENT IS RECEIVED.

MS. CAVIN SECONDED THE MOTION.

MOTION CARRIED.

AARON CONSTRUCTION INC (B-2 – Residential & Small Commercial) NEW APPLICATION

Joseph Neilson, President, Aaron Construction Inc, was present. He was told that the application as a C-3 – Carpentry, Maintenance and Minor Repairs, classification had been

approved with a \$50,000 limit and \$5,000 bond.

BYRD UNDERGROUND LLC (A-12 – Excavating, Grading, Trenching and Surfacing; A-15 – Sewers, Drains and Pipes; and A-19 – Pipeline and Conduits), (C-2, E & F – Signal Systems; Lines To Transmit Electricity), and (C-5 – Concrete Contracting) NEW APPLICATION

Tonya Byrd, Owner, Byrd Underground, was present. She was notified that the license application classification A-12 was approved with a limit of \$3,000,000 and a \$30,000 bond, C-2, E & F classification to include Nevada power Quic Program had been approved with a limit of \$100,000 and a \$10,000 bond, and C-5 classification had been approved with a limit of \$100,000 and a \$30,000 bond.

In further discussion the Board agreed that the classification would cover scope of work.

EXPERT PAINTING AND DRYWALL (C-4 – Painting & Decorating) NEW APPLICATION - RECONSIDERATION

An Expert Painting and Drywall representative was not present. The license application C-4 classification had been approved with a \$10,000 limit and a \$2,000 bond.

INTEGRATED SYSTEMS GROUP (C-2 D & E – Amplifying Systems; Signal Systems) NEW APPLICATION – RECONSIDERATION – NAME SIMILARITY

Byron C. Worrell, Owner, Integrated Systems Group, was present. He was notified that the license application reconsideration of name similarity was approved with a \$50,000 limit and a \$5,000 bond.

PAVER MODULE OF NEVADA LLC (C-18 – Masonry) NEW APPLICATION

Guy Gravel, General Manager/President, Paver Module of Nevada LLC was present. He was notified that the license application C-18 classification had been approved with a \$300,000 limit and a \$15,000 bond.

UNITED AIR COMFORT (C-21 – Refrigeration & Air Conditioning) NEW APPLICATION

Mr. J. Albanese, Q.E., United Air Comfort, was present. He was notified that the license application C-21 classification was approved with a \$20,000 limit and a \$5,000 bond.

PERFORMANCE POWER INC (C-2A – Electrical Wiring) BROADENING OF CLASSIFICATION

Keith Gregory, Counsel, Performance Power Inc., was present. He was notified that the broadening application was approved to a C-2 classification.

ALPINE ENERGY INC (B-2 – Residential & Small Commercial) ONE TIME RAISE IN LIMIT

An Alpine Energy Inc representative was not present. The license application B-2 classification one time raise in limit had been approved for \$800,000 to complete the sound Insulation project at the Washoe County Airport Authority with no change in bond amount.

The remainder of the applications on the agenda were reviewed and discussion occurred

on the following: Nos. 1, 4, 6-8, 10, 12-14, 17-18, 20, 27, 31-36, 39, 42, 58, 61, 65-66, 70-71, 96, 101, 104-114, 119, 124, 146, 150 and 153; and on the amended agenda: Nos. 1-3, 5-18.

MR. JOHNSON MOVED TO REOPEN THE HEARING TO THE PUBLIC.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

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

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.

MR. CARSON MOVED TO ADJOURN.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

There being no further business to come before the Board, the meeting was adjourned by Chairman Gregory at 2:45 p.m.

Respectfully Submitted,

Bill Brandon, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kim Gregory, Chairman

Michael Zech, Vice Chairman

