

KENNY C. GUINN  
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

KIM W. GREGORY  
*Chairman*  
DOUG CARSON  
DENNIS K. JOHNSON  
JOHN LINDELL  
DENNIS F. NELSON  
DEBORAH WINNINGHAM SHELTRA  
MICHAEL ZECH



STATE CONTRACTORS' BOARD

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MINUTES OF THE MEETING  
APRIL 13, 1999

The meeting of the State Contractors' Board was called to order by Vice-Chairman Dennis Johnson at 8:30 a.m., Tuesday, April 13, 1999, State Contractors' Board, Reno Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Dennis Johnson – Vice Chairman  
Mr. Doug Carson  
Mr. John Lindell  
Mr. Dennis Nelson  
Ms. Deborah Sheltra  
Mr. Michael Zech

BOARD MEMBERS ABSENT:

Mr. Kim Gregory

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer  
Mr. David Reese, Legal Counsel (Cooke, Roberts & Reese)  
Ms. Nancy Mathias, Licensing Administrator  
Mr. Bill Rizzo, Director of Investigations  
Ms. Kathy Stewart, Licensing Supervisor  
Mr. Jack Edstrom, Investigator  
Mr. Mike Maloy, Investigator  
Ms. Betty Willis, Recording Secretary

OTHERS PRESENT:

Kris Bokelmann, Court Reporter, Sierra Nevada Reporters; Bob Barengo, Legislative Representative; Kevin Tremayne, Owner, Advanced Remodeling & Construction; Barbara Maddox, Indemnifier, Advanced Remodeling & Construction; Keith Gregory, Attorney, Michael Smoody General Contractor & Kajima Engineering and Construction Inc.; Don Keith, Owner, Donal R Keith; Edward Visser, President, Visser Group Inc; Anita Zdravec, President, M T Z Elevator Pro; Frank Martin, M & H Building Specialties; Guy Martin, M & H Building Specialties; Eric Robinson, Eric Robinson Construction; Barry Simcoe, Comptroller, Computer Resources Inc. representing Design Works; Brad Hulsey, Owner, Apex Roofing; Michael Springer, Legal Counsel representing Apex Roofing; Tom Allison, Owner, Thomas R. Allison Construction; Elizabeth Tattersall, Complainant; Wayne Wettel and, Complainant; Ken Greenwell, Owner, K K & R Construction; Elaine Bailey, Complainant; and Don Coppa, Legal Counsel; K K & r Construction.

Ms. Grein stated the agenda had been posted in compliance with the open meeting law, on April 7, 1999, by Gary Leonard, Investigator, at the Washoe County Court House, Washoe County Library, Reno City Hall. In addition, it had been posted in both offices of the Board, Las Vegas and Reno.

### LEGISLATIVE DISCUSSION

Bob Barengo, Legislative Representative, was present for the discussion. Ms. Grein presented the board members with a legislative summary and she and Mr. Barengo provided the board with an update.

It was learned there were 52 items on the amended agenda, each item of an emergency nature. There was no objections to hearing the amended agenda.

Mr. Johnson called for a motion to approve the minutes of March 23, 1999.

MR. CARSON MOVED TO APPROVE THE MINUTES OF MARCH 23, 1999.

MR. LINDELL SECONDED THE MOTION.

THE MOTION CARRIED.

The following motion closed the meeting to the public.

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

MR. CARSON 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).

### APPLICATIONS

#### ADVANCED REMODELING & CONSTRUCTION (B2 – Residential & Small Commercial) NEW APPLICATION, RECONSIDERATION, BOARD DECISION

Kevin Tremayne, Owner, and Barbara Maddox, Indemnifier, were present. Under questioning, Mr. Tremayne said the tax liens were almost paid off. Payment arrangements had been set up and all payments were current.

Ms. Stewart confirmed that a verification of payment against the California tax lien had been received. It reflected the last payment date of record was February 15, 1999, with a balance remaining of \$1,309. Staff did not have any information on a repayment agreement for the federal tax lien.

Mr. Tremayne said he had owed \$7,600 on the federal tax lien but he had provided the board with a copy of his last year's tax return, which reflected the IRS had accepted his \$3,000 tax return and had applied it to the lien, as well as this year's tax return for \$1,000. He was now working with them to resolve the problem.

Ms. Maddox was asked if she was familiar with Mr. Tremayne's financial problems. She replied yes.

MR. ZECH MOVED TO APPROVE THE LICENSE APPLICATION WITH A LIMIT OF \$75,000, A \$15,000 BOND, AND AN FS IN 6 MONTHS TO BE REVIEWED BY THE BOARD.

MR. NELSON SECONDED THE MOTION.

THE MOTION CARRIED. (MR. CARSON AND MS. SHELTRA WERE OPPOSED)

BAETAS BACKHOE SERVICE (A3, 12, 18 – Dams & Reservoirs; Excavate Grade Trench Surface; Farm Irrigation) NEW APPLICATION, RECONSIDERATION, BOARD DECISION

Joey Baeta, Owner, was present and informed that the license application had been approved with a limit of \$45,000 and a \$15,000 bond.

CAMERON & SONS CONSTRUCTION (B2– Residential & Small Commercial) NEW APPLICATION, BOARD DECISION.

Steven Cameron, Sr., Partner, was present and notified the license had been approved with a license limit of \$50,000 and a \$10,000 bond.

J & B DOORS (C3C – Cabinets & Millworks) NEW APPLICATION

Marcel Balda, Owner, was present and informed the license application had been approved with a limit of \$40,000 and a \$10,000 bond.

SPARKS ELECTRICAL, INC. (C2 – Electrical Contracting) NEW APPLICATION

Art Caudle, President, was present and notified the license application had been approved with a limit of \$750,000 and a \$5,000 bond.

STEVEN T STUCKEY (C3A - Carpentry) NEW APPLICATION

STEVEN T STUCKEY (C1D - Plumbing) NEW APPLICATION

Steven Stuckey, Owner, was present and notified his two license applications had been approved with a limit of \$20,000 and a \$5,000 Bond.

MICHAEL SMOODY GENERAL CONTRACTOR #19628 (B2 – Residential & Small Commercial) ONE TIME RAISE IN LIMIT

MICHAEL SMOODY GENERAL CONTRACTOR #19628 (B2 – Residential & Small Commercial) ONE TIME RAISE IN LIMIT

Keith Gregory, Legal Counsel, was present.

MR. ZECH MOVED TO APPROVE BOTH ONE TIME RAISES IN LIMIT: THE DESERT INN MEDICAL COMPLEX FOR \$2.3 MILLION AND THE BUZZARD EYE INSTITUTE FOR \$1.8 MILLION, PAYMENT AND PERFORMANCE BONDS IF REQUIRED.

MR. LINDELL SECONDED THE MOTION.

THE MOTION CARRIED.

KAJIMA ENGINEERING AND CONSTRUCTION INC. #30229 - (AB – General Engineering) VOLUNTARY SURRENDER

Keith Gregory, Legal Counsel, was present. He asked that the voluntary surrender be withdrawn, stating reasons why the withdrawal was being requested.

Based upon the withdrawal of the voluntary surrender, no action was taken on the request.

DONAL R KEITH (B2 - Residential & Small Commercial) NEW APPLICATION

Don Keith, Owner, was present. He was asking for a \$100,000 limit. It was explained to him that based upon the financial information a lower limit was being recommended.

MR. ZECH MOVED TO APPROVE THE LICENSE APPLICATION WITH A LIMIT OF \$75,000 AND A \$10,000 BOND.

MR. LINDELL SECONDED THE MOTION.

THE MOTION CARRIED. (MR. NELSON AND MR. CARSON WERE OPPOSED)

VISSER GROUP INC (C3 - Carpentry) NEW APPLICATION

Edward Visser, President, was present and told the Board he had picked up a cabinet dealership. He wanted to install cabinets as a specialty. Questioning followed wherein it was learned Mr. Visser had only asked for a \$5,000 limit because he believed he could sell the cabinets separately and use the license for installation only. The Board explained the price of the cabinets and the installation had to be packaged as one contract if they were both reflected on the same invoice.

MR. LINDELL MOVED TO APPROVE THE LICENSE APPLICATION WITH A LICENSE LIMIT OF \$50,000 AND A \$10,000 BOND.

MR. NELSON SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Visser said he was agreeable to amending the license application limit to \$50,000.

M T Z ELEVATOR PRO (C40 - Specialties) NEW APPLICATION, BOARD DECISION, CLASSIFICATION

Anita Zdravec, President, was present and explained that she and Joseph Zdravec owned M T Z Elevator as well as Jaz, an Arizona Corporation. The panels and all the products pertaining to elevators were made by Jaz. She expounded that if a company did not want the standard product they contacted Mr. Zdravec and he would prepare a panel from any product the company picked out. In the past the product had been ordered from Jaz and then shipped to the company for installation. Companies no longer wanted to do that, they wanted the Zdravacs to install the panels as well. In that way M T Z Elevator would be liable. JAZ would continue to prepare the product in Arizona. It would then be shipped to Nevada where M T Z Elevator would install the ceiling and all the panels.

It was then determined M T Z Elevator would only be installing elevator cab interiors, door faces, and jams.

MR. NELSON MOVED TO APPROVE THE LICENSE APPLICATION WITH A LIMIT OF \$100,000 AND A \$10,000 BOND, CLASSIFICATION C40 - CAB INTERIORS, INCLUDING DOORS AND JAMS.

MR. LINDELL SECONDED THE MOTION.

THE MOTION CARRIED.

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

### ADVISORY OPINIONS

1. M & H BUILDING SPECIALTIES – Frank and Guy Martin were present for the advisory. The question was whether or not a C3 license holder could act as the prime contractor on the Bracken Elementary School Project as well as the McCall School modernization projects. Guy Martin explained the projects in question were basic renovations of existing structures. No new structure was involved. The Bracken project was a gut and remodel of a large quantity of the school. The remodel required removal of ceilings, drywall metal studs, interior partitions, mechanical, HVAC electrical upgrades, and a new LAN and data system.

It was basically to bring the existing school up to the standards of the new school. A subcontractor was to be used for the mechanical and the electrical. The only work M & H Building Specialties was self performing was the work which could be performed by their C3 or C4 license. Discussion ensued with Frank Martin regarding why the work was not being bid with the B license held by Martin Harris Construction.

It was the opinion of the Board that the work described was within the scope of a C3 license provided the electrical and the mechanical were subcontracted out. But the Martins were informed the awarding entity would make the final decision. In addition to the C3, a full B or B2 could perform the work.

- 2) ALLTECH, INC. – No one was present for the advisory opinion. The request was whether or not a license was required to perform certain operation and maintenance work to boilers, chillers, and HVAC equipment. The work was going to be performed at the Foley Federal Building, the Alan Bible Federal Building, and the US Post Office in Las Vegas. The request had been prompted by a letter Alltech received from the business license department in Las Vegas. Mr. Reese questioned if the work was to be entirely done in a federal building or if the funds were entirely federal funds. Ms. Mathias responded it appeared to be the case but she did not know for certain. More discussion followed wherein it was pointed out if a permit was required, a license was required, and that unless the company or the project was exempt by contract with the federal government, a license was needed.
- 3) ERIC ROBINSON CONSTRUCTION – Eric Robinson was present and his request for advisory asked if he could perform asphalt paving with his B2 license. He had bid a project for the Nevada Department of Transportation (NDOT) but had failed to name a paving subcontractor at the time of bid or within two hours of the bid. Mr. Robinson had then indicated to NDOT that he believed he could perform the work under his B2 license as incidental work.

Mr. Robinson explained the project was for a maintenance station in Mina and totalled approximately \$180,000 to \$190,000. There was approximately 8,500 sq. ft. of asphalt paving involved. He was building the building and performing the concrete work. Although he had assured the client he could perform the work with his B2 license, NDOT wanted something in writing from the board. Staff was then directed to provide Mr. Robinson with a directive indicating Mr. Robinson could perform the asphalt work with his B2 license.

FINANCIAL RESPONSIBILITY HEARINGDESIGN WORKS #14510 – FINANCIAL RESPONSIBILITY HEARING

The hearing was for possible violation of NRS 624.3013 (3), failure to establish financial responsibility. The hearing notice was entered into the record as EXHIBIT 1.

Barry Simcoe, Comptroller, Computer Resources Inc., was present and was sworn in along with Kathy Stewart. Mr. Simcoe explained that he had a letter from Ranson Webster, President, authorizing him to represent Design Works. It was Computer Resources Inc.'s indemnification that was being removed from the license. He described what the business relationship was between he and Mr. Webster and he indicated Mr. Webster owned both Design Works and Computer Resources. Mr. Webster's letter of authorization was then entered into the record as EXHIBIT 2.

Ms. Stewart reported that the hearing had been necessary because the licensee failed to respond to the board's directive to provide a financial statement after removal of the indemnification. The statement had been requested on 3 different occasions. Mr. Simcoe then provided a financial statement and a financial discussion ensued.

The evidentiary was closed.

MR. NELSON MOVED TO REMOVE THE INDEMNIFICATION OF COMPUTER RESOURCES INC. AND TO DISMISS THE CHARGES.

MR. LINDELL SECONDED THE MOTION.

THE MOTION CARRIED.

Ms. Stewart stated the Board had already approved the removal of the indemnification, which had become effective on February 23, 1999.

APPLICATION HEARINGSINMAN WELDING (A20 – Industrial Piping) APPLICATION HEARING

Philip H. Inman, Owner, was not present and there was no one present to represent him.

The notice of hearing had been sent March 12, 1999 and the return receipt was dated March 22, 1999. The hearing was for possible violation of NRS 624.263, financial responsibility of applicant or licensee. The notice of hearing was then entered into the record as EXHIBIT 1.

Ms. Stewart provided information as to the reason for the Board action taken on January 19, 1999. No financial information had been submitted as requested and there had been no further contact from the applicant.

The evidentiary was closed.

MR. CARSON MOVED TO DENY THE APPLICATION BASED ON LACK OF FINANCIAL RESPONSIBILITY.

MR. LINDELL SECONDED THE MOTION.

THE MOTION CARRIED.

APEX ROOFING (C15 – Roofing & Siding) APPLICATION HEARING

The hearing was for possible violation of NRS 263, failure to establish financial responsibility; NRS 624.265, good character. The hearing notice was entered into the record as EXHIBIT 1.

Brad Hulsey, Owner, and Kathy Stewart, Licensing Supervisor, were sworn in and the stipulation was signed.

Ms. Stewart stated the allegations of failure to establish financial responsibility and good character were evidenced by EXHIBIT C, a citation issued against a California license #476161, held by Apex Roofing Inc., Bradley Hulsey, President, pages 12-14 of the hearing notice. The citation alleged willful disregard of accepted trade standards and/or plans, in particular those mentioned on pages 13-14: regarding work around the edges, the fasteners were not fully through the materials; the shingles were not properly nailed; there was loose material, some nails installed through the overhang, some nails below the nail line, nails at an angle, some fasteners too short; and etc. There was also failure to complete and correct project and an allegation of failure to provide the owner with the notice of right to cancel, mechanic liens, and the address of the registrar. Civil penalties of \$550 had been assessed. On or about October 18, 1989, said license had been revoked for failure to comply with the citation (EXHIBIT D). In addition, Bradley and Leslie Hulsey had filed Chapter 7 bankruptcy on or about June 28, 1988. It had been discharged in November, 1988 (EXHIBIT E). The corporation, Apex Roofing Inc. had also filed Chapter 7 bankruptcy on or about June 28, 1988 (EXHIBIT F). It too had been discharged in November, 1988. Both bankruptcies appeared to reflect the same creditors. Mr. Hulsey had been asked to provide a current financial statement. Ms. Stewart said she understood Mr. Hulsey had it with him.

Michael Springer, Legal Counsel, was identified. He said at the request of the board, a copy of a CPA financial statement as of March 31, 1999 was being provided. It would be supplemented by the original as soon as it was received. The statement was entered into the record as EXHIBIT 2. Mr. Springer also provided the Board with a current bank statement, EXHIBIT 3, and a copy of the reinstatement of the Apex Roofing, C39 license, by the California State License Board, reissued September 30, 1998, EXHIBIT 4. Mr. Springer said the punch list in the 11 year old complaint in the state of California, pertaining to workmanship, amounted to \$1,130. When asked if Mr. Hulsey had made restitution to the state of California to get reinstated, Mr. Hulsey replied yes. When asked about the liens which had been filed by the suppliers against the homeowners, Mr. Hulsey said restitution had been made through the bankruptcy.

MR. ZECH MOVED TO APPROVE THE LICENSE APPLICATION WITH A LIMIT OF \$75,000 AND A \$10,000 BOND.

MR. LINDELL SECONDED THE MOTION.

THE MOTION CARRIED. (MR. NELSON AND MS. SHELTRA WERE OPPOSED)

The following motion closed the meeting to the public.

MS. SHELTRA MOVED TO CLOSE THE MEETING TO THE PUBLIC.

MR. LINDELL 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 as time allowed throughout the day and discussion occurred on the following: Nos. # 1, 3, 6-15, 18, 20-21, 24, 26, 28, 31-32, 34-35, 39-43, 47, 50-55, 58, 62, 64-66, 68-69, 72, 74-75, 77, 82, 85-101, 104, 107-112, 115-116, 119, 122-123, 127, 130, 133-135, 142, 152, 159-160, 163, 167-168, 171, 173, 175, 181-182, 188-190, 200-201, 206-207, 209, and 220-221. Amended agenda: Nos. 4, 6-7, 11, 15, 19-22, 24, 26-28, 30-32, 36, 38, 40, 44, 46, and 51-52.

MR. NELSON MOVED TO REOPEN THE MEETING TO THE PUBLIC.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

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

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

#### FINANCIAL RESPONSIBILITY HEARING

##### THOMAS R. ALLISON CONSTRUCTION #43595 – FINANCIAL RESPONSIBILITY HEARING

It was explained the item was due to a denial of the late renewal of the license. It had been denied on February 9, 1999. The hearing was for possible violation of NRS 624.3013 (2), misrepresentation of a material fact; and NRS 624.3013 (3); failure to establish financial responsibility. The notice of hearing was entered into the record as EXHIBIT 1.

Tom Allison, Owner, and Kathy Stewart, Licensing Supervisor, were sworn in and the stipulation was signed.

Ms. Stewart directed the Board's attention to the notice of hearing stating that on or about April 7, 1997 a license had been granted to the licensee with a monetary limit of \$50,000 and a \$15,000 bond. It had been conditioned upon the submittal of a financial statement at the time of renewal. Said license expired May 31, 1998. On or about November 1, 1998, an application for renewal and the required financial statement had been provided.

Thereafter, staff learned there were 3 judgments owed to suppliers totalling \$9,665. On or about December 1, 1998 the application for renewal had been tabled for further investigation of Mr. Allison's financial responsibility and his California license history.

About January 19, 1999 Mr. Allison met with the board and represented that he had entered into payment agreements with the three suppliers. The renewal of the license had then been granted on a probationary status, to which Mr. Allison agreed. He agreed he would disclose his financial situation to all individuals he performed work for, he would register all work, and he would provide an acknowledgement from all parties that his financial position had been disclosed to them.

Since that time, Mr. Allison had paid off one of the three judgments and the remaining two suppliers had entered into payment agreements with him. Mr. Allison had then defaulted on the payment to G & S Roofing who had notified the board

on or about January 26, 1999 that Mr. Allison had stopped payment on his check. Additionally, it was learned that on or about February 3, 1999 the licensee had filed Chapter 7 bankruptcy in California and, as of today, Mr. Allison had 5 civil judgments against him totalling \$14,865. Currently, Mr. Allison's California license was active. It had been subject to suspension but was now active and current. He had complied with an arbitration award and with a citation suspension. The order to correct had also been lifted, as it was unenforceable due to the filing of the bankruptcy.

On or about March 30, 1999, Mr. Allison had contacted a staff member and said he would be present for the hearing but he would not be providing a current financial statement. As of April 12, 1999 the California license was still current and active. The information pertaining to the lifting of the order to correct had been obtained on March 4, 1999.

Mr. Allison then told the Board he had come to the hearing mainly to apologize to the Board. He said he did try to do an internal workout but it didn't work. On the surface he believed everything appeared shady and that was why he wanted to speak with the Board. He was not in a position to have legal representation and he didn't have the means to have a financial statement prepared. He said he was not asking for his license to be renewed he just wanted the opportunity to explain himself and show that he did not intentionally try to default or mislead the Board. His intent was to shelve the item and get back on his feet, honoring his payment plans and to return before the Board when he was ready. He then detailed the sequence of events beginning with the Las Vegas hearing and including his conversation with G & S Roofing regarding the stop payment on the check he had given them. Again, he reiterated he had no intention of using his Nevada license until he got back on his feet and cleaned up his record.

The evidentiary was closed.

MR. NELSON MOVED TO REDUCE THE LICENSE LIMIT OF THOMAS R. ALLISON CONSTRUCTION TO \$1,000 WITH A \$1,000 BOND AND A BID LETTER PER MR. ALLISON'S VOLUNTARILY AGREEING TO REDUCE THE LIMIT.

MR. ZECH SECONDED THE MOTION.

Under discussion, Ms. Sheltra pointed out Mr. Allison had a bankruptcy in 1992 in addition to the current bankruptcy. She pointed out there had been a long history of financial problems.

THE MOTION CARRIED. (MS. SHELTRA WAS OPPOSED AND MR. LINDELL WAS NOT PRESENT FOR THE VOTE)

MR. NELSON MOVED TO DISMISS THE CHARGE OF MISREPRESENTATION BASED ON THE EVIDENCE PRESENTED.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED. (MS. SHELTRA WAS OPPOSED AND MR. LINDELL WAS NOT PRESENT FOR THE VOTE)

## DISCIPLINARY HEARINGS

### TAHOE SHEET METAL #34882 – DISCIPLINARY HEARING

The notice of hearing was sent certified mail to the address of record on March 12, 1999. Return service was signed and dated March 29, 1999. The hearing was for possible violation of NRS 624.301 (3), willful failure or refusal without legal excuse on the part of a licensee as a contractor to prosecute a

construction project or operation with reasonable diligence, thereby causing material injury to another; and NRS 624.3016 (1), fraudulent or deceitful acts whereby substantial injury is sustained by another. The hearing notice was entered into the record as EXHIBIT 1.

The licensee, Doyle DeWayne Ford, Owner, was not present for the hearing and no one was present to represent him.

Elizabeth Tattersall, Wayne Wetteland, and Jack Edstrom, Investigator, were sworn in and questioning of the witnesses was performed by Bill Rizzo, Director of Investigations.

Wanda C. Ruegamer – The complainant was not present as she lived in Sonoma, California, but Mr. Edstrom said he had interviewed Ms. Ruegamer by telephone. Ms. Ruegamer had told Mr. Edstrom that on or about September 10, 1998 she had entered into a written contract with Doyle Ford. She had given Mr. Ford \$450 toward a total contract price of \$900 to reroof her summer home in Elk Point, Nevada. She had since mailed certified letters on or about October 23, and December 28, 1998 to the licensee asking for the return of the deposit. She received return receipts signed by another person, possibly related to Mr. Ford. The licensee had not contacted Ms. Ruegamer. No contact had been made since September 10, 1998, no materials had been delivered to her job site, and she had received no intent to lien from any supplier. Ms. Ruegamer had, at the request of the board, made a complaint to the Douglas County Sheriff's Department in an associated fraud matter of this case. That complaint was still under investigation and it had not yet been filed with the District Attorney. Mr. Edstrom did not know for sure if Mrs. Ruegamer had filed on the bond.

Wayne Wetteland – Mr. Wetteland stated he had entered into a written contract with Tahoe Sheet Metal. For terms, Mr. Ford had asked for \$4,200 as a down payment to schedule Mr. Wetteland for a start date of September 15, 1998. Mr. Ford had received a check dated September 10, 1998 for the amount he had asked for but nothing had been done since the check had been cashed. Mr. Wetteland said he had never heard from or ever saw Tahoe Sheet Metal again. He had left messages on the phone when it was still operable but the phone had since been disconnected and he had attempted going to Mr. Ford's place of business but had never encountered anyone. A claim had been filed on the bond, no materials had ever been delivered to the job site, and fraud charges had also been filed with the Douglas County Sheriff's Department. Mr. Wetteland said they had contacted him the previous week but only to ask what was going on with the complaint.

When asked how the licensee had managed to convince him to put that sum of money down, Mr. Wetteland said he had used Tahoe Sheet Metal for several jobs in the past. There had never been a problem with Mr. Ford before and the decision had been based upon Mr. Ford's past performance record.

ELIZABETH A. TATTERSALL – Mrs. Tattersall confirmed she had entered into a written agreement with Tahoe Sheel Metal. She explained Mr. Ford was to reroof both units in a duplex. The terms of the payment were 50% in advance and 50% upon completion. She said she had paid \$3,100 by check. The job was supposed to start on October 5, 1998 but Mr. Ford did not show up on that date. Mrs. Tattersall then detailed her attempts to contact Mr. Ford. She said she never spoke to Mr. Ford again after she gave him the money and no building material was ever delivered to the job site. Mrs. Tattersall had filed on the bond and had filed fraud charges with the Douglas County Sheriff's Department.

Discussion followed wherein it was learned the checks were deposited in the business account and that there was a rumor Doyle Ford was dead.

Mr. Reese was asked to follow-up on the bonding claims for the three complainants.

The evidentiary was closed.

MR. CARSON MOVED TO REFER THE MATTER TO FINDINGS OF FACT, CONCLUSIONS OF LAW AND TO SUMMARILY SUSPEND LICENSE #34882, TAHOE SHEET METAL.

MR. NELSON SECONDED THE MOTION.

THE MOTION CARRIED. (MR. LINDELL WAS NOT PRESENT FOR THE VOTE)

#### K K & R CONSTRUCTION #36688 - DISCIPLINARY HEARING

The hearing was for possible violation of NRS 624.3015 (2), bidding to contract or contracting for a sum for one construction contract or project in excess of the limit placed on the license by the board; and NRS 624.3013 (5), failure to comply with the regulations of the board as evidenced by a violation of NAC 624.670 (1) (4). The hearing notice was entered into the record as EXHIBIT 1.

Ken Greenwell, Owner, Elaine Bailey, Complainant, and Mike Maloy, Investigator, were sworn in, Don Coppa, Legal Counsel representing Ken Greenwell, was identified, and the stipulation was signed.

Mr. Rizzo explained a complaint had been received from Elaine Bailey who had received a bid from K K & R Construction. But Mr. Coppa had contacted the board office the previous week and had requested the opportunity to address the board regarding the matter.

Mr. Coppa stated he had reviewed the matter with Mr. Greenwell in an effort to try and determine what might be an appropriate disposition of the item. Mr. Coppa then offered that Mr. Greenwell be responsible for the payment of the costs incurred in the investigation and that Mr. Greenwell be given the opportunity to pay those costs within a 90 to 120 day period. In speaking with Mr. Rizzo and Mr. Maloy, Mr. Coppa had learned the costs at that time amounted to approximately \$1,787. He then explained that although Mr. Greenwell had been in the business for some time, Mr. Greenwell had never participated in a bid proposal circumstance and had not needed to request a one time raise in limit. He therefore had not fully understood the process. Mr. Coppa then apologized to the Baileys for the inconvenience it had caused them. He pointed to Mr. Greenwell's absence of any prior problems with the board and recommended that the paying of the cost of the investigation was retribution enough in the matter.

Mrs. Bailey said she did get the house started but she had to get it done as an owner builder. Her father was a retired contractor. She stated it was more than an inconvenience, it had also incurred more cost to her in terms of her loan.

Further discussion ensued as to how the complaint had come to light and Mr. Greenwell's understanding of the one time raise in limit process. Mr. Nelson commented that the contractor tried to do it right, and therefore he recommended a permanent letter of reprimand be placed in the licensee's file and to recover the investigative costs. More dialogue followed.

The evidentiary was closed.

MR. CARSON MOVED TO FIND LICENSE #36688 IN VIOLATION OF NRS 624.3015 (2), 624.3013 (5). AND NAC 624.670 (4).

MR. NELSON SECONDED THE MOTION.

THE MOTION CARRIED. (MR. LINDELL ABSTAINED)

MS. SHELTRA MOVED TO FIND LICENSE #36688 IN VIOLATION OF NAC 624.670 (1).

MR. NELSON SECONDED THE MOTION.

THE MOTION CARRIED. (MR. LINDELL ABSTAINED)

MR. NELSON MOVED TO PLACE A PERMANENT LETTER OF REPRIMAND IN THE FILE OF K K & R CONSTRUCTION, LICENSE #36688, FOR ALL COUNTS FOUND TO BE IN VIOLATION AND TO RECOVER ALL OF THE INVESTIGATIVE COSTS AS OF THE CLOSE OF THE INVESTIGATION, TO BE PAID WITHIN 60 DAYS OR THE LICENSE WAS TO AUTOMATICALLY SUSPEND.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED. (MR. LINDELL ABSTAINED)

#### 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 Vice-Chairman Johnson at 2:50 p.m.

Respectfully Submitted,

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Betty Willis, Recording Secretary

APPROVED:

\_\_\_\_\_  
Margi Grein, Executive Officer

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Dennis Johnson, Vice-Chairman