

KENNY C. GUINN
Governor

STATE OF NEVADA

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



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 MAY 9, 2001

The meeting of the State Contractors' Board was called to order by Chairman Kim Gregory at 8:36 a.m., Wednesday, May 9, 2001 State Contractors' Board, Las Vegas, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Kim Gregory - Chairman
Mr. Douglas W. Carson - Arrived 8:44 a.m.
Ms. Margaret Cavin
Mr. Jerry Higgins
Mr. Dennis Johnson - Departed 1:30 p.m.
Mr. Randy Schaefer
Mr. Mike Zech - Arrived 10:00 a.m.

BOARD MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Mr. Robert Griffy, Legal Counsel (Haney, Woloson & Mullins)
Mr. Dennis Haney, Legal Counsel (Haney, Woloson & Mullins)
Ms. Nancy Mathias, Licensing Administrator
Mr. George Lyford, Director of Special Investigations Unit
Mr. Rick Bertuzzi, Director of Investigations
Ms. Pat Potter, Licensing Supervisor
Mr. Linc Dante', Investigator
Mr. Bob Macke, Investigator
Mr. Greg Mincheff, Investigator
Mr. Ron Ramsey, Investigator
Mr. Greg Welch, Investigator
Mr. Jim Abels, Investigator
Ms. Doris Talley, License Management Assistant
Ms. Lisa Bedsole, License Analyst
Ms. Susie Kiger, Legal Assistant
Ms. MaryAnn Enbody, License Analyst
Ms. Sonya Ruffin, Public Relations
Ms. Teresa Tofill, License Analyst
Ms. Barbara Hennessy, Recording Secretary

OTHERS PRESENT:

Cari Inkenbrandt, Court Reporter, CSR Associates of Nevada; Mr. Craig Rowley, Director of Purchasing, LVCVA; Mr. Scott Fisher, President, Built on Integrity; Mr. Bob Balli, Senior Buyer, LVCVA; Mr. Kevin Spilsbury; Mr. Brian Spilsbury; Mr. Allen Tillery, President, Red Rock Roofing; Mr. Mark Pfister, Manager, Central Vacuum of Nevada; Mr. Harley

Chapman, President, Chapman & Associates; Mr. Dale Collins, Owner, Collins Color, Mr. Michael Vann, Chris Crane; Mr. Joseph Gomez, President, Joseph's Consulting; Mr. Joseph Urbanie, Western Group Director, Centmark Corporation; Mr. Frank Martin, Vice President of Operations, M & H Building; Mr. Steve VanMeeren, President, Addison, Inc.; Mr. Ted Davis, CEDCO, Inc.; Mr. Eric Dobberstein, Counsel for Addison, Inc.; Mr. Ken Frazel, Counsel for Chapman & Associates; Ms. Ruth Booth; Mr. John VonEuw, Owner; Mr. Dennis Fields, Owner, Ideal Construction; Mr. Preston Howard, Counsel for Ideal Construction; Mr. Brian Bugni, Vice President – Finance, Mojave Electric; Mr. Daniel Dunbar, President, C & D Plumbing; Mr. Leopoldo Vizcarra, Owner, Leo's Painting and Drywall; Mr. Anthony Gonzalez, President, Nevada Plastering; Mr. Bob Portenau, Mr. Bob McDonald, General Manager, Nevada Plastering, Mr. Aurelio Limas, Vice President, Nevada Plastering and Mr. Javier Cardona, President, Allied Flooring Services,

EXECUTIVE SESSION

Ms. Mathias stated that Chet Yekin had posted the agenda in compliance with the open meeting law on May 3, 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.

It was learned there were 28 items on the amended agenda, each item of an emergency nature.

MR. SCHAEFER MOVED TO HEAR THE AMENDED AGENDA.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Schaefer provided the Board with an update on two possible office locations that he and Mr. Carson had visited. The Board discussed the feasibility and accessibility of each location.

MR. JOHNSON MOVED TO PROCEED WITH THE GREEN VALLEY CORPORATE CENTER AND TO FINALIZE THE DETAILS OF THE LEASE FOR THE MAY 22ND BOARD HEARING.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

LEGISLATIVE DISCUSSION

Ms. Grein provided an update on SB 370, revising lien laws and AB 133, a construction defect measure sponsored by the homebuilders.

DISCIPLINARY HEARING

ADDISON INC., #27226 – DISCIPLINARY HEARING

The Notice of Hearing and Complaint, dated February 8, 2001, consisting of pages 1-23, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated February 12, 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; NRS 624.3013(3), 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; NRS 624.3013(5), as set forth in NAC 624.640(5), Each licensee shall include in all bids he submits or contracts he enters into for construction work within this state, the number of his license and monetary limit placed upon his license; and 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.

Mr. Steve VanMeetren, President, Addison, Inc., Mr. Ted Davis, CEDCO Landscaping, and NSCB Investigator Mr. Ron Ramsey were sworn in. Also in attendance was Mr. Eric Dobberstein, Counsel for Addison, Inc.

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 the hearing today was to rule on the Second, Third and Fourth Causes of Action. He informed the Board that an arbitration hearing has been arranged between Addison and CEDCO on the First Cause of Action. Mr. Ted Davis of CEDCO testified the he has agreed to arbitrate the financial matter with Mr. VanMeetren.

2nd Cause of Action – Mr. Ramsey testified that a financial statement had been requested on October 13, 2000. To date, one has not been provided. Mr. VanMeetren testified that he submitted a 23-page dossier, at the resolution meeting with Mr. Ramsey and Mr. Davis, and felt it was sufficient to discount the money owing complaint and that the financial statement was no longer required.

3rd Cause of Action - Mr. Ramsey testified that there was no monetary limit or license number on the contract. Mr. Ramsey testified that the corrections have been made.

The Respondent's letterhead and contract were entered into the record as EXHIBIT 3.

4th Cause of Action – Mr. Dobberstein stated that on April 26, 2001, a letter was sent to Mr. Rick Bertuzzi advising him that a financial statement was being prepared and sent to the State Contractor's Board in compliance with Addison's request for a raise in limit on a separate license.

Ms. Mathias stated that a financial statement has not been received from the Respondent. Mr. VanMeetren testified that he provided it when he arrived for today's Board Meeting.

Mr. VanMeetren testified his financial statements are compiled annually and that he didn't have a current financial statement at the time of the Board's request.

MR. JOHNSON MOVED TO CONTINUE THE HEARING UNTIL THE MAY 22, 2001 BOARD MEETING. AT THAT TIME, THE BOARD WILL REVIEW THE ARBITRATION PROCESS AND THE NEW FINANCIAL STATEMENT.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

APPLICATION HEARING**MATTHEW A. WELLMAN** – (C-1 – Plumbing and Heating) APPLICATION HEARING

The Notice of Hearing and Complaint, dated March 20, 2001, consisting of pages 1-10, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received on March 27, 2001.

The hearing was for the denial of Respondent's application for a C-1 (Plumbing and Heating) license pursuant to NRS 624.263, failure to establish financial responsibility.

Mr. Matthew A. Wellman, Owner was not present. NSCB License Analyst Ms. MaryAnn Enbody was sworn in.

Ms. Enbody testified that there was concern with Mr. Wellman's working capital and credit card liabilities and that a new financial statement has not been provided.

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

MR. CARSON MOVED TO DENY MATTHEW A. WELLMAN, LICENSE CLASSIFICATION C-1 (PLUMBING AND HEATING) APPLICATION.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

JOHN R. VON EUW CONSTRUCTION COMPANY – (B-2 – Residential & Small Commercial) APPLICATION HEARING

The Notice of Hearing and Complaint, dated March 30, 2001, consisting of pages 1-12, was sent certified mail to Respondent's address of record on file with the Board. The return receipt was received but not dated.

The hearing was for the denial of Respondent's application for a B-2 (Residential & Small Commercial) license pursuant to NRS 624.263, failure to establish financial responsibility.

Mr. John R. VonEuw, Owner, John VonEuw Construction Company and NSCB License Analyst Ms. MaryAnn Enbody 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. Von Euw had no objection to keeping the hearing open to the public during the financial discussion.

Ms. Enbody testified that there was concern regarding Respondent's financial condition and that the Respondent has not provided a new financial statement.

Mr. Von Euw testified that his financial situation has not changed since he submitted the application package. He is planning to perform residential housing projects and could find someone to indemnify his license.

MR. CARSON MOVED TO APPROVE JOHN R. VON EUW CONSTRUCTION COMPANY, LICENSE CLASSIFICATION B-2 (RESIDENTIAL & SMALL COMMERCIAL) WITH A MONETARY LIMIT OF \$100,000.00; A BOND OF \$10,000.00 WITH A BID LETTER.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON 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.

APPLICATIONS

The following applications on the agenda were reviewed and discussed: Nos. 1 – 67.

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

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

APPLICATION HEARING (continued)

POOLSCAPES, INC. – (A-10 – Commercial & Residential Pools) APPLICATION HEARING

The Notice of Hearing and Complaint, dated March 26, 2001, consisting of pages 1-10, was sent certified mail to Respondent's address of record on file with the Board. The return receipt was returned on April 18, 2001 (no signature/unopened).

The hearing was for the denial of Respondent's application for an A-10 (Commercial & Residential Pools) license pursuant to NRS 624.263, failure to establish financial responsibility.

Mr. Jeffrey T. Presley, President, Poolscapes, Inc. was not present. NSCB License Analyst Ms. MaryAnn Enbody was sworn in.

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

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

Ms. Enbody testified that new financial statement has not been received and there has been no contact with the Respondent.

MR. SCHAEFER MOVED TO DENY POOLSCAPES, INC. LICENSE CLASSIFICATION A-10 (COMMERCIAL & RESIDENTIAL POOLS) APPLICATION.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

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.

APPLICATIONS

The following applications on the agenda were review and discussed: Nos. 68 - 87.

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

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

APPLICATION HEARING – (continued)

IDEAL CONSTRUCTION – (B-2 – Residential & Small Commercial) APPLICATION HEARING

The Notice of Hearing and Complaint, dated February 13, 2001, consisting of pages 1-44, was sent certified mail to Respondent's address of record on file with the Board. The return receipt was not received. The Notice of Continued Hearing, dated March 7, 2001, was sent certified mail to Respondent's address of record on file with the Board. The return receipt was received March 19, 2001. The Notice of Continued Hearing, dated April 24, 2001, was sent certified mail to Respondent's address of record on file with the Board. The return receipt was received April 27, 2001.

The hearing was for the denial of Respondent's application for a B-2 Residential and Small Commercial) license pursuant to NRS 624.265(1)(d), had a license revoked or suspended for reasons that would preclude the granting or renewal of a license for which the application has been made and; NRS 624.263, failure to establish financial responsibility.

Mr. Dennis Fields, President, Ideal Construction, Mr. Brian Bugni, Vice President, Mojave Electric and NSCB License Management Assistant Doris Talley were sworn in. Also in attendance was Preston Howard, Counsel for Ideal Construction.

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. Fields had no objection to keeping the meeting open to the public during the discussion of financial matters.

Mr. Griffy stated that there were concerns by staff of Mr. Fields ability to demonstrate financial responsibility.

Mr. Bugni testified that the money-owing issue is from a complaint filed in 1996. Since that time, he has received one check from Ideal Construction toward that complaint. Then, last year, Mr. Bugni received a check from the bonding company. To date, he has not received the entire amount owed him by Ideal Construction. Mr. Bugni testified that he has had no contact with the Respondent.

Ms. Talley testified that she requested and has received a financial statement from the Respondent.

Mr. Gregory stated that the initial application was denied because Mr. Fields' financial statement does not support a B-2 license.

Ms. Mathias stated that the new financial statement shows an increase of working capital.

Mr. Carson recommended a C-3 license classification.

Mr. Howard stated that he had submitted a package to the Board, which included 13 letters of recommendation on Mr. Fields behalf.

The Respondent's letters of recommendation were entered into the record as Exhibit A.

MR. CARSON MOVED TO APPROVE IDEAL CONSTRUCTION; LICENSE CLASSIFICATION C-3 (CARPENTRY, MAINTENANCE AND MINOR REPAIR) WITH A MONETARY LIMIT OF \$150,000.00 AND A BOND OF \$75,000.00.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

DISCIPLINARY HEARING - (continued)**ADVANCED CONCRETE CUTTING, #50165 – DISCIPLINARY HEARING**

The Notices of Hearing and Complaint, dated March 30, 2001, consisting of pages 1-8, was sent certified mail to Respondent's address of record on file with the Board. The return receipt was dated April 3, 2001

The hearing was for possible violations of NRS 624.3013(3), Failure to establish financial responsibility pursuant to NRS 624.220 and NRS 624.260 to NRS 624.265, inclusive at the time of renewal of the license or at any other time when required by the Board; and NRS 624.302(6), Failure to comply with a written request from the Board or its designee to provide a financial statement.

Mr. John Zell, Owner, Advanced Concrete Cutting, was not present. NSCB License Analyst Lisa Bedsole was sworn in.

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

Ms. Bedsole testified that the indemnifier for Advanced Concrete Cutting had withdrawn. She notified Respondent and requested a new financial statement on November 20, 2000. To date, a new financial statement has not been received. Ms. Bedsole testified that Mr. Zell had cancelled his bond.

The evidentiary portion of the hearing was closed.

MR. ZECH MOVED TO ACCEPT TODAY'S TESTIMONY AS FINDINGS OF FACT, CONCLUSIONS OF LAW.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

MR. ZECH MOVED TO FIND ADVANCED CONCRETE CUTTING, LICENSE #50165 IN VIOLATION OF ALL CHARGES; AND TO REVOKE THE LICENSE.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

C & D PLUMBING, #49198 – DISCIPLINARY HEARING

The Notice of Hearing and Complaint, dated March 30, 2001, consisting of pages 1-8, was sent certified mail to Respondent's address of record on file with the Board. The return receipt was not received.

The hearing was for possible violations of NRS 624.3013(3), Failure to establish financial responsibility pursuant to NRS 624.220 and NRS 624.260 to NRS 624.265, inclusive at the time of renewal of the license or at any other time when required by the Board; and NRS 624.302(6), Failure to comply with a written request from the Board or its designee to provide a financial statement.

Mr. Daniel Dunbar, President, C & D Plumbing and NSCB License Analyst Lisa Bedsole were sworn in.

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.

Ms. Bedsole testified that a financial statement was requested on three separate occasions. Mr. Dunbar did not respond to the requests and to date a financial statement has not been provided. Ms. Bedsole testified that the Respondent moved his business and did not notify the Board of his new address. Ms. Bedsole testified that Mr. Dunbar called her recently and informed her that he had sent a financial statement in November 2000 for renewal purposes. Ms. Bedsole informed the Respondent that the financial statement had not been received.

Mr. Dunbar submitted his personal financial statement.

The Respondent's financial statement was entered into the record as Exhibit A.

Mr. Dunbar testified that after submitting the renewal package, he did not think about his license until he was asked to appear in front of the Board. Mr. Dunbar testified that the company was formed as a partnership and that he is now the sole proprietor. He is currently doing repair work and his largest project is \$3,000.00 to \$4,000.00.

Ms. Mathias stated that Mr. Dunbar is still one of the indemnitors on the license and that there are no active complaints against the licensee.

MR. CARSON MOVED TO APPROVE C & D PLUMBING, #49198 FOR A REDUCTION IN MONETARY LIMIT TO \$10,000.00 AND A BOND OF \$5,000.00 WITH A NEW FINANCIAL STATEMENT TO BE SUBMITTED WITHIN 30 DAYS OR THE LICENSE WILL BE SUSPENDED.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

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

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

APPLICATIONS

The following applications on the agenda were reviewed and discussed 88 - 120.

MS. CAVIN MOVED TO OPEN THE MEETING TO THE PUBLIC.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

DISCIPLINARY HEARING – (continued)

NEVADA PLASTERING, INC., #48203 – DISCIPLINARY HEARING

The Notice of Hearing and Complaint, dated March 30, 2001, consisting of pages 1-8, was sent certified mail to Respondent's address of record on file with the Board. The return receipt was dated April 3, 2001.

The hearing was for possible violations of NRS 624.3013(3), Failure to establish financial responsibility pursuant to NRS 624.220 and NRS 624.260 to NRS 624.265, inclusive at the time of renewal of the license or at any other time when required by the Board; and NRS 624.302(6), Failure to comply with a written request from the Board or its designee to provide a financial statement.

Mr. Anthony Gonzalez, President, Nevada Plastering, Inc., Mr. Aurelino Lemas, Vice President, Nevada Plastering, Inc., Mr. Bob McDonald, General Manager, Nevada Plastering, Inc. and NSCB License Analyst Ms. Lisa Bedsole were sworn in.

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

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

Ms. Bedsole testified that she notified the Respondent that Foxy Fine Finishes withdrew its indemnification.

Ms. Bedsole testified that she had concerns regarding the Respondent's financial condition and requested a new financial statement. A financial statement was received on May 8, 2001.

Mr. McDonald testified that Mr. Gonzalez and Mr. Lemas purchased the company from Foxy Fine Finishes in June 2000. He testified that their CPA has advised Ms. Pat Potter that they are currently working on a new financial statement. Mr. McDonald testified that since the December 31, 2000 financial statement, Mr. Gonzalez has reorganized, changed officers and has been able to improve his financial situation.

MR. CARSON MOVED TO CONTINUE THIS MATTER FOR 45 DAYS TO ENABLE NEVADA PLASTERING, INC., LICENSE #48203 TO HAVE A PERSONAL INDEMNIFICATION PLACED ON THE LICENSE AND A NEW FINANCIAL STATEMENT OR LICENSE WILL BE SUMMARILY SUSPENDED. IF THERE IS A MONEY OWING COMPLAINT LODGED AGAINST RESPONDENT, LICENSE WILL BE SUMMARILY SUSPENDED.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

APPLICATION HEARING – (continued)

LEO'S PAINT AND DRYWALL – C-4 (Painting & Decorating) – APPLICATION HEARING

The Notice of Hearing and Complaint, dated March 20, 2001, consisting of pages 1-11, was sent certified mail to Respondent's address of record on file with the Board. The return receipt was received but not dated.

The hearing was for the denial of Respondent's application for a C-4 (Painting & Decorating) license pursuant to NRS 624.263, failure to establish financial responsibility.

Mr. Leopoldo Vizcarra, Owner, Leo's Painting and Decorating and NSCB Ms. Mary Enbody were sworn in.

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

The Stipulation was signed and entered as EXHIBIT 2.

Ms. Enbody testified she had concerns regarding the Respondent's financial condition. A financial statement was requested and received on April 30, 2001.

Mr. Vizcarra testified that he is planning to paint small residential homes.

MR. JOHNSON MOVED TO APPROVE LEO'S PAINTING AND DECORATING LICENSE CLASSIFICATION C-4 (PAINTING AND DECORATING) WITH A MONETARY LIMIT OF \$25,000.00 AND A BOND OF \$5,000.00.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

MR. ZECH 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.

APPLICATIONS

The following applications on the amended agenda were reviewed and discussed:
Nos. 1 – 28.

MR. JOHNSON MOVED TO OPEN THE MEETING TO THE PUBLIC.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

CHAPMAN & ASSOCIATES, INC., #44983 – DISCIPLINARY HEARING
(continued from April 24, 2001)

Mr. Griffy stated that this is a continued matter pertaining to the establishment of financial stability of the corporation in order to protect the health, safety and welfare of the public. This matter was continued due to a conflict in scheduling with Mr. Chapman's attorney.

Mr. Harley Chapman, President, Chapman & Associates, Inc., Mr. Michael Vann, Chris Crane Company, NSCB Investigator Mr. Ron Ramsey and NSCB Investigations Supervisor Mr. Bob Macke were present. Mr. Dale Collins, Owner, Collins Color was sworn in. Also in attendance was Mr. Ken Frazel, Counsel for Chapman & Associates, Inc.

Mr. Griffy informed the Board of the Causes of Action that the Respondent either acknowledged or denied.

Mr. Frazel stated that Mr. Chapman had recently experienced health problems and has no plans to engage in further business activities as a contractor. Additionally, Mr. Chapman's current properties will be sold through the bankruptcy court and it is Mr. Chapman's intent to pay his debts through the sale.

Mr. Michael Vann from Chris Crane testified that they are not seeking a revocation of Mr. Chapman's license.

**MR. CARSON MOVED TO CONTINUE THE HEARING FOR 6 MONTHS
WITH STAFF UPDATES EVERY 30 DAYS.**

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

DESERAE GENERAL CONTRACTORS, #36998 – DISCIPLINARY HEARING
(continued from March 20 and April 25, 2001)

Mr. Griffy stated that this staff update is concerning the status of repairs to the Broderick home.

Mr. Brown, President, Deserae General Contractors, was not present. NSCB Investigator Mr. Greg Mincheff was present.

Mr. Griffy stated that the license was summarily suspended at the April 25, 2001 Board Hearing because Mr. Brown had referred the entire matter to his insurance company.

Mr. Mincheff testified that he spoke with Mr. Brown on May 8, 2001 and was informed that Mr. Brown is closing his business and would like to relinquish his license. Mr. Mincheff testified that Mr. Brown confirmed that the Broderick home would be taken care of through his insurance company.

MR. CARSON MOVED TO FIND DESERAE GENERAL CONTRACTORS, LICENSE #36998 IN VIOLATION OF ALL CHARGES.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO REVOKE DESERAE GENERAL CONTRACTORS, LICENSE #36998; TO REQUIRE FULL RESTITUTION TO DAMAGED PARTIES; AND TO RECOVER NSCB INVESTIGATIVE COSTS OF \$4,407.00 IF THE RESPONDENT OR ANY PRINCIPLE THEREOF REAPPLIES FOR LICENSURE.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

ALLIED FLOORING SERVICES, #41131; 35082; 49654 and 50221 – DISCIPLINARY HEARING

The Notice of Hearing and Complaint, dated March 13, 2001, consisting of pages 1-32, was sent to the Respondent's address of record on file with the Board. The return receipt was dated March 16, 2001.

The hearing was for possible violations of NRS 624.3011(2), If a contractor performs construction without obtaining any necessary building permit, there is a rebuttable presumption that the contractor willfully and deliberately violated the building laws of this state or of its political subdivisions; NRS 624.3014(2)(a), Aiding or abetting an unlicensed person to evade the provisions of this chapter; NRS 624.3014(2)(b), Combining or conspiring with an unlicensed person to perform an unauthorized act; NRS 624.3015(3), Knowingly entering into a contract with a contractor while that contractor is not licensed,

or bidding to contract or entering into a contract with a contractor for work in excess of his limit or beyond the scope of his license; and NRS 624.3013(5) as set forth in NAC 624.640(5) Each licensee shall include in all bids he submits or contracts he enters into for construction work within this state, the number of his license and monetary limit placed upon his license.

Mr. Javier Cardona, President, Allied Flooring Services and NSCB Investigator Mr. Greg Mincheff were sworn in.

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.

This meeting was convened at 1:48 p.m., no representative from Allied Flooring was present, and originally on the agenda for 1:45 p.m. Mr. Javier Cardona, President, Allied Flooring Services arrived at 1:50 p.m.

Mr. Griffy stated that the allegations before the Board are all for Industry Regulation violations.

Mr. Mincheff testified that Ms. Kerr entered into a contract with the Respondent for a room remodel in January 1998. In May 1999, Ms. Kerr was informed that no building permits were obtained for her project. Mr. Mincheff testified that a permit was then issued on June 30, 1999 (Exhibit 14).

Mr. Mincheff testified that he verified that the subcontractors who performed the electric, plumbing, painting and tiling in Ms. Kerr's residence were unlicensed.

Mr. Mincheff testified that the workmanship complaint filed by Ms. Kerr has been resolved.

Mr. Mincheff testified that on December 13, 1999, he notified the Respondent that the subcontractors listed on the contract were unlicensed. The Respondent informed him that they were not subcontractors; they were his employees. Mr. Mincheff testified that he verified with Employment Security and there was no record of the Respondent paying unemployment taxes for the three individuals.

Mr. Mincheff testified that there was no monetary limit on the contract.

Mr. Cardona testified that Ms. Kerr was his neighbor and that she asked him for assistance with her remodeling project. Mr. Cardona testified that Ms. Kerr was instructing the subcontractors and only gave him the money to pay the subcontractors because she was out of town. When the Respondent notified Ms. Kerr that there were no permits for the remodel, she told him that she didn't want to have any permits pulled.

Mr. Griffy stated that the subcontractor's agreements have Mr. Cardona's signature on them and accepting money from Ms. Kerr to pay the subcontractor's can be construed as his project.

The evidentiary portion of the meeting was closed.

MR. CARSON MOVED TO FIND ALLIED FLOORING SERVICES, LICENSE NOS. 41131; 35082; 49654 AND 50221 IN VIOLATION OF ALL CHARGES.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO HAVE A PERMANENT LETTER OF REPRIMAND PLACED IN ALLIED FLOORING SERVICES FILE; TO REQUIRE FULL RESTITUTION TO DAMAGED PARTIES; TO RECOVER NSCB INVESTIGATIVE COSTS OF \$1,243.00 AND TO FINE ALLIED FLOORING SERVICES \$500.00 PER CAUSE OF ACTION FOR A TOTAL OF \$3,500.00 TO BE PAID WITHIN 90 DAYS OR ALL LICENSES WILL BE SUSPENDED.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

DEFAULT ORDERS

DURABLE DESIGNS, INC., #45727 – DISCIPLINARY HEARING – DEFAULT ORDER

The Notice of Hearing and Complaint, dated March 14, 2001, consisting of pages 1-36, was sent certified mail to Respondent's address of record on file with the Board. The return receipt was not received.

The Default Notice, dated April 12, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

Mr. Griffy stated the default hearing was for possible violations of NRS 624.3017(1), Workmanship which is not commensurate with the standards of the trade in general or which is not commensurate with the standards of the trade in general or which is below the standards in the building or construction codes adopted by the city or county in which the work is performed; NRS 624.3013(5), as set forth in NAC 624.700(3)(a), If it appears from the investigation that a licensee may have violated the provisions of chapter 624 of NRS or these regulations, the executive officer may request the licensee to take appropriate corrective action; NRS 624.3013(5) as set forth in NAC 624.640(3), If any change occurs in a licensee's address or personnel which affects the accuracy of the statements in the application upon which his license is based, he shall report the change in writing to the Board within 30 days after the change occurs; 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 624.3015(2), Bidding to contract or contracting for a sum for one construction contract or project in excess of the limit placed on the license by the Board; NRS 624.3013(5) as set forth in NAC 624.640(5), Each licensee shall include in all bids he submits or contracts he enters into for construction work within this state, the number of his license and monetary limit placed upon his license; and 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.

No one from Durable Designs, Inc. was present. NSCB Investigator Mr. Greg Mincheff was sworn in.

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

The evidentiary portion of the hearing was closed.

MR. ZECH MOVED TO ACCEPT THE FILE AS FINDINGS OF FACT, CONCLUSIONS OF LAW.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. ZECH MOVED TO FIND DURABLE DESIGNS, INC., LICENSE #45727 IN VIOLATION OF ALL CHARGES AS INDICATED IN THE NOTICE OF HEARING AND COMPLAINT.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. ZECH MOVED TO REVOKE LICENSE #45727, DURABLE DESIGNS, INC.; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS OF \$2,817.00 PRIOR TO FUTURE LICENSURE.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

PROTEX, #47403; 47402; 47401 and 42667 – DISCIPLINARY HEARING – DEFAULT ORDER

The Notice of Hearing and Complaint, dated March 12, 2001, consisting of pages 1-17, was sent certified mail to Respondent's address of record on file with the Board. The return receipt was not received.

The Default Notice, dated April 12, 2001, was sent to the Respondent's address of record on file with the Board. The return receipt was not received.

Mr. Griffy stated the default hearing was for possible violations of NRS 624.3017(1), Workmanship which is not commensurate with the standards of the trade in general; NRS 624.3013(5), as set forth in NAC 624.640(5), Each licensee shall include in all bids he submits or contracts he enters into for construction work within this state, the number of his license and monetary limit placed upon his license; NRS 624.3013(5), as set forth in NAC 624.700(3)(a), If it appears from the investigation that a licensee may have violated the provisions of chapter 624 of NRS or these regulations, the executive officer may request the licensee to take appropriate action.

No one from Protex was present. NSCB Investigator Mr. Greg Mincheff was sworn in.

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

The evidentiary portion of the hearing was closed.

MR. CARSON MOVED TO ACCEPT THE FILE AS FINDINGS OF FACT, CONCLUSIONS OF LAW.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO FIND PROTEX, LICENSE NOS. 47403; 47402; 47401; AND 42667 IN VIOLATION OF ALL CHARGES AS INDICATED IN THE NOTICE OF HEARING AND COMPLAINT.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO REVOKE LICENSE NOS. 47403; 47402; 47401 AND 42667, PROTEX; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES INCLUDING UNCLOSED COMPLAINTS, AND TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS OF \$1,450.00 PRIOR TO FUTURE LICENSURE.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

MIRAGE DEVELOPMENT CORP., #46020 – DISCIPLINARY HEARING

The Notice of Hearing and Complaint, dated March 12, 2001, consisting of pages 1-26, was sent certified mail to Respondent's address of record on file with the Board. The return receipt was not received.

The hearing was for possible violations of NRS 624.3017(1), Workmanship which is not commensurate with the standards of the trade in general or which is below the standards in the building or construction codes adopted by the city or county in which the work is performed; NRS 624.3011(1)(b)(1), Willful or deliberate disregard and violation of the building laws of the state or any political subdivision thereof; NRS 624.3013(5) as set forth in NAC 624.700(3)(a), If it appears from the investigation that a licensee may have violated the provisions of chapter 624 of NRS or these regulations, the executive officer may request the licensee to take appropriate corrective action; and NRS 624.3013(5), as set forth in NAC 624.640(3), If any change occurs in a licensee's address or personnel which affects the accuracy of the statements in the application upon which his license is based, he shall report the change in writing to the Board within 30 days after the change occurs.

No one from Mirage Development Corporation was present. NSCB Investigator Mr. Greg Mincheff was sworn in.

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

The evidentiary portion of the hearing was closed.

MR. HIGGINS MOVED TO ACCEPT THE FILE AS FINDINGS OF FACT, CONCLUSIONS OF LAW.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. HIGGINS MOVED TO FIND MIRAGE DEVELOPMENT CORPORATION, LICENSE #46020 IN VIOLATION OF ALL CHARGES AS INDICATED IN THE NOTICE OF HEARING AND COMPLAINT.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. HIGGINS MOVED TO REVOKE LICENSE #46020, MIRAGE DEVELOPMENT CORPORATION; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS OF \$1,443.00 PRIOR TO FUTURE LICENSURE.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

K. CORNETT CONSTRUCTION, #38904 – DISCIPLINARY HEARING – DEFAULT ORDER

The Notice of Hearing and Complaint, dated February 28, 2001, consisting of pages 1-24, was sent to Respondent's address of record on file with the Board. The return receipt was dated March 5, 2001.

The Default Notice, dated April 12, 2001, was sent to the Respondent's address of record on file with the Board. The return receipt was received April 27, 2001

Mr. Griffy stated that this hearing was for possible violations of NRS 624.3017(1), Workmanship which is not commensurate with the standards of the trade in general or which is below the standards in the building or construction codes adopted by the city or county in which the work is performed; NRS 624.3013(5), as set for in NAC 624.700(3)(a), If it appears from the investigation that a licensee may have violated the provisions of chapter 624 of NRS or these regulations, the executive officer may request the licensee to take appropriate corrective action; and NRS 624.3013(5), as set forth in NAC 624.640(5), Each licensee shall include in all bids he submits or contracts he enters into for construction work within this state, the number of his license and monetary limit placed upon his license.

No one from K. Cornett Construction was present. NSCB Investigator Mr. Greg Mincheff was sworn in.

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

Mr. Mincheff testified that the principle left town due to monetary reasons. The Qualified Employee is operating the business under a new name and still using K. Cornett Construction's license 38904.

A photograph of K. Cornett Construction's office location with the new name was entered into the record as EXHIBIT 2.

MS. CAVIN MOVED TO ACCEPT THE FILE AS FINDINGS OF FACT, CONCLUSIONS OF LAW; TO FIND K. CORNETT CONSTRUCTION, LICENSE #38904 IN VIOLATION OF ALL CHARGES AS INDICATED IN THE NOTICE OF HEARING AND COMPLAINT; TO REVOKE LICENSE #38904, K. CORNETT CONSTRUCTION; AND TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS OF \$1,461.00 PRIOR TO FUTURE LICENSURE.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

ADVISORY OPINONS

BUILT ON INTEGRITY – Built On Integrity, requested an Advisory Opinion concerning licensing requirements for designing and building a 1,000 square foot, climate controlled storage building and installation of environmental equipment.

Scott Fisher, President, Built On Integrity was present for the hearing.

The Board opined that an A (General Engineering), B (General Building) or a B-2 (Residential and Small Commercial) could act as the prime contractor for the project provided that properly licensed sub-contractors are hired to perform any electrical, plumbing or HVAC work.

LAS VEGAS CONVENTION AND VISITORS AUTHORITY – The Las Vegas Convention and Visitors Authority, requested an Advisory Opinion concerning licensing requirements for installation of electrically operated roll-up door, saw cutting, etc.; to include: structural additions to support the new door, installation of a concrete apron, curb cutting and electrical work.

Mr. Craig Rowley, Director of Purchasing, LVCVA and Mr. Bob Balli, Senior Buyer, LVCVA were present for the hearing.

The Board opined that a B (General Building), B-2 (Residential and Small Commercial) or a C-3 (Carpentry, Maintenance and Minor Repairs) could act as the prime contractor on the project provided that properly licensed sub-contractors are hired to perform any electrical, plumbing or HVAC work.

CITY OF LAS VEGAS – The City of Las Vegas, requested an Advisory Opinion concerning licensing requirements for furnishing and installing of a voice logging system upgrade at the City's detention facility.

No one from the City of Las Vegas was present for the hearing.

The Board opined that a C-2 (Electrical Contracting), C-2(d)(Amplifying System) or C-2(e)(Signal Systems) would be the appropriate license classifications to perform the work described.

GARY L. BUGICA'S LANDSCAPING– Gary L. Bugica's Landscaping requested an Advisory Opinion concerning the scope of work a C-10 licensee is authorized to perform.

No one from Gary L. Bugica's Landscaping was present for the hearing.

The Board opined that a C-10 (Landscape Contracting) cannot install or construct a fence. Gary L. Bugica's Landscaping may act as the prime contractor on a landscaping project and hire a licensed fencing contractor to perform the work.

CLARK COUNTY DEPARTMENT OF AVIATION – The Clark County Department of Aviation, requested an Advisory Opinion concerning the licensing requirements to install an automatic solar screen window covering to interior windows.

No one from the Clark County Department of Aviation was present for the hearing.

The Board opined that a B-2 (Residential and Small Commercial), C-3 (Carpentry, Maintenance and Minor Repairs) or C-2 (Electrical Contracting) could act as the prime contractor on the project.

APPLICATIONS

RED ROCK ROOFING – (C-15(a) – Roofing; C15(d) – Waterproofing) NEW APPLICATION

Mr. Allen Tillary, President, Red Rock Roofing was present. He was notified that the license application C-15(a)(d) classification had been approved with a monetary limit of \$150,000.00 and a bond of \$10,000.00

MR. ZECH MOVED TO RATIFY ALL APPLICATIONS NOT SPECIFICALLY DISCUSSED IN CLOSED SESSION PER STAFF RECOMMENDATION.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

PUBLIC COMMENT

Mr. Bob Portenau was in attendance and spoke on behalf of the general public. Mr. Portenau stated his opinion regarding pool contractors.

There being no further business to come before the Board, the meeting was adjourned by Chairman Gregory at 3:00 p.m.

Respectfully Submitted,

Barbara Hennessy, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kim Gregory, Chairman