

KENNY C. GUINN
Governor

STATE OF NEVADA

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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 22, 2001

The meeting of the State Contractors' Board was called to order by Chairman Kim Gregory at 8:27a.m., Tuesday, May 22, 2001, State Contractors' Board, Las Vegas, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Kim Gregory - Chairman	Departed 9:30 a.m.	Returned 11:22 a.m.
Mr. Douglas W. Carson	Arrived 8:39 a.m.	
Ms. Margaret Cavin		
Mr. Jerry Higgins		
Mr. Dennis Johnson		
Mr. Randy Schaefer		
Mr. Mike Zech		

BOARD MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Robert Griffy, Legal Counsel (Haney, Woloson & Mullins)
Mr. Dennis Haney, Legal Counsel (Haney, Woloson & Mullins)
Mr. David Reese, Legal Counsel (Cook, Roberts & Reese)
Ms. Nancy Mathias, Licensing Administrator
Mr. George Lyford, Director of Special Investigations Unit
Mr. Rick Bertuzzi, Director of Investigations
Mr. Roy Schoonmaker, Supervisor, Criminal Investigations
Ms. Pat Potter, Licensing Supervisor
Ms. Susie Kiger, Legal Assistant
Ms. Doris Talley, License Management Assistant
Ms. Traci Greenlee, Licensing Analyst
Ms. Lisa Bedsole, Licensing Analyst
Ms. Deb Clarke, Licensing Analyst
Ms. Sonya Ruffin, Public Relations
Ms. Wanda Wong, Licensing Aid
Mr. Jim Abel, Investigator
Mr. Chet Yekin, Investigator
Mr. Mike Perko, Investigator
Mr. Tom Tucker, Investigator
Mr. Bob Macke, Investigator
Mr. Ron Ramsey, Investigator
Mr. Greg Welch, Investigator
Ms. Barbara Hennessy, Recording Secretary

OTHERS PRESENT:

Cari Inkenbrandt, Court Reporter, CSR Associates of Nevada; Mr. Bruce Huddler, Owner, Pro Turf n Curb; Mr. Paul Rose, Home Depot USA; Mr. W.Owen Nitz; Mr. Jim Rhodes, Owner, Rhodes Homes; Mr. Christopher Strohm, Owner, Strohm Tremaine Commercial Builders; Mr. Carlos Avemaria; Mr. Nikki Caballero, Secretary/Treasurer, Zercon Construction; Mr. Monte Schramm, President, All Pro Electric, Inc.; Mr. Steve McCaffery, President, Premier Building Group; Ms. Jane McCaffery, President, Premier Building Group; Mr. Steve Triplett, President, Eale Eye Electric; Mr. Todd Houston, Eagle Eye Electric; Mr. John Sunderland; President, Swift Electrical; Mr. Larry Cerio, Owner, Cirio Company; Mr. Chuck Thomason; President, CRT Homes, Inc., Mr. Timothy Heaney, President, Carpet Plus; Mr. Jeffrey Whitehead; Mr. Paul Curry; Mr. Bestari Gandha, Owner, Panda Refrigeration; Ms. Cynthia Trevino, Panda Refrigeration; Mr. Steve Valihora; Mr. Burt Galper, Owner, Classy Closets; Mr. Ted Davis, Director, CEDCO, Inc.; Ms. Kathy Cole; Mr. Eric Dobberstein, Counsel, Addison, Inc. and Mr. Steve VanMeetren, President, Addison, Inc.

Ms. Grein stated that Chet Yekin had posted the agenda in compliance with the open meeting law on May 16, 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 16 items on the amended agenda, each item of an emergency nature.

MR. ZECH MOVED TO HEAR THE AMENDED AGENDA.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Gregory called for a motion to approve the minutes of April 24th, April 25th and May 9th, 2001.

Ms. Grein requested that page 3 of the April 24, 2001 minutes be amended to reflect that the Board approved a recommended change to AB 620.

MR. ZECH MOVED TO AMEND THE APRIL 24TH MINUTES TO INDICATE THAT A VOTE WAS TAKEN TO APPROVE THE REVISION TO AB 620 PERTAINING TO LIEN LAWS.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

Ms. Mathias requested that the May 9, 2001 minutes be amended to reflect that no one from the Clark County Department of Aviation was present for the Advisory Opinion.

MR. ZECH MOVED TO APPROVE THE MINUTES OF APRIL 24TH, APRIL 25TH AND MAY 9, 2001 WITH ABOVE STATED AMENDMENTS.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

UNFINISHED BUSINESS – May 9, 2001**QUARTERLY REPORTS**

Ms. Grein presented the Executive Officer's Quarterly Report and Financial Reports for the 3rd quarter ending March 31, 2001.

MR. ZECH MOVED TO ACCEPT THE EXECUTIVE OFFICER'S QUARTERLY REPORT AND FINANCIAL STATEMENT FOR THE 3RD QUARTER ENDING MARCH 31, 2001.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO APPROVE BANK OF AMERICA CASH DISBURSEMENT AND TRANSFERS FOR CHECK NOS. 21122 – 21319 AND 21320 – 21460 WITH VOIDED CHECKS 20673 AND 21249 AND CHECK NOS. 21461 – 21675 WITH VOIDED CHECKS 20254, 20972, 21173 AND 21400; BANK OF AMERICA MONEY MARKET CHECK NOS. 1047 THROUGH 1053, AND TRANSFER NOS. 0012 – 0018 AND WELLS FARGO PAYROLL ACCOUNT CHECK NOS. 19409 – 19875.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

LEGISLATIVE DISCUSSION

Ms. Grein provided an update on various bills and their current status in the Nevada legislature including:

SB 63 relating to bidding on and awarding contracts for public works projects.

AB 461 relating to qualifications of bidders on certain contracts for public works.

SB 420 requiring the NSCB to provide quarterly reports to the Legislative Counsel Bureau and **AB 569** exempting NSCB from the State Budget Act.

SB 337 relating to boilers, elevators and pressure vessels was amended, at the request of the NSCB and passed out of Committee on May 21, 2001.

SB 380 relating to business licenses and taxes was amended to remove the NSCB from verifying contractors and sub-contractors business licensing and tax status.

AB 133 relating to construction defects was revised to omit the NSCB from the bill and passed out of Committee on May 21, 2001.

SB 516 was amended and passed out of the Assembly Judiciary on May 21, 2001.

AB 620 relating to construction education has passed both the Committee and the House and is on the way to the floor.

SB 513 relating to investigations and proceedings for disciplinary action passed on May 21,

2001 and was amended in the Assembly.

AB 479 regarding the open meeting law excludes the NSCB.

SB 329 prohibiting certain public bodies from taking action by vote without the majority of the entire public body was revised to exclude all Boards.

SB 274 regarding prompt pay was amended in Assembly and passed out of Committee on May 17, 2001.

SB 216 regarding residential pools and spas.

EXECUTIVE SESSION

Ms. Grein informed the Board that an advertisement for the Human Resources position had been placed in the local newspaper, the Construction News, the Construction Digest, NSCB website, Eastridge Employment Agency. Mr. Lyford stated that 27 resumes have been received and he is currently in the process of reviewing the applications. Mr. Carson recommended an advertisement be placed in the National Association of Human Resources publications.

Mr. Lyford recapped the relocation plans for the Las Vegas office and advised the Board that he would meet with the space planner today to review the current space allocation.

Ms. Grein notified the Board that the Recovery Fund Regulation Workshops need to be scheduled and posted.

REVIEW OF AGING REPORTS – LICENSING

Ms. Nancy Mathias, Licensing Administrator and Ms. Pat Potter, Licensing Supervisor, presented the licensing aging report.

INVESTIGATION COMPLAINT REPORTS

A statistical analysis of complaint cases was distributed to the Board. Mr. Rick Bertuzzi, Director of Compliance Investigations, gave a brief recap of open, pending and closed complaints.

Chairman Gregory departed at 9:30 a.m. Vice-Chairman Michael Zech, chaired the meeting.

DISCIPLINARY HEARING

PAUL CURRY, #20624 and TRIMCREW, #37696 – DISCIPLINARY HEARING

The Notice of Hearing and Complaint, dated March 14, 2001, consisting of pages 1-37, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received dated March 22, 2001. The Notice of Hearing, dated April 19, 2001 was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received dated April 25, 2001.

The hearing was for possible violations 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; 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 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 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. Paul Curry, Owner, Paul Curry, Mr. Steve Valihora, homeowner and Mr. Ron Ramsey, NSCB Investigator were sworn in. Also in attendance was Mr. Jeffery Whitehead, Counsel for Mr. Valihora.

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. Valihora testified that he entered into a contract with Mr. Curry to build a 4300 square foot residence. Areas of concern are the evaporative cooler provided in the original plans has not been installed; the exterior stucco was not applied in accordance with the plans and is cracking throughout the residence and the ceiling fans are not balanced.

Mr. Ramsey testified that he validated the workmanship issues at Mr. Valihora's residence. The exterior stucco showed prevalent cracking throughout the exterior of the residence with excessive cracking in the back patio under the balcony and under the carport. The ceiling fans were considerably out of balance and there is no control on the fan motor.

In addition, Mr. Ramsey testified that the Respondent's monetary limit was \$70,000.00 and that the price of Mr. Valihora's residence was approximately \$245,000.00. He testified that construction on Mr. Valihora's residence began on September 11, 1998; however, the Respondent did not receive a \$250,000.00 raise in limit until February 9, 1999.

Mr. Curry testified the evaporative cooler was not part of the air conditioning contract, however, the system was designed to accommodate it. It was not installed at Mr. Valihora's direction. Respondent further testified that the stucco defects are due to the choice of coating applied. Mr. Valihora was informed, by both the Respondent and the stucco subcontractor, that the coating he chose was prone to crack. Respondent testified the ceiling fans were purchased by Mr. Valihora and installed after the residence was completed. Mr. Curry had an electrical contractor inspect the fans and was informed that the fans were a basic model and the switches that were purchased separately did not work in conjunction with the fans.

Mr. Carson asked if the drawings indicated that foam board be installed. Mr. Ramsey said it did and that in reviewing the plans he did not see anything that would lead him to believe it was not included.

Mr. Curry testified that the project was contracted on a time and material basis and that the

final cost of the construction was \$410,000. The overrun was due to unforeseen problems during the construction, such as an additional \$90,000 for excavation to an additional depth of 6 feet due to a sand pit on the property.

Mr. Curry testified that he did not issue change orders during the construction of the residence due to the multitude of changes requested prior to the beginning of construction.

Mr. Curry testified that in his Answer to the Board, he requested that the subcontractors be subpoenaed to appear on his behalf.

MR. CARSON MOVED TO CONTINUE THE HEARING UNTIL JULY 24, 2001 TO HEAR TESTIMONY FROM THE SPECIFIED SUBCONTRACTORS.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

PANDA REFRIGERATION, #26472 – DISCIPLINARY HEARING STAFF UPDATE
(continued from April 25, 2001)

Mr. Griffy stated the matter had been continued on April 25, 2001 to allow parties to reach a settlement.

Mr. Bestari Ghanda, Owner, Panda Refrigeration, Ms. Cynthia Trevino, Panda Refrigeration, Mr. Burt Galper, Classy Closets and NSCB Investigations Supervisor Mr. Bob Macke were present.

Mr. Ghanda testified that he has made an initial installment payment to Classy Closets and that the District Attorney has dismissed the case against Panda Refrigeration.

The letter from Classy Closets withdrawing their complaint was entered into the record as Exhibit A.

Mr. Griffy stated that staff's concern is that there are still outstanding monies owed to Classy Closets and that the Respondent has not provided anything from the District Attorney's office dismissing the charges.

The District Attorney's Notice To Place on Calendar and Criminal Complaint Order were entered into the record as Exhibit B.

Ms. Trevino testified that they have made arrangements to pay Classy Closets the remainder of the amount owed in monthly installments of \$2,000.00 until August 2001. At that time, her sister, Toni Ghanda, will be in town to appear before the District Attorney.

Mr. Macke testified that there were no further concerns regarding this matter.

Ms. Trevino requested that the Board reinstate Mr. Ghanda's license so that he can abide

by the terms of the installment agreement with Classy Closets.

The check issued to the NSCB for Panda Refrigeration's 2000 licensing fees was entered into the record as Exhibit C.

Panda Refrigeration's 2000 bond renewal premium receipt was entered into the record as Exhibit D.

Mr. Macke testified that Panda Refrigeration was previously denied a license after reviewing their financial statement. They have since provided a new financial statement for review.

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

MR. CARSON MOVED THAT THE MATTER BE CONTINUED FOR 6 MONTHS TO RESOLVE ALL ISSUES; SHOULD THE LICENSEE'S BENCH WARRANT BE REISSUED, LICENSE #26472, PANDA REFRIGERATION WILL BE AUTOMATICALLY SUSPENDED. RENEWAL OF LICENSE #26472, PANDA REFRIGERATION, BE GRANTED ON A PROBATIONARY STATUS.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

N.W. MASONRY, #45548 – DISCIPLINARY HEARING STAFF UPDATE (continued from March 20, 2001 and April 25, 2001)

Mr. Griffy stated that this matter had been continued on April 25, 2001 to allow for repairs to the Cole residence.

Ms. Kathy Cole, homeowner and Mr. Bob Macke, NSCB Investigations Supervisor were in attendance. Mr. Narviez Wesley, Owner, N.W. Masonry was not present.

Ms. Cole testified that Mr. Wesley was to repair the patio on May 2, 2001. She received a call from Mr. Wesley informing her that due to the high winds, he would not be able to repair her patio as scheduled. On May 4, 2001, Mr. Wesley called and informed her that he was sending a crew to begin prep work. Mrs. Cole stated that she asked Mr. Wesley if the subcontractor was licensed and was told yes. Mrs. Cole then called the NSCB to verify this information and was informed that the subcontractor had a C-5 license and that a C-40 was required to perform the necessary work. Mrs. Cole contacted Mr. Wesley and requested that he not perform the work until he hired someone with the correct license. To date, she has not heard from Mr. Wesley.

Mr. Macke testified that Mr. Wesley telephoned him on May 7th or May 8th and he informed him that a C-5 contractor could not perform the necessary work.

Mr. Macke also testified that Mr. Wesley had agreed at the April 25th Board Meeting to reimburse Mrs. Cole for the additional \$800 she spent to repair the driveway. Mr. Wesley was presented with the receipt for this repair and to date has not reimbursed Mrs. Cole as agreed.

Ms. Mathias informed the Board that N.W. Masonry's bond is still active.

The evidentiary portion of the hearing was closed.

MR. CARSON MOVED TO FIND N.W. MASONRY, LICENSE #45548 IN VIOLATION OF THE SECOND CAUSE OF ACTION.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO SUSPEND N.W. MASONRY, LICENSE #45548, UNTIL THE LICENSEE COMPLIES WITH THE BOARD'S CORRECTIVE ORDER. IF THE MATTER IS NOT RESOLVED WITHIN 45 DAYS, THE LICENSE WILL BE REVOKED.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

ADDISON, INC., #27226 – DISCIPLINARY HEARING STAFF UPDATE (continued from May 9, 2001)

Mr. Griffy stated the staff update concerned the review of the arbitration hearing between Addison, Inc. and CEDCO as well as review of the new financial statement.

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

Mr. Ramsey testified that on May 21, 2001, Mr. Davis informed him that the arbitration hearing had not yet been scheduled. Mr. Ramsey testified that the delay was due to the failure of the parties to agree to an arbitrator.

Mr. Dobberstein stated that as of this morning both his client and Mr. Davis agreed to request the original architect to act as the arbitrator. Mr. Dobberstein stated that this would be a private arbitration to decide parameters so it should move quickly.

MR. CARSON MOVED TO CONTINUE THE MATTER FOR 90 DAYS. AT THAT

TIME, THE BOARD WILL REVIEW THE ARBITRATION PROGRESS.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

TMH ENTERPRISES LTD., d/b/a CARPET PLUS, #45983 and #47739 – DISCIPLINARY HEARING

The Notice of Hearing and Complaint, dated April 6, 2001, consisting of pages 1-26, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received by the NSCB. The Answer was received on April 12, 2001. The Notice of Hearing, dated April 13, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated April 17, 2001. The Amended Notice of Hearing, dated May 1, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated May 3, 2001.

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 624.3013(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(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. Timothy Heaney, President, Carpets Plus and Mr. Greg Welch, NSCB Investigations Supervisor 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.

Mr. Griffy informed the Board that according to Respondent's Answer, Item #5 listed in the 1st Cause of Action, is not being contested.

Mr. Welch testified that on March 9, 2001, he met with Penny from the European Treatment Center and verified the workmanship issues. The vinyl flooring in the examination rooms was not adhering properly and the rubber baseboards were separating from the walls in both rooms; carpet seams were visible in the hallway; and there were broken tiles in the lobby.

Mr. Welch testified that after not receiving a response to the Notice to Correct, he visited the Respondent's office and discussed the complaints thoroughly. There was no resolution to the complaints as a result of this meeting.

Mr. Welch testified that there was no monetary limit on the Respondent's contract and that

the Respondent has not provided a new contract to determine if this has been corrected.

Mr. Heaney testified that he repaired the baseboards in 1999 and 2000. Upon initial inspection of the complaint, he determined that the baseboard separation was a maintenance problem resulting from excessive water. He also determined that the waves in the vinyl flooring were the result of the concrete foundation.

Mr. Heaney testified that he received a letter from Dr. Freidman's office that he did not use the correct adhesive and patching compound when laying the vinyl.

A copy of the adhesive analysis and a copy of the invoice for the adhesive were entered into the record as Exhibit A.

Mr. Heaney testified that since the original complaint was filed, another company has replaced the carpet. The owner originally supplied the lobby tiles and he informed Dr. Friedman's office that he would be glad to replace them if they supplied the tiles. He also determined that the tiles were not sealed at the time of his inspection and felt it was the owner's responsibility to maintain the sealant.

The evidentiary portion of the hearing was closed.

**MR. JOHNSON MOVED TO DISMISS ALL CHARGES AGAINST CARPET PLUS,
LICENSE NOS. 45983 AND 47739.**

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

DEFAULT ORDERS

THE ERECTION COMPANY, #44578 and WASATCH ERECTORS, #29792 – DISCIPLINARY HEARING – DEFAULT ORDER

The Notice of Hearing and Complaint, dated April 19, 2001, consisting of pages 1-14, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was stamped "Moved, left no address."

The Default Notice, dated May 1, 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 that the default 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 624.302(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(3), Failure to establish financial responsibility pursuant to NRS 624.220 and NRS 624.260 to 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 or refusal to comply with a written request by the Board or its designee for information or records, or obstructing or delaying the providing of such information or records.

Mr. Zech abstained.

No one from The Erection Company was present.

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. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO FIND THE ERECTION COMPANY, #44578 AND WASATCH, #29792 IN VIOLATION OF ALL CHARGES AS INDICATED IN THE NOTICE OF HEARING AND COMPLAINT; TO REVOKE LICENSE NOS. 44578, THE ERECTION COMPANY AND 29792, WASATCH ERECTORS; AND TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES AND TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS OF \$1,087.00 PRIOR TO CONSIDERATION OF ANY FUTURE LICENSURE.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED. (MR. ZECH ABSTAINED)

**A. DALEY & WILSON, INC., #46320 AND #46531 – DISCIPLINARY HEARING
DEFAULT ORDER**

The Notice of Hearing and Complaint, dated March 19, 2001, consisting of pages 1-65, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The Default Notice, dated May 1, 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 that the default hearing was for possible violations of 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 624.3011(1)(b)(2), Willful or deliberate disregard and violation of the safety laws or labor laws of the state; NRS 624.3013(5) as set forth in NAC 624.700(3)(b), 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 meet informally with the Board's staff and the complainant; NRS 624.3013(3), Failure to establish financial responsibility pursuant to NRS 624.220 and NRS 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 624.3017(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 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 624.301(2), Abandonment of a construction project when the percentage of the project completed is less than the percentage of the total price of the contract paid to the contractor at the time of abandonment, unless the contractor is entitled to retain the amount paid pursuant to the terms of the contract or the contractor refunds the excessive amount paid within 30 days after the abandonment of the project; 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 624.3013(4), Failure to keep in force the bond or cash deposit pursuant to NRS 624.270 for the full period required by the Board.

No one from A. Daley & Wilson, Inc. was present.

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

MR. HIGGINS MOVED TO ACCEPT THE FILE AS FINDINGS OF FACT, CONCLUSIONS OF LAW; TO FIND A. DALEY & WILSON, INC., LICENSE NOS. 46320 AND 46531 IN VIOLATION OF ALL CHARGES AS INDICATED IN THE NOTICE OF HEARING AND COMPLAINT; TO REVOKE LICENSE NOS. 46320 AND 46531, A. DALEY & WILSON, INC.; AND TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS OF \$2,722.00 PRIOR TO CONSIDERATION OF ANY FUTURE LICENSURE.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

ATCHLEY ENTERPRIZES, #48536 – DISCIPLINARY HEARING – DEFAULT ORDER

The Notice of Hearing and Complaint, dated March 19, 2001, consisting of pages 1-27, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received dated April 13, 2001.

The Notice of Default, dated May 1, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received by the NSCB.

Mr. Griffy stated the default hearing was for possible violations of NRS 624.301(1), Abandonment without legal excuse of any construction project or operation engaged in or undertaken by the licensee as a contractor; NRS 624.3012(2), Willful or deliberate failure by any licensee or agent or officer thereof to pay any money when due for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefor; NRS 624.302(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(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; 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 in this state, the number of his license and monetary limit placed upon his license; 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 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.

No one from Atchley Enterprizes was present.

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

MS. CAVIN MOVED TO ACCEPT THE FILE AS FINDINGS OF FACT, CONCLUSIONS OF LAW; TO FIND ATCHLEY ENTERPRIZES, LICENSE #48536 IN VIOLATION OF ALL CHARGES AS INDICATED IN THE NOTICE OF HEARING AND COMPLAINT; TO REVOKE LICENSE #48536, ATCHLEY ENTERPRIZES; AND TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS OF \$1,570.00 PRIOR TO CONSIDERATION OF ANY FUTURE LICENSURE.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

ADVISORY OPINIONS

UNITED SOLAR ENERGY – United Solar Energy requested an Advisory Opinion concerning licensing requirements for installing booster pumps and solar pool heaters.

Mr. Ron Ghatak, President, United Solar Energy was present.

The Board opined that the installation of booster pumps required for the operation of a solar pool heating system would fall within the scope of a C-37 license.

Mr. Ghadak also requested an advisory opinion regarding misting systems, which will be

installed as a cooling system and not an irrigation system.

The Board opined that the installation of misting systems falls within the scope of the current C-40 license held by United Solar Energy.

ABOVE ALL ROOFING – Above All Roofing, requested an Advisory Opinion concerning licensing requirements for the removal of roofing material (“roof tear-off”).

No one from Above All Roofing was present for the hearing.

The Board opined that a C-15 (Roofing and Siding) would be the appropriate license classification to perform the work described.

ALPINE ENERGY, INC. – Alpine Energy, Inc., requested an Advisory Opinion concerning licensing requirements to remove and replace storefront windows.

No one from Alpine Energy, Inc. was present for the hearing.

The Board opined that a C-8 (Glass and Glazing) would be the appropriate license classification to perform the work described.

APPLICATION HEARING

R & A BUILDERS, INC., - (B-2 – Residential and Small Commercial) – APPLICATION HEARING

The Notice of Hearing and Complaint, dated April 12, 2001, consisting of pages 1-10 was sent to the Respondent’s address of record on file with the Board. The return receipt was not received by the NSCB.

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

Ms. Traci Greenlee, NSCB License Analyst was sworn in. No one from R & A Builders was present.

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

Ms. Greenlee testified she had concerns regarding the Respondent’s financial condition.

Ms. Greenlee testified that a new financial statement has not been provided.

MS. CAVIN MOVED TO DENY A B-2 (RESIDENTIAL & SMALL COMMERCIAL) LICENSE TO R & A BUILDERS.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.**CIRIO COMPANY** – (C-14(c) – Ornamental Metal) – APPLICATION HEARING

The Notice of Hearing and Complaint, dated April 12, 2001, consisting of pages 1-10 was sent to Respondent's address of record on file with the Board. The return receipt was not received by the NSCB.

The hearing was for denial of Respondent's application for a C-14(c) (Ornamental Metal) license pursuant to NRS 624.263, failure to establish financial responsibility.

Mr. Larry Cerio, Owner, Cirio Company and Ms. Deb Clarke, NSCB License Analyst 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. Clarke testified she had concerns regarding the Respondent's financial condition. When the applicant contacted her regarding the denial of his application, she explained the indemnification process to the applicant. A new financial statement has not been received.

Mr. Cerio testified that his largest project would be no more than \$3,000.00.

MR. JOHNSON MOVED TO APPROVE CIRIO COMPANY, LICENSE CLASSIFICATION C-14(C) (ORNAMENTAL METAL) WITH A MONETARY LIMIT OF \$15,000.00 AND A BOND OF \$3,000.00.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

CRT HOMES, INC – (A-12 – Excavate, Grade, Trench and Surface and B-2 – Residential and Small Commercial) APPLICATION HEARING

The Notice of Hearing and Complaint, dated April 17, 2001, consisting of pages 1-54 was sent to Respondent's address of record on file with the Board. The return receipt was not received.

The hearing was for denial of Respondent's application for an A-12 (Excavate, Grade, Trench and Surface) and a B-2 (Residential and Small Construction) license pursuant to NRS 624.263, failure to establish financial responsibility and NRS 624.265, good character of applicant or licensed contractor.

Mr. Chuck Thomason, President, CRT Homes, Inc., Ms. Doris Talley, NSCB License Management Assistant and Ms. Traci Greenlee, NSCB License Analyst 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](#).

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

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

Ms. Talley testified that she has concerns regarding the Respondent's financial condition.

Ms. Talley testified that we received a new financial statement dated December 31, 2000 but that it did not include disclosures.

Mr. Thomason testified that he has purchased no new equipment or sold any equipment. He testified that all local complaints against his company have been paid. There is one California suit that is unresolved.

Ms. Greenlee testified that that there is no payment plan provided to pay off creditors.

Mr. Thomason testified that his largest asset is his equipment. He also spoke to having another party indemnify the license.

Mr. Griffy stated that the Causes of Actions are misnumbered and will be amended.

The evidentiary portion of the hearing was closed.

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

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO TABLE CRT HOMES, INC. A-12 (EXCAVATE, GRADE, TRENCH AND SURFACE) AND B-2 (RESIDENTIAL AND SMALL COMMERCIAL) LICENSE APPLICATION FOR 60 DAYS FOR INDEMNIFICATION.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

APPLICATIONS

MR. ZECH 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.

PREMIER BUILDING GROUP, INC. (B-2 – Residential and Small Commercial) NEW APPLICATION – RECONSIDERATION

Mr. Stephen McCaffery, President, Premier Building Group, Inc. and Ms. Jane McCaffery, Vice President, Premier Building Group, Inc. were present. They were notified that the license application B-2 (Residential and Small Commercial) had been approved with a \$250,000.00 limit and a bond of \$50,000.00

RHODES HOMES (B-2 – Residential and Small Commercial) FINANCIAL STATEMENT UPON RENEWAL

W. Owen Nitz, Counsel for Rhodes Homes was present. He was notified that the Board's decision for financial statement upon renewal had been approved.

ALL PRO ELECTRIC (C-2 Electrical Contracting) NEW APPLICATION – RECONSIDERATION

Mr. Monte Schramm, Owner, All Pro Electric was present. He was notified that the license application (C-2 Electrical Contracting) had been approved with a \$30,000.00 limit; a bond of \$5,000.00 and a financial statement upon renewal.

CARLOS AVE MARIA (C-21 – Refrigeration & Air Conditioning) NEW APPLICATION

Mr. Carlos Avemaria, Owner, was present. He was notified that the license application (C-21 - Refrigeration & Air Conditioning) had been approved with a \$10,000.00 limit and a \$2000.00 bond.

EAGLE EYE ELECTRIC LLC (C-2 – Electrical Contracting) NEW APPLICATION

Mr. Steve Triplett, President Eagle Eye Electric LLC and Mr. Todd Houston, Manager, Eagle Eye Electric were present. They were notified that the license application (C-2 – Electrical Contracting) had been approved with a \$2,000,000.00 limit and a \$30,000.00 bond.

PRO TURF N CURB (C-10 – Landscaping) NEW APPLICATION – RECONSIDERATION

Mr. Bruce Huddler, Owner, Pro Turf N Curb was present. He was notified that license application (C-10 – Landscaping) had been approved with a \$10,000.00 limit and a \$2,000.00 bond.

SWIFT ELECTRICAL SERVICES, INC. (C-2 – Electrical Contracting) NEW APPLICATION

Mr. John Sunderland, President, Swift Electrical Services, Inc., was present. He was notified that license application (C-2 – Electrical Contracting) had been approved with a \$150,000.00 limit and a \$10,000.00 bond.

ZERCON CONSTRUCTION, INC. (B-2 – Residential & Small Commercial) NEW APPLICATION

Mr. Nikki Caballero, Secretary/Treasurer, Zercon Construction, Inc., was present. He was notified that license application (B-2 – Residential & Small Commercial) had been approved with a \$250,000.00 limit and a \$15,000 bond.

HOME DEPOT USA, INC. (B-2 – Residential & Small Commercial) ADDITIONAL QUALIFIER

Mr. Paul Rose, Qualified Employee, Home Depot USA, Inc., was present. He was notified that the additional qualifier for (B-2 – Residential & Small Commercial) had been approved.

The remainder of the applications on the agenda were reviewed and discussion occurred on the following: Nos. 1-11; 13; 15-16; 18; 20-26; 28-41; 42; 44-45; 47-58; 60; 62-124.

AMENDED APPLICATIONS**STROHM TREMAINE COMMERCIAL BUILDERS** (B-2 – Residential & Small Commercial) ONE TIME RAISE IN LIMIT

Mr. Christopher Strohm, Owner, Strohm Tremaine Commercial Builders was present. He was informed that the (B-2 – Residential & Small Commercial) one time raise in limit had been approved for \$2,400,000.00.

The remainder of the applications on the amended agenda were reviewed and discussion occurred on the following: Nos. 1-14 and 16.

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

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

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

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

PUBLIC COMMENT

No one from the general public was present to speak for or against any items on the agenda.

There being no further business to come before the Board, the meeting was adjourned by Chairman Gregory at 2:55 p.m.

Respectfully Submitted,

Barbara Hennessy, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kim Gregory, Chairman

Michael Zech, Vice-Chairman