

KENNY C. GUINN
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

KIM W. GREGORY
Chairman
DOUG CARSON
MARGARET CAVIN
DENNIS K. JOHNSON
RANDY SCHAEFER
DEBORAH WINNINGHAM SHELTRA
MICHAEL ZECH



STATE CONTRACTORS' BOARD

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MINUTES OF THE MEETING JUNE 21, 2000

The meeting of the State Contractors' Board was called to order by Chairman Kim Gregory at 8:35 a.m., Wednesday, June 21, 2000, 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. Doug Carson
Ms. Margaret Cavin
Mr. Randy Schaefer
Ms. Deborah Sheltra
Mr. Mike Zech

BOARD MEMBERS ABSENT:

Mr. Dennis Johnson

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. Hal Taylor, Legal Counsel
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
Ms. Betty Wills, Recording Secretary

OTHERS PRESENT:

Denise Wedo and Barbara Kulish, Court Reporters, CSR Associates of Nevada; Daniel Berg, President, Vision Craft Homes Inc., Complainant Fred Gawryk; Rosemary Domingo, Project Supervisor, Vision Craft Homes Inc.; Dennis Nelson, CEO, Mojave Electric; Gene Camp; Rick Johnson; John Reynolds; and Tim Twelker, Legal Counsel: Teddy Parker, and Sandra Pomrenze, Michael Mushkin; Richard Caleel, Legal Counsel for Dr. and Mrs. Terrance Banich; Dr. and Mrs. Terrance Banich; Gregory Michael Majeroff, President, Cascade Pools, Attorney, Keith Gregory: Cascade Pools, Landscapes by Tim, and Morley Investments & Construction Inc; Steve Buffington, South West Gas Corporation, Analyst/Contract Administration, and Earl Mahan, General Superintendent, Area Manager, Northern Pipeline Construction; Lori Ashton, Organizer/Representative, Southern California/Nevada Regional Council of Carpenters; Javier Cardona, President, Allied Flooring Services; and Anna McDonough, Allied Flooring Services; James Michael Rhodes,

President, Rhodes Homes; Owen Nitz, Legal Counsel for Rhodes Homes; Kim Stanton; Rhodes Homes; Jim Bevin, CFO, Rhodes Homes; O. J. Palmer; Owen Palmer, President, Palmer & Sons, Inc.; Len & Diane Ferne, Complainants; NSCB Investigator; and Jay Hampton, Legal Counsel for the Fernes; Todd Kowlowsky, Complainant; Don Hafer; Shawn Marino, General Manager, Aqua Blue Pools; Walter Welty, Partner, Aqua Blue Pools; Kalani Hoo, Legal Counsel for Aqua Blue Pools; Tim Waldrup, Owner Landscapes by Tim; Pam Stogner, Director of Construction, Remington Homes, was present with Michael Toigo, Counsel for Remington Homes; Roy Morley, President, Morley Investments & Construction Inc.; Michelle Stalk, Urban Construction, and Robert Goldstein, Attorney for Urban Construction.

* * * * *

Ms. Grein stated that Linc Dante' and Ben Sample had posted the agenda in compliance with the open meeting law on June 14, 2000, 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.

DISCIPLINARY HEARING

VISION CRAFT HOMES INC #45953 - DISCIPLINARY HEARING (Continued from 10/26/99, 12/21/99, 2/23/00, 3/7/00, 4/18/00, and 5/23/00)

Daniel Berg, President, Vision Craft Homes Inc., NSCB Investigator Greg Mincheff, Rick Bertuzzi, Director of Investigations; George Lyford, Director, Special Investigations; Complainant Fred Gawryk; Rosemary Domingo, Project Supervisor, Vision Craft Homes Inc.; Dennis Nelson, CEO, Mojave Electric; Gene Camp; Rick Johnson; John Reynolds; and Tim Twelker, were sworn in.

Also present was legal counsel Teddy Parker, and Sandra Pomrenze, who was only present until the arrival of Michael Mushkin at 9:30 a. m; Richard Caleel, Legal Counsel for Dr. and Mrs. Terrance Banich; and Dr. and Mrs. Terrance Banich.

A record of Documents was entered into the record as GROUP EXHIBIT 1, which was a recap of all exhibits entered into the record, including photographs that had been taken by Investigator Mincheff.

Mr. Mincheff testified the photographs were an accurate representation of the condition of the Banich residence at the time the photographs were taken.

Mr. Parker said he did not have an opportunity to visit the site on the date the photographs were taken, so it was difficult for him to take Mr. Mincheff's representation that the photographs were an accurate representation on the date stated. His objection was noted.

Dennis Nelson provided the Board with his qualifications, which were accepted by Mr. Parker. Mr. Nelson stated he at looked at the R & R report that had been admitted into evidence, and he had also looked at the Banich residence on 2 occasions. The last time was 2 weeks ago. Mr. Nelson said he found the residence to be in the same condition as when he first reviewed it. It was Mr. Nelson's opinion that the items set forth in the R & R report were accurately represented in the report. The items did not meet the minimum of the National Electric Code.

Mr. Parker questioned Mr. Nelson, who stated that Don Gifford was also qualified to comment on the electrical system at the Banich residence. At the time of the inspection, Mr. Nelson and Mr. Gifford had looked at the items on the R & R report. Upon review, Mr. Nelson had informed Mr. Gifford there were no life safety issues. Mr. Nelson believed that the range of cost to repair the electrical systems was between \$3,000 to \$4,000. Mr. Parker had thereafter notified Mr. Nelson that Mr. Gifford's estimate was also the same.

Mr. Haney asked Mr. Nelson to explain what he meant by life safety issues. It was his opinion that all violations at the Banich residence were violations of the National Electric Code. They may not be life safety issues now, but if one of the breakers malfunctioned, then it could turn into a life safety issue. But when he was there, he did not feel there were any immediate threat to life and limb to the owners.

Mr. Parker questioned Mr. Nelson regarding the longevity of the electrical system. Mr. Nelson said the way it was right now, he would have no problem sleeping there.

Mr. Haney next questioned Rick Johnson of R W Bugby and Associates, a general contractor. They performed mostly super custom residential and commercial. The company had employed him for 15 to 16 years. His resume was provided.

Mr. Parker objected to the fact the information had not been provided to him in advance. He did not have any advance knowledge of what the witness would be testifying to.

Mr. Haney said Mr. Johnson was going to testify to the items identified in the photographs that had been entered into the record earlier. Mr. Parker objected on the ground the witness did not take the photographs.

Mr. Gregory reminded Mr. Parker that the Board's inspector had already validated the items, overruling the objection.

Mr. Johnson testified that the photographs accurately reflected the Banich residence. It was his opinion that most items fell below the standard of the industry. Some were indeterminable. He proceeded to state the status of each item.

Mr. Haney verified that Mr. Johnson had been to the Banich residence within the last two weeks, and that these were the current conditions.

Mr. Parker questioned Mr. Johnson to establish his qualifications, and to find out who he had met with at the Banich residence. Mr. Parker pointed out that Mr. Caleel had been informed of the meeting but Mr. Berg's attorneys had not been informed. Mr. Parker then asked for a copy of Mr. Johnson's notes, which were entered into record as GROUP EXHIBIT 2.

Mr. Parker asked the Board to strike Mr. Johnson's testimony due to his lack of qualification in the various construction fields.

Mr. Haney clarified that Mr. Johnson was not an expert witness. He was present only as a general contractor working in the field.

Mr. Gregory stated the testimony would not be stricken. Mr. Haney validated the witness was not licensed.

Mr. Mushkin arrived at 9:30 a.m.

Discussion occurred regarding the fifth cause of action. Mr. Mushkin agreed to stipulate to remove the fifth cause of action, without prejudice.

Mr. Parker next questioned Mr. Mincheff regarding the painting, drywall, and trim, etc. Mr. Mincheff agreed that T & R Painting and Drywall did the work. He had documents from Mr. Parker regarding their involvement in the project. Mr. Parker asked what action had he taken to enlist T and R's involvement to make corrections. Mr. Mincheff had not gotten any reply from T and R.

Mr. Carson stated it was Mr. Berg's responsibility to do that.

Mr. Parker stated he intended to show the Board how one-sided Mr. Mincheff's approach had been in the prosecution of this complaint. Further questioning of Mr. Mincheff then occurred. During the questioning it was learned that the Vision Craft had agreed to certain repairs for the glass panels. Mr. Parker wanted to know why the glass panels were still on the list of items to correct. Mr. Mincheff agreed the glass panels should not be on list. But Mr. Taylor offered that Mr. Mincheff did not author the document dated March 14, 2000. This document then became the subject of debate before further questioning resumed regarding the manufacturer's standard.

Mr. Mushkin stated the Board had provided his client with a second amended complaint. For the record, Mr. Mushkin said that at the last hearing, there was supposed to be a subsequent amended complaint. He did not believe that had ever been done. No notice had been given to his office that there would not be an amended complaint. He first learned there would be no amended complaint two days prior to this hearing.

Hereafter, Mr. Mushkin reviewed the actual complaint, providing the Board with the Licensee's responses to the various causes of action. During this statement, Mr. Mushkin stipulated to the second cause of action, and provided the Board with data. Three sets of affidavits were submitted, which were later entered into the record: Gawryk complaint; Rick Ingram and Gary Rob; and a response to the Banich complaint. He also submitted the document lists that had been previously submitted. For the record, Mr. Mushkin said it took him two days to get a signature on a receipt of copy when the documentation was sent to the board, and he said he had received a fax on June 16, 2000, with a copy of a letter dated June 2, 2000, seeking personal information about Mr. Berg. Counsel had never been provided this information until June 16. He asked that his copy of this fax also be submitted into the record. Mr. Mushkin then added that additional material had been submitted to the Board prior to his becoming the attorney of record on the case, and he once again made that material available. When addressing the ninth cause of action, Mr. Mushkin stated that not only was it a false allegation, it was a knowingly false allegation by the staff of the board because upon no occasion had staff contacted his office or Mr. Parker's office or his client and asked one question about the volume of documents which had been submitted. Conversations with Mr. Taylor and Mr. Haney revealed they were not aware of the documents. Mr. Mushkin indicated by pointing, which documents had been submitted before and which documents had been submitted after February 16, 1999. Mr. Mushkin proceeded with answering the remaining causes of action. It was Mr. Mushkin's understanding that the 15-18 causes of action were being withdrawn, and Mr. Taylor confirmed that statement.

The following documents were entered into the record: GROUP EXHIBIT A, three affidavits as Daniel Berg's response to Canac Kitchen, Fred Gawryk, and Banich; GROUP EXHIBIT B, police records for record check of Daniel Berg; and GROUP EXHIBIT C, and a fax from George Lyford dated June 16, 2000, requesting personal information of Daniel Berg.

Mr. Mushkin made two personal statements for the record. He said he was chagrined by the time they were being allowed to present their case, stating why. He pleaded with the Board to understand what was really happening here, offering his viewpoint that the Baniches did not want the issues resolved.

Mr. Haney asked Mr. Mincheff if he had obtained three documents relating to employment records regarding unlicensed contractors. He requested the documents be entered into the record. Mr. Mushkin objected on the basis that there had been no opportunity to review the documents and to determine their authenticity and accuracy. Mr. Gregory offered to accept their written notice if they objected to the documents, which were entered into the record as GROUP EXHIBIT 3. GROUP EXHIBIT 4, a subpoena of Margi Grein, was also entered into the record.

Mr. Lyford provided testimony regarding Mr. Berg's background, stating the reason why he had sent the fax requesting the personal information of Daniel Berg.

Mr. Parker again questioned Mr. Mincheff. GROUP EXHIBIT D, a letter to Mr. Mincheff, dated May 11, 2000, regarding the manufacturer's tolerances, was entered into the record. The Board had not been informed of the letter. A letter from Green Valley was entered into the record as GROUP EXHIBIT E. Mr. Mincheff said he had never seen EXHIBIT E. Mr. Mincheff agreed that the letter appeared to cover most of items on the notice to correct.

In further questioning, GROUP EXHIBIT F, a letter to Mincheff dated May 15, 2000, from Mr. Parker, was also entered into the record.

Mr. Bertuzzi was next questioned by Mr. Parker regarding how long the Baniches had been on vacation, without leaving access to the house, and how this impacted the Licensee's ability to perform any corrective work. Mr. Bertuzzi answered the questions and explained the efforts made to make the Banich house available for repairs.

Additional documentation was entered into the record: A letter from Teddy Parker, dated March 9, 2000, to Mr. Mincheff was entered as GROUP EXHIBIT G. Mr. Haney introduced GROUP EXHIBIT 5, a letter dated March 14, 2000, regarding the items on the notice to correct; GROUP EXHIBIT 6, an exchange of letters between attorneys; GROUP EXHIBIT 7, photographs dated October 10, 1998; and GROUP EXHIBIT 8, photographs dated February, 1999.

The inspection of the investigative file was then discussed.

The evidentiary was closed.

MR. CARSON MOVED TO REFER THE MATTER TO FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW FOR THE MODIFIED CAUSES OF ACTION.

MR. ZECH SECONDED THE MOTION

THE MOTION CARRIED.

MR. CARSON MOVED TO SUMMARILY SUSPEND LICENSE #45953, VISION CRAFT HOMES INC, DUE TO LIFE SAFETY ISSUES.

MS. SHELTRA SECONDED THE MOTION.

In further discussion of the motion, Mr.. Gregory recommended that the Board consider not taking this type of action due to the amount of on-going litigious action between the parties involved.

THE MOTION DID NOT CARRY.

MR. ZECH MOVED TO MONITOR THE LICENSE BY REQUIRING THAT A LIST OF ALL CONTRACTS AND WORK IN PROGRESS BE PROVIDED TO THE BOARD UNTIL THE FINDINGS WERE RETURNED AND ACTED UPON. THE LIST OF CONTRACTS AND WORK IN PROGRESS, AS WELL AS THE FINANCIAL STATEMENT, WERE TO BE PROVIDED TO THE BOARD WITHIN 30 DAYS OR THE LICENSE WAS TO BE AUTOMATICALLY SUSPENDED.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Parker asked for the reasons regarding the disciplinary action, excluding or including the Banich complaint. Discussion focused on the word probation, which was removed from the motion. Mr. Gregory stated the word probation applied to administrative action only.

CASCADE POOLS #32065 – REHEARING

The matter of Cascade Pools had been heard the previous day resulting in a request for documentation from the Licensee.

Ms. Grein provided the Board with loan documentation, and stated there were still issues indicating to her that the public was in danger of severe harm.

Mr. Lyford explained the loan document from United Federal Financial to Cascade Pools. He then detailed how the process worked.

Chairman Gregory questioned if the Board had the authority to pull a contracting license based on the ownership of a mortgage company by the Licensee. He asked if there was a legal tie that would allow the Board to discipline the license.

Gregory Michael Majeroff, President, Cascade Pools, arrived with his attorney, Keith Gregory.

Mr. Bertuzzi told the Board what the Licensee was doing to the consumer in conjunction with his mortgage company in regards to loans.

Chairman Gregory questioned Attorney Gregory as to how anyone could pay \$307,000 for a pool that cost \$32,000.

Attorney Gregory countered that all of the people involved was high risk. When the procedure was explained to them, they were told what the loan would be, and they signed it.

Most of the people appeared to be from minority backgrounds.

Attorney Gregory pointed out that there were no consumers present complaining about the loans.

Chairman Gregory countered that from the staff presentation, it was his understanding there were many complaints for the Board to review, and that there were people who had lost their homes.

Attorney Gregory admitted one foreclosure had taken place.

Mr. Lyford said there were 22 outstanding complaints, which had been reported. 4 or 5 had been reported within the last couple of days.

A lengthy discussion ensued regarding the complaints.

MR. CARSON MOVED TO SUMMARILY SUSPEND LICENSE #32065, CASCADE POOLS, TO THE NEXT LAS VEGAS BOARD MEETING ON JULY 25, 2000.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

Chairman Gregory left the meeting at 12:30 p.m. Mr. Zech assumed the Chair. A quorum remained.

APPLICATIONS

The following motion closed the meeting to the public.

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

MS. CAVIN 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 of June 20, 2000 were reviewed and discussion occurred on the following: Nos. 1, 2, 7, 9-11, 17, 19, 35-36, 44, 49-50, 54, 57, 61, 64, 72, and 84.

The application review was then continued until later in the day.

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

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

ADVISORY OPINIONS

1. SOUTHWEST GAS CORPORATION - License classification

Steve Buffington, South West Gas Corporation, Analyst/Contract Administration, and Earl Mahan, General Superintendent, Area Manager, Northern Pipeline Construction, were present for the advisory opinion.

Ms. Mathias explained that Northern Pipeline Construction had an A22 designation on their license. It was for asphalt and concrete replacement affiliated with the installation of gas piping. On this particular project though, there was only some concrete and pavement repair. The question was whether or not that work would fall within the scope of the A22 designated license.

Mr. Buffington stated that the question South West Gas had was did the A22 license allow a contractor to perform paving and asphalt work regardless of who performed the actual gas excavation work. He wanted clarification as to whether Northern Pipeline could perform that type of work when other pipeline companies installed the gas piping.

Mr. Zech pointed out that the license had been issued specifically for pipeline and conduit for gas only; and asphalt and concrete replacement affiliated with the installation and repair or replacement of any or all natural gas piping. It was not specific to Northern Pipeline.

Bob Macke stated that the question that had been presented to him was whether or not the contractor could do asphalt and concrete for other people.

The Board opined that Northern Pipeline Construction could do the repairs of the concrete and the asphalt if the work was affiliated with the installation or repair or replacement of any and all natural gas piping, including joint trenches containing a gas line, whether it was for Northern Pipeline Construction or another company.

Conduits or water lines were excluded.

2. **SOUTHERN CALIFORNIA-NEVADA, REGIONAL COUNSEL OF CARPENTERS**
– Scope of Work Regarding: C-3 and C-4 License Classifications

Lori Ashton, Organizer/Representative, Southern California/Nevada Regional Council of Carpenters, was present for the advisory opinion.

Ms. Ashton explained she was having difficulty understanding when work performed by a C3 license holder ended and a C4 license holder had to be in place when performing drywall finishing including taping and texture application.

The Board opined drywall and texture could be performed by either of the two classifications. A B license holder could not perform drywall and texture.

FINDINGS OF FACT, CONCLUSIONS OF LAW

ALLIED FLOORING SERVICES #35082 and #41131 - FINDINGS OF FACT, CONCLUSIONS OF LAW

Rick Bertuzzi, Director of Investigations, Javier Cardona, President, Allied Flooring Services; and Anna McDonough, Consultant, Allied Flooring Services were present.

Mr. Taylor questioned Ms. McDonough regarding her place of residence, which was in the Las Vegas area. He learned that Ms. McDonough was not licensed as an attorney in Nevada, although she was licensed in Texas. She stated that she had power of attorney to represent Mr. Cardona as a consultant. Ms. McDonough said she worked for Mr. Cardona in his office to going through papers for his attorney, Phillip Varrichio. She said it was her understanding that an attorney was not required at the hearing.

Mr. Cardona stated that Ms. McDonough was an employee of his company.

Mr. Griffy pointed out that the State bar could determine if Ms. McDonough was practicing law.

Ms. McDonough contested on the basis that she had made it clear in the previous hearing what her position was. Mr. Taylor stated the record would speak for itself.

MS. CAVIN MOVED TO ACCEPT THE FINDINGS OF FACT, CONCLUSIONS OF LAW.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED. (MR. CARSON WAS NOT PRESENT AT THE TIME OF THE VOTE)

MS. CAVIN MOVED TO FIND LICENSE #35082 AND #41131, ALLIED FLOORING SERVICES, IN VIOLATION OF ALL CHARGES.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED. (MR. CARSON WAS NOT PRESENT AT THE TIME OF THE VOTE)

Penalty phase.

MS. CAVIN MOVED TO PLACE A PERMANENT LETTER OF REPRIMAND INTO THE LICENSE FILE OF ALLIED FLOORING SERVICES, LICENSE #35082 AND #41131; TO IMPOSE AN ADMINISTRATIVE FINE OF \$500 PER VIOLATION; AND TO RECOVER THE INVESTIGATIVE COSTS OF \$3,201.44, TO BE PAID

WITHIN 90 DAYS OR THE LICENSES WOULD BE AUTOMATICALLY SUSPENDED.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED.

RHODES HOMES #28530 - REVIEW OF PROBATIONARY STATUS

James Michael Rhodes, President, Rhodes Homes; Owen Nitz, Legal Counsel for Rhodes Homes; Kim Stanton; Rhodes Homes; and Jim Bevin, CFO, Rhodes Homes, were present.

The probationary status had expired on March 29, 2000.

Mr. Bertuzzi stated that the Board's complaint system was showing 13 open complaints. However, there had been significant progress on those. There were actually only about six or seven complaints. So substantial progress had been made on the situation.

The \$5,000 fee had been paid, as well as all money owing complaints.

MR. CARSON MOVED TO FORMALLY REMOVE THE PROBATIONARY STATUS OF LICENSE 28530, RHODES HOMES.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Carson requested that staff provide the Board with quarterly reports. It was not necessary for the Licensee to appear.

ROBERT V. JONES CORP. #23498

THE ROBERT V. JONES COMPANY #44321

R V J C ELECTRICAL #43827

SUN VALLEY PLUMBING AND MECHANICAL #42529

(Continued from 8/25/99, 9/23/99, 11/23/99, 12/22/99, 1/11/00, 4/19/00, and 5/23/00)

Robert V. Jones, President, was not present. Neither legal counsel nor anyone else was present to represent the licensee.

Ms. Grein read a letter addressed to Mr. Gregory, dated June 11, 2000, from Herbert L. Waldman, Legal Counsel, into the record. The letter, which was then entered into evidence as Group Exhibit 1, expressed the desire to surrender the licenses.

Mr. Bertuzzi stated that there were numerous complaints. New ones had been received since the reinstatement of the licenses. Nothing was getting done, and the requested weekly reports were not being provided.

MR. CARSON MOVED TO KEEP LICENSE NUMBER 23498, ROBERT V. JONES CORP., #44321, THE ROBERT V. JONES COMPANY; #43827, R V J C ELECTRICAL, AND #42529, SUN VALLEY PLUMBING AND MECHANICAL, IN A SUSPENDED STATUS; TO DENY THE SURRENDER; AND TO REVISIT THE MATTER IN 90 DAYS.

Mr. Dante' suggested having the subcontractors comply with the workmanship issues.

Pat Campbell, Complainant, stated that her workmanship issues had been resolved when the licenses had been revoked and she hoped that similar results could be obtained for the other homeowners.

Mr. Dante' said the homeowners had filed for relief against the bonds, but no one had received anything as of yet. Mr. Carson suggested that it would prompt the bonding company to act if the licenses were revoked. Additionally, the licenses were personally indemnified.

MR. CARSON WITHDREW HIS PREVIOUS MOTION.

MR. CARSON MOVED TO REVOKE LICENSE #23498, ROBERT V. JONES CORP.; #44321, THE ROBERT V. JONES COMPANY; #43827, R V J C ELECTRICAL; AND #42529, SUN VALLEY PLUMBING AND MECHANICAL.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED.

PALMER & SONS, INC #34900, #34900A and #44942 - DISCIPLINARY HEARING
(Continued from May 23, 2000)

Mr. Taylor recapped what happened in the last meeting.

O. J. Palmer; Owen Palmer, President , Palmer & Sons, Inc.; Len & Diane Ferne, Complainants; NSCB Investigator; and Jay Hampton, Legal Counsel for the Fernes were identified.

Mr. Ferne then detailed what had occurred regarding the corrective order. Nothing. When the two lawyers contacted each other, the Fernes were notified that the Palmers had no intention of making the repairs, and that they wanted to surrender their licenses and declare bankruptcy.

Mr. Palmer agreed. He then explained what he had done to correct the problems at the Ferne's residence, but added he was always confronted with the footers and the walls. He said he was not going to do the interior footers and interior walls for nothing.

Discussion next focused on Mr. Palmer's agreement in the last hearing to complete all items identified on the engineer's report.

Mr. Hampton pointed out that the Board hearing had nothing to do with the civil action. If the Palmer's performed any work, the Ferne's would be unable to double recover.

Mr. Mincheff confirmed the lack of completion on the project.

The status of the license was suspended for no bond.

The evidentiary was closed.

MR. CARSON MOVED TO FIND LICENSE #34900A AND #44942, PALMER & SONS, INC., IN VIOLATION OF ALL CHARGES.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO REVOKE LICENSE #34900A AND #44942, PALMER & SONS, INC.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED.

MS. SHELTRA MOVED TO IMPOSE AN ADMINISTRATIVE FINE OF \$1,000 PER CAUSE OF ACTION, FOR A TOTAL OF 7 CAUSES OF ACTION OR \$7,000; AND TO RECOVER THE INVESTIGATIVE COSTS OF \$4,305.62.

The motion died for a lack of a second, and the hearing was closed.

After further discussion regarding the gravity of the charges and an additional license, license #34900, which had been voluntarily surrendered by the Licensee on October 15, 1996, the following motion reopened the hearing.

MS. SHELTRA MOVED TO REOPEN THE HEARING.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MS. SHELTRA MOVED TO IMPOSE AN ADMINISTRATIVE FINE OF \$500 PER CAUSES OF ACTION, FOR A TOTAL OF 7 CAUSES OF ACTION OR \$3,500; AND TO RECOVER THE INVESTIGATIVE COSTS OF \$4,305.62.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

AQUA BLUE POOLS #32761 -DISCIPLINARY HEARING (Continued from 5/9/00)

Mr. Zech read a request from Attorney Don Beury, Counsel for Mr. and Mrs. Burras, into record. Mr. Beury stated that Mr. Burras passed away a few days ago and was being buried either this day or tomorrow. Mr. Beury asked if the matter could be continued until the next Board meeting. Mr. Beury felt everything was being resolved, but he wanted to personally check the repairs that had been made.

Todd Kowlowsky, Complainant; Don Hafer; Shawn Marino, General Manager, Aqua Blue Pools; Walter Welty, Partner, Aqua Blue Pools; Kalani Hoo, Legal Counsel for Aqua Blue Pools; and NSCB Investigators Bob Macke, and Greg Welsh, were identified.

Mr. Macke testified that the pool was well within the standards of the trade. Only the pool deck was not within industry standards. Westdeck had been contacted and informed the deck was not within industry standards. Westdeck had indicated they would respond to the deck complaint.

Mr. Kozlowski stated he still had a problem with the grading.

Mr. Taylor said the issue would be looked at , and a decision would be made to amend the complaint if necessary

MS. SHELTRA MOVED TO CONTINUE THE HEARING TO THE NEXT LAS VEGAS MEETING ON JULY 25, 2000.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

APPLICATIONS (Continued)

The following motion closed the meeting to the public.

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

MS. CAVIN 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).

Additional review of the applications on the agenda took place and discussion occurred on the following: Nos. 88, 92-95, and 97.

The application review was then continued until the rest of the agenda had been heard.

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

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

LANDSCAPES BY TIM # 28557 - DISCIPLINARY HEARING

Timothy Hugh Waldrup, Owner, Landscapes by Tim; was present with Keith Gregory, Legal Counsel. Kathryn Wonders and Greg Rustad were present also.

Attorney Gregory provided the Board with an update. The Wonders wanted an all-inclusive settlement, the second part of which was a monetary settlement. A sum was on the table, but it was not what the complainants wanted. There was a gap, and in the last 30 days, they had not been able to close that gap.

Discussion then focused on the items to correct.

Mr. Mincheff provided the Board with the status of the Webb complaint. A letter had been received from A & G Sod. He thought it might be beneficial if the Board were to read the letter.

Attorney Gregory detailed the reason why some of the grass was greener than others. Ms. Webb thought it was because of different types of grass, when in actuality Ms. Webb's dogs had caused it. She merely needed to increase the amount of water on the spots where her dogs had eliminated. Tri-delta had been paid in full.

Mr. Zech suggested a recess for the parties to attempt resolution.

Ms. Sheltra left the meeting at 3:25 p.m.

When the hearing resumed, Attorney Gregory stated they did not have a settlement.

The letter from A G Sod was entered into evidence as EXHIBIT 2.

The evidentiary was closed.

MR. CARSON MOVED TO FIND LICENSE #28557, LANDSCAPES BY TIM, IN VIOLATION OF ALL CAUSES OF ACTION AS CHARGED.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

Penalty phase. After some deliberation, the following motion was acted upon.

MR. CARSON MOVED TO PLACE A PERMANENT LETTER OF REPRIMAND INTO THE LICENSE FILE OF LANDSCAPES BY TIM, LICENSE #28557, FOR 3 YEARS; TO IMPOSE AN ADMINISTRATIVE FINE OF \$750 FINE FOR EACH CAUSE OF ACTION, FOR A TOTAL OF 14 CAUSES OF ACTION OR \$10,500; AND TO RECOVER THE INVESTIGATIVE COSTS OF \$5,151.64, BOTH TO BE PAID WITHIN 90 DAYS.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

REMINGTON HOMES, LTD #35380 - DISCIPLINARY HEARING (Continued from 4/18/00 and 5/23/00)

Pam Stogner, Director of Construction, Remington Homes, was present with Michael Toigo, Counsel for Remington Homes.

Mr. Macke testified that the only item remaining was a tile, which had been broken during the installation of the carpet on the steps. The tile was in stock, and the representative, who was present, thought he now had a piece of tile that would match. Mr. Macke had attempted reaching the homeowner this day but did not get any response. Remington Homes and the subcontractor had also not been successful in reaching the homeowner. Access was now needed.

The evidentiary was closed.

MR. CARSON MOVED TO FIND LICENSE #35380, REMINGTON HOMES LTD, IN VIOLATION OF THE FOUR CAUSES OF ACTION AS PRESENTED IN THE HEARING NOTICE.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED PLACE A ONE YEAR LETTER OF REPRIMAND INTO THE LICENSE FILE OF REMINGTON HOME LTD, LICENSE #35380; TO REQUIRE FINAL REPAIR OF TILE TO THE STANDARD OF THE TRADE IN GENERAL, TO BE VERIFIED BY THE BOARD'S INVESTIGATOR WITHIN 60 DAYS; TO IMPOSE AN ADMINISTRATIVE FINE OF \$250 PER EACH CAUSE OF ACTION, FOR A TOTAL OF \$1,000; AND TO RECOVER THE INVESTIGATIVE COSTS OF \$4,997.00, BOTH TO BE PAID WITHIN 60 DAYS.

MS. CAVIN SECONDED THE MOTION

THE MOTION CARRIED.

Mr. Toigo stated he was perplexed by the action taken by the Board, providing the Board with the reasons why.

MORLEY INVESTMENTS & CONSTRUCTION INC #39166 and #41855 - DISCIPLINARY HEARING (Continued from May 23, 2000)

Roy R. Morley, President, Morley Investments & Construction Inc.; Keith Gregory, Attorney for Morley Investments & Construction; NSCB Ron Ramsey; Michelle Stalk, Urban Construction, and Robert Goldstein, Attorney for Urban Construction, were present.

Mr. Taylor recapped the last meeting. He said since the last hearing, the complaint stood as is without amendment.

Attorney Gregory stated he had sent Counsel two alternate proposals. Urban Construction wanted an aggregate finish. Mr. Morley had tried to correct the matter by putting sealant on the cement tilt ups. Attorney Gregory said it was not good work, and they didn't know how to fix it.

Ms. Stalk said Urban Construction leased a space in the building owned by Brooks Avenue LLC. Ms. Stalk said she had not part in Brooks Avenue LLC, although she was the Architect on the project. She said the panels were not to the sample that had been provided.

A discussion occurred regarding the panels, and what had been done to fix them. The owner was not happy.

Mr. Ramsey testified that the building was not consistent.

Mr. Morley and Attorney Gregory agreed.

Mr. Goldstein stated that he represented the owner as well. And the owner had to bond around mechanics liens placed on the property by Morley's subcontractors.

Attorney Gregory clarified that the owner owned the general contractor.

Dialogue was entered into wherein it was pointed out that it was the general contractor's responsibility to pay the subcontractors; it was learned that Morley had only been paid so much, and the concrete suppliers had not been paid.

There was civil litigation pending.

Mr. Goldstein requested a continuation of the matter for resolution.

MR. CARSON MOVED TO CONTINUE THE MATTER FOR 60 DAYS.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

APPLICATIONS (Continued)

The following motion closed the meeting to the public.

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

MS. CAVIN 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).

Additional review of the applications on the agenda took place and discussion occurred on the following: Nos. 98, 103-104, 137, 141, and 144; and on the amended agenda: Nos. 3-

10, and 17-20.

A motion to approve all applications not specifically discussed in closed session per staff recommendation was made, seconded, and approved.

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 Zech at 4:50 p.m.

Respectfully Submitted,

Betty Wills, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kim Gregory, Chairman

Mike Zech, Vice-Chairman