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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 AUGUST 21, 2001

The meeting of the State Contractors' Board was called to order by Vice-Chairman Mike Zech at 8:10 a.m., Tuesday, August 21, 2001, State Contractors' Board, Las Vegas, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Mike Zech – Vice-Chairman
Mr. Douglas W. Carson arrived 8:20 a.m.
Mr. Jerry Higgins
Mr. Dennis Johnson
Mr. Randy Schaefer
Mr. Mike Zech

BOARD MEMBERS ABSENT:

Mr. Kim Gregory
Ms. Margaret Cavin

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 (Cooke, 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. Doris Talley, License Management Assistant
Mr. Jim Ables, Investigator
Mr. Dan Hammock, Investigator – SIU
Mr. Jerry McGill, Investigator
Mr. Greg Welch, Investigator
Mr. Tom Tucker, Investigator
Ms. Lisa Bedsole, License Analyst
Mr. Greg Mincheff, Investigator Supervisor
Ms. Susie Kiger, Legal Assistant
Ms. Debbie Hayes, Legal Assistant (temp)
Mr. Jim Porter, Investigator – SIU
Ms. Barbara Hennessy, Recording Secretary

OTHERS PRESENT:

Ms. Wanda Barnes, Court Reporter, Laurie Webb & Associates; Mr. Owen Nitz, Mr. Harvey Irby, Jr., H H Irby & Associates; Mr. Mark Kulla; Mr. Nicholas Alexander; Mrs. Juanell Alexander; Ms. Danielle Alexander; Mr. Lawrence Brooks, Owner, New Horizon Homes; Ms. Irene Fisher, Account Supervisor, FASCO; Mr. Nosrat Rouhani, Owner, NUR Electric; Ms. Debbie Gifford, Owner, Green Valley Pools; Mr. Dennis Egbert, Gifford Consulting; Mr. Roger Sarbacher, Owner, Chlorine Free Swimming Pools; Mr. Lisicki; Mr. Mark Buchley, Menicom Technical Services; Mr. Dale Collins, Owner, Collins Color; Mr. Brian Harris; Mr. Tim Good, Vice President, The Haskell Company; Mr. Dave Scheeve, Vice President, The Haskell Company; Mr. Barry Levinson; Mr. Howard Hepprick, General Manager, Sound Products; Mr. Kevin King, General Manager, Rafael Construction; Ms. Leslie Hoin, Office Manager, Jensen Precast; Ms. Ruth Boothe, Project Manager, CCSD; Mr. Ted Davis, Partner, CEDCO; Mr. John O'Meara, President, JOM Enterprises; Mr. Eric Dobberstein; Mr. Jim Dollinger, Sales Manager, Hadfield Development; Mr. Dino Capannolo, Owner, Dino Electric, Inc.; Mr. Wade Smith, President, Big Green Impressions; Mr. Massoud Pasbak, Owner, Lone Star Company; Mr. Jim Medeffessen, Supervisor, Cupertino Electric; Mr. Karl Brunner, CPA, Deloitte & Touch; Mr. Allen McLane, Owner, McLane Electric; Mr. Charles Grimshaw, Manager, Sierrasage LLC; Ms. Debi Smith, Sierrasage; Mr. Anthony Ramirez, President, A D Ram Mechanical; Mr. Jesus Lozoya-Lopez, President, Green House Landscaping; Mr. Andrew Beldy, Owner, Mr. Don Smit, Principle Centered, Inc.; Mr. Bill Schilz, Principle Centered, Inc.; Mr. Rolland Weddell, Principle Centered, Inc.; Mr. Joe Gilbiltera, President, Con-Struct and Ms. Linda Wallace, Principle Centered, Inc.

Ms. Grein stated that Jerry McGill had posted the agenda in compliance with the open meeting law on August 15, 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 17 items on the amended agenda, each item of an emergency nature.

MR. JOHNSON MOVED TO HEAR THE AMENDED AGENDA.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Zech called for a motion to approve the minutes of August 7, 2001.

MR. HIGGINS MOVED TO APPROVE THE MINUTES OF AUGUST 7, 2001.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

EXECUTIVE SESSION

Ms. Grein informed the Board that on August 6, 2001 an Enforcement Advisory Committee, consisting of Margaret Cavin, Margi Grein, Nancy Mathias and Frank Torres, was held in the Board Room of the State Contractor's Board in Reno. At the meeting, the committee recommended a settlement agreement to be presented to the Board to resolve The Haskell Company's pending investigation.

MR. JOHNSON MOVED TO APPROVE THE SETTLEMENT AGREEMENT FOR THE HASKELL COMPANY.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO APPROVE THE LICENSE APPLICATION FOR THE HASKELL COMPANY.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Dennis Haney presented a brief recap on the Default Order regulation. He suggested that the Board approve to change the language and add to the scope of what the default order will cover.

MR. HIGGINS MOVED TO APPROVE THE DEFAULT ORDER NOTICE WITH A CHANGE OF LANGUAGE AND ADDITIONAL SCOPE.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

CASH DISBURSEMENTS AND TRANSFER APPROVAL

MR. JOHNSON MOVED TO APPROVE BANK OF AMERICA CASH DISBURSEMENT AND TRANSFERS FOR CHECK NOS. 21676 - 21817 WITH VOIDED CHECKS 21390, 21818-22039, 21776-21796 AND CHECK NOS. 22040 -22231 WITH VOIDED CHECK NOS. 21838 AND 21870; BANK OF AMERICA MONEY MARKET CHECK NOS. 1054 – 1061 VOIDED CHECK 1058 AND TRANSFER NOS. 0019 - 0028 AND WELLS FARGO PAYROLL ACCOUNT CHECK NOS. 19876 – 20272.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

AGING REPORTS

Ms. Pat Potter, Licensing Supervisor and Mr. Rick Bertuzzi, Director of Investigations presented aging reports for their departments.

STRATEGIC PLANNING MEETING

Ms. Grein informed the Board that she met with Dennis Stein. The goals and projections established last year were reviewed. Overall, Ms. Grein feels the Board will be pleased with the results. The location of the upcoming offsite Strategic Planning Meeting with the Board members will be determined at the next Board meeting.

Compliance Investigator Jerry McGill and Special Investigator Dan Hammock were introduced to the Board.

DISCIPLINARY HEARINGS

CON-STRUCT LLC –#48717 – DISCIPLINARY HEARING STAFF UPDATE (continued from June 19, 2001)

Mr. Griffy stated that this matter has been continued from June 19, 2001, to allow NSCB staff to review a new financial statement.

Mr. Joe Gilbilterra, President, Con-Struct LLS, Mr. Roy Schoonmaker, NSCB Supervisor of Special Investigations; Mr. Jim Porter, NSCB Investigator; and Mr. Barry Levinson, Counsel for Con-Struct LLC were present.

Mr. Levinson stated that the Respondent's CPA has yet to provide a new financial statement. Mr. Levinson requested a 2-week continuance to provide the financial statement.

The letter from the CPA was entered into the record as Exhibit A.

Ms. Grein stated that the license is currently active.

The Board agreed to reopen the hearing if the Respondent returned today with his financial statement.

MR. CARSON MOVED THAT LICENSE NO. 48717, CON-STRUCT LLC BE SUSPENDED UNTIL A FINANCIAL STATEMENT IS PROVIDED TO THE BOARD.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

A representative from Mr. Levinson's office returned at 3:00 p.m. and presented Con-Struct's financial statement to the Board. The hearing was reopened to review the financial statement.

Ms. Mathias reviewed the financial statement and noted that the previous indemnitor, Mr. Sittner, had not been removed.

Mr. Levinson's office stated that they were in the process of removing Mr. Sittner as the indemnitor.

MR. JOHNSON MOVED TO DISMISS THE CHARGES AGAINST CON-STRUCT LLC, LICENSE #48717.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

R J R ELECTRICAL CONTRACTING, #36054 – DISCIPLINARY HEARING

The Notice of Complaint & Requirement to Answer, dated June 12, 2001, consisting of pages 1-46, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received. The Answer was received on June 25, 2001.

The Notice of Hearing, dated July 5, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The hearing was for possible violations of NRS 624.3016(1), any fraudulent or deceitful act committed in the capacity of 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; NRS 624.301(1), abandonment without legal excuse of any construction project; NRS 624.3013(5), as set forth in NAC 624.640(3), failure to inform the Board of any address change within 30 days; NRS 624.3013(3), failure to establish financial responsibility and NRS 624.3013(4), failure to keep in force the bond or cash deposit for the full period required by the Board.

Mr. Rafael Medina, President, Rafael Construction; Mr. Howard Herrick, Sound Products; Mr. George Jurczyk, Allen Drilling; Ms. Leslie Hoin, Jensen Precast; Mr. Ron Ramsey, NSCB Investigator Supervisor; and Mr. Greg Welch, NSCB Investigator were sworn in.

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

Mr. Griffy stated that the licensee, Rene Rodriguez, was not present but did file an Answer with the NSCB office. In his Answer, the Respondent stated that the company is insolvent.

Mr. Howard Herrick of Sound Products testified that his company was issued two checks on July 23, 1999, by the Respondent - one in the amount of \$1,258.75 and the other for \$4000.00. Mr. Herrick testified that the checks were returned for non-sufficient funds. A claim was filed in Justice Court and Sound Products was awarded \$5,258.45. Prior to the judgement being served, Sound Products received a joint check from a local construction company covering the awarded amount, excluding legal fees.

Mr. Rafael Medina of Rafael Construction testified that he entered into a contract with the Respondent on February 25, 1999 to perform electrical work at Guinn Middle School for \$497,000.00, of which he has paid the Respondent a total of \$366,441.00. The Respondent commenced work on the project in June, 1999 and ceased work in December, 1999 completing approximately 60% of required electrical work. Rafael Construction filed a 24 hour notice and then placed a claim against the bond which is still pending.

Ms. Leslie Hoin of Jensen Precast testified that between April 29, 1999 and January 26, 2000, Jensen Precast contracted with the Respondent for materials and services on various projects. Ms. Hoin testified that a promissory note was signed for \$4,464.30 and the Respondent made 4 payments before defaulting on the note leaving a balance of \$2,478.00.

Mr. Welch testified that Allen Drilling was issued a check in the amount of \$1,875.65 for drilling services which was returned for non-sufficient funds. Mr. Welch testified that he has been unable to contact the Respondent.

Mr. Ramsey testified that he requested a financial statement on April 26, 2000 which was not provided. Mr. Ramsey spoke with Mr. Rodriguez approximately ten days ago and confirmed that he was still operating RJR Electrical and that the complaints against his company were the result of a criminal act by his Comptroller.

Mr. Carson recused himself.

MR. HIGGINS MOVED TO ACCEPT THE FILE AND TESTIMONY AS FINDINGS OF FACT, CONCLUSIONS OF LAW; TO FIND RJR ELECTRICAL CONTRACTING, LICENSE #36054, IN VIOLATION OF ALL CHARGES AS INDICATED IN THE NOTICE OF COMPLAINT; TO REVOKE LICENSE #36054, RJR ELECTRICAL CONTRACTING; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS OF \$3,321.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

ADVISORY OPINIONS

PERFORMANCE ABATEMENT SERVICES, INC. – Performance Abatement Services, Inc. requested an advisory opinion concerning licensing requirements for remediating mold from indoor environments using full poly contaminants with negative pressure.

The Board opined that there is no classification at this time to cover mold abatement.

MR. JOHNSON MOVED TO INCLUDE MOLD ABATEMENT IN PERFORMANCE ABATEMENT SERVICES CURRENT A23 LICENSE CLASSIFICATION.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

AMTECH ELEVATOR SERVICES – Amtech Elevator Services requested an advisory opinion concerning licensing requirements for preventative elevator maintenance service.

The Board determined that an Advisory Opinion would not be issued in this matter because it involved a long term service contract.

DISCIPLINARY HEARINGS (continued)

ADDISON, INC., #27226, #27235, #41168 and #21205 – DISCIPLINARY HEARING UPDATE (continued from May 9, 2001 and May 22, 2001)

Mr. Griffy stated that this matter had been continued from May 22, 2001 to review the arbitration progress.

Mr. Ted Davis, CEDCO; Mr. Ron Ramsey, NSCB Investigator Supervisor and Mr. Eric Dobberstein, Counsel for Addison, Inc. were present.

Mr. Dobberstein submitted a signed Stipulation of Arbitration. He explained that the delay was due to CEDCO's attorney disapproving the agreed upon arbitrator. Currently CEDCO feels they are owed \$7,000.00 to \$8,000.00 on the original contract. CEDCO will consider not pursuing the complaint, if the Christian Church agrees to give CEDCO a taxable donation for the balance of the contract.

The Stipulation of Arbitration was entered into the record as Exhibit A.

The letter from CEDCO's attorney was entered into the record as Exhibit B.

MR. CARSON MOVED TO CONTINUE THIS MATTER FOR SIX (6) MONTHS OR UNTIL THE CONCLUSION OF ARBITRATION WITH UPDATES TO THE NSCB OFFICE.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

HADFIELD DEVELOPMENT INC., #29493 – DISCIPLINARY HEARING (continued from June 19, 2001 and July 24, 2001)

Mr. Griffy stated that this matter had been continued from July 24, 2001, to review the corrective actions taken by the Respondent and to move on this matter.

Mr. Nicholas Alexander; Mrs. Juanel Alexander; Mrs. Danielle Alexander; Mr. Greg Mincheff, NSCB Investigator Supervisor; Mr. Dennis Egbert, Gifford Consulting; Ms. Debbie Gifford, Green Valley Pools; Mr. Bruce Abbott, Abbott Plumbing; Mr. Bart Hadfield, Hadfield Development; Mr. Harvey Irby, Jr., H.H. Irby & Associates; Mr. Jim Dollinger, Hadfield Development; Mr. Dino Capannolo, Dino Electric, Inc.; Mr. Mark Buchley, Mericon Technical Services and Mr. Terry Moslin were sworn in. Also in attendance were Mr. Owen Nitz and Mr. James Walton, Counsel for Hadfield Development and Mr. Mark Kulla, Counsel for the Alexanders.

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

Mr. Mincheff testified that this case involves two complaints – Mr. & Mrs. Nicholas Alexander's residence and Mr. & Mrs. Robert Alexander's residence. The Décor cooktop is an issue at both locations; the HVAC in Mr. Nicholas Alexander's residence has yet to be corrected and the spa jets at Mr. Robert Alexander's home were corrected yesterday. Mr. Mincheff also testified that a new issue regarding the paint quality of the exterior entrance door was brought to his attention but that the Alexander's will waive the complaint pending a review by Anderson Paint. Mr. Mincheff also testified that four new issues were identified at the Alexander residence.

Mr. Schaefer advised the Board that he has a business relationship with Sawbuck and Mr. Carson stated he is a friend of the Alexander's. Mr. Nitz had no objection to Mr. Schaefer and Mr. Carson hearing the case.

Mr. Nitz objected to the new issues being presented at today's hearing because he has not had adequate time to review the issues and prepare a defense.

Mr. Mincheff testified that he has scheduled an appointment for September 14, 2001, to have a representative from Décor inspect the cooktop at the Alexander residences and ascertain if it is operating correctly.

Mr. Kulla stated he was hired by Mr. Alexander after the two main issues (cooktop and HVAC) were ignored. Mr. Kulla stated that the Alexander's are frustrated with the length of time it is taking to resolve these issues. Mr. Kulla stated that the Alexander's had the residences inspected by a mechanical engineer and that he would like to submit his report to the Board.

Mr. Nitz objected to the report as there were only 3 paragraphs relating to the original Notice to Correct and that the expert is not present today to testify.

Mr. Alexander testified that his office still reaches 90 degrees in the evening and he will not agree to the resolution offered by the Respondent. He has sent a letter to the Board summarizing his disappointment with the solutions provided by Mr. Hadfield regarding the air conditioning issue.

Mrs. Juanell Alexander testified that these problems were addressed with Mr. Hadfield within a week of moving into the residence. The problems began when Mr. Hadfield attempted to make repairs to the electrical and plumbing himself. When the issue of the cooktop arose, Mr. Hadfield devised his own test and made repairs based on his tests. Overall, there were a number of code violations – some have been taken care of and some haven't.

Mrs. Danielle Alexander testified that her Décor cooktop is still not working properly and that the Respondent repaired the air conditioning in each of the bedrooms but there are still issues with her husband's office. Mrs. Alexander testified that the Respondent sent a subcontractor to her residence to repair the Décor cooktop. He added a larger hose and panel but the cooktop is still not working properly. Mrs. Alexander said that she has contacted the subcontractors, but they wouldn't come out because they were hired by the general contractor and informed her she would need to go through Mr. Hadfield.

Mr. Mincheff testified that he reviewed the contract and the license number and monetary limit of the Respondent were not listed. Mr. Mincheff testified that the Respondent's monetary limit is \$650,000 and each residence was purchased for over one million dollars.

Mr. Hadfield testified that when he bid on this project, he was unaware of being in violation of bidding over his limit. He said that he was bidding as an individual through a personal loan and didn't realize it would go back to his business.

Mr. Nitz stated that they were unaware of the HVAC problem in Mr. Robert Alexander's residence. Mr. Nitz stated that Gifford Consulting's report, Mr. Irby suggested placing a 1 ½ ton unit in the garage ceiling to be sent directly into Mr. Alexander's office. The only change to Mr. Alexander's office would be the addition of a supply and return register.

The Gifford Consulting report was entered into the record as Exhibit A.

Mr. Nitz stated that the report would explain all the items of concern and suggestions to resolve these issues. As for the new issues, the Respondent would be willing to work with the Alexander's to make the necessary corrections.

Mr. Kulla stated that he is willing to work with Mr. Nitz to resolve these issues without NSCB involvement. As for the Décor cooktops, the Alexander's are willing to agree to the representative's determination.

The evidentiary portion of the hearing was closed.

MR. CARSON MOVED TO DISMISS THE 2ND, 6TH AND 7TH CAUSES OF ACTION AGAINST HADFIELD DEVELOPMENT, LICENSE #29493.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO FIND HADFIELD DEVELOPMENT, LICENSE #29493 IN VIOLATION OF THE 1ST, 3RD, 4TH AND 5TH CAUSES OF ACTION.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO FINE HADFIELD DEVELOPMENT, LICENSE #29493, \$1,000 FOR THE 1ST, 3RD, 4TH, AND 5TH CAUSES OF ACTION; PLACE A 2 YEAR LETTER OF REPRIMAND IN THEIR FILE; TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS OF \$5,238.00 WITHIN 60 DAYS.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

JOM ENTERPRISES, INC. d/b/a/ CLASS A CONTRACTING COMPANY, #32021, 34101, 34102 and 34103 – FINDINGS OF FACT & CONCLUSIONS OF LAW

Mr. John O'Meara, President, JOM Enterprises, Mr. Ron Ramsey, NSCB Investigator Supervisor and Mr. Eric Dobberstein, Counsel for JOM Enterprises were present.

Mr. Dobberstein stated that the Respondent failed to attend the hearing on July 24, 2001 and that his office sent a fax on the day of the hearing requesting a continuance which was denied.

Mr. Ramsey stated that there are 3 workmanship complaints on file with the Board and that none of the issues in these complaints have been addressed by the Respondent.

Ms. Grein stated that the license was suspended by Board action at the July 24, 2001 hearing for non-appearance.

Mr. O'Meara stated that he now resides in California and would like to resolve the complaints against his company and then place his license on an inactive status.

MR. CARSON MOVED TO ALLOW JOM ENTERPRISES d/b/a CLASS A CONTRACTING COMPANY, LICENSE NOS. 32021, 34101, 34102 AND 34103 TO BE PLACED ON INACTIVE STATUS PROVIDING RESTITUTION IS MADE TO ALL PARTIES AND ALL RESPECTIVE INVESTIGATIVE COSTS OF \$3,933 BE PAID WITHIN 90 DAYS OR THE LICENSE WILL BE REVOKED AND A PERMANENT LETTER OF REPRIMAND WILL BE PLACED IN THE FILE.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

HORIZON HOMES, INC. d/b/a NEW HORIZON CONSTRUCTION COMPANY, #31369
– DISCIPLINARY HEARING (continued from June 19, 2001 and July 24, 2001)

Mr. Griffy stated that this matter had been continued from July 24, 2001 to allow Respondent to finalize the remaining issues.

Mr. Larry Powers, Owner, Horizon Homes and Mr. Tom Tucker, NSCB Investigator were present.

Mr. Tucker stated that the necessary correction have not been made. The complainant Ms. Irene Kaliouplous, rented the residence and has moved out of state. Mr. Tucker stated that he just recently received a current phone number for Ms. Kaliouplous. He also stated that he validated that the corrections to the Milstead residence have been completed.

Mr. Powers stated that he has made numerous attempts to contact Ms. Kaliouplous and has not been successful. After receiving her number from Mr. Tucker, he contacted her on August 20, 2001. At that time, he informed Mrs. Kaliouplous of the difficulty he was having gaining access to her property.

Mr. Tucker testified that water is ponding on the balcony and there is a leak in the kitchen created by plumbing in the upstairs bathroom. Mr. Tucker testified that the leak was previously repaired by the Respondent and recently recurred.

Mr. Powers testified that he and a subcontractor previously repaired the leak and replastered. Ms. Kaliouplous signed a release acknowledging the repair. Mr. Powers also stated that he had a subcontractor repair the balcony but the job was not done properly and he will attempt to return to the property to make the necessary repairs. Unfortunately, there are 10 to 15 people currently residing in the home and they have not allowed him onto the property.

Mr. Powers testified that the HVAC issue was not listed on the original Notice to Correct. Six (6) months later he received a new list of items that included the HVAC.

The evidentiary portion of the hearing was closed.

MR. CARSON MOVED TO DISMISS THE 7TH AND 8TH CAUSES OF ACTION AGAINST HORIZON HOMES, INC. d/b/a NEW HORIZON CONSTRUCTION COMPANY, LICENSE #31369.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO FIND HORIZON HOMES d/b/a NEW HORIZON CONSTRUCTION COMPANY, LICENSE #31369, IN VIOLATION OF THE 1ST, 2ND, 3RD, 4TH, 5TH AND 6TH CAUSES OF ACTION.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED THAT LICENSE #31369, HORIZON HOMES d/b/a NEW HORIZON CONSTRUCTION COMPANY, BE SUSPENDED AND TO STAY THE SUSPENSION FOR 45 DAYS FOR THE RESPONDENT TO CORRECT THE REMAINING ITEMS EXCLUDING THE AIR CONDITIONER.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED THAT HORIZON HOMES d/b/a NEW HORIZON CONSTRUCTION COMPANY, LICENSE #31369, REMIT THE RESPECTIVE INVESTIGATIVE COSTS OF \$3,066.00 WITHIN FOUR (4) MONTHS OR THE LICENSE WILL BE SUSPENDED.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

FORD MECHANICAL, #19676 AND #43558 – DISCIPLINARY HEARING

The Notice of Complaint and Requirement to Answer, dated March 19, 2001, consisting of pages 1-15, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated March 21, 2001. The Answer was received April 23, 2001.

The Notice of Amended Complaint and Requirement to Answer, dated May 4, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received May 8, 2001.

The Notice of Hearing, dated July 17, 2001, was sent certified mail to the Respondent's address of record with the Board. The return receipt was received July 20, 2001.

This hearing is 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; NRS 624.3013(3), failure to establish financial responsibility; and NRS 624.3013(4), failure to keep in force the bond or cash deposit for the full period required by the Board.

Ms. Irene Fisher, FASCO and Mr. Ron Ramsey, NSCB Investigator Supervisor were sworn in.

Mr. Griffy stated that the licensee is not present today but did file an Answer with the Board.

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

Mr. Carson stated that he has had business dealing with Ford Mechanical. Ms. Fisher had no objection to Mr. Carson hearing the case.

Mr. Reese stated that both licenses have been inactive since 1999.

Ms. Fisher testified that on or about May 27, 1998, the Respondent purchased construction material from FASCO and approximately \$5,208.81 is still owed on these purchases. Ms. Fisher testified that there have been letters between FASCO and Ford Mechanical to arrange a promissory note. Ms. Fisher testified that Ford suggested a promissory note for \$3,000.00 and FASCO countered for \$3,500.00, as well as a signed confession of judgement but no arrangements have been made. Ms. Fisher testified that she had a conversation with Jason Bollinger of Ford Mechanical who notified her that they had no interest in paying the amount owed.

The letters were entered into the record as Exhibit #2.

Mr. Ramsey testified that on August 30, 2000 he requested a financial statement and to date one has not been provided. In January, 2001, Mr. Ramsey stated that he contacted the Respondent spoke to Melissa who confirmed that the address of record is current and they were still in business. She stated that she couldn't discuss anything further and would have Mr. Froton contact the NSCB. Mr. Ramsey testified that he has not had any communication with Mr. Froton.

Ms. Fisher testified that FASCO has made a claim against the bond but because she couldn't prove that materials went to a specific site the claim against the bond was denied.

The evidentiary portion of the hearing was closed.

MR. JOHNSON MOVED TO FIND FORD MECHANICAL, INC., LICENSE NOS. 19676 AND 43558 IN VIOLATION OF ALL CHARGES.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO REVOKE LICENSE NOS. 19676 AND 43558, FORD MECHANICAL, INC.; REQUIRE FULL RESTITUTION TO DAMAGED PARTIES; AND TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS OF \$784.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

BLADES CONSTRUCTION, #23397 – 2 WEEK STAFF UPDATE

Mr. Lyford stated that at the August 7, 2001 Reno Board meeting, a 2 week staff update was requested to allow the Respondent to have another contractor inspect the residence and make a determination. Mr. Powell has inspected the residence but has not informed anyone whether he will make the repairs or how much it will cost.

Next update is scheduled for the Reno Board hearing on September 5, 2001.

THE MACK COMPANY, #31789 – DISCIPLINARY HEARING

The Notice of Complaint and Requirement to Answer, dated March 12, 2001, consisting of pages 1-125, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received March 13, 2001. The Answer was received May 7, 2001.

The Notice of Hearing, dated July 16, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The hearing was for possible violations of NRS 624.3012(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; NRS 624.3013(3), failure to establish financial responsibility; 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 624.700(3)(a), failure to comply with the Board's Notice to Correct; NRS 624.3013(5), as set forth in NAC 624.640(5), failure to include the license number and monetary limit on all bids and/or contracts; and NRS 624.3013(4), failure to keep in force the bond or cash deposit for the full period required by the Board.

Mr. Charles Mack, Owner, Mack Company, Mr. Nosrat Rouhani, Owner, NUR Electric; Mr. Jarrod Russman; and Mr. Greg Mincheff, NSCB Investigator Supervisor were sworn in. Also in attendance was Mr. John Bailey, Counsel for The Mack Company.

Mr. Schaefer disclosed he knows Mr. Mack. There was no objection to Mr. Schaefer hearing this matter.

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. Zech abstained from hearing this case as he has had business dealings with one of the complainants.

Mr. Rouhani testified that on July 11, 1997, he entered into a contract with the Mack Company to perform electrical work at two locations, Bix's Restaurant and Bar and Red's Market for a total amount of \$120,141.90. To date, he has received payment of \$93,387.83. Mr. Rouhani testified that he attempted to personally collect the remaining amount owed. Mr. Rouhani stated that the Respondent told him that his company didn't finish the project and that they had to bring in a third party to make repairs and complete the project. The Respondent also informed him that they would pay \$40,900.00 directly to the suppliers, which they did. Mr. Rouhani testified that on May 5, 2000, he sent a letter to the Respondent advising him he would credit \$12,000.00 to the amount owed to cover the third party expense but received no response.

Mr. Russman testified that he attempted to have NUR Electric return to the locations to complete the work and that they were unresponsive.

Mr. Rouhani testified that he had no knowledge the work was not completed and that he never received a call for Mr. Russman or anyone else at the Mack Company.

Mr. Mincheff testified that a financial statement was requested in March, 2000 and not received until November, 2000.

Mr. Mincheff testified that he validated 28 workmanship items for T & J Development and that as of his last onsite inspection on August 18, 2000, 11 items remained. Mr. Mincheff stated that the Respondent informed him that he would not correct items 6 through 9 pertaining to the stone veneers. Mr. Mincheff also testified that the Respondent's monetary limit and license number did not appear on the contract and that license number 31789 was suspended for failing to maintain a bond.

Mr. Mack testified that he was unaware that he needed to have his license limit on his contract and stated that the contract was for 55% of his limit. Mr. Mack stated he did not renew his bond because he is not currently bidding or contracting for work under this license.

Mr. Bailey stated that in May, 2001, the Respondent submitted multiple exhibits including photographs taken on August 16, 2000 indicating the repairs were made.

Mr. Mincheff testified that he reviewed the exhibits but doesn't recall the specifics and cannot testify to the accuracy of them.

Mr. Mack testified that items 6 through 9 deal with elevation and stone veneers and that he advised the owner of Bix's Restaurant that the installation of the stone veneer would delay the opening of the restaurant. Mr. Mack stated that a meeting with the engineer, City Inspector, the owner, Mr. Russman was held to discuss the changes to the stone veneers and the addition of a block wall. To expedite matters, the owner decided to have stucco installed. The owner of Bix's Restaurant refused to sign a change order. When Mr. Mincheff reviewed the original plans he saw the stone veneer order and placed this item on the Notice to Correct.

Mr. Mack testified that he is still owed in excess of \$80,000 for the interior portion of the project.

Mr. Bailey stated that the Respondent does not stipulate to owing money to NUR Electric; however discussions to resolve the matter are being held.

The evidentiary portion of the hearing was closed.

MR. JOHNSON MOVED TO DISMISS THE 1ST, 2ND AND 3RD CAUSES OF ACTION.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO FIND THE MACK COMPANY, LICENSE #31789, IN VIOLATION OF THE 4TH, 5TH, 6TH AND 7TH CAUSES OF ACTION.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED THAT THE MACK COMPANY, LICENSE #31789, BE FINED \$250 PER VIOLATION FOR A TOTAL OF \$1,000.00 AND TO PAY RESPECTIVE INVESTIGATIVE COSTS OF \$5,024.00 WITHIN 60 DAYS OR THE LICENSE WILL BE REVOKED.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

LAGRAND CORPORATION, #27482 AND CREST HOMES, INC., #30937 – DISCIPLINARY HEARING (Continued from July 24, 2001)

Mr. Griffy stated that this matter was continued for the receipt and review of a financial statement by staff.

Mr. George Lyford, Director of Special Investigations was present.

Mr. Lyford stated that he spoke with LaGrand's CPA on August 20, 2001 and was informed that the financial statement was mailed to the NSCB but he neglected to include the disclosures. Mr. Lyford stated that there has been no contact with the Respondent and that he has not been able to verify the CPA's number.

The financial statement for Mr. Bob Latch was entered into the record as Exhibit A.

The financial statement for Crest Homes was entered into the record as Exhibit B.

MR. JOHNSON MOVED TO CONTINUE THIS MATTER FOR 30 DAYS TO ALLOW RESPONDENT TO SUBMIT A FINANCIAL STATEMENT WITH FULL DISCLOSURES.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

DEFAULT ORDERS

UNITED STATES HOLDING d/b/a PERMA-ROCK TREAT-IT, #18262 – DISCIPLINARY HEARING DEFAULT ORDER

The Notice of Complaint and Requirement to Answer and Complaint, dated May 14, 2001, consisting of pages 1-22, 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 June 26, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The hearing was for the possible violations of NRS 624.3017(1), workmanship which is not commensurate with the standards of the trade in general; 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), failure

to comply with the Board's Notice to Correct; and NRS 624.3013(5), as set forth in NAC 624.640(5), failure to include the license number and monetary limit on all bids and/or contracts.

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

No one from United States Holding was present for the hearing.

The evidentiary portion of the hearing was closed.

MR. HIGGINS MOVED TO ACCEPT THE FILE AS FINDINGS OF FACT, CONCLUSIONS OF LAW; TO FIND UNITED STATES HOLDING COMPANY d/b/a PERMA ROCK – TREAT IT, LICENSE #18262, IN VIOLATION OF ALL CHARGES AS INDICATED IN THE NOTICE OF COMPLAINT; TO REVOKE LICENSE #18262, UNITED STATES HOLDING COMPANY d/b/a PERMA ROCK-TREAT IT; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES AND TO RECOVER THE RESPECTIVE INVESTIGATION COSTS OF \$1,134.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MESQUITE REFRIGERATION AND AIR CONDITIONING, INC., #48610 – DISCIPLINARY HEARING DEFAULT ORDER

The Notice of Complaint and Requirement to Answer, dated June 28, 2001, consisting of pages 1-9, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not signed or opened.

The Notice of Default, dated August 8, 2001, was sent certified mail to the Respondent's address of record on file with the Board.

The hearing is for possible violations of NRS 624.3013(3), failure to establish financial responsibility and NRS 624.302(6), failure to provide a financial statement.

No one from Mesquite Refrigeration and Air Conditioning, Inc. was present for the hearing.

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; TO FIND MESQUITE REFRIGERATION AND AIR CONDITIONING INC., LICENSE #48610, IN VIOLATION OF ALL CHARGES AS INDICATED IN THE NOTICE OF COMPLAINT; TO REVOKE LICENSE #48610, MESQUITE REFRIGERATION AND AIR CONDITIONING, INC.; AND TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

PERSONAL BUILDING SERVICES, #32999 – DISCIPLINARY HEARING DEFAULT ORDER

The Notice of Complaint and Requirement to Answer and Complaint, dated June 12, 2001, consisting of pages 1-68, 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 August 3, 2001, was sent certified mail to the Respondent's address of record on file with the Board.

The hearing was for possible violations of NRS 624.3014(2)(b)(c) and (d), combining or conspiring with an unlicensed person, allowing a license to be used by an unlicensed person and acting as agent, partner or associate of an unlicensed person; 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 624.700(3)(a), failure to comply with the Board's Notice to Correct; NRS 624.301(4), willful failure or refusal without legal excuse on the part of a licensee as a contractor to prosecute a construction project or operation with reasonable diligence; NRS 624.302(6), failure or refusal to comply with a written request by the Board; NRS 624.3013(5), as set forth in NAC 624.640(5), failure to include license number and monetary limit on all bids and/or contracts; NRS 624.3013(3), failure to establish financial responsibility; and NRS 624.3015(3), knowingly entering into a contract with a contractor while that contractor is not licensed.

No one from Personal Building Services was present for the hearing.

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; TO FIND PERSONAL BUILDING SERVICES, LICENSE #32999, IN VIOLATION OF ALL CHARGES AS INDICATED IN THE NOTICE OF COMPLAINT; TO REVOKE LICENSE #32999, PERSONAL BUILDING SERVICES; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER RESPECTIVE INVESTIGATIVE COSTS OF \$2,923.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

SHO TYME LANDSCAPE, #44678 – DISCIPLINARY HEARING DEFAULT ORDER

The Notice of Complaint and Requirement to Answer and Complaint, dated June 22, 2001, consisting of pages 1-20, 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 August 3, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The hearing is 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 624.700(3)(a), failure to comply with the Board's Notice to Correct; NRS 624.301(1), abandonment without legal excuse of any construction project; NRS 624.3013(5), as set forth in NAC 624.640(5), failure to include license number and monetary limit on all bids and/or contracts; 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; NRS 624.3013(3), failure to establish financial responsibility and NRS 624.3013(5), as set forth in NAC 624.640(3), failure to notify the Board of an address change within 30 days.

No one from Sho Tyme Landscape was present for the hearing.

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; TO FIND SHO TYME LANDSCAPE, LICENSE #44678, IN VIOLATION OF ALL CHARGES AS INDICATED IN THE NOTICE OF COMPLAINT; TO REVOKE LICENSE #44678, SHO TYME LANDSCAPE; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS OF \$1,332.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

ACTION CONCRETE, INC., #31823 – DISCIPLINARY HEARING DEFAULT NOTICE

The Notice of Complaint and Requirement to Answer, dated June 28, 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 dated July 3, 2001.

The Default Notice, dated August 3, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The hearing was for possible violations of NRS 624.3012(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; NRS 624.3013(5), as set forth in NAC 624.640(5), failure in any material respect to comply with the provisions of this chapter or the regulations of the Board; NRS 624.3013(3), failure to establish financial responsibility; and NRS 624.3013(4), failure to keep in force the bond or cash deposit for the full period required by the Board.

No one from Action Concrete was present for the hearing.

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; TO FIND ACTION CONCRETE, INC., LICENSE #31823, IN VIOLATION OF ALL CHARGES AS INDICATED IN THE NOTICE OF COMPLAINT; TO REVOKE LICENSE #31823, ACTION CONCRETE, INC.; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS OF \$1,630.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

C N C SHAWS PLUMBING & DRAIN, #43030 – DISCIPLINARY HEARING DEFAULT NOTICE

The Notice of Complaint and Requirement to Answer and Complaint, dated July 6, 2001, consisting of pages 1-47, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received July 7, 2001.

The Default Notice, dated August 3, 2001, was sent certified mail to the Respondent's address of record on file with the Board.

The hearing was for possible violations of NRS 624.301(1), abandonment without legal excuse of any construction project; NRS 624.301(4), willful failure or refusal without legal excuse on the part of a licensee as a contractor to prosecute a construction project; NRS 624.302(5), failure or refusal to respond to a written request from the Board; NRS 624.3013(5), as set forth in NAC 624.700(3)(a), failure to comply with the Board's Notice to Correct; NRS 624.3013(4), failure to keep in force the bond or cash deposit for the full period required; NRS 624.3013(5), as set forth in NAC 624.640(5), failure in any material respect to comply with provisions of this chapter or the regulations of the Board; NRS 624.640(5), failure to include license number and monetary limit on all bids and/or contracts; NRS 624.3012(1), diversion of money or property for the completion of a specific construction project.; NRS 624.3016(1), any fraudulent or deceitful act committed in the capacity of a contractor; and NRS 624.3013(3) failure to establish financial responsibility.

No one from C N C Shaw Plumbing was present for the hearing.

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; TO FIND C N C SHAW PLUMBING & DRAIN, LICENSE #43030, IN VIOLATION OF ALL CHARGES AS INDICATED IN THE NOTICE OF COMPLAINT; TO REVOKE LICENSE #43030, C N C SHAW PLUMBING & DRAIN; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS OF \$3,596.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

**HIGH AND MIGHTY PATIO COVERS, #44436 AND 47299 – DISCIPLINARY HEARING
DEFAULT ORDER**

The Notice of Complaint and Requirement to Answer and Complaint, dated June 26, 2001, consisting of pages 1-15, 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 August 5, 2001, was sent certified mail to the 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; NRS 624.3013(5), as set forth in NAC 624.700(3)(a), failure to comply with the Board's Notice to Correct; 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; NRS 624.3013(5), as set forth in NAC 624.640(5), failure to include license number or monetary limit on all bids and/or contracts; and NRS 624.3013(4), failure to keep in force the bond or cash deposit for the full period required by the Board.

No one from High and Mighty Patio Covers was present for the hearing.

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; TO FIND HIGH AND MIGHTY PATIO COVERS, LICENSE NOS. 44436 AND 47299, IN VIOLATION OF ALL CHARGES AS INDICATED IN THE NOTICE OF COMPLAINT; TO REVOKE LICENSE NOS. 44436 AND 47299, HIGH AND MIGHTY PATIO COVERS; TO REQUIRE FULL

RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS OF \$1,253.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

DISCIPLINARY HEARINGS (continued)

CHLORINE FREE SWIMMING, INC., #44319 – DISCIPLINARY HEARING (continued from July 24, 2001)

Mr. Griffy stated that this matter was continued from July 24, 2001 to allow the Respondent the opportunity to finalize the necessary correction.

Mr. Roger Sarbacher, Owner, Chlorine Free Swimming; Mr. Lisicki, Homeowner; and Mr. Greg Welch, NSCB Investigator were present.

Mr. Lisicki stated that he has had no contact from the Respondent since the July 24, 2001 Board meeting and that the items are still not repaired.

Mr. Welch testified that the Respondent informed him that he was having a difficult time locating a contractor to make the necessary repairs. On August 20, 2001, the Respondent left a message requesting a meeting at the Lisicki residence today to discuss the necessary repairs with the new contractor.

Mr. Sarbacher testified that he was informed on August 20, 2001, that the contractor was able to go to the Lisicki residence on Tuesday, August 21, 2001.

Mr. Sarbacher stated that he was given 30 days and the time will not be up until August 24, 2001. Mr. Sarbacher stated that he still has 3 days to make the necessary repairs.

MR. CARSON MOVED TO CONTINUE THE DISCIPLINARY PHASE OF THIS MATTER UNTIL THE SEPTEMBER 18, 2001 BOARD MEETING. IF THE REPAIRS ARE NOT MADE TO THE SATISFACTION OF THE NSCB INVESTIGATOR WITHIN THE ORIGINAL 30 DAY TIME FRAME AS SET FORTH IN THE JULY 24, 2001 BOARD MEETING, LICENSE #44319, CHLORINE FREE SWIMMING POOLS, WILL BE SUSPENDED UNTIL WHICH TIME RESTITUTION IS MADE TO THE HOMEOWNER.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

CHAPMAN & ASSOCIATES, INC., #44983 – DISCIPLINARY HEARING (continued from April 24, 2001, May 9, 2001, and July 24, 2001)

Mr. Griffy stated that this matter was continued from July 24, 2001.

Mr. Collins, Owner, Collins Color and Mr. Ron Ramsey, NSCB Investigator Supervisor were present.

Mr. Griffy stated that this is the 4th of six staff updates required by the Board. Mr. Chapman was in attendance on July 24, 2001 and notified the Board that there was nothing new to report regarding his company's financial condition.

Mr. Ramsey testified that he validated that no payments have been made by the Respondent to Collin Color since the last Board meeting. Mr. Ramsey testified that he has had no contact with Chris Crane since he has left the State and we do not have a forwarding address.

MR. JOHNSON MOVED TO REVOKE LICENSE #44983, CHAPMAN & ASSOCIATES; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES AND TO RECOVER RESPECTIVE INVESTIGATIVE COSTS OF \$2,398.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

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.

LONE STAR COMPANY, #48534 – DISCIPLINARY HEARING

The Notice of Hearing and Complaint, dated June 28, 2001, consisting of pages 1-19, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received July 1, 2001.

The hearing is for possible violations of NRS 624.3013(3), failure to establish financial responsibility and NRS 624.3013(3), failure to notify the Board, in writing, upon the filing of a petition or application that initiates a bankruptcy proceeding.

Mr. & Mrs. Pasbak, Owners, Lone Star Company and Ms. Lisa Bedsole, 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. Bedsole testified that she had concerns regarding the Respondent's financial responsibility. She discussed her concerns with the licensee. As a result of this conversation, the Respondent provided copies of the bankruptcy and discharge. She has had no other contact with the Respondent. Ms. Bedsole stated that a new financial statement has not been provided.

Mr. Pasbak provided an updated bank information form

The bank statement was entered into the record as [Exhibit A](#).

Ms. Bedsole reviewed the bank statement and indicated that it is different from the previous statement provided by the licensee and that there are no disclosures in the bank statement.

Mr. Pasbak testified that his wife's illness forced them into bankruptcy. He is currently not using the license and does not know when he plans to reactivate the license.

Mr. Zech informed the Respondent that he would need a new financial statement with full disclosures at the time the license is reactivated.

The evidentiary portion of the hearing was closed.

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

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO PLACE LONE STAR COMPANY, LICENSE #48534, ON INACTIVE STATUS UNTIL WE RECEIVE A PROPER FINANCIAL STATEMENT AND THAT THE LICENSE NOT BE REACTIVED UNTIL IT IS PRESENTED BEFORE THE BOARD.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

STAGE II CONSTRUCTION, #48162 – DISCIPLINARY HEARING

The Notice of Hearing and Complaint, dated June 28, 2001, consisting of pages 1-16, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was returned unopened on July 17, 2001.

The hearing is for possible violations of NRS 624.3013(3), failure to establish financial responsibility and NRS 624.3013(3), failure to notify the Board, in writing, upon the filing of a petition or application that initiates a bankruptcy proceeding.

Ms. Lisa Bedsole, NSCB License Analyst was sworn in. No one from Stage II Construction was present for the hearing.

Ms. Bedsole testified that she has concerns regarding the Respondent's financial condition. She has had no contact with the Respondent since November 7, 2000.

Mr. Griffy stated that today's hearing was due to a denial of the Respondent's application for renewal on April 24, 2001.

Ms. Grein stated that the license is currently suspended no bond.

Ms. Bedsole testified that after reviewing the financial statement, she informed the Respondent that it would be in their best interest to have an indemnitor on the license. The Respondent has not provided information or a financial statement on an indemnitor.

The evidentiary portion of the hearing was closed.

MR. SCHAEFER MOVED TO ACCEPT TODAY'S FILE AND TESTIMONY AS FINDINGS OF FACT AND CONCLUSIONS OF LAW; TO REVOKE LICENSE #48162, STAGE II CONSTRUCTION.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

APPLICATIONS

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

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

PRINCIPLE CENTERED, INC. – (B-2 – Residential and Small Commercial) CHANGE IN QUALIFIER AND OFFICER CHANGE

Mr. William Schilz, Mr. Don Smit and Mr. Phillip Waddell were present.

Mr. Lyford stated that there is a pending criminal case against Mr. Waddell.

Mr. Waddell stated that the case has been heard in a three man Supreme Court and a petition for appeal has been filed for the case to be heard by a full seven man Supreme Court. There is no date scheduled for this appeal.

Mr. Schilz stated that the Porter's have relinquished their stock in the company.

MR. SCHAEFER MOVED TO APPROVE THE CHANGE IN QUALIFIER AND OFFICER CHANGE CONDITIONAL UPON RECEIPT OF A NEW FINANCIAL STATEMENT WITHIN 60 DAYS. IF A FINANCIAL STATEMENT IS NOT PROVIDED THE LICENSE WILL BE SUSPENDED.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

A D RAM MECHANICAL – (C-1(d) – Plumbing) NEW APPLICATION – RECONSIDERATION

Mr. Anthony Ramirez, President, A D Ram was present.

Mr. Ramirez stated that he gave Ms. Greenlee the necessary documentation. Ms. Potter stated that the documentation revealed that the civil judgement had been paid but there was no documentation on the collection accounts.

Mr. Ramirez stated that he fell out of Chapter 13 and is now working with a credit agency to arrange payments on the outstanding collection accounts.

Mr. Ramirez stated that he is only planning on performing small plumbing repairs and repiping.

The Board tabled the application for six (6) months, at which time a new financial statement with full disclosures will be required.

ANDREW BELDY – (C-2 – Electrical Contracting) NEW APPLICATION

Mr. Andrew Beldy, Owner, was present.

Mr. Beldy stated that he has a money market account and a full-time position with the Nevada Power Company. He has a truck and the equipment and only plans on doing small repairs as a sideline.

MR. JOHNSON MOVED TO APPROVE ANDREW BELDY, LICENSE CLASSIFICATION C-2 (ELECTRICAL CONTRACTING) FOR A \$10,000.00 MONETARY LIMIT, A \$2,000.00 BOND AND A FINANCIAL STATEMENT ON RENEWAL.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

BIG GREEN IMPRESSIONS – (C-10 – Landscape Contracting) NEW APPLICATION

Mr. Wade Smith, President, Big Green Impressions was present.

Mr. Smith stated that he is only planning on doing backyards in the Summerlin area.

MR. JOHNSON MOVED TO APPROVE BIG GREEN IMPRESSIONS, LICENSE CLASSIFICATION C-10 (LANDSCAPE CONTRACTING) FOR A \$10,000.00 MONETARY LIMIT AND A \$2,000.00 BOND.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

MCLANE ELECTRIC – (C-2 – Electrical Contracting) NEW APPLICATION

Mr. Alan McLane, Owner, McLane Electric was present.

Mr. Zech stated that his financial statement failed to show working capital.

Mr. McLane stated that he purchases properties and sells them and that his financial doesn't not properly address this aspect. He provided the Board with a bank portfolio and statement.

The Board tabled this application for a new financial statement in six (6) months.

SIERRASAGE LLC – (B-2 – Residential and Small Business) NEW APPLICATION

Mr. Charles Grimshaw, Manager, Sierrasage LLC was present.

Mr. Grimshaw provided the Board with a new financial statement and a letter explaining the reversal. He explained that the Sierrasage LLC is a start up company and that the losses were operating losses only.

MR. JOHNSON MOVED TO APPROVE SIERRASAGE LLC, LICENSE CLASSIFICATION B-2 (RESIDENTIAL AND SMALL BUSINESS) FOR A \$500,000.00 MONETARY LIMIT WITH A \$20,000.00 BOND PROVIDED A CPA PREPARED FINANCIAL STATEMENT WITH FULL DISCLOSURES IS PROVIDED.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

The remainder of the applications on the agenda were reviewed and discussion occurred on the following: Nos.1 – 8, 11, 12, 14 –19, 22 – 56, 58 – 161, and 163 – 176; and on the amended agenda: Nos. 1-17.

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

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

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

MR. HIGGINS 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 Vice-Chairman Zech at 3:40 p.m.

Respectfully Submitted,

Barbara Hennessy, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Mike Zech, Vice-Chairman