

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  
AUGUST 22, 2000

The meeting of the State Contractors' Board was called to order by Chairman Kim Gregory at 8:49 a.m., Tuesday, August 22, 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. Dennis Johnson  
Ms. Deborah Sheltra  
Mr. Mike Zech

**BOARD MEMBERS ABSENT:**

Mr. Randy Schaefer

**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  
Mr. Roy Schoonmaker, Supervisor, Special Investigations Unit  
Ms. Doris Talley, Licensing Management Assistant  
Mr. Linc Dante', Investigator  
Mr. Bob Macke, Investigator  
Mr. Greg Mincheff, Investigator  
Mr. Ron Ramsey, Investigator  
Ms. Marikay Mack, Recording Secretary

**OTHERS PRESENT:**

Cari Inkenbrandt, Court Reporter, CSR Associates of Nevada; Rod Andrade, Qualified Employee, Southern California Edison; Randy Walker, General Manager, Svedala Industries; Luann Bertrand, Representative, Pacific Coast Building Products; Gayle Kirk, Representative, Steel Engineers Inc; Pedro Ortiz Hernandez, Qualified Employee, Hernandez Construction; Charles Harvey Field, President; Edison Thomas, Jr., Owner, Lighting Specialties; John Storey, Sales Manager, Lighting Specialties; Kurt Faux, Legal Counsel, Edison Electric; Kevin Watts, Complainant; Frederic Chad Beesley, Partner, Mojave Pools and Mojave Homes; Peter Gazsy, Partner, Mojave Pools and Mojave Homes; Elaine Silva, Complainant; Christopher Shawn Farkas, Owner; Marie-Claire Armeni,

Complainant; Mark Reuckel, Owner, B R S Repair Service; Brian DeFilippis, Blackhawk Construction Incorporated; Bonny Rydell-McDowell, Representative, A B C Supply; Daniel Hartung, Complainant; Sharon K. Mangiaracina, Complainant; Alan Floyd, Representative, Pro West Construction; Felipe Umana, Owner, El Salvadore Concrete; Adam Schwartz, Qualified Employee, Floor Specialist Inc; Jrayr Eskandari, Owner, Sandstone Electric; Denny Segler, Owner, B S Developers; Keith Gregory, Legal Counsel, B S Developers and Morley Investments and Construction; and Michelle Stalk, Complainant.  
\* \* \* \* \*

Ms. Grein stated that Ben Sample and Peter Benedict had posted the agenda in compliance with the open meeting law on August 16, 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.

It was learned there were 20 items on the amended agenda, each item of an emergency nature.

**MR. CARSON MOVED TO HEAR THE AMENDED AGENDA.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Mr. Gregory called for a motion to approve the minutes of August 8, 2000.

**MS. CAVIN MOVED TO APPROVE THE MINUTES OF AUGUST 8, 2000.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

NSCB Investigators Jim Porter and Peter Benedict were introduced to the Board, as well as Kim Martin, Olga Valenzuela, Deborah Clark, and Wanda Wong from the licensing department.

**ADVISORY OPINIONS**

- 1. **SOUTHERN CALIFORNIA EDISON** - License Classification to Perform Work at Mojave Generation

Rod Andrade, Qualified Employee, Southern California Edison, (S C E), was present for the advisory opinion.

S C E operates and maintains the Mojave Generating Station and wanted to know if a contractors' license was needed. They also inquired as to whether an A license was sufficient to do the job.

The Board opined that for this project a full A license was sufficient for the scope of work described.

- 2. **J A VAY & SONS AND C G & B ENTERPRISES** - License Requirements for Desert Breeze Park Phase 3

No one was present for the advisory opinion.

The scope of work included the expansion of the park, and the inquiry was as to whether a B2 license could perform the work.

The Board opined that the work would fall within the scope of an A, AB, B, or B2 classification.

3. **SVEDALA-** Licensing Requirements for Manufacturing, Design & Marketing of Systems & Equipment for Minerals Processing

Randy Walker, General Manager of Svedala Industries was present.

The question was whether or not a license was needed to install industrial equipment for minerals processing equipment, which would include crushers, screeners, and conveyors.

Mr. Walker explained that his company sold the equipment and wanted to know if a license was required after installation to come and repair.

The Board opined no license was needed to perform factory support and repair of equipment. A license would be required for installation of the equipment.

4. **D L ENGINEERING & CONTROLS INC** - Licensing Requirements for Clark County Sanitation District, Laughlin Nevada Facility Control System Upgrade.

No one was present for the advisory opinion.

The scope of work included the design, construction, and installation of control systems.

The Board opined that a license classification of C2 or C2A would be required since D L Engineering would subcontract the installation of the system.

5. **LEON JAMES CONSTRUCTION CO.-** License Classification for Access Air Ambulance hanger, Elko, Nevada

No one was present for the advisory opinion.

Leon James Construction Co. currently holds a C14H license classification.

The scope of work included the erection of a prefabricated air ambulance hanger, the associated concrete footing, electrical, lighting, gas heating, cement work and a helicopter pad. The opinion sought was whether or not the work would fall within the scope of the C14H classification

The Board opined that Leon James Construction could act as the general contractor on the project. It would be necessary to hire properly licensed subcontractors to perform any electrical, plumbing, or air conditioning work.

**DISCIPLINARY HEARINGS**

**HERNANDEZ CONSTRUCTION #42030 & #42790 – DISCIPLINARY HEARING**

Gloria Hernandez, President, Hernandez Construction was not present.

Luann Bertrand, Representative, Pacific Coast Building Products; Gayle Kirk, Representative, Steel Engineers Inc; and NSCB Investigators Tom Tucker, Mike Perko, Greg Welch; and Pedro Ortiz Hernandez, Qualified Employee, Hernandez Construction, were sworn in.

Mr. Zech abstained in this matter.

The notice of hearing, dated July 21, 2000 and consisting of pages 1-41, had been sent certified mail. The return receipt was dated July 24, 2000.

The hearing was for possible violation of NRS 624.3012 (2), willful or deliberate failure by

any licensee or agent or officer thereof to pay any money when due; NRS 624.3013 (5), as set forth in NRS 624.270 (3), and NAC 624.640 (5), failure in any material respect to comply with the provisions of this chapter or the regulations of the board; and NRS 624.3015 (2), acting in the capacity of a contractor beyond the scope of the license.

The stipulation was signed.

The formal reading of the charges was waived.

The status of the B2 license was suspended for no bond as of October 2, 1999, and the C3 license was suspended, not renewed, as of August 1, 2000.

The notice of hearing was entered into the record as EXHIBIT 1

Ms. Bertrand testified that Hernandez Construction owed Pacific Coast Products \$2,547.79. The bonding company had paid out \$1,400.00 and Liens had been filed. Pacific Coast Products was still owed \$1,147.00.

Mr. Hernandez testified that the company was in the process of forming a joint venture. The indemnitor, Don Martinez, never paid some vendors. He was also in control of the license until January 2000. Mr. Hernandez said he did not realize that bills were not being paid. Hernandez Construction owed suppliers and subcontractors almost \$1 million. Mr. Hernandez said Mr. Martinez made many calls to make arrangements to pay the money owed, but never followed through.

Mr. Taylor stated on August 3, 1999, the Nevada State Contractors Board requested updated financial documents.

Investigator Tucker testified that the documents had indeed been requested but had never been supplied.

Mr. Taylor asked Mr. Hernandez if those documents had been submitted.

Mr. Hernandez answered no. The Indemnifier, Don Martinez of Don Mar Construction, should have provided the financial documentation.

Ms. Mathias confirmed that Don Martinez was the indemnifier effective through September 4, 2000, but that he had recently requested that he be removed as the indemnifier on the license.

The Board questioned if there was any attempt to bring the bond back up to the full limit. Mr. Hernandez did not think so, but he was not sure.

Mr. Taylor questioned Mr. Hernandez regarding the Cimarron/Robindale High School bid of \$2,448,340, which was in excess of the one-time raise in limit of \$1,700,000.

Mr. Hernandez explained that the senior estimator had made a mistake and, at the time, he did not catch it. He said he took full responsibility for the error.

Referencing page 44, Mr. Taylor pointed out that Hernandez did not apply for a one-time raise in limit regarding the fifth cause of action, the UNLV dormitory. The contract bid amount was for \$1,044,200. Mr. Hernandez asserted he did apply for a one-time raise in limit that had been denied by the Board. The one-time raise in limit had been on the C3 license. At this point, the Board directed Mr. Taylor to strike the fifth cause of action because Hernandez Construction had submitted the one-time raise in limit request in time to bid the job, although he had not been the successful bidder.

Mr. Carson disclosed that he also had not been the successful bidder, therefore, there was no objection to Mr. Carson hearing the matter.

The sixth cause of action was Western Charleston Baptist Church, page 26. The contract bid amount was for \$621,919. Mr. Taylor asked if Hernandez Construction had applied for a one-time raise in limit.

Mr. Hernandez said yes.

Ms. Mathias stated that a one-time raise in limit request had not been received for the Western Charleston Baptist Church/Shiloh School project.

The seventh cause of action regarding Steel Engineers was addressed.

Ms. Kirk testified that an outstanding balance of \$196.45 remained. There had been no attempts by Mr. Hernandez to pay the outstanding debt.

Mr. Taylor asked Mr. Hernandez what attempts he had made to resolve the aforementioned issues.

Mr. Hernandez said he had stopped all jobs in January, and that there were many more vendors that had not yet been paid.

Mr. Gregory explained the responsibility of the Licensee versus the Indemnitor, and stated that the Licensee was responsible for running the business and insuring that subcontractors and vendors were paid.

**MR. CARSON MOVED TO DISMISS THE FIFTH CAUSE OF ACTION ON LICENSE #42030 & #42790, HERNANDEZ CONSTRUCTION.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO FIND LICENSE # 42030 & #42790, HERNANDEZ CONSTRUCTION, IN VIOLATION OF ALL OTHER CHARGES.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO REVOKE LICENSE # 42030 & #42790, HERNANDEZ CONSTRUCTION, AND TO REQUIRE FULL RESTITUTION TO THE HARMED PARTIES, AS WELL AS THE RECOVERY OF THE INVESTIGATIVE COSTS OF \$2.267.21 PRIOR TO ANY FUTURE LICENSURE IN THE STATE OF NEVADA.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**EDISON ELECTRIC INC #21662 - DISCIPLINARY HEARING**

Charles Harvey Field, President; Edison Thomas, Jr., Owner, Lighting Specialties; NSCB Investigator Linc Dante'; John Storey, Sales Manager, Lighting Specialties, were sworn in.

Kurt Faux, Legal Counsel for Edison Electric, was identified.

The notice of hearing and complaint, dated July 21, 2000 and consisting of pages 1-15, had been sent certified mail to Respondent's address of record, 845 West Bonanza, Las Vegas, Nevada 89106. No return receipt was 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; NRS 624.3013 (3), failure to establish financial responsibility pursuant to NRS 624.220 and 624.260 to 624.265; 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; and NRS 624.302 (6), failure or refusal to comply with a written request by the board or its designee for information or records.

The stipulation was not signed.

The status of the license was active.

The hearing notice was entered into the record as EXHIBIT 1.

Mr. Taylor stated that a response had been received from the Respondent, who conceded the money owing complaint was valid.

Mr. Faux stipulated that the money was owed, and that Edison Electric had paid a portion of it. The settlement offer that had been made had been refused. Mr. Field had difficulty collecting from various contractors and had sold personal property to pay off debts of the license. Mr. Faux stated that there was no deliberate or willful failure to pay.

Mr. Taylor questioned why there was no response to the request for financial information and other documents.

Mr. Faux stated that, at the time, an employee, who no longer worked for Edison Electric, did not file the financial documents with the Board.

A current financial statement was then provided.

The following motion closed the meeting to the public.

**MR. ZECH MOVED TO CLOSE THE MEETING TO THE PUBLIC FOR FINANCIAL REVIEW.**

**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).

A financial review ensued.

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

Mr. Field testified that he was getting out of the commercial side and was intending to only perform residential service. He added that he was willing to reduce his license limit to \$250,000.

**MR. CARSON MOVED TO ACCEPT THE VOLUNTARY REDUCTION OF THE LICENSE LIMIT TO \$250,000.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. JOHNSON MOVED TO CONTINUE THE MATTER FOR 30 DAYS.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**DAVIS & SON PLUMBING #39266 - DISCIPLINARY HEARING**

Charles Morley Davis, Owner, Davis & Son Plumbing, was not present. Neither legal counsel nor anyone else was present to represent the Licensee.

Kevin Watts, Complainant, and NSCB Investigator Greg Mincheff were sworn in.

The notice of hearing, dated July 20, 2000 and consisting of pages 1-22, had been sent certified mail. The return receipt was dated July 26, 2000.

The hearing was for possible violation of NRS 624.3017 (1), workmanship which is not commensurate with standards of the trade; and NRS 624.3013 (5), as set forth in NAC 624.700(3) (a) and NAC 624.640 (5), failure in any material respect to comply with the provisions of this chapter or the regulations of the board.

The status of the license was active.

The notice of hearing was entered into the record as EXHIBIT 1.

Mr. Watts testified that he had entered into a contract with Davis & Son for the construction of rough-in and finish plumbing at his residence for the amount of \$5,100.00. Mr. Watts confirmed the workmanship problems, including a connection to a water softener system and faucets that had been installed incorrectly. Mr. Watts was out of pocket \$820.

Investigator Mincheff explained that the notices to correct had been sent Sept 30, 1999 and October 4, 1999. Mr. Mincheff explained that the appropriate parties had met at the property. The Respondent was in California. Mr. Mincheff also explained that the last conversation he had with the Respondent was in January or February of 1999. Mr. Mincheff validated all workmanship complaints.

The evidentiary was closed.

**MS. CAVIN MOVED TO ACCEPT THE TESTIMONY AND FILE AS FINDINGS OF FACT, CONCLUSIONS OF LAW.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MS. CAVIN MOVED TO FIND LICENSE #39266, DAVIS & SON PLUMBING, IN VIOLATION OF ALL CHARGES.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

After some discussion, the following motion was acted upon.

**MS. CAVIN MOVED TO REVOKE LICENSE #39266, DAVIS & SON PLUMBING; AND TO REQUIRE FULL RESTITUTION TO THE HARMED PARTIES, TO IMPOSE AN ADMINISTRATIVE FINE OF \$1,000 PER CHARGE, AND TO RECOVER THE INVESTIGATIVE COSTS OF \$2343.76, PRIOR TO ANY RECONSIDERATION OF FUTURE LICENSURE IN THE STATE OF NEVADA.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MOJAVE POOLS** #46460 – DISCIPLINARY HEARING (Continued from 5/9/00 and 7/25/00)

**MOJAVE HOMES** #46461 - DISCIPLINARY HEARING (Continued from 5/9/00 and 7/25/00)

Frederic Chad Beesley, Partner, Mojave Pools and Mojave Homes, was present with his Partner, Peter Gazsy. Also present was NSCB Investigator Greg Mincheff, and Elaine Silva, Complainant.

Mr. Taylor questioned Mr. Mincheff, who presented photographs. A new liner had been installed. The photos reflected the pool in the same condition it had been. Both parties acknowledged that the pool was completed. Mr. Mincheff then detailed the current condition of the pool.

Mr. Beezley testified that they had put in a hot mud patch. He said it was water-resistant. Mr. Beezley explained how he had performed the repairs.

Ms. Silva said if the pool didn't leak she would be happy, but since the pool had not been up and running until Saturday, she didn't know if the leak had been repaired correctly. She said she would not know that for a couple of weeks.

Both Mr. Gazsy and Mr. Beezley confirmed there was a one-year manufacturer's warranty on the new liner, however, the warranty on the liner did not cover new nail pops that might resurface..

The manufacturer's description of material used under the liner was entered into the record as EXHIBIT 2, and the Respondent submitted a partial of the same sheet as EXHIBIT A.

**MR. CARSON MOVED TO FIND LICENSE #46460, MOJAVE POOLS, AND #46461, MOJAVE HOMES, IN VIOLATION OF THE FIRST CAUSE OF ACTION, AND TO DISMISS THE SECOND AND THIRD CAUSES OF ACTION.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO REINSTATE LICENSE #46460, MOJAVE POOLS, AND #46461, MOJAVE HOMES; TO PLACE A ONE-YEAR LETTER OF REPRIMAND INTO EACH LICENSE FILE; AND TO IMPOSE AN ADMINISTRATIVE FINE OF \$1,000.**

**MS. SHELTRA SECONDED THE MOTION.**

A discussion regarding the motion followed.

**MR. CARSON AMENDED HIS MOTION TO IMPOSE 1/2 OF THE INVESTIGATIVE COSTS OF \$5,619.20, FOR A TOTAL OF \$2,809.60.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MACK ELECTRIC** #45677 - DISCIPLINARY HEARING

Cydnie Chilleen, President, Mack Electric, was not present. Neither was legal counsel nor anyone else present to represent the Licensee.

NSCB Investigator Loyd Mead and George Lyford, Director, Special Investigations, were sworn in.

The notice of hearing and complaint, dated July 21, 2000 and consisting of pages 1-22, had been sent certified mail to Respondent's address of record, 4215 N. Brown Avenue, Suite A, Scottsdale, Arizona 85251 and to an alternate assumed address, 52807 N. 64<sup>th</sup> St., Cave Rock, Arizona 85331. No return receipt had been received.

The hearing was for possible NRS 624.3012 (2), willful or deliberate failure by any licensee or agent or officer thereof to pay any money when due; NRS 624.3013 (3), failure to establish financial responsibility pursuant to NRS 624.220 and 624.260 to 624.265, inclusive, at the time of renewal of the license or at any other time when required by the board; NRS 624.3013 (5), as set forth in NAC 624.640 (3), failure in any material respect to comply with the provisions of this chapter or the regulations of the board; and NRS 624.302 (5), failure or refusal to respond to a written request from the board or its designee to cooperate in the investigation of a complaint.

The status of the license was suspended for no qualifier as of April 23, 1999.

Mr. Zech abstained.

The notice of hearing was entered into the record as EXHIBIT 1.

Mr. Lyford testified that Mack Electric was no longer in the state, and that their Arizona license had been suspended in February 2000. He also stated that the \$16,000 fine imposed by the Board in June 1999 had not been paid.

**MR. JOHNSON MOVED TO ACCEPT THE FILE AND TESTIMONY AS FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. JOHNSON MOVED TO FIND LICENSE #45677, MACK ELECTRIC, IN VIOLATION OF ALL CHARGES.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. JOHNSON MOVED TO REVOKE LICENSE #45677, MACK ELECTRIC.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

For the record, Mr. Gregory commented that the outstanding amount the Licensee was previously ordered to pay was \$4,840.93. The new costs incurred brought the total of investigative costs to \$ \$5,337.81.

**CHAMELEON PAINT WORKS #42092 - DISCIPLINARY HEARING**

Christopher Shawn Farkas, Owner; Marie-Claire Armeni, Complainant, and NSCB Investigator Greg Mincheff, were sworn in.

The notice of hearing and complaint, dated July 21, 2000 and consisting of pages 1-24, had been sent certified mail. The return receipt was dated July 22, 2000.

The hearing was for possible violation of NRS 624.3017 (1), workmanship which is not commensurate with standards of the trade in general; NRS 624.3013 (5), as set forth in NAC 624.700 (3) (a) and NAC 624.640 (5), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to comply with the notice to correct, and by failing to include the license number on bids or contracts.

The status of the license was suspended, not renewed, as of August 1, 2000.

Mr. Farkas stated that he never received a renewal notice. He verified his address and said that after the meeting, he would renew his license.

The stipulation was signed.

Mr. Farkas waived the formal reading of the charges.

The notice of hearing was entered into the record as EXHIBIT 1.

Ms. Armeni testified that she had entered into an agreement with Mr. Farkas and Chameleon Painting for exterior trim painting on her house in the amount of \$862.00. Ms. Armeni summarized the workmanship problems she had encountered. She had requested that the Respondent come back to correct the work that had been performed. When he returned, he had been unable to do so. Ms. Armeni then stopped payment on the check she had given Mr. Farkas 2 days prior to her requesting that he return to correct the job.

Mr. Mincheff testified he had validated the complaint. The notices to correct had been mailed on June 30, August 16, and November 8, 1999. The Licensee failed to comply with the notices to correct.

Mr. Farkas testified that when he agreed to take on the project, he used a new person to perform the work, which was not performed professionally. He stated that he made several calls to schedule time to perform corrective work. When he returned to the property and repainted certain items, he found that there was cracking around the doorframe that could not be fixed by paint. Thereafter, he refunded the \$270 that Ms. Armeni had paid him for the deposit.

The evidentiary was closed.

**MR. ZECH MOVED TO FIND LICENSE #42092, CHAMELEON PAINT WORKS, IN VIOLATION OF ALL CHARGES.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. ZECH MOVED TO PLACE A ONE-YEAR LETTER OF REPRIMAND INTO LICENSE FILE #42092, CHAMELEON PAINT WORKS.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**FINDINGS OF FACT, CONCLUSIONS OF LAW**

**VISION CRAFT HOMES INC #45953 - FINDINGS OF FACT, CONCLUSIONS OF LAW**

NSCB Investigator Greg Mincheff, Rick Bertuzzi, Director of Investigations; George Lyford, Director, Special Investigations, were sworn in.

Daniel Berg, President, Vision Craft Homes Inc., was not present. Mark Hafer, Legal Counsel, was present to represent the Licensee. Also present were Richard Caleel, Legal Counsel for Dr. and Mrs. Terrance Banich; Complainants Dr. and Mrs. Terrance Banich, and Complainant Fred Gawryk.

**MR. ZECH MOVED TO ACCEPT THE FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. ZECH MOVED TO REVOKE LICENSE #45953, VISION CRAFT HOMES INC.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. ZECH MOVED TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE INVESTIGATIVE COSTS OF \$72,653.53 PRIOR TO ANY FUTURE LICENSURE IN THE STATE OF NEVADA.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**APPLICATION HEARING**

**B R S REPAIR SERVICE - APPLICATION HEARING**

Mark Reuckel, Owner, B R S Repair Service, and Doris Talley, Licensing Management Assistant, were sworn in.

The hearing was for the denial of the application of B R S Repair Service on June 6, 2000, for failure to establish financial responsibility in accordance with NRS 624.263.

The notice of hearing was entered into the record as EXHIBIT 1.

The stipulation was signed.

The following motion closed the meeting to the public.

**MS. CAVIN MOVED TO CLOSE THE MEETING TO THE PUBLIC FOR FINANCIAL REVIEW.**

**MR. ZECH 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).

A financial discussion ensued, after which a motion was made, seconded, and carried to open the meeting to the public.

**MR. ZECH MOVED TO APPROVE THE LICENSE APPLICATION WITH A LIMIT OF \$12,000, A \$1,000 BOND, AND A FINANCIAL REVIEW UPON RENEWAL.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**DISCIPLINARY HEARINGS**

**HORIZON COMMUNITIES #33102 - DISCIPLINARY HEARING (Continued from 6/20/00)**

Brian DeFilippis, Blackhawk Construction Incorporated (The Receiver), was present, along with NSCB Investigator Tom Tucker.

NSCB Investigator Tom Lundberg was sworn in. He testified he had reviewed the items in the case. Regarding the Vaccaro matter, Mr. Lundberg provided photographs to indicate what work had occurred. The drainage issue appeared to be corrected. The photographs were entered into the record as Group Exhibit 1.

Regarding the Schmidt complaint, Mr. Lundberg testified that all 13 items had been satisfied. Photographs were entered into the record as Group Exhibit 2.

The status of the license was suspended for no qualifier as of September 10, 1999.

The evidentiary was closed.

**MR. CARSON MOVED TO FIND LICENSE #33102, HORIZON COMMUNITIES, IN VIOLATION OF ALL CAUSES OF ACTIONS.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO RECOVER THE INVESTIGATIVE COST OF \$3,744.21 PRIOR TO FUTURE LICENSURE IN THE STATE OF NEVADA.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**GILBERT ROOFING #35722- DISCIPLINARY HEARING**

Frank Russell Gilbert, Owner, Gilbert Roofing, was not present. Neither was legal counsel nor anyone else present to represent the Licensee.

Bonny Rydell-McDowell, Representative, A B C Supply; Daniel Hartung, Complainant; Sharon K. Mangiaracina, Complainant; Jack and Elaine Deitsch, Complainants; Alan Floyd, Representative, Pro West Construction; and NSCB Investigators Bob Macke, Greg Welch, and Greg Mincheff, were sworn in.

The notice of hearing and complaint, dated July 1, 2000 and consisting of pages 1-75, had been sent certified mail to the Respondent's address of record, 3825 Judson Ave, North Las Vegas, Nevada 89115. The return receipt had not been received. The post office returned the envelope stamped, "Moved Left No Address, Unable to Forward."

The hearing was for possible violation of NRS 624.301 (5), willful failure or refusal without legal excuse on the part of a licensee to comply with the terms of a construction contract or written warranty, thereby causing material injury to another; NRS 624.3012 (2), willful or deliberate failure by any licensee or agent or officer thereof to pay any money when due; NRS 624.3013 (3), failure to establish financial responsibility pursuant to NRS 624.220 and 624.260 to 624.265, inclusive, at the time of renewal of the license or at any other time when required by the board; NRS 624.3013 (5), as set forth in NAC 624.640 (3), NAC 624.700 (3) (a), and NAC 624.640 (5), failure in any material respect to comply with the provisions of this chapter or the regulations of the board; NRS 624.3017 (1), workmanship which is not commensurate with standards of the trade in general; and NRS 624.270 (3), failure of an applicant or licensee to file or maintain in full force the required bond or to establish the required cash deposit.

The notice of hearing was entered into the record as EXHIBIT 1.

Ms. Rydell-McDowell testified that the Respondent purchased construction materials on a credit basis for several projects for a total amount of \$4,971.40. She stated that a portion had been paid but the remainder had been turned over to collections.

Investigator Welch testified that he had requested the financial documents on October 16, 1998, and again on November 30, 1999, but none had been received. Certified letters had been returned stamped as 'attempted, not known'.

Investigator Mincheff stated that he had validated the Hartung complaint. Mr. Hartung had entered into a contract with the Respondent for a roof leak repair at his residence. Notices to correct had been sent, but had not been responded to.

Sharon Mangiaracina testified that she had entered into a contract with the Respondent for the installation of a new roof at her residence. Workmanship issues remained unresolved. The Licensee attempted the repair once, however, the roof still leaked.

Investigator Macke testified that the notice to correct had been sent. There had been no compliance, and the Licensee had not attended the administrative meeting.

Mr. Macke also testified that he had validated the Deitsch complaint. Mr. Deitsch was not present. Mr. Macke said Mr. Deitsch had entered into a contract with the Respondent for a new roof on his garage. Notices to correct had been sent but had not been responded to.

Pro West Construction, represented by Mr. Floyd, had paid another \$1,190.00 to fix what the Licensee failed to correct for one of Pro West Construction clients.

Mr. Taylor detailed the status of the claims filed against the bond, and the agreed upon settlement.

Two written letters of objection to the bond pay-out from Frank Gilbert regarding the Hartung and Deitsch claims were entered into the record as EXHIBIT 2.

Mr. Taylor then added that Deitsch, Hartung, and Pro West Construction had agreed to a pro-rata distribution of the cash bond.

The evidentiary was closed.

**MR. CARSON MOVED TO ACCEPT THE FILE AND TESTIMONY AS FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO FIND LICENSE #35722, GILBERT ROOFING, IN VIOLATION OF ALL CHARGES.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Discussion occurred regarding Mrs. Mangiaracinas' bond claim since it was the earliest of the complainants. Ms. Sheltra asked that the matter be reviewed for possible inclusion in the bond action.

Mr. Taylor said the Deitsch claim had been paid out pro-rata.

Mr. Carson did not want to include Pro West Construction, Inc. in the settlement agreement. Mr. Taylor was then directed to work on the settlement agreement.

**MR. CARSON MOVED TO REVOKE LICENSE #35722, GILBERT ROOFING.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE INVESTIGATIVE COSTS OF \$3,920.23 PRIOR TO FUTURE LICENSURE IN THE STATE OF NEVADA.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MS. SHELTRA MOVED TO NOT ACCEPT THE WRITTEN OBJECTIONS OF FRANK GILBERT TO THE CASH BOND SETTLEMENT.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**APPLICATIONS**

The following motion closed the meeting to the public.

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

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

The meeting was then closed to the public pursuant to NRS 241.030 to discuss financial and other data, which is confidential under NRS 624.110 (2).

**EL SALVADORE CONCRETE #48034 (C-5A – Concrete Pouring) FINANCIAL REVIEW UPON RENEWAL**

Felipe Umana, Owner, was present.

Mr. Umana said he only performed sidewalks and driveways, small jobs only.

Indemnification was explained to Mr. Umana.

**MR. CARSON MOVED TO TABLE THE LICENSE APPLICATION FOR 90 DAYS FOR INDEMNIFICATION OR NEW FINANCIAL INFORMATION.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**FLOOR SPECIALIST INC (C16 – Finishing Floors) NEW APPLICATION**

Adam Schwartz, Qualified Employee, was present.

The application had been tabled for financial information on August 8, 2000.

Mr. Schwartz explained his financial condition to the Board.

Ms. Mathias reported on the status of the judgment and payment agreements.

**MR. ZECH MOVED TO APPROVE THE LICENSE APPLICATION WITH A LIMIT OF \$25,000 AND A \$10,000 BOND.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED. (MR. CARSON WAS OPPOSED)**

**TARGET GENERAL INC OF NEVADA #6144A (B – General Building) FINANCIAL REVIEW**

Jo Holcombe was present. He was notified that the license renewal had been approved.

**AMERICAN SONS CONSTRUCTION INC (C3 – Carpentry) NEW APPLICATION**

Allen Emerson, Qualified Employee, was present. He was notified that the license application had been approved with a limit of

**TEJAS UNDERGROUND LLC #38972 (C2 – Electrical Contracting) CHANGE IN QUALIFIER**

**TEJAS UNDERGROUND LLC #38972 (C2 – Electrical Contracting) CHANGE IN OFFICER**

**TEJAS UNDERGROUND LLC #38973 (A15, 19 – Sewers, Drains & Pipes; Pipeline & Conduits) CHANGE IN QUALIFIER**

**TEJAS UNDERGROUND LLC #38973 (A15, 19 – Sewers, Drains & Pipes; Pipeline & Conduits) CHANGE IN OFFICER**

Gregory Walker, Qualified Employee, was present. He was notified that the change in qualifier and change in officer for both licenses had been approved.

**MASTEC NORTH AMERICA INC (A12 – Excavate, Grade, Trench, Surface) NEW APPLICATION**

**MASTEC NORTH AMERICA INC (C2 – Electrical Contracting) NEW APPLICATION**

Jonathan Bauer, Vice President, and John Oliver, Vice President, were present. They were notified that both licenses had been approved with a license limit of \$2.5 million and a \$10,000 bond.

**SANDSTONE ELECTRIC (C2-Electrical Contracting) NEW APPLICATION, RECONSIDERATION**

The application had been considered by the Board on July 25, 2000 and had been denied for lack of financial responsibility. No new financial statement had been received.

Jrayr Eskandari, Owner, was present.

Mr. Eskandari explained his financial condition.

**MR. ZECH MOVED TO TABLE THE LICENSE APPLICATION FOR 90 DAYS FOR NEW FINANCIAL INFORMATION.**

**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.; 1-2, 5-10, 13, 23, 64, 66, 76, and 115; and on the amended agenda Nos. 16.

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

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**LICENSE RENEWAL HEARING**

**B S DEVELOPERS #38536 – LICENSE RENEWAL HEARING**

Denny Segler, Owner, was present and sworn in. Keith Gregory, Legal Counsel, was identified.

The license had been summarily suspended per Board action of January 18, 2000.

Attorney Gregory explained the current financial condition of the company.

**MR. ZECH MOVED TO APPROVE THE RENEWAL OF THE LICENSE WITH A LIMIT OF \$250,000.00, A \$20,000 BOND, A BID LETTER, AND A FINANCIAL REVIEW UPON RENEWAL IN 2001; CONTINGENT UPON THE LICENSEE SUPPLYING FINANCIAL DOCUMENTS REGARDING A JUDGMENT SETTLEMENT WITH TOM FALLON.**

**MS. SHELTRA SECONDED THE MOTION**

**THE MOTION CARRIED.**

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

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**DISCIPLINARY HEARING**

**MORLEY INVESTMENTS & CONSTRUCTION #39166 & #41855 – DISCIPLINARY HEARING (Continued from 5/23/00, 6/21/00, and 7/25/00)**

Roy R. Morley, President, Morley Investments & Construction, was not present. Keith Gregory, Legal Counsel, was present to represent the Licensee. Also present was NSCB Investigator Ron Ramsey and Complainant, Michelle Stalk.

Attorney Gregory restated his case, which had been presented in the formal hearings.

Chairman Gregory stated that evidentiary had been closed. The Board was only interested in the status of the workmanship issue.

**MR. CARSON MOVED TO FIND LICENSE #39166 AND #41855, MORLEY INVESTMENTS AND CONSTRUCTION INC, IN VIOLATION OF ALL CAUSES OF ACTIONS.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO PLACE A PERMANENT LETTER OF REPRIMAND INTO THE LICENSE FILE OF LICENSE #39166 AND #41855, MORLEY INVESTMENTS AND CONSTRUCTION INC; AND TO IMPOSE AN ADMINISTRATIVE FINE OF \$2,500 PER VIOLATION; AND TO IMPOSE THE**

**INVESTIGATIVE COSTS OF \$4,741.71, PAYABLE WITHIN 60 DAYS OR THE LICENSE WAS TO BE AUTOMATICALLY SUSPENDED.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**EXECUTIVE SESSION**

George Lyford explained the BR INFORMATION SYSTEMS project to the Board. The project was 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 Chairman Gregory at 4:00 p.m.

Respectfully Submitted,

Marikay Mack, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kim Gregory, Chairman