

KENNY C. GUINN
Governor

STATE OF NEVADA



MEMBERS

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Chairman
MARGARET CAVIN
DAVID W. CLARK
SPIRIDON FILIOS
JERRY HIGGINS
J. BRIAN SCROGGINS
MICHAEL ZECH

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STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
NOVEMBER 25, 2003**

1. CALL TO ORDER

Chairman Randall Schaefer called the meeting of the State Contractors Board to order at 8:32 a.m., Tuesday, November 25, 2003, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Randall Schaefer - Chairman
Ms. Margaret Cavin
Mr. David Clark
Mr. Spiridon G. Filios
Mr. Jerry Higgins
Mr. J. Brian Scroggins
Mr. Michael Zech

BOARD MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Ms. Nancy Mathias, Licensing Administrator
Mr. George Lyford, Director of Investigations
Mr. Chris Denning, Deputy Director of Investigations

LEGAL COUNSEL PRESENT:

Ms. Carolyn Broussard, Legal Counsel
Mr. Bruce Robb, Legal Counsel (Walter Bruce Robb)

It was moved and seconded to hear the amended agenda. **MOTION CARRIED.**

2. APPROVAL OF MINUTES: November 12, 2003

It was moved and seconded to approve the minutes of November 12, 2003. **MOTION CARRIED.**

3. APPLICATIONS:

a. APPLICATIONS: (CLOSED MEETING PURSUANT TO NRS 241.030)

It was moved and seconded to close the meeting to the public in accordance with NRS 241.030 to discuss financial matters. **MOTION CARRIED.**

SPARKS DEVELOPMENT AND CONSTRUCTION (B-2 RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATION

Applicant was present. The application was approved.

WOODCASE FINE CABINETRY, INC. (C-3 C CABINETS AND MILLWORK) NEW APPLICATION

Applicant was present. The application was approved.

ACCREDITED BUILDING CORPORATION (B-2 RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATION

Applicant was present. The application was approved.

SILVER STATE GLASS, LLC (C-8 GLASS AND GLAZING) NEW APPLICATION, NAME SIMILARITY

Applicant was present. The application was approved.

CENTRAL VALLEY MASONRY, INC., LICENSE NO. 36922A, (C-18 MASONRY) RAISE IN LIMIT, RECONSIDERATION

Licensee was present. The raise in limit was not approved.

The Board reviewed the remainder of the applications on the agenda.

It was moved and seconded to reopen the meeting to the public. MOTION CARRIED.

b. RATIFICATION OF LICENSE APPLICATIONS, CHANGES OF LICENSURE, REINSTATEMENTS OF LICENSURE:

It was moved and seconded to ratify all applications not specifically discussed in closed session as recommended by staff. MOTION CARRIED.

4. SUBCOMMITTEE REPORTS:

RECOVERY FUND SUBCOMMITTEE:

Ms. Grein provided a summary report and stated that the next meeting was scheduled for December 15, 2003.

CLASSIFICATION/REGULATION SUBCOMMITTEE:

Ms. Grein informed the Board that a Public hearing is scheduled in December for the C-10 license classification modification and also for the proposed amendments to the Residential Recovery Fund and the Rules of Practice for Disciplinary Hearings.

5. LAWS AND REGULATIONS:

a. DISCUSSION AND REVIEW OF NAC 624.010 – PROFESSIONAL FEE CONSTRUED AND PROPOSED CLASSIFICATION FOR CONSTRUCTION MANAGERS:

It was moved and seconded to commence regulation hearings concerning the proposed classification for Construction Managers. MOTION CARRIED.

b. DISCUSSION AND REVIEW OF PROPOSED REGULATION AND COMMENTS ON R158-03 FOR COMPLIANCE WITH SB 241, SECTION 12:

Ms. Grein informed the Board about her contact with the Attorney General's office concerning Proposed Regulation R158-03 as well as plans to schedule an additional workshop. Additionally, Ms. Grein provided a

written summary of the comments received at the initial workshop.

6. EXECUTIVE SESSION:

a. EXECUTIVE OFFICER'S PROGRESS REPORT:

This matter was continued.

b. DISCUSSION AND REVIEW OF PROPOSED CHANGE TO EMPLOYEE BENEFIT PROGRAM REGARDING PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS):

Ms. Grein provided a report of the pension plan's performance for the past ten years. Discussion ended concerning the Employee Benefit Program. The Board requested Ms. Grein to contact the Public Employees Retirement System to request that a representative meet with NSCB employees.

c. DEPARTMENTAL REPORTS:

HUMAN RESOURCES:

Mr. Bart Thurgood, Human Resources, provided a summary of the Human Resources Program and upcoming events.

LEGAL:

Mr. Robb updated the Board on the Solano Development case.

PUBLIC RELATIONS:

Ms. Sonya Ruffin, Public Relations, updated the Board on the events staff would be participating in during the holiday season.

LICENSING:

Ms. Pat Potter, Licensing Supervisor, provided a summary report for the Las Vegas Licensing Department.

INVESTIGATIONS:

Mr. Chris Denning, Deputy Director of Investigations, provided a summary report for the Las Vegas Investigations Department.

7. RECOVERY FUND:

JAMES AND CAROL BELMONT'S RESIDENTIAL RECOVERY FUND CLAIM NO. L-9112-033-RF:

It was moved and seconded to deny James and Carol Belmont's Residential Recovery Fund claim pursuant to NRS 624.480. MOTION CARRIED.

8. CONSIDERATION OF SUMMARY SUSPENSION:

NEVADA HOME IMPROVEMENTS, INC., LICENSE NOS. 48806 AND 32572

It was moved and seconded to summarily suspend license numbers 48806 and 32572, Nevada Home Improvements, Inc. (B-2 Residential and Small Commercial and C-3 Carpentry), based on the public health, safety and welfare. MOTION CARRIED.

9. INFORMAL SETTLEMENTS:

a. ACTION LANDSCAPE & SUPPLY, LICENSE NOS. 48929 AND 51751

It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative fine of \$500 and a Residential Recovery Fund fine of \$100 plus reimburse the Board for Investigative Costs of \$584 within 60 days. MOTION CARRIED. Mr. Filios abstained.

b. TROPICAL CREATIONS CORP., LICENSE NO. 42274

It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative fine of \$500 and a Residential Recovery Fund fine of \$100 plus reimburse the Board for Investigative Costs of \$518 within 60 days. A Warning Letter shall be placed in Respondent's file and copies of all completed contracts are to be provided to Investigator Welch for his review. MOTION CARRIED. Mr. Filios abstained.

c. LEDCOR INDUSTRIES (USA), INC., LICENSE NO. 34436

It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative fine of \$3,500 and reimburse the Board for Investigative Costs of \$396 within 60 days. MOTION CARRIED. Mr. Filios abstained.

d. ACOUSTIC AUDIO VIDEO SPECIALISTS, LICENSE NO. 53372

It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to reimburse the Board for Investigative Costs of \$402 within 90 days. MOTION CARRIED. Mr. Filios abstained.

10. FINANCIAL REVIEW HEARING:

PRECISE PAINTING, LICENSE NO. 54010

Licensee was present.

It was moved and seconded to approve the renewal of license number 54010, Precise Painting with a \$50,000 monetary limit and a \$5,000 bond. MOTION CARRIED.

11. APPLICATION HEARING:

INFINITE VISIONS, INC., dba INFINITE REFLECTIONS

Applicant was present with attorney, James Kwon.

It was moved and seconded to approve the license application (C-8 Glass & Glazing) with a \$50,000 monetary limit and a \$5,000 bond. MOTION CARRIED.

12. APPLICATION HEARING:

WESTSIDE, INC., dba WESTSIDE RESTORATION

Applicant was present with attorney, Kurt Lambeth.

It was moved and seconded to approve the license application with a \$250,000 monetary limit and a \$10,000 bond as a probationary license. The voluntary surrender of license number 46280 was accepted. MOTION CARRIED. Mr. Clark abstained.

13. ADVISORY OPINION:

WASHOE COUNTY LICENSE REQUIREMENTS – PARK CONSTRUCTION CONTRACT NO. PWP-WA-2004-51

Based upon the information provided, the Board opined that an A (General Engineering) licensee would be properly licensed to perform the work required under Contract No. PWP-WA-2004-51.

PUBLIC COMMENT

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

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chairman Schaefer at 11:45 a.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Randall Schaefer, Chairman

ADJUDICATING BOARD MEMBER: MARGARET CAVIN

15. DISCIPLINARY HEARING: (CONTINUED FROM OCTOBER 7, 2003)

CARLO FIORI, LICENSE NO. 43455

This matter was continued to the December 9, 2003, Disciplinary Hearings in Reno.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Margaret Cavin, Adjudicating Board Member

ADJUDICATING BOARD MEMBER: DAVID CLARK

16. DISCIPLINARY HEARING:

ELISHA ELWOOD DURHAM, LICENSE NO. 53886

This matter was continued to the January 21, 2003, Las Vegas Board Meeting. The license is to remain suspended.

17. DISCIPLINARY HEARING:

LAS VEGAS ROOFING & DECKING, INC., LICENSE NO. 45124A

LAS VEGAS ROOFING & DECKING, dba DECK KING, LICENSE NO. 45396A

Licensee was present.

Hearing Officer Clark dismissed all causes of action against respondent Las Vegas Roofing & Decking, Inc. and Las Vegas Roofing & Decking, dba Deck King, Paula DeCarlo, President, license numbers 45124A and 45396A. Ms. DeCarlo is to furnish a current personal financial statement and business financial statement within 90 days. Ms. DeCarlo is to continue making regular payments to Las Vegas Supply.

18. DISCIPLINARY HEARING:

S B C O CONSTRUCTION, INC., LICENSE NO. 51976

Licensee was present.

Hearing Officer Clark found the respondent S B C O Construction, Inc., Stephen Brainard, President, license number 51976, guilty of all causes of action. License number 51976, S B C O construction, Inc. was Revoked. Mr. Brainard was assessed Investigative costs in the amount of \$1,418 to be paid prior to consideration of future licensure.

19. DISCIPLINARY HEARING: (CONTINUED FROM OCTOBER 28, 2003 and NOVEMBER 12, 2003)

TRIANGLE CONSTRUCTION, INC., LICENSE NO. 32494

This matter was continued.

20. DISCIPLINARY HEARING:

WAYNE HANSEN CONTRACTORS, LICENSE NO. 47083

Licensee was present.

Hearing Officer Clark found the respondent Wayne Hansen, dba Wayne Hansen Contractors, license number 47083, guilty of the first and fourth causes of action and dismissed the second and third causes of action. Mr. Hansen was assessed Investigative costs in the amount of \$500 to be paid within 60 days from November 25, 2003 or license number 47083, Wayne Hansen Contractors will automatically be Revoked. Wayne Hansen Contractors, license number 47083 will be suspended for 120 days for Mr. Hansen to furnish a current financial statement. If the financial statement does not support the license limit, staff is to bring before the Board for their review. If the financial statement is not furnished, license number 47083, Wayne Hansen Contractors will automatically be Revoked.

21. DISCIPLINARY HEARING:

PERFECTION ENTERPRISES, INC., LICENSE NO. 42249

Licensee was present.

Hearing Officer Clark found the respondent Perfection Enterprises, Inc., Jeffrey William Martin, Treasurer, license number 42249, guilty of the first cause of action and dismissed the second cause of action. Mr. Martin was assessed a fine of \$750. Investigative costs were assessed in the amount of \$1,000. The fine and costs are to be paid within 120 days from November 25, 2003 or license number 42249, Perfection Enterprises, Inc., will automatically be Revoked.

22. DISCIPLINARY HEARING:

SUNSET POOLS & LANDSCAPING, LICENSE NOS. 42104 AND 42105

Licensee was present.

Hearing Officer Clark found the respondent Jeffrey Norton, dba Sunset Pools & Landscaping, license numbers 42104 and 42105, guilty of the first cause of action and dismissed the second and third causes of action. Mr. Norton was assessed investigative costs in the amount of \$1,525. The costs are to be paid within 90 days from November 25, 2003 or license numbers 42104 and 42105, Sunset Pools & Landscaping, will automatically be Revoked. A Two (2) Year Letter of Reprimand is to be placed in Mr. Norton's license file.

23. DISCIPLINARY HEARING:

ULTIMATE ALARMS, LICENSE NO. 52636

Licensee was present.

Hearing Officer Clark found the respondent Ultimate Alarms, Angel Yumart, Partner, license number 42636, guilty of the first cause of action and dismissed the second, third, fourth and fifth causes of action. Mr. Yumart was assessed a fine of \$500. Investigative costs were assessed in the amount of \$1,474. The fine and costs are to be paid within 120 days from November 25, 2003 or license number 52636, Ultimate Alarms, will automatically be Revoked. An 18-Month Letter of Reprimand is to be placed in Mr. Yumart's license file.

24. DISCIPLINARY HEARING – DEFAULT ORDER:

a. PRIMO LANDSCAPE, INC., dba PRIMO LANDSCAPING & LAWN CARE, LICENSE NO. 40428A

Licensee was not present.

Hearing Officer Clark found respondent Primo Landscape, Inc., dba Primo Landscaping & Lawn Care, Timothy J. Piper, President, license number 40428A, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 40428A, Primo Landscape, Inc., dba Primo Landscaping & Lawn Care, was Revoked. Mr. Piper is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,718, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.

b. ECO INDUSTRIES, INC., LICENSE NO. 39263

Licensee was not present.

Hearing Officer Clark found respondent ECO Industries, Inc., Eve June Johnson, Secretary, license number 39263, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 39263, ECO Industries, Inc., was Revoked. Ms. Johnson is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,138, prior to consideration of future licensure.

c. SUNRISE ELECTRICAL & LIGHTING SYSTEMS, LICENSE NO. 35141

License was not present.

Hearing Officer Clark found respondent Ephraim Lopez, dba Sunrise Electrical & Lighting Systems, license number 35141, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 35141, Sunrise Electrical & Lighting Systems, was Revoked. Mr. Lopez is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,036, plus reimburse the Division of Industrial Regulations an Administrative fine of \$805 prior to consideration of future licensure.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Clark at 4:01 p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

David Clark, Adjudicating Board Member