

KENNY C. GUINN
Governor

STATE OF NEVADA

REPLY TO:



MEMBERS

KIM W. GREGORY
Chairman
DOUGLAS W. CARSON
MARGARET CAVIN
JERRY HIGGINS
DENNIS K. JOHNSON
RANDY SCHAEFER
MICHAEL ZECH

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STATE CONTRACTORS' BOARD

MINUTES OF THE MEETING DECEMBER 20, 2000

The meeting of the State Contractors' Board was called to order by Chairman Kim Gregory at 8:10 a.m., Wednesday, December 20, 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. Douglas W. Carson
Ms. Margaret Cavin
Mr. Jerry Higgins
Mr. Dennis Johnson
Mr. Randy Schaefer
Mr. Mike Zech

BOARD MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Robert Griffy, Legal Counsel (Haney, Woloson & Mullins)
Mr. Dennis Haney, Legal Counsel (Haney, Woloson & Mullins)
Mr. David Reese, Legal Counsel (Cook, Roberts & Reese)
Ms. Nancy Mathias, Licensing Administrator
Mr. George Lyford, Director of Special Investigations Unit
Mr. Rick Bertuzzi, Director of Investigations
Mr. Frank Torres, Assistant Director of Investigations
Mr. Roy Schoonmaker, Investigations Supervisor
Mr. Linc Dante', Investigator
Mr. Bob Macke, Investigator
Mr. Greg Mincheff, Investigator
Mr. Tom Tucker, Investigator
Mr. Greg Welch, Investigator
Mr. Bill Brandon, Recording Secretary

OTHERS PRESENT:

Cari Inkenbrandt, Court Reporter, CSR Associates of Nevada; Gary Joe Smith, Floors by Gary, John Wright, attorney, Mr. Del Acosta, Mr. Carmen Caruso, NSCB, Gerald E. Homm, P-Berry Electric, Mona Wilcox, Rhodes Framing, Arleen Hudson and Larry Kennedy, Turf Equipment Supply Co., Gayle Kirk, Steel Engineers, Keith Gregory, attorney, Michael Little, Ahern Rentals, Sylvia Diaz, Annette Lexis, Security unlimited, Judy Liper and Michael Little, Ahern Rentals, Ronald Lee Bissell, Bissell Contracting Corp., Mary Ann and Rueben Ochoa, Mark Adam Morton, Digital Communication Specialists.

EXECUTIVE SESSION

Unfinished business from December 19, 2000.

Investigative Reports

Mr. Bertuzzi and Mr. Torres provided an update on the pending Board Hearing cases for Las Vegas and Reno. Las Vegas currently has approximately 231 pending Board Hearing cases, which involves approximately 167 contractors. Reno currently has approximately 49 pending Board Hearing cases, which involves approximately 28 contractors. Cases are being prioritized. The status of Money Owing complaints and the importance of requesting financial Statements from contractors were discussed. Licensees with multiple Money Owing complaints are to be given high priority and immediately brought before the Board.

DISCIPLINARY HEARINGS

FLOORS BY GARY #42436 – DISCIPLINARY HEARING

Notice of Hearing & Complaint, dated November 15, 2000, consisting of pages 1-27, was sent certified mail to the address of record on file with the Board. The return receipt was dated November 22, 2000.

The hearing was for possible violation of NRS 624.3017 (1), Workmanship which is not commensurate with the standard 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 by failing to comply with the notice to correct, and by failing to include the license number and monetary limit on the bid or contract.

Mr. Gary Joe Smith, Owner, was sworn in, along with Mr. Del Acosta, Complainant and Mr. Carmen Caruso and Robert Macke NSCB Investigators. John Wright, attorney for the Respondent was present.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1, and the stipulation was not signed.

Mr. John Rice, Attorney for Gary Smith, requested a continuance of the cases so he could conduct additional investigation into the matter. The request was denied by the Board. Mr. Gregory verified the license was suspended, not renewed as of January 2000. Mr. Griffy advised the Final Notice was not acknowledged and the floor was already redone by another contractor.

Complainant, Mr. Del Acosta, entered into a contract on or about July 12, 1999 for ceramic tile and carpeting. Complainant stated grouting was uneven around tiles. The problems were brought to Respondent's attention. Photographs of the floor were presented as evidence. The area in question was approximately 962 sq ft. The Notice to Correct was issued after Investigator Macke and Mr. Caruso came out and verified the workmanship issues. The Complainant advised he denied entry to the premises after the Final Notice had expired. Access was permitted prior to that time, however, no action to repair the problems was conducted by the Respondent.

Mr. Del Acosta entered into evidence approximately fifty photographs (4 albums) as

EXHIBIT 2 depicting the workmanship issues, which had been validated.

Attorney Wright stated access had been denied to the respondent and the Respondent wanted to conduct the repairs. The relationship between the Respondent and the Complainant had deteriorated. Attorney Wright advised the homeowner had obtained \$5,000 from the Respondent's Bond on September 28, 2000.

Investigator Macke verified the workmanship issues in the complaint and verified access had not been denied to the Respondent until after the Final notice to Correct had expired. Investigator Macke verified the Respondent's monetary limit was not included on the estimate.

Investigator Caruso confirmed the installation of tile was outside the scope of the Respondent's license.

A letter from NSCB to the Respondent dated March 7, 2000 was entered into evidence as Respondent's EXHIBIT A. A letter from law office of Dempsey, Roberts & Smith, Ltd. dated March 1, 2000 was entered as Respondent's EXHIBIT B. A letter dated March 16, 2000 from NSCB was entered as Respondent's EXHIBIT C.

Griffy noted the Respondent's estimate did not include the license number. Respondent's license is a C-16 (a) (c) (d) – not a license to lay ceramic tile, which requires the C19 or C20.

The evidentiary portion of the hearing was closed.

MR. JOHNSON MOVED TO REFER THE MATTER FOR PREPARATION OF FINDINGS OF FACTS, CONCLUSIONS OF LAW.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

R. J. B. INVESTMENTS #36157 – DISCIPLINARY HEARING

Notice of Hearing & Complaint, dated November 17, 2000, consisting of pages 1-86, was sent certified mail, to Respondent's address of record, 1505 Exodus Court, Las Vegas, Nevada 89106 and 7916 Canley Avenue, Las Vegas, Nevada 89149. Return receipt 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 in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefor; NRS 624.3013 (3), failure to establish financial responsibility; 4 violations of 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 624.640 (5), failure to include the license number and monetary limit on the bid or contract; and NRS 624.3013(4), failure to keep in force the bond or cash deposit pursuant to NRS 624-270 for the full period required by the board.

Mr. Zech recused himself.

Gerald E. Homm, P-Berry Electric Inc., Mona Wilcox, Rhodes Framing, Arleen Hudson and Larry Kennedy, Turf Equipment Supply Co., Gayle Kirk, Steel Engineers Inc., Complainants were sworn in along with NSCB Investigator Ron Ramsey. The Respondents attorney, Keith Gregory, was also present.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1, and the stipulation was signed by Mr. Keith Gregory, the Respondents attorney.

Ms. Grein advised the Board members that Respondent asked for a voluntary surrendering of the license June 20, 2000, that was denied by the Board. The Respondent also requested a continuance of the hearing, which was received on December 18, 2000.

Attorney Keith Gregory stated the Respondent had stipulated to all charges.

The evidentiary portion of the hearing was closed.

MR. JOHNSON MOVED TO REFER THE MATTER FOR PREPARATION OF FINDINGS OF FACTS, CONCLUSIONS OF LAW.

MS. CAVIN SECONDED THE MOTION.

MR. JOHNSON MOVED TO FIND R.J.B. INVESTMENTS, LICENSE #36157 IN VIOLATION AS CHARGED IN THE NOTICE OF HEARING. MR. JOHNSON MOVED TO REVOKE THE LICENSE AND THAT IF THE LICENSEE OR ANY PRINCIPALS THEREOF APPLY FOR LICENSING IN THE STATE OF NEVADA, RESTITUTION WOULD BE REQUIRED TO ALL PARTIES IN THE CASE.

MS. CAVIN SECONDED THE MOTION

THE MOTION CARRIED.

D J CONCRETE #44165 – DISCIPLINARY HEARING

Notice of Hearing and Complaint, dated November 16, 2000, consisting of pages 1-21, was sent certified mail, to Respondent's address of record, P.O. Box 34385, Las Vegas, Nevada 89133. Return receipt not received. The was returned stamped "Insufficient Address."

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 for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefor; NRS 624.3013 (3), failure to establish financial responsibility; and NRS 624.3013 (4), failure to keep in force the bond or cash deposit required by NRS 624.270 for the full period required by the Board.

Michael Little, Ahern Rentals, Complainant and NSCB Investigator Bob Macke were sworn in.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1.

The Respondent did not appear nor did anyone appear on his behalf.

Mr. Little testified that on February 6, 1995 Respondent entered into a purchase and rental

agreement. A \$10,800.00 partial payment was received from bonding company leaving a balance due of \$970.59.

Investigator Macke testified that the Financial Statement was requested and was not received. The Respondent purchased labor and materials from C&T Enterprises who was still owed \$18,580.37. All known addresses have been researched by investigative staff with negative results. The Respondent was not located.

The evidentiary portion of the hearing was closed.

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

MS. CAVIN SECONDED THE MOTION

THE MOTION CARRIED UNANIMOUSLY.

MR. CARSON MOVED TO FIND D J CONCRETE LICENSE #44165 IN VIOLATION OF ALL CHARGES.

**MS. CAVIN SECONDED THE MOTION
THE MOTION CARRIED UNANIMOUSLY.**

MR. CARSON MOVED TO REVOKE D J CONCRETE LICENSE #44165. IF THE LICENSEE OR ANY PRINCIPALS THEREOF REAPPLY TO THE BOARD FOR LICENSING THAT RESTITUTION TO ALL PARTIES BE MADE AND NSCB INVESTIGATIVE COSTS OF \$2,146 BE PAID.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

GRACE ROOFING #45770 – DISCIPLINARY HEARING

Notice of Hearing & Complaint, dated November 17, 2000, consisting of pages 1-16, was sent certified mail, to Respondent's address of record, 5046 South Rainbow, Suite 206, Las Vegas, Nevada 89118. Return receipt not received, stamped "Moved Left No Address."

The hearing was for possible violation of NRS 624.3017 (1), Workmanship which is not commensurate with the standard of the trade; 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 and monetary limit on the bid or contract; 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, thereby causing material injury to another; and NRS 624.3013 (4), failure to keep in force the bond or cash deposit required by NRS 624.270 for the full period required by the Board.

Sworn in was NSCB Investigator Ron Ramsey.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1.

Complainant and Respondent did not appear.

Investigator Ramsey testified he investigated the complaint and determined the

Respondent did perform the work. The Inspection showed the garage roof has leaks on the North and South sides. The homeowner tried to contact the Respondent after the work was done and had no luck contacting him, nor was Investigator able to contact the Respondent. The Respondents monetary limit was not included on the contract.

The evidentiary portion of the hearing was closed.

MR. ZECH MOVED TO ACCEPT THE FILE AND TESTIMONY AS FORMAL FINDINGS OF FACTS, CONCLUSIONS OF LAW.

MR. CARSON SECONDED THE MOTION

THE MOTION CARRIED UNANIMOUSLY.

MR. ZECH MOVED TO FIND GRACE ROOFING LICENSE #45770 IN VIOLATION OF ALL CHARGES.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

MR. ZECH MOVED TO REVOKE GRACE ROOFING LICENSE #45770. IF THE LICENSEE OR ANY PRINCIPALS THEREOF REAPPLY TO THE BOARD FOR LICENSING THAT RESTITUTION TO ALL PARTIES BE MADE AND NSCB INVESTIGATIVE COSTS OF \$1,593 BE PAID.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

SAFFLES CONSTRUCTION CORPORATION #43213, 47813, 47814, 47815, and 48688 – DISCIPLINARY HEARING

Notice of Hearing & Complaint, dated November 17, 2000, consisting of pages 1-16, was sent certified mail to the address of record on file with the Board. Return receipt dated November 27, 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 for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefor; NRS 624.3013 (3), failure to establish financial responsibility; and NRS 624.3013 (4), failure to keep in force the bond or cash deposit pursuant to NRS 624.270 for the full period required by the board.

Gail Kirk, Steel Engineers Inc., Complainant and NSCB Investigator Ron Ramsey were sworn in.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1.

Mr. Zech recused himself.

Respondent was not present.

Mr. Griffy noted Respondent has numerous licenses, all of which are suspended, and the Respondent was believed to have moved to Tennessee.

Ms. Kirk testified that Respondent purchased materials from Steel Engineers. A balance of \$17,357.94 is owed.

Investigator Ramsey testified a Financial Statement was requested December 13, 1999 and not received. The Financial Statement request was personally served at the construction office site to Sherry Safes, chief operation officer, for License #47185, a B-2. License was suspended on March 19, 2000 for no bond and no subsequent bond has been posted. Respondent is no longer at the construction site and has not been located anywhere else in Las Vegas.

The evidentiary portion of the hearing was closed.

MR. SCHAEFER MOVED TO ACCEPT THE FILE AND TESTIMONY AS FORMAL FINDINGS OF FACTS, CONCLUSIONS OF LAW.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. SCHAEFER MOVED TO FIND SAFFLES CONSTRUCTION CORPORATION LICENSE #43213, 47813, 47814, 47815, and 48688 IN VIOLATION OF ALL CHARGES.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. SCHAEFFER MOVED TO REVOKE SAFFLES CONSTRUCTION CORPORATION LICENSE #43213, 47813, 47814, 47815, AND 48688. IF THE LICENSEE OR ANY PRINCIPALS THEREOF REAPPLY TO THE BOARD FOR LICENSING THAT RESTITUTION TO ALL PARTIES BE MADE AND NSCB INVESTIGATIVE COSTS OF \$1,5963 BE PAID.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

COOL RITE #48099 - DISCIPLINARY HEARING

Notice of Hearing & Complaint, dated November 17, 2000, consisting of pages 1-23, was sent certified mail to Respondent's address of record, 5034 Fir Circle, North Las Vegas, Nevada 89031. Return receipt not received.

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 624.3016 (1), any fraudulent or deceitful act committed in the capacity of a contractor; 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 and monetary limit on the bid or contract; The hearing was for possible violation of NRS 624.3017 (1), Workmanship which is not commensurate with the standard of the trade; and NRS 624.3013 (4), failure to keep in force the bond or cash deposit required by NRS 624.270 for the full period required by the Board.

Sylvia Diaz, Complainant was sworn in along with NSCB Investigators Greg Welch, Mike Perko, and Bob Macke.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1.

Respondent was not present.

Investigator Welch testified that Respondent installed a compressor for Mrs. Muriel costing \$1,029.00 with a 2-year warranty. The compressor failed and the Respondent was called back out by Complainant. Respondent installed a new motor and charged the Complainant \$457.11. After new motor failed the Complainant again contacted the Respondent receiving assurances from the Respondent that he would return. Respondent did not return and the Complainant called another contractor who inspected the old compressor found it to be in working condition, oiled it, and reinstalled the old compressor.

Investigator Macke testified that he verified the workmanship issues along with Investigator Welch. Investigator Macke verified Respondent failed to go back and complete repairs. Respondent failed to show for on-site investigation and subsequent attempts to contact Respondent by Investigators were unsuccessful. Investigator Macke confirmed that the contract with Complainant does not have Respondent's license number nor monetary limit listed as required.

Ms. Diaz testified she had the air conditioning compressor replaced on April 27, 1999 but the air never cooled down the upstairs while continually running. She contacted Respondent several times and was told that nothing was wrong with the compressor and advised that the house needed to be re-weather stripped. Respondent came out one more time and said unit worked fine but offered to sell her a new unit.

Investigator Perko verified his inspection of the air conditioning unit and found that the condensation drain lines were not properly attached stopping the unit from cycling on and off properly and creating poor circulation flow. There has been no contact with Respondent and no response to Notice to Correct. Respondent's license was suspended on March 17, 2000 for no bond.

The evidentiary portion of the hearing was closed.

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

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

MS. CAVIN MOVED TO FIND COOL RITE LICENSE #48099 IN VIOLATION OF ALL CHARGES.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

MS. CAVIN MOVED TO REVOKE COOL RITE LICENSE #48099. IF THE LICENSEE OR ANY PRINCIPALS THEREOF REAPPLY TO THE BOARD FOR LICENSING THAT RESTITUTION TO ALL PARTIES BE MADE AND NSCB INVESTIGATIVE COSTS OF \$2,042 BE PAID.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.**STODDART CONSTRUCTION COMPANY #44807 – DISCIPLINARY HEARING**

Notice of Hearing & Complaint, dated November 17, 2000, consisting of pages 1-18, was sent certified mail to Respondent's address of record, 3120 So. Rainbow Blvd., Suite 205, Las Vegas, Nevada 89146. Return receipt not received. The envelope was returned stamped "Unable to Forward."

The hearing was for possible 2 violations of NRS 624.3012 (2), willful or deliberate failure by any licensee or agent or officer thereof to pay any money when due for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefor; NRS 624.3013 (3), failure to establish financial responsibility; and NRS 624.3013 (5), as set forth in NAC 624.640 (3), failing to report a change in address to the Board within 30 days.

Annette Lexis, Security Unlimited and Judy Liper, Michael Little, Ahern Rentals, Complainants, were sworn in along with and NSCB Investigator Linc Dante'.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT.

Respondent did not appear.

Ms. Lexis, testified that Respondent owed Security Unlimited a total of \$17,743. On September 27, 1999 Respondent made a payment \$5,000.

Investigator Dante' testified that a Financial Statement was requested without response.

Complainant, Mr. Little, of Ahern Rentals, stated that in 1998 Respondent rented equipment for a cost of \$8,036.23 and presently has an unpaid balance of \$4,800 plus interest and attorney fees.

The evidentiary portion of the hearing was closed.

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

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

MR. CARSON MOVED TO FIND STODDART CONSTRUCTION COMPANY LICENSE #44807 IN VIOLATION OF ALL CHARGES.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

MR. CARSON MOVED TO REVOKE STODDART CONSTRUCTION COMPANY LICENSE #44807. IF THE LICENSEE OR ANY PRINCIPALS THEREOF REAPPLY TO THE BOARD FOR LICENSING THAT RESTITUTION TO ALL PARTIES BE MADE AND NSCB INVESTIGATIVE COSTS OF \$1,513 BE PAID. MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

BISSELL CONTRACTING CORP. #40221A and 41708A – DISCIPLINARY HEARING

Notice of Hearing & Complaint, dated November 12, 2000, consisting of pages 1-23, was sent certified mail to the address of record on file with the Board. Return receipt dated November 18, 2000.

The hearing was for possible violation of NRS 624.3017 (1), Workmanship which is not commensurate with the standard of the trade; 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 and monetary limit on the bid or contract; NRS 624.3013 (4), failure to keep in force the bond or cash deposit required by NRS 624.270 for the full period required by the Board; and NRS 624.3013 (5), as set forth in NAC 624.640 (3), failing to report a change in address to the Board within 30 days.

Ronald Lee Bissell, President of Bissell Contracting and NSCB Investigator Greg Mincheff were sworn in.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1, and the stipulation was signed.

Mr. Gregory stated license suspended for no bond and not renewed.

A letter from Mr. Bissell stating that counsel would not be present was entered into evidence as EXHIBIT 2. Mr. Bissell stipulated to the charges stating that there were extenuating circumstances for his non-compliance and explained those circumstances to the Board.

The evidentiary portion of the hearing was closed.

MR. JOHNSON MOVED TO ACCEPT VOLUNTARY SURRENDER OF BISSELL CONTRACTING CORPORATION LICENSE #40221A AND 41708A.

MR. SCHAEFER SECONDED THE MOTION

THE MOTION CARRIED UNANIMOUSLY.

MR. ZECH LEFT BOARD MEETING AT 0952 a.m.

ACTION ELECTRICAL NETWORK, INC. #30425 – DISCIPLINARY HEARING

Notice of Hearing & Complaint, dated October 11, 2000, consisting of pages 1-31, was sent certified mail to Respondent's address of record, 1000 Sharp Circle, North Las Vegas, Nevada 89030. Return receipt not received. The envelope was returned stamped, "Attempted, Not Known," and "Forwarding Order Expired."

Notice of Continued Hearing, date November 27, 2000, sent certified mail. No return received.

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 for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefor; and NRS 624.3013 (3), failure to establish financial responsibility.

Gayle Kirk, Steel Engineers, Complainant sworn in along with NSCB Investigators Bob Macke and Greg Welch.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1.

Respondent was not present.

Ms. Kirk testified that an agreement was signed with Respondent to purchase materials. An outstanding balance of \$1,027.87 is still owed. There has been no contact with Respondent nor have any payments been received.

Investigator Macke testified that he validated all complaints and has had no contact with Respondent other than one phone call placed in October, 2000. Investigator Macke requested a Financial Statement which was not received.

Investigator Welch testified that Cable is owed a balance of \$2,987.23 and has had no further contact with Respondent.

The evidentiary portion of the hearing was closed.

MR. HIGGINS MOVED TO ACCEPT THE FILE AND TESTIMONY AS FORMAL FINDINGS OF FACTS, CONCLUSIONS OF LAW.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. HIGGINS MOVED TO FIND ACTION ELECTRICAL NETWORK, INC. LICENSE #30425 IN VIOLATION OF ALL CHARGES.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. HIGGINS MOVED TO REVOKE ACTION ELECTRICAL NETWORK, INC. LICENSE #30425 AND THAT IF LICENSEE OR ANY PRINCIPALS THEREOF REAPPLY FOR A LICENSE THAT RESTITUTION TO ALL PARTIES IN THE CASE BE MADE AND NSCB INVESTIGATIVE COSTS OF \$2,869 BE PAID.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

APPLICATIONS

VIVIAN HWANG – APPLICATION HEARING

Notice of Hearing and Complaint dated October 30, 2000, consisting of pages 1 – 6, was sent certified mail to the address of record on file with the Board. The return receipt was signed and dated November 1, 2000. Amended Notice of Hearing, dated December 13, 2000 was sent certified mail to the address of record on file with the Board. Return receipt was not returned.

The hearing was for the denial of the application for contractor's license based on the Applicant's failure to establish financial responsibility in accordance with NRS 624.263.

The Notice of Hearing and License Application were entered into the record as EXHIBIT 1.

The applicant was not present nor was anyone present on applicant's behalf.

MS. CAVIN MOVED TO DENY LICENSE FOR FAILURE TO ESTABLISH FINANCIAL RESPONSIBILITY.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

CONCRETE CREATIONS – APPLICATION HEARING

Notice of Hearing and Complaint dated December 4, 2000, consisting of pages 1 – 6, was sent certified mail to the address of record on file with the Board. The return receipt was signed and dated December 5, 2000.

The hearing was for the denial of the application for contractor's license based on the Applicant's failure to establish financial responsibility in accordance with NRS 624.263.

Rueben Ochoa, applicant, was sworn in and also License Analyst Maryann Enbody.

Mr. Griffy stated for the record that the 2nd cause of action should read line 8 para 5, on or about January 18, 1998 instead of January 18, 1988.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1, and the stipulation was signed.

Chairman Gregory reviewed the financial responsibility requirements and the option of indemnification.

Mr. Ochoa stated he would like an a opportunity to obtain capital or an indemnitor and requested the Board table the license request.

MR. CARSON MOVED TO TABLE THE APPLICATION FOR 90 DAYS WITH REQUIREMENT FOR NEW FINANCIAL STATEMENT FOR REVIEW.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

ADVISORY OPINION

DUST DEVIL

Soil-Tech, Co. requested an advisory opinion regarding the ability of Dust Devil, which does not have a contractor's license, to continue with contract/bid number 01.1730.12.led, to provide and apply a dust palliative to several areas for Clark County Flood Control Facilities, for annual maintenance.

The Board opined that Dust Devil would not need a license to apply a palliative for dust control purposes but is restricted from performing any smoothing, compaction, grading, or

moving of dirt.

DIGITAL COMMUNICATION SPECIALISTS, #48393

Digital Communication Specialists requested an advisory opinion regarding their ability to dig 6" – 12" deep and 6" – 12" wide trenches on residential properties from the residence to the sidewalk to bury cable and to pull cable in already existing conduits underground, utilizing their existing C-2, (d) and (e) license.

Mark Adam Morton, President was present.

Mr. Adam stated that he would be installing new cables and replacing existing cables and that no work would be performed in public areas.

Chairman Gregory stated that Mr. Morton can perform the duties that are incidental to the work covered by the C-2, (d) & (e) license but is restricted from digging on public property.

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 10:30 a.m.

Respectfully Submitted,

Bill Brandon, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kim Gregory, Chairman