

JIM GIBBONS
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MEMBERS

MARGARET CAVIN
Chair
SPIRIDON FILIOS
Vice Chair
DAVID W. CLARK
JERRY HIGGINS
WILLIAM "BRUCE" KING
RANDY SCHAEFER
GUY M. WELLS

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
September 27, 2007

1. CALL TO ORDER:

Chair Margaret Cavin called the meeting of the State Contractors Board to order at 9:00 a.m., Thursday, September 27, 2007, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Ms. Margaret Cavin - Chair
Mr. Randy Schaefer
Mr. Spiridon G. Filios
Mr. Jerry Higgins
Mr. Bruce King
Mr. Guy Wells

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Ms. Nancy Mathias, Licensing Administrator
Mr. George Lyford, Director of Investigations
Mr. Gary Hoid, Deputy Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

Mr. Bruce Robb, Esq., Legal Counsel
Mr. David Brown, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on September 19, 2007, at Las Vegas City Hall, Sawyer State Building and Clark County Library. The agenda was also posted in both offices of the Board, Henderson and Reno and on the Board Internet Website.

FUTURE AGENDAS:

Ms. Grein informed the Board item #7 on the agenda has been vacated.

2. PUBLIC COMMENT:

No public comment.

3. APPROVAL OF MINUTES: August 23, 2007

It was moved and seconded to approve the minutes of August 23, 2007. **MOTION CARRIED.**

4. EXECUTIVE SESSION:

a. EXECUTIVE OFFICER'S REPORT

b. ACCEPTANCE OF SOLARI & STURMER RECOVERY FUND AUDIT REPORT PERIOD FOR THE PERIOD ENDING 6/30/07

It was moved and seconded to approve the Recovery Fund Audit Report. MOTION CARRIED.

c. DISCUSSION OF SOLARI & STURMER MANAGEMENT LETTER

Ms. Grein will provide her response to the Solari & Sturmer management letter at the October 18, 2007 Board Meeting.

d. PROPOSED AMENDMENT TO NAC 624 CONCERNING ASBESTOS REMOVAL LIMITATIONS PURSUANT TO THE PROVISIONS OF AB 592

It was moved and seconded to notice the proposed changes to NAC 624 concerning asbestos removal limitations and conduct the appropriate public workshop and hearing. MOTION CARRIED.

e. PROPOSED AMENDMENT TO NAC 624.6932 REVISING THE WORDING FOR INFORMATIONAL FORM

It was moved and seconded to notice the proposed changes to NAC 624.6932 and conduct the appropriate public workshop and hearing. MOTION CARRIED.

f. PROPOSED AMENDMENTS TO NAC 624 TO IMPLEMENT PROVISIONS OF SB 279 CONCERNING ADMINISTRATIVE CITATIONS AND OTHER MATTERS

It was moved and seconded to notice the proposed changes to NAC 624 to implement provisions of SB 279 concerning administrative citations and other matters and conduct the appropriate public workshop and hearing. MOTION CARRIED.

g. ADOPTION OF PROPOSED REGULATION LCB FILE NO. R014-07 CONCERNING CERTIFICATES OF ELIGIBILITY

It was moved and seconded to adopt proposed regulation LCB file no R014-07 concerning certificates of eligibility. MOTION CARRIED.

h. DISCUSSION AND REVIEW OF INVESTIGATIVE POLICIES AND PROCEDURES

George Lyford and Daniel Hammack provided information related to the Investigative Policies and Procedures.

i. DISCUSSION AND REVIEW OF RESPONSES UNDER NRS 40.6887

It was moved and seconded to approve the responses under NRS 40.6887. MOTION CARRIED.

j. DISCUSSION AND APPROVAL OF TENTATIVE 2008 BOARD MEETING AND DISCIPLINARY HEARING SCHEDULES

Ms. Grein provided a proposed meeting scheduled for 2008.

k. DEPARTMENTAL REPORTS:

ENFORCEMENT AND INVESTIGATIONS:

Mr. Hammack provided a status report of the Enforcement and Investigations Department.

LEGAL:

Mr. Robb provided status reports on pending legal matters.

LICENSING:

Ms. Potter provided a status report of the Licensing Department.

PUBLIC RELATIONS:

Mr. Nadler provided a status report on the Public Relations Department.

RECOVERY FUND:

Ms. Grein informed the Board that the next Recovery Fund Hearing will be November 14, 2007.

5. SUBCOMMITTEE REPORTS: Executive Subcommittee, Recovery Fund Subcommittee, Classification/Regulation Subcommittee, Finance Subcommittee, Subcommittee (s) Discussion

Ms. Cavin informed the Board that the next Classification/Regulation Subcommittee meeting will be held Tuesday, October 2, 2007.

6. CASH BOND CLAIM:

B. S. I. LANDSCAPE & GOLF, INC., LICENSE NO. 53272

Determination of disposal of above-referenced licensee's cash bond.

Licensee was not present.

It was moved and seconded to award the cash bond claim submitted by Pavestone Company in the amount of \$5,790.91. MOTION CARRIED.

BRACAMONTES & SONS PLASTERING LLC, LICENSE NO. 59255

Determination of disposal of above-referenced licensee's cash bond.

Licensee was not present.

It was moved and seconded to award the cash bond claim submitted by Red Star Supply in the amount of \$5,000.00. MOTION CARRIED.

7. APPLICATION DENIAL HEARING:

CHAD BEERS ELECTRICAL

This hearing was vacated.

8. APPLICATION DENIAL HEARING:

BROLINE INTEGRATED SYSTEMS

Licensee Jefferey L. Broline, President, was present with counsel Hal Taylor Esq.

It was moved and seconded to approve application (C-2 Electrical) with a monetary limit of \$20,000.00 and a bond of \$5,000.00. MOTION CARRIED.

9. APPLICATION DENIAL HEARING:

A. W. H. Construction, Inc.

Arthur Hopping, President was present with counsel Terry Thomas, Esq.

It was moved and seconded to approve application (C-3 Carpentry) with a monetary limit of \$100,000.00 and a bond of \$5,000.00. MOTION CARRIED.

10. APPROVAL OF CONSENT AGENDA:

a. RATIFICATION OF STAFF APPROVED LICENSE APPLICATIONS, CHANGES OF LICENSURE, REINSTATEMENTS OF LICENSURE, VOLUNTARY SURRENDERS:

Item # 11 was approved with the trade exam waived. Item # 628 was tabled for a board interview.

It was moved and seconded to approve the consent agenda with noted exceptions. MOTION CARRIED.

11. APPLICATIONS IN QUESTION (INITIAL AND RENEWAL): (Closed meeting pursuant to NRS 241.030, list attached)

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

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.

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

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chair Cavin at 10:25 a.m.

Respectfully Submitted,

Tricia Buyson, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Margaret Cavin, Chair

ADJUDICATING BOARD MEMBER: GUY WELLS**1. DISCIPLINARY HEARING:** (Continued from May 23, 2007 and July 26, 2007)**JAEHN CONSTRUCTION WEST**, License No. 19223**FRAMERS OF NEVADA**, License No. 19224

Licensee was present with counsel , Paul Hofmann, Esq. arrived at 11:17a.m.

The following Agency Exhibits were entered:

Exhibit 7 – A photo of the block presented to homeowner Jessie Harris taken by Robert Fryburger.

Exhibit 8 – A photo of the block actually used on the wall taken by Robert Fryburger.

Exhibit 9 – Four (4) photos of the Harris project taken by Board Investigator Ernie Talavera on September 18, 2007.

The following Respondent's Exhibits were entered:

Exhibit C – Three (3) photos of the Harris project taken by the Respondent on September 26, 2007.

Hearing Officer Wells found Respondents Jaehn Construction West, license number 19223 and Framers of Nevada 19224, guilty of one (1) violation of NRS 624.301(5) failure to comply with the terms of the construction contract, thereby causing material injury to another; one violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; One (1) violation of NRS 624.301(2) abandonment of construction project when percentage completed is less than percentage of total contract paid; One (1) violation of NRS 624.3015(1) acting beyond scope of license; One (1) violation of NRS 624. 3013 (5), per NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; One (1) violation of NRS 624.3018 (2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. The Seventh, Eighth, and Ninth Causes of Action were dismissed. Mr. Jaehn was assessed fines of \$1,000.00 for each of the First, Second, Third, and Fourth Causes of Action and a fine of \$100.00 for the Fifth Cause of Action. Investigative costs were assessed in the amount of \$3,629.00. If the Respondent timely completes the Harris project within 30 days of hearing, the fines for the First, Second, and Third Causes of Action will be vacated. Mr. Jaehn is required to pay fines and investigative costs within 60 days of hearing or license numbers 19223, Jaehn Construction West and 19224, Framers of Nevada shall be suspended.

ADJUDICATING BOARD MEMBER: SPIRIDON FILIOS**2. DISCIPLINARY HEARING:** (Continued from August 2, 2006)**WHITE WING PRODUCTIONS, INC.**, License Nos. 51135, 53485**WHITE WING PRODUCTIONS, INC., dba V TRICS ELECTRICAL**, License No. 57085

Licensee was present with counsel, Jennifer Lloyd-Robinson, Esq.

Hearing Officer Filios amended the decision and order dated August 9, 2006 by deleting paragraph 9 which required the respondent to obtain the required building permits and securing the required inspection for the Phan project.