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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING

June 15, 2006

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

1. CALL TO ORDER:

Chairman Randy Schaefer called the meeting of the State Contractors Board to order at 8:32 a.m., Thursday, June 15, 2006, 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. Randy Schaefer - Chairman
Ms. Margaret Cavin
Mr. David Clark
Mr. Spiridon G. Filios
Mr. Jerry Higgins
Mr. Guy Wells

BOARD MEMBERS ABSENT:

Mr. William "Bruce" King

STAFF MEMBERS PRESENT:

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

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 June 8, 2006, 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.

2. PUBLIC COMMENT:

Mr. Robert Portnoff commented regarding the notice requirement related to the Recovery Fund and Board member appointments.

Mr. Bryan Gorman of Swan Pools requested information pertaining to a pending investigation. He was directed to discuss the matter with Mr. Hammack, Chief of Enforcement.

Ms. Donna DiMaggio-Highberger, Esq., legal counsel for Flagship Services Coast to Coast, LLC requested a meeting with the Board to discuss a pending investigation involving Williams Brothers. Ms. DiMaggio-Highberger was directed to discuss the matter with George Lyford, Director of Investigations.

3. APPROVAL OF MINUTES: May 18, 2006

It was moved and seconded to approve the minutes of May 18, 2006. MOTION CARRIED.

4. EXECUTIVE SESSION:

a. EXECUTIVE OFFICER'S REPORT:

This matter was continued.

b. ADVISORY OPINION CONCERNING LICENSURE REQUIREMENTS FOR THE INSTALLATION OF APPLIANCES: (Continued from April 27, 2006 and May 18, 2006)

Mr. Ron Lynn, Clark County Building Official provided the guidelines used by Clark County in determining permit requirements for appliance installation.

c. DISCUSSION AND ADOPTION OF PROPOSED REGULATION LCB FILE R-118-06 CONCERNING ADMINISTRATIVE FINES:

It was moved and seconded to approve proposed regulation LCB File R-118-06. MOTION CARRIED.

d. LEGISLATIVE DISCUSSION:

Mr. Keith Lee provided a report regarding rule making hearings and legislative activities.

e. DISCUSSION AND APPROVAL OF AUGMENTATION OF FY 2005-06 BUDGET: (Continued from May 18, 2006)

It was moved and seconded to approve the proposed augmentation of the 2005-06 budget as submitted. MOTION CARRIED.

f. DISCUSSION AND APPROVAL OF FY 2006-07 BUDGET:

This matter was continued.

g. DISCUSSION AND ACTION REGARDING ANNUAL EVALUATIONS AND SALARY APPROVAL:

It was moved and seconded accept the recommendation of the Executive Committee. MOTION CARRIED.

h. LICENSING AND IT PROGRAM UPDATES:

Ms. Mathias updated the Board on the changes made to the processing of license applications.

I. DISCUSSION OF PROPOSED PLANNING AND ANALYSIS OF LICENSING POLICIES AND PROCESSES:

Ms. Grein provided a summary of what the California Contractors Board had done to streamline their processing of licensing applications. The Board approved staff to acquire a bid from an outside firm to perform a review of the current licensing process.

5. DEPARTMENTAL REPORTS:

ENFORCEMENT AND INVESTIGATIONS

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

LEGAL

Mr. Robb provided a summary report of pending litigation regarding Renaissance Pools and Spas, Inc. A written report was provided by Ms. Browning.

PUBLIC RELATIONS

Mr. Nadler provided a report on the public relations for the Board.

RECOVERY FUND

Mr. Lyford stated that the checks from the last Recovery Fund hearings had been received and would be dispersed within the next week. The next meeting was scheduled for July 19, 2006 at 2:00 pm. Mr. Wells volunteered to take the place of Mr. Filios on the Residential Recovery Fund Committee for the July 19, 2006 meeting.

6. SUBCOMMITTEE REPORTS:

This matter was continued.

7. APPLICATION DENIAL HEARING:

NU IMAGE CORP.

Applicant was present.

It was moved and seconded to approve the license application for classification C-19 (Installing Terrazzo and Marble) with a monetary limit of \$50,000.00 and a bond of \$5,000.00 with a Business Review within six months. MOTION CARRIED.

8. APPLICATION DENIAL HEARING:

SOUTHERN CALIFORNIA SOUND IMAGE

Applicant was present.

It was moved and seconded to approve the license application for classification C-2 (d) (Amplifying Systems) with a monetary limit of \$2,000,000.00 and a bond of \$20,000.00. MOTION CARRIED.

9. APPLICATION DENIAL HEARING:

BIG DOG SATELLITE

Applicant was present.

It was moved and seconded to approve the license application for classification C-2 (d) (Amplifying Systems) with a monetary limit of \$1,000.00 and a bond of \$1,000.00 contingent upon applicant providing documentation that the pending criminal charges filed by the NSCB have been completely resolved. MOTION CARRIED.

10. APPLICATION DENIAL HEARING:

AFFORDABLE GARAGE DOOR SERVICE

Applicant was present.

It was moved and seconded to approve the license application for classification C-3 (d) (Insulation) with a monetary limit of \$15,000.00 and a bond of \$2,000.00. MOTION CARRIED.

11. FINANCIAL INTERVIEW:

ENERGY MISERS, INC., LICENSE NO. 58897

Licensee was present.

It was moved and seconded to approve the renewal of license number 58897, Energy Misers, Inc. MOTION CARRIED.

12. APPROVAL OF CONSENT AGENDA:

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

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

13. APPLICATIONS (INITIAL AND RENEWAL) IN QUESTION: (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.

ALLIE, LLC, (B-2 RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATION

Applicant was present.

It was moved and seconded to approve the license application for a B-2 (Residential and Small Commercial) with a monetary limit of \$1,000,000.00 and a bond of \$20,000.00. MOTION CARRIED.

BREEZE BROTHERS CONSTRUCTION, LLC, (B-2 RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATION

Applicant was present.

It was moved and seconded to approve the license application for a B-2 (Residential and Small Commercial) with a monetary limit of \$250,000.00 and a bond of \$20,000.00. MOTION CARRIED.

RUBY WEST CONSTRUCTION, (B-2 RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATION

Applicant was present.

It was moved and seconded to approve the license application for a B-2 (Residential and Small Commercial) with a monetary limit of \$450,000.00 and a bond of \$20,000.00. MOTION CARRIED

LYONS EXCAVATION & EQUIPMENT RENTAL, LLC, LICENSE NO. 62639

Licensee was present.

It was moved and seconded to lift the restrictions on license number 62639, Lyons Excavation & Equipment Rental, LLC and a Business Review within six months. MOTION CARRIED

SUPREME PLUMBING, LICENSE NO. 54497

Licensee was present.

It was moved and seconded to approve the permanent raise in limit of license number 54497, Supreme Plumbing to \$1,000,000.00 and a bond of \$15,000.00. 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 Chairman Schaefer at 11:05 p.m.

14. DISCIPLINARY HEARING:**ADJUDICATING BOARD MEMBER: RANDALL SCHAEFER****AFRICART INTERNATIONAL ENTERPRISES, License No. 56815 (Continued from April 19, 2006)**

Licensee was present with counsel, Dan M. Winder, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer found Respondent Clement Bumi Ijidakinro, dba Africart International Enterprises, license number 56815 guilty of violation of NRS 624.301(5) failure to comply with the terms of the construction contract, thereby causing material injury to another; Three (3) violations of NRS 624.3013(5), as set forth in NAC 624.7003(3)(a) failure to comply with the Board's Notice to Correct; Three (3) violations of NRS 624.301(4) failure to prosecute a construction project with reasonable diligence; Two (2) violations of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; Three (3) violations of NRS 624.3013(5), as set forth in NAC 624.640(5) each licensee shall include in all bids he submits or contracts he enters into for construction work within this State, the number of his license and any monetary limit placed upon his license.; One (1) violation of NRS 624.3013(3) failure to establish financial responsibility; One (1) violation of NRS 624.3011(1)(b)(4) failure to comply with the laws of this State regarding industrial insurance. License number 56815, Clement Bumi Ijidakinro, dba Africart International Enterprises was Revoked. Respondent was assessed a fine of \$1,000 for each of the 1st, 2nd, 4th, 7th, 10th, 11th, 13th and 14th Causes of Action. Respondent was assessed a fine of \$500.00 for each of the 5th, 8th and 12th Causes of Action. Respondent was assessed a fine of \$2,000.00 for each of the 3rd, 6th, 9th and 15th Causes of Action. Total fines assessed were \$17,500.00. The investigative costs were assessed in the amount of \$4,901.00. Fines and costs are to be paid within 120 days of the June 14, 2006 Hearing. Mr. Ijidakinro was ordered to pay restitution of \$13,000.00 to Smittkamp; \$1,000.00 to Medford; and \$18,000 to Rosado within 30 days of the June 14, 2006 Hearing. If restitution is paid within 30 days of the June 14, 2006 Hearing, the 1st, 2nd, 6th, 7th, 9th and 10th Causes of Action will be dismissed and fines will be reduced to \$2,000.00. If restitution is not timely paid, the fines due shall remain \$17,500.00.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chairman Schaefer at 12:00 pm.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Randall Schaefer, Chairman