

State of Nevada

Reply To:

MEMBERS
Guy M. Wells, Chairman
Kevin E. Burke
Michael Efstratis
John C. Ellison
Jerry Higgins
Nathaniel W. Hodgson, III
William "Bruce" King



STATE CONTRACTORS BOARD

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MINUTES OF THE MEETING August 27, 2009

1. CALL TO ORDER:

Chairman Guy Wells called the meeting of the State Contractors Board to order at 8:30 a.m., Thursday, August 27, 2009, 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. Guy Wells, Chairman
Mr. Kevin Burke
Mr. Michael Efstratis
Mr. John Ellison
Mr. Jerry Higgins
Mr. Nathaniel W. Hodgson, III
Mr. Bruce King

STAFF MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

Mr. Bruce Robb, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on August 20, 2009, at Las Vegas City Hall, Sawyer State Building, Clark County Library and Reno City Hall, Washoe County Court House and Washoe 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:

None

3. APPROVAL OF MINUTES: July 23, 2009

It was moved and seconded to approve the minutes of July 23, 2009. MOTION CARRIED.

4. LEGISLATIVE DISCUSSION

a. SUMMARY OF 2009 LEGISLATION

Mr. Keith Lee provided a summary of the 2009 Legislative session.

5. EXECUTIVE SESSION:

a. DISCUSSION AND REVIEW OF AUDITED FINANCIAL REPORT FOR THE PERIOD ENDING JUNE 30, 2009

Ms. Neetra Childs from Solari and Sturmer, LLC provided a summary of the June 30, 2009 Audited Financial Report.

It was moved and seconded to approve the Audited Financial Report for the period ending June 30, 2009. MOTION CARRIED.

b. EXECUTIVE OFFICER'S REPORT

c. DISCUSSION AND REVIEW OF REVISED PERFORMANCE GUIDELINES

It was moved and seconded to approve the Revised Performance Guidelines. MOTION CARRIED.

d. STRATEGIC PLAN UPDATE

Ms. Grein provided a strategic planning update.

e. REVIEW AND APPROVAL OF REVISED EMPLOYEE HANDBOOK

It was moved and seconded to approve the revised Employee Handbook with the requested modifications to the drug testing policy. MOTION CARRIED.

f. DISCUSSION AND REVIEW OF 2010 HEARING SCHEDULES

Ms. Grein provided the proposed hearing schedules for 2010.

g. DISCUSSION AND APPROVAL OF SETTLEMENT AGREEMENTS

1. Promax Construction & Associates, LLC, License Nos. 68146, 68147, 68148

Licensee was not present.

It was moved and seconded to accept the Settlement Agreement. MOTION CARRIED.

2. Davila & Sons Inc., dba E & E Concrete and Kooldeck, License No. 39506A and Artisan, Inc., dba Artisan Tile & Plumbing, License No. 53508

Licensee was not present.

It was moved and seconded to accept the Settlement Agreement. MOTION CARRIED.

3. Flooring Encounters, Inc., License Nos. 70126, 71780

Licensee was not present.

It was moved and seconded to accept the Settlement Agreement. MOTION CARRIED.

4. Signs West, Inc., License No. 30374

Licensee was not present.

It was moved and seconded to accept the Settlement Agreement. **MOTION CARRIED.**

h. DEPARTMENTAL REPORTS:

This matter was continued.

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

7. FINANCIAL RESPONSIBILITY HEARING:

UPPERVIEW CONSTRUCTION, INC., License No. 68407

Licensee was not present.

It was moved and seconded to suspend the license of Upperview Construction, Inc., license number 68407. **MOTION CARRIED.**

8. INTENT TO AWARD CASH BOND CLAIM:

NU TURF, INC., License No. 57615

Licensee was not present.

It was moved and seconded to approve the proposed payment to each of the three claimants and the balance of the cash bond be held until the statutory time for making a claim against the cash bond has expired. **MOTION CARRIED.**

9. NEW APPLICATION DENIAL HEARING:

KENNETH A. WAGNER, dba WAGNER DEVELOPMENT

Applicant was present.

It was moved and seconded to deny the application. **MOTION CARRIED.**

10. NEW APPLICATION DENIAL HEARING:

A DESERT FREE LANDSCAPE, LLC

Applicant was present.

It was moved and seconded to approve the license application with a monetary limit of \$10,000.00 and a bond of \$2,000.00, contingent upon a six month business review. **MOTION CARRIED.**

11. NEW APPLICATION DENIAL HEARING:

DAVID LAWRENCE BEAN, dba THOR FRAMING CONTRACTORS

Applicant was present.

It was moved and seconded to continue this matter. MOTION CARRIED.

12. NEW APPLICATION DENIAL HEARING: (Continued from July 23, 2009)

WALTER MIANO, dba HAYLEE MECHANICAL SERVICES

Applicant was not present. Rebecca Baliht, Esq. was present representing Haylee Mechanical Services.

It moved and seconded to deny the request for a continuance. MOTION CARRIED.

It was moved and seconded to deny the application. MOTION CARRIED.

13. NEW APPLICATION DENIAL HEARING (Continued from July 23, 2009)

REFICO SOLUTIONS, LLC, dba AC PERFORMANCE SERVICES

Applicant was present.

It was moved and seconded to approve the license application with a monetary limit of \$50,000.00 and a bond of \$5,000.00, contingent upon Richard Waite paying past fees and costs in the amount of \$2,134.00 to the Board when he served as Qualified Individual for Comfort Express, LLC. Fees and costs must be paid within six (6) months from the August 27, 2009 Board Hearing. MOTION CARRIED.

14. NEW APPLICATION DENIAL HEARING (Continued from July 23, 2009)

GRIDIRON STEEL, INC.

Applicant was present.

Mr. Kevin Burke recused himself from this matter.

It was moved and seconded to deny the application. MOTION CARRIED.

15. APPROVAL OF CONSENT AGENDA:

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

Mr. Burke recused himself from item numbers 402, 403, 404 and 455.

Mr. Hodgson recused himself from item numbers 242, 243, 244, 245.

Mr. Efstratis recused himself from item numbers 525 and 526.

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

16. APPLICATIONS (INITIAL AND RENEWAL) IN QUESTION:

FAJARDOS POOL PLASTERING, INC. (C-17B PLASTERING); NEW APPLICATION; WAIVER OF TRADE EXAM

Applicant was present.

It was moved and seconded to deny the waiver of the trade exam. MOTION CARRIED.

BORING COMPANY, LLC (THE) (A-19 PIPELINE AND CONDUITS); CHANGE/ADDITION Q.I.; RECONSIDERATION – WAIVER OF TRADE EXAM

Licensee was present.

It was moved and seconded to approve the license with a classification A-22 limited to directional boring only. MOTION CARRIED.

W E BANASZAK GENERAL CONTRACTING AND DEVELOPMENT, LLC (B-2 RESIDENTIAL AND SMALL COMMERCIAL); SINGLE PROJECT LIMIT INCREASE; RECONSIDERATION

Licensee was present.

Licensee withdrew his request for a single limit increase.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chairman Wells at 11:13 a.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Guy Wells, Chairman

DISCIPLINARY HEARING:

SURFACE SPECIALISTS OF NEVADA, INC., License No. 71340

SURFACE SPECIALIST OF NEVADA, INC., License Nos. 67789, 68801

Licensee was present with counsel, Eric Dobberstein, Esq.

The following Agency exhibits were entered:

Exhibit One - Board Hearing file

The Board found Respondent, Surface Specialist of Nevada, Inc., Thomas Gerard Ditter, President, license number 71340 and Surface Specialist of Nevada, Inc., Thomas Gerard Ditter, President and Qualified Individual, license numbers 67789 and 68801, guilty of one (1) violation of NRS 624.3016(7) misrepresentation or omission of a material fact or fraudulent or deceitful act to obtain a license; one (1) violation of NRS 624.3013(2) misrepresentation of a material fact in connection with any information or evidence furnished the Board in connection with official matters; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$500.00 for each of the First and Second Causes of Action for total fines of \$1,000.00 and investigative costs in the amount of \$2,983.00. Fines and costs must be paid within sixty (60) days of the August 27, 2009 hearing date, or license number 71340, Surface Specialists of Nevada, Inc., and license numbers 67789 and 68801, Surface Specialist of Nevada, Inc. shall be suspended. Mr. Petrazzulo was removed as the Qualified Employee for license number 71340.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chairman Wells at 12:12 p.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Guy Wells, Chairman