

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 May 28, 2009

1. CALL TO ORDER:

Chairman Guy Wells called the meeting of the State Contractors Board to order at 8:30 a.m., Thursday, May 28, 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. Bruce King

BOARD MEMBERS ABSENT:

Mr. Nathaniel W. Hodgson, III

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
Mr. Jonathan Andrews, Esq., Legal Counsel
Mr. David Brown, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on May 21, 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: April 30, 2009

It was moved and seconded to approve the minutes of April 30, 2009. **MOTION CARRIED.**

4. LEGISLATIVE DISCUSSION**a. DISCUSSION AND BOARD ACTION ON PROPOSED LEGISLATION INCLUDING, BUT NOT LIMITED TO: AB215, SB127, SB151, SB242, SB268, SB288 ALONG WITH ANY OTHER LEGISLATION THAT MAY AFFECT THE NEVADA STATE CONTRACTORS BOARD**

Ms. Grein provided a legislative summary report.

5. EXECUTIVE SESSION:**a. EXECUTIVE OFFICER'S REPORT****b. DISCUSSION AND REVIEW OF MONEY OWING COMPLAINT PROCEDURES**

Ms. Grein provided a draft of the proposed procedures for money owing complaints. Additionally, letters from Mr. Richard Peel and Mr. Leon Mead concerning the complaint procedure were provided to the Board.

Robert Potter, President of Affordable Concepts provided comment on the proposed procedures.

It was moved and seconded to approve the proposed procedures. **MOTION CARRIED.**

c. DISCUSSION AND REVIEW OF LICENSE BOND REPORTS

Ms. Grein provided reports of licensee bond data.

d. DISCUSSION AND REVIEW OF FINANCIAL RESPONSIBILITY REQUIREMENTS

Ms. Grein provided a draft of proposed changes to the financial responsibility policy and application approval guidelines.

It was moved and seconded to draft the appropriate rulemaking changes. **MOTION CARRIED.**

e. DISCUSSION AND REVIEW OF RESPONSES UNDER NRS 40.6887

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

f. DISCUSSION AND APPROVAL OF SETTLEMENT AGREEMENTS:**1. Grand Seashore Ventures, LLC, dba Ace Concrete, License No. 67180**

Licensee was not present.

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

2. A A A Contracting, LLC, dba Electric, License No. 69196

Licensee was not present.

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

3. Marvin Gardens, Inc., License Nos. 60241, 41981, 41991

Licensee was not present.

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

4. Triple Five Nevada Development Corporation, License No. 31956

Licensee was not present, but was represented by counsel, Daniel R. McNutt, Esq.

Chris Albright, Esq. was present to represent American Asphalt and Grading.

It was moved and seconded to approve the Settlement Agreements. MOTION CARRIED.

g. DEPARTMENTAL REPORTS:

ENFORCEMENT AND INVESTIGATIONS:

Ms. Grein provided statistical data concerning money owing cases and disciplinary actions.

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

LEGAL:

Mr. Robb provided a status report on legal matters.

LICENSING:

Mr. Roberts provided a status report of the Licensing Department.

PUBLIC RELATIONS:

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

RECOVERY FUND:

Mr. Lyford provided a status report of the Recovery Fund.

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

7. NEW APPLICATION DENIAL HEARING:

JM ENVIRONMENTAL, INC.

Applicant was present.

It was moved and seconded to approve the license application with a monetary limit of \$950,000.00 and a bond of \$20,000.00. MOTION CARRIED.

8. FINANCIAL RESPONSIBILITY HEARING:

DOUBLE S PLUMBING, INC., License No. 69120

Licensee was not present.

It was moved and seconded to place the license on inactive status. **MOTION CARRIED.**

9. NEW APPLICATION DENIAL HEARING:

CAMELEON CABINETS, LTD.

Applicant was present with business associate Mr. Ben Smith.

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

10. APPROVAL OF CONSENT AGENDA:

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

Mr. Burke abstained from items number 11, 82, 188 and 501 through 504.

Mr. King abstained from item number 111.

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

11. APPLICATIONS (INITIAL AND RENEWAL) IN QUESTION:

DAVID BRADLEY ELECTRICAL PLUMBING AND HEATING (C-1 – PLUMBING AND HEATING); NEW APPLICATION; RECONSIDERATION - WAIVER OF TRADE EXAM

Applicant was present.

It was moved and seconded to approve the waiver of the trade exam. Mr. Ellison voted in opposition. **MOTION CARRIED.**

HIGH MARK CONSTRUCTION, LLC (A – GENERAL ENGINEERING); CHANGE/ADDITION Q.I.; RECONSIDERATION.

Mr. Daniel Latin was present.

It was moved and seconded to approve the addition of Daniel Latin as the Qualified Individual. **MOTION CARRIED.**

SURFACE SPECIALISTS OF NEVADA, INC. (C-3B - FINISH CARPENTRY); LIMITED TO WOOD FLOORS; CHANGE/ADDITION Q.I.; RECONSIDERATION

Jack Stone, Treasurer of Surface Specialist of Nevada, Inc., and Henry Petrazzulo were present with counsel, Eric Dobberstein, Esq.

It was moved and seconded to approve the change of Qualified Individual application adding Henry Petrazzulo contingent upon a business review in one year. **MOTION CARRIED.**

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chairman Wells at 11:02 a.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Guy Wells, Chairman

ADJUDICATING BOARD MEMBER: KEVIN BURKE

DISCIPLINARY HEARING:

CONSTRUCTION SYSTEMS, License No. 57077

Licensee was present.

One witness testified for the Board.

The following Agency exhibits were entered:

Exhibit One - Board Hearing file

Exhibit Two – A copy of the cancelled check dated August 6, 2008, made payable to the Respondent.

The following Respondent's exhibits were entered:

Exhibit A – The Respondent's Answer to the Board's Complaint.

Hearing Officer Burke found Respondent, Construction Systems, Rick Arnold Riscol and Madaleine Riscol, Partners and Qualified Individuals, license number 57077 guilty of one (1) violation of NRS 624.3012(3) failure to obtain the discharge or release of any lien recorded against the property; one (1) violation of NRS 624.3012(2) willful failure to pay any money when due for materials or service; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer Burke ordered Respondent to pay investigative costs of \$1,526.00, restitution to Mr. Yankovsky in the amount of \$14,471.25, a current compiled financial statement with full disclosures that supports the license limit with bank verification for all cash accounts are to be provided with sixty (60) days of the May 28, 2009 hearing. The license shall remain suspended until investigative costs are paid, restitution is made and a financial statement is provided. If Respondent does not comply with the order, the license shall be revoked.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chairman Wells at 12:29 p.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kevin Burke, Chairman