

BRIAN SANDOVAL
Governor

MEMBERS
Kevin E. Burke, Chairman
Thomas "Jim" Alexander
Donald L. Drake
Nathaniel W. Hodgson, III
William "Bruce" King
Stephen P. Quinn
Guy M. Wells

State Of Nevada



STATE CONTRACTORS BOARD

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MINUTES OF THE MEETING July 21, 2011

1. CALL TO ORDER:

Chairman Burke called the meeting of the State Contractors Board to order at 8:30 a.m., Thursday, July 21, 2011, 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. Kevin Burke, Chairman
Mr. Jim Alexander
Mr. Donald L. Drake
Mr. Nathaniel W. Hodgson, III
Mr. Bruce King
Mr. Stephen Quinn
Mr. Guy M. Wells

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George J. Lyford, Director of Investigations
Mr. Daniel 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 July 15, 2011, 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.

APPROVAL OF AGENDA:

Home Masters Plumbing, Heating and Air, LLC, item number 157 on the Consent Agenda was vacated. M G Equipment, Inc., item number 1 on the applications in question was tabled.

It was moved and seconded to approve the Agenda as amended. MOTION CARRIED.

FUTURE AGENDAS FOR POSSIBLE ACTION:

Ms. Grein announced that Mr. Quinn will be the Hearing Officer on August 17, 2011 for the Disciplinary Hearing. Louis Ling, Esq. is scheduled to provide information regarding the Hearing Officer program on August 18, 2011.

2. PUBLIC COMMENT

Mr. Robert Petranovich commented regarding being unable to collect funds from a pool contractor.

3. APPROVAL OF MINUTES:

It was moved and seconded to approve the Minutes of June 23, 2011. MOTION CARRIED.

4. ELECTION OF OFFICERS

It was moved and seconded to retain Mr. Burke as Chairman and Mr. King as Treasurer. MOTION CARRIED.

5. EXECUTIVE SESSION:

a. Executive Officer's Report

Ms. Grein presented the Executive Officer's quarterly and annual reports of activities and strategic plan programs. Ms. Lumbert summarized the quarterly financial reports. Ms. Mathias summarized the quarterly and annual activities for the licensing department. Mr. Lyford summarized the quarterly and annual activities for the enforcement department. Ms. Turner summarized the quarterly activities for the public relations department.

b. REVIEW AND APPROVAL OF CASH DISBURSEMENTS AND TRANSFER JOURNALS 4/1/11 THROUGH 6/30/11

It was moved and seconded to approve cash disbursements and transfer journals for 4/1/11 through 6/30/11. MOTION CARRIED.

c. REVIEW AND APPROVAL OF QUARTERLY FINANCIAL REPORT FOR PERIOD 4/1/11 THROUGH 6/30/11

It was moved and seconded to approve the quarterly financial report for the period 4/1/11 through 6/30/11. MOTION CARRIED.

d. STRATEGIC PLAN UPDATE

Ms. Grein presented the 2010-2011 strategic plan annual report.

It was moved and seconded to approve the strategic plan report. MOTION CARRIED.

e. REVIEW AND APPROVAL OF EXECUTIVE OFFICER'S QUARTERLY REPORT 4/1/11 THROUGH 6/30/11

It was moved and seconded to approve the executive officer's quarterly report for the period 4/1/11 through 6/30/11. MOTION CARRIED.

f. REVIEW AND APPROVAL OF EXECUTIVE OFFICER'S ANNUAL REPORT 7/1/10 THROUGH 6/30/11

It was moved and seconded to approve the executive officer's annual report for the period June 1, 2010 through June 30, 2011. MOTION CARRIED.

g. REVIEW AND APPROVAL OF COMPARISON REPORTS FOR PERIOD 7/1/08 THROUGH 6/30/11 -

It was moved and seconded to approve the comparison reports for the period 7/1/08 through 6/30/11. MOTION CARRIED.

h. DISCUSSION AND ACTION OF IMPLEMENTATION OF VOLUNTARY PARTICIPATION IN E-VERIFY SYSTEM

Mr. Drake suggested information regarding whether or not a licensee uses the E-verify system should be placed on the Board's website. Additional information will be provided at the next meeting.

i. DISCUSSION AND ACTION ON PROPOSED CHANGES TO NAC 624.670 CONCERNING APPLICATION FOR INCREASE IN MONETARY LIMIT FOR A SINGLE PROJECT

Ms. Mathias reported that the proposed changes to NAC 624.670 were consistent with the provisions of AB 32.

It was moved and seconded to commence rulemaking concerning the changes to NAC 624.670. MOTION CARRIED.

j. REVIEW AND APPROVAL OF CONTRACT FOR LEGISLATIVE AND REGULATORY REPRESENTATION

It was moved and seconded to approve the contract for legislative and regulatory representation. MOTION CARRIED.

k. DEPARTMENTAL REPORTS:

LEGAL

Mr. Robb presented a report on legal matters.

6. NEW APPLICATION DENIAL HEARING:

CHARGER CONSTRUCTION, LLC

Applicant was present with counsel, Phil Dabney, Esq. and Michael Wadley, Esq.

Mr. Burke disclosed that he has past dealings with Phil Dabney, Esq., he represented a Burke family member many years ago.

Mr. Hodgson disclosed that he has past dealings with Phil Dabney, Esq., he represented his company years ago and applicant Timothy Washburn was a former employee with him at Del Webb.

It was moved and seconded to approve the license application with a monetary limit of \$250,000.00 and a bond of \$15,000.00 contingent upon applicant repaying \$30,000.00 to the Arizona Recovery Fund within three (3) years with monthly payments starting January 1, 2012.

A financial review will be required every six months (6) months for three (3) years. MOTION CARRIED.

7. NEW APPLICATION DENIAL HEARING:

D R M PLUMBING AND MECHANICAL, LLC

Applicant was not present.

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

8. NEW APPLICATION DENIAL HEARING:

DYNAMIC DEVELOPERS, LLC

Applicant was present.

Mr. Burke disclosed that Mr. Fifta performed cabinet work in his home, while employed by JMR Cabinets.

It was moved and seconded to approve the license application with a monetary license limit of \$249,000.00 with a bond of \$15,000.00 contingent upon personal indemnification by Michelle Domanico and Marcus Fifta and changing the business name. A one year business review is required. MOTION CARRIED.

9. NEW APPLICATION DENIAL HEARING:

MIGUEL ANGEL GANCEDO, dba MIGUEL GANCEDO INTERIOR AND EXTERIOR PAINTING

Applicant was present.

It was moved and seconded to allow Mr. Gancedo to retake the licensing exam. MOTION CARRIED.

Mr. Wells opposed the motion.

10. NEW APPLICATION DENIAL HEARING:

CRAIG STEVEN FORSBERG, dba CRAIG FORSBERG CONSTRUCTION

Applicant was present.

It was moved and seconded to provide sixty (60) days for the applicant to provide an indemnitor that supports the requested license or the license application will be denied. MOTION CARRIED.

11. NEW APPLICATION DENIAL HEARING:

ROCKET PLUMBING AND DRAIN SERVICE

Applicant was present with counsel, Stephen Bus, Esq.

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. MOTION CARRIED.

12. NEW APPLICATION DENIAL HEARING: - For Possible Action:

ADD INSULATION, INC.

Applicant was present.

Mr. Hodgson disclosed a business relationship with Mr. Marigold. Mr. Marigold performed work for Mr. Hodgson's former employer, Pulte Homes.

It was moved and seconded to table this matter for ninety (90) days. MOTION CARRIED.

13. NEW APPLICATION DENIAL HEARING: - For Possible Action:

WATERPARK CONSTRUCTION, INC.

Applicant was not present.

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

14. NEW APPLICATION DENIAL HEARING: - For Possible Action:

GREENROCK CONSTRUCTION SERVICES, LLC

Applicant was present.

Mr. King recused himself based on a previous business relationship with the applicant.

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

15. NEW APPLICATION DENIAL HEARING – For Possible Action:

SIERRA ECO SYSTEMS

Applicant was present with counsel, Randy Schmidt, Esq.

It was moved and seconded to approve the license application contingent upon submitting a CPA prepared compiled financial statement supporting the license limit. MOTION CARRIED.

16. APPROVAL OF CONSENT AGENDA: - For Possible Action:

- a. Ratification of Staff Approved License Applications, Changes of Licensure, Reinstatement of Licensure, Voluntary Surrenders

Mr. King made disclosures or recused himself from item numbers:

- #93 and #94 – Drew Asphalt Paving, Inc. disclosed and recused based on a personal friendship.
- #111 – Floor Designs of Nevada, LLC disclosed that applicant was a business acquaintance.
- #253 – Patriot Contractors, LLC disclosed and recused since applicant is Board Member, Guy Wells.
- #258 and #259 – Pete King Residential, LLC disclosed and recused since Mr. King owns Pete King Residential, LLC..
- #329 – Stewart and Sundell Concrete, Inc. disclosed and recused since applicant is a personal friend.
- #369 – Vision Design Painting disclosed and recused based on business differences.

Mr. Wells made disclosures or recused himself from item numbers:

- #21 – Addison Glass, Inc. disclosed that applicant was a long time family friend.
- #38 – Axiom Construction and Management, LLP disclosed that applicant was a former employee.
- #48 – Bombard Electric, LLC disclosed that applicant has been a personal friend since high school.
- #92, #93 and #94 – Drew Asphalt Paving, Inc. disclosed and recused since applicant is a customer of his company.
- #148 – Harmony Homes, LLC disclosed that applicant is a friend and business associate.
- #253 – Patriot Contractors, LLC disclosed and recused since Mr. Wells owns Patriot Contractors, LLC.
- #258 and #259 – Pete King Residential, LLC disclosed that applicant is Board Member, Bruce King.
- #260 – Petra Construction disclosed and recused based on a possible business relationship with Mad Dog.
- #329 – Stewart and Sundell Concrete, Inc. disclosed and recused based on a business relationship with applicant.

Mr. Hodgson made disclosures or recused himself from item numbers:

- #89 – Desert Wind Homes disclosed a personal relationship with Mick Galato, of Desert Wind Homes.
- #111, #112 and #113 – Floor Designs of Nevada, LLC disclosed a past business dealings and personal friendship.
- #118 – Floortopia, LLC disclosed Floortopia performed work at his home and has had past business dealings with Pulte Homes.
- #127 – Gale Building Products disclosed that General Manager of Gale is a personal friend and had past business dealings with Pulte Homes.
- #148 – Harmony Homes, LLC disclosed that he had lunch with John Rhodes last year to discuss joining SNHBA.
- #253 – Patriot Contractors, LLC disclosed that applicant is Board Member, Guy Wells.
- #258 and #259 Pete King Residential, LLC disclosed that applicant is Board Member, Bruce King.
- #279 – Rebecca Merrihew disclosed and recused based on a personal friendship with Rebecca Merrihew, owner of the company.
- #294 – Russell Rogers Development disclosed based on a personal relationship with Mick Galato of Desert Wind Homes.
- #303 – Selectbuild Nevada, Inc. disclosed and recused since he has current business dealings with applicant and General Manager is a friend and neighbor.
- #305 - Service 1st Energy Solutions disclosed and recused based on a friendship with an individual who resigned from this company.
- #317 and #318 Simplex Grinnell, LP disclosed past business dealings with Pulte Homes and current talks with them.
- #329 – Stewart and Sundell Concrete, Inc. disclosed past business dealings with Kenny Stewart.
- #337 and #338 – Sunpower Corporation Systems disclosed past business dealings with applicant and Pulte Homes..
- #347 – Tejas Underground, LLC disclosed that he knows Jeff Adams, but not well.

Mr. Burke made disclosures or recused himself from item numbers:

- #48 – Bombard Electric, LLC disclosed based on a past business relationship with BCGI.
- #253 – Patriot Contractors, LLC disclosed that applicant is Board Member, Guy Wells.
- #258 and #259 – Pete King Residential, LLC disclosed that applicant is Board Member, Bruce King.

- #301 – Schindler Elevator Corp. disclosed based on a past business relationship with BCGI.
- #317 and #318 – Simplex Grinnell, LP disclosed based on a past business relationship with BCGI.

Mr. Quinn made disclosures or recused himself from item numbers:

- #21 – Addison Glass, Inc. disclosed and recused since applicant was asked by Public Works Board for an opinion.
- #253 – Patriot Contractors, LLC disclosed that applicant is Board Member, Guy Wells.
- #258 and #259 – Pete King Residential, LLC disclosed that applicant is Board Member, Bruce King.
- #260 – Petra Construction disclosed and recused based on a possible relationship with Mad Dog.

Mr. Drake made disclosures or recused himself from item numbers:

- #253 – Patriot Contractors, LLC disclosed that applicant is Board Member, Guy Wells.
- #258 and #259 – Pete King Residential, LLC disclosed that applicant is Board Member, Bruce King.

It was moved and seconded to approve the Consent Agenda. MOTION CARRIED.

17. APPLICATIONS (INITIAL AND RENEWAL IN QUESTION): - For Possible Action:

**SILVERBACK CONSTRUCTION, LAS VEGAS, NV. (B-2 RESIDENTIAL AND SMALL COMMERCIAL):
CHANGE OF OFFICER/MEMBER/MANAGER: RECONSIDERATION**

Licensee was present with counsel, Robert Kurth, Esq.

Mr. Wells disclosed a personal acquaintance with Robert Kurth, Esq.

It was moved and seconded to table this matter for sixty (60) days. MOTION CARRIED.

M G EQUIPMENT, INC., LAS VEGAS, NV (A-8 SEAL AND STRIPE OF ASPHALTIC SURFACES, A-12 EXCAVATING, GRADING, TRENCHING AND SURFACING, A-15 SEWERS, DRAINS AND PIPES, A-19A PIPELINE AND CONDUITS FOR WATER, A-23 REMOVAL OF ASBESTOS, A-13 WRECKING BUILDINGS); NEW APPLICATION; WAIVER OF EXAMS

This matter was tabled.

18. SUBCOMMITTEE REPORTS: - For Possible Action: Executive Subcommittee, Recovery Fund Subcommittee, Classification/Regulation Subcommittee, Finance Subcommittee, Subcommittee(s) Discussion

Ms. Grein reported that the Executive Subcommittee met on July 31, 2011, and provided copies of the meeting minutes.

19. PUBLIC COMMENT

No one was present for public comment in Reno or Las Vegas.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chairman Burke at 1:01 p.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Kevin E. Burke, Chairman