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STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
April 21, 2005**

MEMBERS
RANDALL SCHAEFER
Chairman
MARGARET CAVIN
Vice Chair
DAVID W. CLARK
SPIRIDON FILIOS
JERRY HIGGINS
J. BRIAN SCROGGINS
MICHAEL ZECH

1. CALL TO ORDER:

Chairman Randy Schaefer called the meeting of the State Contractors Board to order at 8:30 a.m., Thursday, April 21, 2005, 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
Mr. David Clark
Mr. Spiridon G. Filios
Mr. Jerry Higgins
Mr. J. Brian Scroggins
Mr. Michael Zech

BOARD MEMBERS ABSENT:

Ms. Margaret Cavin

STAFF MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

Mr. Bruce Robb, Esq., Legal Counsel

Ms. Grein stated that Investigator Greg Welch posted the agenda in compliance with the open meeting law on April 15, 2005 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's Internet Website.

2. PUBLIC COMMENT:

No one from the general public was present to speak for or against any items on the agenda.

3. APPROVAL OF MINUTES: March 31, 2005

It was moved and seconded to approve the minutes of March 31, 2005. MOTION CARRIED.

It was moved and seconded to amend the agenda, adding application items 1-3. MOTION CARRIED.

4. EXECUTIVE SESSION:

a. APPROVAL OF EXECUTIVE OFFICER'S QUARTERLY REPORT FOR PERIOD ENDING MARCH 31, 2005:

It was moved and seconded to approve the Executive Officer's Quarterly Report for the period ending March 31, 2005. **MOTION CARRIED.**

b. REVIEW AND APPROVAL OF CASH DISBURSEMENTS AND TRANSFER JOURNALS 01/01/05 – 03/31/05:

It was moved and seconded to approve the Cash Disbursements and Transfer Journals from January 1, 2005 through March 31, 2005. **MOTION CARRIED.**

5. LEGISLATIVE DISCUSSION:

a. REVIEW AND DISCUSSION OF SB 434, INCLUDING AMENDMENTS – REVISES PROVISIONS GOVERNING REGULATION OF CONTRACTORS:

Ms. Grein provided minutes of the Senate Committee on Commerce and Labor Hearing that took place April 11, 2005.

Members of the pool industry and general public were given an opportunity to provide comment regarding Senate Bill 434.

Ms. Grein will continue to work with representatives of the industry on proposed amendments.

b. REVIEW AND DISCUSSION OF AB 193 – REVISES PROVISIONS RELATING TO CONTRACTORS:

Richard Peel, Esq. was present to discuss revisions to Assembly Bill 193 which would exempt "Master Developers" from licensure requirements. Mr. Peel advised the Board that Assembly Bill 193 as it is written would limit the power of the Contractors Board and would not protect homeowners or subcontractors.

Ms. Grein provided a summary of Assembly Bill 193.

It was moved and seconded to oppose Assembly Bill 193 as currently written. **MOTION CARRIED.**

c. REVIEW AND DISCUSSION OF AB 501 – REVISES CERTAIN PROVISIONS GOVERNING CONTRACTORS:

Ms. Grein reported on the status of Assembly Bill 501.

d. REVIEW AND DISCUSSION OF AB 537 – REVISES PROVISIONS CONCERNING SUBMITTAL OF CERTAIN QUESTIONS AND DISPUTES TO THE STATE CONTRACTORS BOARD:

Ms. Grein provided a summary of Assembly Bill 537, and reported on the results of two public meetings held on April 8, 2005 and April 18, 2005.

e. REVIEW AND DISCUSSION OF ANY OTHER LEGISLATIVE MATTERS:

Mr. Holmes, President of Holmes Construction, Inc. was present to discuss revisions to Senate Bill 300. Mr. Holmes advised the Board that Senate Bill 300 would revise NRS 624.620 as it relates to residential construction.

f. LEGISLATIVE REPORT – BUZZ HARRIS, AMERICAN STRATEGIES, INC.:

Buzz Harris provided a status report on his legislative activities.

6. DEPARTMENTAL REPORTS:

ENFORCEMENT AND INVESTIGATIONS:

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

LEGAL:

Mr. Robb provided status report on pending litigation.

LICENSING:

Ms. Mathias provided a status report of the Licensing department.

EDUCATION AND PUBLIC RELATIONS:

Ms. Ruffin provided a status report of the Public Relations department.

RECOVERY FUND:

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

8. APPLICATION DENIAL HEARING:

PACIFIC FENCE

Applicant was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

It was moved and seconded to approve the license application with a monetary limit of \$10,000.00 and bond of \$10,000.00 with the stipulation that the applicant provides a current bank verification form. A current financial statement that supports the monetary license limit must be furnished within 90 days from April 21, 2005 or the license will be automatically Suspended. The applicant must provide proof of payment of the collection accounts as they are resolved. A financial statement will be required at the time of renewal 2006. MOTION CARRIED.

9. APPLICATION DENIAL HEARING:

ACCURATE PATIO CONSTRUCTION, INC.

Applicant was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Background investigation information.

- Residential Recovery Fund Report
- Residential Recovery Fund Claim Form
- Contract
- Notice to Correct
- Photographs
- Bank Verification
- Articles of Incorporation
- Fictitious Firm Name
- Certificate of Authority
- Decision and Order

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

10. APPLICATION DENIAL HEARING:

DENCO REMODELING GROUP, INC.

Applicant was present with Counsel Noah Allison, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent Exhibits were entered:

Exhibit A – Letter from Counsel Noah Allison, Esq. to the Nevada State Contractors Board.

It was moved and seconded to approve the license application for B (General Building) restricted to remodel of hotel properties only with a monetary limit of \$750,000.00 and bond of \$10,000.00 with the stipulation that Dennis Gartman maintain the terms of his probation. MOTION CARRIED.

The applicant is ordered to submit to a Business Review within One (1) year from April 21, 2005. The result of the Business Review will be presented to the Executive Officer.

11. APPLICATION DENIAL HEARING:

J M K LAWN CARE

Applicant was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent Exhibits were entered:

Exhibit A – Written statement prepared by Jason Woodard.

It was moved and seconded to approve the license application with a monetary limit of \$10,000.00 and bond of \$2,000.00 with the stipulation that Jason Woodard complies with the terms of his probation. Annual progress reports from the department of Parole and Probation are to be submitted to the Board which include the results of the polygraph test administered by the Department. Failure to comply with the stipulations will result in automatic Suspension of the license. MOTION CARRIED.

12. STATUS UPDATE:

HOLMES CONSTRUCTION COMPANY, INC., LICENSE NO. 28706

Investigator Gary Hoid provided an update of the Holmes Construction Company, Inc. case. The matter was continued.

13. APPROVAL OF CONSENT AGENDA:

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

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

14. APPLICATIONS 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

A A ASPHALT, (A-16 PAVING STREETS, DRIVEWAYS, LOTS) NEW APPLICATION

Applicant was present.

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

ELEGANT KITCHEN & BATH, (C-3 CARPENTRY) NEW APPLICATION

Applicant was present.

It was moved and seconded to approve the license application. A financial review will be required within 90 days from April 21, 2005. MOTION CARRIED.

The applicant is ordered to submit to an immediate Business Review. The result of the Business Review will be presented to the Executive Officer.

LINDEN EGGERS, (C-40 CONCRETE SEALERS & HARDENERS) NEW APPLICATION

Applicant was present.

It was moved and seconded to approve the license application with the stipulation that the applicant provides a letter from his Counsel reflecting resolution of tax liens. MOTION CARRIED.

T L C ROOF SERVICES, (B-2 RESIDENTIAL & SMALL COMMERCIAL) NEW APPLICATION

Applicant was present.

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

ALPHA 1 CONSTRUCTION, LICENSE NO. 49793 (B-2 RESIDENTIAL & SMALL COMMERCIAL) RAISE IN LIMIT

Licensee was present.

It was moved and seconded to approve the raise in limit application. MOTION CARRIED.

D & K LANDSCAPE, INC., LICENSE NO. 43694 (C-10 LANDSCAPE CONTRACTING) OFFICER CHANGE

Licensee was present.

It was moved and seconded to approve the officer change application. MOTION CARRIED.

LANDCOMBE LANDSCAPING, LICENSE NO. 57130 (C-10 LANDSCAPE CONTRACTING) F/S ON RENEWAL

Licensee was present.

It was moved and seconded to approve the renewal application. MOTION CARRIED.

PREFERRED UNDERGROUND, INC., LICENSE NO. 51856 (A-15, 19A SEWERS, DRAINS & PIPES; PIPELINE & CONDUITS) OFFICER CHANGE, RECONSIDERATION

Licensee was present.

It was moved and seconded to approve the officer change application. MOTION CARRIED.

PREFERRED UNDERGROUND, INC., LICENSE NO. 51856 (A-15, 19A SEWERS, DRAINS & PIPES; PIPELINE & CONDUITS) RAISE IN LIMIT

Licensee was present.

It was moved and seconded to approve the raise in limit application. MOTION CARRIED.

CONTRACT FLOORING & INTERIOR SERVICES, INC., (C-3 CARPENTRY) NEW APPLICATION, RECONSIDERATION

Applicant was present.

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

J C TOWNSEND CONSTRUCTION, (B-2 RESIDENTIAL & SMALL COMMERCIAL) NEW APPLICATION, RECONSIDERATION

Applicant was present.

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

GAIL WILLEY LANDSCAPING, INC., (C-10A, B LANDSCAPING; LANDSCAPE IRRIGATION) NEW APPLICATION

Applicant was present with Counsel Jim Spoo, Esq.

It was moved and seconded to approve the license application conditioned upon receipt of a personal indemnification by Mr. Gail Willey, and a financial review at the time of renewal 2006. MOTION CARRIED.

The applicant is ordered to submit to an immediate Business Review. The result of the Business Review will be presented to the Executive Officer.

3 N 1 CONSTRUCTION, INC., LICENSE NO. 56782 (B-2 RESIDENTIAL & SMALL COMMERCIAL) F/S ON RENEWAL

Licensee was present.

It was moved and seconded to approve the renewal application conditioned upon receipt of a financial statement at the time of renewal 2006. MOTION CARRIED.

WILSON CONSTRUCTION, LICENSE NO. 17525A (A-7, 12, 13, 15, 16, 19 EXCAVATING & GRADING; SEAL/STRIPE ASHPALTIC SURFACES; EXCAVATE, GRADE, TRENCH, SURFACE; WRECKING BUILDINGS; SEWERS, DRAINS & PIPES; PAVING STREETS, DRIVEWAYS, LOTS; PIPELINE & CONDUITS) F/S ON RENEWAL

Licensee was present.

It was moved and seconded to approve the renewal application. 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 12:10 p.m.

Respectfully Submitted,

Traci Greenlee, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Randall Schaefer, Chairman