

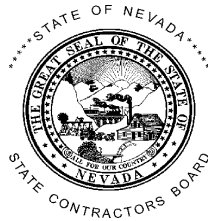
KENNY C. GUINN
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

KIM W. GREGORY
Chairman
DOUG CARSON
MARGARET CAVIN
DENNIS K. JOHNSON
DEBORAH WINNINGHAM SHELTRA
MICHAEL ZECH



RENO
9670 Gateway Drive, Suite 100
Reno, Nevada 89511
(775) 688-1141
Fax (775) 688-1271
Investigations (775) 688-1150

LAS VEGAS
4220 So. Maryland Parkway
Building D, Suite 800
Las Vegas, Nevada 89119
(702) 486-1100
Fax (702) 486-1190
Investigations (702) 486-1110

STATE CONTRACTORS' BOARD

**MINUTES OF THE MEETING
FEBRUARY 8, 2000**

The meeting of the State Contractors' Board was called to order by Chairman Kim Gregory at 8:35 a.m., Tuesday, February 8, 2000, State Contractors' Board, Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Kim Gregory - Chairman
Mr. Doug Carson
Ms. Margaret Cavin
Mr. Dennis Johnson
Ms. Deborah Sheltra
Mr. Michael Zech

BOARD MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. David Reese, Legal Counsel (Cooke, Roberts & Reese)
Mr. Hal Taylor, Legal Counsel
Ms. Nancy Mathias, Licensing Administrator
Mr. George Lyford, Director of Special Investigations
Ms. Kathy Stewart, Licensing Supervisor
Ms. Lisa Fisher, License Analyst
Ms. Betty Wills, Recording Secretary

OTHERS PRESENT:

Denise Phipps, Court Reporter, Sierra Nevada Reporters; Jack Lindell, President, Lindells Painting Service and Representative on behalf of Gene Samproni, Owner, Gene Samproni, General Engineering & General Building; Jack Wilger, Chief Financial Officer, Wilger Enterprises Inc.; Michael Britton, Representative/Organizer, Southern California, Nevada Regional Council of Carpenters; Attorney Keith Gregory, Legal Counsel, Sunworld Landscape & Maintenance Co.; Mike Robert Fritz, Owner, Professional Home Developers, Jon Ludwig, Legal Counsel representing Professional Home Developers; John Byrne, Complainant; Marvin Reed, Owner, M Reed Grading & Excavating; Robert A. White, President, Quail Construction, Inc.; Keith Smith, Vice President, Bengal Barricade; Randell and Kelley Grosword, Partners, K O R Excavation; Robert Kurth, Legal Counsel, Ellsworth Cooling & Heating; Clark and Jeri Ellsworth, Partners, Ellsworth Cooling & Heating; Arnie Carreon, Representative, Capital Pacific Homes Inc; and Jay Young, Legal Counsel, Capital Pacific Homes Inc.

Ms. Grein stated Jack Edstrom, NSCB Investigator, had posted the agenda in compliance with the open meeting law on February 2, 2000 at the Washoe County Court House, Washoe County Library, and Reno City Hall. In addition, it had been posted in both offices of the Board, Las Vegas and Reno and on the Board's Internet web page.

FIRST ORDER OF BUSINESS

BOARD MEMBER APPOINTMENTS

Chairman Gregory announced changes in the composition of the Nevada State Contractors' Board.

- Jack Lindell and Dennis Nelson had received a letter from the Governor's office expressing gratitude for the years of dedicated service to the Board and notification of the expiration of their terms.
- Kim Gregory, Dennis Johnson, and Mike Zech had been re-appointed by Governor Guinn.
- Margaret Cavin was appointed to the Nevada State Contractors' Board as a member.
- One appointment remained vacant.

Jack Lindell, Outgoing Board Member, was on hand to introduce Margaret Cavin to the Board. Chairman Gregory then swore in Ms. Cavin as a new board member.

* * * * *

It was learned there were 33 items on the amended agenda, each item of an emergency nature.

MR. ZECH MOVED TO HEAR THE AMENDED AGENDA.

MR. CARSON SECONDED THE MOTION

THE MOTION CARRIED.

Mr. Gregory called for a motion to approve the minutes of January 20, and January 25, 2000.

MR. CARSON MOVED TO APPROVE THE MINUTES OF JANUARY 20, AND JANUARY 25, 2000.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

The Executive Session was postponed until later in the day.

The following motion closed the meeting to the public.

MR. SHELTRA MOVED TO CLOSE THE MEETING TO THE PUBLIC.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

The meeting was then closed to the public pursuant to NRS 241.030 to discuss financial and other data, which is confidential under NRS 624.110 (2).

APPLICATIONS

GENE SAMPRONI – GENERAL ENGINEERING & GENERAL BUILDING #5140C (AB – General Engineering & General Building) BOND CANCELLATION

Jack Lindell, President, Lindells Painting Service, was present.

MR. JOHNSON MOVED TO APPROVE THE BOND CANCELLATION.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED.

WILGER ENTERPRISES INC (B2 – Residential & Small Commercial) NEW APPLICATION

Jack Wilger, Chief Financial Officer, Wilger Enterprises Inc., and Michael Britton, Representative/Organizer, Southern California, Nevada Regional Counsel of Carpenters.

The Carpenters' Union was alleging that the Dodge Report reflected Wilger had bid a Walgreen store project in Las Vegas, and had filed a protest against the application. Wilger Enterprises had provided a response to the allegation on February 7, 2000. Mr. Wilger stated that his son John, Chief Executive Officer, ran the company.

Mr. Lyford noted an investigation was currently underway.

MR. ZECH MOVED TO APPROVE THE LICENSE APPLICATION WITH A LIMIT OF \$5 MILLION AND A \$30,000 BOND.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

The Board advised Mr. Britton and Mr. Wilger that the investigation would continue and if determined valid, appropriate action would be taken.

J G LACA CONSTRUCTION LTD #35233A (B2 – Residential & Small Commercial) ONE TIME RAISE IN LIMIT

John Laca, Member, was present. He was informed the one time raise in limit for the Fallon Business Park project had been approved for \$350,000, payment and performance bonds if required.

RENO CARSON CONSTRUCTION #46376 (B2 – Residential & Small Commercial) ONE TIME RAISE IN LIMIT

Tony Psarras, Owner, was present. He was informed the one time raise in limit for the Carson City Wienerschnitzel project had been approved for \$370,000, payment and performance bonds if required.

SUNWORLD LANDSCAPE & MAINTENANCE CO. #35610 (C10 – Landscape Contracting) ONE TIME RAISE IN LIMIT, RECONSIDERATION

The one time raise in limit application for the Northwest Soccer Complex had been denied

on January 11, 2000 because it had not been received 2 working days prior to the bid, NAC 624.670.

Attorney Keith Gregory was present to represent the Licensee, Russell Bay and Raymond Beer, Partners, who were not present. Attorney Gregory entered into a discussion with the Board regarding the language in NAC 624.670 and NRS 624.220, which indicated the application had to be 'made' or 'submitted' rather than 'received' at least 2 working days prior to the bid, and citing NRS 238.100, date of postmark deemed date of filing and payment, as the basis for reconsidering the one time raise in limit.

MR. JOHNSON MOVED TO APPROVE THE ONE TIME RAISE IN LIMIT APPLICATION FOR THE NORTHWEST SOCCER COMPLEX FOR \$2 MILLION.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED.

Staff was directed to revise NRS 624.670 to reflect the word 'received' in the regulation rather than 'submitted.'

J T ELECTRIC (C2G – Residential Wiring) NEW APPLICATION, RECONSIDERATION

The application had been denied on January 25, 2000 for lack of financial responsibility. A new financial statement had been provided.

Jeremy Brown, Owner, was present. He was informed the license application had been approved with a limit of \$100,000, a \$10,000 bond, and a financial review upon renewal, provided the corporate resolution was submitted to the board.

The remainder of the applications on the agenda were reviewed and discussion occurred on the following: Nos. # 1-6, 11-14, 16, 18, 21, 24, 26, 36, 40-42, 44-46, 50-52, 54-59, 60-66, 68-71, 74-76, 83, 85-89, 93, 97-98, and 112; and on the amended agenda: Nos. 1-3, 11, 16-17, 22, and 29-30.

MR. JOHNSON MOVED TO REOPEN THE MEETING TO THE PUBLIC.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO APPROVE ALL APPLICATIONS NOT SPECIFICALLY DISCUSSED IN CLOSED SESSION PER STAFF RECOMMENDATION.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

DISCIPLINARY HEARING

PROFESSIONAL HOME DEVELOPERS #32754 DISCIPLINARY HEARING (Continued from 12-7-99)

Mike Robert Fritz, Owner, Professional Home Developers, Jon Ludwig, Legal Counsel representing Professional Home Developers; John Byrne, Complainant; and Milton Sharp, P.E., Consulting Engineer, Inc., were present.

Dennis Richards, Building Inspector, City of Sparks, and Marvin Reed, Owner, M Reed

Grading & Excavating, were sworn in.

Mr. Carson recused himself because Mr. Ludwig was representing him in other unrelated legal issues.

Mr. Taylor updated the board as to what had occurred in the last hearing. The hearing had been continued to allow further testimony.

Mr. Taylor questioned Mr. Reed who explained he was the prime excavator in building Mr. Byrne's home site. Mr. Reed stated that after the project had been started, Mr. Fritz became involved. He then detailed Mr. Fritz's roll in the project from that time forward. Upon completion of the excavating work, Mr. Fritz had not expressed to Mr. Reed dissatisfaction with the work performed. Mr. Reed said he had been back to the job site and found that the footings had been poured approximately 8 feet further out from where he had originally excavated. Mr. Reed stated that Mr. Fritz had incorrectly laid out the site.

Mr. Ludwig questioned Mr. Reed, who indicated he had been contracted to make a home site. He only cleared the property. He did not do foundations or footings. He merely put in a driveway and home site into the side of a mountain. Mr. Reed next drew a hand drawn diagram of the home-site, which was entered into the record as EXHIBIT 2.

Mr. Taylor questioned Mr. Byrne, who provided a 45-day timeline of events, starting from December 3, 1998, of Mr. Fritz's activity to correct the workmanship items. It was entered into the record as EXHIBIT 3. On December 8, 1998, Mr. Byrne had requested that Mr. Fritz provide him with state required industrial insurance, a bond, and liability insurance in order to perform the corrective work. Until the information was provided, Mr. Fritz was not allowed on the job site. It was January 13, 1999 before the information was provided to Mr. Byrne. On or about March 24, 1998 a dispute arose between Mr. Byrne and Mr. Fritz, after which time, Mr. Fritz was disallowed from returning to the premises. The nature of the dispute was one of frustration on Mr. Byrne's part due to endless delays. More questioning followed regarding the structural elements and the excavation of a wall.

Mr. Ludwig then questioned Mr. Byrne, who said Mr. Fritz had not performed any excavating work.

Mr. Fritz next detailed the excavation issue, including Mr. Reed's involvement.

Mr. Ludwig stated that the owner consented to all changes. When asked if they were in writing, Mr. Ludwig said no.

A discussion followed regarding the loss of control on the project and compliance with the notice to correct.

The current status of the license was verified as active. The two parties were not in litigation.

Mr. Ludwig admitted there were workmanship issues, which his client had attempted to correct.

Mr. Gregory noted that there was evidence to substantiate some failure to follow plans and specifications.

Mr. Ludwig challenged that it was not willful and deliberate. He said the evidence indicated the owner agreed to the changes, and the statute did not require written evidence.

Mr. Fritz then addressed the 18 items on the notice to correct, and the status of each. In further discussion of the plans, Mr. Fritz said he did not deviate from the plans, but he

admitted he had deviated on the shear walls in order to stay within Mr. Byrne's budget, and he had deviated on the king set trimmer combination he had used in lieu of a 4 x 6 post trimmer. He did not do it deliberately, it was just something he had been doing for years.

The evidentiary was closed.

MR. JOHNSON MOVED TO REFER THE MATTER TO FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED.

FINANCIAL RESPONSIBILITY HEARING

**QUAIL CONSTRUCTION, INC. #42823 (B2 – Residential and Small Commercial)
FINANCIAL RESPONSIBILITY HEARING**

Robert A. White, President, Quail Construction, Inc., and Kathy Stewart, Licensing Supervisor, were sworn in.

The notice of hearing, consisting of pages 1-5, had been sent certified mail on January 7, 2000. The return receipt was dated January 12, 2000.

The hearing was for possible violation of NRS 624.3013 (3), failure to establish financial responsibility at time of renewal.

The hearing notice was entered into the record as EXHIBIT 1.

Mr. White elected to not close the meeting to hear financial data. New financial information had been provided to the board.

Mr. Taylor stated that the original financial information did not support the monetary limit of the license.

Ms. Stewart testified that the financial review had been triggered by an application for a one-time raise in limit submitted on June 30, 1999. A financial discussion followed.

Mr. White was informed there was not enough financial wherewithal to sustain the current monetary limit of the license.

Mr. White said he had a full time job. Outside of the one project he was performing, which the owners had indemnified and were paying for, he had nothing else going on.

The one time raise in limit and personal indemnification was explained to Mr. White.

Mr. White requested that the Board reduce the monetary limit to \$1,000 with a \$1,000 bond.

The stipulation was signed.

MR. JOHNSON MOVED TO REDUCE THE LICENSE LIMIT OF LICENSE #42823, QUAIL CONSTRUCTION, INC., TO \$1,000 WITH A \$1,000 BOND.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO DISMISS THE CHARGE OF NRS 624.3013 (3) AGAINST LICENSE #42823, QUAIL CONSTRUCTION, INC.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

APPLICATION HEARINGS

BENGAL BARRICADE, INC. d.b.a. ARROW BARRICADE (A8, 21, 22, Sealing & Stripping; Fencing & Guardrails; and Rumble Strips) APPLICATION HEARING

Keith Smith, and Lisa Fisher, License Analyst, were sworn in.

The notice of hearing, consisting of pages 1 – 12, had been sent certified mail on January 7, 2000. The return receipt was dated January 10, 2000.

The hearing was for possible violation of NRS 624.263, failure to meet the criteria for establishing financial responsibility.

The hearing notice was entered into the record as EXHIBIT 1.

Mr. Smith testified that Robert Fuller, President, was no longer affiliated with Bengal Barricade. Mr. Smith identified himself as a co-owner of the surviving entity, and Vice President of the Corporation. He noted he had provided Kathy Stewart, Licensing Supervisor, with a letter of amendment, advising her of all the changes, which had occurred within the organizational structure. New financial information had also been provided. Mr. Smith then provided the details of the organizational change.

It was established the stockholders had remained the same, therefore the ownership was the same. Mr. Smith was informed the application needed to be amended to reflect the change in officer, as well as the name, after it was learned the company was dropping the dba of Arrow Barricade. The new name was Bengal Barricade, and the new president was Chuck Schvaneveldt, who was also the qualifier.

When asked if Bengal Barricade was interested in \$1 million limit, Mr. Smith replied in the affirmative. Upper Valley Utilities was the parent and the financial backers of Bengal Barricade, a subsidiary. Mr. Smith indicated Upper Valley Utilities would indemnify the Corporation.

MR. JOHNSON MOVED TO APPROVE THE LICENSE APPLICATION OF BENGAL BARRICADE WITH A LIMIT OF \$100,000 AND A \$10,000 BOND, UPON AMENDING THE EXISTING APPLICATION FOR LICENSE NAME AND PRINCIPALS. THE LICENSE LIMIT WAS TO BE INCREASED TO \$1 MILLION IF BENGAL BARRICADE PROVIDED INDEMNIFICATION AS REPRESENTED TO SUPPORT THE INCREASE, AS WELL AS 25% PROOF OF OWNERSHIP OF CHUCK SCHVANEVELDT, THE QUALIFIER.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED.

K O R EXCAVATION (A12, Excavating, Grading, Trenching & Trenching) APPLICATION

HEARING

The notice of hearing, consisting of pages 1 – 16, had been sent certified mail on January 7, 2000. The return receipt was dated January 12, 2000.

The hearing was for possible violation of NRS 624.263, failure to meet the criteria for establishing financial responsibility; and NRS 624.3013 (2), misrepresentation.

The hearing notice was entered into the record as EXHIBIT 1.

Randell and Kelley Groswird, Partners, K O R Excavation, and Lisa Fisher, Licensing Analyst, were sworn in, and the stipulation was signed.

Mr. Taylor stated that question 7 of the license application, relating to unpaid past due bills, liens, suits, and judgments, had been answered in the negative, and a Humboldt County, California, matter had not been included in the financial statement. There had also been a demonstration of lack of financial responsibility. New financial information had been provided to the board.

Ms. Groswird testified she had prepared the license application. In speaking with her peers, they and she had taken the context of question 7 as relating to someone who had previously been a contractor. She admitted she had made a mistake.

When asked what type of work they intended to perform, Mr. Groswird replied he was interested in getting started in excavation work. He worked hourly for a homebuilder. He desired to obtain his license to take over excavating the track work. The child support was current, and the Groswirds were attempting to reach a monthly settlement agreement on the arrearage. Additionally, monthly payments were being made on the civil judgments.

The evidentiary was closed.

MR. JOHNSON MOVED TO APPROVE THE LICENSE APPLICATION WITH A LIMIT OF \$100,000, A \$10,000 BOND, AND A FINANCIAL REVIEW UPON RENEWAL.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

The one time raise in limit was explained.

The hearing on Capital Pacific Homes was delayed. It was heard as the last item on the agenda.

ADVISORY OPINION

INTEGRATED SYSTEMS Richard Sherk, Vice President

No one was present for the advisory opinion.

Richard Sherk, Vice President of Integrated Systems, had requested an advisory opinion for a project that consisted of installing new or relocating existing pallet storage racks at Reno Costco Wholesale due to a remodel project. Ledcor Industries, the general contractor, had requested Integrated Systems to handle miscellaneous punch list items, as well as the racking issue, which had been left out of the bid scope to Costco.

The question was did the installation of the racking system fall within the scope of the

general carpentry license of Integrated Systems' C3 license.

Based upon the information written in the request, the Board opined that a license was not required for the Costco project in Reno.

EXECUTIVE SESSION

EXECUTIVE OFFICER'S QUARTERLY REPORT – 12/31/99

Continued to the Las Vegas meeting.

FINANCIAL REPORTS - 12/31/99

MS. SHELTRA MOVED TO APPROVE THE QUARTERLY FINANCIAL REPORT FOR THE PERIOD ENDING DECEMBER 31, 1999.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

CASH DISBURSEMENTS AND TRANSFER JOURNALS - 12/31/99

MS. SHELTRA MOVED TO APPROVE BANK OF AMERICA COMMERCIAL CHECKING ACCOUNT CHECK #18412 THROUGH #18962;

BANK OF AMERICA MONEY MARKET ACCOUNT CHECK #1265 THROUGH #1271 AND TRANSFER #98-42 THROUGH #98-46; AND

WELLS FARGO BANK PAYROLL ACCOUNT CHECK #17164 THROUGH #17601.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

CONSIDERATION OF ADOPTION OF PROPOSED REGULATIONS – NRS 338.147 AND 338.1389 – CERTIFICATE OF ELIGIBILITY FOR BIDDERS PREFERENCE; NRS 624.265(4) – FEES FOR PROCESSING FINGERPRINTS, NRS 624.282 .6(A)(B)(C)- APPLICATION AND RELATED FEES FOR INACTIVE LICENSE

Ms. Grein stated that the emergency regulation on bidders preference, which had been adopted by the Board on January 20, 2000, had been signed by the Governor, and filed on January 24, 2000. The board was now issuing certificates of Eligibility.

The item was now scheduled for a hearing to consider permanent adoption of the regulation on March 7, 2000. A second letter to the Attorney General requesting clarification of issues raised in the first opinion had been sent, and a response was expected prior to the March 7 meeting.

The remaining items under Executive Session on the agenda were continued.

DISCIPLINARY HEARINGS

ELLSWORTH COOLING & HEATING #23261 - REHEARING (Hearing held 2/21/99)

Robert Kurth, Legal Counsel, Ellsworth Cooling & Heating, was identified. Clark and Jeri Ellsworth, Partners, Ellsworth Cooling & Heating, and Bob Macke, NSCB Investigator,

were sworn in.

Mr. Taylor noted that the Complainant, Terry Gaydosh, Owner, Rise & Run, Inc., was only available by phone between the hours of 2 and 3 p.m. for questioning.

Mr. Zech disclosed that Mr. Kurth was a long time family friend, and that Mr. Kurth's father was a partner in his business. Mr. Zech said it would not impair his judgment. There was no objection to Mr. Zech's hearing the matter.

Mr. Taylor updated the Board as to what had occurred in the previous hearing wherein the Respondent had not been present. In addition to the complaint itself, there had been discussion regarding not being able to contact the Respondent. Subsequent thereto, Mr. Kurth had filed on behalf of Ellsworth Cooling & Heating a Petition for Rehearing/Reconsideration.

Mr. Reese pointed out two options available to the Board: a motion for rehearing; or a motion to reopen the hearing to take additional testimony, retaining the testimony that had already been submitted.

Mr. Kurth stipulated he and his client had no objection to the testimony taken and transcribed at the December 21, 1999 hearing.

Mr. Taylor provided the Board with Mr. Kurth's letter, dated January 14, 1999, regarding the Petition for Rehearing/Reconsideration.

Mr. Kurth noted there had been no change in address, the notice had just not been received, adding that Mr. Ellsworth would have been present at the hearing had he received the notice. Mr. Ellsworth had been in business since 1985 with no other known problems, and the business was his only source of income.

Mr. Taylor asked Mr. Ellsworth if he was aware of an administrative meeting that had been scheduled. He replied no.

Mr. Macke countered and said an on-site meeting had been scheduled for February. Mr. Ellsworth had called Mr. Macke to inform him he was unable to attend the on-site meeting as he was having vehicle problems. Mr. Macke said he had subsequently attempted to contact Mr. Ellsworth but the telephone of record was not the same number as the one Mr. Macke had.

Mr. Ellsworth confirmed he was aware of the on-site meeting, and that he had advised Mr. Macke of his car problem, so another date had been scheduled. On that day, Mr. Macke failed to show, and after waiting 45 minutes, Mr. Ellsworth left. Mr. Ellsworth did not recall if he had contacted Mr. Macke at that time. He said he might or he might not have.

Mr. Macke said the meeting had been scheduled for May 19, 1999. He had been delayed at an earlier meeting. When he met with Mr. Gaydosh, he was informed Mr. Ellsworth had been there. It was the same day Mr. Ellsworth received the correction notice from the Building Inspector of the City of Henderson.

MR. ZECH MOVED TO ACCEPT THE REQUEST FOR RECONSIDERATION AND FURTHER TESTIMONY.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED. (MR. CARSON AND MS. SHELTRA WERE OPPOSED)

The hearing was reopened.

Mr. Kurth's letter of request for reconsideration was entered into the record as EXHIBIT A, and the stipulation was signed.

Mr. Macke testified he had contacted the City of Henderson and Mr. Gaydosh the previous day. The City of Henderson had no knowledge of the correction notice being signed off on. Mr. Macke had been referred to an Inspector Lee who had not, as of yet, returned Mr. Macke's calls. Additionally, Mr. Gaydosh had informed Mr. Macke the unit was not plumbed, and the trash enclosure lid had not been installed.

Mr. Kurth referred to the last page of EXHIBIT A. It indicated that the City of Henderson had performed the final on January 5, 2000. Additionally, in the same exhibit, a Department of Building & Safety correction notice, dated January 3, 2000, stated: "Need engineering on support for dust collector showing that the red heads and stand are good, and other items have been corrected." This preceded the January 5, 2000 printout from the City of Henderson. Exhibit B of EXHIBIT A was a statement from Mendenhall Smith concerning the stand for the dust collector. This item was the basis for approval by the City of Henderson on January 5, 2000.

Mr. Kurth then explained in detail what happened to cause the complaint to be filed. When Mr. Ellsworth finally received notice of what actually needed to be corrected from the City of Henderson in May, 1999, he performed the corrections in June, citing Mr. Gaydosh's testimony on page 9 of the transcript of the last hearing, indicating that all items had been corrected with the exception of the lid for the exhaust to the containment unit. Mr. Ellsworth's error was that he did not call in the re-inspection, leaving that item to an employee of Rise & Run.

Mr. Ellsworth told the Board why he had accepted the job for Mr. Gaydosh. He said he did not ignore any registered mail. He never saw it. Regarding the structural issue, the original correction notice did not stipulate engineering. It was only on the re-inspection, that the Building Inspector asked for engineering. Mr. Ellsworth said he did not know the complaint process and he trusted someone else to do what he should have done himself.

In further discussion, it was established that the phone number of record was an old number. It had never been changed. Additionally, there was nothing in the contract to modify a lid for the containment unit. Mr. Kurth said he had spoken with Mr. Gaydosh, who had no objection with going forward with today's hearing.

The evidentiary was closed.

MR. JOHNSON MOVED TO DISMISS NRS 624.3017 (1) AND NRS 624.3013 (5), AND TO FIND LICENSE #23261, ELLSWORTH COOLING & HEATING, IN VIOLATION OF NRS 624.3011.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED. (MS. SHELTRA WAS OPPOSED)

Penalty phase

MR. JOHNSON MOVED TO PLACE A PERMANENT LETTER OF REPRIMAND INTO THE LICENSE FILE OF ELLSWORTH COOLING & HEATING, LICENSE #23261, TO IMPOSE A \$500 FINE, AND TO RECOVER THE INVESTIGATIVE COST OF \$2,262.92, TO BE PAID WITHIN 60 DAYS OR THE LICENSE WOULD BE AUTOMATICALLY SUSPENDED.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

**AMERICAN PREMIER HOMES AND DEVELOPMENT #42749, #44557 & 44558 -
DISCIPLINARY HEARING – STAFF REPORT (Continued from 1/25/00)**

Hagai Rapaport, President, was not present, and no one, including Legal Counsel was present to represent the Licensee.

Mr. Taylor updated the Board as to what had occurred in the last hearing.

Mr. Lyford stated that American Premier Homes had entered into an agreement with the Terrys, hiring an outside contractor for \$2,800.00 to repair the outstanding work. The work was expected to be completed within the next 2 weeks.

Mr. Taylor added there was an on-going investigation regarding an additional two homes being contracted by American Premier Homes and Development.

A financial statement was to have been provided the week following the hearing, but it had not yet been received, and the fines had not yet been paid, although there was still time remaining for the fines to be paid.

**CAPITAL PACIFIC HOMES INC #21711 - DISCIPLINARY HEARING (Continued from
12/22/99 and 1/11/00)**

Scott Coler, President, Capital Pacific Homes Inc, was not present. His plane flight had been delayed. The hearing was scheduled for 1:30 p.m. It was now 2:55 p.m. Arnie Carreon was present with Jay Young, Legal Counsel.

Mr. Taylor updated the Board as to what had occurred in the last hearing. All items in the correction notice had been repaired. Two applications had been filed, one on January 28, 2000, and the second on February 1, 2000.

The evidentiary was closed.

**MR. ZECH MOVED TO FIND LICENSE #21711, CAPITAL PACIFIC HOMES INC,
IN VIOLATION OF NRS 624.3017 (1) AND NRS 624.3013 (5).**

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED.

Penalty phase.

**MR. ZECH MOVED TO PLACE A 6-MONTH LETTER OF REPRIMAND INTO THE
LICENSE FILE OF CAPITAL PACIFIC HOMES INC, LICENSE #21711, AND TO
RECOVER THE INVESTIGATIVE COST OF \$2,328.63, TO BE PAID WITHIN 60
DAYS OR THE LICENSE WOULD BE AUTOMATICALLY SUSPENDED.**

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

PUBLIC COMMENT

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

There being no further business to come before the Board, the meeting was adjourned by Chairman Gregory at 3:00 p.m.

Respectfully Submitted,

Betty Wills, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kim Gregory, Chairman