

MEMBERS

MICHAEL ZECH
Chairman
DOUGLAS W. CARSON
MARGARET CAVIN
DAVID W. CLARK
SPIRIDON G. FILIOS
JERRY HIGGINS
RANDY SCHAEFER



STATE CONTRACTORS BOARD

RENO
9670 Gateway Drive, Suite 100
Reno, Nevada 89521
(775) 688-1141
Fax (775) 688-1271
Investigations (775) 688-1150

LAS VEGAS
2310 Corporate Circle,
Suite 200
Henderson, Nevada 89074
(702) 486-1100
Fax (702) 486-1190
Investigations (702) 486-1110

**MINUTES OF THE MEETING
MARCH 27, 2003**

1. ADJUDICATING BOARD MEMBER:

Ms. Margaret Cavin

Adjudicating Board Member Margaret Cavin called the meeting of the State Contractors Board to order at 1:06 p.m., Thursday, March 27, 2003, State Contractors Board, Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign in Log.

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George Lyford, Director of Special Investigations
Mr. Frank Torres, Deputy Director of Investigations
Ms. Nancy Mathias, Licensing Administrator

LEGAL COUNSEL PRESENT:

Ms. Carolyn Broussard, In House Counsel
Mr. Bruce Robb, Legal Counsel (Walter Bruce Robb)

2. DISCIPLINARY HEARING:

ROSTON COMPANY, LLC., LICENSE #44333

No one from Roston Company, LLC. was present.

Mr. Lanny West, Homeowner; Mr. Wayne Baker, Owner of Aspen Engineering; and Investigator Gary Leonard were sworn in.

Mr. Mike Springer, Attorney for Roston Company was also present.

Mr. Springer stated Roston Company, LLC. were not present, the Qualified Employee had left the company and they are no longer performing new work in the State of Nevada.

The hearing was for possible violations of NRS 624.3017 (1); NRS 624.3013 (5) as set forth in NAC 624.700 (3) (a); and NRS 624.520 (1).

The Board Hearing File including, but not limited to the Notice of Hearing and Complaint, was entered into the record as Exhibit 1.

The copy of the License Renewal Application Packet for Roston Company, LLC. was entered into the record as Exhibit #B.

Mr. West testified he entered into purchase agreement with Respondent in October, 1999 for a home in the amount of \$191,000.00. Mr. West further testified he has had problems with the heating/air conditioning unit, as it is too small for the size of this home.

Mr. Leonard testified he validated the workmanship complaint and a Notice to Correct for two items was issued to which Respondent has not complied. Mr. Leonard further testified he reviewed the contract and it did not contain specific disclosures regarding the Residential Recovery Fund.

Mr. Baker testified he inspected the heating/air conditioning unit along with the ducts and the unit is too small for this home. In his opinion, the entire system should be replaced, since the system does not comply with the uniform codes.

Mr. Springer stated by letter dated November 4, 2002, the Respondent requested the Homeowner to obtain three bids for replacement of the entire unit, however, to date that has not been provided, the homeowner had only provided two bids. Mr. Springer stated the Respondent would pay for the repairs to the West residence. Mr. Springer stipulated the entire unit would be replaced following the recommendations provided by Aspen Engineering. Mr. Springer further stated the contract was in place prior to the requirement for disclosure of the Residential Recovery Fund.

MS. CAVIN DIRECTED MR. SPRINGER PROVIDE A LEGAL BRIEF ON THE ISSUE OF THE RECOVERY FUND DISCLOSURE REQUIREMENT.

MS. CAVIN ADDITIONALLY DIRECTED ASPEN ENGINEERING TO ASSIST ROSTON COMPANY LLC. IN THE REPLACEMENT OF THE UNIT; AND CONTINUED THIS MATTER FOR 60 DAYS.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned by Adjudicating Board Member Margaret Cavin at 1:33 p.m.

Respectfully Submitted,

Tammy Stewart, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Michael Zech, Chairman