

MEMBERS

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STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
APRIL 22, 2003**

1. CALL TO ORDER

Chairman Michael Zech called the meeting of the State Contractors Board to order at 8:36 a.m., Tuesday, April 22, 2003, State Contractors Board, Henderson, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Michael Zech – Chairman left at 11:00 a.m.
Mr. Douglas W. Carson
Ms. Margaret Cavin arrived at 8:42 a.m.
Mr. David Clark
Mr. Spiridon G. Filios
Mr. Jerry Higgins
Mr. Randy Schaefer

BOARD MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Ms. Nancy Mathias, Licensing Administrator
Mr. George Lyford, Director of Investigations
Mr. Chris Denning, Deputy Director of Investigations

LEGAL COUNSEL PRESENT:

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

Ms. Grein stated that Tom Lawrence had posted the agenda in compliance with the open meeting law on April 16, 2003, at the Sawyer State Building, Clark County Library, and Las Vegas City Hall. The agenda was also posted in both offices of the Board, Henderson and Reno, and on the Board's Internet web site.

It was learned there were 14 items on the amended agenda, each item of an emergency nature. Ms. Grein stated that the application for O E C, item number 10 on today's agenda, had been withdrawn and would not be heard today.

It was moved and seconded to hear the amended agenda. THE MOTION CARRIED.

Chairman Zech called for a motion to approve the minutes of April 8 and 9, 2003.

It was moved and seconded to approve the minutes of April 8 and 9, 2003. THE MOTION CARRIED.

3. LEGISLATIVE DISCUSSION:

a. AMERICAN STRATEGIES

Mr. Buzz Harris and Mr. Jay Parmer of American Strategies were present via videoconference, and provided an update on pending legislative bills. The following bills were discussed: SB 131, SB 132, SB 171, SB 241, SB 310, SB 371, AB 220 and AB 316.

4. LEGAL REPORTS:

a. LITIGATION STATUS:

Ms. Grein provided the Board the status of pending appeals and petitions for judicial review.

b. SETTLEMENTS:

Ms. Grein informed the Board that there were no settlement cases at the present time.

5. BOARD GOVERNANCE AND ADMINISTRATION:

a. REVIEW AND APPROVAL OF HEARING OFFICER SCHEDULE:

The revised Hearing Officer Schedule for the remainder of 2003 was reviewed and approved.

b. DISCUSSION OF PROPOSED NOTICE TO GENERAL CONTRACTORS FROM THE NEVADA STATE BOARD OF ARCHITECTURE, INTERIOR DESIGN AND RESIDENTIAL DESIGN:

Betty Ruark, Chief Investigator of the Architect's Board was present and discussed with the Board a notice, which will be mailed to all General Contractors regarding NRS 623.330(1)(d) and NRS 623.360(1)(a)(b)(c). The Contractors Board will be including a cover letter to go with the notice and will supply the Architect's Board with mailing labels.

c. DISCUSSION OF COMMENTS RECEIVED AT WORKSHOP AND HEARING HELD 4/09/03 CONCERNING AMENDMENTS TO NAC 624.360 AND 624.370 (C19 AND C20 CLASSIFICATIONS):

The Board was informed the licensees attending the workshop and hearing held on April 9, 2003, were opposed to combining the C-19 and C-20 classifications. Many licensees hold both license classifications and indicated the installation of marble requires specialized licensing. In addition, several attendees expressed a desire to have an additional sub-classification for the installation of slab granite.

d. DISCUSSION OF TRADE ASSOCIATION MEETINGS:

Ms. Grein informed the Board that she and Chairman Zech attended the NCIRC meeting on April 15, 2003. Topics discussed during the meeting included upcoming legislation and construction manager issues. Additionally, Ms. Grein was invited to be the guest speaker at the Credit Manager Association meeting on April 17, 2003. Also in attendance were Mr. Zech and Mr. Lyford.

6. EXECUTIVE SESSION:

a. APPROVAL OF EXECUTIVE OFFICERS QUARTERLY REPORT – 03/31/03:

It was moved and seconded to approve the Executive Officers Quarterly Report for March 31, 2003. THE MOTION CARRIED.

b. APPROVAL OF FINANCIAL REPORT FOR THE PERIOD ENDING 03/31/03:

This matter was continued to the May 6, 2003 Reno Board Hearing.

c. APPROVAL OF CASH DISBURSEMENTS AND TRANSFER JOURNALS 01/01/03 - 03/31/03:

It was moved and seconded to approve Bank of America checking account check numbers 26150 through 27084. THE MOTION CARRIED.

It was moved and seconded to approve Bank of America Recovery Fund check numbers 2008 through 2016. THE MOTION CARRIED.

It was moved and seconded to approve Bank of America money market check numbers 1108 through 1115 and transfer numbers 03-23 through 03-36. THE MOTION CARRIED.

It was moved and seconded to approve Wells Fargo Bank payroll account check numbers 23149 through 23620. THE MOTION CARRIED.

d. SUBCOMMITTEE REPORTS:

RECOVERY FUND SUBCOMMITTEE:

Mr. Lyford stated the NSCB website is linked to Clark County Legal Services to assist homeowners to obtain judgments. Mr. Lyford explained the procedures for processing a Recovery Fund claim on a civil default case.

e. DEPARTMENT REPORTS:

HUMAN RESOURCES:

Mr. Bart Thurgood, Human Resources Manager, presented a report concerning employee benefits and staff training.

The remaining items in the Executive Session were continued to the May 6, 2003 Reno Board Hearing.

7. ADVISORY OPINION:

WASHOE COUNTY SCHOOL DISTRICT:

What license classification would be required for the fire flow improvements and backflow prevention retrofit at Hug High School bid No. 03-09?

Based upon the information provided, the Board opined that a licensee holding a C-1 (Plumbing and Heating) license classification could act as the prime contractor provided a properly licensed subcontractor is hired to perform any excavation work on the public right of way.

HARDING MECHANICAL:

The Board requested that a letter be sent advising Harding Mechanical that advisory

opinions are issued on a specific project based upon facts and circumstances pertaining to the project.

LAS VEGAS CONVENTION & VISITORS AUTHORITY:

What license classification would be required for the installation of trash chutes in the South Hall of the Las Vegas Convention Center?

Based upon the information provided, the Board opined that a licensee holding an A (General Engineering); an AB (General Engineering and Building); a B (General Building); a B-2 (Residential and Small Commercial); an A-14 (Steel Erection and Industrial Machinery); or a C-14 (Steel Reinforcing and Erection) license classification could perform the work described.

8. INFORMAL SETTLEMENTS:

a. AARON POWLESS ROOFING, LICENSE NO.52717

It was moved and seconded to accept the Stipulated Settlement Agreement; that Respondent reimburse the Board for Investigative Costs of \$445 within 60 days and a Violation Letter to be placed in Respondent's file. **THE MOTION CARRIED.**

b. F & L HOME IMPROVEMENT, LICENSE NO. 12433B

It was moved and seconded to accept the Stipulated Settlement Agreement; that the Respondent pay an Administrative fine of \$1,000 and reimburse the Board for Investigative Costs of \$308 within 60 days. **THE MOTION CARRIED.**

c. RAINBOW POOL CONSTRUCTION, LICENSE NO. 44600

It was moved and seconded to accept the Stipulated Settlement Agreement; that the Respondent pay an Administrative fine of \$6,000 and reimburse the Board for Investigative Costs of \$484 within 60 days; and for the review of all contracts by Investigator Greg Welch for one year. **THE MOTION CARRIED.**

d. RYAN MECHANICAL, LICENSE NOS. 43806, 43807

It was moved and seconded to accept the Stipulated Settlement Agreement; that the Respondent pay an Administrative fine of \$4,000 and reimburse the Board for Investigative Costs of \$550 within 90 days; and that Respondent pass the CMS exam within 90 days. **THE MOTION CARRIED.**

e. DAVIS CONSTRUCTION DEVELOPMENT, LLC, LICENSE NOS. 13699A, 47171, 50099

It was moved and seconded to accept the Stipulated Settlement Agreement; that the Respondent reimburse the Board for Investigative Costs of \$457 within 60 days and a Violation Letter to be placed in Respondent's file. **THE MOTION CARRIED.**

f. R & O CONSTRUCTION COMPANY, LICENSE NOS. 34039, 52357

It was moved and seconded to accept the Stipulated Settlement Agreement; that the Respondent pay an Administrative fine of \$6,000 and reimburse the Board for Investigative Costs of \$609 within 90 days; and that Respondent pass the CMS exam within 90 days. **THE MOTION CARRIED.**

g. MICHAEL WHITE CONCRETE CO., LICENSE NO. 37837

It was moved and seconded to accept the Stipulated Settlement Agreement; that the Respondent pay an Administrative fine of \$500 and reimburse the Board for Investigative Costs within 90 days; and that Respondent pass the CMS exam within 90 days. THE MOTION CARRIED.

9. APPLICATION HEARING:

LAND DEVELOPING & HOUSING, INC., (C-2A, D, E, G - ELECTRICAL, RESIDENTIAL WIRING, AMPLIFYING, SIGNAL SYSTEMS)

David Collier, President of Land Developing & Housing, Inc.; Herb French, Qualified Employee of Land Developing & Housing, Inc.; Mike McDonald; Licensing Analyst Teresa Tofell; and Licensing Supervisor Pat Potter were sworn in.

The hearing was for denial of the license application based on NRS 624.263(2)(h)(m) and NRS 624.265(1)(a)(b).

Ms. Tofell testified that Herb French had been convicted for two counts of theft. Additionally, she discussed financial responsibility issues related to David Collier and Herb French.

Mr. Collier testified that his bankruptcy was filed due to medical bills. Mr. Collier proceeded to explain his credit history to the Board and produced credit reports from three different agencies plus a letter from Equifax explaining the discrepancies.

Mr. French testified regarding his felony convictions.

It was moved and seconded to approve the license application Land Developing & Housing, Inc., classifications (C-2 a, d e, g) with a \$100,000 monetary limit and a bond of \$25,000; place the license on probation for 12 months restricting the licensees activity to work on their own projects; and a financial statement review upon renewal. THE MOTION CARRIED.

10. APPLICATION HEARING:

O E C, (A – GENERAL ENGINEERING)

This application was withdrawn.

11. FINANCIAL REVIEW HEARING:

FLOOR SPECIALIST, INC. dba SPECIALIZED FLOORING, LICENSE NO. 44466A
(CONTINUED FROM JANUARY 28, 2003)

Adam Schwartz, Specialized Flooring and Licensing Analyst Deb Clarke were present. Keith Gregory, counsel for Specialized Flooring was also present.

Ms. Broussard informed the Board that a Decision and Order had been issued on February 12, 2003 giving the licensee 60 days to provide an updated financial statement which was due by approximately April 12, 2003. The financial statement was not received until April 21, 2003.

Ms. Clarke testified that the current financial statement supported the license limit, however, the bank verification was not an original and appeared to have been altered. Ms. Clarke further testified that verifying the balance with the bank on Monday, April 21, 2003, the balance was less than what had been provided. Ms. Clarke stated that based upon this information, the financial statement did not support the license.

The meeting was closed to the public in accordance with NRS 241.030 to discuss financial matters.

Mr. Schwartz testified to the information in his financial statement and to the balance on the bank verification.

The Board informed Mr. Schwartz of their concern regarding certain information in his financial statement.

The meeting was reopened to the public.

The evidentiary portion of the hearing was closed.

It was moved and seconded to continue the hearing until May 6, 2003. Respondent was ordered to produce a schedule of payment plans regarding sales tax, federal income tax and payroll tax plus a current bank verification form and a bank account summary for the last six months. The status of Respondent's personal bankruptcy and their CPA is to be present at the meeting to discuss the financial statement. THE MOTION CARRIED.

12. FINANCIAL REVIEW HEARING:

CUSTOM CARE LANDSCAPING, LLC, LICENSE NO. 37403A

Edward Ryan, Member of Custom Care Landscaping, LLC and Licensing Analyst Deb Clarke were sworn in.

The hearing was for possible violation of NRS 624.3013(3) and NRS 624.302(6).

Ms. Clarke testified that the indemnitor on the license had withdrawn the indemnification effective as of March 9, 2003. A financial statement had been requested on December 11, 2002 and again on January 30, 2003, due no later than January 11, 2003. The financial statement was received April 15, 2003.

It was moved and seconded to approve the financial review of license #37403A, Custom Care Landscaping, LLC. THE MOTION CARRIED.

13. FINANCIAL REVIEW HEARING:

WADKINS CORPORATION, LICENSE NO. 53656

Gerri Wadkins, President of Wadkins Corporation and Licensing Analyst Deb Clarke were sworn in.

The hearing was for possible violation of NRS 624.3013(3) and NRS 624.302(6).

Ms. Clarke testified that the indemnitor on the license had withdrawn their indemnification effective as of March 5, 2003. Respondent was notified to furnish a current financial statement due no later than January 9, 2003, but one was not received.

Ms. Wadkins informed the Board that she wished to surrender her license, as she has no plans to do any further business with this license.

The evidentiary portion of the hearing was closed.

It was moved and seconded to accept the voluntary surrender of license #53656, Wadkins Corporation. THE MOTION CARRIED. Chairman Zech abstained.

14. APPLICATIONS: (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.

CRAIGS, INC., LICNESE NO. 50985 (C-1D – PLUMBING) NAME CHANGE – NAME SIMILARITY

Craig Hojnacki, President of Craigs, Inc., was present. Mr. Hojnacki informed the Board that he is doing business as Craig's Plumbing and was unable to get a business license in Henderson due to the name similarity with Craig Plumbing Contractors, Inc. The Board informed Mr. Hojnacki that his name change application had been approved.

D J R CONSTRUCTION, INC., (B – GENERAL BUILDING) NEW APPLICATION

David Roberts, President of D J R Construction, Inc. was present. Mr. Roberts submitted a current bank verification and informed the Board that he wanted a full B license with a monetary limit of \$50,000. The Board informed Mr. Roberts that this matter would be tabled for 60 days to allow him to provide a new financial statement.

EASYFLOW PLUMBING, (C-1 – PLUMBING AND HEATING) NEW APPLICATION

Mark Ippoliti, Owner of Easyflow Plumbing, was present. Mr. Ippoliti has taken the trade exam three times and requested the Board waive the exam. The Board informed Mr. Ippoliti the application was void, however, he could reapply for a license in 90 days and the application fee would be waived at that time.

P F C GENERAL CONTRACTORS, INC., (B-2 – RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATION

Karl Probst, President of P F C General Contractors, Inc. was present. The Board informed Mr. Probst that the license application (B-2 Residential and Small Commercial) was granted with a \$500,000 monetary limit and a bond of \$5,000.

REDSTONE CONSTRUCTION, (B-2 – RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATION

Patricia Derrick, Owner of Redstone Construction was present. The Board informed Ms. Derrick that the trade exam had been waived due to her prior licensure in New Mexico and the application was approved.

SHENANDOAH MAINTENANCE, (C-3 – CARPENTRY) NEW APPLICATION

Alfred Booth, Owner of Shenandoah Maintenance was present. The Board informed Mr. Booth that this matter would be tabled for 90 days to allow applicant time to provide a more substantial financial statement or secure an indemnitor.

T C R NEVADA CONSTRUCTION LIMITED PARTNERSHIP, (B – GENERAL BUILDING) NEW APPLICATION

Bruce Hart, President of TCR SW Nevada Construction, Inc. was present. Mr. Hart informed the Board that the company was based in Atlanta and the partnership was formed to act as the General Contractor and discussed the present financial condition of the company. The Board informed Mr. Hart that this matter would be tabled for 90 days to allow applicant the opportunity to acquire adequate working capital.

TOWER AIR CONDITION, (C-21 – REFRIGERATION & AIR CONDITIONING) NEW APPLICATION, NAME SIMILARITY

David Orgad, Owner of Tower Air Condition and David Minor, Qualified Employee of Tower Air Condition were present. The Board informed Mr. Orgad and Mr. Minor that the license application (C-21 Refrigeration & Air Conditioning) was granted with a \$10,000 monetary limit and a bond of \$2,000 with a financial review on renewal. The Board also informed Mr. Orgad that he must pass the exams within six months or the license will automatically be suspended.

V E G LANDSCAPING CORP., (C-5 – CONCRETE CONTRACTING) NEW APPLICATION

Glenn Gillam, President of V E G Landscaping Corp. and Roy Buttery, Qualified Employee for V E G Landscaping Corp. were present. The Board informed Mr. Gillam and Mr. Buttery that the license application was denied.

MUELLER CUSTOM CABINETRY, INC., LICENSE #48435 (RAISE IN LIMIT)

Martin Mueller, President of Mueller Custom Cabinetry, Inc. was present. The Board informed Mr. Mueller that this matter would be tabled for 60 days to allow him to provide a personal financial statement and/or personally indemnify the license.

The remainder of the applications on the agenda were reviewed and discussion occurred on the following: Nos. 1-56, 97-118, 144; and on the amended agenda: Nos. 1-14

It was moved and seconded to reopen the meeting to the public. THE MOTION CARRIED.

It was moved and seconded to ratify all application not specifically discussed in closed session as recommended by staff. THE MOTION CARRIED.

15. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. TOMAHAWK CONSTRUCTION, INC., LICENSE NO. 40775

No one from Tomahawk Construction, Inc. was present.

The hearing was for possible violation of NRS 624.3012(2) and NRS 624.3013(3).

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

It was moved and seconded to find the Respondent in default and adopt the Findings of Fact Conclusions of Law as set forth in the Administrative complaint; revoke license #40775, Tomahawk Construction, Inc.; to require full restitution to the damaged parties; and recover the Investigative Costs of \$1,487 plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure. THE MOTION CARRIED.

b. AACCESS SERVICES OF NEVADA, INC., LICENSE NO. 47881

No one from Aaccess Services of Nevada, Inc. was present.

The hearing was for possible violation of NRS 624.3012(2); NRS 624.3013(3); and NRS 624.3013(5), as set forth in NRS 624.285(1)(2)(3)(4).

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

It was moved and seconded to find the Respondent in default and adopt the Findings of Fact Conclusions of Law as set forth in the Administrative complaint; revoke

license #47881, Access Services of Nevada, Inc.; to require full restitution to the damaged parties; and recover the Investigative Costs of \$1,417 plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure. THE MOTION CARRIED.

c. AMERICAN SONS CONSTRUCTION, INC., LICENSE NO. 49920

No one from American Sons Construction, Inc. was present.

The hearing was for possible violation of NRS 624.3017(1); NRS 624.3013(5), as set forth in NAC 624.700(3); NRS 624.302(5); NRS 624.520(1); NRS 624.3012(2); NRS 624.3013(3); and NRS 624.302(5).

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

It was moved and seconded to find the Respondent in default and adopt the Findings of Fact Conclusions of Law as set forth in the Administrative complaint; to revoke license #49920, American Sons Construction, Inc.; to require full restitution to the damaged parties; and recover the Investigative Costs of \$2,395 plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure. THE MOTION CARRIED.

d. STALZER GENERAL CONTRACTING, LLC, LICENSE NO. 49619

No one from Stalzer General Contracting, LLC was present.

The hearing was for possible violation of NRS 624.3015(1); NRS 624.302(5); NRS 624.3013(5), as set forth in NAC 624.640(5); NRS 624.3013(5), as set forth in NRS 624.520(1); NRS 624.3013(3); and NRS 624.3013(5), as set forth in NAC 624.640(3).

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

It was moved and seconded to find the Respondent in default and adopt the Findings of Fact Conclusions of Law as set forth in the Administrative complaint; to revoke license #49619, Stalzer General Contracting, LLC; to require full restitution to the damaged parties; and recover the Investigative Costs of \$1,406 plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure. THE MOTION CARRIED.

e. OVER THE TOP, INC., LICENSE NO. 51296

No one from Over the Top, Inc. was present.

The hearing was for possible violation of NRS 624.3013(3); NRS 624.3013(4); and NRS 624.302(5).

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

It was moved and seconded to find the Respondent in default and adopt the Findings of Fact Conclusions of Law as set forth in the Administrative complaint; to revoke license #51296, Over the Top, Inc.; to require full restitution to the damaged parties; and recover the Investigative Costs of \$1,607 plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure. THE MOTION CARRIED.

f. BEANS GREENS, LICENSE NO. 47224

No one from Beans Greens was present.

The hearing was for possible violation of NRS 624.3014(2)(a)(b)(d); NRS 624.3015(3); NRS 624.3013(5), as set forth in NAC 624.640(6); and NRS 624.3013(5), as set forth in NAC 624.640(3).

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

It was moved and seconded to find the Respondent in default and adopt the Findings of Fact Conclusions of Law as set forth in the Administrative complaint; to revoke license #47224, Beans Greens; to require full restitution to the damaged parties; and recover the Investigative Costs of \$1,189 plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure. THE MOTION CARRIED.

16. PUBLIC COMMENT

Matt Whitaker, Owner of Whitaker Pools, expressed concern regarding the manner in which complaints were recorded against his licenses and requested information regarding the scope of work permitted by his licenses. The Board informed Mr. Whitaker that this matter would be agendaized for the next Las Vegas meeting.

Mr. Keith Gregory, counsel for B M B Electric was present. The Board informed Mr. Gregory that they could not discuss or take action on his client's case since the matter was not on the agenda.

17. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Vice Chairman Carson at 1:30 p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Michael Zech, Chairman

ADJUDICATING BOARD MEMBER: RANDALL SCHAEFER**18. DISCIPLINARY HEARING:**

CONSTRUCTION UNLIMITED, INC. dba MONUMENT CONSTRUCTION, LICENSE NOS. 46423, 46616 AND 46617 (CONTINUED FROM MARCH 25, 2003)

Kristin Nixon, President of Monument Construction; Pat Nixon of Monument Construction; Kelly Spielberg, Homeowner; and Investigator Tom Lawrence were sworn in.

The hearing was for possible violation of NRS 624.3011(2); NRS 624.3011(2); NRS 624.3013(5), as set forth in NAC 624.640(5); NRS 624.3013(5), as set forth in NRS 624.520(1); and NRS 624.3018(2).

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

Investigator Lawrence testified that Robin Hooper had entered into a contract with Respondent for the construction of an aluma wood patio cover and slab on July 21, 2001 for a total contract price of \$3,500. The patio was destroyed in a windstorm in March of 2002. Investigator Lawrence further testified that Respondent had not pulled the permit for the Hooper project.

Photos of the patio and slab were entered into the record as Exhibit 2.

Ms. Spielberg testified that she had contracted with respondent for the replacement of her existing roof, installation of French doors, and stucco and paint the walls, fence and house for a total contract price of \$25,000.

Investigator Lawrence testified that he had validated the Spielberg complaint, however, Ms. Spielberg and Respondent had entered into a settlement.

Ms. Spielberg stated that Respondent had reimbursed her for half of the contract price and she felt that Respondent had had ample time to make the repairs.

Mr. Nixon testified that he did try to make the repairs at the Spielberg residence and that he replaced the roof plus reimbursed Ms. Spielberg \$13,000. Mr. Nixon further testified that he had told the Hoopers he would pull the permits and replace the patio cover for free, however, the Hoopers had been advised by their insurance company to hire another contractor to do the repairs.

The evidentiary portion of the hearing was closed.

Hearing Officer Schaefer found Construction Unlimited, Inc. dba Monument Construction, license numbers 46423, 46616 and 46617, guilty of all causes of action. A two-year letter of reprimand is to be placed in the Respondent's license files. Monument Construction was assessed a fine of \$1,000 per violation for a total of \$5,000. Investigative costs were assessed in the amount of \$1,322 to be paid within 30 days or the license will automatically be suspended.

19. DISCIPLINARY HEARING:

R & Z CONSTRUCTION, LICENSE NOS. 40858, 47197

Robert Zeletes, Owner of R & Z Construction; Investigator Jim Ables; and Investigator Dan Hammack were sworn in.

The hearing was for possible violation of NRS 624.3017(1); NRS 624.3013(5), as set forth in NAC 624.700(3); NRS 624.3013(5), as set forth in NAC 624.640(5); NRS 624.3015(1); NRS 624.3013(5), as set forth in NRS 624.600; NRS 624.3018(2); NRS 624.3014(2)(a)(b)(d); NRS 624.3015(2); NRS 624.3013(5), as set forth in NAC 624.640(6); and NRS 624.305(1)(2).

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

Investigator Ables testified that Respondent had validated the Jimerson workmanship issues and issued a Notice to Correct. Item 19 on the Notice to Correct has not been complied with. Mrs. Jimerson had denied the Respondent access when the Notice to Correct had expired. Investigator Ables further testified that Respondent's license number was not included on the contract and Respondent failed to supply the Jimersons with disclosures on material suppliers. Investigator Ables testified that Respondent did not use a licensed electrical or plumbing contractor.

Investigator Hammack testified that Respondent had entered into a contract with Patrick Bash dba In-House Production, an unlicensed contractor, for construction work at Caesars Colosseum. Mr. Bash was cited, entered into a plea and paid a fine and investigative cost. Respondent submitted a one-time raise in limit and was denied by the Board.

Mr. Zeletes testified that he entered into an agreement with Mr. Bash and that the contract was in excess of his monetary limit and did not contain his license number or monetary limit.

The evidentiary portion of the hearing was closed.

Hearing Officer Schaefer found R & Z Construction, license numbers 40858 and 47197, guilty of the 3rd, 4th, 5th, 6th, 7th, 8th and 9th causes of action and dismissed the 1st, 2nd and 10th causes of action. Mr. Zeletes was assessed a fine of \$100 per violation for a total of \$700. Investigative costs were assessed in the amount of \$2,519 to be paid within 120 days or the license will automatically be suspended.

20. DISCIPLINARY HEARING:

IMAGE POOLS AND SPAS, LICENSE NO. 46292

No one from Image Pools and Spas was present.

Michael Cristalli, Homeowner and Investigator Tom Lawrence were sworn in.

The hearing was for possible violation of NRS 624.3017(1); NRS 624.3013(5), as set forth in NAC 624.700(3); NRS 624.3015(2); NRS 624.3013(5), as set forth in NAC 624.6958(2)(d); NRS 624.3013(5), as set forth in NAC 624.6964(6); NRS 624.3013(5), as set forth in NAC 624.640(5); NRS 624.520(1); and NRS 624.3013(3).

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

Mr. Cristalli testified that he entered into a contract with Respondent for the construction of a swimming pool for a contract price of \$35,000, however, he amended it to include additional stone work that increased the contract another \$5,000, of which he has paid the Respondent approximately \$42,000. The Respondent commenced work on the project September 2001 and was last on the project April 2002.

Investigator Lawrence testified that he had validated the Cristalli workmanship issues and issued a Notice to Correct. The Respondent has completed items 2 and 3 but item 1 and

4 are still outstanding. Investigator Lawrence stated that Mr. Cristalli has hired another contractor to complete the project. Investigator Lawrence further stated that the workmanship issues of the Clark complaint have been resolved, however, the contract did not contain the Respondent's monetary limit, the Residential Recovery Fund notice, and estimated date of completion. A requested financial statement was never received.

The evidentiary portion of the hearing was closed.

Hearing Officer Schaefer found Image Pools and Spas, license #46292, guilty of all causes of action. Mr. Traub is to make restitution to Mr. Cristalli in the amount of \$8,000. Image Pools and Spas was assessed a fine of \$750 per violation for a total of \$6,000. A one-year letter of reprimand is to be placed in the Respondent's license file. Investigative costs were assessed in the amount of \$2,429. Mr. Cristalli, fines and costs are to be paid within 60 days or Mr. Traub's license will automatically be revoked.

21. DISCIPLINARY HEARING:

YACK CONSTRUCTION, INC., LICENSE NO. 28092

Martin Yack, President of Yack Construction, Inc.; Rodney Yack, Vice President of Yack Construction; Ed Garcia, Amigos Demolition; Kory Vasquez, Sahara Concrete; Craig Fuller, C A S Landscaping; Licensing Supervisor Pat Potter; and Investigator Troy Beaver were sworn in. Diana Sullivan, counsel for Yack Construction, Inc. was present.

The hearing was for possible violation of NRS 624.3012(2); NRS 624.3013(3); and NRS 624.3013(5), as set forth in NAC 624.640(5).

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

Investigator Beaver testified that Respondent subcontracted with Sahara Concrete to do concrete work for a fire station project in North Las Vegas for a total contract price of \$186,000. Respondent requested Sahara Concrete to perform work for over the contract price, which to date has not been paid.

The meeting was closed to the public in accordance with NRS 241.030 to discuss financial matters.

Ms. Potter testified regarding Respondent's financial statement.

The meeting was reopened to the public.

Mr. Rodney Yack testified that Sahara Concrete had a subcontract with C A S Landscaping, who had damaged the concrete with the construction of a vapor barrier. Sahara Concrete signed off on May 15, 2002, on the final release, and at that time Kory Vasquez of Sahara Concrete had mentioned to him that they were having trouble collecting from C A S Landscaping on the damage done at the time of the installation of the vapor barrier. Mr. Yack testified that he had not submitted a financial statement because it was his understanding from the investigator that it was no longer needed.

Mr. Vasquez testified that all invoices and change orders had been signed off by Yack Construction and that C A S Landscaping had damaged some of the concrete while installing the vapor barrier, but the amount of fixing the concrete had been deducted from C A S Landscaping costs. Mr. Vasquez further testified that he had signed an unconditional waiver and the check voucher even though there was a dispute because he needed to get paid.

Mr. Fuller testified that he had worked through Yack Construction and that concrete was destroyed when the backhoes dug the trenches for the vapor barrier.

The evidentiary portion of the hearing was closed.

Hearing Officer Schaefer found Yack Construction, license #28092, guilty of the 1st and 3rd causes of action and dismissed the 2nd cause of action. Yack Construction was assessed a fine of \$1,500 for the 1st cause of action and \$250 for the 3rd cause of action. Investigative costs were assessed in the amount of \$1,846. The fine and costs are to be paid within 90 days or license #28092 will automatically be suspended.

22. DISCIPLINARY HEARING:

THE ISLAND COMPANY, LICENSE NO. 35356

Stephen Alcorn, Partner of The Island Company; Licensing Supervisor Pat Potter; Investigator Don Gregori; and Investigator Roy Schoonmaker were sworn in.

The hearing was for possible violation of NRS 624.3013(2); NRS 624.3013(5), as set forth in NAC 624.640(3); NRS 624.3016(7); NRS 624.3013(5), as set forth in NRS 624.285(1)(2); and NRS 624.3013(3).

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

Mr. Alcorn testified that he did sign his father's name to Board documents because he had power of attorney, however, he did not know that he was to notify the Board upon the passing of his father.

Ms. Potter testified that the financial statement dated January 31, 2003 supported the license limit.

Investigator Gregori testified that he had investigated the case and had ascertained that Shirley Alcorn had passed away on August 29, 2000, and that the signature on the license renewal forms was not Shirley Alcorn.

The evidentiary portion of the hearing was closed.

Hearing Officer Schaefer found The Island Company, license #35356, guilty of the 1st, 2nd, 3rd and 4th causes of action and dismissed the 5th cause of action. Stephen Alcorn was assessed a fine of \$200 per cause of action for a total of \$800. Investigative costs were assessed in the amount of \$1,531. The fine and costs are to be paid within 90 days. Hearing Officer Schaefer ordered the reinstatement of the license.

23. DISCIPLINARY HEARING:

CARPET WAREHOUSE & TILE, INC., LICENSE NO. 45276 (CONTINUED FROM DECEMBER 17, 2002, JANUARY 27, 2003, FEBRUARY 25, 2003, and MARCH 25, 2003)

Ronald Cicerone, President of Carpet Warehouse & Tile, Inc. and Investigator Troy Beaver were sworn in. Richard Peal, counsel for Carpet Warehouse & Tile, Inc. and Frank Flansburg, counsel for Keivan Khorshid were present.

The hearing was for possible violation of NRS 624.3017(1); NRS 624.3013(5), as set forth in NAC 624.700(3)(a); NRS 624.3013(5), as set forth in NAC 624.640(5); and NRS 624.3015(1).

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

Investigator Beaver stated that the repairs have been completed to the Board's satisfaction.

Mr. Flansburg informed the Board that he was here for Mr. Khorshid, to request that a letter of reprimand be placed in Respondent's file.

Mr. Peal stated that when Respondent had been allowed access to the property to finish the repairs, the repairs exceeded minimum standards. Respondent's license number and monetary limit were not on the contract and Respondent did hire a licensed contractor to finish the repairs.

The evidentiary portion of the hearing was closed.

Hearing Officer Schaefer found Carpet Warehouse & Tile, Inc., license #45276, guilty of the 1st, 3rd and 4th causes of action and dismissed the 2nd cause of action. Carpet Warehouse & Tile was assessed a fine of \$1,000 for the 1st and 4th causes of action and a \$200 fine for the 3rd cause of action for a total of \$2,200. Investigative costs were assessed in the amount of \$2,419. A one-year letter of reprimand is to be placed in the Respondent's license file. Fine and costs are to be paid within 120 days.

24. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Adjudicating Board Member Schaefer at 4:07 p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Randall Schaefer, Adjudicating Board Member