

KENNY C. GUINN
Governor

STATE OF NEVADA



MEMBERS

KIM W. GREGORY
Chairman
DOUGLAS W. CARSON
MARGARET CAVIN
JERRY HIGGINS
DENNIS K. JOHNSON
RANDY SCHAEFER
MICHAEL ZECH

STATE CONTRACTORS' BOARD

MINUTES OF THE MEETING APRIL 24, 2001

REPLY TO:

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Reno, Nevada 89511
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The meeting of the State Contractors' Board was called to order by Vice - Chairman Mike Zech at 8:20 a.m., Tuesday, April 24, 2001, State Contractors' Board, Las Vegas, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Kim Gregory - Chairman Arrived - 8:23
Mr. Mike Zech - Vice Chairman
Mr. Douglas Carson
Ms. Margaret Cavin
Mr. Jerry Higgins
Mr. Dennis Johnson
Mr. Randy Schaefer

BOARD MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Robert Griffy, Legal Counsel (Haney, Woloson & Mullins)
Mr. David Reese, Legal Counsel (Cook, Roberts & Reese)
Ms. Nancy Mathias, Licensing Administrator
Mr. George Lyford, Director of Special Investigations Unit
Mr. Rick Bertuzzi, Director of Investigations
Mr. Roy Schoonmaker, Supervisor, Criminal Investigations
Mr. Bob Macke, Investigator, Supervisor
Mr. Greg Mincheff, Investigator
Mr. Jim Ables, Investigator
Mr. Ron Ramsey, Investigator
Mr. Linc Dante, Investigator
Mr. Chet Yekin, Investigator
Mr. Mike Perko, Investigator
Mr. Greg Welch, Investigator Supervisor
Ms. Pat Potter, Supervisor, Licensing
Ms. Susie Kiger, Legal Assistant
Ms. Lisa Bedsole, License Analyst
Ms. Doris Talley, License Analyst
Ms. Annette Hodges, Receptionist
Ms. Teresa Tofill, License Aide
Ms. Mary Ann Enbody, License Analyst
Ms. Traci Greenlee, License Analyst
Ms. Sonya Ruffin, Public Relations
Mr. Bill Brandon, Recording Secretary

Ms. Barbara Hennessy, Recording Secretary

OTHERS PRESENT:

Cari Inkenbrandt, Court Reporter, CSR Associates of Nevada; Juan Antonio, Jr., Owner, Southwest Interiors; Gina Blankenship, Vice President, MP Environmental Service; Matthew Hippler, Counsel for RDC; Raymond Taggart, Owner, Taggart Construction; David Kirsten, Counsel for Stone & Webster Construction; Matt Nelson, Vice President, Shurtleff & Andrews; Roland Sturm, Manager, Developers of Nevada; Zac Tucker, President, Signs with Style; Bob Tibesar, President, Tibesar Construction; Keith Conner, Owner, Conner Construction; Gerry Worst, Counsel for Concrete Systems; Becky Hutchinson; Gene Hutchinson; Steve Reiter, President, SCR Builders; Mr. Goodson, Counsel for Robert L. Bolock; Jordan Stanley, CEO, Primack Homes; Lloyd Bouvier, President, Primack Homes; Leonard Schwartz, Counsel for Primack Homes; Jerry Stafford, Vice President, Republic Electric; Terry Manley, President, Champion Homes; Harley E. Chapman, President, Chapman & Assoc.; David Allsop, Manager, K.D. Development; and Edward Schmitt, Owner, Active Plumbing, Inc.

EXECUTIVE SESSION

Ms. Grein stated that Linc Dante and Chet Yekin had posted the agenda in compliance with the open meeting law on April 18, 2001, at the Sawyer State Building, Clark County Library, and Las Vegas City Hall. Additionally, the agenda had been posted in each office of the Board, Las Vegas and Reno, and on the Board's Internet web site.

Mr. Reese suggested corrections to page 13 and page 15 of the April 10, 2001 minutes.

Motion on page 13 should read: "Mr. Higgins moved to find license #44647 in violation of all charges."

Motion on page 15 should read: "Mr. Carson moved to accept files as findings of fact, conclusions of law; to find the licensees in violations of all charges; and revoke licenses."

MR. SCHAEFER MOVED TO APPROVE THE MARCH 20 AND MARCH 21, 2001, APRIL 4, 2001 MINUTES AND THE AMENDED MINUTES OF APRIL 10, 2001.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

It was learned there were 24 items on the amended agenda, each item of an emergency nature. In addition, one (1) Application Hearing for Ideal Construction and one (1) Disciplinary Hearing for Addison Inc. were continued to the May 9, 2001 Board Hearing.

MR. JOHNSON MOVED TO APPROVE THE AMENDED AGENDA.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

LEGISLATIVE DISCUSSION:

Ms. Grein provided an update on various bills pending in the Nevada legislature that may impact the Board including AB 569 exempting certain professional and occupational boards from provisions concerning state financial administration; SB 216 revising provisions

regarding residential pools and spas: SB 516 requiring construction defect claims to be reviewed and investigated by the NSCB prior to filing a lawsuit; AB 355 and AB 379 pertaining to licensing of electricians and plumbers; AB 392 which would reduce fees for contractors holding multiple licenses; AB 133 a construction defect measure sponsored by the homebuilders; SB 63 amending the bidders preference law; SB 274, the prompt pay measure; SB 337 pertaining to the regulation of boilers, elevators, pressure vessels, boiler inspectors and elevator mechanics; SB 329 which revises the Open Meeting Law; SB 370 revising lien laws; SB 420 concerning reports to the Legislature; AB 620 relating to contractors and creation of a commission on construction education passed out of Assembly on April 23, 2001 with an amendment to include the revision on the lien laws and contractor exemption as requested by the Board.

DISCIPLINARY HEARINGS

PRIMACK HOMES INC., #39359 **SUNSET CONSTRUCTION INC.** d/b/a **PRIMIER CONSTRUCTION, #44414** – DISCIPLINARY HEARING STAFF UPDATE (Continued from January 23, 2001, February 22, 2001, and March 21, 2001)

Mr. Griffy stated this hearing was to accept a Staff report of the status of the continued matters and to take action on the charges.

Mr. Jordan S. Primack, Primack Homes, Mr. Lloyd Philip Bouvier, Primack Homes, Ms. JoAnne Downer, President, International Marble, Mr. Jeff Stafford, Owner, Republic Electric, Inc. and NSCB Investigator Mr. Ron Ramsey were present. Also in attendance was Mr. Leonard Schwartzer, Counsel for Primack Homes.

Mr. Ramsey reported that currently there are 16 open complaints, including two for workmanship, which will not be addressed at this time. Hall Paint and Drywall and Dean Roofing have signed settlement agreements with Primack Homes to be effective upon the sale of the remaining four (4) identified homes. As of April 24, 2001, the remainder of the money owing complaints have not been settled. Mr. Ramsey also stated that he did not have a current physical address for the Respondent.

Mr. Schwartzer stated that Primack had recently completed several housing developments. The cost of a drainage canal for the final development had been underestimated causing the company to experience financial difficulties. Primack Homes is unable to pay the subcontractors. Of the six unsold homes discussed at the March 21, 2001 Board Hearing, two have been sold with all of the net proceeds distributed to the subcontractors upon closure, two were foreclosed by construction lender, and two are still to be sold. The Respondent requested the license to be placed in a probationary status in lieu of other disciplinary action.

The Pennington Mortgage Letter, provided by the Counsel for Respondent, stating that the final two homes have been approved was entered into the record as Exhibit A.

The evidentiary portion of the hearing was closed.

Mr. Griffy stated Premier Construction, License #44414, has nothing to do with this hearing.

MR. ZECH MOVED TO DISMISS THE CHARGES AGAINST PRIMIER CONSTRUCTION, LICENSE #44414.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. ZECH MOVED TO FIND PRIMACK HOMES, LICENSE #39359 IN VIOLATION OF ALL CHARGES.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. ZECH MOVED TO REVOKE LICENSE #39359, PRIMACK HOMES; TO REQUIRE FULL RESTITUTION TO DAMAGED PARTIES; AND TO RECOVER NSCB INVESTIGATIVE COSTS OF \$5,427.00 IF THE RESPONDENT OR ANY PRINCIPLE THEREOF REAPPLIED FOR LICENSURE.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

CHAMPION HOMES, #37853 – DISCIPLINARY HEARING STAFF UPDATE (Continued from January 24,2001, February 22, 2001 and March 20, 2001)

Mr. Griffy stated this staff update was to determine the status of workmanship issues and money owning complaints.

Mr. Terry Manley, President, Champion Homes; Mr. Ted Davis, Ms. Jane Groves, Office Manager, Coast West Plumbing; Mr. Bob Meranto, President, Just Concrete, Inc., NSCB Investigators Mr. Ron Ramsey and Mr. Mike Perko, NSCB Investigator Supervisor Mr. Bob Macke and Mr. Chris Harrison, Owner, K & O Construction were present.

Mr. Ramsey stated he has been investigating three money owing cases and that they remain unresolved.

Mr. Mike Perko testified there has been no change in the status of the two open cases he has been investigating, namely – K & O Construction and Just Concrete, Inc.

Mr. Bob Macke testified that Ms. Sirkel's complaint has been resolved.

Mr. Manley requested additional time to resolve the pending complaints against him. However, he indicated that he is experiencing difficulty obtaining financing.

Ms. Groves, Coast West Plumbing, testified that she has been trying to collect money since 1998.

The evidentiary portion of the hearing was closed

MR. ZECH MOVED TO FIND CHAMPION HOMES, LICENSE #37853 AND MANLEY DEVELOPMENT, LICENSE #36387; IN VIOLATION OF ALL CHARGES.

THE MOTION WAS NOT SECONDED.

MR. SCHAEFER MOVED TO FIND CHAMPION HOMES, LICENSE #37853 AND MANLEY DEVELOPMENT INC., LICENSE #36387; IN VIOLATION OF THE 3RD THROUGH 11TH CAUSES OF ACTION.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. SCHAEFER MOVED TO DISMISS THE 1ST AND 2ND CAUSES OF ACTION.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. SCHAEFER MOVED TO SUSPEND THE LICENSES OF CHAMPION HOMES, #37853 AND MANLEY DEVELOPMENT INC., #36387; FOR 90 DAYS PENDING REPAYMENT OF DEBTS TO DAMAGED PARTIES, REIMBURSEMENT OF NSCB INVESTIGATIVE COSTS IN THE AMOUNT OF \$4,638.00, AND SHOULD PAYMENTS NOT BE MADE THE LICENSES WILL BE REVOKED.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED IF THE LICENSES OF CHAMPION HOMES #37853 AND MANLEY DEVELOPMENT, INC. #36387 ARE REVOKED, FULL RESTITUTION TO ALL DAMAGED PARTIES AND NSCB INVESTIGATIVE COSTS IN THE AMOUNT OF \$4,638.00 MUST BE PAID; BEFORE RECONSIDERATION FOR FUTURE LICENSURE IN THE STATE OF NEVADA.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

COMMERCIAL CONCRETE, #44189, FABEL CONCRETE INC., #36575A, and CONCRETE SYSTEMS LLC, #48567 – HEARING FOR RESPONDENT TO PRESENT ADDITIONAL EVIDENCE PURSUANT TO DISTRICT COURT ORDER

Mr. Reese informed the Board that the District Court ordered the appeal dismissed and referred the matter back to the Board to hear additional evidence. Since the Board had not received a copy of the court decision, it was determined that the hearing should be continued to a later date to allow the Board to review the decision.

Gerry Worst, Counsel for Concrete Systems LLC, was present and indicated the order allowed for additional testimony to be presented to the Board.

MR. ZECH MOVED TO CONTINUE THE HEARING UNTIL THE BOARD RECEIVED A COPY OF THE COURT ORDER.

MR. SCHAEFER SECONDED.

THE MOTION CARRIED.

MS. CAVIN MOVED TO CONTINUE THE CASE UNTIL APRIL 25TH AT 9:45 A.M. PENDING THE RECEIPT OF ALL NECESSARY PAPERWORK.

MR. SCHAEFER SECONDED.

THE MOTION CARRIED.

REITER DEVELOPMENT INCORPORATED d/b/a S C R BUILDERS, #42745, #34871 and #34872 – DISCIPLINARY HEARING

The Notice of Hearing and Complaint, dated February 15, 2001, consisting of pages 1-46, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received by the NSCB dated February 16, 2001. The Notice of Continued Hearing, dated March 13, 2001 was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received by the NSCB on March 15, 2001.

The hearing was for possible violations of NRS 624.301(1), Abandonment without legal excuse of any construction project or operation engaged in or undertaken by the licensee as a contractor; NRS 624.3017(1), Workmanship which is not commensurate with the standards of the trade in general or which is below the standards in the building or construction codes adopted by the city or county in which the work is performed; NRS 624.3013(5) as set forth in NAC 624.700(3)(a), If it appears from the investigation that a licensee may have violated the provisions of chapter 624 of NRS or these regulations, the executive officer may request the licensee to take appropriate corrective action; NRS 624.3013(5) as set forth in NAC 624.640(5), Each licensee shall include in all bids he submits or contracts he enters into for construction work within this state, the number of his license and monetary limit placed upon his license; and NRS 624.3013(3), Failure to establish financial responsibility pursuant to NRS 624.220 and NRS 624.260 to NRS 624.265, inclusive, at the time of renewal of the license or at any other time when required by the Board.

Mr. Chris Fargas, Mr. Steve Reiter, President, SCR Builders, Mr. Gene Hutchinson, Mrs. Becky Hutchinson, and NSCB Investigator Mr. Ron Ramsey were sworn in. Also in attendance was Robert Bolick, Counsel, SCR Builders.

The Notice of Hearing and Complaint was entered into the record as EXHIBIT 1.

The Stipulation was signed and entered into the record as EXHIBIT 2.

The Respondent's Contract, Scope of Worksheet, Statement of Replacement, Affidavit of Howard Clark, Clark Electric, Clark County Building Department Violation, District Court Stipulation and Order and Letter of Recommendation were entered into the record as EXHIBIT A.

Ms. Hutchinson testified that on December 7, 1999, she entered into a contract with Reiter Development to rehabilitate 1/3 of her home due to fire damage for which \$104,197.14 of the \$127,316.90 contract price was paid. The Respondent completed 75% of the project and was last on the job site August 2000. The following items were not completed: the wood floors in the kitchen, the electrical, the cabinets in the bathroom, the carpeting, the living room floor is not level and the roof is coming apart.

Ms. Hutchinson testified SCR Builders performed extensive demolition work, which was contrary to what she had requested.

Mr. Ramsey testified he had validated the complaint and produced photographs of the Hutchinson home.

The photographs were entered into the record as EXHIBIT 3.

Mr. Ramsey testified that on May 8, 2000, Mrs. Hutchinson filed a workmanship complaint. Upon investigation, Mr. Ramsey discovered there was an active permit and closed the complaint. On October 26, 2000, the complaint was reopened. Mr. Ramsey validated failure to include monetary limit of the license on the contract as required by law and failure to provide information on subcontractors and suppliers who would provide labor or materials in excess of \$500.

Mr. Ramsey testified that the Respondent did not appear for a walk through of the property on November 13, 2000. A Notice to Correct was issued on November 14, 2000 and there was no contact with the Respondent until February 25, 2001.

Mr. Reiter testified that the project was not completed due to non-payment. He informed the Board that he had experienced delays in payment from the beginning of the project.

Mr. Bolick, Counsel for SCR Builders, stated Mr. Reiter was receiving payment for the work on the Hutchinson home through their mortgage company. When Mr. Reiter's invoice for painting of the home became 30 days past due, he contacted the Hutchinson's mortgage company to question the delay in payment. Mr. Reiter was informed that the Hutchinson's had taken a cash settlement from the insurance company at a depreciated sum of \$101,000 and there were insufficient funds to cover the remainder of the invoices.

The Board determined that this matter did not relate to workmanship or abandonment and should be addressed in Civil Court.

MR. JOHNSON MOVED TO DISMISS ALL CHARGES AGAINST REITER DEVELOPMENT D/B/A/ SCR BUILDERS, LICENSE #34872 WITHOUT PREJUDICE.

MR. SCHAEFER SECONDED.

THE MOTION CARRIED.

CONNER CONSTRUCTION - (B-2 – Residential and Small Commercial) APPLICATION HEARING

The Notice of Hearing & Complaint, dated March 2, 2001, consisting of pages 1-10, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received by NSCB dated March 7, 2001

Keith Conner, Owner, Conner Construction and NSCB License Analyst Ms. Doris Talley were present.

The Notice of Hearing and Complaint was entered into the record as EXHIBIT 1.

The hearing was for the denial of Respondent's application for a B-2 (Residential & Small Commercial) license pursuant to NRS 624.263, failure to establish financial responsibility.

MR. JOHNSON MOVED TO CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH NRS 241.033 TO DISCUSS FINANCIAL MATTERS.

MR. SCHAEFER SECONDED THE MOTION

THE MOTION CARRIED.

Mr. Gregory stated that Mr. Conner's new financial statement did not demonstrate sufficient financial responsibility and recommended that Respondent obtain an indemnifier or consider a C-3 classification license.

Mr. Conner stated he was not aware of the Nevada contracting laws when he filed his license application. He plans to do home remodeling and patio cover installation.

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

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO APPROVE THE APPLICATION OF CONNER CONSTRUCTION, FOR A C-3 (CARPENTRY, MAINTENANCE AND MINOR REPAIR) BE APPROVED WITH A MONETARY LIMIT OF \$50,000, A BOND OF \$5,000, AND A FINANCIAL STATEMENT UPON RENEWAL.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

DISCIPLINARY HEARING – (continued)

MEDCO CONSTRUCTION INC., #33771, 32003, and 33770, and RYAN ANTHONY & ASSOCIATES, #45211 – DISCIPLINARY HEARING STAFF UPDATE (continued from January 24, 2001 and February 22, 2001)

Mr. Griffy stated that this continued matter pertained to the establishment of a final reorganization plan approved by the bankruptcy court. Counsel was to appear to affirm the plan requirements.

Mr. Brian Bugni, Vice President of Finance, Mojave Electric, Mr. Mehdi Owliaie, President, MEDCO Construction, Inc., Keith Gregory, Counsel for MEDCO Construction, Inc., Larry Leavitt, Bankruptcy Attorney for MEDCO Construction and NSCB Investigator Mr. Ron Ramsey were present.

Keith Gregory, Counsel for MEDCO, stated the building is complete and the fence will be completed this weekend. He confirmed the bond has been reinstated.

Mr. Leavitt informed the Board that there has been no change in the status of the bankruptcy for MEDCO. The Court requires a company to show profitability for at least six months before filing a plan.

MR. ZECH MOVED TO REQUIRE WRITTEN UPDATES EVERY THREE MONTHS FROM MEDCO, LICENSE NOS. 33771, 32003 AND 33770 TO INCLUDE THE STATUS OF THE BANKRUPTCY PROCEEDINGS.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

APPLICATION HEARING (continued)

PITEL, INC. – (C-2 (e) – Signal Systems) APPLICATION HEARING

The Notice of Hearing & Complaint, dated March 1, 2001, consisting of pages 1-10, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received by NSCB dated March 5, 2001.

The hearing was for the denial of Respondent's application for a C-2(e) (Signal Systems) license pursuant to NRS 624.263, failure to establish financial responsibility.

The Respondent, Katherine McKeogh, was not present. NSCB License Analyst Ms. Doris Talley was sworn in.

The Notice of Hearing and Complaint was entered in the record as EXHIBIT 1.

Ms. Doris Talley testified that the Respondent had contacted her by telephone on 4/23/01 and requested a postponement due to a family emergency. Ms. Talley informed the applicant she could reapply at a later date.

MR. CARSON MOVED TO TABLE THE LICENSE APPLICATION FOR 60 DAYS TO ALLOW PITEL INC. TO PROVIDE A NEW FINANCIAL STATEMENT.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

M. P. ENVIRONMENTAL SERVICES, INC. – (Class A – General Engineering) APPLICATION HEARING

The Notice of Hearing & Complaint, dated March 1, 2001, consisting of pages 1-11, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received by NSCB dated March 5, 2001.

The hearing was for the denial of Respondent's application for a Class A (General Engineering) license pursuant to NRS 624.263, failure to establish financial responsibility.

The Notice of Hearing and Complaint was entered into the record as EXHIBIT 1.

Ms. Gina Blankenship, Vice President, M.P. Environmental Services and NSCB License Analyst Ms. Traci Greenlee were sworn in.

The Stipulation was signed and entered into the record as EXHIBIT 2.

Ms. Greenlee testified that the December 1999 financial statement did not demonstrate financial responsibility. A new financial statement, dated December 2000, had been provided.

Ms. Blankenship testified she is applying for the Class A license to perform hazardous waste cleanup, including some excavation work involving underground tank removal. This work will be done as a subset to her company's main function – transportation.

Ms. Blankenship testified her company experienced financial difficulties. They now have a new line of credit through Merrill Lynch.

Mr. Gregory recommended a classification A-7 for excavation and grading with an A-22 for soil remediation and underground tank removal.

MR. JOHNSON MOVED TO APPROVE M.P. ENVIRONMENTAL SERVICES INC., LICENSE CLASSIFICATION A-7 (EXCAVATION) AND AN A-22 (SOIL REMEDIATION AND TANK REMOVAL) WITH A MONETARY LIMIT OF \$100,000 AND A BOND OF \$10,000, AND A FINANCIAL STATEMENT UPON RENEWAL.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

SOUTHWEST INTERIORS – (C-4 (C) (E) (F) (G) – Taping and Finishing; Drywall; Sheet Metal Studs; Acoustical Tile) APPLICATION HEARING

The Notice of Hearing & Complaint, dated March 1, 2001, consisting of pages 1-10, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received by NSCB dated March 5, 2001.

The hearing was for the denial of Respondent's application for a C-4 (c)(e)(f)(g) (Taping and Finishing; Drywall; Sheet Metal Studs; Acoustical Tile) license pursuant to NRS 624.263, failure to establish financial responsibility.

Mr. Juan Antonio Jr., Owner, Southwest Interiors and NSCB License Analyst Doris Talley were sworn in.

The Notice of Hearing and Complaint was entered into the record as EXHIBIT 1.

The Stipulation was signed and entered into the record as EXHIBIT 2.

Mr. Griffy stated that there was a concern by the staff of working capital and a poor credit rating.

Ms. Talley testified regarding Respondent's financial condition and credit record.

Mr. Antonio testified he has never been in business before and is looking to work for a general contractor.

MR. JOHNSON MOVED TO APPROVE SOUTHWEST INTERIORS, APPLICATION FOR CONTRACTOR'S LICENSE CLASSIFICATION C-4 (C) (E) (F) (G) (TAPING & FINISHING, DRYWALL, SHEET METAL STUDS AND ACOUSTICAL TILE) WITH A MONETARY LIMIT OF \$15,000, A BOND OF \$5,000, A BID LETTER AND A FINANCIAL STATEMENT UPON RENEWAL.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

IRVING CONTRACTING – (B-2 – Residential & Small Commercial) APPLICATION HEARING

The Notice of Hearing & Complaint, dated March 2, 2001, consisting of pages 1-10, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was returned to the NSCB dated April 3, 2001 (no signature/unopened).

The hearing was for the denial of Respondent's application for a B-2 (Residential and Small Commercial) license pursuant to NRS 624.263, failure to establish financial responsibility.

Mr. Phillip E. Irving, Owner, Irving Contracting, was not present. NSCB License Analyst Ms. MaryAnn Enbody was sworn in.

The Notice of Hearing and Complaint was entered into the record as EXHIBIT 1.

Ms. MaryAnn Enbody testified that the NSCB had not received a new financial statement from Irving Contracting.

MR. CARSON MOVED TO DENY IRVING CONTRACTING'S LICENSE APPLICATION.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

DISCIPLINARY HEARING (continued)

DEVELOPERS OF NEVADA, LLC, #36777 – DISCIPLINARY HEARING

The Notice of Hearing & Complaint, dated March 19, 2001, consisting of pages 1-7, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received by NSCB dated March 20, 2001.

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

The Notice of Hearing and Complaint was entered into the record as EXHIBIT 1.

The Stipulation was signed and entered into the record as EXHIBIT 2.

Mr. Jim Moore, CPA for Developers of Nevada LLC, Mr. Dean Krametvauar, Mr. Roland Sturm, Manager, Developers of Nevada LLC, Mr. Russ Dorn, Manager, Developers of Nevada LLC, NSCB License Analyst Ms. Lisa Bedsole were sworn in. Also in attendance was Barney Ales, Counsel for Developers of Nevada LLC.

MR. CARSON MOVED TO CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH NRS 241.033 TO DISCUSS FINANCIAL MATTERS.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Schaefer and Mr. Zech stated that they had business dealings with Barney Ales. Mr. Carson stated that he had business dealing with Mr. Dorn. The Respondent had no objection to Mr. Schaefer, Mr. Zech or Mr. Carson deciding the case.

NSCB License Administrator Nancy Mathias informed the Board that the financial statement provided was prepared internally. A reviewed financial statement is being prepared; however, it will not be ready for 30 to 60 days. Ms. Mathias reported specific changes in the financial position of the company.

Mr. Dorn testified that he only plans to do his own development work at this time.

The evidentiary portion of this meeting was closed.

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

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO APPROVE THE FINANCIAL REVIEW OF DEVELOPERS OF NEVADA, LICENSE #36777 WITH THE CONDITION THAT THE RESPONDENT PROVIDE A CPA REVIEWED OR AUDITED FINANCIAL STATEMENT WITHIN 60 DAYS.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

CHAPMAN & ASSOCIATES INC., #44983 – DISCIPLINARY HEARING

The Notice of Hearing and Complaint, dated January 19, 2001, consisting of pages 1-43, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received by the NSCB dated January 24, 2001. The Notice for Continued Hearing, dated March 19, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received by the NSCB dated March 26, 2001.

This hearing was for possible violations of NRS 624.3012(2), Willful or deliberate failure by any licensee or agent or officer thereof to pay any money when due for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefor; NRS 624.3013(3), Failure to establish financial responsibility pursuant to NRS 624.220 and NRS 624.260 to NRS 624.265, inclusive, at the time of renewal of the license or at any other time when required by the Board; NRS 624.3013(5) as set forth in NAC 624.640(3), If any change occurs in a licensee's address or personnel which affects the accuracy of the statements in the application upon which his license is based, he shall report the change in writing to the Board within 30 days after the change occurs; NRS 624.3013(5) as set forth in NAC 624.640(5), Each licensee shall include in all bids he submits or contracts he enters into for construction work within this state, the number of his license and monetary limit placed upon his license.

Mr. Griffy stated that this is a continued matter pertaining to the establishment of financial stability of the corporation in order to protect the health, safety and welfare of the citizens of Nevada.

Mr. Harley Chapman, President and Owner, Chapman & Associates, Inc., and NSCB Investigator Mr. Ron Ramsey were sworn in.

Mr. Gregory stated that he had past business dealings with Mr. Chapman and his previous employer. The Respondent had no objection to Mr. Gregory acting as Chairman during the hearing.

Mr. Chapman requested a continuance due to a scheduling conflict with his attorney.

MS. CAVIN MOVED THAT THE CASE BE CONTINUED UNTIL MAY 9, 2001.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

Executive Session

Ms. Grein provided an update regarding the implementation of a program to issue citations that would provide an additional mechanism for the Board to use in complaint resolution.

Ms. Grein provided the Board with proposed regulations for the recovery fund that Mr. Reese had drafted. Mr. Reese provided an overview to the Board.

APPLICATION HEARING (continued)

ACTIVE PLUMBING d/b/a **AFFORDABLE PLUMBING** – (C-1 – Plumbing & Heating)
APPLICATION HEARING (continued from March 20, 2001)

Mr. Griffy stated that this matter had been continued to allow the Respondent to provide a current financial statement.

Mr. Edward Schmidt, Owner, Active Plumbing, Mr. Bob Tibesar, President, Tibesar Construction and NSCB License Analyst Ms. Doris Talley were sworn in.

Mr. Gregory stated that he has had business dealing with Mr. Tibesar. There was no objection to Mr. Gregory acting as Chairman during the hearing.

MS. CAVIN MOVED TO CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH NRS 241.033 TO DISCUSS FINANCIAL MATTERS.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

NSCB License Administrator Ms. Nancy Mathias reviewed the concerns from the March 20, 2001 hearing.

Mr. Schmidt testified that he has hired a new accountant and will provide the Board with the necessary disclosures.

The financial statement provided by the Respondent was entered into the record as EXHIBIT A.

The Respondent's personal financial statement was entered into the record as EXHIBIT B.

Mr. Gregory stated that the second financial statement supported the limit Mr. Schmidt is requesting.

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

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Schmidt testified regarding an agreement concerning the financial issues with Mr. Tibesar.

Mr. Tibesar testified that in order for Mr. Schmidt to fulfill his obligation, he has agreed to a 3 year installment plan.

The evidentiary portion of the meeting was closed.

MR. JOHNSON MOVED TO APPROVE THE APPLICATION OF ACTIVE PLUMBING, CLASSIFICATION C-1 (PLUMBING & HEATING) WITH A MONETARY LIMIT OF \$25,000, A BOND OF \$5,000, A BID LETTER AND A FINANCIAL STATEMENT UPON RENEWAL.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

ADVISORY OPINIONS

CARSON CITY DEVELOPMENT SERVICES – Resource Development Company, Inc., an interested party to the Advisory Opinion requested by Carson City Development Services requested reconsideration of the advisory opinion issued by the Board on April 10, 2001 concerning the Long Ranch Production Well #48.

John LeMay, President, Diamond Electric and Matt Hippler, Counsel for Resource Development Company, Inc. were present.

Mr. Hippler stated that based upon the April 10, 2001 Board decision, he sent a letter requested reconsideration. The issue is whether a specialty C-2 contractor can do the work that Carson City has requesting on the Long Ranch water well project which includes cutting across a public street.

Mr. Gregory informed Mr. Hippler that compliance with bid specifications fall within the jurisdiction of the awarding authority.

The Board reaffirmed its decision of April 10, 2001 opining that a licensee holding an A (General Contracting); AB (General Engineering and Building) a B (General Building); B-2 (Residential & Small Commercial); a C-1 (Plumbing & Heating) or a C-2 (Electrical) could act as the prime contractor, however, properly licensed subcontractors must be hired to perform any work that would not fall within the scope of the licensee held by the prime contractor.

RAFAEL CONSTRUCTION, INC. – The Rafael Construction, Inc. requested an Advisory Opinion concerning licensing requirements for construction of two 180,000 square foot three-story concrete buildings.

No one from Rafael Construction was present for the hearing.

The Board opined that the B-2 classification currently held by Rafael Construction, Inc. would be the appropriate license classification for the work described.

SHURTLEFF & ANDREWS CORPORATION – The Shurtleff & Andrew Corporation requested an Advisory Opinion concerning licensing requirements for the construction of two 50 cell air-cooled condensers near Moapa, Nevada.

Mr. Matt Nelson, Vice President, Shurtleff & Andrews was present for the hearing.

The Board opined that an A (General Engineering) or a C-1 (Plumbing & Heating) or a C-14 (Steel Reinforcing and Erection) could act as the prime contractor, however, properly licensed subcontractors must be hired to perform any work outside the scope of the classification of the licensee. A contractor holding a C-14 license could construct the structural framework only, all other work, including the installation of fin tube bundles, fans, piping, ducting and electrical work must be subcontracted to properly licensed subcontractors.

APPLICATIONS

MS. ZECH MOVED TO CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH NRS 241.033 TO DISCUSS FINANCIAL MATTERS.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

SIERRA COMMERCIAL CONSTRUCTION (B-1 – Premanufactured Housing; B-2 – Residential & Small Commercial and B-3 – Speculative Building) NEW APPLICATION

Mr. Griffy stated there was concern by staff with the negative working capital and improved bank balance.

Mr. Bacon testified that he refinanced personal property and deposited the money in the bank.

Mr. Bacon testified that he plans to build homes on two lots in escrow.

MR. ZECH MOVED THAT SIERRA COMMERCIAL CONSTRUCTION, LICENSE CLASSIFICATION B-1 (PREMANUFACTURED HOUSING) BE APPROVED WITH A MONETARY LIMIT OF \$250,000 AND A BOND OF \$15,000; AND LICENSE CLASSIFICATION B-2 (RESIDENTIAL & SMALL COMMERCIAL) BE APPROVED WITH A MONETARY LIMIT OF \$250,000 AND A BOND OF \$15,000.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MYS DRYWALL & ACOUSTICS, INC. (C-4 - Painting & Decorating) NEW APPLICATION, NAME SIMILARITY

Mr. Ira Uhlmeier, President, MYS Drywall & Acoustics, Inc. and Mr. Michael Clark, President, MYS Drywall & Acoustics, Inc. were present.

Mr. Uhlmeier testified that MYS Drywall & Acoustics is a licensed company based out of Las Vegas. MYS Drywall & Acoustics, Inc. will be based in Carson City.

Mr. Gregory asked if there would be confusion with bills due to name similarity. Both Mr. Uhlmeier and Mr. Clark ascertained that there would not be a problem.

The Board approved the use of the name.

D B ELECTRIC INC. (C-2 - Electrical Contracting) Name Similarity

Mr. Danny Braswell, D B Electric, License #49095 and Ms. Connie Barrett, D. B. Electric, Inc. License #36622 were both present.

The Board determined that the company who had applied for the license first would keep the name. Ms. Barrett had a license since 1993 and will be the one to retain the name of D B Electric, Inc.

J & L PLUMBING (C-1 – Plumbing & Heating) NEW APPLICATION

Mr. Wayne Morris, President, J & L Plumbing and Ms. Samantha Stout, Vice President, J & L Plumbing were present. They were notified that the license application C-1 classification had been approved with a limit of \$25,000 and a bond of \$15,000, a bid letter and a financial statement upon renewal.

SIGNS WITH STYLE (C-6 – Erecting Signs) NEW APPLICATION

Mr. Zac Tucker, President, Signs with Style was present. He was notified that the license application C-6 classification had been approved with a limit of \$50,000, and a bond of \$10,000.

STONE & WEBSTER CONSTRUCTION INC. (B-2 – Residential & Small Commercial) NEW APPLICATION

David Kirsten, Counsel, Stone & Webster Construction, Inc. was present. He was notified that the license application B-2 classification had been approved with an unlimited license limit and a bond of \$50,000.

FIRST DEFENSE SECURITY INC. (C-2 (c) (d) (e) – Fire Inspection; Amplifying System; Signal System) NEW APPLICATION

Mr. Timothy Kolakowski, President, First Defense Security Inc. was present. He was notified that the license application C-2 (c)(d)(e) classification had been approved with a \$25,000 limit and a bond of \$5,000.

FOLIAGE UNLIMITED LANDSCAPING LLC (C-10 – Landscape Contracting) NEW APPLICATION – RECONSIDERATION

Keith Gregory, Counsel, Foliage Unlimited Landscaping LLC was present. He was notified that the license application C-10 classification had been approved.

ENCOMPASS ELECTRICAL TECHNOLOGIES OF NEVADA #51697, (C-2 – Electrical Contracting) Change in Qualifier

Keith Gregory, Counsel, Encompass Electrical Technologies of Nevada was present. He was notified that the change in qualifier had been approved.

ENCOMPASS ELECTRICAL TECHNOLOGIES OF NEVADA #51697, (C-2 – Electrical Contracting) Officer Change

Keith Gregory, Counsel, Encompass Electrical Technologies of Nevada was present. He was notified that the change in officer had been approved.

SPRING MOUNTAIN RANCH LLC #49612 (A – General Engineering) 60 Day Extension

Keith Gregory, Counsel, Spring Mountain Ranch LLC was present. He was notified that the 60-day extension had been approved.

The remainder of the applications on the agenda was reviewed and discussion occurred on the following: Nos. 1 and 2, 4-10, 12-28, 31-72, 75-91, 93-163; and on the amended agenda: Nos. 1-24.

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

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. ZECH MOVED TO RATIFY ALL APPLICATIONS NOT SPECIFICALLY DISCUSSED IN CLOSED SESSION PER STAFF RECOMMENDATION.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Gregory left at 3:30 p.m. and Mr. Zech sat in as Acting Chairman.

MR. JOHNSON MOVED TO CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH NRS 241.033 TO DISCUSS FINANCIAL MATTERS FOR APPLICATIONS NOT PREVIOUSLY HEARD.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

SERVICE MASTERS LANDSCAPE AND MAINTENANCE INC. (C-10 – Landscape Contracting) NEW APPLICATION

Mr. Thomas Blackwell, President, Service Masters Landscape and Maintenance Inc. and Steven Goodwin Qualified Employee, Service Masters Landscape and Maintenance Inc. were present. They were notified that the license application C-10 classification had been approved with a monetary limit of \$50,000 and a bond of \$10,000.

RED NECK CONSTRUCTION (B-2 – Residential & Small Commercial) NEW APPLICATION - RECONSIDERATION

Mr. Larry Lacefield, Owner, Red Neck Construction was present. He was notified that the license application B-2 classification had been approved with a monetary limit of \$100,000, a bond of \$20,000 bond and a bid letter.

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

MR. CARSON 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.

Mr. Rick Bertuzzi introduced Barbara Hennessy as the new Administrative Assistant, Mr. Jim Abels, new Investigator.

There being no further business to come before the Board, the meeting was adjourned by Vice-Chairman Mike Zech at 3:45 p.m.

Respectfully Submitted,

Barbara Hennessy, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kim Gregory, Chairman

Michael Zech, Vice Chairman