

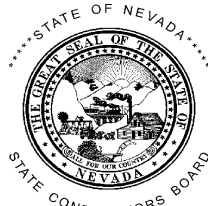
KENNY C. GUINN
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

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



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STATE CONTRACTORS' BOARD

MINUTES OF THE MEETING
APRIL 24, 2002

1. CALL TO ORDER:

The meeting of the State Contractors' Board was called to order by Chairman Michael Zech at 8:35 a.m., Wednesday, April 24, 2002, 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
Mr. Douglas W. Carson
Mr. David Clark
Mr. Jerry Higgins left @ 3:40 p.m.
Mr. Dennis Johnson left @ 3:40 p.m.
Mr. Randy Schaefer

BOARD MEMBERS ABSENT:

Ms. Margaret Cavin

STAFF MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

Ms. Carolyn Broussard, Legal Counsel
Mr. Bruce Robb, Legal Counsel
Mr. Robert Griffy, Legal Counsel (Haney, Woloson & Mullins)
Mr. David Reese, Legal Counsel (Cooke, Roberts & Reese)

Ms. Grein stated that Greg Welch had posted the agenda in compliance with the open meeting law on April 17, 2002, 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.

2. PUBLIC EDUCATION:

DRGM (DUNN, REBER, GLENN, MARZ) PRESENTATION

Ms. Bernice Banbuiak and Mr. Chris DeFranko did a presentation for the Board on television and radio spots. The Board requested changes to the radio and television spots.

3. PULTE HOMES: REQUEST FOR EXTENSION TO PERFORM:

Mr. Bruce Robb informed the Board that Investigator Jeff Sudweeks has met with representatives of Pulte Homes in regards to having an extension on the Notice to Corrects on the Trotting Horse Lane complaints. Mr. David Beck, Pulte Homes, informed the Board that Pulte Homes had not personally performed a soil test before these homes were built. The soil expands when wet which then cracks the foundation and walls of the homes. Lens grouting was used on the homes, which worked on some but not on others. Pulte is in the process of using soil abatement and a cut off wall to correct the problem. They need 60 days for the completion of the corrective work.

MR. CLARK MOVED TO ALLOW PULTE HOMES A SIX-MONTH EXTENSION WITH A STAFF UPDATE IN 90 DAYS.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

MR. HIGGINS MOVED TO GO TO CLOSED SESSION FOR EMERGENCY PERSONNEL MATTERS.

MR. CLARK SECONDED THE MOTION.

THE MOTION CARRIED.

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

MR. CLARK SECONDED THE MOTION.

THE MOTION CARRIED.

MR. HIGGINS MOVED TO SCHEDULE ON THE NEXT LAS VEGAS AGENDA A DISCUSSION AND ACTION OF THE BOARD'S POLICY IN REGARD TO DELEGATION OF AUTHORITY; THE CHAIRMAN OR ANY BOARD MEMBER TO ACT ON BEHALF OF THE BOARD; AND TO DIRECT STAFF TO PREPARE IN BROAD LANGUAGE THE DELEGATING WISHES OF THE BOARD.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. HIGGINS MOVED TO DIRECT STAFF TO STIPLULATE TO THE TWO WEEKS UNEMPLOYMENT AND TO PURSUE THE WORK ENVIRONMENT ALLEGATION IN THE UNEMPLOYMENT CLAIM OF MS. HOFFMAN.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. HIGGINS MOVED THAT IT IS THE BOARD'S POLICY THAT ANY ATTORNEY AND LEGAL SERVICES RETAINED BY THE BOARD SHOULD BE DONE WITH THE APPROVAL OF THE BOARD OR BOARD CHAIRMAN ACTING

ON BEHALF OF THE BOARD.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

4. ADVISORY OPINIONS:

A. CARSON CITY ENGINEERING – Carson City Engineering requested an Advisory Opinion regarding the licensing classification required to perform right of way excavation performed in conjunction with communication line and equipment installation and maintenance work.

Based upon the information provided, the Board opined that a contractor holding an A (General Engineering); an A-17 (Lines to Transmit Electricity); or an A-19 (Pipeline and Conduits) could perform the work described.

B. LAS VEGAS CONVENTION & VISITORS AUTHORITY – Las Vegas Convention & Visitors Authority requested an Advisory Opinion regarding the licensing requirements for name sign post installation for unistrut posts.

Based upon the information provided, the Board opined that a contractor holding and A (General Engineering); and A-21 (Fencing and Guardrails); A C-6 (Erecting Signs; or a C-6c (Sheet Metal) could perform the work described.

C. CITY OF RENO PUBLIC WORKS DEPARTMENT – City of Reno Public Works Department requested an Advisory Opinion regarding the licensing classification required to construct a new reinforced concrete skate feature bowl with new vehicular park access/entry and parking lot, asphalt, pathways, lighting, landscaping and irrigation.

Based upon the information provided, the Board opined that a contractor holding a C-5 (Concrete; an A (General Engineering); or an AB (General Engineering and General Building) classification license may act as the prime contractor on the project.

5. DISCIPLINARY HEARING:

TURNBERRY PAVILLION PARTNERS LP d/b/a TURNBERRY PLACE CONSTRUCTION and TURNBERRY WEST, LTD., Partner, LB TURNBERRY II, INC., Partner, TURNBERRY PAVILLION MANAGERS, LP, Partners, LB TURNBERRY I, INC., Partner, TURNBERRY WEST, INC., Partner, LICENSE #49090

Mr. Zech and Mr. Clark recused themselves from the hearing.

Mr. Carson acted as Chairman.

Mr. Steve Kessler, Turnberry Pavillion Partners LP; Mr. Randal Vallen, Partner at PriceWaterhouseCoopers; and Investigator Ron Ramsey were sworn in. Mr. Jeffrey Silver, counsel for Turnberry Pavillion Partners LP, was present.

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

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

Mr. Robb informed the Board that Turnberry Pavilion Partners LP financial statement, for

year ending 2001, was prepared by PriceWaterhouseCoopers, LLP. Copies of the financial statement had been provided to the Board.

Mr. Silver stated that the financial statement showed a special type of accounting on how the money flowed into the company. PriceWaterhouseCoopers concluded that Turnberry Pavillion Partners were meeting their financial responsibility.

The meeting was closed to the public in accordance with NRS 624.033 to discuss financial matters.

Mr. Vallen testified that it was his unqualified opinion that Turnberry showed financial responsibility. Mr. Vallen then discussed the financial statement with the Board.

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

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

The evidentiary portion of the hearing was closed.

MR. JOHNSON MOVED TO APPROVE THE FINANCIAL STATEMENT; TO DISMISS ALL CHARGES; AND FOR TURNBERRY PAVILLION PARTNERS LP, LICENSE #49090, REIMBURSE THE BOARD FOR INVESTIGATIVE AND LEGAL COSTS OF \$2,860.00.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

6. DISCIPLINARY HEARING:

MALCO INC., LICENSE NOS. 32650, 15836, 26196, AND 26197

Mr. Salvadore Scialabba, President of Malco, Inc.; Ms. Penny Perez, Treasurer for Malco, Inc.; Ms. Kim Prior, Project Controller for Turnberry Pavillion Partners LP; Ms. Ann Murtagh, Credit Manager, Coyote Building Materials; Licensing Supervisor Pat Potter; and Investigator Greg Mincheff were sworn in. Mr. Brian Berman, counsel for Malco Inc., was present.

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

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

Ms. Potter reviewed the financial statement dated June 30, 2001. The financial statement, received October 5, 2001, was compiled but no disclosures were included.

The meeting was closed to the public in accordance with NRS 624.033 to discuss financial matters.

Mr. Robb placed into the record as Exhibit #2 a letter dated January 25, 2002, from the Board to Mr. Scialabba advising that a letter sent by the Board on July 12, 2001 was in error. The letter advised the Respondent that the Board had not approved the application for the Change of Qualifier and the letter also requested a current financial statement.

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

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

Ms. Potter testified that license #32650 had been suspended for no qualifier.

The letter dated July 12, 2001, which was sent to the Respondent advising him that the qualifier had been approved, was entered into the record as Exhibit #3.

Ms. Potter informed the Board that the July letter had been sent in error, but there had been no response from the Respondent to the letter sent in January 2002.

Ms. Scialabba confirmed that Mr. Bishop left in October of 2000 and also that he had received the letter confirming the approval of Mr. Williams as his qualified employee. Mr. Scialabba recently discovered that the license was suspended when he tried to place an order from a wholesaler. The bond on the license is in good standing and he did not know there was a problem with his financial statement.

Ms. Murtagh testified that Coyote Building Materials supplied Malco with material for the Turnberry project. Coyote and Malco had no contract, just a credit application. In October of 2001, Coyote gave Penny Perez of Malco an unconditional lien release for payment through October of 2000 and a conditional release for the following month. Malco gave Coyote a \$69,000, which was returned due to insufficient funds. A copy of the check was entered into the record as Exhibit #4.

Ms. Prior testified Malco agreed to have a portion of the payment due from Turnberry held in escrow to pay subcontractors.

A copy of the unconditional lien release between Malco and Coyote was entered into the record as Exhibit #5.

Ms. Perez testified that Malco had not been notified that a portion of the payment from Turnberry was going into an escrow account. Since Malco had several other obligations in addition to payroll, it was management's decision to pay the labor force with the funds received, instead of meeting their obligation to Coyote. Ms. Perez testified that a bond was required for the interior portion of the project. A copy of a letter from Coyote to CGU Surety Company was entered into the record as Exhibit #6. Ms. Perez informed the Board that Malco has placed a mechanics lien against Turnberry Pavillion for \$2,500,000.

Mr. Berman asked to place into the record a Board form regarding a case not related to this one as Exhibit #7. This form states that the Board has no jurisdiction regarding NSF checks. Mr. Robb objected to the exhibit due to it being unrelated to this complaint.

Mr. Berman informed the Board that Malco and Coyote Building Materials had a civil case pending with a July 9, 2002 court date regarding the nonpayment of funds.

The evidentiary portion of the hearing was closed.

MR. JOHNSON MOVED TO DISMISS THE 2ND AND 3RD CAUSES OF ACTION.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO FIND MALCO, INC., LICENSE NOS. 32650, 15836, 26196, AND 26197, IN VIOLATION OF THE 1ST CAUSE OF ACTION.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO PLACE A ONE YEAR LETTER OF REPRIMAND IN THE RESPONDENT'S FILE; FOR RESPONDENT TO SUBMIT A CURRENT FINANCIAL STATEMENT WITH FULL DISCLOSURES WITHIN 120 DAYS; FOR RESPONDENT TO COMPLETE AN APPLICATION TO BECOME THE QUALIFYING OFFICER; TO PAY A \$1,000 FINE; AND TO REIMBURSE THE BOARD FOR INVESTIGATIVE AND LEGAL COSTS OF \$2,197.00 WITHIN 60 DAYS OR THE LICENSE WILL AUTOMATICALLY BE SUSPENDED.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

7. DISCIPLINARY HEARING:

ACTION PAINTING, LICENSE #42099

No one from Action Painting was present. Mr. Tom Delaney, Homeowner and Investigator Jerry McGill were sworn.

The hearing was for possible violation of NRS 624.3017(1); NRS 624.302(5); NRS 624.3013(5), as set forth in NAC 624.700(3)(a); NRS 624.3011(1)(b)(2); NRS 624.3015(1); NRS 624.3013(5), as set forth in NAC 624.640(5); and NRS 624.3013(3).

Mr. Griffy read a letter received from the Respondent notifying the Board the he would not be attending today's hearing. This letter was placed in the file.

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

On the 2nd cause of action, the Respondent responded that he had attended a meeting.

Mr. Delaney stated that he wants to get his house fixed and would like to see the Respondent's license revoked.

The evidentiary portion of the hearing was closed.

MR. CARSON MOVED TO ACCEPT TODAY'S TESTIMONY AND FILE AS FORMAL FINDINGS OF FACT CONCLUSIONS OF LAW; TO DISMISS THE 2ND CAUSE OF ACTION; AND TO FIND ACTION PAINTING, LICENSE #42099 IN VIOLATION OF THE 1ST, 3RD, 4TH, 5TH, 6TH, AND 7TH CAUSES OF ACTION.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO REVOKE LICENSE #42099; FOR RESPONDENT TO PAY A FINE OF \$200 PER VIOLATION; TO PROVIDE RESTITUTION TO THE HOMEOWNER; AND TO REIMBURSE THE BOARD FOR INVESTIGATIVE AND LEGAL COSTS OF \$1,855.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

8. DISCIPLINARY HEARING:

QUALITY CHOICE CONSTRUCTION, LICENSE #44164 (CONTINUED FROM JANUARY 23, 2002)

Mr. Dennis Larks, Quality Choice Construction; Mr. Bryan Bugni, CFO, Mojave Electric, Inc.; Investigator Ron Ramsey; and Mr. Keith Gregory, counsel for Quality Choice Construction were present. Mr. William Ross, Owner of Quality Choice Construction, was not present.

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

Mr. Gregory informed the Board that a settlement had been reached between the Venetian Casino Resort and the Respondent as of Friday, April 19, 2002. The Venetian will pay Mojave Electric within 45 days.

A copy of the letter was entered into the record as Exhibit #2.

Mr. Ramsey informed the Board the Mr. Ross has not been present for any of the scheduled meetings.

MR. JOHNSON MOVED TO CONTINUE THIS MATTER FOR 60 DAYS; FOR RESPONDENT TO BE RE-NOTICED WITH THE ADDITIONAL CHARGE OF BIDDING OVER THE LICENSE LIMIT; TO REQUEST A FINANCIAL STATEMENT; AND TO BE UPDATED ON THE PAYMENT OF MONIES OWED TO MOJAVE ELECTRIC. THE RESPONDENT IS TO BE DIRECTED TO PERSONALLY APPEAR AT THE BOARD HEARING.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

9. DISCIPLINARY HEARING:

TRICO DEVELOPMENT, LTD., LICENSE #36097A

No one from Trico Development, LTD was present. Investigator Bob Macke and Investigator Ron Ramsey were sworn in.

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

Ms. Broussard informed the Board that the Respondent had filed for bankruptcy under Chapter 7 on October 10, 2001.

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

Mr. Macke testified that he had notified the Respondent to furnish a financial statement but one was not received. The Respondent was notified of a resolution meeting and did not attend.

The evidentiary portion of the hearing was closed.

MR. JOHNSON MOVED TO ACCEPT THE FILE AS FORMAL FINDINGS OF FACT CONCLUSIONS OF LAW.

MR. CLARK SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO FIND TRICO DEVELOPMENT, LTD, LICENSE #36097A, IN VIOLATION OF ALL CAUSES OF ACTION.

MR. CLARK SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO REVOKE LICENSE #36097A; FOR RESPONDENT TO PAY \$1,000 PER VIOLATION; TO REIMBURSE THE BOARD FOR INVESTIGATIVE AND LEGAL COSTS OF \$4,228.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. CLARK SECONDED THE MOTION.

THE MOTION CARRIED.

10. DISCIPLINARY HEARING:

DYKA INC., LICENSE #43836

No one from Dyka, Inc. was present. Mr. Tim Burke; Mr. Kenneth Leonard; Ms. Tina Garman, Garman Builders; Mr. Dale Martin; Erika Sharp; Mr. Dale Martin; Mr. Rich Dexter; Investigator Greg Welch; Investigator Bob Macke; and Investigator Ron Ramsey were sworn in.

The hearing was for possible violation of NRS 624.3012(2); NRS 624.302(5); NRS 624.3012(3); NRS 624.301(1); NRS 624.3015(2); NRS 624.3013(5), as set forth in NAC 624.640(5); NRS 624.3013(3); and NRS 624.3013(5), as set forth in NAC 624.640(3).

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

Ms. Garman stated that the money owed Garman Builders was for change orders.

Investigator Welch testified that the Respondent failed to include his monetary limit on the contracts and had not submitted a current financial statement.

Mr. Burke testified that he had contracted with the Respondent to build a custom home. Liens have been placed on his home. Mr. Burke completed his home himself as owner builder. He stated that he placed a claim on the Respondent's bond but has not received any payment.

Investigator Macke validated the Cedar Roofing complaint. Cedar Roofing has placed a lien against the Leonard home due to the Respondent not paying them.

The evidentiary portion of the hearing was closed.

MR. HIGGINS MOVED TO ACCEPT THE FILE AND TESTIMONY AS FORMAL

FINDINGS OF FACT CONCLUSIONS OF LAW; TO FIND DYKA INC., LICENSE #43836, IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE #43836; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND REIMBURSE THE BOARD FOR INVESTIGATIVE AND LEGAL COSTS OF \$3,647.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

11. DISCIPLINARY HEARING:

VALLEY FLOORS, LICENSE #45033 (CONTINUED FROM DECEMBER 18, 2001 AND FEBRUARY 20, 2002)

Mr. Wesley Smith, President of Valley Floors; Mr. Andras Barbero, Homeowner; and Investigator Greg Welch were sworn in. Mr. David Hilton, counsel for Valley Floors, was present.

Mr. Griffy stated that this case had been continued in order for the Board to review all of the contracts. Copies of contracts were entered into the record as Exhibit B.

Mr. Hilton informed the Board that this matter was currently in litigation and requested the Board make a decision after the civil case is decided.

Mr. Barbero testified that a lien had been placed on his home by Superior Tile & Marble. Mr. Barbero informed the Board that he wants to get his home finished.

The evidentiary portion of the hearing was closed.

MR. CARSON MOVED TO DISMISS THE 1ST AND 2ND CAUSES OF ACTION AND TO FIND VALLEY FLOORS, LICENSE #45033, IN VIOLATION OF THE 3RD AND 4TH CAUSES OF ACTION.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO PLACE A ONE YEAR LETTER OF REPRIMAND IN THE RESPONDENT'S FILE; FOR RESPONDENT TO PAY A FINE OF \$1,500.00 FOR THE 3RD CAUSE OF ACTION AND \$200.00 FOR THE 4TH CAUSE OF ACTION; TO REIMBURSE THE BOARD FOR INVESTIGATIVE AND LEGAL COSTS OF \$2,232.00; FINE AND COSTS TO PAID WITHIN 90 DAYS OR THE LICENSE WILL BE SUSPENDED.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

12. DISCIPLINARY HEARING DEFAULT ORDERS:

A. ANA MARIE MARTIN, LICENSE #48877

No one from Ana Marie Martin was present.

The hearing was for possible violation of NRS 624.3014(1); NRS 624.3014(2)(a),(b),(c), and (d); NRS 624.302(5); NRS 624.3013(3); NRS 624.305(1); and NRS 624.3013(4).

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

MR. SCHAEFER MOVED THAT THE BOARD FIND THE RESPONDENT IN DEFAULT AND ADOPT THE FINDINGS OF FACT CONCLUSIONS OF LAW AS SET FORTH IN THE ADMINISTRATIVE COMPLAINT; REVOKE LICENSE #48877, ANA MARIE MARTIN; TO REQUIRE FULL RESITUTION TO THE DAMAGED PARTIES; AND RECOVER THE INVESTIGATIVE COSTS OF \$1,184.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

E. A. M. A LIMITED LIABILITY COMPANY d/b/a MICHAEL T. MARTIN ELECTRIC, LICENSE NOS. 28760B, 29634B, AND 42774A

No one from E.A.M. A Limited Liability Company d/b/a Michael T. Martin Electric was present.

The hearing was for possible violation of NRS 624.3012(2); NRS 624.302(5); NRS 624.3013(3); NRS 624.3013(5), as set forth in NAC 624.640(5); NRS 624.3013(4); and NRS 624.3018(2).

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

MR. CLARK MOVED THAT THE BOARD FIND THE RESPONDENT IN DEFAULT AND ADOPT THE FINDINGS OF FACT CONCLUSIONS OF LAW AS SET FORTH IN THE ADMINISTRATIVE COMPLAINT AND ALL FUTURE VALIDATED COMPLAINTS; REVOKE LICENSE NOS. 28760B, 29634B AND 42774A, E.A.M. A LIMITED LIABILITY COMPANY D/B/A MICHAEL T. MARTIN ELECTRIC; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND RECOVER THE INVESTIGATIVE COSTS OF \$1,203.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

C. ESPY TILE, LICENSE #47421

No one from Espy Tile was present.

The hearing was for possible violation of NRS 624.3015(1); NRS 624.3015(2); NRS 624.302(6); NRS 624.3011(1)(b)(2); and NRS 624.3013(3).

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

MR. SCHAEFER MOVED THAT THE BOARD FIND THE RESPONDENT IN DEFAULT AND ADOPT THE FINDINGS OF FACT CONCLUSIONS OF LAW AS SET FORTH IN THE ADMINISTRATIVE COMPLAINT; REVOKE LICENSE #47421, ESPY TILE; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND RECOVER THE INVESTIGATIVE COSTS OF \$1,126.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

13. FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND ORDER:

R. J. DEVELOPMENT, LICENSE #40727 (CONTINUED FROM DECEMBER 18, 2001 AND FEBRUARY 20, 2002)

Mr. Robert McNeil, Owner of R. J. Development and Investigator Greg Mincheff was 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)(a); NRS 624.3013(5), as set forth in NAC 624.640(5); and NRS 624.3013(3).

Mr. Griffy informed the Board that the homeowner had withdrawn the workmanship complaint. The contract did not include the license number or monetary limit. The financial responsibility had been dismissed at the last hearing. Mr. Griffy stated that the Respondent had been at the February 20, 2002 hearing but had stepped out of the office before the case had been heard.

MR. SCHAEFER MOVED TO DISMISS ALL CHARGES AGAINST R. J. DEVELOPMENT, LICENSE #40727.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

14. DISCIPLINARY HEARING:

DESERT WIND INVESTMENTS, INC. LICENSE #43299 (CONTINUED FROM NOVEMBER 20, 2001)

Mr. Scott Ludian, President of Desert Wind Investments, Inc. and Licensing Analyst Lisa Bedsole were present.

Mr. Griffy informed the Board that the hearing had been continued for an undated financial statement.

Ms. Bedsole informed the Board that a financial statement had been provided but was not prepared by a CPA.

Mr. Scott testified that he has had family problems and has had to file an extension for his taxes. His CPA should be able to complete his financial statement by next quarter.

MR. CARSON MOVED TO DISMISS THE CHARGES AGAINST DESERT WIND INVESTMENTS INC., LICENSE #43299; APPROVE THE RENEWAL OF LICENSE #43299 CONTINGENT UPON STAFF RECEIVING A CPA PREPARED FINANCIAL STATEMENT WITHIN 100 DAYS CONSISTENT WITH FINANCIAL STATEMENT RECEIVED TODAY.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

15. DISCIPLINARY HEARING:**TWINS CONSTRUCTION**, LICENSE #44854

No one from Twins Construction was present.

Ms. Stella Detrick, Homeowner and Investigator Jerry McGill were sworn in.

The hearing was for possible violation for NRS 624.3017(1); NRS 624.302(5); NRS 624.3013(5), as set forth in NAC 624.700(3)(a); and NRS 624.3013(5), as set forth in NAC 624.640(5).

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

Ms. Detrick testified that she had entered into a contract with the Respondent. The Respondent was to enclose the porch and level and reinforce the porch floor. He failed to complete the project.

Investigator McGill testified that he had validated the workmanship issues. Investigator McGill stated that he had received a fax from the Respondent that he had moved out of the state and would not be returning to comply with the Notice to Correct.

The evidentiary portion of the hearing was closed.

MR. HIGGINS MOVED TO ACCEPT THE FILE AND TESTIMONY AS FORMAL FINDINGS OF FACT CONCLUSIONS OF LAW; TO FIND TWINS CONSTRUCTION, LICENSE #44854 IN VIOLATION OF ALL OF CHARGES; TO REVOKE LICENSE #44854; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND RECOVER INVESTIGATIVE COSTS OF \$1,848.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. CLARK SECONDED THE MOTION.

THE MOTION CARRIED.

16. DISCIPLINARY HEARING:**PROGRESSIVE PLUMBING INC.**, LICENSE #42723 AND
R C S S ENTERPRISES INC., LICENSE NOS. 51511 AND 52250

Mr. Randy Schwartz, President of Progressive Plumbing, Inc. and R C S S Enterprises, Inc.; Mr. William Tontsch, Homeowner; Mr. Larry Kennedy, President of Turf Equipment Supply; Ms. Arleen Hudson, Accounts Supervisor, Turf Equipment Supply; Investigator Bob Macke; and Investigator Greg Welch were sworn in. Mr. Frank Stapleton, counsel for Progressive Plumbing Inc. and R C S S Enterprises Inc., was present.

The hearing was for possible violation of NRS 624.3013(3); NRS 624.302(5); NRS 624.3013(5), as set forth in NAC 624.640(5); NRS 624.3013(4); and NRS 624.3013(5), as set forth in NAC 624.3018(1)(a).

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

Mr. Kennedy testified that he had entered into an agreement with Progressive Plumbing for materials and supplies and has not been paid.

Mr. Tontsch testified that he had contracted with the Respondent for the installation of plumbing at his residence. The Respondent purchased the supplies from Ables Distributing Co., who placed a lien on his home due to nonpayment by the Respondent. Mr. Tontsch paid Ables Distributing Co. in order to have the lien released.

Investigator Macke testified that the Respondent did not attend an administrative meeting or submit a financial statement. He validated that the contract with Mr. Tontsch did not contain the Respondents' monetary limit.

Mr. Stapleton informed the Board that Progressive Plumbing is in Chapter 7 bankruptcy. R C S S Enterprises Inc. is not included in the bankruptcy. R C S S Enterprises is not insolvent and is currently bonded.

Mr. Schwartz informed the Board that he would like to surrender the license for Progressive Plumbing and keep the license for R C S S Enterprises.

The evidentiary portion of the hearing was closed.

MR. JOHNSON MOVED TO CONTINUE THIS MATTER FOR 30 DAYS TO CONFIRM THAT RESPONDENT HAS PAID MONEY OWED TO COMPLAINANTS.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

17. DISCIPLINARY HEARING:

MASONRY BUILDERS OF NEVADA, LICENSE #42631 (CONTINUED FROM MARCH 26, 2002 AND APRIL 9, 2002)

Mr. Timothy Shank, President of Masonry Builders of Nevada and Investigator Greg Welch were sworn in. Mr. Keith Gregory, counsel for Masonry Builders of Nevada, was present.

The Board was informed that Mr. De La Garza had been paid by certified check.

Mr. Shank stated that he is currently not using his license and will voluntarily surrender it.

Investigator Welch informed the Board the he is working on an open workmanship complaint with the Respondent.

The evidentiary portion of the hearing was closed.

MR. JOHNSON MOVED TO DISMISS ALL CHARGES AGAINST MASONRY BUILDERS OF NEVADA, LICENSE #42631, CONTINGENT UPON THE VOLUNTARY SURRENDER OF THE LICENSE.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

DISCUSSION REGARDING EXAMINATION ADMINISTRATION PROGRAM:

Ms. Mathias reported regarding the new examination program and the workshops scheduled for May. Ms. Grein reviewed the proposed regulation changes needed to accommodate the new program.

The Board reviewed comments from Judge Gladstone on requirements of a stipulation for Board Hearings. Judge Gladstone's letter was noted as a matter of record.

18. PUBLIC COMMENT:

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

19. ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned by Chairman Zech at 4:09 p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Michael Zech, Chairman