

MEMBERS

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



STATE CONTRACTORS' BOARD

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**MINUTES OF THE MEETING
MAY 7, 2002**

1. CALL TO ORDER:

The meeting of the State Contractors' Board was called to order by Vice Chairman Douglas W. Carson at 8:48 a.m., Tuesday, May 7, 2002, State Contractors' Board, Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Douglas W. Carson – Vice Chairman
Ms. Margaret Cavin
Mr. David W. Clark
Mr. Jerry Higgins
Mr. Dennis Johnson

BOARD MEMBERS ABSENT:

Mr. Mike Zech – Chairman
Mr. Randy Schaefer

STAFF MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

Ms. Carolyn Broussard, In House Counsel
Mr. David Reese, Legal Counsel (Cooke, Roberts & Reese)

Ms. Grein stated that Gary Leonard had posted the agenda in compliance with the open meeting law on May 1, 2002 at the Washoe County Court House, Washoe County Library, and Reno City Hall. The agenda was also posted in both offices of the Board, Reno and Henderson, and on the Board's Internet web page.

It was learned there were 17 items on the amended agenda, each item of an emergency nature.

MR. JOHNSON MOVED TO HEAR THE AMENDED AGENDAS.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

2. EXECUTIVE SESSION:

1. Ms. Grein presented the quarterly report to the board.

MR. CLARK MOVED TO APPROVE THE EXECUTIVE OFFICER'S QUARTERLY REPORT.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

2. FINANCIAL REPORT 3-31-02:

Ms. Grein and Ms. Sue Baker, Accounting Manager presented the quarterly financial report to the Board.

MR. CLARK MOVED TO APPROVE THE FINANCIAL REPORT OF MARCH 31, 2002.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

The remaining items in the Executive Session were continued to the May 21, 2002 meeting in Henderson.

3. INFORMAL SETTLEMENTS:

1. INTEGRATED COMMUNICATIONS INC., LICENSE #37650

MR. JOHNSON MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT; THAT A LETTER OF REPRIMAND BE PLACED IN THE RESPONDENT'S FILE FOR ONE YEAR; AND THAT THE BOARD BE REIMBURSED FOR INVESTIGATIVE COSTS OF \$1,000.00 WITHIN 30 DAYS FROM THE DATE OF THE BOARD'S APPROVAL.

MR. CLARK SECONDED THE MOTION.

THE MOTION SECONDED.

MR. HIGGINS ABSTAINED.

2. SIERRA WEST CONCRETE, LICENSE #42752

MR. JOHNSON MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT; THAT A LETTER OF REPRIMAND BE PLACED IN THE RESPONDENT'S FILE FOR ONE YEAR; THAT THE BOARD BE REIMBURSED FOR INVESTIGATIVE COSTS OF \$1,000.00; AND THAT THE BOARD BE PAID THE ADMINISTRATIVE FINE OF \$500.00 WITHIN 30 DAYS FROM THE DATE OF THE BOARD'S APPROVAL.

MR. CLARK SECONDED THE MOTION.

THE MOTION CARRIED.

MR. HIGGINS ABSTAINED.

3. DATA AND VOICE INTEGRATION, LICENSE #52386

MR. JOHNSON MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT; THAT A LETTER OF REPRIMAND BE PLACED IN THE RESPONDENT'S FILE FOR ONE YEAR; AND THAT THE BOARD BE REIMBURSED FOR INVESTIGATIVE COSTS OF \$1,000.00 WITHIN 30 DAYS FROM THE DATE OF THE BOARD'S APPROVAL.

MR. CLARK SECONDED THE MOTION.

THE MOTION CARRIED.

MR. HIGGINS ABSTAINED.

4. G H GROUP INC., LICENSE #35514

MR. JOHNSON MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT; THAT A LETTER OF REPRIMAND BE PLACED IN THE RESPONDENT'S FILE FOR ONE YEAR; THAT THE BOARD BE REIMBURSED FOR INVESTIGATIVE COSTS OF \$1,000.00; AND THAT THE BOARD BE PAID THE ADMINISTRATIVE FINE OF \$500.00 WITHIN 30 DAYS FROM THE DATE OF THE BOARD'S APPROVAL.

MR. CLARK SECONDED THE MOTION.

THE MOTION CARRIED.

MR. HIGGINS ABSTAINED.

5. DATA TECH COMMUNICATIONS INC., LICENSE #42879

MR. JOHNSON MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT; THAT A LETTER OF REPRIMAND BE PLACED IN THE RESPONDENT'S FILE FOR ONE YEAR; AND THAT THE BOARD BE REIMBURSED FOR INVESTIGATIVE COSTS OF \$1,000.00 WITHIN 30 DAYS FROM THE DATE OF THE BOARDS APPROVAL.

MR. CLARK SECONDED THE MOTION.

THE MOTION CARRIED.

MR. HIGGINS ABSTAINED.

6. HAIN ENTERPRISES, LICENSE #30141

MR. JOHNSON MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT; THAT A LETTER OF REPRIMAND BE PLACED IN THE RESPONDENT'S FILE FOR ONE YEAR; THAT THE LICENSEE RETAKE THE CMS EXAM; THAT THE BOARD BE REIMBURSED FOR INVESTIGATIVE COSTS OF \$1,285.00; AND THAT THE BOARD BE PAID THE ADMINISTRATIVE FINE OF \$500.00 WITHIN 30 DAYS FROM THE DATE OF THE BOARD'S APPROVAL.

MR. CLARK SECONDED THE MOTION.

THE MOTION CARRIED.

MR. HIGGINS ABSTAINED.

4. DISCIPLINARY HEARING DEFAULT ORDER:

T L C BUILDERS, LICENSE #34059

No one from T L C Builders was present.

The hearing was for possible violations of NRS 624.3017 (1); NRS 624.3015 (5), as set forth in NAC 624.700 (3) (a); NRS 624.301 (1); NRS 624.301 (3); NRS 624.3013 (5), as set forth in NAC 624.640 (5); NRS 624.3015 (2); and NRS 624.3013 (3), pursuant to NRS 624.220 and 624.260 to 624.265.

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

MR. HIGGINS MOVED TO ACCEPT THE FILE AS FINDINGS OF FACT CONCLUSIONS OF LAW; TO FIND T L C BUILDERS, LICENSE #34059 IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE #34059 T L C BUILDERS; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND RECOVER THE INVESTIGATIVE COSTS OF \$1,111.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. CLARK SECONDED THE MOTION.

THE MOTION CARRIED.

5. DISCIPLINARY HEARING:

BEDLAN LANDSCAPING INC., LICENSE #50697

Mr. James Bedlan, President Bedlan Landscaping Inc.; Mr. John T. Drakulich, Homeowner; Tom Ortiz and Investigator Gary Hoid were sworn in.

Mr. Thomas E. Vilorio, attorney for Bedlan Landscaping Inc. was also present.

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

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

Mr. Drakulich testified he entered into a contract with the Respondent on November 9, 2000 for a landscaping project in the amount of \$24,800.00. The contract is paid in full. The project was completed, however not to his satisfaction. The Respondent guaranteed all plants, shrubs and trees for one year. There are several plants, trees and shrubs that need to be replaced. The sprinkler system is not working properly and there are some drainage problems. The Respondent did not provide instruction on the use of the sprinkler system and has not serviced or maintained the system. The Respondent has not provided proposals for maintenance of the system. The Respondent was last on the project in July, 2001. He will not allow the Respondent back on the property to finish the project.

Mr. Hoid testified he validated the workmanship complaint and issued a Notice to Correct on November 2, 2001. The Respondent failed to comply due to the homeowner not allowing access to the property.

Mr. Drakulich testified the project was not completed and final payment was made in January 2001. He did not receive a refund of \$1,000.00 from the Saddle Horn Design Review Committee for the completion of the landscape.

A letter from the Saddle Horn Design Review Committee regarding the \$1,000.00 refund to Mr. Drakulich for completion of the landscaping was entered into the record as Exhibit #2.

Mr. Bedlan testified he is more than willing to repair the sprinkler system and replace any shrubs, trees and plants that need replacement. Mr. Bedlan further stated he could have all the work completed in five days.

Mr. Drakulich agreed to let the Respondent do the repairs and replacements.

MR. JOHNSON MOVED TO CONTINUE THIS MATTER TO THE JUNE 4, 2002 BOARD MEETING; AND ALL WORKMANSHIP ITEMS TO BE COMPLETED TO THE SATISFACTION OF BOARD INVESTIGATOR GARY HOID.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

6. DISCIPLINARY HEARING:

W.E. BANASZAK, LICENSE #40602 (CONTINUED FROM JANUARY 8, 2002 AND MARCH 5, 2002.)

Mr. Wayne Banaszak, Owner W.E. Banaszak; Ms. Melinda James, Homeowner; Investigator Gary Hoid; and Deputy Director of Investigations Frank Torres were sworn in.

Mr. Eric Stovall, attorney for W.E. Banaszak was also present.

The hearing was for possible violations of NRS 624.3014 (2) (a) (b) (c) (d); NRS 624.3013 (5), as set forth in NAC 624.640 (5); and NRS 624.304 (1), as set forth in NAC 624.650 (1).

Mr. Hoid testified he validated the workmanship complaint and issued a Notice to Correct on February 13, 2002. He has not been able to verify that all the repairs have been made.

Ms. James testified there are still some items on the Notice to Correct that need to be repaired and/or replaced.

Mr. Stovall stated the Respondent is continuing to do the repairs and replacements.

Mr. Torres testified the original Notice of Hearing and Requirement to Answer did not contain any workmanship issues. It was determined at the Board meeting on January 8, 2002, that there are several workmanship issues, however an amended complaint has not been issued.

MR. HIGGINS MOVED TO CONTINUE THIS MATTER TO THE NEXT RENO BOARD MEETING ON JUNE 4, 2002; THAT THE RESPONDENT BE SENT AN AMENDED NOTICE.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

7. DISCIPLINARY HEARING:

DOUG DEES CONSTRUCTION, LICENSE #24382 AND #24382B

Mr. Douglas O. Dees, President Doug Dees Construction; Investigator Larry Thompson

were sworn in.

The hearing was for possible violations of NRS 624.3012 (2); NRS 624.3013 (3), pursuant to NRS 624.220 and 624.260 to 624.265; NRS 624.302 (5); NRS 624.3013 (4); and NRS 624.3018 (2).

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

The Respondent's Financial Statement dated March 3, 2002 was entered into the record as Exhibit #2.

Mr. Dees testified he entered into an agreement with R Supply on January 25, 2001 for the purchase of supplies and materials for \$760.66 and paid in full on March 22, 2002. He stated the Board lowered the monetary limit on his B-2 license due to money owing complaints in 1996 and his B-2 license was suspended June, 2001.

Mr. Thompson testified he validated the money owing complaints with R Supply and Ponderosa Trucking. He stated a letter from R Supply on March 22, 2002, indicated the bill had been paid in full. The Respondent still owes Ponderosa Trucking \$3,042.20.

Mr. Dees testified he has not signed any agreement with Ponderosa Trucking and he disputes the amount due.

Mr. Thompson testified a contract and/or an agreement is not required with trucking companies for removal of debris. He stated the Respondent did not attend the administrative meeting scheduled August 24, 2001. He further stated the Respondent's B-2 License #24382 was suspended on June 11, 2001 for not maintaining the required bond and the financial statement requested on September 6, 2001 was not provided until today.

Mr. Dees testified he did come for the meeting with Mr. Thompson, however it was on the wrong day. He is still using his A license and would like to surrender his B-2 License. He agrees he owes Ponderosa Trucking some money, but not the full amount on the invoice.

MR. HIGGINS MOVED TO DISMISS THE FIRST, AND THIRD CAUSES OF ACTION.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. HIGGINS MOVED TO FIND DOUG DEES CONSTRUCTION LICENSE #24382 IN VIOLATION OF THE SECOND, FOURTH, FIFTH AND SIXTH CAUSES OF ACTION.

MR. CLARK SECONDED THE MOTION.

THE MOTION CARRIED.

MR. HIGGINS MOVED THE RESPONDENT SURRENDER DOUG DEES CONSTRUCTION LICENSE #24382; AND TO PAY PONDEROSA TRUCKING \$3,042.20 WITHIN 60 DAYS FROM THE DATE OF THE BOARD'S APPROVAL OR DOUG DEES CONSTRUCTION INC. LICENSE #24382B WILL BE SUSPENDED.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

8. DISCIPLINARY HEARING:

SUNCREST BUILDERS INC., LICENSE #37961

Mr. Gregory G. Bischoff, President Suncrest Builders Inc.; Ms. Vicki L. Bischoff, Vice President Suncrest Builders; Mr. Wade Peterson, Homeowner; Ms. Suzanne Peterson, Homeowner; John Austin, Painter; Richard F. Carrow, Carpenter; and Investigator Gary Hoid were sworn in.

The hearing was for possible violations of NRS. 624.3017 (2); and NRS 624.3013 (5), as set forth in NAC 624.700 (3) (a).

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

Photos taken by Investigator Hoid was entered into the record as Exhibit #2.

Mr. Hoid testified the Respondent entered into a Supervision and Overhead contract with Robert Redhead on October 15, 1999 for \$36,000.00; The home was sold to Wade and Suzanne Peterson on September 8, 2000 for \$915,000.00, and at that time the project was 45% complete and the Redheads were still responsible for the completion of the project. He stated he validated the workmanship complaint and issued a Notice to Correct with 9 items. Mr. Hoid further stated the Respondent was unable to complete all the items on the Notice to Correct as the homeowners denied access to the property.

Ms. Bischoff testified she agrees to all of the items on the Notice to Correct, however there is an access issue. She stated they have tried on several occasions to contact the homeowners by U.S. Mail, E-Mail, telephone and have contacted the homeowners attorney Robert C. Maddox to schedule time to repair and/or replace the workmanship items. She stated access became an issue in January, 2001 and has been ongoing.

Mr. Peterson testified he has not filed a lawsuit at this time and will not allow the Respondent on his property.

Mr. Hoid testified the Respondent has been more than willing to comply with the Notice to Correct, however the homeowners have not cooperated.

Mr. Carrow testified he was the head carpenter for Suncrest Builders from October, 1997 to January, 2002. He stated while he was working on the project, Mr. Peterson stated several times that the workers on the project were not competent and asked them to leave. During the project he was only allowed access 2 or 3 times. Ms. Bischoff had scheduled many times for him to do the repairs and replacements, however each time he went to the project he was asked to leave by the Peterson's. He does not know the reasons the Peterson's denied access.

Mr. Austin testified he is a former employee of Weems Painting and was the painter for the project. He was last on the project October, 2001. Mr. Peterson would not sign off on the painting and noticed excessive water damage to the doors and deck.

A letter of documentation about the job site meeting with Investigator Hoid stating Mr. Peterson's request that all exterior doors be replaced by the Redhead's was entered into the record as Exhibit #3.

Mr. Bischoff testified his contract was with the Redheads, however the Redheads allowed the Peterson's to sign off on change orders.

The Peterson's testified they want replacement doors and will not be satisfied with repainting.

Mr. Bischoff testified he is willing to repair the doors, however he is no longer offering to replace the doors.

MR. CLARK MOVED TO DISMISS ALL CHARGES.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. HIGGINS OPPOSED THE MOTION.

9. DISCIPLINARY HEARING:

PRATT-N-SONS ROOFING, LICENSE #40582

Mr. Ronald K. Pratt, Partner Pratt-N-Sons Roofing; Janette M. Thran-Pratt, Pratt-N-Sons Roofing; Ms. Tracy Huerta, Sierra Roofing Supply; and Investigator Larry Thompson were sworn in.

Mr. Philip L. Krretlein, attorney for Pratt-N-Sons Roofing was also present.

The hearing was for possible violations of NRS 624.3013 (3), pursuant to NRS 624.220 and 624.260 to 624.265.

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

Mr. Thompson testified he validated the money owing complaint. Stated he reviewed the agreement between the Respondent and Sierra Roofing Supply dated December 31, 1998 and Respondent still owes \$28,537.45. He also stated the financial statement requested from the Respondent has not been received.

Mr. Krertlein stated the financial statement was submitted to the Board on April 26, 2002. He further stated that Sierra Roofing is part of the Chapter 13 Bankruptcy approved planned payments.

The Financial Statement dated March 31, 2002 was entered into the record as Exhibit #2.

The Chapter 13 Bankruptcy payment schedule listing was entered into the record as Exhibit #3.

Ms. Huerta testified Sierra Roofing Supply has not received any payments from the Bankruptcy.

Mr. Pratt testified he notified Investigator Thompson that his CPA was in the hospital and it would take a while to get the financial statement prepared.

Mr. Carson requested to close the meeting.

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

**MR. JOHNSON SECONDED THE MOTION.
THE MOTION CARRIED.**

MS. CAVIN MOVED TO REOPEN THE MEETING TO THE PUBLIC.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Pratt testified he is only performing repairs and re-roofing jobs. His financial hardship was caused by Double Diamond Homes not paying his contracts. He will stipulate to reduce the monetary limit of his license to \$25,000 and a bond of \$5,000.00.

MR. JOHNSON MOVED TO REDUCE THE MONETARY LIMIT FOR PRATT-N-SONS ROOFING LICENSE #40582 TO \$25,000.00, WITH A BOND OF \$5,000.00; PROVIDE MONTHLY BANKRUPTCY REPORT OF PAYMENTS TO BOARD STAFF; AND PROVIDE FINANCIAL STATEMENTS UPON RENEWAL OF THE LICENSE.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

10. DISCIPLINARY HEARING:

PEARSON CONSTRUCTION, LICENSE #22563

Mr. Peter J. Pearson, Owner Pearson Construction; and Investigator Gary Hoid were sworn in.

The hearing was for possible violations of NRS 634.3017 (1); 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. Grein informed the Board the Respondent was present at the Enforcement Advisory Committee meeting on January 18, 2002. The workmanship issue was completed to the satisfaction of the homeowner and Investigator Hoid. The Respondent requested this disciplinary hearing.

Mr. Hoid testified the Respondent entered into a contract with David and Patricia Colon on March 29, 2000 for \$269,000 and the project is 100% complete. The contract did not contain the licensee monetary limit. He validated the workmanship complaint and issued a Notice to Correct on October 22, 2001 with one item.

Mr. Pearson testified that he did not perform substandard work; that the complaint arose because the countertop was not polished uniformly by the manufacturer. Mr. Pearson stated he offered to replace the counter top on two occasions since he could not schedule a subcontractor to polish the counter. The counter top has since been polished and the homeowners are satisfied. Mr. Pearson further stated he was not aware the monetary limit was required on all contracts, however, he will ensure that all future contracts and bids show the limit.

Mr. Hoid testified the homeowners are satisfied and there is a letter in the file to that effect.

MR. JOHNSON MOVED TO DISMISS ALL CHARGES.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

MS. CAVIN ABSTAINED.

11. DISCIPLINARY HEARING:

DAN CHANEYS PRIMARY COLOR, LICENSE #42728

Dr. William Downey, Homeowner; Ms. Teresa Downey, Homeowner; Deputy Director of Investigations Frank Torres; and Investigator Gary Leonard were sworn in.

No one from Dan Chaneys Primary Color was present.

The hearing was for possible violations of NRS 624.3017 (1); NRS 624.3013 (5), as set forth in NAC 624.700 (3) (a); NRS 624.3013 (3), pursuant to NRS 624.220 and 624.260 to 624.265; NRS 624.3013 (5), as set forth in NAC 624.640 (5); NRS 624.3011 (1) (a); NRS 624.3013 (5), as set forth in NAC 624.640 (3); and NRS 624.301 (1).

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

Mr. Torres informed the Board there is a restraining order filed against the Respondent by the homeowner.

Mr. Leonard testified the restraining order was filed because the Respondent attacked the homeowner with a bat and tried to run him over with a car.

Dr. Downey testified he entered into a contract with the Respondent on November 4, 2000 for \$13,847.00 and has paid \$13,000.00 towards the contract. The project is about 80% complete. He did not deny the Respondent access to the project until after the restraining order was filed.

Mr. Leonard testified he validated the workmanship complaint and issued a Notice to Correct on July 16, 2001. Mr. Leonard stated the paint did not meet the standards of the industry according to a test performed by an independent lab, the contract did not contain the license number or monetary limit and the Respondent abandoned the project. Mr. Leonard further stated he has not received the requested financial statement.

The results of the paint test was entered into the record as Exhibit #2.

Mr. Torres testified the Respondent requested the hearing be moved to the next Henderson Board meeting, since he now lives in Henderson and because of the restraining order. Mr. Torres further stated he contacted the South Lake Tahoe California Court to determine if the Respondent would be in violation of the restraining order had he appeared today, however, Mr. Torres has not received an answer.

Dr. Downey testified the Notice to Correct was issued in July, 2001 and the Respondent had ample time to comply. He stated the restraining order was filed in January, 2002 and he would be willing to have it amended in order for the Respondent to appear before the Board.

Mr. Torres was directed by the Board to get a copy of the restraining order and assist Dr. Downey in having it amended.

MR. JOHNSON MOVED TO SUMMARILY SUSPEND DAN CHANEYS PRIMARY COLOR LICENSE #42728; CONTINUE THIS MATTER TO THE JUNE 4, 2002 RENO BOARD MEETING; AND HAVE THE RESTRAINING ORDER AMENDED SO THE RESPONDENT CAN APPEAR BEFORE THE BOARD.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

12. DISCIPLINARY HEARING:

DOUBLE DIAMOND RANCH LLC, LICENSE #42185

Mr. Kreg D. Rowe, Member Double Diamond Ranch; Mr. Michael D. Efstratis, Qualified Employee; Deputy Director of Investigations Frank Torres; and Investigator Larry Thompson were sworn in.

The hearing was for possible violation of NRS 624.3015 (3).

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

Mr. Thompson testified the Respondent entered into an agreement with Tom Aleo of Pacific Granite and Stone also known as Top Knotch Cleaning on August 8, 2001 for \$26,425.00. Tom Aleo is not licensed in the State of Nevada.

Mr. Efstratis testified the original contract between Double Diamond Ranch and Tom Aleo was for new home construction cleaning. Mr. Efstratis stated Mr. Aleo informed Double Diamond that he was a partner of Keith White of Pacific Granite and Stone and at that time a verbal contract was entered with Mr. Aleo for the installation of Cultured marble. Mr. Efstratis further stated that Mr. Aleo and Mr. White dissolved their business relationship and Mr. Aleo informed Double Diamond he was in the process of obtaining a contractor's license. Mr. Efstratis also stated that Keith White was the contractor and Mr. Aleo was employed by Mr. White.

Mr. Thompson testified Tom Aleo was issued three citations by the Nevada State Contractors' Board for contracting without a license. Mr. Thompson stated Mr. Aleo installed marble for Double Diamond Ranch from 1999 through 2001.

Mr. Torres testified that to his knowledge Mr. Aleo was not employed by a licensed contractor.

MS. CAVIN MOVED TO FIND DOUBLE DIAMOND RANCH, LLC. LICENSE #42185 IN VIOLATION OF ALL CHARGES.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

MS. CAVIN MOVED TO PLACE A PERMANENT LETTER OF REPRIMAND IN THE RESPONDENTS FILE.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

13. DISCIPLINARY HEARING:

CARSON VALLEY WHOLESALE FLOORING, LICENSE #47950

Mr. Charles D. Manning, Owner Carson Valley Wholesale Flooring; Mr. Reider A. Wahl, Homeowner; Mr. Josh Alder, Homeowner; Investigator Gary Hoid; and Investigator Gary Leonard were sworn in.

The hearing was for possible violations 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); NRS

624.3013 (5), pursuant to NRS 624.263 (3); and NRS 624.3013 (3), pursuant to NRS 624.220 and 624.260 to 624.265.

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

Mr. Wahl testified he entered into a contract with the Respondent on February 20, 2001 for \$7,759.77. He stated the contract is paid in full and the project 100% complete, however, the floor was not installed properly.

Mr. Hoid testified he validated the workmanship complaint and issued a notice to correct on November 2, 2001. He stated the floor had been nailed instead of glued in accordance with the manufacturer's specifications there by voiding the warranty. He further stated he had reviewed the contract and it did not contain the license number or monetary limit. The repairs have not been completed.

Mr. Adler testified that Brown Rice Development license #44689 entered into a contract with the Respondent on January 20, 2000 for \$4,929.99. The contract is paid in full and the project 100% complete, however, the floor was not installed properly.

Mr. Leonard testified he validated the workmanship complaint. He stated the floor was not installed with the manufacturer's approved glue and that voided the warranty. He issued a Notice to Correct on December 31, 2001. He stated he had reviewed the contract and it did not contain the license number or monetary limit. The Respondent has not provided the requested financial statement.

Mr. Manning testified he does not dispute the workmanship issues with Mr. Wahl or Mr. Alder, however, the homeowners do not want him to perform any more work at their residences. Mr. Manning testified he had filed for Chapter 13 Bankruptcy but did not follow through and it was dismissed February 6, 2002.

Notice of Chapter 13 Bankruptcy Dismissal was entered into the record as Exhibit #2.

Additional photos of Mr. Wahl floors was entered into the record as Exhibit #3.

A letter from Carson Valley Wholesale Flooring to Mr. Adler was entered into the record as Exhibit #4.

Mr. Leonard testified he is not aware of any access issues with Mr. Alder, and the Respondent has had ample time to repair and/or replace the floors. Mr. Leonard further stated the Respondent did not come to a scheduled job site meeting with Mr. Adler.

Mr. Hoid testified the Respondent did not come to a scheduled job site meeting with Mr. Wahl.

Mr. Adler testified he would rather not have the Respondent repair or replace his flooring and has an estimate of \$9,000.00 for removal and replacement of the flooring.

Mr. Wahl testified he will not allow the Respondent back on his property and has an estimate for \$8,000.00 for new flooring.

Mr. Manning testified he would be willing to pay for new flooring and to hire subcontractors to install the flooring for both homeowners.

Mr. Manning was directed by the Board to purchase new flooring and hire subcontractors for both homeowners.

MS. CAVIN MOVED TO FIND CARSON VALLEY WHOLESALE FLOORING

LICENSE #47950 IN VIOLATION OF ALL CHARGES.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO CONTINUE THIS MATTER TO THE JUNE 4, 2002 BOARD MEETING FOR DISCIPLINARY ACTION.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

14. DISCIPLINARY HEARING:

D & D ROOFING AND SHEET METAL INC., LICENSE #13598A AND 13598B

Mr. Kenneth P. Dillon, President D & D Roofing and Sheet Metal Inc.; Mr. Steve Fish, Employee D & D Roofing and Sheet Metal Inc.; Ms. Barbara Page, Homeowner; Mr. Duke Phelps; and Investigator Gary Hoid were sworn in.

Mr. Richard Hill, attorney for D & D Roofing and Sheet Metal Inc. was also present.

The hearing was for possible violations 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 624.3018 (2).

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

New photos taken by Investigator Hoid was entered into the record as Exhibit #2.

Original photos taken by Investigator Hoid was entered into the record as Exhibit #3.

Ms. Page testified she entered into a contract with the Respondent on August 10, 2000 for \$6,928.00. The contract is paid in full and the project is complete, however there is ponding on the decks.

Mr. Hoid testified he validated the workmanship complaint and issued a Notice to Correct with three items on December 21, 2001. He stated he reviewed the contract and it did not contain the monetary license limit.

MR. JOHNSON MOVED TO DISMISS THE THIRD CAUSE OF ACTION.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

Ms. Page testified her husband is a licensed general contractor and built the home. During a walk through with the Respondent she discussed the drainage problems of the roof, causing ponding on two decks.

Packet of Respondent's exhibits 1-8 was entered into the record as Exhibit #4.

Mr. Hoid testified the re-roof work performed does not meet industry standards. Mr. Hoid stated he took pictures and measurements of the damage where water is ponding on the surfaces and edges of the decks.

Mr. Phelps testified he has been a general contractor for 22 years and although not

licensed in Nevada testifies as an expert witness. He stated he performed an inspection at the Page home and believes the problems are out of the Respondent's control.

Photos taken by Mr. Phelps was entered into the record as Exhibit #5.

Additional photos of the decks taken on May 7, 2002 was entered into the record as Exhibit #6.

Mr. Phelps stated, in his opinion the workmanship on the re-roof is above industry standards.

Mr. Fish testified he did not discuss ponding or drainage problems with the homeowner prior to doing the project. The floating deck can be installed. He did not see any ponding prior to doing the project. A minor explosion occurred while performing work on the project, however all damage was repaired.

Ms. Page testified the Respondent has eliminated the ponding on one deck and she is requesting the same repair on the other two decks. She stated the Respondent had removed the deck in order to perform the roof work.

Photos taken by Ms. Page was entered into the record as Exhibit #7.

Mr. Dillion testified it would cost at least \$20,000.00 to provide the homeowner with a new roof in order to stop the ponding.

Additional photos taken by the Respondent was entered into the record as Exhibit #8.

Mr. Dillion explained the details of the roof warranty his company provides.

MS. CAVIN MOVED TO DISMISS ALL CHARGES.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CLARK ABSTAINED.

15. DISCIPLINARY HEARING:

RECHEL AND SONS CONSTRUCTION COMPANY, LICENSE #46705 (CONTINUED FROM APRIL 9, 2002.)

Mr. Jeffrey M. Rechel, Owner Rechel and Sons Construction Company; Mr. Robert Watson, Homeowner; and Investigator Gary Hoid were sworn in.

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

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

Mr. Hoid testified the cabinets are not complete and there is still some painting that needs to be done. The bathtub was replaced.

Mr. Rechel testified he was not aware that painting was needed. The cabinet subcontractor had scheduled repairs directly with the homeowner and he thought it was completed.

Mr. Watson testified the cabinet worker came once, however, he did not have the proper

equipment to do the repairs and did not return.

MR. HIGGINS MOVED TO FIND REHEL AND SONS CONSTRUCTION COMPANY LICENSE #46705 IN VIOLATION OF THE FIRST, SECOND AND THIRD CAUSES OF ACTION.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. HIGGINS MOVED TO CONTINUE THIS MATTER TO THE JUNE 4, 2002 BOARD MEETING; THAT THE RESPONDENT IS TO COMPLETE ALL WORKMANSHIP ISSUES; AND THE RESPONDENT APPEAR FOR DISCIPLINARY ACTION.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

16. RESIDENTIAL INDUSTRY DISCUSSION:

BUILDERS ASSOCIATION OF NORTHERN NEVADA

Mr. Mike Lynch; and Mr. Bob Jones were present.

Mr. Jones presented the Board with the Builders Association of Northern Nevada Nevada State Contractors' Board workshop and Industry Feedback booklet for their review.

Mr. Lynch discussed some of the highlights in the booklet on residential industry standards.

Mr. Jones requested the Board consider requesting the legislature to consider issuing a State of Nevada Contractors license plate.

Mr. Carson requested the Board and Board staff to review the booklet and continue discussion at the June 4, 2002 Reno Board meeting.

17. APPLICATION HEARING:

POWELL CONSTRUCTION, - (B-2 RESIDENTIAL & SMALL COMMERCIAL, CONTINUED FROM APRIL 9, 2002.)

Mr. Gregory D. Powell, Owner Powell Construction; Mr. Gregory Corn, Attorney for Powell Construction; and Licensing Analyst Ms. Diana Wallace were present.

The hearing was for possible violations of NRS 624.260; NRS 624.263; NRS 624.3013 (2); NRS 624.265 (1) (d); and NRS 624.265 (1) (a), pursuant to NRS 624.302 (4).

The Supplemental Notice of Hearing and Complaint was entered into the record as Exhibit #2.

Ms. Broussard informed the Board that the California State Contractors' Board records show a complaint filed against Mr. Powell in 1988 for abandonment. She further stated Mr. Powell held the California license for 1 ½ years and the license was revoked.

Mr. Corn informed the Board the Applicant's bankruptcy was a personal bankruptcy and none of the debtors were contractors or subcontractors. His California license was revoked without his knowledge since he moved from California in 1988.

Additional affidavits of Mr. Powell's character were entered into the record as Exhibit #3.

Mr. Powell testified that he has not paid any restitution to the homeowners in California. He stated he would like to perform jobs under \$75,000.00.

MR. JOHNSON MOVED TO APPROVE GREGORY D. POWELL LICENSE CLASSIFICATION B-2 (RESIDENTIAL & SMALL COMMERCIAL) WITH A MONETARY LIMIT OF \$100,000.00 AND A BOND OF \$20,000.00; PROVIDED THAT THE COMPANY NAME IS CHANGED AND THE REQUIRED EXAM IS SATISFACTORILY COMPLETED; AND PROVIDE FINANCIAL STATEMENTS UPON RENEWAL.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

18. ADVISORY OPINIONS:

BILL MCGRADY – Mr. Bill McGrady requested an Advisory Opinion concerning the licensing requirements for applying water based material on concrete surfaces.

Based upon the information provided, the Board opined that a contractor's license would be required.

CLARK & SULLIVAN CONSTRUCTORS – Mr. Jarrett Rosenau requested an Advisory Opinion concerning the licensing requirements for MRI Copper Radio Frequency Shield installation work at the Sparks Family Urgent Care project.

Based upon the information provided, the Board opined that a contractor's license would not be required to perform the copper radio frequency shield work at the Sparks Family Urgent Care Project.

MR. JOHNSON MOVED TO ISSUE AN ADVISORY OPINION.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CLARK ABSTAINED.

Mr. Johnson requested Board staff to suggest that MRI Corporation obtain a license for future projects.

KINGSBURY GENERAL IMPROVEMENT DISTRICT – Ms. Candi Rohr requested an Advisory Opinion concerning the licensing requirements for Sewer Pump Station Maintenance and Operation and Sewer Main Cleaning and Maintenance.

Based upon the information provided the Board opined that a contractor's license would not be required to perform general operation and maintenance of the facility such as inspecting, testing or cleaning. If the contractor were required to repair or replace any piping, modify or install any equipment or perform any electrical work, a license would be required.

19. STAFF UPDATE:

J M & SONS, LICENSE #39261, #51667 AND #51668 (CONTINUED FROM MARCH 26,

2002 AND APRIL 23, 2002.
This matter was continued.

20. APPLICATIONS: (CLOSED MEETING PURSUANT TO NRS 624.030)

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

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

HARDIN CONSTRUCTION COMPANY, LLC., - (B-GENERAL BUILDING)

Mr. Mike Britton, Southwest Regional Carpenters Union was present.

Mr. Britton read a statement to the Board prepared by Laurie Ashton of the Southwest Regional Carpenters Union. The Southwest Regional Carpenters Union is protesting the approval of the license for Hardin Construction Company, LLC. based upon the company bidding for projects prior to obtaining a contractors license. Hardin Construction Company, LLC. is knowingly in violation of Nevada State laws for contracting and bidding without a license.

Mr. Lyford informed the Board a complaint has been filed and there is an investigation ongoing into this matter.

MS. CAVIN MOVED TO CONTINUE THIS MATTER TO THE JUNE 4, 2002 RENO BOARD MEETING FOR A BOARD INTERVIEW.

MR. CLARK SECONDED THE MOTION.

THE MOTION CARRIED.

SUNSHINE CONSTRUCTION INC. – (B-2 RESIDENTIAL AND SMALL COMMERCIAL)

Aaron L. Moon, President Sunshine Construction; and Licensing Supervisor Kathy Stewart were present.

Ms. Stewart informed the Board of staff's concerns regarding financial responsibility. The Applicant was issued a Citation for contracting without a license by Board investigators on November 15, 2001. She has received a current financial statement.

MR. JOHNSON MOVED TO APPROVE SUNSHINE CONSTRUCTION INC. LICENSE CLASSIFICATION B-2 (RESIDENTIAL & SMALL COMMERCIAL) WITH A MONETARY LIMIT OF \$350,000.00 AND A BOND OF \$15,000.00; THAT THE REQUIRED EXAM IS SATISFACTORILY COMPLETED; AND PROVIDE A FINANCIAL STATEMENT UPON RENEWAL.

MR. CLARK SECONDED THE MOTION.

THE MOTION CARRIED.

TANAMERA COMMERCIAL DEVELOPMENT LLC. – (B-2 RESIDENTIAL & SMALL COMMERCIAL)

Mr. Michael D. Efstratis, Manager Tanamera Commercial Development LLC.; Mr. Kreg Rowe, Representative Tanamera Commercial Development LLC.; and Licensing

Supervisor Kathy Stewart were present.
Ms. Stewart discussed with the Board current financial statements.

The Board questioned Mr. Rowe as to his involvement with Double Diamond Ranch regarding their current Bankruptcy.

Mr. Rowe stated Double Diamond Ranch LLC was developed as a master planned community. Double Diamond Ranch LLC is currently in Bankruptcy and is completing projects that commenced prior to the filing of Bankruptcy. USA Capital has asked him to be the Construction Manager for Tanamera Commercial Development LLC. Tanamera Commercial Development LLC has no involvement with Double Diamond Ranch LLC, however the investors of Tanamera Commercial Development LLC have agreed to handle all warranty and any workmanship issues that may develop from Double Diamond Ranch LLC.

Ms. Mathias informed the Board that Mr. Efstratis will be resigning as the qualified employee of Double Diamond Ranch LLC when he becomes the qualified employee of Tanamera Commercial Development LLC.

MR. HIGGINS MOVED TO CONTINUE THIS MATTER TO THE MAY 21, 2002 BOARD MEETING IN HENDERSON FOR A BOARD INTERVIEW; AND REQUIRE THE INDEMNITOR APPEAR.

MR. CLARK SECONDED THE MOTION.

THE MOTIN CARRIED.

WILFORD EXCAVATING INC. – (A -, A-12, A-15, A-19 – EXCAVATING & GRADING; EXCAVATE, GRADE, TRENCH, SURFACE; SEWERS, DRAINS & PIPES; PIPELINE & CONDUITS)

Mr. Olen W. Wilford, President of Wilford Excavating Inc. was present.

MR. JOHNSON MOVED TO APPROVE WILFORD EXCAVATING LICENSE CLASSIFICATION A-7, A-12, A-15 AND A-19 (EXCAVATING & GRADING; EXCAVATE, GRADE, TRENCH, SURFACE; SEWERS, DRAINS & PIPES; PIPELINE & CONDUITS); AND TO WAIVE THE TRADE EXAM.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

The following applications on the agenda were reviewed and discussed: Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 21, 30, 32, 42, 45, 46, 50, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 66, 67, 68, 83, 87, 88, 89, 91, 94, 97, 102, 103, and 109.

The applications on the amended agenda were reviewed and discussed: Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, and 16.

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

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MS. CAVIN MOVED TO RATIFY ALL APPLICATIONS NOT SPECIFICALLY DISCUSSED IN CLOSED SESSION AS RECOMMENDED BY STAFF.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

PUBLIC COMMENT:

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

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned by Vice Chairman Carson at 6:15 p.m.

Respectfully Submitted,

Tammy Stewart, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Michael Zech, Chairman