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STATE OF NEVADA

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**STATE CONTRACTORS' BOARD**

**MINUTES OF THE MEETING  
JUNE 18, 2002**

**1. CALL TO ORDER**

Chairman Michael Zech called the meeting of the State Contractors' Board to order at 8:38 a.m., Tuesday, June 18, 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  
Ms. Margaret Cavin  
Mr. David Clark  
Mr. Jerry Higgins  
Mr. Dennis Johnson

**BOARD MEMBERS ABSENT:**

Mr. Randy Schaefer

**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, In House Legal Counsel  
Mr. David Reese, Legal Counsel (Cooke, Roberts & Reese)  
Mr. Bruce Robb, Legal Counsel

Ms. Grein stated that Jerry McGill had posted the agenda in compliance with the open meeting law on June 12, 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.

It was learned there were 17 items on the amended agenda, each item of an emergency nature. Las Vegas Synthetic Stucco, item number four on today's agenda, has withdrawn his request for a hearing.

**MR. CLARK MOVED TO HEAR THE AMENDED AGENDA.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Chairman Zech called for a motion to approve the minutes of June 4, 2002.

**MR. HIGGINS MOVED TO APPROVE THE MINUTES OF JUNE 4, 2002.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

## **2. APPLICATION HEARING:**

**JAMES W. CLARK** – (C-2D,E AMPLIFYING AND SIGNAL SYSTEMS) LICENSE APPLICATION

Mr. James Clark, Owner, James W. Clark; Mr. Joseph Corbin; Mr. Lee Wyatt; and Licensing Analyst Teresa Tofell were sworn in.

The hearing was for possible violation of NRS 624.263.

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

Ms. Tofell testified that she had reviewed the application and supporting documentation and stated the financial statement did not support the requested license limit of \$20,000.00.

Mr. Clark informed the Board that he will not have employees and would be working as an independent contractor. He stated that a \$5,000.00 license limit would be enough for him.

**MR. CARSON MOVED TO APPROVE JAMES W. CLARK LICENSE CLASSIFICATION C-2 (d)(e) (AMPLIFYING AND SIGNAL SYSTEMS) WITH A MONETARY LIMIT OF \$5,000 AND A BOND OF \$2,000.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

## **3. APPLICATION HEARING:**

**FLAMINGO POOLS & LANDSCAPING, LLC** – (A-10 COMMERCIAL AND RESIDENTIAL POOLS AND C-10 LANDSCAPE CONTRACTING) LICENSE APPLICATION

Ms. Melonee Wellington, Member, Flamingo Pools & Landscaping; Mr. Marcus Wellington, Member, Flamingo Pools & Landscaping; Investigator Cheryl Young; Licensing Analyst Doris Talley; and Licensing Analyst Mary Ann Enbody were sworn in. Mr. Nik Skrinjaric, attorney for the applicant, was present.

The hearing was for possible violation of NRS 624.263; NRS 624.3013(2); and NRS 624.265.

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

A copy of minutes from the Contractors' Board in California showing the revocation of the license of Certified Painters, Inc., which the applicant had been an officer, was entered into the record as Exhibit #2.

Ms. Enbody testified that she had reviewed the applicants' financial statement. She stated applicant holds another license and the financial statement does not show enough working

capital to support both licenses.

Ms. Talley testified that she had reviewed the application and supporting documents.

Investigator Young testified that she had investigated the applicants' background.

Mr. Wellington testified concerning the ownership of Certified Painters, Inc. and a tax lien in California. A copy of payment to the Franchise Tax Board and release of the tax lien was entered into the record as Exhibit A.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO APPROVE FLAMINGO POOLS & LANDSCAPING, LLC LICENSE CLASSIFICATION A-10 (COMMERCIAL AND RESIDENTIAL POOLS) WITH A MONETARY LIMIT OF \$50,000 AND A BOND OF \$100,000 AND LICENSE CLASSIFICATION C-10 (LANDSCAPE CONTRACTING) WITH A MONETARY LIMIT OF \$50,000 AND A BOND OF \$50,000 CONTINGENT UPON VERIFICATION OF THE SUBMITTED FINANCIAL STATEMENT.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**4. APPLICATION HEARING:**

**LAS VEGAS SYNTHETIC STUCCO** – (C-17A,B LATHING AND PLASTERING) LICENSE APPLICATION

The applicant withdrew the request for a hearing prior to today's' meeting.

**5. APPLICATION HEARING:**

**ELWART CONSTRUCTION** – (B-2 RESIDENTIAL AND SMALL COMMERCIAL) LICENSE APPLICATION

Mr. Julio Elwart, President, Elwart Construction; Ms. Rachel Elwart; Mr. Anthony Elwart; Investigator Cheryl Young; and Licensing Analyst Teresa Tofell were sworn in. Mr. Brian Berman, attorney for the applicant, was present.

The hearing was for possible violation of NRS 624.263; NRS 624.3013(2); and NRS 624.3013(3).

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

Ms. Tofell testified that she had reviewed the application information and the financial statement.

Investigator Young testified that she had investigated the background disclosures. She stated she had received a letter from the applicant's attorney advising her of cases pending against the applicant concerning license #36573, A E E Cement Contractor.

Mr. Berman informed the Board that the applicant had stopped doing business with his son in 1999. He is still on the license but does not have anything to do with the running of this business.

A copy of the NSCB license information for A E E Cement Contractor was entered into the

record as Exhibit #2.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO APPROVE ELWART CONSTRUCTION LICENSE CLASSIFICATION B-2 (RESIDENTIAL AND SMALL COMMERCIAL) WITH A MONETARY LIMIT OF \$250,000 AND A BOND OF \$30,000 WITH A FINANCIAL STATEMENT UPON RENEWAL.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

#### **6. APPLICATION HEARING:**

**RICOCHET, INC.**, LICENSE #46268

Mr. Kory Rasmussen, President, Ricochet, Inc. and Licensing Analyst Deb Clarke were sworn in.

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.

Ms. Clarke testified that she had reviewed the financial statement and supporting documents and it does not support the requested license limit. A new financial statement was requested and received, but still does not support the requested license limit.

Mr. Rasmussen answered questions regarding his financial statement.

The evidentiary portion of the hearing was closed.

**MR. JOHNSON MOVED TO APPROVE THE RENEWAL OF RICOCHET, INC., LICENSE #46268 WITH A FINANCIAL STATEMENT UPON RENEWAL.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

#### **7. DISCIPLINARY HEARING:**

**CAMCO PACIFIC CONSTRUCTION COMPANY INC.**, LICENSE NOS. 37507 AND 20237A (CONTINUED FROM APRIL 23, 2002)

Mr. Dewain Campbell, President, Camco Pacific Construction Company, Inc.; Mr. David Parry, Vice President, Camco Pacific Construction Company, Inc.; Ms. Melanie Thummel, Camco Pacific Construction Company, Inc.; Mr. Don Forrest, Owner, DJ's Acoustics; Ms. Jane Forrest, DJ's Acoustics; and Investigator Ron Ramsey were present. Mr. Richard Peel and Mr. Steven Morris, counsel for Camco Pacific, and Mr. Steven Glade, counsel for DJ's Acoustics, were also present.

Ms. Broussard informed the Board that at the last hearing the 2<sup>nd</sup> cause of action was dismissed. She stated two settlement offers by Camco have been rejected. A copy of a letter from Mr. Steven Glade, DJ's attorney, to Camco Pacific's attorney rejecting the \$35,000 settlement and countering with \$75,000 to settle the dispute was entered into the record as Exhibit #3.

Mr. Peel stated the contract with DJ's contained a fault provision, which allows Camco to withhold money from one project if another project was not completed. Mr. Peel stated that DJ's had abandoned a project and Camco had to hire another contractor to complete it.

Ms. Broussard informed the Board that the 3<sup>rd</sup> cause of action involved Camco doing business with an unlicensed contractor, Alfonso Gilbert.

Mr. Peel stated Camco had subpoenaed Tradewinds payroll records that showed Tradewinds paid Mr. Gilbert for the same timeframe that Camco paid him.

Mr. Jeffrey Vilkin, President, Tradewinds Construction and Mr. George Lyford, Director of Investigations were sworn in.

Mr. Lyford testified that Mr. Gilbert had been subpoenaed to appear today, however, he was unable to appear and had submitted a written statement. A copy of Mr. Gilbert's statement was entered into the record as Exhibit #4.

Mr. Vilken testified that Mr. Gilbert and his son were employed by Tradewinds installing stairs before working for Camco. Mr. Vilken further testified that he received a subpoena to provide time sheets for the Gilberts to the Contractor's Board and the Labor Commission. Mr. Vilken further stated a change order was received from Camco after records were subpoenaed. Mr. Vilken informed the Board that he had not received notice of the Board's hearings.

A document regarding today's hearing, prepared by Peel, Brimley & Spangler, was entered into the record as Exhibit A.

Mr. Peel stated he had reviewed payroll records from Tradewinds for both Gilberts and Camco believes that Tradewinds and Camco paid the Gilberts for the same time frame. He further stated when Camco received notice from the Labor Commission that the Gilberts had not been paid, they paid their salary and notified Tradewinds.

A copy of testimony of Mr. Alfonso Gilbert taken by the Labor Commission was entered into the record as Exhibit #5.

The evidentiary portion of the hearing was closed.

**MR. JOHNSON MOVED TO DISMISS THE 1<sup>ST</sup> CAUSE OF ACTION CONTINGENT UPON THE SATISFACTION OF THE INVESTIGATOR OF THE AMOUNT PAID.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO FIND CAMCO PACIFIC CONSTRUCTION COMPANY, INC., LICENSE NOS. 37507 AND 20237A IN VIOLATION OF THE 3<sup>RD</sup> CAUSE OF ACTION.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. JOHNSON OPPOSED THE MOTION.**

**MR. CARSON MOVED TO PLACE A ONE-YEAR LETTER OF REPRIMAND IN RESPONDENT'S LICENSE FILE #37507; RESPONDENT TO PAY A FINE OF \$500.00; AND TO REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$2,475.00 WITHIN IN 60 DAYS OR THE LICENSE WILL AUTOMATICALLY BE SUSPENDED.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

### **8. DISCIPLINARY HEARING:**

#### **PROFESSIONAL STAR CONSTRUCTION, LICENSE NOS. 43167A AND 48922**

Ms. Karen Kopittke, President, Professional Star Construction; Mr. Joe Barron, Manager, Professional Star Construction; Dr. Duckhiem Nguyen; Dr. Tina Tigert; Mr. Gary Medsker; and Investigator Cheryl Young were sworn in. Mr. Ben Bingham, attorney for Professional Star Construction, was present.

The hearing was for possible violation of NRS 624.3014(2)(a)(b)(c)(d); NRS 624.305(1); NRS 624.3013(5), as set forth in NAC 624.650(1); and NRS 624.3013(3).

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

Investigator Young testified that she had investigated the complaint and validated that Respondent pulled permits for tenant improvements of Dr. Nguyen and Dr. Tigert. She further stated the financial statement does not meet the Board's requirement for financial responsibility.

Dr. Nguyen testified that he had entered into a contract with Gary Medsker for tenant improvements at his business. He stated the sub contractors were not being paid and he requested Mr. Medsker's contractor license information. The information provided him was for Professional Star Construction, not the company he had hired. Dr. Nguyen stated that he had a friend finish the tenant improvements.

Dr. Tigert testified that she also had contracted with Gary Medsker for tenant improvements to be completed by January 20, 2001, however, she was unable to move in until April after hiring a licensed contractor to complete the work.

Mr. Bingham stated Mr. Medsker had jobs lined up and advised Respondent to pull the permits for two jobs. He further stated Mr. Medsker entered into the contract under his own name. When Respondent discovered the work had been started they canceled the agreement with Mr. Medsker.

Mr. Medsker testified that his payment arrangement was with Gerald Looney. He stated he did not receive a salary, but was to be paid as the project progressed.

Ms. Kopittke testified that she had entered into a contract with Gerald Looney. She stated when she pulled the permits, she did not know that work had commenced on the Nguyen and Tigert projects. Ms. Kopittke further testified that Mr. Medsker paid for the permits and she had not received any payment from Mr. Medsker. She stated the agreement was for payment at the end of the project to be split fifty-fifty.

A copy of the NSCB application history on Professional Star Construction was entered into the record as Exhibit #2.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO DISMISS THE 4<sup>TH</sup> CAUSE OF ACTION.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO FIND PROFESSIONAL STAR CONSTRUCTION, LICENSE NOS. 43167A AND 48922, IN VIOLATION OF THE 1<sup>ST</sup>, 2<sup>ND</sup>, AND 3<sup>RD</sup> CAUSES OF ACTION.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO SUSPEND LICENSE NOS. 43167A AND 48922 FOR 30 DAYS FOR RESPONDENT TO MAKE RESTITUTION TO ALL PARTIES; IF RESTITUTION IS NOT MADE BOTH LICENSES WILL BE REVOKED; TO REQUIRE FULL RESTITUTION TO ALL DAMAGED PARTIES PRIOR TO CONSIDERATION OF FUTURE LICENSURE; AND TO REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$1,875.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**9. FINANCIAL INTERVIEW:**

**CROSS CREEK POOLS AND SPAS, LICENSE #47930**

Mr. Dave Cross, Owner, Cross Creek Pools and Spas and Licensing Supervisor Pat Potter were present.

**MS. CAVIN MOVED TO CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH NRS 624.033 TO DISCUSS FINANCIAL MATTERS.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Ms. Potter reviewed the financial statement with the Board.

Mr. Cross testified that his business is a sole proprietor and that his financial condition has improved since December 2001. Mr. Cross informed the Board that he has built approximately 80 pools and has no complaints against his license.

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

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. JOHNSON MOVED TO RENEW LICENSE #47930, CROSS CREEK POOLS AND SPAS WITH A FINANCIAL STATEMENT UPON RENEWAL.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**10. DISCIPLINARY HEARING:**

**FEDERAL ELECTRIC CORPORATION**, LICENSE #40842 (CONTINUED FROM APRIL 23, 2002 AND MAY 21, 2002)

Mr. Ron Gagliano, President, Federal Electric Corporation; Ms. Cindie Gagliano, Owner, Federal Electric Corporation; Mr. Randall Peterson, Credit Manager, Standard Wholesale; Mr. Michael Forrest, Standard Wholesale; and Investigator Bob Macke were sworn in.

Ms. Broussard distributed copies of paid and unpaid invoices Federal Electric had been billed from Standard Wholesale.

Mr. George Lyford, Director of Investigations and Mr. Rick Bertuzzi were sworn in.

Investigator Macke informed the Board that Respondent was unable to attend a meeting on Monday, the 17<sup>th</sup>, to review the case.

Mr. Lyford testified that the second amended complaint was to clarify the complaint and that nothing new had been added.

A letter from the Respondent requesting records regarding his case was entered into the record as Exhibit #2.

Legal Assistant Susie Kiger was sworn in.

Ms. Kiger testified that she had spoken to the Respondent regarding his request for records and informed him to submit a written request. Ms. Kiger mailed the requested information to the Respondent 's address of record on file with the Board.

Mr. Peterson testified that he had received a \$20,000 payment from Respondent on May 8, 2000, which was applied to some of the outstanding invoices. He stated the supplies were ordered by telephone and since he did not always see who picked up the order, he could not verify signatures on the invoices.

Mr. Bertuzzi testified concerning procedures used to investigate complaints.

Mr. Gagliano testified that he did not sign the contested invoices.

The evidentiary portion of the hearing was closed.

**MR. HIGGINS MOVED TO DISMISS THE 3<sup>RD</sup> CAUSE OF ACTION.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO REOPEN EVIDENTIARY.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**



The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO DISMISS THE 2<sup>ND</sup> CAUSE OF ACTION AND TO FIND FEDERAL ELECTRIC CORPORATION, LICENSE #40842 IN VIOLATION OF THE 1<sup>ST</sup> CAUSE OF ACTION.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO SUSPEND LICENSE #40842 FOR 90 DAYS FOR RESPONDENT TO CLEAR UP ISSUE WITH STANDARD WHOLESALE; IF NOT CLEARED UP IN 90 DAYS LICENSE #40842 WILL BE REVOKED.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

#### **11. DISCIPLINARY HEARING:**

##### **24 K GENERAL CONTRACTORS, LICENSE #46025**

No one from 24 K General Contractors was present.

Mr. Darrell Crooks, Homeowner; Ms. Norma Crooks, Homeowner; and Investigator Jim Porter were sworn.

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

Ms. Crooks testified that she had entered into a contract with the Respondent for the construction of her residence. Ms. Crooks stated that the Respondent had requested she pay the stucco and drywall contractor directly.

Investigator Porter testified that he had validated the complaint. He stated Respondent hired an unlicensed plumber to install the plumbing and an unlicensed person to perform drywall and stucco work on the project. Investigator Porter further testified that the Respondent hired an electrical contractor, who told the Crooks he worked for KV Electrical. In addition, Mr. Porter stated the financial statement received January of 2002 does not support the license limit.

The evidentiary portion of the hearing was closed.

**MR. HIGGINS MOVED TO ACCEPT THE TESTIMONY PRESENTED AND THE FILE AS FORMAL FINDINGS OF FACT CONCLUSIONS OF LAW; TO FIND 24 K GENERAL CONTRACTOR, LICENSE #46025 IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE #46025; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND TO REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$1,455 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**12. FINANCIAL INTERVIEW:****DURANGO POOLS, INC.**, LICENSE #46850

Mr. Richard Morgan, President, Durango Pools Inc.; Licensing Analyst Deb Clarke; and Licensing Supervisor Pat Potter were present.

**MS. CAVIN MOVED TO APPROVE THE RENEWAL OF LICENSE #46850, DURANGO POOLS, INC.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**13. DISCIPLINARY HEARING – DEFAULT ORDERS:****PACIFIC MARBLE IMPORT D/B/A ALICO CONTRACTING**, LICENSE #43153

No one from Pacific Marble Import d/b/a Alico Contracting was present.

The hearing was for possible violation of NRS 624.3012(2); NRS 624.3013(3); NRS 624.302(5); and NRS 624.3013(4).

**MR. HIGGINS 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 #43153, PACIFIC MARBLE IMPORT D/B/A ALICO CONTRACTING; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND RECOVER THE INVESTIGATIVE COSTS OF \$1,047 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**SUN CITY TILE SETTING**, LICENSE #47963

No one from Sun City Tile Setting was present.

The hearing was for possible violation of NRS 624.3017(1); NRS 624.3013(5), as set forth in NAC 624.700(3)(a); NRS 624.3015(2); NRS 624.302(5); NRS 624.301(1); NRS 624.3013(3); NRS 624.3013(5), as set forth in NAC 624.640(5); and NRS 624.3013(5), as set forth in NAC 624.640(3).

**MR. HIGGINS 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 #47963, SUN CITY TILE SETTING; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND RECOVER THE INVESTIGATIVE COSTS OF \$2,584 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**DECORATIVE CONCRETE COATINGS**, LICENSE #34717

No one from Decorative Concrete Coatings was present.

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); and NRS 624.3013(4).

**MR. HIGGINS 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 #34717, DECORATIVE CONCRETE COATINGS; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND RECOVER THE INVESTIGATIVE COSTS OF \$2,794 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**14. DISCIPLINARY HEARING:****QUALITY CHOICE CONSTRUCTION**, LICENSE #44164 (CONTINUED FROM JANUARY 23, 2002 AND APRIL 24, 2002)

Mr. William Ross, Owner, Quality Choice Construction; Mr. Dennis Louks, Quality Choice Construction; Mr. Brian Bugni, Vice President, Mojave Electric; and Investigator Ron Ramsey were sworn in. Mr. Keith Gregory, counsel for Quality Choice Construction, was present. Mr. Bruce Robb, attorney for the Board, presented the case.

Mr. Robb informed the Board that The Venetian had paid Mojave Electric on June 5, 2002.

Mr. Bugni verified that The Venetian paid Mojave Electric.

Mr. Gregory informed the Board that there had been two separate contracts for The Venetian project, totaling \$900,000.

Mr. Ross verified that there were two separate contracts. Mr. Ross stated that he had provided a current financial statement.

Mr. Robb placed into the record as Exhibit #3 a fax from The Venetian stating that payment would be made to Mojave Electric. Exhibit #4 is a copy of the check from The Venetian to Mojave Electric, a stipulated agreement dismissing The Venetian suit, and a settlement, mutual release and waiver of all claims between Mojave Electric and The Venetian. Exhibit #5 is the financial statement of Mr. William Ross.

Mr. Ross informed the Board that he is still owed money from The Venetian project.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO DISMISS ALL CHARGES AGAINST QUALITY CHOICE CONSTRUCTION, LICENSE #44164.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**15. ADVISORY OPINIONS:**

**1. MRI MOLD REMEDIATION AND INVESTIGATIONS** – MRI Mold Remediation and Investigations LLC requested an Advisory Opinion on licensing classification requirements to perform mold remediation.

Based upon the information provided, the Board opined that the Nevada State Contractors' Board does not regulate (under NRS 624) mold and fungal contamination.

**2. RED ROSE ROOFING** – Red Rose Roofing requested an Advisory Opinion on licensing classification requirements for the installation of metal roofing systems.

Based upon the information provided, the Board reaffirmed its earlier Advisory Opinion that provided the licensees holding a C-1 (Plumbing and Heating); C-1(e) (Sheet Metal); C-13 (Sheet Metal); C-15 (Roofing and Siding); C-15(a) (Roofing); C-21 (Refrigeration and Air Conditioning); of C-21(c) (Sheet Metal) classification license can perform metal roof system installation.

**3. CLARIFICATION OF SCOPE OF WORK/LICENSE REQUIREMENTS FOR CONSTRUCTION MANAGERS:**

Chairman Zech read into the record the Board's position on Construction Managers.

"NSCB is an administrative body of the executive branch of the State of Nevada. The Board is charged with protecting the public by both licensing and disciplining contractors in order to carry out its mandate under the provisions of Chapter 624 of Nevada revised statutes. The Board sits periodically and determines who should be licensed and of those licensed who should be disciplined. Among other things, the Board obtains its authority from Chapter 624. The issue of construction managers was brought before the Board previously, specifically NRS 624.020 paragraph 4, provided that a contractor includes a construction manager who performs management and counseling services on a construction project for a professional fee. Thus this Board is charged with the administrative responsibility regarding the activities of a construction manager."

Chairman Zech requested the Board to ratify this statement as the Board's position and to ask the Attorney General to advise the Board on this matter.

**MR. JOHNSON MOVED TO RATIFY THIS STATEMENT AS THE BOARD'S POSITION ON CONSTRUCTION MANAGERS.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Ms. Grein advised the Board she was requesting an opinion from the Attorney General on Construction Manager. The Board concurred with the request from the Attorney General to clarify certain questions.

**16. A. BOARD GOVERNANCE AND ADMINISTRATION:**

**1. STATUS REPORT OF LITIGATION MATTERS AND APPEALS – DENNIS R. HANEY, ESQ.:**

Mr. Dennis Haney updated the Board on the Vision Craft litigation.

**2. ADOPTION OF REGULATION NO. LCB R070-02:**

Ms. Grein requested a motion to adopt Regulation No. LCB R070-02.

**MR. JOHNSON MOVED TO ADOPT REGULATION NO. LCB R070-02.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**B. EXECUTIVE OFFICER'S REPORT, INCLUDING:**

**1. STATUS OF RECOVERY FUND ACCOUNT AND PENDING CLAIMS AS OF JUNE 2002:**

Ms. Grein provided the Board with an updated list of the pending claims against the Recovery Fund. Discussion ensued.

**2. LEGISLATIVE REPRESENTATION – 2003:**

The Board requested Ms. Grein to set up interviews with the top lobbyists for the next Board Meeting in Reno.

**3. EXPENDITURE APPROVAL:**

This matter was continued.

**4. NASCLA UPDATE:**

Ms. Grein reminded the Board of the midyear meeting of NASCLA in Lake Tahoe on June 26 and 27.

**5. FUTURE AGENDAS:**

Ms. Grein informed the Board that the final draft of the Standards of Performance Guideline would be presented at the Reno Board Meeting in July.

**C. INFORMAL SETTLEMENTS:**

**1. ABEL TELECOM, INC., LICENSE #53300**

**MS. CAVIN MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT; THAT RESPONDENT PAY AN ADMINISTRATIVE FINE OF \$1,000 AND REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$786 WITHIN 30 DAYS OF THE BOARD'S APPROVAL OF THE STIPULATED SETTLEMENT AGREEMENT; AND RESPONDENT SHALL OBTAIN THE PROPER LICENSURE.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**2. CREATIVE POOS DESIGN INC., LICENSE #32964A**

**MS. CAVIN MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT; THAT RESPONDENT PAY AN ADMINISTRATIVE FINE OF \$10,000 AND REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$680 WITHIN 30 DAYS OF THE BOARD'S APPROVAL OF THE STIPULATED SETTLEMENT AGREEMENT.**

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

**3. CUSTOM DESIGN CABINETS OF LAS VEGAS, LICENSE #51576**

MS. CAVIN MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT AND THAT RESPONDENT REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$406 WITHIN 30 DAYS OF THE BOARD'S APPROVAL OF THE STIPULATED SETTLEMENT AGREEMENT.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

**4. G L BROWN & COMPANY, LICENSE #30524**

MS. CAVIN MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT; THAT RESPONDENT PAY AN ADMINISTRATIVE FINE OF \$2,000 AND REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$509 WITHIN 30 OF THE BOARD'S APPROVAL OF THE STIPULATED SETTLEMENT AGREEMENT.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

**5. PRO-SCAPE, LICENSE #39066**

MS. CAVIN MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT; THAT RESPONDENT REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$307 WITHIN 30 DAYS OF THE BOARD'S APPROVAL OF THE STIPULATED SETTLEMENT AGREEMENT; AND A WARNING LETTER BE PLACED IN RESPONDENT'S FILE.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

**6. DEPARTMENT REPORTS, INCLUDING:**

**1. INVESTIGATIONS DIVISION:**

• **SPECIAL INVESTIGATIONS UNIT:**

Mr. Roy Schoonmaker, Supervisor of the Special Investigations Unit, presented the aging report for the Las Vegas Special Investigations Department.

• **COMPLIANCE INVESTIGATIONS UNIT:**

Mr. Chris Denning, Deputy Director of Investigations, presented the aging report for the Las Vegas Compliance Department.

**2. LICENSING DIVISION:**

This matter was continued.

### **3. HUMAN RESOURCES:**

Mr. Bart Thurgood, Human Resources Manager, presented a report concerning Human Resources activities including training and recruitment.

### **4. PUBLIC EDUCATION:**

Ms. Grein informed the Board that new public service announcements are being developed and a press release concerning the new exam provider will be distributed.

### **17. APPLICATIONS:** (CLOSED MEETING PURSUANT TO NRS 241.030)

**MS. CAVIN MOVED TO CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH NRS 624.033 TO DISCUSS FINANCIAL MATTERS.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

### **DELTA MECHANICAL INC.** (C-1D PLUMBING)

Mr. Todor Kitchukov, President, Delta Mechanical, Inc., was present. Mr. Kitchukov informed the Board that he has received notification that he has been approved to become a permanent resident. The Board informed Mr. Kitchukov that the license application ( c-1d Plumbing) was approved with a monetary limit of \$3 million and a bond of \$30,000.00 contingent upon applicant providing staff with documentation of legal work status from the INS.

The remainder of the applications on the agenda were reviewed and discussion occurred on the following: Nos. 3, 5-12, 22-24, 28, 31, 32, 35, 36, 42-44, 47, 50, 58, 60, 63-65, 79, 83, 84, 86-90, 92-95, 98, 102, 105, 112, 113, 116, 117, 119, 125-127, 132, 134, 136-140, 143, 144; and on the amended agenda: Nos. 4-14, 17.

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

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

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

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

### **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 4:07 p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Michael Zech, Chairman