

KENNY C. GUINN
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

KIM W. GREGORY
Chairman
DOUG CARSON
MARGARET CAVIN
DENNIS K. JOHNSON
RANDY SCHAEFER
DEBORAH WINNINGHAM SHELTRA
MICHAEL ZECH



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STATE CONTRACTORS' BOARD

MINUTES OF THE MEETING
JULY 11, 2000

The meeting of the State Contractors' Board was called to order by Vice-Chairman Mike Zech at 8:35 a.m., Tuesday, July 11, 2000, State Contractors' Board, Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Mike Zech – Vice-Chairman
Mr. Doug Carson
Ms. Margaret Cavin
Mr. Dennis Johnson
Mr. Randy Schaefer
Ms. Deborah Sheltra

BOARD MEMBERS ABSENT:

Mr. Kim Gregory

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Dennis Haney, Legal Counsel (Haney, Woloson & Mullins)
Mr. David Reese, Legal Counsel (Cooke, Roberts & Reese)
Mr. Hal Taylor, Legal Counsel
Ms. Nancy Mathias, Licensing Administrator
Mr. George Lyford, Director of Special Investigations
Mr. Frank Torres, Deputy Director of Investigations
Ms. Kathy Stewart, Licensing Supervisor
Mr. Gary Hoid, Investigator
Mr. Gary Leonard, Investigator
Ms. Betty Wills, Recording Secretary

OTHERS PRESENT:

Cindy Brown, Court Reporter, Sierra Nevada Reporters; Milton Wilcox, Owner, Mic One Construction; Marina Wilcox, Wife of Milton Wilcox; Richard Arden, Superintendent, Lewis Homes for Milton Wilcox; Susan Lister, Owner, Truckee Meadows Glasswerkes; Steve Maximenko, Qualified Employee; Truckee Meadows Glasswerkes; Brandon Congdon, Owner, Custom Drywall Systems; Ed Albright, President, I C C I Ideal Concrete Construction Inc; James Dean, Secretary/Treasurer, Triangle Construction Inc; Janet Trost, Attorney, Triangle Construction Inc; Steve Braverman, President, United Electric Inc; Arvil Houts, Owner, Houts Construction Company; Kirk Brynjulson, Member, Kirkland Construction LLC; Jeff Delplain, Vice President, Leewens Corporation; Peter Post, Owner Panelized Structures Inc; Ron Kozloski, Director of Operations, Northern Nevada, Panelized Structures, Inc; Magda Kisbal, Complainant, John McCune, Legal Counsel for Ms. Kisbal, Ken Wood, Consultant; Jim Grogan, Legal Counsel, M. Nielsen Corp, on behalf of Greg Skinner, Legal Counsel for Mr. Nielsen; Mark Nielsen, President, M. Nielsen Corp; Dwight Millard, Partner, Millard Realty & Construction Company; Peter and Barbara Rinaldo, Complainants; Danny Nuckolls, Witness; Tom Garretson, Vice President, Garretson – Ferguson Construction Inc.; Attorney Sandra-Mae Pickens for Millard Realty & Construction Company; Victor De Blasio, President, Rainbow Homes of Nevada Inc; and Melissa and John Fritz, John Fritz Construction.

Ms. Grein stated that John Sapp had posted the agenda in compliance with the open meeting law on July 5, 2000 at the Washoe County Court House, Washoe County Library, and Reno City Hall. In addition, it had been posted in both offices of the Board, Las Vegas and Reno and on the Board's Internet web page.

Mr. Zech called for a motion to approve the minutes of June 20, and June 21, 2000.

MS. CAVIN MOVED TO APPROVE THE MINUTES OF JUNE 20, AND JUNE 21, 2000.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

It was learned there were 24 items on the amended agenda, each item of an emergency nature. Additionally, on the regular agenda, an advisory opinion request from Extreme Construction, License #41732, had been added; the advisory opinion request of Bovis Lend Lease LMB, Inc., was withdrawn; Thiessen Team had requested that its advisory opinion be heard in August; and there had been two requests for continuance: Item #6, M. Nielsen Corp., and Item #7, Millard Realty & Construction. Both requests had been denied.

A motion was made, seconded, and carried to hear the amended agendas.

The following motion closed the meeting to the public.

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

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

The meeting was then closed to the public pursuant to NRS 241.030 to discuss financial and other data, which is confidential under NRS 624.110 (2).

APPLICATIONS

H M BYARS CONSTRUCTION CO. #8791 (AB – General Engineering) CHANGE IN QUALIFIER

H M BYARS CONSTRUCTION CO. #8791 (AB – General Engineering) CHANGE IN OFFICER, WITH RENEWAL

Mark Byars, President, was present. He was notified that the change in qualifier, the change in officer, and the renewal application had been approved. Additionally, the trade exam had been waived.

MIC ONE CONSTRUCTION (B2 – Residential & Small Commercial) NEW APPLICATION, RECONSIDERATION

Ms. Sheltra disclosed she had received a telephone call regarding this matter, but had referred it to Kathy Stewart.

Milton Wilcox, Owner, was present, along with a number of people who were present to speak on Mr. Wilcox's behalf.

The application had been denied for lack of financial responsibility, and character on May 9, 2000.

Ms. Stewart provided the Board with dates and the reasons for Mr. Wilcox's many convictions covering a period from 1974 through 1994.

Mr. Wilcox said he had been working for Sierra Remodeling Specialists, but he suffered a back injury last September, and had been laid off. He planned to perform residential remodeling and room additions. Addressing his background, Mr. Wilcox said that it showed a history of drugs and alcohol, which had contributed to his many problems. He said he had continuously maintained sobriety for the last 5 years, and that he had been working in people's homes without any problems.

Marina Wilcox, Wife, stated she had known Mr. Wilcox since 1995 when both were in recovery. She then spoke favorably to Mr. Wilcox's character.

Richard Arden, Superintendent for Lewis Homes, also spoke on Mr. Wilcox's behalf.

Discussion then focused on the license limit based on the size of jobs he intended to perform. Mr. Wilcox stated that he had received a signature loan from the bank, providing him additional finances to work with.

MR. CARSON MOVED TO APPROVE THE LICENSE APPLICATION WITH A LIMIT OF \$75,000, A \$10,000 BOND, AND A FINANCIAL REVIEW UPON RENEWAL.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

TRUCKEE MEADOWS GLASSWERKES (C8 – Glass & Glazing) NEW APPLICATION

Susan Lister, Owner, was present, with Steve Maximenko, Qualified Employee.

Ms. Stewart explained that Ms. Lister was currently in a Chapter 13 Bankruptcy, and was current with her plan of reorganization. Ms. Lister had also provided a letter indicating that her parents were willing to financially assist her in her business.

Ms. Lister explained in what manner her parents were willing to help her.

Personal indemnification was explained.

Mr. Maximenko stated he would be willing to put money into the business.

Ms. Lister said she intended to install shower doors and mirrors in custom homes.

MR. CARSON MOVED TO APPROVE THE LICENSE APPLICATION WITH A LIMIT OF \$5,000, A \$1,000 BOND, AND A FINANCIAL REVIEW UPON RENEWAL, CONTINGENT UPON THE RECEIPT OF NEW FINANCIAL INFORMATION OR PERSONAL INDEMNIFICATION.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

CUSTOM DRYWALL SYSTEMS (C4E, F – Drywall; Sheet Metal Studs) NEW APPLICATION, RECONSIDERATION

Brandon Congdon, Owner, was present.

The application had been tabled on May 9, 2000, for new financial information. The applicant had provided a new financial statement, and had stated his credit card debt had

been paid off.

After some discussion regarding the type of work Mr. Congdon intended to perform, and how many employees he planned on employing, Mr. Congdon was informed the license application had been approved with a limit of \$75,000 and a \$10,000 bond.

I C C I IDEAL CONCRETE CONSTRUCTION INC (C5 – Concrete Contracting) NEW APPLICATION

Ed Albright, President, was present.

Mr. Albright stated he wanted to perform commercial work, union jobs with prevailing wage. He intended to be the signatory to the union.

MR. CARSON MOVED TO APPROVE THE LICENSE APPLICATION WITH A LIMIT OF \$200,000, A \$10,000 BOND, AND A FINANCIAL REVIEW UPON RENEWAL.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

SIERRA NEVADA ELECTRIC A LIMITED PARTNERSHIP (C2 – Electrical Contracting) NEW APPLICATION

Jesse Olson, General Partner, was present. He was notified that the license application had been approved with a limit of \$20,000 and a \$5,000 bond.

TRIANGLE CONSTRUCTION INC (B – General Building) CHANGE IN QUALIFIER

Mr. Zech abstained.

James Dean, Secretary/Treasurer, changing to President, was present, along with Janet Trost, Attorney.

Ms. Stewart stated that George Grant, the former qualifier, appeared to be no longer associated with the company. Attempts to contact him had been unsuccessful. Jon Van Vleck was seeking to be the qualified employee of the license. Mr. Van Vleck was currently qualifying Jackson Enterprises, license #41633, but he was resigning from that license if approved as the qualifier of Triangle Construction Inc. A letter of resignation from Jackson Enterprises had been submitted.

A financial discussion then ensued regarding Mr. Dean's prior bankruptcy, which was disclosed on the current change of qualifier application, but which had not been disclosed in a previous officer change application filed with the board; current civil judgments; tax liens; and collection accounts amounting to several thousands of dollars. A review of Mr. Van Vleck's financial status revealed a similar background.

Mr. Dean said his CPA was taking care of all the financial problems, most of which, had been caused by a divorce. He then explained what he needed to do to have most of them dismissed.

Ms. Trost commented she believed the tax liens might be duplicates.

Mr. Dean assured the Board he would get the financial issues taken care of. He later stated it would take approximately 6 months to get everything resolved.

When asked if a financial statement had been received, Ms. Stewart replied no.

Dialogue occurred regarding Mr. Van Vleck as the qualified employee. It was learned that Mr. Van Vleck was the President/Qualifier on license #44571, C M C Construction, which raised the 25% ownership issue. No resignation had been received regarding that license.

Ms. Mathias added that there were also three pending investigations against license #44571, one of which was being referred for Board action.

Ms. Stewart confirmed that the whereabouts of Mr. Grant was unknown. Mr. Dean concurred.

When asked why he had not applied to be the qualifier, Mr. Dean said he just didn't have time. He was attempting to quickly acquire a qualifier to keep working, although he, himself, had the expertise to qualify the license.

Ms. Trost said she was attempting to get Mr. Dean's background cleaned up, but she had not had enough time to do it for today's hearing.

It was explained to Mr. Dean that the Board was not inclined to approve Mr. Van Vleck as the qualified employee. The general consensus was that Mr. Dean was the preferred candidate to qualify the license. The Board requested that personal and corporate financial statements be provided, and that the financial issues previously addressed be resolved.

MR. JOHNSON MOVED TO DENY JON CHARLES VAN VLECK AS THE NEW QUALIFIER, AND TO TABLE THE CHANGE OF QUALIFIER APPLICATION FOR 60 DAYS FOR A NEW QUALIFIER AND NEW FINANCIAL INFORMATION.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED.

PACIFICAP CONSTRUCTION SERVICES LLC (C3 – Carpentry) NEW APPLICATION, RECONSIDERATION

The license application had been tabled for new financial information on May 9, 2000. That information had since been received.

Chad Rennaker, Manager/Member, was present. He was notified that the license application had been approved with a limit of \$1 million and a \$30,000 bond.

UNITED ELECTRIC INC (C2 – Electrical Contracting) NEW APPLICATION, NAME SIMILARITY

Steve Braverman, President, was present.

A financial discussion ensued wherein it was learned that Mr. Braverman had a sizable SBA loan, with an additional line of credit.

MR. CARSON MOVED TO APPROVE THE LICENSE APPLICATION WITH A LIMIT OF \$500,000, A \$10,000 BOND, AND A NAME CHANGE, CONTINGENT UPON PROOF OF THE SBA LOAN.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

PARDEE CONSTRUCTION CO OF NEVADA (B – General Building) EXTENSION TO REPLACE QUALIFIER

Randy Myers, Vice President, was approved. He was notified that the 90-day extension to replace the qualifier had been approved.

HOME DEPOT USA INC #38686 (B2 – Residential & Small Commercial) 60-DAY EXTENSION TO REPLACE QUALIFIER

Brian Harris, Attorney, was present. He was notified that a final 60-day extension to replace the qualifier had been approved.

HOUTS CONSTRUCTION COMPANY (B2 – Residential & Small Commercial) NEW APPLICATION

Arvil Houts, Owner, was present. Mr. Houts had provided the Board with two financial statements: a business statement and a personal statement.

His credit card debt represented cataract surgery for which he did not have insurance.

The Board informed Mr. Houts that the license application had been approved with a limit of \$100,000 and a \$10,000 bond.

DEMENT CONCRETE LLC #50319 (C5A – Concrete Pouring) ONE TIME RAISE IN LIMIT

Bill DeMent, Owner, was present. He was notified that the one time raise in limit application for the Village at Wildcreek project had been approved for \$975,000, payment and performance bonds if required.

JAN ROBERT VAN DIJS #50154 (B2 – Residential & Small Commercial) ONE TIME RAISE IN LIMIT

Jan Van Dijs, Owner, was present. He was notified that the one time raise in limit application for the Spanish Trails Villa, a negotiated project, payment and performance bonds if required, had been approved.

EDGEWATER CUSTOM POOLS INC #41387 (A10 – Commercial & Residential Pools) ONE TIME RAISE IN LIMIT

Bill Edgington, President, was present. He was notified that the one time raise in limit application for the Village 18 – The Ridges project had been approved for \$500,000, payment and performance bonds if required.

KIRKLAND CONSTRUCTION LLC (A – General Engineering) NEW APPLICATION

Ms. Stewart explained financial status.

Kirk Brynjulson, Member, was present.

Ms. Stewart explained that Mr. Brynjulson had personally indemnified the license.

Mr. Brynjulson explained he was performing land development for Gates LLC, of which he was a member. His title in the Gates LLC was Development Manager. He intended to develop land and to deliver finished lots to merchant homebuilders for the LLC. He added that Gates LLC indemnified all of its members.

The one time raise in limit was explained to Mr. Brynjulson as a viable way to perform the project he was interested in doing for Gates LLC.

MR. CARSON MOVED TO APPROVE THE LICENSE APPLICATION WITH A LIMIT OF \$50,000 AND A \$5,000 BOND.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED.

The following motion was made to add an emergency one-time raise in limit application to the amended agenda.

MR. JOHNSON MOVED TO INCLUDE THE REVIEW OF E R G S INC'S ONE TIME RAISE IN LIMIT APPLICATION TO THE AMENDED AGENDA.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

E R G S INC #41979 (A7,9,12,15,19 – Excavating and grading; Piers and Foundations; Excavating, Grading, Trenching and Surfacing; Sewers, Drains and Pipes; and Pipeline and Conduits) ONE TIME RAISE IN LIMIT

George Peek, President, was present. The project in question was Mr. Peek's 24-unit Silverlake Apartments project.

MR. CARSON MOVED TO DEFER THE ONE TIME RAISE IN LIMIT TO STAFF FOR APPROVAL PROVIDED THE FINANCIAL INFORMATION SUPPORTED THE INCREASE.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

B & D SIGNS INC (C6B – Electrical Signs) NEW APPLICATION

Mark Daigle, Vice President, was present. He was notified that the license application had been approved with a limit of \$750,000 and a \$20,000 bond.

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

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

The remainder of the applications were reviewed later in the day.

ADVISORY OPINIONS

1. **LEEWENS CORPORATION**

Jeff Delplain, Vice President, was present for the advisory opinion.

Ms. Mathias explained that the advisory opinion regarded the application of urethane coating, which related to the C36 category. Leewens license had been issued as a C40 classification, designated for applications of protective coatings and plastic liners. The Licensee was questioning whether or not the application of urethane coatings was included in the existing classification.

Mr. Delplain explained that the material they used was basically designed for parking decks, but was used to coat many different items.

The Board opined that the C40 license classification was the appropriate license for the type of work the company performed.

2. **NEVADA BARRICADE & SIGN CO.**

No one was present for the advisory opinion.

Ms. Mathias stated the project was an RTC project, Stead Boulevard. The question was whether or not a license would be required for temporary stripings on the roadway.

The material being used was adhesive tape, not paint.

The Board opined that as long as a temporary adhesive was used, no license was needed for temporary applications.

Mr. Torres pointed out it was RTC that had asked for the opinion because they believed that a license was necessary. The Board pointed out that RTC had the right to impose a more stringent requirement.

3. **PANELIZED STRUCTURES INC**

Peter Post, Owner, Panelized Structures Inc, and Ron Kozloski, Director of Operations, Northern Nevada, Panelized Structures, Inc., were present.

A lengthy discussion ensued regarding the installation of an all-steel metal deck instead of a wood deck. The question narrowed itself down to whether or not the work could be performed with a C3 license. It was learned that although no wood was involved, the assembly was exactly the same as the work performed by a C3 license holder, and the same skill was required.

But as it appeared that the trade itself was evolving from wood to steel, and because there was the potential that a C3 license holder without the expertise to perform this type of work, the Board opined that a C14H category was better suited for the work under discussion.

MS. SHELTRA MOVED TO APPROVE THE ISSUANCE OF AN ADDITIONAL LICENSE WITH A C14H CLASSIFICATION, CONTINGENT UPON PROVIDING STAFF WITH ANY NEEDED INFORMATION. THE LICENSE LIMIT WAS APPROVED FOR \$2 MILLION.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

4. **GIBRALTAR CHIMNEY INTERNATIONAL**

No one was present for the advisory opinion.

The question was whether or not a license was required to inspect power station chimneys at Reid Gardner Power Plant. But one clause provided for the repair of the chimney if necessary, which was deemed emergency out of scope work.

The Board opined that the work required a license. But as insufficient information been provided, the matter was tabled for more information to determine what classification was needed.

5. **WASHOE COUNTY PURCHASING**

No one was present for the advisory opinion, which regarded the restoration of the Washoe County Courthouse, specifically the stained glass dome. The question

was whether or not a license was required. The work was comprised of glass and glazing work.

The Board opined that the proper license classification to perform the work was the C8 category.

6. LANDER COUNTY SCHOOL DISTRICT

No one was present for the advisory opinion, which regarded the maintenance service for boilers and associated controls, fans and pump systems. The question was what type of license was necessary to perform this type of work.

The Board opined that a C1, C1A and a C21 could perform maintenance service for boilers and associated controls, fans and pump systems, but installation of a boiler required a C1A license.

7. EXTREME CONSTRUCTION

The licensee currently held a C3A, J, M license, specializing in the installation of patio covers. The question was could they install aluminum patio covers.

The Board opined that the work could be performed with a C3A license.

EXECUTIVE SESSION

CONSIDERATION OF PROPOSED BILL DRAFT REQUEST FOR 2001 LEGISLATIVE SESSION

1. RESIDENTIAL RECOVERY FUND

Ms. Grein informed the Board that Clark County had reiterated that they would welcome the idea of collecting a per permit fee for the residential recovery fund. It was believed it would be a much fairer way to assess a contractor.

Discussion then focused on how much the fee would be or on what the fee would be determined. However, it was pointed out that if the collection of the recovery fund was transferred to the permitting entities, the administration of the funds would remain the responsibility of the Contractors' Board. Fees to administer the collection of the recovery fund would then be charged back to the Board from the fees collected.

The general consensus of the Board was to pursue this matter further.

REQUIREMENTS OF QUALIFIED EMPLOYEES

Ms. Grein suggested that rather than a bill draft request, the Board address the matter by regulation, which they had the authority to do.

The Executive Session was continued until later in the day.

DISCIPLINARY HEARINGS

M. NIELSEN CORP #36244 – DISCIPLINARY HEARING (Continued from May 9, and June 6, 2000)

Magda Kisbal, Complainant, John McCune, Legal Counsel for Ms. Kisbal, NSCB Investigator Gary Leonard, and Ken Wood, Consultant, were present.

Mr. Taylor recapped what had occurred in the last meeting. He said a lawsuit had since

been filed. Mr. McCune had received service this morning. He added that Ken Wood, Consultant, was present, along with the architect who had since taken over the project, and he said the framer was on his way.

Jim Grogan, Legal Counsel, was present on behalf of Mark Nielsen, President, M. Nielsen Corp, who was present; and on behalf of Greg Skinner, Legal Counsel for Mr. Nielsen, who was not present.

Mr. Grogan requested a continuation based on what he stated was a defective notice of hearing under NRS 233B.121 and NAC 624.110, and the unavailability of Mr. Nielsen's counsel, Mr. Skinner. Mr. Grogan referenced a copy of the request for continuation, and Mr. Taylor entered the original request into the record as EXHIBIT A. Mr. Grogan then provided the Board with the basis for his request, indicating that several issues had been tabled by the Board in its last hearing pending the outcome of litigation.

Mr. Taylor countered that some of the issues were money issues and it was not necessary for those to be decided in a civil matter before the Board acted.

John McCune, Legal Counsel for Ms. Kispal, commented that the notice of hearing had been adequate..

Mr. Johnson asserted that 20 days had not been given. The certificate of service was dated June 29, 2000.

MR. CARSON MOVED TO CONTINUE THE HEARING TO THE NEXT RENO MEETING.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

The following motion closed the meeting to the public.

MR. SCHAEFER MOVED TO CLOSE THE MEETING TO THE PUBLIC.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

The meeting was then closed to the public pursuant to NRS 241.030 to discuss financial and other data, which is confidential under NRS 624.110 (2).

APPLICATIONS (Continued)

The remainder of the applications on the agenda were reviewed and discussion occurred on the following: Nos. 1, 3-5, 11, 30, 33-37, 39, 43, 45-53, 55-56, 61, 65-66, 71, 73-74, 78, 80-81, 83-85, 89-90, 95-96, 100, 102, 111, 115, 120, and 139; and on the amended agenda: Nos. 5, 9-10, 12, 19, and 22-24.

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

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO APPROVE ALL APPLICATIONS NOT SPECIFICALLY DISCUSSED IN CLOSED SESSION PER STAFF RECOMMENDATION.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.**DISCIPLINARY HEARINGS**

MILLARD REALTY & CONSTRUCTION COMPANY #7213 – STAFF UPDATE (Continued from June 6, 2000, and June 20, 2000)

GARRETSON-FURGERSON CONSTRUCTION, INC. #24487 – STAFF UPDATE (Continued from June 6, 2000, and June 20, 2000)

Dwight Millard, Partner, Millard Realty & Construction Company; Peter and Barbara Rinaldo, Complainants; Danny Nuckolls, Witness; Tom Garretson, Vice President, Garretson – Ferguson Construction Inc.; and Attorney Sandra-Mae Pickens for Millard Realty & Construction Company, were present.

Mr. Taylor provided the Board with an update of events since the last hearing. He, Mr. Torres, and Mr. Leonard had met with the complainants and the Licensees at the Rinaldo residence.

Mr. Leonard testified that all items had been reviewed on the notice to correct. He said some of the items had been corrected. The remaining items were the sheet rock; the west wall; and the vinyl floors. In discussing the west wall, the Licensees had agreed to tear the siding off and fur everything out, and then put everything back to straighten it up.

Ms. Pickens stated that at some point a schedule for repairs was entered into. Ms. Pickens provided the Board with a copy of a timeline prepared by Garretson – Ferguson Construction. The time line indicated all the work that needed to be performed and when work was to begin. However, the June 19, 2000 start date was delayed one day at the request of the Rinaldos. On June 20, 2000, Garretson - Ferguson arrived at the Rinaldo's residence and began making repairs.

At this point, the time line was entered into the record as EXHIBIT A, and the Rinaldo Repair Schedule Summary was entered into the record as EXHIBIT B.

Ms. Pickens then stated that items 4, 5, and 6 were completed on June 20. However, upon completion of those three items, Mr. Rinaldo informed Danny Nuckolls that he did not want any additional work scheduled or performed until he had contact with the Contractors' Board. Garretson – Ferguson had been prepared to perform items 2, 3 and 13, delivering material to the site for that purpose, but the work had been stopped. Since that time, no further discussions had occurred between the Licensees and the Rinaldos.

Mr. Rinaldo testified that he did not agree with the notice to correct, or the methodology the Licensees were using to make the corrections. He said he understood the work was to be performed by 'appropriate means', and he did not agree with how the Licensees intended to correct his exterior wall.

Mrs. Rinaldo detailed what she believed was supposed to be done, saying that she believed the repairs were now only cosmetic. She then requested a full evidentiary hearing to allow all of the issues to be addressed. The Rinaldos then left the hearing.

Mr. Zech then read Mr. & Mrs. Rinaldo's request into the record. (Reference hearing file for the Rinaldo request)

In a lengthy discussion that followed, Mr. Zech also read the previous letter to Ms. Grein and Mr. Reese into the record. (Reference hearing file for letter) Ms. Cavin brought out that the Licensees had made a good-faith effort to have someone else fix the repairs or even to buy back the home, at a substantial amount of money over the price that had been paid. All efforts on the part of the Licensees had failed. Additionally, Ms. Pickens

informed the Board that the Licensees had prevailed in litigation initiated by the Rinaldos on two separate occasions on the same house.

The discussion revealed that Millard Realty & Construction was the Realtor in the matter, not the contractor. Mr. Reese stated that the record should reflect that Millard agreed to participate in the hearing. Ms. Pickens stipulated that Garretson – Ferguson was the builder of the house. Mr. Millard said he did not mind the allegations against his license, because he did not believe there had been any violation of the statutes, and there had always been attempts on his and Garretson – Ferguson's part to repair the house, although not to a method or manner approved by the Rinaldos.

Ms. Pickens then provided the Board with the background of the fireplace wall, as well as why the two cases in litigation were dismissed.

Mr. Millard responded to the charges, saying there was testimony by Mr. Leonard that there was substandard workmanship. He questioned that and said there were some items in the home that needed to be repaired. He and Garretson – Ferguson were ready and willing to perform the repairs. He said there had been no failure to comply with the notice to correct, but access to the house had been denied on numerous occasions.

The evidentiary was closed.

MR. CARSON MOVED TO CONTINUE THE HEARING TO THE NEXT RENO MEETING TO ADDRESS DISCIPLINING THE TWO LICENSES.

MS. SHELTRA SECONDED THE MOTION.

In discussion of the motion, Mr. Reese pointed out that the repair work was to be performed to the standard of the trade in general, to be reviewed by the Board's investigator. This had not been acceptable to the Rinaldos. Ms. Grein then spoke to her dealings with the Rinaldos.

THE MOTION DID NOT CARRY.

MR. JOHNSON MOVED TO DISMISS THE CHARGES AGAINST LICENSE #7213, MILLARD REALTY & CONSTRUCTION COMPANY, AND LICENSE #24487, GARRETSON - FERGUSON CONSTRUCTION INC.

MS. CAVIN SECONDED THE MOTION.

THE MOTION DID NOT CARRY.

MS. SHELTRA MOVED TO DISMISS ALL CHARGES AGAINST LICENSE #7213, MILLARD REALTY & CONSTRUCTION COMPANY.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MS. SHELTRA MOVED TO FIND LICENSE #24487, GARRETSON - FERGUSON CONSTRUCTION INC. IN VIOLATION OF NRS 624.3017 (1).

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

MS. SHELTRA MOVED TO DISMISS THE SECOND CAUSE OF ACTION AGAINST LICENSE #24487, GARRETSON - FERGUSON CONSTRUCTION INC.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MS. SHELTRA MOVED TO DISMISS THE FOURTH CAUSE OF ACTION AGAINST LICENSE #24487, GARRETSON - FERGUSON CONSTRUCTION INC..

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

Penalty phase.

MS. SHELTRA MOVED TO IMPOSE THE RECOVERY OF 1/2 THE INVESTIGATIVE COSTS OF \$6,674.39 ON LICENSE #24487, GARRETSON - FERGUSON CONSTRUCTION INC..

The motion died for lack of a second.

MS. SHELTRA MOVED TO DISMISS ANY ACTION AGAINST LICENSE #24487, GARRETSON - FERGUSON CONSTRUCTION INC.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

EXECUTIVE SESSION

REVIEW AND APPROVAL OF FY 2000-2001 BUDGET

MR. JOHNSON MOVED TO APPROVE THE BUDGET FOR FY 2000-2001.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

The Executive Session was continued until later in the day.

CLIMATE CONTROL OF NEVADA INC #23378 – DISCIPLINARY HEARING (Continued from June 6, 2000)

Howard Kerr, President, was not present. Neither was legal counsel or anyone else present to represent the Licensee.

Mr. Taylor explained that at the last hearing a quorum had not been present when the matter was heard. At the hearing, Mr. Kerr had admitted that the money-owing complaints were valid.

NSCB Investigator Gary Hoid said nothing had changed since the last hearing. The only financial statement that had been submitted was one prepared by Respondent's secretary. Mr. Kerr had made it clear that he did not want the license.

The evidentiary was closed.

Mr. Carson and Mr. Schaefer both stipulated that they had familiarized themselves with all data in connection with the hearing file and were prepared to take action on the matter.

MS. SHELTRA MOVED TO FIND LICENSE #23378, CLIMATE CONTROL OF NEVADA INC. IN VIOLATION OF ALL CHARGES.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

Penalty phase.

MS. SHELTRA MOVED TO REVOKE LICENSE #23378, CLIMATE CONTROL OF NEVADA INC.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MS. SHELTRA MOVED TO IMPOSE THE INVESTIGATIVE COSTS OF \$5,369.98 ON LICENSE #23378, CLIMATE CONTROL OF NEVADA INC.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

MS. SHELTRA MOVED TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES PRIOR TO ANY FUTURE LICENSURE IN THE STATE OF NEVADA.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

PAUL GALAVIZ PASILLAS TILE CO #38010 – DISCIPLINARY HEARING (Continued from 4/4/00 and 6/6/00)

Paul Galaviz Pasillas, Owner, was not present. Neither legal counsel nor anyone else was present the Licensee.

Mr. Taylor recapped that in the last meeting, it was learned Ceramic Tile had been paid but, since then, Mr. Pasillas had not applied to renew his license nor had he reactivated the surety bond per the Board's directive.

The evidentiary was closed.

MR. CARSON MOVED TO DISMISS THE FIRST CAUSE OF ACTION AGAINST LICENSE #38010, PAUL PASILLAS TILE CO.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO FIND LICENSE #38010, PAUL PASILLAS TILE CO., IN VIOLATION OF THE THIRD CAUSE OF ACTION.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO DISMISS THE SECOND AND FOURTH CAUSE OF ACTION AGAINST #38010, PAUL PASILLAS TILE CO.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

Penalty phase.

MR. CARSON MOVED TO REVOKE LICENSE #38010, PAUL PASILLAS TILE CO., AND TO IMPOSE THE INVESTIGATIVE COSTS OF \$4,078.38.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED.

RAINBOW HOMES OF NEVADA INC. #36609 – DISCIPLINARY HEARING (Continued from June 6, 2000, and June 20, 2000)

Ms. Grein stated that there had been no quorum at the last hearing in Reno on June 6, 2000 when testimony was presented, but the license had been summarily suspended on June 20, 2000 in Las Vegas.

Mr. Taylor then recapped the last 2 meetings, saying the Respondent had not been present at the first meeting, for which he requested a continuance, because of a doctor's appointment. The Respondent had again not been present at the Las Vegas meeting.

Victor De Blasio, President, Rainbow Homes of Nevada Inc, was sworn in, along with NSCB Investigator Gary Leonard.

Mr. Taylor questioned Mr. De Blasio, who testified he was aware of the allegations. He had reviewed the complaint, and he was aware of the testimony of the homeowners who had testified.

Mr. De Blasio read EXHIBIT A of the hearing file into the record. (Secretary's EXHIBIT C)

Mr. Reese established that Mr. De Blasio did receive a copy of the notice of complaint, and that Mr. De Blasio did not file a written answer to the complaint.

Mr. De Blasio testified that the State Contractors' address of record was no longer his current address. He had moved to Sparks. He said he may not have formally provided the board office with his new address.

The stipulation was signed.

Mr. De Blasio was asked if his bond, which was cancelled in November 1999, had been paid out. He replied no.

The status of the license was expired as of October 31, 1999.

Mr. De Blasio agreed with some of the deficiencies, but he believed he could correct them. He said none were that serious. He mistakenly used the wrong type of licensed contractor to perform the stucco work. The subcontractor was licensed for exterior wall coverings, and Mr. De Blasio thought he was licensed to do the work. Mr. De Blasio was now working for another builder.

Mr. Carson and Mr. Schaefer both stipulated that they had familiarized themselves with all data in connection with the hearing file and were prepared to take action on the matter.

Mr. Leonard stated that a financial statement had not been received.

The evidentiary was closed.

MS. SHELTRA MOVED TO FIND LICENSE #36609, RAINBOW HOMES OF

NEVADA INC, IN VIOLATION OF ALL CHARGES.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MS. SHELTRA MOVED TO PERMANENTLY REVOKE LICENSE #36609, RAINBOW HOMES OF NEVADA INC., AND TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES PRIOR TO FUTURE LICENSURE IN THE STATE OF NEVADA.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

MS. SHELTRA MOVED TO IMPOSE THE INVESTIGATIVE COSTS OF \$8,590.05 LICENSE #36609, RAINBOW HOMES OF NEVADA INC.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

PUBLIC COMMENT

Melissa and John Fritz were present. Ms. Fritz spoke on behalf of her husband, John Fritz, regarding issues of compliance, which she believed were very important. Within her comments, Ms. Fritz addressed what she felt were the board office's lack of response to a contractor's request for information; hearings that were cut short; the lack of clarity of Board hearing notices or directives; the need to avoid hearsay; and the need to advise staff of changes in legislation applicable to their positions. Ms. Fritz then made several recommendations she believed would improve board function.

Ms. Grein added that packages of information from the Fritz' had arrived in Las Vegas for Mr. Zech, Mr. Schaefer, and Mr. Carson. The documentation had not been distributed because it concerned a pending investigation.

Mr. Zech commented he had spoken with Ms. Fritz, but he had been very careful not to discuss any particulars of a pending investigation.

In further discussion, Mr. Taylor requested that any outline Ms. Fritz prepared regarding the issues she believed needed to be addressed by the Board in a work shop be presented to board counsel first. If Ms. Fritz needed to address any of the issues formally, she was to submit her request to the Executive Officer.

EXECUTIVE SESSION (Continued)

MR. JOHNSON MOVED TO RETAIN THE CURRENT OFFICERS FOR THE CURRENT FISCAL YEAR.

**MR. KIM GREGORY, CHAIRMAN
MR. MIKE ZECH, VICE-CHAIRMAN
MS. DEBORAH SHELTRA, SECRETARY**

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

The following motion closed the meeting to the public.

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

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED.

The meeting was then closed to the public pursuant to NRS 241.030 to discuss financial and other data, which is confidential under NRS 624.110 (2).

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

Respectfully Submitted,

Betty Wills, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Michael Zech, Vice-Chairman