

KENNY C. GUINN
Governor

STATE OF NEVADA



MEMBERS

MICHAEL ZECH
Chairman
DOUGLAS W. CARSON
MARGARET CAVIN
DAVID W. CLARK
SPIRIDON G. FILIOS
JERRY HIGGINS
RANDY SCHAEFER

REPLY TO:

RENO
9670 Gateway Drive, Suite 100
Reno, Nevada 89521
(775) 688-1141
Fax (775) 688-1271
Investigations (775) 688-1150

LAS VEGAS
2310 Corporate Circle
Suite 200
Henderson, Nevada 89074
(702) 486-1100
Fax (702) 486-1190
Investigations (702) 486-1110

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING SEPTEMBER 9, 2003

1. CALL TO ORDER

Chairman Michael Zech called the meeting of the State Contractors Board to order at 8:43 a.m., Tuesday, September 9, 2003, State Contractors Board, Reno and 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. Spiridon G. Filios
Mr. Jerry Higgins
Mr. Randy Schaefer

BOARD MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

Ms. Carolyn Broussard, Legal Counsel
Mr. Bruce Robb, Legal Counsel

It was moved and seconded to hear the amended agenda. MOTION CARRIED.

2. APPROVAL OF MINUTES: AUGUST 19, 2003

It was moved and seconded to approve the minutes of August 19, 2003. MOTION CARRIED.

3. SUBCOMMITTEE REPORTS:

Classification/Regulation Subcommittee:

Ms. Cavin provided a summary report.

4. INFORMAL SETTLEMENT:

GOOD DEVELOPMENT AND CONSTRUCTION, LICENSE NO. 38689

It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative Fine of \$1,500 and reimburse the Board for Investigative Costs of \$1,000 within 60 days. MOTION CARRIED. Mr. Clark abstained

5. EXECUTIVE SESSION:

FINANCIAL STATEMENTS AND AUDIT REPORT JUNE 30, 2003:

It was moved and seconded to approve the financial statements and audit report of June 30, 2003. MOTION CARRIED.

BUDGET APPROVAL FY 2003-2004:

It was moved and seconded to approve the 2003-2004 Budget. MOTION CARRIED.

DISCUSSION OF PROPOSED REGULATIONS CONCERNING CONSTRUCTION DEFECT ADVISORY OPINIONS:

It was moved and seconded to commence regulation hearings concerning construction defect advisory opinions. MOTION CARRIED.

DEPARTMENTAL REPORTS:

It was moved and seconded to approve the annual 2002-2003 Departmental Reports. MOTION CARRIED.

6. APPLICATIONS:

a. APPLICATIONS: (CLOSED MEETING PURSUANT TO NRS 241.030)

It was moved and seconded to close the meeting to the public in accordance with NRS 241.030 to discuss financial matters. MOTION CARRIED.

H & H ELECTRIC, (C-2 ELECTRICAL CONTRACTING) NEW APPLICATION

The application was tabled.

A-1 CONTRACTORS & DESIGN, (C-4 PAINTING AND DECORATING) NEW APPLICATION – BOARD DECISION

The application was approved. Licensee is to furnish quarterly updates to staff.

TALON ELECTRIC, LLC, (C-2 ELECTRICAL CONTRACTING) NEW APPLICATION

The application was approved. Mr. Hocking is to pass the CMS exam within 90 days or the license will be suspended and reimburse the Board for investigative costs regarding the Empire Electric license revocation.

The Board reviewed the remainder of the applications on the agenda.

It was moved and seconded to reopen the meeting to the public. MOTION CARRIED.

b. RATIFICATION OF LICENSE APPLICATIONS, CHANGES OF LICENSURE, REINSTATEMENTS OF LICENSURE:

It was moved and seconded to ratify all applications not specifically discussed in closed session as recommended by staff. MOTION CARRIED.

7. DISCIPLINARY HEARING:

SOLANO DEVELOPMENT COMPANY, LTD., LICENSE NO. 50086 - CONTINUED FROM JUNE 3, 2003, AUGUST 5, 2003, AND AUGUST 19, 2003

Licensee was present with counsel, Jim Spoo.

It was moved and seconded to accept the First Amended Findings of Fact and Conclusions of Law with the specific recommended changes. MOTION CARRIED.

It was moved and seconded to revoke license number 50086, Solano Development Company, Ltd. Respondent is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$21,346, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure. MOTION CARRIED.

8. DISCIPLINARY HEARING:

SIERRASAGE, LLC, LICENSE NO. 52571 – CONTINUED FROM OCTOBER 1, 2002, OCTOBER 22, 2002, NOVEMBER 6, 2002, DECEMBER 4, 2002, JANUARY 7, 2003, JANUARY 28, 2003, FEBRUARY 11, 2003, MARCH 11, 2003, APRIL 8, 2003, MAY 6, 2003, JUNE 3, 2003, JUNE 19, 2003, JULY 8, 2003, JULY 22, 2003, AUGUST 5, 2003, AND AUGUST 19, 2003

Licensee was present with counsel, Mark Gunderson.

It was moved and seconded to revoke license number 52571, SierraSage, LLC. Respondent is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$42,644.74, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure. MOTION CARRIED. Mr. Schaefer abstained.

9. DISCIPLINARY HEARING:

HOLMES CONSTRUCTION, LICENSE NO. 28706

Licensee was present with counsel, Shawn Oliphant.

It was moved and seconded to continue this matter for six months. MOTION CARRIED.

10. ADVISORY OPINIONS:

GRANITE CONSTRUCTION:

Granite Construction requested an advisory opinion to determine if a contractor license was required to perform culvert cleaning at various locations for the City of Las Vegas.

Based upon the information provided, the Board opined that a contractors license would not be required to perform the work.

SUMMA MECHANICAL CONTRACTORS:

Summa Mechanical Contractors requested an advisory opinion to determine if a contractor license was required to install baggage conveyor machinery at McCarran International Airport.

Based upon the information provided, the Board opined that a licensee holding an A (General Engineering); an AB (General Engineering and Building); an A-14 (Steel Erection and Industrial Machinery); or a C-14 (Steel Reinforcing and Erection) license classification could perform the work described.

12. PUBLIC COMMENT:

Bob Jones, Northern Nevada Home Builders Association requested a date for a future workshop in early October. Mr. Schaefer and Ms. Cavin were appointed to a committee to work with Mr. Jones.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Vice Chairman Carson at 1:48 p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

George J. Lyford, Director of Investigations

Michael Zech, Chairman

DISCIPLINARY HEARINGS: ADJUDICATING BOARD MEMBER MARGARET CAVIN

11. DISCIPLINARY HEARING – RE-HEARING:

SKYHIGH BUILDERS, LICENSE NO. 30587

Licensee was present with counsel, Egan Walker.

Hearing Officer Cavin found Gregory Liston, dba Skyhigh Builders, license number 30587 guilty of the first, third, fourth, six and seventh causes of action and dismissed the second and fifth causes of action. A fine of \$500 per violation was assessed for a total of \$2,500, plus Investigative Costs of \$1,620 to be paid within 120 days. Respondent is to hire a licensed contractor to complete the repairs on the Phillips residence within 60 days or the license will automatically be revoked.

13. DISCIPLINARY HEARING:

ROBERT DORE CONSTRUCTION, LICENSE NO. 32745

Licensee was present.

Hearing Officer Cavin Revoked license number 32745, Robert Paul Dore, dba Robert Dore Construction. Respondent is required to pay full restitution to Ceramic Tile Center and reimburse the Board for Investigative Costs of \$1,469 prior to consideration of future licensure.

14. DISCIPLINARY HEARING:

MOON CONSTRUCTION, LICENSE NO. 21821A

Licensee was present.

Hearing Officer Cavin found Ronald Leroy Moon, dba Moon Construction, license number 21821A guilty of the first cause of action and dismissed the second and third causes of action. A one-year Letter of Reprimand is to be placed in Respondent's file.

15. DISCIPLINARY HEARING:

ROCKY MOUNTAIN BUILDERS & SUPPLY, LICENSE NOS. 40384, 50488

Licensee was present.

Hearing Officer Cavin found Chandler James Walker, dba Rocky Mountain Builders & Supply, license numbers 40384 and 50488 guilty of the first cause of action and dismissed the second and third causes of action. A Permanent Letter of Reprimand is to be placed in Respondent's files.

16. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Adjudicating Board Member Cavin at 4:01 p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

George J. Lyford, Director of Investigations

Margaret Cavin, Adjudicating Board Member