

KENNY C. GUINN
Governor

STATE OF NEVADA



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

REPLY TO:

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STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
OCTOBER 7, 2003**

1. CALL TO ORDER:

Chairman Michael Zech called the meeting of the State Contractors Board to order at 8:27 a.m., Tuesday, October 7, 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. Chris Denning, Deputy Director of Investigations, Henderson
Mr. Gary Hoid, Deputy Director of Investigations, Reno

LEGAL COUNSEL PRESENT:

Ms. Carolyn Broussard, Legal Counsel
Mr. Bruce Robb, Legal Counsel (Walter Bruce Robb)

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

2. APPROVAL OF MINUTES:

It was moved and seconded to approve the minutes of September 23, 2003. MOTION CARRIED.

3. PETITION FOR REHEARING OR RECONSIDERATION:

SOLANO DEVELOPMENT COMPANY, LTD., LICENSE NO. 50086

Licensee was present with counsel, Jim Spoo.

It was moved and seconded to deny Solano Development Company, Ltd., license number 50086, the petition for a rehearing or reconsideration. MOTION CARRIED.

4. PETITION FOR REHEARING OR RECONSIDERATION:

SIERRASAGE, LLC, LICENSE NO. 52571

Licensee was present with counsel, Hal Taylor.

It was moved and seconded to deny SierraSage, LLC, license number 52571, the petition for a rehearing or reconsideration. MOTION CARRIED. Mr. Schaefer abstained.

5. 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.

PRECISION SIGNS, (C-6 ERECTING SIGNS) NEW APPLICATION – RECONSIDERATION

Applicant was present. The application was approved on a probationary status for twelve months with a financial review upon renewal.

TRIDENT DEVELOPMENT, INC., (B-2 RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATION – RECONSIDERATION – BOARD DECISION

Charles Clawson, attorney for applicant was present. The Board denied the applicants' request for reconsideration of name change.

VALENTINE CONSTRUCTION, INC., (B-2 RESIDENTIAL AND SMALL COMMERCIAL/ A GENREAL ENGINEERING) CHANGE OF QUALIFIER – BOARD DECISION REQUEST WAIVER OF TRADE EXAM

Linda Hoy, Qualified Employee was present. The application was approved with waiver of trade exam for license classification A General Engineering.

The remainder of the applications on the agenda were reviewed.

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

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

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

6. SUBCOMMITTEE REPORTS:

RECOVERY FUND SUBCOMMITTEE:

Ms. Grein provided a summary report and stated that the next meeting was scheduled for December 15, 2003.

CONSTRUCTION MANAGEMENT SUBCOMMITTEE:

The Committee requested Ms. Grein redraft the regulation for Construction Managers. A meeting with the Architects Board and Engineers Board will be scheduled for October 27, 2003.

CONSTRUCTION DEFECT SUBCOMMITTEE:

Ms. Grein reported that a workshop and public hearing has been scheduled for November, 2003 to receive public comment on a proposed regulation to implement provisions of SB 241, Sec. 12 regarding submission

of a question or dispute pursuant to a Chapter 40 construction defect proceeding.

FINANCE SUBCOMMITTEE:

Ms. Grein stated that she had met with the Brian Buckley, the Investment Officer of the Employee Pension Plan along with Mr. Schaefer and Mr. Thurgood. A meeting is scheduled with staff on October 9, 2003 to review the pension plan.

7. EXECUTIVE SESSION:

DISCUSSION OF NASCLA'S CONSTRUCTION MANAGERS SURVEY:

Ms. Grein reported on the survey conducted at the NASCLA conference regarding the licensing of Construction Managers in different states.

DEPARTMENTAL REPORTS:

HUMAN RESOURCES:

Mr. Bart Thurgood, Human Resources Manager reported on employee benefits.

LICENSING:

Ms. Kathy Stewart, Licensing Supervisor, provided a summary report for the Reno Licensing Department.

INVESTIGATIONS:

Mr. George Lyford, Director of Investigations, provided a summary report for the Reno Investigations Department.

PUBLIC RELATIONS:

Ms. Sonya Ruffin, Public Relations, reported on the trade shows the Board has been attending.

LEGAL:

Mr. Robb informed the Board that Solano Development Company, Ltd. and SierraSage, LLC would be filing for judicial review.

8. ACCEPTANCE OF THE HEARING OFFICER'S REPORT RE:

WEBB SOUTHEAST CONSTRUCTION CORPORATION, LICENSE APPLICATION:

Mr. Bill Hammer, counsel for Webb Southeast Construction Corporation was present.

It was moved and seconded to approve Hearing Officer Randy Schaefer's recommendation to approve the license application of Webb Southeast Construction Corporation for a B-2 Residential and Small Commercial with a \$5M license limit and a bond of \$50,000. MOTION CARRIED.

9. ADVISORY OPINION:

CITY OF RENO:

City of Reno requested an advisory opinion to determine if a contractor license was required for the installation of backflow devices located outside the structure on private property.

Based upon the information provided, the Board opined that a contractor holding an A (General Engineering), an AB (General Engineering and Building), an A-19 (Pipeline and Conduits), a C-1 (Plumbing and Heating),

or a C-1 (d) (Plumbing) classification license could perform the work described.

PUBLIC COMMENT

Steven Yanke of WestPoint Development Group, Inc. questioned the Board on it's policy regarding general contractors making complaints against their sub contractors. The Board requested Ms. Grein and Mr. Denning meet with Mr. Yanke regarding this matter.

William Walker was present and stated that he was a homeowner and explained how he was affected by the revocation of SierraSage license.

Mary Jane Cruz was present and stated that she was a homeowner and explained how she was affected by the revocation of SierraSage license.

Gary Uriaste was present and stated that he was a homeowner and explained how he was affected by the revocation of SierraSage license.

Judy Wright was present and stated that she was representing several homebuyers and explained how they were affected by the revocation of SierraSage license.

Doug Thorngren was present and stated that he was a homeowner and explained how he was affected by the revocation of Solano Development license.

Orrin Childs was present and he was a homeowner and explained how he was affected by the revocation of SierraSage license.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Vice Chairman Carson at 11:17 a.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Michael Zech, Chairman

DISCIPLINARY HEARINGS:

ADJUDICATING BOARD MEMBER: JERRY HIGGINS

10. DISCIPLINARY HEARING:

SIERRA WATERPROOFING, LICENSE NO. 16255

Licensee was present with counsel, Michael Springer.

This matter was continued to the November 12, 2003 Reno Board Meeting.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Jerry Higgins, Adjudicating Board Member

DISCIPLINARY HEARINGS:

ADJUDICATING BOARD MEMBER: MARGARET CAVIN

11. DISCIPLINARY HEARING:

NEVADA PAINTING COMPANY, LLC, LICENSE NO. 49275

Licensee was present with counsel, Phillip Kreitlein.

Hearing Officer Cavin found the respondent Nevada Painting Company, LLC, William Penzel, Member, license number 49275, guilty on the first, second and fifth causes of action and dismissed the third and fourth causes of action. License number 49275, Nevada Painting Company, LLC is to be placed on probation for one year with Mr. Penzel supplying copies of all contracts quarterly to Deputy Director Gary Hoid. Mr. Penzel was assessed a fine of \$500 for the first, second and fifth cause of action for a total of \$1,500. Investigative costs were assessed in the amount of \$1,279. The fine and costs are to be paid within 90 days from October 7, 2003 or license number 49275, Nevada Painting Company, LLC will automatically be suspended.

12. DISCIPLINARY HEARING:

CARLO FIORI, LICENSE NO. 43455

Licensee was not present. David Atkins, counsel for licensee was present.

Hearing Officer Cavin continued this matter to the October 28, 2003 Las Vegas Board Meeting to allow Carlo Fiori, license number 43455 twenty (20) days to correct the outstanding items on the Notice to Correct or to reach a monetary settlement with the homeowner. If items are corrected or a settlement is reached, the voluntary surrender of license number 43455, Carlo Fiori will be accepted. If the items are not corrected by October 27, 2003 or a monetary settlement to the homeowner is not reached, license number 43455, Carlo Fiori will automatically be revoked.

13. P K ALLEY, LICENSE NO. 36543

Licensee was present with counsel, Egan Walker.

Hearing Officer Cavin found the respondent P. Keith Alley, dba P K Alley, license number 36543, guilty of the first, second, third, fourth and fifth causes of action and dismissed the sixth and seventh causes of action. Mr. Alley has fifteen (15) days from October 7, 2003, to provide bids for the repair of the outstanding items on the Notice to Correct. All items on the Notice to Correct are to be repaired by properly licensed contractor(s) within 90 days from October 7, 2003. All work by the replacement contractors are to be lien free. If all the items are not repaired within 90 days P. Keith Alley, dba P K Alley, license number 36543, will automatically be revoked. The penalty phase was stayed.

14. ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Cavin at 3:48 p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Margaret Cavin, Adjudicating Board Member