

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  
OCTOBER 17, 2000

The meeting of the State Contractors' Board was called to order by Vice Chairman Mike Zech at 8:41 a.m., Tuesday, October 17, 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)  
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:**

Leslie Clarkson, Court Reporter, Sierra Nevada Reporters; Robb Smitt, President, Roofing Contractors' Associates of Nevada; Brian Harris, Legal Counsel, Eller Media; Steve Raper, Vice President and Area Manager, Eller Media; Craig Bennett, Vice President, J B H Construction, Wendy Archuleta, Representative, J B H Construction; David Spurlock, Attorney, ASCL Inc.; Kevin Quilici, Qualified Officer, Quilici Construction Co; Bob Barengo, Legislative Representative; Michael Brodie Lewis, President, M B Lewis Construction Inc, Joy Joyner, Complainant; Carrie Insley; Jeff Briggs, Legal Counsel, Aspen Construction Inc; Gay Bateson, Secretary/Treasurer, Aspen Construction Inc; Dwain Bateson, President, Aspen Construction Inc; Peter Dube, Complainant; Allen Ramsey, Vice President, Ramsey Bros; Fred Atkinson, Complainant; Suzanne Brown, Secretary, Steve Brown Construction Inc; Bruce Bacon, Owner, Harmony Homes; Edward Visser, President, Visser Group Inc; Gay Labrasher, Representative; and George Stanford, Owner, George H. Stanford.

Ms. Grein stated that John Sapp had posted the agenda in compliance with the open meeting law on October 11, 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 September 26, 2000.

**MR. CARSON MOVED TO APPROVE THE MINUTES OF SEPTEMBER 26, 2000.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

It was learned there were 23 items on the amended agenda, each item of an emergency nature. Additionally, on the regular agenda, item #10, Grass Valley Homes, had been noticed for 11:15 a.m. rather than 11:00 a.m., and on item #5, Architectural Concrete, a writ of prohibition had been filed and the scheduled hearing stayed until November 7, 2000. There were also changes to the Executive Session.

**MR. CARSON MOVED TO HEAR THE AMENDED AGENDAS.**

**MS. SHELTRA SECONDED THE MOTION**

**THE MOTION CARRIED.**

**EXECUTIVE SESSION**

Ms. Grein announced that Hal Taylor was no longer with the Board, and Mr. Haney would be presenting this day's cases.

**PROPOSED REGULATIONS**

**1. INVESTIGATOR QUALIFICATIONS, PURSUANT TO NRS 624.112 (B)**

The Board was informed of the results of the workshop held on October 12, 2000. Public comment, testimony, and suggestions for changes in the language had been received. Ms. Grein stated that it was her feeling a second public hearing needed to be held in Las Vegas to allow the public in Southern Nevada an opportunity to comment on the proposed regulation.

Ms. Sheltra recapped the public hearing, expressing that public comment stressed the importance for an applicant to have a minimum of 5 years trade or criminal experience, but to not require a college education, as it would cut down on the applicant pool.

Robb Smitt, President, Roofing Contractors' Associates of Nevada, commented that he concurred with Ms. Sheltra, and stated that the group he represented was also in opposition to qualifications #2 and #3 regarding both investigators' criteria, compliance and criminal. It was Mr. Smitt's position that the construction profession was unique. One could not get an education on how to build things, one needed the actual process of construction, which was the experience factor. He strongly supported the 5-year experience qualification.

Mr. Zech pointed out that qualification #1 gave the Board the latitude it needed in making a selection. Mr. Smitt agreed.

Mr. Johnson suggested changing the verbiage to designate senior management as the staffing agent for the Board.

**MR. SCHAEFER MOVED TO NOTICE THE PUBLIC HEARING IN LAS VEGAS.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

2. **FORM FOR ADMINISTRATIVE CITATIONS, TIME TO CORRECT, IMPOSITION OF ADMINISTRATIVE FINES PURSUANT TO NRS 624.361**

Postponed.

**FUTURE MEETING AGENDAS AND SCHEDULES**

A discussion ensued regarding the best day to schedule Board hearings for the upcoming year, 2001. The general consensus was Wednesday.

**REVIEW OF PROPOSED EMPLOYEE BENEFIT PACKAGE**

Ms. Grein informed the Board that Health Insurance rates were going up as of November 1, 2000. The Board authorized shopping for comparable health insurance packages.

**ADVISORY OPINIONS**

1. **ELLER MEDIA COMPANY: LICENSING REQUIREMENTS FOR CHANGING ADVERTISER'S COPY ON PRE-EXISTING BILLBOARDS**

Brian Harris, Legal Counsel, Lionel, Sawyer, & Collins, was present with Steve Raper, Vice President and Area Manager, Eller Media, were present for the advisory opinion.

Mr. Harris explained why the advisory opinion had been requested. The question had been raised as to whether a contractor's license was needed to change advertising copy on an erected billboard. Eller Media had acquired the business of Donrey Outdoor Advertising, and a C6 license application would be submitted in order to acquire a license to erect and construct billboards. But in this particular instance, Eller employee's were only in the process of changing advertiser's copy on a pre-erected billboard. The process was known within the industry as posting paper. It consisted of taking pre-pasted sheets of advertising copy and pasting them to a poster board that was already on the billboard, or strapping a vinyl sign to an existing billboard.

The Board opined that the work as represented did not require a license.

2. **J B H CONSTRUCTION: LICENSING REQUIREMENTS FOR CONSTRUCTION MANAGEMENT**

Craig Bennett, Vice President, J B H Construction, and Wendy Archuleta were present for the opinion.

Ms. Mathias explained that the matter related to a class action lawsuit that had to do with defective pipe and pipe fittings several years ago. There had been an award by the court. J B H Construction acted as a construction manager in seeking

out and hiring licensed contractors to perform required repair work pursuant to the settlement agreement.

Mr. Bennett said the primary function of J B H in the United States was to assist members of the class action in locating and finding qualified licensed contractors rather than leaving it up to the homeowner to do so. The entities set up by the court were the Claims Administrator and the Funds Administrator, who, in turn, hired J B H Construction. J B H then contacted the homeowners to determine if they had a contractor to perform corrective work, and if they did not, J B H provided the homeowner with a licensed contractor, and acted as the middle man between both parties and the Funds Administrator.

It was Mr. Bennett's understanding that if J B H were to be paid for the job and, thereafter, money given to the contractor, a license was required. But he questioned if the following was an option. Mr. Bennett said the Claims and the Funds Administrator had given him permission, once a contractor's bid had been submitted and approved, to allocate funds directly to the homeowner to pay the contractor when the job was completed, or a check could be cut directly from the Funds Administrator to the contractor who performed the work.

J B H was paid approximately 15 to 20% as administrative costs.

Mr. Bennett then described the class action regarding plastic pipe.

Mr. Haney questioned if the Claims Administer was considered an officer of the court. Mr. Bennett replied yes. Mr. Haney stated that there was a possibility of an exemption if J B H was working on behalf of the Claims Administrator, as his agent.

Mr. Haney suggested that Mr. Bennett submit documents to Mr. Reese for review, stating the matter could then be heard again on October 24 or November 7, 2000.

A discussion then focused on J B H acquiring a license to eliminate the problems being addressed.

Mr. Bennett next queried if the pertinent jobs could be performed if the contractor worked directly for the homeowner, and if the check was sent from the Funds Administration to the homeowner to pay the contractor upon completion of the job until a license was obtained.

The general consensus was that as long as J B H was not party to the contracts, there would be no problem. But again, it was suggested that J B H acquire a license.

3. **ASLC, INC. D.B.A. SAFEVILLAGE: LICENSING REQUIREMENTS FOR INSTALLATION OF SECURITY EQUIPMENT**

David Spurlock, Attorney, representing ASLC Inc., was present for the advisory opinion.

He believed the request for advisory was moot, as his client's license application was scheduled for consideration later in the day.

The general consensus was to table the advisory opinion for application review.

4. **QUILICI CONSTRUCTION CO. LICENSING REQUIREMENTS FOR INSTALLATION OF WATER AND GAS LINES**

Kevin Quilici, Qualified Officer, Quilici Construction Co, was present.

Ms. Mathias stated that the request questioned whether or not Quilici Construction could act as the general contractor for gas and water pipe installation projects, and either subcontract the A19 to a properly licensed contractor, and/ or could Quilici Construction act as a subcontractor to another contractor and install the gas and water piping, even though he didn't hold that license.

Additionally, Ms. Mathias said that a broadening application for Quilici Construction was scheduled for application review later in the day.

The general consensus was to table the advisory opinion for application review later in the day.

**ENFORCEMENT ADVISORY COMMITTEE**

**MOUNTAIN AIRE INC #23072A -- No Permit**

On September 11, 2000, an Enforcement Advisory Committee comprised of former Board member Jack Lindell, George Lyford, Hall Taylor, and Margi Grein had met with the Respondent, Randall Dean Roser, President, to review the allegation of failure to pull a permit. The allegation was found to be true, with mitigating circumstances. The Committee recommended, as the only penalty, to recover the cost of the investigation in the amount of \$581.74.

**MR. CARSON MOVED TO ACCEPT THE SETTLEMENT AGREEMENT.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**DISCIPLINARY HEARINGS**

**ARCHITECTURAL CONCRETE #8684A -- DISCIPLINARY HEARING (Continued from 08/08/00 and 09/12/00)**

Stayed.

**HIGH DESERT CONSTRUCTION #45587 -- DISCIPLINARY HEARING**

Brent J. Sessions, Owner, High Desert Construction, was not present. Neither legal counsel nor anyone else was present to represent the Licensee.

The Notice of Hearing and Complaint, consisting of pages 1-27, had been mailed by certified mail on August 21, 2000. The certified mailing had been returned ("Unknown") to NSCB on August 24, 2000.

The Amended Notice of Hearing and Complaint, consisting of pages 1-27, had then been mailed by certified mail on September 22, 2000. The certified mailing receipt was returned to NSCB on September 27, 2000.

The hearing was for possible violation of NRS 624.3017 (1), workmanship which is not commensurate with standards of the trade in general or which is below the standards in the building or construction codes adopted by the city or county in which the work is

performed; NRS 624.3013 (5), as evidenced by NAC 624.700 (3) (a), failure in any material respect to comply with the provisions of this chapter by not complying with the order to correct; NRS 624.301 (2), abandonment of the Project when the percentage of the project completed was less than the percentage of the total price of the contract paid to the Respondent at the time of abandonment; and NRS 624.270 (3), failure to maintain in full force the required bond.

The notice of hearing was entered into the record as EXHIBIT 1.

NSCB Investigator Gary Leonard, was sworn in. He testified that he had investigated both projects, that of Kelby Cates and Richard Maddox.

**Kelby Cates:**

The project had been started but never completed. Only 30 to 40% of the work had been performed. The contract had been entered into with the homeowner and the Licensee. The total contract price had been paid, the project had not been completed, and the work that had been performed was below the standard of the industry. A notice to correct had been sent to the Licensee but there had been no response.

**Richard Maddox:**

The project had been completed but there was warranty work that needed to be corrected. The contract had been entered into with the homeowner and the Licensee. The fence was not built to industry standards and codes in the area. A notice to correct had been sent to the Licensee but, again, there had been no response.

Mr. Leonard indicated that there was no notice of change of address in the Licensee's file.

The status of the license was suspended for no bond.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO ACCEPT THE TESTIMONY AND FILE AS FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO FIND LICENSE #45587, HIGH DESERT CONSTRUCTION, IN VIOLATION OF ALL CHARGES.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO REVOKE LICENSE #45587, HIGH DESERT CONSTRUCTION; AND TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AS WELL AS THE RECOVERY OF THE INVESTIGATIVE COSTS OF \$4,504.71 PRIOR TO FUTURE CONSIDERATION FOR LICENSURE IN THE STATE OF NEVADA.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**EXECUTIVE SESSION** (Continued)

**UNFINISHED BUSINESS**

Bob Barengo, Legislative Representative, was introduced to the Board. He stated that after representing the Board in the last legislative session, he now had a better idea of what needed to be done for the Board.

**DISCIPLINARY HEARINGS**

**M B LEWIS CONSTRUCTION INC #39667A -- DISCIPLINARY HEARING** (Continued from 08/08/00 and 09/12/00)

Michael Brodie Lewis, President, M B Lewis Construction Inc, was present, along with Joy Joyner, Complainant; Carrie Insley; and NSCB Investigator Gary Hoid.

Mr. Haney recapped the previous meeting, explaining what was to occur prior to this day's hearing. .

Mr. Haney questioned Mr. Hoid, who testified he had since been in contact with Washoe County and Kleinfelder Inc. regarding the approach to Ms. Joyner's driveway. He said he had received from both a total of 4 documents that were now entered into the record as EXHIBIT 5.

Mr. Lewis stated that he had not seen the documentation, particularly the one from the County, which now indicated the approach to the driveway was not in compliance with county code.

Ms. Sheltra moved to reconsider the charge pertaining to the driveway approach.

Mr. Reese countered that it had not been noticed. Mr. Haney suggested acting only on the matters that were currently before the Board.

Investigator Hoid testified that the rock wall had been completed.

Ms. Joyner provided 2 photographs that indicated that the rock wall had not been put back the way it was before. Her photographs were entered into the record as EXHIBIT 6. Mr. Lewis, in turn, provided 4 photographs of the rock wall taken upon completion of the work. The contractor's photographs were entered into the record as GROUP EXHIBIT D.

Mr. Hoid said he had not been back to the property to see the rock wall.

Mr. Lewis said he did not pay the Joyners the \$1,000 as agreed during the last meeting. He said if the matter was resolved this day, he would write the check to Ms. Joyner.

Mr. Hoid commented that he would not be able to determine if the rock wall was the same as before as he had not been the original investigator on the case.

A discussion regarding the rock wall followed. It was learned that M B Lewis did not originally install the rock wall.

Mr. Lewis said he would be willing to return to the property and put the rocks anywhere Ms. Joyner wanted him to, and he said he would also deliver a check for \$1,000 to Ms. Joyner per Mr. Hoid's inspection and approval, because both parties agreed they needed a mediator between them.

Mr. Zech clarified that the only issues that the Board was dealing with were the corrective action that had been ordered: to fix the block wall, to take out the concrete sidewalk, and to give back the money. Out of the three, only one item had been accomplished.

Ms. Joyner believed that new skirting and staining issues had arisen as a result of the rock wall repair. She wanted those issues addressed as well. Ms. Joyner was told she needed to file a new complaint regarding those items.

It was suggested to Mr. Lewis that he remove the sidewalk and give Ms. Joyner her money back.

A discussion then occurred regarding the approach to the driveway, which the County Inspector now said was not in compliance to code. Herein it was noted that the information in EXHIBIT 5 was new information, and that Mr. Lewis had not had an opportunity to review it.

Mr. Lewis then agreed to meet Investigator Hoid at the property on Thursday, October 19, 2000. He agreed to perform all corrective work, including fixing the new damage that was possibly done while repairing the rock wall: plastic skirting on the mobile home and stain on the fence; and to return the \$1,000 to Ms. Joyner once the work met with Mr. Hoid's approval.

All agreed that the only new issue remaining once all other items were resolved was the height of the approach to the driveway.

**MR. CARSON MOVED TO CONTINUE THE MEETING TO DECEMBER 5, 2000, AND TO REVISIT OR REOPEN ALL PENDING CHARGES.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**ASPEN CONSTRUCTION INC #41800 -- DISCIPLINARY HEARING**

Jeff Briggs, Legal Counsel, Aspen Construction Inc, was identified. Gay Bateson, Secretary/Treasurer, Aspen Construction Inc; Dwain Bateson, President, Aspen Construction Inc; Peter Dube, Complainant; NSCB Investigator Gary Hoid; and Allen Ramsey, Vice President, Ramsey Bros, were sworn in.

A Notice of Hearing and Complaint, consisting of pages 1-36, had been mailed certified on August 21, 2000. The return receipt was signed and returned to NSCB on August 24, 2000.

An Amended Notice of Hearing and Complaint for the rescheduled October 17, 2000, hearing, consisting of pages 1-36, had then been mailed certified on September 22, 2000. The certified mail receipt was returned September 25, 2000.

Attorney Jeffery Briggs filed a Request for Continuance on October 2, 2000. The Request was denied.

The hearing was for possible violation of NRS 624.3017 (1), workmanship which is not commensurate with standards of the trade in general or which is below the standards in the building or construction codes adopted by the city or county in which the work is performed; NRS 624.3013 (5) failure to comply with law or regulations of board, as evidenced by NAC 624.640 (5), omission of license number and any monetary limit placed upon license; NRS 624.301 (2), abandonment of the Project when the percentage of the project completed was less than the percentage of the total price of the contract paid to the

Respondent at the time of abandonment; NRS 624.3011 (1) (a), willful and prejudicial departure from or disregard of plans or specifications without the consent of the owner; NRS 624.3012 (3), failure to obtain the discharge or release of any lien recorded against the property to be improved by a construction project for the price of any materials or services rendered to the project by order of the Respondent, when the Respondent received sufficient money therefor as payment for the project, within 75 days after the recording of the lien; NRS 624.3012 (2), willful or deliberate failure to pay money due for materials or services rendered in connection with his operations as a contractor, when he had the capacity to pay or had received sufficient money therefor; and NRS 624.3016 (6), failure to provide the owner with required disclosures pursuant to NRS 624.600.

The notice of hearing was entered into the record as EXHIBIT 1.

The stipulation was not signed. The reading of formal charges was waived.

Mr. Haney stated that the Licensee had filed an answer to the complaint, which was contained in EXHIBIT 1. Additionally, the Licensee had admitted that the license number had not been included on the contract and that the Licensee had failed to determine that Bryson Construction was properly licensed.

Mr. Dube testified that he had entered into a contract with the Licensee for a construction project on a single-family residence. The original contract price was \$131,274. Two payments had been made. Mr. Dube then detailed what work had been performed by Bryson Construction, a subcontractor hired by the Licensee. Bryson had poured footings and stemwalls, which were out of square to the plans. When Mr. Dube requested the Licensee to repair the work, the Licensee had indicated there was nothing wrong with it.

Mr. Haney then referenced pictures in EXHIBIT 1 that indicated what damage had been done to the plumbing.

Mr. Dube said that he had hired Ramsey Bros. to repair the work because he had received a letter from the Licensee terminating the contract. Mr. Dube added that between the money he paid the Licensee and the money he paid Ramsey Bros. he had paid more money than the original contract price with the Licensee.

For the record, Mr. Briggs clarified that Mr. Dube was the owner architect of the project.

Mr. Ramsey testified that he had first seen the project in September 1999, and provided the Board with the details of what he found and what he did to correct the problems, which included walls misplaced by 3 inches, missing anchor bolts, missing hold downs, one wall out of square, and a foundation that had not been poured level.

Mr. Briggs questioned Mr. Ramsey regarding the corrective action he had taken per the plans, asking him which plans. Mr. Ramsey said the plans that Mr. Dube had submitted to him, adding they had been stamped and approved by the building department. Mr. Briggs clarified that the Ramsey bid was dated September 24, 1999 and Mr. Ramsey stated that the work had been accomplished about a week or two thereafter.

Questioning followed regarding the depth of the stem wall footings and the walls that were out of square.

Mr. Haney next questioned Mr. Bateson regarding the lien that had been filed. Mr. Bateson said he subsequently released the lien, not because payment had been made, but because he did not believe the lien was the issue, rather breach of contract was the issue. He said he did not know of anyone he hired who had filed a lien.

When asked who Reno Concrete was, Mr. Bateson said that Reno Concrete was the company he had originally gotten concrete prices from. Later, Mr. Dube hired them. But it was C B Concrete who originally supplied the concrete to Mr. Dube, and later recorded a lien against the property. Mr. Bateson said he paid C B Concrete \$1,000 of the \$4,536.68 owed, but when he attempted to work out payment arrangements with them for the balance of \$3,536.68, he was informed that Mr. Dube had paid them the balance, thereby removing the lien from his property. When asked why he did not attempt to pay off the amount owed, Mr. Bateson said he decided to let Mr. Dube pay it because they were in litigation.

Mr. Haney confirmed that litigation had been filed, and Mr. Briggs explained the two actions filed by Mr. Dube. It was the second action that the court said arbitrate the issues of negligent construction, fraud, and breach of contract.

In further questioning, Mr. Dube said he was waiting on the Board to take action before starting arbitration. He was unable to confirm when Mr. Ramsey began work, saying his initial check to Ramsey was on October 24, 1999.

Investigator Hoid testified he had checked the license of Bryson Construction. They held a B2 license. Mr. Hoid said there was no written contract, only a verbal agreement. Both Bryson Construction and Aspen Construction had indicated to him that in addition to the stem walls and footings, Bryson was also going to do the framing up to the roof sheeting.

Mr. Briggs questioned if a formal complaint had been opened against Bryson. Mr. Hoid said yes, but no action had been taken against the license because it had been difficult to determine if Bryson was out of scope.

Mr. Briggs presented the Board with a packet of documents, which was entered into the record as GROUP EXHIBIT A. He said it contained correspondence between both parties that targeted the abandonment issue. It was his contention that the documents proved that Mr. Bateson did not abandon the project, rather he ceased work when he was not paid pursuant to the contract as of September 10, 1999. Mr. Dube filed his complaint with the Board on September 21, 1999. He next filed against the surety bond on September 22, 1999, and he brought Ramsey in to bid on September 24, 1999. Mr. Briggs said Exhibit-h of the packet indicated that work had been suspended by the owner on September 10, 1999.

Mr. Bateson then provided the history of the project, during which he admitted doing damage to the plumbing but added he had agreed to fix the damage.

Mr. Haney confirmed that payment issues arose on September 10, 1999. Mr. Bateson verified he had been paid \$28,000 before the concrete had been poured.

Mr. Briggs disputed the photographs contained in the hearing notice, providing his reasons why, and Mr. Bateson spoke to the offsets.

Mr. Bateson admitted he was not happy about Bryson Construction's work. But, he said, Bryson had agreed to correct the work.

More questioning occurred regarding the foundation and the survey report.

Mr. Briggs then admitted to the violations as presented in causes of action 3 and 8.

Ms. Cavin questioned the license history.

Ms. Mathias clarified the license history. She said there was one closed money owing complaint, and there was one other pending investigation involving workmanship. In addition, there had been an one suspension for failure to maintain required bond.

Investigator Hoid substantiated Investigator Maloy's notes. Investigator Maloy's original 10 photographs of the project were entered into the record as EXHIBIT 2.

The evidentiary portion of the meeting was closed.

**MS. SHELTRA MOVED TO REFER THE MATTER TO FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**NEVADA CONCRETE CONSTRUCTION #43354 -- DISCIPLINARY HEARING**

Ms. Grein stated that she had just received a fax from Nevada Concrete Construction requesting a continuance. The request was denied.

Peter Michael Houle, President, Nevada Concrete Construction, was not present. Neither legal counsel or anyone else was present to represent the Licensee.

Fred Atkinson, Complainant, and NSCB Investigator Gary Hoid, Investigator, were sworn in.

The Notice of Hearing and Complaint for the October 10, 2000, hearing, which consisted of pages 1-15, had been mailed certified on August 21, 2000. The certified mail receipt was returned to NSCB on August 24, 2000.

A copy of the Notice of Hearing and Complaint for the October 10, 2000 hearing, was re-mailed to Fred Atkinson at 235 Imperial Rd., Dayton, NV, 89403, on or about August 30, 2000.

The Amended Notice of Hearing and Complaint for the rescheduled October 17, 2000, hearing, which consisted of pages 1-15, had been mailed certified on September 22, 2000. The certified mail receipt was returned to NSCB on September 25, 2000.

The hearing was for possible violation of NRS 624.3017 (1), workmanship which is not commensurate with standards of the trade in general or which is below the standards in the building or construction codes adopted by the city or county in which the work is performed; NRS 624.3013 (5), as evidenced by NAC 624.700 (3) (a) and NAC 624.640 (5), failure to comply with law or regulations of board by failing to comply with the order to correct, and failure to provide the license number and any monetary limit placed upon the license.

The notice of hearing was entered into the record as EXHIBIT 1.

Mr. Atkinson testified that he had entered into an agreement with the Licensee to construct stemwalls, sidewalks and a garage slab at his residence. The total contract price was \$13,569, and Mr. Atkinson paid the Licensee \$9,435. The work had not been done properly.

NSCB Hoid testified that he had validated the finished work on the garage slab, detailing that the slab was extremely rough and had not been finished properly. A notice to correct had been sent but there had been no response.

Mr. Haney next read the Licensee's response into the record, reiterating that at 10:50 a.m. the Licensee had sent a fax requesting a continuance for a hearing that had been scheduled for 10:45 a.m. This was the first response from the Licensee regarding the hearing notice.

**MR. CARSON MOVED TO ACCEPT THE TESTIMONY AND FILE AS FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW.**

**MS. CAVIN SECONDED THE MOTION.,**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO FIND LICENSE #43354, NEVADA CONCRETE CONSTRUCTION, IN VIOLATION OF ALL CHARGES.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO REVOKE LICENSE #43354, NEVADA CONCRETE CONSTRUCTION; AND TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AS WELL AS THE RECOVERY OF THE INVESTIGATIVE COSTS OF \$3,222.06 PRIOR TO FUTURE CONSIDERATION FOR LICENSURE IN THE STATE OF NEVADA.**

**MS. SHELTRA SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**RENEWAL HEARING**

**GRASS VALLEY HOMES #41224 & #41185 -- RENEWAL HEARING (Continued)**

John Lee Wagoner, Owner, Grass Valley Homes, was not present.

Mr. Haney read the following letter dated October 16, 2000 from Attorney Gregory Corn into the record. The letter was entitled "WITHDRAWAL OF LICENSE RENEWAL APPLICATION". It read: After consideration, my client, John Lee Wagoner, has chosen to withdraw his application for renewal of his contractors' license numbers 41185 and 41224. Please withdraw the same from your agenda. Thank you. Yours very truly, Gregory Corn.

The letter was entered into the record as EXHIBIT 1.

Ms. Stewart pointed out that license # 41124 was in error and should read #41184.

**MR. CARSON MOVED TO ACCEPT THE REQUEST TO WITHDRAW THE LICENSE RENEWAL APPLICATIONS OF GRASS VALLEY HOMES.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**APPLICATIONS**

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).

**A S L C INC** (C2C, E – Fire Detection Signal Systems) NEW APPLICATION

David Spurlock, the attorney representing A S L C Inc, was present. He was informed that the license application had been approved with a limit of \$10,000 and a \$5,000 bond.

**STEVE BROWN CONSTRUCTION INC** (A12, 15, 16, 19A) NEW APPLICATION, WAIVER OF TRADE EXAM

The company was applying for a corporate license to replace their sole proprietorship license, and wanted to add the A19A sub-classification to the scope of work they performed. Mr. Brown was requesting that the A19A trade exam be waived.

Suzanne Brown, Secretary, was present to speak on behalf of Steve Brown, President and Qualified Officer. He had taken the exam on September 26, 2000 and failed.

Mr. Johnson stated he would consider waiving the A19A trade exam and others concurred with him, but the general consensus was to table the application for new financial information or personal indemnification.

**LAKE COUNTRY DEVELOPMENT INC** (B2, 3 – Residential and Small Commercial; Speculative Building) NEW APPLICATION

Lynn Fetterly, President, was present. He was notified that the license application had been approved with a license limit of \$5 million and a \$30,000 bond.

**MOUNTAIN HIGH LANDSCAPE INC** (C10 – Landscape Contracting) NEW APPLICATION

Michael Berkich, President, was present. He was notified that the license application had been approved with a license limit of \$50,000 and a \$5,000 bond.

**PACIFIC POOLS & SPAS OF LAS VEGAS** (A10 – Commercial & Residential Pools) NEW APPLICATION (BOND ONLY)

Michael Marshall, Member, was present. He was notified that the license application had been approved with a limit of \$900,000 and a \$50,000 bond.

**SYBLON REID** (A – General Engineering) NEW APPLICATION, RECONSIDERATION, NAME SIMILARITY

The license application had been before the board on two occasions: August 22, and September 26, 2000. It had had been approved in the first meeting with an unlimited license amount, a \$50,000 bond, and a name change. The applicant then submitted a request for reconsideration on the name similarity issue. On September 26 there had been no majority vote on the name change.

The general consensus was that a name change was not required.

**T K O CONSTRUCTION** (B2 – Residential & Small Commercial) NEW APPLICATION, RECONSIDERATION

The license application had been denied on August 8, 2000 for lack of financial responsibility. New financial information had been provided.

Tracy Oberhansli, Owner, was present. He was notified that the license application had been approved with a limit of \$75,000 and a \$10,000 bond.

**HARMONY HOMES** (B1, 2, 3 – Premanufactured Housing; Residential & Small Commercial; Speculative Building) NEW APPLICATION

Bruce Bacon, Owner, was present.

Ms. Stewart, Licensing Supervisor, presented information regarding Mr. Bacon's prior convictions.

A financial discussion then followed.

**MS. CAVIN MOVED TO TABLE THE LICENSE APPLICATION FOR NEW FINANCIAL INFORMATION.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**B M S W INC** #36911 (A7 – Excavating & Grading) BROADENING OF CLASSIFICATION, WAIVER OF TRADE EXAMS

Sam White, Vice President, was present. He was notified that the broadening of the license application had been approved and the trade exams waived.

**J SLASH B ENTERPRISES INC** #43370 (A7, 12, 15, 19A – Excavating & Grading; Excavate Grade Trench Surface; Sewers, Drains & Pipes; Pipeline & Conduits for Water) BROADENING OF CLASSIFICATION, WAIVER OF TRADE EXAMS

Lorne Johnson, President, was present. He was notified that the broadening of the license application had been approved and the trade exams waived.

**QUILICI CONSTRUCTION CO INC** #23367 (A7, 9, 12, 13, 15 – Excavating & Grading; Piers & Foundations; Excavate Grade Trench Surface; Wrecking Buildings; Sewers, Drains & Pipes)

Kevin Quilici, Qualified Officer, was present. He was notified that the broadening of the license application had been approved and the trade exams waived.

**VISSER GROUP INC** #44911 (B2 – Residential & Small Commercial) ONE TIME RAISE IN LIMIT

Edward Visser, President, was present. The Board informed Mr. Visser that the one time raise in limit for \$190,000 to perform an addition to the Sirelli residence had been approved, payment and performance bonds if required.

The remainder of the applications on the agenda were reviewed and discussion occurred on the following: Nos. 2, 6-7, 10-11, 16, 31, 33, 38, 44-45, 49, 65, 69, 73, 78-80, 82, 89, 92, 95, 100, 107, 109, 111-112, 114-117, 120, 122, 124, 134-135, 139-140, 148-149, 155, and 157; and on the amended agenda: Nos. 1, 5, 7, 9, 12, 14-16, and 20-23.

**MR. CARSON MOVED TO REOPEN THE MEETING TO THE PUBLIC.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

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

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**PUBLIC COMMENT**

Gay Labrasher, Representative, and George Stanford, Owner, George H. Stanford, were present for public comment.

Mr. Stanford had held a license, which was currently cancelled. Mr. Lyford provided the license history of license #39036, explaining that NRS 624 did not permit the automatic renewal of a license after a specified period of time.

The Board recommended that, per statute, Mr. Stanford apply for a new license.

There being no further business to come before the Board, the meeting was adjourned by Vice Chairman Zech at 2:03 p.m.

Respectfully Submitted,

Betty Wills, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Mike Zech, Vice Chairman