

KENNY C. GUINN  
Governor

## STATE OF NEVADA



### MEMBERS

KIM W. GREGORY  
*Chairman*  
DOUGLAS W. CARSON  
MARGARET CAVIN  
JERRY HIGGINS  
DENNIS K. JOHNSON  
RANDY SCHAEFER  
MICHAEL ZECH

## STATE CONTRACTORS' BOARD

### MINUTES OF THE MEETING DECEMBER 19, 2000

REPLY TO:  
RENO

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Reno, Nevada 89511  
(775) 688-1141  
Fax (775) 688-1271  
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### LAS VEGAS

4220 So. Maryland Parkway  
Building D, Suite 800  
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The meeting of the State Contractors' Board was called to order by Chairman Kim Gregory at 8:30 a.m., Tuesday, December 19, 2000, State Contractors' Board, Las Vegas, Nevada. EXHIBIT A is the Meeting Agenda and EXHIBIT B is the Sign In Log.

### BOARD MEMBERS PRESENT:

Mr. Kim Gregory - Chairman  
Mr. Doug Carson  
Ms. Margaret Cavin  
Mr. Jerry Higgins  
Mr. Dennis Johnson  
Mr. Randy Schaefer  
Mr. Mike Zech

### BOARD MEMBERS ABSENT:

None

### STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer  
Mr. Robert Griffy, Legal Counsel (Haney, Woloson & Mullins)  
Mr. Dennis Haney, Legal Counsel (Haney, Woloson & Mullins)  
Mr. David Reese, Legal Counsel (Cook, Roberts & Reese)  
Ms. Nancy Mathias, Licensing Administrator  
Mr. George Lyford, Director of Special Investigations Unit  
Mr. Rick Bertuzzi, Director of Investigations  
Mr. Roy Schoonmaker, Investigations Supervisor  
Ms. Frank Torres, Assistant Director of Investigations  
Ms. Doris Talley, Licensing Management Assistant  
Mr. Linc Dante', Investigator  
Mr. Bob Macke, Investigator  
Mr. Greg Mincheff, Investigator  
Mr. Tom Tucker, Investigator  
Mr. Greg Welch, Investigator  
Mr. Bill Brandon, Recording Secretary

### OTHERS PRESENT:

Cari Inkenbrandt, Court Reporter, CSR Associates of Nevada; Gary Paul Gonzales, Owner, Custom Flooring; Tara Breen and Kenny Breen; Leo B. Margolian, Owner, and Mr. Margolian, Sr., of Leo B. Margolian; Ms. Donna Teich; Ms. Judie Green, Mr. Steven Lee, Design Builders, Ms. Charlie Blaine, Design Builders; Mr. Gary Davis, President Trade Wind Development Inc.; Ms. Melinda Stratton; Mr. Richard Paul Blunk, President, All-Dry Roofing; Mr. Lawrence Rose; Ms. Teresa Seglin; Mr. James Mark Limerick, Owner, Coyote Construction; Ms. Elizabeth Weeks, Sierra Ready Mix; Ms. Gayle Kirk, Steel Engineers, Inc.; Mr. Bob Sanford, Steel Engineers, Inc.; Mr. Milford J. Griffis, Jr.

Ms. Grein stated that Tom Lundberg had posted the agenda in compliance with the open meeting law on December 13, 2000, at the Sawyer State Building, Clark County Library, and Las Vegas City Hall. Additionally, the agenda had been posted in each office of the Board, Las Vegas and Reno, and on the Board's Internet web site.

Mr. Gregory called for a motion to approve the minutes of November 21, 2000 and December 5, 2000.

**MR. JOHNSON MOVED TO APPROVE THE MINUTES OF DECEMBER 5, 2000.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. ZECH MOVED TO APPROVE THE MINUTES OF NOVEMBER 21, 2000.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

It was learned there were 31 items on the amended agenda, each item of an emergency nature. Additionally, the regular agenda was amended to include a request for a late renewal on Sapper Construction Company, License #19645 and also two requests for a continuation by LDN Development and RDJ Investments, both asked to appear.

**MR. ZECH MOVED TO ACCEPT THE AMENDED AGENDA.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**Motion was made, seconded, and carried to accept Amended Agenda.**

**EXECUTIVE SESSION**

SAPPER CONSTRUCTION COMPANY, #19645

Ms. Grein stated she had received a request for late renewal of license #19645. A completed application had been submitted.

**MR. JOHNSON MOVED TO APPROVE RENEWAL OF LICENSE #19645**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED**

**DISCIPLINARY HEARINGS**

**HIS CUSTOM FLOORING #44390 – DISCIPLINARY HEARING**

Notice of Hearing & Complaint, dated November 17, 2000, consisting of pages 1-37, was sent certified mail to the address of record on file with the Board. The return receipt was dated November 18, 2000.

The hearing was for possible violation of NRS 624.3017 (1), Workmanship which is not commensurate with the standard of the trade; and NRS 624.3013(5), as set forth in NAC 624.700 (3)(a) and NAC 624.640 (5), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to comply with the notice to correct, and by failing to include the license number and monetary limit on the bid or contract.

Mr. Carson recused himself.

Gary Paul Gonzales, Owner, was sworn in, along with Tara Breen and Kenny Breen, Complainants and NSCB Investigator Greg Mincheff.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1, and the stipulation was signed.

Mr. Breen testified that he had entered into the contract with the Respondent on January 25, 1999 for the installation of a wood floor at their residence. Respondent was paid in full. Complainant stated that by August of 1999 the floor appeared to be buckling in several areas. The floor was reinstalled, however, underguard laminent was not installed, resulting in improper installation. The second installation included different color wood resulting in mismatching. The Respondent was requested to correct the problem at the Respondents cost.

Investigator Mincheff testified that he had reviewed the floor installation and it was not within specified workmanship standards of the manufacturer. A one half-inch clearance is required on all sides of the floor and a thirty-foot runover also requires the installation of a T-bar. Visible buckling was minimal, however, Investigator Mincheff was not able to determine the cause. Bruce Hardwood installation prerequisite requirements were entered into the record as EXHIBIT 2.

Mr. Griffy pointed out a Notice to Correct was sent without results. Subsequent contacts on March 9, May 24, and June 10, 2000 resulted in no corrective action being taken by the Respondent.

Mr. Gonzales stated it was his belief the reason for the buckling was the installation of the window that allowed water to leak in. Respondent acknowledged failure to place monetary limit on contract.

The Complainant testified that the floor was re-installed by another contractor in October, 2000. The cost was \$1,600.00.

Mr. Griffy pointed out that in February, 1999, some buckling was evident prior to windows leaking.

Seven pictures were entered into evidence as Respondent's EXHIBIT A.

A letter to Rhodes Homes to correct leaks was entered into evidence as Respondent's EXHIBIT B.

The evidentiary portion of the hearing was closed.

**MR. SCHAEFER MOVED TO FIND CUSTOM FLOORING, LICENSE #44390 IN VIOLATION OF FIRST CAUSE OF ACTION – NRS 624.3017 (1) AND THIRD CAUSE OF ACTION – NRS 624.3013 (5) AND TO DISMISS SECOND CAUSE OF ACTION – NRS 624.3013 (5).**

**MR. ZECH SECONDED THE MOTION**

**THE MOTION CARRIED.**

**MR. SCHAEFER MOVED TO PLACE A LETTER OF REPRIMAND IN LICENSEE FILE FOR A PERIOD OF ONE YEAR.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**LEO B. MARGOLIAN #24158 – DISCIPLINARY HEARING**

Notice of Hearing & Complaint, dated November 14, 2000, consisting of pages 1-22, sent certified mail to the address of record on file with the Board. The return receipt was dated November 20, 2000.

The hearing was for possible violation of NRS 624.3017 (1), Workmanship which is not commensurate with the standard of the trade; and NRS 624.3013(5), as set forth in NAC 624.700(3)(a), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to comply with the notice to correct.

Leo B. Margolian, Owner, was sworn in, along with Mr. Margolian, Sr., Ms. Donna Teich, Complainant and NSCB Investigator Greg Mincheff.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1, and the stipulation was signed.

Mr. Griffy stated a continuance had been requested by Respondent by letter December 12, 2000 and Ms. Margi Grein denied the request on December 13, 2000, stating the request was not timely. Mr. Margolian's letter was entered into evidence as EXHIBIT 2 and Ms. Grein's letter was entered into evidence as EXHIBIT 3.

Mr. Margolian stated his reason for the request. After due consideration the Board decided to go forward with the hearing. Respondent testified that when the carpet was vacuumed the carpet sheds. The Carpet was within manufacturer's stated standards but the Complainants were not happy. Through consultation with the manufacturer, mill representative took samples for testing on November 30, 2000 and the results were anticipated on December 15, 2000 but a phone call on December 18, 2000 to the tester resulted in a probable response by December 20, 2000. In anticipation of the carpet being replaced, Respondent has requested that the correction of the creaking problem be delayed until the time of the carpet replacement.

Chairman Gregory confirmed with the Respondent that the creaking problem would be resolved and ascertained the Complainant has no problem with the Respondent returning to the residence to complete corrections. Mr. Gregory further stated the Board has no problem giving a 30-day extension of time for correction of problem but the matter must be reconciled within 30-days.

**MR. JOHNSON MOVED TO EXTEND PERIOD TO CORRECT 30 DAYS FOR SATISFACTORY RESOLUTION.**

**MR. SCHAEFER SECONDED THE MOTION**

**THE MOTION CARRIED UNANIMOUSLY.**

**A. E. E. CEMENT CONTRACTORS #36573 – DISCIPLINARY HEARING**

Notice of Hearing & Complaint, dated November 15, 2000, consisting of pages 1-22, sent certified mail to the address of record on file with the Board. The return receipt not received.

The hearing was for possible violation of NRS 624.3017 (1), Workmanship which is not commensurate with the standard of the trade; and NRS 624.3013(5), as set forth in NAC 624.700(3)(a), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to comply with the notice to correct.

NSCB Investigator Bob Macke was sworn in.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1.

Mr. Griffy stated for the record that neither Complainant nor Respondent were present.

Investigator Macke testified that the Complainants did not appear for the witness interviews. Workmanship complaint in the first cause of action was based on concrete work that was substandard and was repaired by the homeowner.

The evidentiary portion of the hearing was closed.

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

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. CARSON MOVED TO FIND A. E. E. CEMENT CONTRACTOR, LICENSE #36573, IN VIOLATION OF ALL CHARGES**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO REVOKE A. E. E. CEMENT CONTRACTOR LICENSE #36573.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**T. L. M. CONTRACTING #46598 – DISCIPLINARY HEARING**

Notice of Hearing & Complaint, dated November 17, 2000, consisting of pages 1-21, sent certified mail to the address of record on file with the Board. The return receipt not received. Returned by post office stamped "Attempted, not known."

The hearing was for possible violation of NRS 624.3017 (1), Workmanship which is not commensurate with the standard of the trade; NRS 624.302 (5), failure or refusal to respond to a written request from the board or its designee to cooperate in the investigation of a complaint; NRS 624.3013(5), as set forth in NAC 624.700 (3)(a) and NAC 624.640 (5), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to comply with the notice to correct, and by failing to

include the license number and monetary limit on the bid or contract; and NRS 624.3013(4), failure to keep in force the bond or cash deposit pursuant to NRS 624.270 for the full period required by the board.

Ms. Judie Green, Complainant was sworn along with NSCB Investigator Bob Macke.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1.

The license was suspended and the contractor was not present for the hearing.

The Complainant, Ms. Green, testified that she had entered into a written contract with Respondent on July 19, 1999 for the building and installation of an entertainment center for \$1,080.00. The entertainment center did not fit properly in the recessed area which was not constructed properly, gaps were left on the left and right of center, paint was peeling, repainted, center cracked, shelving not properly supported, entry holes for lights not put in. Photographs entered into evidence as EXHIBIT 2. Bonding company did reimburse Complainant \$1,805.00 but not cost of holes in ceiling and wall damage. Ms. Green had the entertainment center, gaps and painting done by another contractor. A civil judgement was exercised against the Respondent.

Investigator Macke stated that he viewed the old entertainment center in the garage of the residence but it was in a disassembled condition, noted damage to living room, archway, and baseboards and issued a Notice to Correct. The contract did not have a monetary limit entered as required per law.

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

**MR. CARSON SECONDED THE MOTION**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. ZECH MOVED TO FIND RESPONDENT IN VIOLATION OF ALL CHARGES.**

**MR. CARSON AND MR. SCHAEFER SECONDED THE MOTION**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. ZECH MOVED TO REVOKE T. L. M. CONTRACTING LICENSE #46598 AND THAT IF THE LICENSEE OR ANY PRINCIPAL THEREOF REAPPLY TO THE BOARD FOR LICENSING THAT THEY PAY NCSB INVESTIGATIVE COSTS OF \$1,592.00.**

**MR. CARSON AND MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

### **BUDGET WATERPROOFING #38271 and 38272 – DISCIPLINARY HEARING**

Notice of Hearing & Complaint, dated November 14, 2000, consisting of pages 1-19, sent certified mail to the address of record on file with the Board. The return receipt dated November 20, 2000.

The hearing was for possible violation of NRS 624.3017 (1), Workmanship which is not commensurate with the standard of the trade; NRS 624.3013 (5), as set forth in NAC 624.700 (3)(a) and NAC 624.640 (5), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to comply with the notice

to correct, and by failing to include the license number and monetary limit on the bid or contract; NRS 624.302 (5), failure or refusal to respond to a written request from the board or its designee to cooperate in the investigation of a complaint; and NRS 624.3013 (3), failure to establish financial responsibility.

Mr. Steven Lee, Design Builders, Ms. Charlie Blaine, Design Builders, Complainant and NSCB Investigator Bob Macke were sworn in.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1.

Mr. Zech recused himself.

Respondent was not present.

Mr. Griffy called Steven Lee and Charlie Blaine of Design Builders as witnesses. Complainant, Mr. Lee, testified he entered into a contract on January 18, 1999 for waterproof decking. Licensee did the installation and as a result, there were workmanship problems, decking cracked and leaked causing stucco problems. Respondent returned to the residence in January, 1999 and did not complete the repairs. After no further contact with Respondent, Complainant filed a complaint with Board.

Investigator Macke validated the workmanship items and issued a Notice to Correct with no responses received from the Respondent. The proposal did exceed the license limit. A Financial Statement was requested by the Board and was not received. It appears the Respondent has left the area without providing any forwarding address.

The evidentiary portion of the hearing was closed.

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

**MS. CAVIN SECONDED THE MOTION**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. CARSON MOVED TO FIND IN VIOLATION OF ALL CHARGES**

**MS. CAVIN SECONDED THE MOTION**

**THE MOTION CARRIED UNANIMOUSLY**

**MR. CARSON MOVED TO REVOKE BUDGET WATERPROOFING LICENSE # 38271 AND 38272. IF THE LICENSEE OR ANY PRINCIPAL THEREOF REAPPLIES FOR LICENSURE IN THE STATE OF NEVADA RESTITUTION TO DAMAGED PARTIES, AND PAYMENT OF NSCB INVESTIGATIVE COSTS OF \$1,748.00 MUST BE MADE.**

**MS. CAVIN SECONDED THE MOTION**

**THE MOTION CARRIED UNANIMOUSLY.**

**EXECUTIVE SESSION**

Ms. Grein provided copies of proposed legislation from Senator Townsend. The Board directed Ms. Grein to work with Senator Townsend to ensure the Board's interest and

concerns regarding the confidentiality of the Board Investigative memoranda. No other major issues were identified.

The Landscape Architect Board has inquired if the Board would support their legislative action. The proposed legislation has no effect on the NSCB. The Board directed the appropriate response be given to the Landscape Architect Board.

**TRADE WIND DEVELOPMENT INC. d/b/a G & D DEVELOPMENT #47104 - DISCIPLINARY HEARING**

Notice of Hearing & Complaint, dated November 17, 2000, consisting of pages 1-18, sent certified mail to the address of record on file with the Board. The return receipt not received.

The hearing was for possible violation of NRS 624.3017 (1), Workmanship which is not commensurate with the standard of the trade; NRS 624.3013 (5), as set forth in NAC 624.700 (3)(a) and NAC 624.640 (5), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to comply with the notice to correct, and by failing to include the license number and monetary limit on the bid or contract; and NRS 624.3013(4), failure to keep in force the bond or cash deposit pursuant to NRS 624-270 for the full period required by the board.

Gary Davis, President, was sworn in, along with Melinda Stratton, Complainant and NSCB Investigator Bob Macke.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1, and the stipulation was signed.

Installation Guide was entered into evidence as Respondent's EXHIBIT A.

24 pictures were entered into evidence as Respondent's EXHIBIT B.

Mr. Griffy stated the license was suspended since September 20, 2000 for no bond. Ms. Melinda Stratton testified that she entered into a contract with the Respondent for the installation of exterior siding and replacement of a window and paid \$10,045.61. She stated there were several items of substandard workmanship including improper installation, missing flashings on corners, loose siding, siding nailed to stucco, and some areas of siding lower than others. The work was finished Thanksgiving week, 1999, some additional work was conducted in January and February, 2000 with debris finally cleared from driveway and property.

Investigator Macke testified that he had validated a workmanship complaint on March 24, 2000. A Notice to Correct was issued to the Respondent on April 5, 2000 and a Final Notice to Correct was issued on May 11, 2000. Respondent met with Investigator Macke in September, 2000 and stated he would make required corrections. Investigator Macke returned to Complainant's residence in October, 2000 and found no corrections had been made. A review of the contract shows monetary limit not included.

Respondent testified he had hired a worker that completed the agreement for time allotment, cost, etc. and then walked off the job six weeks later. The worker was part-time and the Respondent went over to clean up and try to correct any problems. The Respondent did not appear for the second appearance because did not receive the letter for the meeting. The Respondent did go out and caulked in boards, caulked windows and other small items. The Respondent told the Complainant that if anything else needed to be addressed he would correct them. The Hardy Products representative was not always available and Complainant's lawyer had advised him not to come onto the property without the Hardy representative.

Letter of Intent to Sue for the new contract dated November 13, 2000 was entered into evidence as Respondent's EXHIBIT C.

Mr. Griffy advised the fourth cause of action has already been satisfied.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO FIND G & D DEVELOPMENT, LICENSE #47104 IN VIOLATION OF CAUSES 1, 2 AND 3 AS MODIFIED TO EXCLUDE THE CHARGE REGARDING FAILURE TO INCLUDE LICENSE NUMBER AND TO DISMISS CAUSE 4.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. CARSON MOVED TO ISSUE A CORRECTIVE ORDER REQUIRING G & D DEVELOPMENT, LICENSE #47104 TO EITHER REIMBURSE THE HOMEOWNER AN AMOUNT UP TO \$15,000; HAVE THE SIDING REPLACED BY ANOTHER CONTRACTOR OR CORRECT/REPLACE THE ENTIRE JOB HIMSELF. FAILURE TO COMPLY WITH THE CORRECTIVE ORDER WITHIN 90 DAYS WILL RESULT IN THE AUTOMATIC REVOCATION OF THE LICENSE.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

Respondent requested a 90-day extension due to pending surgery. Board denied request.

### **ALL-DRY ROOFING #46261 – DISCIPLINARY HEARING**

Notice of Hearing & Complaint, dated November 2, 2000, consisting of pages 1-20, was sent certified mail to the address of record on file with the Board. The return receipt dated November 3, 2000.

The hearing was for possible violation of NRS 624.3017 (1), Workmanship which is not commensurate with the standard of the trade; NRS 624.3013 (5), as set forth in NAC 624.700 (3)(a) and NAC 624.640 (5), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to comply with the notice to correct, and by failing to include the license number and monetary limit on the bid or contract; and NRS 624.3011 (1) (b) (1), willful or deliberate disregard and violation of the building laws of the state or of any political subdivision thereof.

Richard Paul Blunk, President, was sworn in, along with Lawrence Rose, Teresa Seglin, Complainant and NSCB Investigators Bob Macke and Greg Welch.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1, and the stipulation was signed.

Complainant on March 9, 1999 entered into a contract with the Respondent for roofing on a two-story townhouse. Notice of workmanship problem arose when it first rained and the roof was still leaking. After the roof tiling was completed, the Complainant noticed that color and size of the tiles did not match.

Two photos of the roof were entered into evidence as [EXHIBIT 2](#).

An additional two photos of roof were entered into evidence as [EXHIBIT 3](#).

The Building Inspection Permit dated March 1, 2000 was entered into evidence as [EXHIBIT 4](#).

Investigative Report (LVPD) dated February 16, 2000 was entered into evidence as [EXHIBIT 5](#).

Complainant testified that non-operating solar panels were removed from the roof leaving old shingling to be covered with new tiling. Complainant noticed the roof leaking before the panels were removed and was aware of needed repairs. The air conditioner located in back of the house also leaked and was to be repaired by Respondent. Respondent was contacted two months later when it rained and the leaking continued. During interim the Respondent had sued Complainant for non-payment. Respondent had not caulked around air conditioner, had not completed flat roof tarring, had not caulked around skylight flashing and edging on roof had not been completely replaced.

Investigators Macke and Welch testified to verification of workmanship deficiencies. Photographs of two different size tiles, misaligned tiles, mastic put around the vent but no vent in that area, staining on inside of residence showing roof leaking. Notice to Correct and Final Notice to Correct sent. No further contact with the Respondent at that point. License limit not on contract as required by law. No other repairs had been effected.

Mr. Blunk testified that he had not met with either of these two investigators but had met with an investigator who no longer works for the NSCB. The contract with the Complainant included "flat roof only front to rear, remove all old roofing and haul away debris, replace any bad sheeting needed for a solid subsurface, install a four ply build up roof system, etc." Respondent testified he filled in the area where the solar panels had been. Respondent was not contracted to repair leaks anywhere else on the flat roof area and did not do the work which was identified. Complainant still owes Respondent \$2,000.

The Respondent testified the workmanship issues were on the roof over the unit #610 and not the complainants unit #608.

Testimony from the homeowner confirmed the workmanship items were not over her portion of the roof and she had not paid the Respondent any money.

The evidentiary portion of the hearing was closed.

**MR. JOHNSON MOVED TO FIND ALL-DRY ROOFING, LICENSE #46261 IN VIOLATION OF CAUSE #4, NRS 624.3013 (5) AND NOT IN VIOLATION OF CAUSES #1, #2 AND #3.**

**MR. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. JOHNSON MOVED TO PLACE IN ALL-DRY ROOFING LICENSE FILE A LETTER OF REPRIMAND FOR ONE YEAR.**

**MS. CAVIN SECONDED.**

**MOTION CARRIED.**

**COYOTE CONSTRUCTION #40870 – DISCIPLINARY HEARING**

Notice of Hearing & Complaint, dated October 31, 2000, consisting of pages 1-11, sent certified mail to the address of record on file with the Board. The return receipt dated November 3, 2000.

The hearing was for possible violation of NRS 624.3012 (2), willful or deliberate failure by any licensee or agent or officer thereof to pay any money when due for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefor; NRS 624.3013 (3), failure to establish financial responsibility; and NRS 624.3013(4), failure to keep in force the bond or cash deposit pursuant to NRS 624-270 for the full period required by the board.

James Mark Limerick, Owner of Coyote Construction, Elizabeth Weeks, Sierra Ready Mix, Complainant and NSCB Investigator Greg Welch were sworn in.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1, and the stipulation was signed.

Mr. Griffy summarized that Complainant has been paid in full. Respondent has provided a letter regarding the Financial Statement from his attorney that was entered into evidence as EXHIBIT 2. An actual Financial Statement has not been provided. The bond has been satisfied.

Respondent stated money was in an escrow account awaiting payment based on the hearing determination. The Respondent felt the cost of providing a Financial Statement was too high and therefore did not provide one to the Board.

Mr. Gregory stated the Board still was requesting a Financial Statement. The letter from the attorney only satisfies the issue at hand.

The evidentiary portion of the hearing was closed.

**MR. JOHNSON MOVED TO DISMISS ALL CHARGES AND REQUIRE COMPLIANCE WITH THE FINANCIAL STATEMENT REQUEST IN 90 DAYS; IF A FINANCIAL STATEMENT IS NOT PROVIDED THE MATTER WILL BE REHEARD BY THE BOARD.**

**MR. HIGGINS SECONDED THE MOTION**

**THE MOTION CARRIED UNANIMOUSLY.**

**MOTEN CONSTRUCTION #39525 – DISCIPLINARY HEARING**

Notice of Hearing & Complaint, dated November 14, 2000, consisting of pages 1-13, sent certified mail to the address of record on file with the Board. The return receipt was dated November 20, 2000.

The hearing was for possible violation of NRS 624.3012 (2), willful or deliberate failure by any licensee or agent or officer thereof to pay any money when due for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefor; and NRS 624.3013 (3), failure to establish financial responsibility  
Gayle Kirk, Steel Engineers, Inc., Complainant, was sworn in along with NSCB Investigator Linc Dante'.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1.

The Respondent was not present.

Mr. Zech recused himself.

Mr. Griffy stated that the Return Receipt for the Hearing Notice was signed. The licensee entered into an agreement with Steel Engineers July 7, 1998 to purchase supplies and has failed to pay Steel Engineers \$714 which is still owed. A Financial Statement was requested and not received. A board investigator contacted the Respondent in January 11, 2000 and was advised that due to health problems is unable to work. He was not willing to send payments to the Complainant.

The evidentiary portion of the hearing was closed.

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

**MR. JOHNSON SECONDED THE MOTION**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO FIND MOTEN CONSTRUCTION LICENSE #39525 IN VIOLATION AS CHARGED.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO REVOKE THE LICENSE OF MOTEN CONSTRUCTION LICENSE #39525. IF THE LICENSEE OR ANY PRINCIPAL THEROF REAPPLIES FOR LICENSING FULL RESTITUTION TO DAMAGED PARTIES WILL BE REQUIRED AND NSCB INVESTIGATIVE COSTS OF \$1,805.00 MUST BE PAID.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

### **WHALEN ROOFING #28454 - DISCIPLINARY HEARING**

Notice of Hearing & Complaint, dated November 2, 2000, consisting of pages 1-24, sent certified mail to the address of record on file with the Board. Return receipt not received. The envelope was returned by the post office stamped "Forwarding Order Expired."

The hearing was for possible violations of NRS 624.3012 (2), willful or deliberate failure by any licensee or agent or officer thereof to pay any money when due for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefor; and NRS 624.3013 (3), failure to establish financial responsibility; and NRS 624.3013 (5), as set forth in NAC 624.640 (3), failing to report a change in address to the Board within 30 days. Gayle Kirk and Bob Sanford, Steel Engineers, Inc., Complainants sworn in along with NSCB Investigator Bob Macke.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1.

The Respondent was not present.

Mr. Zech recused himself.

Mr. Griffy summarized for the Board that LV Roofing Supply is still owed \$132,524.38 after several attempts had been made for collection. Respondent contacted Mr. Sanford two weeks ago and said he owns a house in Las Vegas and he cannot sell the house until the lien is lifted by Complainant.

Complainant, Ms. Kirk, testified that Steel Engineers Inc. is owed \$1,359.20. Respondent has not made any attempt to make payment.

Investigator Macke requested a Financial Statement and none has been forthcoming. The addresses have been checked and Respondent was not located at any of the addresses. Respondent is believed to be in Louisiana but the investigator cannot ascertain a specific address there.

The evidentiary portion of the hearing was closed.

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

**MR. HIGGINS SECONDED THE MOTION**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR CARSON MOVED TO FIND WHALEN ROOFING INC., LICENSE #28454 IN VIOLATION OF ALL CHARGES.**

**MR. HIGGINS SECONDED THE MOTION**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO REVOKE THE LICENSE OF WHALEN ROOFING INC. LICENSE #28454. IF THE LICENSEE OR ANY PRINCIPAL THEREOF REAPPLY FOR LICENSING IN NEVADA FULL RESTITUTION TO ALL DAMAGED PARTIES IN THE CASE AND PAYMENT OF NSCB INVESTIGATIVE COSTS OF \$2,137.00 WILL BE REQUIRED.**

**MR. HIGGINS SECONDED THE MOTION**

**THE MOTION CARRIED.**

### **SOUTHERN CONSTRUCTION #48004 – DISCIPLINARY HEARING**

Notice of Hearing & Complaint, dated November 14, 2000, consisting of pages 1-24, sent certified mail to the address of record on file with the Board. The return receipt not received. The envelope was returned by the post office stamped "Attempted, not known."

The hearing was for possible violation of NRS 624.3017 (1), Workmanship which is not commensurate with the standard of the trade; and NRS 624.3013 (5), as set forth in NAC 624.700 (3)(a) (2 violations) and NAC 624.640 (5), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to comply with the notice to correct, and by failing to include the license number and monetary limit on the bid or contract.

Milford J. Griffis, Jr., Complainant was sworn in along with NSCB Investigator Greg Mincheff.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1.

Licensee has an active license.

Mr. Griffis testified that he entered into a contract with the Respondent on or about November 15, 1999 for a concrete patio covering, pool decking, and testified that the Respondent did do the work. Epoxy material was installed rather than the specified cool deck coating. Complainant notified Respondent that the coating did not match and was advised that once the material dried it should match. This did not occur. The Respondent never returned to replace the epoxy. The Complainant had the Items corrected by another contractor.

Investigator Mincheff testified that he validated the workmanship items. He has had no further contact with Respondent.

The evidentiary portion of the hearing was closed.

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

**MS. CAVIN SECONDED THE MOTION**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. CARSON MOVED TO FIND SOUTHERN CONSTRUCTION LICENSE #48004 IN VIOLATION OF ALL CHARGES.**

**MS. CAVIN SECONDED THE MOTION**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. CARSON MOVED TO REVOKE THE LICENSE OF SOUTHERN CONSTRUCTION LICENSE #48004. IF THE LICENSEE OR ANY PRINCIPAL THEREOF REAPPLY FOR LICENSING IN NEVADA FULL RESTITUTION TO ALL DAMAGED PARTIES IN THE CASE AND PAYMENT OF NSCB INVESTIGATIVE COSTS OF \$2,137.00 WILL BE REQUIRED.**

**MS. CAVIN SECONDED THE MOTION**

**THE MOTION CARRIED UNANIMOUSLY.**

### **APPLICATIONS**

The following motion closed the meeting to the public.

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

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

The applications of the agenda were reviewed and discussion occurred on the following: Nos. 01, 03-13, 15-17,20-23, 26, 31-33, 39, 42-43, 50, 52, 61, 68, 70-72, 78-84, and 86-87; and on the amended agenda: Nos. 03-04, 10, 16, 23, 24, and 28-29.

**PUBLIC COMMENT**

No one from the general public was present to speak for or against any items on the agenda.

There being no further business to come before the Board, the meeting was adjourned by Chairman Gregory at 2:25 p.m.

Respectfully Submitted,

Bill Brandon, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kim Gregory, Chairman