

State Of Nevada



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STATE CONTRACTORS' BOARD

MINUTES OF THE MEETING December 18, 2008

MEMBERS

Guy M. Wells, Chairman
Kevin E. Burke
Michael Efstratis
John C. Ellison
Jerry Higgins
Nathaniel W. Hodgson, III
William "Bruce" King

1. CALL TO ORDER:

Chairman Guy Wells called the meeting of the State Contractors Board to order at 9:00 a.m., Thursday, December 18, 2008, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Guy Wells, Chairman
Mr. Kevin Burke
Mr. Michael Efstratis
Mr. John Ellison
Mr. Jerry Higgins
Mr. Nathaniel Hodgson
Mr. Bruce King

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George Lyford, Director of Investigations
Mr. Dan Hammack, Chief of Enforcement
Ms. Nancy Mathias, Licensing Administrator

LEGAL COUNSEL PRESENT:

Mr. Jonathan Andrews, Esq., Legal Counsel
Mr. Bruce Robb, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on December 12, 2008, at Las Vegas City Hall, Sawyer State Building and Clark County Library. The agenda was also posted in both offices of the Board, Henderson and Reno and on the Board Internet Website.

Ms. Grein stated that item 14, C S Concrete, LLC, and application agenda item 4, C Y Development and Construction, license number 16728 had been continued.

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

2. OATH OF OFFICE:

Chairman Wells administered the oath of office to new Board members, Kevin E. Burke, John C. Ellison and Nathaniel W. Hodgson, III.

3. APPOINTMENT OF RECOVERY FUND COMMITTEE MEMBERS:

Bruce King, Kevin Burke and Jerry Higgins were selected to serve on the Recovery Fund Committee.

4. PUBLIC COMMENT:

Modesto Gaxiola, representing Local 162 and Glenn Greener representing Commercial Roofers commented on adopted regulations concerning sheet metal contractors.

5. APPROVAL OF MINUTES: November 20, 2008

It was moved and seconded to approve the minutes of November 20, 2008. **MOTION CARRIED.**

6. EXECUTIVE SESSION:

a. EXECUTIVE'S OFFICER'S REPORT

b. DISCUSSION AND REVIEW OF RESPONSES UNDER NRS 40.6887

It was moved and seconded to approve response under NRS 40.6887. **MOTION CARRIED.**

c. DISCUSSION AND REVIEW OF 2009 HEARING SCHEDULE CHANGES

It was moved and seconded to approve changes for the 2009 hearing schedule. **MOTION CARRIED,**

d. DISCUSSION AND APPROVAL OF SETTLEMENT AGREEMENTS:

1. Benecon, Inc., License No. 37239

Licensee was not present.

Mr. Wells abstained from this matter.

It was moved and seconded to accept the Settlement Agreement. MOTION CARRIED.

2. Talon Electric, LLC, License No. 56497; William Walter Plise, dba Plise Development & Construction, License No. 41939, Plise Development & Construction, LLC, License No. 41939A and Chaparral Contracting, Inc., License No. 39493

Licensee was not present.

Chairman Wells and Board Members, King and Burke abstained from the Talon Electric, LLC matter.

Mr. King abstained from the Chaparral Contracting, Inc. matter.

It was moved and seconded to accept the Settlement Agreement. MOTION CARRIED.

3. Thomas Heath Construction Company of Nevada, Inc., License Nos. 56528A & 56529A

Licensee was not present.

Mr. King abstained from this matter.

It was moved and seconded to accept the Settlement Agreement. MOTION CARRIED.

4. Town Consulting, License No. 51231

Licensee was not present.

It was moved and seconded to accept the Settlement Agreement. MOTION CARRIED.

e. DEPARTMENTAL REPORTS:

This matter was continued.

7. SUBCOMMITTEE REPORTS: Executive Subcommittee, Recovery Fund Subcommittee, Classification/Regulation Subcommittee, Finance Subcommittee, Subcommittee(s) Discussion

This matter was continued.

8. STATUS REPORT:

REYNEN & BARDIS COMMUNITIES OF NEVADA, INC., License No. 61631

Reynen & Bardis Communities of Nevada, Inc., was instructed to appear at the next Board meeting to provide a more inclusive status report.

9. HARRAH'S ENTERTAINMENT/FAILURE TO PULL PERMITS ON VARIOUS CASINO PROJECTS. STATUS UPDATE DISCUSSION AND ACTION:

Dennis Haney, Esq. was present to represent Harrah's Entertainment.

Mr. Burke abstained from this matter.

It was moved and seconded to permit Staff to accept a letter from legal counsel for Harrah's to toll the Statute of Limitations as defined in NRS 624.331. MOTION CARRIED.

10. NEW APPLICATION DENIAL HEARING:

VIKING CONCRETE

Applicant was present.

It was moved and seconded to deny the application. MOTION CARRIED.

11. NEW APPLICATION DENIAL HEARING:

RADIANT ELECTRIC

Applicant was present.

It was moved and seconded to deny the application. MOTION CARRIED.

12. FINANCIAL RESPONSIBILITY HEARING:

BEBOUT CONCRETE CONSTRUCTION License No. 39269

Licensee was not present.

It was moved and seconded to award each claimant a pro rata share of the cash bond. MOTION CARRIED.

13. FINANCIAL RESPONSIBILITY HEARING:

J M R COYOTE PAINTING & DRWALL, License No. 53695

Licensee was present.

It was moved and seconded to reduce the license monetary limit to \$10,000.00 requiring a \$1,000.00 bond. MOTION CARRIED.

14. NEW APPLICATION DENIAL HEARING:

C S CONCRETE, LLC.

This matter was continued.

15. NEW APPLICATION DENIAL HEARING:

COAST TO COAST ELECTRICAL CONTRACTORS, LLC.

Applicant was present with counsel, Eric Dobberstein, Esq.

It was moved and seconded to approve the license application with a monetary limit of \$50,000.00 and a bond of \$10,000.00. MOTION CARRIED.

16. NEW APPLICATION DENIAL HEARING:

STEWARTS POOL SERVICE

Applicant was present with counsel, Mont Tanner, Esq.

This matter was continued.

17. NEW APPLICATION DENIAL HEARING:

DAVID ROY SUTTON, DBA SUPERIOR FOAM SYSTEMS

Applicant was not present.

It was moved and seconded to deny the application. MOTION CARRIED.

18. CONSIDERATION OF CASH BOND CLAIMS:

MEDINA CONSULTING, LLC, License No. 60441

It was moved and seconded to award each claimant a pro rata share of the cash bond. MOTION CARRIED.

19. FINANCIAL RESPONSIBILITY HEARING:

ALFRED RONDEAU, DBA A R PAINTING & REPAIR, License No. 67962

Licensee was not present.

It was moved and seconded to revoke license number 67962. Respondent was ordered to pay fines of \$1,000.00 for the First, Second and Third Causes of Action and investigative costs of \$427.00. MOTION CARRIED.

20. CONSIDERATION OF CASH BOND CLAIMS:

CONSTRUCTION SYSTEMS, License No. 57077

Licensee was present

Respondent was ordered to pay Lally Steel or provide staff an agreement signed by Lally Steel and submit proof that Jensen Precast has been paid in full. If Lally Steel is not paid or an agreement is not signed within seven (7) business days of the December 18, 2008 hearing, payment will be made from the cash bond. **MOTION CARRIED.**

21. APPROVAL OF CONSENT AGENDA:

a. RATIFICATION OF STAFF APPROVED LICENSE APPLICATIONS, CHANGES OF LICENSURE, REINSTATEMENT OF LICENSURE, VOLUNTARY SURRENDERS:

Chairman Wells abstained from item numbers 279 and 280.

Mr. King abstained from items 431 and 432.

Mr. Burke abstained from item 85.

It was moved and seconded to approve the consent agenda. MOTION CARRIED.

22. APPLICATIONS (INITIAL AND RENEWAL) IN QUESTION.

FIDEL ANTONIO BERMUDEZ: (C-3-CARPENTRY); NEW APPLICATION; BOARD DECISION – WAIVER OF TRADE EXAM

The applicant was present.

It was moved and seconded to approve the application with a \$10,000.00 monetary limit and a \$2,000.00 bond. Applicant is required to complete the CMS and Trade exam requirement within sixty (60) days of the December 18, 2008 hearing date. MOTION CARRIED.

NU EQUIPMENT, INC: (A-GENERAL ENGINEERING); CHANGE OF OFFICER/MEMBER/MANAGER

NU EQUIPMENT, INC., (A-GENERAL ENGINEERING); CHANGE/ADDITION QI; RECONSIDERATION

Licensee was present.

It was moved and seconded to deny the applications. MOTION CARRIED.

It was moved and seconded to approve all applications not specifically discussed. MOTION CARRIED.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chairman Wells at 11:32 a.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Guy Wells, Chairman

ADJUDICATING BOARD MEMBER: GUY WELLS

23. DISCIPLINARY HEARING: (Continued from May 21, 2008)

NORTHERN NEVADA HEATING AND AIR CONDITIONING, LLC, License Numbers 45632A and 57353

Licensee was not present but represented by counsel, Eric Dobberstein, Esq.

Board Hearing file - Exhibit One

Hearing Officer Wells found Respondent, Northern Nevada Heating and Air Conditioning, LLC, Scott Reed Berry, Manager, license numbers 45632A and 57353 guilty of one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(5) each licensee shall include in all bids he submits or contracts he enters into for construction work within this State, the number of the license and any monetary limit placed upon his license; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. The First and Second Causes of Action were dismissed. Respondent was assessed an administrative fine of \$500.00 for the Third Cause of Action; no fine was assessed for the Fourth Cause of Action and investigative costs in the amount of \$4,185.00. Fines and costs are to be paid within sixty (60) days of the December 18, 2008 hearing date or licenses will be suspended.

ADJUDICATING BOARD MEMBER: BRUCE KING

24. DISCIPLINARY HEARING: (Continued from October 22, 2008 and November 19, 2008)

ADT CONSTRUCTION GROUP, INC., LICENSE NO. 53464

ADT CONSTRUCTION GROUP, INC., dba ADVANCED DEMOLITION TECHNOLOGIES, LICENSE No. 50051

ADT CONSTRUCTION GROUP, INC., dba S & G FIREPROOFING, LICENSE NO. 50081

LOGIC, LLC, LICENSE NO. 70943

Licensee was present with counsel, Evan James, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent Exhibits were entered:

Exhibit C – A letter from Evan James, Esq. to the Board dated

Hearing Officer King ordered Ruben Vasquez be allowed to remain on Logic, LLC, license number 70943 if the self-prepared financial statement provided at the December 18, 2008 hearing supports the license limit. This matter shall be brought back before Hearing Officer King within six (6) months of the December 17, 2008 hearing.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Guy Wells, Chairman

Bruce King, Board Member