

KENNY C. GUINN
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

KIM W. GREGORY
Chairman
DOUG CARSON
DENNIS K. JOHNSON
JOHN LINDELL
DENNIS F. NELSON
DEBORAH WINNINGHAM SHELTRA
MICHAEL ZECH



STATE CONTRACTORS' BOARD

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**MINUTES OF THE MEETING
JANUARY 4, 2000**

The meeting of the State Contractors' Board was called to order by Chairman Kim Gregory at 1:47 p.m., Tuesday, January 4, 2000, State Contractors' Board, Reno, 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
Mr. Dennis Johnson
Mr. John Lindell
Mr. Dennis Nelson
Ms. Deborah Sheltra
Mr. Michael Zech

BOARD MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Dennis Haney, Legal Counsel (Haney, Woloson & Mullins)
Mr. David Reese, Legal Counsel (Cooke, Roberts & Reese)
Mr. Hal Taylor, Legal Counsel
Ms. Nancy Mathias, Licensing Administrator
Mr. George Lyford, Director of Special Investigations Unit
Mr. Frank Torres, Deputy Director of Investigations
Ms. Kathy Stewart, Licensing Supervisor
Mr. Jack Edstrom, Investigator
Ms. Betty Wills, Recording Secretary

OTHERS PRESENT:

Denise Phipps, Court Reporter, Sierra Nevada Reporters; Mark Gunderson, Legal Counsel, McKim Homes; and Scott Young, Senior Policy Analyst, Legislative Counsel Bureau.

Ms. Grein stated John Sapp, NSCB Investigator, had posted the agenda in compliance with the open meeting law, on December 28, 1999, at the Washoe County Court House, Washoe County Library, and Reno City Hall. Additionally, it had been posted in both offices of the Board, Las Vegas and Reno and on the Board's Internet web page.

DISCIPLINARY HEARING

MCKIM HOMES OF NEVADA, INC. #40920 – DISCIPLINARY HEARING (Continued from 7/13/99, 10/12/99 and 11/23/99)

Notice of today's hearing was mailed on December 14, 1999. The return receipt was signed December 21, 1999.

Ron McKim, President, McKim Homes of Nevada, Inc.; Mark Gunderson, Legal Counsel, McKim Homes of Nevada, Inc., were present for the hearing.

Mr. Reese represented the Board, and Mr. Haney presented the case.

Mr. Gregory recapped the status of the hearing to date; pointing out that the evidentiary had been closed and then reopened. He asked if there were any additional evidentiary matters to be considered.

Mr. Haney said he had no further evidentiary to submit to the Board. Mr. Gunderson said that McKim's evidentiary was closed with submission of McKim's materials at the last meeting.

Mr. Haney represented that the McKim submission had been taken into consideration in the proposed findings, which were included in the Board's meeting book. Revised findings had been faxed to the Board members and McKim's counsel the previous day with some minor changes. Mr. Haney informed the Board that a financial statement had been received, and that McKim had been found not in violation of the industry regulation allegation.

The evidentiary was closed.

MR. NELSON MOVED TO ACCEPT THE FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

MR. NELSON MOVED TO FIND LICENSE #40920, MCKIM HOMES OF NEVADA, INC., IN VIOLATION OF ALL CHARGES CONTAINED IN THE FINDINGS OF FACT, CONCLUSIONS OF LAW.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

MR. NELSON MOVED TO FINE LICENSE #40920, MCKIM HOMES OF NEVADA, INC., \$3,000 PER VIOLATION, NUMBERING A TOTAL OF FIVE; TO RECOVER THE INVESTIGATIVE COST OF \$17,953.11; AND TO PLACE A PERMANENT LETTER OF REPRIMAND FOR EACH VIOLATION IN THE LICENSEE'S FILE.

MR. ZECH SECONDED THE MOTION.

Ms. Sheltra questioned the amount of the fine, indicating she did not believe the fine was sufficient. Mr. Nelson noted the investigative cost of \$17,953.11 and did not amend the amount of the fine.

THE MOTION CARRIED UNANIMOUSLY.

MR. NELSON AMENDED HIS LAST MOTION TO HAVE THE FINES AND THE INVESTIGATIVE COSTS PAID IN 30 DAYS OR THE LICENSE WOULD AUTOMATICALLY BE SUSPENDED.

MR. ZECH AMENDED HIS SECOND.

THE MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF ADOPTION OF PROPOSED REGULATIONS – BIDDERS PREFERENCE; FINGERPRINT CARDS; INACTIVE STATUS; AND ASSOCIATED FEES

Copies of the proposed regulation to amend NAC 624 were distributed. Information regarding written and oral comments and testimony received at the December 30, 1999 public hearing was reviewed and discussed. Several recommendations were considered as an avenue to clarify the meaning of the new language in NRS 338.147 and 338.1389, adopted by the 1999 legislature, as it related to the Board's duties in issuing Certificates of Eligibility to contractors who were eligible to receive bidders preference on public works projects in Nevada. Ms. Grein was requested to seek clarification of legislative intent through the Attorney General's office and the Legislative Counsel Bureau. The Chairman suggested that another public hearing might be appropriate after clarification had been received. The Board members concurred.

MR. CARSON MOVED TO KEEP THE ITEM ON THE AGENDA, RESERVED FOR POSSIBLE ACTION WHEN THE ISSUES WERE CLARIFIED.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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 2:45 p.m.

Respectfully Submitted,

Betty Wills, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kim Gregory, Chairman