

KENNY C. GUINN
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

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



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STATE CONTRACTORS' BOARD

**MINUTES OF THE MEETING
APRIL 10, 2001**

The meeting of the State Contractors' Board was called to order by Chairman Kim Gregory at 8:45 a.m., Tuesday, April 10, 2001, 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 (Exited at 1:20 and returned at 3:24 p.m.)
Mr. Douglas W. 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 (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:

Kate Murray, Court Reporter, Sierra Nevada Reporters; Scott Canepa and Bob Maddox, Trial Lawyers Association; Scott Rasmussen, Nevada Subcontractors Association; Jack Vergiels, Legislative Representative for Nevada Subcontractors Association; Michael Lynch and Bob Jones, The Builders Association, Northern Nevada; Stacy Halecky, Complainant; Peter Matthew Beekhof, President, West Ridge Homes; Harry Stanley, Complainant; John M. Fritz, Owner, John Fritz Construction, Attorney, Paul Georgeson, John Fritz Construction; Kathryn Singer, Complainant, Bruce Cyra representing Kathryn Singer; James and Phyllis Kreller, Complainants; Arnold and Sally Etcheberry, Complainants; Ruth Ruder, Owner/Builder; Robert Story, Attorney representing the Krellers; Phil Baron, Complainant; Tony L Snyder, Owner, T L Snyder Enterprises; James Rogers, Owner, Shadetasia of Nevada; Robert Lester Anderson, Owner, 7R Construction Robert Anderson; Louise Gilmartin, Owner, Kitchens & Baths by Louise A Gilmartin; Attorney Rick Elmore representing Resource Development; John LeMay, President,

Diamond Electric; Justine Chambers, Contract Coordinator, Carson City Development Services; John Benzine, Carson City Development Services; Brian Kernan, Q & D Construction; William O. Hale, President, Sunkist Home Improvements; Nancy Wilhelm, Vice President, Sunkist Home Improvements; Jackie Basagoitia, Owner, Sierra Nevada Plumbing, Robert Compton, Qualified Employee, Sierra Nevada Plumbing; John Lansford, Owner, John T Lansford; and Attorney Keith Gregory representing Encompass Electrical Technologies of Nevada Inc and S R Construction Inc.

* * * * *

Ms. Grein stated that John Sapp had posted the agenda in compliance with the open meeting law on April 4, 2001 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.

It was learned there were 18 items on the amended agenda, each item of an emergency nature. In addition, 2 advisory opinions were added to the regular agenda: Dave Black Electric, and Carson City School District; and the license number on item 13, Edge Glass of Reno, was amended from 35194 to 35197.

MR. JOHNSON MOVED TO HEAR THE AMENDED AGENDAS.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

LEGISLATIVE SESSION

DISCUSSION OF PENDING LEGISLATION

ROUND TABLE DISCUSSION REGARDING CONSTRUCTION DEFECTS LEGISLATION

Present for the discussion were Scott Canepa and Bob Maddox, Trial Lawyers Association; Scott Rasmussen, Nevada Subcontractors Association; Jack Vergiels, Legislative Representative for Nevada Subcontractors Association; and Michael Lynch and Bob Jones, The Builders Association, Northern Nevada.

Under discussion was Assembly Bill (AB) 477 and Senate Bill (SB) 516. The purpose was to comply with Senator Townsend's request to find the items all parties could agree upon within the proposed legislation. Ms. Grein clarified that both bills performed the same basic function: to have all construction defect claims presented to the Nevada State Contractors' Board (NSCB) prior to filing litigation, to which the Board was very much opposed.

Mr. Canepa concurred that the Trial Lawyers Association was vigorously opposed to the legislation, stating his reasons why. He did not believe that the Board had the right under the statutes to regulate unlicensed contractors nor the means to invest in the number of experts needed to substantiate construction defect claims filed against a licensed contractor.

Mr. Gregory explained current statutes provided the Board with the tools it needed to regulate licensed contractors. But he clarified that the Board strongly disagreed with what some might consider a construction defect, speaking to the standards of the industry and pointing out that the real problem was a lack of inspections.

Mr. Maddox agreed with the Board's stand on both bills, praising the Board for becoming a consumer protection agency.

Mr. Canepa stated that it appeared Trial Lawyers and NSCB shared common ground in restoring municipal liability, increasing the caps.

Mr. Lynch stated it was AB89 and SB81 that forced the legislation under discussion. Language that once helped the homeowner, the builder and the courts no longer worked and there were proponents who wanted to get rid of it. The Builders say they want NSCB to investigate all cases before they go to court. Before anyone goes to court there has to be a step for remediation before the involvement of lawyers.

Mr. Gregory commented that the underlying problem with contractors who encountered these types of problems was often a lack of financial wherewithal. He also pointed out that as the bills were currently laid out, the NSCB did not have the mechanism to either fund the legislation or to man it.

Mr. Rasmussen questioned the Board's methodology for testing stucco and asked if there was a way for a subcontractor to request an investigation if a workmanship complaint was lodged against him.

Mr. Gregory explained the Board's investigation process once a complaint was filed. The key was a complaint had to be filed.

In conclusion, Mr. Lynch stated he did not know "what was broken." There had been a compromise in 1999. It was working. Now there was a problem. Mr. Canepa agreed. He said if this was an offer to take all the bills off the table, including theirs, the Trial Lawyers Association would be happy to discuss that. Mr. Lynch said he would support that 100%.

Ms. Grein commented that no one had contacted her prior to proposing the legislation.

Mr. Vergiels stated that Senator Townsend was interested in continuing the dialogue with the Board. He was interested in three areas: before the defect, the problems leading up to it; after the defect was reported; and, lastly, what happened when the lawsuit was filed.

EXECUTIVE SESSION

Postponed until later in the day.

DISCIPLINARY HEARINGS

ARCHITECTURAL CONCRETE COMPANY #8684A - DISCIPLINARY HEARING
(Continued from August 8, September 12, October 17, 2000, January 9 and March 6, 2001)

Ernest M. Balogh, Owner, Architectural Concrete Company, was not present, nor was anyone present on the Respondent's behalf. Present was Stacy Halecky, Complainant.

Robert Griffy stated that the attorney for Architectural Concrete Company, Robert Frye, had submitted a request for continuance dated April 9, 2001.

Ms. Halecky said that no progress had been made on the workmanship items since the last hearing even though they (the Haleckys) had complied with everything the Board had asked them to do. And since the last hearing all of the workmanship items had gotten worse.

It was determined that the request for continuance was based on the fact that Mr. Frye was in trial this date.

Mr. Haney pointed out that the attorney knew at the last hearing when this meeting was scheduled and had only submitted his request for continuance the preceding day.

MS. CAVIN MOVED TO DENY THE REQUEST FOR CONTINUANCE AND TO CONCLUDE THE HEARING.

MR. ZECH SECONDED THE MOTION.

Mr. Carson asked if there was an issue regarding not allowing the contractor back in the house. Ms. Halecky said no, the contractor had been back.

THE MOTION CARRIED UNANIMOUSLY.

Investigator Hoid testified that the workmanship items had indeed gotten worse.

The evidentiary portion of the hearing was closed.

MR. CARSON MOVED TO FIND LICENSE #8684A, ARCHITECTURAL CONCRETE COMPANY, IN VIOLATION OF ALL CHARGES.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

MR. CARSON MOVED TO REVOKE LICENSE #8684A, ARCHITECTURAL CONCRETE COMPANY; AND SHOULD THE LICENSEE REAPPLY FOR LICENSURE TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES AND THE RECOVERY OF THE INVESTIGATIVE COST OF \$8,008.77.

MR. ZECH SECONDED THE MOTION.

Mr. Schaefer questioned staying the revocation for the purpose of assisting the homeowner.

Mr. Carson and Mr. Zech withdrew the motion.

MR. CARSON MOVED TO SUSPEND LICENSE #8684A, ARCHITECTURAL CONCRETE COMPANY, FOR 60 DAYS TO ALLOW THE LICENSEE TO MAKE RESTITUTION TO THE HOMEOWNER OR THE LICENSE WAS TO BE AUTOMATICALLY REVOKED. FUTURE LICENSURE WAS CONDITIONED UPON FULL RESTITUTION TO THE DAMAGED PARTY AND RECOVERY OF THE INVESTIGATIVE COST OF \$8,008.77.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

EXECUTIVE SESSION

CONSIDERATION OF CASH BOND ACCOUNT

Ms. Grein asked to move the cash bond accounts from Bank of America to Northern Nevada Bank to achieve better customer service.

MR. JOHNSON MOVED TO TRANSFER THE CASH BOND ACCOUNTS TO NORTHERN NEVADA BANK.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

The Executive Session was continued until later in the day.

DISCIPLINARY HEARINGS

WEST RIDGE HOMES #25326 - DISCIPLINARY HEARING (Continued from January 9, 2001)

Peter Matthew Beekhof, President, West Ridge Homes, was present, along with Harry Stanley, Complainant, and NSCB Investigator Gary Hoid.

The matter had been continued for 90 days to allow the Respondent to perform corrective work on 2 remaining items: the siding needed to be caulked and repainted and the garage slab needed to be corrected.

Mr. Reese stated that the homeowners and the contractor were agreeable to an additional continuance. Due to the weather the painting had not been accomplished and the homeowner wanted the contractor to wait until it was warmer. There still was an issue remaining regarding the garage.

Both the homeowner and the contractor agreed to the request for continuance.

MR. JOHNSON MOVED TO CONTINUE THE HEARING FOR 60 DAYS.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

EXECUTIVE SESSION

APPLICATION AGING REPORTS - RENO

Ms. Stewart, Licensing Supervisor, presented the Application Aging Report for the Reno office.

The Executive Session was continued.

APPLICATIONS

The following motion closed the meeting to the public.

MR. CARSON MOVED TO CLOSE THE MEETING TO THE PUBLIC.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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).

Applications #2-13 on the agenda were reviewed and discussed.

The application review was postponed until later in the day to return to the regular agenda.

MR. ZECH MOVED TO OPEN THE MEETING TO THE PUBLIC.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

DISCIPLINARY HEARINGS (Continued)

JOHN FRITZ CONSTRUCTION #25966 - DISCIPLINARY HEARING (Continued from January 9, 2001)

John M. Fritz, Owner, John Fritz Construction, was present along with his attorney, Paul Georgeson. Also present were Kathryn Singer, Complainant, with Attorney Bruce Cyra sitting in for Attorney Bob Maddox, and NSCB Investigator Gary Hoid.

Mr. Reese updated the Board as to what occurred in the last hearing, noting which two charges remained: NRS 624.3017 (1) and NRS 624.3013 (5).

Mr. Hoid testified that the Singers had hired another contractor to repair the floor. The roof had not yet been addressed. He said he had received a fax the preceding day detailing the engineering required for the roof repair.

Mr. Georgeson provided a packet of information (17 pages) including a status letter dated March 29, 2001. He said the status letter had been faxed to Investigator Hoid the previous day. It basically outlined the status of the complaint for the last 90 days. The packet also contained an engineer's report indicating that the joist notching repair had been completed and a report prepared by the Singers' engineer noting how to complete the roof repair. The packet was entered into the record as EXHIBIT A.

Mr. Georgeson recapped what was contained in EXHIBIT A. Concerning the roof deflection, he said his client had accepted the Singers fix but the Singers would not communicate with the Respondent to allow the fix to be completed. Additionally, without any contact with the Respondent, the Singers had the hardwood floors repaired by another contractor. Mr. Fritz had not been given an opportunity to repair the floor. It was Mr. Georgeson's understanding that the floor had been refinished although Mr. Fritz had paid another company to refinish the floor but that company had not been allowed to do so.

Ms. Singer testified that, through her attorney, she and her husband had tried to set up meetings with Mr. Fritz and Mr. Georgeson but there had been no response from Mr. Georgeson's office for a week. Since the Singers were planning to move in the summer, they could not wait any longer for the repair to occur. They had another company, who offered them an alternative way to refinish the floor, do the work for approximately \$3,300. She said it was the best job for a reasonable amount of money. She said she would like Mr. Fritz to pay for that repair. Ms. Singer then testified to the roof. She said Mr. Fritz had been willing to fix the roof but when he arrived to inform her that he would begin work the following Friday, he did not have a plan. Subsequently, Mr. Fritz was not allowed to fix the roof or perform any repairs. Ms. Singer said they preferred someone else to do the job.

Mr. Georgeson stated that the homeowners had started construction defect proceedings. He said the Singers still owed Mr. Fritz \$2,200. He said he had a problem because the Singers did not tell them they were going to fix the floors or what the cost of the roof fix was, putting his client in a bind. But he said that his client would be willing to work to hire an independent contractor to make the necessary repairs to the roof. Nonetheless, the Singers still owed him money and arbitration was looming.

Mr. Gregory asked Ms. Singer if she and her husband would be willing to forward a roofing bid that she had acquired to Mr. Fritz.

Ms. Singer answered yes.

Mr. Zech questioned if the Singers would allow Mr. Fritz to fix the roof per the engineer's report. Ms. Singer said she did not trust him.

The evidentiary portion of the hearing was closed.

MR. ZECH MOVED TO FIND LICENSE #25966, JOHN FRITZ CONSTRUCTION, IN VIOLATION OF NRS 624.3017 (1).

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

MR. ZECH MOVED TO DISMISS NRS 624.3013 (5).

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

A discussion ensued wherein a suggestion was made that the parties might want to consider bidding the roof repair work out to three independent contractors and to have the corrective work performed by a contractor each could agree upon.

MR. ZECH MOVED TO TABLE THE HEARING TO THE NEXT RENO MEETING FOR FINAL RESOLUTION AND THE PENALTY PHASE.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY

COMMERCIAL SEALANTS #42478 -- DISCIPLINARY HEARING

Michael Anthony Stella, Owner, Commercial Sealants, was not present, nor was anyone present on the Respondent's behalf.

James and Phyllis Kreller, Complainants; Arnold and Sally Etcheberry, Complainants; Ruth Ruder, Owner/Builder; and NSCB Investigator Gary Hoid were sworn in. Robert Story, Attorney representing the Krellers, was identified.

The Notice of Continued Hearing for the 4/10/01 hearing consisting of two pages had been mailed certified to the address of record on March 23, 2001. The certified mail receipt had not been received.

The Amended Notice of Hearing for the 3/6/01 hearing consisting of two pages had been mailed certified to the address of record on February 2, 2001. The certified mail receipt had been returned on February 8, 2001.

The Notice of Hearing and Complaint for the 2/6/01 hearing, consisting of pages 1-8, had been mailed certified to the address of record on January 5, 2001. The certified mail receipt had been returned on January 10, 2001.

The 1 page Notice of Postponement for the 2/6/01 hearing had been mailed certified to the address of record on January 23, 2001. The certified mail receipt had not been returned as of January 29, 2001.

The hearing was for possible violations 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 comply with law or regulations of the board pursuant to NAC 624.700 (3) (a) by failing to respond to the notice to correct; NRS 624.3013 (5), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by not exceeding scope of license or monetary limit; duties concerning licenses, and by not including the license number or monetary limit on all bids or contracts; NRS 624.3015 (3), acting beyond scope of license by knowingly entering into a contract with a contractor while that contractor is not licensed, or bidding to contract or

entering into a contract with a contractor for work in excess of his limit or beyond the scope of his license; NRS 624.3014 (1) (a), acting in the capacity of a contractor under any license issued hereunder except in the name of the licensee as set forth upon the licensee.

The notice of hearing and complaint were entered into the record as EXHIBIT 1.

The current status of the license was active.

Ms. Grein stated she had just received a letter from Commercial Sealant.

Mr. Reese clarified that a letter dated April 9, 2001 had been received from Thomas Vallas, Attorney representing the Respondent. The letter indicated that the Respondent, Michael Stella, would be filing a petition of bankruptcy pursuant to Chapter 7. Additionally, the letter indicated that the Respondent lacked the financial resources to resolve the issues contained in the hearing notice. The letter was entered into the record as EXHIBIT 2. Mr. Reese added he had another document that had been introduced by the appellate attorney. It was a notice of a filing of a bankruptcy by the Respondent in the Third Judicial District Court of the State of Nevada in Lyon County under the name Commercial Sealants Inc, a corporate name. Attached was a copy of the filing in Bankruptcy Court. The document was entered into the record as EXHIBIT 3. There was no notice that an individual had ever filed a Chapter 7 bankruptcy. The Respondent was licensed as an individual and was therefore not covered under bankruptcy protection.

Mr. Kreller testified that the Respondent had entered into a written contractual agreement with him for the purpose of installing a urethane-flooring product in his business in Dayton for a total contract price of \$5,200. The full amount had been paid. He said that the product used in the dining room area had not been sealed properly and was not uniform in color. The product used in the food preparation areas had also not been sealed properly and failed to pass health department inspections. The flooring product was clogging the floor drains because it had been poured into the toilet bowls, resulting in the need to replace one toilet. It had also been smeared on the walls and not cleaned up. The product used on the floor was also on the parking lot and the sidewalk of the building. All of these problems caused the opening of the restaurant to be delayed. A photo album of pictures was entered into the record as EXHIBIT 4.

Mr. Hoid testified that he had validated all six of the workmanship items described by Mr. Kreller. A notice to correct had been sent on July 19, 2000 and a final notice to correct had been sent on August 9, 2000. To date, there had been no response to the notices. Mr. Hoid added that the Respondent's contract did not contain the monetary limit as required by law. Mr. Hoid stated that all correspondence with the Respondent contained the name Commercial Sealants Inc. although no license existed in that name.

Mr. Etcheberry testified that he had entered into a contract with Mr. Stella for the application of a urethane driveway coating at his residence with a contract price of \$5,250. The full contract amount had been paid. Mr. Etcheberry provided the Board with his background as a contractor. He then detailed the problems he had encountered. The coloring process involved with the brick pattern was not completed. The pattern where grinding occurred in a previous repair attempt was not completed. Areas existed where the texture was visibly different, with a raked appearance. Some of the expansion joints in the driveway were not cut deep enough and showed sawcuts outside the joint areas. There were visible trowel marks in front of the garage door. The caulking between the driveway and existing sidewalk was not finished. There were cracks developing throughout sections of the driveway. Mr. Etcheberry provided 22 photographs that were entered into the record as EXHIBIT 5.

NSCB Investigator Hoid testified he had investigated the matter and validated Mr. Etcheberry's testimony. The notice to correct had been issued on August 28, 2000. A final notice had been issued on September 20, 2000. There had been no response to the notices, and the Respondent's contract did not include his monetary limit.

Mr. Zech questioned if the manufacturer certified the product. If so, there may be some liability to the manufacturer. Mr. Etcheberry stated that the manufacturer had been out and had stated there was nothing wrong with the product, rather the Respondent failed to prepare the base properly. Mr. Etcheberry provided 2 samples of the product. The first sample was from the first application and it was entered into the record as EXHIBIT 6. The second was a sample from the warranty work. It was entered into the record as EXHIBIT 7.

Investigator Hoid testified regarding a complaint submitted by David Miller, who was not present. There were two different contracts for a total of \$41,000 for the construction of a urethane concrete covering. Both had been written on the same day for the same job. One contract was in the amount of \$25,000 and the other for \$16,100. The Respondent's monetary limit was \$25,000. It was Investigator Hoid's opinion that the bid had been split in an effort to circumvent the monetary limit.

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.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

MR. CARSON MOVED TO FIND LICENSE #42478, COMMERCIAL SEALANTS, IN VIOLATION OF ALL CHARGES.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

MR. CARSON MOVED TO REVOKE THE LICENSE.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

MR. CARSON MOVED FOR FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE INVESTIGATIVE COST OF \$3,817.37 PRIOR TO CONSIDERATION FOR FUTURE LICENSURE.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Staff was directed to forward the revocation information to California.

LAMPRECHT CONSTRUCTION #22004 -- DISCIPLINARY HEARING (Continued from December 5, 2000)

Johannes Lamprecht, Owner, Lamprecht Construction, was present, along with Phil Baron, Complainant, and NSCB Investigator Gary Hoid.

Mr. Haney stated that the last hearing had been stayed pending the completion of the arbitration. He reintroduced EXHIBIT 1, the updated hearing notice containing the arbitration award. All actions had been found in favor of Mr. Baron.

Mr. Lamprecht agreed that Mr. Baron had been paid, as well as all of the subcontractors, and he was happy with the outcome.

The evidentiary portion of the hearing was closed.

Ms. Cavin abstained.

MR. ZECH MOVED TO FIND LICENSE #22004, LAMPRECHT CONSTRUCTION, IN VIOLATION OF ALL CHARGES.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED. (MS. CAVIN ABSTAINED)

MR. ZECH MOVED TO PLACE A PERMANENT LETTER OF REPRIMAND IN THE FILE OF LICENSE #22004, LAMPRECHT CONSTRUCTION, FOR EACH VIOLATION, AND TO RECOVER THE INVESTIGATIVE COST OF \$4,889.54, TO BE PAID WITHIN 60 DAYS OR THE LICENSE WOULD BE AUTOMATICALLY SUSPENDED.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED. (MS. CAVIN ABSTAINED)

APPLICATION HEARINGS

T L SNYDER ENTERPRISES - APPLICATION HEARING

Tony L. Snyder, Owner, T L Snyder Enterprises, was present.

Kathy Stewart, Licensing Supervisor, was sworn in.

The notice of hearing and complaint were entered into record as EXHIBIT 1, and the stipulation was signed.

The hearing was for the denial of Respondent's application for a C1D license pursuant to NRS 624.263, failure to establish financial responsibility.

Ms. Stewart testified that Mr. Snyder had applied for a C1D (Plumbing) license with a requested monetary limit of \$25,000. The license application had been denied on August 8, 2000 for lack of financial responsibility. Mr. Snyder had filed a Chapter 7 bankruptcy on September 25, 1991. It was discharged on December 31, 1991. A current financial statement had been provided. A summary of his recent credit report, dated April 10, 2001, was presented to the Board.

MR. ZECH MOVED TO APPROVE THE LICENSE APPLICATION WITH A LIMIT OF \$25,000 AND A \$10,000 BOND.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

SHADETASIA OF NEVADA - APPLICATION HEARING

James V. Rogers, Owner, Shadetasia of Nevada, was present.

Kathy Stewart, Licensing Supervisor, was sworn in.

The notice of hearing and complaint were entered into record as EXHIBIT 1, and the stipulation was signed.

The hearing was for the denial of Respondent's application for a C14i license pursuant to NRS 624.263, failure to establish financial responsibility.

Ms. Stewart testified Mr. Rogers had applied for a C14i (Awnings) license with a requested monetary limit of \$50,000. The license application had been denied on September 12, 2000 for lack of financial responsibility. Mr. Rogers had filed a Chapter 7 bankruptcy on or about July 7, 1992. It was discharged on January 12, 1992. A current financial statement had been provided this day but there had been no time to review it. A summary of his recent credit report, dated January 20, 2001, was presented to the Board.

Mr. Rogers stated that his credit accounts had gotten into arrears because he had not been working. He was working now and he said he would be current by the end of this month on all of his accounts with the exception of one. Thereafter, he hoped to perform work under his license on his days off. He also stated that he had someone that would be willing to indemnify the license.

Based on the size jobs Mr. Rogers said he was planning to perform, Mr. Gregory suggested he lower the monetary limit. The one time raise in limit process was explained to Mr. Rogers.

MR. JOHNSON MOVED TO APPROVE THE LICENSE APPLICATION FOR A B5 LICENSE WITH A LIMIT OF \$25,000, A \$10,000 BOND, AND A FINANCIAL REVIEW UPON RENEWAL.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

DISCIPLINARY HEARINGS (Continued)

7R CONSTRUCTION ROBERT ANDERSON #46175 DISCIPLINARY HEARING
(Continued from March 6, 2001)

Robert Lester Anderson, Owner, 7R Construction Robert Anderson, was present along with NSCB Investigator Gary Leonard. The complainant William Morrow, was not present.

Mr. Reese recapped what had occurred in the last hearing. The Board had moved to table the matter for further investigation regarding alleged missing lumber, to find out if the lumber had been paid for, and to find out why Chris Dickson had removed his name from the permit.

Investigator Leonard testified he had viewed the job site and it appeared all the alleged missing lumber was indeed there. The material supply company, Franklin Building Supply, had not been paid for the job. There was a deposition tomorrow with Mr. Morrow and Franklin Building Supply in an attempt to resolve the issue.

Mr. Reese clarified that the lawsuit was between the owner and the material supplier. It did not involve the Respondent. Franklin Building Supply was suing Mr. Morrow.

Investigator Leonard stated that he had talked to the attorney, who indicated that Mr. Morrow had many excuses regarding the lumber: it was taken, it was never delivered, etc.

Mr. Anderson testified he had been paid for the original work but he had not been paid for changes that had to be made or for the forklift.

Investigator Leonard added he had spoken to the original contractor, Chris Dixon. He indicated he was owed approximately \$2,000 to \$3,000, but he was not going to follow up on it. Mr. Morrow was filing on the bond but the bonding company was considering dropping the claim because the paper work had not been turned in.

The evidentiary portion of the hearing was closed.

MR. ZECH MOVED TO DISMISS THE CHARGES.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Mr. Gregory exited the meeting at 1:40 p.m. and Mr. Zech assumed the chair.

RENO SPARKS LEGACY LANDSCAPING #44647 -- DISCIPLINARY HEARING

William T. Melchiorre, Owner, Reno Sparks Legacy Landscaping, was not present, nor was anyone present on the Respondent's behalf. Additionally, Amy Settlemier, Complainant, was not present.

NSCB Investigator Gary Leonard was sworn in.

The Hearing Notice, consisting of pages 1-2 had been sent to Respondent's address of record by Certified Mail, Return Receipt Requested on March 29, 2001. The Return Receipt had not been received as of this date. The Answer had been received on February 2, 2001.

The Default notice, consisting of pages 1-2 had been sent to Respondent's address of record in error on March 7, 2001.

The Notice of Hearing and Complaint for the February 6, 2001 hearing, consisting of pages 1-10 had been sent Certified Mail to the Respondent's address of record, Return Receipt Requested on January 5, 2001. The Return Receipt had been received by NSCB on January 13, 2001.

The hearing was for possible violation of NRS 624.3013 (5), as evidenced by NAC 624.640 (5) and NRS 624.270, failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to include license number and monetary limit on all bids or contracts; and NRS 624.3013 (3), failure to keep records or maintain bond.

The notice of hearing and complaint were entered into the record as EXHIBIT 1.

Mr. Reese stated that the complainants, the Settlemiers, were unwilling to testify against the Respondent in this matter.

NSCB Investigator Leonard testified that the Respondent was not present because he was in Oklahoma studying to be a minister. He validated that there had been no monetary limit on the invoice/work order submitted to Ms. Settlemier for the construction of landscaping in the amount of \$15,000. A financial statement had been requested but none had been provided.

Mr. Reese said EXHIBIT 1 contained the Respondent's answer to the complaint. In it, the Respondent said he was not aware that the monetary limit was required on the invoice/work order, and he indicated that Mr. Chuck Smedley, his employee, had stolen his records.

Investigator Leonard confirmed that Mr. Smedley had stolen everything, had sold everything, and had taken the Respondent's bank accounts. All records were missing as well as money received for down payments. Upon the Respondent's return, as there was nothing left of the company, the Respondent closed it and liquidated what he could to pay off as much as he could. Charges had been filed against Smedley. The business had been shut down on approximately September 14, 1999 and the bond cancelled.

The evidentiary was closed.

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

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. HIGGINS MOVED TO FIND LICENSE #44647, RENO SPARKS LEGACY LANDSCAPING, IN VIOLATION OF ALL CHARGES.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. HIGGINS MOVED TO REVOKE LICENSE #44647, RENO SPARKS LEGACY LANDSCAPING, AND TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES AND TO RECOVER THE INVESTIGATIVE COST OF \$1,581.66 PRIOR TO CONSIDERATION FOR FUTURE LICENSURE.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

DEFAULT ORDERS

1. VOWELL ENGINEERING #46592 – DISCIPLINARY HEARING – DEFAULT ORDER

The Default Notice consisting of Pages 1-2 had been mailed Certified to the Respondent's address of record, Return Receipt Requested on April 3, 2001. The Certified Mail Receipt had not been received as of this date.

The Notice of Vacating of Hearing and Requirement to File an Answer consisting of pages 1-2 had been mailed on January 29, 2001 to the address of record.

The 1 page Notice of Postponement of Hearing for the 2/6/01 hearing was mailed Certified Mail to the address of record, Return Receipt Requested on January 23, 2001. The Certified Mail Receipt had been returned on January 25, 2001.

The Notice of Hearing and Complaint for the 2/6/01 hearing, consisting of pages 1-7, was mailed certified to the address of record on January 5, 2001. The Certified Mail Receipt had been returned on January 10, 2001.

The notices of hearing and complaint, default, and requirement to file an answer were entered into the record as EXHIBIT 1.

2. TANKERSLEY CONSTRUCTION #37720 & #37868 – DISCIPLINARY HEARING – DEFAULT ORDER

The Default notice consisting of pages 1-2, had been mailed Certified Mail to the address of record, Return Receipt Requested on April 4, 2001. The Return Receipt

had not been received as of this date.

The Notice of Complaint and Requirement to Answer, consisting of pages 1-8, had been mailed to Respondent's address of record on February 7, 2001.

The notices of hearing and complaint, default, and requirement to file an answer were entered into the record as EXHIBIT 1.

3, **J W SMITH CONSTRUCTION AND DEVELOPMENT** #32695 – DISCIPLINARY HEARING – DEFAULT ORDER

The Default Notice consisting of pages 1-2 had been mailed certified to the address of record on March 7, 2001

The Notice of Vacating Hearing and Requirement to File an Answer which consists of pages 1-3 had been mailed certified to the address of record on February 2001. It had been returned to the Board stamped "Unclaimed" by the U.S. Postal Service.

The Notice of Hearing and Complaint consisting of pages 1-23 had been mailed certified to the address of record on January 5, 2001. It had been returned to the Board stamped "Unclaimed" by the U.S. Postal Service.

The notices of hearing and complaint, default, and requirement to file an answer were entered into the record as EXHIBIT 1.

4, **SIERRA NEVADA SIGNS** #48212 – DISCIPLINARY HEARING – DEFAULT ORDER

The Default notice, consisting of pages 1-2, had been sent by Certified Mail, Return Receipt Requested to Respondent's address of record on March 7, 2001. It had been returned on March 30, 2001, marked "Return to Sender - Moved - Left No Forwarding Address."

The Notice of Vacating of Hearing and Requirement To File an Answer, consisting of pages 1-3, had been sent by Certified Mail, Return Receipt Requested to Respondent's address of record on January 5, 2001. It was returned on January 30, 2001, marked "Return to Sender - Moved - Left No Forwarding Address."

The Notice of Hearing and Complaint for the February 6, 2001 hearing, consisting of pages 1-8, had been sent by certified mail, return receipt requested to Respondent's address of record on January 5, 2001. It was returned on January 12, 2001, marked "Return to Sender - Moved - Left No Forwarding Address."

The notices of hearing and complaint, default, and requirement to file an answer were entered into the record as EXHIBIT 1.

5. **SCHAPER PAINTING OF SOUTH CALIFORNIA** # 47169 – DISCIPLINARY HEARING – DEFAULT ORDER

The Default consisting of pages 1-2 had been sent by Certified Mail to the Respondent's address of record, Return Receipt Requested on March 7, 2001.

The Notice of Vacating of Hearing and Requirement To File an Answer consisting of pages 1-2 had been sent to the Respondent's address of record had been sent on January 29, 2001.

The Notice of Hearing and Complaint, which consists of pages 1-24, had been sent Certified Mail, Return Receipt Requested, to Respondent's address of record on January 5, 2001. It was returned to the Board on January 20, 2001.

The notices of hearing and complaint, default, and requirement to file an answer were entered into the record as EXHIBIT 1.

6. **EDGE CONTRACT GLAZING INC** #45453 – DISCIPLINARY HEARING – DEFAULT ORDER

EDGE GLASS OF RENO #35197 – DISCIPLINARY HEARING – DEFAULT ORDER

Edward A. Krische, Chairman of the Board and Owner, Edge Contract Glazing Inc. and Edge Glass of Reno, was not present, nor was anyone present on the Respondent's behalf.

The Default, consisting of two pages, had been mailed Certified to the Respondent's address of record, Return Receipt Requested on March 7, 2001. It had been returned to on March 20, 2001, stamped "Unclaimed" by the U.S. Postal Service.

The Notice of Complaint and Requirement to Answer, consisting of two pages, was mailed certified to the Respondent's address of record on January 31 2001.

The Notice of Hearing and Complaint for the 2/6/01 hearing, consisting of pages 1-24, had been Mailed Certified to the Respondent's address of record, Return Receipt Requested on January 5. 2001. It was returned on February 20, 2001 stamped "Unclaimed" by the U.S. Postal Service.

The notices of hearing and complaint, default, and requirement to file an answer were entered into the record as EXHIBIT 1.

As no one was present for the default hearings, the following motion was acted upon.

MR. CARSON MOVED TO ACCEPT THE FILES AS FINDINGS OF FACT, CONCLUSIONS OF LAW; TO FIND THE LICENSEES IN VIOLATION OF ALL CHARGES; AND TO REVOKE LICENSES

**#46592, VOWELL ENGINEERING,
#37720 & #37868, TANKERSLEY CONSTRUCTION,
#32695, J W SMITH CONSTRUCTION AND DEVELOPMENT,
#48212, SIERRA NEVADA SIGNS,
#47169, SCHAPER PAINTING OF SOUTH CALIFORNIA,
#45453, EDGE CONTRACT GLAZING INC,
#35197, EDGE GLASS OF RENO,**

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS PRIOR TO FUTURE LICENSURE.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

ADVISORY OPINIONS

1. **KITCHENS & BATHS BY LOUISE A GILMARTIN** #25438A – Clarification Of The Scope Of Work Allowed Under A C3 Classification License

On March 22, 2001, Kitchens & Baths by Louise A Gilmartin requested an advisory

opinion concerning the scope of work allowed to be performed under a C3 classification license.

Louise A. Gilmartin was present for the discussion.

At issue was could a licensee holding a C3 (Carpentry, maintenance and minor repairs) license perform remodeling work, including additions to an existing structure?

Based upon the information provided, the Board opined that a licensee holding a C3 (Carpentry, maintenance and minor repairs) license could perform remodeling work, including additions to existing structures. No freestanding structures could be built.

2. **DIAMOND EXCAVATING** #45084 – License Requirements for the Installation of Lateral Sewer Connections to Mobile Homes

On March 27, 2001, Diamond Excavating requested an advisory opinion concerning the licensing requirements for the installation of lateral sewer line connections to mobile homes below factory plumbing.

There were no representatives from Diamond Excavating present for the discussion. The Manufactured Housing Division of the State of Nevada submitted a written statement for the record.

At issue was did the installation of lateral sewer connections to mobile homes below the factory plumbing fall within the scope of the A-15 contractor's license held by Diamond Electric?

Based upon the information provided, the Board opined that the work described fell within the scope of an A15 (Sewers, Drains and Pipes) license classification. Additional licensing requirements established by the Division of Manufactured Housing were separate from the requirements addressed by NSCB.

3. **CARSON CITY DEVELOPMENT SERVICES** - Long Ranch Production Well #48, Bid Number 2000-106

On March 21, 2001, Carson City Development Services had requested an advisory opinion concerning the appropriate license classification for the construction of the Long Ranch Production Well #48. The concern was whether the project fell within the scope of work performed by a C2 license holder.

Present for the advisory opinion were Attorney Rick Elmore representing Resource Development; John LeMay, President, Diamond Electric; Justine Chambers, Contract Coordinator, Carson City Development Services; and John Benzine, Carson City Development Services.

Ms. Mathias stated that there were three separate requests for advisory opinions pertaining to the same project, one had been submitted by Carson City Development Service, one by Diamond Electric, and one by Resource Development.

Based upon the information provided, the Board opined that those who held any of the following license classifications: AB, A, B, B2, C1, or C2 could act as the prime contractor on the project.

UNITED SOLAR ENERGY INC. – License Requirements for the Installation of “Palapas”

On March 7, 2001, United Solar Energy, Inc. requested an advisory opinion concerning the licensing requirements for the installation of “palapas.”

There were no representatives from United Solar Energy, Inc present for the discussion.

At issue was what classification of contractors' license would be required to perform the installation of “palapas” which included the installation of poles, concrete and “palapa huts”.

Based upon the information provided, the Board opined that a B (General Building); B2 (Residential and Small Commercial); AB (General Engineering & General Building) or a C14i (Awnings) license would be required to perform the work described.

4. **NEVADA STATE PUBLIC WORKS BOARD** – License Requirements to Perform White Pine Middle School Upgrades

On April 3, 2001, Nevada State Public Works Board requested an advisory opinion concerning the licensing requirements for the White Pine Middle School Upgrades.

There were no representatives from Nevada State Public Works Board present for the discussion.

At issue was what Nevada State contractor's license classification would be required to perform various upgrades to the White Pine Middle School, including HVAC; installation of a fire alarm system, electrical work; asbestos removal; and other miscellaneous work?

Based upon the limited information provided, the Board opined that a licensee holding an AB (General Engineering & Building); B (General Building); B2 (Residential & Small Commercial) or a C3 (Carpentry) classification contractor's license could act as the prime contractor for the work described provided that all electrical, HVAC or fire protection work is performed by properly licensed subcontractors.

5. **Q & D CONSTRUCTION INC.** – License Requirements for the Installation of Copper Radio Frequency Shield

On April 3, 2001, Q & D Construction, Inc. requested an advisory opinion concerning the licensing requirements for the installation of a copper radio frequency shield inside a MRI scan room.

Mr. Brian Kernan from Q & D Construction, Inc. was present for the discussion.

At issue was would a contractor's license be required to perform the installation of a copper radio frequency shield inside a MRI scan room for the St. Mary's Galena Outpatient Center in Reno, Nevada?

Based upon the information provided, the Board opined that contractor's license would not be required to install a copper radio frequency shield inside a MRI scan room for the St. Mary's Galena Outpatient Center in Reno.

7. **UC SERVICE CORPORATION** – License Requirements to Perform Maintenance and Corrective Repairs to Ash Conveying Equipment

On April 4, 2001, Nevada State Public Works Board requested an advisory opinion

concerning the licensing requirements for the routine maintenance and corrective repairs to ash conveying equipment installed for units 1-4 at Nevada Power Company's Reid Gardner Power Plant.

There were no representatives from UC Service Corporation present for the discussion.

At issue was would a Nevada State contractor's license be required to perform routine maintenance and corrective repairs to ash conveying equipment at Nevada Power Company's Reid Gardner Power Plant?

Based upon the information provided, the Board opined that general maintenance work would not require a contractor's license. If major replacement of components was required, a contractor's license would be required.

8. **CARSON CITY SCHOOL SYSTEM** – License Requirements for the Installation of a New Phone System, Bid #2001-447

On April 5, 2001, Nevada State Public Works Board requested an advisory opinion concerning the licensing requirements for the installation of a new phone system for the Carson City School System utilizing existing cabling infrastructure.

There were no representatives from Carson City School System present for the discussion.

At issue was would a Nevada State contractor's license be required to install a new phone system for the Carson City School System utilizing existing cabling infrastructure?

Based upon the information provided, the Board opined that a contractor's license would not be required to set components in place and plug the equipment into existing outlets. A C-2 (Electrical) or a C-2(e) Signal Systems classification would be required if any electrical work was performed.

9. **DAVE BLACK ELECTRIC** – Licensing Requirements for the Installation of Underground Conduit and Above Ground Pads on Public Right of Way

On April 5, 2001, Dave Black Electric, #32881, requested an advisory opinion from the Nevada State Contractors' Board concerning licensing requirements for the installation of underground conduit and above ground pads on the public right of way.

There were no representatives from Dave Black Electric present for the discussion.

The question addressed was did the installation of underground conduit and above ground pads within the right of way of any city, county, state or interstate roadway fall within the scope of the C2 license presently held by Dave Black Electric?

Based upon the information provided, the Board opined that a licensee holding an A (General Engineering) classification license or a licensee holding an A17(Lines to Transmit Electricity) and A19 (Pipeline and Conduits) classification license could perform the work described.

APPLICATIONS (Continued)

The following motion closed the meeting to the public.

MR. CARSON MOVED TO CLOSE THE MEETING TO THE PUBLIC.

MS. CAVIN 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).

APPLICATION INTERVIEW

SUNKIST HOME IMPROVEMENTS #23042 – APPLICATION INTERVIEW

William O. Hale, President, Sunkist Home Improvements, was present with Nancy Wilhelm, Vice President, Sunkist Home Improvements.

Kathy Stewart, Licensing Supervisor, stated that the matter was a Change of Officer application with renewal. It had originally been heard on February 22, 2001, and tabled for further investigation of the terms of Mr. Hale' probation and a corporate financial statement. Mr. Hale was currently on probation for a DUI conviction. On February 22, 2001, Mr. Hale was subject to residential confinement. He had since been released and was currently on parole until November 4, 2001. A corporate financial statement had been received. The corporation was currently in Chapter 11, bankruptcy. Reorganization had been approved.

MR. CARSON MOVED TO APPROVE THE LICENSE RENEWAL WITH OFFICER CHANGE, WITH UPDATES ON PROGRESS PAYMENTS.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

SIERRA NEVADA PLUMBING (C1D – Plumbing) NEW APPLICATION

Jackie Basagoitia, Owner, Sierra Nevada Plumbing, and Robert Compton, Qualified Employee, were present.

Ms. Stewart stated that there had been some concerns regarding Mr. Compton's credit history and child support issues. Additionally, the board had received unfavorable employment verification from a prior employer, dating back 5-years.

The Board notified them that the license application had been approved with a limit of \$50,000 and a \$10,000 bond. The purpose of the interview was to inform Ms. Basagoitia of Mr. Compton's background.

SIERRA NEVADA CONCRETE INC (C5 – Concrete Contracting) NEW APPLICATION, WAIVER OR TRADE EXAM

Timothy Burkett, President, Sierra Nevada Concrete Inc, was present. He was notified that the license application had been approved with a limit of \$25,000 and a \$5,000 bond. The trade exam was waived.

JOHN T LANSFORD (B2 – Residential & Small Commercial) NEW APPLICATION

John Lansford, Owner, was present.

Ms. Stewart said the financial statement did not support the license limit requested.

Mr. Lansford stated that his employer was Jack Sommer. Mr. Sommer had assured Mr. Lansford that if he needed additional capital he was willing to provide it.

When asked if he needed a limit of \$1 million dollars, he replied yes, adding that he had the ability to get any size bond the Board imposed within reason.

Personal indemnification was explained to Mr. Lansford.

MR. CARSON MOVED TO APPROVE THE LICENSE APPLICATION WITH A LIMIT OF \$1 MILLION AND A \$25,000 BOND, CONTINGENT UPON RECEIPT OF PROOF OF \$100,000 DEPOSIT IN MR. LANSFORD'S NAME OR PERSONAL INDEMNIFICATION BY MR. SOMMERS.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

PILCHUCK CONTRACTORS INC (A22 – Designated for Underground Communications) **NEW APPLICATION**

PILCHUCK DIVERSIFIED SERVICES INC (A22 – Designated for Underground Communications) **NEW APPLICATION**

Michael Terry, Qualified Employee, was present. He was informed that both licenses had been approved with an unlimited license limit and a \$50,000 bond.

ENCOMPASS ELECTRICAL TECHNOLOGIES OF NEVADA INC #51697 (C2 – Electrical Contracting) **60 DAY EXTENSION TO REPLACE QUALIFIED EMPLOYEE**

Attorney Keith Gregory was present. He was informed that the 60-day extension had been granted.

S R CONSTRUCTION INC #33080A (B – General Engineering) **RAISE IN LIMIT**

Attorney Keith Gregory was present. He was informed that the license application had been approved with an unlimited license limit and a \$50,000 bond.

Mr. Gregory returned at 3:24 p.m. during the application review and resumed the chair.

The remainder of the applications on the agenda was reviewed and discussion occurred on the following: Nos. 2-13, 15-16, 27, 31, 33, 38-39, 46-47, 49, 53, 56-59, 62, 76, 80-81, 90, 92-101, 107, 111, 130, 135, 147, 168, 183, 191-192, 196-198, and 202; and on the amended agenda: Nos. 3, 9, 11-13, 17,

MR. JOHNSON MOVED TO REOPEN THE MEETING TO THE PUBLIC.

MR. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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

MR. SCHAEFER 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 3:35 p.m.

Respectfully Submitted,

Betty Wills, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kim Gregory, Chairman