

KENNY C. GUINN  
Governor

## STATE OF NEVADA

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### 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 JULY 24, 2001

The meeting of the State Contractors' Board was called to order by Chairman Kim Gregory at 8:24 a.m., Tuesday, July 24, 2001, 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. Douglas W. Carson Arrived 8:40 a.m.  
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. David Reese, Legal Counsel (Cooke, Roberts & Reese)  
Ms. Nancy Mathias, Licensing Administrator  
Mr. George Lyford, Director of Special Investigations Unit  
Mr. Rick Bertuzzi, Director of Investigations  
Mr. Roy Schoonmaker, Supervisor, Criminal Investigations  
Ms. Pat Potter, Licensing Supervisor  
Ms. Susie Kiger, Legal Assistant  
Ms. Sonya Ruffin, Public Relations  
Mr. Tom Tucker, Investigator  
Mr. Tom Lawrence, Investigator  
Mr. Spencer Kinney, Investigator  
Mr. Jim Ables, Investigator  
Mr. Greg Welch, Investigator  
Mr. Greg Mincheff, Investigator Supervisor  
Mr. Ron Ramsey, Investigator Supervisor  
Mr. Jim Porter, Investigator – SIU  
Ms. Cheryl Young, Investigator – SIU  
Ms. Doris Talley, License Management Assistant  
Ms. Traci Greenlee, License Analyst  
Ms. MaryAnn Enbody, License Analyst  
Ms. Sandy Diederich, Legal Assistant - Reno  
Ms. Barbara Hennessy, Recording Secretary

**OTHERS PRESENT:**

Christy Phelps, Court Reporter, CSR Associates of Nevada; Mr. Chuck Best, Owner, Chucks Electric; Mr. Jordie Primack, Owner, Premier Construction; Mrs. Les Lisicki, Homeowner; Ms. Marriann Lisicki, Homeowner; Mr. Michael Vann, Champion Homes; Ms. Nancy Barnes, Manager, Moneterrey Park II; Mr. Bob Latch, Owner, Crest Homes; Mr. Scott Latch, Owner, Crest Homes; Ms. Susan Ruliffson, Homeowner; Mr. Greg Consalvo, Owner, Wallcoverings by Gregory; Mr. Frank Salazar, Owner, Aqua Pools & Spas; Mr. James Thomas, Owner, JTC & Associates; Dr. John Petrick, Homeowner; Mr. Narviez Wesley, Owner, N W Masonry; Mr. Stephan Valihora, Homeowner, Mr. Owen Nitz, Attorney; Mr. William Lauer, Owner, Lake City Air Conditioning; Mr. Scott Rasmussen, Attorney; MR. Jeffrey Whitehead, Attorney; Mr. Harley Chapman, Owner, Chapman & Associates; Ms. Roxanne Collin, Owner, Collin Color; Mr. David Coates, Owner, Coates Painting; Mr. Paul Curry; Mr. Gary Lial, Superintendent, Aztech Plastering; Mr. Vincent Hesser, Pacific Contractors; Mr. Jim Pengilly, Attorney; Mr. Mike McClan, MICCO/Flagship; Mr. Larry Powers, Owner, New Horizon Construction; Mr. Jesse Schell, Inspection Supervisor, City of Las Vegas; Mr. James Dean; Ms. Lori Ashton, Representative, SW Regional Council of Carpenters; Mr. Rich Oldenburg, President, Maverick Fire Protection; Mr. Anthony Gonzalez, President, Nevada Plastering; Ms. Vonda Elsbury, Owner, Wolf Clan Construction; Mr. Gregory Rexroad, Vice President, R.B. & G Construction Company; Mr. Paul Booth, Owner, Shenandoah Maintenance; Mr. Keith Gregory, Attorney; Mr. David Clotfelter, Owner, Optimum Air; Mr. Gary Lee, Owner, Kelgar Construction; Mr. John Blackmon, Bekins; Mr. Nicholas Alexander, Homeowner; Ms. Juanell Alexander, Homeowner; Mr. Bart Hadfield, Hadfield Construction; Mr. Terry Leavitt, Attorney; Mr. Roger Sarbacher, Owner, Chlorine Free Pools; Mr. Mike Hartman, First Choice Painting; Mr. Mark Bodden, Attorney; Mr. Jim Hernquist, Pacific Homes; Mr. Aurelino Lemas, Vice President, Nevada Plastering; Mr. James Dean, President, Triangle Construction and Mr. Allan Stollars, MBK Construction.

Ms. Grein stated that **Ron Ramsey** had posted the agenda in compliance with the open meeting law on July 19, 2001 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.

It was learned there were 10 items on the amended agenda including an additional license number on Item 17, each item of an emergency nature.

**MR. CAVIN MOVED TO HEAR THE AMENDED AGENDA.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Mr. Gregory called for a motion to approve the minutes of July 10, 2001 and the Recovery Fund Hearing and Workshop Minutes of July 11, 2001.

**MR. ZECH MOVED TO APPROVE THE MINUTES OF JULY 10<sup>TH</sup> AND THE RECOVERY FUND HEARING AND WORKSHOP MINUTES OF JULY 11, 2001.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

## EXECUTIVE SESSION

### Performance Guidelines

Ms. Grein stated that she is currently in the process of amending and revising the performance guideline standards. Mr. Griffy gave a recap of the Board's liabilities regarding performance guidelines for safety standards. The Board asked to see the guidelines in final form at the Reno Meeting on August 7, 2001.

## DISCIPLINARY HEARINGS

### HADFIELD DEVELOPMENT, #29493 – DISCIPLINARY HEARING STAFF UPDATE (continued from June 19, 2001)

Mr. Nicholas Alexander, Homeowner; Ms. Juanell Alexander, Homeowner; Mr. Bart Hadfield, Hadfield Development; Mr. Greg Mincheff, NSCB Investigations Supervisor were present. Also in attendance was Mr. Owen Nitz, Counselor for Hadfield Development.

Mr. Griffy stated that this matter has been continued from June 19, 2001, to allow the Respondent to take corrective action as required by the Board's Notice to Correct to the satisfaction of the State Contractors' Board.

A status update letter regarding the Alexander residence was entered into the record as Exhibit 3.

Mr. Nitz informed the Board that the corrections were moving forward. A new wood sliding door for the kitchen has been ordered, a new shower diverter stem has been ordered, steps have been taken to increase the airflow on the exhaust system and there is an offer with the Alexander's to purchase a new air conditioning system and build a hardwood box around the unit so that it will match the interior of the office.

Mr. Alexander stated that he is not comfortable with the air conditioning solution that was offered by Hadfield Development. He would like confirmation from the architect to see if Hadfield Development followed the plans.

Mr. Hadfield testified that the residence is located within the City of Las Vegas which does not require plans to be filed.

Mr. Gregory stated that Hadfield Development still had 30 days to finalize the corrective actions on the residence and a determination on this matter will be made at the August 21, 2001 Board meeting.

### BISHOP PAVING, #42843 – DISCIPLINARY HEARING STAFF UPDATE (continued from June 19, 2001)

Mr. Greg Mincheff, NSCB Investigations Supervisor and Mr. Scott Rasmussen, Counsel for Bishop Paving were present.

Mr. Griffy stated that this matter has been continued from June 19, 2001, to allow the Respondent to take corrective action as required by the Board's Notice to Correct to the satisfaction of the State Contractors' Board.

Mr. Mincheff informed the Board that this case has been resolved. The last issue before the Board on June 19, 2001, was the removal of the asphalt driveway, which has been completed by Bishop Paving. Mr. Mincheff received a letter from Mr. DeLong, the homeowner, attesting to the completion of the work.

The evidentiary portion of the hearing was closed.

**MR. JOHNSON MOVED TO FIND BISHOP PAVING, LICENSE #42843, IN VIOLATION OF ALL CHARGES.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. JOHNSON MOVED TO PLACE A PERMANENT LETTER OF REPRIMAND IN BISHOP PAVING'S LICENSE FILE #42843, AND TO REQUIRE INVESTIGATIVE COSTS OF \$3,240.00 TO BE PAID WITHIN 90 DAYS OR THE LICENSE WILL BE SUSPENDED.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**CHAPMAN & ASSOCIATES, #44983 – DISCIPLINARY HEARING STAFF UPDATE**  
(continued from April 24, 2001 and May 9, 2001)

Mr. Harley Chapman, Owner, Chapman & Associates, Ms. Roxanne Collin, Owner, Collin Color and Mr. Ron Ramsey, NSCB Investigations Supervisor were present.

Mr. Griffy stated that this is the second of six staff updates in the continuing matter pertaining to the establishment of the corporation's financial responsibility.

Ms. Collin stated that she received notification that she is being sued by Mr. Chapman's bonding company for placing a claim against his bond.

Mr. Griffy explained that the notification she received was an action to interplead the funds, and to notify her that she will have to file an Answer in court for consideration on the amount of money she will receive from the bond.

Mr. Chapman stated that there was nothing to report on the bankruptcy. There is a continuing argument in court with Domino's and he doesn't foresee anything positive for another 30 to 40 days.

Ms. Grein stated that the license is suspended by Board action and that an updated financial statement was requested and has not been provided.

Mr. Chapman testified that he has also filed for personal bankruptcy.

Mr. Gregory stated that there is no action the Board can take at this time to make this matter go forward and doesn't see any point in having staff updates since the license expires July 31, 2001.

**MR. CARSON MOVED TO CONTINUE TO THIS MATTER TO THE AUGUST 21, 2001 BOARD MEETING AND TO NOTICE IT FOR BOARD ACTION.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**PAUL CURRY**, #20624 and **TRIMCREW**, #37696 – DISCIPLINARY HEARING (continued from May 22, 2001)

Mr. Gary Lial, Superintendent, Aztech Plastering; Mr. Paul Curry, Owner, Paul Curry, Mr. Charles Best, Owner Chuck's Electric; Mr. David Coates, Owner, Coates Painting Company; Mr. Stephan Valihora, Homeowner; Mr. Ron Ramsey, NSCB Investigations Supervisor were present. Also in attendance was Mr. Jeffrey Whitehead, Counsel for Mr. Valihora.

Mr. Griffy stated that this matter was continued from May 22, 2001, to allow the Respondent the opportunity to have specified subcontractors testify on his behalf.

Mr. Lial testified that his company, Aztech Plastering, applied the stucco to Mr. Valihora's residence. Upon completing an inspection of the residence, he determined that this type of cracking was normal due to the base coat finish. Mr. Lial testified that Mr. Valihora told him that it would be painted within a year, so Aztech only applied a white coating in lieu of the standard gray.

Mr. Ramsey testified that the plans called for 1" foam board with foil wrap and stucco on top. What was installed was 1/2" or 3/8" particleboard with a standard wrap.

Mr. Lial testified that the foam board was eliminated to give the walls a more substantial look. There was no change order to substantiate the change.

Mr. Curry testified that there was no advantage to eliminating the styrofoam. The purpose of eliminating the styrofoam was to decrease the thickness of the wall.

Mr. Valihora testified that Mr. Curry mentioned eliminating the foam board but he had not approved the change.

Mr. Curry testified that this was a time and material contract. The contract also states that payment be made on a weekly basis throughout the contract. The figure he originally quoted was before they ran into problems with the excavation. He also stated that all invoices were presented to Mr. Valihora with the receipts attached.

Mr. Best testified regarding the ceiling fans. After installing the ceiling fans, supplied by Mr. Valihora, there was visible shaking. He made two attempts to minimize the shaking. The fans were inexpensive, industrial fans with an 18" down rod, which created the problem.

Mr. Coates testified to submitting a bid to stucco the residence. He provided Mr. Valihora with three options: 1) a cover-up and basic touch up at a cost of \$2,200; 2) primer and one coat of elastameric finish at a cost of \$11,000 and 3) primer and 2 coats of elastameric finish at a cost of \$15,000. Mr. Curry informed him that Mr. Valihora was looking to do the elastameric finish at a later date. Mr. Coates testified that all details on the project were relayed through Mr. Curry.

Mr. Valihora testified that he never saw the stucco bids.

Mr. Ramsey testified that the Respondent has a \$70,000 limit and the total price of the residence was approximately \$425,000.

Mr. Curry testified that he unintentionally used the wrong contract for the Valihora project. When he realized his error, he immediately applied for the raise in limit.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO DISMISS THE 4<sup>TH</sup> CAUSE OF ACTION AND FIND PAUL CURRY, #20624, AND TRIMCREW, #37696, IN VIOLATION OF THE 1<sup>ST</sup>, 2<sup>ND</sup>, 3<sup>RD</sup>, AND 5<sup>TH</sup> CAUSES OF ACTION.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO SUMMARILY SUSPEND THE LICENSE OF PAUL CURRY, #20624, TO CONTINUE THIS MATTER FOR 60 DAYS TO ALLOW CORRECTIVE ACTION TO BE TAKEN RELATING TO THE STUCCO REPAIR, WITH REPAIRS TO BE PERFORMED AT RESPONDENT'S EXPENSE.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

The Order to Correct was issued directly to both the general contractor, Paul Curry, #20624 and Aztech Plastering, #28600 to include corrections to the satisfaction of the Board's investigator within 60 days. If Aztech Plastering fails to perform the corrective action, the Board will commence formal hearing procedures against Aztech Plastering charging substandard workmanship.

**LAKE CITY AIR CONDITIONING**, #26696 – DISCIPLINARY HEARING

The Notice of Complaint & Requirement to Answer, dated March 14, 2001, consisting of pages 1-20, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated March 24, 2001. The Answer was received May 15, 2001.

The Notice of Hearing, dated May 21, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated May 22, 2001.

The Notice of Continued Hearing, dated May 23, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated May 24, 2001.

The hearing was for possible violations of NRS 624.3015(2), bidding to contract or contracting for a sum for one construction contract or project in excess of the limit placed on the license by the Board; NRS 624.3011(1)(a), willful and prejudicial departure from or disregard of plans or specifications in any material respect without the consent of the owner; NRS 624.3013(5), as set forth in NAC 624.700(3)(a), failing to respond to the Board's Notice to Correct; and NRS 624.3013(5), as set forth in NAC 624.640(5), failure to include the license number and monetary limit on all bids and contracts.

Mr. Stephen Valihora, Homeowner; Mr. William Lauer, Owner, Lake City Air Conditioning and Heating; Mr. Ron Ramsey, NSCB Investigations Supervisor were sworn in. Also present was Mr. Jeffrey Whitehead, Counsel for Mr. Valihora.

The Notice of Hearing and Complaint was entered into the record as Exhibit 1.

The Stipulation was signed and entered into the record as Exhibit 2.

Mr. Valihora testified that in March, 1998, he accepted a bid from the Respondent to install two air conditioning and heating units according to plans. The approximate contract price was \$7,800.00.

Mr. Valihora testified that he solicited several air conditioning companies for proposals before he began building his residence. He received two proposals from the Respondent, one for 10 SEER equipment and one for 12 SEER equipment, to be installed on the east side of the residence. Mr. Valihora then gave the proposals to the general contractor, paid the general contractor and the general contractor paid the Respondent.

Mr. Ramsey testified that the Respondent's license limit is \$5,000 and that the proposal failed to include the monetary limit.

Mr. Lauer testified that he didn't realize his limit was that low because he was only doing service work at the time and didn't require a higher limit.

Mr. Ramsey testified that he validated the complaint that the air conditioning units were installed on the west side of the residence and that the proposal called for the units to be installed on the east side. Mr. Ramsey met with Mr. Lauer and Mr. Curry to walk the job

site and review the proposal. There was no further contact with the Respondent after the meeting. Mr. Ramsey then received a call from Mr. Valihora after the expiration of the Notice to Correct informing him that the Respondent refused to make the correction because he did not contract with him; his contract was with Mr. Curry.

Mr. Lauer testified that the original proposal was provided to Mr. Valihora in March, 1998. In late 1999, Mr. Curry contacted him and asked if he would honor the original proposal price and the Respondent agreed. Mr. Lauer testified that all correspondence was between himself and Mr. Curry, everything was verbal, and he never saw Mr. Valihora.

Mr. Lauer testified that Mr. Curry told him that the west side of the residence was the agreed upon location because the main electrical panel and the concrete slab were at this location.

The evidentiary portion of the hearing was closed.

**MR. ZECH MOVED TO FIND LAKE CITY AIR CONDITIONING, HEATING AND SHEETMETAL, #26696, IN VIOLATION OF ALL CHARGES.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED WITH MR. SCHAEFFER OPPOSED.**

**MR. ZECH MOVED THAT A ONE YEAR LETTER OF REPRIMAND BE PLACED IN LAKE CITY AIR CONDITIONING, HEATING AND SHEETMETAL'S LICENSE FILE #26696; TO RECOVER INVESTIGATIVE COSTS OF \$1,441.00 WITHIN 60 DAYS OR THE LICENSE WILL BE SUSPENDED.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MEDCO CONSTRUCTION, INC.**, #33771, 32003 and 33770 and **RYAN ANTHONY & ASSOCIATES**, #45211 – DISCIPLINARY HEARING UPDATE (continued from January 24<sup>th</sup>, February 22<sup>nd</sup> and April 24, 2001)

Mr. Griffy stated that this matter had been continued for an update on the financial stability of the company and the bankruptcy status.

Mr. Ron Ramsey, NSCB Investigations Supervisor, Mr. Keith Gregory, General Counsel for Medco Construction and Mr. Terry Leavitt, Bankruptcy Counsel for Medco Construction were present.

Mr. Leavitt stated that Medco is looking at a mid-September, 2001 date for the filing of a disclosure statement. A reorganization plan will then be placed on the court's calendar.

Mr. Leavitt agreed to provide a copy of the reorganization plan to the NSCB staff for review as soon as it is available.

**PRIMACK HOMES, INC., #39359 and SUNSET CONSTRUCTION, INC. d/b/a PRIMIER CONSTRUCTION, #44414 – PETITION FOR REHEARING**

The Petition for Re-Hearing, dated May 15, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated May 17, 2001.

Mr. Jordy Primack, Owner, Primack Homes and Mr. Ron Ramsey, NSCB Investigations Supervisor were present.

Mr. Griffy stated that during the April 24, 2001, Board meeting charges were dismissed against Primier Construction when it was Chateau Homes that should have been dismissed. The Petition for Rehearing is being requested by NSCB staff to determine if the Board would like to take action against Primier Construction, #44414 under the 8<sup>th</sup> Cause of Action.

Ms. Mathias stated that the licenses were renewed after the charges were dismissed.

**MR. ZECH MOVED TO REHEAR THE MATTER OF PRIMIER CONSTRUCTION, INC., #44414, ON THE 8<sup>TH</sup> CAUSE OF ACTION TO INCLUDE A FINANCIAL STATEMENT REVIEW AND COMPLETE DESCRIPTION OF INDIVIDUALS INVOLVED IN THE CORPORATION AND THEIR PARTICIPATION IN THE CORPORATION.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**GUINN CONSTRUCTION COMPANY, #9037 – DISCIPLINARY HEARING**

The Notice of Hearing, dated May 24, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated April 30, 2001.

The Notice of Complaint and Requirement to Answer, dated April 20, 2001, consisting of pages 1-29, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated April 30, 2001. The Answer was dated May 17, 2001.

The Hearing was for possible violations of NRS 624.3017(1), workmanship which is not commensurate with the standards of the trade in general; NRS 624.3013(5), as set forth in NAC 624.700(3)(a), failure to comply with the Board's Notice to Correct and NRS 624.3013(5), as set forth in NAC 624.640(5), failure to include the license number and monetary limit on all bids and contracts.

Mr. Greg Mincheff, NSCB Investigations Supervisor was sworn in. No one from Guinn Construction Company was present.

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

Ms. Mathias stated that as of March 1, 2001, the license has not been renewed.

Mr. Mincheff testified that Ms. Dean advised him that she had reached a settlement with the Respondent.

Ms. Grein stated that this was the only complaint filed against the Respondent.

Mr. Mincheff stated that the licensee is currently retired and living out of state.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO ACCEPT TODAY'S TESTIMONY AND FILE AS FINDINGS OF FACT AND CONCLUSIONS OF LAW.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO DISMISS THE CHARGES AGAINST GUINN CONSTRUCTION COMPANY, #9037.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**CHLORINE FREE SWIMMING, INC., #44319 – DISCIPLINARY HEARING**

The Notice of Hearing, dated May 24, 2001 was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated May 29, 2001.

The Notice of Complaint and Requirement to Answer, dated April 20, 2001, consisting of pages 1-23, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated May 29, 2001. The Answer was received May 18, 2001.

The Hearing was for possible violations of NRS 624.3017(1), workmanship which is not commensurate with the standards of the trade in general; NRS 624.3013(5), as set forth in NAC 624.700(3)(a), failure to comply with the Board's Notice to Correct; 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(5), as set forth in NAC 624.640(5), failure to include the license number and monetary limit on bids and contracts.

Mr. Roger Sarbacher, President, Chlorine Free Swimming Pools; Ms. MaryAnn Lisicki, Homeowner; Mr. Edward Lisicki, Homeowner; and Mr. Greg Welch, NSCB Investigator were sworn in.

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

The Stipulation was signed and entered into the record as Exhibit #2.

Mr. Lisicki testified that he entered into a contract for a pool deck and repair of pool tile for \$8,000.00 and has paid the Respondent a total of \$8,000.00. As a result of the Respondent's work, the pool decking, which has been repaired by the Respondent several times, is continuously peeling, the expansion joint was cracked and has been corrected but not to the satisfaction of the Lisicki's.

Pictures of the expansion joint and pool decking were entered into the record as Exhibit #3.

Mr. Welch testified that he has validated that the attempted repairs do not meet minimum standards. He has had no contact with the Respondent since the reinspection.

Pictures of the repairs to the expansion joint and pool decking were entered into the record as Exhibit #4.

Mr. Sarbacher testified that he did not know the repairs were unsatisfactory. The last conversation he had was with Mrs. Lisicki during the 3<sup>rd</sup> week of July, 2000, advising him that she was satisfied with the work. Then, he received a letter from the Lisicki's attorney requesting compensation for additional work completed by another contractor.

A copy of the attorney's letter was entered into the record as Exhibit A.

Mr. Welch testified that there was a discrepancy on the Notice to Correct. There was no response, by the Respondent, to the first Notice to Correct in January, 2001. On March 1, 2001, the Respondent answered the Notice to Correct. Mr. Welch testified that a meeting was scheduled on March 22, 2001 and the Respondent failed to appear. The contract does not contain his monetary limit, which is \$10,000.00.

Mr. Sarbacher testified that he would have made the corrections as outlined in the Notice to Correct but thought they were already completed by Executive Concrete Coatings as stated in Mr. Hillin's letter.

Mr. Lisicki testified that his attorney had misinterpreted the facts. No one had made the repair; Mr. Lisicki had just received an estimate for the repairs. Mr. Lisicki testified that he never said the Respondent couldn't complete the repairs.

Mrs. Lisicki testified that she tried to contact the Respondent numerous times to arrange dates that repairs could be made.

A list of calls made by the Lisicki's to the Respondent were entered into the record as Exhibit #5.

Mr. Lisicki would like the Respondent to pay for the necessary repairs.

Mr. Sarbacher testified that he has no problem paying for the repairs, but \$3,600.00 is high and would like to get his own estimates.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO FIND CHLORINE FREE SWIMMING, INC., #44319, IN VIOLATION OF ALL CHARGES.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO CONTINUE THE DISCIPLINARY PENALTY PHASE FOR 30 DAYS; ORDER CHLORINE FREE SWIMMING, INC., #44319, TO TAKE CORRECTIVE ACTION USING A LICENSED 3<sup>RD</sup> PARTY CONTRACTOR TO BE COMPLETED WITHIN 30 DAYS.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**GLENVIEW DEVELOPMENT CORPORATION, #22003 – DISCIPLINARY HEARING**

The Notice of Hearing, dated June 1, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received June 2, 2001.

The Notice of Complaint and Requirement to Answer, dated April 18, 2001, consisting of pages 1-20, was sent certified mail to the Respondent's address of record on file with the Board.

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; NRS 624.3013(3), failure to establish financial responsibility.

Mr. Mike Hartman, First Choice Painting and Mr. Greg Mincheff, NSCB Investigations Supervisor were sworn in. No one from Glenview Development Corporation was present.

Mr. Griffy stated that a letter was received from Glenview dated May 10, 2001, stating the corporation had been dissolved and that the licensee desired to voluntarily surrender license #22003.

The Notice of Hearing and Complaint was entered into the record as Exhibit 1.

Ms. Grein stated that Glenview Development Corporation currently holds an active license. The NSCB received a letter on March 15, 2001, stating that the corporation is being dissolved.

Mr. Reese clarified that the President of Glenview Development Corporation was filing bankruptcy, but no information has been received that the corporation is filing bankruptcy, just dissolving.

Mr. Hartman testified that on March 23, 2000, he entered into a contract with the Respondent for installation of steel stud framing, drywall and acoustical ceilings to a 14,200 square foot building. On July 17, 2001, the Respondent paid him \$5,000.00 leaving a balance of approximately \$9,200.00. In February, 2001, the Respondent proposed monthly payments and has not followed through on the payments.

Mr. Mincheff testified that the Respondent stipulated that he owed First Choice Painting money. A payment of \$5,000.00 was sent after this correspondence. Mr. Mincheff testified that he requested a financial statement; which has not been provided.

The evidentiary portion of the hearing was closed.

**MR. JOHNSON MOVED TO ACCEPT TODAY'S TESTIMONY AND FILE AS FINDINGS OF FACT AND CONCLUSIONS OF LAW.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. JOHNSON MOVED TO FIND GLENVIEW DEVELOPMENT CORPORATION, #22003, IN VIOLATION OF ALL CHARGES.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. JOHNSON MOVED TO REVOKE LICENSE #22003, GLENVIEW DEVELOPMENT CORPORATION; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE INVESTIGATIVE COSTS OF \$1,361.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**CHAMPION HOMES, #37853 and MANLEY DEVELOPMENT, INC., #36387 – DISCIPLINARY HEARING**

The Notice of Hearing dated June 4, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated March 27, 2001. The Answer was received on May 30, 2001.

The Notice of Complaint & Requirement to Answer, dated March 22, 2001, consisting of pages 1-12, was sent certified mail to the Respondent's address of record on file with the Board.

The Hearing was for a 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.

Mr. Michael Vann, Champion Homes and Mr. Ron Ramsey, NSCB Investigations Supervisor were present.

The Notice of Hearing and Complaint was entered into the record as Exhibit 1.

The Stipulation was signed and entered into the record as Exhibit #2.

Mr. Vann stated that Mr. Manley apologized for not attending today's hearing, however, he is in court on another matter. Mr. Vann stated that he is authorized to stipulate to all charges on behalf of Mr. Manley.

Mr. Vann testified that all workmanship complaints have been resolved. The only outstanding issues remaining are money owing. With his current situation, Mr. Manley can not obtain a line of credit.

Mr. Ramsey testified that there are several money owing complaints that have previously been heard by the Board and are still unresolved.

The evidentiary portion of the hearing was closed.

**MR. SCHAEFER MOVED TO FIND CHAMPION HOMES, #37853 AND MANLEY DEVELOPMENT, INC., #36387, IN VIOLATION OF ALL CHARGES.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. SCHAEFER MOVED TO REVOKE LICENSE #37853, CHAMPION HOMES AND LICENSE #37853, MANLEY DEVELOPMENT; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND TO RECOVER THE INVESTIGATIVE COSTS OF \$1,379.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**LITTLETON ROOFING COMPANY, INC., #34899 – DISCIPLINARY HEARING**

The Notice of Hearing, dated May 30, 2001, was sent certified to the Respondent's address of record on file with the Board. The return receipt was dated May 10, 2001. The Answer was received on May 24, 2001.

The Notice of Complaint & Requirement to Answer, dated May 7, 2001, consisting of pages 1-30, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated May 10, 2001.

The Hearing was for possible violations of NRS 624.3017(1), workmanship which is not commensurate with the standards of the trade in general; NRS 624.3013(5), as set forth in NAC 624.700(3)(a), failure to comply with the Board's Notice to Correct; NRS 624.3013(5), as set forth in NAC 624.640(3), failure to notify the Board of an address change; NRS 624.3013(4), failure to keep in force the bond or cash deposit; and NRS 624.3013(5), as set forth in NAC 624.640(5), failure to include the license number and the monetary limit on bids and contracts.

Ms. Nancy Barnes, Monterey Park II; Mr. Greg Welch, NSCB Investigator; and Mr. Jim Porter, NSCB Investigator were sworn in.

The Notice of Hearing and Complaint was entered into the record as Exhibit 1.

Ms. Barnes testified that she entered into a contract with the Respondent to reroof Monterey Park II for \$103,700 and has paid the Respondent in full. Since the completion of the project, many workmanship issues have been brought forward. There is water ponding on the southwest side of the roofs; excessive leaking, the roofing seams are not properly secured and the roofing material was not overlapped.

Mr. Welch testified that he validated the complaint through an onsite inspection with Ms. Barnes. Mr. Welch testified that met with the Respondent who informed him that he wanted to make the corrections and then surrender his license. At the request of the Contractors' Board, the Respondent attempted to make the necessary repairs twice. Both correction attempts were not to the satisfaction of the Contractor's Board.

Mr. Porter testified that he drove by the Respondent's place of business and that he has moved without notifying the Board.

Mr. Porter testified that the Respondent has been renewing his license under the Qualified Employee, Thomas Muller, for the last eight years. Mr. Muller provided documentation that he resigned as the Qualified Employee for the Respondent in 1991. After reviewing the renewal applications, Mr. Muller stated that it was not his signature on the applications.

Mr. Muller's letter of resignation as the Qualified Employee of Littleton was entered into the record as Exhibit 2.

Mr. Welch testified that he requested a financial statement; which has not been provided.

The evidentiary portion of the hearing was closed.

**MS. CAVIN MOVED TO ACCEPT TODAY'S TESTIMONY AND FILE AS FINDINGS OF FACT, CONCLUSIONS OF LAW.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MS. CAVIN MOVED TO DISMISS THE 2<sup>ND</sup> CAUSE OF ACTION AND TO FIND LITTLETON ROOFING COMPANY, INC., #34899, IN VIOLATION OF THE 1<sup>ST</sup>, 3<sup>RD</sup>, 4<sup>TH</sup>, 5<sup>TH</sup>, 6<sup>TH</sup>, 7<sup>TH</sup>, 8<sup>TH</sup>, 9<sup>TH</sup>, 10<sup>TH</sup>, 11<sup>TH</sup>, AND 12<sup>TH</sup> CAUSES OF ACTION.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MS. CAVIN MOVED TO REVOKE LICENSE #34899, LITTLETON ROOFING COMPANY, INC.; TO REQUIRE FULL RESTITUTION TO ALL DAMAGED PARTIES, AND TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS OF \$1,442.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED.**

### **LAGRAND CORPORATION, #30937 – DISCIPLINARY HEARING**

The Notice of Hearing, dated May 21, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated May 22, 2001. The Notice of Continued Hearing, dated May 30, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated May 31, 2001.

The Notice of Complaint and Requirement to Answer, dated April 19, 2001, consisting of pages 1-27, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated April 23, 2001. The Answer was received on May 14, 2001.

The Hearing was for possible violations of NRS 624.3017(1), workmanship which is not commensurate with the standards of the trade in general; NRS 624.3013(5), as set forth in NAC 624.700(3)(a), failure to comply with the Board's Notice to Correct; NRS 624.3013(3), failure to establish financial responsibility and NRS 624.3018(2), the performance by any partnership, corporation, firm or association of any act or omission constituting a cause for disciplinary action against any licensee who is a member, officer, director or associate of such partnership, corporation, firm or association and who participated in such prohibited act or omission.

Ms. Susan Ruliffson, Homeowner, Mr. Bob Latch, President, Crest Homes; Mr. Scott Latch, Vice President, Crest Homes and Mr. Greg Mincheff, NSCB Investigations Supervisor were sworn in.

The Notice of Hearing and Complaint was entered into the record as Exhibit 1.

The Stipulation was signed and entered into the record as Exhibit 2.

Ms. Ruliffson testified that she entered into a contract with the Respondent for the construction of a single-family residence in 1991. The contract was for \$108,869 and the Respondent was paid in full. There have been several ongoing workmanship issues since that time. The water supply to the showerhead on the right side of the dual shower in the master bedroom had been turned off due to excessive noise while in operation; the recessed light in the master bathroom didn't work and the entry door does not fit properly.

Ms. Ruliffson testified that Mr. Latch attempted to repair the shower head by blowing insulation into the pipe, but that did not work because of the fire breaks. The Respondent then brought a plumber to the residence and determined the noise was due to the fact that the pipes had never been strapped down and the situation has yet to be resolved. In April, 2001, the Respondent had an electrician come out and repair the recessed light in the bathroom and it is now working. The entry door has not been repaired, although several attempts have been made to do so by the Respondent.

Mr. Mincheff testified that he has validated these items. The Respondent is willing to make the necessary corrections, but to date the items have not been repaired. To Mr. Mincheff's knowledge, Mr. Bob Latch lives out of state.

Mr. Bob Latch testified that he has been neglectful in having the issues repaired. As this situation is almost 10 years old, the Respondent offered to compensate Ms. Ruliffson \$450.00 for the three unresolved issues and she has refused the offer. On Saturday, he offered her \$1,000.00, which she has also refused to accept.

Ms. Grein stated that a financial statement was requested and not received.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO DISMISS THE CHARGES AGAINST LAGRAN  
CORPORATION, #27482; TO FIND CREST HOMES, INC., #30937 IN VIOLATION  
OF ALL CHARGES.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION FAILED WITH MR. JOHNSON, MR. SCHAEFER, MR. HIGGINS  
AND MS. CAVIN OPPOSED.**

**MR. JOHNSON MOVED TO DISMISS THE 1<sup>ST</sup>, 2<sup>ND</sup> AND 4<sup>TH</sup> CAUSES OF  
ACTION AGAINST LAGRAN CORPORATION, #27482 AND CREST HOMES,  
INC., #30937 AND TO CONTINUE THE MATTER OF THE 3<sup>RD</sup> CAUSE OF  
ACTION FOR 30 DAYS FOR RECEIPT AND REVIEW OF A FINANCIAL  
STATEMENT.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**APPLICATIONS**

**MS. CAVIN MOVED TO CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH NRS 241.033 TO DISCUSS FINANCIAL MATTERS.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED.**

The following applications on the agenda were reviewed and discussed: Nos. 1 – 138.

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

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**ADVISORY OPINIONS**

**ADVANCED INSTALLATIONS, INC.** – Advanced Installations, Inc., requested an advisory opinion concerning licensing requirements for demolition of nine residential structures to include the removal of asbestos, foundations, television and cable lines, irrigation systems, concrete parking areas, planters and subsurface utilities.

No one from Advanced Installations, Inc. was present.

The Board opined that an A (General Engineering), AB (General Building and General Engineering), A 13 (Wrecking Buildings) and a A23 (Removal of Asbestos) could act as the prime contractor for the project. The contractor must be licensed by the State of Nevada to remove the asbestos.

**THE CITY OF ELKO** – The City of Elko requested an advisory opinion concerning the licensing requirements to be completed by Walton, Inc. for subdivision public improvements to include: replacement of curbs and sidewalks, adjustment of utility and monument boxes and pavement milling and patching.

The Board opined that Walton, Inc. can perform the necessary improvements with the licenses currently held by Walton.

**SUMMARY SUSPENSION****AQUA POOLS & SPAS, #32428 and ANCHOR PATIO, #34721 – SUMMARY SUSPENSION**

Mr. Frank Salazar, President, Aqua Pools & Spas, Mr. Rick Bertuzzi, NSCB Director of Investigations and Mr. Greg Welch, NSCB Investigator were present.

Mr. Grein stated that there are currently 12 open complaints against Aqua Pools & Spas and that 6 have been received in the last 45 days. A financial statement was requested on February 22, 2001 and, to date, one has not been provided.

Mr. Bertuzzi stated that he has had numerous conversations with Mr. Salazar wherein he stated that he would like to rectify the complaints. Unfortunately, it is not being done. Mr. Salazar has made the necessary corrections to a few complaints but there are still quite a number of outstanding complaints.

Ms. Grein stated that the Contractors Board has been notified of liens being placed against several of the properties and in each case Mr. Salazar has taken payments from the homeowners in larger than required amounts and has not performed the work in compliance with the pool regulations.

Mr. Salazar stated that he has an indemnitor who is willing to assist him in resolving the outstanding complaints.

Ms. Grein stated that there is no indemnitor for Aqua Pools & Spas presently.

Mr. Salazar was advised by Mr. Gregory that the summary suspension would prohibit Aqua Pools & Spas from accepting new projects, but would not stop him from completing his current projects and making necessary repairs as required. After the staff has completed its investigation, a hearing will be set to determine if revocation is warranted.

**MR. CARSON MOVED TO SUMMARILY SUSPEND AQUA POOLS & SPAS, #32428 AND ANCHOR PATIO COVERS, #34721, IN THE INTEREST OF PUBLIC HEALTH, WELFARE AND SAFETY.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**APPLICATION HEARING****WALLCOVERINGS BY GREGORY** – (C4(b) – Wall Coverings) – APPLICATION HEARING

The Notice of Hearing and Complaint, dated June 6, 2001, consisting of pages 1-10, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The hearing was for the denial of the Respondent's application, failure to meet the criteria for establishing financial responsibility as requested by NRS 624.263.

Mr. Gregory Consalvo, Owner, Wallcoverings by Gregory and Ms. MaryAnn Enbody were sworn in.

Mr. Consalvo waived his right to a closed hearing.

The Notice of Hearing and Complaint was entered into the record as Exhibit 1.

Ms. Enbody testified that there was concern regarding the Respondent's financial condition and that the Respondent has not provided a new financial statement as directed in the Notice of Hearing.

Mr. Consalvo testified that he has other employment and would like to wallpaper small residential homes when work is slow.

**MR. JOHNSON MOVED TO APPROVE WALLCOVERINGS BY GREGORY, LICENSE CLASSIFICATION C4(B) (WALL COVERINGS) WITH A MONETARY LIMIT OF \$5,000 AND A \$1,000 BOND.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**DISCIPLINARY HEARING** (cont)

**N W MASONRY**, #45548 – DISCIPLINARY HEARING (continued from 03/20/01, 4/25/01 and 5/22/01)

Mr. Narviez Wesley, Owner, N W Masonry; Mr. Rick Bertuzzi, NSCB Director of Investigations and Mr. Tom Lawrence, NSCB Investigator were present.

Mr. Griffy stated that this matter has been continued from May 22, 2001 to allow N W Masonry to comply with the Board's corrective order or his license will be revoked.

Mr. Bertuzzi stated that the homeowner, Ms. Kathy Cole, is satisfied with the resolution.

Mr. Lawrence stated that he verified that Ms. Cole is satisfied.

**MR. ZECH MOVED TO FIND N W MASONRY, #45548, IN VIOLATION OF THE 1<sup>ST</sup> CAUSE OF ACTION AND TO DISMISS THE 2<sup>ND</sup>, 3<sup>RD</sup> AND 4<sup>TH</sup> CAUSE OF ACTION.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. ZECH MOVED TO PLACE A PERMANENT LETTER OF REPRIMAND IN N W MASONRY'S, #45548, FILE AND TO RECOVER INVESTIGATIVE COSTS OF \$2,540.00 WITHIN 120 DAYS OR THE LICENSE WILL BE SUSPENDED.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

#### **J T C & ASSOCIATES - #31742 – DISCIPLINARY HEARING**

The Notice of Complaint & Requirement to Answer, dated April 17, 2001, consisting of pages 1-17, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated April 20, 2001. The Answer was received May 11, 2001.

The Notice of Hearing, dated May 21, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated June 13, 2001.

The Notice of Continued Hearing, dated June 12, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated June 13, 2001.

The Amended Notice of Hearing (re: time change), dated June 20, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated June 23, 2001.

The Hearing was for possible violations of NRS 624.3015(3), 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(2)(a), aiding or abetting an unlicensed contractor, (b) combining or conspiring with an unlicensed person to perform an unauthorized act, (c) allowing a license to be used by an unlicensed person, (d) acting as agent, partner or associate of an unlicensed person; NRS 624.305(1), no license may be used for any purpose by any person other than the person to whom such license is issued and NRS 624.3015(5), as set forth in NAC 624.640(5), failure to include the license number and monetary limit on all bids and contracts.

Mr. James Thomas, Owner, JTC & Associates; Dr. Jon Petrick and Ms. Cheryl Young, NSCB Investigator were sworn in. Also in attendance was Mr. Mark Bodden, Counselor for JTC & Associates.

The Notice of Hearing and Complaint was entered into the record as Exhibit 1.

The Stipulation was signed and entered into the record as Exhibit 2.

Dr. Petrick testified that he entered into a contract for tenant improvements with Vincent Rimoldi for approximately \$25,000.00. The contract called for relocation of sprinklers, installation of carpeting and tile, etc. In reviewing the plans, Dr. Petrick noticed that Mr. Rimoldi had replaced the contractor's name on the plans with JTC & Associates. Dr. Petrick called J T C & Associates and questioned the Respondent on why his name appeared on the plans. The Respondent informed him that his company was going to complete the improvements and that this happens all the time.

Mr. Griffy stated that the permit was pulled and signed for by Mr. Vincent Rimoldi under JTC & Associates name.

Dr. Petrick testified that his real estate broker recommended Mr. Rimoldi. Originally, the landlord was going to pay for the renovations so he wasn't involved. In November, 2000, the landlord suggested he pay Mr. Rimoldi and they would credit his rent.

Dr. Petrick stated that after meeting with the Respondent, he sent a letter terminating his contract with Mr. Rimoldi and engaged another contractor. The work has now been completed.

Ms. Young testified that she validated the complaint. After checking with the Employment Security Division, it was determined that Mr. Rimoldi was not an employee of JTC & Associates as indicated by the Respondent. Criminal charges for contracting without a license were filed against Mr. Rimoldi and he pled guilty in May, 2001.

The letter from the Employment Security Division was entered into the record as Exhibit 3.

Mr. Thomas testified that he met Mr. Rimoldi in a local bar. Mr. Rimoldi explained that he was behind on Dr. Petrick's project and asked if JTC would take over the job. After meeting with Dr. Petrick it was agreed that JTC would complete the project for \$9,000.00. Mr. Rimoldi was asked to assist by pulling the permit.

Mr. Griffy stated that in the Respondent's Answer, he agreed with the 1<sup>st</sup> and 4<sup>th</sup> Causes of Action.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO FIND J T C & ASSOCIATES, #31742, IN VIOLATION OF ALL CHARGES.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO PLACE A PERMANENT LETTER OF REPRIMAND IN J T C & ASSOCIATES, #31742, FILE; FINE J T C & ASSOCIATES \$500 PER VIOLATION; SUSPEND J T C & ASSOCIATES LICENSE FOR 60 DAYS; AND TO RECOVER INVESTIGATIVE COSTS OF \$1,451 TO BE REIMBURSED WITHIN 60 DAYS OR THE LICENSE WILL BE REVOKED.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION FAILED WITH MS. CAVIN, MR. SCHAEFER AND MR. JOHNSON OPPOSED.**

**MR. SCHAEFER MOVED TO FINE J T C & ASSOCIATES, #31742, \$500 PER VIOLATION; PLACE A PERMANENT LETTER OF REPRIMAND IN THE FILE AND RECOVER INVESTIGATIVE COSTS OF \$1,451 IN 90 DAYS OR THE LICENSE WILL BE SUSPENDED.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED WITH MR. CARSON OPPOSED.**

**PACIFIC HOMES, #36898, PACIFIC PROPERTIES AND DEVELOPMENT CORPORATION, #29500 and PACIFIC CONTRACTORS LLC, #46626 – DISCIPLINARY HEARING**

The Notice of Complaint and Requirement to Answer, dated March 9, 2001, consisting of pages 1-67, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received March 9, 2001. The Answer was received April 4, 2001.

The Amended Complaint, dated April 3, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received April 5, 2001.

The Notice of Hearing, dated May 31, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received June 1, 2001.

The Amended Notice of Hearing (re: time change), dated June 20, 2001, was sent to the Respondent's address of record on file with the Board. The return receipt was received June 22, 2001.

The Hearing is for possible violations of NRS 624.3011(1)(a), willful and prejudicial departure from or disregard of plans or specifications in any material respect, NRS 624.3013(5), as set forth in NAC 624.285(4), failure to replace person originally qualified within a 30 day period and NRS 624.3018(2), performance by any partnership, corporation, firm or association of any act or omission constituting a cause for disciplinary action likewise constitutes a cause for disciplinary action against any licensee who is a member, officer, director or associate of such partnership, corporation, firm or association and who participated in such prohibited act or omission.

Mr. Vincent Hesser, Qualified Employee, Pacific Homes; Mr. Jim Hernquist, Pacific Homes; Mr. Jessie Schell, Building Inspector for City of Las Vegas and Mr. Greg Mincheff, NSCB Investigations Supervisor were sworn in. Also in attendance was Jim Pengilly, Counsel for Pacific Homes.

The Notice of Hearing and Complaint was entered into the record as [Exhibit 1](#).

The Stipulation was signed and entered into the record as [Exhibit 2](#).

Mr. Schaefer abstained as he has had business dealings with Mr. Molesky.

Mr. Mincheff testified that Mr. Troy Mikels, filed the complaint against Pacific Homes for not providing handicap access to his condominium.

Mr. Pengilly stated that Pacific Homes is being sued by the homeowner's association in conjunction with construction defects, which include ADA compliance. Due to the litigation, Respondents do not have access to the property at this time.

**MR. ZECH MOVED TO DISMISS ALL CHARGES AGAINST PACIFIC HOMES, #36898, PACIFIC PROPERTIES AND DEVELOPMENT CORPORATION, #29500 AND PACIFIC CONTRACTORS LLC, #46626, WITHOUT PREJUDICE.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**HORIZON HOMES d/b/a NEW HORIZON CONSTRUCTION COMPANY, #31369 – DISCIPLINARY HEARING**

The Notice of Complaint and Requirement to Answer, dated April 9, 2001, consisting of pages 1-55, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received April 10, 2001. The Answer was dated April 10, 2001.

The Notice of Hearing, dated May 21, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated May 22, 2001.

The Notice of Continued Hearing, dated June 21, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated June 22, 2001.

The Hearing was for possible violations of NRS 624.3017(1), workmanship which is not commensurate with the standards 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), failure to comply with the Board's Notice to Correct; NRS 624.3013(5), as set forth in NAC 624.640(5), failure to

include the license number and monetary limit on all bids and contracts; and NRS 624.3013(5), as set forth in NRS 624.600, a general building contractor shall provide the name, license, business address and telephone number of all subcontractors he has contracted on the project and all persons who furnish material of the value of \$500 or more.

Mr. Larry Power, Owner, New Horizon Construction and Mr. Tom Tucker, NSCB Investigator were present.

Mr. Griffy stated that this matter was continued from the June 19, 2001, Board meeting to allow the Respondent time to resolve the matter. The Notice of Hearing and Complaint had been entered into the record, the stipulation was signed but no evidence was given.

Mr. Tucker testified that one complaint against New Horizon Construction has been withdrawn. Ms. Kaliouplous could not attend today due to a medical situation but notified Mr. Tucker that she only had three items left that needed correction.

Mr. Power's testified that he has made numerous attempts to contact the homeowner and has been unsuccessful. His latest attempt included a letter sent by certified mail of which he has had no response.

**MR. CARSON MOVED TO CONTINUE THIS MATTER FOR 30 DAYS TO ALLOW NEW HORIZON CONSTRUCTION, #31369 TO FINALIZE THE REMAINING ISSUES.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

### **DEFAULT ORDERS**

#### **CENTURY SERVICES OF NEVADA LLC, #46183 – DISCIPLINARY HEARING DEFAULT ORDER**

The Notice of Complaint and Requirement to Answer, dated April 20, 2001, consisting of pages 1-14, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The Default Notice, dated May 25, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The Default Hearing was for possible violations of NRS 624.3017(1), workmanship which is not commensurate with the standards of the trade in general; NRS 624.3013(5), as set forth in NAC 624.700(3)(a), failure to comply with the Board's Notice to Correct; and NRS 624.3013(5) as set forth in NAC 624.640(5), failure to include license number and monetary limit on all bids and contracts.

No one from Century Services of Nevada LLC was present for the hearing.

The Notice of Hearing and Complaint was entered into the record as [Exhibit 1](#).

The evidentiary portion of the hearing was closed.

**MS. CAVIN MOVED TO ACCEPT THE FILE AS FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW; TO FIND CENTURY SERVICES OF NEVADA LLC, LICENSE #46183, IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE #46183, CENTURY SERVICES OF NEVADA LLC; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE INVESTIGATIVE COSTS OF \$1,484.00 PRIOR TO FUTURE LICENSURE.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**TOTAL CONSTRUCTION COMPANY, #39752 AND 32048 – DISCIPLINARY HEARING  
DEFAULT ORDER**

The Notice of Complaint and Requirement to Answer, dated April 23, 2001, consisting of pages 1-24, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The Default Notice, dated May 25, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The Default Hearing was for possible violations of NRS 624.3012(2), willful or deliberate failure by any licensee, agent or officer thereof to pay any money when due for any material or services rendered in connection with his operation; 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(3), failure to establish financial responsibility; and NRS 624.3013(5), as set forth in NAC 624.640(3), failure to notify the Board, in writing, of a change of address or personnel within 30 days after the change occurred.

No one from Total Construction Company was present for the hearing.

The Notice of Hearing and Complaint was entered into the record as [Exhibit 1](#).

The evidentiary portion of the hearing was closed.

**MR. HIGGINS MOVED TO ACCEPT THE FILE AS FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW; TO FIND TOTAL CONSTRUCTION COMPANY, LICENSE #39752 AND 32048, IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE NOS. 39752 AND 32048, TOTAL CONSTRUCTION COMPANY; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE INVESTIGATIVE COSTS OF \$1,743.00 PRIOR TO FUTURE LICENSURE.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**SUMMERSET LANDSCAPING AND LAWN SERVICE, INC., #43956 – DISCIPLINARY HEARING DEFAULT ORDER**

The Notice of Complaint and Requirement to Answer, dated April 19, 2001, consisting of pages 1-22, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The Default Notice, dated June 1, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The Default Hearing was for possible violations of NRS 624.301(1) and (3), abandonment without legal excuse and failure in a material respect on the part of a licensee to complete any construction project or operation for the price stated in the contract; NRS 624.3011(1)(b)(1), willful or deliberate disregard and violation of the building laws of the State; NRS 624.3015(1), failure to keep in force the bond or cash deposit for the full period required by the Board; NRS 624.3013(5), as set forth in NAC 624.640(5), failure to include license number and monetary limit on all bids and contracts; NRS 624.3013(3), failure to establish financial responsibility; and NRS 624.3013(5), as set forth in NAC 624.640(3), failure to notify the Board, in writing, of a change of address or personnel within 30 days after the change occurred.

No one from Summerset Landscaping and Lawn Service, Inc. was present for the hearing.

The Notice of Hearing and Complaint was entered into the record as Exhibit 1.

The evidentiary portion of the hearing was closed.

**MS. CAVIN MOVED TO ACCEPT THE FILE AS FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW; TO FIND SUMMERSET LANDSCAPING AND LAWN SERVICE, INC., LICENSE #43956, IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE #43956, SUMMERSET LANDSCAPING AND LAWN SERVICE, INC.; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE INVESTIGATIVE COSTS OF \$1,353.00 PRIOR TO FUTURE LICENSURE.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**AMERICAN CHEM-TECH, INC., #32991 – DISCIPLINARY HEARING DEFAULT ORDER**

The Notice of Complaint and Requirement to Answer, dated April 19, 2001, consisting of pages 1-16, was sent certified mail to Respondent's address of record on file with the Board. The return receipt was not received.

The Default Notice, dated June 1, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The Default Hearing was for possible violations of NRS 624.301(5), willful failure or refusal without legal excuse to comply with the terms of a construction contract or written warranty; NRS 624.3017(1), workmanship which is not commensurate with the standards of the trade in general; NRS 624.3013(5), as set forth in NAC 624.700(3)(a), failure to comply with the Board's Notice to Correct; and NRS 624.3013(5), as set forth in NAC 624.640(5), failure to include license number and monetary limit on all bids and contracts.

No one from American Chem-Tech, Inc. was present for the hearing.

The Notice of Hearing and Complaint was entered into the record as Exhibit 1.

The evidentiary portion of the hearing was closed.

**MR. HIGGINS MOVED TO ACCEPT THE FILE AS FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW; TO FIND AMERICAN CHEM-TECH, INC., LICENSE #32991, IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE #32991, AMERICAN CHEM-TECH, INC.; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE INVESTIGATIVE COSTS OF \$1,559.00 PRIOR TO FUTURE LICENSURE.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

### **BEST HOME THEATRES, INC., #41230 – DISCIPLINARY HEARING DEFAULT ORDER**

The Notice of Complaint and Requirement to Answer, dated April 19, 2001, consisting of pages 1-69, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The Default Notice, dated June 1, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The Default Hearing was for possible violations of NRS 624.301(1), abandonment without legal excuse of any construction project or operation; NRS 624.3016(1), any fraudulent or deceitful act committed in the capacity of a contractor; NRS 624.3013(3), failure to establish financial responsibility; and NRS 624.3013(5), as set forth in NAC 624.640(5), failure to include license number and monetary limit on all bids and contracts; and NRS 624.3013(4), failure to keep in force the bond or cash deposit for the full period required by the Board.

No one from Best Home Theatres, Inc. was present for the hearing.

The Notice of Hearing and Complaint was entered into the record as Exhibit 1.

The evidentiary portion of the hearing was closed.

**MR. HIGGINS MOVED TO ACCEPT THE FILE AS FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW; TO FIND BEST HOME THEATRES, INC., LICENSE #41230, IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE #41230, BEST HOME THEATRES, INC.; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE INVESTIGATIVE COSTS OF \$1,947.00 PRIOR TO FUTURE LICENSURE.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MOYER LANDSCAPE COMPANY, INC., #32863 – DISCIPLINARY HEARING DEFAULT ORDER**

The Notice of Complaint and Requirement to Answer, dated April 19, 2001, consisting of pages 1-18, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The Default Notice, dated May 30, 2001, was sent to the Respondent's address of record on file with the Board. The return receipt was not received.

The Default Hearing was for possible violations of NRS 624.301(5), willful failure or refusal without legal excuse on the part of a licensee to comply with the terms of a construction contract; NRS 624.3013(5), as set forth in NAC 624.700(3)(a), failure to comply with the Board's Notice to Correct; NRS 624.3013(5), as set forth in NAC 624.640(5), failure to include the license number and monetary limit on all bids and contracts; and NRS 624.3013(4), failure to keep in force the bond or cash deposit for the full period required by the Board.

No one from Moyer Landscape Company, Inc. was present for the hearing.

The Notice of Hearing and Complaint was entered into the record as Exhibit 1.

The evidentiary portion of the hearing was closed.

**MS. CAVIN MOVED TO ACCEPT THE FILE AS FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW; TO FIND MOYER LANDSCAPE COMPANY, INC., LICENSE #32863, IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE #32863, MOYER LANDSCAPE COMPANY, INC.; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE INVESTIGATIVE COSTS OF \$1,273.00 PRIOR TO FUTURE LICENSURE.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**APPLICATION HEARING** (cont'd)**SHENANDOAH MAINTENANCE** – (B-2 – Residential and Small Commercial)  
APPLICATION HEARING

The Notice of Hearing and Complaint, dated May 1, 2001, consisting of pages 1-16, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated June 13, 2001.

The Notice of Continued Hearing, dated June 13, 2001, was sent certified to the Respondent's address of record on file with the Board. The return receipt was not received.

The Notice of Continued Hearing, dated June 25, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

Ms. Traci Greenlee, NSCB License Analyst and Mr. Roy Schoonmaker, NSCB Supervisor of Special Investigations were sworn in. No one from Shenandoah Maintenance was present for the hearing.

The hearing was for denial of the Respondent's application for a B-2 (Residential and Small Commercial) license pursuant to NRS 624.263, failure to establish financial responsibility and NRS 624.265, good character of applicant.

The Notice of Hearing and Complaint was entered into the record as Exhibit 1.

Ms. Greenlee testified that she had concerns regarding the Respondent's financial condition and character. He had been previously licensed in Nevada. The license bond had been paid to creditors, his credit report demonstrated a poor payment and credit record. A current financial statement had been requested, but not provided by the Respondent.

Mr. Schoonmaker testified that he contacted the District Attorney's office this morning at 8:05 a.m. and there are three outstanding active warrants against Mr. Booth for contracting without a license. Additionally, Mr. Booth was a registered felon in the State of Florida.

The evidentiary portion of the hearing was closed.

**MR. ZECH MOVED TO DENY SHENANDOAH MAINTENANCE A B-2 (RESIDENTIAL AND SMALL COMMERCIAL) LICENSE BASED ON TODAY'S TESTIMONY.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Mr. Paul Booth, owner, of Shenandoah Maintenance arrived at 3:10 p.m. for his 3:00 p.m. application hearing. At that hearing, the Board denied his application for a B-2 (Residential and Small Commercial) license.

Mr. Booth explained that he was in the building at 3:00 p.m. and speaking with NSCB Investigators and requested that the Board hear his testimony.

**MR. ZECH MOVED TO REOPEN SHENANDOAH MAINTENANCE'S APPLICATION HEARING.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Mr. Paul Booth, Owner, Shenandoah Maintenance was sworn in.

Mr. Booth waived his rights to a closed hearing to discuss financial matters.

Mr. Booth testified that he plans to refurbish old houses and sell them. He previously had a Nevada contractor's license in 1991, which had been suspended. His partner had left the state with the company's money and Mr. Booth could not pay his creditors, which resulted in the claims against the bond.

**MR. CARSON MOVED TO APPROVE SHENANDOAH MAINTENANCE, LICENSE CLASSIFICATION B-2 (RESIDENTIAL AND SMALL COMMERCIAL) WITH A MONETARY LIMIT OF \$25,000 AND A \$10,000 BOND WITH A FINANCIAL REVIEW AT TIME OF RENEWAL.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED. (MR. ZECH AND MS. CAVIN OPPOSED)**

### DISCIPLINARY HEARING (cont'd)

### NEVADA PLASTERING, INC. #48203 – DISCIPLINARY HEARING (continued from May 9, 2001)

Mr. Anthony Gonzalez, President, Nevada Plastering, Mr. Aurelino Lemas, Vice President, Nevada Plastering and Ms. Lisa Bedsole, NSCB License Analyst were present.

Ms. Mathias stated that this hearing had been continued for 45 days to allow the licensee to provide a new financial statement.

Ms. Mathias stated that Mr. Gonzalez has personally indemnified the license, and that this is the first opportunity she has had to review Mr. Gonzalez's financial statement.

**MR. JOHNSON MOVED TO DISMISS THE CHARGES AGAINST NEVADA PLASTERING, INC., LICENSE #42803, BASED ON THE INDEMNIFICATION BY MR. ANTHONY GONZALEZ.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**APPLICATIONS**

**MR. ZECH MOVED TO CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH NRS 241.033 TO DISCUSS FINANCIAL MATTERS.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**R. B. & G. CONSTRUCTION COMPANY, INC.** – B2 (Residential and Small Commercial)  
NEW APPLICATION

Mr. Gary Rexroad, R.B. & G. Construction Company was present.

Mr. Rexroad informed the Board that he had no knowledge of their California license being revoked. He stated that they plan to bid on shopping centers.

Ms. Mathias stated that the suspension was lifted because the judgements against the company were met.

**MR. JOHNSON MOVED TO APPROVE R.B. & G. CONSTRUCTION COMPANY, LICENSE CLASSIFICATION B-2 (RESIDENTIAL AND SMALL COMMERCIAL) WITH AN UNLIMITED MONETARY LIMIT AND A \$50,000.00 BOND.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**TRIANGLE CONSTRUCTION** – B-2 (Residential and Small Commercial) – FINANCIAL REVIEW AND REQUEST TO LOWER LIMIT

Mr. James Dean, President, Triangle Construction was present.

Ms. Potter stated that a 45 day extension was granted to Triangle Construction in April, 2001 to allow preparation of a financial statement by a CPA. The financial statement was received in June, 2001 and did not support the company's monetary limit.

Mr. Dean stated that he is requesting that his monetary limit be lowered to 1 million dollars.

**MR. JOHNSON MOVED TO APPROVE TRIANGLE CONSTRUCTION'S MONETARY LIMIT OF ONE MILLION DOLLARS AND A \$20,000 BOND.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**WOLF CLAN CONSTRUCTION & PAVERS – B-2 (Residential and Small Commercial)  
NEW APPLICATION**

Ms. Vonda Elsbury, Owner, Wolf Clan Construction & Pavers was present. She was informed that her application was denied based on financial responsibility.

Ms. Elsbury stated that her largest project would be approximately \$60,000 and that she has an indemnitor. Additionally, she was approved for a \$25,000 business line of credit.

**MR. ZECH MOVED TO APPROVE WOLF CLAN CONSTRUCTION & PAVERS LICENSE CLASSIFICATION B-2 (RESIDENTIAL AND SMALL COMMERCIAL) WITH A MONETARY LIMIT OF \$100,000.00; A BOND OF \$15,000.00, REQUIRING A FINANCIAL STATEMENT UPON RENEWAL.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**KELGAR CONSTRUCTION, INC. – B-2 (Residential and Small Commercial) RENEWAL  
OF EXPIRED LICENSE**

Mr. Gary Lee, Partner, Kelgar Construction, Inc. was present.

Mr. Lee provided a financial statement.

**MR. ZECH MOVED TO RENEW KELGAR CONSTRUCTION INC., LICENSE #23688, WITH AN UNLIMITED MONETARY LIMIT AND A \$20,000.00 BOND.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MBK CONSTRUCTION LIMITED A CALIFORNIA PARTNERSHIP – B-2 (Residential and Small Commercial) – LATE RENEWAL**

Mr. Keith Gregory, Counsel for Haskell Company and Mr. Allan Stollars were present.

Mr. Lyford stated that a Cease and Desist Order has been issued against the Haskell Company on the Starbucks project in Minden, Nevada. The order was based on the fact that Haskell Company, and their subsidiary MBK Construction, were not licensed in the State of Nevada.

Ms. Mathias stated that MBK's license expired in October, 2000. The first attempt to renew the license was in July, 2001 after being acquired by Haskell Constructors LTD.

Keith Gregory stated that MBK was licensed when acquired by the Haskell Company.

Keith Gregory stated that Starbucks approved the Nevada location for their plant and signed a contract with the Haskell Company to design and build their plant. This is the only contract that has been signed. Keith Gregory stated the goal is to renew the MBK Construction license and then turn the project over to MBK. The contract would be transferred back to the Haskell Company once it had secured a new license.

Ms. Grein stated that a similar situation occurred in 1996 involving MBK Construction and Century Theaters. Their license expired and they bid the project. At the time, the licensee admitted to the Board that it was a mistake and they withdrew their bid.

Keith Gregory stated that this project has not been competitively bid. Starbucks has utilized the Haskell Company on the construction of all their plants and would like to use them in Nevada as well.

Ms. Mathias stated that the NSCB received copies of the article of merger and that's what prompted revocation of the Haskell Company's license. The licensed entity was dissolved in the merger. The surviving corporation had been advised at that time that it needed to submit a new application.

Since MBK was requesting an exception to the rule, Chairman Gregory requested a letter from Starbucks attesting to the fact that this project was not competitively bid, that no other contractors had been considered for the project, and that the Haskell Company is the only company Starbuck's would like to complete their project.

**MR. CARSON MOVED TO CONTINUE THIS MATTER UNTIL THE RENO BOARD MEETING ON AUGUST 7, 2001 TO ALLOW TIME TO RECEIVE A LETTER FROM STARBUCK'S.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

### **APPLICATIONS**

The remainder of the applications on the agenda were reviewed and discussion occurred on the following: Nos. 139 – 205; and on the amended agenda: Nos. 1 – 10.

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

**MR. JOHNSON SECONDED THE MOTION.**

THE MOTION CARRIED.

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

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

**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 4:26 p.m.

Respectfully Submitted,

Barbara Hennessy Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kim Gregory, Chairman