



STATE CONTRACTORS BOARD

MINUTES OF THE MEETING AUGUST 24, 2004

MEMBERS
RANDALL SCHAEFER
Chairman
MARGARET CAVIN
Vice Chair
DAVID W. CLARK
SPIRIDON FILIOS
JERRY HIGGINS
J. BRIAN SCROGGINS
MICHAEL ZECH

1. CALL TO ORDER:

Chairman Randy Schaefer called the meeting of the State Contractors Board to order at 8:15a.m., Tuesday, August 24, 2004, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Randy Schaefer - Chairman
Ms. Margaret Cavin
Mr. David Clark
Mr. Spiridon G. Filios
Mr. Jerry Higgins
Mr. J. Brian Scroggins
Mr. Michael Zech

STAFF MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

Mr. Bruce Robb, Esq., Legal Counsel
Ms. Laura Browning, Esq., Legal Counsel

b. APPROVAL OF AGENDA WITH THE INCLUSION OF ANY EMERGENCY ITEMS AND DELETION OF ANY ITEMS:

It was moved and seconded to amend the agenda, adding applications 1-26. **MOTION CARRIED.**

e. INTRODUCTION OF NEW BOARD STAFF:

Ms. Grein introduced Lauri Ross-DeVera as the new Human Resource Manager and Ralph Bellerue as the new Compliance Investigator.

2. APPROVAL OF MINUTES: August 10, 2004

It was moved and seconded to approve the minutes of August 10, 2004. **MOTION CARRIED.**

3. APPLICATIONS:

a. APPLICATIONS: (CLOSED MEETING PURSUANT TO NRS 241.030)

It was moved and seconded to close the meeting to the public in accordance with NRS 241.030 to discuss financial matters. MOTION CARRIED.

LAND DEVELOPING & HOUSING, INC., (C-2A, D, E, G ELECTRICAL WIRING; AMPLIFYING SYSTEMS; SIGNAL SYSTEMS; RESIDENTIAL WIRING) F/S ON RENEWAL, REVIEW OF PROBATIONARY LICENSE.

Licensee was present.

It was moved and seconded to approve the renewal application and remove the probationary status from the license. MOTION CARRIED.

SILVER STAR PLUMBING, INC., (C-1 PLUMBING & HEATING) RAISE IN LIMIT, RECONSIDERATION

Licensee was present.

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

CLARK COUNTY ELECTRIC, (C-2 ELECTRICAL CONTRACTING) NEW APPLICATION

Applicant was present.

It was moved and seconded to approve the license application. MOTION CARRIED.

FAR WEST POOLS, (A-10 COMMERCIAL & RESIDENTIAL POOLS) F/S ON RENEWAL, BOARD DECISION

Licensee was present.

It was moved and seconded to approve the of the renewal application conditioned upon compliance with NRS 624.270(7). MOTION CARRIED.

The licensee is ordered to submit to a Business Review within 60 days from August 24, 2004.

BILL RENTSCH CONSTRUCTION COMPANY, INC., (B-2 RESIDENTIAL & SMALL COMMERCIAL) NEW APPLICATION, RECONSIDERATION OF LIMIT AND BOND AMOUNT

Applicant was present.

It was moved and seconded to approve the license application. MOTION CARRIED.

TODDS REPAIR AND MAINTENANCE, (B-2 RESIDENTIAL & SMALL COMMERCIAL) NEW APPLICATION

Applicant was present.

It was moved and seconded to approve the license application. MOTION CARRIED.

The Board reviewed the remainder of the applications on the agenda.

It was moved and seconded to reopen the meeting to the public. MOTION CARRIED.

b. RATIFICATION OF LICENSE APPLICATIONS, CHANGES OF LICENSURE, REINSTATEMENTS OF LICENSURE:

It was moved and seconded to ratify all applications not specifically discussed in closed session as recommended by staff. MOTION CARRIED.

4. SUBCOMMITTEE REPORTS:

RECOVERY FUND SUBCOMMITTEE:

Mr. Lyford provided a status report of the Residential Recovery Fund and a summary of the claims filed.

CONSTRUCTION MANAGEMENT SUBCOMMITTEE:

It was moved and seconded to discontinue the Construction Management Subcommittee. **MOTION CARRIED.**

5. EXECUTIVE SESSION:

a. DISCUSSION OF 2005 LEGISLATIVE SESSION AND PROPOSED LEGISLATION:

Ms. Grein reported on the status of the Board's Bill Draft request and contract with American Strategies.

b. DEPARTMENTAL REPORTS:

INVESTIGATIONS:

Ms. Grein and Mr. Lyford provided a status report on pending Investigative cases.

LICENSING:

Ms. Mathias provided a status report on pending applications.

c. CONSIDERATION OF REVISED EDUCATION PROGRAM:

Ms. Grein reported on the status of the Board's Contractor Education Program. Additionally she provided a copy of the proposal of curriculum for future seminars and a proposal to partner with the Associated General Contractors to provide continuing education. **MOTION CARRIED.**

d. LEGAL REPORTS:

Ms. Browning and Mr. Robb provided a status report on pending litigation.

f. STATUS OF NEW PROGRAMS:

1. BUSINESS REVIEW PROGRAM:

Mr. Lyford provided a status report of the Business Review Program.

2. PROACTIVE ENFORCEMENT:

Mr. Lyford reported the implementation of the Proactive Enforcement Program which will begin in September 2004.

3. LICENSE ASSISTANCE PROGRAM:

Ms. Mathias reported the License Assistance Program and the seminar held in Reno on August 19, 2004.

6. ELECTION OF OFFICERS AND APPOINTMENT OF COMMITTEE MEMBERS:

It was moved and seconded to reappoint the same Officers and Committee Members for the next year. **MOTION CARRIED.**

PUBLIC COMMENT:

Mr. Bob Portnoff was present and commented on the Board's performance.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chairman Schaefer at 9:54p.m.

Respectfully Submitted,

Traci Greenlee, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Randall Schaefer, Chairman

ADJUDICATING BOARD MEMBER: MARGARET CAVIN

7. DISCIPLINARY HEARING: Continued from June 8, 2004 and August 10, 2004

JESS ARNDELL CONSTRUCTION COMPANY, INC., LICENSE NOS. 9369B AND 9369C

Licensee was present.

This matter was continued to allow Mr. Arndell the opportunity to furnish a current financial statement.

Hearing Officer Cavin found Respondent Jess Arndell Construction Company, Inc., Jess Arndell, President, license numbers 9369B and 9369C guilty of NRS 624.3013(3) failure to establish financial responsibility. Mr. Arndell was assessed a fine of \$500.00. Fine is to be paid within 45 days from August 24, 2004 or license numbers 9369B and 9369C, Jess Arndell Construction Company, Inc. will automatically be Suspended. Respondents limit will be reduced to \$1,000,000.00. Mr. Arndell is to provide the August 31, 2004 financial statement prepared by a Certified Public Accountant no later than December 1, 2004 or license numbers 9369B and 9369C, Jess Arndell Construction Company, Inc. will automatically be Suspended. If Mr. Arndell furnishes the financial statement prior to December 1, 2004, the Board will reconsider the reduction of the license limit.

ADJUDICATING BOARD MEMBER: J. BRIAN SCROGGINS

8. DISCIPLINARY HEARING:

ENVIRONMENTAL LANDSCAPE, INC., LICENSE NO. 45034

Licensee was present with counsel, Keith Gregory, Esq.

The following Agency Exhibits were entered:

Exhibit 1 - Board Hearing File.

Exhibit 2 - Letter from Paul Easton requesting a meeting and all documents produced pursuant to the Board's subpoena dated March 10, 2003.

Hearing Officer Scroggins found Respondent Environmental Landscape, Inc., Perry Chamani, President, license number 45034 guilty of NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(5) failure to cooperate in an investigation; NRS 624.302(6) failure to comply with written request from the Board for information or records; NRS 624.3015(3) contracting with unlicensed contractor. Mr. Chamani was assessed a fine of \$250.00 for the First, Second, Third and Fourth Causes of Action for a total fine of \$1,000.00. The Fifth and Sixth Causes of Action were dismissed. Investigative costs were assessed in the amount of \$1,854.00. Fines and Costs are to be paid within 90 days from August 24, 2004 or license number 45034 Environmental Landscape, Inc. will automatically be Suspended. The respondent is ordered to submit to a Business Review within 60 days from August 24, 2004. The result of the Business Review will be presented to the Executive Officer. The respondent will be provided a billing and will reimburse the Board for the cost of the Business Review within 10 days of receipt of the billing. Failure to submit to the Business Review or reimburse the Board the investigative cost will result in the Suspension of the license.

9. DISCIPLINARY HEARING:

JIM BIRD TILE & MARBLE, LICENSE NO. 45541

JIM BIRD TILE & MARBLE, INC., LICENSE NO. 57323

Licensee was present with counsel, Keith Gregory, Esq.

The following Agency Exhibits were entered:

Exhibit 1 - Board Hearing File.

Exhibit 2 – Addendum to notice to correct dated August 12, 2004.

Exhibit 3 – Photographs taken of the residence by Paul Easton on August 11, 2004.

The following Respondent Exhibits were entered:

Exhibit A – Photographs taken of the front of the fireplace by Duke Phelps.

Exhibit B – Photographs taken of the back of the fireplace by Duke Phelps.

Hearing Officer Scroggins found Respondent James B. Bird dba Jim Bird Tile & Marble, license number 45541 and Jim Bird Tile & Marble, Inc., James B. Bird, President, license number 57323 guilty of NRS 624.3017(1) substandard workmanship; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with written request from Board for information or records; NRS 624.3013(5), per NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; NRS 624.3015(2) bidding over the limit; NRS 624.3013(5), per NAC 624.640(5) failure to include license number and monetary limit on contracts. Mr. Bird was assessed a fine of \$200.00 for the First, Third, Forth, Fifth, Sixth and Seventh Causes of Action for a total fine of \$1,200.00. The Second, Eighth and Ninth Causes of Action were dismissed. Investigative Costs were assessed in the amount of \$1,503.00. Fines and Costs are to be paid within 60 days or Jim B Bird, dba Jim Bird Tile & Marble, license number 45541 and Jim Bird Tile & Marble, Inc., license number 57323 will automatically be Suspended. Mr. Bird was ordered to furnish homeowner with materials and pay \$1,000.00 or have third party contractor complete the repairs. The homeowner has two weeks from August 24, 2004 to contact Investigator Easton with his decision of which option he wishes to take. If the homeowner does not contact Investigator Easton within those two weeks, Mr. Bird is to furnish materials and pay \$1,000.00.

10. DISCIPLINARY HEARING:

T E C ELECTRIC, INC., LICENSE NO. 47680

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 - Board Hearing File.

Exhibit 2 – Return receipt for a certified letter addressed to Richard McCleister requesting a current financial statement dated March 22, 2004.

Exhibit 3 - Copy of the Personal Indemnification form for TEC Electric, Inc.

Hearing Officer Scroggins accepted the Voluntary Surrender of license number 47680, T E C Electric, Inc. Prior to consideration of future licensure, Mr. McCleister is ordered to pay Investigative Costs of \$1,507.00.

11. DISCIPLINARY HEARING - DEFAULT:

a. TURF MASTER, INC., LICENSE NO. 48514

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Scroggins found Respondent Turf Master, Inc., Donald David Moore, President, license number 48514, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Moore was found guilty of NRS 624.3016(1) fraudulent or deceitful act; two (2) violations of NRS 624.301(2) abandonment of construction project; two (2) violations of NRS 624.301(4) failure to prosecute a construction project; NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), per NAC 624.700(3)(a) failure to comply with Notice to Correct; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with written request from Board for information or records; NRS 624.302(5) failure to cooperate in an investigation; and NRS 624.3013(5), per NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner. License number 48514, Turf Master, Inc. was Revoked. Mr. Moore is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,591.00 and any expenses that may be paid out of the Residential Recovery Fund.

12. DISCIPLINARY HEARING:

MIKE TOCCO ROOFING, INC., LICENSE NO. 46627

Licensee was present with counsel, Craig Marquiz, Esq.

The following Agency Exhibits were entered:

Exhibit 1 - Board Hearing File.

The following Respondent Exhibits were entered:

Exhibit A – Letter from Mike Tocco to Paul Easton regarding the completion of the items listed in the Notice to Correct dated August 20, 2004.

Hearing Officer Scroggins found Respondent Mike Tocco Roofing, Inc., Mike Tocco, President, license number 46627 guilty of NRS 624.3017(1) substandard workmanship; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with written request from Board for information or records; NRS 624.3013(5), per NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; NRS 624.302(5) failure to cooperate in an investigation; NRS 624.3013(5), per NAC 624.640(5) failure to include license number and monetary limit on contracts. Mr. Tocco was assessed a fine of \$100.00 for the First, Third, Fourth, Fifth, Sixth, Eighth and Ninth Causes of Action for a total fine of \$700.00. The Second and Seventh Causes of Action were dismissed. Investigative Costs were assessed in the amount of \$1,777.00. Fines and Costs are to be paid within 45 days from August 24, 2004 or license number 46627, Mike Tocco Roofing, Inc. will automatically be Suspended. Mr. Tocco is to furnish a personal financial statement prepared by a Certified Public Accountant that supports the monetary limit of the license within 30 days from August 24, 2004. If the personal financial statement does not support the monetary license limit license number 46627, Mike Tocco Roofing, Inc. will automatically be Suspended.

13. DISCIPLINARY HEARING:

ALL CITY GLASS, INC., LICENSE NO. 46098

License was present.

The following Agency Exhibits were entered:

Exhibit 1 - Board Hearing File.

Hearing Officer Scroggins found Respondent All City Glass, Inc., Byron Walker, President, license number 46098 guilty of NRS 624.3013(5), per NAC 624.640(5) failure to include license number and monetary limit on contracts; NRS 624.3013(3) failure to establish financial responsibility. Mr. Walker was assessed a fine of \$250.00 for the Second Cause of Action. The First, Third and Forth Causes of Action were dismissed. Mr. Walker is to furnish a personal financial statement prepared by a Certified

Public Accountant that supports the monetary limit of the license. Fine is to be paid and financial statement is to be provided within 30 days from August 24, 2004 or license number 46098, All City Glass, Inc. will automatically be Suspended. If the personal financial statement does not support the monetary license limit, license number 46098, All City Glass, Inc. will be brought back before the Board and automatically Suspended or Revoked. The Respondent is ordered to submit to a Business Review within 60 days from August 24, 2004. The result of the Business Review will be presented to the Executive Officer. The Respondent will be provided a billing and will reimburse the Board for the cost of the Business Review within 10 days of receipt of the billing. Failure to submit to the Business Review or reimburse the Board the investigative cost will result in the Suspension of the license.