

KENNY C. GUINN
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

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



STATE CONTRACTORS' BOARD

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MINUTES OF THE MEETING
SEPTEMBER 7, 1999

The meeting of the State Contractors' Board was called to order by Chairman Kim Gregory at 8:37 a.m., Tuesday, September 7, 1999, State Contractors' Board, Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Kim Gregory - Chairman
Mr. Dennis Johnson
Mr. John Lindell
Ms. Deborah Sheltra
Mr. Michael Zech

BOARD MEMBERS ABSENT:

Mr. Doug Carson
Mr. Dennis Nelson

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Dennis Haney, Legal Counsel (Haney, Woloson & Mullins)
Mr. Hal Taylor, Legal Counsel
Ms. Nancy Mathias, Licensing Administrator
Mr. George Lyford, Director of Special Investigations
Mr. Bill Rizzo, Director of Investigations
Ms. Kathy Stewart, Licensing Supervisor
Mr. Jack Edstrom, Investigator
Mr. Gary Leonard, Investigator
Mr. Mike Maloy, Investigator
Ms. Betty Wilts, Recording Secretary

OTHERS PRESENT:

Leslie Clarkson, Court Reporter, Sierra Nevada Reporters; John Beard, President, J M B Construction; Andrew Leavitt, Legal Counsel, J M B Construction; Massoud Pasbakhsm, Owner, Lone Star Co; Leon Mead, Legal Counsel, State Insulation and Drywall, Ken Sheldon, General Manager, State Insulation and Drywall; Bobby Bryant, Owner, Bryant Construction; Pearl LaPerla, Complainant; Robert Grayling Smith, President, Advanced Roof Technologies; David Brinsko, Complainant; Mr. & Mrs. Richard Sheldrew, Complainants; Max Hatch, Jr., Owner, Electrical Works; Jane McIntosh, Diversified Systems; Pamela Lattin, Owner, Canyon Construction Company; and Edith Wilson, Custom Concrete Cutting.

Ms. Grein stated the agenda had been posted in compliance with the open meeting law, on August 31, 1999, by Jack Edstrom, Investigator, 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 site.

It was learned there were 11 items on the amended agenda, each item of an emergency nature.

MS. SHELTRA MOVED TO HEAR THE AMENDED AGENDA.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Gregory called for a motion to approve the minutes of August 24 and August 25, 1999.

MR. JOHNSON MOVED TO APPROVE THE MINUTES OF AUGUST 24 AND AUGUST 25, 1999.

MR. LINDELL SECONDED THE MOTION.

THE MOTION CARRIED.

The following motion closed the meeting to the public.

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

MR. LINDELL 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).

APPLICATIONS

CAPITAL TILE (C20 – Tiling) NEW APPLICATION, RECONSIDERATION, BOARD DECISION

Dan Bass, Owner, was present and notified that the license application had been approved with a limit of \$10,000, a \$2,000 bond, with a financial review on renewal.

J M B CONSTRUCTION INC #31805A (B – General Building) RAISE IN LIMIT, BOARD DECISION, RECONSIDERATION

John Beard, President, and Andrew Leavitt, Legal Counsel, were present. On August 24, 1999 the license application had been approved with a limit increase to \$4 million and a \$30,000 bond. Mr. Beard was now seeking an unlimited license limit.

Mr. Leavitt spoke on Mr. Beard's behalf, stating his reasons why he believed Mr. Beard should receive an unlimited license limit. Mr. Gregory, in turn, explained why the license was limited, and referenced the one time raise in limit procedure as an alternative.

MR. LINDELL MOVED TO APPROVE THE RAISE IN LIMIT REQUEST TO \$8 MILLION, WITH A \$15,000 BOND.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MAYO CONSTRUCTION COMPANY (B2 – Residential & Small Commercial) NEW APPLICATION, RECONSIDERATION, BOARD DECISION

Steve Mayo, Owner, was present and informed the license application had been approved with a limit of \$250,000 and a \$10,000 bond.

MINDEN ELECTRIC (C2 – Electrical Contracting) NEW APPLICATION

Eduardo Almeida, Owner, was present and notified the license application had been approved with a limit of \$100,000 and \$10,000 bond.

PARAGON ASSOCIATES INC #44883 (A12,13,15,19,20 – Excavating, Grading, Trenching, Surfacing; Wrecking Buildings; Sewers, Drains & Pipes; Pipeline & Conduits; Industrial Piping) CHANGE IN QUALIFIER, 90 DAY EXTENSION, BOARD DECISION (WAIVER OF EXAMS)

Ron McIntosh, Qualified Employee, was present and informed the application to change the qualifier had been approved for classifications A12, 13, 15 & 19A, with a waiver of the A19 test.

LONE STAR CO (B2 – Residential & Small Commercial) NEW APPLICATION

Massoud Pasbakhsm, Owner, was present. When asked what type of work he planned to do, Mr. Pasbakhsm replied he intended to perform home improvement and remodeling projects in the range of \$20,000.

MR. LINDELL MOVED TO APPROVE THE LICENSE APPLICATION WITH A LIMIT OF \$50,000, A \$5,000 BOND, A FINANCIAL REVIEW ON RENEWAL, AND A BID LETTER.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

JOHN ROBERTS CONSTRUCTION (B2 – Residential & Small Commercial) NEW APPLICATION

John Roberts, Owner, was present and notified that the license application had been approved with a limit of \$50,000, a \$5,000 bond, a financial review on renewal, and a bid letter.

STATE INSULATION AND DRYWALL #40491 (C3D – Insulation) 30 DAY EXTENSION

STATE INSULATION AND DRYWALL #40492 (C4 – Painting & Decorating) 30 DAY EXTENSION

Leon Mead, Legal Counsel for State Insulation, and Ken Sheldon, General Manager, were identified.

Mr. Gregory explained there was a problem because it was not known who owned the company. It was learned that the president, Janice Thomey, listed as secretary on the board's license record, was on a leave of absence or sabbatical, and Mr. Sheldon was, in addition to General Manager, the Secretary/Treasurer of the company. Mr. Sheldon said he had filed a change of officer request in May, 1999. Ms. Stewart, Licensing Supervisor, confirmed the application was currently pending. When asked who was listed on the change of officer

application as officers, Ms. Stewart replied Ms. Thomey and Mr. Sheldon. Mr. Sheldon added that on July 15, 1999 he had passed the examinations to qualify the company's two licenses, the C3D and the C4. He also pointed out he had renewed the bond on the C3D license. To date, the license record did not reflect that information.

Questioning occurred regarding Ms. Thomey and her unavailability for a personal interview with the board. Mr. Mead did not know when Ms. Thomey would be returning from her sabbatical, but he acknowledged she was with her father somewhere in Philadelphia. Mr. Mead referenced civil litigation, which the Board informed him it had no knowledge of.

It was learned Mr. Sheldon had owned Sheldon Metal Fire Places for 13 years and had held a C40, designated license for zero clearance fire places. He noted he was not personally indemnifying the licenses of State Insulation and Drywall. The owner of the company was Harold Moore.

Mr. Johnson recommended approving the extension request for 45 days, agreeing with Mr. Lyford's request to interview Ms. Thomey in person rather than by teleconferencing, which had been suggested by Mr. Mead.

Mr. Gregory again pointed out that the Board was attempting to identify the real president of the company. He noted that if there was a problem regarding Ms. Thomey, the company might want to consider a change of officer and then amending the change of officer application that was currently pending with the board. Mr. Mead countered that he would make that recommendation to the company.

The remainder of the applications on the agenda were reviewed and discussion occurred on the following: Nos. 1, 4, 6-9, 11, 18, 21, 24-25, 27, 29-34, 37-39, 41, 43-48, 52-53, 55-56, 58-63, 66-67, 76-78, 84, 86-87, 90, 93, 97, 102, 113, and 117. On the amended agenda: Nos. 1, 4, 8, and 9 were reviewed and discussed.

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

MR. LINDELL SECONDED THE MOTION.

THE MOTION CARRIED.

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

MR. LINDELL SECONDED THE MOTION.

THE MOTION CARRIED.

ADVISORY OPINION

CITY OF NORTH LAS VEGAS, DEER SPRINGS 2430 ZONE PUMP STATION – LICENSE CLASSIFICATION

No one was present for the opinion. The project consisted of the construction of a 7,000 gpm, initial capacity, pump station with a future ultimate capacity of 13,000 gpm. The work included the construction of a concrete masonry unit building and a cast in place concrete valve vault, installation of three pumps, installation of a bridge crane, installation of valves, installation of distribution piping and other appurtenant piping, installation of a standby generator and electric/telemetry equipment, installation of an on-site access roadway, and other ancillary work. The question being asked was what was the proper license(s) required for one contractor to complete the entire scope of work under one

contracting license, or if multiple licenses were required. The Board opined the proper licenses to act as the general contractor were an AB, a full A, A3 or a full B.

BRYANT CONSTRUCTION #44759 – DISCIPLINARY HEARING (Continued from August 10, 1999)

Bobby Bryant, Owner, and Pearl LaPerla, Complainant, were present.

Mr. Haney entered EXHIBIT 3, additional evidentiary documentation, into the record. This documentation had been previously requested by the Board at the August 10, 1999 hearing. Mr. Haney then recapped that in the previous hearing Mr. Bryant had acknowledged his being in violation of NRS 624.3015 (1), acting in the capacity of a contractor beyond the scope of the license; NRS 624.3013 (3), failure to establish financial responsibility; and NRS 624.3011 (1) (c) (1), disregard and violation of the building laws of the state. The major item remaining was the issue of failure to pay. He said an agreement had been reached between the supplier and Bryant Construction regarding the balance due, and the agreement had been fulfilled by Bryant through August, 1999. On that basis, Mr. Haney suggested that the violation of failure to pay be dismissed. Therefore, the only item remaining to be addressed was the matter of financial responsibility.

The following motion closed the meeting to the public.

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

MR. LINDELL 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).

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

MR. LINDELL SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO DISMISS THE CHARGE OF FAILURE TO PAY BASED UPON THE AGREEMENT WITH SIERRA DESIGN CONCRETE.

MR. LINDELL SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Gregory clarified the license was on suspension and that the contractor had admitted to the charge of failure to establish financial responsibility.

MR. ZECH MOVED TO ACCEPT MR. BRYANT'S ADMISSION OF BEING IN VIOLATION OF THE REMAINING CHARGES.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. LINDELL MOVED TO CONTINUE THE LICENSE SUSPENSION FOR 90 DAYS FOR CURRENT AND ACCEPTABLE FINANCIAL INFORMATION AND FOR THE SUCCESSFUL PASSAGE BY THE LICENSEE OF THE CMS EXAM OR THE LICENSE WAS TO BE REVOKED THEREAFTER IF THE LICENSEE DID NOT COMPLY WITH ALL

REQUIREMENTS.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

ADVANCED ROOF TECHNOLOGIES #45558 - RENEWAL HEARING

Robert Grayling Smith, President, and Kathy Stewart, Licensing Supervisor, were sworn in.

The hearing was for possible violation of NRS 624.3013 (3), failure to establish financial responsibility at the time of renewal. The hearing notice was entered into the record as EXHIBIT 1 and the stipulation was signed.

Mr. Taylor questioned Ms. Stewart and learned the license had remained active, conditionally, awaiting the submittal of a financial statement for renewal. Upon receipt of the financial statement, the Board reviewed the matter on July 27, 1999 and had denied the renewal application for financial responsibility. The financial statement provided had reflected a substantial change in the financial strength of the company. Subsequently, the notice of hearing had requested that the licensee provide a new financial statement, which was now before the Board and was dated July 31, 1999.

Mr. Lindell asked Mr. Smith what type of work he performed. Mr. Smith said his primary business, for 10 years, had been as a registered roof consultant, therein providing technical roofing advise such as reports of roof conditions; specifications for repair, restoration, or replacement of roofs; monitoring the application of roofs; and serving as an expert witness of roofing related matters. Someone knowledgeable regarding the statutes governing contractors had advised him that he needed a license for the type of work he performed. As a consultant, he employed inspectors or technicians who conducted field investigations. Although they were very conscientious in writing reports, they were not as productive as targeted in the maintenance and repair of roofs. Mr. Smith noted he was now restructuring his contracting business. He provided the Board with a copy of an invoice, which was, entered into the record as EXHIBIT A, indicating his consulting business was very strong. He then asked the Board to reduce his license limit, adding that his biggest job had been for the Carson Valley Swim Center in the amount of \$34,000. Mr. Smith said his objective was to do jobs under \$20,000. His accounts payable were current to 30 days, and the largest amount he owed was approximately \$18,000 to Washoe Building Supply. He then explained why he had acquired a contractors' license.

The evidentiary was closed.

MR. JOHNSON MOVED TO REDUCE THE LICENSE LIMIT TO \$25,000 AND TO RENEW THE LICENSE, REQUIRING A FINANCIAL STATEMENT IN 6-MONTHS.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

PALOMINO VALLEY CONSTRUCTION #37975 - DISCIPLINARY HEARING (Continued from July 13, 1999 & August 10, 1999)

At the previous meeting of August 10, 1999, the Board requested a status report within 30 days. Jack Edstrom, Investigator, and David Brinsko, Complainant, were present for the status report.

Mr. Haney told the Board several items were at issue. Mr. Edstrom added that at

the last board meeting he had been assigned the task of soliciting an acceptable fix for a series of items from the contractor. On August 18, 1999, the licensee, Mr. Helton, had submitted a list, along with specifications on concrete dressing. It was Mr. Edstrom's opinion that Mr. Helton's list of corrections was not sufficient. In turn, Mr. Edstrom had drafted a proposal mirroring the notice to correct, he had performed another site visit, and he had contacted concrete suppliers regarding the material, which had been recommended. His proposal had then been reviewed with Mr. Rizzo, and subsequently, on September 2, 1999, a letter had been sent to both parties asking them for a response to the proposal. Mr. Brinsko replied, that the solutions might be satisfactory, but he had not had enough time to review to decide whether to accept or decline the proposal. Mr. Edstrom said his status report then was that he was waiting for an acceptance or a rejection from both parties. If there was a total acceptance of the proposal, the matter would move forward with the arranging of the work and getting it accomplished.

Mr. Brinsko said he had reviewed the proposal but he wanted to review it with his attorney. It was a very big decision for him to make. One of the specifications was that he had to accept all of it or none. He, personally, did not feel that was right and he wanted to talk to his attorney about it. He commented on Mr. Edstrom's responsiveness to this matter, stating he was satisfied with the way Mr. Edstrom was handling the matter.

Mr. Haney interjected that a fax had just been received from palomino valley, Mr. Helton, owner, wherein he was accepting staff recommendations. It was now up to Mr. Brinsko to review the proposal with his attorney and to get back with Mr. Edstrom. The hearing would be continued at the next Reno Board meeting on October 12, 1999.

MILLENNIUM CONSTRUCTION – APPLICATION HEARING

The notice of hearing had been sent certified mail on August 6, 1999. The return receipt was dated August 19, 1999. The hearing was for possible violation of NRS 264.263, failure to establish financial responsibility. The hearing notice was entered into the record as EXHIBIT 1.

Michael Shawn Bruno, Owner, was not present and no one was present to represent the licensee.

MR. JOHNSON MOVED TO DENY THE APPLICATION BASED UPON AVAILABLE INFORMATION.

MR. LINDELL SECONDED THE MOTION.

THE MOTION CARRIED.

Staff was directed to investigate whether the applicant was working as an unlicensed contractor.

RICK EATON CONSTRUCTION #36199 - DISCIPLINARY HEARING (Continued from June 8, 1999)

Richard Eaton, Owner, was not present nor was counsel, no one was present on the licensee's behalf. Mr. & Mrs. Richard Sheldrew, Complainants, were present.

Mr. Haney stated that several attempts had been made to serve Mr. Eaton with the notice of hearing. None had met with success.

Jack Edstrom, Investigator, stated that as of September 3, 1999, Copeland Lumber had not heard from Mr. Eaton. There had been no effort to pay. Carson

Masonry & Steel had had the same experience. The Sheldrews had advised Mr. Edstrom that as of the previous Friday, Mr. Eaton had not contacted them about concrete repairs to their house. Two letters had been sent certified mail to Mr. Eaton in both Gardnerville and Minden. Neither had been returned. According to a report from Mr. Lyford, John Sapp, Investigator, had attempted to locate Mr. Eaton and had learned he had apparently moved to either Oregon or to the Las Vegas area. Mr. Sapp had spoken to people who had helped Mr. Eaton move.

There were two items Mr. Haney then lodged into the record. One was a copy of Mr. Edstrom's report and the second was the investigative costs of \$3,991.92.

MR. ZECH MOVED TO REVOKE LICENSE #36199, RICK EATON CONSTRUCTION.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MS. SHELTRA MOVED THAT IF THE LICENSEE WERE TO RESURFACE IN NEVADA, THE CORRECTIVE ORDER AND THE MONEY OWING WAS TO BE SATISFIED AND THE INVESTIGATIVE COST OF \$3,991.92 WAS TO BE RECOVERED BEFORE A LICENSE WOULD BE CONSIDERED.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

The Sheldrews were informed that there was a \$10,000 bond in place.

R A PRENTISS – APPLICATION HEARING

Notice of hearing was sent August 6, 1999. The hearing was for possible violation of NRS 624.263, failure to establish financial responsibility; and NRS 624.3013 (2), misrepresentation. The hearing notice was entered into the records as EXHIBIT 1.

Richard Prentiss, Owner, was not present and no one was present to represent the licensee.

Kathy Stewart, Licensing Supervisor, was sworn in and explained that she had not received the notification of service from the certified mailing of the hearing notice on August 6, 1999. She had contacted Richard Prentiss on August 31, 1999. At that time, he had indicated he had received the notice of hearing but that he would not be attending the hearing, rather he had commented he wanted to postpone the matter. Ms. Stewart had been unable to ascertain clearly if the applicant wanted a continuance of the hearing or if he wanted to withdraw the application. None of the board's requests for information had been acknowledged.

MR. JOHNSON MOVED TO ACCEPT THE FILE AS FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW, AND TO DENY THE LICENSE APPLICATION FOR FINANCIAL RESPONSIBILITY.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED.

ELECTRICAL WORKS #37772 – DISCIPLINARY HEARING

The notice of hearing had been sent certified mail on August 6, 1999. The return receipt was signed August 7, 1999. On September 1, 1999, a notice was again

sent certified mail to change the time of the hearing. The hearing was for possible violation of NRS 624.3012 (1) (2), diversion of money; failure to pay for materials or services; and NRS 624.3013 (3), failure to establish financial responsibility. The hearing notice was entered into the record as EXHIBIT 1.

Max Hatch, Jr., Owner, Electrical Works, Mike Maloy, Investigator, and Jane McIntosh, Diversified Systems, were sworn in and the stipulation was signed. It was learned the current status of the license was inactive, nor renewed, and had been such since October 1, 1998.

Mr. Taylor questioned Jane McIntosh, and learned that Diversified Systems had entered into a contract with Mr. Hatch regarding the Super Eight motel in Sparks, Nevada. Diversified Systems was to perform fire alarm system installation. The contract was for approximately \$6,000 and was for the purpose of furnishing certain materials for the fire alarm system, including sales tax and some design. Three invoices had been issued. The initial invoice had been for 30% of the total contract and it had been paid in September, 1996. A second invoice had been issued at 65% of the job and that invoice had not been paid. At the completion of the job, a final invoice had been issued in March, 1997. Again, that invoice had not been paid. Ms. McIntosh identified the two invoices as pages 11 & 12 of the hearing notice.

Mike Maloy, Investigator, was asked by Mr. Taylor if he had any indication the licensee had been paid on the project. Mr. Maloy answered in the affirmative, saying that between August of 1996 and April of 1997, Electrical Works had been paid approximately \$83,000, which he believed included monies that should have been paid to Diversified Systems. It was learned Mr. Maloy had asked Mr. Hatch for a financial statement, the latest request having occurred on July 27, 1999. To date, the financial statement had not been received.

Mr. Hatch said he did not recall ever receiving the request for a financial statement, page 19 of the hearing notice, until he received the hearing notice. He verified that his address was correct, but again reiterated he did not recall seeing the financial statement request prior to receipt of the hearing notice. He provided the Board with his federal tax return for 1998, which was entered into the record as EXHIBIT A. Mr. Hatch had thought it was comparable to a financial statement but was informed it was not.

Mr. Taylor asked Mr. Hatch if he was aware of the allegations. He admitted he was aware Diversified Systems had not been paid, adding he was not denying he owed them the money. He said he had barely escaped bankruptcy because of the project. For the last ten months he had been working with Network Electric and had nearly paid off all of the debt of Electrical Works. He recently learned he had the ability to borrow funds from his pension fund through IBEW and to pay off the whole amount owed to Diversified Systems. The process to do so had been initiated. He mentioned he had not renewed his license and that he was through contracting.

The evidentiary was closed.

MR. ZECH MOVED TO CONTINUE THE HEARING TO THE NEXT RENO MEETING FOR AN UPDATE AND FOR CONCLUSION.

MR. LINDELL SECONDED THE MOTION.

THE MOTION CARRIED.

M & S CUSTOM CONCRETE #34427A – DISCIPLINARY HEARING

Dan Sabrosky, President, was not present for the hearing and no one was present

to represent him. Pamela Lattin, Owner, Canyon Construction Company, and Mike Maloy, Investigator, were sworn in.

It was learned that since October 1, 1999, the status of the license was inactive, not renewed.

The notice of hearing had been sent certified mail on August 6, 1999. Service had been effected on August 16, 1999. An amended notice had been sent certified mail on August 24, 1999 and a third notice had been sent certified mail on September 1, 1999, to advise the licensee of a time change. The hearing was for possible violation of NRS 624.3012 (2), failure to pay for materials or services; and NRS 624.3013 (3), failure to establish financial responsibility. The hearing notice was entered into the record as EXHIBIT 1.

Under questioning by Mr. Taylor, it was learned that Canyon Construction Company had entered into an agreement with M & S Custom Concrete to supply concrete to the licensee from 1997 through 1998. M & S thereafter failed to pay Canyon Construction \$9,340.25. Subsequently, a default judgment had been taken against the surety and M & S Custom Concrete. The surety had paid Canyon Construction \$5,000 from the contractors' bond. After that time, no further payment had been received from M & S Custom Concrete.

Mr. Maloy said he had requested financial information from the licensee on July 27, 1999. The licensee had not responded to the letter. Mr. Maloy added that the licensee had filed a Chapter 13 bankruptcy on September 1, 1999 and that Canyon Construction Company was listed on the bankruptcy as a creditor.

Ms. Lattin pointed out that in the amended notice of hearing, line 11, listed her company as Canyon Creek. She said there was a Canyon Creek Construction but her company was Canyon Construction Company.

The evidentiary was closed.

MR. ZECH MOVED TO FIND LICENSE #34427A, M & S CUSTOM CONCRETE, IN VIOLATION OF THE CHARGES AS STIPULATED.

MR. LINDELL SECONDED THE MOTION.

THE MOTION CARRIED.

MR. ZECH MOVED TO REVOKE LICENSE #34427A, M & S CUSTOM CONCRETE.

MR. LINDELL SECONDED THE MOTION.

THE MOTION CARRIED.

For the record, it was noted that the investigative costs amounted to \$1,443.39

HALLS CONSTRUCTION #43917, #39450, #39450A – DISCIPLINARY HEARING

David Wayne Hall, Owner, was not present and no one was present on behalf of the licensee.

The Board was informed that a fax had been received that morning from Mr. Hall requesting a continuance because his lawyer was unavailable at this time to represent him. Even though the request was not a timely one, Mr. Gregory suggested granting the continuance since all charges had not been included in the hearing notice.

MR. LINDELL MOVED TO CONTINUE THE MATTER UNTIL THE NEXT RENO HEARING.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

PETRALI ROOFING #41330 – DISCIPLINARY HEARING

David Petrali, President, was not present for the hearing and no one was present to represent the him.

The notice of hearing, consisting of pages 1-61, had been sent certified mail on August 6, 1999. The return receipt had been signed on August 13, 1999. On September 1, 1999, a notice was sent certified mail advising the licensee of a time change. The hearing was for possible violation of NRS 624.3016 (1), fraudulent or deceitful acts whereby substantial injury is sustained by another; NRS 624.3013 (3), failure to establish financial responsibility; NRS 624.3017 (1), substandard workmanship; NRS 324.3013 (5), failure to comply with the notice to correct; NRS 624.301 (1), abandonment; and NRS 624.3015 (4) (a) (b) acting beyond scope of license, constructing or repairing a mobile home, manufactured home or commercial coach, unless the contractor is licensed pursuant to NRS 489.311 or owns, leases or rents the mobile home, manufactured home or commercial coach. The hearing notice was entered into the record as EXHIBIT 1.

It was learned that the current status on the license was suspended on 3/31/99 for no bond.

Edith Wilson, Custom Concrete Cutting, and Gary Leonard, Investigator, were sworn in.

Mr. Taylor entered EXHIBIT A into the record. It was a letter from Karin Hoffman, complainant, indicating that due to illness in the family, she would not be present for the hearing. No other complainants were present to testify in the hearing.

The hearing file was accepted as evidence of all of the issues. Mr. Taylor added that the exhibits contained in the hearing file provided substantial evidence in support of the charges.

In regard to the complaint filed by Custom Concrete Cutting, Ms. Wilson stated that on or about June 19, 1998 Custom Concrete Cutting had entered into an agreement with the licensee to break, remove, and haul concrete for a total price of \$450. As of this date, Custom Concrete Cutting had not been paid.

Gary Leonard, Investigator, said he had been in contact with the other complainants in the case and that none of the bills had been paid. All allegations contained in the notice of hearing, were, to his knowledge, true as of the date of the hearing.

The evidentiary was closed.

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

MR. LINDELL SECONDED THE MOTION.

THE MOTION CARRIED.

For the record, it was noted that the investigative costs amounted to \$2,721.18.

MR. JOHNSON MOVED TO FIND LICENSE #41330, PETRALI ROOFING, IN VIOLATION OF THE CHARGES AS STIPULATED AND TO REVOKE THE LICENSE.

MR. LINDELL SECONDED THE MOTION.

THE MOTION CARRIED.

EXECUTIVE SESSION

A G CORRESPONDENCE

Ms. Grein informed the Board of the correspondence she had received from the Attorney General's office regarding the adoption of Regulations. The letter explained that the Board was unable to adopt any regulations until October 1, 1999, or in the case of the recovery fund, July 1, 2001. Because of the ambiguity that existed in the enacted legislation governing the recovery fund, Ms. Grein was directed to request an attorney general's opinion regarding the questions that needed clarification.

INVESTIGATIONS DEPARTMENT

Ms. Grein notified the Board of Bill Rizzo's decision to resign as of September 15, 1999. It was her desire to restructure the investigations department, making the position in Reno a deputy director reporting to the director in Las Vegas and she was currently writing the position description and qualifications. The Board concurred with the change.

Ms. Grein provided an overview of the status of the pending complaints and backlog of cases & discussed the work load imbalance between the two offices.

PUBLIC COMMENT

No one from the general public was present to speak for or against any items on the agenda.

There being no further business to come before the Board, the meeting was adjourned by Chairman Gregory at 2:08 p.m.

Respectfully Submitted,

Betty Willis, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kim Gregory, Chairman