

KENNY C. GUINN
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

KIM W. GREGORY
Chairman
DOUGLAS W. CARSON
MARGARET CAVIN
JERRY HIGGINS
DENNIS K. JOHNSON
RANDY SCHAEFER
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STATE CONTRACTORS' BOARD

MINUTES OF THE MEETING OCTOBER 9, 2001

The meeting of the State Contractors' Board was called to order by Vice-Chairman Mike Zech at 8:45 a.m., Tuesday, October 9, 2001, State Contractors' Board, Reno, Nevada. EXHIBIT A is the Meeting Agenda and EXHIBIT B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Mike Zech – Vice Chairman
Ms. Margaret Cavin
Mr. Jerry Higgins
Mr. Dennis Johnson
Mr. Randy Schaefer

BOARD MEMBERS ABSENT:

Mr. Kim Gregory
Mr. Douglas W. Carson

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Dennis Haney, Legal Counsel (Haney, Woloson & Mullins)
Mr. David Reese, Legal Counsel (Cooke, Roberts & Reese)
Mr. George Lyford, Director of Special Investigations
Mr. Frank Torres, Deputy Director of Investigations
Ms. Kathy Stewart, Licensing Supervisor
Ms. Diana Sippola, Licensing Analyst
Mr. Gary Leonard, Investigator
Ms. Sandy Diederich, Legal Assistant
Ms. Betty Wills, Recording Secretary

OTHERS PRESENT:

Lesley Clarkson, Court Reporter, Sierra Nevada Reporters; Nick Parino, Representative, Supply One; Pierre Hascheff, Attorney, Supply One; Edward Johanson, President, Lakemont Homes Nevada Inc.; Paulette Ganshorn, Complainant; Richard Coppola, Construction Manager, Lakemont Homes Nevada Inc.; William Robert Keuper, President, B K Construction; Nanette Silva, Complainant; Attorney Robert Lyle, B K Construction; Terry Farris, Contractor; Kenneth Graham Walters, President, K G Walters Construction, Ray Pezonella; Keith Schaffer; Robert Lauder; Phil Harrington, Chief Builder for Carson City and Carson City County; G M Atchison; Dave Backman; Rick Gonzales; Lynn Winters; Mel Dressel; Glen Martel; Barry Fitzpatrick; Ken Walters; Wally Fullerton; Frank Genescritti, Complainant; Michael Springer, Attorney, K G Walters Construction; Complainants: Tammy Christopherson and Keith Kellison; James Spracklin, President, Spracklin Construction; James Renfro, President, Renfro Property Development Inc.; Peter Bilicki, Member/Qualifier, Innovative Resort Communities; Troy Young, Partner, C T C Construction; Carl Cripps, Partner, C T C Construction; Dan Loose, President, Dan Loose Construction; John Saathouski, President, Serva Pool and Spa Center; and Joe Trombley, President, Certified Pool & Spa.

The meeting was opened with the Pledge of Allegiance.

Ms. Grein stated that Ron Carney had posted the agenda in compliance with the open meeting law on October 3, 2001 at the Washoe County Court House, Washoe County Library, and Reno City Hall. In addition, it had been posted in both offices of the Board, Las Vegas and Reno, and on the Board's Internet web page.

It was learned there were 22 items on the amended agenda, each item of an emergency nature, and the regular agenda was amended to add two proposed findings of fact, conclusions of law: Exteriors Inc, license #29760 and #28920, and Christiansen Pools, #10682.

MR. HIGGINS MOVED TO HEAR THE AMENDED AGENDA.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Zech called for a motion to approve the minutes of September 5, September 24, and September 25, 2001.

Mr. Johnson commented that the line closing the evidentiary on page 7 of the K G Walters matter on the minutes of September 5, 2001 needed to be removed because no evidentiary was heard.

MR. JOHNSON MOVED TO APPROVE THE MINUTES OF SEPTEMBER 5, SEPTEMBER 24, AND SEPTEMBER 25, 2001 WITH THE CORRECTION TO THE MINUTES OF SEPTEMBER 5, 2001.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

EXECUTIVE SESSION

AGING REPORTS - RENO

Kathy Stewart, Licensing Supervisor, presented the application aging Report for the Reno Licensing Department. Frank Torres, Deputy Director of Investigations, presented the investigations aging report for the Reno Investigations Department.

LAS VEGAS OFFICE SPACE - UPDATE

Ms. Grein reported that the tenant improvements on the new Las Vegas office had commenced. Existing furniture was under review and five or six bids were being evaluated for modular furniture purchases. In addition to wiring for video conferencing, a new speaker recording system was planned. A similar system would be considered for the Reno office after the Las Vegas office move was completed. A security station at the front entrance was also being planned. The projected move in date was December 1 but if there was a delay the move would not occur until January 2002.

The Executive Session was postponed to address the scheduled items on the agenda.

DISCIPLINARY HEARINGS

SUPPLY ONE INC #47467 - DISCIPLINARY HEARING

The Notice of Hearing for the October 9, 2001 hearing consisting of 2 pages was sent certified mail to the address of record on August 25, 2001. The return receipt was received on September 7, 2001.

The Answer was received on August 31, 2001.

The Notice Of Complaint And Requirement To Answer consisting of pages 1-51 was mailed Certified mail to the address of record on August 28, 2001, Return Receipt Requested. The return receipt was received on August 30, 2001.

The hearing was for 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 in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefor; 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 required by NAC 624.640 (5), failure to comply with the regulations of the Board by failing to include the monetary limit on Respondent's bid.

Nick Parino, Representative, Supply One, and NSCB Investigator Larry Thompson were sworn in. The attorney for Supply One, Pierre Hascheff, was identified.

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

Mr. Reese, Board Attorney, stated that a bankruptcy had been filed. He suggested that the first cause of action regarding failure to pay be dismissed because the debt could be discharged in the bankruptcy.

Attorney Hascheff added that the bankruptcy would also determine whether or not the Licensee should be excused from the remaining three charges.

Mr. Reese said that Mr. Hascheff had indicated to him that the complaint implied that there was a charge against John Steiner, personally. Mr. Steiner did not have a license. The corporation held the only license. Supply One was out of business and not planning to conduct any further business. The Licensee was willing to surrender the license.

Mr. Hascheff concurred, stating Supply One and Nevada Wholesale were both in bankruptcy. The filing had occurred on October 24, 2000. The bank, as a secured party, took all of the collateral including the receivables.

The stipulation was signed.

The evidentiary portion of the meeting was closed.

MR. JOHNSON MOVED TO ACCEPT THE SURRENDER OF LICENSE #47467, SUPPLY ONE INC.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

EXECUTIVE SESSION (Continued)

HUMAN RESOURCE POSITION

Ms. Grein informed the Board three equally qualified candidates had been selected. Interviews had been set for the next Las Vegas Board meeting. The Board advised her to allow each candidate a half-hour interview period, during which, each candidate was to make a five-minute presentation. A question and answer period would follow. Ms. Grein was requested to supply the Board with each candidate's background information.

EXECUTIVE OFFICER'S REPORT 6/30/01

Ms. Grein distributed the Solari and Strummer Management Letter. The Board found the letter to be very positive. Ms. Grein was asked to make comments to the recommended suggestions and provide the information to the Board.

PROPOSED REGULATIONS STATUS UPDATES

Ms. Grein reported that there had been a public hearing in Reno on October 5, 2001 regarding Investigator Qualifications. An upcoming meeting addressing advertising for Residential Pools and Spas was scheduled for October 24, 2001 in Las Vegas

The Executive Session was postponed to address the scheduled items on the agenda.

DISCIPLINARY HEARINGS (Continued)

LAKEMONT HOMES NEVADA, INC #42420 - DISCIPLINARY HEARING (Continued from September 5, 2001)

On September 5, 2001, the hearing had been continued to allow the Licensee to provide the homeowner with additional funds to perform corrective work.

Frank Torres, Deputy Directory of Investigations, and Edward Johanson, President, Lakemont Homes Nevada Inc. were sworn in. Paulette Ganshorn, Complainant, was present along with Richard Coppola, Construction Manager, Lakemont Homes Nevada Inc.

Mr. Torres testified that on September 6, 2001, Investigator Hoid had received faxed copies of Lakemont Homes checks, totaling \$3,200. On September 12, 2001, a call had been received from Ms. Ganshorn that she was satisfied with the end result.

Ms. Ganshorn testified that the money issue and the painting matter had been resolved.

The evidentiary portion of the hearing was closed.

MS. CAVIN MOVED TO DISMISS ALL CHARGES.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

EXECUTIVE SESSION (Continued)

PROPOSED REGULATIONS STATUS UPDATES (Continued)

The Board was informed that a person on staff had been appointed as the Residential Pool and Spa Ombudsman. He was currently looking at owner/builder swimming pool permits that had been pulled and were listed in the Construction Notebook.

Ms. Grein pointed out it was necessary for the Board to adopt a regulation addressing the owner/builder exemptions, which had been changed during the last legislative session.

Ms. Grein addressed recovery fund claims and asked for clarification of the definition of residential contractor. She questioned if a pool contractor fit within the definition. After some discussion, it was pointed out that the residence could be construed as the property on which one resides, therefore, the word 'residence' should not be narrowed.

The Executive Session was postponed to address the scheduled items on the agenda.

DISCIPLINARY HEARINGS (Continued)

B K CONSTRUCTION #43775 - DISCIPLINARY HEARING (Continued from September 5, 2001)

Present were William Robert Keuper, President, B K Construction; Nanette Silva, Complainant; NSCB Investigator Larry Thompson; and Attorney Robert Lyle, B K Construction.

On September 5, 2001, the hearing had been continued to allow a subpoena to be served for records to Washington Mutual and to allow Mr. Lyle to present evidence on behalf of his client.

Terry Farris, Contractor, was sworn in.

Mr. Farris testified that he was the water well driller who installed a pump on the Silva's well prior to B K Construction's involvement. Mr. Farris' invoice to B K Construction for the pressure tank was entered into the record as EXHIBIT 6. He testified he sent the invoice to B K for a pressure switch adjustment to satisfy pressure requirements of the Silva home since two 40-gallon tanks had been installed. The larger single pressure tank had not been installed because of space constraints.

Mr. Keuper testified the homeowner agreed to the changes on the plans eliminating the landing and installing standard sized garage door openings because of cost considerations and that the vinyl flooring did not show any marks following installation. He indicated that prior to the installation of a 220 outlet, a walk through with the Silvas and the electrician who performed the work was conducted. Mr. Keuper and the electrician understood the outlet would be installed on the wall opposite to that shown on the plan. Mr. Keuper testified he did not receive final payment for the work and after contacting the lender determined the construction loan had been closed. The Mechanics lien that Mr. Keuper filed was entered into the record as EXHIBIT 7. Mr. Keuper further testified that the project was completed in September and no complaints about the project were received until the lien was filed in January. A June 12, 2001 letter from Lahontan Valley Electrical to B K Construction regarding the placement of the 220 outlet was entered into the record as EXHIBIT 8, and an April 20, 2001 letter from Chuck Silva to the State Contractors Board was entered into the record as EXHIBIT 9. Mr. Keuper further stated that the board provided a copy of the Silva letter to him and at that time he learned that Mr. Silva was attempting to have work done that was not part of the original contract. A two page Loan Approval Summary from Washington Mutual was entered into the record as EXHIBIT 10.

Under cross-examination by Mr. Reese, the Respondent admitted to the fourth and fifth causes of action.

Ms. Silva refuted Mr. Keuper's testimony and presented a copy of a complaint list she had sent to Washington Mutual. She further stated that she did not consent to the change in plans to eliminate the landing or to the installation of standard garage door openings. Ms. Silva indicated that the filing of the complaint had been delayed because of a death in her immediate family.

Investigator Thompson testified there were deficiencies in the landing and in the opening from one garage into the RV garage. He further stated there may have been a discussion regarding the mechanics lien.

The records of Washington Mutual were entered into the record as EXHIBIT 11. Mr. Lyle said the record Ms. Silva produced as her complaint list was not included in those records. Ms. Silva's list was entered into the record as EXHIBIT 12.

The evidentiary portion of the meeting was closed.

MR. SCHAEFER MOVED TO FIND LICENSE #43775, B K CONSTRUCTION, IN VIOLATION OF NRS 624.3013 (5), AS SET FORTH IN NAC 624.700 (3) (A), AND NRS 624. 3016 (6); AND TO DISMISS NRS 624.3017 (1), NRS 624.3013 (5), AS SET FORTH IN NAC 624.640 (5), AND NRS 624.3011 (1) (A),

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. SCHAEFER MOVED TO PLACE A 6-MONTH LETTER OF REPRIMAND INTO THE FILE OF LICENSE #43775, B K CONSTRUCTION.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

K G WALTERS CONSTRUCTION #17382, #17383, #42498 - DISCIPLINARY HEARING

The Continued Notice of Hearing for the October 9, 2001 hearing consisting of 2 pages was sent certified mail on September 6, 2001. Return receipt was received on September 13, 2001.

The Notice of Hearing for the September 5, 2001 hearing consisting of 2 pages was sent certified mail on July 30, 2001. Return receipt was received on August 6, 2001.

The Amended Complaint was sent certified mail on August 13, 2001. Return receipt received on August 20, 2001.

The Notice of Hearing for the August 7, 2001 hearing consisting of 2 pages was sent certified mail on July 30, 2001. Return receipt was received on August 6, 2001.

The Answer was received on July 27, 2001.

The Notice Of Complaint And Requirement To Answer, which consists of pages 1-108, was mailed Certified, Return Receipt Requested on July 5, 2001. Return receipt was received on July 27, 2001.

The hearing was for possible violation 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 in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to comply with the notice to correct; NRS 624.3011 (1) (b) (1), willful or deliberate disregard and violation of the building laws of the state or of any political subdivision thereof.

Kenneth Graham Walters, President, K G Walters Construction, Ray Pezonella; Keith Schaffer; Robert Lauder; Phil Harrington, Chief Builder for Carson City and Carson City County; G M Atchison; Dave Backman; Rick Gonzales; Lynn Winters; Mel Dressel; Glen

Martel; Barry Fitzpatrick; Ken Walters; Wally Fullerton; Frank Genescritti, Complainant; and NSCB Investigator Gary Leonard, were sworn in. Also present was Mr. Walters attorney Michael Springer.

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

Mr. Springer objected on the basis that he had never received the amended complaint.

Mr. Reese confirmed that the certificate of receipt indicated that the amended complaint had only been sent to the contractor and to the complainant.

Mr. Haney removed the amended complaint from the hearing file. Mr. Reese stated that the Board would proceed on the original complaint.

Mr. Haney stated that Carson City entered into the contract with K G Walters to perform work on Mr. Genescritti's property. The issue was whether or not the work was performed according to the plans and specifications, whether it was performed properly, and whether the contractor responded to the notice to correct or was obligated to do so. Mr. Haney said he and Mr. Springer had agreed to allow Mr. Fullerton to speak for Mr. Genescritti who suffered from a speech disorder.

Mr. Springer said he intended to sign the stipulation but reserved the right to do so later.

Mr. Fullerton testified that he had been involved with Mr. Genescritti's property for almost four years and was aware of the problems. He said he was familiar with the waterproofing issue, saying that the water proofing system had been substituted without a change order and did not conform with the approved building permit drawings.

Mr. Springer objected, stating that there was not foundation for the witness to know whether there was a change order or not.

Mr. Haney explained the testimony was only an allegation.

Mr. Fullerton said there had been a substitution of a mat system. It had originally been a french-drain with gravel. But the system did not work. No water was currently leaking through the wall but it had done so previously when the water table had been high. The concrete wall was a retaining wall, with many cracks in it. Mr. Fullerton was shown color photographs on page 17 of EXHIBIT 1, stating those were the cracks to which he was referring. The rebar and the concrete were not in accordance to the plans and specifications.

Mr. Springer questioned Mr. Genescritti who testified that he did not contract with K G Walters. Mr. Springer said Carson City had entered into the contract because it deemed the partially constructed retaining wall behind the Genescritti residence constituted a nuisance. Mr. Genescritti did not agree, although he said he was aware that the city had made the determination. Mr. Genescritti said there was no explanation as to why the city declared the matter an emergency. When asked who had been working on the partially completed retaining wall, Mr. Genescritti said his son had acquired a building permit, had plans drawn by an engineer, approved by the city and was working on the wall. His son did not complete the wall because the city would not allow him to after the wall was declared a nuisance. It was his understanding that Carson City had entered into a contract with K G Walters for an initial contract amount not to exceed \$37,000 and with additional amendments not to exceed \$10,000.

Mr. Haney established that the City had attempted to assess Mr. Genescritti up to \$47,000.

Mr. Walters testified he had entered into an agreement with Carson City to abate a public nuisance on the property owned by Frank Genescritti. The agreement was entered into the record as Exhibit 2. Dan St. John, Deputy City Manager, and Loomis and Sons both gave directions and made changes. Palmer and Lauder had drawn the plans. Mr. Walters

believed that Mr. Lauder had been on the job site a number of times. When asked if he or anyone else on the project had been told to build the wall crooked, Mr. Walters said no, he did not normally build crooked walls. Addressing the cracks, Mr. Walters said it was not known what caused the cracks. Mr. Walters added a great deal depended on the circumstances and the design of the wall. He said the photographs in EXHIBIT 1 reflected the wall correctly.

Mr. Springer questioned Mr. Walters who testified that his staff followed the direction given by the City, and, upon completion, the city inspected the work.

Mr. Harrington testified that he was responsible for approving projects for the city. When he approved this project, there were no cracks in the wall. He added that there were no code violations and structural integrity had not been compromised by the cracks.

MR. SCHAEFER MOVED TO DISMISS ALL CHARGES.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED. (MR. HIGGINS WAS OPPOSED)

Mr. Springer indicated he had signed the Stipulation, which was entered into the record as Exhibit 3.

FINDINGS OF FACT, CONCLUSIONS OF LAW

EXTERIORS INC #29760 & #28920 – FINDINGS OF FACT, CONCLUSIONS OF LAW

No one from Exteriors Inc. was present for the hearing.

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

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

MR. SCHAEFER MOVED TO REVOKE LICENSE #29760 & #28920, EXTERIORS INC; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES AND THE RECOVERY OF THE INVESTIGATIVE COST OF \$4,202.00 PRIOR TO FUTURE LICENSURE; AND TO TURN THE MATTER OVER TO THE CLARK COUNTY DISTRICT ATTORNEY.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

CHRISTIANSSEN POOLS #10682 – FINDINGS OF FACT, CONCLUSIONS OF LAW

No one from Christiansen Pools was present for the hearing.

MS. CAVIN MOVED TO ACCEPT THE FINDINGS OF FACT, CONCLUSIONS OF LAW; TO REVOKE LICENSE #10682, CHRISTIANSSEN POOLS; TO REQUIRE FULL RESTITUTION BY MITCH DONNER TO THE DAMAGED PARTIES AS WELL AS THE RECOVERY OF THE INVESTIGATIVE COST OF \$6,816.00 PRIOR TO FUTURE LICENSURE.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

APPLICATIONS

The following motion closed the meeting to the public.

MS. CAVIN MOVED TO CLOSE THE MEETING TO THE PUBLIC.

MR. SCHAEFER 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).

The applications on the agenda were reviewed and discussion occurred on the following: Nos. 2-8, 14-15, 31-32, 34, 37, 40, 49-50, 54-64, 68, 70, 77, 99-100, 113, and 137; and on the amended agenda: Nos. 1-2, 7, 11, 19-20, and 22.

MS. CAVIN MOVED TO REOPEN THE MEETING TO THE PUBLIC.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

EXECUTIVE SESSION (Continued)

PENDING LITIGATION STATUS

Mr. Haney informed the Board that Vision Craft, specifically Teddy Parker, had requested confidential information on file regarding this case including investigator reports..

The Executive Session was postponed to address the scheduled items on the agenda.

BLADES CONSTRUCTION #23397 – CONTINUED DISCIPLINARY HEARING

Jerry Lee Blades, Owner, Blades Construction, was not present, nor was anyone present to represent the Licensee. Present were Complainants: Tammy Christopherson and Keith Kellison.

On June 5, 2001, the Licensee had been found in violation of 2 counts of NRS 624.3017 (1) Substandard workmanship; 2 counts of NRS 624.3013 (5) as set forth in NAC 624.700(3a) Failure to comply with a notice to correct; and NRS 624.4013(5) as set forth in NAC 624.640 Failure to include the license number and monetary limit on a contract. The penalty phase had been continued and Blades Construction had been ordered to hire a licensed contractor to complete the corrective work within sixty (60) days. Failure to comply with the corrective order would result in automatic suspension of the license. On August 7, 2001 the license was suspended. Respondent was given forty-five (45) days to comply with the corrective order before final action would be taken.

Mr. Kellison said no work had been performed on his cabinets.

Ms. Christopherson also said no work had been performed on her cabinets. She added that approximately two days ago she had received a certified letter from Mr. Blades indicating he had found a cabinetmaker who would acquire the required licenses, but no information regarding the contractor had been provided.

MS. CAVIN MOVED TO REVOKE LICENSE #23397, BLADES CONSTRUCTION.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

MS CAVIN MOVED TO IMPOSE A FINE OF \$3,000 PER VIOLATION FOR A TOTAL OF \$15,000; AND TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES AND THE RECOVERY OF THE INVESTIGATIVE COST OF \$9,416 PRIOR TO FUTURE LICENSURE.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

EXECUTIVE SESSION (Continued)

ADOPTION OF PERMANENT REGULATIONS REGARDING INVESTIGATOR QUALIFICATIONS

MR. SCHAEFER MOVED TO ADOPT THE PERMANENT REGULATIONS FOR INVESTIGATOR QUALIFICATIONS.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

DISCIPLINARY HEARINGS - DEFAULT ORDER

CARSON CITY ROOFING #42990 - DISCIPLINARY HEARING DEFAULT ORDER

The Default was sent certified mail to the address of record on September 6, 2001. The envelope was returned unopened on September 10, 2001, stamped "Moved, left no forwarding address".

The Notice of Complaint and Requirement To Answer, consisting of pages 1-13, was mailed certified to the address of record on August 28, 2001, return receipt requested. The envelope was returned unopened on August 30, 2001, stamped "Moved, left no address".

The hearing was for 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 in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money thereof; 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 pursuant to NRS 624.220 AND NRS 624.260 to NRS 624.265, inclusive, at the time of renewal of the license or at any other time when required by the board; and NRS 624.3013 (4), failure to keep in force the bond or cash deposit pursuant to NRS 624.270 for the full period required by the board.

No one from Carson City Roofing 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 CARSON CITY ROOFING, LICENSE #42990, IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE #42990; AND TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES AND THE RECOVERY OF THE INVESTIGATIVE COST OF \$1,348.00 PRIOR TO FUTURE LICENSURE.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

T L C BUILDERS #34059 - DISCIPLINARY HEARING DEFAULT ORDER

The Default was mailed to the address of record on September 18, 2001.

The Notice of Complaint and Requirement To Answer consisting of 21 pages was sent certified mail to the address of record on August 28, 2001. The envelope was returned unopened on September 17, 2001.

The hearing was for possible violation of NRS 624.3015 (1), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to submit on the contract the license number and monetary limit placed upon the license; NRS 624.3013 (5), failure in any material respect to comply with the provisions of this chapter or the regulations of the board; and 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.

No one from T L C Builders 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.

The matter was continued to the Las Vegas meeting.

APPLICATIONS

The following motion closed the meeting to the public.

MS. CAVIN MOVED TO CLOSE THE MEETING TO THE PUBLIC.

MR. SCHAEFER 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).

SPRACKLIN CONSTRUCTION #41995A (B2 – Residential and Small Commercial) RAISE IN LIMIT, RECONSIDERATION

James Spracklin, President, was present.

Ms. Stewart, Licensing Supervisor, stated that on September 25, 2001, the application had been denied, no new financial information had been provided.

Mr. Spracklin said he had been licensed since 1996. He had always worked within his limit, he had no complaints and every client was a reference.

The general consensus was to approve the raise in limit for \$1 million and a \$5,000 bond.

RENFRO PROPERTY DEVELOPMENT INC. (B2 – Residential & Small Commercial) NEW APPLICATION

RENFRO PROPERTY DEVELOPMENT INC. (C3 – Carpentry) NEW APPLICATION

James Renfro, President, was present. He was notified that both applications had been approved. The B2 license was approved with a limit of \$200,000 and a \$10,000 bond. The C3 license was approved with a limit of \$50,000 and a \$5,000 bond.

INNOVATIVE RESORT COMMUNITIES LLC #51501 (B2,3 Residential & Small Commercial, Speculative Building) ONE TIME RAISE IN LIMIT

Peter Bilicki, Member/Qualifier, was present. He was notified that the one time raise in limit for \$20.3 million had been approved for the Mantova at Lake Las Vegas 259 Unit Condo Project, payment and performance bonds if required.

C T C CONSTRUCTION (B2 – Residential & Small Commercial) NEW APPLICATION

Troy Young, Partner, and Carl Cripps, Partner, were present.

Ms. Stewart stated Mr. Young was the CMS qualifier and Carl Cripps was the trade qualifier. Mr. Cripps had a previous license, #38904, that had been revoked by Board action. Mr. Cripps had been the trade qualifier on that license whereas Karen Coronet owned the business and had been the law qualifier on the license.

Mr. Young stated that he currently held a C1 license. Carl Cripps had been involved in a business that had been abandoned and he had been left holding the bag. He never received any correspondence from the Board until after his wife abandoned the business, leaving 6 outstanding contracts. Mr. Cripps had been charged and found guilty of a misdemeanor for contracting without a contractor's license.

Mr. Cripps explained that complete restitution had been made in each instance.

My Lyford said that there was no evidence that the investigative costs associated with the hearing had been paid.

Mr. Young said all documentation had been presented to the Las Vegas office.

Mr. Cripps said when he found out about the fine, he paid it.

MR. JOHNSON MOVED TO APPROVE THE LICENSE APPLICATION WITH A LIMIT OF \$500,000 AND A \$50,000 BOND, CONTINGENT UPON PROOF THAT RESTITUTION HAD BEEN MADE TO THE HARMED PARTIES PURSUANT TO THE BOARD'S DECISION AND ORDER.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

BILL DICKSON CONSTRUCTION SERVICES (C-4 Painting & Decorating) NEW APPLICATION

Bill Dickson, Owner, was present. He was notified that the license application had been approved with a limit of \$50,000 and a \$5,000 bond.

MS. CAVIN MOVED TO REOPEN THE MEETING TO THE PUBLIC.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

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

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

PUBLIC COMMENT

Dan Loose, President, Dan Loose Construction; John Saathouski, President, Serva Pool and Spa Center; and Joe Trombley, President, Certified Pool & Spa, were present to speak to the Board regarding the qualifications of swimming pool contractors and the requirements for licensing of fiberglass pools. There currently was no trade exam requirement for Licensees building those types of pools.

The general consensus was to investigate if there was a test available and to add it to the Board's testing requirements.

There being no further business to come before the Board, the meeting was adjourned by Vice-Chairman Mr. Zech at 2:27 p.m.

Respectfully Submitted,

Betty Wills, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Mike Zech, Vice – Chairman