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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
October 20, 2005

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 8:30 a.m., Thursday, October 20, 2005, 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

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Ms. Nancy Mathias, Licensing Administrator
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

Mr. Bruce Robb, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on October 15, 2005, at Las Vegas City Hall, Sawyer State Building and Clark County Library. The agenda was also posted in both offices of the Board, Henderson and Reno and on the Board Internet Website.

2. PUBLIC COMMENT:

Mr. Bob Portnoff made various statements.

3. APPROVAL OF MINUTES: September 15, 2005

It was moved and seconded to approve the minutes of September 15, 2005. MOTION CARRIED.

4. EXECUTIVE SESSION:

a. APPROVAL OF EXECUTIVE OFFICER'S QUARTERLY REPORT FOR PERIOD ENDING SEPTEMBER 30, 2005:

It was moved and seconded to approve the Executive Officer's Quarterly Report for the period ending September 30, 2005. MOTION CARRIED.

b. REVIEW AND APPROVAL OF CASH DISBURSEMENTS AND TRANSFER JOURNALS 7/1/05 –

9/30/05:

It was moved and seconded to approve the cash disbursements and transfer journals July 1, 2005 through September 30, 2005. **MOTION CARRIED.**

c. APPROVAL OF FINANCIAL REPORT FOR PERIOD ENDING 9/30/05:

It was moved and seconded to approve the financial report for period ending September 30, 2005. **MOTION CARRIED.**

d. DISCUSSION AND APPROVAL OF RESPONSE TO SOLARI & STURMER, LLC POINT MANAGEMENT LETTER:

Ms. Grein provided a copy of the management point letter from Solari & Sturmer, LLC.

It was moved and seconded to approve the Executive Officer's response to Solari & Sturmer, LLC. **MOTION CARRIED.**

e. REVIEW AND APPROVAL OF THE 2006 PROPOSED BOARD MEETING AND RECOVERY FUND SCHEDULE:

Ms. Grein provided a draft of the 2006 proposed Meeting Schedules.

f. DISCUSSION AND APPROVAL OF REQUIREMENTS FOR DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION 4 OF SB 163:

Mr. Robb indicated section 4 of Senate Bill 163 requires the Respondent in a disciplinary action case to submit fingerprints and the Board will conduct a background investigation.

The Law was not clear on the procedure when the Respondent is a Corporation, Limited Liability Company, Partnership or other entity type.

It was moved and seconded to request an opinion from the Attorney Generals Office. **MOTION CARRIED.**

g. DISCUSSION OF NRS 40.6887 PROCESS PURSUANT TO ADOPTED REGULATION LCB FILE NO. R-046-05:

The Board discussed a process to respond to a request or render a decision.

Ms. Grein advised the Board that she would continue to work with Bruce Robb, Esq. and David Brown, Esq. to establish procedures.

h. PUBLIC HEARING AND BOARD ADOPTION OF PROPOSED REGULATION CONCERNING C-10 LANDSCAPE CLASSIFICATION – LCB FILE NO. R-209-03:

Members of the Landscape industry were present to provide comments regarding the proposed changes to the C-10 Landscape classification.

It was moved and seconded to adopt the proposed regulation. **MOTION CARRIED.**

i. DISCUSSION AND APPROVAL OF PROPOSED REGULATION FOR DECREASE IN FEE FOR ISSUANCE AND RENEWAL OF CERTIFICATES OF ELIGIBILITY UNDER NAC 624.130:

Ms. Grein provided a draft proposal decreasing the issuance fee for Certificate of Eligibility from \$700.00 to \$500.00 and the renewal fee from \$400.00 to \$300.00.

It was moved and seconded to adopt the proposed regulation. **MOTION CARRIED.**

5. DEPARTMENTAL REPORTS:

ENFORCEMENT AND INVESTIGATIONS:

Mr. Dan Hammack provided a status report of the enforcement and investigation department.

HUMAN RESOURCES:

Ms. Grein introduced Tovah D'Ambrosio as the Board's Human Resource Specialists.

PUBLIC RELATIONS:

Ms. Grein introduced Art Nadler as the Board's Public Relation Specialists.

7. REVIEW OF PROPOSED RESPONSE TO REQUEST SUBMITTED PURSUANT TO NRS 40.6887:

Mr. Schaeffer recused himself from voting on the items.

FILE NO. L-0509-158-CD, R/S DEVELOPMENT, LICENSE NO. 18769:

FILE NO. L-0509-199-CD, PACIFIC SOUTHWEST HOLDING, CO., LICENSE NO. 35102:

FILE NO. L-0509-200-CD, EDGEWATER CUSTOM POOLS, LICNESE NO. 41387A:

FILE NO. L-0509-157-CD, DR HORTON, LICENSE NO. 39179:

FILE NO. L-0509-104-CD, WATT RESIDENTIAL PARTNERS, LICENSE NO. 40576:

FILE NO. L-0509-215-CD, SUN CASTLE BUILDERS, LICENSE NO. 45856A:

This matter was placed on the agenda as; review of proposed response to request submitted. Since no recommendation was made, a Board Member was designated to review the investigators report and provide a response.

8. APPROVAL OF SETTLEMENT AGREEMENT:

SIERRA SAGE, LICENSE NO. 52571

It was moved and seconded to approve the settlement agreement. **MOTION CARRIED.**

9. NEW APPLICATION DENIAL HEARING:

G I REINFORCING

Applicant was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

It was moved and seconded to approve the license application for C-14 (Steel Reinforcing & Erection) with a monetary license limit of \$50,000.00 and bond of \$5,000.00. **MOTION CARRIED.**

10. NEW APPLICATION DENIAL HEARING:

SPECTRUM CONCRETE

Applicant was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

It was moved and seconded to approve the license application for C-5 (Concrete Contracting) with a monetary license limit of \$70,000.00 and bond of \$5,000.00. **MOTION CARRIED.**

11. NEW APPLICATION DENIAL HEARING:

DAVID HOOVER

Applicant was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

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

12. NEW APPLICATION DENIAL HEARING:

ALL TECH COMMUNICATIONS

Applicant was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

It was moved and seconded to approve the license application for C-2(d) (Low Voltage Systems) with a monetary license limit of \$50,000.00 and bond of \$5,000.00 contingent upon an amended application. **MOTION CARRIED.**

13. APPROVAL OF CONSENT AGENDA:

It was moved and seconded to approve the consent agenda. **MOTION CARRIED.**

a. RATIFICATION OF STAFF APPROVED LICENSE APPLICATIONS, CHANGES OF LICENSURE, REINSTATEMENTS OF LICENSURE, VOLUNTARY SURRENDERS:

14. APPLICATIONS IN QUESTION: (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**

A F G, INC., (C-8 GLASS & GLAZING) NEW APPLICATION

Applicant was present.

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

CLEARWATER MECHANICAL, INC., (C-1 PLUMBING & HEATING) NEW APPLICATION

Applicant was present.

It was moved and seconded to approve the license application conditioned upon a financial review at the time of renewal 2006. **MOTION CARRIED.**

The licensee is ordered to submit to a Business Review. The result of the Business Review will be presented to the Executive Officer.

LOGSDON CONTRACTING, LLC, (C-10 LANDSCAPE CONTRACTING) NEW APPLICATION

Applicant was present.

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

AMAZON CONSTRUCTION CORP., LICENSE NO. 54323 (A-10, 12, 13 COMMERCIAL & RESIDENTIAL POOLS; EXCAVATE, GRADE, TRENCH, SURFACE; WRECKING BUILDINGS) CHANGE IN QUALIFIER, REQUESTING WAIVER OF CMS

Licensee was present.

It was moved and seconded to approve the change in qualifier application. MOTION CARRIED.

AMAZON CONSTRUCTION CORPORATION, LICENSE NO. 54331 (C-10 LANDSCAPE CONTRACTING) CHANGE IN QUALIFIER, REQUESTING WAIVER OF CMS

Licensee was present.

It was moved and seconded to approve the change in qualifier application. MOTION CARRIED.

AMAZON MASONRY, INC., LICENSE NO. 57071 (A-12, 13, 15, 19, 22 EXCAVTE, GRADE, TRENCH, SURFACE; WRECKING BUILDINGS; SEWERS, DRAINS & PIPES; PIPELINE & CONDUITS; A-22 DESIGNATED FOR ARTIFICIAL ROCK WORK) CHANGE IN QUALIFIER, REQUESTING WAIVER OF TRADE EXAMS

Licensee was present.

It was moved and seconded to approve the change in qualifier application. MOTION CARRIED.

PAR 3 LANDSCAPE & MAINT., INC., LICENSE NO. 49381 (A-10 COMMERCIAL & RESIDENTIAL POOLS) CHANGE IN QUALIFIER, REQUESTING WAIVER OF CMS & TRADE EXAM

Licensee was present.

It was moved and seconded to approve the change in qualifier application. MOTION CARRIED.

PAR 3 LANDSCAPE & MAINT., INC., LICENSE NO. 41311 (C-10 LANDSCAPE CONTRACTING) CHANGE IN QUALIFIER, REQUESTING WAIVER OF CMS EXAM

Licensee was present.

It was moved and seconded to approve the change in qualifier application. MOTION CARRIED.

BROOKSTONE LANDSCAPE, INC., LICENSE NO. 55662 (C-10 LANDSCAPE CONTRACTING) F/S ON RENEWAL

Licensee was present.

It was moved and seconded to approve the renewal application conditioned upon a financial review at the time of renewal 2006. MOTION CARRIED.

WORLDMARK POOLS & SPAS, LICENSE NO. 56570 (A-10 COMMERCIAL & RESIDENTIAL POOLS) CHANGE IN QUALIFIER

Licensee was not present. Robert Lang qualified employee was present.

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

AMERICAN MILLWORK COMPANY, (C-3B FINISH CARPENTRY) NEW APPLICATION

Applicant was present.

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

GUTTER BROTHERS, LLC, (C-13 USING SHEET METAL – LIMITED TO SEAMLESS RAIN GUTTERS) NEW APPLICATION

Applicant was present.

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

QUALITY INTERIORS, INC., (C-3C INSULATION & WEATHER STRIPPING) NEW APPLICATION

Applicant was present.

It was moved and seconded to approve the license application conditioned upon resolving the judgment in California. MOTION CARRIED.

WISCONSIN TERRAZZO, (C-19 INSTALLING TERRAZZO AND MARBLE) NEW APPLICATION

Applicant was present.

It was moved and seconded to approve the license application conditioned upon a financial review at the time of renewal 2006. 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.

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

15. DISCIPLINARY HEARING: (Continued) Carson City Aquatic Center

GENERAL BUILDERS, INC., DBA SILVER STATE POOLS, LICENSE NO. 22816A

GENERAL BUILDERS, INC., DBA AMERICAN GENERAL DEVELOPMENT, LICENSE NO. 22816

It was moved and seconded to withdraw the Disciplinary Complaint regarding the Carson City Aquatic Center with no further action. MOTION CARRIED.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chairman Schaefer at 12:08 p.m.

Respectfully Submitted,

Traci Greenlee, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Randall Schaefer, Chairman

ADJUDICATING BOARD MEMBER: SPIRIDON FILIOS

16. DISCIPLINARY HEARING: (Continued from September 28, 2005)

A NEW BEGINNING FLOOR DESIGN CORPORATION, LICENSE NOS. 54565, 56340

This matter was continued from the September 28, 2005 Board Meeting to allow the Respondent time to make repairs to the Turcaz residence and to provide a current financial statement.

Licensee was present with Counsel Donn Ianuzi, Esq.

Hearing Officer Filios found Respondent A New Beginning Floor Design Corporation, Felipe Silva, President, license numbers 54565 and 56340 guilty of NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct. The Third, Fourth and Fifth Causes of Action were dismissed. Investigative costs were assessed in the amount of \$2,368.00. Costs are to be paid within 60 days from October 20, 2005 or license numbers 54565 and 56340, A New Beginning Floor Design Corporation will automatically be Suspended. The Respondent is ordered to submit to a Business Review within 60 days from October 20, 2005. 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.

17. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. FINISHES UNLIMITED, LICENSE NO. 49592

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Filios found Respondent Finishes Unlimited, Gregory H. Levine, President, license number 49592, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Levine was found guilty of NRS 624.301(1) abandonment; NRS 624.3012(1) diversion of money or property received for the completion of a specific construction project; NRS 624.302(5) failure to cooperate in an investigation; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice; NRS 624.3013(5), as set forth in NAC 624.640(5) each licensee shall include in all bids he submits or contracts he enters into for construction work within this State, the number of his license and monetary limit placed upon his license; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with a written request from the Board for information or records. License number 49592, Finishes Unlimited was Revoked. Mr. Levine was assessed a fine of \$100.00 for the Fourth Cause of Action. Mr. Levine is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,239.00 and any expenses that may be paid out of the Residential Recovery Fund.

b. GARY J. MORRISON HOLDING, INC., DBA ANDERSON CLOSETS AND CABINETS, ANDERSON KITCHEN AND BATH, LICENSE NO. 52616

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Filios found Respondent Gary J. Morrison Holding, Inc., dba Anderson Closets and Cabinets, Anderson Kitchen and Bath, Gary J. Morrison, President, license number 52616, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Morrison was found guilty of NRS 624.301(3) failure in a material respect to complete any construction project or operation for the price stated in the contract; Four (4) violations of NRS 624.302(5) failure to cooperate in an investigation; NRS 624.3013(5), as set forth in NAC 624.640(5) each licensee shall include in all bids he submits or contracts he enters into for construction work within this State, the number of his license and monetary limit placed upon his license; Fourteen (14) violations of NRS 624.3016(1) any fraudulent or deceitful act committed in the capacity of a contractor including misrepresentation or omission of a material fact; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with a written request from the Board for information or records; NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify the Board of change of address or personnel within 30 days after the change occurs. License number 52616, Gary J. Morrison Holding, Inc., dba Anderson Closets and Cabinets, Anderson Kitchen and Bath was Revoked. Mr. Morrison is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$6,636.00 and any expenses that may be paid out of the Residential Recovery Fund.

c. STOECKINGER CONSTRUCTION, LICENSE NO. 48951

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Filios found Respondent Lawrence R. Stoeckinger, dba Stoeckinger Construction, license number 48951, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Stoeckinger was found guilty of NRS 624.3014(2)(a)(b)(d) aiding or abetting an unlicensed person to evade the provisions of this chapter; combining or conspiring with an unlicensed person to perform an unauthorized act and acting as agent, partner or associate of an unlicensed person; 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 624.3015(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; Three (3) violations of NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; Two (2) violations of NRS 624.302(6) failure to comply with a written request from the Board for information or records; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.3013(5), as set forth in NAC 624.640(5) each licensee shall include in all bids he submits or contracts he enters into for construction work within this State, the number of his license and monetary limit placed upon his license. License number 48951, Lawrence R. Stoeckinger, dba Stoeckinger Construction was Revoked. Mr. Stoeckinger is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,174.00 and any expenses that may be paid out of the Residential Recovery Fund.

d. NEVADA PLASTER, LLC, LICENSE NO. 57177

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Filios continued this matter to the December 14, 2005 Board Meeting.