

KENNY C. GUINN
Governor

STATE OF NEVADA



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MEMBERS
KIM W. GREGORY
Chairman
DOUG CARSON
MARGARET CAVIN
JERRY HIGGINS
DENNIS K. JOHNSON
RANDY SCHAEFER
MICHAEL ZECH

STATE CONTRACTORS' BOARD

MINUTES OF THE MEETING NOVEMBER 7, 2000

The meeting of the State Contractors' Board was called to order by Vice Chairman Mike Zech at 8:47 a.m., Tuesday, November 7, 2000, 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
Mr. Doug Carson
Ms. Margaret Cavin
Mr. Jerry Higgins
Mr. Dennis Johnson
Mr. Randy Schaefer

BOARD MEMBERS ABSENT:

Mr. Kim Gregory

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Robert Griffy, Legal Counsel (Haney, Woloson & Mullins)
Mr. Dennis Haney, Legal Counsel (Haney, Woloson & Mullins)
Mr. David Reese, Legal Counsel (Cooke, Roberts & Reese)
Ms. Nancy Mathias, Licensing Administrator
Mr. George Lyford, Director of Special Investigations
Mr. Frank Torres, Deputy Director of Investigations
Ms. Kathy Stewart, Licensing Supervisor
Mr. Gary Hoid, Investigator
Mr. Gary Leonard, Investigator
Ms. Betty Wills, Recording Secretary

OTHERS PRESENT:

Leslie Clarkson, Court Reporter, Sierra Nevada Reporters; Danny Brewer, Complainant; Michael Brodie Lewis, President, M B Lewis; Anthony Novello, Complainant; Eric Cake, Rugby Building Products, Inc.; Tom Susich, Attorney, High Sierra Trees; Shirley Sunde, Complainant; Bruce Bates, Former Foreman, High Sierra Trees; and Kevin Brazell, Vice President, Hydrotech Inc.

Ms. Grein stated that Gary Leonard had posted the agenda in compliance with the open meeting law on November 1, 2000 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.

Mr. Zech called for a motion to approve the minutes of October 18, and October 24, 2000.

MR. SCHAEFER MOVED TO APPROVE THE MINUTES OF OCTOBER 18, AND OCTOBER 24, 2000.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

It was learned there were 24 items on the amended agenda, each item of an emergency nature. Additionally, a discussion of the Management Audit Letter and Employee Benefits was added to the Executive Session on the regular agenda.

MR. CARSON MOVED TO HEAR THE AMENDED AGENDAS.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

BOARD MEMBER APPOINTMENT

Governor Guinn's October 31, 2000 appointment of Jerry Higgins as the Public Member of the State Contractors' Board was acknowledged. Mr. Zech swore in Mr. Higgins as a new member of the Board.

EXECUTIVE SESSION

ELECTION OF TREASURER

MR. SCHAEFER MOVED TO ELECT DENNIS JOHNSON AS TREASURER TO REPLACE OUTGOING TREASURER DEBORAH SHELTRA.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO ELECT MARGARET CAVIN AS BACKUP TO MR. JOHNSON.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

FINANCIAL STATEMENT - 9/30/00

MR. JOHNSON MOVED TO ACCEPT THE FINANCIAL STATEMENT OF 9/30/00.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

APPROVAL OF CASH DISBURSEMENTS & TRANSFER JOURNALS - 9/30/00

MR. JOHNSON MOVED TO APPROVE BANK OF AMERICA COMMERCIAL CHECKING ACCOUNT CHECK #20082 THROUGH #20606.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO APPROVE THE BANK OF AMERICA MONEY MARKET ACCOUNT CHECK #1035 THROUGH #1040 AND TRANSFER #00-01 THROUGH #00-04, AND FIRST INTERSTATE BANK PAYROLL ACCOUNT CHECK #18477 THROUGH #19006.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

EXECUTIVE OFFICER'S QUARTERLY REPORT - 9/30/00

Discussion occurred regarding complaint statistics, NASCLA National Exams, the Solari Audit review, and the Management letter.

The Executive Session was continued until later in the day as the agenda allowed.

ENFORCEMENT ADVISORY COMMITTEE**TATTON'S CARPET SERVICE INC #30912 – STIPULATED SETTLEMENT AGREEMENT**

On or about September 11, 2000, an informal Enforcement Advisory Committee comprised of Jack Lindell, Margi Grein, George Lyford, Hal Taylor, and Frank Torres, had convened with the Respondent to evaluate the alleged violation of NRS 624.3015 (2).

The committee's recommendation to the Board was:

The Respondent be assessed an administrative penalty of \$1,000 and reimburse the Board for investigative costs in the amount of \$1,411.85 as final resolution of the matter.

MR. CARSON MOVED TO ACCEPT THE SETTLEMENT AGREEMENT.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

E. L. WILLS INC #39756 – STIPULATED SETTLEMENT AGREEMENT

On or about September 11, 2000, an informal Enforcement Advisory Committee comprised of the same members referenced above had convened with the Respondent to evaluate the alleged violation of NRS 624.3015 (2) and NRS 624.3013 (5).

The committee recommendation was to assess an administrative penalty of \$1,000 and reimburse the Board for investigative costs in the amount of \$1,330.34 as final resolution of the matter.

MR. CARSON MOVED TO ACCEPT THE SETTLEMENT AGREEMENT.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.**DISCIPLINARY HEARINGS****RICK'S MOBILE GLASS #34286 - DISCIPLINARY HEARING**

Richard A. Abos, Owner, Rick's Mobile Glass, was not present nor was anyone else present on his behalf.

Danny Brewer, Complainant, and NSCB Investigator Gary Hoid were sworn in.

The Notice of Hearing and Complaint consisting of pages 1-17 had been hand-delivered to Respondent at the Washoe County Jail on October 6, 2000.

The hearing was for possible violation of **NRS 624.3017 (1)**, workmanship which is not commensurate with standards of the trade in general or which is below the standards in the building or construction codes adopted by the city or county in which the work is performed; **NRS 624.3013 (5)**, failure to comply with the rules or regulations of the Board, as set forth in NAC 624.700 (3) (a), by failing to comply with the order to correct; **NRS 624.3011 (2)**, performing construction without obtaining the necessary building permit; **NRS 624.3013 (5)**, failure to comply with the regulations of the Board by failing to include the monetary limit on Respondent's bid, as required by NAC 624.640 (5); 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.

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

The status of the license was suspended for no bond as of July 25, 2000.

Mr. Griffy questioned Mr. Brewer, who testified that he had entered into a contract with the Respondent on or about November 21, 1999 to install windows at his residence. The total contract price was \$1, 541.91. As a result of the work performed by the Respondent, workmanship issues had become manifest.

Mr. Brewer then described the problems he had encountered with the work performed by the Respondent. He stated that he had contacted the Respondent regarding the problems, who said he would repair them. But, to date, no repairs had been made. Mr. Brewer did not know if the Respondent had bought the windows or if he had constructed them. The Respondent had told Mr. Brewer the windows were custom made, indicating that he had made them himself.

Investigator Hoid testified that he had been to Mr. Brewer's residence and had viewed the windows. He stated that he found that two of the windows in the living room area did not open and close properly and they fell out of the frames when opened. The exterior surfaces of all of the windows were not properly caulked around the frames, and the molding surrounding the bedroom windows did not fit to the frames.

Mr. Griffy pointed out that there were photographs in the hearing file that reflected the condition of the windows.

Continuing, Mr. Hoid testified that the Respondent had failed to appear at the job site meeting. After the notice to correct had been issued, Mr. Hoid contacted the Respondent, who said he was working on replacements for the windows. But neither Mr. Hoid nor Mr. Brewer had been contacted again. A building permit was required for the project, but none had been pulled. Upon review of the contract, Mr. Hoid found no monetary limit listed on it. Mr. Hoid had confirmed the bond was no longer in force per board records.

The evidentiary portion of the hearing was closed.

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

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO FIND LICENSE #34286, RICKS MOBILE GLASS, IN VIOLATION OF ALL CHARGES.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO REVOKE LICENSE #34286, RICKS MOBILE GLASS. TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND TO RECOVER THE INVESTIGATIVE COSTS OF \$2,478.04 PRIOR TO ANY CONSIDERATION OF FUTURE LICENSURE IN THE STATE OF NEVADA.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Reese requested the record to reflect that the file did not indicate that the Respondent had, at any time, requested a continuance.

M B LEWIS #39667A - DISCIPLINARY HEARING

Michael Brodie Lewis, President, M B Lewis, was present.

Mr. Haney requested a continuance to December 5, 2000, explaining that all of the alleged violations that should have been charged were not before the Board. The matter was primarily a workmanship issue.

MS. CAVIN MOVED TO CONTINUE THE HEARING TO DECEMBER 5, 2000.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

PALOMINO VALLEY CONSTRUCTION #37975 - DISCIPLINARY HEARING

Charles D. Helton, Owner, Palomino Valley Construction, was not present nor was anyone else present on his behalf.

Anthony Novello, Complainant, and NSCB Investigator Gary Hoid were sworn in.

The Notice of Hearing and Complaint, consisting of pages 1-15, had been mailed certified, Return Receipt Requested, on October 10, 2000, to both 890 Spanish Springs Road, Sparks, Nevada 89434 (Respondent's address of record with the Board) and 3900 Wildhorse Rd., Reno, Nevada 89510 (an additional address found in Board files) after several attempts to hand-deliver the Notice and Complaint were unsuccessful. The certified mailing was returned unopened to NSCB on November 3, 2000, marked "Unclaimed."

The hearing was for possible violation of NRS 624.3017 (1), workmanship which is not commensurate with standards of the trade in general or which is below the standards in the building or construction codes adopted by the city or county in which the work is performed; NRS 624.3013 (5), failure to comply with the rules or regulations of the Board, as set forth

in NAC 624.700 (3) (a), by failing to comply with the order to correct; NRS 624.3013 (5), failure to comply with the regulations of the Board, by failing to include the license number and monetary limit on Respondent's bid, as required by NAC 624.640 (5), and by failing to disclose the names, license numbers, business addresses and telephone numbers of all subcontractors with whom Respondent has contracted on the project, as required by NRS 624.600 (1) (a), NRS 624.3015 (1), performing work beyond the scope of the Respondent's B-2 license; NRS 624.3011 (1) (b) (1), willful or deliberate disregard and violation of the building laws of the state or any political subdivision thereof; NRS 624.3011 (1) (a), willful and prejudicial departure from plans without the consent of the owner; NRS 624.3013 (4), failure to keep in force the bond or cash deposit required by NRS 624.270 for the full period required by the Board; and NRS 624.302 (3) (5) (6), failure to pay investigative costs imposed pursuant to this chapter within 30 days after receiving notice, and failure or refusal to respond to an order from the Board, by failing to comply with a written request by the Board or its designee for information or records or obstructing or delaying the providing of such information or records.

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

Under questioning by Mr. Griffy, Mr. Novello testified that he had entered into a contract with the Respondent to build a single-family residence for a total contract price of \$329,155. As a result of the work performed by the Respondent, workmanship issues developed. Mr. Novello then described the workmanship issues that he had encountered. Based upon the workmanship issues, there had been numerous contacts with the Respondent regarding the repair of the items. The Respondent had made many promises to repair or to reimburse Mr. Novello if he had something repaired, but failed to follow through with his promises. The last contact with the Respondent was March 30, 2000. Some of the workmanship items had been repaired. Others had not been because it would cost approximately \$60,000 to \$70,000 to repair.

Investigator Hoid testified that he had investigated the complaint and had validated the workmanship items as represented by Mr. Novello. A notice to correct had been issued, but there had been no personal contact with the Respondent. There had been no response to the notices to correct. The Respondent's contract with the homeowner had been reviewed, and it did not include the required license or monetary limit. Mr. Hoid said the Respondent had performed work outside his license, specifically the electrical and the plumbing. There were code violations as a result. Mr. Hoid was not aware if the building department had issued any code violations on the project. Additionally, the Respondent had deviated from the plans because the garage door ended up 7 feet wide instead of 10 feet.

Mr. Novello said when he spoke to the Respondent about the discrepancy, the Respondent said the building inspector had not allowed him to make it that wide.

Investigator Hoid stated that he had determined that the Respondent had not provided the homeowner with the names of the subcontractors who worked on the project. Mr. Hoid had not been able to determine who worked on the project. He confirmed that the Respondent had failed to keep his bond or cash deposit in force, and that the discipline imposed in the last board hearing regarding this License had not been complied with.

The evidentiary portion of the hearing was closed.

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

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. SCHAEFER MOVED TO FIND LICENSE #37975, PALOMINO VALLEY CONSTRUCTION, IN VIOLATION OF ALL CHARGES.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. SCHAEFER MOVED TO REVOKE LICENSE #37975, PALOMINO VALLEY CONSTRUCTION; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; TO RECOVER THE INVESTIGATIVE COSTS OF \$2,396.45 AND OTHER OUTSTANDING PENALTIES PRIOR TO ANY CONSIDERATION OF FUTURE LICENSURE IN THE STATE OF NEVADA.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

HALLS WALLS/HALLS CONSTRUCTION #39450, #39450A and #43917 - DISCIPLINARY HEARING

David W. Hall, Owner, Halls Walls/Halls Construction, was not present nor was anyone else present on his behalf.

Eric Cake, Rugby Building Products, Inc., and NSCB Investigator Gary Leonard were sworn in.

The Notice of Hearing and Complaint, consisting of pages 1-21, had been mailed certified on October 10, 2000 to the Respondent's address of record, P.O. Box 236, Fernley, Nevada, 85408. The certified mail receipt had not been returned as of the hearing date.

The hearing was for possible violation of NRS 624.3012 (2), willful or deliberate failure to pay monies when due for materials or services rendered in connection with Respondent's operations as a contractor; NRS 624.302 (3) (5) (6), failure to pay investigative costs imposed pursuant to this chapter within 30 days after receiving notice, and failure or refusal to respond to an order from the Board, by failing to comply with a written request by the Board or its designee for information or records or obstructing or delaying the providing of such information or records; NRS 624.302 (5), failure to respond to written requests from the Board to cooperate in the investigation of the complaints by failing to appear for scheduled meetings; NRS 624.3013 (3), failure to establish financial responsibility pursuant to NRS 624.220 and NRS 624.260-265, inclusive, at the time of renewal of the license or at any other time when required by the Board; NRS 624.3018 (2), performance by any partnership, corporation, firm or association of any act or omission constituting a cause for disciplinary action likewise constitutes a cause for disciplinary action against any Respondent who is a member, officer, director or associate of such partnership, corporation, form or association, and who participated in such prohibited act or omission.

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

Mr. Griffy questioned Mr. Cake, who testified that on or about July 1997, the Respondent had entered into a contract with Rugby Building Products to purchase materials and supplies on credit. Supplies had been purchased between January 30, 1998 to May 26, 1998. Mr. Cake said that Rugby was owed approximately \$60,531.84. The Respondent had not entered into any agreements with Rugby to pay the debt, he had only made promises to catch up on the bill. There had been no contact with the Respondent for approximately one year.

Investigator Leonard testified that he had not had any contact with the Respondent. He validated that billing records indicated that both Rugby Building Products and Meeks Building Center, an additional money owing complaint for \$2,878.14, were owed the money

as represented. As a result of the money owing complaints, a administrative meeting had been requested with the contractor, but there had been no response. Additionally, financial documents had been requested, but none had been received.

Mr. Griffy requested that the Board note that a hearing had been held on November 12, 1999, wherein disciplinary action had been imposed. The license had been suspended for a period of six months; the Respondent was to pay the investigative costs of \$2,761.52; and license #43917 was to be placed on probation for two years, with a permanent letter of reprimand placed in the file. To date, the Respondent had not reimbursed the Board. Mr. Griffy pointed out that the Respondent had more than one license and was therefore subject to discipline on any and all licenses.

Mr. Reese requested that the record reflect that the Respondent was currently on probation and had not fulfilled the terms of his probation.

The status of license #39450 and 39450A was cancelled, not renewed, as of May 1, 2000. The status of license #43917 was suspended for no bond as of September 28, 1999.

Mr. Cake explained he had filed against the bond, but it appeared that there was nothing left. The Respondent had two lots in foreclosure. The County had offered to sell them for taxes, but Mr. Cake said it was not worth pursuing.

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

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MS. CAVIN MOVED TO FIND ALL LICENSE #39450, #39450A, AND #43917, HALLS WALLS/HALLS CONSTRUCTION, IN VIOLATION ALL CHARGES.

MR. JOHNSON SECONDED.

THE MOTION CARRIED.

MS. CAVIN MOVED TO REVOKE LICENSE #39450, #39450A, AND #43917, HALLS WALLS/HALLS CONSTRUCTION; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE INVESTIGATIVE COSTS OF \$2,564.22 AND OTHER OUTSTANDING PENALTIES PRIOR TO ANY CONSIDERATION OF FUTURE LICENSURE IN THE STATE OF NEVADA.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

SECURITY DOORS OF DISTINCTION #30042 - DISCIPLINARY HEARING

Echo Grace Penrose, President, Security Doors of Distinction, was not present nor was anyone else present on behalf of the Respondent.

NCSB Investigator Gary Hoid was sworn in.

The Notice of Hearing and Complaint consisting of pages 1-20 had been hand delivered to Respondent on October 10, 2000.

Respondent filed an Answer to the Complaint on October 11, 2000.

The hearing was for possible violation of NRS 624.3017 (1), workmanship which is not

commensurate with standards of the trade in general or which is below the standards in the building or construction codes adopted by the city or county in which the work is performed; NRS 624.3013 (5), failure to comply with the rules or regulations of the Board, as set forth in NAC 624.700 (3) (a), by failing to comply with the order to correct; NRS 624.3013 (3), failure to establish financial responsibility pursuant to NRS 624.220 and NRS 624.260-265, inclusive, at the time of renewal of the license or at any other time when required by the Board; and NRS 624.3013 (5), failure to comply with the regulations of the Board by failing to include the monetary limit on Respondent's bid, as required by NAC 624.640 (5).

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

Mr. Griffy noted that Cynthia Ellis, Complainant, was not present. Ms. Ellis had a security door installed at her residence. The door had not been installed properly.

Investigator Hoid testified that he had spoken with Ms. Ellis who indicated to him that the door had been corrected. Ms. Ellis was satisfied with the repairs, and therefore did not have any further complaint with Security Doors. Mr. Hoid said he had reviewed the contract between Ms. Ellis and the Respondent. It did not contain the monetary limit. Financial documents had been requested, but none had been received. The Respondent had been required to establish financial responsibility at time of renewal of the license, but had not complied.

Mr. Griffy next addressed the response of the Respondent, referencing page 5, line 16. It indicated that as of February 1, 2000, Penrose's corporate contractors' license expired and Penrose wished to leave it expired, as she only intended to sell doors.

The evidentiary portion of the hearing was closed.

MR. CARSON MOVED TO ACCEPT THE FILE, THE TESTIMONY, AND THE RESPONDENT'S RESPONSE AS FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED. (MR. JOHNSON ABSTAINED)

MR. CARSON MOVED TO FIND LICENSE #30042, SECURITY DOORS OF DISTINCTION, IN VIOLATION OF ALL CHARGES.

MR. SCHAEFER SECONDED THE MOTION.

Upon further discussion, the motion was withdrawn.

MR. CARSON MOVED TO FIND LICENSE #30042, SECURITY DOORS OF DISTINCTION, IN VIOLATION OF NRS 624.3017 (1), NRS 624.3013 (5) AS SET FORTH IN NAC 624.640 (5), AND NRS 624.3013 (3); AND TO DISMISS NRS 624.3013 (5) AS SET FORTH IN NAC 624.700 (3) (A).

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED. (MR. JOHNSON ABSTAINED)

MR. CARSON MOVED TO RECOVER THE INVESTIGATIVE COSTS OF \$2,079.25 PRIOR TO ANY CONSIDERATION OF FUTURE LICENSURE IN THE STATE OF NEVADA.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED. (MR. JOHNSON ABSTAINED)

TIMOTHY CARL #40063 - DISCIPLINARY HEARING

Timothy Carl, Owner, Timothy Carl, was not present nor was anyone else present on his behalf.

Mr. Griffy noted that Mary Lynn Kenner, Kenner Concrete, was not present, but she was available by phone.

NSCB Investigator Gary Hoid was sworn in.

The Notice of Hearing and Complaint consisting of pages 1-18 had been mailed certified on October 10, 2000 to the address of record, 3035 West David Road, #3903, Winnemucca, Nevada, 89445. The mailing was returned on October 16, 2000, marked "Moved, Left No Address."

The hearing was for possible violation of NRS 624.3012 (2), willful or deliberate failure to pay monies when due for materials or services rendered in connection with Respondent's operations as a contractor; NRS 624.3016 (1), commission of a fraudulent or deceitful act in the capacity of a contractor; NRS 624.3013 (3), failure to establish financial responsibility pursuant to NRS 624.220 and NRS 624.260-265, inclusive, at the time of renewal of the license or at any other time when required by the Board; NRS 624.3013 (5), failure to comply with the regulations of the Board by failing to notify the Board in writing, within 30 days, of a change of address, as set forth in NAC 624.640 (3); NRS 624.302 (5), failure to respond to a written request from the Board to cooperate in the investigation of this complaint; 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.

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

Investigator Hoid testified that he had investigated the matter. In conversations with Mary Lou Kenner and with documents provided, he had established that Ms. Kenner was owed \$1,065.43. The money was still due and owing. Mr. Hoid said he not had any contact with the Respondent and, to the best of his knowledge, the Respondent was in Nebraska. This piece of information has been supplied him by the Building Department in Winnemucca. On or about April 25, 2000, the Respondent had issued a check in the amount of \$1,014.15 to Kenner Concrete, but the check had been returned, marked account closed. No financial documentation had been provided to the board as requested; the Respondent did not establish financial responsibility at the time of renewal of license; the Respondent had failed to respond to all notices; and the license had been suspended on July 31, 2000 for failure to maintain required bond.

The bond was for \$10,000. Staff was requested to notify Ms. Kenner that she should claim against the bond.

The evidentiary portion of the hearing was closed.

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

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO FIND LICENSE #40063, TIMOTHY CARL, IN VIOLATION OF ALL CHARGES.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO REVOKE LICENSE #40063, TIMOTHY CARL; AND TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE INVESTIGATIVE COSTS OF \$2,060.20 PRIOR TO ANY CONSIDERATION OF FUTURE LICENSURE IN THE STATE OF NEVADA.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

HIGH SIERRA TREES #28881 and #46825 - DISCIPLINARY HEARING

Tom Susich, Attorney, was present on behalf of the Respondent, as well as Shirley Sunde, Complainant, Bruce Bates, Former Foreman, High Sierra Trees, and NSCB Investigator Gary Hoid.

Mr. Haney said he had spoken with the complainant and with the Respondent's counsel, and Ms. Sunde was requesting a continuance for the purpose of acquiring proper representation.

Mr. Haney then provided the board with a brief summary of the complaint. He said the Respondent had offered to pay for an independent person to review the contract information, the drawings, and all pertinent information in consultation with the board, Mr. Bates, and the Respondent, and to provide an independent report. Based upon the report, a properly licensed contractor could move forward with corrective work.

Mr. Susich said there was no objection to the continuance.

MR. CARSON MOVED TO CONTINUE THE HEARING TO THE RENO MEETING IN JANUARY, 2001.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

EXECUTIVE SESSION (Continued)

EXECUTIVE OFFICER'S QUARTERLY REPORT - 9/30/00

The complaint aging report was reviewed.

The Executive Session was continued until later in the day.

APPLICATIONS

The following motion closed the meeting to the public.

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

MS. CAVIN 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).

S D DEACON CORP OF CALIFORNIA (B – General Building) NEW APPLICATION

Richard Smith, President, was present. He was notified that the license application had been approved with an unlimited license amount and a \$50,000 bond.

HUMBOLDT LAWN & LANDSCAPE (C10 – Landscape Contracting) NEW APPLICATION

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

STROHM TREMAINE COMMERCIAL BUILDERS #49010 (B2 – Residential & Small Commercial) ONE TIME RAISE IN LIMIT, RECONSIDERATION

The application for a one-time raise in limit had been considered on October 17, 2000. At that time there had been no majority vote. On October 24, 2000, the application had been denied for lack of financial responsibility.

Chris Strohm, Partner, was present. He was notified that the one time raise in limit application for \$1,450,000 to perform the Lake Vista Apartments Bldg. 1 project had been approved, payment and performance bonds if required by the owner.

JACKSON ELECTRIC INC (C2 – Electrical Contracting) NEW APPLICATION

Roy Jackson, President, was present. He was notified that the license application had been approved with a limit of \$500,000 and a \$15,000 bond.

CENTIMARK CORPORATION #31314 (C15A, D – Roofing; Waterproofing) RENEWAL OF EXPIRED LICENSE

Pat Sponsler, Project Manager, was present. He was notified that the license renewal application had been approved.

HYDROTECH INC #28504 (A15, 22 – Sewers, Drains & Pipes; Designated for Grouting & Packing) FINANCIAL REVIEW

Kevin Brazell, Vice President, was present.

Kathy Stewart, Licensing Supervisor, stated that on March 21, 2000, the Board had approved a conditional renewal of the license. Hydrotech was to provide their plan or reorganization within 60 days. The plan was not available as of May 27, 2000. On June 20, 2000, the Board took action to allow another 90 days for the plan of reorganization. The proposed plan had recently been filed, but it had not yet been approved. A financial statement had been received on October 30, 2000, for the period ending December 1999.

A financial discussion ensued wherein it was pointed out that the Internal Revenue Service had filed a petition to convert the Chapter 11 bankruptcy petition to a Chapter 7.

Mr. Brazell stated that an arbitration hearing had been held with the City of Reno on November 3, 2000, and Hydrotech had received a substantial award. There was a pending action against a manufacturer in a patent infringement suit in which Hydrotech anticipated a settlement within the next 3 or 4 months. The settlement from the City amounted to \$120,000 plus an interest judgment and attorney fees. The arbitration was binding. Mr. Brazell said there was an item with the Nevada Labor Commission, which was up for judicial review. A favorable ruling from a judge had been received in the matter.

Discussion then focused on the size of current jobs.

The reorganization plan was up for review on November 21, 2000.

Mr. Brazell commented that Hydrotech was required to provide monthly reporting to the bankruptcy court. The reports had been filed, but the fees had not been paid.

When questioned about the license limit, Mr. Brazell said he was willing to voluntarily lower the license limit to \$500,000. The use of the one time raise in limit process was explained to Mr. Brazell.

Mr. Brazell was asked to submit monthly reports to the board.

MR. CARSON MOVED TO REDUCE THE LICENSE LIMIT TO \$500,000, THE BOND TO REMAIN THE SAME; AND TO REQUIRE MONTHLY REPORTING TO THE BOARD.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

AFFORDABLE LANDSCAPING (C10 – Landscape Contracting) NEW APPLICATION

Bart Brocklehurst, Owner, was present. He was notified that the license application had been approved with a limit of \$75,000 and a \$10,000 bond.

The remainder of the applications on the agenda were reviewed and discussion occurred on the following: Nos. 2, 4-9, 13, 20, 24, 30, 33-36, 38-39, 41, 44, 46-48, 50-53, 55-58, 60-70, 76, 88, 91, 96, 98, and 118; and on the amended agenda: Nos. 5, 8-10, 12, 16-18, 21, and 23.

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

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

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

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

EXECUTIVE SESSION (Continued)

Mr. Johnson temporarily chaired the meeting.

MR. ZECH MOVED TO REMOVE DEBORAH SHELTRA FROM BOARD BANK ACCOUNTS AND TO ADD DENNIS JOHNSON AND MARGARET CAVIN.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Zech resumed the chair.

The Board next addressed the CD's in Southern Nevada. Ms. Grein requested that Doug Carson be added as a Signatory on the Certificates of Deposit held in Las Vegas banks.

MR. JOHNSON MOVED TO ADD DOUG CARSON TO THE BANK ACCOUNTS.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. SCHAEFER MOVED TO REMOVE DEBORAH SHELTRA AND ADD MARGARET CAVIN TO THE BANK OF AMERICA COMMERCIAL ACCOUNT, #360130280.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

It was suggested that the Management Letter be placed on the agenda for review at the next Las Vegas meeting.

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 12:03 p.m.

Respectfully Submitted,

Betty Wills, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kim Gregory, Chairman