

BRIAN SANDOVAL
Governor

MEMBERS
Kevin E. Burke, Chairman
Thomas "Jim" Alexander
Donald L. Drake
Nathaniel W. Hodgson, III
William "Bruce" King
Stephen P. Quinn
Guy M. Wells

State Of Nevada



STATE CONTRACTORS BOARD

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MINUTES OF THE MEETING September 22, 2011

1. CALL TO ORDER:

Chairman Burke called the meeting of the State Contractors Board to order at 8:30 a.m., Thursday, September 22, 2011, 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. Kevin Burke, Chairman
Mr. Jim Alexander
Mr. Donald L. Drake
Mr. Nathaniel W. Hodgson, III
Mr. Bruce King
Mr. Stephen Quinn (Arrived at the meeting at 9:06 a.m.)
Mr. Guy M. Wells

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George J. Lyford, Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement
Ms. Nancy Mathias, Licensing Administrator

LEGAL COUNSEL PRESENT:

Mr. Bruce Robb, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on September 16, 2011, at Las Vegas City Hall, Sawyer State Building, Clark County Library and Reno City Hall, Washoe County Court House and Washoe County Library. The agenda was also posted in both offices of the Board, Henderson and Reno and on the Board Internet Website.

APPROVAL OF AGENDA

Ms. Grein reported that Algoma Construction, LLC, item number 6 on the Agenda was continued.

It was moved and seconded to approve the Agenda. MOTION CARRIED.

Robert Kurth, Esq. requested a continuance to November, 2011 for Silverback Construction, item number 7 of the Applications in Question. The continuance was granted.

It was moved and seconded to continue this matter. MOTION CARRIED.

FUTURE AGENDAS

Ms. Grein announced that she is working on next year's meeting schedule and will present the information at the October, 2011 meeting.

2. PUBLIC COMMENT

No one was present for public comment in Las Vegas or Reno.

3. APPROVAL OF MINUTES: August 18, 2011

It was moved and seconded to approve the Minutes of August 18, 2011. MOTION CARRIED.

4. EXECUTIVE SESSION:**a. Review and Adoption of Policy Concerning Hearing Officers for Certain Disciplinary Cases and Application Denial Hearings**

Louis Ling, Esq. provided information concerning Hearing Officers presiding over complex cases.

It was moved and seconded to approve the policy. Staff was requested to compile a list of proposed Hearing Officers. MOTION CARRIED.

Mr. Ling also provided information on forming a license application review committee. This matter was tabled.

b. Legislative Update, Keith Lee

Mr. Keith Lee presented an update of legislative issues.

c. Executive Officer's Report and Department Activity Update

Ms. Grein provided a summary of department activities.

d. Review and Approval of Audited Financial Reports for the Period July 1, 2010 through June 30, 2011

Ms. Neetra Childs from J.A. Solari and Partners, LLC presented the June 30, 2011 Audited Financial Reports.

It was moved and seconded to approve the Audited Financial Reports for the period July 1, 2010 through June 30, 2011. MOTION CARRIED.

e. Review of Residential Recovery Fund Assessments

Ms. Childs presented a summary of the Residential Recovery Fund assessments.

f. Discussion Concerning Cash Bond Administrative Fee

Ms. Lumbert presented an analysis of cash bond administrative fees.

It was moved and seconded to approve staff's recommendation to maintain the administrative fee. MOTION CARRIED.

g. Discussion and Action of Implementation of Voluntary Participation in E-Verify System

Ms. Mathias presented an analysis of the E-Verify system and whether or not a licensee's participation in the program should be displayed on the Board's website. The Board concurred with staff's recommendation to expand outreach efforts to educate contractors about the benefits of using E-Verify.

It was moved and seconded not to include voluntary participation information on the Board's website at this time. MOTION CARRIED.

h. Discussion and Review of Responses under NRS 40.6887

1. **Developers of Nevada, License Number 36777
Ralph Beck (Homeowner)**

It was moved and seconded to approve the response under NRS 40.6887. Any requests received regarding construction defects on properties that are older than ten (10) years will be denied as outside the Statute of Limitations. MOTION CARRIED.

5. SUBCOMMITTEE REPORTS: Executive Subcommittee, Recovery Fund Subcommittee, Classification/Regulation Subcommittee, Finance Subcommittee, Subcommittee(s) Discussion

The classification subcommittee met September 15, 2011 and discussed the fire hydrant advisory opinion from April, 2011, and reviewed license classifications in compliance with Governor Sandoval's Executive Order.

6. NEW APPLICATION DENIAL HEARING:**ALGOMA CONSTRUCTION, LLC.**

This matter was continued.

7. NEW APPLICATION DENIAL HEARING:**FLOORTOPIA, LLC.**

Applicant was present.

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

8. NEW APPLICATION DENIAL HEARING:**SOUTHWESTERN CUSTOM CONSTRUCTION, LLC.**

Applicant was present.

It was moved and seconded to approve the license application with a monetary limit of \$25,000.00 and a bond of \$5,000.00 with a six (6) month business review. MOTION CARRIED.

Mr. Wells and Mr. King opposed the Motion.

9. NEW APPLICATION DENIAL HEARING:**A-Z DIRECT FLOORING**

Applicant was not present.

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

10. NEW APPLICATION DENIAL HEARING:

MASTER PLASTER SYSTEMS

Applicant was present with John Coolidge, owner of Red Star Supply.

Mr. Wells and Mr. Burke disclosed prior business dealings with Master Plaster Systems.

Mr. Quinn disclosed that he may have had business dealings with Master Plaster Systems.

It was moved and seconded to approve the license application with a monetary limit of \$750,000.00 and a bond of \$20,000.00 with a one year business review to evaluate repayment to the surety company in the amount of \$9,782.03. MOTION CARRIED.

11. NEW APPLICATION DENIAL HEARING:

DURABLE HOMES, LLC

Applicant was present.

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

Mr. Quinn opposed the motion.

12. NEW APPLICATION DENIAL HEARING:

WILD DESERT LANDSCAPING

Applicant was present.

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

13. NEW APPLICATION DENIAL HEARING:

A J V, INC.

Applicant was present.

It was moved and seconded to table this matter for thirty (30 days) to allow applicant to provide payment information from the State of Minnesota. MOTION CARRIED.

14. NEW APPLICATION DENIAL HEARING: (Continued from 6/23/11)

FINCH ENVIRONMENTAL, INC.

Applicant was present.

It was moved and seconded to approve the license application with a monetary limit of \$20,000.00 and a bond of \$5,000.00. MOTION CARRIED.

15. INTENT TO AWARD CASH BOND

VALENTINO GUTIERREZ, dba TRINITY MASONRY, License Number 57464

It was moved and seconded to award the cash bond claim in the amount of \$3,836.71 to Ahern Rentals and reimburse the Board for the amount of \$234.24 for the cost of publication. MOTION CARRIED.

16. INTENT TO AWARD CASH BOND

BUFFALO TUFF, INC., License Number 73343

It was moved and seconded to award the cash bond claim in the amount of \$723.47 to Artificial Grass Direct and reimburse the Board for the amount of \$218.88 for the cost of publication. MOTION CARRIED.

17. APPROVAL OF CONSENT AGENDA:

- a. Ratification of Staff Approved License Applications, Changes of Licensure, Reinstatement of Licensure, Voluntary Surrenders

Mr. Quinn made disclosures or recused himself from item numbers:

- #68 – Calply – Disclosed that he has purchased items from the company.
- #151 and #152 – Green Serenity, LLC – Disclosed that Mr. Hodgson is a fellow Board Member.
- #199 – Kitchell Contractors, Inc. – Disclosed a former partnership relationship.
- #297, #298, #299 – Pete King Residential, LLC – Disclosed that Mr. King is a fellow Board Member.

Mr. Wells made disclosures or recused himself from item numbers:

- #10 – Master Plaster Systems – Disclosed a prior business relationship with applicant.
- #44 – B Witt Concrete Cutting, Inc. – Disclosed a business relationship with applicant.
- #151 and #152 – Green Serenity, LLC – Disclosed that Mr. Hodgson is a fellow Board member.
- #204 – Lake Construction, Inc. – Disclosed and recused based upon Lake Construction's position as a direct competitor.
- #211 – Lennar Homes – Disclosed and recused based on current business with applicant.
- #247, #248 #249 – Milestone Paving and Grading, Inc. – Disclosed a business relationship with applicant.
- #294 – Penhall Company – Disclosed that applicant has performed work as a sub-contractor.
- #297, #298, #299 – Pete King Residential, LLC – Disclosed that Mr. King is a fellow Board member.
- #373 - #376 – Silver State Builders Services, LLC – Disclosed a personal friendship with applicant.

Mr. Alexander made disclosures or recused himself from item numbers:

- #67 – California Pools and Spas – Disclosed a former business relationship with applicant.
- #151 and #152 – Green Serenity, LLC – Disclosed that with Mr. Hodgson is a fellow Board member.
- #297, #298, #299 – Pete King Residential, LLC – Disclosed that Mr. King is a fellow Board member.

Mr. Hodgson made disclosures or recused himself from item numbers:

- #7 – Floortopia, LLC – Disclosed a personal and business relationship with applicant.
- #144 and #145 – Gale Building Products - Disclosed a personal and business relationship with applicant.
- #151 and #152 – Green Serenity, LLC – Disclosed and recused based on ownership of Green Serenity, LLC.
- #297, #298, #299 – Pete King Residential, LLC – Disclosed that Mr. King is a fellow Board member.
- #361 - #362 – Service 1st Energy Solutions – Disclosed and recused based on a personal friendship with a former employee of the applicant.
- #403 – Sun City Electric – Disclosed a personal and business relationship with Steve Menzies.

Mr. Burke made disclosures or recused himself from item numbers:

- #151 - #152 – Green Serenity, LLC – Disclosed that Mr. Hodgson is a fellow Board member.
- #34 – Apple Masonry, Inc. – Disclosed a past business relationship with applicant.
- #79 - #82 – City Center Facilities Management, LLC - Disclosed City Center is a past client of Burke Construction Group, Inc.
- #144 - #145 – Gale Building Products – Disclosed a past business relationship with applicant.
- #297, #298, #299 - Pete King Residential, LLC – Disclosed Mr. King is a fellow Board member.
- #420 and #421 – Thyssenkrupp Access Corp. – Disclosed a past business relationship with applicant.

Mr. King made disclosures or recused himself from item numbers:

- #68 – Calply – Disclosed that he has purchased a small quantity of materials from Calply.
- #151 and #152 – Green Serenity, LLC – Disclosed that Mr. Hodgson is a fellow Board member.
- #408 – T & R Wallcovering, Inc. – Disclosed that the applicant may have worked with his company in the past.
- #297, #298 and #299 - Pete King Residential, LLC – Disclosed and recused based on ownership of the company.

Mr. Drake made disclosures or recused himself from item numbers:

- #297, #298 and #299 - Pete King Residential, LLC – Disclosed Mr. King is a fellow Board member.
- #151 and #152 – Green Serenity, LLC – Disclosed that Mr. Hodgson is a fellow Board member.

It was moved and seconded to approve the Consent Agenda. MOTION CARRIED.

18. APPLICATIONS (INITIAL AND RENEWAL IN QUESTION):

**LAGNIAPPE CONTRACTORS, INC., ELKO, NV (B-2 RESIDENTIAL AND SMALL COMMERCIAL);
NEW APPLICATION ; RECONSIDERATION – WAIVER OF TRADE EXAM**

Applicant was not present.

It was moved and seconded to deny the waiver of the trade exam. MOTION CARRIED.

**DESERT VALLEY CONTRACTING, INC., NORTH LAS VEGAS, NV (B-2 RESIDENTIAL AND SMALL
COMMERCIAL); BROADENING OF CLASSIFICATION License Number 72652**

Licensee was present.

It was moved and seconded to table this matter for completion of the B license exam and providing references and resume. MOTION CARRIED.

GEORGE DE LONG CONSTRUCTION, INC., WINNEMUCCA, NV (A-GENERAL ENGINEERING); CHANGE/ADDITION Q.I.; RECONSIDERATION – WAIVER TRADE EXAMS License Number 02120C

Licensee was present with counsel, Richard Young, Esq.

It was moved and seconded to deny the waiver of the exams. MOTION CARRIED.

HOME MASTERS PLUMBING, HEATING AND AIR, LLC, LAS VEGAS, NV (C-1 PLUMBING AND HEATING); CHANGE/ADDITION Q.I.; RECONSIDERATION, License Number 73773

Raymond Barreras, Qualified Employee was present.

It was moved and seconded to table this matter for thirty (30) days. Mr. Winer, President is to appear at the next Board Hearing with Mr. Barreras. MOTION CARRIED.

PEPCO FLOORING, INC., HENDERSON, NV (C-20 TILING); CHANGE/ADDITION Q.I.; RECONSIDERATION, License Number 72724

PEPCO FLOORING, INC., LAS VEGAS, NV (C-16D CARPET LAYING); CHANGE/ADDITION Q.I.; RECONSIDERATION, License Number 72583

Jack Stone, Secretary/Treasurer was present.

It was moved and seconded to continue this matter for thirty (30) days. MOTION CARRIED.

SILVERBACK CONSTRUCTION, LAS VEGAS, NV (B-2 RESIDENTIAL AND SMALL COMMERCIAL); CHANGE OF OFFICER/MEMBER/MANAGER; RECONSIDERATION, License Number 71781

Licensee was not present, but was represented by counsel, Robert Kurth, Esq.

It was moved and seconded to continue this matter to November, 2011. MOTION CARRIED.

19. PUBLIC COMMENT

No one was present for public comment in Las Vegas or Reno.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chairman Burke at 1:12 p.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Kevin E. Burke, Chairman