

BRIAN SANDOVAL
Governor

STATE OF NEVADA



Southern Nevada
2310 Corporate Circle, Suite 200
Henderson, Nevada 89074
(702) 486-1100
Fax (702) 486-1190
Investigations: (702) 486-1110
www.nscb.nv.gov

Northern Nevada
9670 Gateway Drive, Suite 100
Reno, Nevada 89521
(775) 688-1141
Fax (775) 688-1271
Investigations: (775) 688-1150

MEMBERS

Jan B. Leggett, Chairman
Kevin E. Burke
Margaret Cavin
Mason Gorda
Joe Hernandez
Kent Lay
Guy M. Wells

**STATE CONTRACTORS BOARD
MINUTES OF THE MEETING
May 25, 2017**

1. CALL TO ORDER:

- a. Chairman Jan Leggett called the meeting of the State Contractors Board to order and led the Pledge of Allegiance at 8:30 a.m., Thursday, May 25, 2017, 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. Jan Leggett, Chairman
Mr. Kevin Burke
Ms. Margaret Cavin
Mr. Joe Hernandez
Mr. Kent Lay
Mr. Guy Wells

BOARD MEMBERS ABSENT:

Mr. Mason Gorda

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Paul Rozario, Director of Investigations
Ms. Nancy Mathias, Licensing Administrator

LEGAL COUNSEL PRESENT:

Mr. Noah Allison, Esq.

Ms. Grein stated the agenda was posted in compliance with the Open Meeting Law at Paseo Verde Library, Sawyer State Building, Clark County Library, Reno City Hall, Washoe County Courthouse and Washoe County Library. The agenda was also posted in both offices of the Board, Henderson and Reno, on the Board's Internet Website and the Nevada Public Notice Website.

- **APPROVAL OF AGENDA:**

- It was moved and seconded to accept the agenda. MOTION CARRIED.

- **UNFINISHED BUSINESS:**

There was no unfinished business.

- **FUTURE AGENDAS:**

Ms. Grein noted that training through the National Judicial College will be scheduled for September this year. Ms. Grein also reminded the Board that the Joint Board meeting with the California State Licensing Board has been scheduled for June 16, 2017.

2. PUBLIC COMMENT:

There was no one present to offer public comment.

3. APPROVAL OF MINUTES:

It was moved and seconded to approve the minutes of April 20, 2017. MOTION CARRIED.

4. EXECUTIVE SESSION

- Executive Officer's Report

Ms. Grein reserved her report for discussion during other department reports.

- Review of Monthly Department Statistics

Ms. Grein provided the following statistics for the month of April:

Licensing Division:

- Received 131 new license applications and 244 change applications;
- Issued 86 new licenses;
- Approved 40 Financial Reviews; and
- Processed 521 inactive and active license renewal applications.

Compliance (CIU) Division:

- Opened 130 complaints and closed 126;
- Issued 17 Administrative Citations;
- Held 8 Disciplinary Hearings; and
- Held 1 Recovery Fund meeting where 2 claims were approved, and a total of \$10,896 was awarded.

Criminal (SIU) Division:

- Opened 104 complaints and closed 71 complaints;
- Issued 1 administrative citation for unlicensed contracting, and 25 court filings; and
- Recorded 15 misdemeanor convictions, 1 gross misdemeanor convictions, and 1 felonies during the period.

Additional Board Activities:

- Meetings held regarding the Henderson Office Remodel and the Reno Office Lease.
- Frequent meetings held with the Ferraro Group and Board counsel on legislative strategies and responses.
- Outreach initiatives included participation in a Seniors and Law Enforcement Together event and filming of the second Univision segment, which also aired.

It was moved and seconded to accept the Monthly Department Statistics. MOTION CARRIED.

- Review and Discussion of Attorney General Opinion No. 2017-04 concerning Community Action Agencies and Construction Management Services

Ms. Grein provided discussion concerning Attorney General Opinion No. 2017-04 regarding Community Action Agencies and Construction Management Services. It was agreed to form a subcommittee between Board and staff to further discuss this item.

- Discussion and Approval of FY 2016-17 Budget Augmentation for Reno Office Relocation

Ms. Grein noted that this item is no longer applicable, as the total costs of the Reno office move will be incurred after July 1, 2017. The costs will be incorporated into the FY 2017-18 budget proposal that will be available to review during the next scheduled Board meeting.

- Review and Approval of Proposal for Independent Contract for Legal Services from Attorney Louis Ling

It was moved and seconded to approve the Proposal for Independent Contract for Legal Services from Attorney Louis Ling contingent upon the passage of AB328. MOTION CARRIED.

- Legislative Discussion including, but not limited to; SB69, AB328, AB359 and AB403

Ms. Grein provided discussion concerning AB201, AB404, AB328, AB359, AB403, and SB69.

It was moved and seconded to oppose AB403 and to submit a veto letter to Governor Sandoval, if necessary. MOTION CARRIED.

- Legal Report

Mr. Allison reported on pending legal matters.

It was moved and seconded to approve the legal report. MOTION CARRIED.

- Subcommittee Reports

There were no Subcommittee Reports.

- Update Concerning 2017-2018 Strategic Plan Initiatives

Ms. Grein provided the Board an update to the 2017-2018 Strategic Plan Initiatives, which includes a customized leadership development and management training program.

5. APPROVAL OF CONSENT AGENDA:

- Ratification of Staff Approved License Applications, Changes of Licensure, Reinstatement of Licensure, Voluntary Surrenders (List Attached, Items 1 to 457)

Mr. Joe Hernandez made no disclosures.

Mr. Kevin Burke made the following disclosures:

- Item #189-192 (Home Depot USA, Inc.) – Disclosed a business relationship with the applicant.
- Item #306-307 (Penhall Company) – Disclosed a past business relationship with the applicant.
- Item #309 (Performance Contracting, Inc.) – Disclosed a past business relationship with the applicant.
- Item #344-345 (S R Construction, Inc.) – Disclosed that the applicant is a competitor.
- Item #430 (Victory Woodworks, Inc.) – Disclosed a past business relationship with the applicant.
- Item #451-452 (Wulfenstein Construction Co., Inc.) – Disclosed a past business relationship with the applicant.

Mr. Jan Leggett made no disclosures.

Mr. Guy Wells made the following disclosures:

- Item #2-3 (24/7 Heating & AC) – Disclosed and abstained based on a personal relationship and a current business relationship with the applicant.
- Item #56 (Austin General Contracting, Inc.) – Disclosed a past business relationship with the applicant.
- Item #58 (Aztec Door & Hardware, LLC) – Disclosed a past business relationship with the applicant.
- Item #306-307 (Penhall Company) – Disclosed a past business relationship with the applicant.
- Item #344-345 (S R Construction, Inc.) – Disclosed and abstained based on a personal relationship and current business relationship with the applicant.
- Item #378-379 (Sunland Asphalt & Construction, Inc.) – Disclosed and abstained based on a current business relationship with the applicant.

Ms. Margaret Cavin made the following disclosures:

- Item #188 (Highland Floors, Inc.) – Disclosed a past business relationship with the applicant.
- Item # 391-393 (Tanamera Construction, LLV) – Disclosed a personal relationship with the applicant.

Mr. Kent Lay made the following disclosures:

- Item #78 (Builders Design Group, LLC) – Disclosed and abstained based on a current business relationship.
- Item #94 (Coleman Toll Limited Partnership) – Disclosed and abstained based on the applicant being a competitor.
- Item #375 (Stratton Electric, Inc.) – Disclosed personal relationship and a past business relationship with the applicant.
- Item #380 (Sunrise Carpentry, Inc.) – Disclosed and abstained based on a current business relationship.

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

6. NEW APPLICATION DENIAL HEARING:
 FAIRWAY LANDSCAPE SERVICES INC.
 Brian William Shupe, President/Proposed Qualified Individual
 Laura Jean Shupe, Secretary

Brian Shupe and Laura Shupe were present for the hearing and represented by Counsel Donald Williams, Esq.

Exhibit 1 is the Board Notice of Hearing.
Exhibit A is the Applicant’s Answer received April 28, 2017.

Mr. Burke disclosed a past business relationship with Donald Williams, Esq.

It was moved and seconded to approve licensure classification C-10 (Landscape Contracting) with a \$200,000.00 monetary limit, a \$20,000.00 bond, an annual business review for one (1) year, with personal indemnifications by Brian and Laura Shupe. The licensee is not permitted to apply for a one-time limit increase for a period of one (1) year. MOTION CARRIED.

7. NEW APPLICATION DENIAL HEARING:
 TREIDGEN INDUSTRIES LLC
 Benjie D. Reber, Manager/Proposed Qualified Individual
 Jessica Lee Reber, Manager

Benjie Reber and Jessica Reber were present for the hearing.

Exhibit 1 is the Board Notice of Hearing.

It was moved and seconded to approve licensure classification C-5 (Concrete Contracting – Limited to the Installation of Pavers and Concrete Sealants) with a \$10,000.00 monetary limit, a \$2,000.00 bond, an annual business review for one (1) year, contingent that the licensee must report any criminal activity or interactions with law enforcement for a period of one (1) year. MOTION CARRIED.

8. NEW APPLICATION DENIAL HEARING:
 SIERRA GENERAL
 Tom Nelson Ortiz, President
 Patrick Michael Marigold, Proposed Qualified Individual

Tom Ortiz and Patrick Marigold were present for the hearing. Guest, Steve Arlitz was also in attendance.

Exhibit 1 is the Board Notice of Hearing.

Ms. Cavin disclosed a personal relationship with Eric Johnson who provided a reference letter for the applicant.

Mr. Leggett disclosed a personal relationship with the applicant and recused himself from this agenda item. Mr. Wells assumed the duties of Chairman.

Mr. Arlitz provided testimony.

It was moved and seconded to affirm staff's denial of the application. MOTION CARRIED.

9. PUBLIC COMMENT:

There was no one present to offer public comment.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chairman Jan Leggett at 10:31 a.m.

Respectfully Submitted,


Crystal Caywood, Recording Secretary

APPROVED:


Margi A. Grein, Executive Officer


Jan Leggett, Chairman