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MEMBERS
Kent Lay, Chairman
Kevin Burke
Margaret Cavin
Joe Hernandez
Jan B. Leggett
Melissa Maguire
Guy M. Wells



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**STATE CONTRACTORS BOARD
MINUTES OF THE MEETING
September 19, 2019**

1. CALL TO ORDER:

Chairman Kent Lay called the meeting of the State Contractors Board to order at 8:30 a.m., Thursday, September 19, 2019, 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. Kent Lay
Mr. Kevin Burke
Ms. Margaret Cavin
Mr. Joe Hernandez
Mr. Jan Leggett
Ms. Melissa Maguire

BOARD MEMBERS ABSENT:

Mr. Guy Wells

STAFF MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

Mr. Tim Geswein, 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, and e-mailed electronically to persons who have expressed interest in being kept informed of the Board's meetings.

2. STATEMENT OF THE BOARD'S MISSION

Ms. Grein read the Board's mission statement into the record: "The Nevada State Contractors Board is committed to promoting public confidence and trust in the competence and integrity of licensees and to protect the health, safety, and welfare of the public."

3. PUBLIC COMMENT

There was no one present to offer public comment.

4. APPROVAL OF AGENDA:

- Approval of Agenda with the Inclusion of any Emergency Items and Deletion of any Items

Ms. Grein requested Item #16 (Battle Born Boiler & Mechanical LLC) and Item #307 (Ranger Construction) be removed from the consent agenda for further investigation.

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

- Recommendations for Agenda Items for Future Board Meetings

Ms. Grein provided the Board with a proposed schedule for future Board meetings.

5. APPROVAL OF MINUTES

Ms. Maguire disclosed that she was not present for the August 22, 2019 Board meeting.

It was moved and seconded to approve the minutes of August 22, 2019. MOTION CARRIED.

6. EXECUTIVE SESSION

- Executive Officer's Report

Ms. Grein noted that she will attend the Federation of Association of Regulatory Boards (FARB) Regulatory Law Seminar in St. Louis on October 3, 2019, returning October 7, 2019.

- Review of Monthly Department Statistics

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

- Licensing Department:
 - Received 175 new license applications and 255 change applications;
 - Issued 140 new licenses;
 - Approved 15 Financial Reviews;
 - Approved 597 inactive and active license renewal applications;
 - Issued or renewed 38 Certificates of Eligibility;
 - Initiated 7 Actions Related to lapse in Workers' Compensation Insurance provided by the Department of Education, Training, and Rehabilitation;
 - Held 4 new application denial hearings; and
 - Held 2 Business Assistance Programs with 34 participants.
- Investigations Department:
 - Opened a total of 232 complaints, including 153 compliance and 79 criminal complaints;
 - Held 6 Disciplinary Hearings, where 5 licenses were revoked.
 - A total of \$48,850 in fines and \$18,294 in investigative costs were assessed by the Board;
 - 25 court filings were issued seeking prosecution for 19 misdemeanor charges, 6 Gross Misdemeanor charges, and 3 Felony charges against the alleged suspects; and
 - 46 Cease and Desist orders were issued.
- Other Activities:
 - In August, the Board attended its National Administrative Law Judicial College Training and held its 6th Annual Contractor Training Day events in northern and southern Nevada, with nearly 100 contractor attendees.
 - Ms. Mathias attended the Annual NASCLA Conference in Baltimore.
 - Staff also participated in the NASCLA "Best Practices for Licensing Agencies" webinar, covering the handling of meetings, rulemaking, complaints, investigations, hearings, settlements and communications with licensees and applicants.
 - The Board gave a presentation to the Sparks Kiwanis group, shared compliance tips and resources with potential contractor vendors for McCarran International Airport, and participated in the Workers' Compensation Education Conference, with Mr. Rozario as a breakout session speaker.

- Lastly, staff met with a commercial real estate broker to evaluate southern Nevada office space needs, since the Henderson office lease terminates in 24 months.

It was moved and seconded to approve the Monthly Statistics Report. MOTION CARRIED.

- Legal Report (A public body may interrupt the open meeting and exclude the public for the purpose of having an attorney-client discussion of potential and existing litigation pursuant to NRS 241.015(3)(b)(2))

Mr. Geswein reported on pending legal matters.

It was moved and seconded to accept the Legal Report. MOTION CARRIED.

- Adoption of Proposed Regulation LCB File No. R013-19 Concerning the Addition of Language to NAC 624 Establishing Qualifications for Hearing Officers

Ms. Grein provided an overview of proposed regulation LCB File No. R013-19, which was presented at a September 9, 2019 regulation workshop and the September 16, 2019 regulation hearing. During her comments she noted that no public comment was received regarding the regulation and that the Board included a small business impact study and received no comments relative to the impact of the regulation.

It was moved and seconded to adopt Proposed Regulation R013-19. MOTION CARRIED.

- Adoption of Proposed Regulation LCB File No. R023-19 Amending NAC 624.590 Related to Forms of Experience Documentation and the Addition of Language to NAC 624 Defining Employer-Employee Relationship as used in NRS Chapter 624

Ms. Grein provided an overview of the proposed regulation LCB File No. R023-19, which was presented at a September 9, 2019 regulation workshop and the September 16, 2019 regulation hearing. During her comments she noted that no public comment was received regarding the regulation and that the Board determined there to be no impact to small businesses.

It was moved and seconded to adopt Proposed Regulation R023-19. MOTION CARRIED.

- Discussion Concerning the Provisions of AB25 Related to Delegation of Application Denial Hearings

Ms. Grein provided background concerning the enacted provisions of AB25, which authorize the Board to delegate application denial hearings to an Administrative Law Judge (ALJ). The matter was then turned over to the Board for discussion on whether to delegate denial hearings to an ALJ or continue to hold the hearings before the full Board as is currently being done.

It was moved and seconded to table this matter to the next scheduled Strategic Planning Session and to continue holding application denial hearings before the full Board at its standing meetings. MOTION CARRIED.

- Discussion Concerning Division of Internal Audits (DIA) Report #18-05, First Annual Follow-up

Ms. Grein provided discussion concerning the annual follow-up of the Division of Internal Audits (DIA) Report #18-05, noting that the report affirmed all occupational and professional licensing boards were in compliance with Recommendation 1 of the report relating to salary requirements.

- Status Update Concerning the In-State and National Occupational Licensing Consortium Initiatives.

Ms. Grein provided an overview of the In-State National Occupational Licensing Consortium meeting that took place on September 6, 2019, as well as the Multi-State National Occupational Licensing Consortium meeting that took place September 11-13, 2019. Ms. Grein shared specific outcome initiatives resulting from the nine in-state meetings held since the Consortium began, as well as the topics and discussions that were held at

the multi-state meeting. Ms. Grein ended her comments by outlining the benefits of the Contractors Board involvement in the Consortium and the positive opportunity it was to participate in the state and national discussions.

- Review and Discussion of Solari and Partners Management Letter Dated August 12, 2019

It was moved and seconded to approve a response to Solari and Partners Management requesting a revision to their letter concerning opportunities for Board improvement. MOTION CARRIED.

- Subcommittee Reports

There were no Subcommittee Reports.

7. APPROVAL OF CONSENT AGENDA:

- Ratification of Staff Approved License Applications, Changes of Licensure, Reinstatement of Licensure, Voluntary Surrenders (List Attached, Items 1 to 346)

Mr. Kevin Burke made the following disclosures:

- Item #140 (Red Cap Acoustics, Inc.) – Disclosed and abstained based on a current business relationship with the applicant.
- Item #204 (Desert Fire Protection, LP) – Disclosed and abstained based on a current business relationship with the applicant.
- Item #247 (Venetian Casino Resort, LLC) – Disclosed a past business relationship with the applicant.
- Item #295 (Sunset Erectors, Inc.) – Disclosed and abstained based on a current business relationship with the applicant.

Ms. Margaret Cavin made the following disclosures:

- Item #157 (Energy Mechanical Insulation, Inc.) – Disclosed a personal friendship with the applicant.
- Item #202 (D Double G, LLC) – Disclosed and a personal friendship with the applicant.
- Item #334 (3D Concrete) – Disclosed and abstained based on an ongoing business relationship with the applicant.

Mr. Joe Hernandez made no disclosures.

Mr. Kent Lay made the following disclosures:

- Item #160 (Interior Specialists, Inc.) – Disclosed and abstained based on an ongoing business relationship with the applicant.
- Item #175-176 (Sunrise Air Systems, Inc.) – Disclosed and abstained based on an ongoing business relationship with the applicant.
- Item #207 (Greystone Nevada, LLC) – Disclosed and abstained based on the applicant being a competitor.
- Item #218 (Ryland Homes Nevada, LLC) – Disclosed and abstained based on the applicant being a competitor.

Mr. Jan Leggett made the following disclosure:

- Item #304 (Hill & Dale Landscapes, Inc.) – Disclosed a personal friendship with the applicant.

Ms. Melissa Maguire made no disclosures.

It was moved and seconded to approve the Consent Agenda with the removal of Item #16 (Battle Born Boiler & Mechanical LLC) and Item #307 (Ranger Construction). MOTION CARRIED.

8. NEW APPLICATION DENIAL HEARING

Tanner Companies LV LLC

Zachary Jordan Tanner, Manager/Proposed Qualified Individual

(Portions of this hearing may be closed to the public in accordance with NRS 624.110 (2) to discuss certain financial data related to the applicant.)

Zachary Tanner was present for the hearing.

Exhibit 1 is the Board Notice of Hearing.

It was moved and seconded to approve license classification C-4A (Painting) with a \$45,000 monetary limit and a \$5,000.00 bond. MOTION CARRIED.

9. NEW APPLICATION DENIAL HEARING

Pro Side Exteriors LLC

Gerald Glenn Garrard, Managing Member/Proposed Trade Qualified Individual

Jaime Elizabeth Garrard, Proposed CMS Qualified Individual

(Portions of this hearing may be closed to the public in accordance with NRS 624.110 (2) to discuss certain financial data related to the applicant.)

Gerald Garrard and Jamie Garrard were present for the hearing.

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

10. NEW APPLICATION DENIAL HEARING

Zachery A Kluever dba Kluevers Quality Construction

Zachery A. Kluever, Owner/Proposed Qualified Individual

(Portions of this hearing may be closed to the public in accordance with NRS 624.110 (2) to discuss certain financial data related to the applicant.)

Zachery Kluever was present for the hearing with witness Rocky Walling.

Exhibit 1 is the Board Notice of Hearing.

Exhibit A is the Applicant's Answer received September 6, 2019.

It was moved and seconded to accept the applicant's request to withdraw the application. MOTION CARRIED.

11. NEW APPLICATION DENIAL HEARING

Rams Concrete

Juana Rodriguez Arellano, Manager/Proposed CMS Qualifier

Jose Ramos-Armenta, Manager/Proposed CMS and Trade Qualifier

(Portions of this hearing may be closed to the public in accordance with NRS 624.110 (2) to discuss certain financial data related to the applicant.)

Juana Arellano and Jose Ramos-Armenta were present for the hearing with Counsel Charles Woodman, Esq.

Exhibit 1 is the Board Notice of Hearing.

Exhibit A is the Applicant's Answer received September 19, 2019.

It was moved and seconded to accept the applicant's request to withdraw the application. MOTION CARRIED.

12. PUBLIC COMMENT:

There was no one present to offer public comment.

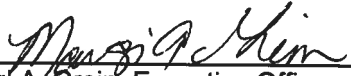
ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chairman Kent Lay at 10:37 a.m.

Respectfully Submitted,


Crystal Caywood, Recording Secretary

APPROVED:


Margi A. Grein, Executive Officer


Kent Lay, Chairman