

JIM GIBBONS
Governor

STATE OF NEVADA



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MARGARET CAVIN
Chair
SPIRIDON FILIOS
Vice Chair
MICHAEL EFSTRATIS
JERRY HIGGINS
WILLIAM "BRUCE" KING
RANDY SCHAEFER
GUY M. WELLS

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
June 19, 2008

REPLY TO:

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Henderson, Nevada 89074
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Fax (702) 486-1190
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RENO
9670 Gateway Drive, Suite 100
Reno, Nevada 89521
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Fax (775) 688-1271
Investigations (775) 688-1150

1. CALL TO ORDER:

Chair Margaret Cavin called the meeting of the State Contractors Board to order at 9:00 a.m., Thursday, June 19, 2008, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign in Log.

BOARD MEMBERS PRESENT:

Ms. Margaret Cavin - Chair
Mr. Spiridon G. Filios
Mr. Michael Efstratis
Mr. Jerry Higgins

BOARD MEMBERS NOT PRESENT:

Mr. Randy Schaefer
Mr. Bruce King
Mr. Guy Wells

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Ms. Nancy Mathias, Licensing Administrator
Mr. George Lyford, Director of Investigations
Mr. Dan 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 June 13, 2008, 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:

No one from the general public was present to speak for or against any item on the agenda.

3. APPROVAL OF MINUTES: May 22, 2008

It was moved and seconded to approve the minutes of May 22, 2008. MOTION CARRIED.

4. EXECUTIVE SESSION:

a. EXECUTIVE OFFICER'S REPORT**b. CONTINUED DISCUSSION CONCERNING BIDDING OR CONTRACTING IN EXCESS OF THE LIMIT PLACED ON THE LICENSE**

This matter was continued.

c. DISCUSSION AND REVIEW OF RESPONSES UNDER NRS 40.6887

It was moved and seconded to approve the response under NRS 40.6887. **MOTION CARRIED.**

d. DEPARTMENTAL REPORTS**ENFORCEMENT AND INVESTIGATIONS:**

Mr. Hammack provided a status report of the Enforcement and Investigations Department.

LEGAL:

Mr. Robb provided a summary report of pending litigation.

LICENSING:

Ms. Potter provided a status report of the Licensing department.

PUBLIC RELATIONS:

Mr. Nadler provided a status report of the Public Relations department.

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

Ms. Grein reported that workshops and hearings had been scheduled concerning proposal changes to C1, C13, C26, C21 and A10.

6. FINANCIAL REVIEW:**R & K HOMES, LLC,** License No. 55036

Licensee was present with counsel, Alex Flangas, Esq.

Mr. Robb asked counsel for R & K Homes to provide a copy of the complaint and settlement filed by Nevada State Bank. Monthly status reports are to be provided to staff.

7. FINANCIAL RESPONSIBILITY HEARING:**RICHARD STEPHEN DRACKET, dba DIPLOMAT PAINTING COMPANY,** License No. 67914

Licensee was present.

It was moved and seconded to keep the license active. **MOTION CARRIED.**

8. FINANCIAL RESPONSIBILITY HEARING:**NETCOM AMERICA, INC.,** License No. 59591

Licensee was present.

It was moved and seconded to accept the financial statement. **MOTION CARRIED**

9. FINANCIAL RESPONSIBILITY HEARING:

JOHNNY B QUICK PLUMBING REPAIR, License No. 61308

Licensee was present.

It was moved and seconded to accept the financial statement contingent upon Mr. Billings providing the staff with a current financial statement within forty-five days. **MOTION CARRIED.**

10. FINANCIAL RESPONSIBILITY HEARING:

HILLSIDE NURSERY AND LANDSCAPING CORP., License Nos. 67491, 67492, 97493

Licensee was present.

It was moved and seconded to accept the financial statement contingent upon receipt of an indemnification agreement from Joseph and Tammy Colacurcio. **MOTION CARRIED.**

11. FINANCIAL RESPONSIBILITY HEARING:

BLUE LUPIN DEVELOPMENTS, dba TR NICKEL HOLDINGS, License No. 67190

Licensee was not present.

Ms. Grein stated the license had been placed inactive status and hearing vacated.

12. FINANCIAL RESPONSIBILITY HEARING:

CUSTOM QUALITY FINISH, License No. 61010

Licensee was present.

It was moved and seconded to lower the limit to \$25,000.00 with a financial review at time of renewal. **MOTION CARRIED.**

13. NEW APPLICATION DENIAL HEARING:

DREAM VENTURES, LLC, dba DREAM VENTURES CONSTRUCTION

Applicant was present.

It was moved and seconded to approve the application with a monetary limit of \$200,000.00 and a \$20,000.00 bond, contingent upon receipt of indemnification agreements from John Millaken, Sr., Barbara Millaken and John Millaken, Jr. **MOTION CARRIED.**

14. NEW APPLICATION DENIAL HEARING:

CLASSIC PROTECTIVE COATINGS, INC.

Applicant was represented by counsel, Mr. Hal Taylor, Esq.

It was moved and seconded to approve the application with a monetary limit of \$3.1 million dollars and a \$30,000.00 bond. **MOTION CARRIED**

15. APPROVAL OF CONSENT AGENDA:

a. RATIFICATION OF STAFF APPROVED LICENSE APPLICATIONS, CHANGES OF LICENSURE, REINSTATEMENT OF LICENSURE, VOLUNTARY SURRENDERS: (List attached, Items 1 to 653)

Mr. Filios abstained from item number 538 and Mr. Efstratis abstained from item number 533.

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

16. APPLICATIONS (INITIAL AND RENEWAL) IN QUESTION:

(Closed meeting pursuant to NRS 241.030, list attached)

1. MIKE PAYNE AND ASSOCIATES, INC. (C19A-TERRAZZO); SINGLE PROJECT LIMIT INCREASE

Licensee was present.

It was moved and seconded to approve the single project limit increase contingent upon the fact that labor or material is not being provided. MOTION CARRIED.

2. ALLGLAZE VENTURE INCORPORATED (C8-GLASS AND GLAZING); SINGLE PROJECT LIMIT INCREASE.

Licensee was present.

It was moved and seconded to approve the single project limit increase. MOTION CARRIED.

3. DIVERSIFIED CONCRETE CUTTING, INC. (A8-SEALING AND STRIPPING OF ASPHALTIC SURFACES, A12-EXCAVATING, GRADING, TRENCHING AND SURFACING, A13-WRECKING BUILDINGS, A22-DESIGNATED FOR CONCRETE CUTTING, CORING AND JOINT SEALING ONLY, A23-REMOVAL OF ASBESTOS); CHANGE OF OFFICER/MEMBER/MANAGER

Licensee was present with counsel, John Moore, Esq..

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

*Adjournment

There being no further business to come before the Board, the meeting was adjourned by Chair Cavin at 10:49 A.M.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Margaret Cavin, Chair

ADJUDICATING BOARD MEMBER:

Jerry Higgins was delegated as Adjudicating Board member for the hearing of A Design Center, dba A Remodeling Center.

17. DISCIPLINARY HEARING: (Continued from April 23, 2008)**A DESIGN CENTER, dba A REMODELING CENTER,** License Nos. 68016 and 69447

Sheryl Barrett, Treasurer from A Design Center, dba A Remodeling Center was present to represent the Licensee.

Exhibit 1 – Board Hearing File.

Exhibit 2 – A letter from Angela Brown to the Board dated June 9, 2008 with an attachment from Rickenbacker Collection Services to Angela Brown and Browns response to the collection letter. .

Hearing Officer Wells found Respondent A Design Center, dba A Remodeling Center, Andrew Kevin Barrett, President, license numbers 68016 and 69447, guilty of violating NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), per NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.3013(5), per NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; NRS 624.3013(5), per NAC 624.640(5) failure for licensee in any material respect to include in all bids and contracts the license number and monetary limit placed on the license; NRS 624.3016(5), per NRS 624.600(1)(a)(b)(2)(3)(a)(b) contractor shall provide in writing to homeowner, name, license number, business address and telephone number of all subcontractors with whom he has contracted with, all persons who furnish material of \$500.00 or more, a notice that the contractor may report a notice of lien, an information form whose contents must be prescribed by the Board regarding contractors pursuant to chapter 624 of NRS and mechanics and material men's liens; NRS 624.3011(1)(b)(1) willful disregard of the building laws of the State; NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 for each of the First, Fifth and Seventh Causes of Action, \$50.00 for each of the Second, Third and Fourth Causes of Action, \$1,000.00 for the Sixth Cause of Action for a total of \$2,650.00 and investigative costs in the amount of \$2,875.00. Mr. Barrett is required to pay restitution in the amount of \$15,000.00 to Angela Edwards and to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs prior to consideration of future licensure.