

KENNY C. GUINN  
Governor

STATE OF NEVADA

REPLY TO:

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**MEMBERS**

MICHAEL ZECH  
*Chairman*  
DOUGLAS W. CARSON  
MARGARET CAVIN  
DAVID W. CLARK  
JERRY HIGGINS  
DENNIS K. JOHNSON  
RANDY SCHAEFER

**STATE CONTRACTORS' BOARD**

**MINUTES OF THE MEETING  
MAY 21, 2002**

**1. A. BOARD GOVERNANCE AND ADMINISTRATION**

**CALL TO ORDER**

Chairman Michael Zech called the meeting of the State Contractors' Board to order at 8:18 a.m., Tuesday, May 21, 2002, State Contractors' Board, Henderson, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

**BOARD MEMBERS PRESENT:**

Mr. Michael Zech - Chairman  
Ms. Margaret Cavin  
Mr. David Clark  
Mr. Jerry Higgins  
Mr. Dennis Johnson  
Mr. Randy Schaefer

**BOARD MEMBERS ABSENT:**

Mr. Doug Carson

**STAFF MEMBERS PRESENT:**

Ms. Margi Grein, Executive Officer  
Ms. Nancy Mathias, Licensing Administrator  
Mr. George Lyford, Director of Investigations  
Mr. Chris Denning, Deputy Director of Investigations

**LEGAL COUNSEL PRESENT:**

Ms. Carolyn Broussard, Staff Legal Counsel  
Mr. Dennis Haney, Legal Counsel (Haney, Woloson & Mullins)

Ms. Grein stated that Jerry McGill had posted the agenda in compliance with the open meeting law on May 15, 2002, at the Sawyer State Building, Clark County Library, and Las Vegas City Hall. The agenda was also posted in both offices of the Board, Henderson and Reno, and on the Board's Internet web site.

It was learned there were 22 items on the amended agenda, each item of an emergency nature. Ms. Grein informed the Board that item number one B five on today's agenda, Status of Recovery Fund Account and Pending Claims, would be continued to the Reno meeting in June. Also, item number thirteen on the agenda, Tanamera Commercial Development LLC, requested a continuance to the June Board Hearing in Reno.

**MR. CLARK MOVED TO HEAR THE AMENDED AGENDA.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Chairman Zech called for a motion to approve the minutes of April 23-24, 2002 and May 7, 2002.

**MR. JOHNSON MOVED TO APPROVE THE MINUTES OF APRIL 23-24, 2002 AND MAY 7, 2002 WITH THE CHANGE TO THE ADVISORY OPINION OF CLARK AND SULLIVAN CONSTRUCTORS.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**4. RECONFIRMATION OF APRIL 24, 2002 BOARD ACTIONS, INCLUDING:**

• **APPEAL OF ESD REFEREE'S DECISION:**

**MR. HIGGINS MOVED THAT THE DECISION RENDERED BY THE ESD REFEREE IN THE UNEMPLOYMENT MATTER OF THE BOARD NOT BE APPEALED.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

• **RETENTION OF OUTSIDE LEGAL SERVICES:**

**MR. HIGGINS MOVED TO REAFFIRM THE MOTION OF APRIL 24, 2002 REGARDING BOARD APPROVAL PRIOR TO RETENTION OF OUTSIDE LEGAL SERVICES.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Ms. Grein reported on the settlement agreement in the Hayden Construction court case and updated the Board on the Quality Choice Construction matter that attorney Bruce Robb will conclude.

**MR. JOHNSON MOVED TO ALLOW BRUCE ROBB TO PROCEED WITH THE SETTLEMENT AGREEMENT ON HAYDEN CONSTRUCTION COURT CASE, AND CONTINUE TO HANDLE THE QUALITY CHOICE CONSTRUCTION MATTER.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**5. BOARD CHAIRMAN AUTHORITY WITH BOARD ATTORNEY:**

Chairman Zech discussed with the Board his authority regarding the use of outside counsel. Chairman Zech stated that the Board could consult with counsel as needed. Ms. Grein was directed to notify all Board counsel regarding the requirement for approval of

services and billing format changes.

**6. BOARD CHAIRMAN AUTHORITY WITH BOARD IN-HOUSE ATTORNEY:**

Chairman Zech discussed with the Board his authority regarding the in-house counsel. Chairman Zech stated that the Board could consult with Ms. Broussard as needed.

**7. BOARD DISCUSSION AND/OR ACTION – BOARD ATTORNEY – FULL TIME REPRESENTATION:**

**MS. CAVIN MOVED THAT DAVID REESE BE RETAINED TO REPRESENT THE BOARD AT BOTH LAS VEGAS AND RENO BOARD HEARINGS.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**8. BOARD DISCUSSION AND/OR ACTION – APPROVAL OF CHAIRMAN'S SUB-COMMITTEE ACTIONS BETWEEN MEETING DATES:**

**MS. CAVIN MOVED THAT CHAIRMAN MICHAEL ZECH, DENNIS JOHNSON, AND RANDY SCHAEFER SERVE AS THE SUB-COMMITTEE.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**B. EXECUTIVE OFFICER'S REPORT, INCLUDING:**

**1. EMPLOYEE SERVICE RECOGNITION – ROBERT MACKE:**

Investigator Bob Macke was recognized for his 20 years of service to the Board.

**2. STATE CONTRACTORS' BOARD PENSION PLAN – APPOINTMENT OF TRUSTEES:**

Ms. Grein requested the Board to appoint a new trustee for the Board Pension Plan.

**MS. CAVIN MOVED THAT DAVID CLARK SERVE AS TRUSTEE OF THE PENSION PLAN; FOR RANDY SCHAEFER TO REMAIN AS TRUSTEE OF THE PENSION PLAN; AND FOR DOUG CARSON TO REMAIN AS A SIGNATOR ON THE BOARDS' PENSION ACCOUNT.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**3. EXECUTIVE OFFICER'S REPORT (CONTINUED FROM MAY 7, 2002):**

This matter had been approved on at the May 7, 2002, Reno Board hearing.

**4. BIDDER'S PREFERENCE CERTIFICATION – PROPOSED REDUCTION IN FEES:**

Ms. Grein requested the Board consider reducing the fee from \$700.00 to \$400.00 for renewal of Bidder's Preference Certificates.

**MR. JOHNSON MOVED TO PROCEED WITH RULE CHANGES TO REDUCE**

**THE RENEWAL FEES TO \$400.00.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**5. STATUS OF RECOVERY FUND ACCOUNT AND PENDING CLAIMS AS OF MAY 1, 2002:**

This matter was continued to the June 4, 2002, Board Hearing in Reno.

**6. STATUS REPORT OF LITIGATION MATTERS:**

Ms. Grein presented the Board with a report on pending cases in the District and Federal courts.

**7. ADOPTION OF REVISED REGULATIONS R013-02 AND R014-02:**

Ms. Grein informed the Board that she had been requested to keep this matter regarding the Rules of Practice open for ten days for any additional concerns. She has not received any concerns regarding the proposed regulation from the parties that attended the workshop and hearings.

**8. PROPOSED BILL DRAFT REQUESTS FOR THE 2003 LEGISLATURE:**

Ms. Grein and Ms. Broussard explained the purpose of the proposed bill draft requests for the 2003 legislative session.

**MS. CAVIN MOVED TO SUBMIT THE BILL DRAFTS.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**9. NRS 624.031 AND NAC 624.800 – PROPOSED OWNER BUILDER EXEMPTION AFFIDAVIT:**

Ms. Grein and Mr. Lyford presented the Board with a draft of the Owner/Builder Exemption Affidavits. The Board reviewed the exemption affidavit.

**MR. HIGGINS MOVED TO PROCEED WITH THE CHANGES TO THE OWNER BUILDER EXEMPTION AFFIDAVIT DRAFT AND BRING BACK TO THE BOARD FOR APPROVAL.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**C. DEPARTMENT REPORTS, INCLUDING:**

**1. INVESTIGATIONS DIVISION:**

**• SPECIAL INVESTIGATIONS UNIT:**

Mr. Roy Schoonmaker, Supervisor of the Special Investigations Unit, presented the aging report for the Las Vegas Special Investigations Department.

- **COMPLIANCE INVESTIGATIONS UNIT:**

Mr. Chris Denning, Deputy Director of Investigations, presented the aging report for the Las Vegas Compliance Department.

**2. LICENSING DIVISION:**

Ms. Pat Potter, Licensing Supervisor, presented the aging report for the Las Vegas Licensing Department.

**3. HUMAN RESOURCES:**

Mr. Bart Thurgood, Human Resources Manager, presented a report concerning Human Resources activities including training and recruitment.

**4. PUBLIC EDUCATION – DISCUSSION REGARDING PROPOSED CONTRACTORS' CHOICE AWARD:**

Ms. Sonya Ruffin, Public Relations, informed the Board that the pool hotline and required disclosure are on the Board's website. The newsletter is almost ready for publication. Discussion ensued regarding a proposed contractor's choice award.

Ms. Grein offered to contact the California Contractors' License Board and obtain information on the California contractor recognition program

**5. DISCUSSION ON NRS 233B, INCLUDING:**

- **BOARD DISCIPLINARY PROCEEDINGS:**
- **ORAL FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

Mr. Haney informed the Board that he had drafted an outline on formal findings regarding workmanship and money owing complaints. Mr. Haney stated that Ms. Broussard would be able to finish the draft.

- **SETTLEMENT AGREEMENTS:**

Mr. Haney informed the Board that stipulated settlement agreements could be approved with one motion as long as there are no questions on any of the agreements.

**6. DISCUSSION REGARDING EXAMINATION ADMINISTRATION PROGRAM:**

Ms. Grein informed the Board that there would be two more days of workshops. She drafted a letter informing participants what PSI is and requesting their participation. Chairman Zech stated that he had confidence in PSI to design the testing around the wishes of the Board.

**7. SUBCOMMITTEE REPORTS:**

Ms. Mathias informed the Board that the Classification Sub-Committee had made recommendations. She is in the process of drafting the changes and will be bringing to the Board for approval when done.

**8. EXPENDITURE APPROVAL:**

Ms. Grein informed the Board that a new cash register and receipting program had been purchased for both offices to tie in with the accounting program. The audio

system for the Reno office was installed and the teleconferencing system is scheduled for installation at the end of June 2002.

Mr. Lyford informed the Board that he has received three bids to install inside and outside cameras. The Board requested Mr. Lyford update them at the Reno Board meeting on June 4, 2002.

#### **9. NASCLA UPDATE:**

Ms. Grein informed the Board the NASCLA midyear meeting was scheduled for June 26 and 27, 2002, at Harrah's in Stateline. She reminded the Board that the annual national conference for NASCLA was being held in Las Vegas at the Mandalay Bay Resort on September 16-19, 2002.

#### **10. FUTURE AGENDAS:**

This matter was continued.

### **2. INFORMAL SETTLEMENTS:**

#### **1. BLUE HAVEN POOLS, LICENSE #37173**

**MR. JOHNSON MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT; THAT THE RESPONDENT PAY AN ADMINISTRATIVE FINE OF \$4,000.00 AND REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$666.00 WITHIN 30 DAYS OF THE BOARD'S APPROVAL OF THE STIPULATED SETTLEMENT AGREEMENT; AND A WARNING LETTER BE PLACED IN THE RESPONDENT'S FILE.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. SCHAEFER ABSTAINED.**

#### **2. STATEWIDE ROOFING, LICENSE #47269**

**MR. HIGGINS MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT AND THAT THE RESPONDENT REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$406.00 WITHIN 30 DAYS FROM THE DATE OF THE BOARD'S APPROVAL OF THE STIPULATED SETTLEMENT AGREEMENT.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. SCHAEFER ABSTAINED.**

#### **3. STARLIGHT POOLS, LICENSE #20202**

**MS. CAVIN MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT; THAT THE RESPONDENT PAY AN ADMINISTRATIVE FINE OF \$1,000.00 AND REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$800.00 WITHIN 60 DAYS FROM THE DATE OF THE BOARD'S APPROVAL OF THE STIPULATED SETTLEMENT AGREEMENT.**

MR. CLARK SECONDED THE MOTION.

THE MOTION CARRIED.

MR. SCHAEFER ABSTAINED.

**4. S C McBRIDE GENERAL BUILDER**, LICENSE NOS. 41385 AND 52508

MR. JOHNSON MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT AND THAT THE RESPONDENT REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$416.00 WITHIN 30 DAYS FROM THE DATE OF THE BOARD'S APPROVAL OF THE STIPULATED SETTLEMENT AGREEMENT.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

MR. SCHAEFER ABSTAINED.

**3. DISCIPLINARY HEARING:**

**PANDA REFRIGERATION**, LICENSE #26472 (CONTINUED FROM APRIL 25, 2001, MAY 22, 2001, AND DECEMBER 18, 2001)

Mr. Bestari Gandha, Owner, Panda Refrigeration; Ms. Cindy Travino, Credit Manager, Panda Refrigeration; Mr. Burt Galper, Classy Closets; and Investigator Bob Macke were present.

Ms. Broussard informed the Board that this case had been continued to give Panda Refrigeration an opportunity to rectify problems with Classy Closets.

Investigator Macke informed the Board that the last payment Panda made to Classy Closets was February 2002. He further stated it is his understanding that Mr. Galper does not want any adverse action taken against the Respondent.

Mr. Gandha informed the Board that he should be able to make additional payments this summer.

Ms. Travino stated that a \$1,000.00 payment had been made to the District Attorney on May 20, 2002.

A copy of a receipt from the court was entered into the record as Exhibit G.

**MR. CLARK MOVED TO CONTINUE THIS MATTER TO AFTER THE COURT HEARING.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**4. DISCIPLINARY HEARING:**

**FANTASY FLOORS**, LICENSE #22438

Mr. and Mrs. Terry Davidson, Owners, Fantasy Floors; Ms. Paige Merry, Office Manager, Fantasy Floors; and Investigator Cheryl Young were sworn in. Mr. Keith Gregory, counsel for Fantasy Floors, was present.

The hearing was for possible violation of NRS 624.3014(2)(b)(d); NRS 624.3015(3); and NRS 624.305(1)(2).

Mr. Gregory informed the Board that Fantasy Floors had not allowed C & S Flooring the use of its license. At no time did Fantasy Floors license number appear on any contract or purchase orders of C & S Flooring. Exhibit 16 purports to be giving C & S Flooring use of Fantasy Floors license number, however, Mr. Gregory stated that the notary was false and the signature was not Mr. Davidsons'.

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

Investigator Young testified that Cynthia Ormond and Steve Naglich had been found guilty, in justice court, to contracting without a license. Investigator Young stated that she was not the original investigator on the case. Mr. Davidson had provided the requested documentation pertaining to C & S Flooring to the investigator. Investigator Young further testified that Cynthia Ormond and Steve Naglich were never employees of Fantasy Floors.

Mr. Davidson testified that his company did not do any work at the Mirage Resorts. He stated that he has known Mr. Naglich for over 20 years and had signed the letter to help him out on this project.

Copies of billings from the Mirage, Treasure Island and Bellagio projects were entered into the record as Exhibit A.

Mr. Gregory informed the Board that the list included in the complaint came from C & S Flooring. This list was to be an incentive for Fantasy Floors for the use of their license.

Mr. Davidson stated that Mr. Dan Duggan, Assistant Chief Engineer at the Bellagio Hotel, had asked if he would meet with Cindy Ormond and Steve Naglich to see if he could help them out on this project. His intent was to bring them on as employees until they received their contractor's license.

The evidentiary portion of the hearing was closed.

**MR. JOHNSON MOVED TO DISMISS THE CHARGES AGAINST FANTASY FLOORS, LICENSE #22438.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. SCHAEFER ABSTAINED.**

#### **5. DISCIPLINARY HEARING:**

**J. R. MERANTO CONSTRUCTION**, LICENSE #34969,  
**MERANTO MASONRY INC.**, LICENSE #49222,  
**MERANTO CONSTRUCTION**, LICENSE #26817

Ms. Gayle Kirk, Credit Manager, Steel Engineers Inc.; Investigator Bob Macke; and Investigator Tom Lawrence were sworn in.

No one from J. R. Meranto Construction, Meranto Masonry Inc., and Meranto Construction

was present.

Mr. Zech recused himself from the hearing.

Mr. Johnson presided as chairman of the hearing.

The hearing was for possible violation of NRS 624.3017(1); NRS 624.302(5); NRS 624.3013(5), as set forth in NAC 624.700(3)(a); NRS 624.3013(5), as set forth in NAC 624.640(5); NRS 624.3012(2); NRS 624.3013(3); NRS 624.302(5); and NRS 624.3012(2).

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

Investigator Macke testified that he had validated the Steel Engineers Inc. complaint against the Respondent. Steel Engineers Inc. had won a default judgement against the Respondent, who has failed to pay the judgement.

Ms. Kirk testified that Steel Engineers has not received payment from the Respondent.

Investigator Macke testified that he had validated the Hanson Aggregates Las Vegas Inc. complaint against the Respondent. The Respondent purchased material in the amount of \$145,903.00. The outstanding balance is \$138,901.97. Investigator Macke stated that the Respondent did not furnish a financial statement. The contract did not contain the Respondent's license number.

Investigator Lawrence testified that he had validated the Lezlee Clark workmanship complaint against the Respondent. He issued a Notice to Correct, which the Respondent did not comply with. The Respondent did not attend an onsite investigative meeting and the contract did not contain the Respondent's license limit.

The evidentiary portion of the hearing was closed.

**MR. SCHAEFER MOVED TO ACCEPT THE TESTIMONY PRESENTED AND THE FILE AS FORMAL FINDINGS OF FACT CONCLUSIONS OF LAW; TO FIND J. R. MERANTO CONSTRUCTION, LICENSE #34969, MERANTO MASONRY, INC., LICENSE #49222, AND MERANTO CONSTRUCTION, LICENSE #26817, IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE NUMBERS 34969, 49222, AND 26817; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND TO REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$2,329.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

## **6. DISCIPLINARY HEARING:**

**LONE STAR COMPANY**, LICENSE #48534

Investigative Supervisor Roy Schoonmaker was sworn in.

No one from Lone Star Company was present.

The hearing was for possible violation of NRS 624.3014(2)(a)(b)(c)(d); NRS 624.305(1); and NRS 624.3013(3).

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

Investigator Schoonmaker testified that Investigator Jim Porter had validated the complaint against the Respondent. The Respondent entered into an agreement with John Simmons, an unlicensed contractor, allowing him to use his license to obtain building permits. A financial statement was requested, however, the Respondent did not comply with the request.

The evidentiary portion of the hearing was closed.

**MR. HIGGINS MOVED TO ACCEPT THE TESTIMONY PRESENTED AND THE FILE AS FORMAL FINDINGS OF FACT CONCLUSIONS OF LAW; TO FIND LONE STAR COMPANY, LICENSE #48534, IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE #48534; AND TO REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$1,525.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

## **7. DISCIPLINARY HEARING:**

### **GREEN TREE DEVELOPMENT GROUP LLC, LICENSE #49551**

Mr. Stan Rimer, Vice President, Green Tree Development Group LLC; Mr. Robert Shawhan, Managing Member, Green Tree Development Group LLC; Ms. Capozzoli of Capozzoli's Inc.; Anthony Chopp of Capozzoli's Inc.; and Investigator Jeff Sudweeks were sworn in. Mr. Daniel Markoff, counsel for Green Tree Development Group LLC, was present.

The hearing was for possible violation of NRS 624.3017(1); NRS 624.3011(1)(b)(1); NRS 624.3013(5), as set forth in NAC 624.700(3)(a); and NRS 624.3013(5), as set forth in NAC 624.640(5).

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

Investigator Sudweeks testified he has validated the workmanship issues in the Notice to Correct, to which Respondent has not complied. The contract did not contain the Respondent's monetary limit. Investigator Sudweeks stated that the Capozzoli's would not allow the Respondent back to correct the workmanship items.

Mr. Chopp testified that he had hired the Respondent to remodel a restaurant owned by his mother and stepfather. The work took longer than stated in the contract and the work performed was poor quality.

Ms. Capozzoli stated the contract price was too high and the workmanship was poor. Ms. Capozzoli informed the Board that she would not allow Respondent back to correct the workmanship items, nor would she allow Respondent to hire another contractor to perform the corrective work.

Mr. Markoff informed the Board that Respondent had gone to the Capozzolis with a punch list before the complaint had been filed with the Contractors' Board. The Respondent was not allowed to complete the work.

The evidentiary portion of the hearing was closed.

**MS. CAVIN MOVED TO DISMISS THE 1<sup>ST</sup>, 2<sup>ND</sup>, AND 3<sup>RD</sup> CAUSES OF ACTION AND TO FIND GREEN TREE DEVELOPMENT GROUP LLC, LICENSE #49551**

**IN VIOLATION OF THE 4<sup>TH</sup> CAUSE OF ACTION.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MS. CAVIN MOVED TO PLACE A ONE-YEAR LETTER OF REPRIMAND IN THE RESPONDENT'S FILE.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

### **8. ADVISORY OPINIONS:**

**1. RED ROSE INC.** – Red Rose Inc. requested an Advisory Opinion requesting clarification on a previous decision by the Board regarding standing seam metal roof systems. Mr. David Morgan, President, Red Rose, Inc.; Ms. Judy Nagle, Executive Director, SMACNA; and Mr. Daniel Casados, Supervisor, Pahor Air Conditioning were present.

This matter was continued to allow for further staff investigation.

**2. WASHOE COUNTY PURCHASING** – Washoe County Purchasing requested an Advisory Opinion on if Dwyer Custom Coatings held the appropriate license classification to perform seal coating of the Incline Village Sheriff's Substation roof.

Based upon the information provided, the Board opined that the seal coating of the Incline Village Sheriff's Substation roof would fall within the license classification held by Dwyer Custom Coatings.

**3. NEVADA DEPARTMENT OF TRANSPORTATION** – Nevada Department of Transportation requested an Advisory Opinion on the licensing classification required to perform the work as an Intelligent Transportation Systems (ITS) Integrator for the Freeway and Arterial System of Transportation (FAST) Pilot Corridor in Las Vegas, Nevada.

Based upon the information provided, the Board opined that contractors holding an A (General Engineering); AB (General Building and Engineering); a C-2 (Electrical) and C-2(e) (Signal System) could act as the prime contractor for the project.

### **9. DISCIPLINARY HEARING:**

**KELGAR CONSTRUCTION**, LICENSE #23688

Mr. Gary Lee, Partner, Kelgar Construction and Investigator Greg Welch were sworn in.

The hearing was for possible violation of NRS 624.3012(2); NRS 624.3012(3); and NRS 624.3013(3).

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

Investigator Welch testified that he had validated the Brooks complaint. The Respondent contracted with Cedar Roofing to construct the roof on the Brooks' home. Cedar Roofing

was not paid by the Respondent and placed a lien on the Brooks' property. Investigator Welch requested a financial statement, which the Respondent has not furnished.

Mr. Lee testified that he did not bid projects, he builds spec homes. An escrow account is set up for each property and invoices are paid from this account. Cedar Roofing did not submit an invoice. Mr. Lee informed the Board that he had paid Cedar Roofing and the lien on the Brooks property had been released the morning of the hearing.

A copy of the lien release was entered into the record as Exhibit A.

The evidentiary portion of the hearing was closed.

**MR. SCHAEFER MOVED TO DISMISS ALL CHARGES AGAINST KELGAR CONSTRUCTION, LICENSE #23688.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**10. DISCIPLINARY HEARING:**

**PROGRESSIVE PLUMBING INC., LICENSE #42723  
R C S S ENTERPRISES INC., LICENSE NOS. 51511, 51515 AND 52250 (CONTINUED FROM APRIL 24, 2002)**

Mr. Randy Schwartz, President, R C S S Enterprises, Inc.; Investigator Bob Macke; and Investigator Greg Welch were present. Mr. Frank Stapleton, counsel for R C S S Enterprises, Inc., was present.

Ms. Broussard informed the Board that the matter had been continued and the evidentiary portion of the hearing was closed.

Investigator Macke informed the Board that Mr. Tontsch is satisfied with the agreement with the Respondent.

Investigator Welch confirmed that Turf Equipment has received payment.

Mr. Schwartz stated that Progressive Plumbing was no longer a viable entity and offered to surrender the licenses.

**MR. SCHAEFER MOVED TO ACCEPT THE SURRENDER OF LICENSE NOS. 42723 AND 45121, PROGRESSIVE PLUMBING INC.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. SCHAEFER MOVED TO FIND R C S S ENTERPRISES INC., LICENSE NOS. 51511, 51515, AND 52250 IN VIOLATION OF THE 3<sup>RD</sup> CAUSE OF ACTION.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. SCHAEFER MOVED THAT THE RESPONDENT REIMBURSE THE BOARD**

**FOR INVESTIGATIVE COSTS OF \$2,119.00 WITHIN 90 DAYS OR THE LICENSES WILL BE SUSPENDED.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MS. CAVIN ABSTAINED.**

**11. STAFF UPDATE:**

**DENNETT BROTHERS CONSTRUCTION**, LICENSE #11862,  
**DENNETT BROTHERS INC.**, LICENSE #17237,  
**EMERALD DEVELOPMENT INC.**, LICENSE NOS. 24195 AND 24286 (CONTINUED FROM MARCH 26, 2002 AND APRIL 23, 2002)

Investigator Greg Welch informed the Board that Mr. Callister, counsel for Respondent, had advised him that a bankruptcy reorganization plan would be filed in September or October of this year.

**12. DISCIPLINARY HEARING:**

**FEDERAL ELECTRIC CORPORATION**, LICENSE #40842 (CONTINUED FROM APRIL 23, 2002)

Mr. Ronald Gagliano, President, Federal Electric Corporation; Ms. Cindie Gagliano, Owner, Federal Electric Corporation; Mr. Brand Peterson, Credit Manager, Standard Wholesale; Mr. Michael Forrest, Collector, Standard Wholesale; Investigator Greg Welch; Investigator Ron Ramsey; and Investigator Bob Macke were sworn in.

The hearing was for possible violation of NRS 624.3012(2); NRS 624.302(5); and NRS 624.3013(3).

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

Investigator Ramsey testified that he had validated the Standard Wholesale Supply complaint. The Respondent entered into an agreement with Standard Wholesale Supply to purchase materials and supplies on credit. The Respondent owes Standard Wholesale Supply \$22,632.84.

Mr. Peterson testified that the account with the Respondent is an open account.

Investigator Welch testified that he had scheduled a meeting between Standard Wholesale and Respondent, however, Respondent did not attend the meeting.

Mr. Macke testified that he had requested a financial statement from Respondent on several occasions, however, the requests had been returned unclaimed.

Mr. Gagliano provided a copy of his financial statement. The financial statement was entered into the record as Exhibit A.

Mr. Gagliano stated he is contesting the outstanding invoices.

**MR. CLARK MOVED TO CONTINUE THIS MATTER TO THE JUNE 18, 2002 BOARD HEARING.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**13. APPLICATION INTERVIEW:**

**TANAMERA COMMERCIAL DEVELOPMENT LLC**

The applicant requested that this matter be continued to the June 4, 2002, Reno Board Hearing.

**14. APPLICATION INTERVIEW:**

**HARDIN CONSTRUCTION LLC**

Mr. Robert George, Qualified Employee, Hardin Construction LLC and Mr. David Brown, counsel for Hardin Construction LLC were present.

Ms. Grein requested the Board table the application to the June 4, 2002, Reno Board Hearing. An informal advisory meeting would be held before considering licensure.

**MR. SCHAEFER MOVED TO CONTINUE THIS MATTER TO THE JUNE 4, 2002, BOARD HEARING.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**15. STAFF UPDATE:**

**J M & SONS**, LICENSE NOS. 39261, 51667 AND 51668 (CONTINUED FROM MARCH 26, 2002, APRIL 23, 2002, AND MAY 7, 2002)

Investigator Tom Lawrence informed the Board that the air conditioner had been replaced. The work has passed the final building inspection.

**MR. SCHAEFER MOVED TO CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH NRS 624.033 TO DISCUSS FINANCIAL MATTERS.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**16. APPLICATIONS:**

**PARKWAY LANDSCAPE**, LICENSE #42027 (SUSPENSION FOR LACK OF BOND)

Mr. Dennis Parker, Owner, Parkway Landscape, was present. Mr. Parker informed the Board that he had not received notification that there had been a claim against his bond. Mr. Parker was given information on the claim. The Board informed Mr. Parker that his license could be reinstated when the bond was posted.

The remainder of the applications on the agenda were reviewed and discussion occurred on the following: Nos. 1, 3-5, 8, 12, 19, 23, 24, 31, 33, 43-45, 50, 53, 56, 57, 61, 63, 65, 68, 72, 85, 87, 88, 91, 94, 100, 103-107, 109, 110, 113, 118-120, 122, 132, 134, 147, 149, 150, 152, 153, 157, 161;

And on the amended agenda: Nos. 1-19

**MR. SCHAEFER MOVED TO REOPEN THE MEETING TO THE PUBLIC.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. SCHAEFER MOVED TO RATIFY ALL APPLICATIONS NOT SPECIFICALLY DISCUSSED IN CLOSED SESSION AS RECOMMENDED BY STAFF.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**17. PUBLIC COMMENT:**

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

**18. ADJOURNMENT:**

There being no further business to come before the Board, the meeting was adjourned by Chairman Zech at 4:00 p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Michael Zech, Chairman