

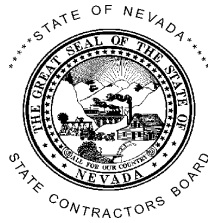
KENNY C. GUINN  
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

KIM W. GREGORY  
*Chairman*  
DOUG CARSON  
MARGARET CAVIN  
JERRY HIGGINS  
DENNIS K. JOHNSON  
RANDY SCHAEFER  
MICHAEL ZECH



**RENO**  
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STATE CONTRACTORS' BOARD

MINUTES OF THE MEETING  
JULY 10, 2001

The meeting of the State Contractors' Board was called to order by Vice-Chairman Mike Zech at 8:44 a.m., Tuesday, July 10, 2001, State Contractors' Board, Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

**BOARD MEMBERS PRESENT:**

Mr. Mike Zech – Vice Chairman  
Mr. Doug Carson  
Ms. Margaret Cavin  
Mr. Jerry Higgins  
Mr. Dennis Johnson

**BOARD MEMBERS ABSENT:**

Mr. Kim Gregory  
Mr. Randy Schaefer

**STAFF MEMBERS PRESENT:**

Ms. Margi Grein, Executive Officer  
Mr. Robert Griffy, Legal Counsel (Haney, Woloson & Mullins)  
Mr. David Reese, Legal Counsel (Cooke, Roberts & Reese)  
Ms. Nancy Mathias, Licensing Administrator  
Mr. George Lyford, Director of Special Investigations  
Mr. Frank Torres, Deputy Director of Investigations  
Ms. Kathy Stewart, Licensing Supervisor  
Ms. Diana Sippola, Licensing Analyst  
Mr. Gary Hoid, Investigator  
Mr. Larry Thompson, Investigator  
Mr. Gary Leonard, Investigator  
Ms. Susie Kiger, Legal Assistant – Las Vegas  
Ms. Sandy Diederich, Legal Assistant - Reno  
Ms. Barbara Hennessy, Recording Secretary

**OTHERS PRESENT:**

Cindy Brown, Court Reporter, Sierra Nevada Reporters; Mr. E.H. Bruner, Vice President, Bay Area Instrument and Electrical; Mr. P.T. Kerr, President, Bay Area Instrument and Electrical; Mr. Blake Franzman, CFO, Hometown; Mr. Gene Davis, President, Service Team of Professionals; Mr. Don Gates, President, 5 Crown Painting; Ms. Reina Gates, Vice President, 5 Crown Painting; Mr. Mark Wray, Counsel for Floors to Go; Ms. Linda Ribis, Owner, Floors to Go; Mr. Ken Kramer, President, Eco Services; Mr. Jeff Bailey, Owner, J. S. Bailey Construction; Mr. Richard Dethmer, Business Manager, Nevada Barricades; Ms. Tamara Dethmer, President, Nevada Barricade; Ms. Allison Combs; Mr.

Alex Flangas, Counsel for Appropriate Technologies; Mr. Bill Lloyd; Ms. Cheri Lloyd; Mr. Al Potter, Owner, Al's Tile; Mr. Peter Beekhof, President, West Ridge Homes; Mr. Holiday; Mr. John Brownlee, Owner, John Brownlee Construction; Mr. Massey; Mr. Matuska, Attorney; Brooke Shaw Plimpton; Mr. Kessler, Owner, Fred Kessler, Inc.; Ms. Janet Massey; Mr. Tom Thomas; Mr. Kevin Rose, President, Four Seasons Design and Remodeling; Mr. Chris Stecker, Vice President, Four Seasons Design and Remodeling; Mr. Carter King, Attorney for Hometown Builders; Mr. Mark Vanoni, Owner, Vanoni Lining Services; Mr. Clayton Fleher, President, Hometown Builders; Mr. Albert Lindstedt, Member, Dement Concrete, LLC; Mr. Mark Faedi, M & R Construction; Mr. Steven Tyler, Owner, Tylers Painting and Mr. Allan Sisia, Vice President, N.N. Eagle Electric;

Ms. Grein stated that John Sapp had posted the agenda in compliance with the open meeting law on July 2, 2001 at the Washoe County Court House, Washoe County Library, and Reno City Hall. In addition, it had been posted in both offices of the Board, Las Vegas and Reno, and on the Board's Internet web page.

It was learned there were 21 items on the amended agenda, each item of an emergency nature, and

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

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Vice-Chairman Zech called for a motion to approve the minutes of June 19, 2001.

**MR. CARSON MOVED TO APPROVE THE MINUTES OF JUNE 19, 2001.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

### **EXECUTIVE SESSION**

#### **LEGISLATIVE CHANGES EFFECTIVE 7/1/01**

Ms. Grein provided the Board with an outline of the three primary bills that affect the NSCB which became effective July 1, 2001: **SB216** – revises provisions regarding residential pools and spas and various bonding requirements; **AB620** – establishes construction education fund and revises provisions related to licensing and **SB63** – bidders preference. Ms. Grein informed the Board that regulations will have to be adopted for each bill. A Workshop and Hearing to adopt regulations for the Recovery Fund and Citation process will be held on July 11, 2001 in Las Vegas. Public testimony and comments will be taken at that time.

#### **AGING REPORTS – RENO**

Ms. Kathy Stewart, Licensing Supervisor and Mr. Frank Torres, Deputy Director of Investigations presented aging reports for their departments.

**DISCIPLINARY HEARINGS**

**WEST RIDGE HOMES** #25326 -- DISCIPLINARY HEARING (Continued from January 9, and April 10, 2001)

Peter Matthew Beekhof, President, West Ridge Homes and NSCB Investigator Gary Hoid were present.

Mr. Reese stated that the matter had been continued from April 10, 2001 by mutual agreement for 60 days for appropriate weather conditions to complete the painting work. The complainant Harry Stanley had the flu and could not be present.

Mr. Hoid testified that the painting has been completed and that Mr. Stanley is satisfied with the results.

The Stipulation was signed and entered into the record as Exhibit #2.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO FIND WEST RIDGE HOMES, LICENSE #25326, IN VIOLATION OF THE FIRST CAUSE OF ACTION AND TO DISMISS THE SECOND CAUSE OF ACTION.**

**THE MOTION DIED FOR LACK OF A SECOND.**

**MR. JOHNSON MOVED TO DISMISS ALL CHARGES AGAINST WEST RIDGE HOMES, LICENSE #25326.**

**MS. CAVIN SECONDED THE MOTION**

**THE MOTION CARRIED WITH MR. CARSON OPPOSED.**

**MOUNTAIN VIEW DEVELOPMENT, INC.,** #35589 - DISCIPLINARY HEARING

The Notice of Hearing, dated June 7, 2001, consisting of 2 pages was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received unsigned on June 13, 2001.

The Notice of Complaint and Requirement to Answer, dated March 15, 2001, consisting of pages 1-31, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The hearing was for possible violations of NRS 624.3017(1), workmanship which is not commensurate with standards of the trade in general or which is below the standards in the building or construction codes adopted by the city of county in which the work is performed and NRS 624.3013(5), failure to comply with the Board's Notice to Correct.

Ms. Alison Combs, Homeowner, NSCB Investigator Mr. Larry Thompson and Licensing Supervisor Ms. Kathy Stewart were sworn in. No one from Mountain View Development, Inc. was present.

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

Ms. Combs testified that she purchased the residence from Mr. & Mrs. Woerner on January 11, 2000. At the time of purchase, the seller's real property disclosure indicated a problem with a roof leak. After inspection, it was determined the leak was not with the roof but with a window. Ms. Combs stated that she had the window caulked but that did not correct the problem. After a second inspection, it was determined the flashing was the source of the problem. Mrs. Combs testified that she hired a licensed contractor to repair the flashing and has not experienced a leak since the repairs were made. The cost was \$192.00.

Mr. Thompson stated that Investigator Randy Rudy validated the original complaint. Mr. Thompson testified that he did not talk to the Respondent and issued a Notice to Correct based on Mr. Rudy's findings.

Pictures of the window were entered into the record as Exhibits 2a, 2b and 2c.

Ms. Stewart testified that a cash bond is in place on Mountain View Development's B2 license, #35589 and that the Respondent had been notified of the Board's intent to pay the claim.

Ms. Combs testified that she has made a claim against this bond in the amount of \$192.00.

Mr. Reese stated that in the Answer, the Respondent assumed the leak was due to roof problems and that the issue was resolved and disclosed at the time of purchase.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO ACCEPT THE FILE AND TESTIMONY AS FORMAL FINDINGS OF FACTS, CONCLUSIONS OF LAW.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO FIND MOUNTAIN VIEW DEVELOPMENT, INC., LICENSE #35589, IN VIOLATION OF ALL CHARGES.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO REVOKE MOUNTAIN VIEW DEVELOPMENT, INC., LICENSE #35589,; APPROVE PAYMENT OF THE HOMEOWNER'S CLAIM AGAINST THE CASH BOND IN THE AMOUNT OF \$192.00; REQUIRE FULL RESTITUTION TO DAMAGED PARTIES; AND TO RECOVER INVESTIGATIVE COSTS OF \$3,828.00 IF THE RESPONDENT OR ANY PRINCIPAL THEREOF REAPPLIED FOR LICENSURE IN THE STATE OF NEVADA.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**APPROPRIATE TECHNOLOGY, #41502 - DISCIPLINARY HEARING**

The Notice of Hearing, dated June 7, 2001, consisting of 2 pages, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received on June 11, 2001.

The Notice of Complaint and Requirement to Answer, dated May 1, 2001, consisting of 15 pages, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received on May 7, 2001.

The hearing was for possible violations of NRS 624.3017(1), workmanship which is not commensurate with standards of the trade in general or which is below the standards in the building or construction codes adopted by the city or county in which work is performed; NRS 624.3013(5), failure to comply with the Board's Notice to Correct and NRS 624.3013(5), failure to keep in force the bond or cash deposit pursuant to NRS 624.270 for the full period required by the Board.

Mr. Dale Cairns, President, Appropriate Technology, Mr. William Lloyd, Homeowner, Ms. Cherie Lloyd, Homeowner and NSCB Investigator Mr. Gary Leonard were sworn in. Also in attendance was Mr. Alex Flangas, Counsel for Appropriate Technology.

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

The Stipulation was signed and entered as Exhibit #2.

Mrs. Lloyd testified that on February 15, 1999, he entered into an agreement to purchase a single-family residence constructed by the Respondent for a purchase price of \$574,450.00. Mr. Lloyd testified that there were problems with the paint and nail holes in the stucco; there was cracking in the tiles and grout; the doors were out of adjustment and not sealed; the interior paint was not to manufacturer specifications and the gas line is undersized. Mrs. Lloyd testified that the Respondent made several attempts to correct the gas line but arrived at his residence with an unlicensed contractor.

Mr. Leonard testified that he validated Items 6a through 6d as listed in the First Cause of Action. Mr. Leonard testified that he reviewed and validated Item 6e (gas line) through a report issued by Mr. Beard, an engineer hired by the Respondent to inspect the gas line. Mr. Leonard testified that he issued a Notice to Correct in April 2000 and again in September 2000 and that items are still unresolved.

Mr. Leonard testified that he met with the Respondent and the homeowner on December 8, 2000, at the Lloyd residence. At that time, the Respondent agreed to repaint the interior of the residence and repair the doors.

Mr. Flangas stated that the Respondent has tried to take corrective action on the doors and paint but was refused access to the residence. Additionally, Mrs. Lloyd informed the Respondent that she was dealing with the subcontractors on the tile, grout and stucco repairs and that all other repairs should be coordinated through her attorney.

Pictures of the stucco wall were entered into the record as Exhibit 3a, 3b, 3c, 3d, 3e and 3f.

A picture of the stucco was provided by the Respondent and entered into the record as Exhibit A.

Both parties agreed that the pictures accurately depicted the problems with the stucco.

Mr. Flangas informed the Board that the Respondent is willing to pay for the repair of 3 ½' of the 27' of the gas line. The stucco was pre-colored and therefore the Respondent does not feel it is an issue he needs to resolve. The subcontractor has taken care of the tile and grout issue.

Mr. Flangas informed the Board that this matter is currently in litigation and that a court date has been set for October 2001.

A chronology of events was entered into the record as Exhibit #B.

Mrs. Lloyd testified that they had hired a licensed plumber to inspect the work and was advised that the entire gas line would need to be replaced.

Mr. Lloyd testified that his lawyer advised him that the Respondent relinquished his right to correct by sending Mr. Lloyd a letter regarding the gas line.

The letter was entered into the record as Exhibit #4.

Mr. Lloyd agreed to allow the Respondent to repair the remaining items.

The evidentiary portion of this hearing was closed.

**MR. JOHNSON MOVED TO CONTINUE THIS MATTER PENDING THE DETERMINATION OF THE CIVIL COURT CASE WITH AN UPDATE TO THE BOARD ON NOVEMBER 7, 2001.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**JOHN BROWNLEE CONSTRUCTION, # 36290 - DISCIPLINARY HEARING**

The Notice of Hearing, dated June 7, 2001, consisting of 2 pages, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received on June 12, 2001.

The Notice of Complaint and Requirement to Answer, dated May 1, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received on May 7, 2001.

The hearing was for possible violations of NRS 624.3017(1), workmanship which is not commensurate with standards of the trade in general or which is below the standards in the building or construction codes adopted by the city or county in which the work is performed; NRS 624.3013(5), as set forth in NAC 624.700(3)(a), failure to comply with the Board's Notice to Correct; NRS 624.3013(5), failure to comply with the regulations of the Board by failing to include the monetary limit on Respondent's bid, as required by NAC 624.640(5); NRS 624.3015(5), performing work beyond the scope of the Respondent's B-2 license; and NRS 624.3011(1)(a), willful and prejudicially departed from or disregarding the plans or specifications without the consent of the owner.

Mr. John Brownlee, Jr., Owner, John Brownlee Construction, Mr. John Holiday, Homeowner and NSCB Investigator Gary Hoid were sworn in.

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

The Stipulation was signed and entered into the record as Exhibit #2.

Mr. Holiday testified that he entered into a contract with the Respondent to erect a kit home for \$31,195.00. Mr. Holiday testified that many items were not in compliance with the plans: the truss on the east side of residence was improperly cut; the chase on the chimney is half the standard size and the flue was installed in the wrong area; the skylights were not installed per plan requirements; the front door threshold was not braced properly, the window trim was not properly installed and there are numerous bows and curled walls throughout the residence. Mr. Holiday stated that he was informed the residence would have to be torn down to correct the problems with the walls.

Mr. Reese stated that the First Cause of Action incorrectly identified the truss on the south side of the residence and amended the complaint.

Mr. Brownlee testified that he commenced work in October 1999 and was last on the project in April, 2000. Mr. Brownlee stated that the kit home required framing, plumbing, electrical and the installation of a floor heating system. Mr. Brownlee testified that he used his own crew for the plumbing and electrical although he is not licensed to perform these specialty trades.

Mr. Hoid testified that he validated items 8a through 8h as listed in the First Cause of Action and issued a Notice to Correct on January 2, 2001 and again on February 14, 2001. As of this date, the corrections have not been made. Mr. Hoid also validated that the Respondent's monetary limit was not on the contract.

Mr. Brownlee testified that everything was prefabricated, pre-cut and installed. The contract called for labor only and that he followed the manufacturer's plans provided by Pacific Modern Homes.

Pictures of the residence were entered into the record as Exhibit 3a, 3b, 3c and 3d.

Mr. Brownlee testified that the trusses were adjusted for the skylights and that the spacing could be off in the fireplace area but neither problem would be difficult to correct.

A picture of the skylight were entered into the record as Exhibit 4.

Mr. Holiday stated that he would have no problem allowing Mr. Brownlee to make the necessary repairs as long as he hires licensed contractors for plumbing and electrical work and that Mr. Hoid supervises the repairs.

Pictures of the floor heating system were entered into the record as Exhibit 5a, 5b, 5c, 5d, 5e,5f and 5g.

Receipts incurred by the Respondent were entered into the record as Exhibit #6.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO CONTINUE THIS MATTER FOR 60 DAYS TO ALLOW CORRECTIVE ACTION TO BE TAKEN ON THE FOLLOWING ITEMS: ITEM 8A AND 8B (TRUSSES); ITEM 8C (CHIMNEY); ITEM 8D (SKYLIGHTS); ITEM 8E (FRONT DOOR THRESHOLD); ITEM 8F (TRIM) AND EXCLUDE ITEMS 8G AND 8H; ALL ELECTRICAL AND PLUMBING WORK TO BE DONE BY A LICENSED CONTRACTOR TO THE SATISFACTION OF THE CONTRACTORS BOARD.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**



**FOUR SEASONS DESIGN & REMODELING, #28602A - DISCIPLINARY HEARING**

The Notice of Hearing, dated June 7, 2001, consisting of pages 1-2, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received on June 11, 2001.

The Notice of Complaint and Requirement to Answer, dated March 14, 2001, consisting of pages 1-7, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received on March 17, 2001.

The hearing was for possible violations of NRS 624.3017(1), workmanship which is not commensurate with standards of the trade in general or which is below the standards in the building or construction codes adopted by the city or county in which the work is performed; NRS 624.3013(5), as set forth in NAC 624.640(5), each licensee shall include in all bids he submits or contracts he enters into for construction work within this state, the number of his license and any monetary limit placed upon his license; NRS 624.3013(5), failure to comply with the Board's Notice to Correct.

Mr. Kevin Rose, President, Four Seasons Design and Remodeling, Mr. Chris Stecker, Vice President, Four Seasons Design and Remodeling, Mr. Tom Thomas, Homeowner and NSCB Investigator Gary Hoid were sworn in.

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

The Stipulation was signed and entered into the record as Exhibit #2.

Mr. Thomas testified that on September 5, 1995 he entered into a contract with the Respondent for the construction of a solarium for \$24,439.00. After the first rain, a leak occurred from the ridgeline to the sliding windows. Mr. Thomas testified that the Respondent has made an effort to comply with the Board's corrective orders, even as late as October 5, 2000, and has been unsuccessful.

Pictures of the leak area were entered into the record as Exhibit 3a, 3b, 3c, 3d and 3e.

Mr. Hoid testified that he validated the complaint and that leaking is still occurring in two specific spots on the wall.

Mr. Rose testified that he has exhausted his resources on trying to repair this leak from the ridge line and suggested the problem may lie with the sliding windows.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO HAVE FOUR SEASONS DESIGN & REMODELING, LICENSE #28602A, TAKE CORRECTIVE ACTION IN 30 DAYS AND TO CONCLUDE THE HEARING ON AUGUST 7, 2001.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**DEFAULT ORDERS**

**CLEMENTS LANDSCAPE & DESIGN, #41033 - DISCIPLINARY HEARING - DEFAULT ORDER**

The Complaint and Requirement to Answer, dated May 18, 2001, consisting of pages 1-34, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The Default Notice, dated June 18, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The Default Hearing was for possible violations of NRS 624.3012(2), willful or deliberate failure to pay money due for materials or services; NRS 624.3013(5), failure to comply with the Board's Notice to Correct; NRS 624.3013(3), failure to establish financial responsibility; NRS 624.3013(4), failure to keep in force the bond or cash deposit and NRS 624.3016(1), any fraudulent or deceitful act committed in the capacity of a contractor.

No one from Clements Landscape and Design was present.

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

**MS. CAVIN MOVED TO ACCEPT THE FILE AS FINDINGS OF FACT, CONCLUSIONS OF LAW; TO FIND CLEMENTS LANDSCAPE & DESIGN, LICENSE #41033, IN VIOLATION OF ALL CHARGES AS INDICATED IN THE NOTICE OF COMPLAINT; TO REVOKE LICENSE #41033, CLEMENTS LANDSCAPE & DESIGN; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS OF \$5,216 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**BIRCHWOOD BUILDERS, #38234, - DISCIPLINARY HEARING - DEFAULT ORDER**

The Complaint and Requirement to Answer, dated April 4, 2001, consisting of pages 1-7, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The Notice of Default, dated June 8, 2001, was sent to the Respondent's address of record on file with the Board. The return receipt was received June 12, 2001.

The Default Hearing was for possible violations of NRS 624.3012(2), willful or deliberate failure to pay money due for materials or services; NRS 624.3013(3), failure to establish financial responsibility; NRS 624.302(5), failure or refusal to respond to a written request from the Board or its designee to cooperate in the investigation of a complaint; NRS 624.3013(5), failure to notify the Board in writing of a change of address within thirty (30) days after the change occurred; NRS 624.3013(4), failure to keep in force the bond or cash deposit.

No one from Birchwood Builders was present.

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

**MR. HIGGINS MOVED TO ACCEPT THE FILE AS FINDINGS OF FACT, CONCLUSIONS OF LAW; TO FIND BIRCHWOOD BUILDERS, LICENSE #38234 IN VIOLATION OF ALL CHARGES AS INDICATED IN THE NOTICE OF COMPLAINT; TO REVOKE LICENSE #38234, BIRCHWOOD BUILDERS; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS OF \$1,528 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**SURE BET PAINTING, Lic.#46644 - DISCIPLINARY HEARING - DEFAULT ORDER**

The Complaint and Requirement to Answer, dated May 3, 2001, consisting of pages 1-14, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The Notice of Default, dated June 8, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The Default Hearing was for possible violations of NRS 624.3012(2), willful or deliberate failure to pay money due for materials or services; NRS 624.3013(3), failure to establish financial responsibility; NRS 624.302(5), failure or refusal to respond to a written request

from the Board or its designee to cooperate in the investigation of a complaint; and NRS 624.3013(4), failure to keep in force the bond or cash deposit.

No one from Sure Bet Painting was present.

The Notice and Complaint was entered in the record as Exhibit #1.

**MS. CAVIN MOVED TO ACCEPT THE FILE AS FINDINGS OF FACT, CONCLUSIONS OF LAW; TO FIND SURE BET PAINTING, LICENSE #46644 IN VIOLATION OF ALL CHARGES AS INDICATED IN THE NOTICE OF COMPLAINT; TO REVOKE LICENSE #46644, SURE BET PAINTING; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS OF \$1,968 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**ANDYS PLUMBING & HEATING, #46254 - DISCIPLINARY HEARING - DEFAULT ORDER**

The Complaint and Requirement to Answer, dated May 16, 2001, consisting of pages 1-15, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received on May 18, 2001.

The Notice of Default, dated June 12, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received on June 14, 2001.

The Default Hearing was for possible violations of NRS 624.3012(2), willful or deliberate failure to pay money due for materials or services; NRS 624.3013(3), failure to establish financial responsibility; NRS 624.263(3), failure to notify the Board upon the filing of a bankruptcy and NRS 624.302(5), failure or refusal to respond to a written request from the Board or its designee to cooperate in the investigation of a complaint.

No one from Andys Plumbing & Heating was present.

The Notice of Complaint was entered into the file as Exhibit #1.

**MR. HIGGINS MOVED TO ACCEPT THE FILE AS FINDINGS OF FACT, CONCLUSIONS OF LAW; TO FIND ANDYS PLUMBING & HEATING, LICENSE #46254 IN VIOLATION OF ALL CHARGES AS INDICATED IN THE NOTICE OF COMPLAINT; TO REVOKE LICENSE #46254, ANDYS PLUMBING & HEATING; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS OF \$1,827 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**P C M CONSTRUCTION, #30518A - DISCIPLINARY HEARING - DEFAULT ORDER**

The Complaint and Requirement to Answer, dated May 9, 2001, consisting of pages 1-47, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The Notice of Default, dated June 11, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was returned unopened on June 14, 2001.

The Default Hearing was for possible violations of NRS 624.3012(2), willful or deliberate failure to pay money due for materials or services; and NRS 624.3013(3), failure to establish financial responsibility.

No one from PCM Construction was present.

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

**MS. CAVIN MOVED TO ACCEPT THE FILE AS FINDINGS OF FACT, CONCLUSIONS OF LAW; TO FIND PCM CONSTRUCTION, LICENSE #30518A IN VIOLATION OF ALL CHARGES AS INDICATED IN THE NOTICE OF COMPLAINT; TO REVOKE LICENSE #30518A, PCM CONSTRUCTION; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS OF \$1,522 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**APPLICATIONS**

**MR. CARSON MOVED TO CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH NRS 241.033 TO DISCUSS FINANCIAL MATTERS.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

The following applications on the agenda were reviewed and discussed: Nos. 12-14, 16-37, 39-46, 48-72 and 74-78.

**MR. CARSON MOVED TO OPEN THE MEETING TO THE PUBLIC.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**APPLICATION HEARINGS**

**VANONI LINING SERVICES** – (A-22 – Repair of Geosynthetic Liners) - APPLICATION HEARING

The Notice of Hearing and Complaint, dated June 8, 2001, consisting of pages 1-11, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received June 12, 2001.

The hearing was for the denial of the Respondent's application, failure to meet the criteria for establishing financial responsibility as requested by NRS 624.263.

Mr. Mark Vanoni, Owner, Vanoni Lining Services and License Supervisor Kathy Stewart, were sworn in.

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

The Stipulation was signed and entered into the record as Exhibit #2.

Ms. Stewart testified that after reviewing the financial statement dated November 30, 2000, there were concerns with the Respondent's ability to demonstrate financial responsibility. Ms. Stewart stated that the new financial statement provided by the Respondent on July 10, 2001 did not reflect an increase in working capital.

Mr. Vanoni testified that he will be installing and repairing geosynthetic liners for environmental protection purposes. His primary client will be mining companies.

The evidentiary portion of the hearing was closed.

**MR. JOHNSON MOVED TO APPROVE VANONI LINING SERVICES; LICENSE CLASSIFICATION A-22 (REPAIR OF GEOSYNTHETIC LINERS) WITH A MONETARY LIMIT OF \$5,000 AND A BOND OF \$2,000 WITH A FINANCIAL REVIEW AT TIME OF RENEWAL.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**DISCIPLINARY HEARINGS** (con'td)

**HOMETOWN BUILDERS, #49058 - DISCIPLINARY HEARING**

The Notice of Hearing and Complaint, dated June 8, 2001, consisting of pages 1-7, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received June 9, 2001.

The hearing was for a possible violation of NRS 624.3013(3), failure to establish financial responsibility at the time of renewal.

Mr. Mike Franzman, Secretary, Hometown Builders, Mr. Clayton Fleher, President, Hometown Builders, Ms. Diana Sippola, NSCB Licensing Analyst and Ms. Kathy Stewart, Licensing Supervisor were sworn in. Also present was Carter King, Counsel for Hometown Builders.

Mr. Reese stated there were concerns by staff of Hometown Builders ability to demonstrate financial responsibility.

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

The Stipulation was signed and entered into the record as Exhibit #2.

Ms. Sippola testified that she had concerns regarding the Respondent's financial condition. The license was approved on March 21, 2000 conditioned upon a financial review at the time of renewal. A corporate financial statement was submitted with the new application. Ms Sippola testified that she requested a personal financial statement from the licensee's indemnitor, Mr. Mike Franzman.

Mr. King stated that the Respondent's finances have increased since March, 2000 and presented the Board with a net worth report. Additionally, there is available money held in trust to be used, if needed, to support Hometown Builders.

The net worth report was entered into the record as Exhibit A.

Ms. Stewart testified that the original license application stated that the trust was protected through the Respondent's mother and that she refused to sign an indemnification. The evidentiary portion of the hearing was closed.

**MR. JOHNSON MOVED TO APPROVE THE RENEWAL OF HOMETOWN BUILDERS, LICENSE CLASSIFICATION B2 (RESIDENTIAL AND SMALL COMMERCIAL).**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**APPLICATION HEARING** (cont'd)

**FLOORS TO GO** – (C-16 (a),(d) – Covering Floors and Laying Carpets) - APPLICATION HEARING

The Notice of Hearing and Complaint, dated February 28, 2001, consisting of pages 1-44, was sent certified mail to Respondent's address of record on file with the Board. The return receipt was received on March 5, 2001.

The Notice of Amended Hearing, dated May 3, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received on May 8, 2001.

The Notice of Continued Hearing, dated June 8, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received on June 11, 2001.

The hearing was for denial of the Respondent's application based on failure to demonstrate good character as required by NRS 624.265(1)(a), committed any act which would be grounds for denial, suspension or revocation of a contractor's license; NRS 624.302(5), by failing to cooperate in the investigation of a complaint; and NRS 624.263, failure to meet the financial responsibility requirement.

Ms. Linda Ribis, Owner, Floors to Go and Ms. Kathy Stewart, License Supervisor were sworn in. Also present was Mark Wray, Counsel for Floors to Go.

Mr. Reese informed the Board that this matter was continued through Mr. Carson's motion to allow 30 days for the applicant to submit a CPA provided financial statement.

The Stipulation was signed and entered into the record as Exhibit #2.

**MR. CARSON MOVED TO CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH NRS 241.033 TO DISCUSS FINANCIAL MATTERS.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Ms. Ribis testified that several items on her credit report have been rectified and that she is currently in the process of resolving the issues with the IRS.

**MR. JOHNSON MOVED TO OPEN THE HEARING TO THE PUBLIC.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**



**MR. JOHNSON MOVED TO APPROVE FLOORS TO GO, LICENSE CLASSIFICATION C16(A)(D) (COVERING FLOORS, LAYING CARPET) WITH A MONETARY LIMIT OF \$2,500 AND A \$2,500 BOND WITH A FINANCIAL REVIEW AT THE TIME OF RENEWAL.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**SUMMARY SUSPENSION**

**CHRISTIANSSEN POOLS, #10682 - SUMMARY SUSPENSION**

Mr. George Lyford, Director of Special Investigations informed the Board that Christiansen Pools currently has an active license with 17 open complaints for workmanship and 1 money owing complaint for \$25,000. A financial statement was requested and not provided by the Respondent. Additionally, no representatives from Christiansen Pools attended a scheduled administrative meeting. An onsite inspection of Christiansen Pools revealed the office has been closed. Currently, there are 20 to 30 unfinished pool projects pending. NSCB staff is of the opinion that Christiansen Pools poses a danger to the public and requested summary suspension of license #10682.

**MR. CARSON MOVED TO SUMMARILY SUSPEND CHRISTIANSSEN POOLS, LICENSE #10682, IN THE MATTER OF HEALTH, WELFARE AND PUBLIC SAFETY.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**APPLICATIONS**

**MR. CARSON MOVED TO CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH NRS 241.033 TO DISCUSS FINANCIAL MATTERS.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

The following applications on the agenda were reviewed and discussed: Nos. 79 –168.

**MR. JOHNSON MOVED TO OPEN THE MEETING TO THE PUBLIC.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**ADVISORY OPINIONS**

**KOVALEFF MECHANICAL SERVICES INC.** – Kovaleff Mechanical Services, Inc., requested an advisory opinion concerning licensing requirements for maintenance of fresh water pumps which require removal of water pumps to repair grout, clean sole plate and level.

The Board opined that an A (General Engineering), A19 (Pipeline and Conduit), AB (General Building and General Engineering) or C1 (Plumbing and Heating) would be the appropriate license classification to perform the work described.

**APPLICATIONS**

**MS. CAVIN MOVED TO CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH NRS 241.033 TO DISCUSS FINANCIAL MATTERS.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**J S BAILEY CONSTRUCTION COMPANY** – (B-2 – Residential and Small Commercial) RECONSIDERATION

Mr. Jefforey Bailey, Owner, J S Bailey Construction Company was present.

**MS. CAVIN MOVED TO CONTINUE THE MATTER FOR 90 DAYS TO ALLOW MR. BAILEY THE OPPORTUNITY TO SECURE AN INDEMNITOR FOR THE COMPANY.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**ECO SERVICES, INC.** – (A-22 – Installation of underground storage tank conveyance piping) RECONSIDERATION

Mr. Ken Kramer, President, Eco Services, Inc. was present. Mr. Kramer was notified that the license application (A-22 – Installation of underground storage tank conveyance piping) classification had been approved with a monetary limit of \$100,000 and a bond of \$10,000.

**5 CROWN PAINTING LLC** – (C-4(a) – Painting) – NEW APPLICATION AND WAIVER OF TRADE EXAM

Mr. Donald Gates and Mrs. Reina Gate, owners, 5 Crown Painting LLC were present. Ms. Stewart reported on the financial condition of the company. Mr. Zech suggested an indemnitor until they can solidify their finances.

**MR. CARSON MOVED TO APPROVE 5 CROWN PAINTING LLC, LICENSE CLASSIFICATION (C-4(A) – PAINTING) UPON VERIFICATION BY STAFF OF \$2,500 WORKING CAPITAL WITHIN 90 DAYS AND TO WAIVE TRADE EXAM.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**BAY AREA INSTRUMENT & ELECTRIC, INC.** – (C-2 – Electrical Contracting) NEW APPLICATION AND NAME SIMILARITY

Mr. Paul Kerr, Bay Area Instrument & Electric, Inc. was present. Mr. Kerr stated that the line of credit with Bank of America was sold to the Bank of Pittsburgh and that he was in the process of negotiating the line of credit as a long term debt and not a short term line of credit.

**MR. CARSON MOVED TO APPROVE BAY AREA INSTRUMENT & ELECTRIC, INC. LICENSE CLASSIFICATION (C-2 – ELECTRICAL CONTRACTING) WITH A MONETARY LIMIT OF \$100,000 AND A BOND OF \$10,000 WITH A FINANCIAL STATEMENT ON RENEWAL.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**NEVADA BARRICADE AND SIGN COMPANY, INC.** – (A8, 21 – Seal/Stripe Asphaltic Surfaces; Fencing and Guardrails) NEW APPLICATION

Ms. Tamara Dethmers, President, Nevada Barricade and Sign Company, Inc. and Mr. Richard Dethmers, Business Manager, Nevada Barricade and Sign Company, Inc. were present. The Dethmers stated that 90% of the work would be through public works and would be bonded. They would not be willing to personally indemnify the company.

**MR. JOHNSON MOVED TO APPROVE NEVADA BARRICADE AND SIGN COMPANY, INC. LICENSE CLASSIFICATION (A8, 21 – SEAL/STRIPE ASPHALTIC SURFACES; FENCING AND GUARDRAILS) WITH A MONETARY LIMIT OF \$100,000 AND A BOND OF \$10,000.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**DEMENT CONCRETE, LLC** – (C-5a – Concrete Pouring) 90 DAY EXTENSION

Mr. Albert Lindstedt, Member, Dement Concrete, LLC was present. Mr. Lindstedt was informed the name change to Arrow Concrete, LLC, the 90 day extension to replace the qualified employee and the one time raise in limit conditional on a personal indemnification by Mr. Lindstedt was approved.

**TYLERS PAINTING** – (C-4a – Painting) RECONSIDERATION

Mr. Steven Tyler, Owner, Tylers Painting was present. Ms. Stewart reported on the financial condition of the applicant. Mr. Tyler informed the Board that he would not supply the information and intended to operate as a contractor in violation of the law. Mr. Tyler stated that he could not supply an indemnitor.

**MR. CARSON MOVED TO CONTINUE THIS MATTER FOR 90 DAYS TO ALLOW MR. TYLER TO RETAIN AN INDEMNITOR OR TO INCREASE WORKING CAPITAL.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**M & R CONSTRUCTION CORPORATION** – (B2 – Residential and Small Commercial)  
**ONE TIME RAISE IN LIMIT**

Mr. Mark Faedi, M & R Construction Corporation was present. Mr. Faedi was notified that the one time raise in limit for 7.5 million was approved.

**SERVICE TEAM OF PROFESSIONALS** – (B2 – Residential and Small Business) **ONE TIME RAISE IN LIMIT**

Mr. Gene Davis, Jr., President, Service Team of Professionals was present. Mr. Davis was informed that the application for the raise in limit was not received in timely manner. Mr. Davis explained that his company originally bid each item individually and when he was awarded the bid it was as one contract and exceeded his current limit. A copy of the bid was provided and discussed.

**MR. CARSON DENIED SERVICE TEAM OF PROFESSIONALS APPLICATION FOR A ONE TIME RAISE IN LIMIT SINCE IT WAS NOT SUBMITTED 2 WORKING DAYS PRIOR TO THE BID AS REQUIRED BY NAC 624.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

The following applications on the agenda were reviewed and discussed: Nos 2-4 and 6-10.

The following applications on the amended agenda were reviewed and discussed: Nos. 1-16 and 19 – 21.

**MR. JOHNSON MOVED TO OPEN THE MEETING TO THE PUBLIC.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. JOHNSON MOVED TO APPROVE ALL APPLICATIONS NOT SPECIFICALLY DISCUSSED IN CLOSED SESSION PER STAFF RECOMMENDATION.**

**MR. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**PUBLIC COMMENT**

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

There being no further business to come before the Board, the meeting was adjourned by Vice Chairman Zech at 3:35 p.m.

Respectfully Submitted,

Barbara Hennessy, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Michael Zech, Vice-Chairman