

KENNY C. GUINN  
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

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



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**STATE CONTRACTORS' BOARD**

**MINUTES OF THE MEETING  
SEPTEMBER 10, 2002**

**1. CALL TO ORDER:**

The meeting of the State Contractors' Board was called to order by Chairman Michael Zech at 8:46 a.m., Tuesday, September 10, 2002, State Contractors' Board, Reno, 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 W. Clark  
Mr. Jerry Higgins  
Mr. Dennis Johnson  
Mr. Randy Schaefer

**BOARD MEMBERS ABSENT:**

Mr. Douglas W. Carson

**STAFF MEMBERS PRESENT:**

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

**LEGAL COUNSEL PRESENT:**

Ms. Carolyn Broussard, In House Counsel  
Mr. David Reese, Legal Counsel (Cooke, Roberts & Reese)

Ms. Grein stated that Fred Schoenfeldt had posted the agenda in compliance with the open meeting law on September 4, 2002 at the Washoe County Court House, Washoe County Library, and Reno City Hall. The agenda was also posted in both offices of the Board, Reno and Henderson, and on the Board's Internet web page.

It was learned there were 9 items on the amended agenda, each item of an emergency nature.

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

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

The Chairman called for a motion to approve the minutes of August 21, 2002.

**MR. HIGGINS MOVED TO APPROVE THE MINUTES OF AUGUST 21, 2002.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**2. EXECUTIVE SESSION:**

**A. BOARD GOVERNANCE AND ADMINISTRATION:**

**1. DELEGATION AND APPROVAL OF HEARING OFFICER – VISION CRAFT HOMES, INC., LICENSE # 45953**

**MR. SCHAEFER MOVED THAT MR. DAVID W. CLARK BE DESIGNATED AS HEARING OFFICER FOR VISION CRAFT HOMES, INC.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**2. DELEGATION AND APPROVAL OF HEARING OFFICER – REMINGTON HOMES LTD., LICENSE # 35380**

**MR. SCHAEFER MOVED THAT MR. JERRY HIGGINS BE DESIGNATES AS HEARING OFFICE FOR REMINGTON HOMES LTD.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**3. ADOPTION OF RESTATED MONEY PURCHASE PENSION PLAN: (GUST II AND EGTRAA AMENDMENT REQUIREMENTS)**

**MR. SCHAEFER MOVED TO ADOPT THE RESTATED MONEY PURCHASE PENSION PLAN.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**4. PROPOSED LEGISLATIVE CHANGES FOR 2003:**

Ms. Grein presented the Board with proposal to be considered for introduction at the 2003 legislative session.

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

**1. FINANCIAL STATEMENTS AND AUDIT REPORT JUNE 30, 2002:**

Ms. Grein presented to the Board the financial statements and audit report for June 30, 2002.

**MR. CLARK MOVED TO APPROVE THE FINANCIAL STATEMENT AND AUDIT REPORT FOR JUNE 30, 2002.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**3. LEGAL REPORT:**

Mr. Reese informed the Board that a motion for dismissal of defendants Mr. Frank Torres and Mr. John Sapp in the Michael Kapetan case will be filed.

**4. NASCLA UPDATE:**

Ms. Grein updated the Board on the upcoming NASCLA conference in Las Vegas and provided them with the agenda.

**5. FUTURE AGENDAS:**

Ms. Grein discussed with the Board future agenda dates for 2003.

**The remaining items in the Executive Session were continued to the September 24, 2002 meeting in Henderson.**

**3. DISCIPLINARY HEARING:**

**B M V BUILDERS, INC., LICENSE #20067 AND #20068**

Mr. Warren H. Barlow III, President B M V Builders; Mr. Warren Barlow Jr., B M V Builders, Inc.; and Investigator Gary Hoid were sworn in.

No one from United Rentals was present.

Mr. Louis S. Test, attorney for B M V Builders, Inc. was also present.

The hearing was for possible violations of NRS 624.3012 (2); NRS 624.3013 (3) pursuant to NRS 624.220 and 624.260 to 624.265; NRS 624.302 (5); and NRS 624.3018 (2).

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

Mr. Hoid testified he validated the money owing complaint. Mr. Hoid stated Respondent entered into an agreement with United Rentals on December 13, 1993 for the purchase of materials and rental equipment and currently owes \$2,880.52. Mr. Hoid further testified Respondent has not provided the requested financial statement and did not attend a scheduled administrative meeting.

Mr. Barlow III testified he did not receive notice of the administrative meeting until after the scheduled date, however, he did meet with Mr. Frank Torres and Investigator Larry Thompson at a later date. Mr. Barlow III testified he does not deny owing United Rentals \$2,880.52 and is willing to temporarily suspend his license until the matter is resolved.

The evidentiary portion of the hearing was closed.

**MR. SCHAEFER MOVED TO FIND B M V BUILDERS, INC. LICENSE # 20067 IN VIOLATION OF ALL CHARGES.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. JOHNSON ABSTAINED.**

**MR. SCHAEFER MOVED TO TEMPORARILY SUSPEND LICENSE # 20067, B M V BUILDERS, INC. FOR 90 DAYS; TO REQUIRE FULL RESTITUTION TO ALL**

**DAMAGED PARTIES; AND TO REQUIRE B M V BUILDERS, INC. PROVIDE THE REQUESTED FINANCIAL STATEMENT OR LICENSE # 20067 WILL BE REVOKED.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. JOHNSON ABSTAINED.**

**4. DISCIPLINARY HEARING:**

**A B C SEAMLESS OF RENO, LICENSE #49651**

Ms. Anne Campbell, Homeowner; Mr. Mike Campbell, Homeowner; and Investigator Gary Hoid were sworn in.

No one from A B C Seamless of Reno was present.

The hearing was for possible violations of NRS 624.3017 (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.

Additional photos were entered into the record as Exhibit #2.

Ms. Campbell testified she entered into a contract with Respondent on August 9, 2001 for the installation of a metal siding system for \$20,500.00 and she has paid \$17,500.00 toward the contract. Ms. Campbell further testified the project is 100% complete.

Mr. Hoid testified he validated the workmanship complaint and issued a Notice to Correct with 6 items on April 3, 2002. Mr. Hoid testified Respondent corrected some items on the Notice to Correct, however, they are still below the standards of the industry. Mr. Hoid further testified he reviewed the contract and it does not contain the monetary license limit.

Ms. Campbell testified she has not denied Respondent access to the property and is still willing to have him complete the repairs.

The evidentiary portion of the hearing was closed.

**MR. SCHAEFER MOVED TO FIND A B C SEAMLESS OF RENO LICENSE # 49651 IN VIOLATION OF ALL CHARGES.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. SCHAEFER MOVED TO REQUIRE A B C SEAMLESS OF RENO LICENSE # 49651 TO COMPLETE ALL REPAIRS WITHIN 30 DAYS; THAT RESPONDENT PAY AN ADMINISTRATIVE FINE OF \$200.00 PER VIOLATION; AND REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS IN THE AMOUNT OF \$1,687.00 WITHIN 90 DAYS OR LICENSE # 49651 A B C SEAMLESS OF RENO WILL BE REVOKED.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**5. INFORMAL SETTLEMENTS;**

**A. RON OVERLI, LICENSE #15129**

**MR. SCHAEFER MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT; THAT A WARNING LETTER BE PLACED IN RESPONDENT'S FILE; RESPONDENT HAS 30 DAYS TO GET BOTH LICENSES IN ORDER WITH THE CORRECT INFORMATION OR BOTH LICENSES WILL BE AUTOMATICALLY SUSPENDED. RESPONDENT PAY AN ADMINISTRATIVE FINE OF \$1,000.00; AND REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$1,039.00 WITHIN 30 DAYS FROM THE BOARD'S APPROVAL OF THIS STIPULATED SETTLEMENT AGREEMENT.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. HIGGINS ABSTAINED.**

**B. HANDYMAN CONNECTION, LICENSE #49723**

**MS. CAVIN MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT; THAT A WARNING LETTER BE PLACED IN RESPONDENT'S FILE; RESPONDENT IS TO APPLY FOR AN ELECTRICAL AND PLUMBING LICENSE; RESPONDENT PAY AN ADMINISTRATIVE FINE OF \$1,000.00; AND REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$562.00 WITHIN 30 DAYS FROM THE BOARD'S APPROVAL OF THIS STIPULATED SETTLEMENT AGREEMENT.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. HIGGINS ABSTAINED.**

**6. APPLICATION INTERVIEW:**

**DLACO RESURFACE – (C-40 CONCRETE COATINGS) NEW APPLICATION**

Mr. Darrell L. Alston, Jr., Owner Dlaco Resurface; and Licensing Supervisor Kathy Stewart were present.

Ms. Stewart informed the Board the applicant has not passed the C-40 trade exam.

Mr. Alston stated he is the only distributor for the perma crete product in the State of Nevada. He has received formal training from the manufacturer and the manufacturer will issue a warranty for all work.

**MR. JOHNSON MOVED TO APPROVE DALACO RESURFACE FOR A C-40 TO APPLY PERMA CRETE CONCRETE COATINGS LICENSE WITH A MONETARY LIMIT OF \$100,000.00 AND A BOND OF \$10,000.00.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**7. LEGISLATIVE REPRESENTATION FOR 2003:**

Mr. Berlyn Miller and Ms. Cheryl Blomstrom of Berlyn Miller & Associates; Mr. Fred Hillerby of Hillerby & Associates; Mr. Jay Parmer and Mr. Buzz Harris of American Strategies; and Mr. Chris MacKenzie of Allison, MacKenzie Law Firm, were interviewed by the Board.

**MS. CAVIN MOVED TO HIRE AMERICAN STRATEGIES TO REPRESENT THE BOARD FOR THE 2003 LEGISLATIVE SESSION.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. JOHNSON ABSTAINED.**

**7. APPLICATIONS: (CLOSED MEETING PURSUANT TO NRS 624.030)**

**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.**

**HI – TECH BUILDERS – (B-2 RESIDENTIAL & SMALL COMMERCIAL) NEW APPLICATION.**

Mr. Hal S. Irvine, Owner Hi – Tech Builders, was present. The Board informed Mr. Irvine that the license application (B-2 Residential & Small Commercial) was approved with a monetary limit of \$1,000,000.00 and a bond of \$20,000.00.

**ARTISTIC WATERFALLS – (A-22 WATERFALLS) NEW APPLICATION, RECONSIDERATION OF CLASS AND WAIVER OF CMS EXAM.**

Mr. Alan Zerbini, President Artistic Waterfalls, was present. The Board informed Mr. Zerbini that the license application was tabled for 180 days for him to complete the testing requirements. Pending further investigation of the appropriate classification.

The following applications on the agenda were reviewed and discussed: Nos. 2, 3, 4, 5, 6, 7, 11, 13, 15, 42, 17, 18, 19, 21, 23, 24, 31, 38, 39, 40, 43, 58, 59, 61, 66, 67, 68, 69, 70, 71, 77, 83, 84, 85, 90, 91, 100, 105, 109, 110, 111, 121, 123, 130, 134, 138, 139, 140, 141, 142, 143, 145, 146, 149, 158, 160 and 161.

The applications on the amended agenda were reviewed and discussed: Nos. 9.

**MS. CAVIN MOVED TO REOPEN THE MEETING TO THE PUBLIC.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

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

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**PUBLIC COMMENT:**

Mr. Loni Carns expressed his concerns regarding the trade examination administered by PSI.

**ADJOURNMENT:**

There being no further business to come before the Board, the meeting was adjourned by Chairman Zech at 12:55 p.m.

Respectfully Submitted,

Tammy Stewart, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Michael Zech, Chairman