

KENNY C. GUINN
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

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



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STATE CONTRACTORS' BOARD

MINUTES OF THE MEETING
SEPTEMBER 25, 2001

The meeting of the State Contractors' Board was called to order by Chairman Kim Gregory at 8:20 a.m., Tuesday, September 25, 2001, State Contractors' Board, Las Vegas, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Kim Gregory - Chairman	departed - 9:10 a.m. returned - 11:10 a.m.
Mr. Douglas W. Carson	
Ms. Margaret Cavin	
Mr. Jerry Higgins	
Mr. Dennis Johnson	
Mr. Randy Schaefer	
Mr. Mike Zech	arrived - 8:35 a.m.

BOARD MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Robert Griffy, Legal Counsel (Haney, Woloson & Mullins)
Mr. Dennis Haney, Legal Counsel (Haney, Woloson & Mullins)
Mr. David Reese, Legal Counsel (Cooke, Roberts & Reese)
Mr. George Lyford, Director of Special Investigations Unit
Mr. Rick Bertuzzi, Director of Investigations
Mr. Roy Schoonmaker, Supervisor, special Investigations
Ms. Pat Potter, Licensing Supervisor
Ms. Susie Kiger, Legal Assistant
Mr. Greg Mincheff, Supervisor – Investigations
Mr. Ronald Ramsey, Supervisor – Investigations
Mr. Dan Hammack, Special Investigator
Mr. James Porter, Special Investigator
Ms. Cheryl Young, Special Investigator
Mr. James Ables, Investigator
Mr. Spencer Kinney, Investigator
Mr. Thomas Lawrence, Investigator
Mr. Robert Macke, Investigator
Mr. Thomas Tucker, Investigator
Mr. Greg Welch, Investigator
Ms. Doris Talley, License Management Assistant
Ms. Lisa Bedsole, License Analyst
Ms. Mary Ann Enbody, License Analyst
Ms. Sonya Ruffin, Public Relations
Ms. Barbara Hennessy, Executive Assistant
Ms. Melinda Mertz, Recording Secretary

OTHERS PRESENT:

Linda Sprague, Court Reporter, Laurie Webb & Associates; Mr. Paul Curry, owner, Paul Curry; Mr. Donald Borsick; Mr. and Mrs. Rudy Martinez; Mr. Robert Portnoff; Ms. Stephanie Valhora; Mr. Gary P. Gonzales, owner, His Custom Flooring; Ms. Lori Ashton, SW Regional Council of Carpenters; Mr. Keith Maris, owner, Keith Maris Paint & Drywall; Ms. Diane Stott; Mr. Carl Scarbrough; Mr. and Mrs. Rodney McColl; Mr. Tony DeGuin; Ms. Melissa Buckholz; Ms. Donna Teich; Mr. Anthony Scott; Mr. Thomas Laskowski, owner, Laskowski Construction Co.; Mr. Charles Edwards; Mr. J. Carlos Reynoso; Ms. Cheryl Panasiuk; Mr. Rafael Romero-Salas, owner, Temperature Equipment Co.; Ms. Clintine Flores; Mr. Richard Coward, President, R.C Steel, Inc.; Ms Lisa Neilsen; Mr. Rodney Ronnow, Jr., President, Wet Tec Inc.; Mr. Steve Colburn, owner, Colburn General Contracting; Mr. Don Purone, General Manager, Pro Home; Mr. Phil Rivas, Phil Rivas Sheetmetal; Don Lindley, President, Gator Pools, Inc.; Mr. Gary Nance, Manager, National Construction Rental; Ms. Gloria Skov, Advanced Coating Tech.

Ms. Grein stated that Jerry McGill had posted the agenda in compliance with the open meeting law on September 19, 2001, at the Sawyer State Building, Clark County Library, and Las Vegas City Hall. Additionally, the agenda had been posted in each office of the Board, Las Vegas and Reno, and on the Board's Internet web site.

It was learned there were 36 items on the amended agenda, each item of an emergency nature.

MR. JOHNSON MOVED TO HEAR THE AMENDED AGENDA.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

Ms. Grein stated several corrections needed to be made to the September 5, 2001 minutes and requested the approval be moved to the October 9, 2001 Board meeting.

SETTLEMENT AGREEMENTS - (ENFORCEMENT ADVISORY COMMITTEE)

The Enforcement Advisory Committee, consisting of Mr. Randy Schaefer, Board Member; Ms. Margi Grein, Executive Officer; Mr. George Lyford, Director of Special Investigations Unit; Mr. Rick Bertuzzi, Director of Investigations; and Mr. Greg Mincheff, Supervisor-Investigations held a meeting on Wednesday, August 22, 2001, to review the following cases.

A-1 Action Plumbing and Rooter, #50591

It was the Committee's recommendation that the Respondent pay an administrative penalty of \$500.00 and reimburse the Board for investigative costs of \$319.98. The Respondent accepted the terms.

MS. CAVIN MOVED TO ACCEPT THE STIPULATED AGREEMENT.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

Sahara Landscape, #50024

It was the Committee's recommendation that the Respondent pay an administrative penalty of \$250.00 and reimburse the Board for investigative costs of \$373.31. The Respondent shall ensure all future contracting work is within the scope of his license. The Respondent accepted the terms.

MR. CARSON MOVED TO ACCEPT THE STIPULATED AGREEMENT.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

Soter Construction, #44729

It was the Committee's recommendation that the Respondent reimburse the Board for investigative costs of \$479.08. A warning letter is to be placed in the Respondent's file. The Respondent shall ensure that no future work shall be started without a proper permit. The Respondent accepted the terms.

MR. HIGGINS MOVED TO ACCEPT THE STIPULATED AGREEMENT.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

EXECUTIVE SESSION

Ms. Grein requested the Board to consider enhanced background and fingerprinting on all questionable applicants. The Board approved the change.

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

Ms. Grein requested the Board furnish her with topics for the upcoming Strategic Planning Session scheduled for December. Ms. Grein asked the Board to consider utilizing Hearing Officers or Administrative Law Judges on certain disciplinary cases. The Board would like to research this matter before rendering a decision.

Ms. Grein informed the Board that the new building would be wired for teleconferencing between the Las Vegas and Reno offices. Ms. Grein stated that she is considering changing the security in the new building to keyless entry.

Ms. Grein distributed the 2002 Board Hearing calendar to the Board.

Mr. Lyford informed the Board that he and Ms. Grein will interview 5 candidates for the Human Resources Manager position this week. The final 3 candidates will meet and interview with the Board on October 23, 2001.

Ms. Grein requested the Board adopt the proposed Recovery Fund regulation as a permanent regulation since all required hearing and workshops have been held.

MR. JOHNSON MOVED TO ADOPT THE REGULATION CONTINGENT UPON VERIFICATION OF THE WORDING.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.**DISCIPLINARY HEARING**

LA GRAND CORPORATION - #27482 and **CREST HOMES, INC.** - #30937 -
DISCIPLINARY HEARING (Continued from 7/24/01 and 8/21/01)

Mr. Griffy stated that this matter had been continued from August 21, 2001, for the receipt of a financial statement with full disclosures.

NSCB Investigator Supervisor Mr. Greg Mincheff was sworn in.

Mr. Mincheff submitted a letter from the Respondent stating that he will not provide a financial statement to the Board as he is closing his business.

The letter was entered into the record as Exhibit #3.

The evidentiary portion of the hearing was closed.

MR. JOHNSON MOVED TO ACCEPT THE SURRENDER OF LA GRAND CORPORATION, LICENSE #27482, AND CREST HOMES, INC., LICENSE #30937.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

EXTERIORS INC. - #29760 and #28920 - DISCIPLINARY HEARING

The Notice of Complaint and Requirement to Answer, dated June 4, 2001, consisting of pages 1-30, was sent certified mail to Respondent's address of record on file with the Board. The return receipt was not received.

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

NCSB Investigator Mr. Greg Welch personally served the Notice of Hearing at the Respondent's home address on August 10, 2001.

The hearing was for possible violations of NRS 624.3011(1)(b)(1), willful or deliberate disregard and violation of the building laws of the state; NRS 624.3016(5), failure to comply with NRS 597.713, 597.716 or 597.719 or any regulations of the Board governing contracts for the construction of residential pools and spas; NRS 624.301(1), abandonment without legal excuse; NRS 624.3015(2), bidding to contract in excess of the limit placed by the Board; NRS 624.3013(5), failure to comply with requirement for schedule of payments; NRS 624.3013(3), failure to establish financial responsibility; NRS 624.3012(2), willful or deliberate failure to pay any money when due when he has the capacity to pay; NAC 624.640(5), each licensee shall include on all bids his license number and monetary limit placed on his license; NAC 624.640(3), licensee must notify Board of any address or personnel changes within 30 days after the change occurs; NAC 624.6958(2)(d), contractor shall ensure that each contract of a residential pool or spa contains estimated date of completion; NRS 624.600, failure to provide required disclosures; NRS 624.3015(2), bidding to contract for a sum in excess of limit placed on the license by the Board; NRS 624.3017(1), workmanship which is not commensurate with the standards of the trade; NAC 624.700 (3)(a), failure to comply with a Notice to Correct; NRS 624.301(4), willful

failure on the part of a licensee as a contractor to prosecute a construction project with reasonable diligence, thereby causing material injury to another.

Mr. Donald Borsick, Homeowner; Mr. and Mrs. Rudy Martinez, Homeowners; NSCB Investigator Supervisor Mr. Greg Mincheff; NSCB Investigator Mr. Thomas Tucker and NCSB Investigator Mr. Greg Welch were sworn in.

Mr. Welch testified that he had spoken to the Respondent and confirmed that he would not be attending today's meeting.

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

Mr. Mincheff testified that he had spoken to the Respondent regarding B.J. Smith's complaint. Mr. Smith had entered into a contract with the Respondent to have a pool built at his residence. The contract price was for \$44,129.00 and to date Mr. Smith has paid the Respondent \$8,825.00 towards the contract price. Mr. Mincheff stated that he validated that the Respondent had commenced work on the project without first obtaining a building permit.

Mr. Borsick testified that he had entered into a contract with the Respondent for \$59,864.00 to have a pool and spa built at his residence and had paid the Respondent \$53,129.00 towards the contract price. Mr. Borsick confirmed that his pool was complete with the exception of the installation of the cleaning system and the electrical connections. Mr. Borsick stated that he had hired outside contractors, at an additional expense, to complete these items.

Mr. Martinez testified that he had entered into a contract with the Respondent for \$59,900.00 to have a pool built at his residence and had paid the Respondent in full. Mr. Martinez testified that there was a 45-day completion date and it took 6 months to complete his pool. Additionally, Mr. Martinez testified that the Respondent's monetary limit was not on the contract.

Mr. Tucker testified that Larry Sweeker, a homeowner, had entered into a contract with the Respondent for \$48,275.00 to have a pool built at his residence. Mr. Sweeker paid the Respondent \$40,000.00 toward the contract price. Mr. Tucker testified that liens were placed on Mr. Sweeker's property by the subcontractors for non-payment of services by the Respondent.

Mr. Welch testified that the Respondent failed to supply a current financial statement to the Board.

The evidentiary portion of the hearing was closed.

MR. JOHNSON MOVED TO CONTINUE THE SUSPENSION OF EXTERIORS INC., LICENSE #29660 AND #28920; AND REFER THE MATTER FOR PREPARATION FOR FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW AND ACTION ON OCTOBER 23, 2001.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

PAUL CURRY - #20624 and TRIM CREW - #37696 – DISCIPLINARY HEARING
(Continued from 5/22/01 and 7/24/01)

Mr. Griffy stated that this hearing was continued from July 24, 2001, to allow the Respondent and the subcontractor, Aztech Plastering Company, to make the necessary

corrections to the exterior stucco on Mr. Valihora's residence.

Mr. Paul Curry, Owner, Paul Curry; Mr. Stephen Valihora, Homeowner and NSCB Investigator Supervisor Ronald Ramsey were sworn in.

The financial statement of Paul Curry, dated August 10, 2001, was entered into the record as Exhibit #A.

Mr. Ramsey testified that as of September 24, 2001, neither the Respondent nor the subcontractor has taken any corrective action. Mr. Ramsey stated that he had received a faxed letter from the subcontractor, Aztech Plastering Co., on September 20, 2001, requesting an extension of time to complete the repairs.

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

Mr. Valihora testified that a representative from Aztech Painting inspected his residence, but to date no corrections have been made.

The evidentiary portion of the hearing was closed.

MR. CARSON MOVED TO REVOKE LICENSE #20624, PAUL CURRY AND LICENSE #37696, TRIM CREW; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES AND TO RECOVER RESPECTIVE INVESTIGATIVE COSTS OF \$2,303.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

THE MOTION FAILED FOR LACK OF A SECOND.

MR. HIGGINS MOVED TO CONTINUE THIS MATTER FOR AN UPDATED FINANCIAL STATEMENT TO BE PROVIDED BY PAUL CURRY, LICENSE #20624 AND A COMBINED FORMAL BOARD HEARING TO BE HELD ON PAUL CURRY, LICENSE #20624 AND AZTECH PLASTERING COMPANY, LICENSE #37696.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

HIS CUSTOM FLOORING - #44390 – DISCIPLINARY HEARING

The Notice of Complaint and Requirement to Answer, dated June 20, 2001, consisting of pages 1-23, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated June 28, 2001.

The Notice of Hearing, dated August 14, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated August 15, 2001.

The hearing was for possible violations of NRS 624.3017(1), workmanship which is not commensurate with the standards of the trade in general; NRS 624. 3013(5), as set forth in NAC 624.700(3)(a), failure to comply with a Notice to Correct.

Mr. Gary P. Gonzales, President, His Custom Flooring; NCSB Investigator Mr. Robert Macke and NCSB Investigator Mr. James Ables were sworn in.

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

The Stipulation was signed and entered as Exhibit #2.

Mr. Ables testified that he validated the complaint and could find no cause for the buckling of the wood. Mr. Ables met with Reverend Daniel Nolans, CSV, who told him they had had no success in resolving the matter with the contractor.

Mr. Gonzales testified that he had attended a meeting at the church, and after inspecting the wood, felt that the damage was caused by an overflow from the sprinkler system. To alleviate any further delays, Mr. Gonzales met with Mr. Ken Rosania, Pastoral Administrator of St. Thomas More Catholic Church and reimbursed the church in the amount of \$2,621.00 for the wood flooring.

A copy of the canceled check was entered into the record as Exhibit #A.

A sample of the buckled wood was entered into the record as Exhibit #3.

Mr. Macke testified that he validated the complaint and after an inspection of the flooring could find no evidence of water saturation on the wood.

The evidentiary portion of the hearing was closed.

MR. CARSON MOVED TO PLACE A THREE-YEAR LETTER OF REPRIMAND IN HIS CUSTOM FLOORING, LICENSE #44390 FILE; TO PAY \$1,000.00 PER VIOLATION; AND TO RECOVER THE INVESTIGATIVE COSTS OF \$1,268.00 WITHIN 60 DAYS OR THE LICENSE WILL BE SUSPENDED.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

KEITH MARIS PAINT & DRYWALL - #28526 – DISCIPLINARY HEARING

The Notice of Complaint and Requirement to Answer, dated July 6, 2001, consisting of pages 1-13, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated July 10, 2001.

The Answer, dated July 12, 2001, was received July 16, 2001.

The Notice of Hearing, dated August 14, 2001 was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated August 27, 2001.

The Amended Complaint, dated September 24, 201, was sent via facsimile to the Respondent.

The hearing was for possible violations of NRS 624.3012(2), willful or deliberate failure by any licensee to pay any money when due; NRS 624.3011(1)(b)(2), willful or deliberate disregard and violation of the labor laws of the state; NRS 624.302(5)(6), failure or refusal to respond or comply with a written request from the Board; NRS 624.3013(3), failure to establish financial responsibility.

Mr. Keith Maris, President, Keith Maris Paint & Drywall; Ms. Lori Ashton, Carpenter's Union; Mr. Raphael Gomez, Carpenter's Union; Mr. Aureilo Arroyo, Carpenter's Union; and NSCB Supervisor Special Investigations Mr. Roy Schoonmaker were sworn in.

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

Mr. Maris requested a continuance since the Board had rescheduled the hearing date to September 25, 2001. Mr. Maris's attorney, Mr. Josh Harmon, had a scheduling conflict and could not represent him today. Mr. Maris also stated that he left a message for George

Lyford on September 24, 2001, explaining the situation.

Mr. Lyford stated that he had received a message from Mr. Maris around 4:00 p.m. yesterday, but did not have a chance to return Mr. Maris' call.

MR. CARSON MOVED TO CONTINUE THIS MATTER TO THE OCTOBER 23, 2001 BOARD MEETING.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

CHRISTIANSSEN POOLS - #10682 – DISCIPLINARY HEARING

The Notice of Complaint and Requirement to Answer, dated May 21, 2001, consisting of pages 1-57, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated May 22, 2001.

The Amended Complaint, dated June 20, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated June 26, 2001.

The Notice of Board Consideration of Summary Suspension of Christiansen Pools, dated July 3, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated July 5, 2001.

The Notice of Hearing and Second Amended Complaint, dated July 23, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated July 30, 2001.

The hearing was for possible violations of NRS 624.3017(1), workmanship which is not commensurate with the standards of the trade; NRS 624.3011(1)(b)(1), willful or deliberate disregard and violation of the building laws of the state; NAC 624.700(3)(a), failure to comply with a Notice to Correct; NRS 624.301(4), willful failure or refusal without legal excuse on the part of a licensee as a contractor to prosecute a construction project or operation with reasonable diligence, thereby causing material injury to another; NRS 624.3013(3), failure to establish financial responsibility; NAC 624.640(5), each licensee shall include in all bids his license number and monetary limit placed upon his license by the Board; NRS 624.3016(5), failure to comply with NRS 597.713, 597.716 or 597.719 or any regulations of the board governing contracts for the construction of residential pools and spas; NAC 624.6964(1)(3), failure to comply with requirement for schedule of payments; NRS 624.3012(2), willful or deliberate failure by any licensee to pay any money when due for any materials or services rendered when he has the capacity to pay; NRS 624.302(5), failure to comply with a Notice to Correct; NRS 624.600, failure to provide required disclosures.

Mr. and Mrs. Rodney McColl, Homeowners; Ms. Julie Oxley, Homeowner; Mr. Nathaniel Sayno, Homeowner; Mr. Carl Scarbrough, Homeowner; Mr. Anthony Scott, Homeowner; Ms. Melissa Buckholz, Homeowner; Mr. James Berryhill, Homeowner; Ms. Diane Stott, Homeowner; Ms. Donna Teich, Homeowner; Mr. Bob Portnoff, Wet Times; NCSB Investigator Supervisor Mr. Greg Mincheff; NSCB Investigator Mr. Greg Welch and NSCB Investigator Mr. Thomas Tucker were sworn in.

The Notices of Hearing and Complaint were entered into the record as Exhibit #1.

No one from Christiansen Pools was present.

Ms. Teich testified that she had entered into a contract with the Respondent for a contract amount of \$18,500.00, to build a pool at her residence. Ms. Teich has paid the Respondent a total of \$17,800.00. Ms. Teich stated that the pool plaster was discolored. She was informed by the plaster company, B&D Plastering, that it was a bad batch of plaster. To date, the Respondent has not corrected it.

Mr. Scott testified that he entered into a contract with the Respondent for \$31,000.00, to build a pool at his residence. Mr. Scott has paid the Respondent a total of \$29,500.00. Mr. Scott stated that his pool has a drainage problem and does not meet city code in North Las Vegas.

Ms. Stott testified that she entered into a contract with the Respondent for \$30,026.00, to build a pool at her residence. To date, Ms. Stott has paid the Respondent a total of \$9,900.00. Ms. Stott stated that her pool did not pass inspection with the City of Henderson. The trenches were not sanded properly, the bond beam was not continuous at the spa and the rebar was not per plans and specifications at the pool steps and bench. The original subcontractor repaired the rebar and an employee of Christiansen Pools re-sanded the trenches. They have since passed inspection with the City of Henderson.

Mr. and Mrs. McColl testified that they had entered into a contract with the Respondent for \$20,446.80, to build a pool at their residence. They stated that they have paid \$18,420.12 to the Respondent. The McColls testified that their pool was only 60% completed when the Respondent abandoned the project. Wright Brothers, an unlicensed contractor, have placed a lien on their property for the decking.

Mr. Scarbrough testified that he entered into a contract with the Respondent for \$30,812.00, to build a pool at his residence. He confirmed that he has paid the Respondent a total of \$28,000.00. Mr. Scarbrough stated that the Davis Company placed a lien on his property due to non-payment by the Respondent. Additionally, the five-foot high wrought iron fence, installed by the Respondent, leaned and was bowed and there is a two-inch gap at the top of the tile around the pool.

Mr. Welch and Mr. Tucker testified in all of the cases that no unconditional lien releases or lists of subcontractors were provided to the homeowner after each phase of construction. Mr. Welch and Mr. Tucker validated that the Respondent had also failed to comply with the Notices to Correct.

The evidentiary portion of this hearing was closed.

MR. JOHNSON MOVED TO CONTINUE THE SUSPENSION OF CHRISTIANSEN POOLS, LICENSE #10682 AND REFER THE MATTER FOR PREPERATION FOR FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW AND ACTION ON OCTOBER 23, 2001.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

LASKOWSKI CONSTRUCTION CO. - #48872 – DISCIPLINARY HEARING

The Notice of Complaint and Requirement to Answer, dated July 5, 2001, consisting of pages 1-43, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated July 6, 2001.

The Answer, dated July 20, 2001, was received July 26, 2001.

The Notice of Hearing and Amended Complaint, dated August 14, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated August 20, 2001.

The hearing was for possible violations of NRS 624.3017(1), workmanship which is not commensurate with the standards of the trade in general; NRS 624.3013(5), as set forth in NAC 624.640(5), each licensee shall include the number of his license and monetary limit placed on upon his license on all bids and/or contracts.

Ms. Michelle Hopkins, Homeowner; Mr. Thomas Laskowski, Owner, Laskowski Construction Company and NSCB Investigator Supervisor Mr. Greg Mincheff were sworn in.

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

The Stipulation was signed and entered as Exhibit #2.

Ms. Hopkins entered into a contract with the Respondent for the construction of a single-family residence on July 26, 1999. She testified that the hardwood floors in the hallway buckled. John Sexton, the subcontractor, had attempted to repair the flooring on two separate occasions. To date, the wood is buckling in different areas of the house. Ms. Hopkins stated that the wood flooring could be pulled up with her fingers. Ms. Hopkins also remarked that the 25-year warranty on the flooring was voided because the Respondent used an adhesive that was not recommended by the wood manufacturer.

The letter from Bruce Hardwood Floors was entered into the record as Exhibit #3.

Ms. Hopkins further testified that her residence was tested for leaks in the plumbing. Design Hardwoods Wood Flooring and Excellent Floors inspected the hardwood floors in her residence for possible causes of buckling. Design Hardwoods Flooring stated they tested for leaks inside and out and none were found and determined that the buckling was caused by using the incorrect adhesive when the hardwood floors were installed.

The letters from Excellent Floors and Design Hardwoods Wood Flooring were entered into the record as Exhibit #4.

Mr. Welch testified that he validated the complaint and upon inspection of the hardwood flooring at the Hopkin's residence, found a 24 square foot area in the hallway that was buckling.

A few strips of the hallway floorboards were entered into the record as Exhibit #5.

Mr. Welch also stated that the wood floor is buckling in the front bedroom and the secondary master bedroom. Mr. Welch testified that there had been no response from the Respondent to the first Notice to Correct. The problem has not been corrected.

Mr. Laskowski testified that he inspected the flooring at the Hopkin's residence. He pulled up the floorboards in the hallway and bored holes in the cement. He returned a few days later and placed resin in the holes, replaced the wood and as of today there were no more problems in that area. Mr. Laskowski is willing to replace the wood flooring at the Hopkin's residence with tile.

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 OR FOR THE CONTRACTOR AND HOMEOWNER TO COME TO A MUTUAL AGREEMENT ON THE SETTLEMENT OF THE COMPLAINT.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

STOCK MILL & SUPPLY CO., INC. dba **COMMERCIAL AIRE SERVICES CO.** - #31614, #04287, #04287B, #33505, #33652, #37364, #39438 – DISCIPLINARY HEARING

The Notice of Complaint and Requirement to Answer, dated March 27, 2001, consisting of pages 1-90, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated March 31, 2001.

The Notice of Amended Complaint and Requirement to Answer, dated May 4, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated May 16, 2001.

The Answer, dated June 1, 2001, was received June 1, 2001.

The Notice of Hearing, dated August 8, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated August 18, 2001.

The hearing was for possible violations of NRS 624.3013(3), failure to establish financial responsibility; NRS 624.3013(5), as set forth in NAC 624.640(5), each licensee shall include in all bids the number of his license and monetary limit placed upon his license; NRS 624.3013(5), as set forth in NRS 624.263(3), failure to notify the Board in writing upon the filing of bankruptcy.

NCSB Investigator Supervisor Mr. Ronald Ramsey was sworn in.

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

No one from Stocks Mill & Supply Co. d/b/a Commercial Aire Services Company was present.

Mr. Ramsey testified that the Respondent's attorney, Pamela R. Lawson, of Hunteerton and Associates, contacted him on September 18, 2001. Ms. Lawson stated that the Respondent was forced into involuntary bankruptcy on or about November 23, 1999, and having already surrendered his license would not be appearing at the hearing.

The evidentiary portion of the hearing was closed.

MS. CAVIN MOVED TO REVOKE STOCKS MILL & SUPPLY CO., INC, D/B/A COMMERCIAL AIRE SERVICES CO., LICENSE NOS. 31614, 04287, 04287B, 33505, 33652, 37364, 39438; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND TO RECOVER INVESTIGATIVE COSTS OF \$1,510.00 PRIOR TO THE BOARD'S CONSIDERATION OF FUTURE LICENSURE.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

AQUA POOLS & SPAS, - #32428 and **ANCHOR PATIO COVERS,** - #34721 – DISCIPLINARY HEARING

The Notice of the Board Consideration of Summary Suspension of Aqua Pools & Spas,

dated July 18, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated July 20, 2001.

The Notice of Hearing and Complaint, dated August 16, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated August 18, 2001.

The hearing was for possible violations of NRS 624.3017(1), workmanship which is not commensurate with the standards of the trade in general; NRS 624.3013(5), failure to comply with Notice to Correct; NRS 624.600(1)(a), a general building contractor shall provide, in writing, the name, license number, business address and telephone number of all subcontractors; NRS 624.3016(5), failure to comply with NRS 597.713, 597.716 or 597.719 or any regulations of the Board governing contracts for the construction of residential pools or spas; NRS 624.301(1), abandonment without legal excuse; NRS 624.3015(2), bidding to contract in excess of the limit placed on the license by the Board; NRS 624.3012(2), failure to pay for materials or services; NRS 624.3013(3), failure to establish financial responsibility; NRS 624.3018(2), the performance by any partnership, corporation, firm or association of any act or omission constituting a cause for disciplinary action against any licensee who is a member, officer, director or associate of such partnership, corporation, firm or association, and who participated in such prohibited act or omission.

Mr. Charles Edwards, Homeowner; Ms. Cheryl Panisuk, Homeowner; NSCB Investigator Mr. Greg Welch and NCSB Investigator Mr. Robert Macke were sworn in.

No one from Aqua Pools & Spas and Anchor Patio Covers was present.

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

Mr. Welch testified that he validated the Karrigan's complaint against the Respondent. The Karrigans entered into a contract with the Respondent for \$28,500.00, to build a pool and spa at their residence and have paid a total of \$21,375.00 to the Respondent. The construction is approximately 60% finished; the spa is approximately 5 five deep, which is 2 feet more than the standard depth, making the ascent from the pool awkward; a wall has not been constructed to hide the pool equipment; the planter wall is to have a tile finish with a kool deck type bench seat; and the leak in the pump is yet to be fixed. There has been no response by the Respondent to the Notice to Correct. Additionally, the Respondent did not provide the homeowners with a list of subcontractors or lien releases.

Ms. Panisuk testified that she entered into a contract with the Respondent for \$25,000.00, to build a pool at her residence. She stated that the Respondent has been paid the total contract price. Ms. Panisuk testified that the plastering around her pool was not properly prepared to accept a new coat of plaster. She has received no response from the Respondent to complete the plastering.

Mr. Edwards testified that he entered into a contract with the Respondent for \$29,500.00, with a \$1,500.00 refund for landscaping, for a total contract price of \$28,000.00 to build a pool and spa at his residence. He stated that he has paid the Respondent a total of \$26,000.00. Mr. Edwards testified that his pool and spa was 70% complete as of June 14, 2001. Mr. Edwards contacted the Respondent for a completion date and was informed by the Respondent that he had no means of paying the subcontractors to complete Mr. Edwards' pool due to medical bills.

Mr. Welch testified that he had validated the Panisuk and Edwards complaints and that there had been no response from the Respondent to the Notice to Correct. Mr. Welch verified that the Edwards pool and spa had been abandoned at 70% complete.

Mr. Macke testified that a financial statement had been requested from Anchor Patio

Covers and one has not been provided.

Mr. Welch testified that he verified that the Respondent failed to place his monetary limit and license number on his contracts.

The evidentiary portion of the hearing was closed.

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

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO FIND AQUA POOLS & SPA, LICENSE #32428 AND ANCHOR PATIOS, LICENSE #34721, IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE #32428, AQUA POOLS & SPAS AND LICENSE #34721, ANCHOR PATIOS; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE INVESTIGATIVE COSTS OF \$2,887.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

APPLICATIONS

MR. ZECH 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. 1 – 79.

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

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

APPLICATION HEARING

A A WET TEC, INC. – APPLICATION HEARING

The Notice of Hearing and Complaints dated August 16, 2001, consisting of pages 1-32, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated August 18, 2001.

The hearing was for the denial of the application for failure to establish financial responsibility, NRS 624.263; and for good character of applicant or licensed contractor as set forth in NRS 624.265.

Mr. Rodney A. Ronnow, Jr., President, A A Wet Tec, Inc., was present.

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

The Stipulation was signed and entered as [Exhibit #2](#).

MS. CAVIN MOVED TO APPROVE A A WET TEC, INC., LICENSE CLASSIFICATION C-10 (LANDSCAPING CONTRACTING) WITH A MONETARY LIMIT OF \$50,000 AND A BOND OF \$5,000.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

DEFAULT ORDERS

DRIGGER INVESTMENTS d/b/a C D C - #50878 – DISCIPLINARY HEARING - DEFAULT ORDER

The Notice of Complaint and Requirement to Answer Complaint, dated July 25, 2001, consisting of pages 1-9, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated August 1, 2001.

The Default, dated August 29, 2001, 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 624.3013(3), failure to establish financial responsibility; and NRS 624.302(6), failure to comply with written request from the Board.

No one from Drigger Investments d/b/a C D C was present.

The Notice of Hearing and 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 DRIGGER INVESTMENTS D/B/A C D C, LICENSE #50878, IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE #50878, DRIGGER INVESTMENTS D/B/A C D C; AND TO REQUIRE FULL RESTITUTION TO DAMAGED PARTIES.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

I Q PLUMBING - #32393 – DISCIPLINARY HEARING - DEFAULT ORDER

The Notice of Complaint and Requirement to Answer, dated August 14, 2001, consisting of pages 1-13, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt dated August 20, 2001, was returned as attempted – not known.

The Default, dated September 11, 2001, 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 a possible violation of NRS 624.3013(3), failure to establish financial responsibility.

No one from I Q Plumbing was present.

The Notice of Hearing and 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 I Q PLUMBING, LICENSE #32393, IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE #32393, I Q PLUMBING; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND TO RECOVER THE INVESTIGATIVE COSTS OF \$755.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

FAIRCHILD GROUP, LLC - #49175 – DISCIPLINARY HEARING - DEFAULT ORDER

The Notice of Complaint and Requirement to Answer, dated August 8, 2001, consisting of pages 1-20, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt dated August 16, 2001, was returned unclaimed.

The Default, dated September 11, 2001, 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 624.3012(2), willful or deliberate failure to pay any money when due for any materials or services rendered; NRS 624.302(5), failure or refusal to respond to a written request from the Board; NRS 624.3013(3), failure to establish financial responsibility; NRS 624.3013(5), as set forth in NAC 624.640(3), failure to notify the Board within 30 days of an address change.

No one from Fairchild Group, LLC was present.

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

MR. SCHAEFER MOVED TO ACCEPT THE FILE AS FINDINGS OF FACT, CONCLUSIONS OF LAW; TO FIND FAIRCHILD GROUP, LLC, LICENSE #49175, IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE #49175, FAIRCHILD GROUP, LLC; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND TO RECOVER THE INVESTIGATIVE COSTS OF \$1,211.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

JAMES L McATEE - #39407 – DISCIPLINARY HEARING DEFAULT ORDER

The Notice of Complaint and Requirement to Answer, dated August 8, 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 dated August 25, 2001, was returned unclaimed.

The Default, dated September 11, 2001, 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 624.3012(2), willful or deliberate failure to pay any money when due for any materials or services rendered; NRS 624.302(5), failure or refusal to respond to a written request from the Board; NRS 624.3013(3), failure to

establish financial responsibility; NRS 624.3013(5), as set forth in NAC 624.640(3), failure to notify the Board within 30 days of an address change.

James L. McAtee was not present.

The Notice of Hearing and 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 JAMES L. MCATEE, LICENSE #39407, IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE #39407, JAMES L. MCATEE; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS OF \$775.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

APPLICATIONS

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

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

The following applications on the agenda were reviewed and discussed: Nos. 80 – 113.

MR. ZECH MOVED TO REOPEN THE MEETING TO THE PUBLIC.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

ADVISORY OPINIONS

BARNHART CRANE & RIGGING CO. – Barnhart Crane & Rigging Co. requested an Advisory Opinion concerning licensing requirements to unload plant equipment from railcars, transport to the jobsite and rough set onto foundations.

The Board opined that an A-14 (Steel Erection and Industrial Machinery) license classification would be required to unload major plant equipment from railcars, transport it to the jobsite and rough set onto foundations or support structures. The unloading and transportation of the equipment to the jobsite without setting the equipment in place would not require a contractors license.

BEERS CONSTRUCTION – Beers Construction requested an Advisory Opinion concerning licensing requirements for construction of the D Gate expansion at McCarran Airport.

The Board opined that an A-General Engineering, an AB-General Engineering and Building, or a B-General Building classification licensee holder could perform the work described.

MURPHY COMPANY – The Murphy Company requested an Advisory Opinion concerning licensing requirements regarding piping and erection of waste heat boilers for power plants.

The Board opined that the work described falls within the C-1 (Plumbing and Heating) license classification currently held by Murphy Company.

APPLICATIONS

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

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

COLBURN GENERAL CONTRACTING – (B-2 General Building– Residential and Small Commercial) RENEWAL OF EXPIRED LICENSE #45056

Mr. Steve Colburn, Owner, Colburn General Contracting, was present. Mr. Colburn was notified that his license #45056 had been renewed.

MR. JOHNSON MOVED TO SET A HEARING FOR THE UNRESOLVED COMPLAINT AGAINST COLBURN GENERAL CONTRACTING, LICENSE #45056.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

PHIL RIVAS SHEETMETAL – (C-21 – Refrigeration and Air Conditioning) NEW APPLICATION AND WAIVER OF TRADE EXAM

Mr. Phil Rivas, Owner, Phil Rivas Sheetmetal, was present. Mr. Rivas was notified that the license application (C-21 – Refrigeration and Air Conditioning), contingent upon his passing of the exam, would be awarded with a monetary limit of \$25,000 and a bond of \$10,000.

LISA NEILSEN – (B-2 – Residential and Small Commercial) NEW APPLICATION

Ms. Neilsen was present. Ms. Neilsen was informed about concerns regarding her financial stability. Ms. Neilsen stated that she would be able to have the license indemnified.

MR. ZECH MOVED TO APPROVE LISA NEILSEN, LICENSE CLASSIFICATION (B-2 – RESIDENTIAL AND SMALL COMMERCIAL) WITH A MONETARY LIMIT OF \$50,000 AND A BOND OF \$10,000 WITH A BID LETTER AND A FINANCIAL STATEMENT UPON RENEWAL.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

The following applications on the amended agenda were reviewed and discussed: Nos. 14, 15, 31, 32.

MS. CAVIN MOVED TO OPEN THE MEETING TO THE PUBLIC.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

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

MR. CARSON 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 Chairman Gregory at 2:40 p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kim Gregory, Chairman