

KENNY C. GUINN  
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

MICHAEL ZECH  
*Chairman*  
DOUGLAS W. CARSON  
MARGARET CAVIN  
DAVID W. CLARK  
SPIRIDON G. FILIOS  
JERRY HIGGINS  
RANDY SCHAEFER



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**STATE CONTRACTORS' BOARD**

**MINUTES OF THE MEETING  
NOVEMBER 6, 2002**

**1. CALL TO ORDER:**

The meeting of the State Contractors' Board was called to order by Chairman Michael Zech 8:23 a.m., Wednesday, November 6, 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  
Mr. Douglas W. Carson  
Ms. Margaret Cavin  
Mr. David W. Clark  
Mr. Spiridon G. Filios  
Mr. Jerry Higgins

**BOARD MEMBERS ABSENT:**

Mr. Randy Schaefer

**STAFF MEMBERS PRESENT:**

Ms. Margi Grein, Executive Officer  
Mr. George Lyford, Director of Special Investigations  
Mr. Frank Torres, Deputy Director of 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 Ron Carney had posted the agenda in compliance with the open meeting law on October 31, 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 23 items on the amended agenda, each item of an emergency nature.

**MS. CAVIN MOVED TO HEAR THE AMENDED AGENDA.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**UNFINISHED BUSINESS:**

**2. APPROVAL OF MINUTES:**

The Chairman called for a motion to approve the minutes of August 20, 2002 Recovery Fund Subcommittee Meeting, October 21, 2002 Recovery Fund Subcommittee Meeting and October 22, 2002 Board Meeting.

Ms. Grein informed the Board of changes needed to the August 20, 2002 Recovery Fund Subcommittee Meeting, and October 22, 2002 Board Meeting.

**MR. HIGGINS MOVED TO APPROVE THE MINUTES OF AUGUST 20, 2002 RECOVERY FUND SUBCOMMITTEE MEETING, OCTOBER 21, 2002 RECOVERY FUND SUBCOMMITTEE MEETING AND OCTOBER 22, 2002 BOARD MEETING WITH CHANGES.**

**MR. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Mr. Spiridon Filios read the oath of office and was sworn in by Chairman Zech.

**3. EXECUTIVE SESSION:**

**BOARD GOVERNANCE AND ADMINISTRATION:**

**1. CONSIDERATION OF REQUEST BY EXECUTIVE OFFICER FOR DELEGATION AS HEARING OFFICER TO MARGARET CAVIN, BOARD MEMBER FOR NOVEMBER 6, 2002, PURSUANT TO NRS 624.140:**

**MR. CARSON MOVED TO DELEGATE MS. CAVIN AS HEARING OFFICER FOR THE DISCIPLINARY HEARINGS AT THE NOVEMBER 6, 2002 BOARD MEETING.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**2. CONSIDERATION OF REQUEST BY EXECUTIVE OFFICER FOR DELEGATION OF BOARD MEMBER AS HEARING FOR NOVEMBER 20, 2002 PURSUANT TO NRS 624.140:**

**MR. FILIOS MOVED TO DELEGATE MR. CARSON AS HEARING OFFICER FOR THE DISCIPLINARY HEARINGS AT THE NOVEMBER 20, 2002 BOARD MEETING.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**3. DISCUSSION OF PROPOSED REGULATION THAT ESTABLISHES REQUIREMENTS FOR GRANTING AN EXEMPTION TO OWNER-BUILDER:**

The Board reviewed the new owner-builder law exemption forms that will be available through the Contractors' Board or at the building department.

**MS. CAVIN MOVED TO APPROVE THE FORM FOR OWNER/BUILDER EXEMPTION REGULATION.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**4. FUTURE AGENDAS:**

Ms. Grein provided possible future agenda items and reminded the Board that officer elections will be on the November 20, 2002 Board agenda.

**5. PROPOSED MEETING SCHEDULE 2003:**

Ms. Grein presented the Board with a proposed meeting schedule for 2003.

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

**2. APPROVAL OF CASH DISBURSEMENTS AND TRANSFER JOURNALS 09/30/02:**

**MR. HIGGINS MOVED TO APPROVE THE CASH DISBURSEMENTS AND TRANSFER JOURNALS OF SEPTEMBER 30, 2002.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**5. LEGISLATIVE DISCUSSION:**

Ms. Grein informed the Board that American Strategies has not submitted a contract to provide for representation for the 2003 legislative session.

Mr. Reese suggested that the Board consider proposing legislation that would exempt Recovery Fund meetings from the open meeting law.

**6. DISCUSSION OF SOLARI & STURMER LLC MANAGEMENT LETTER:**

Ms. Grein presented to the Board the management letter from Solari & Sturmer LLC.

**The remaining items in the Executive Session were continued to the November 20, 2002 Board Meeting in Henderson.**

**5. DEPARTMENT REPORTS, INCLUDING:**

**1. INVESTIGATIONS DIVISION:**

This matter was continued to the November 20, 2002 Henderson Board meeting.

**2. LICENSING DIVISION:**

This matter was continued to the November 20, 2002 Henderson Board meeting.

**6. LEGAL REPORTS:**

**1. APPROVAL OF PROPOSED STIPULATION & ORDER ERNEST M. BALOGH, OWNER, d.b.a. ARCHITECTURAL CONCRETE COMPANY, LICENSE NO. 8684A:**

**MS. CAVIN MOVED TO APPROVE THE STIPULATION AND ORDER FOR LICENSE #8684A ARCHITECTURAL CONCRETE COMPANY.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**2. LEGAL SERVICES:**

This matter was continued to the November 20, 2002 Henderson Board meeting.

**3. LITIGATION SERVICES:**

This matter was continued to the November 20, 2002 Henderson Board meeting.

**7. INFORMAL SETTLEMENTS:**

**1. TILTON PACIFIC CONSTRUCTION, LICENSE #38814**

**MS. CAVIN MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT; THAT A WARNING LETTER BE PLACED IN RESPONDENT'S FILE.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**2. SILVER STAR DEVELOPMENT, LICENSE #4709**

**MS. CAVIN MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT; THAT RESPONDENT PAY AN ADMINISTRATIVE FINE OF \$500.00 FOR VIOLATION OF NRS 624.3015 (2) AND REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$1,020.00 WITHIN 90 DAYS; AND A WARNING LETTER BE PLACED IN RESPONDENT'S FILE.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**8. RENEWAL APPLICATION HEARING:**

**JIM WHOLEY CONSTRUCTION, LICENSE #40739**

Walter J. Wholey, Owner of Jim Wholey Construction; Licensing Analyst Diana Wallace; and Investigator Fred Schoenfeldt were sworn in.

The hearing was for possible violation of NRS 624.3013 (3) at time of renewal.

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

Ms. Wallace stated the renewal application was denied on May 29, 2002. The financial statement was received on May 22, 2002 and does not support Respondents' monetary license limit. The Respondent filed Bankruptcy on November 7, 2001, which was

discharged on April 25, 2002.

Investigator Schoenfeldt testified he investigated a criminal complaint against Respondent and issued a citation on February 15, 2002. Investigator Schoenfeldt stated that Respondent pulled a building permit in Battle Mountain on February 14, 2002 while his license was suspended. He further stated that Respondent appeared in court and was ordered to pay \$90.00 in fines and \$513.00 for Nevada State Contractors' Board investigative fees by January 13, 2003.

Mr. Wholey stated he has always paid his license renewal on time; however, he was in the hospital when the renewal was due. When he came in to pay his renewal and the late fee he was not informed that his license had been suspended and the Board accepted his check. Mr. Wholey further stated he does not have any complaints against his license. Mr. Wholey stated he does have stocks, which are not included in his financial statement, as they have been set aside for his daughter's education.

**MR. HIGGINS MOVED TO DISMISS ALL CHARGES; GRANT THE LICENSE RENEWAL; AND REQUIRE A NEW FINANCIAL STATEMENT UPON RENEWAL EACH YEAR.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**9. STAFF UPDATE:**

**SIERRASAGE, LLC, LICENSE #52571**

Mr. Craig Hamilton, SierraSage, LLC; Licensing Administrator Nancy Mathias; and Deputy Director Frank Torres were present.

Mr. Torres stated that the payment plan submitted at the last Board meeting was current and Marcus Supply had been paid in full. The Pughs and Andersons are working with SierraSage concerning the liens against their properties.

Ms. Mathias stated that a faxed copy of the indemnification agreements was received yesterday. Meritage has limited their indemnification obligation to the Meritage Wingfield Springs only. The other two companies will indemnify SierraSage without limitations.

The Board requested an update at the next Reno Board meeting.

**10. 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. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**GAIL WILLEY, (C-10 A,B LANDSCAPING; LANDSCAPE IRRIGATION) NEW APPLICATION, RECONSIDERATION BOARD DECISION**

Mr. Gail Willey, Owner of Gail Willey, and Mr. Jim Spoo, attorney for Gail Willey, was

present. Mr. Spoo answered questions regarding Mr. Willey's bankruptcy. The Board informed Mr. Willey that the license application (C-10 A,B Landscaping and Landscape Irrigation) was granted with a monetary limit of \$50,000 and a bond of \$25,000.

**PARQUEST CONSTRUCTION INC.**, (C-10 LANDSCAPE CONTRACTING) NEW APPLICATION, RECONSIDERATION

Mr. Colt Turner, President of Parquest Construction Inc., was present. The Board informed Mr. Turner that the license application (C-10 Landscape Contracting) was granted with a monetary limit of \$150,000 and a bond of \$10,000.

**RAINTECH**, (C-13 USING SHEET METAL FOR RAIN GUTTERS ONLY) NEW APPLICATION, REQUESTING WAIVER OF TRADE EXAM

Mr. Aaron Shimmel, Resident Agent of Raintech, was present. The Board informed Mr. Shimmel that the license application (C-13 Using Sheet Metal for Rain Gutters Only) was granted with a monetary limit of \$30,000 and a bond of \$5,000 and the trade exam to be waived based on the limited classification.

**WEYHER CONSTRUCTION COMPANY LLC**, (A – GENERAL ENGINEERING) NEW APPLICATION, RECONSIDERATION

Mr. David Grundy, attorney for applicant, was present. The Board informed Mr. Grundy that the license application (A-General Engineering) was granted with a monetary limit of \$2.5M and a bond of \$30,000.

**NEVADA EXTERIORS LLC**, (C-3 E – SIDING) NEW APPLICATION

Mr. Steven Gledhill, Manager of Nevada Exteriors LLC, was present. The Board informed Mr. Gledhill that the license application (C-3 E – Siding) was granted with a monetary limit of \$35,000 and a bond of \$5,000.

**SARATOGA LAND AND DEVELOPMENT CO.**, (B – GENERAL BUILDING) NAME CHANGE, BOARD DECISION – NAME SIMILARITY

Mr. James Saxton, President of Saratoga Land and Development Co., was present. The Board informed Mr. Saxton that the license application was denied.

**FIRST QUALITY ROOFING AND TILE**, (C-15 ROOFING AND SIDING) NEW APPLICATION, NAME SIMILARITY

Mr. Jeffrey Stewart, President of First Quality Roofing and Tile, was present. The Board informed Mr. Stewart that the license application (C-15 – Roofing and Siding) was granted with a monetary limit of \$25,000 and a bond of \$5,000.

**LIBERTY FALLS INC.**, (C-3 C – CABINETS AND MILLWORK) NEW APPLICATION

Mr. Brian Lindsey, Owner of Liberty Falls Inc., was present. This matter was tabled for 90 days for applicant to improve his working capital.

**FOUR SEASONS INC.**, (C-40 DESIGNATED – FOR THE APPLICATION OF STAIN TO CONCRETE FLOORING) NEW APPLICATION

Mr. William Grant, President of Four Seasons Inc., was present. The Board informed Mr. Grant that the license application (C-40 Designated for the application of Stain to Concrete Flooring) was granted with a monetary limit of \$25,000 and a bond of \$5,000.

**A AAA ALLSTATE DOOR CO., (C-3 I – OVERHEAD DOORS) NEW APPLICATION**

Mr. John Tilton, President of A+ Integrity Garage Doors, was present. Mr. Tilton stated that he objected to the approval of this license application due to criminal complaints he has filed with the Board against applicant.

Mr. Roy Schoonmaker, Supervisor of Special Investigations Unit, stated that there are two pending criminal complaints against applicant.

The Board granted the license application with a monetary limit of \$5,000 and a bond of \$1,000.

The following applications on the agenda were reviewed and discussed: Nos. 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 17, 19, 21, 22, 23, 28, 31, 32, 33, 39, 41, 46, 50, 67, 68, 69, 70, 72, 74, 76, 87, 89, 91, 92, 97, 98, 99, 104, 110, 111, 114, 115, 120, 124, 132, and 136.

The applications on the amended agenda were reviewed and discussed: Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 22, and 23.

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

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

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

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**11. PUBLIC COMMENT:**

Ms. Teri Clark, in Reno, provided comments on investigator caseload and exams.

Mr. Robert Portnoff, in Henderson, commented that he liked the new teleconference system.

**12. DISCIPLINARY HEARINGS:**

**ADJUDICATING BOARD MEMBER: MARGARET CAVIN**

**1. DISCIPLINARY HEARING:**

**THE HOME WORKS, LICENSE #31708**

Mr. William F. Heckman, Owner of The Home Works; Ms. Andrea Heckman, The Home Works; Jerry and Teri Clark, Homeowners; and Investigator Gary Hoid were sworn in.

Mr. Joe Lyons, Lyons Consulting, 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); NRS 624.3013(5) as set forth in NAC 624.640(5); and NRS 624.520(1).

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

Mrs. Clark testified that she had entered into a contract with Respondent on February 18, 2002, for the construction of a sunroom and workshop addition at her residence for a total contract price of \$36,925.00, which has been paid in full. Mrs. Clark further testified that Respondent started work March 1, 2002, and was last on the project May 13, 2002, completing the project.

Investigator Hoid testified he validated the workmanship issues and issued a Notice to Correct, and Respondent has completed all of the items on the Notice to Correct. Investigator Hoid further testified that the Clark contract did not contain Respondent's monetary limit and there was no reference to the Residential Recovery Fund.

A letter from NRC Roofing was entered into the record as Exhibit #A.

A fax from Mr. and Mrs. Clark, homeowners, regarding the costs to complete the repairs, was entered into the record as Exhibit #B.

Mr. Clark testified that he had not denied access to his home. He had requested that Respondent put appointment times in writing, but access was allowed until August 30, 2002.

Mr. Heckman testified that this is the first complaint filed against his license. Mr. Heckman stated that he had serious access problems with the homeowners and that the homeowner did not want a final inspection. Mr. Heckman further testified that he had replaced the concrete slab and corrected all of the items on the Notice to Correct.

The evidentiary portion of the hearing was closed.

**MS. CAVIN FOUND TO ACCEPT THE FILE AS FORMAL FINDINGS OF FACT AND CONCLUSIONS OF LAW; TO DISMISS THE 1<sup>ST</sup> CAUSE OF ACTION; TO FIND THE HOME WORKS, LICENSE #31708, IN VIOLATION OF THE 3<sup>RD</sup> AND 4<sup>TH</sup> CAUSES OF ACTION AND LINE 6 AND 7 ON THE 1<sup>ST</sup> CAUSE OF ACTION; AND TO PLACE A TWO YEAR LETTER OF REPRIMAND IN RESPONDENT'S FILE.**

## **2. DISCIPLINARY HEARING:**

### **SILVER STATE CONSTRUCTION, LICENSE #24540**

Mr. Jere C. Grunigen, Owner of Silver State Construction; Ms. Kelly Howsley, Silver State Construction; Mr. Brady Bethel, Silver State Construction; Mr. Jason Grunigen; Silver State Construction; Ms. Nancy Wong, Division Counsel for Division of Industrial Relations; Ms. Kathy Stewart, Licensing Supervisor; and Investigator Gary Hoid were sworn in.

Mr. Paul J. Malikowski, Esq., attorney for Silver State Construction, was present.

The hearing was for possible violations of NRS 624.3011(1)(b)(2); and NRS 624.3013(3).

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

Ms. Wong testified that she is an attorney for the Occupational Safety and Health Enforcement Section of the Division of Industrial Relations. Ms. Wong testified that

Respondent has been issued several citations for several violations of OSHA requirements between 1997 and 2001, resulting in fines totaling in excess of \$58,000.00.

The meeting was closed to the public to discuss financials.

Ms. Stewart testified that the Respondent's financial statement failed to establish financial responsibility.

The meeting was reopened to the public.

Mr. Grunigen testified he did not file an appeal to the OSHA decisions as a previous inspector told him what he was doing was fine.

A binder of Respondents exhibits was entered into the record as Exhibit #2.

The evidentiary portion of the hearing was closed.

**MS. CAVIN FOUND SILVER STATE CONSTRUCTION IN VIOLATION OF THE 1<sup>ST</sup> CAUSE OF ACTION; FOUND TO DISMISS THE 2<sup>ND</sup> CAUSE OF ACTION DUE TO RESPONDENT VOLUNTARILY LOWERING LICENSE LIMIT TO \$250,000.00 AND PROVIDING A PERSONAL AND BUSINESS FINANCIAL STATEMENT WITHIN 6 MONTHS; TO PLACE A PERMANENT LETTER OF REPRIMAND IN RESPONDENT'S FILE; FOR RESPONDENT TO REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$1,353.00 WITHIN 6 MONTHS; IF INVESTIGATIVE COSTS NOT PAID AND FINANCIAL STATEMENTS NOT FURNISHED, LICENSE WILL BE SUSPENDED.**

**3. DISCIPLINARY HEARING:**

**J E MORROS CONSTRUCTION & DEVELOPMENT CO, LICENSE #29571A**

Mr. John E. Morros, Qualified Officer of J E Morros Construction & Development Co.; Ms. Theresa Morros, J E Morros Construction & Development Co.; Mr. Edgar U. Chabot, Homeowner; and Investigator Gary Hoid were sworn in.

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

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

Mr. Chabot testified that he had entered into a purchase agreement with Respondent on July 6, 2000, for the purchase of a single-family residence and has paid a total of \$195,400.00. Respondent started the project on July 30, 2000, and completed the work on February 13, 2001, when the project was 100% complete.

Investigator Hoid testified that he had validated the workmanship issues and issued a Notice to Correct. All items were completed except for the bathtub scratches and a second Notice to Correct was issued

Ms. Morris testified that the homeowner had signed off on the walk through checklist and had not complained about the bathtub. Ms. Morris stated that she felt the bathtub scratches were a manufacturer issue.

The evidentiary portion of the hearing was closed.

**MS. CAVIN FOUND J E MORROS CONSTRUCTION & DEVELOPMENT CO.,**

**LICENSE #29517A, IN VIOLATION OF THE 1<sup>ST</sup> CAUSE OF ACTION AND FOR THE 2<sup>ND</sup> CAUSE OF ACTION TO BE DISMISSED IF THE REPAIRS ARE COMPLETED WITHIN 60 DAYS; FOR RESPONDENT TO REIMBURSE THE BOARD INVESTIGATIVE COSTS OF \$725.00 OR THE LICENSE WILL BE SUSPENDED.**

**4. DISCIPLINARY HEARING:**

**KAUFFMANN CONSTRUCTION CO., LICENSE #10382**

Mr. Dyke F. Kauffmann, Owner of Kauffmann Construction Co.; Jay and Robin Beesemyer, Homeowners; and Investigator Gary Hoid were sworn in.

The hearing was for possible violation of NRS 624.3017(1).

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

Mr. Beesemyer testified that he entered into a purchase agreement with Respondent on June 5, 1998, for the purchase of a single-family dwelling for a total purchase price of \$184,500.00. Respondent started the project on February 1, 1998, and the project was completed on or about June 5, 1998.

Investigator Hoid testified that he validated the workmanship issue and issued a Notice to Correct.

Mr. Beesemyer testified that water has filled the crawl space under his home. A sprinkler leak and a shower leak have been repaired.

Ms. Beesemyer testified that Respondent has provided fans to help dry out the crawl space for about two years.

Mr. Kauffmann testified that the only way he could figure out to dry out the crawl space was to use fans. Mr. Kauffmann stated that no one has been able to figure out where the water is coming from as the lot had been raised three feet before the home had been built. Mr. Kauffmann testified that he was willing to do whatever it takes to fix the problem. Mr. Kauffmann further testified that an engineer had not looked at the drainage problem.

Mr. Beesemyer stated that a sump pump had been installed to keep out the water. Mr. Beesemyer requested that Investigator Hoid inspect the problem the next time it rained to see where the water was coming from. Mr. Beesemyer stated that he does not have a problem with Respondent and feels Respondent has done what he could to correct the problem, but the problem is still there.

**MS. CAVIN FOUND THAT THE BOARD WOULD HIRE AN ENGINEER AND THIS MATTER WOULD BE CONTINUED FOR 60 DAYS FOR AN INSPECTION TO BE DONE BY THE ENGINEER.**

**5. DISCIPLINARY HEARING:**

**ALL SEASONS CONCRETE COMPANY, LICENSE #40313**

Mr. Sione Potauaine, Owner of All Seasons Concrete Company; Mr. Sifa Potauaine, Qualified Employee of All Seasons Concrete Company; Mr. Kenneth Shelley, Homeowner; and Investigator Gary Hoid were sworn in.

The hearing was for possible violations of NRS 624.3017(1); NRS 624.3013(5) as set forth in NAC 624.700(3)(a); NRS 624.3013(5) as set forth in NAC 624.640(5); NRS 624.3017(1); NRS 624.3013(5) as set forth in NAC 624.700(3)(a); NRS 624.3013(5) as set forth in NAC 624.640(5); NRS 624.3015(2); NRS 624.3017(1); NRS 624.3013(5) as set forth in NAC 624.700(3)(a); NRS 624.3013(5) as set forth in NAC 624.640(5); NRS 624.3015(2); NRS 624.301(1)(4); NRS 624.3016(1); NRS 624.3013(5) as set forth in NAC 624.640(5); NRS 624.3017(4); NRS 624.301(4); NRS 624.3013(5) as set forth in NAC 624.640(5); NRS 624.3017(1); NRS 624.301(4); NRS 624.3013(5) as set forth in NAC 624.640(5); NRS 624.3015(2); NRS 624.301(2)(4); NRS 624.3016(1); NRS 624.3017(1); NRS 624.301(4); NRS 624.3015(2); NRS 624.3013(5) as set forth in NAC 624.640(5); and NRS 624.3013(3) pursuant to NRS 624.220 and NRS 624.260 through NRS 624.265.

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

Mr. Hoid testified he had validated the Thompson workmanship issues and issued Notice to Correct. Mr. Thompson entered into a contract with Respondent for the construction of a new driveway and sidewalk for a total contract price of \$3,476.00, of which \$1,700.00 has been paid. Investigator Hoid testified that there had been an access issue, but it has been resolved and an agreement has been reached with Respondent to complete the work. The Thompson contract did not contain Respondent's license limit.

A letter from Mr. Thompson was entered into the record as [Exhibit #2](#).

Mr. Shelley testified that he had entered into a contract with Respondent for the construction of a stamped concrete patio and sidewalk for a contract price of \$5,200.00, of which \$5,033.3 has been paid. Respondent started on the project on or about April 10, 2002 and completed the project on or about May 17, 2002.

Investigator Hoid testified that he had validated the Shelley workmanship complaint and issued a Notice to Correct. Respondent violated the city building codes and the workmanship issues were below industry standards. Investigator Hoid testified that Respondent did not comply with the Notice to Correct in a timely matter, but all issues had been corrected to the homeowner's satisfaction. Investigator Hoid testified that he had validated Michael Goodwin and Jacob Powell workmanship complaints, which have been resolved and completed. The Shelley, Goodwin and Powell contracts did not contain Respondent's license limit and exceeded the license limit.

Investigator Hoid testified that Betty Juliot's complaint had been settled, but the contract did not contain Respondent's license limit. Investigator Hoid further testified that the Iannacchione complaint had been settled, but was not inspected; however, the contract did not contain Respondent's license limit and had exceeded Respondent's license limit. Investigator Hoid stated that Respondent had refunded Edward Ledger and the Aaron Ghysels complaint had been resolved. The Ghysels contract did not contain Respondent's license limit or number. Investigator Hoid testified that Respondent had not furnished a financial statement.

Mr. Sifa Potauaine testified that the workmanship issues were due to bad management, bad employees and scheduling problems with the city and county utility inspectors. He stated that he has no excuse but that all the problems have been repaired. Mr. Potauaine stated that he now knows that he needs to put his license number and limit on all contracts and bids, and he will provide a personal financial statement.

The evidentiary portion of the meeting was closed.

**MS. CAVIN FOUND TO DISMISS THE 14<sup>TH</sup> AND 25<sup>TH</sup> CAUSES OF ACTION AND TO FIND ALL SEASONS CONCRETE COMPANY, LICENSE #40313, IN VIOLATION ON ALL OTHER CAUSES OF ACTION; TO LIFT THE SUSPENSION**

**AND PUT THE LICENSE ON PROBATION FOR 6 MONTHS; AND FOR RESPONDENT TO FURNISH A CURRENT FINANCIAL STATEMENT. THIS MATTER IS TO BE BROUGHT BACK BEFORE THE BOARD FOR A DECISION IN 6 MONTHS.**

**ADJOURNMENT:**

There being no further business to come before the Board, the meeting was adjourned by Adjudicating Board Member Margaret Cavin at 4:12 p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Michael Zech, Chairman