

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 20, 2002**

A. 1. CALL TO ORDER

Chairman Michael Zech called the meeting of the State Contractors' Board to order at 8:36 a.m., Wednesday, November 20, 2002, State Contractors' Board, Henderson, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Michael Zech - Chairman
Mr. Douglas W. Carson
Ms. Margaret Cavin – attended in Reno via Video Conference
Mr. David Clark
Mr. Spiridon Filios
Mr. Jerry Higgins
Mr. Randy Schaefer

BOARD MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

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

Ms. Grein stated that Troy Beaver had posted the agenda in compliance with the open meeting law on November 14, 2002, at the Sawyer State Building, Clark County Library, and Las Vegas City Hall. The agenda was also posted in both offices of the Board, Henderson and Reno, and on the Board's Internet web site.

It was learned there were 27 items on the amended agenda, each item of an emergency nature including three additional Advisory Opinions.

MR. CARSON MOVED TO HEAR THE AMENDED AGENDA.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

Chairman Zech called for a motion to approve the minutes of November 6, 2002 and November 12, 2002.

MR. SCHAEFER MOVED TO APPROVE THE MINUTES OF NOVEMBER 6 AND NOVEMBER 12, 2002.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

3. ELECTION OF OFFICERS:

MR. SCHAEFER MOVED TO ELECT MR. DAVID CLARK AS TREASURER OF THE BOARD.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. SCHAEFER MOVED TO RE-ELECT MR. MICHAEL ZECH AS CHAIRMAN OF THE BOARD.

MR. HIGGINS SECONDED THE MOTION.

MOTION CARRIED.

MR. SCHAEFER MOVED TO RE-ELECT MR. DOUG CARSON AS VICE CHAIRMAN OF THE BOARD.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

4. APPOINTMENT OF SUBCOMMITTEE MEMBERS:

MR. CARSON MOVED TO APPOINT MR. RANDY SCHAEFER AS CHAIRMAN OF THE RECOVERY FUND SUBCOMMITTEE AND THE AUTHORITY FOR THE SUBCOMMITTEE TO ISSUE FINAL DECISIONS IN RECOVERY FUND CASES. IN ADDITION, ANY MEMBER OF THE BOARD MAY SERVE AS A SUBCOMMITTEE MEMBER.

MR. CLARK SECONDED THE MOTION.

THE MOTION CARRIED.

Ms. Cavin was designated as chair of the Classification Subcommittee.

6. FUTURE AGENDAS:

Ms. Grein provided possible future agenda items, including a Strategic Planning Session for December 16, 2002, review of the Recovery Fund Subcommittee, and the review of the legislative representative contract.

B. EXECUTIVE OFFICER'S REPORT, INCLUDING:

1. APPROVAL OF FY 2002-03 BUDGET:

MR. CARSON MOVED TO APPROVE THE 2002-03 BUDGET.

MR. CLARK SECONDED THE MOTION.

THE MOTION CARRIED.

2. APPROVAL OF EXECUTIVE OFFICER'S REPORT SEPTEMBER 30, 2002:

MS. CAVIN MOVED TO APPROVE THE EXECUTIVE OFFICER'S REPORT OF SEPTEMBER 30, 2002.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

3. APPROVAL OF FINANCIAL REPORT SEPTEMBER 30, 2002:

MR. SCHAEFER MOVED TO APPROVE THE FINANCIAL REPORT OF SEPTEMBER 30, 2002.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

4. CONTINUED DISCUSSION OF ATTORNEY GENERALS' OPINION NO. 2002-37:

Ms. Grein reported on licensing requirements for construction managers in Idaho and South Carolina. There was discussion to explore the possibility of requesting legislation to further define construction managers.

5. LEGAL REPORTS:

A. BOARD LITIGATION STATUS:

Ms. Grein advised that Mr. Clark will be the Hearing Officer for the Vision Craft matter and it is scheduled for February 4, 2003.

B. LEGAL SERVICES:

Ms. Grein informed the Board that the contract with the lobbyist, American Strategies, Inc., had been received on November 18, 2002, however, changes are necessary and it will need to be reviewed by legal counsel. This matter will be placed on the December 4, 2002, Reno agenda.

6. PROPOSED HEARING OFFICER PROCEDURES:

Chairman Zech stated that the Hearing Officer will be making the final decision regarding the Disciplinary Hearings. Mr. Reese reminded the Board that the licensee would have the right to petition for a rehearing within 15 days, however, if this were denied the licensee would still have the right to judicial review.

7. CONSIDERATION OF REQUEST BY EXECUTIVE OFFICER FOR DELEGATION OF BOARD MEMBER AS HEARING OFFICER FOR DECEMBER 4, 2002 AND DECEMBER 17, 2002, PURSUANT TO NRS 624.140:

MS. CAVIN MOVED TO DELEGATE MR. DAVID CLARK AS HEARING OFFICER FOR THE DISCIPLINARY HEARINGS AT THE DECEMBER 4, 2002 RENO BOARD MEETING AND MR. RANDY SCHAEFER FOR THE DECEMBER 17, 2002 HENDERSON BOARD MEETING.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

8. ADOPTION OF PROPOSED TEMPORARY REGULATION T-015-02:

Ms. Grein requested a motion for the adoption of the proposed temporary regulation T-015-02 regarding owner/builder exemptions.

MR. CARSON MOVED TO ADOPT THE PROPOSED TEMPORARY REGULATION T-015-02.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

9. STATUS OF 2003 PROPOSED LEGISLATION:

Ms. Grein provided an overview of proposed bill draft requests, which may affect the Board.

C. DEPARTMENT REPORTS:

All department reports were continued.

D. INFORMAL SETTLEMENTS:

V M S BUILDERS, INC. LICENSE #54006

MR. HIGGINS MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT; THAT RESPONDENT PAY AN ADMINISTRATIVE FINE OF \$3,000.00 AND REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$457.00 WITHIN 60 DAYS; AND A WARNING LETTER TO BE PLACED IN RESPONDENT'S FILE.

MR. CLARK SECONDED THE MOTION.

THE MOTION CARRIED.

E. DISCIPLINARY HEARING – DEFAULT ORDERS:

1. **ALLYN MASONRY INC.**, LICENSE NOS. 8384B, 40083 AND 42846

No one from Allyn Masonry Inc. was present.

The hearing was for possible violation of NRS 624.3012(2); NRS 624.3013(3); NRS 624.6018(2); and NRS 624.3013(4).

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

MR. HIGGINS MOVED THAT THE BOARD FIND THE RESPONDENT IN DEFAULT AND ADOPT THE FINDINGS OF FACT CONCLUSIONS OF LAW AS SET FORTH IN THE ADMINISTRATIVE COMPLAINT; REVOKE LICENSE NOS. 8384B, 40083 AND 42846, ALLYN MASONRY INC; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND RECOVER THE INVESTIGATIVE COSTS OF \$1,615.00 PLUS ANY EXPENSES THAT MAY BE PAID OUT OF THE RECOVERY FUND PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

CHAIRMAN ZECH AND MR. CARSON ABSTAINED.

2. C. L. RIDGEWAY LLC, LICENSE #46099

No one from C.L. Ridgeway LLC was present.

The hearing was for possible violation of NRS 624.3012(2); NRS 624.3013(3); and NRS 624.3013(4).

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

MR. HIGGINS MOVED THAT THE BOARD FIND THE RESPONDENT IN DEFAULT AND ADOPT THE FINDINGS OF FACT CONCLUSION OF LAW AS SET FORTH IN THE ADMINISTRATIVE COMPLAINT; REVOKE LICENSE #46099, C.L RIDGWAY LLC; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND RECOVER THE INVESTIGATIVE COSTS OF \$1,364.00 PLUS ANY EXPENSES THAT MAY BE PAID OUT OF THE RECOVERY FUND PRIOR TO FUTURE LICENSURE.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

CHAIRMAN ZECH ABSTAINED.

3. ABAT-JOHNSON ENTERPRISES INC, LICENSE #41555

No one from Abat-Johnson Enterprises Inc. was present.

The hearing was for possible violation of NRS 624.3013(2); NRS 624.3013(3); NRS 624.3013(4); and NRS 624.3013(5), as set forth in NAC 624.640(3).

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

MR. HIGGINS MOVED THAT THE BOARD FIND THE RESPONDENT IN DEFAULT AND ADOPT THE FINDINGS OF FACT CONCLUSIONS OF LAW AS SET FORTH IN THE ADMINISTRATIVE COMPLAINT; REVOKE LICENSE #41555, ABAT-JOHNSON ENTERPRISES INC; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND RECOVER THE INVESTIGATIVE COSTS OF \$1,141.00 PLUS ANY EXPENSES THAT MAY BE PAID OUT OF THE RECOVERY FUND PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

CHAIRMAN ZECH AND MR. CARSON ABSTAINED.

4. AMERICAN COMMUNITIES LLC, LICENSE #44993

No one from American Communities LLC was present.

The hearing was possible violation of NRS 624.3017(1); NRS 624.302(5); NRS

624.3013(5), as set forth in NAC 624.700(3); NRS 624.3011(1)(b)(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. HIGGINS MOVED THAT THE BOARD FIND THE RESPONDENT IN DEFAULT AND ADOPT THE FINDINGS OF FACT CONCLUSIONS OF LAW AS SET FORTH IN THE ADMINISTRATIVE COMPLAINT; REVOKE LICENSE #44993, AMERICAN COMMUNITIES LLC; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND RECOVER THE INVESTIGATIVE COSTS OF \$2,185.00 PLUS ANY EXPENSES THAT MAY BE PAID OUT OF THE RECOVERY FUND PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

CHAIRMAN ZECH ABSTAINED.

F. ADVISORY OPINIONS:

SILVER LEGACY RESORT CASINO – Silver Legacy Resort Casino requested an Advisory Opinion concerning the license requirements to apply an anti-slip coating to bathtub bottoms.

Based upon the information provided, the Board opined that a contractor license would not be required to apply anti-slip coating to bathtub bottoms.

J. A. VAY & SONS, INC. – Can J. A. Vay & Sons, Inc., the general contractor for the Bonanza-Sandhill Park Irrigation System Installation project, perform the installation of the irrigation system without possessing a C-10 (Landscaping) classification license?

Based upon the information provided, the Board opined that the work would fall within the “A” General Engineering license held by J. A. Vay & Sons, Inc., however, the Board noted that the Nevada Revised Statute 624.035 provides that the governing body of any county or incorporated city may impose additional requirements.

NEVADA DIVISION OF WILDLIFE - Can the dismantling of an incomplete shop facility, located at the Mason Valley Wildlife Management Area, which consists of only a portion of the red structural steel and no windows, doors, or exterior skin be performed by Sierra Nevada Excavation?

Based upon the information provided, the Board opined that since the structure was never completed and minimal dismantling is required, Sierra Nevada Excavation could perform the work.

TRUE POWER, INC. – True Power, Inc. requested an Advisory Opinion concerning the license requirements to assemble and install bleachers for Clark County Bid No. 5212-02.

Based upon the information provided, the Board opined that a C-24 (Erecting Scaffolds and Bleachers) would be required, however, a licensee holding a C-25 (Fencing and Equipping Playgrounds) could also perform the work provided the bleachers are installed as part of a playground.

G. APPLICATION HEARING:

APPLICATIONS: (CLOSED MEETING PURSUANT TO NRS 241.030)

MS. CAVIN MOVED TO CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH NRS 624.030 TO DISCUSS FINANCIAL MATTERS.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

D VELOP INC., (B – GENERAL BUILDING) NEW APPLICATION

Mr. Dewey Jones, President of D Velop Inc. and Ms. Irma Jones, D Velop, Inc. were present.

MR. CARSON MOVED TO APPROVE D VELOP INC. LICENSE APPLICATION (B-GENERAL BUILDING) WITH A \$1M MONETARY LIMIT AND A BOND OF \$75,000.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

MASTERBUILDER INC., (C-18 MASONRY; C-5 CONCRETE CONTRACTING; B-2 RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATION

Mr. Jerry Anthony, President of Masterbuilder Inc., was present. The Board informed Mr. Anthony that the license application (C-18 Masonry) was approved with a \$150,000.00 monetary limit and a bond of \$15,000.00. The license application (C-5 Concrete Contracting) was approved with a \$150,000.00 monetary limit and a bond of \$15,000.00. The license application (B-2 Small Residential and Small Commercial) was approved with a \$250,000.00 monetary limit and a bond of \$15,000.00. All license approvals require a current financial statement upon renewal.

WEST COAST FRAMING LLC, (C-3 CARPENTRY) NEW APPLICATION – REQUEST WAIVER OF TRADE EXAM

Mr. George Daskalos, Manager of West Coast Framing LLC was present. Mr. Daskalos stated the error on the form was probably made by the Bank in error. Investigator Jimmy Porter stated that he had investigated the application and that Mr. Daskalos had provided a Bank verification form which had been altered after it left the bank and before it was turned into the Board.

MR. HIGGINS MOVED TO DENY WEST COAST FRAMING LLC LICENSE APPLICATION (C-3 CARPENTRY).

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. FILIOS ABSTAINED.

CENTEX HOMES, (B-2 RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATION
MARQUIS RESORT HOMES BY CENTEX, (B-2 RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATION
REAL HOMES, (B-2 RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATION

Mr. Joseph Powell, Vice President of Construction for Centex Homes, was present. Ms. Kathy Stewart, Licensing Supervisor, reported on the financial statement of Centex Homes with the Board.

MR. SCHAEFER MOVED TO APPROVE CENTEX HOMES, MARQUIS RESORT HOMES BY CENTEX AND REAL HOMES LICENSE APPLICATIONS (B-2

RESIDENTIAL AND SMALL COMMERCIAL) WITH AN UNLIMITED MONETARY LIMIT AND A \$50,000 BOND.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

MS. CAVIN ABSTAINED.

The remainder of the applications on the agenda were reviewed and discussion occurred on the following: Nos. 1-4,6,7,11,24,29-31,34,39,44,62,64,65,70,75,76,78,84,86-88,91,92,94,96,99,103,109.

The applications on the amended agenda were reviewed and discussed: Nos. 1-27.

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

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

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

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

H. PUBLIC COMMENT:

Mr. Robert Portnoff commented on his inability to access the NSCB 486-1100 extension.

Ms. Grein stated Mr. Portnoff had personally delivered a copy of the "Wet Times" to her home. Ms. Grein gave Mr. Portnoff "Public Notice" to not approach her residence in the future or interfere with her personal life.

I. DISCIPLINARY HEARINGS:

ADJUDICATING BOARD MEMBER: DOUGLAS CARSON

1. D.L. WYLIE CONSTRUCTION COMPANY, LICENSE #36138

Mr. Donald Wylie, Owner of D.L. Wylie Construction Company; Ms. Anna Klein, Homeowner; and Investigator Jim Ables were sworn in.

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

Ms. Klein testified that she had contracted with Respondent for a room addition at her residence for a total contract price of \$36,385.00, of which she has paid \$26,700.00. Ms. Klein further testified that Respondent commenced work on June 1, 2001 and was last on

the project April 18, 2002.

Investigator Ables testified that he had validated the workmanship issues and issued a Notice to Correct, to which Respondent has not complied. Investigator Ables further testified that Respondent did not attend an administrative meeting and that the contract did not contain Respondent's license limit.

Mr. Wylie testified that he had hired subcontractors to complete the items in the Notice to Correct and it was his understanding that all had been completed. Mr. Wylie stated that it is his intention to surrender his license.

The evidentiary portion of the hearing was closed.

MR. CARSON FOUND TO ACCEPT THE FILE AS FORMAL FINDINGS OF FACT AND CONCLUSIONS OF LAW; TO FIND D. L. WYLIE CONSTRUCTION COMPANY, LICENSE #36138 IN VIOLATION OF ALL CAUSES OF ACTION; TO REVOKE LICENSE #36138; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND RECOVER THE INVESTIGATIVE COSTS OF \$2,591.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

2. DISCIPLINARY HEARING:

ADDISON LANDSCAPING, LICENSE #46744

Mr. Enoch Durham, Owner of Addison Landscaping; Mr. and Mrs. Tom O'Mahar, Homeowners; and Investigator Jim Ables were sworn in.

The hearing was for possible violation of NRS 624.3017(1); NRS 624.3013(5), as set forth in NAC 624.700(3); NRS 624.3015(1); NRS 624.3013(5), as set forth in NAC 624.640(5); and NRS 624.3013(5), as set forth in NAC 624.720(1).

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

Investigator Ables testified that he had validated the Corbin workmanship issues and issued a Notice to Correct. An agreement had been reached between Ms. Corbin and Respondent, but he did not have a copy of it. Investigator Ables testified that he had validated the O'Mahars' workmanship issues and issued a Notice to Correct. Investigator Ables further testified that the repairs done had not met industry standards, but have since been completed within industry standards. Respondent holds a C-10 license, which does not allow for the pouring of concrete. Respondent had issued advertisements advertising for work outside the scope of his license.

Mrs. O'Mahar stated that the stairway to the patio was still cracked and that there are dead plants by the front door.

Mr. Durham testified that he had used a licensed contractor to complete the concrete repairs and he had replaced the shrubs. Mr. Durham stated that he had not notified the Board in writing of his change of address.

The evidentiary portion of the hearing was closed.

MR. CARSON FOUND TO RESCIND THE BOARD'S REVOCATION OF LICENSE #46744, ADDISON LANDSCAPING, AT THE AUGUST 21, 2002 BOARD MEETING.

MR. CARSON FOUND TO ACCEPT THE FILE AS FORMAL FINDINGS OF FACT AND CONCLUSIONS OF LAW; TO DISMISS THE 2ND, 6TH, 7TH, AND 9TH CAUSES OF ACTION AND TO FIND ADDISON LANDSCAPING, LICENSE

#46744, IN VIOLATION OF ALL OTHER CAUSES OF ACTION; TO GIVE RESPONDENT 30 DAYS TO EITHER REPAIR THE WORK TO THE SATISFACTION OF THE BOARD INVESTIGATOR OR MAKE A MONETARY AGREEMENT WITH HOMEOWNER; TO PAY A FINE OF \$100.00 PER VIOLATION FOR A TOTAL OF \$600.00; AND TO RECOVER INVESTIGATIVE COSTS OF \$1,000.00 WITHIN 90 DAYS OR LICENSE WILL AUTOMATICALLY BE SUSPENDED.

3. DISCIPLINARY HEARING:

EQUUS LTD DBA PHELPS & ASSOCIATES, LICENSE #28206

Mr. Jeffrey Phelps, President of Phelps & Associates; Mr. Martin Coleman, Estimator on Project; Mr. Byron Walker, President of All City Glass; and Investigator Ron Ramsey were sworn in.

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

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

Mr. Walker testified that he installed an aluminum and glass interior partition wall for Respondent at 6125 West Sahara Avenue, Las Vegas, Nevada for a contract price of \$8,816.35, of which Respondent has paid \$2,000.00.

Investigator Ramsey testified he validated that Respondent entered into a contract with All City Glass for a total contract price of \$8,816.35. Investigator Ramsey further testified that Realty 7 had faxed him a letter stating that Respondent had been paid for the project.

This letter was entered into the record as Exhibit #2.

Investigator Ramsey testified that Respondent failed to furnish a current financial statement and that the Secretary of State lists Respondent as secretary of the corporation, however the Board had not received a notice of change of officer status.

Mr. Phelps testified that he had updated his corporation information with the Secretary of State and verified that he does owe All City Glass, but has been unable to pay.

MR. CARSON FOUND TO ACCEPT THE FILE AS FORMAL FINDINGS OF FACT AND CONCLUSIONS OF LAW; TO FIND EQUUS LTD, DBA PHELPS & ASSOCIATES, LICENSE #28206 IN VIOLATION OF THE 1ST AND 2ND CAUSES OF ACTION AND TO DISMISS THE 3RD CAUSE OF ACTION; TO SUSPEND LICENSE #28206 FOR SIX MONTHS TO ALLOW RESPONDENT TO REIMBURSE ALL CITY GLASS; RESOLVE FINANCIAL ISSUES AND PROVIDE AN UPDATED FINANCIAL STATEMENT; IF BOTH ITEMS NOT COMPLIED WITH LICENSE WILL BE REVOKED.

4. DISCIPLINARY HEARING:

INTEC TELECOMMUNICATIONS INC., LICENSE #50706 (CONTINUED FROM OCTOBER 22, 2002)

Ms. Mary Ann Enbody, Licensing Analyst and Investigator Jeff Sudweeks were sworn in.

Mr. Christian Smith, counsel for Intec Telecommunications Inc. and Mr. Sean Waters, counsel for Golden State Utility Company were present.

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

624.302(5).

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

Mr. Waters informed the Board that a settlement agreement had been reached between Respondent and Golden State Utility Company. This agreement was entered into the record as Exhibit #2.

Investigator Sudweeks testified that Respondent was notified to furnish a financial statement by July 22, 2002, but one was not received until November 9, 2002.

The meeting was closed to the public to discuss financial responsibility.

Ms. Enbody testified that the financial statement received November 9, 2002 supports the license limit.

The meeting was reopened to the public.

Mr. Smith informed the Board that Intec Telecommunications was in the process of reorganizing.

The evidentiary portion of the hearing was closed.

MR. CARSON FOUND TO ACCEPT THE FILE AS FORMAL FINDINGS OF FACT AND CONCLUSIONS OF LAW AND TO DISMISS ALL CAUSES OF ACTION AGAINST INTEC TELECOMMUNICATIONS INC., LICENSE #50706.

5. DISCIPLINARY HEARING:

THE TRITON FENCE COMPANY INC., LICENSE #50584 (CONTINUED FROM OCTOBER 1, 2002)

Mr. Steven Mallasch, President of The Triton Fence Company, Inc.; Mr. Jim Bush, Project Manager for Pace Contracting Co.; and Investigator Jeff Sudweeks were sworn in.

Mr. Richard Brown, counsel for The Triton Fence Company Inc., was present.

The hearing was for possible violation of NRS 624.301(1); NRS 624.302(6); NRS 624.302(5); NRS 624.3013(3); 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. Bush testified that Respondent had contracted with Pace Contracting for the construction of a chain link fence and gates at Sunrise Acres Elementary School for a total contract price of \$154,000.00, of which \$98,000.00 has been paid.

Investigator Sudweeks testified that Respondent had been notified to furnish contracts and a current financial statement, which he did not comply with. An on-site meeting was scheduled and Respondent did not attend.

Mr. Bush testified that Pace Contracting had finished the fencing project. Mr. Bush further testified that he had difficulty contacting Respondent who didn't sign the contract until April 9, 2001. Once the contract was signed, Respondent brought in Fencing Specialties to complete the contract.

Documents from Mr. Brown, counsel for Respondent, were entered into the record as Exhibit A.

Mr. Mallasch testified that Pace Contracting was aware that Fencing Specialties had been hired. Mr. Mallasch testified that he had not received any of the notices from the Board. Mr. Mallasch further testified that he had not furnished the Board with a current financial statement.

The evidentiary portion of the hearing was closed.

MR. CARSON FOUND TO ACCEPT THE FILE AS FORMAL FINDINGS OF FACT AND CONCLUSIONS OF LAW; TO FIND THE TRITON FENCE COMPANY INC., LICENSE #50584 IN VIOLATION OF ALL CAUSES OF ACTION; AND TO REVOKE LICENSE #50584.

6. DISCIPLINARY HEARING:

ACORN ENTERPRISES INC dba OAK TREE CABINETS, LICENSE NOS. 28436, 28437, 28438

No one from Acorn Enterprises Inc. dba Oak Tree Cabinets was present.

Investigator Tom Lawrence; Investigator Greg Welch; and Investigator Jimmy Porter were sworn in.

The hearing was for possible violation of NRS 624.301(1); NRS 624.3013(5), as set forth in NAC 624.700(3)(a); NRS 624.302(5); NRS 624.3012(1); NRS 624.3016(1); NRS 624.3015(2); NRS 624.3014(1)(a); NRS 624.3013(5), as set forth in NAC 624.640(5); NRS 624.3013(5), as set forth in NAC 624.165(3)(b)(c)(d); NRS 624.3013(3); and NRS 624.3013(4).

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

Investigator Lawrence testified that Respondent had entered into a contract with William Seifman for the installation of cabinets at his residence for a total contract price of \$56,200.00. Respondent has been paid \$28,100.00 towards the contract price but has never commenced work on the project. Investigator Lawrence further testified that Respondent's contract was over his license limit and under Showcase Kitchens and Baths, a name other than what is on the license, plus Respondent did not attend a resolution meeting.

Investigator Welch testified that Respondent had entered into a contract with Michael Mona for the installation of cabinets at his residence for a total contract price of \$61,750.00. Respondent has been paid \$30,875.00 towards the contract price but has never ordered the cabinets. Investigator Welch further testified that Respondent's contract was over his license limit and under Showcase Kitchens and Baths, a name other than what is on the license.

Investigator Porter testified that Respondent entered into a contract, using the name Showcase Kitchens and Baths, with Bart and Joan Carter to provide and install cabinets at their residence for a total contract price of \$73,820.00. Respondent has been paid \$36,910.00 towards the contract price, but has not commenced work on the project. Felony charges were filed against Respondent in Las Vegas Justice Court. The felony was reduced to a misdemeanor and the Respondent was ordered to pay restitution of \$36,910.00.

Investigator Lawrence testified that Respondent was notified to furnish a current financial statement twice but did not comply and Respondent's license #28436 was suspended on October 24, 1998 for failure to maintain bond.

The evidentiary portion of the hearing was closed.

MR. CARSON FOUND TO ACCEPT THE FILE AS FORMAL FINDINGS OF FACT AND CONCLUSIONS OF LAW; TO DISMISS THE 13TH CAUSE OF ACTION AND TO FIND ACORN ENTERPRISES INC. DBA OAK TREE CABINETS, LICENSE NOS. 28436, 28437, 28438, IN VIOLATION OF ALL REMAINING CAUSES OF ACTION; AND TO REVOKE LICENSE NOS. 28436, 28437, 28438; TO REQUIRE FULL RESTITUTION TO ALL DAMAGED PARTIES; AND TO REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$2,464.00 PLUS ANY EXPENSES THAT MAY BE PAID OUT OF THE RECOVERY FUND PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

7. DISCIPLINARY HEARING:

HOME BASE INC. DBA HOUSE 2 HOME, LICENSE #50997

No one from Home Base Inc. dba House 2 Home was present.

Mr. and Mrs. Jason Courtemanche, Homeowners and Investigator Troy Beaver were sworn in.

The hearing was for possible violation 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 624.302(5); NRS 624.3015(2); and NRS 624.520(1).

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

Ms. Broussard informed Mr. Carson that Respondent has filed for bankruptcy.

Mrs. Courtemanche testified that she contracted with Respondent to purchase and install flooring at her residence for a total contract price of \$26,631.01, and has paid Respondent \$26,631.01. Mrs. Courtemanche further testified that Respondent commenced work on August 10, 2001 and was last on the project on or about October 31, 2001.

Investigator Beaver testified that he validated the workmanship issues and issued a Notice to Correct, which Respondent did not comply with. Investigator Beaver further testified that Respondent's contract did not contain his license monetary limit; it exceeded Respondent's monetary limit; and did not comply with the notice requirements regarding the Residential Recovery Fund.

The evidentiary portion of the hearing was closed.

MR. CARSON FOUND TO ACCEPT THE FILE AS FORMAL FINDINGS OF FACT AND CONCLUSIONS OF LAW; TO DISMISS THE 2ND CAUSE OF ACTION AND TO FIND HOME BASE INC. DBA HOUSE 2 HOME, LICENSE #50997 IN VIOLATION OF ALL OTHER CAUSES OF ACTION; TO REVOKE LICENSE #50997; TO REQUIRE FULL RESTITUTION TO ALL DAMAGED PARTIES; AND TO REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$1,606.00 PLUS ANY EXPENSES THAT MAY BE PAID OUT OF THE RECOVERY FUND PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

8. DISCIPLINARY HEARING:

EQUITABLE DEVELOPMENT CORP., LICENSE #50210

No one from Equitable Development Corp. was present.

Ms. Gayle Kirk, Steel Engineers; Ms. Geri Farrell, Nedco Supply; and Investigator Troy Beaver were sworn.

The hearing was for possible violation of NRS 624.3012(2); NRS 624.3012(2); NRS 624.3013(3); and NRS 624.3013(4).

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

Ms. Broussard informed Mr. Carson that a letter from Respondent's counsel had been received November 20, 2002 requesting a continuance.

MR. CARSON CONTINUED THIS MATTER UNTIL THE DECEMBER 17, 2002 BOARD MEETING IN HENDERSON.

9. DISCIPLINARY HEARING:

METROLAND BUILDERS, LICENSE #46698

Mr. Pablo Andres, Owner of Metroland Builders; Leatrice and Howard Leonard, Homeowners; Mr. Ramon Lim, Homeowner; Mireya Torres; and Investigator Jim Ables were sworn in.

Ms. Joey Nelson and Mr. Ken Campbell, counsel for Metroland Builders, were present.

The hearing was for possible violation NRS 624.3017(1); NRS 624.700(3); NRS 624.3013(3); NRS 624.302(6); NRS 624.3013(6), as set forth in NRS 624.600; NRS 624.3016(1); NRS 624.3014(2)(b); NRS 624.3011(1)(b)(4); NRS 624.3015(1); NRS 624.301(4); NRS 624.3013(5), as set forth in NAC 624.520(1); NRS 624.3013(5), as set forth in NAC 624.640(5); NRS 624.301(5); and NRS 624.3011(1)(b)(1).

Ms. Nelson requested a continuance of this matter.

MR. CARSON CONTINUED THIS MATTER TO THE DECEMBER 17, 2002 BOARD MEETING IN HENDERSON.

10. DISCIPLINARY HEARING:

HANDY MAN AMERICA LAS VEGAS INC. dba HANDY MAN AMERICA, LICENSE NOS. 50354 AND 50337

No one from Handyman America Las Vegas, Inc. dba Handy Man America was present.

Investigator Jim Ables was sworn in.

The hearing was for possible violation of NRS 624.3017(1); NRS 624.3013(5), as set forth in NAC 624.700(3); NRS 624.3013(5), as set forth in NAC 624.640(5); and NRS 624.3018(2).

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

Investigator Ables testified that he validated the Erickson workmanship complaint and issued a Notice to Correct, which Respondent made unsuccessful attempts to complete. Investigator Ables further testified that the Erickson contract with Respondent was for the remodeling of their residence for a total contract price of \$21,325.00, which Respondent has been paid \$20,500.00. Respondent started on the project June 7, 2001 and was last on the project May 8, 2002. Investigator Ables testified that he had last inspected the project November 19, 2002, and work was below industry standards.

The evidentiary portion of the hearing was closed.

MR. CARSON FOUND TO ACCEPT THE FILE AS FORMAL FINDINGS OF FACT AND CONCLUSIONS OF LAW; TO FIND HANDY MAN AMERICA LAS VEGAS INC. DBA HANDY MAN AMERICA, LICENSE NOS. 50354 AND 50337 IN VIOLATION OF ALL CAUSES OF ACTION; TO REVOKE LICENSE NOS. 50354 AND 50337; AND TO REIMBUSE THE BOARD FOR ANY EXPENSES THAT MAY BE PAID OUT OF THE RECOVERY FUND PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

J. ADJOURNMENT:

There being no further business to come before the board, the meeting was adjourned by Adjudicating Board Member Doug Carson at 4:33p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Michael Zech, Chairman