

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  
DECEMBER 4, 2002

**1. CALL TO ORDER:**

The meeting of the State Contractors' Board was called to order by Chairman Michael Zech 8:40a.m., Wednesday, December 4, 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. Jerry Higgins  
Mr. Spiridon G. Filios  
Mr. Randy Schaefer

**BOARD MEMBERS ABSENT:**

Mr. David Clark

**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 Frank Torres had posted the agenda in compliance with the open meeting law on November 26, 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 27 items on the amended agenda, each item of an emergency nature.

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

**MR. CARSON SECONDED THE MOTION AND THE MOTION CARRIED.**

**3. UNFINISHED BUSINESS:**

**4. FUTURE AGENDAS:**

The December 17, 2002 board meeting has been changed to two days beginning December 16, 2002.

**B. LEGISLATIVE DISCUSSION**

**1. APPROVAL OF AMERICAN STRATEGIES, INC., PROPOSED CONTRACT FOR LEGISLATIVE SERVICES:**

The scope of work to be provided by American Strategies Inc. at the 2003 legislative session was reviewed. The board provided direction to Mr. Jay Parmer of American Strategies Inc., concerning the Board's position on various matters that may come before the Legislature and the manner in which communications to the Executive Officer and Chairman are to be handled.

**MR. HIGGINS MOVED TO APPROVE THE CONTRACT SUBMITTED BY AMERICAN STRATEGIES, INC. AS AMENDED.**

**MS. CAVIN SECONDED THE MOTION AND THE MOTION CARRIED.**

**2. DISCUSSION OF 2003 LEGISLATIVE SESSION:**

The Board discussed the possibility of requiring liability insurance coverage as a condition of licensure.

**3. STATUS OF 2003 PROPOSED LEGISLATION:**

This matter was continued to the December 17, 2002 Henderson Board meeting.

**C. EXECUTIVE OFFICER'S REPORT**

**1. CONTINUED DISCUSSION OF A.G. OPINIION NO. 2002-37:**

Ms. Grein provided the Board copies of correspondence concerning Attorney General Opinion No. 2002-37. The Board directed Ms. Grein to place discussion of a proposed regulation concerning a classification for construction managers on the December 16, 2002 agenda.

**2. LEGAL REPORTS:**

**A. BOARD LITIGATION STATUS:**

Ms. Grein provided the Board with a report on outstanding litigation matters. She indicated that the Vision Craft matter would be scheduled for hearing before hearing Officer David Clark on February 4, 2003.

She further reported on the Architectural Concrete Case and indicated a settlement agreement has been reached but approval from the Board was needed regarding the proposed license status change.

**MR. CARSON MOVED TO RESCIND THE REVOCATION OF ARCHITECTURAL CONCRETE COMPANY, LICENSE NUMBER 8684A; AND TO ACCEPT THE VOLUNTARY SURRENDER OF THE LICENSE.**

**MR. SCHAEFER SECONDED THE MOTION AND THE MOTION CARRIED.**

**B. LEGAL SERVICES:**

Mr. Reese indicated that he might have a potential conflict with the meeting scheduled on January 28, 2003.

**3. PROPOSED HEARING OFFICER PROCEDURES:**

This matter was continued to the December 17, 2002 Henderson Board meeting.

**4. CONSIDERATION OF REQUEST BY EXECUTIVE OFFICER FOR DELEGATION OF HEARING OFFICER FOR JANUARY 7, 2003 AND JANUARY 28, 2003, PURSUANT TO NRS 624.140**

**MR. CARSON MOVED THAT MS. CAVIN BE DESIGNATED AS HEARING OFFICER FOR THE JANUARY 7, 2003 BOARD MEETING.**

**MR. SCHAEFER SECONDED THE MOTION. THE MOTION CARRIED**

**5. DISCUSSION AND REPORT ON RESIDENTIAL RECOVERY FUND:**

This matter was continued to the December 17, 2002 Henderson Board meeting.

**6. DISCUSSION OF EXAMINATION PROGRAM:**

This matter was continued to the December 17, 2002 Henderson Board meeting.

**7. DEPARTMENT REPORTS:**

Frank Torres, Deputy Director of Investigations provided a report on activities of the Reno Investigations Department.

**D. STAFF REPORTS**

**1. SIERRASAGE, LLC, LICENSE NO. 52571 (CONTINUED FROM OCTOBER 22, 2002)**

Frank Torres, Deputy Director of Investigations provided an update concerning the progress of Sierrasage in meeting the requirements set forth by the Board.

Mr. Torres indicated that Sierrasage continues to meet its obligations.

Mr. Craig Hamilton of Sierrasage provided information concerning the remaining liens.

The Board reminded Mr. Hamilton that resolution of all remaining issues should be top priority and resolved immediately.

Homeowner, Mr. Leonard Pugh was sworn in and explained the current status of his home loan.

Ms. Nancy Mathias, Licensing Administrator provided updated financial information to the Board.

The Board suggested that Mr. Hamilton contact staff as soon as possible to obtain the necessary application forms to request a raise in license limit.

This matter was continued to the December 17, 2002 agenda for an update.

**2. KAUFFMANN CONSTRUCTION, LICENSE NO. 10382 (CONTINUED FROM NOVEMBER 6, 2002)**

George Lyford, Director of Investigations reported that in accordance with the order of Hearing Officer Margaret Cavin an Engineer had been hired and had made a site visit. The final engineering report is expected prior to January 7, 2003 and staff update will be provided at that time.

**E. DISCIPLINARY HEARINGS**

**1. CLARK BROTHERS HEATING & PLUMBING INC., LICENSE NO. 48464**

Mr. Curtis Clark, President of the Company; Ms. Carol Dorn, Complainant; and Investigator Gary Hoid were sworn in.

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

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

Ms. Carol Dorn, Credit Manager for R Supply testified that Clark Brothers Heating & Plumbing, entered into an agreement to purchase materials and supplies for an outstanding amount of \$68,474.00.

Investigator Hoid testified that he had verified \$47,000 in invoices and further testified that at an Administrative Meeting, Respondent had agreed he owed R Supply the outstanding amount.

**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 AND THE MOTION CARRIED.**

Ms. Kathy Stewart reported the Financial Statement information received did not support the license limit.

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

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Mr. Clark testified that he made several mistakes operating his business and did not dispute the amount owed to R Supply.

**MS. CAVIN MOVED TO ACCEPT THE FILE AS FORMAL FINDINGS OF FACT AND CONCLUSION OF LAW; DISMISS THE 2<sup>ND</sup> CAUSE OF ACTION; FIND CLARK BROTHERS HEATING & PLUMBING INC. LICENSE NO. 48464 IN VIOLATION OF THE 1ST CAUSE OF ACTION; REVOKE LICENSE NO. 48464; RESPONDENT IS TO PAY FULL RESTITUTION TO ALL PARTIES PRIOR TO CONSIDERATION FOR FUTURE LICENSURE.**

**MR. CARSON SECONDED THE MOTION AND THE MOTION CARRIED.**

**2. WESTLAND CONSTRUCTION, INC., LICENSE NO. 20727 (CONTINUED FROM AUGUST 7, 2001)**

Mr. James D. Goldberg; and Investigator Gary Hoid were sworn in.

The Board had continued this matter on August 7, 2001 pending the outcome of civil litigation.

Ms. Broussard indicated that the parties had reached a settlement agreement, which resolved the workmanship issues. A copy of the settlement agreement was presented to the Board.

Investigator Gary Leonard indicated that the contract did not contain the monetary license limit.

Mr. Goldberg confirmed that his license limit now appears on all documents.

**MS. CAVIN MOVED TO DISMISS THE 1<sup>ST</sup>, 3<sup>RD</sup>, 4<sup>TH</sup>, 5<sup>TH</sup>, AND 6<sup>TH</sup> CAUSES OF ACTION AND FOUND WESTLAND CONSTRUCTION INC. IN VIOLATION OF THE 2<sup>ND</sup> CAUSE OF ACTION; AND TO PLACE A ONE YEAR LETTER OF REPRIMAND IN LICENSEES FILE.**

**MR. SCHAEFER SECONDED THE MOTION AND THE MOTION CARRIED.**

**F. APPLICATIONS**

**1. APPLICATIONS (CLOSED MEETING PURSUANT TO NRS 241.030, LIST ATTACHED):**

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

**MS. CAVIN SECONDED THE MOTION AND THE MOTION CARRIED.**

Mr. Keith Gregory was advised the application for A-1 Satellites Inc. was approved with a \$10,000.00 limit and a \$2,000.00 bond.

The following applications on the agenda were reviewed and discussed: Nos. 1,4, 5,6,9,11,13,14,17,20,27,28,29,34,39,45,48,50,51,52,53,54,58,61,63,72,73,76,78,86,87, 89,93,99, and 100.

The following applications on the amended agenda were reviewed and discussed: Nos. 4,5,13,15,20, and 22.

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

**MR. SCHAEFER SECONDED THE MOTION AND 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 AND THE MOTION CARRIED.**

**G. PUBLIC COMMENT (DISCUSSION ONLY)**

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

**H. ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 1:50 p.m.

Respectfully Submitted,

Diana V. Alvarado, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Michael Zech, Chairman