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MEMBERS
RANDALL SCHAEFER
Chairman
MARGARET CAVIN
DAVID W. CLARK
SPIRIDON FILIOS
JERRY HIGGINS
J. BRIAN SCROGGINS
MICHAEL ZECH

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING DECEMBER 16, 2003

1. CALL TO ORDER

Chairman Randall Schaefer called the meeting of the State Contractors Board to order at 8:23 a.m., Tuesday, December 16, 2003, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Randy Schaefer - Chairman
Mr. Spiridon G. Filios
Mr. Jerry Higgins
Mr. J. Brian Scroggins
Mr. Michael Zech

BOARD MEMBERS ABSENT:

Ms. Margaret Cavin
Mr. David Clark

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, Legal Counsel
Mr. Bruce Robb, Legal Counsel (Walter Bruce Robb)

It was moved and seconded to hear the amended agenda. **MOTION CARRIED.**

2. APPROVAL OF MINUTES: November 25, 2003

It was moved and seconded to approve the minutes of November 25, 2003. **MOTION CARRIED.**

3. APPLICATIONS:

a. APPLICATIONS: (CLOSED MEETING PURSUANT TO NRS 241.030)

It was moved and seconded to close the meeting to the public in accordance with NRS 241.030 to discuss financial matters. **MOTION CARRIED.**

OSTLER HOMES CORPORATION, (B-2 RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATION

Applicant was present. The application was approved.

PANACEA SERVICES, LLP, (C-40 POLLUTION ELIMINATION DISCHARGE MANAGEMENT SYSTEM)

Applicant was present. The applicant was informed that a license would not be required.

The Board reviewed the remainder of the applications on the agenda.

It was moved and seconded to reopen the meeting to the public. MOTION CARRIED.

b. RATIFICATION OF LICENSE APPLICATIONS, CHANGES OF LICENSURE, REINSTATEMENTS OF LICENSURE:

It was moved and seconded to ratify all applications not specifically discussed in closed session as recommended by staff. MOTION CARRIED.

4. SUBCOMMITTEE REPORTS:

RECOVERY FUND SUBCOMMITTEE:

Ms. Grein provided a summary report and stated that the next meeting was scheduled for February 23, 2004.

5. EXECUTIVE SESSION:

a. EXECUTIVE OFFICER'S PROGRESS REPORT:

Ms. Grein provided an updated legal report on pending court cases.

b. ADOPT AS PERMANENT REGULATIONS (LCB FILE NO. 190-03) CHANGES TO RULES OF PRACTICE FOR DISCIPLINARY HEARINGS AND (LCB FILE NO. 201-03) CHANGES TO RESIDENTIAL RECOVERY FUND PROCEDURES:

It was moved and seconded to adopt as permanent regulations changes to the Rules of Practice for Disciplinary Hearings, as amended (LCB File No. 190-03) and to the Residential Recovery Fund Procedures, as amended (LCB File No. 201-03). MOTION CARRIED.

c. DISCUSSION OF PROPOSED AMENDMENTS TO NAC 624.20 (CLASSIFICATION C-8, GLASS AND GLAZING) AND NAC 624.310 (CLASSIFICATION C-14, STEEL REINFORCING AND ERECTION) AND NOTICE FOR PUBLIC WORKSHOP AND HEARING:

It was moved and seconded to commence hearings concerning the proposed changes to license classifications C-8 and C-14. MOTION CARRIED.

d. DISCUSSION AND APPROVAL OF REVISED POLICIES AND PROCEDURES:

1. LICENSING:

It was moved and seconded to direct staff to develop appropriate criteria for the review and approval of licenses by staff and the waiver of license examinations. MOTION CARRIED.

2. INVESTIGATIONS AND ENFORCEMENT:

It was moved and seconded to proceed with the developing of a senior task force initiative. MOTION CARRIED.

The Board authorized Ms. Grein authority for staff to use Administrative Citations and also authorized Ms.

Grein to implement procedures for the handling of complex cases.

3. ADMINISTRATION:

It was moved and seconded to approve a voluntary continuation education program for contractors. MOTION CARRIED.

6. INFORMAL SETTLEMENTS:

a. THERMAL ENERGY SYSTEMS, INC., LICENSE NOS. 45025, 45026

It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative fine of \$2,500 and reimburse the Board for Investigative Costs of \$381 within 60 days. A Warning Letter shall be placed in Respondent's file. MOTION CARRIED. Mr. Filios abstained.

7. APPLICATION HEARING:

B T R CONSTRUCTION MANAGEMENT, INC.:

Applicant was present.

It was moved and seconded to approve the license application with a \$1M monetary limit and a bond of \$20,000 contingent upon the indemnification of the license. MOTION CARRIED.

8. PUBLIC COMMENT

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

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chairman Schaefer at 10:00 a.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Randall Schaefer, Chairman

ADJUDICATING BOARD MEMBER: RANDY SCHAEFER

DISCIPLINARY HEARING:

9. TRIANGLE CONSTRUCTION, INC., LICENSE NO. 32494 (CONTINUED FROM OCTOBER 28, 2003, NOVEMBER 12, 2003 AND NOVEMBER 25,2003)

Licensee was present with counsel, Brian Berman.

Hearing Officer Schaefer found the respondent Triangle Construction, Inc., James Calvin Dean, President, license number 32494 guilty of the first, second and third causes of action and dismissed the fourth cause of action. Mr. Dean was assessed a fine of \$250 per cause of action for a total of \$750. Investigative costs were assessed in the amount of \$3,061. The fine and costs are to be paid within 60 days from December 16, 2003 or license number 32494, Triangle Construction, Inc. will automatically be suspended. A current financial statement is to be submitted upon renewal of the license. A One (1) Year Letter of Reprimand is to be placed in Mr. Dean's license file.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Randall Schaefer, Adjudicating Board Member

ADJUDICATING BOARD MEMBER: SPIRIDON FILIOS

10. DISCIPLINARY HEARING:

B M B ELECTRIC, LLC, LICENSE NO. 55805

Licensee was not present.

Respondent's counsel is to submit a brief within 30 days from December 16, 2003. The Board's counsel is to submit a reply brief 20 days from January 16, 2004. These briefs will then be submitted to Hearing Officer Filios for his decision.

11. DISCIPLINARY HEARING:

LASTING IMPRESSIONS, LICENSE NO. 38301 AND
EARTH DEVELOPMENT, INC., LICENSE NO. 55139

Licensee was present.

Hearing Officer Filios found the respondent Anthony Benavides, dba Lasting Impressions, license number 38301 and Earth Development, Inc., David Renteria, President and Anthony Benavides, Qualified Employee, license number 55139 guilty of all causes of action. License number 38301, Lasting Impressions was Revoked. License number 55139, Earth Development, Inc. was suspended. Mr. Renteria is to submit a current financial statement and copies of the contracts of the four custom homes currently being completed.

13. DISCIPLINARY HEARING:

GREGG CHAMBERS CONSTRUCTION, LICENSE NO. 41850

Licensee was present.

Hearing Officer Filios found the respondent Greg William Chambers, dba Gregg Chambers Construction, license number 41850 guilty of the first, second, third, fourth and sixth causes of action and dismissed the fifth cause of action. Mr. Chambers was assessed a fine of \$200 for the first, fourth and sixth causes of action and \$100 for the second and third causes of action for a total of \$800. Investigative costs were assessed in the amount of \$1,303. Mr. Chambers is to pay restitution to Joan Cluberton and Robert Shaw of \$850. The fine, costs and restitution are to be paid within 90 days from December 16, 2003 or license number 41850, Gregg Chambers Construction will be Revoked.

14. DISCIPLINARY HEARING:

CENTURY ELEVATOR OF NEVADA, LLC, LICENSE NO. 43225

Licensee was present with counsel, Thomas Trojan.

Hearing Officer Filios found the respondent Century Elevator of Nevada, LLC, Charles Ernest Choux, Manager, license number 43225 guilty of the third cause of action. Mr. Choux was assessed a fine of \$100 for the third cause of action. Investigative costs were assessed in the amount of \$1,491. Fine and costs are to be paid within 30 days or license number 43225, Century Elevator of Nevada, LLC will automatically be suspended. Counsels are to submit briefs within 30 days from December 16, 2003, on the first and second causes of action for Hearing Officer Filios decision.

15. DISCIPLINARY HEARING:

MAJOR DISTRIBUTING, INC., LICENSE NO. 12448

Licensee was present with counsel, Paul Gaudet.

Hearing Officer Filios found respondent Major Distributing, Inc., Harold William Hansen, President, license number 12448 guilty of the seventh cause of action and dismissed the first, second, third, fourth, fifth and sixth causes of action. Mr. Hansen was assessed a fine of \$100 for the seventh cause of action. Investigative costs were assessed in the amount of \$1,560. Fine and costs are to be paid within 60 days or license number 12448, Major Distributing, Inc. will automatically be Revoked. If fine and costs are paid within 60 days, the Board will accept the voluntary surrender of license number 12448, Major Distributing, Inc.

16. DISCIPLINARY HEARING:

CONCRETE, INC., LICENSE NO. 50141

Licensee was not present.

Hearing Officer Filios found respondent Concrete, Inc., Keith Alan Salsbury, President, license number 50141 guilty of all causes of action. License number 50141, Concrete, Inc., was Revoked. Mr. Salsbury is required to pay full restitution to the damaged parties prior to consideration of future licensure.

17. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. LUCKIER ROOFING, LICENSE NO. 50952

This matter was continued.

b. EARTH DEVELOPMENT, INC., LICENSE NO. 55139

This matter was continued and Respondent was directed to file a written answer to the complaint.

18. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Adjudicating Board Member Filios at 2:25 p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Spiridon Filios, Adjudicating Board Member