

KENNY C. GUINN
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

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



RENO
9670 Gateway Drive, Suite 100
Reno, Nevada 89511
(775) 688-1141
Fax (775) 688-1271
Investigations (775) 688-1150

LAS VEGAS
4220 So. Maryland Parkway
Building D, Suite 800
Las Vegas, Nevada 89119
(702) 486-1100
Fax (702) 486-1190
Investigations (702) 486-1110

STATE CONTRACTORS' BOARD

MINUTES OF THE MEETING
DECEMBER 18, 2001

The meeting of the State Contractors' Board was called to order by Chairman Michael Zech at 8:10 a.m., Tuesday, December 18, 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. Michael Zech- Chairman
Mr. Douglas W. Carson
Ms. Margaret Cavin
Mr. David W. Clark - absent
Mr. Jerry Higgins
Mr. Dennis Johnson
Mr. Randy Schaefer – arrived at 8:12

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)
Ms. Nancy Mathias, Licensing Administrator
Mr. George Lyford, Director of Investigations
Mr. Chris Denning, Interim Deputy Director of Investigations
Mr. Roy Schoonmaker, Supervisor, Criminal Investigations
Ms. Pat Potter, Licensing Supervisor
Mr. Ron Ramsey, Supervisor, Compliance Investigations
Mr. Greg Mincheff, Supervisor, Compliance Investigations
Mr. Jim Ables, Investigator
Mr. Bob Macke, Investigator
Mr. Greg Welch, Investigator
Mr. Troy Beaver, Investigator
Mr. Tom Lawrence, Investigator
Mr. Spencer Kinney, Investigator
Ms. Cheryl Young, Criminal Investigator
Ms. Lisa Bedsole, License Analyst
Ms. Mary Ann Enbody, License Analyst
Ms. Doris Talley, License Analyst
Mr. Bart Thurgood, Human Resources Manager
Ms. Susie Kiger, Legal Assistant
Ms. Sonia Ruffin, Public Relations
Ms. Tammy Stewart, Administrative Assistant
Ms. Melinda Mertz, Recording Secretary

OTHERS PRESENT:

Karen Henley, Court Reporter, Laurie Webb & Associates; Mr. and Mrs. Jesus Tirao, Homeowners; Mr. Bob McNeill, Owner, R J Development; Mr. Clarence Cutt; Mr. Peter Flangas, Attorney; Mr. Keith Harbell, President, Premier Pools; Mr. Bob Portnoff; Mr. Danny Henderson, Owner, Danny Henderson Enterprises; Mr. James Walker, Owner, Smooth Air; Mr. Luis Camallo, Owner, Sante Fe Electric; Mr. Pat Lundy, Owner, Cambridge Development; Mr. Gary Harrington, Employee, Cambridge Development; Mr. Dan Paripovich, President, Las Vegas Demolition; Mr. and Mrs. Frank Gargaro, Homeowner; Mr. Pete Cicchetti, Owner, Empire Roofing; Mr. W. Owen Nitz, Attorney; Ms. Denise Ronnow, Credit Manager, SCP Distributors; Mr. Tim LeFevre, CEO, LeFevre Corporation; Mr. Nik Skrinjaric, Attorney; Mr. Robert Boeddker, Owner, RJA System Tech; Mr. Burt Galper, Owner, Classy Closets; Ms. Donna McNamara, Owner, Deep; Mr. Clay Gawohn, Owner, Panda Refrigeration; Ms. Anne Zisman, President, Villa Del Oro HOA; Mr. Alan Caniil, President, Desert Roofing; Ms. Janet Frost, Attorney; Ms. Kristin Lane, President, Monument Construction; Ms. Shabnam Tajik, Homeowner; Mr. Ed Webb, E W Development; Mr. Jim Saujersou, E W Development; Mr. Kevin Robinson, President, Yukon Air; Mr. Pete Borreggine, Vice President, Image Lighting & Sign; Mr. Earl Hardin, President, Hardin Concrete; Mr. Joseph Robert Hausler, President, Hausler Inc.; Mr. Howard McGuck, President, Onics; Mr. Reid Copeland, President, Spectrum Technical Construction; Mr. Tom Rura, Inspector, City of North Las Vegas; Mr. Lee Christensen, Owner, C & C Contractors; Mr. Euguen Ingalise, Inspector, CCHD; Mr. Dan Davis, Grisham Construction; Ms. Yolanda Galvez, President, La Espiga de Oro Bakery; Mr. Joseph Scott, Owner, The Bottom Line Construction; Ms. Corina Alvarado, Homeowner; Mr. Chris Byrd, Attorney; Mr. Bradley Ellen, Attorney; Mr. Tom Harmon, Manager, Desert Underground; Mr. David Covert, Vice President, ADT Construction; Mr. anthony Ramirez, President AD RAM; Mr. Keith Harber, President, Premier Pools; Mr. Keith Gregory, Attorney; Mr. Frank Hawkins, Vice President, National Construction; Mr. Emequ Reye.

Ms. Grein stated that Jerry McGill had posted the agenda in compliance with the open meeting law on December 12, 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 22 items on the amended agenda, each item of an emergency nature.

Ms. Grein informed the Board that Green Valley Builders have requested a continuance and it had been granted.

MR. CARSON MOVED TO HEAR THE AMENDED AGENDA.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Zech called for a motion to approve the minutes of December 4, and December 5, 2001.

MS. CAVIN MOVED TO APPROVE THE MINUTES OF DECEMBER 4, AND DECEMBER 5, 2001.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.**UNFINISHED BUSINESS**

Ms. Grein informed the Board that as a follow up to the Strategic Planning Session of December 5, 2001, she has drafted an ad for the in house counsel position. Ms. Grein also informed the Board that she has contacted the National Judicial College for an on site Board Member training on administrative procedural law to be held on February 2, 2002, in Reno from 9 to 2.

EXECUTIVE SESSION

Ms. Pat Potter, Licensing Supervisor and Mr. Chris Denning, Interim Deputy Director of Investigations presented aging reports for the departments.

Mr. Bart Thurgood informed the Board that the organizational chart and flow chart have been completed. Mr. Thurgood stated that he is continuing to follow through on other requested items.

SETTLEMENT AGREEMENTS

The Enforcement Advisory Committee, consisting of Mr. Doug Carson, Board Member; Ms. Margi Grein, Executive Officer; Mr. George Lyford, Director of Investigations; Mr. Chris Denning, Interim Deputy Director of Investigations; and Mr. Greg Mincheff, Supervisor – Investigations met in Las Vegas on Tuesday, November 13, 2001, to review the following cases.

IMPRESSIVE IRON & SIGN, LICENSE #49702

The Enforcement Advisory Committee recommended the Respondent pay an administrative fine of \$500.00 within 60 days from the date of the Board's approval of the agreement; reimburse the Board for investigative costs of \$1,217.00 within 60 days from the dated of the Board's approval of the agreement; and a warning letter be placed in the Respondent's file. The Respondent accepted the terms.

MR. JOHNSON MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

ABAT-JOHNSON ENTERPRISES, INC., LICENSE #41555

The Committee recommended that a warning letter be placed in the Respondent's file. The Respondent accepted the terms.

MS. CAVIN MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

PADDOCK POOLS OF NEVADA, INC., LICENSE #47875

The Committee recommended the Respondent pay an administrative fine of \$4,000.00 within 60 days from the date of the Board's approval of the agreement and reimburse the Board for investigative costs of \$2,005.00 within 60 days from the date of the Board's approval of the agreement. The Respondent accepted the terms.

MS. CAVIN MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

NEVADA MARATHON BUILDERS, LICENSE #35686

The Committee recommended the Respondent reimburse the Board for investigative costs of \$500.00 within 60 days from the date of the Board's approval of the agreement and a warning letter be placed in the Respondent's file. The Respondent accepted the terms.

MR. SCHAEFER MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

PUBLIC COMMENT

Mr. Bob Portnoff asked the Board to change the wording on future agendas regarding "Enforcement Advisory Committee Settlement Agreements".

DISCIPLINARY HEARING

CUTTING CONSTRUCTION COMPANY, LICENSE #15695 – DISCIPLINARY HEARING

The Notice of Complaint and Requirement to Answer, dated September 10, 2001, consisting of pages 1-122, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated September 13, 2001.

The Request for a Hearing was received October 22, 2001.

The Notice of Hearing, dated October 24, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The Amended Notice of Hearing Re: Time Change, dated November 30, 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 624.3017(1), workmanship 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; NRS 624.3015(3), acting beyond the scope of the license by entering into a contract with an unlicensed contractor and entering into a contract for work in excess of limit placed on the license by the Board; NRS 624.3013(1), failure to keep records; NRS 624.3014(2)(a)(b), aiding or abetting an unlicensed person and conspiring to perform an unauthorized act; NRS 624.3013(3), failure to establish financial responsibility; NRS 624.3015(1), bidding to contract for a sum in excess of limit placed on the license by the Board; NRS 624.3013(5), as set forth in NAC 624.640(5), failure to comply with the regulations of the Board by failing to include the license number or monetary limit on Respondent's bid.

Mr. and Mrs. Jesus Tiaro, Homeowner; Mr. Clarence Cutting, Owner, Cutting Construction Company; and NSCB Investigative Supervisor Mr. Gregg Mincheff were sworn in.

Mr. Peter Flangas, attorney for the Respondent, was present.

Mr. Flangas informed the Board that a lawsuit had been filed in the district court regarding this case and hearing the case today could subject the Board to legal action.

Mr. Reese indicated the matter could be brought before the Board since they are violations of Chapter 624 and would be different than what would be heard in a civil matter.

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

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

Mrs. Tiaro testified that she had entered into a contract with the Respondent to build her home. Mrs. Tiaro stated that there were numerous workmanship issues, which she was unable to resolve with the Respondent. She then filed a complaint with the Board. Mrs. Tiaro further testified that the Respondent had last been to her home on September 11, 2000.

The colored pictures taken by Investigator Mincheff were given to the Board and the Respondent for their review. Copies of these pictures are in the Hearing and Complaint file.

Mr. Mincheff testified that he had validated the workmanship complaints. Mr. Mincheff stated that he had met with the Respondent to review the complaint items. He testified that the Respondent had stated his willingness to address these items but had had no further contact with the Respondent. Mr. Mincheff stated that he had requested a subcontractor list from Respondent. When the subcontractor list was not received Mr. Mincheff followed up with a subpoena. Mr. Mincheff further testified that the Respondent had not responded to the Notice to Correct. Mr. Mincheff also testified that the Respondent had contracted to do work with an unlicensed contractor, Mr. Danny Robles, to perform the electrical work on the Tiaro residence. Mr. Mincheff further testified that the Respondent had failed to furnish a financial statement. He also stated that the contract with the Tiaro's failed to include the Respondent's license number or monetary limit placed on the license.

Mr. Flangas questioned Mr. Mincheff. Mr. Mincheff stated that he had begun his investigation on May 1, 2001 and that he was aware that the Respondent had not been on the property since September 11, 2000. He verified that the majority of the pictures that were shown to the Board had been taken in September of 2000. Mr. Mincheff testified that he had reviewed the Notice to Correct items with the Respondent. He stated that he had offered to coordinate between the homeowner and the Respondent to help get the project completed. The Respondent stated that he would not go back to the home until he had been paid.

MR. CARSON MOVED TO CONTINUE THIS MATTER TO THE JANUARY 23-24, 2002 BOARD HEARING AND TO SUMMARILY SUSPEND LICENSE #15695, CUTTING CONSTRUCTION COMPANY UNTIL THE CASE IS HEARD.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Carson requested that colored photos be provided to Mr. Flangas.

CAMBRIDGE DEVELOPMENT, INC., LICENSE #47488 – DISCIPLINARY HEARING

The Notice of Complaint and Requirement to Answer, dated July 23, 2001, consisting of pages 1-82, was sent certified mail to the Respondent's address of record on file with the Board, 7530 West Sahara, Las Vegas, Nevada 89117. The return receipt was dated August 28, 2001.

The Notice of Hearing, dated September 19, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated September 24, 2001.

The Notice of Continued Hearing, dated October 11, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated October 11, 2001.

The hearing was for possible violations of NRS 624.3017(1), workmanship 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; NRS 624.3013(3), failure to establish financial responsibility; NRS 624.3015(2), bidding to contract for a sum in excess of limit placed on the license by the Board.

Mr. Patrick Lundy, President, Cambridge Development, Inc.; Mr. and Mrs. Frank Gargano, Homeowners; Mr. Luis Ramallo, Owner, Santa Fe Electric; Mr. Dennis Reed; Mr. Gary Harrington; Mr. Jack Ball; and NSCB Investigative 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 into the record as Exhibit #2.

Mr. Gargano testified that he had entered into a contract with the Respondent to construct his residence. Mr. Gargano testified that there had been twenty-four workmanship items to be corrected. He further testified that the Respondent had last been at his residence to correct the items approximately April of 2001 and that he has had no contact with the Respondent since that time.

Mr. Mincheff testified that he had validated the complaint and taken photos. Mr. Mincheff testified that he had been in contact with the Respondent and had discussed each item in the Notice to Correct. The Respondent and the homeowners reached an agreement to waive repair on some of the items. Item #1,7,9,10,14,15,16,17,20,21,22,23 and 24 are still outstanding.

Two photos of the crown molding in the living room were entered into the record as Exhibit #3 and Exhibit #4.

Mr. Mincheff testified that the Notice to Correct had been sent to the Respondent twice, however, only some of the items were corrected. Mr. Mincheff stated that a financial statement had been requested from the Respondent but had not been received. He further testified that the Respondent had bid over the monetary limit placed on his license by the Board.

Mr. Lundy testified that he had tried to complete the Notice to Correct items to the best of his ability. He stated that Mr. and Mrs. Gargano had waived items #2,4,5,6,8,11,12 and 19 and a copy of this agreement had been sent to Mr. Mincheff. Mr. Lundy further testified that he had hired a roofing contractor to repair the apparent leak issues from item #1 and #3 on the Notice to Correct. He thought these items had been resolved.

MR. CARSON MOVED TO CONTINUE THIS MATTER TO THE JANUARY 23-24, 2002 BOARD HEARING FOR COMPLIANCE WITH THE NOTICE TO CORRECT AND SUBMISSION OF A CURRENT FINANCIAL STATEMENT.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

EMPIRE ROOFING, INC., LICENSE #33573 – DISCIPLINARY HEARING (CONTINUED FROM NOVEMBER 20, 2001)

The Notice of Complaint and Requirement to Answer, dated September 7, 2001, consisting of pages 1-16, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated October 11, 2001.

The Answer was received October 17, 2001.

The Notice of Hearing, dated October 18, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated October 19, 2001.

The Amended Notice of Hearing Re: Time Change, dated November 30, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated December 5, 2001.

The hearing was for possible violations of NRS 624.3012(2), willful or deliberate failure to pay any money when due; NRS 624.302(5), failure or refusal to respond to a written request from the Board or its designee to cooperate in the investigation of a complaint; NRS 624.3013(3), failure to establish financial responsibility.

Mr. Griffy distributed the Respondent's financial statement to the Board.

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

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Griffy informed the Board that ABC Supply has sent a letter confirming it has been paid in full.

Ms. Mathias reviewed the financial statement with the Board.

Mr. Cicchetti testified that Pacific Supply had been paid by the bonding company.

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

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Cicchetti informed the Board that he was performing residential and small commercial construction.

The evidentiary portion of the hearing was closed.

MR. CARSON MOVED TO FIND EMPIRE ROOFING, INC., LICENSE #33573, IN VIOLATION OF ALL CHARGES.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO PLACE A LETTER OF REPRIMAND IN THE RESPONDENT'S FILE FOR ONE YEAR; FOR RESPONDENT TO PROVIDE PROOF OF PAYMENT TO LAS VEGAS ROOFING SUPPLY WITHIN 30 DAYS; TO SUBMIT A COMPLETED CPA PREPARED FINANCIAL STATEMENT ACCURATELY REFLECTING CURRENT ASSETS AND LIABILITIES OR LICENSE #33573 WILL BE SUSPENDED; AND TO PROVIDE A FINANCIAL STATEMENT UPON RENEWAL OF LICENSE IN MARCH OF 2003.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

ROTATING TECHNOLOGY INC. d/b/a LAS VEGAS DEMOLITION, LICENSE #32796 – DISCIPLINARY HEARING

The Notice of Complaint and Requirement to Answer, dated August 31, 2001, consisting of pages 1-21, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received. The envelope was returned "unclaimed".

The Default Notice, dated October 3, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated October 4, 2001.

The Notice of Hearing, dated October 24, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated October 27, 2001.

The hearing was for possible violations of NRS 624.3012(2), willful or deliberate failure to pay any money when due; NRS 624.302(5), failure or refusal to respond to a written request from the Board or its designee to cooperate in the investigation of a complaint; NRS 624.3013(3), failure to establish financial responsibility; NRS 624.3013(4), failure to keep in force the bond or cash deposit.

Mr. Dan Paripovich, President, Rotating Technology Inc. and NSCB Investigative

Supervisor Mr. Ron Ramsey were sworn in.

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

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

Mr. Ramsey testified that he had verified the contracts between the Respondent and Werdco BC Inc. He testified that the Respondent had entered into a contract with Werdco for trucking services to remove waste material. Mr. Ramsey testified that the Respondent had not attended an administrative meeting and had not furnished a financial statement.

Mr. Paripovich testified that he had called to verify that the administrative meeting was to be held and was told by the receptionist that the meeting had been canceled. Mr. Paripovich further testified that he had not used Werdco for any hauling since he performed his own hauling. He stated that the signature on the contract was not his.

MR. CARSON MOVED TO CONTINUE THIS MATTER FOR 60 DAYS FOR FURTHER INVESTIGATION AND FOR THE RESPONDENT TO PROVIDE A CURRENT FINANCIAL STATEMENT.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

DANNY HENDERSON ENTERPRISES, LICENSE NOS. 14879, 23891 AND 29904 – DISCIPLINARY HEARING

The Notice of Complaint and Requirement to Answer, dated August 8, 2001, consisting of pages 1-31, 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 Notice of Amended Complaint, dated September 20, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated September 22, 2001.

The Answer was received October 15, 2001.

The Notice of Hearing, dated November 1, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated November 5, 2001.

The hearing was for possible violations of NRS 624.3017(1), workmanship 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; NRS 624.301(5), failure or refusal on the part of the licensee to comply with the terms of a construction contract; NRS 624.3013(5), as set forth in NAC 624.640(5), each licensee shall include in all bids he submits the number of his license and monetary limit placed upon his license; NRS 624.3013(3), failure to establish financial responsibility.

Mr. Danny Henderson, Owner, Danny Henderson Enterprises; Mrs. Joyana Diaz, Homeowner; Mr. Bob Portnoff; NSCB Investigator Mr. Greg Welch; NSCB Investigative Supervisor Mr. Ron Ramsey; and Licensing Supervisor Ms. Pat Potter were sworn in.

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

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

Mrs. Diaz testified that she had entered into a contract with the Respondent for the construction of a colored concrete swimming pool deck with a salt finish. The stairs that had originally been poured could not be walked on. They were poured again but the cement color did not match the decking. Mrs. Diaz stated that the Respondent wanted to put a coating on the cement and finally she agreed to have the coating done. Mrs. Diaz testified that additional problems arose. The coating at the edge of the pool started crumbling and the footings are not stable. The Diaz's asked the Respondent to correct the problem. They were told there was no problem. The superintendent for the Respondent called to advise them that the company had filed bankruptcy. Mrs. Diaz stated that the Respondent called their home and was verbally abusive. The Diaz's have since placed a restraining order against the Respondent.

Mr. Welch testified that Mr. Tucker, a former NSCB Investigator, originally validated the complaint. Mr. Welch validated and determined the footings were not properly secured. He stated that the Respondent had not complied with the October 12, 2001 and October 25, 2001 Notices to Correct. He further testified that the contract with the Diazs did not contain the Respondent's monetary limit. Mr. Welch stated that the financial statement requested on March 2, 2001 had been received March 22, 2001.

Ms. Potter testified that the renewal of the license had been denied based on financial responsibility and unresolved complaints.

Mrs. Diaz testified that the cost to remove and replace the decking was prohibitive. She had received an estimate from another contractor who quoted a price of \$10,000.

Mr. Henderson questioned Mrs. Diaz. Mrs. Diaz testified that the Respondent had been recommended to her by Paddock Pools.

Mr. Henderson testified that he was unaware of the concrete problem. He testified that his son provided the warranty to the Diazs. Mr. Henderson testified he was given two days to accomplish the removal of the decking. Mr. Henderson further testified that the Diazs had placed two restraining orders against him and he was ordered off of the job. Mr. Henderson stated that he was willing to reimburse the Diazs \$4,200 but they were asking \$10,000.

Mrs. Diaz testified that they had filed against the bond but there were eight other claims against the bond. Mrs. Diaz further testified that the pool project had been completed since a fine had been levied against them by their homeowners association for failure to landscape their backyard.

MR. CARSON MOVED TO CONTINUE THIS MATTER TO THE JANUARY 23-24, 2002 BOARD HEARING.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

FLEX ELECTRIC INC. d/b/a **THUNDERBIRD ELECTRIC**, LICENSE #36675 –
DISCIPLINARY HEARING

The Notice of Complaint and Requirement to Answer, dated August 8, 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 not received.

The Answer was received September 7, 2001.

The Notice of Hearing, dated November 1, 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; NRS 624.302(5), failure or refusal to respond to a written request from the Board or its designee to cooperate in the investigation of a complaint; NRS 624.3013(3), failure to establish financial responsibility.

Ms. Denise Ronnow, General Manager, SCP Distributors and NSCB Investigative Supervisor Mr. Ron Ramsey were sworn in.

Mr. W. Owen Nitz, attorney for Flex Electric Inc., was present.

Mr. Nitz informed the Board that the application for renewal was returned to Flex Electric because of an incorrect signature. It was resubmitted after the expiration date and Flex Electric was informed the renewal would require Board action. On May 31, 2001 the Respondent filed to place the license on inactive status. Mr. Nitz stated that the Respondent's father had indemnified the company. Mr. Nitz thought that the complainant had been paid in full.

Mr. Ramsey testified that he had requested a financial statement from the Respondent but the letter had not been claimed. The Respondent failed to attend a scheduled administrative meeting. Mr. Ramsey personally left a message at the home of the Respondent.

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

The Stipulation was signed and entered into the record as Exhibit #2.

The evidentiary portion of the hearing was closed.

MR. JOHNSON MOVED TO FIND FLEX ELECTRIC INC. D/B/A THUNDERBIRD ELECTRIC, LICENSE #36675, IN VIOLATION OF THE 2ND AND 3RD CAUSES OF ACTION AND TO DISMISS THE 1ST CAUSE OF ACTION; TO PLACE LICENSE #36675 INACTIVE FOR TWENTY FOUR MONTHS TO PROVIDE THE RESPONDENT THE OPPORTUNITY TO RE-ESTABLISH FINANCIAL RESPONSIBILITY AND PAY ALL OBLIGATIONS OR THE LICENSE WILL BE REVOKED.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

MS. CAVIN DISSENTED.

SMOOTH AIR, LICENSE #36265 – DISCIPLINARY HEARING

The Notice of Complaint and Requirement to Answer, dated September 28, 2001, consisting of pages 1-19, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated October 10, 2001.

The Answer was received.

The Notice of Hearing, dated November 1, 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 624.3017(1), workmanship not commensurate with the standards of the trade in general; NRS 624.302(5), failure or refusal to respond to a written request from the Board or its designee to cooperate in the investigation of a complaint; NRS 624.3013(5), as set forth in NAC 624.700(3)(a), failure to comply with a Notice to Correct; NRS 624.301(1), abandonment without legal excuse of any construction project; 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 he submits the number of his license and monetary limit placed upon his license; NRS 624.3013(5), as set forth in NAC 624.640(3), licensee must notify Board of any address or personnel changes within 30 days.

Mr. James Walker, Owner, Smooth Air and NSCB Investigative Supervisor Mr. Ron Ramsey were sworn in.

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

The Stipulation was signed and entered into the record as Exhibit #2.

Mr. Ramsey testified that the complaint of Mr. Rodney Webb had been originally validated by Mr. Tom Tucker. Mr. Webb had contracted with the Respondent for the installation of two heat pumps, related ductwork, registers, return air grill and two new thermostats. Mr. Ramsey testified that the heat pump on the roof had not been connected to the ductwork, the ductwork to connect the unit was the wrong size and the register grills and thermostats were not delivered. Mr. Ramsey further testified that the Respondent had not responded to the Notice to Correct. Mr. Ramsey had contacted Mr. Webb who stated that the Respondent had not corrected any of the items. Mr. Ramsey testified that the requested financial statement had not been provided and the Respondent had not attended an administrative meeting. Mr. Ramsey further testified that the contract failed to include the Respondent's license number or monetary limit placed on the license by the Board. Mr. Ramsey stated that the homeowner was still interested in the Respondent finishing the project.

Mr. Walker testified that the contract with Mr. Webb was informal. Mr. Walker stated that Mr. Webb was performing some of the work himself. Mr. Walker testified the he had installed the roof jacks and the registers. An employee installed the wrong unit but he had replaced the unit.

Mr. Ramsey stated that Mr. Webb informed him that the units were not connected to the ductwork and the platforms were nailed to the roof.

Mr. Walker informed the Board that he filed for bankruptcy and that Mr. Webb was not listed as a creditor. Mr. Walker stated that his bond had been paid out and his license was suspended in 2000. Mr. Walker further stated that he has applied for another license and has submitted a financial statement with the application.

MR. JOHNSON MOVED TO CONTINUE THIS MATTER TO THE JANUARY 23-24, 2002 BOARD HEARING. THE NEW APPLICATION WILL BE HEARD AT THE SAME TIME.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

DEEP EXCAVATION - APPLICATION HEARING

The Notice of Hearing and Complaint, dated October 12, 2001, consisting of pages 1-16, was sent certified mail to the Applicant's address of record on file with the Board. The return receipt was dated October 15, 2001.

The Notice of Continued Hearing, dated October 25, 2001, was sent certified mail to the Applicant's address of record on file with the Board. The return receipt was dated October 27, 2001.

The hearing was for failure to meet the financial responsibility requirement of an applicant for a contractor's license as set forth in NRS 624.263 and NRS 624.265, good character of an applicant.

Ms. Donna McNamara, Owner, Deep Excavation and Licensing Analyst Ms. Mary Ann Enbody were sworn in.

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

The Stipulation was signed and entered into the record as Exhibit #2.

Ms. Enbody testified that the financial statement had been received but the second cause of action was still a concern.

The evidentiary portion of the hearing was closed.

MR. JOHNSON MOVED TO APPROVE DEEP EXCAVATION, LICENSE CLASSIFICATION (A-7 EXCAVATING AND GRADING) WITH A MONETARY LIMIT OF \$10,000 AND A BOND OF \$2,000.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

COMPLETE CONSTRUCTION AND REMODELING, INC., LICENSE NOS. 39938, 39989 AND 39990 – DISCIPLINARY HEARING AND **CONSTRUCTION UNLIMITED, INC.** d/b/a **MONUMENT CONSTRUCTION**, LICENSE NOS. 46423, 46616 AND 46617 – DISCIPLINARY HEARING

The Notice of Complaint and Requirement to Answer, dated September 20, 2001, consisting of pages 1-39, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated September 25, 2001.

The Answer was received October 25, 2001.

The Notice of Hearing, dated November 1, 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 624.3015(1), bidding on a contract beyond the scope of the Respondent's B-2 license; NRS 624.3013(5), as set forth in NAC 624.640(3), licensee must notify Board of any address or personnel changes within 30 days; NRS 624.3011(1)(b)(1), willful or deliberate disregard of the building laws of the state; NRS 624.302(5), failure or refusal to respond to a written request from the Board or its designee to cooperate in the investigation of a complaint; NRS 624.301(5), failure on the part of a licensee to comply with the terms of a construction contract; NRS 624.3013(5), as set forth in NAC 624.640(5), licensee shall include on bids the number of license and

the monetary limit placed on license; NRS 624.3013(4), failure to keep in force the bond or cash deposit; 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. Pat Nixon, Superintendent, Construction Unlimited, Inc.; Ms. Kristin Lane, President, Construction Unlimited, Inc.; Mr. Paul Schultz, President, Complete Construction and Remodeling, Inc.; and NSCB Investigator Mr. Greg Welch were sworn in.

Mr. Nik Skrinjaric, attorney for Construction Unlimited, Inc., was present.

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

The Stipulation was signed and entered into the record as Exhibit #2.

Mr. Welch testified that the Respondent submitted a bid to the City of Las Vegas for the construction and installation of a new gymnasium at the Dula Recreation Center. This project was beyond the scope of the Respondent's B-2 license. Mr. Welch testified that Mr. Tom Tucker had validated the complaint of Mr. Gerald Dashkin. Mr. Dashkin had contracted with the Respondent to enclose an existing patio with two prefab walls, two windows and one door. Mr. Welch testified that the Respondent did not pull the building permits and the patio enclosure was not built to the specifications and plans given to the Architectural Review Commission of Sun City Summerlin.

Mr. Skrinjaric asked Mr. Welch if Monument Construction participated in the bid submitted to the City of Las Vegas. Mr. Welch testified that he had received a copy of the bid from the City of Las Vegas.

MR. JOHNSON MOVED TO DISMISS THE 1ST AND 3RD CAUSES OF ACTION.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Skrinjaric stated that Mr. Schulz was not part of Monument Construction when the charges were made against him.

MR. CARSON MOVED TO REMOVE MONUMENT CONSTRUCTION FROM THE COMPLAINT.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Schultz testified that currently he was working for Monument Construction as a project manager. Mr. Schultz testified that he had constructed the patio enclosure without obtaining a building permit.

The evidentiary portion of the hearing was closed.

MR. CARSON MOVED TO FIND COMPLETE CONSTRUCTION AND REMODELING, LICENSE NOS. 39988, 39989 AND 39990, IN VIOLATION OF

THE 4TH AND 5TH CAUSES OF ACTION AND TO DISMISS THE 2ND, 6TH, 7TH 8TH AND 9TH CAUSES OF ACTION.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

MS. CAVIN DISSENTED.

MR. CARSON MOVED THAT A LETTER OF REPRIMAND BE PLACED IN THE RESPONDENT'S FILE FOR TWO YEARS; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND TO RECOVER THE INVESTGATIVE COSTS OF \$1,709.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. HIGGINS SECONDED THE MOTION.

The Stipulation was signed by Mr. Schultz and entered into the record as Exhibit #3.

THE MOTION CARRIED.

PANDA REFRIGERATION, LICENSE #26427 – DISCIPLINARY HEARING (CONTINUED FROM APRIL 25, 2001 AND MAY 22, 2001)

The Notice of Complaint and Requirement to Answer, dated February 23, 2001, consisting of pages 1-12, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated March 1, 2001.

The Answer was received March 21, 2001.

The Notice of Hearing, dated March 26, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated March 30, 2001.

The Notice of Continued Hearing, dated November 1, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated November 13, 2001.

The hearing was for possible violations of NRS 624.3012(2), willful or deliberate failure to pay any money when due; NRS 624.3013(3), failure to establish financial responsibility; NRS 624.3013(4), failure to keep in force the bond or cash deposit.

Mr. Bestari Gandha, Panda Refrigeration; Ms. Cynthia Travino; Mr. Burt Galper, Classy Closets; and NSCB Investigator Mr. Bob Macke were sworn in.

Mr. Griffy informed the Board that the parties were continuing to resolve the issues. The Gandhas were making payments to Classy Closets.

Mr. Galper testified that the Gandhas had been given six months to pay the bill and that he had lifted the warrant for Mrs. Gandha so she could come back into the country. Mr. Galper stated that he was willing to have the Gandhas continue making payments.

Mr. Macke testified that the District Attorney's office was holding \$1,500.

The payment schedule was entered into the record as Exhibit A.

MR. CARSON MOVED TO CONTINUE THIS MATTER TO THE MAY 21, 2002 BOARD HEARING TO ALLOW PANDA REFRIGERATION TO MAKE RESTITUTION TO CLASSY CLOSETS.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

DESERT ROOFING, LICENSE #47976 – DISCIPLINARY HEARING

The Notice of Complaint and Requirement to Answer, dated August 14, 2001, consisting of pages 1-28, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated August 26, 2001.

The Answer was received October 19, 2001.

The Notice of Hearing, dated November 5, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received November 9, 2001.

The hearing was for possible violations of NRS 624.3017(1), workmanship 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; NRS 624.301(5), failure on the part of the licensee to comply with the terms of a construction contract; NRS 624.3011(1)(b)(1), willful or deliberate disregard of the building laws of the state; 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 the monetary limit placed upon his license.

Mr. Alan Cahill, President, Desert Roofing, Inc.; Ms. Anne Zisman, President, Villa Del Oro HOA; and NSCB Investigator Mr. Greg Welch were sworn in.

Ms. Janet Frost, attorney for Desert Roofing, was present.

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

The Stipulation was signed and entered into the record as Exhibit #2.

Ms. Zisman testified that the Villa Del Oro HOA had entered into a contract with the Respondent to re-roof twenty-five buildings. She testified that the HOA had paid for the plywood. Ms. Zisman stated that the Respondent had violated the terms of the contract. Ms. Zisman testified that shingles were falling off the roofs and the Respondent had not responded to her many attempts to contact him.

Mr. Welch testified that Mr. Mead and Mr. Perko had originally investigated the complaint. Mr. Welch stated that he had been told that another contractor had completed the work.

Ms. Zisman testified that when the Respondent didn't come back to repair the roofs, she hired another contractor. She stated that she had written to the Clark County building inspector and was told that the Respondent should have had a permit to perform the work. Ms. Zisman further stated that she went to the address on the invoice but it was an empty office.

Mr. Welch testified that the contract did not include the monetary limit placed on the license by the Board.

Ms. Frost informed the Board that the Respondent had contacted the county and was told

he did not need a permit if he was only re roofing. She further stated if the homeowners wanted to pay for permits, the Respondent would pull them now. Ms. Frost stated that Ms. Zisman had received the money from the bond company and had not paid several thousand dollars on the final contract.

Mr. Cahill testified that he had only completed 50% of the project. The HOA had hired another licensed contractor before him and had also hired an unlicensed contractor. Mr. Cahill further testified that he had called the building department and was told he didn't need a permit if he wasn't upgrading from shake to shingle.

MR. JOHNSON MOVED TO CONTINUE THIS MATTER FOR 90 DAYS FOR FURTHER INVESTIGATION WITH UPDATES AT 30 AND 60 DAYS.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

E W DEVELOPMENT, LICENSE #38784 – DISCIPLINARY HEARING (CONTINUED FROM NOVEMBER 20, 2001)

The Notice of Hearing and Requirement to Answer, dated September 20, 2001, consisting of pages 1-50, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated September 26, 2001.

The Answer was received September 24, 2001 and October 23, 2001.

The Notice of Hearing, dated October 19, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The Notice of Continued Hearing, dated November 26, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated November 28, 2001.

The hearing was for possible violations of NRS 624.3017(1), workmanship 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. Jim Sanderson, E W Development; Ms. Shabnam Tajik, Homeowner; and NSCB Investigator Mr. Jim Ables were sworn in.

Mr. Nik Skrinjaric, attorney for the Respondent, was present.

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

The Stipulation was signed and entered into the record as Exhibit #2.

Mr. Able stated the item on today's agenda was for a staff update. The update was given to the Board and entered into the record as Exhibit #3. Mr. Ables further stated the Respondent has made significant progress. Mr. Ables mentioned that there are paint spots on the tile and carpets and the inside of the house was coated with marble dust. Mr. Ables informed the Board that the Respondent should be able to finish the outstanding items by the next Board hearing.

Mr. Skrinjaric informed the Board that the entire exterior of the house had been repainted

and that the stucco issues had been resolved. Mr. Skrinjaric also stated that the workmanship issues in the house should be completed by the next Board hearing.

Mr. Ables informed the Board that the dirt by the rear patio door needs to be excavated.

MR. CARSON MOVED TO CONTINUE THIS MATTER TO THE JANUARY 24, 2002 BOARD HEARING.

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

HARDIN CONCRETE COMPANY, INC., LICENSE #49119 – DISCIPLINARY HEARING

The Notice of Complaint and Requirement to Answer, dated October 1, 2001, consisting of pages 1-9, was sent certified mail to the Applicant's address of record on file with the Board. The return receipt was dated October 3, 2001.

The Answer was received October 25, 2001.

The Notice of Hearing and Complaint, dated November 15, 2001, was sent certified mail to the Applicant's address of record on file with the Board. The return receipt was dated November 16, 2001.

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 a written request from the Board to provide a financial statement.

Mr. Earl Hardin, President, Hardin Concrete Company and Licensing Analyst Ms. Lisa Bedsole were sworn in.

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

The Stipulation was signed and entered into the record as Exhibit #2.

MR. JOHNSON MOVED TO APPROVE THE RENEWAL OF LICENSE #49119, HARDIN CONCRETE COMPANY, INC.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

EXECUTIVE SESSION

Ms. Grein requested the Trust Document Pension Plan be restated to comply with Federal mandates.

MR. CARSON MOVED TO APPROVE RESTATING THE TRUST DOCUMENT PENSION PLAN TO COMPLY WITH FEDERAL MANDATES.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

DISCIPLINARY HEARING**HAUSLER CONSTRUCTION, INC. – APPLICATION HEARING**

The Notice of Complaint and Requirement to Answer, dated September 25, 2001, consisting of pages 1-16, was sent certified mail to the Applicant's address of record on file with the Board. The return receipt was dated September 29, 2001.

The Answer was received October 24, 2001.

The Notice of Hearing and Complaint, dated November 15, 2001, was sent certified mail to the Applicant's address of record on file with the Board. The return receipt was dated November 19, 2001.

The hearing was for failure to meet the financial responsibility requirement of an applicant for a contractor's license as set forth in NRS 624.263.

Mr. James Hausler, Hausler Construction, Inc.; Mr. Joseph Hausler, President, Hausler Construction Inc.; and Licensing Analyst Ms. Mary Ann Enbody were sworn in.

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

The Stipulation was signed and entered into the record as Exhibit #2.

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

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

Ms. Enbody informed the Board that the application had been denied June 5, 2001, for failure to demonstrate financial responsibility. She stated that a new financial statement had been received but was not CPA prepared and did not contain full disclosures.

Mr. Hausler testified that he was in the process of getting his financial information together but did not have the resources to pay a CPA plus pay his insurance liabilities and taxes.

MS. CAVIN MOVED TO CONTINUE THIS MATTER FOR 60 DAYS TO ALLOW HAUSLER CONSTRUCTION, INC. TO PROVIDE A CURRENT FINANCIAL STATEMENT WITH FULL DISCLOSURES.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

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

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

YUKON AIR, LICENSE #47964 – DISCIPLINARY HEARING

The Notice of Complaint and Requirement to Answer, dated September 10, 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 September 12, 2001.

The Notice of Default, dated October 25, 2001, consisting of pages 1-2, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated October 27, 2001.

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 a written request from the Board to provide a financial statement.

Mr. Kevin Robinson, President, Yukon Air, Inc. and Licensing Analyst Ms. Lisa Bedsole were sworn in.

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

The Stipulation was signed and entered into the record as Exhibit #2.

Ms. Bedsole informed the Board that a new financial statement was submitted just prior to today's meeting.

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

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Robinson testified that his former partner had indemnified the company, but since the partner's departure he has been using his own money. He further testified that he would personally indemnify the company. Mr. Robinson stated that his license is suspended but he requested an extension of time to hire a new qualified employee.

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

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

The evidentiary portion of the hearing was closed.

MR. JOHNSON MOVED TO CONTINUE THIS MATTER FOR 60 DAYS TO ALLOW YUKON AIR, LICENSE #47964, TO REPLACE ITS QUALIFIED EMPLOYEE; FOR THE PRESIDENT TO PROVIDE A PERSONAL FINANCIAL STATEMENT WITH AN INDEMNIFICATION AGREEMENT; AND PROVIDE A FINANCIAL STATEMENT UPON RENEWAL.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.**ADVISORY OPINION**

RENO FORKLIFT, INC. - Reno Forklift, Inc. requested an Advisory Opinion concerning the licensing requirements for the upgrade of sprinkler systems, draft curtains and fusible skylights for exhausting in conjunction with the installation of pallet rack.

No representative from Reno Forklift was present for the discussion.

Based upon the information provided, the Board opined that as a prime contractor for the construction of a pallet racking system, Reno Forklift could subcontract with properly licensed subcontractors for the installation of the required sprinkler system upgrades, draft curtains and fusible skylights for exhausting if the installation is incidental to the pallet rack installation.

DEFAULT ORDER

R B M CONCRETE CONSTRUCTION, INC., LICENSE #40337A – DISCIPLINARY HEARING – DEFAULT ORDER

The Notice of Complaint and Requirement to Answer, dated September 6, 2001, consisting of pages 1-14, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The Notice of Amended Complaint and Requirement to Answer, dated October 5, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The Notice of Default, dated November 19, 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; NRS 624.302(5), failure to respond to a written request from the Board or its designee to cooperate in the investigation of a complaint; NRS 624.3013(3), failure to establish financial responsibility; NRS 624.3013(5), as set forth to NAC 624.640(5), licensee shall include on bids the number of his license and monetary limit placed on license; NRS 624.3013(5), as set forth in NAC 624.640(3), licensee must notify Board of any address or personnel changes within 30 days.

No one from R B M Concrete Construction, Inc. 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 R B M CONCRETE CONSTRUCTION, INC., LICENSE #40337A, IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE #40337A; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND TO RECOVER THE INVESTIGATIVE COSTS OF 1,392.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

R.J. DEVELOPMENT, LICENSE #40727 – DISCIPLINARY HEARING – DEFAULT ORDER

The Notice of Complaint and Requirement to Answer, dated October 25, 2001, consisting of pages 1-37, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated October 29, 2001.

The Notice of Default, dated November 30, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received December 4, 2001.

The hearing was for possible violations of NRS 624.3017(1), workmanship 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; NRS 624.3013(5), as set forth in NAC 624.640(5), licensee shall include in bids the number of license and monetary limit placed on license; NRS 624.3013(3), failure to establish financial responsibility.

No one from R J Development was present.

Mr. Griffy informed the Board that he had spoken to the Respondent. The Respondent had filed an answer to the complaint but the Board did not receive it. Mr. Griffy stated that the Respondent had a letter from the homeowner stating they want to withdraw the complaint. He further stated that the Respondent had provided a financial statement that needs to be reviewed by staff.

MR. JOHNSON MOVED TO CONTINUE THIS MATTER TO THE FEBRUARY 20, 2002 BOARD HEARING.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

DISCIPLINARY HEARING**THE BOTTOM LINE**, LICENSE #25606 – DISCIPLINARY HEARING

The Notice of Complaint and Requirement to Answer, dated September 21, 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 September 22, 2001.

The Notice of Amended Complaint and Requirement to Answer, dated October 2, 2001, consisting of pages 1-27, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated October 6, 2001.

The Answer was received October 25, 2001.

The Notice of Hearing and Second Amended Complaint, dated November 9, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated November 14, 2001.

The Amended Notice of Hearing, dated November 30, 2001, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received December 1, 2001.

The hearing was for possible violations of NRS 624.301(1), abandonment of any construction project; NRS 624.3011(1)(b)(1), willful or deliberate disregard and violation of the building laws of the state; 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 the monetary limit placed on his license; NRS 624.3013(5), as set forth in NAC 624.700(3)(a), failure to comply with a Notice of Correct; NRS 624.3015(1), performed plumbing work which is beyond the scope of the Respondent's B-2 license; NRS 624.3011(1)(a), willful and prejudicial departure from plans without the consent of the owner.

Mr. Joseph Scott, Owner, The Bottom Line; Ms. Yolanda Galvez, President, La Espiga de Oro Bakery; Ms. Corina Alvarado, Homeowner; Mr. Julio Alvarado; Mr. Eugene Ingalls, Inspector for CCHD; Mr. Tom Rura, Inspector, City of North Las Vegas; Mr. Dan Davis, President, Grisham Counseling; Mr. Clay Hendricks; NSCB Investigator Mr. Greg Welch and NSCG Investigator Mr. Jim Ables were sworn in.

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

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

Ms. Alvarado testified that she had contracted with the Respondent to construct a 2-room addition and expansion of the master bedroom at her residence. Ms. Alvarado further testified that the Respondent started working in November of 2000 and was last on the project May 27, 2001. The project was 5% completed at that time.

Mr. Alvarado testified that the Respondent had dug the footing and installed the rebar. While installing the rebar it hit the fascia and loosened the roofing. Mr. Alvarado testified that he and his mother had made numerous attempts to contact the Respondent.

Mr. Ables testified that he had validated the Alvarado complaint. Mr. Ables testified that there was a 25 by 2-foot footing with the rebar in it. Mr. Ables further testified that the Respondent was present at the onsite investigation and stated that each item on the contract was a separate item. Mr. Ables stated that the county had not approved the blueprints and that building permits are required. Respondent has not corrected the items on the Notice to Correct. Mr. Ables testified that the Respondent's contract did not contain his license number or monetary limit placed on the license by the Board.

Mr. Scott testified that the original contract was for an 8X12 room addition. He paid \$3,200 for the blueprints.

Ms. Alvarado testified that she has been told on three occasions that the cost would be \$9,900 for the project.

Mr. Scott testified that he had a soil test completed that cost \$4,500. He testified that he did not have a written contract for the soil test but did have a verbal contract.

Ms. Galvez testified that she had contracted with the Respondent to do tenant improvements at her business. The respondent was to perform electrical, plumbing and mechanical improvements. Ms. Galvez testified that the Respondent did not hire a licensed mechanical subcontractor to install the exhaust hood for the project.

Mr. Welch testified that the written contract provided for blueprints, plans, an electrical subcontractor and the pulling of permits.

On site photos were entered into the record as [Exhibit #3](#).

Mr. Rura testified that he was an environmental inspector for the City of Las Vegas. He further testified that he took pictures at the request of the building department. Mr. Rura stated that he informed the Respondent that the interceptor was not working properly.

Mr. Scott testified that the original location of the interceptor went out of the building at a perpendicular angle. Mr. Rura informed him to cut the piping down and turn it 90 degrees to go back into the building.

Ms. Galvez testified that the Respondent did not ask her and her husband regarding the change of the interceptor.

Mr. Scott testified that he had hired Abes Plumbing and then Stargate Plumbing to finish the project. Mr. Abes of Abes Plumbing passed away before a contract was signed. Mr. Scott stated that he added Abes Plumbing employees to his payroll. Mr. Scott testified that he hired Larkin Plumbing to put in the gas lines.

The building permits for the Galvez project was entered into the record as Exhibits A and B.

Mr. Reese said that depositions could be taken with a single board member present.

MR. CARSON MOVED TO REFER THIS MATTER TO COUNSEL AND TO SOLICIT ASSISTANCE FROM ONE BOARD INVESTIGATOR FOR THE DEPOSITIONS AND TO HAVE A SPECIAL HEARING WITHIN 60 DAYS.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

ARNESON DEVELOPMENT, LICENSE #24166 – STAFF UPDATED (CONTINUED FROM DECEMBER 4, 2001)

The Notice of Complaint and Requirement to Answer, dated August 28, 2001, consisting of pages 1-18, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received on September 4, 2001.

The Answer was received on September 24, 2001.

The Notice of Hearing, dated September 25, 2001, consisting of pages 1-2, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received on October 2, 2001.

The Notice of Continued Hearing, dated October 1, 2001, consisting of pages 1-2, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received.

The Amended Complaint, dated October 5, 2001, was sent certified mail to the Respondent's attorney, Mr. Michael Keane, Esq.. The return receipt was received on October 10, 2001.

The hearing was for possible violations of NRS 624.3017(1), workmanship which is not commensurate with 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; NRS 624.3015(1), acting beyond the scope of the license by entering into a purchase agreement over the monetary limit of the license.

Mr. George Lyford, Director of Investigations updated the Board on this matter. Mr. Lyford stated that the minor roof leaks had been repaired by December 17th and the minor repairs in the house have been done. Mr. Lyford further stated that the roof would be replaced by the June 2002 Board Hearing.

C & C CONTRACTORS, LICENSE #48022 – DISCIPLINARY HEARING (CONTINUED FROM DECEMBER 4, 2001)

The Notice of Hearing and Complaint, dated November 26, 2001, consisting of pages 1-9, was hand delivered to the Respondent's address of record on file with the Board by Gail Wilson of the Nevada State Contractors Board in Las Vegas, Nevada on November 26, 2001.

The hearing was for possible violations of NRS 624.3013(3), failure to establish financial responsibility; NRS 624.3012(2), misrepresentation of material fact by an applicant or licensee in connection with any information or evidence furnished the board in connection with official matters of the board.

Mr. Lee Christensen and Ms. Pat Potter were present.

Mr. Christensen testified that he was current with his child support.

Ms. Potter testified that the financial statement that had been provided did not have full disclosures but the one provided today has the disclosures. Ms. Potter stated that she had contacted the bonding company to see if the down payment due before December 14 had been received and was told it had not.

A copy of the check to the bonding company was entered into the record as Exhibit A.

MR. JOHNSON MOVED TO RENEW LICENSE #48022, C & C CONTRACTORS AND TO DISMISS ALL CHARGES.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON DISSENTED.

APPLICATIONS

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

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

ABAT-JOHNSON ENTERPRISES, INC. – LICENSE NOS. 41555 AND 42575 – ONE TIME RAISE IN LIMIT

Mr. Keith Gregory, attorney for Abat-Johnson Enterprises, Inc. was present. The Board informed Mr. Gregory that the request for a one-time raise in limit was granted.

VISIONSCAPE INC. (C-10 LANDSCAPE CONTRACTING) NEW APPLICATION

Mr. Keith Gregory, attorney for Visionscape, Inc., was present. The Board informed Mr. Gregory that the applicant would have to change its name.

ABLE TELECOM, INC. (B-2 RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATION

Mr. Chris Byrd, attorney for Able Telecom, Inc., was present. Mr. Byrd informed the Board that the loan in question is a long-term loan payable to a stockholder. The Board informed Mr. Byrd that the license application (B-2 Residential and Small Commercial) was granted for a monetary limit of \$2,000,000 and a bond of \$30,000.

ADT CONSTRUCTION GROUP, INC. (B GENERAL BUILDING) NEW APPLICATION

Mr. David Covert, Vice President, ADT Construction Group, Inc., was present. The Board informed Mr. Covert that the license application (B – General Building) was granted with a monetary limit of \$2,000,000 and a bond of \$20,000.

The remainder of the applications on the agenda were reviewed and discussion occurred on the following: Nos. 2 - 7, 10, 13, 15, 18, 20, 25, 29 - 32, 46, 51, 54 - 56, 59, 63, 68 - 73, 78, 86, 91, 102, 107, 108, 113, 114, 119, 121; and on the amended agenda: Nos. 1 – 11 and 13 - 20

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

MS. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

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

MS. CAVIN 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 Zech 5:20 p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Michael Zech, Chairman