

# State of Nevada

Reply To:

MEMBERS  
Kevin E. Burke, Chairman  
Michael Efstratis  
John C. Ellison  
Jerry Higgins  
Nathaniel W. Hodgson, III  
William "Bruce" King  
Stephen P. Quinn



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## STATE CONTRACTORS BOARD

### MINUTES OF THE MEETING October 22, 2009

#### **1. CALL TO ORDER:**

Acting Chairman Kevin Burke called the meeting of the State Contractors Board to order at 8:30 a.m., Thursday, October 22, 2009, 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. Kevin Burke, Acting Chairman  
Mr. Michael Efstratis  
Mr. John Ellison  
Mr. Jerry Higgins  
Mr. Nathaniel W. Hodgson, III  
Mr. Bruce King

#### **BOARD MEMBERS ABSENT:**

Mr. Guy Wells

#### **STAFF MEMBERS PRESENT:**

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

#### **LEGAL COUNSEL PRESENT:**

Mr. Bruce Robb, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on October 15, 2009, at Las Vegas City Hall, Sawyer State Building, Clark County Library and Reno City Hall, Washoe County Court House and Washoe County Library. The agenda was also posted in both offices of the Board, Henderson and Reno and on the Board Internet Website.

#### **AMENDED AGENDA:**

**It was moved and seconded to move item number 234, Hardy Construction, Inc., from the Consent Agenda to Board decision. MOTION CARRIED.**

#### **FUTURE AGENDAS:**

**It was moved and seconded to appoint Mr. Kevin Burke as Acting Chairman until the next election of officers. MOTION CARRIED.**

**2. PUBLIC COMMENT:**

Mr. Jess Traver, Director of the Building Association of Northern Nevada commented on proposed regulation R057-09.

**3. APPROVAL OF MINUTES:** September 24, 2009

It was moved and seconded to approve the minutes of September 24, 2009 with changes noted by Mr. King. MOTION CARRIED.

**4. EXECUTIVE SESSION:**

**a. REVIEW AND APPROVAL OF EXECUTIVE OFFICER'S QUARTERLY REPORT 7/1/09 THROUGH 9/30/09**

It was moved and seconded to approve the Executive Officer's Quarterly Report for 7/1/09 through 9/30/09. MOTION CARRIED.

**b. REVIEW AND APPROVAL OF CASH DISBURSEMENTS AND TRANSFER JOURNALS 7/1/09 THROUGH 9/30/09**

It was moved and seconded to approve Cash Disbursements and Transfer Journals for 7/1/09 through 9/30/09. MOTION CARRIED,

**c. APPROVAL OF QUARTERLY FINANCIAL REPORT FOR THE PERIOD 7/1/09 THROUGH 9/30/09**

It was moved and seconded to approve the Quarterly Financial Report for the period 7/1/09 through 9/30/09. MOTION CARRIED.

**d. REVIEW AND APPROVAL OF COMPARISON REPORTS FOR THE PERIOD 7/01/07 THROUGH 9/30/09**

It was moved and seconded to approve the Comparison Reports for the period 7/01/07 through 9/30/09. MOTION CARRIED.

**e. REVIEW OF PROPOSED CHANGES TO NAC 624.730 TO 624.770 CONCERNING THE RESIDENTIAL RECOVERY FUND**

It was moved and seconded to commence rule making proceedings on the proposed changes to NAC 624.730 to 624.770 concerning the Residential Recovery Fund. MOTION CARRIED.

**f. REVIEW OF PROPOSED REGULATION R-058-09 CONCERNING FINANCIAL STATEMENT REQUIREMENTS AND R-0507-09 CONCERNING BOND REQUIREMENTS**

Ms. Grein informed the Board that a workshop is scheduled for November 13, 2009 at 8:30 a.m. to receive public comment on the proposed changes to license bond requirements, LCB File R057-09.

**g. REVIEW AND APPROVAL OF FINANCIAL RESPONSIBILITY REVIEW PROCEDURE**

It was moved and seconded to approve the Financial Responsibility Review Procedure. MOTION CARRIED.

**h. REVIEW AND APPROVAL OF SOLARI AND STURMER MANAGEMENT LETTER RESPONSE**

It was moved and seconded to approve the Solari and Sturmer Management letter response. MOTION CARRIED.

**i. DISCUSSION AND REVIEW OF RESPONSES UNDER NRS 40.6887**

It was moved and seconded to approve the responses under NRS 40.6887. **MOTION CARRIED.**

**j. DISCUSSION AND APPROVAL OF SETTLEMENT AGREEMENTS**

**1. Perini Building Company, License numbers 4382 and 18335**

Licensee was present with counsel, Rob Martin, Esq.

It was moved and seconded to accept the Settlement Agreement. **MOTION CARRIED.**

**2. Rhodes Design and Development Corporation, dba Rhodes Homes, License number 28530**

Licensee was present with counsel, Shemilly Briscoe, Esq.

It was moved and seconded to accept the Settlement Agreements. **MOTION CARRIED.**

**k. DEPARTMENTAL REPORTS:**

This matter was continued.

**5. SUBCOMMITTEE REPORTS:** Executive Subcommittee, Recovery Fund Subcommittee, Classification/Regulation Subcommittee, Finance Subcommittee, Subcommittee(s) Discussion

This matter was continued.

**6. INTENT TO AWARD CASH BOND CLAIM:**

**BENECON, INC.,** License number 37239

Licensee was not present.

It was moved and seconded to award Benecon, Inc's. claim in the amount of \$3,239.50. **MOTION CARRIED.**

**7. INTENT TO AWARD CASH BOND CLAIM:**

**BOBBY STEPHENS MASONRY, INC.,** License number 36055

Licensee was not present.

It was moved and seconded to award each claimant a pro rata share of the cash bond. **MOTION CARRIED.**

**8. FINANCIAL RESPONSIBILITY HEARING:**

**PUEBLO DESIGN GROUP, LLC, dba DESERT MESA CONSTRUCTION,** License number 54609

Licensee was present.

Mr. Roberts stated a correction on page five, paragraph one, second sentence on the Hearing Notice to read "on or about May 8, 2009". It was moved and seconded to reduce the license limit from unlimited, to \$750,000.00 requiring a bond of \$50,000.00. A current financial statement must

be submitted within six (6) months of the October 22, 2009 Board Hearing. Licensee may only work one project. **MOTION CARRIED.**

**9. FINANCIAL RESPONSIBILITY HEARING:**

**T I SOLUTIONS,** License numbers 70741, 70742, 70743, 71353

Licensee was present.

It was moved and seconded to reduce the monetary limit on license numbers 70741, 70742, 70743 and 71353 to \$10,000.00 with no change in the bond amount. Licensee must submit a personal financial statement within thirty (30) days of the October 22, 2009 Board Hearing or license numbers 70741, 70742, 70743 and 71353 will be suspended.

**10. NEW APPLICATION DENIAL HEARING:**

**RUTHLESS ENTERPRISES, INC.**

Applicant was present.

It was moved and seconded to approve the license application with a monetary limit of \$1,500.00 and a bond of \$1,000.00 contingent upon receipt of a current financial statement that supports the license. **MOTION CARRIED.**

Mr. King opposed the motion.

**11. NEW APPLICATION DENIAL HEARING:**

**M & J FLOOR CLEANING AND RESTORATION, INC.**

Applicant was present with counsel, Jeff Albregts, Esq. and Donna Wittig, Esq.

It was moved and seconded to continue the matter for six (6) months to give the applicant time to appeal his sex offender classification with the State of Nevada. **MOTION CARRIED.**

**12. NEW APPLICATION DENIAL HEARING:**

**DESERT VALLEY DEVELOPER AND CONTRACTOR, LLC**

Licensee was present.

It was moved and seconded to deny the application. **MOTION CARRIED.**

**13. NEW APPLICATION DENIAL HEARING:**

**INNOVATIVE ACCESS, LLC**

Applicant was present.

It was moved and seconded to table this matter for thirty (30) days in order to verify payment to creditors and receipts of a new financial statement. **MOTION CARRIED.**

**14. NEW APPLICATION DENIAL HEARING:**

**CHEHAB, INC., dba LEGACY TILE AND MARBLE**

Applicant was present.

**It was moved and seconded to approve the applications with a monetary limit of \$100,000.00 requiring a \$10,000.00 bond contingent upon a personal indemnification by Mohamad Chehab and a financial statement that supports the approved limit. MOTION CARRIED.**

**15. APPROVAL OF CONSENT AGENDA:**

**a. RATIFICATION OF STAFF APPROVED LICENSE APPLICATIONS, CHANGES OF LICENSURE, REINSTATEMENT OF LICENSURE, VOLUNTARY SURRENDERS:**

Mr. Hodgson recused himself from item numbers 122, 123, 124, 125, 310, 216, 271 450 and 454.

Mr. Burke recused himself from item numbers 8, 213 and 214.

**It was moved and seconded to approve the consent agenda. MOTION CARRIED.**

**16. APPLICATIONS (INITIAL AND RENEWAL) IN QUESTION:**

**BOMBARDIER TRANSPORTATION HOLDINGS USA, INC., (A-22 UNCLASSIFIED) LIMITED TO AUTOMATED TRAM SYSTEMS; NEW APPLICATION; BOARD DECISION**

Applicant was present with counsel, Richard Peel, Esq. Richard Dreitzer, Esq. and Andrew Kahn, Esq. from McCracken, Stemerma, Bowen and Holsberry were present to speak against the application.

**It was moved and seconded to approve the license application for an unlimited A-22 classification with a bond of \$50,000.00. MOTION CARRIED.**

**FAJARDOS POOL PLASTERING, INC. (C-17B-PLASTERING) NEW APPLICATION; WAIVER OF TRADE EXAM**

Applicant was present.

**It was moved and seconded to deny the waiver of the trade exam. MOTION CARRIED.**

**C AND S COMPANY, INC. (A-GENERAL ENGINEERING); CHANGE/ADDITION Q.I.; RECONSIDERATION – WAIVER OF TRADE EXAM**

Licensee was present.

**It was moved and seconded to approve the waiver of the trade exam. MOTION CARRIED.**

**PACIFIC STUDIO, INC. (C-26B-BUILDING ACCESSORIES AND SPECIALTIES); SINGLE PROJECT LIMIT INCREASE; RECONSIDERATION**

Applicant was present.

**It was moved and seconded to approve the single project limit increase to \$6,000,000 based on the representation by Alan Salm that the license had not bid the project. MOTION CARRIED.**

**HARDY CONSTRUCTION, INC. (AB-GENERAL ENGINEERING AND GENERAL BUILDING); NEW APPLICATION; RECONSIDERATION – CLASSIFICATION**

Applicant was present with counsel, Keith Gregory, Esq.

**It was moved and seconded to waive the trade exam. MOTION CARRIED.**

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned by Chairman Wells at 11:45 A.M.

Respectfully Submitted,

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Janet Brinkley, Recording Secretary

APPROVED:

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Margi Grein, Executive Officer

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Kevin Burke, Acting Chairman