

**BRIAN SANDOVAL**  
Governor

## State Of Nevada

Reply To:

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## STATE CONTRACTORS BOARD

### MINUTES OF THE MEETING May 24, 2012

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

Chairman Burke called the meeting of the State Contractors Board to order at 8:30 a.m., Thursday, May 24, 2012, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign in Log.

- a. Chairman Burke led the Pledge of Allegiance.

#### **BOARD MEMBERS PRESENT:**

Mr. Kevin Burke, Chairman  
Mr. Jim Alexander  
Ms. Margaret Cavin  
Mr. Donald L. Drake  
Mr. Nathaniel W. Hodgson, III  
Mr. Guy M. Wells

#### **BOARD MEMBER ABSENT:**

Mr. Steven Quinn

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

Ms. Margi Grein, Executive Officer  
Mr. George J. Lyford, Director of Investigations  
Mr. Daniel Hammack, Chief of Enforcement  
Ms. Nancy Mathias, Licensing Administrator

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

Bruce Robb, Esq., Legal Counsel  
David Brown, Esq.  
Louis Ling, Esq.  
Jonathan Andrews, Esq.

Ms. Grein stated the agenda was posted in compliance with the Open Meeting Law 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.

**APPROVAL OF AGENDA**

It was moved and seconded to approve the Agenda. MOTION CARRIED.

**b. UNFINISHED BUSINESS:**

There was no unfinished business.

**c. FUTURE AGENDAS**

There was no discussion concerning future agendas.

**2. PUBLIC COMMENT**

No one was present for public comment.

**3. APPROVAL OF MINUTES:** April 19, 2012 and May 1, 2012

Ms. Cavin noted a correction on the April 19, 2012 meeting minutes on her Disclosure/Recusal item # 226-226 was incorrect and should have been #336-337 – Titan Electric – Disclosed a previous business relationship with the applicant.

It was moved and seconded to approve the Minutes of April 19, 2012 as amended and May 1, 2012. MOTION CARRIED.

**4. NEW APPLICATION DENIAL HEARING (Continued from 3/22/2012)**

**JMAC PLUMBING & AIR CONDITIONING, LLC.**

James P. Manning, Manager & CMS Qualified Individual  
Curtis K. McCoy, Trade Qualified Individual for C-1  
James D. Garner, Trade Qualified Individual for C-21

Applicants James Manning and Alan Carducci, along with their Counsel, Dennis Haney, Esq. were present.

Mr. Burke disclosed and recused himself from this case based on a personal friendship and a business relationship with the applicant. Board Member Wells acted as chairman.

Mr. Wells disclosed he was the Hearing Officer on the disciplinary case against the Respondent, Interstate Plumbing & Air Conditioning, LLC.

Mr. Hodgson disclosed and recused himself based on possible future business associations with some of the witnesses.

The following exhibits were admitted:

- Exhibit 1 – Board Complaint and Attached Exhibits (presented at March 22, 2012 meeting)
- Exhibit A – Respondent's Answer to Order to Show Cause (presented at March 22, 2012 meeting)
- Exhibit B – Memo from Tim Durkin (presented at March 22, 2012 meeting)
- Exhibit C – Letter from Angelo A. Cassaro dated May 20, 2012 - character reference for James Manning
- Exhibit D – Bankruptcy Accounts Payable Summary for Interstate Plumbing
- Exhibit E – Bankruptcy Unsecured Creditors of Interstate Plumbing

Michael Sicner of American West Development; James Krahenbuhl of American Comfort Systems; Jordan Krahenbuhl, personal friend of Mr. Manning; Buddy Byrd of Byrd Underground, personal friend and prior employee of Mr. Manning; and Thomas Wagner, friend of applicant spoke in support of the application.

Lou Salazar of the Plumbing and Pipefitters Union 525 spoke in opposition of licensure.

**It was moved and seconded to deny the application. MOTION CARRIED.  
Mr. Wells opposed the motion.**

**5. NEW APPLICATION DENIAL HEARING (continued from 12/15/2011)**

**CLARK COUNTY BUILDERS, LLC**

Ebelio Mayorga-Romero, Managing Member/Qualified Individual

Lola L. Mayorga, Managing Member

Ebelio Mayorga-Romero along with his Counsel, Josef Karacsonyi, Esq. were present.

Mr. Burke disclosed that his company previously did business with Dickerson Law Group.

**It was moved and seconded to approve the license application classification B-2 (Residential & Small Commercial) with a monetary limit of \$240,000.00 and \$15,000.00 bond with a one year business review.**

**6. NEW APPLICATION DENIAL HEARING**

**ATG NEVADA, LLC**

Basharat Mahmood, Managing Member/Qualified Individual

**It was moved and seconded to continue this matter. MOTION CARRIED.**

**7. NEW APPLICATION DENIAL HEARING**

**TOP QUALITY FLOORS, INC. DBA FULL CIRCLE FLOORING**

Jason Michael Hopp, President/Qualified Individual

Jason Hopp along with counsel, Roger Doyle, Esq. were present.

Samuel Richter, former employee and friend spoke in favor of licensure.

**It was moved and seconded to approve the license applications C-16 (Finishing Floors) and C-20 (Tiling) licenses with a \$15,000 monetary limit and \$5,000.00 bond for each license. MOTION CARRIED.**

**8. NEW APPLICATION DENIAL HEARING**

**J D M MECHANICAL, INC.**

Jared Andrew Miller, President/CMS Qualified Individual

Paul Somarriba, Trade Qualified Individual

Debbie Anthon Miller, Secretary/Treasurer

Jared Andrew Miller was present.

Tate McGinty and Tim Breed, business agents with Plumbers & Pipefitters Union Local 525, spoke in favor of licensure.

**It was moved and seconded to approve licensure for C-21 (Refrigeration & Air Conditioning) with a \$10,000 monetary limit and \$2,000.00 bond. MOTION CARRIED.**

**9. NEW APPLICATION DENIAL HEARING**

**SUPPORT REFRIGERATION, INC.**

Marco Antonio Godinez, President/Qualified Individual

Marco Godinez was present.

**It was moved and seconded to approve the application for C-21 (Refrigeration and Air Conditioning) with a \$50,000 monetary limit and \$10,000 bond, and a one year business review. MOTION CARRIED.**

**10. NEW APPLICATION DENIAL HEARING**

**TRI STATE CONTRACTORS, INC., DBA TRI STATE FRAMING**

Doug Gregory Smith, CEO/Qualified individual

Doug Gregory Smith was present.

Keith Chappell spoke in favor of the application.

**It was moved and seconded to continue this matter. MOTION CARRIED.**

**11. NEW APPLICATION DENIAL HEARING**

**PREFERRED SERVICE, INC.**

Burt Budd Longworth, President/Qualified Individual

Conrad Tacner, Secretary

Burt Longworth and Conrad Tacner were present.

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

**12. NEW APPLICATION DENIAL HEARING**

**PATRIOTS HANDYMAN, LLC**

Duane Thomas Martin, Managing Member/Qualified Individual

Dana Marie Martin, Managing Member

Ryan Patrick Loy, Managing Member

Michelle Leeann Loy, Managing Member

Duane Martin, Dana Martin, Ryan Loy, and Michelle Loy were present.

Mr. Wells disclosed and recused himself because of a name similarity to his company.

**It was moved and seconded to approve the application classification C-3B (Finish Carpentry) with a monetary limit of \$50,000.00 and \$5,000.00 bond contingent upon the company name change and personal indemnification by Duane Martin, Dana Martin, Ryan Loy and Michelle Loy. MOTION CARRIED.**

**13. APPROVAL OF CONSENT AGENDA**

Mr. Burke made disclosures or recused himself from item numbers

- #395-400 – Stout Roofing, Inc. – Disclosed the applicant is currently working for Burke Construction Group, Inc.
- #422-424 – Tippetts Mechanical – Disclosed the applicant is currently working for Burke Construction Group, Inc.
- #465 – Wynn Design & Development, LLC – Disclosed Kelly Dewees was a previous employer.

Ms. Cavin made disclosures or recused herself from item numbers

- #90 – Core Construction – Disclosed and recused based on a personal friendship with principals and current contract with family members.
- #305 – Perez Roofing – Disclosed the applicant is a tenant.
- #331-334 – Q C S – Disclosed previous business dealings and is currently on a job together with the applicant.

Mr. Drake made disclosures or recused himself from item numbers

- #3 – A B C Fire Extinguisher Co, Inc. – Disclosed a previous business relationship with the applicant.
- #299 – Pacific States Communications of Nevada, Inc. - Disclosed a previous business relationship with the applicant.

Mr. Hodgson made disclosures or recused himself from item numbers

- #25-28 – Alpha Landscapes, LLC – Disclosed and recused based on a close, personal friendship with applicant.
- #54 – Beazer Preowned Construction, LLC – Disclosed he served on a Board with William June for two years.
- #81 – Cedco Contracting – Disclosed he has worked with applicant in the past.
- #183 – Hirschi Masonry, LLC – Disclosed and recused based on personal friendship with applicant.
- #233 – Ledcor C M I, Inc. – Disclosed a previous business dealing with applicant.
- #265 – Masco Cabinetry, LLC – Disclosed that Masco worked for previous employer.
- #282 – Native Resources Nevada A Limited Liability Co – Disclosed that Dave Fortner is a friend and fellow Southern Nevada Home Builders Association Board Member.
- #409 – Surface Specialists of Nevada, Inc. – Disclosed a past working relationship with applicant.

Mr. Wells made disclosures or recused himself from item numbers

- #233 – Ledcor C M I, Inc. – Disclosed and recused based on current contracts with applicant.
- #256 – M M C, Inc. – Disclosed an recused based on current contracts with applicant.

**It was moved and seconded to approve the ratification of Staff Approved License Applications, Changes of Licensure, Reinstatement of Licensure, and Voluntary surrenders (List Attached, Items 1 to 471). MOTION CARRIED.**

**14. APPLICATIONS (INITIAL AND RENEWAL) IN QUESTION**

**1. THE HIGHTOWER GROUP, LLC DBA THE T I GUY**

Jeffrey Hightower, Manager

Carolyn Simone Hightower, Member

Jeff Hightower was present.

Mr. Burke disclosed a business relationship with the applicant.

Mr. Wells disclosed he has worked with the applicant in the past.

Mr. Hodgson disclosed his former employer worked with the applicant in the past.

**It was moved and seconded to approve licensure, classification B (General Building Limited to Construction Management Only), monetary limit of \$240,000.00, bond of \$10,000.00, and waive the trade exam. MOTION CARRIED.**

**2. ACCENT AIR, INC.**

Robert Michael Grasso, President/Qualified Individual

Robert Grasso and Thomas Kisling were present.

**It was moved and seconded to approve the Change of Officer application. MOTION CARRIED.**

**3. CLARK COUNTY BUILDERS**

Ebelio Mayorga-Romero, Managing Member/Qualified Individual

Lola L. Mayorga, Managing Member

Ebelio Mayorga-Romero along with his Counsel, Josef Karacsonyi, Esq. were present.

**It was moved and seconded to approve the financial review. MOTION CARRIED.**

**4. MAJESTIC AIR CONDITIONING & HEATING, INC.**

Darryl Andrew Foster, President/Trade Qualified Individual

Robert Allen Foster, Secretary/CMS Qualified Individual

Darryl Foster was present.

**It was moved and seconded to approve the Change/Add Qualifier application. MOTION CARRIED.**

**Mr. Hodgson left the meeting.**

**A. EXECUTIVE OFFICER'S REPORT**

**B. Review and Discussion of 2012-2013 Strategic Plan Draft**

Ms. Grein submitted the draft of the 2012-2013 Strategic Plan that will be presented for approval in June.

**C. Discussion concerning NAC 624.180(2) Classification B-2 (Residential & Small Commercial) and NAC 624.210 Classification C-3 (Carpentry, Maintenance, and Minor Repair)**

Ms. Mathias presented the results of the NASCLA survey regarding licensing of general building contractors and construction managers.

**D. Discussion concerning the requirements of NRS 624.263(4)(5) and NRS 624.264(4) concerning financial reviews**

Ms. Mathias presented some suggested changes to the financial reviews procedure. This matter was continued.

**E. Discussion concerning issues related to Nevada Supreme Court Case No. 21280 Bivins Construction V. State Contractors Board**

Mr. Ling summarized the ruling by the Supreme Court in the Bivins Construction matter, Court Case No. 21280. The board requested that the matter be placed on each quarterly Board Meeting agenda.

**F. DISCUSSION AND APPROVAL OF PROPOSED BILL DRAFT REQUESTS FOR 2013 LEGISLATIVE SESSION**

- **Amendment to NRS 624.031 – Exemptions**

Several members of the public provide comment concerning the exemption currently allowed in NRS 624.031(5)

John Busbee – Plumbing, Heating, Cooling Contractors of Nevada – Voiced his support that all handymen/contractors be licensed.

Mark Larkin – Larkin Plumbing and Heating, Las Vegas – Voiced his support of no exemptions requiring all handymen/contractors to be licensed.

Sherry Hernandez – Assistant Executive Director, MCA and Pipe, Inc. – Voiced her support of no exemptions, requiring all handymen/contractors to be licensed.

Arte White – Aqua Plumbing, Plumbing, Heating, Cooling Contractors Officer – Voiced his support of no exemptions, requiring all handymen/contractors to be licensed.

Ed Bless – Carl's Air – Voiced his support of no exemptions, requiring all handymen/contractors to be licensed.

**It was moved and seconded to authorize the Executive Officer to submit the bill draft request. MOTION CARRIED.**

- **Amendment to NRS 624.100 – Insulation Advisory Committee**

**It was moved and seconded to authorize the Executive Officer to submit the bill draft request. MOTION CARRIED.**

- **Amendment to NRS 624.3017 – Substandard Workmanship**

**It was moved and seconded to authorize the Executive Officer to submit the bill draft request. MOTION CARRIED.**

- **Amendment to NRS 624.341 – Administrative Citations**

**It was moved and seconded to authorize the Executive Officer to submit the bill draft request. MOTION CARRIED.**

**G. DISCUSSION AND ACTION OF PROPOSED CHANGES TO NAC 624 RECOMMENDED BY THE CLASSIFICATION/REGULATION SUBCOMMITTEE IN COMPLIANCE WITH THE GOVERNOR'S EO#2011-1**

Mr. Ling presented wording changes in classifications that better relate to the change in industry norms.

**It was moved and seconded to approve the wording changes in classifications as presented. MOTION CARRIED.**

Mr. Ling provided the Board with various changes that were reviewed by the Classification/Regulation Subcommittee.

The board voted to initiate rule-making proceedings and schedule workshops and hearings relating to certain changes to NAC 624.

**PUBLIC COMMENT**

No one was present for public comment.

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned by Chairman Burke at 1:23 p.m.

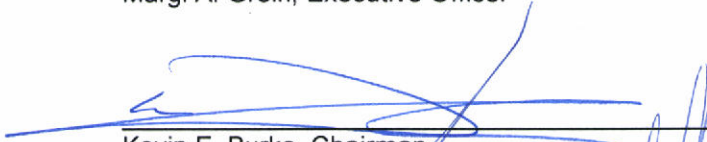
Respectfully Submitted,

  
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Judy Teller, Recording Secretary

APPROVED:


  
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Margi A. Grein, Executive Officer

  
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Date

  
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Kevin E. Burke, Chairman

  
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Date

  
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Guy Wells, Chairman

  
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Date