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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING September 15, 2005

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

1. CALL TO ORDER:

Chairman Randy Schaefer called the meeting of the State Contractors Board to order at 8:30 a.m., Thursday, September 15, 2005, 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. David Clark
Mr. Spiridon G. Filios
Mr. Jerry Higgins
Mr. J. Brian Scroggins
Mr. Michael Zech

BOARD MEMBER ABSENT:

Ms. Margaret Cavin

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
Mr. Gary Hoid, Deputy Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

Mr. David Brown, Esq., Legal Counsel
Ms. Laura Browning, Esq., Legal Counsel (Disciplinary Hearings Only)

2. PUBLIC COMMENT:

Mr. Bob Portnoff was present requesting information regarding the time period for the license renewal process and to express his gratification to Mr. Zech for his devotion to the Board.

3. APPROVAL OF MINUTES: August 18, 2005

It was moved and seconded to approve the minutes of August 18, 2005. MOTION CARRIED.

4. EXECUTIVE SESSION:

a. EXECUTIVE OFFICER'S REPORT:

This matter was continued to the October 20, 2005 Board Meeting.

b. FINANCIAL STATEMENTS AND INDEPENDENT AUDITORS' REPORT 06/30/05, SOLARI AND STURMER LLC:

It was moved and seconded to approve the June 30, 2005 auditors' report. **MOTION CARRIED.**

c. DISCUSSION OF PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE REGARDING FINANCIAL STATEMENT REQUIREMENTS:

Ms. Mathias provided a draft of the proposed changes to Nevada Administrative Code regarding financial statement requirements.

It was moved and seconded to schedule Workshops and Public Hearings. **MOTION CARRIED.**

d. DISCUSSION OF PROPOSED REGULATION LCB FILE R-094-05 – CONCERNING RESIDENTIAL POOLS AND SPAS:

Ms. Grein reported on the Workshop concerning residential pools and spas and indicated additional Workshops and Public Hearings would be necessary.

Ms. Grein discussed provisions and implementing the Consumer Protection Bond.

It was moved and seconded to implement the Consumer Protection Bond for contractors licensed less than Five (5) years. **MOTION CARRIED.**

e. ADOPTION OF PROPOSED REGULATION LCB FILE R-011-05 – CONCERNING ISSUANCE OF CONDITIONAL LICENSES:

Ms. Grein reported on the Workshop and Public Hearing concerning the issuance of conditional licenses.

It was moved and seconded to adopt the proposed regulation. **MOTION CARRIED.**

f. DISCUSSION OF PROPOSED REGULATION LCB FILE R-209-03 – CONCERNING LANDSCAPE CONTRACTING:

Ms. Grein reported on the Workshop concerning the C-10 landscape scope of work and indicated the Public Hearing will be scheduled for a later date. The Board staff will work with representatives of the Landscape Association in an effort to resolve differences.

g. LEGISLATIVE REPORT:

Ms. Grein reported legislative activities by Keith Lee.

5. DEPARTMENTAL REPORTS:

This matter was continued to the October 20, 2005 Board Meeting.

6. SUBCOMMITTEE REPORTS:

This matter was continued to the October 20, 2005 Board Meeting.

7. REVIEW OF PROPOSED RESPONSE TO REQUEST SUBMITTED PURSUANT TO NRS 40.6887, FILE NO. L-0507-356-CD, AMLAND DEVELOPMENT, INC., LICNESE NO. 33499 AND FILE NO. L-0507-355-CD, VERCO CUSTOM HOMES, LICENSE NO. 42946:

The Board discussed implementing the appropriate procedures for handling construction defect cases to be researched further by the Board's Counsel and the Executive Officer.

It was moved and seconded to authorize the Executive Officer to provide responses on behalf of the

Board to constructional questions or disputes. **MOTION CARRIED.**

8. APPROVAL OF STIPULATION TO DISMISS APPEAL:

SOLANO DEVELOPMENT COMPANY, LICENSE NO. 50086

It was moved and seconded to approve the stipulation to dismiss appeal. **MOTION CARRIED.**

9. APPRVOAL OF CONSENT AGENDA:

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

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

APPLICATIONS IN QUESTION: (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**

CONSTRUCTION GROUP INTERNATIONAL LLC, (A-23 REMOVAL OF ASBESTOS) NEW APPLICATION, REQUESTING WAIVER OF TRADE EXAM

Applicant was present.

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

DEE & HOLIDAY BUSINESS ENTERPRISES, INC., (B-2 RESIDENTIAL & SMALL COMMERCIAL) NEW APPLICATION

Applicant was present.

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

HILL ELECTRIC LLC, (C-2A ELECTRICAL WIRING) NEW APPLICATION

Applicant was represented by Counsel Keith Gregory, Esq.

It was moved and seconded to approve the license application conditioned upon the applicant providing quarterly reports and a financial statement at the time of renewal 2006. **MOTION CARRIED.**

The applicant is ordered to submit to a Business Review within 6 months from September 15, 2005. The result of the Business Review will be presented to the Executive Officer.

MERIDIAN DEVELOPMENT, LLC, (B-2 RESIDENTIAL & SMALL COMMERCIAL) NEW APPLICATION, RECONSIDERATION

Applicant was present.

It was moved and seconded to approve the license application contingent upon the applicant providing a letter from Meridian Construction Co., LLC allowing use of name. **MOTION CARRIED.**

NEVADA IRON WERKS, LLC, (C-14C ORNAMENTAL METAL) NEW APPLICATION

Applicant was present.

It was moved and seconded to approve the license application conditioned upon the applicant providing a financial statement at the time of renewal 2006. **MOTION**

CARRIED.

SUNRISE TREE & LANDSCAPE, INC., (C-10 LANDSCAPE CONTRACTING) NEW APPLICATION

Applicant was present.

It was moved and seconded to approve the license application. MOTION CARRIED.

WILLIAMS BROTHER, INC., (A-GENERAL ENGINEERING) NEW APPLICATION, REQUESTING WAIVER OF TRADE EXAM

Applicant was present.

It was moved and seconded to approve the license application. MOTION CARRIED.

A J & S MAINTENANCE, INC., LICENSE NO. 53651 (C-10A, B LANDSCAPING; LANDSCAPE IRRIGATION) F/S ON RENEWAL, REMOVAL OF CONDITION

Licensee was present.

It was moved and seconded to approve the renewal application. This approval was conditioned upon Arthur Fuentez providing quarterly reports reflecting current child support payments and a financial statement at the time of renewal 2006. MOTION CARRIED.

M I G NEVADA, LLC, LICENSE NO. 57811 (B-GENERAL BUILDING) RAISE IN LIMIT, RECONSIDERATION

Licensee was present.

It was moved and seconded to approve the raise in limit application to unlimited restricted to the M G M and M G M Mirage properties. All other projects the monetary license limit remains \$2,000,000.00. MOTION CARRIED.

DEBLOR CORP, (B-2 RESIDENTIAL & SMALL COMMERCIAL) NEW APPLICATION

Applicant was present with Counsel Don Hill, Esq.

It was moved and seconded to table the license application. MOTION CARRIED.

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.

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

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chairman Schaefer at 11:05 p.m.

Respectfully Submitted,

Traci Greenlee, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Randall Schaefer, Chairman

ADJUDICATING BOARD MEMBER: MICHAEL ZECH

10. DISCIPLINARY HEARING: (Continued from March 29, 2005)

WEST COAST FRAMING, LLC, LICENSE NO. 55624

This matter was continued from the March 29, 2005 Hearing to allow the Respondent time to provide a financial statement prepared by a Certified Public Accountant.

Licensee was represented by Counsel Louis Palazzo, Esq.

Hearing Officer Zech found Respondent West Coast Framing, LLC, George G. Daskalos, Manager, license number 55624 guilty of Two (2) violations of NRS 624.3016(1) fraudulent or deceitful act, including without limitation misrepresentation; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with a written request from the Board for information or records; NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify the Board of change of address or personnel within 30 days after the change occurs. License number 55624 will remain Voluntarily Suspended. Investigative costs were assessed in the amount of \$4,126.00. Mr. Daskalos will be required to pay investigative costs when license is reactivated. Mr. Daskalos must resolve all outstanding issues with the Office of the District Attorney and re-establish his financial responsibility when the license is reactivated. A One-Year Letter of Reprimand will be placed in the Respondent's file when the license is reactivated.

11. DISCIPLINARY HEARING: (Continued from September 21, 2004 and October 27, 2004)

PENNINGTON DEVELOPMENT, INC., LICENSE NO. 45675A
HUNTER MECHANICAL, INC., LICENSE NOS. 45697 AND 50174

This matter was continued from the September 21, 2004 and October 27, 2004 Board Meetings to allow the Respondent to continue the repairs on the Jannotta residence and Godorov.

Licensee was present with Counsel Bill Levy, Esq.

The following Agency Exhibits were entered:

Exhibit 9 – Estimate of repairs to the Jannotta residence.

Hearing Officer Zech found Respondent Pennington Development, Inc., J. L. Pennington, President, license number 45675A and Hunter Mechanical, Inc., J. L. Pennington, President, license numbers 45697 and 50174 guilty of Two (2) violations of NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with a written request from the Board for information or records; NRS 624.3013(5), as set forth in NAC 624.640(5) each licensee shall include in all bids he submits or contracts he enters into for construction work within this State, the number of his license and monetary limit placed upon his license; NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action. Pennington Development, Inc., license number 45675A and Hunter Mechanical, Inc., license numbers 45697 and 50174 are Revoked. Mr. Pennington was assessed a fine of \$1,000.00 for the First, Second, Third, Fourth and Sixth Causes of Action for a total fine of \$5,000.00. Investigative costs were assessed in the amount of \$4,491.00. Mr. Pennington is required to pay fines and costs prior to consideration of future licensure.