

KENNY C. GUINN
Governor

STATE OF NEVADA

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STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
June 9, 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, June 9, 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
Ms. Margaret Cavin
Mr. David Clark
Mr. Spiridon G. Filios
Mr. Jerry Higgins
Mr. J. Brian Scroggins
Mr. Michael Zech

STAFF MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

Mr. Bruce Robb, Esq., Legal Counsel
Ms. Laura Browning, Esq., Legal Counsel

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

2. PUBLIC COMMENT:

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

3. APPROVAL OF MINUTES: May 19, 2005

It was moved and seconded to approve the minutes of May 19, 2005. MOTION CARRIED.

4. LEGISLATIVE DISCUSSION:

a. REVIEW AND DISCUSSION OF AB 193 – REVISES PROVISIONS RELATING TO CONTRACTORS:

Ms. Grein reported that Assembly Bill 193 was passed by the Legislature on June 1, 2005 and delivered to Governor Kenny Guinn for his signature.

b. REVIEW AND DISCUSSION OF AB 501 – REVISES PROVISIONS GOVERNING CONTRACTORS:

Ms. Grein reported that Assembly Bill 501 was passed by the Legislature on June 4, 2005 and delivered to Governor Kenny Guinn for his signature.

c. REVIEW AND DISCUSSION OF AB 537 – REVISES PROVISIONS CONCERNING SUBMITAL OF CERTAIN QUESTIONS AND DISPUTES OF THE STATE CONTRACTORS BOARD:

Ms. Grein reported that Assembly Bill 537 was signed by Governor Kenny Guinn and becomes effective immediately.

d. REVIEW AND DISCUSSION OF SB 300 – REVISES PROVISIONS GOVERNING CONTRACTORS:

Ms. Grein reported that Senate Bill 300 was passed by the Legislature on June 3, 2005 and delivered to Governor Kenny Guinn for his signature.

e. REVIEW AND DISCUSSION OF SB 434 – REVISES PROVISIONS GOVERNING CONTRACTORS:

Ms. Grein reported that Senate Bill 434 passed by the Legislature on June 7, 2005 and was delivered to Governor Kenny Guinn for his signature.

f. REVIEW AND DISCUSSION OF ANY OTHER LEGISLATIVE MATTERS, INCLUDING AB 34, SB 17, SB 163, SB 276 AND SB 343:

Ms. Grein reported that Senate Bill 343 was passed by the Legislature on June 2, 2005 and was delivered to Governor Kenny Guinn for his signature.

g. LEGISLATIVE REPORT – BUZZ HARRIS, AMERICAN STRATEGIES, INC.:

Buzz Harris provided a status report on legislative activities.

h. LEGISLATIVE COMMUNICATION AND CORRESPONDENCE:

The Board discussed Assembly Bill 501, Senate Bill 434 and Assembly Bill 193.

Ms. Grein introduced Mr. Keith Lee, Esq. who was retained by the Board as an additional lobbyist for the 2005 Legislative Session.

5. EXECUTIVE SESSION:

a. REVIEW AND APPROVAL OF FINANCIAL REPORT FOR PERIOD ENDING MARCH 31, 2005:

It was moved and seconded to approve the Financial Report for the period ending March 31, 2005.
MOTION CARRIED.

b. REVIEW AND DISCUSSION OF PROPOSED REGULATION LCB FILE R046-05:

Ms. Grein advised the Workshop and Public Hearings on the proposed regulation change concerning a construction defect question or dispute is scheduled for July 11, 2005.

c. CLOSED SESSION TO DISCUSS ANNUAL EXECUTIVE OFFICER EVALUATION:

This matter was continued.

d. DISCUSSION AND ACTION REGARDING NSCB STAFF SALARY RANGES:

This matter was continued.

6. DEPARTMENTAL REPORTS:

EDUCATION:

Ms. Grein provided a status report on the contractor education program co-sponsored with the AGC.

ENFORCEMENT AND INVESTIGATIONS:

Mr. Hammack provided a status report of the Investigations Department.

HUMAN RESOURCE:

Ms. Grein introduced the Contractors Board newest employees.

Ms. Grein advised that Mark Ricardi, Esq. was assisting in the search for a Human Resource Director.

LEGAL:

Mr. Robb provided status report on pending litigation.

Ms. Browning provided a status report on pending litigation.

LICENSING:

Ms. Pat Potter provided a status report of the Licensing Department.

PUBLIC RELATIONS:

Ms. Sonya Ruffin provided a status report of the public relations department.

RECOVERY FUND:

Mr. Lyford reported the next Recovery Fund Meeting will take place on July 11, 2005.

7. SUBCOMMITTEE REPORTS:

8. DISCUSSION OF NAC 624.280:

C-10 LANDSCAPE CLASSIFICATION:

Present for the discussion were representatives of the Nevada Landscape Association, Rick Clark and Bruce Gescheider.

It was moved and seconded to notice for Public Workshop and Hearing proposed changes to NAC 624.280 with the following modifications;

- Installation of retaining walls not to exceed 36 inches in height.
- Installation of non-engineered decorative landscape ponds.
- Installation of landscape lighting not to exceed 24 volts.
- Installation on non-engineered, prefabricated trellises and arbors.

MOTION CARRIED.

9. REQUEST FOR PROPOSAL FOR SERVICES FOR MONEY PURCHASE PENSION PLANS AND DEFERRED COMPENSATION PLAN:

a. FISHER & PHILLIPS LLC – PRESENTATION REGARDING RFP:

Mr. Sheldon Blumling was present to discuss the RFP for pension plan services.

b. HARTFORD INTRODUCTION AND PRESENTATION:

Mr. Bresler and Mr. Trenergy were present from Hartford Life and gave a presentation of the proposed retirement plans.

c. DISCUSSION AND POSSIBLE ACTION ON CONTRACT FOR SERVICES:

It was moved and seconded to authorize Ms. Grein to, on behalf of the Board to, (i) establish a new 457 deferred compensation plan for the employees of the Board (the "New 457 Plan"), (ii) negotiate with and engage The Hartford to provide certain administrative and other services with respect to the New 457 Plan and the existing State Contractors Board Restated Money Purchase Pension Plan and (iii) take any further actions, including, without limitation, executing any necessary plan documents or amendments, service agreements or any other documents, which Ms. Grein deems necessary or useful to accomplish the actions authorized in clauses (i) and (ii) above.

10. APPROVAL 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:**11. 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**

BOB HOCKENHULL CONSTRUCTION, LICENSE NO. 51960 (B-2 RESIDENTIAL & SMALL COMMERCIAL) ONE TIME RAISE IN LIMIT

Licensee was present.

It was moved and seconded to approve the one time raise in limit application. **MOTION CARRIED.**

ALLCOM USA, INC., (C-2D LOW VOLTAGE), NEW APPLICATION

Applicant was present.

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

CLOSET & STORAGE CONCEPTS, (C-3 CARPENTRY) NEW APPLICATION

Applicant was present.

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

BOYD MARTIN CONSTRUCTION, LLC, LICENSE NO. 55572 (B-GENERAL BUILDING) RAISE IN LIMIT

Licensee was present.

It was moved and seconded to approve the raise in limit application. **MOTION CARRIED.**

TRIAD NEVADA BUILDERS, LLC, (B-2 RESIDENTIAL & SMALL COMMERCIAL) NEW APPLICATION

Applicant was present.

It was moved and seconded to approve 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.

ADJUDICATING BOARD MEMBER: DAVID CLARK

12. DISCIPLINARY HEARING: (Continued from December 7, 2004)

AMERICAN FIRE AND ELECTRIC, LICENSE NOS. 36762, 36942
SUN SPOTS, LLC, DBA THE FREE ENERGY STORE, LICENSE NO. 56042

This matter was continued from the December 7, 2004 meeting to allow Investigator Macke and Mr. Ross to track the money deposited at the Credit Union.

Licensee was present with Counsel Keith Gregory, Esq.

The following Agency Exhibits were entered:

Exhibit 2 – American Fire and Electric bank statement for May 2003.

Exhibit 3 – Written statement from Mr. Ross dated April 28, 2005.

The following Respondent Exhibits were entered:

Exhibit B – Signed affidavit from Glen E. Marx dated April 18, 2005.

Exhibit C – Signed affidavit from Ronald Manning dated April 18, 2005.

Hearing Officer Clark took no further disciplinary action against the Respondent American Fire and Electric, license numbers 36762 and 36942, Glen E. Marx, President and Sun Spots, LLC, dba The Free Energy Store, license number 56042, Glen E. Marx, Manager.

13. DISCIPLINARY HEARING:

AMERICAN FIRE AND ELECTRIC, LICENSE NOS. 36762, 36942

Licensee was present with Counsel Cuthbert Mack, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Clark found Respondent American Fire and Electric, license numbers 36762 and 36942, Ronald Manning, Vice President in violation of NRS 624.700(1)(a)(b) it is unlawful for any person to engage in business or act in the capacity of a contractor within this State or submit a bid on a job situated within this State without having an active license, unless that person is exempted from licensure pursuant to NRS 624.031. Mr. Manning was assessed a fine of \$1,000.00 payable in monthly increments of \$100.00 for 10 months. If Mr. Manning fails to make a payment, the Board may seek civil action.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chairman Schaefer at 12:47 p.m.

Respectfully Submitted,

Traci Greenlee, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Randall Schaefer, Chairman