

KENNY C. GUINN
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MEMBERS
RANDALL SCHAEFER
Chairman
MARGARET CAVIN
DAVID W. CLARK
SPIRIDON FILIOS
JERRY HIGGINS
J. BRIAN SCROGGINS
MICHAEL ZECH

STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
JANUARY 21, 2004**

1. CALL TO ORDER

Chairman Randall Schaefer called the meeting of the State Contractors Board to order at 8:32 a.m., Wednesday, January 21, 2004, 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. Spiridon G. Filios
Mr. Jerry Higgins
Mr. J. Brian Scroggins
Mr. Michael Zech

BOARD MEMBERS ABSENT:

Mr. David Clark

STAFF MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

Ms. Carolyn Broussard, Legal Counsel
Mr. Bruce Robb, Legal Counsel (Walter Bruce Robb)

It was moved and seconded to hear the amended agenda. **MOTION CARRIED.**

2. APPROVAL OF MINUTES: January 6, 2004

It was moved and seconded to approve the minutes of January 6, 2004. **MOTION CARRIED.**

3. APPLICATIONS:

a. APPLICATIONS: (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.**

CLASSY CLOSETS ETC., (C-3 CARPENTRY) NAME CHANGE, RECONSIDERATION

Applicant was present. The name change was approved.

GREEN VALLEY TILE AND MARBLE, LLC, (C-20 TILING) NEW APPLICATION

Applicant was present. This matter was tabled for 90 days.

STRATFORD HILL CONSTRUCTION, INC., (B GENERAL BUILDING) RAISE IN LIMIT

Applicant was present. The raise in limit was approved.

F P CONTRACTING, INC., (B-2 RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATION

Applicant was present. The license application was approved.

HERITAGE CONSTRUCTION, (B-2 RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATION, RECONSIDERATION – NAME SIMILARITY

Applicant was present. This matter was tabled for 90 days.

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.

b. RATIFICATION OF LICENSE APPLICATIONS, CHANGES OF LICENSURE, REINSTATEMENTS OF LICENSURE:

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

4. SUBCOMMITTEE REPORTS:

This matter was continued.

5. EXECUTIVE SESSION:

a. EXECUTIVE OFFICER'S PROGRESS REPORT:

Ms. Grein provided a statistical report for the Investigations and Licensing Departments.

b. APPROVAL OF EXECUTIVE OFFICER'S QUARTERLY REPORT FOR PERIOD ENDING DECEMBER 31, 2003:

It was moved and seconded to approve the Executive Officer's Quarterly Report from October 1, 2003 through December 31, 2003. MOTION CARRIED.

c. APPROVAL OF FINANCIAL REPORT FOR PERIOD ENDING DECEMBER 31, 2003:

It was moved and seconded to approve the Financial Report from October 1, 2003 through December 31, 2003. MOTION CARRIED.

d. APPROVAL OF CASH DISBURSEMENTS AND TRANSFER JOURNALS OCTOBER 1, 2003 TO DECEMBER 31, 2003:

It was moved and seconded to approve the cash disbursements and transfer journals from October 1, 2003 through December 31, 2003. MOTION CARRIED.

e. DEPARTMENTAL REPORTS: HUMAN RESOURCES, PUBLIC RELATIONS, INVESTIGATIONS AND LICENSING:

Ms. Grein advised the Board on the upcoming contractor educational seminars.

f. DISCUSSION AND REVIEW OF PROPOSED REGULATIONS: LCB FILE NO. R158-03 AND LCB FILE NO. R221-03:

Ms. Grein reported on the status of LCB File No. R158-03 and LCB File No. R221-03.

g. REVIEW AND APPROVAL OF PROPOSED PROCEDURES FOR CITATIONS:

Ms. Grein advised the Board on the proposed procedures for the issuance of citations and the fine matrix. The Executive Committee will review and make recommendations to the Board.

h. REVIEW AND APPROVAL OF PROPOSED PROCEDURES FOR APPLICATIONS:

This matter was continued.

i. REVIEW AND APPROVAL OF REVISED PROCEDURES FOR CASH DISBURSEMENTS:

It was moved and seconded to approve the revised procedures for cash disbursements contingent upon written review and concurrence of the external auditor. **MOTION CARRIED.**

j. REVIEW AND APPROVAL OF PENSION PLAN AUDIT REPORT:

It was moved and seconded to approve the Pension Plan Audit Report. A copy of the Management Letter is to be provided to the Third Party Administrator. **MOTION CARRIED.**

6. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. EPG-N, INC., LICENSE NO. 52282

Licensee was not present.

It was moved and seconded to find respondent EPG-N, Inc., Erik R. Watts, President, license number 52282, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 52282, EPG-N, Inc., was Revoked. Mr. Watts is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,413 prior to consideration of future licensure. **MOTION CARRIED.**

b. GERALD STUART CONCRETE, INC. LICENSE NO. 37700A

Licensee was not present.

It was moved and seconded to find respondent Gerald Stuart Concrete, Inc., Gerald Ray Stuart, President, license number 37700A, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 37700A, Gerald Stuart Concrete, Inc., was Revoked. Mr. Stuart is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,167, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure. **MOTION CARRIED.** Mr. Zech abstained.

c. FOLIAGE UNLIMITED LANDSCAPING, LLC, LICENSE NO. 51274 AND DARYL BRYAN HANNA, dba VISIONSCAPES, LICENSE NO. 42780

This matter was continued and Respondent was directed to file a written answer to the complaint.

d. RICOCHET, INC., LICENSE NO. 46268

Licensee was not present.

It was moved and seconded to find respondent Ricochet, Inc., Hiram Allen Smith, Vice President and Daven Orson Anderson, Vice President, license number 46268, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 46268, Ricochet, Inc., was Revoked. Mr. Smith and Mr. Anderson are required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,254, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure. MOTION CARRIED.

7. SUMMARY SUSPENSION:

CONCRETE CONNECTION, INC., LICENSE NO. 48666

It was moved and seconded to summarily suspend, pursuant to NRS 624.291(4), license number 48666, Concrete Connection. Inc., (C-5 Concrete Contracting), in the interest of the public health, safety and welfare. MOTION CARRIED. Mr. Zech abstained.

NATIONS FLOORING INC., dba CARPET BARN, LICENSE NOS. 53926, 53927

It was moved and seconded to summarily suspend, pursuant to NRS 624.291(4), license numbers 53926 and 53927, Nations Flooring. Inc., dba Carpet Barn (C-16 Finishing Floors and C-20 Tiling), in the interest of the public health, safety and welfare. MOTION CARRIED.

9. PUBLIC COMMENT

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

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chairman Schaefer at 10:45 a.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Randall Schaefer, Chairman

ADJUDICATING BOARD MEMBER: SPIRIDON FILIOS

10. BRIEFS SUBMITTED FOR DECISION: (HEARING ON DECEMBER 16, 2003)

CENTURY ELEVATOR OF NEVADA, LLC, LICENSE NO. 43225

Licensee was not present. Tom Trojan, counsel for Century Elevator of Nevada, LLC was present.

Hearing Officer Filios found the respondent Century Elevator of Nevada, LLC, license number 43225, guilty of the first and second causes of action. Mr. Filios will provide a written decision. A current financial statement is to be furnished by March 20, 2004.

11. DISCIPLINARY HEARING ON REMAND FROM DISTRICT COURT: (REMANDED MAY 20, 2003 HEARING)

TRI-SHAMROCK CONTRACTORS, INC., LICENSE NO. 38203 AND
SHAMROCK PARTNERS, LLC, LICENSE NO. 49075

Licensee was present with counsel, Haley Chambers.

Hearing Officer Filios directed written briefs be submitted for his review.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Spiridon Filios, Adjudicating Board Member

ADJUDICATING BOARD MEMBER: RANDY SHCAEFER

12. DISCIPLINARY HEARING:

ISLAND SIGNS, LICENSE NO. 53287

Licensee was present.

Hearing Officer Schaefer found the respondent Island Signs, James K. Rodrigues, Partner, license number 53287, guilty of the first and third causes of action and dismissed the second cause of action. A Six-Month Letter of Reprimand will be placed in Mr. Rodrigues' license file. Investigative costs were assessed in the amount of \$1,658 to be paid within 120 days from January 21, 2004 or license number 53287, Island Signs will automatically be suspended.

13. DISCIPLINARY HEARING:

ENVIRONMENT FOR LIVING, INC., LICENSE NO. 36692

Licensee was not present. Keith Gregory, counsel for Environment for Living, Inc. was present.

Hearing Officer Schaefer found the respondent Environment for Living, Inc., James W. Jones, President, license number 36692, guilty of all causes of action. Mr. Jones was assessed a fine of \$1,000 per cause of action for a total of \$7,000. Investigative costs were assessed in the amount of \$1,783. A current financial statement is to be furnished. Fines and costs are to be paid and the financial statement is to be furnished within 120 days from January 21, 2004 or the license will automatically be revoked.

14. DISCIPLINARY HEARING:

DESERT ROOFING, INC. LICENSE NO. 47976

Licensee was present.

Hearing Officer Schaefer found the respondent Desert Roofing, Inc., Alan K. Cahill, President, license number 47976, guilty of all causes of action. License number 47976, Desert Roofing, Inc. was Revoked, however, that revocation will be stayed if Mr. Cahill repairs or reaches a monetary settlement with Ms. Cavasos and Mr. Holmes within 30 days from January 21, 2004. Mr. Cahill is to work with the investigator on the Wissenback repairs, which are to be completed or a monetary settlement reached within 60 days from January 21, 2004. Mr. Cahill was assessed a fine of \$500 per cause of action for a total of \$5,500. Investigative costs were assessed in the amount of \$3,661. Fines and costs are to be paid within 120 days from January 21, 2004. A current financial statement is to be furnished within 90 days from January 21, 2004 or license number 47976, Desert Roofing, Inc. will automatically be revoked.

15. DISCIPLINARY HEARING:

HOLZER ELECTRIC, LICENSE NO. 41378

Licensee was present.

Hearing Officer Schaefer accepted the voluntary surrender of license number 41378, Holzer Electric. Mr. Holzer is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,180 prior to consideration of future licensure.

16. ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Schaefer at 2:19p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Randall Schaefer, Adjudicating Board Member