

KENNY C. GUINN
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

MICHAEL ZECH
Chairman
DOUGLAS W. CARSON
MARGARET CAVIN
DAVID W. CLARK
SPIRIDON G. FILIOS
JERRY HIGGINS
RANDY SCHAEFER



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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
MARCH 11, 2003

1. CALL TO ORDER:

The meeting of the State Contractors Board was called to order by Chairman Michael Zech 8:36 a.m., Tuesday, March 11, 2003, State Contractors' Board, Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Michael Zech - Chairman
Mr. Douglas W. Carson
Ms. Margaret Cavin
Mr. David W. Clark
Mr. Spiridon G. Filios
Mr. Jerry Higgins
Mr. Randy Schaefer

BOARD MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

Ms. Carolyn Broussard, In House Counsel

Ms. Grein stated that Gary Leonard had posted the agenda in compliance with the open meeting law on March 5, 2003 at the Washoe County Court House, Washoe County Library, and Reno City Hall. The agenda was also posted in both offices of the Board, Reno and Henderson, and on the Board's Internet web page.

It was learned there were 17 items on the amended agenda, each item of an emergency nature.

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

2. APPROVAL OF MINUTES:

A. APPROVAL OF MINUTES OF FEBRUARY 25, 2003:

The Chairman called for a motion to approve the minutes of February 25, 2003.

It was moved and seconded to approve the minutes of February 25, 2003. THE MOTION CARRIED.

3. LEGISLATIVE DISCUSSION:

A. AMERICAN STRATEGIES:

Mr. Buzz Harris and Mr. Jay Parmer of American Strategies were present and provided the Board with an update on legislative bills, which may affect the Board. Weekly reports are provided to Ms. Grein and the Board members, in addition to updates at each Board meeting.

B. DISCUSSION ON SB-241:

Mr. Bruce King, President of Coalition Fairness in Construction was present and presented the Board with an outline of the bill before the Legislature which address Construction Defects. He also informed the Board that the hearing is set for March 18, 2003.

It was moved and seconded that Board members Douglas Carson, Jerry Higgins and Randall Schaefer form the subcommittee for Construction Defect issues. THE MOTION CARRIED.

C. REVIEW AND DISCUSSION ON AB 220:

Mr. Jay Parmer of American Strategies presented the Board with an outline of AB 220 and requested that Ms. Grein and a Board member be present for the introduction of this bill at the 2003 Legislature.

4. 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. THE MOTION CARRIED.

Ms. Stewart informed the Board that item number fifty-three was coded wrong on the Agenda and it should be a Board Decision.

WYMAN DEVELOPMENT, (B-2 RESIDENTIAL & SMALL COMMERCIAL) RAISE IN LIMIT

Mr. Joe Garam, Business Manager of Wyman Development was present. The Board informed Mr. Garam that the raise in limit license application (B-2 Residential & Small Commercial) was granted with a monetary limit of \$2,500,000.00 and a bond of \$30,000.00.

BOYD MARTIN CONSTRUCTION, (B-GENERAL BUILDING) NEW APPLICATION

Mr. Boyd D. Martin, Manager of Boyd Martin Construction was present. The Board informed Mr. Martin that the license application (B-General Building) was granted with a monetary limit of \$5,000,000.00 and a bond of \$15,000.00.

THE HONEY DO SPECIALIST, LLC., (C-3 CARPENTRY) NEW APPLICATION

Mr. Michael W. Vines, Sr., Manager of The Honey Do Specialist, LLC. was present. The Board informed Mr. Vines that the license application (C-3 Carpentry) was granted with a monetary limit of \$50,000.00 and a bond of \$15,000.00.

PRO CRUB, INC., (C-5-A CONCRETE CURBING ONLY) NAME SIMILARITY, BOARD DECISION

Mr. Douglas T. Johnson, President of Pro Curb, Inc. was present. The Board informed Mr. Johnson that a name similarity does not exist and no change is required.

ALLIANCE CONSTRUCTION ADVISORS, LLC., (A-B GENERAL ENGINEERING) 90 DAY EXTENSION

Mr. Michael L. Forche, Member of Alliance Construction Advisors, LLC. was present. The Board informed Mr. Forche that the 90 day request for extension was granted.

DESERT DESIGN, (C-16-A, D, E COVERING FLOORS; CARPET LAYING; URETHANE COATINGS) ONE TIME RAISE IN LIMIT

Ms. Demetria D. Gordon, Owner of Desert Design was present. The Board informed Ms. Gordon that the one time raise in limit for \$375,000.00 was granted for the Sage Elementary School Project.

FANTASY CONSTRUCTION, INC., (B-2 RESIDENTIAL & SMALL COMMERCIAL) ONE TIME RAISE IN LIMIT

Mr. Bart A. Walker, President of Fantasy Construction was present. The Board informed Mr. Walker that the one time raise in limit was granted for \$6,000,000.00 for the Mesa Ridge Village project was granted.

FANTASY CONSTRUCTION, INC., (B-2 RESIDENTIAL & SMALL COMMERCIAL) ONE TIME RAISE IN LIMIT

Mr. Bart A. Walker, President of Fantasy Construction was present. The Board informed Mr. Walker that the one time raise in limit was granted for \$8,000,000.00 for the Mesa Ridge Apartments project.

The remainder of the applications on the agenda were reviewed and discussion occurred on the following: Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 67, 68, 69, 70, 71, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 90, 91, 92, 93, 94, 95, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 131, 144; and on the amended agenda: Nos. 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, and 17.

It was moved and seconded to reopen the meeting to the public. THE 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. THE MOTION CARRIED.

5. EXECUTIVE SESSION INCLUDING: (CONTINUED FROM JANUARY 28, 2003)

A. STRATEGIC PLANNING:

Ms. Grein presented the Board with an outline of the Strategic Plan for 2003 to review.

The following goals and priorities were discussed:

- Improved Customer Service.

- Continuing education classes for staff and contractors.
- Changes to the investigations complaint process.
- Revise investigative reports.
- Improved public relations.
- Improved communication among staff through Human Resources Manager.
- Develop and update procedure manuals.
- Legal procedure training for staff.
- Complete database replacement.
- Complete licensing classifications.

Mr. Lyford presented the Board with the a proposed investigations policy for complaint processing.

It was moved and seconded to enact the proposed investigations policy for complaint processing. THE MOTION CARRIED.

It was moved and seconded to approve the Strategic Plan for 2003 with changes discussed. THE MOTION CARRIED.

B. HUMAN RESOURCE REPORT: (CLOSED SESSION PURSUANT TO NRS 241.030)

C. PERSONAL SESSION: (CLOSED SESSION PURSUANT TO NRS 241.030)

It was moved and seconded to close the meeting to the public in accordance with NRS 241.030. THE MOTION CARRIED.

It was moved and seconded to reopen the meeting to the public. THE MOTION CARRIED.

D. VOTE OF CONFIDENCE OF EXECUTIVE OFFICER:

It was moved and seconded to dispense of this matter. THE MOTION CARRIED.

E. REVIEW AND APPROVAL OF SELECT POSITION SALARIES:

It was moved and seconded to approve the salaries of select positions. THE MOTION CARRIED.

F. REVIEW AND APPROVAL OF PERFORMANCE VALUE PACKAGE:

This matter was continued.

G. REVIEW AND APPROVAL OF CONTRACTOR EDUCATION FORUMS:

This matter was continued.

6. SUMMARY SUSPENSION:

BRYSON CONSTRUCTION COMPANY, LICENSE #33530

Walter L. Bryson, Owner of Bryson Construction Company; Steven P. Bryson, Qualified Employee of Bryson Construction Company; and Deputy Director of Investigations were present.

Shelly O'Neill, Attorney for Bryson Construction Company was also present.

Mr. Torres informed the Board of four money owing complaints filed against Bryson

Construction Company in excess of \$78,000.00 and two workmanship complaints that have not been addressed by Bryson Construction Company. Mr. Torres stated a financial statement was requested, however, to date has not been provided. Mr. Torres requested the Board summarily suspend Bryson Construction Company, license number 33530 for the health, safety and protection of the public.

Ms. O'Neill requested a 30 day extension for summary suspension or voluntary suspension of the license and a hearing be scheduled. Ms. O'Neill informed the Board, Bryson Construction is willing to waive the 30 day notice of hearing.

It was moved and seconded to accept the voluntary suspension of license number 33530, Bryson Construction Company; accept the waiver of 30 day notice of hearing; to schedule a hearing for the April 8, 2003 Reno Board meeting; and the requested financial statement be provided prior to the hearing. THE MOTION CARRIED.

7. CONTINUED HEARING:

SIERRASAGE, LLC., LICENSE #52571 (CONTINUED FROM NOVEMBER 6, 2002, DECEMBER 4, 2002, JANUARY 7, 2003, JANUARY 28, 2003 AND FEBRUARY 10, 2003.)

No one from Sierrasage, LLC. was present.

Deputy Director of Investigations Frank Torres was sworn in.

The Board Hearing File including but not limited to the Notice of Hearing and Complaint, were entered into the record as Exhibit #2.

Mr. Torres provided a status report of the money owing complaints and indicated a total of \$40,000.00 is still owed Respondent estimates a 30 day time frame for payment in full. Mr. Torres stated the suppliers that are still owed money are satisfied with the payment agreements.

It was moved and seconded to continue this matter to the Reno Board meeting for staff update on April 8, 2003; and to be brought before the Board in 60 days for the continued Disciplinary Hearing.

8. DEFAULT HEARING:

DARRYL BANKS CONSTRUCTION, LICENSE #25817 AND 25817A

Ms. Broussard informed the Board that Respondent has filed Bankruptcy and the money owing complaints are included in the Bankruptcy. The 7th, 8th, 9th, 10th and 13th causes of action should be omitted from the Default Order.

No one from Darryl Banks Construction was present.

Investigator Gary Hoid; and Investigator Gary Leonard were sworn in.

The hearing was for possible violations of NRS 624.3017 (1); NRS 624.3013 (5) as set forth in NAC 624.700 (3) (a); NRS 624.3011 (1) (b) (1); NRS 624.3012 (3); NRS 624.3013 (3) pursuant to NRS 624.220, 260 and 265; NRS 624.3013 (5) as set forth in NAC 624.640 (3); NRS 624.3012 (2); NRS 624.3013 (3) pursuant to NRS 624.520 (1); and NRS 624.3013 (4).

The Board Hearing File including but not limited to the Notice of Hearing and Complaint, were entered into the record as Exhibit #1.

Mr. Hoid testified he validated the Collins complaint. Respondent has not provided the requested financial statement. He further stated the contract did not contain the required disclosures to the Residential Recovery Fund. Mr. Hoid further testified Respondent has filed a lien against the property owned by Collins.

Mr. Leonard testified he validated the Moore complaint and issued a Notice to Correct for 23 items. Respondent has not complied with the Notice to Correct. Mr. Leonard stated he reviewed the contract and it did not contain the required disclosures to the Residential Recovery Fund. Mr. Leonard further testified he went to the three addresses of record for the Respondent and was unable to locate Respondent.

The evidentiary portion of the hearing was closed.

It was moved and seconded to omit the 7th, 8th, 9th, 10th, and 13th causes of action from the Default Order. THE MOTION CARRIED.

It was moved and seconded to find the Respondent guilty on all other charges and adopt the Findings of Fact Conclusions of Law as set forth in the Administrative complaint; and revoke license Nos. 25817 and 25817A, Darryl Banks Construction. THE MOTION CARRIED.

9. SUBCOMMITTEE REPORTS:

EXECUTIVE SUBCOMMITTEE: MICHAEL ZECH, RANDY SCHAEFER AND MARGARET CAVIN.

This matter was continued.

RECOVERY FUND SUBCOMMITTEE: RANDY SCHAEFER, JERRY HIGGINS AND SPIRIDON FILIOS.

This matter was continued.

CONSTRUCTION MANAGEMENT COMMITTEE: DOUG CARSON, JERRY HIGGINS AND DAVE CLARK.

Mr. Higgins reconfirmed that Dennis Haney and Bruce Robb have been directed to provide new language for proposed changes in the NRS dealing with the definition of Construction Management.

CLASSIFICATION/REGULATION SUBCOMMITTEE: MARGARET CAVIN, DAVE CLARK AND DOUG CARSON.

This matter was continued.

10. DEPARTMENT REPORTS:

A. LICENSING DIVISION:

This matter was continued.

B. INVESTIGATIONS DIVISION:

This matter was continued.

11. PUBLIC COMMENT:

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

12. ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned by Chairman Michael Zech at 2:17 p.m.

Respectfully Submitted,

Tammy Stewart, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Michael Zech, Chairman