



MEMBERS

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JERRY HIGGINS
J. BRIAN SCROGGINS
MICHAEL ZECH

STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
MARCH 23, 2004**

1. CALL TO ORDER:

Chairman Randall Schaefer called the meeting of the State Contractors Board to order at 8:21 a.m., Tuesday, March 23, 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. 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. Daniel Hammack, Acting Deputy Director of Investigations

LEGAL COUNSEL PRESENT:

Ms. Carolyn Broussard, Staff Attorney
Mr. Bruce Robb, Legal Counsel

It was moved and seconded to amend the agenda, adding applications 1 - 23 and removing P. E. P. Systems International, Inc. hearing. MOTION CARRIED.

2. APPROVAL OF MINUTES: March 9, 2004

It was moved and seconded to approve the amended minutes of March 9, 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.

CLARKSON CONSTRUCTION, LICENSE NO. 55108 - REMOVAL OF INDEMNIFICATION AND RAISE IN LIMIT

Licensee was present. The Board approved the removal of the indemnification and denied the raise in limit.

ELISHA DURHAM, LICENSE NO. 53886 - F/S ON RENEWAL

Licensee was represented by Brian Boggess, Esq. The Board approved the license renewal contingent upon licensee providing evidence of sufficient working capital.

ASPEN CONSTRUCTION, INC., LICENSE NO. 41800 – VOLUNTARY SURRENDER, RECONSIDERATION

Licensee was present. The Board denied the voluntary surrender of the license.

SIERRA FRAMING SYSTEMS, LLC, (C-3 CARPENTRY) NEW APPLICATION, RECONSIDERATION

Applicant was present. The Board approved the application with Daniel Merkel as the qualified employee.

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:

This matter was continued.

b. DISCUSSION AND REVIEW OF PROPOSED REGULATIONS:

1. LCB FILE NO R158-03 - SECTION 12 SB 241:

Ms. Grein reported on the status of proposed regulation LCB File No. R158-03 – Section 12 of SB 241, and the public workshop and hearing held March 11, 2004. The Board requested that Dennis Haney, Esq. and Bruce Robb, Esq. draft proposed language for Board consideration.

2. LCB FILE NO. R022-04 - CITATIONS AND ADMINISTRATIVE FINES:

It was moved and seconded to adopt proposed regulation LCB File No. R022-04 – Citations and Administrative Fines. MOTION CARRIED.

c. DISCUSSION OF PROPOSED 2005 LEGISLATION:

1. NRS 597.713 TO 597.7198:

Ms. Grein provided copies of proposed changes to amend NRS 624 to include NRS 597.713 to 597.7198.

It was moved and seconded to authorize the Executive Officer to submit proposed legislation to the 2005 session of the legislature. MOTION CARRIED.

2. NRS 624.300:

Ms. Grein provided copies of proposed changes to NRS 624.3016 concerning enhanced enforcement for contracting without a license.

It was moved and seconded to authorize the Executive Officer to submit proposed legislation to the 2005 session of the legislature. MOTION CARRIED.

d. DEPARTMENTAL REPORTS:

This matter was continued.

e. SOLARI AND STURMER LLC REPORT ON CASH RECEIPTS PROCEDURES DECEMBER 31, 2003:

This matter was continued.

f. DISCUSSION OF PROPOSED REGULATION AMENDING NAC 624.260 (C-8 GLASS AND GLAZING) AND NAC 624.310 (C-14 STEEL REINFORCING AND ERECTION):

It was moved and seconded to accept the proposed language and notice the matter for a workshop and hearing. MOTION CARRIED.

6. INFORMAL SETTLEMENTS:

a. ALUMALINE CORP OF AMERICA, LICENSE NO. 36908

It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative fine of \$2,000.00 and reimburse the Board for Investigative Costs of \$548.00 within 45 days and a Warning Letter shall be placed in Respondent's license file. MOTION CARRIED. Mr. Scroggins abstained.

b. F & A PAINTING, INC., LICENSE NO. 41074

It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative fine of \$1,000.00 and reimburse the Board for Investigative Costs of \$719.00 within 30 days and a Warning Letter shall be placed in Respondent's license file. MOTION CARRIED. Mr. Scroggins abstained.

c. DELTA GUNITE, INC., LICENSE NO. 41875

It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative fine of \$500.00 and reimburse the Board for Investigative Costs of \$357.00 within 60 days. MOTION CARRIED. Mr. Scroggins abstained.

d. PATIO DESIGNS BY CHARLES, LICENSE NO. 51339

It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative fine of \$2,250.00 and pay an Administrative fine to the Residential Recovery Fund of \$250.00 plus reimburse the Board for Investigative Costs of \$579.00 within 90 days. MOTION CARRIED. Mr. Scroggins abstained.

e. ISLAND POOLS – GENESIS LANDSCAPE, LICENSE NOS. 36520, 52768, 52769

It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative fine to the Residential Recovery Fund of \$100.00 and reimburse the Board for Investigative Costs of \$344.00 within 120 days. The Respondent's licenses shall be placed on probation for one (1) year and all completed contracts are to be reviewed by the investigator for one (1) year. MOTION CARRIED. Mr. Scroggins abstained.

f. BOULEVARD HOME FURNISHINGS, LICENSE NOS. 55013, 55014, 55430

It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative fine of \$3,000.00 and reimburse the Board for Investigative Costs of \$765.00

within 30 days and a Warning Letter shall be placed in Respondent's license file. MOTION CARRIED. Mr. Scroggins abstained.

g. RONALD BROWN EXCAVATING, LICENSE NO. 39206

It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative fine of \$500.00 and reimburse the Board for Investigative Costs of \$377.00 within 30 days and a Warning Letter shall be placed in Respondent's license file. MOTION CARRIED. Mr. Scroggins abstained.

h. ALPHA 1 CONSTRUCTION, LICENSE NO. 49793

It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative fine of \$2,000.00 and reimburse the Board for Investigative Costs of \$728.00 within 30 days and a Warning Letter shall be placed in Respondent's license file. MOTION CARRIED. Mr. Scroggins abstained.

i. ROY ALLEN WRIGHT, LICENSE NO. 48287

It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative fine of \$2,000.00 and reimburse the Board for Investigative Costs of \$477.00 within 45 days. MOTION CARRIED. Mr. Scroggins abstained.

j. SWEETWATER SOUCE, LLC, LICENSE NO. 55530

It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative fine of \$4,500.00 and reimburse the Board for Investigative Costs of \$548.00 within 45 days. MOTION CARRIED. Mr. Scroggins abstained.

k. ORCHARD PLUMBING, LICENSE NO. 49343

It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative fine of \$250.00 and reimburse the Board for Investigative Costs of \$371.00 within 30 days and a Warning Letter shall be placed in Respondent's license file. MOTION CARRIED. Mr. Scroggins abstained.

ADJUDICATING BOARD MEMBER: Spiridon Filios

7. DISCIPLINARY HEARING:

D. R. HORTON, INC., LICENSE NO. 39179 (CONTINUED FROM FEBRUARY 24, 2004)

Hearing Officer Filios dismissed all causes of action against D. R. Horton, Inc., license number 39179.

8. APPLICATION HEARING:

PEREA LANDSCAPES:

Licensee was present.

It was moved and seconded to approve the application with a \$10,000.00 license limit and a bond of \$5,000.00 contingent upon licensee showing evidence of sufficient working capital. MOTION CARRIED.

9. LICENSE RENEWAL HEARING:

PATTEE CONSTRUCTION COMPANY, LICENSE NO. 48920

Licensee was present.

It was moved and seconded to approval the financial review of license number 48920, Pattee Construction Company, with a financial review upon renewal. MOTION CARRIED.

10. APPLICATION HEARING:

P.E.P. SYSTEMS INTERNATIONAL, INC.

This matter was withdrawn.

11. PUBLIC COMMENT:

Mr. Bob Portnoff requested information on a deceased licensee.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned by Chairman Schaefer at 10:32 a.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Randall Schaefer, Chairman

ADJUDICATING BOARD MEMBER: J. Brian Scroggins

12. DISCIPLINARY HEARING:

LUCKIER ROOFING, LICENSE NO. 50952

Licensee was present.

Hearing Officer Scroggins found the respondent George Sarmiento, dba Luckier Roofing, license number 50952 guilty of the first, second, third, fourth, fifth and eighth causes of action and dismissed the sixth and seventh causes of action. Mr. Sarmiento was ordered to make repairs or restitution to the Coias within 30 days or the license will automatically be suspended. Mr. Sarmiento agreed to a reduction of his license limit to \$20,000.00. Mr. Sarmiento was assessed a fine of \$100.00 for the second, third, fifth and eighth causes of action totaling \$400.00. Investigative costs were assessed in the amount of \$1,522.00. Fines and costs are to be paid within 120 days from March 23, 2004 or license number 50952, Luckier Roofing will automatically be suspended.

13. DISCIPLINARY HEARING:

CAPITAL PACIFIC HOMES, INC., LICENSE NO. 21711

Licensee was not present. Christopher Reade, counsel for the Licensee was present.

Hearing Officer Scroggins continued this matter to the April 20, 2004 Henderson Board Meeting.

14. DISCIPLINARY HEARING:

ERICORP CONSTRUCTION COMPANY, INC., LICENSE NO. 50745

Licensee was present with counsel, Lew Brandon.

Hearing Officer Scroggins found the respondent Ericorp Construction Company, Inc., license number 50745, Robert Warren Erickson, President guilty of the first, second, third and fourth causes of action and dismissed the fifth cause of action. Mr. Erickson was ordered to submit a current compiled financial statement within 60 days from March 23, 2004. Mr. Erickson was assessed a fine of \$500.00 per cause of action totaling \$2,000.00. Investigative costs were assessed in the amount of \$2,265.00. Fines and costs are to be paid and a current compiled financial statement is to be received within 60 days from March 23, 2004 or license number 50745, Ericorp Construction Company, Inc. will automatically be Revoked.

15. DISCIPLINARY HEARING:

COMMERCIAL GENERAL, INC., LICENSE NO. 45522

Licensee was present with counsel, Keith Gregory.

Hearing Officer Scroggins found the respondent Commercial General, Inc., license number 45522, Michelle Christine Dombrowski, President guilty of the first, second and seventh causes of action and dismissed the third, fourth, fifth and sixth causes of action. Ms. Dombrowski was given 60 days to complete the Levine repairs. Ms. Dombrowski was assessed a fine of \$250.00 for the second and seventh causes of action totaling \$500.00. Investigative costs were assessed in the amount of \$2,673.00. Fines and costs are to be paid within 60 days from March 23, 2004 or license number 45522, Commercial General, Inc. will automatically be suspended.

16. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. FUTURE UNDERGROUND & EXCAVATION, LICENSE NO. 49436

Hearing Officer Scroggins found respondent Thomas James Gallina, Jr., dba Future Underground & Excavation, license number 49436, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 49436, Future Underground & Excavation, was Revoked. Mr. Gallina is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$2,071.00, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.

b. STONE CREEK MARBLE & GRANITE, INC., LICENSE NO. 49137

Hearing Officer Scroggins found respondent Stone Creek Marble & Granite, Inc., Linda Lisle Richnow, President, license number 49137, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 49137, Stone Creek Marble & Granite, Inc., was Revoked. Ms. Richnow is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$3,077.00, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.

17. ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned by Adjudicating Board Member Scroggins at 2:51 p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

J. Brian Scroggins, Adjudicating Board Member