

KENNY C. GUINN  
Governor

STATE OF NEVADA

REPLY TO:

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**STATE CONTRACTORS' BOARD**

**MINUTES OF THE MEETING  
MARCH 26, 2002**

**1. CALL TO ORDER**

The meeting of the State Contractors' Board was called to order by Chairman Michael Zech at 8:20a.m., Tuesday, March 26, 2002, State Contractors' Board, Henderson, 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 Clark  
Mr. Jerry Higgins  
Mr. Dennis Johnson  
Mr. Randy Schaefer

**BOARD MEMBERS ABSENT:**

None

**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

**LEGAL COUNSEL PRESENT:**

Mr. Robert Griffy, Legal Counsel (Haney, Woloson & Mullins)  
Mr. Dennis Haney, Legal Counsel (Haney, Woloson & Mullins)  
Mr. David Reese, Legal Counsel (Cooke, Roberts & Reese)

Ms. Grein stated that Jerry McGill had posted the agenda in compliance with the open meeting law on March 20, 2002, at the Sawyer State Building, Clark County Library, and Las Vegas City Hall. Additionally, the agenda had been posted in each office of the Board, Henderson and Reno, and on the Board's Internet web site.

It was learned there were 29 items on the amended agenda, each item of an emergency nature.

**MR. CARSON MOVED TO HEAR THE AMENDED AGENDA.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Mr. Zech called for a motion to approve the minutes of February 5, 2002, February 20, 2002, March 1, 2002 and March 5, 2002.

**MR. CARSON MOVED TO APPROVE THE MINUTES OF FEBRUARY 5, 2002 AND FEBRUARY 20, 2002 AS AMENDED AND THE MINUTES OF MARCH 1, 2002 AND MARCH 5, 2002.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**2. EXECUTIVE SESSION**

**A. BOARD GOVERNANCE AND ADMINISTRATION:**

**1. SUBCOMMITTEE REPORT - STAFF ATTORNEY SEARCH:**

Ms. Grein informed the Board that Ms. Carolyn Broussard has accepted the in house counsel position and will be starting on Friday, April 5th.

**B. FINANCIAL REVIEW 12/31/01**

**1. FINANCIAL STATEMENTS 12/31/01:**

This matter was continued.

**2. CASH DISBURSEMENT AND TRANSFER JOURNALS 12/31/01:**

This matter was continued.

**3. EQUIPMENT AND EXPENDITURE APPROVAL:**

Mr. Thomas Root, Senior Account Executive and Ms. Heather Cassidy, Data Sales Engineer for Sprint and Mr. Linn Dudley, Project Manager for Modular Integrated Technologies, Inc. presented to the Board a proposal for video conferencing equipment for the Henderson and Reno offices.

Mr. Peter Chachere, Sales Manager and Mr. Breck Hardesty, Systems Manager for Mojave Electric, Inc. also presented to the Board a proposal for video conferencing plus an audio system for the Reno office that will tie in with the system used at the Henderson office.

The Board expressed interest in a site demonstration.

**MR. HIGGINS MOVED TO PURCHASE AN AUDIO SYSTEM FOR THE RENO OFFICE COMPARABLE TO THE HENDERSON SYSTEM.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Board members Clark and Carson and staff member Chip Lisman were requested to review the requirements for a video conferencing system.

**C. EXECUTIVE OFFICER'S REPORT, INCLUDING:**

**1. LEGAL REPRESENTATION AND PENDING CASE REPORT:**

This matter was closed pursuant to NRS 624.030.

**2. REPORT ON INTERNAL CONTROL PROCEDURES AND DATABASE ENHANCEMENTS:**

This matter was continued.

**3. FUTURE AGENDAS:**

This matter was continued.

**D. DEPARTMENT REPORTS, INCLUDING:****1. INVESTIGATIONS DIVISION:**

Mr. Chris Denning, Deputy Director of Investigations, presented the aging report for the Las Vegas Compliance Department.

**2. LICENSING DIVISION:**

Ms. Pat Potter, Licensing Supervisor, presented the aging report for the Las Vegas Licensing Department.

**3. HUMAN RESOURCES:**

Mr. Bart Thurgood, Human Resources Manager, presented a report concerning Human Resources activities including training and recruitment.

**4. PUBLIC EDUCATION:**

This matter was continued.

**3. ADVISORY OPINIONS**

**1. PAHRUMP STEEL** – Pahrump Steel requested an Advisory Opinion regarding if a C-14 (Steel Reinforcing and Erection) license classification could act as the prime contractor for the construction of pre-manufactured steel structures.

Based upon the information provided, the Board opined that a licensee holding a C-14 (Steel Reinforcing and Erection) classification license could act as the prime contractor provided properly licensed subcontractors were hired to perform any work outside of the scope of the C-14 license.

**2. SPANISH STEPS OWNERS ASSOCIATION RECONSTRUCTION COMMITTEE** – Spanish Steps Owners Association Reconstruction Committee requested an Advisory Opinion regarding the licensing requirements to perform construction management services.

Based upon the information provided, the Board opined that a contractor's license is required pursuant to Nevada Revised Statute (NRS) 624.020(4) which states: "A contractor within the meaning of this chapter includes a construction manager who performs management and counseling services on a construction project for a professional fee."

**3. MAXIM CONSTRUCTION, INC.** – Maxim Construction, Inc. requested an Advisory Opinion regarding the licensing requirements to perform the construction of the Truckee River Shared Use Path – Arlington to West Street Plaza including, demolition and disposal of existing walkway surfaces, installation of new stamped concrete pavement, removal and replacement of existing light poles and fixtures and the installation of a pre-manufactured restroom facility.

Based upon the information provided, the Board opined that a classification A (General Engineering); B (General Building); AB (General Engineering and Building); B-2 (Residential and Small Commercial) contractor's license could perform the work described.

A contractor holding a C-5 (Concrete) could act as the prime contractor for the project provided properly licensed subcontractors were hired to perform any work outside of the scope of the license.

**4. BIRMINGHAM CONTROLS, INC.** – Birmingham Controls, Inc. requested an Advisory Opinion regarding the license required to perform repair and maintenance work for boiler safety and relief valves.

Based upon the information provided, the Board opined that a license would not be required to perform repair and maintenance work for boiler safety and relief valves.

**5. B & D CONSTRUCTION** - B & D Construction requested an Advisory Opinion regarding their current license classification. Does the repair and replacement of ramps, walkways, curbs and gutters fall under the scope of their license classification?

Based upon the information provided, the Board opined that the work described could be performed under the license classifications currently held by B & D Construction.

#### **4. DISCIPLINARY HEARING**

##### **INNOVATIVE CONSTRUCTION SYSTEMS, INC., LICENSE #40232**

Mr. Merlin Angle, President, Innovative Construction Systems, Inc.; Mr. Ron Yowell, Southern Nevada Operating Engineers; and Investigator Greg Welch were sworn in. Mr. Charles Bennion, attorney for Innovative Construction Systems, Inc., was present.

Mr. Zech informed the Board that he has worked with Innovative Construction Systems, Inc.

The hearing was for possible violation of NRS 624.3011(1)(b)(2); NRS 624.3013(3); and NRS 624.3013(4).

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

The Stipulation was signed and entered into the record as Exhibit #2.

Investigator Welch verified that the Respondent had signed an agreement with the labor commission. The Respondent failed to respond to a request to provide a financial statement. Investigator Welch testified that the Respondent's license was suspended due to no bond.

Mr. Yowell testified that the complaints made by the Respondent's employees regarding not being paid was forwarded to the labor commission. Upon further investigation, he discovered that the Respondent had not been putting money into the 401(k) and pension plans.

Mr. Angle provided the Board with copies of letters sent to his creditors. These were entered into the record as Exhibit A. Mr. Angle informed the Board that Meadow Valley had terminated Innovative Construction System from four (4) projects and had not paid Innovative for any of the work performed.

Mr. Bennion informed the Board on the status of the court cases that Innovative Construction Systems has against Meadow Valley.

**MR. JOHNSON MOVED TO CONTINUE THIS MATTER INDEFINITELY WITH AN UPDATE IN SIX MONTHS.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

## **5. DISCIPLINARY HEARING**

### **MASONRY BUILDERS OF NEVADA, LICENSE #42631**

Mr. Timothy Shank, President, Masonry Builders of Nevada; Mr. Jorge De La Garza, Homeowner; and Investigator Greg Welch were sworn. Mr. Keith Gregory, attorney for Masonry Builders of Nevada, was present.

The hearing was for possible violation of NRS 624.3012(2); NRS 624.3012(3); NRS 624.3013(3); NRS 624.3013(4); NRS 624.3013(5), as set forth in NAC 624.640(5); and NRS 624.3013(5), as set forth in NAC 624.640(3).

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

The Stipulation was signed and entered into the record as Exhibit #2.

Mr. De La Garza testified that he had hired the Respondent to build a CMU (concrete block) wall at his residence. Mr. De La Garza has paid the Respondent the total contract price. Two liens were filed against the project for non-payment, which the homeowner has paid off.

Investigator Welch validated the complaint and issued a Notice to Correct which the Respondent failed to comply with.

Mr. Gregory acknowledged all of the allegations. He stated that the business was closed, that a financial statement was not produced and the bond was not renewed. Mr. Gregory requested the Board to continue this matter to the April 9, 2002, Reno Board Hearing. At this time he will be able to provide documentation that Mr. De La Garza has been reimbursed and that all other liens have been paid.

**MR. JOHNSON MOVED TO CONTINUE THIS MATTER TO THE APRIL 9, 2002 BOARD HEARING.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

## **6. DISCIPLINARY HEARING**

### **DESERT ROOFING, LICENSE #47976 (CONTINUED FROM DECEMBER 18, 2001,**

JANUARY 24, 2002 AND FEBRUARY 20, 2002)

Mr. Alan Cahill, President, Desert Roofing and Investigator Greg Welch were present.

Investigator Welch reported that the Respondent had complied with the Notice to Correct and the repairs were completed within industry standards.

Mr. Cahill testified that he had completed the repairs, the shingles were fixed and the roof does not leak. He stated that he had offered the complainant a monetary settlement but she had refused it.

The evidentiary portion of the hearing was closed.

**MR. SCHAEFER MOVED TO DISMISS ALL CHARGES AGAINST DESERT ROOFING, LICENSE #47976.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

## **7. DISCIPLINARY HEARING**

**GREEN VALLEY BUILDERS**, LICENSE #39877 (CONTINUED FROM JANUARY 24, 2002)

Mr. Henry Corbett, Owner, Green Valley Builders; Ms. Gail Culbertson, SNE Equipment Services; Investigator Ron Ramsey; and Mr. Al Bruzas, attorney for Green Valley Builders, were present.

Mr. Griffy informed the Board that the hearing had been continued from the January 24, 2002 Board Meeting to allow the Respondent to furnish a financial statement with full disclosures.

Mr. Corbett stated that he had been out of the state and had contacted his CPA two weeks ago. His CPA has not been able to complete his financial statement.

Mr. Bruzas stated that the paperwork and releases had been prepared but when they met with Ms. Culbertson yesterday, the releases had not been notarized. Mr. Bruzas asked the Board for a continuance to the next Board hearing.

Ms. Culbertson informed the Board that when she receives the cashier's check she will be satisfied.

**MR. JOHNSON MOVED TO CONTINUE THIS MATTER TO THE APRIL 9, 2002, RENO BOARD HEARING; TO ACCEPT THE VOLUNTARY SUSPENSION OF LICENSE #39877; AND IF THE SNE EQUIPMENT SERVICES MATTER IS NOT RESOLVED THE LICENSE WILL BE SUMMARILY SUSPENDED.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Investigator Ramsey asked the Respondent to update the Board on the current address of the business. Mr. Corbett answered it was 2550 Chandler Avenue, Suite 2, Las Vegas.

## **8. DISCIPLINARY HEARING**

**LIVING WATERS & D P D INC.**, LICENSE #23635

No one from Living Waters & D P D Inc. was present.

Ms. Pat Potter, Licensing Supervisor, was sworn in.

The hearing was for possible violation of NRS 624.3013(3).

Ms. Potter testified that the Respondent had filed Chapter 11 in July of 2000. In November of 2001 Farmers Merchant Bank foreclosed on Living Waters and took all of the assets to sell at auction. The last financial statement was dated November 30, 1999.

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

A letter voluntarily surrendering the license was entered into the record as Exhibit #2.

**MR. JOHNSON MOVED TO FIND LIVING WATERS & D P D INC., LICENSE #23635 IN VIOLATION OF FAILING TO ESTABLISH FINANCIAL RESPONSIBILITY AND TO REVOKE THE LICENSE.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**9. DISCIPLINARY HEARING****RICHARD HANSON**, LICENSE #50276

Mr. Richard Hanson; Ms April Goff, Homeowner; and Investigator Greg Mincheff were sworn in.

The hearing was for possible violation of NRS 624.3017(1); NRS 624.3013(5), as set forth in NAC 624.700(3)(a); NRS 624.3013(3); and NRS 624.3013(5), as set forth in NAC 624.640(5).

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

The Stipulation was signed and entered into the record as Exhibit #2.

Ms. Goff testified that she had entered into a contract with the Respondent to build a wood deck with a handicap ramp at her home. She has paid \$2,000 of the \$3,000 contract price. The Respondent has placed a lien on her home.

Investigator Mincheff validated the complaint and issued a Notice to Correct. The Respondent failed to comply with the notice. Investigator Mincheff was told by the Respondent that he did not have the funds to comply with the Notice to Correct. A financial statement was not provided and the contract did not contain the monetary limit of the license.

The Respondent's Bid Sheet was entered into the record as Exhibit #3.

Mr. Hanson provided the Board with three photographs of the deck and ramp. They were entered into the record as Exhibit A. Mr. Hanson gave to the Board a drawing of the deck and ramp.

**MR. CARSON MOVED TO CONTINUE THIS MATTER TO THE APRIL 23-24, 2002**

**BOARD HEARING.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

### **10. DISCIPLINARY HEARING**

**THE BOTTOM LINE**, LICENSE #25606 (CONTINUED FROM DECEMBER 18, 2001, FEBRUARY 20, 2002 AND MARCH 5, 2002)

Mr. Joseph Scott, Owner, The Bottom Line; Ms. Deborah Scott, The Bottom Line; Ms. Corina Alvarado, Homeowner; Mr. Julio Alvarado, Homeowner; and Investigators Jim Ables and Greg Welch were present. Mr. Bruce Robb, attorney for the Board, presented the case.

Mr. Robb informed the Board that 14 exhibits were entered into the record at the March 5, 2002 hearing. Mr. Robb entered into the record documentation from Mr. Scott regarding the Galvez complaint as Exhibit #17 and a copy of Mrs. Alvarado's credit application as Exhibit #18. The transcript from the December 18, 2001 Board Hearing was entered into the record as Exhibit #19 and the March 5, 2002 hearing transcript was entered into the record as Exhibit #20.

Mrs. Alvarado testified that she had asked the Respondent three (3) times how much the work would cost before going to the bank to take out a loan on her home. She stated that the Respondent told her \$9,900.

Mr. Scott testified that the only contract he had with Mrs. Alvarado was for blueprints and a verbal contract for the soil preparation. He never received the approved plans from the building department. Mr. Scott further testified that he did not do the plumbing on the Galvez project. He hired employees from Abe's Plumbing and paid them himself. He stated that the exhaust hood had not been installed because Ms. Galvez did not sign the contract to hire a mechanical contractor. He concluded that he had pulled the permits, paid the electrical contractor, and relocated the grease interceptor.

Mr. Robb summarized the hearing. There is no question that there was a lack of understanding the contract on the part of Mrs. Alvarado. There is an issue of what was done and what the contract was for. The Respondent testified, regarding the Galvez complaint, that he did not attach the exhaust hood, hired employees of Abe's Plumbing, was not invoiced for the work and he paid Abe's employees. The issue is, did he do plumbing work on the Galvez case.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO DISMISS THE 1<sup>ST</sup> AND 4<sup>TH</sup> CAUSES OF ACTION AND TO FIND THE BOTTOM LINE, LICENSE #25606, IN VIOLATION OF THE 2<sup>ND</sup>, 3<sup>RD</sup>, 5<sup>TH</sup>, 6<sup>TH</sup> AND 7<sup>TH</sup> CAUSES OF ACTION.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CLARK ABSTAINED.**

**MR. CARSON MOVED TO PLACE A PERMANENT LETTER OF REPRIMAND IN THE RESPONDENT'S FILE; FOR RESPONDENT TO PAY A FINE OF \$750.00**



**PER VIOLATION; TO RECOVER THE INVESTIGATIVE COSTS OF \$7,000.00; LICENSE WILL STAY SUSPENDED UNTIL THE FINE AND COSTS HAVE BEEN PAID; IF FINES AND COSTS ARE NOT PAID WITHIN SIX MONTHS RESPONDENT IS TO BE BROUGHT BACK BEFORE THE BOARD.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CLARK ABSTAINED.**

## **11. DISCIPLINARY HEARING**

**J M & SONS**, LICENSE NOS. 39261, 51667 AND 51668

Mr. Jeffrey Chenes, Owner, J M & Sons; Mr. and Mrs. Kevin Shaw, Homeowners; and Investigator Tom Lawrence were sworn in. Mr. Nik Skrinjaric, attorney for J M & Sons, was present.

The hearing was for possible violation of NRS 624.3017(1); NRS 624.3013(5), as set forth in NAC 624.700(3)(a); and NRS 624.3013(5), as set forth in NAC 624.640(5).

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

The Stipulation was signed and entered into the record as Exhibit #2.

Mr. Shaw testified that the he had entered into a contract with the Respondent for a room addition at his residence.

Investigator Lawrence testified that the Respondent is making progress to complete the items on the Notice to Correct. Items #5,9,11,12 and 13 on the first Notice to Correct still need to be corrected and on the amended Notice to Correct items #4 and 5 are still outstanding.

**MS. CAVIN MOVED TO CONTINUE THIS MATTER TO THE APRIL 23-24, 2002 BOARD HEARING.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

## **12. APPLICATION HEARING**

**HAUSLER CONSTRUCTION, INC.** (CONTINUED FROM DECEMBER 18, 2001)

Mr. Joseph Hausler, Hausler Construction, Inc. and Licensing Analyst Ms. Mary Ann Enbody were sworn in.

Ms. Enbody testified that she had received a new financial statement and it showed a negative working capital.

Mr. Hausler testified that his negative working capital was due to his payments to the IRS. Mr. Hausler stated that he was having a problem with people paying him, so he has delinquent receivables. He informed the Board that he builds cellular towers for Nextel and new construction build outs and custom homes.

**MR. JOHNSON MOVED TO APPROVE HAUSLER CONSTRUCTION, INC., LICENSE CLASSIFICATION B-2 (RESIDENTIAL AND SMALL COMMERCIAL) WITH A MONETARY LIMIT OF \$500,000 AND A BOND OF \$15,000 WITH A FINANCIAL STATEMENT ON RENEWAL.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

### **13. DISCIPLINARY HEARING**

#### **DENNIS SIMPSON AND ASSOCIATES, LICENSE #47133**

Mr. Dennis Simpson, Owner, Dennis Simpson and Associates; Mr. John Ucata, Manager, Dennis Simpson and Associates; Mr. Brian Traub, Flow Products; and Investigator Ron Ramsey were sworn in.

The hearing was for possible violation of NRS 624.3012(2) and NRS 624.3013(5), as set forth in NAC 624.640(5).

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

The Stipulation was signed and entered into the record as Exhibit #2.

Investigator Ramsey established there was a money owing complaint against the Respondent. The Respondent failed to include his monetary limit and license number on the contract. Investigator Ramsey testified that there had been a meeting in October of 2001 with the two parties. At this time Mr. Traub told the Respondent that the heat exchanger ordered was a specialty item and that the manufacturer would not accept return of the used heat exchanger.

Mr. Traub testified that the heat exchanger purchased by the Respondent had not been paid for. The Respondent claimed it was the wrong heat exchanger and asked to return it. He contacted the manufacturer and was told they would not take it back.

Mr. Simpson testified that Flow Products had contacted him regarding a boiler and heat exchanger replacement project at the Somerset House Motel. He was awarded the job and ordered the equipment from Flow Products. During the installation process, an inspector for the State Occupational Safety Division determined the unit was not in compliance with safety standards. When Mr. Simpson contacted Flow Products regarding the deficient unit, he was told it could not be returned. Flow Products received a check in the amount of \$3,638.00 for balance owing in December of 2001 but the check was never cashed.

The evidentiary portion of the hearing was closed.

Mr. Simpson wrote a check to Flow Products for \$4,616.55 and the above mentioned check was returned to Mr. Simpson.

**MR. CARSON MOVED TO DISMISS ALL CHARGES AGAINST DENNIS SIMPSON AND ASSOCIATES, LICENSE #47133.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

### **14. DISCIPLINARY HEARING**

**E. W. DEVELOPMENT**, LICENSE #38784 (CONTINUED FROM NOVEMBER 20, 2001, DECEMBER 18, 2001, AND FEBRUARY 20, 2002)

Mr. Ed Webb, Owner, E W Development and Investigator Jim Ables were present.

Investigator Ables informed the Board that all of the Notice to Correct items have been completed to industry standards.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO DISMISS THE 2<sup>ND</sup> CAUSE OF ACTION AND TO FIND E W DEVELOPMENT, LICENSE #38784 IN VIOLATION OF THE 1<sup>ST</sup> CAUSE OF ACTION.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO PLACE A TWO YEAR LETTER OF REPRIMAND IN THE RESPONDENT'S FILE; FOR RESPONDENT TO PAY A FINE OF \$1,000; TO RECOVER THE INVESTIGATIVE COSTS OF \$4,250 WITHIN SIX MONTHS AND LICENSE WILL STAY SUSPENDED UNTIL FINE AND COSTS ARE PAID. IF FINE AND COSTS ARE NOT PAID WITHIN ONE YEAR THE LICENSE WILL BE REVOKED.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

## **15. DISCIPLINARY HEARING**

**DENNETT BROTHERS CONSTRUCTION**, LICENSE #11862  
**DENNETT BROTHERS INC.**, LICENSE #17237  
**EMERALD DEVELOPMENT INC.**, LICENSE NOS. 24195 AND 24286

Mr. Donald Dennett, President, Dennett Brothers, Inc.; Ms. Gail Maxwell, Chief Investigator, Labor Commission; Ms. Gail Lowery, Compliance Investigator, Labor Commission; Mr. John Wightman, CPA for Dennett Brothers, Inc.; and Investigator Greg Welch were sworn in. Mr. Ronald Reynolds, attorney for Dennett Brothers Inc., was present.

The hearing was for possible violation of NRS 624.3011(1)(b)(2); NRS 624.3013(3); and NRS 624.3018(2).

Mr. Reynolds informed the Board that Dennett Brothers, Inc. and Emerald Development, Inc. had filed for bankruptcy two weeks ago. Dennett Brothers Construction did not file for bankruptcy.

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

The Stipulation was signed and entered into the record as Exhibit #2.

Ms. Maxwell testified that the Respondent had had 24 wage claims since 2000. The Labor Commission has cited him for not maintaining proper records and for continually violating the labor laws for the last two years. The Respondent signed a stipulated agreement to pay the back wages of five employees on March 23, 2001 and to date has not paid any of

the penalties.

Mr. Dennett stated that Ms. Maxwell had directed him to pay the wages of the employees himself and to get the proof of payment notarized. He further stated that the Labor Commission had charged him with not retaining the employee timecards. Mr. Dennett testified that he has had a problem getting paid by his creditors and has been unable to make payroll.

Mr. Wightman informed the Board that his firm was waiting for direction from the bankruptcy court.

Mr. Reynolds stated that when the debtors' stopped paying the Respondent, that is when the employees filed with the labor board and other suits followed. The Labor Board has made contact with the debtors and told them not to send payment to the Respondent but to the Labor Board.

Mr. Dennett informed the Board that he has a hearing of creditors on April 10, 2002.

**MR. JOHNSON MOVED TO CONTINUE THIS MATTER FOR THIRTY DAYS FOR A STAFF UPDATE.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

Mr. Zech cautioned staff to immediately investigate all new complaints regarding the Respondent.

## **16. SPECIAL ACTION**

### **UTE CONSTRUCTION**

Mr. Bruce Robb, attorney for the Board, informed the Board that the parties involved have executed a settlement release agreement. On advice from counsel the complainant has requested permission of the Board to withdraw her complaint so this matter would be completed.

**MR. JOHNSON MOVED TO APPROVE THE WITHDRAWAL OF THIS COMPLAINT.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

## **17. DISCIPLINARY HEARING – DEFAULT ORDERS**

### **MAGNUM AIR, LICENSE NOS. 41008 AND 45333**

No one from Magnum Air was present.

The hearing was for possible violation of NRS 624.301(5); NRS 624.3011(1)(a); and NRS 624.3013(3).

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

**MS. CAVIN MOVED TO ACCEPT THE FILE AS FINDINGS OF FACT,**

**CONCLUSIONS OF LAW; TO FIND MAGNUM AIR, LICENSE NOS. 41008 AND 45333 IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE NOS. 41008 AND 45333; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND RECOVER THE INVESTIGATIVE COSTS OF \$2,133.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**LANDSCAPES BY TIM, LICENSE #28557**

No one from Landscapes by Tim was present.

The hearing was for possible violation of NRS 624.3014(1)(a); NRS 624.3013(5), as set forth in NAC 624.640(5); NRS 624.302(1)(a); NRS 624.3016(1); NRS 624.302(5); NRS 624.3013(3); NRS 624.3013(5), as set forth in NRS 624.263(3)(a)(b); and NRS 624.3013(5), as set forth in NAC 624.640(3).

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

**MR. HIGGINS MOVED TO ACCEPT THE FILE AS FINDINGS OF FACT, CONCLUSIONS OF LAW; TO FIND LANDSCAPES BY TIM, LICENSE #28557 IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE #28557; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND RECOVER THE INVESTIGATIVE COSTS OF \$1,531.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**STUART MICHAEL, INC., LICENSE # 44420**

No one from Stuart Michael, Inc. was present.

The hearing was for possible violation of NRS 624.3012(2); NRS 624.302(5); NRS 624.3013(3); and NRS 624.3013(5), as set forth in NAC 624.640(3).

Mr. Griffy informed the Board that a letter had been received from the Respondent informing the Board that he had been called to active duty in November of 2001.

**MR. JOHNSON MOVED TO CONTINUE THIS MATTER TO THE DECEMBER 17, 2002 BOARD HEARING.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**TRIGGS CUSTOM CONCRETE, LICENSE #45135**

No one from Triggs Custom Concrete was present.

The hearing was for possible violation of NRS 624.3012(2); NRS 624.3013(3); NRS 624.302(5); and NRS 624.3013(5), as set forth in NAC 624.640(3).

The Notice of Hearing and Complaint was entered into the record as Exhibit #1.

**MS. CAVIN MOVED TO ACCEPT THE FILE AS FINDINGS OF FACT, CONCLUSIONS OF LAW; TO FIND TRIGGS CUSTOM CONCRETE, LICENSE #45135 IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE #45135; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND RECOVER THE INVESTIGATIVE COSTS OF \$1,155.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

### **18. INFORMAL SETTLEMENTS**

#### **SOUTHERN NEVADA POOLS LLC, LICENSE #47317**

**MR. HIGGINS MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT; THAT THE RESPONDENT REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$1,149.00 WITHIN 30 DAYS FROM THE DATE OF THE BOARD'S APPROVAL OF THE STIPULATED AGREEMENT; THAT A WARNING LETTER BE PLACED IN THE RESPONDENT'S FILE FOR ONE YEAR; AND TO BRING ALL CONTRACTS IN COMPLIANCE WITHIN THE NEXT 30 DAYS.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CLARK ABSTAINED.**

#### **SPECIALIZED FLOORING, LICENSE NOS. 44466 AND 44466A**

**MR. JOHNSON MOVED TO ACCEPT THE ADMINISTRATIVE CITATION; THAT THE RESPONDENT PAY AN ADMINISTRATIVE FINE OF \$500.00 BY APRIL 13, 2002; REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$427.00 BY APRIL 13, 2002; SUBMIT A COPY OF ALL CONTRACTS FOR THE NEXT SIX MONTHS; AND THE LICENSE SHALL BE PUT ON PROBATION FOR THE NEXT SIX MONTHS.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CLARK ABSTAINED.**

#### **STERLING POOLS & SPAS INC., LICENSE #43998**

**MR. SCHAEFER MOVED TO ACCEPT THE STIPULATED SETTLEMENT AGREEMENT; THAT THE RESPONDENT REIMBURSE THE BOARD FOR INVESTIGATIVE COSTS OF \$461.00 WITHIN 60 DAYS FROM THE DATE OF THE BOARD'S APPROVAL OF THE STIPULATED AGREEMENT; AND A WARNING LETTER BE PLACED IN THE RESPONDENT'S FILE FOR ONE YEAR.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CLARK ABSTAINED.**

**MS. CAVIN MOVED TO CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH NRS 624.033 TO DISCUSS FINANCIAL MATTERS.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

### **19. FINANCIAL INTERVIEW**

#### **GREENFIELD ROOFING, LICENSE #48005**

Mr. Charles Greenfield, Owner, Greenfield Roofing and Licensing Supervisor Pat Potter were sworn in.

Ms. Potter informed the Board that a new financial statement has not been received.

Mr. Greenfield informed the Board that he has a full time job and he works part time at Greenfield Roofing. He thought that the Board had both his current personal and business financials.

**MR. JOHNSON MOVED TO APPROVE THE RENEWAL OF LICENSE #48005, GREENFIELD ROOFING CONTINGENT UPON THE RESPONDENT FURNISHING CURRENT PERSONAL AND BUSINESS FINANCIAL STATEMENTS.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

### **20. APPLICATIONS**

#### **LAKWOOD PLUMBING – LICENSE #42618 (C-1 PLUMBING AND HEATING) NAME SIMILARITY – BOARD DECISION**

Mr. Arthur White, President of Lakewood Plumbing, requested the Board have Lakewood Construction Specialties change their name due to the name similarity is having an adverse affect on his company. The Board informed Mr. White that his request was denied.

#### **QUALITY MECHANICAL CONTRACTORS LLC – (C – 1 PLUMBING AND HEATING AND C-21 REFRIGERATION AND AIR CONDITIONING) NEW APPLICATION**

Mr. Douglas Lea, President, Quality Mechanical Contractors LLC, Mr. Stacy Ross, CFO, Quality Mechanical Contractors LLC and Mr. Gregg Verneys, attorney for Quality Mechanical Contractors LLC were present. Mr. Verneys stated that if or when Quality Mechanical Contractors receives their license, they will then assume the old Quality Mechanical's contracts and liabilities.

**MR. CARSON MOVED TO APROVE QUALITY MECHANICAL CONTRACTORS**

**LLC, LICENSE CLASSIFICATIONS C-1 (PLUMBING AND HEATING) AND C-21 (REFRIGERATION AND AIR CONDITIONING) WITH AN UNLIMITED MONETARY LIMIT AND A BOND OF \$50,000 CONTINGENT UPON AN AGREEMENT SATISFACTORY TO BOARD COUNSEL FOR THE ASSUMPTION OR INDEMNIFICATION OF THE CONTRACTS AND OBLIGATIONS OF QUALITY MECHANICAL CONTRACTORS INC.**

**MR. CLARK SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**RADIAN COMMUNICATION SERVICES INC. – LICENSE #53074 (A –22 DESIGNATED FOR COMMUNICATION TOWERS AND CONTROLS) CLASSIFICATION RECONSIDERATION – BOARD DECISION**

Mr. Lawrence Penner, Qualified Employee for Radian Communication Services Inc. and Mr. Mick McGirr, Regional Manager for Radian Communication Services Inc. were present. Mr. Penner questioned the Board on the different license classifications. The Board requested that staff send a letter and explain their licensing classification.

**EMERALD AIRE - (C-21 REFRIGERATION AND AIR CONDITIONING) NEW APPLICATION**

Mr. David McReynolds, Qualified Employee for Emerald Aire, was present. Mr. McReynolds informed the Board that he would be working in light commercial and residential areas.

**MR. JOHNSON MOVED TO APPROVE EMERALD AIRE, LICENSE CLASSIFICATION C-21 (REFRIGERATION AND AIR CONDITIONING) WITH A MONETARY LIMIT OF \$40,000 AND A BOND OF \$5,000 WITH A FINANCIAL STATEMENT UPON RENEWAL.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**FIRE HYDRANT SERVICES & CONSTRUCTION INC. – (A – GENERAL ENGINEERING) NEW APPLICATION – REQUESTING WAIVER OF TRADE EXAM**

Mr. David Provost, President of Fire Hydrant Services & Construction Inc., was present. Mr. Provost informed the Board that he would be doing underground utility and fire hydrant repairs.

**MR JOHNSON MOVED TO APPROVE FIRE HYDRANT SERVICES & CONSTRUCTION, INC., LICENSE CLASSIFICATIONS A-7 (EXCAVATING AND GRADING), A-12 (EXCAVATING, GRADING, TRENCHING AND SURFACING), A-15 (SEWERS, DRAINS AND PIPES), A-17 (LINES TO TRANSMIT ELECTRICITY), AND A-19 (PIPELINE AND CONDUITS) WITH A MONETARY LIMIT OF \$500,000 AND A BOND OF \$20,000 AND A WAIVER OF ALL TRADE EXAMS.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**



**THE GAS SPECIALIST CORPORATION** – (C-1A BOILERS; C-1C INSULATION OF PIPES AND DUCTS; C-1D PLUMBING; C-1H PIPES AND VENTS FOR GAS; C-1I WATER HEATERS) NEW APPLICATION – REQUESTS WAIVER OF TRADE EXAMS

Mr. Carlos Alvarez, CMS of The Gas Specialist Corporation, was present. The Board informed Mr. Alvarez that the license application (C-1A – Boilers; C-1C – Insulation of Pipes and Ducts; C-1D – Plumbing; C-1H – Pipes and Vents for Gas; and C-1I – Water Heaters) was approved for a monetary limit of \$500,000 and a bond of \$15,000 and a waiver of all trade exams.

**MORNINGSIDE HOMES INC.** – (B-2 REDISENTIAL AND SMALL COMMERCIAL) NEW APPLICATION

Mr. Keith Gregory, attorney for Morningside Homes Inc., was present. The Board informed Mr. Gregory that the license application (B-2 Residential and Small Commercial) had been approved with a \$1,000,000 monetary limit and a bond of \$30,000, contingent upon receipt of the personal indemnification as represented by the applicant and subject to the approval of Nancy Mathias, Licensing Administrator.

**SCARBOROUGH CONSTRUCTION COMPANY, INC.** – (B-2 RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATION

Mr. Robert Scarborough, President of Scarborough Construction Company, Inc., was present. The Board informed Mr. Scarborough that the license application (B-2 Residential and Small Commercial) had been approved with a \$3,000,000 monetary limit and a bond of \$20,000.

The remainder of the applications on the agenda were reviewed and discussion occurred on the following: Nos. 2 - 14, 16, 17, 19 – 22, 24, 30, 32, 53, 57, 58, 60, 62, 65, 80, 89, 90, 96, 101, 103, 108 – 110, 125, 138, 141 – 147, 151, 152, 155, 161, 162, 166, 170 – 172, 174 – 176, 181, 184, 192, 195 – 197, 202, 205, 209 – 212, 215, 218, 226, 242

; and on the amended agenda: Nos. 1, 2, 5 – 7, 10 – 18, 26, 27

**MR. JOHNSON MOVED TO REOPEN THE MEETING TO THE PUBLIC.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MS. CAVIN MOVED TO RATIFY ALL APPLICATIONS NOT SPECIFICALLY DISCUSSED IN CLOSED SESSION AS RECOMMENDED BY STAFF.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**21. PUBLIC COMMENT**

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

