

KENNY C. GUINN
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

MICHAEL ZECH
Chairman
DOUGLAS W. CARSON
MARGARET CAVIN
DAVID W. CLARK
JERRY HIGGINS
DENNIS K. JOHNSON
RANDY SCHAEFER



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STATE CONTRACTORS' BOARD

MINUTES OF THE MEETING
APRIL 9, 2002

1. CALL TO ORDER:

The meeting of the State Contractors' Board was called to order by Chairman Michael Zech at 8:50 a.m., Tuesday, April 9, 2002, State Contractors' Board, Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Mike Zech – Chairman
Mr. Douglas W. Carson
Ms. Margaret Cavin
Mr. David W. Clark not in attendance –12:00 p.m. –1:15 p.m.
Mr. Jerry Higgins
Mr. Dennis Johnson
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, Legal Counsel
Mr. Robert Griffy, Legal Counsel (Haney, Woloson & Mullins)
Mr. David Reese, Legal Counsel (Cooke, Roberts & Reese)

Ms. Grein stated that Gary Leonard had posted the agenda in compliance with the open meeting law on April 3, 2002 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 7 items on the amended agenda, each item of an emergency nature. In addition CAMCO Pacific Construction Company License #37507 and Tirade Construction Company License #42502 were granted continuances. Carson Taylor Harvey, Inc. withdrew it's request for an Advisory Opinion.

MS. CAVIN MOVED TO HEAR THE AMENDED AGENDAS.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

The Chairman called for a motion to approve the minutes of March 26, 2002.

MR. CLARK MOVED TO APPROVE THE MINUTES OF MARCH 26, 2002.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

EXECUTIVE SESSION:

UNFINISHED BUSINESS:

FUTURE AGENDAS:

Ms. Grein presented topics for future agendas to the Board.

EQUIPMENT AND EXPENDITURE APPROVAL:

Ms. Grein informed the Board the recording equipment for the Reno office has been purchased. Additional research is being conducted for video conferencing equipment.

REPORT ON INTERNAL CONTROL PROCEDURES AND DATA BASE ENHANCEMENTS:

This matter was continued to the Henderson Board meeting on April 23, 2002.

2. DEFAULT ORDERS:

1. FASHION HOMES, INC., LICENSE #37891 – DISCIPLINARY HEARING – DEFAULT ORDER

No one from Fashion Homes, Inc. was present.

The hearing was for possible violations of NRS 624.3012 (2); and NRS 624.3013 (3) pursuant to NRS 624.220 and 624.260 to 624.265.

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 FASHION HOMES, INC., LICENSE # 37891 IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE # 37891 FASHION HOMES, INC.; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND RECOVER THE INVESTIGATIVE COSTS OF \$1,828.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. HIGGINS SECONDED THE MOTION.

THE MOTION CARRIED.

2. HARVEYS EXCAVATING, LICENSE #28974 – DISCIPLINARY HEARING – DEFAULT ORDER

No one from Harveys Excavating was present.

The hearing was for possible violations of NRS 624.3012 (2); NRS 624.3013 (3); and NRS

624.302 (5).

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 HARVEYS EXCAVATING, LICENSE #28974 IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE #28974 HARVEYS EXCAVATING; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND RECOVER THE INVESTIGATIVE COSTS OF \$1853.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

3. SILVER WEST DEVELOPERS, LICENSE #51376 – DISCIPLINARY HEARING – DEFAULT ORDER

No one from Silver West Developers was present.

The hearing was for possible violations of NRS 624.3012 (2); and NRS 624.3013 (3) pursuant to NRS 624.220 and 624.260 to 624.265.

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

MS. CAVIN ABSTAINED.

MR. HIGGINS MOVED TO ACCEPT THE FILE AS FINDINGS OF FACT, CONCLUSIONS OF LAW; TO FIND SILVER WEST DEVELOPERS, LICENSE #51376 IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE #51376 SILVER WEST DEVELOPERS; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND RECOVER THE INVESTIGATIVE COSTS OF \$2,433.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

STAFF UPDATE:

4. MASONRY BUILDERS OF NEVADA, LICENSE #42631 – STAFF UPDATE (CONTINUED FROM JANUARY 24, 2002 AND MARCH 26, 2002)

Mr. Lyford informed the Board that Mr. De La Garza has been paid in full and all other liens have been paid. The requested financial statement has not been submitted and Masonry Builders of Nevada is no longer in business.

MR. CARSON MOVED TO CONTINUE THIS MATTER TO THE APRIL 23, 2002 BOARD HEARING IN HENDERSON.

MR. CLARK SECONDED THE MOTION.

THE MOTION CARRIED.

STAFF UPDATE:

5. GREEN VALLEY BUILDERS, LICENSE #39887 – STAFF UPDATE (CONTINUED

FROM JANUARY 24, 2002 AND MARCH 26, 2002)

Mr. Denning informed the Board that Green Valley Builders has paid SNE Equipment Services in full.

MR. JOHNSON MOVED TO DISMISS ALL CHARGES.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

3. ADMINISTRATIVE LAW PROGRAM:

Judge Arthur Gladstone presented administrative law training to the Board Members and Board staff.

4. DISCIPLINARY HEARINGS:

1. CAMCO PACIFIC CONSTRUCTION COMPANY, INC., LICENSE #37507

This matter was continued to the next Henderson Board meeting on April 23, 2002.

2. HANKS CONSTRUCTION, LICENSE #44456

Mr. Alvin R. Hanks, Owner Hanks Construction; Christine Hanks, Hanks Construction; Captain Kole London, Homeowner; and Investigator Gary Leonard were sworn in.

The hearing was for possible violations of NRS 624.3017 (1); and NRS 624.3013 (5).

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

Mr. Hanks testified there are access issues with the homeowner Captain London.

Captain London testified he entered into a contract on May 8, 2001 with the Respondent to build a home. He filed a complaint for shingle molding painting and siding replacement. He has not allowed the Respondent on his property to fix or replace the workmanship issues.

Mr. Leonard testified he validated the workmanship complaint and issued a Notice to Correct. Approximately 5% of the siding needed to be replaced due to a manufacturer defect and the shingle molding needed painting. Captain London would not allow the Respondent or the subcontractor painter on his property to complete the work.

Mr. Hanks testified he attempted to schedule with the homeowner on numerous occasions to fix the items on the Notice to Correct, however Captain London would not allow him on the property. Mr. Hanks stated he received phone calls from other contractors indicating that Captain London was requesting bids to replace the siding and/or to apply stucco. Captain London had removed the siding on the home and had contacted the siding manufacturer himself and received a refund for the siding.

Mr. Leonard testified Mr. Hanks notified him that Captain London may have contracted with another contractor to replace the siding or to apply stucco on the home.

Captain London testified he received a full refund from the siding manufacturer. He stated he did not deny the Respondent or any painter access to his property, however, he hired another contractor to paint and install new siding.

Mr. Leonard testified the siding was installed correctly by the Respondent.

The evidentiary portion of the hearing was closed.

MS. CAVIN MOVED TO DISMISS ALL CHARGES.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

3. RECHEL AND SONS CONSTRUCTION COMPANY, LICENSE #46705

Mr. Jeffrey M. Rechel, Owner Rechel and Sons Construction Company; Robert Watson, Homeowner; and Investigator Gary Hoid were sworn in.

The hearing was for possible violations of NRS 624.3017 (1); NRS 624.3013 (5); and NRS 624.3015 (2).

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

Mr. Watson testified he entered into an agreement with Larry and Sue Gardner to purchase a home that was under construction on June 12, 2001. After the home was completed he noticed the bathtub was cracked and the kitchen cabinets were warped. The Respondent would not fix the problems and he filed a complaint.

Mr. Hoid testified he validated the workmanship complaint and issued a Notice to Correct with two workmanship items.

Mr. Rechel testified he has had problems scheduling the subcontractors to repair and/or replace the items on the notice to correct.

MR. CARSON MOVED TO CONTINUE THE HEARING TO THE NEXT RENO BOARD MEETING ON MAY 7, 2002.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

3. TIRADE CONSTRUCTION COMPANY, LICENSE #42502

This matter was continued to the next Reno Board meeting on June 4, 2002.

4. GARY P. LACHASSE, LICENSE #36149

Mr. Anthony Grasso, Homeowner; and Investigator Gary Leonard were sworn in.

No one from Gary P. Lachasse was present.

The hearing was for possible violations of NRS 624.3015 (2); NRS 624.3013 (5), as set forth in NAC 624.640 (5); NRS 624.3013 (3); NRS 624.3013 (5), as set forth in NAC 624.600; and NRS 624.3013 (4).

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

Mr. Grasso testified he entered into a contract with the Respondent to build a home in May, 2000. The Respondent did not finish the house and hired another contractor to complete

the project.

Mr. Leonard testified he validated the complaint and issued a Notice to Correct.

The evidentiary portion of the hearing was closed.

MR. JOHNSON MOVED TO REFER TO FORMAL FINDINGS OF FACT, AND CONCLUSIONS OF LAW.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO FIND GARY P. LACHASSE, LICENSE #36149 IN VIOLATION OF ALL CHARGES; TO REVOKE LICENSE #36149 GARY P. LACHASSE; TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES; AND TO RECOVER THE INVESTIGATIVE COSTS OF \$2,626.00 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

MR. CAVIN SECONDED THE MOTION.

THE MOTION CARRIED.

6. WALT LEE CONSTRUCTION COMPANY, INC., LICENSE #20058, 14273 AND 25445

Mr. Walter M. Lee, President Walt Lee Construction Company, Inc.; and Investigator Larry Thompson were sworn in.

Charles Scott Zumpft, attorney for Walt Lee Construction Company, Inc. was also present.

The hearing was for possible violations of NRS 624.3013 (3) and 624.260 to 624.265; NRS 624.302 (5); and NRS 624.3013 (3).

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

Mr. Lee testified he filed personal bankruptcy and closed his business. He did not file corporate bankruptcy.

Mr. Thompson testified that United Rentals is in the bankruptcy.

Mr. Zumpft stated the Respondent would like to surrender all three of his licenses.

The evidentiary portion of the hearing was closed.

MR. CARSON MOVED TO ACCEPT VOLUNTARY SURRENDER OF LICENSE #20058 WALT LEE CONSTRUCTION COMPANY, INC.; LICENSE #14273 WALT LEE CONSTRUCTION; AND LICENSE #25445 WALT LEE CONSTRUCTION COMPANY, INC.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

5. APPLICATION HEARINGS:

1. POWELL CONSTRUCTION, - (B-2 RESIDENTIAL & SMALL COMMERCIAL)

Mr. Gregory D. Powell, Owner; Gregory Corn, attorney for Powell Construction; Karl Young, Owner Summit 76 LLC.; Jim Zernicke, Owner Z Framers; John Fericks, President Reno Construction, Inc.; and Licensing Analyst Ms. Diana Wallace were present.

The hearing was for possible violation of NRS 624.260; and NRS 624.263.

Ms. Wallace stated the applicant filed Chapter 7 Bankruptcy in April, 1999 was discharged. The Applicant did not disclose he had been licensed by the California State Contractors' License Board, and that the license was revoked. A copy of the record has been requested.

Mr. Powell stated he was not aware his California license was revoked. He moved from California over 10 years ago and thought his license expired.

MS. CAVIN MOVED TO CONTINUE THIS MATTER TO THE FIRST AVAILABLE RENO BOARD MEETING AFTER RECEIPT OF THE RECORD FROM THE CALIFORNIA STATE LICENSE BOARD.

MR. CARSON SECONDED THE MOTION.

THE MOTION CARRIED.

2. DESGENSPARK ELECTRIC, - (C-2A,G ELECTRICAL & RESIDENTIAL WIRING)

Mr. Tyson A. Degenhart, Owner Degenspark Electric; and Licensing Supervisor Ms. Kathy Stewart were present.

Ms. Stewart stated the financial statement submitted with the application was dated March 18, 2001 and did not demonstrate the availability of sufficient working capital. She has received a current financial statement dated March, 2002 on the indemnitors, Ludwig and Tamily Degenhart. Ms. Stewart stated the Applicant had several misdemeanor convictions in 1996 and 2000.

A discussion ensued regarding the type of projects the Applicant wished to perform and his prior convictions. Mr. Degenhart stated he will only bid one job and work one job at a time. He further stated his life is now under control.

MR. CARSON MOVED TO APPROVE DESGENSPARK ELECTRIC LICENSE CLASSIFICATION C-2A,G (ELECTRICIAL & RESIDENTIAL WIRING) WITH A MONETARY LIMIT OF \$25,000.00 AND A BOND OF \$5,000.00 WITH A FINANCIAL STATEMENT UPON RENEWAL.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

6. FINDINGS OF FACT, CONCLUSIONS OF LAW:

1. A RICHARDS BUILT HOME, LICENSE #30828 (CONTINUED FROM JANUARY 8, 2002)

Ms. Grein informed the Board of minor changes to Formal Findings of Fact and Conclusions of Law.

MS. CAVIN ABSTAINED.

MR. CARSON MOVED TO ACCEPT FINDINGS OF FACT, CONCLUSIONS OF LAW.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

MR. CARSON MOVED TO FINE LICENSE #30828, A RICHARDS BUILT HOME \$500.00 FOR VIOLATION OF NRS 624.3015 (2); \$500.00 FOR VIOLATION OF NRS 624.3013 (5); \$1500.00 FOR VIOLATION OF NRS 624.3013 (5) AS SET FORTH IN NAC 624.670 (3) (A) (B); AND RECOVER THE INVESTIGATIVE COSTS OF \$3,186.00; WITHIN 60 DAYS OF THE BOARDS APPROVAL; AND TO SUSPEND LICENSE #30828 A RICHARDS BUILT HOME IF NOT PAID WITHIN THE 60 DAYS.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

7. ADVISORY OPINIONS:

1. ARB, INC. – Mr. Richard Campbell requested an Advisory Opinion concerning the licensing requirements for the design/build of a steel space frame architectural feature.

Based upon the information provided, the Board opined that a licensee holding an A (General Engineering) or a licensee holding an A-14 (Steel Erection and Industrial Machinery) classification license could perform the work described.

8. APPLICATIONS: (CLOSED MEETING PURSUANT TO NRS 624.030)

MS. CAVIN MOVED TO CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH NRS 241.033 TO DISCUSS FINANCIAL MATTERS.

MR. CASON SECONDED THE MOTION.

THE MOTION CARRIED.

The following applications on the agenda were reviewed and discussed: Nos. 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 24, 26, 30, 32, 33, 34, 37, 37,, 39, 40, 41, 48, 51, 57, 58, 63, 83, 84, 85, 86, 87, 89,, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 107, 109, 113, 115, 119, 121, 128, 129, 132, 143, 144, 150,, 152, 154, 157, 158, 165, 166, 167, 169, 170, 173, 175, and 176.

The applications on the amended agenda were reviewed and discussed: Nos. 1, 2, 5, 3, 4, 6, and 7.

MR. CARSON MOVED TO REOPEN THE MEETING TO THE PUBLIC.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

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

MR. CLARK SECONDED THE MOTION.

THE MOTION CARRIED.

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 Zech at 4:30 p.m.

Respectfully Submitted,

Tammy Stewart, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Michael Zech, Chairman