

KENNY C. GUINN
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

KIM W. GREGORY
Chairman
DOUG CARSON
MARGARET CAVIN
DENNIS K. JOHNSON
RANDY SCHAEFER
DEBORAH WINNINGHAM SHELTRA
MICHAEL ZECH



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STATE CONTRACTORS' BOARD

MINUTES OF THE MEETING OCTOBER 24, 2000

The meeting of the State Contractors' Board was called to order by Chairman Kim Gregory at 8:37 a.m., Tuesday, October 24, 2000, State Contractors' Board, Las Vegas, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Kim Gregory - Chairman
Mr. Dennis Johnson
Mr. Randy Schaefer
Ms. Deborah Sheltra
Mr. Mike Zech

BOARD MEMBERS ABSENT:

Mr. Doug Carson
Ms. Margaret Cavin

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
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. Nancy Mathias, Licensing Administrator
Mr. George Lyford, Director of Special Investigations Unit
Mr. Roy Schoonmaker, Supervisor, Criminal Investigations
Mr. Linc Dante', Investigator
Mr. Bob Macke, Investigator
Mr. Ron Ramsey, Investigator
Mr. Greg Welch, Investigator
Ms. Betty Wills, Recording Secretary

OTHERS PRESENT:

Cari Inkenbrandt, Court Reporter, CSR Associates of Nevada; Rob Smitt, President, Roofing Contractors' Associates of Nevada; John Vergiels, Representative, National Subcontractors Association; Anthony S. Lewis, Complainant, Bob Lewis, Witness; Michael Anderson, Legal Counsel for Mr. Lewis; Cynthia Ogaz, Representative, Paul S. J. Ogaz Co; Rick Young, President, Young Plumbing; Jo Ann Roberts, Representative, Neff Rental; Jim Ordowski, Attorney representing William F. Waggoner, Complainant; Gail Colvertson, Representative, S N E Equipment Services; Frederick Leon Johnson, Owner, Johnson & Son Concrete; Gina Alexander, Complainant; Lou Polish, Witness; David D. Sterns; Kenneth Lacy Haskew, Owner/President, C R I Electric, Inc., Haskew Construction, and Haskew Engineering & Construction Inc; Richard Joseph Retner; Ross Fowler; Attorney Keith Gregory, representing Kenneth Haskew; and John Naylor, Legal Counsel representing Falcon Developers.

Ms. Grein stated that Peter Benedict had posted the agenda in compliance with the open meeting law on October 18, 2000, 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, Las Vegas and Reno, and on the Board's Internet web site.

Mr. Gregory called for a motion to approve the minutes of October 17, 2000.

MR. ZECH MOVED TO APPROVE THE MINUTES OF OCTOBER 17, 2000.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

Mr. Reese pointed out that the minutes of September 26, 2000, which had been approved, needed to be amended. Mr. Gregory confirmed that page 12, paragraph 4 was to be amended to reflect that Mr. Field "be advised that he could" personally indemnify the license.

MS. SHELTRA MOVED TO AMEND THE MINUTES OF SEPTEMBER 26, 2000, PAGE 12, EDISON ELECTRIC, AS REQUESTED.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

It was learned there were 9 items on the amended agenda, each item of an emergency nature. Additionally, on the regular agenda: item #2, Enforcement Advisory Committee, there was nothing to address; item #4, Concrete Creations Co., had asked to be rescheduled; item #6, Stewart & Sundell, had asked for a continuance until November to allow for corrections; item #13, J McCay and Assoc. Inc., had asked for a continuance because he was in Alaska; item #14, American Innovative Sign Systems, had also requested a continuance that had been granted.

MS. SHELTRA MOVED TO HEAR THE AMENDED AGENDAS.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

ENFORCEMENT ADVISORY COMMITTEE

There were no recommendations from the Enforcement Advisory Committee to address.

EXECUTIVE SESSION

Cheryl Young, SIU Investigator, was introduced to the Board.

Ms. Grein addressed public education and awareness, stating that Misty Matesons, Public Relations Representative, had participated at Opportunity Day at the MGM Conference Center, as well as at the Reno Home Show; and Greg Welch, NSCB Investigator, had participated at the Southern Nevada Water Authority day.

PROPOSED REGULATIONS

CONSIDERATION OF ADOPTION OF PROPOSED REGULATIONS INVESTIGATOR QUALIFICATIONS PURSUANT TO NRS 624.112(B)

Robb Smitt, President, Roofing Contractors' Associates of Nevada, and John Vergiels, Representative, National Subcontractors Association, were present.

No action was taken.

Because of the opposition expressed at the Work Shop held in Reno on October 12, 2000, the Board had voted to hold another public hearing held in Las Vegas. Staff reported that Nevada law required a 30 day notice for that hearing.

STATUS REPORT ON PENDING LITIGATION

A scheduled hearing with the settlement Judge regarding the bidder's preference lawsuit in the Hayden matter was to be held on November 7, 2000, at 10:30 a.m. Ms. Grein has been requested to appear. She was requesting a different date because the next Board hearing in Reno was scheduled for the same day.

The Executive Session was continued.

APPLICATION HEARING

CONCRETE CREATIONS CO - APPLICATION HEARING

The matter was continued at the request of the applicant.

DISCIPLINARY HEARINGS

EDISON ELECTRIC #21622 - DISCIPLINARY HEARING (Continued from 8/22/00 and 9/26/00)

Charles Harvey Field, President, Edison Electric, was not present. Neither was legal counsel nor anyone else present to represent the Licensee.

NSCB Investigator Linc Dante' was present, along with Edison Thomas, Jr., Owner, Lighting Specialties.

Mr. Griffy updated the Board. He said that Linc Dante' had spoken with Cici Cunningham, Legal Counsel for the Licensee, who had sent a letter to the Board indicating that Mr. Field wanted to surrender his license.

Mr. Dante' testified that the Licensee contended he was owed a significant amount of money amounting to several hundreds of thousands of dollars, which he had not been able to collect. Ms. Cunningham was sending out letters requesting that the monies be paid. If the debts were collected, Ms. Cunningham proposed to pay the money owed by Edison Electric. Mr. Dante' pointed out that Edison only had one complaint filed with the Board, that of Mr. Thomas. However, Ms. Cunningham had indicated in the last hearing that there were 8 people owed in excess of \$200,000. To date, however, there was no defined repayment plan. Edison Electric was out of business and intended to stay such.

The current status of the license was active.

Mr. Dante' continued, stating that the license limit had been lowed in the last hearing. Additionally, personal indemnification had been suggested. Ms. Cunningham was opposed to the personal indemnification because she did not want her client to become personally involved in the money-owing issues.

Mr. Griffy explained that the evidentiary portion of the hearing had been closed. In that hearing Ms. Cunningham had agreed that the money was owed and that all attempts to make full restitution would be made.

Chairman Gregory opened the meeting to Board discussion and/or motion.

MR. ZECH MOVED TO FIND LICENSE #21662, EDISON ELECTRIC, IN VIOLATION OF NRS 624.3012 (2) AND NRS 624.3013 (3), AND TO DISMISS NRS 624.302 (5) & (6).

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. ZECH MOVED TO REVOKE LICENSE #21662, EDISON ELECTRIC.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

STEWART & SUNDELL #26259 - DISCIPLINARY HEARING (Continued from 9/26/00)

Continued.

ADVISORY OPINIONS

1. **TOWER REPAIR SPECIALISTS INC** - License requirements for LVCVA, Bid #000698

No one present was present for the advisory opinion.

The Board opined that a C21 or C21B license was required to perform the work as represented.

2. **PACIFIC COAST STRUCTURES INC** - License requirements for pallet rack installation

No one was present for the advisory opinion.

Ms. Mathias stated that there were two questions. The first was whether or not a license was needed to install the pallet rack system described in the advisory opinion request form and attached documents. The second was there was a number of installations that the company was interested in performing, therefore, they were questioning what type of type of license was required.

The Board opined that a C33 license was the proper license to perform many of the items the company wanted to perform, and that it was in the company's best interest to acquire a license.

The Board also opined that if a particular installation required a building permit, a contractor's license would also be required.

EXECUTIVE SESSION (Continued)

STRATEGIC PLANNING

The first draft of the Strategic Plan, prepared by Dennis Stein, Facilitator, was distributed.

Mr. Stein was scheduled to meet with staff on November 1, 2000 to consider an action plan. Thereafter, he was scheduled to return on November 21, 2000 to review the action plan with the Board.

The Executive Session was continued.

DISCIPLINARY HEARINGS**VINCENT DEVELOPMENT #16170 - DISCIPLINARY HEARING**

Victor B. Vincent, President, Vincent Development, was not present. Neither was legal counsel nor anyone else present to represent the Licensee.

Anthony S. Lewis, Complainant, Bob Lewis, Witness, and NSCB Investigator Ron Ramsey, were sworn in. Michael Anderson, Legal Counsel for the Mr. Lewis, was identified.

The Notice of Hearing and Complaint, dated July 21, 2000 and consisting of pages 1-26, had been sent certified mail to the address of record, 911 Athens Ave, Henderson, NV 89015, as well as an additional address at 648 Joey Lane, Henderson, Nevada 89015. The return receipt was not received. All envelopes were returned by the post office stamped "Unclaimed."

The Notice of Hearing and Amended Complaint, dated August 28, 2000, had been sent certified mail to 911 Athens Ave, Henderson, NV 89015, as well as an assumed address at 648 Joey Lane, Henderson, Nevada 89015. The return receipt was not received. All envelopes were returned by the post office stamped "Unclaimed."

The hearing was for possible violation of NRS 624.3012 (2), willful or deliberate failure by any licensee or agent or officer thereof to pay any money when due for any materials or services rendered in connection with his operations as a contractor; NRS 624.3013 (5), as set forth in NAC 624.640 (5) and NAC 624.700 (3) (b), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to include license number and monetary limit on bids or contracts, and by failing to meet informally with the board's staff and complainant; and NRS 624.3013 (3), failure to establish financial responsibility pursuant to NRS 624.220 and 624.260 to 624.265, inclusive, at the time of renewal of the license or at any other time when required by the board.

The status of the license was is suspended, not renewed, as of June 1, 2000.

The notice of hearing was entered into the record as EXHIBIT 1.

Mr. Griffy stated that on or about July 17, 1997 the Respondent entered into a contract with Anthony Lewis for construction of concrete work for a nine-screen theater.

Mr. Lewis testified the contract amount was \$97,785.24. He was still owed \$27,955. This amount had been outstanding for three years. His last contact with the Respondent had been 2 years ago.

Investigator Ramsey testified he had been in contact with the licensee on April 13, 2000. He was still in business at the time. The licensee was informed there was an open money owing complaint, and that a letter would be provided requesting resolution of the matter by April 28, 2000. Mr. Ramsey said there had been no response, so he requested a financial statement due on May 1, 2000, but that request had also been ignored. When asked if the licensee had admitted he owed the money, Mr. Ramsey replied that the licensee had told him the matter was in litigation.

It was learned that Mr. Lewis had not liened the job, and that there were two open money-owing complaints.

The evidentiary portion of the hearing was closed. Mr. Zech abstained. (No reason provided. Remove at edit)

MR. JOHNSON MOVED TO ACCEPT THE FILE AND TESTIMONY AS FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED. (MR. ZECH ABSTAINED)

MR. JOHNSON MOVED TO FIND LICENSE #16170, VINCENT DEVELOPMENT COMPANY, IN VIOLATION OF ALL CHARGES.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED. (MR. ZECH ABSTAINED)

MR. JOHNSON MOVED TO REVOKE LICENSE #16170, VINCENT DEVELOPMENT COMPANY; AND TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AS WELL AS THE RECOVERY OF THE INVESTIGATIVE COSTS OF \$2,944 PRIOR TO FUTURE CONSIDERATION FOR LICENSURE IN THE STATE OF NEVADA.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED.

SEAPORT CONSTRUCTION, INC #40170 - DISCIPLINARY HEARING

John G. Dade, President, Seaport Construction, Inc., was not present. Neither was legal counsel nor anyone else present to represent the Licensee.

Cynthia Ogaz, Representative, Paul S. J. Ogaz Co; Rick Young, President, Young Plumbing; and NSCB Investigators Mike Perko and Greg Welch, were sworn in.

The Notice of Hearing & Complaint, dated August 29, 2000, had been sent certified mail. The return receipt was dated September 8, 2000.

The hearing was for possible violation of NRS 624.3012 (2), willful or deliberate failure by any licensee or agent or officer thereof to pay any money when due for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefor; NRS 624.3013 (3), failure to establish financial responsibility pursuant to NRS 624.220 and 624.260 to 624.265, inclusive, at the time of renewal of the license or at any other time when required by the board; NRS 624.302 (5), failure or refusal to respond to a written request from the board or its designee to cooperate in the investigation of a complaint; and NRS 624.3013 (5), as set forth in NAC 624.640 (5), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to include license number and monetary limit on bids or contracts.

The notice of hearing was entered into the record as EXHIBIT 1.

The status of the license was cancelled, not renewed, as of October 1, 1999.

Mr. Young testified that he had entered into a contract with the Respondent to perform plumbing work at several Rite Aid stores. Mr. Young said he was owed approximately \$10,000. There had been no contact with the licensee, only his attorneys. Their response had been the licensee was going into bankruptcy. Mr. Young said he was owed retention on three stores.

Mr. Griffy pointed out the three Rite Aid stores were referenced in the second through the fourth cause of action.

The fifth through the eighth cause of action applied to Paul Ogaz Co.

Ms. Ogaz testified that Ogaz Co. had entered into a contract with the licensee to perform work at several Rite Aid locations. As a result of the contracts, Ogaz was still owed \$11,300. No contact had occurred with the licensee, only with the licensee's surety bonding company. Ms. Ogaz said they had filed against the bond, and believed they would collect a little more than half of what was owed. She said she did not where the licensee was but believed they were in California.

Investigator Welch testified he had requested a financial statement, but none had been provided. The had made no contact with the licensee. Mr. Welch then spoke to the bankruptcy. He said he had contacted C M A Business Credit Services. He was informed this was a general assignment that was to take the place of a Chapter 7 bankruptcy. They were assuming the liability concerning the money owed to contractors.

The status of Mr. Young's liens was discussed.

Mr. Welch also testified that he had arranged for an administrative meeting, but the licensee did not appear. A review of Mr. Young's contracts revealed that the licensee had failed to list his monetary license limit on them.

The evidentiary portion of the hearing was closed.

MR. ZECH MOVED TO ACCEPT THE FILE AND TESTIMONY AS FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED.

MR. ZECH MOVED TO FIND LICENSE #40170, SEAPORT CONSTRUCTION INC, IN VIOLATION OF ALL CHARGES.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

MR. ZECH MOVED TO REVOKE LICENSE #40170, SEAPORT CONSTRUCTION INC; AND TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AS WELL AS THE RECOVERY OF THE INVESTIGATIVE COSTS OF \$2,519 PRIOR TO FUTURE CONSIDERATION FOR LICENSURE IN THE STATE OF NEVADA.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

Staff was requested to forward the results of the hearing to California.

APPLICATIONS

The following motion closed the meeting to the public.

MR. ZECH MOVED TO CLOSE THE MEETING TO THE PUBLIC.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

The meeting was then closed to the public pursuant to NRS 241.030 to discuss financial and other data, which is confidential under NRS 624.110 (2).

The applications on the agenda were reviewed and discussion occurred on the following: Nos. 1-4, 8-9, 11-12, 14-15, 17-18, 20, 24, 32, 41, 43, 48-50, 52, 59, and 66-67.

The application review was continued until later in the day to return to the regular agenda.

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

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

DISCIPLINARY HEARINGS

STEPHEN KING LOWER JUNIOR #41146 - DISCIPLINARY HEARING

Stephen King Lower Jr., Owner, Stephen King Lower Junior, was not present. Neither was legal counsel nor anyone else present to represent the Licensee.

Jo Ann Roberts, Neff Rental, and NSCB Investigator Greg Welch, were sworn in.

The notice of Hearing & Complaint, dated September 11, 2000 and consisting of pages 1-35, had been sent certified mail. The return receipt was dated September 13, 2000.

The hearing was for possible violation of NRS 624.3012 (2), willful or deliberate failure by any licensee or agent or officer thereof to pay any money when due for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefor; NRS 624.3016 (1), any fraudulent or deceitful act committed in the capacity of a contractor; NRS 624.3013 (3); failure to establish financial responsibility pursuant to NRS 624.220 and 624.260 to 624.265, inclusive, at the time of renewal of the license or at any other time when required by the board; and NRS 624.3013 (5), as set forth in NAC 624.640 (3), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to provide the Board, within 30 days, updated address or personnel information.

The notice of hearing was entered into the record as EXHIBIT 1.

The status of the license was cancelled, not renewed, as of April 1, 1998.

Ms. Roberts testified that on or about July 3, 1998, Neff Rentals had entered into a contract with the Licensee to supply equipment. The equipment had been delivered to the licensee, yet he failed to pay for the equipment. Neff Rentals was owed \$7,613.05. Neff had collected part of money through general contractors and joint check agreements. There had been no contact with the licensee. At one time Neff Rentals had been paid \$2,818.80, but the check had been returned for insufficient funds.

Investigator Welch testified that he had requested financial documents, but no response had been received. Through that letter, Mr. Welch learned the licensee was no longer at the address of record. Investigator Welch had been unable to locate the licensee.

The evidentiary portion of the hearing was closed.

MR. SCHAEFER MOVED TO ACCEPT THE FILE AND TESTIMONY AS FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

MR. SCHAEFER MOVED TO FIND LICENSE #41146, STEPHEN KING LOWER, JUNIOR, IN VIOLATION OF ALL CHARGES.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED.

MR. SCHAEFER MOVED TO REVOKE LICENSE #41146, STEPHEN KING LOWER; AND TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AS WELL AS THE RECOVERY OF THE INVESTIGATIVE COSTS OF \$1,787 PRIOR TO FUTURE CONSIDERATION FOR LICENSURE IN THE STATE OF NEVADA.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED.

Ms. Roberts was informed there was a \$15,000 bond in place, and that the Board had not been notified of any claims or payments against the bond.

SIMULATED ROCK TECHNIQUES #41036 - DISCIPLINARY HEARING

LAKESIDE POOLS #41830 – DISCIPLINARY HEARING

Tommy Wayne Lewis, Owner, Simulated Rock Techniques, was not present. Neither was legal counsel nor anyone else present to represent the Licensee.

NSCB Investigator Greg Welch and Jim Ordowski, Attorney representing William F. Waggoner, Complainant, were sworn in.

The Notice of Hearing & Complaint, dated September 11, 2000 and consisting of pages 1-21, had been sent certified mail to Respondent's addresses of record, 1220 Linn Lane, Las Vegas, Nevada 89110, and 4073 N. Las Vegas Blvd., Las Vegas, Nevada 89115. The return receipt was not received. The envelopes were returned from the Post Office stamped "Attempted, Not Known" and "Moved, Left No Address, Unable to Forward."

The hearing was for possible violation of NRS 624.3012 (2), willful or deliberate failure by any licensee or agent or officer thereof to pay any money when due for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefor; NRS 624.3013 (3), failure to establish financial responsibility pursuant to NRS 624.220 and 624.260 to 624.265, inclusive, at the time of renewal of the license or at any other time when required by the board; and NRS 624.3013 (5), as set forth in NAC 624.640 (3), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to provide the Board, within 30 days, updated address or personnel information, and NRS 624.3018 (2), the performance by any partnership, corporation, firm or association of any act or omission constituting a cause for disciplinary action likewise constitutes a cause for disciplinary action against any licensee who is a member, officer, director or associate of such partnership, corporation, firm or association, and who participated in such prohibited act or omission.

The notice of hearing was entered into the record as EXHIBIT 1.

The status of license #41036 was suspended, not renewed, as of February 1, 2000. License #41830 had been voluntarily surrendered on December 10, 1997, and would not be included in the discussion.

Mr. Ordowski testified that Dr. Waggoner had been sued by Davies Company, a subcontractor of Simulated Rock, regarding the construction of a pool. The doctor had paid

\$35,500, the full contract amount, to Simulated Rock, who in turn, did not pay the subcontractor. They liened the doctor's home, and requested a foreclosure of lien. The complaint amounted to approximately \$3,800, plus cost, attorney's fees, etc. Mr. Ordowski had negotiated the total of \$5,000 down to \$3,000. Dr. Waggoner paid the \$3,000. The lawsuit was dismissed with prejudice, and the lien of record had been negated. In the lawsuit, Mr. Ordowski cross claimed against Simulated Rocks, and served his attorney, Doug Clark, but the court did not accept the service upon the attorney. Mr. Ordowski then claimed against Simulated Rock's \$5,000 surety bond, and received \$517. There was currently due and owing to Dr. Waggoner \$2,500, plus costs and fees.

Investigator Welch testified that he had contacted the licensee regarding the request for financial documents. He never received one. He said he never made any contact with the licensee, who was no longer at the address of record. Investigator Welch had not been able to locate another address for the licensee.

The evidentiary portion of the hearing was closed.

MR. JOHNSON MOVED TO ACCEPT THE FILE AND TESTIMONY AS FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO FIND LICENSE #41036, SIMULATED ROCK TECHNIQUES, IN VIOLATION OF ALL CHARGES.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED.

Ms. Sheltra requested that the history of today's action be flagged on license #41830, Lakeside Pools.

MR. JOHNSON MOVED TO REVOKE LICENSE #41036, SIMULATED ROCK TECHNIQUES; AND TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AS WELL AS THE RECOVERY OF THE INVESTIGATIVE COSTS OF \$1,521 PRIOR TO FUTURE CONSIDERATION FOR LICENSURE IN THE STATE OF NEVADA.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

FAIRVIEW LANDSCAPE CONTRACTORS, INC #39704 - DISCIPLINARY HEARING

No one was present to represent the Licensee.

The Notice of Hearing & Complaint, dated September 11, 2000 and consisting of pages 1-11, had been sent certified mail to Respondent's address of record, 9030 W. Sahara Ave., Suite 410, Las Vegas, Nevada 89117. The return receipt was not received. The envelope was returned stamped "Attempted, Not Known."

The hearing was for possible violation of NRS 624.3013 (3), failure to establish financial responsibility pursuant to NRS 624.220 and 624.260 to 624.265, inclusive, at the time of renewal of the license or at any other time when required by the board; NRS 624.302 (5), failure or refusal to respond to a written request from the board or its designee to cooperate in the investigation of a complaint; NRS 624.3013 (5), as set forth in NAC 624.700 (3) (b) and NAC 624.640 (3), failure in any material respect to comply with the provisions of this

chapter or the regulations of the board by failing to meet informally with the board's staff and the complainant, and by failing to provide the Board, within 30 days, updated address or personnel information.

Gail Colvertson, Representative, S N E Equipment Services, was sworn in.

The notice of hearing was entered into the record as EXHIBIT 1.

The status of the license was suspended for no qualifier as of February 9, 2000.

Ms. Colvertson testified that she had been notified by the Board to appear for and administrative hearing. The licensee did not appear. S N E was owed a principal balance of \$2,494 since 1997. There had been no personal contact with the licensee. Bits and pieces of the contracts had been paid, but no contract in full.

Investigator Ramsey was sworn in. He testified that he had inherited the case from Carmen Caruso, therefore, he had not been present at the administrative hearing on January 12, 2000. Investigator Ramsey pointed out there was no name on the license.

Ms. Mathias confirmed that the officer/qualifier had resigned on February 9, 2000, and the license had been suspended since that time.

Investigator Ramsey testified that financial documents had been requested, but none had been received. The address of record was a mail drop at MailBox, Etc. Mr. Ramsey had been informed that Fairview Landscape Contractors were no longer receiving mail at that location. A second address had been located, but the licensee was unknown at that location also. The Board had not been informed of an address change.

Originally, Barringer had been the only name on the license.

The evidentiary portion of the hearing was closed.

MR. ZECH MOVED TO ACCEPT THE FILE AND TESTIMONY AS FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

MR. ZECH MOVED TO FIND LICENSE #39704, FAIRVIEW LANDSCAPE CONTRACTORS INC, IN VIOLATION OF ALL CHARGES.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED.

MR. ZECH MOVED TO REVOKE LICENSE #39704, FAIRVIEW LANDSCAPE CONTRACTORS INC: LICENSEE EUGENE BARRINGER; AND TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AS WELL AS THE RECOVERY OF THE INVESTIGATIVE COSTS OF \$1,916 PRIOR TO FUTURE CONSIDERATION FOR LICENSURE IN THE STATE OF NEVADA.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

APPLICATIONS (Continued)

The following motion closed the meeting to the public.

MR. ZECH MOVED TO CLOSE THE MEETING TO THE PUBLIC.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

The meeting was then closed to the public pursuant to NRS 241.030 to discuss financial and other data, which is confidential under NRS 624.110 (2).

The remained of the applications on the agenda was reviewed and discussion occurred on the following: Nos. 69-74, 80, 83, 88-90, 97-98, 101, 103, and 106-108; and on the amended agenda: Nos. 1-3, and 9.

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

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

DISCIPLINARY HEARINGS

AMERICAN INNOVATIVE SIGN SYSTEMS #46083 - DISCIPLINARY HEARING

Continued.

JOHNSON & SON CONCRETE #40991 - DISCIPLINARY HEARING

Frederick Leon Johnson, Owner, Johnson & Son Concrete; Gina Alexander, Complainant; NSCB Investigator Bob Macke; and Lou Polish, Witness, were sworn in.

The Notice of Hearing & Complaint, dated September 19, 2000 and consisting of pages 1-19, had been sent certified mail. The return receipt was dated September 21, 2000.

The hearing was for possible violation of NRS 624.3013 (5), as set forth in NAC 624.700 (3) (a) and NAC 624.640 (5), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to comply with the order to correct, and by failing to provide the Board, within 30 days, updated address or personnel information; NRS 624.3017 (1), if no applicable building or construction code has been adopted locally, then workmanship must meet the standards prescribed in the Uniform Building Code, Uniform Plumbing Code or National Electrical Code in the form of the code most recently approved by the board; NRS 624.3011 (1) (a), willful and prejudicial departure from or disregard of plans or specifications in any material respect without the consent of the owner or his authorized representative and the person entitled to have the particular construction project or operation completed in accordance with the plans and specifications; NRS 624.270 (3), failure of an applicant or licensee to file or maintain in full force the required bond or to establish the required cash deposit constitutes cause for the board to deny, revoke, suspend or refuse to renew a license.

The notice of hearing was entered into the record as EXHIBIT 1.

The current status of the license was suspended for no bond as of December 18, 1999. In May 2000, claims had been paid from the bond. The entire amount of the bond had not been paid out. There was approximately \$3,250 remaining on the original bond of \$5,000.

The stipulation was signed.

Frederick Johnson provided the Board with 6 documents, which were entered into the record as EXHIBIT A.

Ms. Alexander testified that on or about September 23, 1998, she had entered into a contract with Respondent Johnson for the construction of a concrete patio at her residence. After the work had been performed, she noticed it had not been performed in accordance to the contract. She then detailed what the contract called for. In addition, she said the concrete began to crack one week after installation. She explained what Respondent Johnson did to repair the cracking. Thereafter, the Respondent never returned to complete the project.

Mr. Macke testified that he had viewed the work performed by Respondent Johnson. He said he reviewed the complaints with the correction notice that had been issued and found that the items on the correction notice had not been corrected. He confirmed that the work had not been performed according to the terms of the contract. Respondent Johnson had not been in attendance at the administrative hearing, so Mr. Macke said had to depend on Ms. Alexander and the drawings to locate a missing water pipe. A notice and two final notices to correct had been sent to Respondent Johnson, who responded that he was ill and that he would not be able to do the returns. Mr. Macke had then notified Respondent Johnson that there were two people on the license, therefore, either one of them could do the work. Mr. Macke added that the license monetary limit had not been on Ms. Alexander's contract.

Respondent Johnson testified he had repaired the cracks, explaining what he did. He also spoke to the thickness of the concrete, and to the future conduit to the waterfall. He said he never poured under four inches of concrete and that he had proof. Additionally, he emphasized the conduit for the waterfall was there.

Mr. Zech stated that the Board depended upon board investigators to validate complaints. Mr. Macke had established that the concrete slab was not as thick as promised, and that there were discrepancies in what had been promised the homeowner. Respondent Johnson had an obligation to respond to the notice to correct.

Respondent Johnson then spoke to an illness he had during that time. EXHIBIT A contained a notice from the doctor indicating the same.

Ms. Alexander had filed won a judgment against Respondent Johnson in small claims court. She then used that judgment to file against Respondent Johnson's surety bond. She was awarded \$1,797, paying her in full.

Lou Polish, Witness, spoke favorably on behalf of Mr. Johnson.

When asked if he wanted to continue as a contractor, Respondent Johnson said yes.

The evidentiary portion of the hearing was closed.

MS. SHELTRA MOVED TO FIND LICENSE #40991, JOHNSON & SON CONCRETE, IN VIOLATION OF ALL CHARGES.

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

Discussion then focused on the new bond Respondent Johnson had provided in EXHIBIT A. Respondent Johnson was informed that he needed to provide the board with a backdated bond, effective as of December 18, 1999, in order to reinstate his license.

MR. ZECH MOVED TO REVOKE LICENSE #40991, JOHNSON & SON CONCRETE.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION DID NOT CARRY.

MR. JOHNSON MOVED TO PLACE A PERMANENT LETTER OF REPRIMAND INTO THE LICENSE FILE OF JOHNSON & SON CONCRETE, LICENSE #40991; TO IMPOSE AN ADMINISTRATIVE FINE OF \$1,000 AND THE RECOVERY OF THE INVESTIGATIVE COSTS OF \$1,676, PAYABLE WITHIN 60 DAYS; AND, IN ORDER TO REINSTATE THE LICENSE, TO REQUIRE A BOND BACKDATED TO 12/18/99.

MR. SCHAEFER SECONDED THE MOTION.

THE MOTION CARRIED.

C R I ELECTRIC, INC #48715 – DISCIPLINARY HEARING

HASKEW CONSTRUCTION #35547 – DISCIPLINARY HEARING

HASKEW ENGINEERING & CONSTRUCTION #32008 & #35415 - DISCIPLINARY HEARING

HASKEW ENGINEERING & CONSTRUCTION INC #48421, #48422 - DISCIPLINARY HEARING

David D. Sterns; Kenneth Lacy Haskew, Owner/President, C R I Electric, Inc., Haskew Construction, and Haskew Engineering & Construction Inc; Richard Joseph Retner; George Lyford, Director, Special Investigations Unit; Ross Fowler; and NSCB Investigator Greg Welch, were sworn in. Attorney Keith Gregory, representing Kenneth Haskew, was also present.

The Notice of Hearing & Complaint, dated September 19, 2000 and consisting of pages 1-48, had been sent certified mail. The return receipt was dated September 22, 2000.

The hearing was for possible violation of NRS 624.3013 (3), failure to establish financial responsibility pursuant to NRS 624.220 and 624.260 to 624.265, inclusive, at the time of renewal of the license or at any other time when required by the board; NRS 624.3013 (5), as set forth in NAC 624.640 (5), failure in any material respect to comply with the provisions of this chapter or the regulations of the board by failing to include license number and monetary limit on bids and contracts; NRS 624.3015 (2), bidding to contract or contracting for a sum for one construction contract or project in excess of the limit placed on the license by the board; NRS 624.3015 (1), acting in the capacity of a contractor beyond the scope of the license; NRS 624.3018 (2), the performance by any partnership, corporation, firm or association of any act or omission constituting a cause for disciplinary action likewise constitutes a cause for disciplinary action against any licensee who is a member, officer, director or associate of such partnership, corporation, firm or association, and who participated in such prohibited act or omission; NRS 624.302 (1) (a), contracting, offering to contract or submitting a bid as a contractor if the contractor's license has been suspended or revoked pursuant to NRS 624.300; NRS 624.302 (6), failure or refusal to comply with a written request by the board or its designee for information or records, or obstructing or delaying the providing of such information or records.

The notice of hearing was entered into the record as EXHIBIT 1.

The formal reading of the charges was waived, and the stipulation was signed.

Mr. Griffy informed the Board that the Licensee was stipulating to all causes of action with the exception of the 9th cause of action. The 5th through the 8th causes of action and the 10th through the 12th causes of action were admitted to but with explanation.

Attorney Gregory, in addressing the fifth cause of action, said that steps had been taken to include the license number and the monetary limit on the contracts. A corrected copy of the contract was entered into the record as EXHIBIT A. Attorney Gregory then provided the Board with the explanations to the causes of actions that had been admitted to.

Ms. Mathias clarified that the request for extension of time to replace the qualifier had been submitted September 30, 1999. The request had been denied on October 26, 1999 for a complete background investigation on the proposed qualifier. A change of qualifier application had also been submitted on September 30, 1999. The Board had acted on that on February 23, 2000, approving the change.

Attorney Gregory clarified that the Board denials had been mailed to an old address rather than to a new one that had been provided.

Mr. Lyford clarified that the case was a result of the background investigation that had been performed initially on C R I. Other issues had surfaced during that time, prompting the Board to request bimonthly reporting when they issued the license in April. C R I had failed to comply with the bimonthly reporting requirement and the matter had, therefore, been brought before the Board.

The evidentiary portion of the hearing was closed.

MR. ZECH MOVED TO FIND ONLY LICENSE #48715, C R I ELECTRIC, IN VIOLATION OF ALL CHARGES.

MS. SHELTRA SECONDED THE MOTION.

THE MOTION CARRIED. (MR. JOHNSON WAS OPPOSED)

MR. ZECH MOVED TO PLACE A ONE YEAR LETTER OF REPRIMAND INTO THE LICENSE FILE OF C R I ELECTRIC, LICENSE #48715; AND TO RECOVER THE INVESTIGATIVE COSTS OF \$2,015, PAYABLE WITHIN 60 DAYS.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

APPLICATIONS (Continued)

The following motion closed the meeting to the public.

MR. ZECH MOVED TO CLOSE THE MEETING TO THE PUBLIC.

MR. JOHNSON SECONDED THE MOTION.

THE MOTION CARRIED.

The meeting was then closed to the public pursuant to NRS 241.030 to discuss financial and other data, which is confidential under NRS 624.110 (2).

STROHM TREMAINE COMMERCIAL BUILDERS #49010 (B2 – Residential & Small Commercial) ONE TIME RAISE IN LIMIT, RECONSIDERATION

John Naylor, Legal Counsel representing Falcon Developers, was present.

The matter had been heard on October 17, 2000, and denied for lack of financial responsibility.

Mr. Naylor was informed that financial information could not be discussed with him without

the perspective licensee present and without their permission. He was made aware that Falcon Developers was at liberty to personally indemnify the project if they desired.

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

MR. ZECH SECONDED THE MOTION.

THE MOTION CARRIED.

MR. JOHNSON MOVED TO APPROVE ALL APPLICATIONS NOT SPECIFICALLY DISCUSSED IN CLOSED SESSION PER STAFF RECOMMENDATION.

MR. ZECH 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.

There being no further business to come before the Board, the meeting was adjourned by Chairman Gregory at 2:03 p.m.

Respectfully Submitted,

Betty Wills, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kim Gregory, Chairman