

KENNY C. GUINN  
Governor

## STATE OF NEVADA

REPLY TO:

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### MEMBERS

KIM W. GREGORY  
*Chairman*  
DOUGLAS W. CARSON  
MARGARET CAVIN  
JERRY HIGGINS  
DENNIS K. JOHNSON  
RANDY SCHAEFER  
MICHAEL ZECH

## STATE CONTRACTORS' BOARD

### MINUTES OF THE MEETING NOVEMBER 21, 2000

The meeting of the State Contractors' Board was called to order by Chairman Kim Gregory at 8:10 a.m., Tuesday, November 21, 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 (Exited meeting at 2:40 p.m.)  
Mr. Doug Carson  
Ms. Margaret Cavin  
Mr. Jerry Higgins  
Mr. Dennis Johnson  
Mr. Randy Schaefer  
Mr. Mike Zech

#### BOARD MEMBERS ABSENT:

None

#### 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 (Cook, Roberts & Reese)  
Ms. Nancy Mathias, Licensing Administrator  
Mr. George Lyford, Director of Special Investigations Unit  
Mr. Rick Bertuzzi, Director of Investigations  
Mr. Roy Schoonmaker, Investigations Supervisor  
Ms. Misty Matisons, Public Relations Officer  
Ms. Doris Talley, Licensing Management Assistant  
Mr. Linc Dante', Investigator  
Mr. Bob Macke, Investigator  
Mr. Greg Mincheff, Investigator  
Mr. Tom Tucker, Investigator  
Mr. Greg Welch, Investigator  
Mr. Bill Brandon, Recording Secretary

#### OTHERS PRESENT:

Cari Inkenbrandt, Court Reporter, CSR Associates of Nevada; Gerald Homm, President, Homm Construction; Ronald Wright, President, Elkhorn Development, Ind., Joseph R. Acuna, Owner; Mari Bochanis, Counsel for SNWA; Mark Jensen, Director Engineering, SNWA; Kris Sundell, Vice President, Stewart & Sundell; Robert Lange, President, Lange Plg.; Ronald Reynolds, Partner, Callister & Reynolds; Sam Marrageos, President, American Sign Company; Bob Gigla, American Sign Company; Ron Gagliano, President, Federal Electric Corporation; Glen Campbell, Owner, Dependable Painting; Gayle Clubertson,

Division call Specialist, S.N.E. Equipment; John McCay, Owner, J McCay & Associates; Geri Farrell, Credit Manager, Nedco Supply, Richard Peel, Attorney for Federal Electric;; Robert & Joyce Folker, Home Owners; Annette & Howard Ross, Home Owners; Scott Stowell, Owner, Oasis Kitchens; Manuela Perry, Home Owner; Joseph E. Hernandez, President, Deznan Contractors; Carlos J. Hernandez, Vice President, Deznan Contractors; Juan Pulido, President, CCI; Anthony D'Ambra, Owner/contractor, D Ambra Masonry; Jeff Wiens, Corporate Controller, Carpet Barn; Emily Curtis, Customer Service Manager, Carpet Barn; Dennis Stein, Management Consultant, Dennis Stein & Associates; Rochelle Mefferd, Geo Basics for Duckwater Shoshone Tribe; Joseph Acuna, Owner, Joseph R. Acuna Masonry; Mike Worth, President, Worth and Associates, Inc.; Elona Sith, Vice President, Bedrock Concrete; Robert Lange, President, Lange Plg.; and Gerald Looney, Owner, Gerald Duane Looney Construction; Matthew L. Johnson, Attorney, Hutchison & Steffen; Jesus J. Chanez, Prime Stucco, and Robert Phillips, Prime Stucco.

Ms. Grein stated that Tom Lundberg, and Mike Perko had posted the agenda in compliance with the open meeting law on November 15, 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 12, and November 7, 2000.

**MR. JOHNSON MOVED TO APPROVE THE MINUTES OF OCTOBER 12, 2000.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. CARSON MOVED TO APPROVE THE MINUTES OF NOVEMBER 7, 2000.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

It was learned there were 25 items on the amended agenda, each item of an emergency nature. Additionally, the regular agenda was amended to include an advisory opinion request from J.R. Jacks, Contractor, J. R. Jacks Construction Corporation, License #10434A.

Motion was made, seconded, and carried to accept Amended Agenda

### **ADVISORY OPINION**

#### **J. R. JACKS CONSTRUCTION CORPORATION, #10434A**

Southern Nevada Water Authority requested an advisory opinion regarding the ability of J.R. Jacks Construction to continue with contract number SNWA 080-ER. J.R. Jacks qualified employee, David Jacks had resigned in December 1999. The license was suspended in September 2000 when the Board learned of the resignation.

Present for the discussion was William Singleton, Project Manager. A corporate officer of J.R. Jacks was not in attendance.

The Board opined that J.R. Jacks could complete any projects that had been contracted for prior to the suspension of the license.

**MR. JOHNSON MOVED TO APPROVE A 90 DAY EXTENSION TO REPLACE THE QUALIFIED EMPLOYEE.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

### **UPDATE ON ENFORCEMENT**

Mr. Lyford, Director of SIU, Mr. Bertuzzi, Director of Investigations, submitted the complaint department aged reports. The Board asked if the reports could be modified to include the license status.

### **DISCIPLINARY HEARINGS**

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

Kenneth Clair Stewart, President, Stewart & Sundell, was present, along with NSCB Investigator Tom Tucker.

Mr. Tucker provided the Board with a status update that curbing and guttering had been completed to standards on the approximately ten-foot section in question.

Mr. Stewart commented that the problem was a soil problem, but the punchlist items are completed and were supposed to have been signed off by the County November 3<sup>rd</sup>, but he could not verify the County approval at the present time.

**MR. CARSON MOVED TO DISMISS THE ALLEGED VIOLATIONS OF NRS 624.301(5) and NRS 624.3017(1) CONDITIONED UPON ACCEPTABLE DOCUMENTATION OF CLARK COUNTY'S ACCEPTANCE OF WORK BEING PROVIDED TO THE BOARD WITHIN 30 DAYS.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

#### **AMERICAN INNOVATIVE SIGN SYSTEMS #46083 - DISCIPLINARY HEARING**

Sam George Maragos, Partner, American Innovative Sign Systems; Anthony Samuel Maragos, Partner, American Innovative Sign Systems; Donald L. Harrison, Harrison Door Company; NSCB Investigator Bob Macke; and Bob Gigla, Witness, were sworn in. Ron Reynolds, Legal Counsel, representing American Innovative Sign, was identified.

The Notice of Hearing & Complaint, dated September 19, 2000, consisting of pages 1-16, had been sent certified mail to the Respondent's address of record on file with the Board. The return receipt was dated September 26, 2000.

The hearing was for possible violation of NRS 624.3017 (1), Workmanship which is not commensurate with the standard of the trade; NRS 624.3011 (1) (b) (1), willful or deliberate disregard and violation of the building laws of the state or of any political subdivision thereof; and 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 notice to correct, and by failing to include the license number and monetary limit on the bid or contract.

The notice of hearing was entered into the record as EXHIBIT 1, and the stipulation was signed.

Mr. Harrison testified that he had entered into the contract with the Respondent on August 25, 1999. He discussed concerns regarding the lack of response and that the sign never worked. Respondent admitted that the sign was the wrong sign. Corrections were made but the sign still was not corrected properly. The City of Henderson did not approve the final permit for the sign, and the project was red-tagged.

Investigator Macke testified that he had reviewed the sign, and detailed the two items that he validated. In addition he stated that the electrical inspector for the City of Henderson had issued a notice of code violation. A final notice to correct was issued by the Board and the Respondent has not complied with that notice. Mr. Harris hired someone else to correct the sign.

Mr. Griffy pointed out there were three notices to correct issued and code violations not corrected. Three photographs were entered into the record as EXHIBIT 2. Mr. Griffy also pointed out that the contract was missing the monetary limit. Mr. Reynolds agreed the contract was missing his monetary limit.

Letter terminating contract by Mr. Harrison was entered into the record as EXHIBIT 3.

Drawings prepared by Mr. Harrison was entered into the record as EXHIBIT 4.

Mr. Harrison's certified mail receipt was entered into the record as EXHIBIT 5.

Mr. Gregory summarized, the original sign was put up and had discrepancies, which were done without inspection by the building department. The owner hired someone else to fix the sign and excluded the Respondent from entering the site.

Mr. Griffy introduced a letter from American Sign into the record as EXHIBIT 6.

Mr. Reynolds said completion notice signed in March 1999.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO FIND AMERICAN INNOVATIVE SIGN SYSTEMS, LICENSE #46083 IN VIOLATION OF CAUSE #1 -, NRS 624.3017(1), CAUSE #3 - NRS 624.3013(5) AS SET FORTH IN NAC 624.700(3), CAUSE 4 - NRS 624.3013(5) AS SET FORTH IN NAC 624.640(5) AND CAUSE 5 - NRS 624.3014(1)(A) AND TO DISMISS CAUSE #2 - NRS 624.3011(1)(b)(1).**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. CARSON MOVED TO PLACE A 1-YEAR LETTER OF REPRIMAND IN AMERICAN INNOVATIVE SIGN SYSTEMS, LICENSE #46083 FILE, TO IMPOSE ADMINISTRATIVE FINE OF \$750 PER VIOLATION FOR A TOTAL OF \$2,250, AND TO RECOVER THE INVESTIGATIVE COSTS OF \$1,991.00 TO BE PAID WITHIN 60 DAYS OR THE LICENSE WAS TO BE AUTOMATICALLY SUSPENDED.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**FEDERAL ELECTRIC CORP #40842 - DISCIPLINARY HEARING**

Richard Peal, Legal Counsel; Steve Morris, Legal Counsel, were identified; Ronald A. Gagliano, President, Federal Electric Corp.; Martin-Harris Construction, Pat Warren, Vice President; NSCB Investigator Roy Schoonmaker, were identified.

The Notice of Hearing and Complaint, dated August 2, 2000, consisting of pages 1-18, had been sent by certified mail to the Respondent's address of record on file with the Board. The return receipt was dated August 15, 2000.

The hearing was for possible violation of NRS 624.3016 (1), any fraudulent or deceitful act committed in the capacity of a contractor; and NRS 624.3013 (1). failure to keep records showing all contracts, documents, receipts and disbursements by a licensee of all of his transactions as a contractor and to keep them open for inspection by the board or executive officer for a period of not less than 3 years after the completion of any construction project or operation to which the records refer.

Mr. Haney and Mr. Lyford recommended a continuation because the key witness was not present and was out of the country.

The matter was continued.

A discussion then occurred regarding NRS 624.283 as it pertained to the renewal of expired licenses with open complaints.

**MR. JOHNSON MOVED TO PLACE THESE LICENSES IN AN ACTIVE TEMPORARY STATUS UPON RECEIPT OF A COMPLETED RENEWAL APPLICATION UNTIL THE BOARD TAKES FINAL ACTION ON THE APPLICATION.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**DEPENDABLE PAINTING #28605 - DISCIPLINARY HEARING**

Glenn Hans Campbell, Owner, Dependable Painting; James Baker, Complainant and NSCB Investigator Bob Macke were sworn in.

Mr. Schaefer abstained from voting in the matter citing a conflict of interest.

The Notice of Hearing & Complaint, dated October 17, 2000, consisting of pages 1-32, had been sent certified mail to the Respondent's address of record on file with the Board. The return receipt had not been received. The notice of hearing was entered into the record as EXHIBIT 1

The hearing was for possible violation of NRS 624.3017 (1), Workmanship which is not commensurate with the standard of the trade; NRS 624.301 (4), willful failure or refusal without legal excuse on the part of a licensee as a contractor to prosecute a construction project or operation with reasonable diligence, thereby causing material injury to another; and 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 notice to correct, and by failing to include the license number and monetary limit on the bid or contract.

The stipulation was not signed.

Mr. Campbell stated he wanted an attorney to represent him because his attorney, George Frame, was in Florida and unable to attend. The request for continuance was entered into the record as EXHIBIT A.

**MR. CARSON MOVED TO CONTINUE THE MATTER UNTIL THE NEXT LAS VEGAS BOARD HEARING.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**OLYMPIC SPECIALITIES #30554A - DISCIPLINARY HEARING**

Frank Duane Beebe, President, Olympic Specialities, was not present, nor was anyone present on the Respondent's behalf. Gayle Culbertson, S N E Equipment Services; John Pici, Jtronic Inc.; L Buck Ennis, Nedco Supply; Treena Dodds, Audio Associates; NSCB Investigator Linc Dante; NSCB Investigator Bob Macke; Gerri Farrell; were sworn in by Chairman Kim Gregory.

The Notice of Hearing & Complaint, dated October 19, 2000, consisting of pages 1-36, had been sent certified mail to Respondent's address of record on file with the Board. The return receipt was dated October 20, 2000.

The hearing was for possible violations 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 624.302 (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 (3), failure to establish financial responsibility.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1.

Ms. Farrow testified that the Respondent had purchased materials from her company, and that the outstanding invoices had not been paid to date. The Respondent did not respond to certified mail nor telephone calls. The last contact with Respondent was a year ago. A total of \$28,798.10 is owed.

Mr. Gregory noted that Respondent's bond was cancelled July 1, 2000 and the License was automatically suspended.

Ms. Culbertson representing S N E stated Respondent purchased materials from them, and has failed to pay for the materials after numerous contacts. A total of \$1071.53 is owed. Investigator Linc Dante validated four other money owing complaints submitted by American V.I.P., Nedco Supply, Jtronic, Inc., and Audio Associates. A total of \$48,014.65 is owed to all companies.

Investigator Dante said he hand delivered a request for the Financial Statement to the Respondent on April 20, 2000 with no further contact nor response from Respondent. The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO ACCEPT THE FILE AND TESTIMONY AS FORMAL FINDINGS OF FACTS, CONCLUSIONS OF LAW.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. CARSON MOVED TO FIND RESPONDENT IN VIOLATION OF ALL CHARGES.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. CARSON MOVED TO REVOKE OLYMPIC SPECIALITIES #30554A, LICENSE AND FULL RESTITUION TO DAMAGED PARTIES, RECOVERY OF INVESTIGATIVE COSTS OF \$2,564.00 BEFORE ANY FUTURE LICENSURE IN NEVADA.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

### **J MCCAY AND ASSOCIATES INC #43739 - DISCIPLINARY HEARING**

John Michael McCay, President, J McCay and Associates Inc, Manuela Penny, Complainant; NSCB Investigator Bob Macke; and Charlene McCay were sworn in.

The Notice of Hearing & Complaint, dated September 19, 2000, consisting of pages 1-24, had been sent certified mail to Respondent's address of record on file with the Board. The return receipts were dated September 20 and September 29, 2000.

The hearing was for possible violation of NRS 624.3017 (1), Workmanship which is not commensurate with the standard of the trade; 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 notice to correct, and by failing to include the license number and monetary limit on the bid or contract.

The notice of hearing was entered into the record as EXHIBIT 1, and the stipulation was signed.

Ms. Penny testified that she had entered into a written contract with the Respondent for construction of a concrete patio at her residence. A second verbal agreement was made to coat the driveway at no charge. Ms. Penny said the coating was peeling off and it was now very slick. The respondent failed to correct the problem.



Investigator Macke said he inspected the driveway in October 2000 and November 20, 2000. He provided 5 photographs which were entered into the record as EXHIBIT 2. The photos as of November 20, 2000, display there was no adhesion between the coat and the driveway. The first inspection was in January 2000, at that time there were small areas peeling and that has continued to expand.

The driveway was approximately 2 years old when the coating was applied.

Mr. McCay provided additional exhibits to the Board that were entered into the record as EXHIBIT A. Mr. Gregory pointed out that the provided exhibits dealt with previous issues that had been corrected. They were not part of the hearing today.

Mr. Griffy pointed out that Respondent had been in Alaska and the Board did not have a current address.

Mr. McCay said the business address was the same and it was current.

Mr. Gregory clarified that the only matter being addressed in this hearing was the driveway.

Eight photographs were provided by Respondent and entered into the record as EXHIBIT B.

Mr. Gregory recapped the matter. The initial complaint was concrete for the patio and the sidewalk were later replaced. The driveway was painted and is peeling. That is what was before the Board.

Investigator Macke said the black marks on the driveway looked like tar from street, not spalling.

The evidentiary portion of the hearing was closed.

**MR. JOHNSON MOVED TO DISMISS THE CHARGES.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**DEZNAN CONTRACTORS INCORPORATED #26413 - DISCIPLINARY HEARING**

Jose Ernesto Hernandez, President, Deznan Contractors Incorporated, Carlos Hernandez, Vice President of Deznan Contractors Incorporated; Scott Stowell, owner of Oasis Kitchens Robert E. Folker, Janice Folker, homeowners; Howard J. Ross, Annette Ross, homeowners; and NSCB Investigator Bob Macke, were sworn in.

The Notice of Hearing & Complaint, dated October 10, 2000, consisting of pages 1-40, had been sent certified mail to Respondent's address of record on file with the Board. The return receipt dated October 13, 2000.



The hearing was for possible violation of NRS 624.301 (5), willful failure or refusal without legal excuse on the part of a licensee to comply with the terms of a construction contract or written warranty, thereby causing material injury to another; 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 notice to correct, and by failing to include the license number and monetary limit on the bid or contract; and NRS 624.3017(1), Workmanship which is not commensurate with the standard of the trade.

The notice of hearing was entered into the record as EXHIBIT 1, and the stipulation was signed.

Mr. Griffy questioned Mrs. Folker in regards to the written contract with Respondent to install Corian countertop in kitchen. Mrs. Folker stated she was referred to Oasis Kitchens, which did not carry Corian, and under time restraint for installation, Mrs. Folker settled for Sorell.

Investigator Macke testified that the product installed was not a Corian product, and that the Folker's contract specifically provided for the use of Corian.

Mr. Stowell, owner of Oasis Kitchens was sworn in. Mr. Stowell was not aware of the written contract for Corian to be installed in the Folker residence, he was not a Corian dealer, and assisted with selection of Sorell. He had no discussions with Respondent about the selection of the counter top.

Mr. Jose Hernandez, President of Deznan Contractors questioned Mr. Stowell. Mr. Stowell testified that he had not coerced the Folkers into selecting Sorell, nor did they indicate a time constraint to him. The installation was handled by Artistic Tile.

Mr. Jose Hernandez testified to the Folkner complaint. He said the Folkner's were not specific as to whether they wanted Corian or not. If Corian not used, they were to get their money back per contract.

Chairman Gregory questioned why the complainants had been sent to a company that did not represent Corian. Mr. Hernandez said the intent was not Corian, the Folkners wanted a product that did not require grout.

Mr. Ross testified that he had entered into a contract with the Respondent on February 6, 1998 for the purchase of a single-family residence. He testified that the toilet was not placed correctly because the flange was set for a tiled floor. A linoleum floor was laid and the toilet was set on shims to stabilize it.

Investigator Macke testified that he validated the items on the Notice to Correct. Fourteen (14) photographs were presented and entered into the record as EXHIBIT 2.

Mr. Ross indicated that in addition to the toilet problem, the slurry coat in the driveway was inadequate. Testimony was provided by Mr. Ross, and Investigator Macke which validated the Slurry Coat in the driveway was not to workmanship standards.

Mr. Gregory pointed out that wood or metal shims were not a proper fix for the toilet.

The evidentiary portion of the hearing was closed.

**MR. SCHAEFER MOVED TO FIND DEZMAN CONTRACTORS INCORPORATED LICENSE #26413 IN VIOLATION OF CAUSE #1 - 624.301(5), CAUSE #2 - NRS 624.3013(5) AS SET FORTH IN NAC 624.700(3)(a), CAUSE #3 - NRS 624.3017(1) THE PART OF CAUSE OF ACTION A AND C, CAUSE #4 - NRS 624.3013(5) AS SET FORTH IN NAC 624.700(3)(A) AND CAUSE #5 NRS 624.3013(5) AS SET FORTH IN NAC 624.640(5).**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED ANIMOUSLY.**

**MR. SCHAEFER MOVED TO REQUIRE CORRECTIVE ACTION ON THE 1<sup>st</sup>, 3<sup>rd</sup> (A & C) CAUSE OF ACTION WITHIN 60 DAYS OR LICENSE WAS TO AUTOMATICALLY SUSPEND. REPLACE CORIAN OR REFUND MONEY, SLURRY COAT IN GARAGE BE REPLACED IN A CORRECT MANNER AND WATER CLOSET ALSO BE CORRECTED PROPERLY; WITH A 30 DAY STATUS TO BOARD.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**DEZMAN CONTRACTORS INCORPORATED REQUESTED AN APPEAL AND MR. GREGORY DIRECTED THEM TO DISCUSS AN APPEAL WITH STAFF.**

#### **K L H CONSTRUCTION #35275 - DISCIPLINARY HEARING**

Keith Lloyd Hughs, President, K L H Construction, was not present nor was anyone present on Respondent's behalf. Carl S. Hicks, Jr., Samuel Deal Gale Sawyer, Sandia Construction; Jennifer Larson; James Johnsen; NSCB Investigators Greg Mincheff and Tom Tucker & Bob Macke were sworn in.

The Notice of Hearing & Complaint, dated October 19, 2000, consisting of pages 1-75, had been sent certified mail to the Respondent's of record, on file with the Board. The return receipt was not received.

The hearing was for four possible violations of NRS 624.3017 (1), Workmanship which is not commensurate with the standards of the trade; NRS 624.3013 (5), as set forth in NAC 624.700 (3) (a), 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 comply with the notice to correct, and by failing to meet informally with the board's staff and the complainant; and NRS 624.301 (5), willful failure or refusal without legal excuse on the part of a licensee to comply with the terms of a construction contract or written warranty, thereby causing material injury to another.

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

Ms. Sawyer testified that Complainant entered into contract on June 22, 1998 to purchase his residence and discovered various discrepancies within the residence. He brought the issues to the attention of Respondent, several times, but the items were not corrected.

Investigator Mincheff testified that the Respondent had moved to Arizona and no effort had been made to correct the validated items.

Ms. Sawyer was asked to supply the name of the subcontractor who performed the work to the investigator.

The evidentiary portion of the hearing was closed.

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

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. CARSON MOVED TO FIND K L H CONSTRUCTION LICENSE #35275 IN VIOLATION OF ALL CHARGES.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. CARSON MOVED TO REVOKE LICENSE, FULL RESTITUTION TO THE DAMAGED PARTIES, AND RECOVERY OF INVESTIGATIVE COSTS OF \$3,325.00 PRIOR TO FUTURE LICENSURE IN NEVADA.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

Staff was instructed to notify the Arizona Registrar of Contractors of the action taken against K L H Construction.

**INNOVATIVE ROOFING #39754 - DISCIPLINARY HEARING**

Michael Nutig, Owner, Innovative Roofing, was not present nor was anyone present on the Respondent's behalf. NSCB Investigators Bob Macke and Mike Perko, were sworn in.

The Notice of Hearing & Complaint, dated October 19, 2000, consisting of pages 1-52, had been sent certified mail to the Respondent's address of record, on file with the Board. The return receipt was not received.

The hearing was for three possible violations of NRS 624.3017 (1), workmanship which is not commensurate with the standard of the trade; NRS 624.3013 (5), as set forth in NAC 624.700 (3) (a) 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 comply with the notice to correct, and by failing to report a change in address to the Board within 30 days; and NRS 624.301 (5), willful failure or refusal without legal excuse on the part of a licensee to comply with the terms of a construction contract or written warranty, thereby causing material injury to another.

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

Beverly Welsh, Complainant, was not able to attend due to an emergency.

Investigator Macke testified that he validated the items on the Notice to Correct for the

Nanhno and Welsh complaints, and that the Respondent did not appear for any meetings. All attempts to contact him had been unsuccessful.

Investigator Perko testified that he had validated the items on the Notice to Correct for the Horst compliant.

**MS. CAVIN MOVED TO ACCEPT THE FILE AND TESTIMONY AS FORMAL FINDINGS OF FACT, CONCLUSIONS OF LAW.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MS. CAVIN MOVED TO FIND INNOVATIVE ROOFING LICENSE #39754 IN VIOLATION OF ALL CHARGES.**

**MR. CARSON SECONDED.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MS. CAVIN MOVED TO REVOKE LICENSE, FULL RESTITUTION TO THE DAMAGED PARTIES, AND RECOVERY OF INVESTIGATIVE COSTS OF \$2,466.00 PRIOR TO FUTURE LICENSURE IN NEVADA.**

**K & E CONTRACTING #45188 - DISCIPLINARY HEARING**

Donald Delno Knight, Owner, K & E Contracting, Elona Sitler; Bob Ingstrom and NSCB Investigator Linc Dante' were sworn in.

The Notice of Hearing and Complaint, dated October 10, 2000, consisting of pages 1-23, had been sent certified mail to Respondent's address of record, on file with the board. The return receipt was dated October 16, 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; 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 report a change in address to the Board within 30 days.

Mr. Zech disclosed he had business dealings with the Respondent and abstained from voting on the matter.

The notice of hearing was entered into the record as EXHIBIT 1, and the stipulation was signed.

Investigator Dante testified that the Respondent had indicated to him prior to the hearing that he would not contest the charges.

Mr. Griffy summarized the details of the case and reported it was a money owing complaint from Bedrock wherein the amount of \$3,690.03 was owed by the Respondent for service and materials. No effort was being made by the Respondent to pay the money owed.

No Financial Statement was provided to the Board.

Investigator Dante stated that the Respondent advised he needed 30 days to pay the money owed to Complainant Bedrock.

Mr. Knight testified he is currently in litigation with George DeCacus, Inc., who had hired Knight to perform pumping on a project. He has not received his money from DeCacus and is owed approximately \$250,000.00 from this project which is the subject of the litigation between Knight and DeCacus.

Mr. Knight is prepared to pay \$1,000 starting this next week, with same thereafter each week. He has paid all debts with the exception of Bedrock, he thought it had been paid.

Mr. Knight stated he will provide a Financial Statement, will pay off the debt within 60 days, will provide his current business address, obtain his bond and will deal with suppliers with joint checks.

When questioned, Mr. Knight said he would agree to a lower limit of \$100,000. The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO FIND K & E CONTRACTING LICENSE #45188 IN VIOLATION OF ALL CHARGES.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. CARSON MOVED TO LOWER THE LICENSE LIMIT TO \$100,000 FOR K & E CONTRACTING LICENSE #45188; ALLOW 60 DAYS TO CLEAR UP THE DEBT TO BEDROCK, AND TO PROVIDE A CURRENT FINANCIAL STATEMENT OR THE LICENSE WOULD BE AUTOMATICALLY SUSPENDED.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

For the record it was noted that the license of K & E Contract was suspended for no bond, and that a properly executed bond would be required in order to reinstate the license.

#### **FOLLOW-UP STRATEGIC PLANNING** – Dennis Stein

Mr. Dennis Stein presented the follow-up strategic plan to the Board.

Ms. Nancy Mathias presented the licensing action plan.

Mr. Lyford and Mr. Bertuzzi presented the action plans for the investigations department.

Mr. Stein suggested more active use of aging reports. The Board concurred.

Ms. Misty Matisons, Public Relations Officer, presented the updates on public information action plans to the Board.

Ms. Grein presented the accounting portion of the action plan, which addressed a budget forecast, equipment list, short-term and long term strategy.

Ms. Grein presented her action plans for protocol policies and procedures; executive session; and legislative communication.

Ms. Grein stated that the Employee Handbook had been revised and upon the Board's approval will be distributed to all employees,

### **DISCIPLINARY HEARINGS** (Continued)

#### **D'AMBRA MASONRY #12749A - DISCIPLINARY HEARING**

Anthony Robert D'Ambra, Owner, D'Ambra Masonry, Patty M. Klein; Don Henzlik and NSCB Investigator Greg Mincheff were sworn in.

The Notice of Hearing and Complaint, dated September 28, 2000, consisting of pages 1-16, had been sent certified mail to the Respondent's address of record, on file with the Board. The return receipt was dated September 30, 2000.

The hearing was for possible violation of NRS 624.3011 (1) (b) (1), willful or deliberate disregard and violation of the building laws of the state or of any political subdivision thereof; NRS 624.301 (1), abandonment without legal excuse of any construction project or operation engaged in or undertaken by the licensee as a contractor; 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 the license number and monetary limit placed upon the license.

The Notice of Hearing and Complaint were entered into the record as EXHIBIT 1, and the stipulation was signed.

Mr. Mincheff testified he had investigated the project at the residence of Patty Kline and Don Henzlik. Mr. D'Ambra did not complete the project or pull the building permit. The permit was pulled later by the homeowner. Footings and stem walls were too close to the existing retaining wall and site left in uncompleted status.

Mr. Griffy provided photographs to the Board already a part of the case file.

Mr. Mincheff validated that only 10% of the project had been completed by Mr. D'Ambra..

Mr. D'Ambra testified the Complainant requested more changes to the project. The city Building Inspectors issued a Correction Notice. Mr. D'Ambra stated the job was a favor, and additional costs made it financially restrictive to continue.

Mr. Griffy clarified that with respect to the 1<sup>st</sup> cause of action, the homeowner pulled the permit prior to work commencing.

When asked if the matter was in litigation, Mr. D'Ambra said there was a pending suit for

\$7,500.

The evidentiary portion of the hearing was closed.

**MR. CARSON MOVED TO DISMISS THE FIRST CAUSE OF ACTION, AND TO FIND D'AMBRA MASONRY LICENSE #12749A IN VIOLATION OF THE SECOND CAUSE OF ACTION - NRS 624.301(1), AND THE THIRD CAUSE OF ACTION - NRS 624.3013(5) AS SET FORTH IN NAC 624.640.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**MR. CARSON MOVED TO PLACE A ONE-YEAR LETTER OF REPRIMAND INTO THE D'AMBRA MASONRY LICENSE FILE, AND TO RECOVER THE INVESTIGATIVE COSTS OF \$1,344.00, TO BE PAID WITHIN 90 DAYS OR THE LICENSE WOULD AUTOMATICALLY BE SUSPENDED.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**GERALD LOONEY #41905 - DISCIPLINARY HEARING**

Gerald Looney, Owner, was sworn in, along with NSCB Investigator Greg Welch.

The Notice of Hearing and Complaint, dated October 5, 2000, consisting of pages 1-19, had been sent certified mail to Respondent's address of record, on file with the Board. The return receipt was dated October 7, 2000.

The hearing was for possible violation of NRS 624.3014 (1), acting in the capacity of a contractor under any license issued hereunder except in the name of the licensee as set forth upon the license; NRS 624.305(1), no license may be used for any purpose by any person other than the person to whom such license is issued, and no license may be assigned, transferred or otherwise disposed of to permit the unauthorized use thereof; NRS 624.3016(1), any fraudulent or deceitful act committed in the capacity of a contractor; NRS 624.3014(2), intent to evade the provisions of this chapter by aiding or abetting an unlicensed person to evade the provisions of this chapter; NRS 624.3014 (2), intent to evade the provisions of this chapter by combining or conspiring with an unlicensed person to perform an unauthorized act;

The Notice of Hearing and Complaint was entered into the record as EXHIBIT 1, and the stipulation was signed.

The current status of the license was suspended, not renewed as of August 1, 2000.

Mr. Griffy stated that the matter pertained to the construction of an apartment complex for which the Respondent allowed his license to be used by another party. The project was also out of the scope of the license.

Mr. Welch testified that the contract listed a license number of Pyramid Steel, in New Mexico. Mr. Padilla, the owner of Pyramid Steel, did not know Mr. Looney and Mr. Looney



did not have permission to use his license. Mr. Looney only had a \$5,000 limit on his license. The project amount was over \$800,000.

Mr. Looney said he did not know how the other license number got on the Permit. He said he pulled the permit with his license. Mr. Looney confirmed the project was built under his permit. Mr. Looney paid the Permit fees. Mr. Looney did not cancel the permit after pulling out of the negotiations with the owner.

Mr. Looney did not know who built the project. He said he never received any money for the project, he only provided a bid.

Mr. Looney said he did not have anything in writing regarding the project.

**MR. CARSON MOVED TO CONTINUE THE MATTER FOR 90 DAYS TO ALLOW STAFF TO DETERMINE WHO THE OTHER CONTRACTORS INVOLVED IN THE PROJECT WERE AND WHO PAID THE BILLS.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

#### **CARPET BARN INC #40982, #41011, & #41012 - DISCIPLINARY HEARING**

Philip Alan Herman, President, Carpet Barn Inc., was represented by Jeff Leans an employee of Carpet Barn Inc.; and Emily Curtis, an employee Carpet Barns; Mary Lee Crosby; and NSCB Investigator Greg Mincheff were sworn in.

The Notice of Hearing & Complaint, dated October 11, 2000, consisting of pages 1-19, had been sent certified mail to the Respondent's address of record, on file with the Board. The return receipt was dated October 13, 2000.

The hearing was for possible violation of NRS 624.3017(1) workmanship not commensurate with the standards of the trade; 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 notice to correct, and by failing to include the license number and monetary limit on the bid or contract.

The Notice of Hearing and Complaint was entered into the record as EXHIBIT 1, and the stipulation was signed.

Mr. Griffy said the Notice to Correct had now been complied with and the monetary limit was now included on the contracts.

**MR. JOHNSON MOVED TO DISMISS THE CHARGES.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

#### **ACTION ELECTRICAL NETWORK INC #30425 - DISCIPLINARY HEARING (Continued)**

The Respondent, Daniel Hinchcliffe was present earlier in the morning and had verbally requested a continuance, since his lawyer was not available.

The Board granted a continuance for 30 days.

### **APPLICATIONS**

The following motion closed the meeting to the public.

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

**MR. CARSON 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).

**ELKHORN DEVELOPMENT INC** (A12, 15 – Excavate Grade Trench Surface; Sewers, Drains & Pipe) NEW APPLICATION, RECONSIDERATION

**ELKHORN DEVELOPMENT INC** (B1, 2, 5 – Pre-manufactured Housing) NEW APPLICATION, RECONSIDERATION

Ronald Bruce Wright, President, and Debra Wright, QE, were present.

Ms. Mathias reported that the application had been tabled in September 2000 to allow the applicant time to resolve certain financial issues and to review the issues surrounding an unresolved complaint.

Mr. Roy Schoonmaker, Investigations Supervisor, provided the Board with an Investigative report.

The matters pertaining to the tax liens, deleted accounts, and prior license revocation were discussed.

When asked what he intended to do with licenses, Mr. Wright said he planned on digging septic tanks and on-site water work. He has a General B license in Oregon, with no complaints.

The Wrights said they were willing to indemnify the license if necessary.

The general consensus was to approve the two licenses, A12, 15 and B2, with a license limit of \$100,000 and a \$30,000 bond on each, contingent upon passing the A12 trade exam with a financial review upon renewal.

**Mr. Gregory left the meeting at 2:40 p.m. Mr. Zech assumed the chair and a quorum remained.**

### **ADVANCED CONSTRUCTION** #46084

Ms. Mathias explained that two licenses had been issued with the same name, providing the dates of issuance for both licenses.

Matthew L. Johnson, Esq., Attorney – Hutchison & Steffen representing Advanced Construction, License #46084 was present.

When asked about changing the name to Advanced Construction of Mesquite, Mr. Johnson said it would be okay, but they didn't want to change all existing items to that name, particularly mechanics liens.

Mr. Johnson pointed out that Advanced Construction in Reno did not complain and was not present. He was unsure how the issue came about.

The general consensus, with the exception of Board Member Johnson, was to allow Advanced Construction 90 days to make application to change the license name and the application fees would be waived.

### **JOSEPH R ACUNA**

Joseph Robert Acuna, Owner; (OW/CMS/TRADE), (C18-Masonry).

Mr. Acuna was present and advised application was approved.

### **LANGE PLUMBING LLC**

Bernard John Lange, MG/ME (C-1-Plumbing & Heating).

Mr. Lange was present and advised application was approved.

### **WORTH AND ASSOCIATES INC #48757 (B2 – Residential & Small Commercial) ONE TIME RAISE IN LIMIT, RECONSIDERATION, SCOPE OF WORK**

Mike Worth, President, was present.

Ms. Mathias gave the background of the case stating that there had been no majority vote at the last meeting.

This was a public works project for the State of Nevada. The scope of work included concrete repair, low voltage electrical, landscaping and some painting. The licensee submitted a material bid only this morning at \$257,000.

The Board advised that the limit must be sufficient for the entire project.

The one time raise in limit request was approved for \$500,000 with Payment and Performance bond if required by the owner of the project.

### **DUCKWATER SHOSHONE TRIBE**

Tim Thompson, COB; Brice Leroy Gubler, (QE/CMS/Trade) A3, 7, 11, 12, 13, 18, 21-Dams and Reservoirs; excavating and grading; recycling asphalt; excavate grade trench surface; wrecking and buildings; farm irrigation; fencing and guardrails. New Application.

Rochelle Mefferert, representative of Duckwater Shoshone Tribe, was present.

Mr. Griffy stated that his research indicated there was no legal problem with issuing the license since the tribe had waived their sovereign immunity.

The general consensus was to approve the license application with a limit of \$500, 20k bond, Class A3, 7, 11, 12, 13, 18, 21 – Dams and Reservoirs.

The remainder of the applications on the agenda were reviewed and discussion occurred on the following: Nos. 1-3.

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

**MR. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**APPLICATIONS** (Continued)

Second review: The remainder of the applications on the agenda was reviewed and discussion occurred on the following: Nos. 6-11, 16, 20-21, 28, 32, 38, 43, 47, 57-58, 72-75, 77-78, 81, 85, 87-89, 92, 94, 100-103, 105-106, and 108-112; and on the amended agenda: Nos. 2-8, 10, 24-25

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

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

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

**MR. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**DISCIPLINARY HEARING****PRIME STUCCO LATH & PLASTERING #48999 - DISCIPLINARY HEARING**

Robert J. Phillips and Jesus J. Chanez, Partners, Prime Stucco Lath & Plastering, and Doris Talley, License Analyst, were sworn in.

The hearing was for possible violation of NRS 624.3013 (3), failure to establish financial responsibility and NRS 624.302, failure to provide documents.

The notice of hearing was entered into the record as EXHIBIT 1, and the stipulation was signed.

Ms. Mathias summarized the matter stating that the Board issued a conditional license in September 1999 requiring a CPA prepared financial statement within six months. The licensee had not complied with that condition nor responded to any of the subsequent requests for compliance. A financial statement was provided at the time of the hearing.

Mr. Johnson stated that he was satisfied with the Financial Statement.

Respondents were cautioned in the future to address matters sent to them by the Board. They were also cautioned to pay attention to their bid limit.

**MR. JOHNSON MOVED TO APPROVE THE LICENSE RENEWAL.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**EARL UNRUH CUSTOM BUILDERS - APPLICATION HEARING**

Earl Unruh, Inc. d/b/a Earl Unruh Custom Builders– Class B-2 Residential & Small Commercial.

Notice of Hearing and complaint had been sent to the Respondent's address of record by Certified Mail October 2, 2000 and receipted by Mr. Earl Unruh October 3, 2000.

The hearing was for denial of Respondent's application for a contractor's license for failure to establish financial responsibility in accordance with NRS 624.263 and misrepresentation of a material fact, a violation of NRS 624.3013(2).

Earl Unruh, President, was not present nor was anyone present on the Respondent's behalf.

The Notice of Hearing was Entered as [Exhibit 1](#).

**MR. JOHNSON MOVED TO ACCEPT THE FILE AS FORMAL FINDINGS OF FACTS, CONCLUSIONS OF LAW AND TO DENY THE APPLICATION.**

**MR. CARSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

### **WOOD MASTERS** – APPLICATION HEARING

Notice of Hearing and Complaint had been sent to the Respondent's address of record by Certified Mail October 3, 2000.

The hearing was for the denial of Respondent's application for a contractor's license for failure to establish financial responsibility in accordance with NRS 624.263.

Erich M. Nowsch, Owner, did not appear, nor was anyone present on the Respondent's behalf.

The Notice of Hearing was entered into the record as [Exhibit 1](#).

**MR. JOHNSON MOVED TO ACCEPT THE FILE AS FORMAL FINDINGS OF FACTS, CONCLUSIONS OF LAW AND TO DENY THE APPLICATION.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

### **X-TREME HVAC SERVICES** – APPLICATION HEARING

Notice of Hearing and Complaint had been sent to the Respondent's address of record by Certified Mail October 2, 2000.

The hearing was for the denial of Respondent's application for a contractor's license for failure to establish financial responsibility in accordance with NRS 624.263.

Brian Reynolds, President, did not appear, nor was anyone present on the Respondent's behalf.

The Notice of Hearing was entered into the record as [Exhibit 1](#).

**MS. CAVIN MOVED TO ACCEPT THE FILE AS FORMAL FINDINGS OF FACTS, CONCLUSIONS OF LAW AND TO DENY THE APPLICATION.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

**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 Acting Chairman Zech at 3:50 p.m.

Respectfully Submitted,

Bill Brandon, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kim Gregory, Chairman