

Nevada State Contractors Board Billboard

Established 1941

Committed to Promoting Integrity and Professionalism in the Construction Industry

Jim Gibbons, Governor

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How To Contact The Board

Southern Nevada

2310 Corporate Circle, Suite 200 Henderson, NV 89074 Phone: (702) 486-1100 Fax: (702) 486-1190 E-Mail: mfloridia@nscb.state.nv.us

Northern Nevada

9670 Gateway Drive, Suite 100 Reno, NV 89521 Phone: (775) 688-1141 Fax: (775) 688-1271 E-Mail: mfloridia@nscb.state.nv.us

Hours of Operation

Monday - Friday 8 a.m. to 5 p.m.

www.nscb.state.nv.us

June 2010

Working With HOAs Is Rewarding, If You Understand The Bid Process

By Sara E. Barry

Have you been running into hurdles, while trying to work with HOA community managers or board members in Common Interest Communities (CICs)?

When working with CICs, keep in mind they are not only *required* to get three bids from contractors, but the bids must be sealed and can not be opened by *anyone*, outside of a properly noticed board of director's meeting. This includes licensed community managers. Also, bids can't be sent via the Internet or fax machines.

Because actual bids can not be opened prior to a noticed board meeting, some managers may ask contractors to submit two bids - one with prices removed showing that all RFP items are addressed and a second bid that includes prices. The manager can thus verify if the priceless package is complete, and if so submit the package with prices to the Board for consideration.

The final completed package with prices must be sealed and marked prominently on the outside with words similar to: *"Sealed Bid for the -- HOA Meeting. Do not open until Board Meeting."* Such wording should be used, so staff doesn't open the package in error, which would void the process. Remember, large management companies get a ton of mail, and staff opens all packages unless a document is very clear that it must not be opened.

If you are familiar with the process of bidding on public works jobs, this is a similar process. A board is not always required to accept the lowest bid because it acts as a fiduciary for its CIC. The Board has the responsibility to make sure all decisions are made in the best interest of its Nevada not-for-profit corporation.

(See Working With HOAs, Page 3)

Why We Have Codes And Why They Will Continue To Change

By Bobby Thomas

Building codes evolve due to either man-made or natural disasters. Historical events that have influenced building codes include the Las Vegas MGM fire in 1980, Chicago fire of 1871, San Francisco earthquake and fires of 1906, Loma Prieta earthquake of 1989, Florida's 1992 Hurricane Andrew, Northridge earthquake of 1994, the 911 terrorist attacks, Hurricane Katrina, etc. Out of these disasters have come new or revised building codes to minimize human casualties and property damage.

Code changes usually occur every three years. New products can be either misused or not installed properly. Examples would include installing an oversized breaker or fuse on a circuit, a

(See Why We, Page 3)

<u>Across The Board</u>

May 1-31, 2010

Investigations Division

Compliance Investigations

Investigations Conducted	194
Investigations Closed	254
Licenses Revoked	
Fines Assessed	\$45,100
Investigative Costs Assessed	\$27,699
Recovery Fund Claims Awarded	\$51,344

Criminal Investigations

Investigations Conducted	87
Investigations Closed	
Felony Cases Filed	
Criminal Complaints Filed with District Attorney	
Citations Issued	27
Convictions	10
Restitution Ordered by Court	0
Fines Assessed by Court\$6	,345

Licensing Division

New License Applications Received	148
New Licenses Issued	114
License Change Applications Received	338
Licensed Nevada Contractors	16,897

The Contractors' Billboard is published by the Nevada State Contractors Board as a service to licensed contractors to promote a better understanding of Nevada contracting law and to provide information of interest to all construction professionals. This information is believed to be accurate at the time of publication. The Contractors Board and the State of Nevada assume no responsibility for any damage that arises from any action that is based on information found in this publication.

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Jim Gibbons, Governor

Board Members

Kevin E. Burke, Chairman Donald L. Drake Michael Efstratis Nathaniel "Nat" Hodgson III William "Bruce" King Stephen P. Quinn Guy M. Wells

Margi Grein, Executive Officer

Mission Statement

The Nevada State Contractors Board is committed to promote the integrity and professionalism of the construction industry in Nevada.

The Nevada State Contractors Board has the responsibility to promote quality construction by Nevada licensed contractors through a regulatory licensing system designed to protect the health, welfare and safety of the public.

> Website: www.nscb.state.nv.us

Art Nadler, Editor Ranya Botros, Editorial Assistant Phone: (702) 486-1139

Working With HOAs ...

(Continued from Page 1)

Working with HOAs/CICs can be very rewarding because most directors understand that hiring the right contractor is a valuable ingredient to protecting

Why We Have Codes ...

(Continued from Page 1)

hold-down nut not being tightened, noncompatible water pipe materials assembled in a system, or not providing enough clearance from a pellet stove to the wall. The most important thing contractors should do is read the manufacturer's instructions before installation. If there is any question on installation, contact the manufacturer for assistance.

Other issues contractors should be aware of include:

• Work in the field not matching plans. If this occurs, it is your responsibility as the contractor to work with the designer to revise plans and submit new ones to the building department for approval. their property values. Contractors are the eyes and ears. They must work closely with a community in protecting, preserving and enhancing not only property values, but also a quality lifestyle.

Sara E. Barry is a certified paralegal and director of operations at Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP.

• Before you call for inspection, make sure you "inspect" your projects and correct code violations.

• Make sure approved plans and the job card are onsite for inspections, and the work you would like to have inspected is complete.

• <u>Do not</u> call for an inspection to get a "punch list" of things to correct.

Contractors need to be flexible, educated in their craft and not afraid to ask questions. If your inspector makes a call, investigate what the code says and don't just do "whatever" to get by. Join code committees and building associations like the American Home Builders Association and become a part of the process that develops codes. Attend classes put on by your local Chapter of ICC, IAPMO, IAEI, local building departments or trade associations, such as the Associated Builders and Contractors. The ICC chapter in Las Vegas has a week-long EDUCode program in early March and ICC itself has on-line classes at: **ICCSafe.org**

The new 2006 International Codes are coming within the next year, so check with your local building department for classes being offered.

Bobby Thomas is the Building Official of Humboldt County, NV.

Clark County Guarantees A Second Opinion

Clark County Development Services wants contractors to know that they can get a second opinion, if they disagree with a code interpretation or need clarification. All contractors need to do is ask.

If a contractor disagrees with an inspection result, simply ask your inspector for a second opinion on the spot. Contractors can also call: (702) 455-8040 and ask to speak with an Inspections Supervisor. A supervisor, or other technical staff member, will go to the site of the inspection to cite the

Development Services

building code that applies and explain the applicable section of the code to you.

To request a Plans Examination second opinion at the Development Services public counter, ask to speak with a Plans Examination Supervisor. You will receive a second opinion without delay.

If you disagree with an item in a plan review correction letter, complete our "Request for Code Interpretation" form, located on the Forms page on our website. Access our department website at: www.accessclarkcounty.com or go directly to http://dsnet.co.clark.nv.us You will receive a written response within three business days.

Here's What's Happening at the Board

5th Annual Mission Cool Off Program Helps Three Families

The Southern Nevada annual Mission Cool Off program has a history of helping individuals and families with special circumstances through the donation and installation of free air conditioners. The program is co-sponsored by the NSCB and the Southern Nevada Air Conditioning Refrigeration Service Contractors Association (SNARSCA).

This year's 5th Annual Mission Cool Off program selected Martha Valella of North Las Vegas, Sharon Thomas of Las Vegas and Faye Robinson of Las Vegas to receive air conditioners.

Sharon Thomas, 67, had a 22-year-old AC unit. "I am incredibly grateful," Thomas said with great relief, as she no longer had to worry if her unit stopped working.

The unit was a 10-sear that operated as a 6-sear, SNARSCA officer Rick Wenger of Southwest Air Conditioning Service, Inc., said. The program enables contractors to assist needy people. It's a good opportunity to give something back to the community.

The second recipient, Martha Valella, 52, is on oxygen 24 hours a day.

"It's good to be able to rely on my air conditioner," Valella said. "I just feel very blessed that I've been selected."

The community gave so much to these contractors that they felt the need to give back to the community, Blake Ballard, president of SNARSCA, said. "The reality

Questions About A

Nevada law requires that a licensee show a degree of experience, financial responsibility and general knowledge of the building, safety, health and lien laws of the state and the administrative principles of the contracting business.

An applicant may qualify in regards to experience and knowledge on his/her own; or by a "Qualified Employee."

A Qualified Employee makes technical



(is) to help people," he added, as to why SNARSCA participates each year.

Ray Rayburn, owner of Sun Country Heating and Cooling, was a volunteer this year. His whole family felt good about donating a unit and their labor for Mission Cool Off. "We do everything we can for SNARSCA and the community," Rayburn said.

Faye Robinson, 59, lived in Las Vegas for 22 years and was thrilled about her new unit. "This is unbelievable," she said. Robinson realized it would be costly to replace her old unit had she not received assistance.

For the first time in the program's history, four students from the College of Southern Nevada (CSN) volunteered their time and labor to assist in the installation of Robinson's new air conditioner. "It's a great hands-on tool for them," Dennis Faye Robinson, center, received a new air conditioner as part of the 5th Annual Mission Cool Off program. She is surrounded by volunteers from SNARSCA and CSN students, who installed her unit.

Soukup of the Air Conditioning Technologies Program at CSN said.

Volunteering for Mission Cool Off allowed students to gain experience in the career they will pursue, Soukup said. Students had the opportunity to step out of the lab, and obtain real-life experience installing an air conditioner, he said, adding that the students wanted to champion a cause for community involvement.

The following SNARSCA member companies either donated equipment or

labor for the 5th Annual Mission Cool Off program: Carl's Air Conditioning and Sheet Metal, Elite Heating and Cooling, Sun Country Heating and Cooling, the College of Southern Nevada, Lennox, Trane, Around The Clock Crane and Walker Crane.

out A Qualified Employee? Contact The Board

and administrative decisions and is in charge of hiring, directing employees or recommending such action on behalf of his/her employer's business. In addition, a Qualified Employee must be devoted solely to his/her employer's business and not take other employment, which would conflict with duties.

A Qualified Employee is required to substantiate experience for the full scope of the classification held by the licensee. A separate Qualified Employee for individual sub-classifications within the classification is not allowed.

If you need further clarification or have questions, please contact the Board's Licensing Department in Southern Nevada at: (702) 486-1100, or in Northern Nevada at: (775) 688-1141.

Board Disciplinary Actions: May 1-31, 2010

The Nevada State Contractors Board adjudicated these cases from May 1-31, 2010.

Christopher Homes, LLC., license number 51938 (General Building) and *Christopher Commercial, LLC.,* license number 57851 (Residential & Small Commercial), based out of Las Vegas, NV, and *J. Christopher Stuhmer, Inc.,* license number 21076 (Residential & Small Commercial), based out of Henderson, NV, were found in violation of Nevada Revised Statute 624 for failure to pay money due for materials or services and for the partnership, corporation, firm or association participating in a prohibited act. The licensee was fined \$1,000 and ordered to pay investigative costs.

Silver Lining Investment Co., LLC., dba Silver Lining Construction International, license number 48080 (General Building), based out of Las Vegas, NV, was found in violation of Nevada Revised Statute 624 for willful disregard of the building laws of the state; failure to keep in force a bond or cash deposit; and failure to establish financial responsibility. The licensee was fined \$2,000; ordered to pay investigative costs and make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund. The license was revoked.

A.M. Development, LLC., license number 68082 (Residential & Small Commercial), based out of Las Vegas, NV, was found in violation of Nevada Revised Statute 624 for substandard workmanship; failure to take appropriate corrective action; failure to include the Residential Recovery Fund information on a contract or proposal; failure to include the monetary license limit and license number on a contract or proposal; failure to keep in force a bond or cash deposit; and failure to establish financial responsibility. The licensee was fined \$3,850; ordered to pay investigative costs and pay 50 percent of the amount paid to the contractor, as restitution to the homeowners and reimburse the Board for any monies paid out of the Residential Recovery Fund. The license was revoked.

AMN Mechanical, Inc., license number 52722 (Refrigeration & Air Conditioning), based out of Las Vegas, NV, was found in violation of Nevada Revised Statute 624 for willful disregard of the building laws of the state and misrepresentation. The licensee was fined \$15,000; ordered to pay investigative costs and make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund. The license was revoked.

Crowne Superstores, Inc., dba Crowne Development, license number 42023 (Residential & Small Commercial), based out of Las Vegas, NV, was found in violation of Nevada Revised Statute 624 for failure to establish financial responsibility. The licensee was fined \$500 and ordered to pay investigative costs and make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund. The license was revoked.

Monterey Woodworking, Inc., license number 55489 (Finish Carpentry), based out of North Las Vegas, NV, was found in violation of Nevada Revised Statute 624 for failure to respond to a written request from the Board and failure to establish financial responsibility. The licensee was fined \$750; ordered to pay investigative costs and make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund. The license was revoked.

Executive Plastering, Inc., license number 33342 (Lathing & Plastering), based out of Las Vegas, NV, was found in violation of Nevada Revised Statute 624 for failure to establish financial responsibility and failure to notify the Board of a change in address or personnel within 30 days of the change. The licensee was fined \$750; ordered to pay investigative costs and make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund. The licensee was revoked.

Kiss Cabinets, Inc., license number 31122 (Finish Carpentry), based out of Las Vegas, NV, was found in violation of Nevada Revised Statute 624 for failure to comply with the terms of a construction contract, thereby causing material injury to another; failure to include the Residential Recovery Fund information on a contract or proposal; and failure to establish financial responsibility. The licensee was fined \$1,500; ordered to pay investigative costs and make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund. The license was revoked.

Accu Wood Incorporated, license number 35225 (Carpentry, Remodeling & Repairs and Finish Carpentry), based out of North Las Vegas, NV, was found in violation of Nevada Revised Statute 624 for failure to comply with the terms of a construction contract, thereby causing material injury to another; abandonment of a construction project; failure to include the Residential Recovery Fund information on a contract or proposal; failure to respond to a written request from the Board; bidding on a contract or project in excess of the limit placed on the license; failure to include the monetary license limit and license number on a contract or proposal; failure to notify the Board of a change in address or personnel within 30 days of the change; and failure to establish financial responsibility. The licensee was fined \$5,250; ordered to pay investigative costs and make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund. The license was revoked.

Southern Nevada Granite, Inc., license number 73174 (Finishing Floors), based out of Las Vegas, NV, was found in violation of Nevada Revised Statute 624 for failure to respond to a written request from the Board; failure to notify the Board of a change in address or personnel within 30 days of the change; and failure to establish financial responsibility. The licensee was fined \$1,000; ordered to pay investigative costs

Board Disciplinary Actions: May 1-31, 2010

(Continued from Page 5)

and make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund. The license was revoked.

Olympic Framing Residential, Inc., license number 60811 (Carpentry) and *Olympic Framing Commercial, Inc.,* license number 60810 (Carpentry), based out of Las Vegas, NV, were found in violation of Nevada Revised Statute 624 for failure to respond to a written request from the Board; failure to keep in force a bond or cash deposit; failure to establish financial responsibility; and for the partnership, corporation, firm or association participating in a prohibited act. The licensee was fined \$1,500; ordered to pay investigative costs and make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund. The licenses were revoked.

St. Martin Pools, Inc., license number 57692 (Commercial & Residential Pools), based out of Las Vegas, NV, was found in violation of Nevada Revised Statute 624 for substandard workmanship; failure to take appropriate corrective action; failure to establish financial responsibility; unlawful use of a license; aiding or abetting an unlicensed person; and willful disregard of the building laws of the state. The licensee was fined \$10,500; ordered to pay investigative costs and make full restitution to all damaged parties and reimburse the Board for any monies paid out of the

Residential Recovery Fund. The license was revoked.

Ayala Planning & Development, license number 71701 (Residential & Small Commercial), based out of Henderson, NV, was found in violation of Nevada Revised Statute 624 for willful disregard of the building laws of the state and failure to establish financial responsibility. The licensee was fined \$1,500; ordered to pay investigative costs and make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund. The license was revoked.

**The Business Review Program is one in which a contractor's business practices and regulatory compliance is examined by NSCB investigative staff. The program is a part of NSCB's proactive investigative efforts.

The Nevada State Contractors Board is committed to protecting the public's health, safety, and welfare through licensing and regulation of the construction industry. Under Nevada Revised Statutes, a licensee is subject to disciplinary action by the Board for failure to comply with the requirements of the laws or regulations governing contractors. Violations may result in Board action against the contractor's license. The State Contractors Board has the power to regulate contractors and discipline licensees who violate NRS 624. Disciplinary action may consist of a fine of up to \$10,000 per offense, order corrective action, suspension, revocation or other action.

Criminal Cases Prosecuted: May 1-31, 2010

<u>Code:</u> IC = Investigative Costs F = Fine R = Restitution PB = Plea Bargin

* By Nevada law, the Nevada State Contractors Board has the authority to issue citations and pursue prosecution of individuals for violations ranging from contracting without a license to fraud. The following are the convictions and penalties imposed by the courts.

Southern Nevada				
Todd, Tiger (Terrence)	IC	Paris, David M.	\$280 F; IC	
Garcia, Benito Reyes	IC	Brooks, Vernon	IC	
	No	rthern Nevada		
Badillo, Jaime	\$415 F; IC	Adams, Wallace Elias	\$100 F	
Benn, Alan L.	\$635 F; IC	Madera-Guzman, Francisco Javier	\$305 F; IC	
Bailey, Timothy Ross	\$305 F; IC	Higgins, Jerry Wayne	\$305 F; IC	

Unlicensed Contractor With Multiple Identities Indicted

Glenn Alejandro Guerra-Chavez, 37, aka Jaime Orellana, Glenn Alejandro Guerra and also known by 16 other aliases with six birth dates and four Social Security numbers, was recently indicted in U.S. District Court in Reno for allegedly entering the country illegally. Guerra-Chavez was taken into custody at Reno

Justice Court in May, after he pled not guilty to a citation issued by the NSCB for *advertising without a contractor's license*. He had been advertising as the "King of Kings Handyman" on Craigslist.

U.S. Immigration & Customs Enforcement (ICE) took custody of Guerra-Chavez, while he awaits trial in July for allegedly entering the country illegally. Court documents reveal that he previously served time in the California Penal System for robbery and has twice been deported for illegally entering the United States. Guerra-Chavez was identified

(See Unlicensed Contractor, Page 7)

CSN Announces Continuing Education Classes

The following classes are being offered at the College of Southern Nevada. To register, call: (702) 651-5790, or go online at: www.csn.edu/dwedosha

OSHA 30-Hour Construction - This course provides an overview into the hazards associated with 29 CFR 1926. Students completing the course will receive their 30-hour OSHA Construction Card. The class is an overview of the standards with emphasis placed on areas that are most hazardous, including personal protective equipment, fall protection, hazard awareness, ladders and scaffolding. July 12-15, 8 a.m. to 4:30 p.m. Cost \$200.

OSHA 510 Construction Standards Course - This course covers OSHA policies, procedures and standards, as well as construction safety and health principles. Topics include scope and application of the OSHA construction standards. Special emphasis is placed on using OSHA standards as a guide. This course serves as the prerequisite for the OSHA 500 course. **July 19-22**, 8 a.m. to 4:30 p.m. Cost \$725.

OSHA 3110 Excavation Trenching and Soil Mechanics -Trenching accidents are one of the most common construction accidents nationwide each year. This course focuses on OSHA standards and on the safety aspects of excavation and trenching. Students are introduced to practical soil mechanics and its relationship to the stability of shored and unshored slopes and walls of excavations. **July 12-14**, 8 a.m. to 4:30 p.m. Cost \$650.

Administrative Citations Paid May 1-31, 2010

(Investigative Costs Also Assessed)

Contractor	Lic. No.	Fine
A D T Security Services, Inc.	40091	\$1,000.00
Artistic Iron Works, Inc.	31909A	\$1,000.00
Bombard Mechanical, LLC.	54547	\$1,000.00
Cree Concrete, LLC.	65492	\$500.00
Daves Electric	31484	\$500.00
Harris Stratex Networks Operating Corporation	68970	\$300.00
High Mark Construction, LLC.	46974	\$2,000.00
Kings Rooter Plumbing	Pending	\$250.00
Lightning Protection Systems	70626	\$500.00
Magana & Sons Construction	71137,	
(Reno)	71529	\$1,000.00
Moreno Electric	46505	\$1,000.00
Nevada Handyman Services	71891	\$1,000.00

UNLV Offers Free OSHA 10 Class In Spanish This Summer

The UNLV College of Engineering Department of Construction Management and School of Nursing are offering a <u>free</u> OSHA 10 class in Spanish from 5 to 9 p.m., **Aug. 28 and 29** in the MPE building for those who complete one of UNLV's free fall prevention classes this summer.

For more information call: (702) 895-1628 (Spanish), or (702) 895-3841 (English). For a schedule, go to: http://nursing.unlv.edu/pdf/fall_prevention_training_schedule_updat ed.pdf

Unlicensed Contractor With Multiple Identities Indicted

(Continued from Page 6)

through a passport provided to U.S. Immigration & Customs Enforcement.

"The NSCB conducts stings and cites unlicensed contractors in an effort to free our neighborhoods of



these contractors, who prey on innocent consumers," said Margi Grein, Executive Officer of the Nevada State Contractors Board. "Consumers need to be careful before inviting a contractor into their home. Always check out their license first."

Contracting without a license in Nevada is a misdemeanor for the first offense, a gross misdemeanor for the second offense and a Class E felony for the third offense. Homeowners who use unlicensed contractors are not eligible for the Residential Recovery Fund, and by law their contracts are null and void.

Consumers can check whether a contractor is licensed by calling: (702) 486-1100 in Southern Nevada, or (775) 688-1141 in Northern Nevada. License checks can also be conducted on the NSCB website at: www.nscb.state.nv.us

2010 Nevada State Contractors Board Meetings

The following 2010 Nevada State Contractors Board meetings will take place at: 2310 Corporate Circle, Suite 200, Henderson, NV 89074 and 9670 Gateway Drive, Suite 100, Reno, NV 89521 beginning at 8:30 a.m.

- January 28, 2010
- February 25, 2010
- March 25, 2010
- April 22, 2010
- May 20, 2010
- June 17, 2010

- July 29, 2010
- August 26, 2010
- September 23, 2010
- October 21, 2010
- November 18, 2010
- December 16, 2010

Agendas can be viewed on the website at: **www.nscb.state.nv.us** under "**Agendas & Minutes**," three business days before each meeting. All dates are tentative and subject to change, until a meeting agenda has been officially posted.

Board Needs Sting Houses To Nab Unlicensed Contractors

The Nevada State Contractors Board is asking contractors to become involved in helping to protect their neighborhoods from unlicensed contractors by volunteering their homes for one-day use by NSCB investigators for sting operations.

To learn more on how you can help stop illegal unlicensed contractors from targeting your neighborhoods, contact:

• Southern Nevada - Kenny Peppley, Supervisor of Criminal Investigations, (702) 486-1144.

• Northern Nevada (Carson City, Fallon, Elko and other outlying areas) - Fred Schoenfeldt, Investigations Supervisor, (775) 850-7884.

