

BRIAN SANDOVAL
Governor

STATE OF NEVADA



Southern Nevada
2310 Corporate Circle, Suite 200
Henderson, Nevada 89074
(702) 486-1100
Fax (702) 486-1190
Investigations: (702) 486-1110

www.nscb.nv.gov

Northern Nevada
5390 Kietzke Lane, Suite 102
Reno, Nevada 89511
(775) 688-1141
Fax (775) 688-1271
Investigations: (775) 688-1150

MEMBERS
Margaret Cavin, Chair
Kevin Burke
Melissa Caron
Joe Hernandez
Kent Lay
Jan B. Leggett
Guy M. Wells

**STATE CONTRACTORS BOARD
MINUTES OF THE MEETING
November 15, 2018**

CALL TO ORDER:

Chair, Margaret Cavin called the meeting of the State Contractors Board to order and led the Pledge of Allegiance at 8:30 a.m., Thursday, November 15, 2018, State Contractors Board Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign in Log.

BOARD MEMBERS PRESENT:

Ms. Margaret Cavin, Chair
Mr. Kevin Burke
Ms. Melissa Caron
Mr. Joe Hernandez
Mr. Kent Lay
Mr. Jan Leggett

BOARD MEMBERS ABSENT:

Mr. Guy Wells

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Paul Rozario, Director of Investigations
Ms. Nancy Mathias, Licensing Administrator
Ms. Jennifer Lewis, Public Information Officer
Mr. Brian Hayashi, I.T. Manager

LEGAL COUNSEL PRESENT:

Mr. Noah Allison, Esq.

Ms. Grein stated the agenda was posted in compliance with the Open Meeting Law at Paseo Verde Library, Sawyer State Building, Clark County Library, Reno City Hall, Washoe County Courthouse and Washoe County Library. The agenda was also posted in both offices of the Board, Henderson and Reno, on the Board's Internet Website and the Nevada Public Notice Website, and e-mailed electronically to persons who have expressed interest in being kept informed of the Board's meetings.

2. STATEMENT OF THE BOARD'S MISSION

- Ms. Grein read the Board's mission statement into the record: "The Nevada State Contractors Board is committed to promoting public confidence and trust in the competence and integrity of licensees and to protect the health, safety, and welfare of the public."

3. PUBLIC COMMENT

Ms. Grein introduced General Counsel Tim Geswein to the Board.

4. APPROVAL OF AGENDA:

- Approval of Agenda with the Inclusion of any Emergency Items and Deletion of any Items

It was moved and seconded to accept the agenda. MOTION CARRIED.

- Recommendations for Agenda Items for Future Board Meetings

Ms. Grein noted that on January 24, 2019, the Board will be holding joint meeting with the Commission on Construction Education, which will include two trainings by the Attorney General's office and the Ethics Commission.

5. APPROVAL OF MINUTES:

It was moved and seconded to approve the minutes of October 18, 2018. MOTION CARRIED.

It was moved and seconded to approve the minutes of October 25, 2018. MOTION CARRIED.

6. EXECUTIVE SESSION

- Executive Officer's Report

Ms. Grein noted that her report will be covered in the Strategic Plan update.

- Review of Monthly Department Statistics

Ms. Grein provided the following statistics for the month of October:

- Licensing Department:
 - Received 155 new license applications and 214 change applications;
 - Issued 116 new licenses;
 - Approved 64 Financial Reviews;
 - Approved 645 inactive and active license renewal applications;
 - Issued or renewed 41 Certificates of Eligibility; and
 - Held 2 Business Assistance Programs with 21 participants.
- Investigations Department:
 - Opened a total of 260 complaints, including 160 compliance and 100 criminal complaints;
 - Held 6 Disciplinary Hearings, where 5 licenses were revoked;
 - A total of \$204,000 in fines and \$1,998 in investigative costs were assessed, and
 - 30 court filings were issued seeking prosecution for 28 misdemeanor charges and 5 Gross Misdemeanor charges, and 3 felony charges against the alleged suspects.
- Other Activities:
 - The Board held a special Board meeting on October 25, 2018 to review and approve the contracts for legislative and public relations services with The Ferraro Group.
 - Ms. Grein attended a Core Team meeting for Nevada's Occupational Licensing Consortium.
 - Ms. Grein gave a presentation to the members of SNARSCA concerning current Board initiatives and industry trends.
 - Management received its last training from the Simmons Group, and received its annual Sexual Harassment and Discrimination Prevention training by Fisher and Phillips.
 - The Board held a roundtable discussion with representatives from the PHCC and SNARSCA; and lastly
 - Staff attended the Nevada Contractors Association Construction Career Day held at the UNLV campus, as well as a Senior Safety Fair in Henderson, and provided a television interview to KTVN in Northern Nevada.
- Review of Recommendations from Solari and Partners Concerning the Residential Recovery

Fund Audit Report and Required Assessments Pursuant to NRS 624.470

Mr. Ryan Webber of J.A. Solari and Partners provided the Board with a report and recommendations concerning the Residential Recovery Fund Audit Report and required assessments pursuant to NRS 624.470.

It was moved and seconded to approve the recommendations from Solari and Partners concerning the Residential Recovery Fund audit report and required assessments pursuant to NRS 624.470. MOTION CARRIED.

- Executive Officer's Quarterly Report Pursuant to NAC 624.030 and 2018-2019 Strategic Plan First Quarter Activity Update

It was moved and seconded to approve the Executive Officer's Quarterly Report pursuant to NAC 624.030 and 2018-2019 Strategic Plan First Quarter activity update.

- Review and Approval of Quarterly Financial Reports for the Period Ending September 30, 2018

Ms. Lumbert provided the Board an overview of the Quarterly Financial Reports for the Period Ending September 30, 2018.

It was moved and seconded to approve the Quarterly Financial Reports for the period ending September 30, 2018.

- Status Report and Discussion Regarding Request for Attorney General's Opinion Concerning NRS 281.123

Ms. Grein provided a status report to the Board concerning the request for the Attorney General's Opinion regarding NRS 281.123.

- Discussion Concerning the Legislative Commissions' Sunset Subcommittee Review and Recommendations Regarding the Commission on Construction Education

Ms. Grein provided discussion concerning the Legislative Commissions' Sunset Subcommittee review and recommendations regarding the Commission on Construction Education.

Craig Madole of Nevada Associated General Contractors, Sean Stewart of the Nevada Contractors Association, Mike Calvin of Calvin Construction, and Nat Hodgson of the Southern Nevada Home Builders Association provided comments concerning the Sunset Subcommittee's recommendations related to the Commission on Construction Education.

It was moved and seconded to approve the recommendations concerning the Commission on Construction Education. MOTION CARRIED.

- Review and Approval of Proposed Rulemaking Initiative to Amend NAC 624 Relating to Contractors; Allowing Various Kinds of Information to Prove an Applicant's Experience; Defining the Term "Employer" and "Employee".

Ms. Mathias provided discussion concerning the rulemaking initiatives to Amend NAC 624 relating to contractors, which would allow various kinds of information to prove an applicant's experience.

It was moved and seconded to initiate rulemaking on the proposed amendments. MOTION CARRIED.

- Legislative Discussion

Ms. Grein provided an update on the Board's bill draft requests.

- Legal Report (A public body may interrupt the open meeting and exclude the public for the purpose of having an attorney-client discussion of potential and existing litigation pursuant to NRS 241.015(3)(b)(2))

Mr. Allison reported on pending legal matters.

It was moved and seconded to approve the Legal Report.

- Subcommittee Reports

Ms. Grein noted that the Residential Recovery Fund heard eleven (11) claims, denied 1 claim, and awarded ten homeowners a total amount of \$107,414.00.

7. APPROVAL OF CONSENT AGENDA:

- Ratification of Staff Approved License Applications, Changes of Licensure, Reinstatement of Licensure, Voluntary Surrenders (List Attached, Items 1 to 434)

Mr. Jan Leggett made the following disclosures:

- Item #335 (Direct Force Maintenance, LLC) – Disclosed the applicant is a competitor.
- Item #336 (Dunn Rite, Inc.) – Disclosed a personal relationship with the applicant.
- Item #365-366 (Reno Green Landscaping, Inc.) – Disclosed that the applicant is a competitor.

Ms. Margaret Cavin made the following disclosures:

- Item #138 (The Superior PEI Group, LLC) – Disclosed a personal relationship with the applicant.
- Item #208 (Agate, Inc.) – Disclosed and abstained based on a current business relationship with the applicant.

Mr. Joe Hernandez made no disclosures:

Mr. Kevin Burke made the following disclosures:

- Item #240 (Ace Fire Systems, LLC) – Disclosed a past business relationship with the applicant.
- Item #246 (Jones Lang Lasalle Americas, Inc.) – Disclosed a past business relationship with the applicant.
- Item #247 (Patrick's Signs, Inc.) – Disclosed and abstained based on a current business relationship with the applicant.
- Item #433 (Tradewinds Building & Development, Inc.) – Disclosed and abstained based on a current business relationship with the applicant.

Ms. Melissa Caron made the following disclosures:

- Item #284 (Jolt Electric, LLC) – Disclosed and abstained based on the applicant being a former employee.
- Item #322 (A B C Fire Extinguisher Co., Inc.) – Disclosed and abstained based on a current business relationship with the applicant.

Mr. Kent Lay made the following disclosures:

- Item #10 (Avanti Windows and Doors, LLC) – Disclosed and abstained based on a current business relationship with the applicant.
- Item #170 (Builder Services Group, Inc.) – Disclosed a past business relationship with the applicant.
- Item #194 (Pardee Homes of Nevada) – Disclosed and abstained based on the applicant being a competitor.
- Item #195 (Plaster Development Company, Inc.) – Disclosed and abstained based on the applicant being a competitor.
- Item #236 (Sunrise Carpentry, Inc.) – Disclosed and abstained based on a current business relationship with the applicant.
- Item #292 (Parsons Bros Rockeries CA, Inc.) – Disclosed a past business relationship with the applicant.
- Item #420 (Loftco, LLC) – Disclosed a past business relationship with the applicant.

It was moved and seconded to approve the Consent Agenda. MOTION CARRIED.

8. NEW APPLICATION DENIAL HEARING

FLETCHER CONSTRUCTION LLC

Jack William Fletcher, Managing Member/Proposed Qualified Individual

(Portions of this hearing may be closed to the public in accordance with NRS 624.110 (2) to discuss certain financial data related to the applicant.)

Jack Fletcher was present for the hearing.

Exhibit 1 is the Board Notice of Hearing.

It was moved and seconded to affirm staff's denial of the application. MOTION CARRIED.

9. NEW APPLICATION DENIAL HEARING (Continued from 08/23/2018)

ACCENT PRODUCTS INC.

Peter A Knight, President/Proposed Qualified Individual

(Portions of this hearing may be closed to the public in accordance with NRS 624.110 (2) to discuss certain financial data related to the applicant.)

Peter Knight was present for the hearing.

Exhibit 1 is the Board Notice of Hearing.

It was moved and seconded to continue this matter for ninety (90) days. MOTION CARRIED.

10. NEW APPLICATION DENIAL HEARING (Continued from 08/23/2018)

SKY WEST CONSTRUCTION INC.

Richard Jeffrey Lowden, President

Bradley George Carruth, Proposed Qualified Individual

(Portions of this hearing may be closed to the public in accordance with NRS 624.110 (2) to discuss certain financial data related to the applicant.)

Richard Lowden and Bradley Carruth were present for the hearing and represented by Counsel Eric Dobberstein, Esq.

Exhibit 1 is the Board Notice of Hearing.

Exhibit A is the Applicant's Answer.

It was moved and seconded to accept the applicant's request to continue this matter for sixty (60) days. MOTION CARRIED.

11. PUBLIC COMMENT:

There was no one present to offer public comment.


ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chair Margaret Cavin at 10:27 a.m.

Respectfully Submitted,


Crystal Caywood, Recording Secretary

APPROVED:


Margi A. Grein, Executive Officer

Margaret Cavin, Chair