

STEVE SISOLAK
Governor

STATE OF NEVADA



MEMBERS
Kent Lay, Chairman
Margaret Cavin
Bryan Cowart
Joe Hernandez
Jan B. Leggett
Boyd Martin
Steve Menzies

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**STATE CONTRACTORS BOARD
MINUTES OF THE MEETING
July 15, 2021**

1. CALL TO ORDER:

Chairman Kent Lay called the meeting of the State Contractors Board to order at 8:30 a.m., Thursday, July 15, 2021, State Contractors Board Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign in Log.

BOARD MEMBERS PRESENT:

Mr. Kent Lay
Ms. Margaret Cavin
Mr. Bryan Cowart
Mr. Joe Hernandez
Mr. Jan Leggett
Mr. Boyd Martin

BOARD MEMBERS ABSENT:

Mr. Steve Menzies

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Ms. Nancy Mathias, Licensing Administrator

LEGAL COUNSEL PRESENT:

Mr. Tim Geswein, Esq.

Ms. Grein stated the agenda was posted in compliance with the open meeting law on the Board's Internet Website, the Public Notice Website, both offices of the Nevada State Contractors Board, 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 ensuring the integrity and professionalism of the construction industry in Nevada. The NSCB has the responsibility to promote quality construction by Nevada licensed contractors through a regulatory licensing system designed to protect the health, safety and welfare of the public."

3. PUBLIC COMMENT

Ms. Grein introduced Patty McGowan to the Board.

4. APPROVAL OF AGENDA:

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

Ms. Grein noted that the discussion under item 7H concerning rulemaking should reference AB 51, not AB 52 where printed. Ms. Grein requested that Consent Agenda Item #140, Top Notch Concrete, be tabled. Ms. Grein also requested that 7E be tabled to the next scheduled Board meeting.

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

- Recommendations for Agenda Items for Future Board Meetings

Ms. Grein reminded the Board that training on the Open Meeting Law and Administrative Law will be held on August 19, 2021. Ms. Grein also noted that the Board has scheduled trainings following the September and October Board meetings.

5. APPROVAL OF MINUTES

It was moved and seconded to approve the minutes of June 17, 2021. MOTION CARRIED.

6. ELECTION OF OFFICERS

It was moved and seconded to re-elect Mr. Lay as Chair and Mr. Menzies as Treasurer; and to re-appoint Mr. Leggett, Mr. Lay and Mr. Hernandez as Residential Recovery Fund committee members. MOTION CARRIED.

7. EXECUTIVE SESSION

- Executive Officer's Report

Ms. Grein noted that she has engaged in several meetings regarding the Henderson office move, as well as ongoing legislative matters. Ms. Grein also reported on the Board's Bankruptcy Law training. Ms. Grein participated in a meeting with the Labor Commissioner and other stakeholders concerning AB 227, as well as a joint labor training session with the Labor Commissioner's office and the Department of Labor. Finally, Ms. Grein reported that Board staff participated in the 2021 nationwide effort led by NASCLA to combat unlicensed contracting activities, provided a presentation to the managers from the Small Business Development Center and conducted a radio interview with Laughlin Speak Out 2.0.

- Review of Monthly Department Statistics

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

- Our Licensing Department:
 - Received 220 new license applications and 248 change applications;
 - Issued 140 new licenses;
 - Approved 789 license renewal applications;
 - Conducted 6 financial reviews
 - Renewed and issued 40 Certificates of Eligibility to receive preference in bidding;
 - Received 2,457 calls; and
 - Hosted 1 online Business Assistance Programs with 15 participants in attendance.
- Our Investigations Department:
 - Opened a total of 242 complaints, including 138 compliance and 104 criminal complaints;
 - Held 7 Disciplinary Hearings resulting in 1 license revocation and fines and costs totaling \$5,708;
 - Issued 28 Cease and Desist Orders to unlicensed contractors; and
 - Opened 14 Recovery Fund claims.

It was moved and seconded to approve the Monthly Statistics Report. MOTION CARRIED.

- Report of Disciplinary Hearing Outcomes for June 2021

Ms. Grein reported on the disciplinary hearing outcomes for June 2021.

- Report of Application Denial Hearing Outcomes for June 2021

Ms. Grein reported on the application denial hearing outcomes for June 2021.

- Review and Approval of Final Budget for FY 2021-22

This item was tabled for discussion until August 19, 2021.

- Review and Approval of The Board's 10-year Regulation Review Report in Compliance with NRS 233B.050

It was moved and seconded to approve the Board's 10-year Regulation Review Report in Compliance with NRS 233B.050. MOTION CARRIED.

- Review and Discussion Concerning the 2021 Annual Report of the Task Force on Employee Misclassification

Ms. Grein provided discussion concerning the 2021 Annual Report of the Task Force on Employee Misclassification and noted that the report has been submitted to the Legislature for review and consideration.

- Review and Approval of Rulemaking Proceedings

Ms. Grein provided discussion concerning the proposed amendments to NAC 624.590, NAC 624.7251, and NAC 624.

It was moved and seconded to initiate rulemaking proceedings. MOTION CARRIED.

- 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. Geswein reported on pending legal matters.

It was moved and seconded to approve a non-monetary resolution to the Cashen V. NSCB Due Process Claim. MOTION CARRIED.

It was moved and seconded to approve the Legal Report. MOTION CARRIED.

- Subcommittee Reports

There were no subcommittee reports.

8. APPROVAL OF CONSENT AGENDA:

- Ratification of Staff Approved License Applications, Changes of Licensure, Reinstatement of Licensure, Voluntary Surrenders (List Attached, Items 1 to 348)

Mr. Kent Lay made the following disclosures:

- Item #209 (Classic Drywall and Paint, LLC) – Disclosed a past business relationship with the applicant.
- Item #221 & 222 (Pete King Commercial, LLC) – Disclosed a personal and past business relationship with the applicant.
- Item #259 (Burke Special Projects, LLC) – Disclosed a personal and past business relationship with the applicant.

Ms. Margaret Cavin made the following disclosures:

- Item #32 (D Double G, LLC) - Disclosed a personal relationship with the applicant.
- Item #175 (L&L Plumbing & Heating) – Disclosed a personal relationship with the applicant.
- Item #179 (Mountain West Builders, LLC) – Disclosed the applicant is a former NSCB Board

member.

- Item #221-222 (Pete King Commercial, LLC) – Disclosed the applicant is a former NSCB Board member.
- Item #259 (Burke Special Projects, LLC) – Disclosed a personal relationship with the applicant and the applicant is a former NSCB Board member.

Mr. Joe Hernandez made the following disclosures:

- Item #259 (Burke Special Projects, LLC) – Disclosed the applicant is a former NSCB Board member.
- Item #299-300 (CMMCM, LLC) - Disclosed and abstained based on a current business relationship with the applicant.
- Item #324-325 (Arizona Civil Constructors, Inc.) - Disclosed and abstained based on a current business relationship with the applicant.

Mr. Boyd Martin made the following disclosures:

- Item #211 (Desert Fire Protection LP) – Disclosed and abstained based on a current business relationship with the applicant.
- Item #213 (Grand Canyon Construction, Inc.) – Disclosed that the applicant is a fellow NCA Board Member.
- Item #221-222 (Pete King Commercial, LLC) – Disclosed a past business relationship with the applicant.
- Item #227 (Tesla Motors, Inc.) - Disclosed and abstained based on a current business relationship with the applicant.
- Item #229 (The Tiberti Company, LLC) – Disclosed a past business relationship with the applicant.
- Item #230 (Toms Mechanical, Inc.) – Disclosed and abstained based on a current business relationship with the applicant.
- Item #242 (Brightview Landscape Development, Inc.) – Disclosed that the applicant is a fellow NCA Board Member.
- Item #259 (Burke Special Projects, LLC) – Disclosed that the applicant is a fellow NCA Board Member.
- Item #275-278 (James Franklin Thomson, Jr.) – Disclosed a past business relationship with the applicant.
- Item #322 (Ace Asphalt of Arizona, Inc.) – Disclosed a past business relationship with the applicant.

Mr. Bryan Cowart made the following disclosure:

- Item #73 (H J Martin & Sons, Inc.) – Disclosed and abstained based on a current business relationship with the applicant.

Mr. Jan Leggett made no disclosures.

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

9. NEW APPLICATION DENIAL HEARING NEW VIEW SERVICES LLC

Michael William Lawrence, Manager/Proposed Trade Qualified Individual

Cherie Lyn Lawrence, Manager/Proposed CMS 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.)

Michael Lawrence and Cherie Lawrence were present for the hearing with Counsel Michael Van, Esq.

Exhibit 1 is the Board's Application File.

Exhibit 2 is the Applicants Answer received July 6, 2021.

It was moved and seconded to approve license classification C-10 (Landscape Contracting) with a \$150,000 monetary limit, personal indemnifications from Michael Lawrence and Cherie Lawrence, and an annual financial review for two (2) years. MOTION CARRIED.

**10. NEW APPLICATION DENIAL HEARING
BUTLER PLUMBING SERVICES LLC**

Curtis Butler, Manager/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.)

Curtis Butler was not present for the hearing.

It was moved and seconded to affirm staff's denial of the application. MOTION CARRIED.**11. NEW APPLICATION DENIAL HEARING
PEAK INSULATION LTD**

Taylor Michele Robbins, Managing Member

Russell Keith Robbins, 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.)

Taylor Robbins and Russell Robbins were not present for the hearing.

It was moved and seconded to affirm staff's denial of the application. MOTION CARRIED.**12. **PUBLIC COMMENT**

Michelle Newman of the Nevada Attorney General's office provided comment and proposed changes concerning the Board's proposed amendments to NAC 624 related to standards for advertising used in connection with the solicitation or sale of residential photovoltaic systems.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chairman Kent Lay at 9:44 a.m.

Respectfully Submitted,


Crystal Caywood, Recording Secretary

APPROVED:


Margi A. Grein, Executive Officer
Kent Lay, Chairman