

JOE LOMBARDO
Governor

STATE OF NEVADA



MEMBERS
Boyd Martin, Chairman
Margaret Cavin
Bryan Cowart
Joe Hernandez
Kent Lay
Jan B. Leggett
Louis Polish Jr.

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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING February 22, 2024

CALL TO ORDER:

Acting Chair, Margaret Cavin called the meeting of the State Contractors Board to order at 8:30 a.m., Thursday, February 22, 2024. The meeting was held at the Reno and Las Vegas Board Offices. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Ms. Margaret Cavin
Mr. Joe Hernandez
Mr. Kent Lay
Mr. Jan Leggett
Mr. Louis Polish, Jr.

BOARD MEMBERS ABSENT:

Mr. Boyd Martin
Mr. Bryan Cowart

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Dave Behar, Director of Investigations
Ms. Susan Broili Kamesch, Licensing Administrator

LEGAL COUNSEL PRESENT:

Mr. Noah Allison, Esq.
Mr. Louis Ling, 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

Sean Dinan and Zachary Allen were present to offer public comment concerning the Owner/Builder Affidavit. Ms. Grein introduced new employee, Erin Donnelly 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 reminded the Board that Daniel Iacofano of MIG will be conducting the Board's Strategic Planning Session on March 5, 2024.

5. APPROVAL OF MINUTES

It was moved and seconded to approve the minutes of January 18, 2024 meeting. MOTION CARRIED.

6. EXECUTIVE SESSION

- Executive Officer's Report

Ms. Grein reported that she attended the Nevada Contractors Association luncheon, held a regulation workshop and hearing, met with the new Director of the Department of Business & Industry, Dr. Kristopher Sanchez, attended the Plumbing Heating Cooling Contractors of Nevada annual report meeting, and noted that on May, 9, 2024, the Board will be swearing in the new Commission on Construction Education member, Edward Abraham.

- Review of Monthly Department Statistics:

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

- Licensing Department:
 - Received 258 new license applications and 286 change applications;
 - Issued 141 new licenses;
 - Approved 815 license renewal applications;
 - Renewed and issued 32 Certificates of Eligibility to receive preference in bidding; and
 - Hosted 1 online Business Assistance Program with 22 participants in attendance.
- Investigations Department:
 - Held Disciplinary Hearings where 9 cases were heard;
 - Opened 8 Recovery Fund claims and held one Recovery Fund meeting where 26 claims were considered and 24 were awarded a total of \$394,068.20
- Compliance Division:
 - Received and opened 104 complaints and closed 188 complaints.
- Our Criminal Division:
 - Received 46 complaints and closed 170 complaints;
 - Issued 25 Administrative Citations; and
 - Sent 8 criminal cases to local District Attorney's offices, although no bench warrants were issued.
 - As of January 31st, 22 court cases are pending adjudication.

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

- Report of Disciplinary Hearing Outcomes for January 2024

Ms. Grein reported on the disciplinary hearing outcomes for January 2024.

- Report of Application Denial Hearing Outcomes for January 2024

Ms. Grein reported on the application denial hearing outcomes for January 2024.

- Review and Approval of Proposed Rulemaking Initiative to Amend NAC 624.210 and NAC 624.310 Relating to Doors and Windows

It was moved and seconded to approve the proposed rulemaking initiative to amend NAC 624.210 and NAC 624.310 relating to doors and windows. MOTION CARRIED.

- Review and Approval of Proposed Rulemaking Initiative to Amend NAC 624.590 Regarding Fines and Costs

It was moved and seconded to approve the proposed rulemaking initiative to amend NAC 624.590 regarding fines and costs. MOTION CARRIED.

- Review and Discussion Concerning Amendment to NAC 624 Pursuant to AB39

Mr. Ling provided discussion concerning the amendment to NAC 624 Pursuant to AB39.

It was moved and seconded to approve the discussion concerning amendments to NAC 624 Pursuant to AB39. MOTION CARRIED.

- Review and Discussion Concerning Amendment to NAC 624.693 Relating to Informational Form Regarding Mechanic's and Materialmen's Liens and NAC 624.6932 Relating to the Informational Form Regarding Contractors

Mr. Ling provided discussion concerning amendment to NAC 624.693 Relating to informational form regarding mechanic's and materialmen's liens and NAC 624.6932 relating to the informational form regarding contractors.

It was moved and seconded to approve the discussion concerning amendment to NAC 624.693 relating to informational form regarding mechanic's and materialmen's liens and NAC 624.6932 relating to the informational form regarding contractors. MOTION CARRIED.

- Legal Report
 - Discussion Concerning Potential or Pending Litigation
 - Discussion and Action Concerning Decision in American Staffing Association v Nevada State Contractors Board Case No. CV21-01597

Mr. Allison reported on pending legal matters.

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

- Subcommittee Reports
Executive Subcommittee, Recovery Fund Subcommittee, Classification/Regulation Subcommittee, Finance Subcommittee.

Ms. Grein reported that one Recovery Fund meeting was held where 26 claims were considered and 24 were awarded a total of \$394,068.20.

It was moved and seconded to approve the Subcommittee Reports. MOTION CARRIED.

- Review and Approval of Rulemaking Proceedings on the Following Initiatives:
 - LCB File No. R047-23 Amend Administrative Codes in Response to Executive Orders 2023- 2024 which Required the Streamlining, Clarification, Reduction or Improvement of Existing Regulations
 - LCB File No. R048-23 Amend the Financial Statement Requirements when a Licensee or Applicant for a Contractor's License is Required to Submit a Financial Statement to the Board

- LCB File No. R050-23 Amend Chapter 624 of the Nevada Administrative Code to Consolidate Duplicate License Classifications in the Trade of Wrecking
- LCB File No. R119-23 Amend Administrative Code to Provide Clarity Regarding the Entity Types Eligible to Apply for a Grant

It was moved and seconded to approve the rulemaking proceedings on the following initiatives: LCB File No. R047-23, LCB File No. R048-23, LCB File No. R050-23 and LCB File No. R119-23. MOTION CARRIED.

7. APPROVAL OF CONSENT AGENDA:

- Ratification of Staff Approved License Applications, Changes of Licensure, Reinstatement of Licensure, Voluntary Surrenders (List Attached, Items 1 to 406)

Ms. Margaret Cavin made the following disclosures:

- Item #378 (Reyman Brothers Construction Inc.) – Disclosed a past business relationship with the applicant.

Mr. Joe Hernandez made no disclosures.

Mr. Kent Lay made the following disclosures:

- Item #205 (J D Stairs Inc) – Disclosed and abstained based a current business relationship with the applicant.
- Item #229 (Toll Henderson LLC) – Disclosed and abstained based on the applicant being a competitor.
- Item #230 (Toll North LV LLC) – Disclosed and abstained based on the applicant being a competitor.

Mr. Jan Leggett made no disclosures.

Mr. Louis Polish made the following disclosures:

- Item #205 (J D Stairs Inc) – Disclosed a past business relationship with the applicant.
- Item #211 (Lowes Home Centers LLC) – Disclosed a past business relationship with the applicant.
- Item #229 (Toll Henderson LLC) – Disclosed and abstained based a current business relationship with the applicant.
- Item #230 (Toll North LV LLC) – Disclosed and abstained based a current business relationship with the applicant.
- Item #241 (Anthony & Sylvan Pools Corporation) – Disclosed the applicant is a past employee.
- Item #252 (Home Depot USA Inc) – Disclosed and abstained based a current business relationship with the applicant.
- Item #309 (Centurion Construction LLC) – Disclosed and abstained based a current business relationship with the applicant.

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

8. NEW APPLICATION DENIAL HEARING:

MTN STATES MECHANICAL LLC

Donald Allan Foster, Jr., Managing Member/Proposed Qualified Individual
Class C-21B (Air Conditioning)

Exhibit 1 is the Board's Application File

Exhibit A is the Applicant's Answer.

Donald Foster, Jr. was present for the hearing.

It was moved and seconded to approve license classification Class C-21B (Air Conditioning) with a \$10,000 monetary limit, a \$10,000 bond, a personal indemnification by Donald Foster, and an annual financial review for two (2) years. MOTION CARRIED.

9. 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 Acting Chair Margaret Cavin at 9:31 a.m.

APPROVED:



Margi A. Grein, Executive Officer

Respectfully Submitted,



Crystal Caywood, Recording Secretary



Margaret Cavin, Acting Chair