



Nevada State Contractors Board
**BOARD MEMBER ADMINISTRATIVE
PROCEDURE MANUAL**

2022-23



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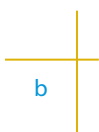
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CHAPTER 1. Introductions

Overview

The Nevada State Contractors Board (NSCB) was created by Nevada Legislature in 1941. The enabling statutes state that the legislative intent is to “promote the public confidence and trust in the competency and integrity of licensees and to protect the health, safety, and welfare of the public.” Today, NSCB is one of the boards and commissions within the Executive Branch.

The Board is comprised of seven members appointed by the Governor. By law, six are contractor members and one member is a public representative.

This procedure manual is provided to Board members and contains important laws, regulations, and Board policies in order to guide the actions of the Board members and ensure Board effectiveness and efficiency.

General Rules of Conduct

- Board members shall not speak or act for the Board without proper authorization.
- Board members shall maintain the confidentiality of confidential documents and information.
- Board members shall commit the time to prepare for Board responsibilities.
- Board members shall recognize the equal role and responsibilities of all Board members.
- Board members shall act fairly, be nonpartisan, impartial, and unbiased in their role of protecting the public.
- Board members shall treat all applicants and licensees in a fair and impartial manner.
- Board members’ actions shall serve to uphold the principle that the Board’s primary mission is to protect the public.
- Board members shall not use their positions on the Board for personal, familial, or financial gain.



CHAPTER 2. Board Meeting Procedures

Frequency of Meetings

(NRS 624.080-090)

- The Board shall meet as necessary for the purpose of transacting such business as may properly come before it. The Board currently meets once a month, with the exception of December.
- Special meetings of the Board may be held at such times as the Board may provide in its bylaws.
- The Chair or four members of the Board may call a special meeting at any time.
- Due notice of each meeting and the time and place thereof shall be given to each member in the manner provided by the bylaws.

Board Member Attendance at Board Meetings

(Board Policy)

Board members shall attend each meeting of the Board. If a member is unable to attend, he or she must contact the Board Chair or the Executive Officer and ask to be excused from the meeting for a specific reason.

Public Attendance at Board Meetings

(NRS 241 et seq.)

Meetings are subject to all provisions of the Open Meeting Law. This act governs meetings of the state regulatory boards and committee meetings of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included in the agenda.

If the agenda contains matters that are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

Quorum

Four members of the Board constitute a quorum of the Board for the transaction of business. The concurrence of a majority of those members of the Board present and voting at a meeting duly held at which a quorum is present shall be necessary to constitute an act or decision of the Board.

CHAPTER 2. Board Meeting Procedures

Agenda Items

(Board Policy)

Any Board member may submit items for a Board meeting agenda to the Executive Officer 15 days prior to the meeting.

Notice of Meetings

(NRS 241 et seq.)

According to the Open Meeting Law, meeting notices (including agendas for Board meetings) shall be posted and sent to persons on the Board's mailing list at least three working days in advance. Notice shall be given and also made available on the Internet at least three working days in advance of the meeting.

Record of Meetings

(NRS 241.035)

The minutes are a summary, not a transcript, of each Board meeting and are public record. They shall be prepared by Board staff and submitted for review by Board members before the next Board meeting. Board minutes shall be approved at the next scheduled meeting of the Board. When approved, the minutes shall serve as the official record of the meeting.

Recordings

(Board Policy & NRS 241.035(4))

The meetings shall be recorded.

Meeting Rules

(Board Policy)

To the extent that it does not conflict with state law, e.g., Open Meeting Law, the Board will use Robert's Rules of Order as a guide when conducting meetings.

Disciplinary Actions

(NRS 624.140)

The Board delegates its authority to hear disciplinary cases and license denial hearings to Administrative Law Judges (ALJ).



CHAPTER 2. Board Meeting Procedures

Public Comment (Board Policy)

Due to the need for the Board to maintain fairness and neutrality, the Board shall not receive any substantive information from a member of the public regarding matters that are currently under or subject to investigation or involve a pending criminal or administrative action.

1. If, during a Board meeting, a person attempts to provide the Board with substantive information regarding matters that are currently under or subject to investigation, or involve a pending administrative or criminal action, the person shall be advised that the Board cannot properly consider or hear such substantive information and the person shall be instructed to refrain from making such comments.
2. If, during a Board meeting, a person wishes to address the Board concerning alleged errors of procedure or protocol or staff misconduct involving matters that are currently under or subject to investigation, or involve a pending administrative or criminal action, the Board will address the matter as follows:
 - Where the allegation involves errors of procedure or protocol, the Board may designate the Executive Officer to review whether the proper procedure or protocol was followed and to report back to the Board.
 - Where the allegation involves significant staff misconduct, the Board may designate one of its attorneys to review the allegation and to report back to the Board.
3. As permitted by the Open Meeting Law, the Board may make time, place, and manner restrictions upon a person's right to address the Board. Should a person become willfully disruptive to the point that the meeting's orderly conduct is made impractical, the Board may have the person removed.

CHAPTER 3. Travel & Salary Policies & Procedures

Travel Approval

Board members shall have approval for all travel except for regularly scheduled Board and committee meetings to which the Board member is assigned.

Travel Arrangements

(Board Policy)

Board members are encouraged to coordinate travel arrangements with the Executive Officer's Assistant.

Travel Claims

(NRS 624.140)

Rules governing reimbursement of travel expenses for Board members are the same as for staff. All expenses shall be claimed on the appropriate travel expense claim forms. The Executive Officer's Assistant maintains these forms and completes them as needed. It is advisable for Board members to submit their travel expense forms immediately after returning from a trip and not later than one month following the trip.

Salary Per Diem

(NRS 624.140)

Compensation in the form of salary per diem and reimbursement of travel and other related expenses for Board members is governed by NRS 624.140.



CHAPTER 3. Travel & Salary Policies & Procedures

In relevant part, this section provides for the payment of salary per diem of not more than \$150 per day while engaged in the business of the Board. The Board member may be reimbursed for traveling and other expenses at a rate not to exceed the rate provided for state officers and employees.

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

1. No salary per diem or reimbursement for travel-related expenses shall be paid to Board members except for attendance at official Board or committee meetings, unless a substantial official service is performed by the Board member. Attendance at gatherings, events, hearings, conferences or meetings other than official Board or committee meetings in which a substantial official service is performed shall be approved in advance. The Executive Officer shall be notified of the event and approval shall be obtained prior to the Board member's attendance.
2. The term, "while engaged in the business of the Board," is expended from the commencement of a board meeting or committee meeting to the conclusion of that meeting. Where it is necessary for a Board member to leave early from a meeting, it shall be determined if the member has provided a substantial service during the meeting and, if so, shall be authorized payment of salary per diem and reimbursement for travel-related expenses.

For Board-specified work, Board members may be compensated for actual time spent performing the authorized work. That work includes, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences, and NASCLA or FARB committee work. That work does not include preparation time for Board or committee meetings. Board members cannot claim salary per diem for time spent traveling to and from a Board or committee meeting.

CHAPTER 4. Selection of Officers & Committees

Election of Officers

(NAC 624.070)

The Board shall elect the officers at the first meeting of the fiscal year. An officer may be re-elected and serve for more than one term.

Officer Vacancies

(NAC 624.090)

If an office becomes vacant during the year, an election shall be held at the next meeting. If the office of the Chair becomes vacant, the members shall choose one member to act as the temporary Chair.

Committee Appointments

(Board Policy and NRS 624.100)

The Chair shall establish committees, whether standing or special, as he or she deems necessary. The composition of the committees and the appointment of the members shall be determined by the Board Chair in consultation with the Executive Officer.

Attendance at Committee Meetings

(Board Policy)

If a Board member wishes to attend a committee meeting of which he or she is not a member, the Board member shall obtain permission to attend from the Board Chair and shall notify the committee chair and staff. Board members who are not members of the committee that is meeting cannot vote during the committee meeting. If there is a quorum of the Board at a committee meeting, Board members who are not members of the committee must sit in the audience and cannot participate in committee deliberations.

Participation at Committee Meetings

When a majority of the members of the Board are in attendance at an open and noticed meeting of a standing committee, members of the Board who are not members of the standing committee may attend only as observers. Board members who are not members of a committee where a majority of the members of the Board are present, cannot ask questions, talk, or sit with the members of the committee at the meeting table.



CHAPTER 5. Board Administration & Staff

Board Administration

Board members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the Executive Officer.

Board Budget

(Board Policy and NRS 624.150)

The Treasurer shall serve as the Board's budget liaison with the Executive Officer and shall assist the Executive Officer in the monitoring and reporting of the budget to the Board. The Executive Officer will conduct an annual budget briefing with the Board with the assistance of the Treasurer.

The Executive Officer shall communicate all budget issues to the Administration and Legislature.

Strategic Planning

(Board Policy)

The Board shall have overall responsibility for the Board's strategic planning process. The Board will conduct an annual strategic planning session and may utilize a facilitator to conduct the strategic planning process.

Legislation

(Board Policy)

In the event that time constraints preclude Board action, the Board delegates to the Executive Officer the authority to take action on legislation that would change the Contractor's License Law, impact a previously established Board policy, or affect the public's health, safety, or welfare. Prior to taking a position on legislation, the Executive Officer shall consult with the Board Chair. The Board shall be notified of such action as soon as possible.

Communication, Other Organizations & Individuals

(Board Policy)

All communications relating to any Board action or policy to any individual or organization, including but not limited to NASCLA, FARB, and CLEAR, shall be made only by the Executive Officer. Any Board member who is contacted by any of the above should immediately inform the Executive Officer of the contact. All correspondence shall be issued on the Board's standard letterhead and will be created and disseminated by the Executive Officer.

CHAPTER 5. Board Administration & Staff

Public or News Media Inquiries

(Board Policy)

All technical, licensing, or disciplinary inquiries to an NSCB Board or committee member from applicants, licensees, or members of the public should be referred to the Executive Officer. Contact of a Board or committee member by the news media should be referred to the Executive Officer.

Stationary

(Board Policy & NRS 624.120)

- **Business Cards**

Business cards will be provided to each Board member with the Board's name, address, telephone and fax number, and website.

- **Letterhead**

Only correspondence that is transmitted directly by the NSCB office may be printed or written on NSCB letterhead stationary. Any correspondence from a Board or committee member requiring the use of NSCB stationary or the NSCB logo should be transmitted to the Executive Officer for finalization and distribution.

Executive Officer Evaluation

(NRS 624.140)

Board members shall evaluate the performance of the Executive Officer on an annual basis and determine his or her salary.

Board Staff

(NRS 624.115)

Employees of the Board are at-will employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are described in the Employee Handbook. Because of this complexity, it is most appropriate that the Board delegate all authority and responsibility for management of the staff to the Executive Officer. Board members shall not intervene or become involved in specific day-to-day personnel transactions. All employees are required to have a minimum of 16 hours of training per year.



CHAPTER 6. Other Policies & Procedures

Board Member Training

(NRS 622.200)

Board members are required to receive 24 hours of training, such as those topics provided by the Attorney General on his or her duties, and other topics including, but not limited to, regulatory responsibility, ethics training, and administrative policy.

Board Member Disciplinary Actions

(Board Policy)

A member may be censured by the Board if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner. The Chair of the Board shall sit as chair of the hearing unless the censure involves the Chair's own actions. In accordance with the Open Meeting Law, the censure hearing shall be conducted in open session.

Removal of Board Members

(NRS 232A)

The Governor has the power to remove from office at any time any member of any board appointed by him or her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct.

Resignation of Board Members

(NRS 232A.020)

To resign, a Board member shall send a letter to the Governor with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the Board Chair and the Executive Officer.

Conflict of Interest

(NRS 281A)

Board members are public officers and their conduct is governed by the ethics in government. No Board member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any Board member who has a financial interest shall self-disqualify him or herself from making or attempting to use his or her official position to influence the decision. Any Board member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the Executive Officer or the Board's legal counsel.

CHAPTER 6. Other Policies & Procedures

Incompatible Activities

(NRS 281A)

Following is a summary of the employment, activities, or enterprises that might result in or create the appearance of being inconsistent, incompatible, or in conflict with the duties of state officers:

- Using the prestige or influence of a state office or employment for the officer's or employee's private gain or advantage, or the private gain or advantage of another.
- Using state time, facilities, equipment, or supplies for the officer's or employee's private gain or advantage, or the private gain or advantage of another.
- Using confidential information acquired by the virtue of state employment for the officer's or employee's private gain or advantage or advantage of another.
- Receiving or accepting money, or any other consideration, from anyone other than the state for the performance of an act which the officer or employee would be required or expected to render in the regular course of hours of his or her state employment or as a part of his or her duties as a state officer or employee.
- Performance of an act other than in his or her capacity as a state officer or employee knowing that such an act may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by such officer or employee of the agency by which he or she is employed. (This would not preclude a contractor industry member of NSCB performing normal functions of his or her occupation.)
- Receiving or accepting, directly or indirectly, any gift, including money, any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who is seeking to do business of any kind with the state or whose activities are regulated or controlled in any way by the state, under circumstances from which it reasonably could be inferred that the gift was intended to influence him or her in his or her official duties or was intended as a reward for any official action on his or her part.

The limitations do not attempt to specify every possible limitation on activity that might be determined and prescribed under the authority of Ethics in Government Law.

Contact with Applicants

(NRS 233B)

Board members shall not intervene on behalf of an applicant for licensure for any reason. They should forward all contacts or inquiries to the Executive Officer.

Gifts from Applicants

(NRS 281A)

Gifts of any kind to Board members or staff from applicants for licensure with the Board shall not be permitted.



CHAPTER 6. Other Policies & Procedures

Request for Records Access

(Board Policy)

No Board member may access the file of a licensee or applicant without the Executive Officer's knowledge and approval of the conditions of access. Records or copies of records shall not be removed from NSCB's office.

Ex Parte Communications

(NRS 233B)

The Administrative Procedures Act contains provisions prohibiting ex parte communications. An "ex parte" communication is a communication to the decision-maker made by one party without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in NRS 233B.126, which states:

"Unless required for the disposition of ex parte matters authorized by law, members or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in a contested case shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor, in connection with any issue of law, with any party or the party's representative, except upon notice and opportunity to all parties to participate. An agency member may, subject to the provisions of NRS 233B.123:

1. Communicate with other members of the agency.
2. Have the aid and advice of one or more personal assistants."

Board members are prohibited from an ex parte communication with Board staff involved in an investigation while an investigation is pending. Occasionally, an applicant who is denied licensure or a licensee against whom disciplinary action is being taken will attempt to directly contact Board members.

If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person regarding a contested matter or investigation, they should reseal the documents and send them to the Executive Officer.

If a Board member receives a telephone call from an applicant or licensee against whom an action is pending, he or she should immediately tell the person they cannot speak to them about the matter. If the person insists on discussing the case, he or she should be told that the Board member will be required to recuse him or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Board member believes that he or she has received an ex parte communication, he or she should contact the Executive Officer.

CHAPTER 7. Department Overviews

EXECUTIVE OFFICER

(NRS 624.140; NAC 624.030)

The Executive Officer is appointed by the Board and reports to the members of the Board. Primary responsibilities include executing the provisions of NRS and NAC Chapter 624 and overseeing all operations of the Board.

- Oversees the office and Board personnel, including creation and management of the Board's operating budget, personnel, and related matters.
- Responds to requests from the Administration, Legislature, and other political subdivisions.
- Oversees the implementation of Board-directed policies, regulations, and statutory initiatives.
- Maintains files and records of all pleadings, recorded evidence, and exhibits of the Board.
- Makes information on the State's licensed contractors available to the public.
- Meets with the Board to develop an annual strategic plan and vision to guide the Board's operations.
- Guides the Board's succession planning initiatives and adapts such strategies to environmental changes that have the potential to impact Board operations.
- Provides a quarterly report to the Board highlighting activities, statistical data, and financial reports on the Board's operating budget.
- Signs decision and orders in contested and uncontested matters on behalf of the Board.
- Coordinates all meetings of the Board and is responsible for posting notice of each meeting in accordance with statutory rules.
- Responsible for adhering to all applicable chapters within the Nevada Revised Statutes as they relate to the oversight of a regulatory body.
- Coordinates training for Board members and staff.
- Engages in the legislative session to uphold the Board's position on legislative matters, testifying before legislative committees, meeting with policy makers, and communicating with stakeholders.
- Represents and speaks on behalf of the Board in all capacities of the position.



CHAPTER 7. Department Overviews

ACCOUNTING

(NAC 624.030)

The Accounting Department falls under the administrative operations of the Board and reports directly to the Executive Officer. Primary responsibilities include oversight and maintenance of the Board's budgetary and personnel matters, such as payroll, insurance coverage, employee benefit options, and Board expenses.

- Analyzes financial information, prepares and presents financial reports.
- Prepares and submits an annual budget.
- Reviews contracts, orders, vouchers and invoices.
- Maintains required insurance coverage.
- Arranges for the annual audit of the Board's accounts and the Residential Recovery Fund, and complies with state reporting requirements.
- Reviews and prepares purchase orders and accounts.
- Reconciles Residential Recovery Fund payments and awards.
- Establishes, modifies, documents and coordinates implementation of accounting control procedures.
- Prepares monthly bank reconciliations.
- Maintains and updates records of health insurance coverage, pension benefits and personnel transactions.
- Maintains personnel file records.
- Tracks payments of fines and investigative costs.
- Reviews and transmits a listing of unpaid fines and investigative costs to the Controller's office and their collection agencies.

CHAPTER 7. Department Overviews

ENFORCEMENT

(NRS 624.112)

The Investigations Department consists of a compliance division (licensed contractors), criminal division (unlicensed contractors), and fraud unit. The Board enforces the provisions of NRS 624 through the Investigations Department and handles approximately 1,700 complaints against licensed contractors and approximately 1,200 complaints against unlicensed contractors annually.

Compliance Division

- Investigates complaints involving violations of NRS 624 and takes appropriate administrative and disciplinary actions.
- Conducts investigations based on requests for construction defect opinions.
- Conducts Residential Recovery Fund investigations and makes recommendations to the Residential Recovery Fund Committee.
- Provides testimony and evidence at disciplinary hearings.

Criminal Division

- Investigates unlicensed contractor complaints; issues administrative citations, cease and desist orders, and files criminal charges with District Attorney offices throughout the state.
- Conducts proactive sting operations against unlicensed contractors.
- Investigates administrative/industry

regulation violations of NRS 624.

- Conducts background investigations of licensees and applicants.
- Issues misdemeanor criminal citations for unlicensed contracting.
- Provides testimony and evidence at criminal trials and disciplinary hearings.

Fraud Unit

- Investigates allegations of construction fraud, and coordinates criminal prosecution with local, state and/or federal law enforcement.

Training (NAC 624.137)

- Investigators are required to have 16 hours of annual training related to law enforcement or construction.



CHAPTER 7. Department Overviews

INFORMATION TECHNOLOGY

The IT Department reports to the Executive Officer and operates and maintains technical components, implements policy and procedures, manages and executes projects, and provides short-term and long-term strategic planning of IT capital assets and services.

Operations

- Provides end-user support.
- Creates and distributes reports.
- Manages security, availability, capacity and performance of the Board's technology infrastructure.
- Troubleshoots all technical issues.
- Manages data interchanges with third parties.
- Maintains and monitors data backup and restore services.
- Manages IT purchases and software development.

Policy and Procedure

- Maintains logical access controls to applications and data systems.
- Maintains physical access controls.

Strategic Planning

- Oversees the Board's network capabilities and makes recommendations on resources needed to sustain or expand these functions.
- Forecasts maintenance issues, upgrades, and overall status of servers for future planning purposes.
- Generates ideas, policies, and related information on the Board's use and expansion of IT services and devices.

Technical Components

- Internet assets
- Networks
- System security
- Storage and backup
- E-mail
- Application software & databases
- Business intelligence and reporting
- Telecommunications network and voice service providers
- Mobile services

CHAPTER 7. Department Overviews

LICENSING

The Licensing Department reports to the Executive Officer and is primarily responsible for processing applications for licensure, changes to existing licenses, and maintaining records associated with licensure in accordance with statutory guidelines and Board policies. The Licensing Department is charged with all associated administrative duties concerning licensure, including oversight of the Board's customer service operations.

- Ensures applicants meet the statutory requirements for licensure related to experience, examination, financial responsibility, and character.
- Prepares hearing materials and provides evidence and testimony concerning application denials.
- Conducts financial reviews of licensees in compliance with NRS 624. Provides appropriate hearing documents and presents testimony at hearings.
- Responds to requests concerning scopes of work permitted under the Board's license classifications.
- The Licensing Department's customer service representatives respond to inquiries from the general public concerning the agency.
- Maintains database records for all licensees, including the issuance and renewal of licenses, license change applications, bond and status changes.
- Responds to subpoenas and other requests for public records. Maintains licensee records in compliance with the State of Nevada Records Retention Schedule.
- Oversees examination program and coordinates with the Board's examination provider.
- Ensures Board meeting agendas and materials are prepared in accordance with statutory requirements and Board policy.
- Ensures licensees are complying with bond requirements.
- Provides notification and suspension notice to licensees who fail to comply with industrial insurance and unemployment laws.
- Oversees application process for issuance and renewal of Certificates of Eligibility to receive preference in bidding on certain public works projects.
- Maintains records of grant requests considered by the Commission on Construction Education.



CHAPTER 7. Department Overviews

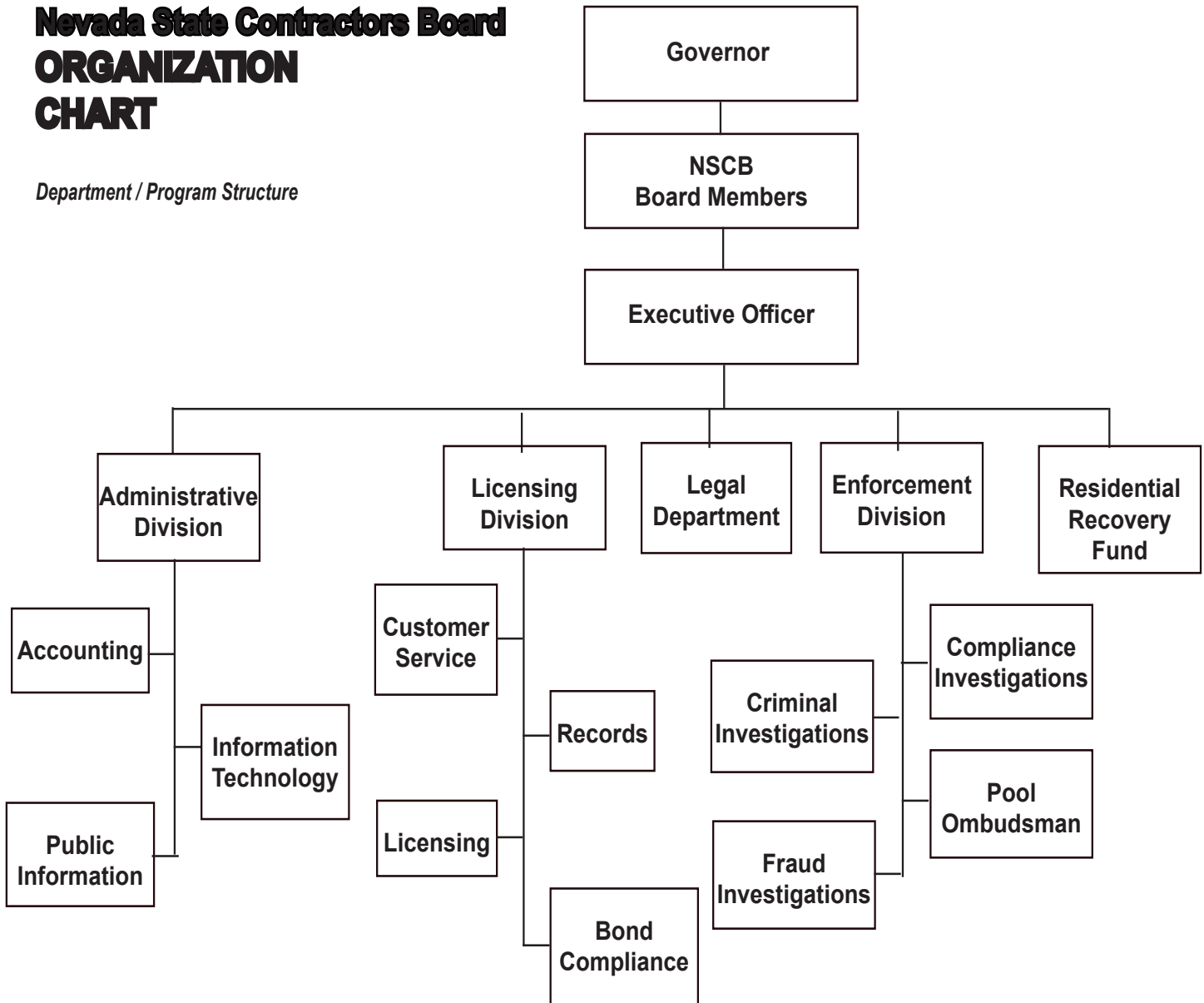
PUBLIC INFORMATION

The Public Information Office reports to the Executive Officer and educates and raises awareness among homeowners, the media, industry representatives, and other groups on the importance and process of hiring licensed contractors, contracting laws, how to file a complaint, contracting scams and ways to protect oneself, as well as various initiatives being taken by the Board.

- Gives educational presentations to various civic groups and associations regarding the Board and its services, such as the Veterans and Military Spouse Assistance Program, Business Assistance Program, the Residential Recovery Fund, hiring a licensed contractor, and more.
- Promotes senior presentations and provides information on how to not be taken advantage of by unscrupulous contractors. These venues have been opportunities to partner with other state, local, and legislative representatives in the delivery of key health and safety messaging for this demographic.
- Develops and distributes press releases to media outlets.
- Disseminates newsletters and industry bulletins to licensed contractors.
- Coordinates Training Day events to provide licensed contractors and other interested parties in-depth discussions from local experts on topics of interest to the industry.
- Assists with print and electronic media advertising.
- Participates in interviews and panel discussions.
- Attends home-improvement, crime-prevention and community forums to educate consumers on the value of hiring properly licensed contractors.
- Develops collateral materials, such as brochures, flyers and social media content to graphically convey the Board's messages.
- Assists all departments within the Board, as necessary, in the development of materials, collaboration on projects, or communication messaging to staff.

Nevada State Contractors Board ORGANIZATION CHART

Department / Program Structure





NEVADA STATE CONTRACTORS BOARD

POLICY AND PROCEDURE MANUAL

Subject:		
Protocol Pertaining to Communications		
Number: Directive: 2011-1	Effective Date: Originally adopted 1996	Revision Date: 4-1-2011; 8-1-2019
Revision History: Directive No. 00-02-22 Originally adopted by the Board – 1996; revised 1998; 2000; 2007; 2019		
Distribution: Board Members and Board Employees		No. Pages: Two (2)
Executive Officer's Review and Approval:		
		08/01/2019
Signature		Date

Reference: NRS Chapter 624; NAC Chapter 624; NRS Chapter 233B; NRS Chapter 281
Special Instructions:

A. PURPOSE:

To establish communication protocol guidelines.

B. POLICY:

The State Contractors Board is a quasi-state agency created under Chapter 624 of Nevada Revised Statutes to operate under the executive branch of government. No Board member is authorized by the statute to act independently from the Board. The Board must act in accordance with the statutes under which it is created. The Board must act as a group, in accordance with the open meeting law. NRS 624.090 requires a four-member quorum before the Board may act. In order to conduct the day-to-day operation of the State Contractors Board offices and supervision of staff, the Board is specifically authorized to appoint and delegate certain functions to its Executive Officer.

An individual Board member should not attempt to direct licensing, investigative, or administrative matters, nor make policy for the State Contractors Board independently from the Board. It is the "entire" Board as a body that is vested with all of the functions and duties relating to the administration of Chapter 624. (NRS 624.160).

The Board sets policy, promulgates regulations, and provides direction to its Executive Officer, who in turn, manages the staff.

Investigations

Individual Board members may not direct that an investigation be initiated.

NRS 624 provides that if a Board member becomes aware that grounds for initiating disciplinary action against a contractor may exist, the Board member may inform the

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Revised 04-01-11; 08-01-19
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Executive Officer of the allegations, and the Executive Officer, upon receiving such information shall take such actions as is deemed appropriate. (NRS 624.295).

Board members must avoid becoming involved in any fashion with contested cases or pending matters, and should not attempt to influence the outcome of any investigation. Board members should avoid discussing an on-going investigation with the assigned investigator unless it is presented to the Board as a body. Any involvement, even minor involvement, could be deemed participation in the investigation of the matter. In addition, the Nevada Ethics in Government Act (NRS 281A.400 to 281A.550), could mandate penalties against a Board member, who used his position in violation of the act to gain some perceived advantage for either a person complaining about a licensee or a contractor, or applicant being investigated.

This admonition applies to employees as well as Board members. Employees who allow their position to be used to gain an unwarranted advantage for any person or company, could also be penalized under the Ethics in Government Act. Board members should not discuss contested cases and investigative matters until they are presented to the Board as a body.

Licensing:

Board members might be approached by persons who are interested in obtaining licenses or making applications to the Board regarding existing licenses. The Board member should direct the inquiry to the appropriate staff person.

The same provisions of the ethics in government act that apply to matters of investigations also apply to matters of licensing. If either a Board member or employee were to commit acts which gain an “unwarranted advantage” for any person, they could be subject to penalties under the act.

Administrative matters:

Most administrative matters involve the application of established policies and procedures. It is the Board as a whole that should properly determine such procedures and policies. One of the dangers in having an individual member direct staff employees or “micro managing,” is that it may have the effect of the individual Board member setting policies and procedures. It could also cause the imposition of personal liability upon said member. Likewise, staff employees should not look to individual Board members for direction, but should look to the Executive Officer who is charged by the Board for the day-to-day supervision of the operations of the State Contractors Board offices and personnel.

This “memorandum of protocol” constitutes the Board’s overall policy and direction on these matters and should be adhered to by all employees, the executive officer, and individual Board members alike. Violations of this protocol should be reported to the executive officer, or to the chairman of the Board, who will bring the matter to the attention of the full Board for discussion at the next regularly scheduled Board meeting.



Abbreviations & Acronyms

ALJ	Administrative Law Judge	CP/CORP	Corporation
AG	Office of the Attorney General	CSR	Customer Services Representative
AGENCY	Agency, Board, Department, or Division of the Executive Branch of State Government	DAG	Deputy Attorney General
APA	Administrative Procedures Act	DBA	Doing Business As
APP	Application for Licensure	DIR	Department of Industrial Relations
CB	Contractor’s Bond	DO	Decision and Order
Chair	Where the term “Chair” is used in this manual, it will be assumed to include “his or her designee”	DOI	Department of Insurance
Cite	Citation	DOL	Department of Labor
CIU	Compliance Investigations Unit	EIN	Employee Identification Number
CJIS	Criminal Justice Information System	EO	Executive Officer
CLEAR	Council on Licensure Enforcement and Regulations	ESD	Employment Security Division
CMS	Construction Management Examination	FS	Financial Statement
CNC	Civil Name Check	FTA	Failure to Appear
		HAZ	Hazardous Substances Removal Certification
		IE	Industry Expert
		IT	Information Technology
		JV	Joint Venture

LCB	Legislative Counsel Bureau	PIO	Public Information Officer
LEG	State Legislature, legislative	PJR	Petition for Judicial Review
LLC	Limited Liability Company	PT	Partnership
LOC	Line of Credit	QE	Qualified Employee
LP	Limited Partnership	QI	Qualifying Individual
MOU	Memorandum of Understanding	QPT	Qualifying Partner
NASCLA	National Association of State Contractors Licensing Agencies	REG	Regulation
NCIC	National Criminal Information Center	RF	Residential Recovery Fund
NCJIS	Nevada Criminal Justice Information System	RFP	Request for Proposal
NSCB	Nevada State Contractors Board	SAM	State Administrative Manual
NTA	Notice to Appear	SIU	Special Investigations Unit
NTC	Notice to Correct	SME	Subject Matter Expert
NW	Net Worth	SOS	Secretary of State
OML	Open Meeting Law	SSN	Social Security Number
		WC	Working Capital



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