

STEVE SISOLAK
Governor

STATE OF NEVADA



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MEMBERS
Kent Lay, Chairman
Margaret Cavin
Joe Hernandez
Jan B. Leggett
Melissa Maguire
Steve Menzies
Guy M. Wells

**STATE CONTRACTORS BOARD
MINUTES OF THE MEETING
April 16, 2020**

1. CALL TO ORDER:

Chairman Kent Lay called the meeting of the State Contractors Board to order at 8:30 a.m., Thursday, April 16, 2020. State Contractors Board Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign in Log. *The meeting was held online via Zoom. Exhibit A is the Meeting Agenda and Exhibit B is a list of public participants identified during the online meeting.*

BOARD MEMBERS PRESENT:

Mr. Kent Lay
Ms. Margaret Cavin
Mr. Joe Hernandez
Mr. Jan Leggett
Ms. Melissa Maguire
Mr. Steve Menzies
Mr. Guy Wells

BOARD MEMBERS ABSENT:

None.

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Paul Rozario, Director of Investigations
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 and Declaration of Emergency Directive 006 on April 9, 2020, in both offices of the Board, Henderson and Reno, the Board's Internet Website, the 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 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

There was no one present to offer public comment.

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

There were no recommendations for agenda items for future Board meeting.

5. APPROVAL OF MINUTES

It was moved and seconded to approve the minutes of February 20, 2020 and March 10, 2020. MOTION CARRIED.

6. EXECUTIVE SESSION

- Executive Officer's Report

Ms. Grein reported on past meetings and events.

- Review of Monthly Department Statistics

Ms. Grein provided the following statistics for the months of February and March:

- Licensing Department:
 - Received 406 new license applications and 454 change applications;
 - Issued 203 new licenses;
 - Approved 4 Financial Reviews;
 - Approved 1,256 inactive and active license renewal applications;
 - Issued or renewed 68 Certificates of Eligibility;
 - Held 5 new application denial hearings;
 - Held 2 Business Assistance Programs with 84 participants.
- Investigations Department:
 - Opened a total of 442 complaints, including 218 compliance and 224 criminal complaints;
 - Held 21 Disciplinary Hearings, where 5 licenses were revoked, 2 licenses were suspended, and a total of \$34,950 in fines and \$19,229 in investigative costs were assessed;
 - Issued 26 court filings seeking prosecution for 22 misdemeanor charges, 2 gross misdemeanor charges, and 9 felony charges; and
 - 19 Recovery Fund claims were opened during the reporting period.

Ms. Grein also provided a summary of department activities and operations since Governor Sisolak declared a State of Emergency related to COVID-19, which are noted below:

- Licensing Department:
 - Phone and email inquiries, mail, license renewals, bidders' preference, single project limit increases, bonds and issuing licenses continue to be processed daily;
 - Automatic processes to charge late fees, or suspend or cancel licenses for late renewal or pending qualifier changes have been paused;
 - All application types are currently being worked;
 - As of this week, 6 analysts have been set up to work remotely, and 5 staff members are working in-office statewide;
 - From March 16 through April 9 – the first 4 weeks of the shutdown:
 - 108 New Applications have been received, 44 approved, and 64 licenses issued
 - 137 Change Applications have been received, 127 Changes approved
 - 496 Renewals have been approved and 476 license certificates mailed
 - 93 Bond Cancellations have been processed, and 28 Bond Suspension Notices sent

- **Enforcement Department:**
 - All compliance, criminal and fraud investigators have been set up to work remotely;
 - Administrative staff are working an alternating in-office schedule, opening complaints, requesting supporting documentation, issuing Administrative Citations, and scanning case file information;
 - All 70 pending Recovery Fund cases are scheduled to be heard by the end of May 2020 via Zoom, and a Disciplinary Hearing has been set for April 21st;
 - From March 16 through April 9 – the first 4 weeks of the shutdown:
 - 63 compliance cases have been opened, and 10 cases have been closed
 - 7 Compliance Investigators are currently working 302 cases remotely
 - 151 criminal cases have been opened, and 51 criminal cases closed
 - 6 Criminal Investigators, and 1 supervisor, are currently working 181 cases remotely
 - 1 fraud case has been opened, and NO fraud cases have been closed
- **Public Information**
 - The Public Information Officer has assisted with staff communications; social media messaging regarding services available and how to contact the Board; Industry Bulletins; updating information on the Board's homepage; responding to all general phone and e-mail inquiries received statewide; and assisting with other administrative functions as needed; and
 - The public information specialist has begun working remotely.

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

- Report of Disciplinary Hearing Outcomes for February and March 2020

Ms. Grein reported on the disciplinary hearing outcomes for February and March 2020.

- Report of Application Denial Hearing Outcomes for February and March 2020

Ms. Grein reported on the application denial hearing outcomes for February and March 2020.

- Update Concerning the February 21, 2020 Legislative Sunset Subcommittee Meeting Regarding the Commission on Construction Education and Status of Senate Concurrent Resolution 6

Ms. Grein noted that the Commission on Construction Education submitted its report to the Legislative Sunset Subcommittee on February 21, 2020 noting the two recommendations made by the Sunset Subcommittee at the October 1, 2018 meeting had been implemented.

- Update Concerning the February 26, 2020 Executive Branch Audit Committee Meeting and Status of Audit Report DIA 19-03

Ms. Grein provide the Board an update concerning the February 26, 2020 Executive Branch Audit Committee meeting and status of Audit Report DIA 19-03.

- Review and Approval of Proposed Changes to the Licensure by Endorsement.

It was moved and seconded to remove Utah from the Licensure by Endorsement program. MOTION CARRIED.

- Legislative Discussion

Ms. Grein provided discussion on proposed bill draft requests pertaining to provisions related to Cease and Desist Orders, the Residential Recovery Fund, and Disciplinary Action.

It was moved and seconded to approve the legislative Bill Draft requests. MOTION CARRIED.

- Legal Report
 - Discussion Concerning Potential or Pending Litigation
 - Approval of Executive Officer Grein or Her Designee to Attend the Mandatory Settlement Conference Concerning Petition for Judicial Review Case No. A-17-762357-J TL Townsend Builders LLC, dba, Townco Construction Group v Nevada State Contractors Board
- (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))

It was moved and seconded to approve the Executive Officer or her designee to attend the mandatory settlement conference concerning Petition for Judicial Review Case No. a-17-762357-j TL Townsend Builders LLC, DbA, Townco Construction Group V Nevada State Contractors Board. MOTION CARRIED.

Mr. Geswein reported on pending legal matters.

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

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

Ms. Grein noted that a Residential Recovery Fund hearing was held on April 9, 2020 where \$141,387.50 was awarded to 9 claimants.

It was moved and seconded to accept the Subcommittee Report. MOTION CARRIED.

- Discussion and approval of Budget Revisions for FY 2019-2020

Ms. Grein provided discussion concerning the budget revisions for FY 2019-2020.

It was moved and seconded to approve the budget revisions for FY 2019-2020. MOTION CARRIED.

- Approval of FY 2019-2020 Budget Augmentation for Emergency Programs and Capital Expenditures

Ms. Grein provided discussion concerning the FY 2019-2020 budget augmentation for emergency programs and capital expenditures.

It was moved and seconded to approve the FY 2019-2020 budget augmentation for emergency programs and capital expenditures. MOTION CARRIED.

- Approval of Employee Health Insurance Benefit Plan Policy Renewal Terms

Ms. Grein provided discussion concerning the Board's employee health insurance benefit plan policy renewal terms.

It was moved and seconded to approve the Board's employee health insurance benefit plan policy renewal terms. MOTION CARRIED.

- Approval of Employee Emergency Leave Program Related to the Covid-19 Pandemic

Ms. Grein provided discussion concerning the Employee Emergency Leave Program related to the COVID-19 pandemic.

It was moved and seconded to approve the Employee Emergency Leave Program related to the COVID-19 pandemic. MOTION CARRIED.

- Approval of Emergency Action to Grant Extension of Time to Replace a Qualified Employee Under the Provisions of NRS 624.285

Ms. Grein provided discussion concerning the emergency action to grant extension of time to replace a Qualified Employee under the provisions of NRS 624.285.

It was moved and seconded to approve an emergency action to grant a 60-day extension of time to replace a Qualified Employee under the provisions of NRS 624.285 for licensees that provide timely notice in compliance with NRS 624.285(3) and file a change of Qualified Individual application. MOTION CARRIED.

- Approval of Implementation of Declaration of Emergency Directive 009 issued by Governor Sisolak on March 31, 2020 Regarding License Renewal

Ms. Grein provided discussion of implementation of Declaration of Emergency Directive 009 issued by Governor Sisolak on March 31, 2020 regarding license renewal.

It was moved and seconded to approve the of implementation of Declaration of Emergency Directive 009, which allows for a 90-day extension for license renewal. MOTION CARRIED.

- Approval of Recovery Fund Hearing Procedures

Ms. Grein provided discussion concerning Recovery Fund hearing procedures.

It was moved and seconded to approve the Recovery Fund hearing procedures. 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 372)

Mr. Joe Hernandez made the following disclosure:

- Item #15 (Battle Born Steel, LLC) – Disclosed and abstained based on a current business relationship with the applicant.

Mr. Guy Wells made the following disclosures.

- Item #143 (Sunrise Paving, Inc.) – Disclosed and abstained based on a current business relationship with the applicant.
- Item #198 & 230 (Kiewit Infrastructure West Co.) – Disclosed and abstained based on a current business relationship with the applicant.

Mr. Kent Lay made no disclosures.

Mr. Jan Legget made the following disclosures:

- Item #31 (Custom Painting & Decorating, Inc.) – Disclosed and abstained based on a personal relationship with the applicant.
- Item #184-185 (D & D Roofing and Sheet Metal, Inc.) – Disclosed and abstained based on a current business relationship with the applicant.

Mr. Steve Menzies made no disclosures.

Ms. Margaret Cavin made the following disclosures:

- Item #31 (Custom Painting & Decorating, Inc.) – Disclosed a past business relationship with the applicant.
- Item #184-185 (D & D Roofing and Sheet Metal, Inc.) – Disclosed a past business relationship and personal relationship with the applicant.
- Item #320 (T F P, Inc.) – Disclosed a personal relationship with the applicant.
- Item #361-362 (K C Gage Construction) – Disclosed a personal relationship with the applicant.

Ms. Melissa Maguire made the following disclosures:

- Item #246 (Vega Asphalt Paving, Inc.) – Disclosed a past business relationship with the applicant.
- Item #336 (Houston Smith Construction, Inc.) – Disclosed a past business relationship with the applicant.
- Item #371 (Tutto Ferro, Inc.) – Disclosed a personal relationship with the applicant.
- Item #197 (Katerra Construction, LLC) – Disclosed and abstained based on a current business relationship with the applicant.
- Item #335 (High Voltage Electric, LLC) – Disclosed and abstained based on the applicant being a competitor.

8. 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 Chairman Kent Lay at 9:06 a.m.

Respectfully Submitted,


Crystal Laywood, Recording Secretary

APPROVED:


Margi A. Grein, Executive Officer


Kent Lay, Chairman