

STATE OF NEVADA

JOE LOMBARDO
Governor

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



STATE CONTRACTORS BOARD

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

www.nscb.nv.gov

Southern Nevada
8400 West Sunset Road, Suite 150
Las Vegas, NV 89113
(702) 486-1100
Fax (702) 486-1190
Investigations: (702) 486-1160

MINUTES OF THE MEETING October 19, 2023

CALL TO ORDER:

Chairman, Boyd Martin called the meeting of the State Contractors Board to order at 8:30 a.m., Thursday, October 19, 2023. 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:

Mr. Boyd Martin
Ms. Margaret Cavin
Mr. Bryan Cowart
Mr. Joe Hernandez
Mr. Kent Lay
Mr. Jan Leggett
Mr. Louis Polish, Jr.

BOARD MEMBERS ABSENT:

None.

STAFF MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

Mr. Noah Allison, 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. MOMENT OF SILENCE FOR NAT HODGSON AND GARTH FREHNER

The Board held a moment of silence in remembrance of Nat Hodgson and Garth Frehner.

3. 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."

4. PUBLIC COMMENT

Ms. Grein introduced new employees TJ Ticano and Marie Bell to the Board and provided comments concerning the passing of two former Board members, Garth Frehner and Nat Hodgson.

5. APPROVAL OF AGENDA:

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

Ms. Grein noted that item number 146 (United Contractors, Inc.) has been removed from the consent agenda.

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

- Recommendations for Agenda Items for Future Board Meetings

Ms. Grein noted that the Board's Veterans Day celebration has been scheduled for November 9, 2023.

5. APPROVAL OF MINUTES

It was moved and seconded to approve the minutes of September 21, 2023 meeting. MOTION CARRIED.

6. EXECUTIVE SESSION

- Executive Officer's Report

Ms. Grein reported that Board staff will host a table at the Nevada Contractors Associations' Construction Career Day in Southern and Northern Nevada.

- Review of Monthly Department Statistics:

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

Licensing Department:

- Received 200 new license applications and 239 change applications;
- Issued 107 new licenses;
- Approved 590 license renewal applications;
- Renewed and issued 42 Certificates of Eligibility to receive preference in bidding; and
- Hosted 1 online Business Assistance Program with 4 participants in attendance.

Investigations Department:

- Received 125 compliance complaints and 68 criminal complaints;
- Held 16 Disciplinary Hearings;
- Issued 28 Cease and Desist Orders to unlicensed contractors; and,
- Opened 8 Recovery Fund claims.

September Compliance Statistics:

- 110 complaints were closed, averaging 258 days open;
- 1058 open active cases are currently open, averaging 162 days pending; and
- 118 cases are pending discipline, averaging 300 days pending;

September Criminal Statistics:

- 68 cases were received and 40 cases were closed, averaging 196 days open;
- 360 active criminal cases are currently open, averaging 408 days open;
- 251 Administrative Citation cases are pending, averaging 252 days open;
- 687 Bench Warrants are pending on open cases, averaging one year open; and
- 173 court cases are pending, averaging 1,224 days open.

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

- Report of Disciplinary Hearing Outcomes for September 2023

Ms. Grein reported on the disciplinary hearing outcomes for September 2023.

- Report of Application Denial Hearing Outcomes for September 2023

Ms. Grein reported on the application denial hearing outcomes for September 2023.

- Review and Approval of Analysis of the General Fund Balance for the Period Ending June 30, 2023

Amy Allen with Solari and Associates provided an overview of the analysis of the general fund balance for the period ending June 30, 2023.

It was moved and seconded to approve the analysis of the general fund balance for the period ending June 30, 2023. MOTION CARRIED.

- Review and Approval of Quarterly Financial Reports for the Period Ending September 30, 2023

It was moved and seconded to approve the quarterly financial reports for the period ending September 30, 2023. MOTION CARRIED.

- Review and Approval of Cash Disbursements and Transfer Journals for the Period Ending September 30, 2023

It was moved and seconded to approve the cash disbursements and transfer journals for the period ending September 30, 2023. MOTION CARRIED.

- Executive Officer's Quarterly Report Pursuant to NAC 624.030 and FY 2023-24 Strategic Plan First Quarter Activity Update

Ms. Grein and executive staff provided an overview of the quarterly report pursuant to NAC 624.030 and 2023-24 Strategic Plan first quarter activity.

It was moved and seconded to approve the Executive Officer's Quarterly Report pursuant to NAC 624.030 and FY 2023-24 Strategic Plan First Quarter Activity Update. MOTION CARRIED.

- Review and Discussion Concerning Recommendation to Eliminate NAC 624.540 as Outlined in Executive Order 2023-04

Ms. Grein provided discussion concerning the recommendation to eliminate NAC 624.540 as outlined in Executive Order 2023-04.

It was moved and seconded to approve staff's recommendation to eliminate NAC 624.540 as outlined in Executive Order 2023-04. MOTION CARRIED.

- Discussion Concerning Payment of Previously Ordered Fines and Costs Prior to Submittal of Application for Licensure

Mr. Allison provided discussion concerning payment of previously ordered fines and costs prior to submittal of application for licensure.

It was moved and seconded to pursue rulemaking initiative for inquiry one. MOTION CARRIED.

- Review and Approval of Sample Contract in Compliance with AB39

Mr. Louis Ling, Esq. provided discussion concerning a sample contract relative to the contract terms set out in AB39.

It was moved and seconded to approve the sample contract in compliance with AB39 which will

include a disclaimer and changes discussed during the meeting. **MOTION CARRIED.**

Mr. Leggett opposed the motion.

- Selection of Classification/Regulation Subcommittee Members for Review of Various Classifications

It was moved and seconded to select Mr. Lay, Mr. Cowart, Mr. Boyd, Mr. Polish, as members and Ms. Cavin as alternate for the Classification/Regulation Subcommittee to review various classifications. MOTION CARRIED.

- Review and Discussion Concerning Policy for Granting Relief of the Bond or Deposit Provided Pursuant to NRS 624.270

Ms. Kamesch provided discussion concerning policy for granting relief of the bond or deposit provided pursuant to NRS 624.270.

It was moved and seconded to approve the policy for granting relief of the bond or deposit provided pursuant to NRS 624.270. MOTION CARRIED.

- Legal Report
 - Discussion Concerning Potential or Pending Litigation

Mr. Allison and Mr. Ling 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 noted that the Residential Recovery Fund Committee met and awarded \$121,145.80 to five homeowners.

8. APPROVAL OF CONSENT AGENDA:

- Ratification of Staff Approved License Applications, Changes of Licensure, Reinstatement of Licensure, Voluntary Surrenders (List Attached, Items 1 to 508)

Ms. Margaret Cavin made the following disclosures:

- Item #194 (M G M Construction Inc) – Disclosed a past business relationship with the applicant.
- Item #213 (Silver State Concrete Company Inc) – Disclosed a personal relationship with the applicant.
- Item #226 (United Concrete Specialties Inc) – Disclosed a personal relationship with the applicant.
- Item #227 (United Construction Company) – Disclosed a personal relationship and a past business relationship with the applicant.

Mr. Louis Polish, Jr. made the following disclosures:

- Item #180 (Focus Electric LLC) – Disclosed and abstained based on a current business and personal relationship with the applicant.
- Item #181 (Focus Fire Protection LLC) – Disclosed a personal relationship with the applicant.
- Item #187 (Interior Specialists Inc) – Disclosed a personal relationship with the applicant.
- Item #245 (Focus Plumbing LLC) – Disclosed and abstained based on a current business and personal relationship with the applicant.
- Item #253 (Home Depot USA Inc) – Disclosed a current business relationship with the applicant.
- Item #279 (Century Communities Of Nevada LLC) – Disclosed and abstained based on a current business relationship with the applicant.
- Item #286-287 & 383 (Distinctive Exteriors Inc) – Disclosed the applicant is a past employee.

Mr. Joe Hernandez made the following disclosures:

- Item #180 (Focus Electric LLC) – Disclosed the applicant is a former NSCB Board member.
- Item #181 (Focus Fire Protection LLC) – Disclosed the applicant is a former NSCB Board member.
- Item #245 (Focus Plumbing LLC) – Disclosed the applicant is a former NSCB Board member.

Mr. Boyd Martin made the following disclosures:

- Item #180 (Focus Electric LLC) – Disclosed a past business relationship with the applicant.
- Item #181 (Focus Fire Protection LLC) – Disclosed a past business relationship with the applicant.
- Item #185 (Innovolt Electric LLC) – Disclosed and abstained based on a current business relationship with the applicant.
- Item #220 (Beazer Homes Holdings LLC) – Disclosed and abstained based on a current business relationship with the applicant.
- Item #232 (Cal Closets Retail Inc) – Disclosed a past business relationship with the applicant.
- Item #240 (E & E Fire Protection LLC) – Disclosed and abstained based on a current business relationship with the applicant.
- Item #245 (Focus Plumbing LLC) – Disclosed a past business relationship with the applicant.
- Item #247-250 (Frontier Stone Works LLC) – Disclosed a past business relationship with the applicant.
- Item #264 (Summit Fire & Security LLC) – Disclosed and abstained based on a current business relationship with the applicant.
- Item #331 (Jet Civil Construction LLC) – Disclosed and abstained based on a current business relationship with the applicant.
- Item #340-341 (McClure Stainless LLC) – Disclosed a past business relationship with the applicant.
- Item #349-350 (Pepe Construction Inc) – Disclosed a past business relationship with the applicant.
- Item #365-367 (Sport Court of Nevada LLC) – Disclosed a past business relationship with the applicant.
- Item #398 (Erickson Door & Hardware Installation LLC) – Disclosed and abstained based on a current business relationship with the applicant.
- Item #402 (N D X LLC) – Disclosed and abstained based on a current business relationship with the applicant.

Mr. Cowart made the following disclosures:

- Item #180 (Focus Electric LLC) – Disclosed the applicant is a former NSCB Board member.
- Item #181 (Focus Fire Protection LLC) – Disclosed the applicant is a former NSCB Board member.
- Item #185 (Innovolt Electric LLC) – Disclosed and abstained based on a current business relationship with the applicant.
- Item #220 (Sunrise Air Systems Inc) – Disclosed and abstained based on a current business relationship with the applicant.
- Item #245 (Focus Plumbing LLC) – Disclosed the applicant is a former NSCB Board member.
- Item #247-250 (Frontier Stone Works LLC) – Disclosed a past business relationship with the applicant.
- Item #341 (McClure Stainless LLC) – Disclosed a past business relationship with the applicant.
- Item #443-444 (Tomlinson Construction) – Disclosed and abstained based on a current business relationship with the applicant.

Mr. Lay made the following disclosures:

- Item #180 (Focus Electric LLC) – Disclosed and abstained based on a current business relationship with the applicant.
- Item #181 (Focus Fire Protection LLC) – Disclosed and abstained based on a current business relationship with the applicant.
- Item #187 (Interior Specialists Inc) – Disclosed and abstained based on a current business relationship with the applicant.
- Item #230 (Beazer Homes Holdings LLC) – Disclosed and abstained based on the applicant being a competitor and former employee.
- Item #245 (Focus Plumbing LLC) – Disclosed and abstained based on a current business relationship with the applicant.
- Item #279 (Century Communities Of Nevada LLC) – Disclosed and abstained based on the applicant being a competitor.
- Item #360 (Rystin Construction Inc) – Disclosed and abstained based on a current business relationship with the applicant.

Mr. Leggett made the following disclosures:

- Item #180 (Focus Electric LLC) – Disclosed the applicant is a former NSCB Board member.
- Item #181 (Focus Fire Protection LLC) – Disclosed the applicant is a former NSCB Board member.
- Item #245 (Focus Plumbing LLC) – Disclosed the applicant is a former NSCB Board member.
- Item #421 (Green Image LLC) – Disclosed the applicant is a former NSCB Board member.

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

8. NEW APPLICATION DENIAL HEARING:

FENCE IT LLC, dba FENCE IT

William Clemen Barker III, Managing Member/Proposed Qualified Individual
Class C-25 (Fencing and Equipping Playgrounds)

Exhibit 1 is the Board's Application File

Exhibit A is the Applicant's Answer

William Barker III was present for the hearing.

It was moved and seconded to approve license classification C-25 (Fencing and Equipping Playgrounds) with a monetary limit that that is approved by the Board based on the financial statement provided, an indemnification either by William Barker III or another individual, subject to confirmation that Mr. Barker III does not have to register as a sex offender. MOTION CARRIED.

Mr. Hernandez opposed the motion.

9. NEW APPLICATION DENIAL HEARING:

MOURE ELECTRIC LLC dba MOURE ELECTRIC

Henry Ornales Moure, Managing Member/Proposed Qualified Individual
Class C-2 (Electrical Contracting)

Exhibit 1 is the Board's Application File

Exhibit A is the Applicant's Answer

Henry Moure was present for the hearing.

It was moved and seconded to accept the applicant's request to withdraw the application. MOTION CARRIED.

10. NEW APPLICATION DENIAL HEARING:

VALLEY BUILDERS REMODELING

Darren Scott Patterson, Manager/Proposed Qualified Individual
Class B-2 (Residential & Small Commercial)

Exhibit 1 is the Board's Application File

Exhibit A is the Applicant's Answer

Darren Patterson was present for the hearing with counsel John Wright, Esq, and witness Ashley Patterson.

It was moved and seconded to approve license classification B-2 (Residential & Small Commercial) with a \$250,000 monetary limit, a \$15,000 bond and a personal and business indemnification by Darren Patterson. MOTION CARRIED.

Mr. Hernandez opposed the motion.

11. PUBLIC COMMENT

David Allen provided public comment.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chair Boyd Martin at 12:30 p.m.

APPROVED:




Margi A. Grein, Executive Officer

Respectfully Submitted,



Crystal Caywood, Recording Secretary



Boyd Martin, Chair