

LCB File No. R061-01

**PROPOSED REGULATION
OF THE STATE CONTRACTORS' BOARD**

(This proposed regulation was previously adopted as LCB File No. T022-01)

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption, Amendment or Repeal of Regulations
Of
The State of Nevada Contractors' Board

The State of Nevada Contractors' Board ("Board") will hold a public hearing at the Board's Reno Office located at 9670 Gateway Drive, Reno, Nevada 89511 on Friday, October 5, 2001 at 10:00 a.m. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment or repeal of regulations that pertain to Chapter 624 of the Nevada Administrative Code. The regulation was adopted by the Board as a temporary regulation on January 23, 2001. The purpose of the hearing is to receive final comments prior to adoption of a permanent regulation.

The following information is provided pursuant to the requirements of NRS 233B.060 and 233B.0603:

1. The need for and purpose of the proposed regulation or amendment.

Pursuant to NRS 624.112, the Board shall establish an investigations office and adopt regulations setting forth qualifications for investigators employed to carry out the provisions of the statute.

2. Either the terms or the substance of the regulations to be adopted, amended or repealed or a description of the subjects and issues involved.

The proposed regulation sets forth the qualifications required to be employed by the Nevada State Contractors' Board in the capacity of a Compliance Investigator or a Criminal Investigator. A copy of the proposed regulation may be obtained by writing the Board's Reno office at 9670 Gateway Drive, Reno, NV 89511.

3. The estimated economic effect of this proposed regulation on the business which it is to regulate and on the public.

(a) Adverse and beneficial effects.

There are no adverse effects. Beneficial effects include a highly trained investigative staff to protect the public.

(b) Both immediate and long-term effects.

Investigators who must adhere to a professional code of conduct and are more experienced in the construction and law enforcement fields should result in a more efficient work force. Both immediate and long-term, the implementation of higher standards should provide the public and the contractor a more comprehensive method of complaint investigation and resolution.

4. The estimated cost to the Agency for enforcement of the proposed regulation.

Minimal cost to the agency to provide 16 hours of training annually.

5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary.

The proposed regulation does not overlap or duplicate any regulation of other state or local governmental entities.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

Does not apply.

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

Does not apply.

8. Whether proposed regulation establishes a new fee or increases an existing fee.

Does not apply.

Persons wishing to comment upon the proposed action of the Board may appear at the scheduled public hearings or may address their comments, data, views or arguments, in written form to the Executive Officer of the Nevada State Contractors' Board, 4220 South Maryland Parkway, Building D, Suite 800, Las Vegas, Nevada 89119 or in Reno at 9670 Gateway Drive, Suite 100, Reno, Nevada 89511. Written submissions must be received by the Board on or before Tuesday, October 2, 2001. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted, amended or repealed will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notices and the regulation to be adopted will be available at the State Contractors' Board, 4220 South Maryland Parkway, Building D, Suite 800, Las Vegas, Nevada 89119 and 9670 Gateway Drive, Suite 100, Reno, Nevada 89511. In all counties in which an office of the Board is not maintained, a copy of this notice and the text of the proposed regulation will also be available for public inspection and copying at the main public library during business hours. This notice and the text of the proposed regulation will be available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233b.0653, and on the

Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the Board, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice has been mailed to all persons on the agency's mailing list of administrative regulations and posted at the following locations:

Washoe County Court House
Washoe County Library
Reno City Hall
Las Vegas City Hall
Sawyer State Building
Clark County Library
Offices of the State Contractors' Board in Reno and Las Vegas

Dated: August 31, 2001

LCB File No. R061-01

**PROPOSED REGULATION
OF THE STATE CONTRACTORS' BOARD**

NRS 624.112 Investigations office; Establishment; units; qualifications of investigators.

1. The Board shall:

(a) Establish an investigations office to enforce the provisions of this chapter. The investigations office must include a special investigations unit consisting of criminal investigators and a compliance investigations unit consisting of compliance investigators.

(b) Adopt regulations setting forth the qualifications required for investigators employed to carry out this section.

2. As used in this section, “criminal investigator” means a person authorized to perform the duties set forth in subsection 2 of NRS 624.115.

Explanation: Matter in *italics* is new; matter in brackets (-) is material to be eliminated.

AUTHORITY: NRS 624.100, NRS 624.160, NRS 624.112 and NRS 642.115

Section 1. Chapter 624 of NAC is hereby amended by adding thereto the provisions set forth in sections 2 to 6, inclusive, of this regulation.

Section 2. As used in section 2 to 6, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in section 3 to 6, inclusive, of this regulation have the meanings ascribed to them in those sections.

Section 3. “Compliance Investigator” means a person employed by the State Contractors Board in the compliance investigations unit who is authorized to perform the duties pursuant to NRS 624.112 and NRS 624.115 subsection 1.

Section 4. “Criminal Investigator” means a person employed by the State Contractors Board in the special investigations unit who is authorized to perform the duties pursuant to NRS 624.112 and NRS 624.115 subsection 2.

Section 5. Investigator Qualifications;

An Investigator may not have an active Contractors License while employed by the Board.

Investigators employed by the State Contractors' Board must have the following minimum qualifications:

Investigator I – Experience or Education

- (a) One year of experience as an investigator with the State Contractors' Board, or*
- (b) Graduation from college preferably with a major in law enforcement, public or business administration, or a related field. Qualifying experience may be substituted for the required education on a year-to-year basis, or*
- (c) Completion of two years in a trade school or construction, or*
- (d) Four years of experience at a journeyman level in one or a combination of
 - 1) Building Construction Trades, or*
 - 2) Independent field investigative work; or**
- (e) Any combination of experience and education approved by the Board or its designee.*

Investigator II – Experience

- a) Two years of experience performing duties equivalent as an Investigator I with the State Contractors' Board, or*
- b) One year experience performing duties equivalent as an Investigator I with the State Contractors' Board and four years of progressively responsible experience performing field investigative work; or*
- c) Any combination of experience and education approved by the Board or its designee.*

All investigators employed by the State Contractors' Board must

- b. Be at least 21 years of age.*
 - c. Be a citizen of the United States of lawfully entitled to remain and work in the United States.*
 - d. Possess a valid Nevada driver's license, a good driving record and are expected to drive safely..*
 - e. Demonstrate knowledge of NRS 624 and NAC 624 and the building laws of the State of Nevada, and related laws.*
 - f. Be of good moral character.*
 - g. Have no conviction of a felony, or crime involving moral turpitude or the illegal use or possession of a dangerous weapon or narcotics.*
 - h. Must complete the CMS examination within the first year of employment with the State Contractors Board.*
 - i. Must complete 16 hours of training annually, in either law enforcement related topics or construction industry related topics.*
 - j. Comply with the code of ethical standards as defined in NRS 281.236.*
- 1. Compliance Investigators:*
- a) Possess a certification in construction skills as established or accepted by the State Contractors Board or by a certified nationally recognized*

organization which promulgates construction codes or standards, adopted by the local government or the state, or pass an examination developed by the Board and must have at least 5 years experience in the construction industry as a journeyman, foreman, supervising employee or contractor or the equivalent thereof, as determined by the board.

b) Training received in a program offered at an accredited college or university or an equivalent program accepted by the board or its designee may be used to satisfy not more than 3 years of experience required.

2. Criminal Investigators:

a) Possess a basic law enforcement training certification from an accredited federal, state or municipal law enforcement training certification program; and must have at least 5 years experience as an investigator or the equivalent, as determined by the board or its designee.

b). Training received in a program offered at an accredited college or university or an equivalent program accepted by the board or its designee may be used to satisfy not more than 3 years of experience required.

Section 6. Professional Conduct of Investigators

1. All investigators employed by the State Contractors must conduct themselves in a professional manner at all times and shall not engage in any improper or unprofessional conduct. Unprofessional conduct includes but is not limited to:

(a) Failing to investigate or issue notices to correct for violations which when left uncorrected would constitute a hazard to the public health or safety.

(b) Failing to properly investigate a possible violation of NRS 624.

(c) Failure to report a conflict of interest when conducting any investigation.

(d) Personal use of information or knowingly revealing information to unauthorized persons when such information has been obtained by the investigator as a result of their employment, work or position as an investigator.

(e) Engaging in fraud or misrepresenting a fact related to the performance of duties and responsibilities as an investigator.

(f) Negligence in the performance of official duties as an investigator.

(g) Unlawful acts in the performance of duties and responsibilities as an investigator.

All investigators will be fingerprinted for the purpose of obtaining a criminal history records check.