

LCB File No. R067-01

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

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Workshop and 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 workshop and public hearing at the Board's Las Vegas Office located at 4220 South Maryland Parkway, Bldg. D, Las Vegas, Nevada 89118 on Wednesday, July 11, 2001. The workshop will begin at 10:00 a.m. The hearing will begin at 1:00 p.m. The purpose of the workshop and 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 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 624.361, the Board shall adopt regulations to provide the form of a written citation issued pursuant to NRS 624.341; time required for a licensee or applicant for a license to correct a condition resulting from an act that constitutes a cause for disciplinary action if he is so ordered pursuant to NRS 624.341; and imposition of an administrative fine pursuant to the provisions of this chapter.
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 Either the terms or the substance of the regulations to be adopted, amended or repealed or a description of the subjects and issues involved.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 form of the written citation and the process to be followed once a citation is issued. A copy of the proposed regulation may be obtained by writing the Board's 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 providing a streamlined process to discipline a licensee or applicant for a contractor's license for violation of NRS 624.300.

(b) Both immediate and long-term effects.

Immediate and long-term effects include the ability to resolve disciplinary matters in a short amount of time. This will benefit contractors by eliminating the need for lengthy hearings and associated costs thereof.

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

The cost of enforcement of the proposed regulation will be minimal since the process will, in many instances, eliminate the need for Board hearings.

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 workshop and public hearing 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 Friday, July 6, 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: June 8, 2001

6. *Statement of your financial loss (provide a copy of any receipt and/or canceled check evidencing monies paid to the contractor by you):*

7. *Date that you purchased the home or which the contractor performed the inadequate construction under the above-said contract (provide a copy of your deed to said home).*

8. *What efforts (if any), have you made to recover your loss? (ie: stopped payment on checks, filed a claim against contractor's license or performance bond, filed a claim in an estate proceeding, sued the contractor or made insurance claims)*

9. *List any other sources for reimbursement of loss, such as insurance. (See #8 suggestions).*

10. *Did the Contractor that you are filing a complaint against, or any other person, apply for a building permit from the City or County where the work was performed, do any work for you?*

If yes, please set forth who applied for the building permit and attach copies of the building permit and application.

11. *If another contractor has been hired to correct the inadequate construction, please provide the following information:*

1. *Name of contractor* _____

2. *What amount has been paid to your new contractor?* _____

3. *Please explain what work has been done by the new contractor, and provide a copy of any new contract.*

12. *Check those that apply:*

To the best of your knowledge, has the accused contractor involved,

1. _____ *died?*

2. _____ *been adjudged incompetent?*

3. _____ *had a guardian appointed (either personal or estate)?*

4. _____ *Moved or disappeared?*

5. _____ *voluntarily quit contracting in the State of Nevada?*

6. _____ *filed bankruptcy proceedings?*

7. _____ *had disciplinary proceedings started against him by the State Contractors' Board?*

13. *Please provide additional information on any answer checked on question 12.*

14. *Give the names, addresses and telephone numbers of any other persons who can provide additional information concerning this claim:*

FURTHERMORE, APPLICANT AGREES:

15. *Applicant represents that the act(s) listed above, occurred while the above-named Contractor was properly licensed as a contractor in the State of Nevada to do the type of work he did. (scope of work and within his monetary limit)*
16. *Applicant represents that, other than the above-said Contract, that Applicant has, at no time, been in a business relationship with, nor been a partner, associate, spouse or other immediate family member, of the above-named Contractor.*
17. *Applicant agrees to cooperate in the investigation of this Claim and in any related disciplinary proceedings against the above-named Contractor. Before any payment can be received from the Recovery Fund, the applicant must sign and deliver to the State Contractors' Board, an agreement whereby the State Contractors' Board is subrogated to the rights of the applicant plus any costs incurred by the State Contractors' Board in recovering that amount from the Contractor or his/her estate, personal representatives, assigns or successors in interest.*
18. *The Applicant understands and agrees that:*
 1. *Any reimbursement of loss from the Recovery Fund is at the sole discretion of the Fund Committee and not a matter of right. No person has any right to a reimbursement from the fund as a third-party beneficiary or otherwise, either before or after allowance of a claim.*
 2. *Any false misrepresentation by the Applicant contained herein may subject the Applicant to legal action to recover any money distributed to the Applicant.*
 3. *If an attorney is retained to assist in the preparation of this claim, it is the policy of the Recovery Fund Committee that no fee or other compensation be paid to that attorney.*

DATED this _____ day of _____ 200__.

Signature of Applicant

APPLICATION MUST BE VERIFIED.

PLEASE NOTE THAT YOUR APPLICATION WILL NOT BE PROCESSED, UNLESS ALL RELEVANT DOCUMENTS, ATTESTATIONS, CHECKS, RECEIPTS, ETC., ARE ATTACHED.

Use additional paper if necessary

STATE OF NEVADA)
) SS,
COUNTY OF _____)

_____ *being first duly sworn, deposes and says:*

That _____ (he/she) is the applicant in the above application; that _____ (he/she) has read the application and knows the contents thereof, and that the same is true of _____(his/her) own knowledge.

Signature of Applicant

Subscribed and Sworn to before me this _____ day of _____, 200 ____.

Notary Public in and for said County and State