

## DISCLAIMER

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Contact the Library at (775) 684-6827 or [library@lcb.state.nv.us](mailto:library@lcb.state.nv.us).

May 7, 2003

Re: *Senate Bill 241*

Ladies and Gentlemen:

I am a Nevada licensed architect and hold architectural licenses in three other Western States. My experience in architecture, construction and working with building department agencies spans approximately thirty-three years. In addition, I have been actively involved in forensic consulting for the past thirteen years.

Based on my experience and accepted industry standards, I offer the following information regarding the role and relationship of building department agencies and building inspectors in residential construction:

- Building departments are not quality control agents or consultants for developers, contractors, architects or engineers. Their role is limited to general overview of design and construction as it relates to the minimum standards defined in the various codes as adopted. Those include, but are not limited to, the Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, and National Electrical Code.<sup>1</sup>
- Field inspections performed by building department inspectors are general in nature and typically include only spot checks of various building components at specified stages of construction. This is especially true where multiple buildings are being constructed in a phased project and when there are

<sup>1</sup>See the Uniform Building Code:

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

UNIF. BUILDING CODE 1994, §108.1

ASSEMBLY JUDICIARY

DATE: 5-8-03 ROOM 3138 EXHIBIT AA

SUBMITTED BY: Roy Adcock

AA 10810

ARCHITECTURAL &  
GENERAL CONTRACTING  
SERVICES

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ARCHITECT / AIA

ARIZONA

CALIFORNIA

COLORADO

NEVADA

OREGON

GENERAL CONTRACTOR

ARIZONA

CALIFORNIA

NEVADA

numerous, similar conditions such as: plaster systems; structural shear walls; fire walls; plumbing assemblies; electrical components, and more.

- In addition, building department field inspections are performed on a pre-determined schedule. For example: footings and rebar; concrete; framing; plumbing and electrical rough-in; insulation; pre-rock; gypsum board; and the final inspection. Those inspections are requested of the building department by the contractor when the contractor determines the work for each is completed.

Therefore, the actual work performed and materials used in construction assemblies are not observed by the building department inspectors until after the assemblies are complete. For example: when the building department inspects the structural shear walls, only the nail spacing can be observed, but not the underlying structural blocking or nail sizes and types. Similarly, when the building department inspects the firewalls, only the nail spacing can be observed, but not the type of gypsum board or the nail sizes and types. That same limitation occurs in other architectural, structural, mechanical, plumbing and electrical assemblies.

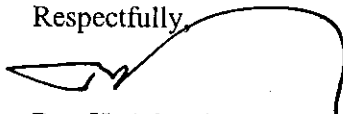
These facts, combined with the spot check protocol previously described demonstrate why the building department is not in a position to assure quality of construction or the absence of defects.

Regarding the misconception that the approval of a building department assures the absence of defects, let me offer my trial testimony given in Colorado Bay HOA, et al. v. Capital Pacific Homes, Inc., et al., Eighth Judicial District Court Case No. A407063. In that case, the developer's attorney argued and submitted documents in defense of their position, that building department approval constituted absence of defects. My testimony referenced the attached exhibits which prove the existence of defects in those very same buildings.

When defects are hidden in the building's system and are not caught by the building department inspector, a latent problem results. Commonly, the building's owner(s) are not aware of the defect until months or years later when the building begins to evidence defects such as excessive cracking or water intrusion damage

In summary, we cannot let defective construction continue to exist either by excuse of building department approval or because latent problems may not manifest until after it is too late for the building owner to make a claim for damages.

Respectfully,



Roy H. Adcock / Architect

**R.H. ADCOCK / ARCHITECT AND ASSOCIATES, INC.**

/rha

AA-20710

CLARK COUNTY BUILDING DEPARTMENT

\*\*\* BUILDING PERMIT \*\*\*

BUILDING ADDRESS: 02243 ASPENMIRROR PERMIT NO: 1-89-006530  
 OWNER NAME: DURABLE HOMES OWNER PHONE: 362-2000  
 OWNER ADDRESS: 2800 W SAMARA / LAS VEGAS, NV 89101  
 CONTRACTOR NAME: DURABLE HOMES INC LIC NO: 000271-240-8  
 CONTRACTOR ADDRESS: 02800 W SAMARA LAS VEGAS NV 89102 PHONE: 362-2000  
 SUB-DIVISION: COLORADO BAY CLUB U N: LOT: BLK:  
 PARCEL NO: 630-60D-091 SAN HEALTH NO: 90054 RED TAG: CD/GAS:

\*\*\* DESCRIPTION OF WORK \*\*\*

NEW CONDOMINIUMS TYPE: 5-N OCCUPANCY: RESID  
 NO. OF UNITS: 8 ZONE: MULTIPLE FAMILY RESIDENTIAL

COMMENT NO. 1: NEW CONDO BLDG 6  
 COMMENT NO. 2:

ISSUE DATE: 08/29/89 STATUS: COMPLETE COMPLETE DATE: 04/23/90

SQUARE FOOTAGE: 4,206 VALUATION: 286,664 PERMIT FEE: 61,106.10

\*\*\* INSPECTION INFO \*\*\*

INSPECTION TYPE COMMENT STATUS	AREA: 29 INSPECTOR RESULT	INS/REQ DATE	TIME CAUSE
BLDG-FINAL	HAYDEN, J.	04/23/90	11:50
RESULT	ACCEPTABLE	PERMITTEE	
BLDG-LATH INTERIOR	HAYDEN, J.	02/02/90	10:20
RESULT	ACCEPTABLE	PERMITTEE	
BLDG-LATH EXTERIOR	HAYDEN, J.	01/26/90	09:45
RESULT	ACCEPTABLE	PERMITTEE	

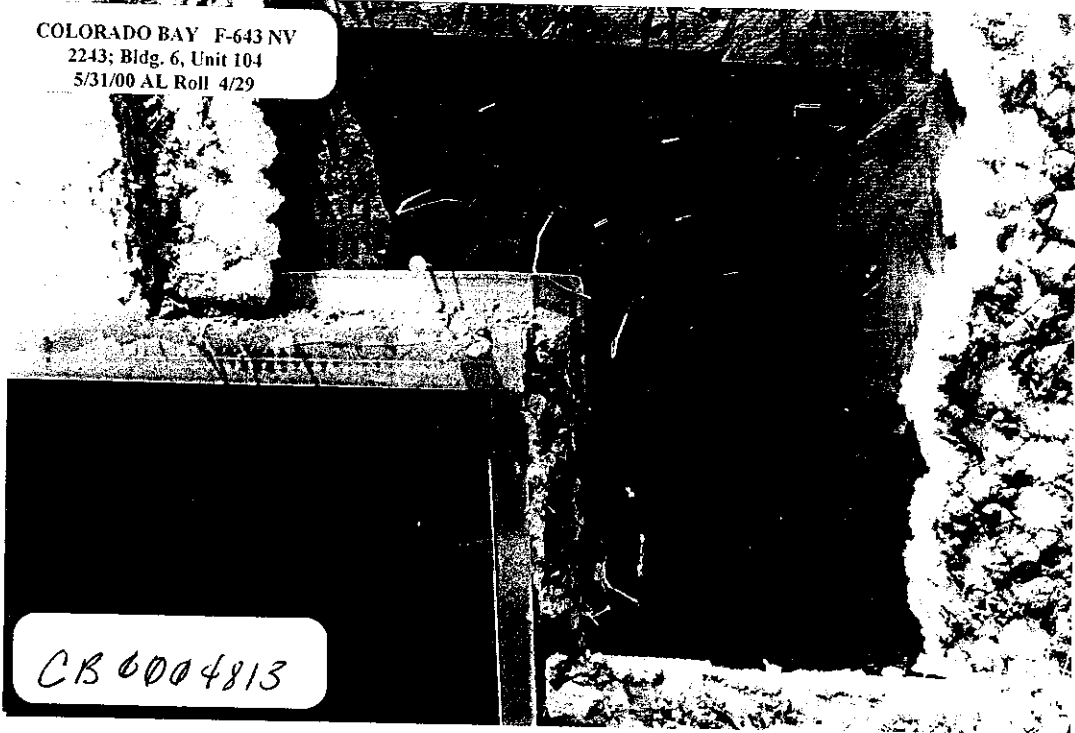
CPC 005980

CLARK COUNTY BUILDING DEPT.  
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SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_  
(BY HAND)

AA-3810

COLORADO BAY F-643 NV  
2243; Bldg. 6, Unit 104  
5/31/00 AL Roll 4/29



IMPROPER  
LATH &  
FLASHING  
RHS  
5/7/03

COLORADO BAY F-643 NV  
2243; Bldg. 6, Unit 104  
5/31/00 AL Roll 4/26



AA-4810

000295

CLARK COUNTY BUILDING DEPARTMENT

\*\*\* BUILDING PERMIT \*\*\*

BUILDING ADDRESS: 02173 ASPENMIRROR PERMIT NO: 1-89-008595  
 OWNER NAME: DURABLE HOMES INC (C) OWNER PHONE: 362-2000  
 OWNER ADDRESS: 2800 W SAHARA AVENUE SE  
 LAS VEGAS, NV 89029  
 CONTRACTOR NAME: DURABLE HOMES INC LIC NO: 000271-240-8  
 CONTRACTOR ADDRESS: 02800 WSAHARA  
 LAS VEGAS NV 89102 PHONE: 362-2000  
 SUB-DIVISION: COLORADO BAY CLUB U B: LOT: BLK:  
 PARCEL NO: 630-600-057 SAN HEALTH NO: 90054 RED TAG: CO/GAS:

\*\*\* DESCRIPTION OF WORK \*\*\*

NEW CONDOMINIUMS TYPE: NA OCCUPANCY: RESID  
 NO. OF UNITS: 8 ZONE: MULTIPLE-FAMILY RESIDENTIAL

COMMENT NO. 1: NEW CONDO BLDG #9  
 COMMENT NO. 2:

ISSUE DATE: 11/17/89 STATUS: COMPLETE COMPLETE DATE: 04/26/90  
 SQUARE FOOTAGE: 4,206 VALUATION: 280,664 PERMIT FEE: \$1,106.10

\*\*\* INSPECTION INFO \*\*\*

INSPECTION TYPE COMMENT STATUS	AREA: 29 INSPECTOR	INS/REG DATE	TIME
RESULT	RESULT	CAUSE	
BLDG-FINAL	HAYDEN, J.	04/26/90	14:15
RESULT	ACCEPTABLE	PERMITTED	
BLDG-LATH INTERIOR	HAYDEN, J.	02/14/90	11:00
RESULT	ACCEPTABLE	PERMITTED	
BLDG LATH EXTERIOR	HAYDEN, J.	02/08/90	13:15
RESULT	ACCEPTABLE	PERMITTED	

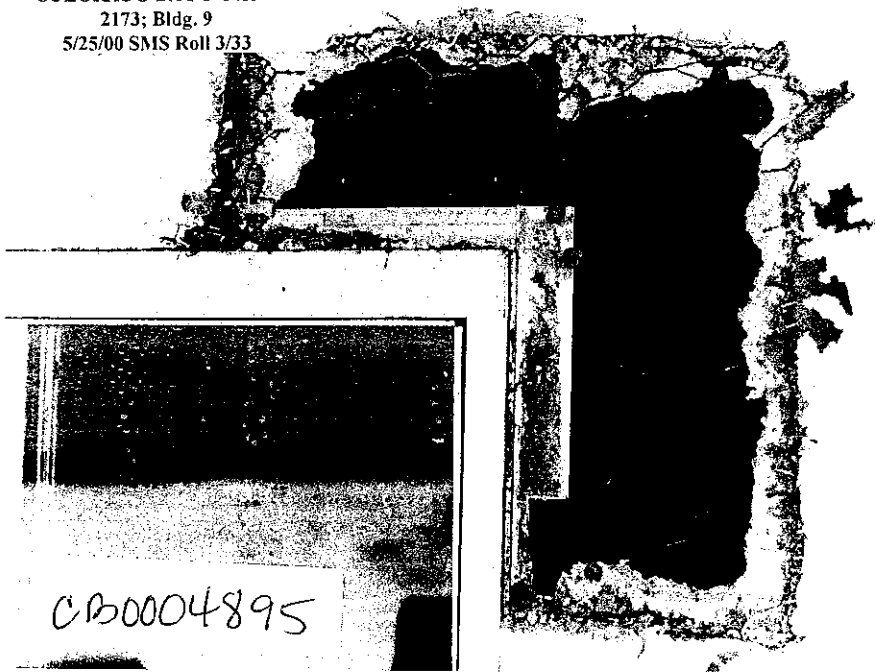
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SIGN: \_\_\_\_\_ DATE \_\_\_\_\_  
 12-18-89

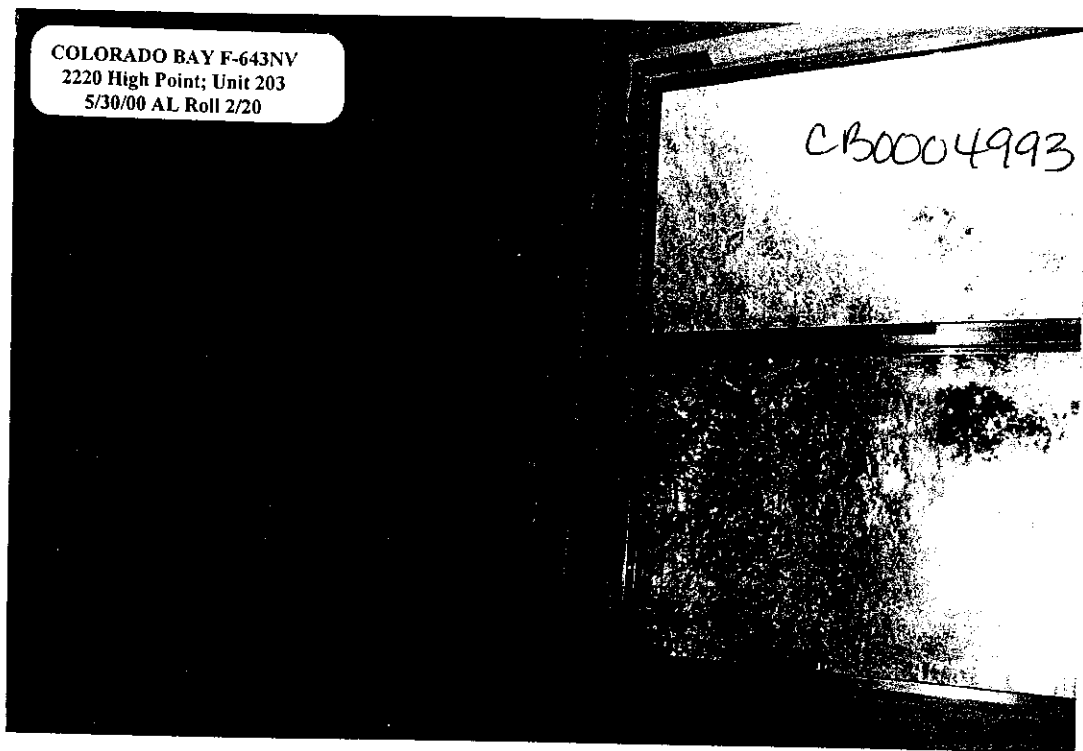
AA-5810

COLORADO BAY F-643NV  
2173; Bldg. 9  
5/25/00 SMS Roll 3/33



←  
IMPROPER  
LAP

RMS  
5/1/03



←  
MISSING  
BUILDING  
PAPER &  
IMPROPER  
LAP.

AA-60310

002056

CLARK COUNTY BUILDING DEPARTMENT

\*\*\* BUILDING PERMIT \*\*\*

BUILDING ADDRESS: 02220 HIGHPOINTE PERMIT NO: 1-89-008837  
 OWNER NAME: DURABLE HOMES OWNER PHON: 362-2000  
 OWNER ADDRESS: 2800 W SAHARA LAS VEGAS, NV 89029  
 CONTRACTOR NAME: DURABLE HOMES INC LIC NO: 000271-240-8  
 CONTRACTOR ADDRESS: 02800 WSAHARA LAS VEGAS NV 89102 PHONE: 362-2000

SUB-DIVISION: COCORADO BAY CLUB U N: LDT: BLK:  
 PARCEL NO: 530-60E-069 SAN HEALTH NO: 90054 RED TAG: CO/GAS:

\*\*\* DESCRIPTION OF WORK \*\*\*

NEW CONDOMINIUMS TYPE: 5-N OCCUPANCY: RESID  
 NO. OF UNITS: 8 ZONE: MULTIPLE FAMILY RESIDENTIAL

COMMENT NO. 1: NEW CONDO BLDG 19 SP 88-880  
 COMMENT NO. 2: 89C172 KT

ISSUE DATE: 11/27/89 STATUS: COMPLETE COMPLETE DATE: 10/02/90  
 SQUARE FOOTAGE: 4,206 VALUATION: 286,664 PERMIT FEE: \$1,106.10

\*\*\* INSPECTION INFO \*\*\*

INSPECTION TYPE COMMENT STATUS	AREA: 29 INSPECTOR RESULT	INS/REQ DATE CAUSE	TIME
BLDG-FINAL	HAYDEN, J.	10/02/90	10:30
RESULT	ACCEPTABLE	PERMITTEE	
BLDG-LATH INTERIOR	STEIN, P	08/09/90	12:45
RESULT	ACCEPTABLE	PERMITTEE	
BLDG-INSULATION	STEIN, P	08/01/90	10:00
TOP FLOOR-RIM JOIST STILL NOT COMPLETE THIS IS 2ND INSP.	RE-INSPECT REQ	PERMITTEE	

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 LICENSE#

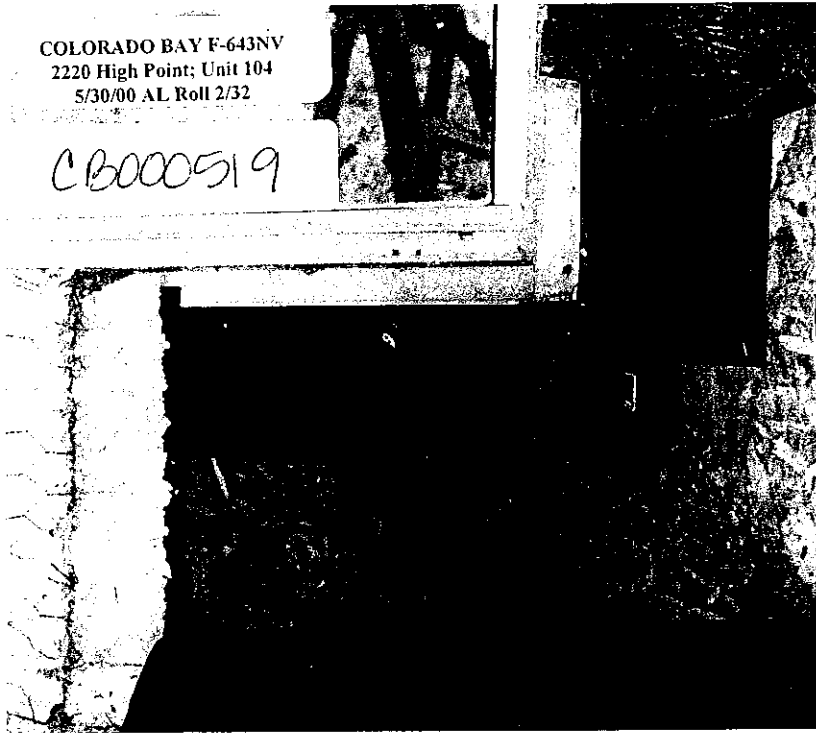
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A407063  
 MARKED FOR IDENTIFICATION  
 PLAINTIFFS' PROPOSED EXHIBIT \_\_\_\_\_  
 AA-7810



COLORADO BAY F-643NV  
2220 High Point; Unit 104  
5/30/00 AL Roll 2/32

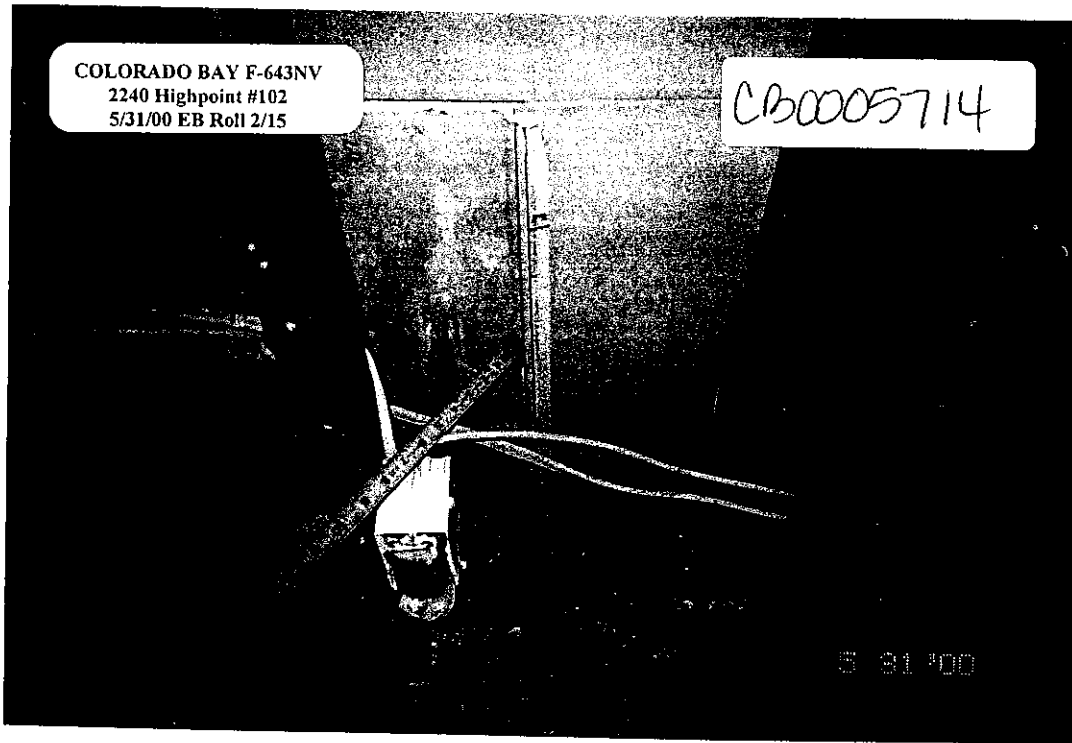
CB000519



  
IMPROVED  
LAP.  
RHA  
5/7/03

COLORADO BAY F-643NV  
2240 Highpoint #102  
5/31/00 EB Roll 2/15

CB0005714



5 31 '00

AA-8810

002066

CLARK COUNTY BUILDING DEPARTMENT

\*\*\* ELECTRICAL PERMIT \*\*\*

BUILDING ADDRESS: 02240 HIGHPOINTE PERMIT NO: 2-90-004268  
 OWNER NAME: DURABLE HOMES OWNER PHONE: 362-2000  
 OWNER ADDRESS: 2800 W SAHARA LAS VEGAS, NV 89102  
 CONTRACTOR NAME: EFFICIENT ELECTRIC LIC NO: 002133-240-8  
 CONTRACTOR ADDRESS: 02475 CHANDLER LAS VEGAS NV 89120 PHONE: 736-1600

SUB-DIVISION: COLORADO BAY CLUB U # : LOT: BLK:  
 PARCEL NO: 000-000-000 SAN HEALTH NO: RED TAG: CO/GAS: YES

\*\*\* DESCRIPTION OF WORK \*\*\*

NEW CONDOMINIUMS TYPE: 5-N OCCUPANCY: RESID  
 NO. OF UNITS: 8 ZONE: MULTIPLE FAMILY RESIDENTIAL

COMMENT NO. 1: ELEC FOR NEW CONDO BLDG #20  
 COMMENT NO. 2: 1-89-008838 RF

ISSUE DATE: 05/21/90 STATUS: COMPLETE COMPLETE DATE: 10/10/90  
 SQUARE FOOTAGE: 0 VALUATION: 0 PERMIT FEE: \$329.00

\*\*\* INSPECTION INFO \*\*\*

INSPECTION TYPE COMMENT STATUS	AREA: 29	INS/REQ DATE	TIME
	INSPECTOR		
	RESULT	CAUSE	
ELEC-FINAL	HAYDEN, J.	10/10/90	13:00
RESULT	ACCEPTABLE	PERMITTEE	
ELEC-ROUGH	HAYDEN, J.	07/25/90	14:30
RESULT	ACCEPTABLE	PERMITTEE	
ELEC-ROUGH	HAYDEN, J.	07/24/90	14:15
RESULT	WORK NOT READY	PERMITTEE	

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SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

CPC 006074

AA-90810

COLORADO BAY F-643NV  
2240 Highpoint #102  
5/31/00 EB Roll 2/13

CB0005713

IMP  
#  
LOCATI  
PWA  
5/7/03

COLORADO BAY F-643NV  
2172; Bldg. 15 #204  
5/25/00 SMS Roll 4/16

CB0004956

AA-10810