

LCB File No. T022-01

**ADOPTED TEMPORARY REGULATION OF THE
STATE CONTRACTORS' BOARD**

(Effective February 8, 2001)

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.

September 1, 2000

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.

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INFORMATIONAL STATEMENT

Notice for the hearing regarding the proposed change to NAC 624 was posted at the Washoe County Court House; Washoe County Library; Reno City Hall; Las Vegas City Hall; Sawyer State Building; Clark County Library and Offices of the State Contractors' Board in Reno and Las Vegas as well as the Contractors' Board website. In addition, copies of the proposed regulation were mailed to each of the Counties Librarians in the State and the State Librarian.

A workshop and hearing were held in Reno on October 12, 2000 a hearing was held in Las Vegas on November 28, 2000. The regulation was adopted by the Board on January 23, 2001.

No written comments were received. Several members of the public were present at the workshop to present comments. No one from the general public attended the hearing.

The adopted change to NAC 624 would have no economic effect on the construction industry. There would be minimal cost to the agency to provide 16 hours of training to investigators employed by the Board.

The benefits to the public will be a highly trained investigative staff that must adhere to a professional code of conduct. The implementation of higher standards should provide the general public and contractors regulated by the Board a more comprehensive method of complaint investigation and resolution.

The amendment does not overlap or infringe upon existing NRS or NAC.