

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

LCB File No. R146-07

Effective April 17, 2008

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 624.100, 624.341, 624.345 and 624.351; §§2 and 3, NRS 624.100 and 624.112; §4, NRS 624.100; §5, NRS 624.100, 624.341 and 624.361; §6, NRS 624.100, 624.300, 624.341, 624.361 and 624.710.

A REGULATION relating to contractors; authorizing the Executive Officer of the State Contractors' Board to withdraw an administrative citation under certain circumstances; revising provisions concerning service of an administrative citation on certain persons; increasing the minimum amount of certain administrative fines; and providing other matters properly relating thereto.

Section 1. Chapter 624 of NAC is hereby amended by adding thereto a new section to read as follows:

A written administrative citation issued pursuant to NRS 624.341 may be withdrawn:

1. By the Board at any time.

2. By the Executive Officer of the Board:

(a) Before the citation is deemed a final order of the Board pursuant to NRS 624.345; or

(b) If the cited person contests the citation, before the commencement of the hearing

required pursuant to NRS 624.351.

Sec. 2. NAC 624.133 is hereby amended to read as follows:

624.133 “Compliance investigator” means a person employed by the Board ~~[in the Compliance Investigations Unit]~~ who is authorized to perform duties pursuant to NRS 624.112 ~~[]~~ *and subsection 3 of NRS 624.115.*

Sec. 3. NAC 624.134 is hereby amended to read as follows:

624.134 “Criminal investigator” means a person employed by the Board ~~[in the Special Investigations Unit]~~ who is authorized to perform duties pursuant to NRS 624.112 and subsection 2 of NRS 624.115.

Sec. 4. NAC 624.6975 is hereby amended to read as follows:

624.6975 As used in NAC 624.6975 to 624.7296, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 624.6978 to 624.6987, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NAC 624.725 is hereby amended to read as follows:

624.725 A written administrative citation issued pursuant to NRS 624.341 may be served by personal service on the ~~[licensee or applicant for a contractor’s license,]~~ *person named in the administrative citation*, or a designated representative thereof, or by certified mail to the address of record of the ~~[licensee or applicant]~~ *person* and must include, to the extent applicable:

1. The name and last known business or residential address of the ~~[licensee or applicant;]~~ *person;*
2. A numbered identification of the ~~[licensee or applicant;]~~ *person;*
3. The date on which the citation is issued;
4. The number of the citation;
5. A list of the sections of this chapter or chapter 624 of NRS which the ~~[licensee or applicant]~~ *person* is alleged to have violated and a description of the alleged violation;
6. Corrective actions, if any, ordered against the ~~[licensee or applicant;]~~ *person;*
7. Administrative fines, if any, to be assessed against the ~~[licensee or applicant;]~~ *person;*

8. The reimbursement costs, if any, which the ~~licensee or applicant~~ *person* is ordered to pay to cover the costs of any investigation;
9. The date by which the ~~licensee or applicant~~ *person* must complete any corrective actions ordered;
10. The date by which the ~~licensee or applicant~~ *person* must pay any administrative fines or reimbursement of investigative costs;
11. A description of the manner in which the ~~licensee or applicant~~ *person* may contest the citation, including, without limitation, the period during which the ~~licensee or applicant~~ *person* may contest the citation and the consequences of failing to contest the citation timely;
12. The signature of the Executive Officer or his designee; and
13. Any other information required by the Board.

Sec. 6. NAC 624.7251 is hereby amended to read as follows:

624.7251 1. If the Board or its designee issues an administrative citation pursuant to NRS 624.341 which includes an administrative fine, each such fine assessed by the Board or its designee must:

- (a) Specify the violation for which the person is being cited; and
- (b) Subject to the provisions of subsection 2, be in an amount which is not less than the minimum amount or more than the maximum amount as follows for the violation:

Violation	Minimum Fine	Maximum Fine
NRS 624.301	\$1,000	\$3,000

Violation	Minimum Fine	Maximum Fine
Paragraph (a) of subsection 1 or subparagraph (4) of paragraph (b) of subsection 1 of NRS 624.3011.....	500	2,000
Subparagraph (1), (2) or (3) of paragraph (b) of subsection 1 of NRS 624.3011.....	1,000	3,000
Subsection 1 or 2 of NRS 624.3012.....	1,000	3,000
Subsection 3 of NRS 624.3012.....	500	2,000
Subsection 1 or 4 of NRS 624.3013.....	250	1,000
Subsection 2 of NRS 624.3013.....	1,000	3,000
Subsection 3 of NRS 624.3013.....	500	2,000
Subsection 5 of NRS 624.3013.....	50	1,000
NRS 624.3014.....	100	50,000
Subsection 1 of NRS 624.3015.....	250	2,000
Subsection 2 or 3 of NRS 624.3015.....	500 1,000	50,000
<i>Subsection 4 of NRS 624.3015.....</i>	<i>1,000</i>	<i>50,000</i>
Subsection 4 5 of NRS 624.3015.....	500	2,000
Subsection 5 6 of NRS 624.3015.....	250	1,000
Subsection 1 or 2 of NRS 624.3016.....	250	3,000
Subsection 3, 5 or 10 of NRS 624.3016.....	500	2,000
Subsection 4 or 6 of NRS 624.3016.....	250	1,000
Subsection 7 of NRS 624.3016.....	250	2,000

Violation	Minimum Fine	Maximum Fine
Subsection 8 of NRS 624.3016	250	750
Subsection 9 of NRS 624.3016	100	500
Subsection 1 of NRS 624.3017	500	2,000
Subsection 2 of NRS 624.3017	50	250
Subsection 3 of NRS 624.3017	100	500
Subsection 1 of NRS 624.302	1,000	50,000
Subsection 5 or 6 of NRS 624.302.....	250	1,000
Subsection 1 of NRS 624.305	1,000	50,000
Subsection 1 of NRS 624.700	1,000	50,000
NRS 624.720	500	1,000

2. The Board or its designee will assess the maximum fine listed in subsection 1 only if one or more of the following circumstances apply:

- (a) The cited person has a history of violating the same or similar sections of NRS;
- (b) The administrative citation specifies more than one violation;
- (c) The cited person has exhibited bad faith by ignoring written warnings;
- (d) The violation or violations have caused harm to other persons;
- (e) The violation or violations were perpetrated against a senior citizen or a person with a disability; or
- (f) The violation or violations involved a construction project costing more than \$500,000.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R146-07**

The State Contractors' Board adopted regulations assigned LCB File No. R146-07 which pertain to chapter 624 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

A workshop and hearing notice to amend NAC 624 was posted December 10 and 11, 2007 at the following locations: Washoe County Court House; Washoe County Library; Reno City Hall; Las Vegas City Hall; Sawyer State Building; Clark County Library and Offices of the Contractors' Board in Reno and Las Vegas. In addition, the notice was posted on the agency's web site and mailed to approximately 135 interested individuals. The workshop was held January 15, 2008 and the hearing held January 17, 2008. No members of the industry or public attended the workshop or hearing. Any interested person may write to the Board at 9670 Gateway Drive, Suite 100, Reno, Nevada to obtain any documents relating to the workshop or hearing.

2. The number of persons who:

- (a) Attended each workshop & hearing: **0 (workshop); 0 (hearing)**
- (b) Testified at each workshop: **0**
- (c) Testified at hearing: **0**
- (c) Submitted to the agency written comments: **0**

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notice posting, web site and direct mail.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was adopted without change because no member of the public or industry commented on the proposed regulation. This regulation provides for changes to the administrative citation procedure and revises the amount of certain administrative fines in accordance with legislation enacted by the 2007 session.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects; and
- (b) Both immediate and long-term effects

- (a) The proposed revisions should have no adverse economic effect on the industry both immediately and long-term.
- (b) The estimated effect on the public both immediate and long term should minimal.

6. The estimated cost to the agency for enforcement of the adopted regulation.

The cost to the agency for enforcement of the proposed regulation should be minimal.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations which the proposed amendments duplicate.