

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

LCB File No. R013-19

July 29, 2019

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

AUTHORITY: §1, NRS 624.100 and 624.2545, as amended by section 1 of chapter 334, Statutes of Nevada 2019, at page 2031.

A REGULATION relating to contractors; setting forth qualifications for a person serving as a hearing officer to whom the State Contractors' Board has delegated certain authority; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Contractors' Board to delegate to a hearing officer or panel its authority to take certain disciplinary action, impose and collect fines therefor and deposit the money therefrom in certain financial institutions in this State. (NRS 624.140) Additionally, under existing law, if the Board denies an application for the issuance or renewal of a contractor's license and the applicant submits a request to the Board for a hearing concerning the denial of the application, the Board is required to hold a hearing. (NRS 624.2545) Assembly Bill No. 25 of the 2019 Legislative Session: (1) authorized the Board to delegate to a hearing officer or panel its authority to hold such a hearing; and (2) required the Board to adopt regulations setting forth the qualifications for a hearing officer. (NRS 624.2545, as amended by section 1 of chapter 334, Statutes of Nevada 2019, at page 2031)

This regulation sets forth the qualifications for a person serving as a hearing officer to whom the Board has delegated its authority pursuant to those provisions of existing law. This regulation requires such a person to: (1) be an attorney in good standing licensed to practice law in this State; (2) have certain experience as an attorney relating to formal hearings or trials in civil actions or administrative proceedings; and (3) either meet certain additional experience requirements or have been a certain type of judicial officer.

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

A person serving as a hearing officer to whom the Board has delegated its authority pursuant to NRS 624.140 or 624.2545, as amended by section 1 of chapter 334, Statutes of Nevada 2019, at page 2031, must:

- 1. Be an attorney in good standing licensed to practice law in this State;*
- 2. Have at least 5 years of experience as an attorney licensed to practice law in this State or another state which includes, without limitation, preparing for, participating in or reviewing formal hearings or trials in civil actions or administrative proceedings at the federal, state or local level; and*
- 3. Possess one of the following qualifications:*
 - (a) Have at least 5 years of experience as an attorney licensed to practice law in this State or another state practicing in the fields of construction law, bankruptcy law and the licensing of contractors; or*
 - (b) Be a former:*
 - (1) Judge of a state court of general jurisdiction;*
 - (2) Federal judge; or*
 - (3) Federal magistrate judge.*