

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

LCB FILE NO. R014-19I

**The following document is the initial draft regulation proposed
by the agency submitted on 07/01/2019**

PROPOSED REGULATION OF THE NEVADA STATE CONTRACTORS BOARD

LCB File No. R*-19**

Effective:

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

AUTHORITY: NRS 624.100;

A REGULATION relating to disciplinary action and practice before the Board.

Legislative Counsel’s Digest:

Existing law.....

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

*NAC 624.69xx “Suspension” defined. (NRS 624.100) “Suspension” means a temporary prohibition against acting as a contractor under NRS Chapter 624.
(Added to NAC by Contractors’ Bd. by R019-xx, eff. xx-xx-2019)*

Section 2. NAC 624 is hereby amended to read as follows:

NAC 624.6978 “Complaint” defined. (NRS 624.100) “Complaint” means a document issued by the Executive Officer ~~[of the Board]~~ to a respondent that includes a short and plain statement alleging a violation of a provision of this chapter or chapter 624 of NRS.

(Added to NAC by Contractors’ Bd. by R014-02, eff. 7-2-2002)

Section 3. NAC 624 is hereby amended to read as follows:

NAC 624.699 Receipt of written documents by Board. (NRS 624.100) A written document ~~[shall]~~ *will* be deemed received by the Board if the document is:

1. Filed at the office of the Board in Henderson, Nevada, or Reno, Nevada, and addressed to the Executive Officer ~~[of the Board]~~; or
2. Presented to the Board at a hearing.

(Added to NAC by Contractors’ Bd. by R014-02, eff. 7-2-2002)

Section 4. NAC 624 is hereby amended to read as follows:

NAC 624.700 Allegations against licensees; investigations; authority of Executive Officer. (NRS 624.100, 624.335)

1. Any aggrieved person may file with the Board an allegation against any licensee. The allegation must:

- (a) Be written [~~and signed~~];
- (b) Describe the specific [~~grievance~~] *allegation*; and
- (c) Include [~~any related~~] documentation *related to the allegation*.

2. If the Board finds that an investigation is necessary, the Board's staff [~~shall~~] *will* commence the investigation within 10 days after the date the allegation was filed.

3. If it appears from the investigation that a licensee may have violated the provisions of this chapter or chapter 624 of NRS, the Executive Officer may:

- (a) Request the licensee to take appropriate corrective action;
- (b) Request the licensee to meet informally with the Board's staff and the [~~complainant~~] *person making the allegation* to resolve the issue;
- (c) Require the licensee to appear before the Board and show cause why disciplinary action should not be taken against the licensee; and
- (d) Take such other actions as the Executive Officer deems appropriate under the circumstances.

(Added to NAC by Contractors' Bd., eff. 8-26-83; A 11-6-85; R014-02, 7-2-2002; R190-03, 1-22-2004)

Section 5. NAC 624 is hereby amended to read as follows:

NAC 624.710 *Address; Notice of address change* [~~probation in lieu of immediate suspension or revocation of license~~]. (NRS 624.100)

1. The address of an applicant or licensee which is on file with the Board [~~shall~~] *will* be deemed to be [~~his or her~~] *the applicant's or licensee's* correct address.

2. *Within 30 days of any address change, an* [~~An~~] applicant or licensee [~~shall~~] *will* provide to the Board [~~within 30 days,~~] written notice of any change of [~~his or her~~] *the applicant's or licensee's* address.

~~[2. If the Board has grounds to suspend or revoke a contractor's license or otherwise discipline a contractor, the Board may place the contractor on probation until the contractor complete his or her existing contracts and may thereafter suspend or revoke his or her license or otherwise discipline the contractor.]~~

(Added to NAC by Contractors' Bd., eff. 8-26-83; A by R081-01, 11-8-2001; R014-02, 7-2-2002)

Section 6. NAC 624 is hereby amended to read as follows:

NAC 624.713 *Notice of contemplated action: Contents; response.* (NRS 624.100)

1. A notice that the Board provides to a licensee pursuant to NAC 624.7256 will include:

- (a) A copy of the complaint;
- (b) The date by which the licensee is required to submit an answer or responsive pleading and any supporting documents to the Board;

(c) A statement that the licensee is entitled to a hearing only if the licensee complies with the provisions set forth in paragraph (b); and

(d) A statement that the failure of the licensee to comply with the provisions of subsection 2 may cause the Board to enter a default order against the licensee.

2. The answer required by paragraph (b) of subsection 1 must be in writing, signed by the respondent or ~~[his or her representative]~~ *its attorney*, and include a specific response to each allegation in the complaint. The response must admit or deny the allegation, or state that the respondent has insufficient information to admit or deny the allegation.

(Added to NAC by Contractors' Bd. by R081-01, eff. 11-8-2001; A by R014-02, 7-2-2002)

Section 7. NAC 624 is hereby amended to read as follows:

NAC 624.716 Notice of contemplated action: Hearing; default order; request for reconsideration. (NRS 624.100)

1. If a licensee receives a notice from the Board pursuant to NAC 624.7256, the licensee is entitled to a hearing only if the licensee complies with the provisions of paragraph (b) of subsection 1 of NAC 624.713. If the licensee fails to comply with those provisions, the Board *or the Board's designee* will hold a hearing to determine whether it will enter a default order against the licensee.

2. The Board *or the Board's designee* may consider at the hearing:

(a) The complaint and any amended complaints provided to the licensee;

(b) Any notices provided to the licensee pursuant to NAC 624.7256;

(c) Any communication between the Board and the licensee; and

(d) Any other evidence relating to the allegations set forth in the complaint or amended complaints.

3. The Board *or the Board's designee* may:

(a) Include evidence presented at the hearing in its findings of fact and conclusions of law; and

(b) Enter a default order against the licensee.

4. If the Board *or the Board's designee* enters a default order against the licensee, the Board *or the Board's designee* will:

(a) Send to the licensee by certified mail, return receipt requested, a copy of the default order, including any findings of fact and conclusions of law, not later than ~~[+10]~~ 7 days after the Board enters its order; and

(b) Take such disciplinary action against the licensee as it deems appropriate.

5. A licensee against whom a default order is entered may submit to the Board a written request for reconsideration of the order not later than ~~[+15]~~ 14 days after receiving a copy of the order. The written request must set forth the reasons for reconsideration by the Board *or the Board's designee*.

6. The Board or ~~[its designee]~~ *the Board's designee* will review the request to determine whether there is good cause for reconsideration of the order. If the Board or ~~[its designee]~~ *the Board's designee* determines that good cause for reconsideration exists, the Board or ~~[its designee]~~ *the Board's designee* will schedule a hearing and notify the licensee, in writing, of the time and place of the hearing, *which will be scheduled within 90 days of the decision granting reconsideration*.

(Added to NAC by Contractors' Bd. by R081-01, eff. 11-8-2001; A by R014-02, 7-2-2002; R190-03, 1-22-2004)

Section 8. Chapter 624 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC 624.72xx Rebuttable presumption for misrepresentation or omission of a material fact. (NRS 624.3013) *In addition to the administrative penalties of NAC 624.7241, an applicant's or licensee's misrepresentation or omission of a material fact may be considered as a rebuttable presumption that the misrepresentation or omitted material fact would be reasonably established as not exculpatory but for the misrepresentation or material omission.*
(Added to NAC by Contractors' Bd. by R019-xx, eff. _____)

Section 9. Chapter 624 of NAC is hereby amended by adding thereto a new section to read as follows:

NAC 624.72xx Probation. (NRS 624.100) *If the Board or the Board's designee has grounds to suspend or revoke a license or otherwise discipline a contractor, the Board or the Board's designee may place the contractor on probation until the contractor completes an on-going existing project of construction or portion thereof under conditions deemed necessary to protect the public, the project owner, and the project of construction and may thereafter suspend or revoke the contractor's license or otherwise discipline the contractor.*
(Added to NAC by Contractors' Bd. by R019-xx, eff. _____)

Section 10. NAC 624 is hereby amended to read as follows:

NAC 624.720 Notice of impaired financial responsibility or violation of law. (NRS 624.100) If the Board believes that a licensee's financial responsibility is impaired or that [~~he or she~~] *the licensee* is in violation of chapter 624 of NRS or this chapter, the Board will so notify the licensee *and may set a hearing regarding the licensee's financial responsibility or violation.*
(Added to NAC by Contractors' Bd., eff. 8-26-83)

Section 11. NAC 624 is hereby amended to read as follows:

NAC 624.725 Administrative citation: Service; contents. (NRS 624.100, 624.341, 624.361) A written administrative citation issued pursuant to NRS 624.341 may be served by personal service on the person named in the administrative citation, or a designated representative thereof, or by certified mail to the address of record of the person and must include, to the extent applicable:

1. The name and last known business or residential address of the person;
2. A numbered identification of the 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 person is alleged to have violated and a description of the alleged violation;
6. Corrective actions, if any, ordered against the person;
7. Administrative fines, if any, to be assessed against the person;

8. The reimbursement costs, if any, which the person is ordered to pay to cover the costs of any investigation;
 9. The date by which the person must complete any corrective actions ordered;
 10. The date by which the person must pay any administrative fines or reimbursement of investigative costs;
 11. A description of the manner in which the person may contest the citation, including, without limitation, the period during which the person may contest the citation and the consequences of failing to contest the citation timely;
 12. The signature of the Executive Officer [~~or his or her designee~~]; and
 13. Any other information required by the Board.
- (Added to NAC by Contractors' Bd. by R067-01, eff. 12-17-2001; A by R022-04, 4-30-2004; R146-07, 4-17-2008)

Section 12. NAC 624 is hereby amended to read as follows:

NAC 624.72505 Administrative citation: Withdrawal. (NRS 624.100, 624.341) 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.
- (Added to NAC by Contractors' Bd. by R146-07, eff. 4-17-2008)

Section 13. NAC 624 is hereby amended to read as follows:

NAC 624.7251 Administrative fine: Specification of violation; amount. (NRS 624.100, 624.300, 624.341, 624.361, 624.710)

1. If the Board or [~~its designee~~] *the Board's designee* issues an order imposing an administrative fine pursuant to the provisions of this chapter and chapter 624 of NRS, each such fine assessed by the Board or [~~its designee~~] *the Board's designee* must:
 - (a) Specify the violation for which the person is being cited; and
 - (b) Subject to the provisions of subsections 2, 3 and 4, 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
<u>NRS 624.301</u>	\$1,000	\$10,000
Paragraph (a) of subsection 1 or subparagraph (4) of paragraph (b) of subsection 1 of <u>NRS 624.3011</u> .	500	10,000
Subparagraph (1), (2) or (3) of paragraph (b) of subsection 1 of <u>NRS 624.3011</u>	1,000	10,000
Subsection 1, 2 or 3 of <u>NRS 624.3012</u>	1,000	10,000
Subsection 4 of <u>NRS 624.3012</u>	500	10,000

Violation	Minimum Fine	Maximum Fine
Subsection 1 or 4 of <u>NRS 624.3013</u>	250	10,000
Subsection 2 of <u>NRS 624.3013</u>	1,000	10,000
Subsection 3 of <u>NRS 624.3013</u>	500	10,000
Subsection 5 of <u>NRS 624.3013</u>	50	10,000
<u>NRS 624.3014</u>	100	50,000
Subsection 1 or 6 of <u>NRS 624.3015</u>	250	10,000
Subsection 2, 3 or 4 of <u>NRS 624.3015</u>	1,000	50,000
Subsection 5 of <u>NRS 624.3015</u>	500	10,000
Subsection 1, 2, 4, 6, 7 or 8 of <u>NRS 624.3016</u>	250	10,000
Subsection 3, 5, 10 or 11 of <u>NRS 624.3016</u>	500	10,000
Subsection 9 of <u>NRS 624.3016</u>	100	10,000
<i>Subsection 1, 2, or 3 of <u>NRS 624.30165</u>.....</i>	<i>250</i>	<i>10,000</i>
Subsection 2 of <u>NRS 624.3017</u>	50	10,000
Subsection 3 of <u>NRS 624.3017</u>	100	10,000
Subsection 1 of <u>NRS 624.302</u>	1,000	50,000
Subsection 5 or 6 of <u>NRS 624.302</u>	250	10,000
Subsection 7 of <u>NRS 624.302</u>	1,000	10,000
Subsection 1 of <u>NRS 624.305</u>	1,000	50,000
<u>NRS 624.520</u>	100	250
Subsection 1 of <u>NRS 624.700</u>	1,000	50,000
Subsection 1, 3 or 4 of <u>NRS 624.720</u>	1,000	50,000
<u>NRS 624.740</u>	1,000	50,000

2. In determining the amount of an administrative fine to be imposed pursuant to subsection 1, the Board or ~~[its designee]~~ *the Board's designee* will consider the factors set forth in paragraphs (a), (b) and (c) of subsection 4 of NRS 624.300 and paragraphs (a), (b) and (c) of subsection 2 of NRS 624.710, as applicable.

3. Unless otherwise prohibited by law, the Board or ~~[its designee]~~ *the Board's designee* may reduce or stay a fine assessed pursuant to subsection 1 *or other discipline* pending completion of a training program or examination required by the Board *or the Board's designee or upon other terms that are just*.

4. The Board or ~~[its designee]~~ *the Board's designee* ~~[will]~~ *may* 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]~~ *Nevada statutes, rules, or administrative orders*;

(b) The administrative citation specifies more than one violation;

(c) The cited person has ~~[exhibited bad faith by ignoring]~~ *unreasonably ignored* written warnings;

(d) The violation or violations have caused harm to other persons;

(e) The violation or violations were perpetrated against ~~[a senior citizen]~~ *a person over the age of 60 years or an "older person" under NRS 200.5091* or a person with a *diagnosed physical or mental* disability; or

(f) The violation or violations involved a construction project costing more than \$500,000.

(Added to NAC by Contractors' Bd. by R022-04, eff. 4-30-2004; A by R118-06, 6-28-2006; R146-07, 4-17-2008; R019-14, 10-24-2014)

Section 14. NAC 624 is hereby amended to read as follows:

NAC 624.72512 Order for corrective action: Determination to include in administrative citation. (NRS 624.100, 624.341) In addition to any other factors that the Board uses to determine whether an administrative citation issued pursuant to NRS 624.341 should include an order for corrective action, the Board *or the Board's designee* ~~[will]~~ *may* consider:

1. Whether compliance with such an order would result in excessive destruction or substantial waste to the existing construction on the construction project;
2. The willingness of the owner of the construction project to allow such corrective action; ~~[and]~~ *or*
3. ~~[A determination by the Executive Officer or his or her designee]~~ *The Executive Officer's or the Executive Officer's designee's determination* that the licensee is able to perform the corrective action.

(Added to NAC by Contractors' Bd. by R022-04, eff. 4-30-2004)

Section 15. NAC 624 is hereby amended to read as follows:

NAC 624.72514 Order for corrective action: Determination of time permitted for compliance. (NRS 624.100, 624.341, 624.361) In determining the time permitted for compliance with an order for corrective action ~~[, as required to be stated in a written citation]~~ *issued* pursuant to NRS 624.341, the Board *or the Board's designee* will determine the time for compliance with the order by considering, without limitation:

1. The accepted industry practice regarding the performance of the work necessary to comply with the order for corrective action ~~[,]~~ in the climate or weather conditions of the area in which the construction project is located.
2. The number of days during which the owner of the construction project will make the site of the construction project available for the contractor to comply with the order for corrective action.
3. The time necessary to obtain materials required for the contractor to comply with the order for corrective action.

(Added to NAC by Contractors' Bd. by R022-04, eff. 4-30-2004)

Section 16. NAC 624 is hereby amended to read as follows:

NAC 624.72516 Order for corrective action: Extension of time for compliance. (NRS 624.100, 624.341, 624.361)

1. A licensee who is issued an administrative citation pursuant to NRS 624.341 ~~[which]~~ *that* includes an order for corrective action may request an extension of time to comply with the order.
2. A request for an extension made pursuant to this section must:
 - (a) Be submitted in writing to the Executive Officer;

(b) Set forth an explanation of the efforts made by the licensee to comply with the order for corrective action; and

(c) Be received by the Executive Officer [~~or his or her~~] *or the Executive Officer's* designee before the expiration of the time allowed for compliance with the order set forth in the citation.

3. The Executive Officer [~~or his or her~~] *or the Executive Officer's* designee may, upon a showing of good cause, grant a request for an extension made pursuant to this section.

(Added to NAC by Contractors' Bd. by R022-04, eff. 4-30-2004)

Section 17. NAC 624 is hereby amended to read as follows:

NAC 624.72518 Order for corrective action: Responsibility of licensee for performance by hired licensee. (NRS 624.100, 624.300, 624.341) If a licensee [~~who~~] is issued an administrative citation pursuant to NRS 624.341 [~~which~~] *that* includes an order for corrective action hires and *the cited licensee* pays another licensee to perform the corrective action pursuant to subparagraph [~~(3)~~] (2) of paragraph (f) of subsection 1 of NRS 624.300, the cited licensee is *jointly* responsible for any failure of the hired licensee to comply with the order for corrective action included in the citation.

(Added to NAC by Contractors' Bd. by R022-04, eff. 4-30-2004)

Section 18. NAC 624 is hereby amended to read as follows:

NAC 624.7253 Liberal construction of provisions governing practices in contested cases; deviation from provisions. (NRS 624.100)

1. The provisions of NAC 624.6975 to 624.7296, inclusive, govern practices in any contested case before the Board, and the Board *or the Board's designee* will liberally construe those provisions to determine all matters before the Board *or the Board's designee* in a just, speedy and economical manner.

2. The Board *or the Board's designee* may allow a deviation from the provisions of NAC 624.6975 to 624.7296, inclusive, if the Board *or the Board's designee* determines that the deviation would not have a material adverse effect on the substantial interests of the parties and good cause for the deviation exists. If the Board *or the Board's designee* allows such a deviation, it will include in the record the deviation and the reasons for the deviation.

(Added to NAC by Contractors' Bd. by R014-02, eff. 7-2-2002; A by R022-04, 4-30-2004)

Section 19. NAC 624 is hereby amended to read as follows:

NAC 624.7256 Time and place of hearing; notice; time for objection. (NRS 624.100)

1. The Board will:

(a) Set the date, time and place of a hearing for a contested case; and

(b) At least 21 days before the hearing, send a copy of the complaint and notice of hearing by certified mail, return receipt requested, to the respondent at the address on file with the Board, or by personal service in the manner provided in [~~NRS~~] *the Nevada Revised Statutes and the Nevada Rules of Civil Procedure* for service in civil actions. The complaint and notice of hearing may be

included in the same document. A proof of service must be attached to the original of any document that is served by mail.

2. There is a rebuttable presumption that a complaint and notice of hearing has been received by a respondent [~~10 days~~] *7 days* after the date the complaint and notice of hearing is deposited with the United States Postal System.

3. An objection that any notice required by NAC 624.6975 to 624.7296, inclusive, was not provided in the manner set forth in those provisions will be deemed waived unless the objection is raised by the respondent before the introduction of any evidence into the record at a *Board* hearing [~~of the Board~~].

(Added to NAC by Contractors' Bd. by R014-02, eff. 7-2-2002; A by R022-04, 4-30-2004)

Section 20. NAC 624 is hereby amended to read as follows:

NAC 624.7259 Addition or dismissal of cause for disciplinary action; amendment or withdrawal of complaint. (NRS 624.100)

1. The Executive Officer [~~of the Board~~] may add or dismiss a cause for disciplinary action against a respondent before the Board *or the Board's designee* holds a hearing on that cause of action.

2. The Board or the Executive Officer [~~of the Board~~] may amend a complaint at any time. Notice of an amended complaint must be given in the same manner as a notice of an original complaint. The Board will grant a continuance if an amendment materially alters the complaint in such a way that the respondent will be unable to prepare [~~his or her~~] *its* case in a timely manner.

3. The Executive Officer [~~of the Board~~] may withdraw a complaint at any time before the Board holds a hearing on the complaint. After the hearing is commenced, only the Board may withdraw a complaint.

(Added to NAC by Contractors' Bd. by R014-02, eff. 7-2-2002; A by R190-03, 1-22-2004)

Section 21. NAC 624 is hereby amended to read as follows:

NAC 624.7263 Request for continuance; granting of continuance. (NRS 624.100)

1. A respondent or [~~his or her representative~~] *its attorney* may request a continuance of a hearing upon a showing of good cause. A request for a continuance must be submitted to the Executive Officer [~~of the Board~~] in writing on a form prescribed by the Board. The request must be received by the Executive Officer at least [~~10~~] *14* days before the hearing.

2. A request for a continuance must specify the reasons constituting good cause for granting the continuance. A request for a continuance that is received less than [~~10 days~~] *14 days* before the hearing must indicate that the request is the result of an emergency [~~which~~] *that* arose less than [~~10 days~~] *14 days* before the hearing.

3. The Executive Officer [~~of the Board~~] may grant a continuance before a hearing is held *if the continuation request is received more than 14 days before the hearing*. The Board *or the Board's designee* may grant a continuance *if the continuation request is received 14 days or less before the hearing*. *The Board or the Board's designee may continue a hearing* at any time after the hearing is commenced.

(Added to NAC by Contractors' Bd. by R014-02, eff. 7-2-2002)

Section 22. NAC 624 is hereby amended to read as follows:

NAC 624.7266 Form of papers submitted to Board. (NRS 624.100)

1. All papers submitted to the Board by a party in a contested case must be typewritten on one side only, on white paper that is 8 1/2 by 11 inches in size. The first page of each document must include the names of the parties in the contested case and the number, if any, assigned to the case by the Board.

2. *Papers submitted to the Board are to be submitted to the Executive Officer or as directed by the Board or the Board's designee.*

3. *Upon consent for electronic service, the parties to a contested matter may serve papers electronically in a manner agreed to by the parties.*

(Added to NAC by Contractors' Bd. by R014-02, eff. 7-2-2002)

Section 23. NAC 624 is hereby amended to read as follows:

NAC 624.7269 Consolidation of contested cases. (NRS 624.100) The *Executive Officer, the Board, or the Board's designee* may consolidate two or more contested cases if the *Executive Officer, the Board, or the Board's designee* determines that the issues are substantially similar and the interests of the parties will not be prejudiced by the consolidation. The presiding officer of the hearing will determine the order of procedure at a consolidated hearing.

(Added to NAC by Contractors' Bd. by R014-02, eff. 7-2-2002)

Section 24. NAC 624 is hereby amended to read as follows:

NAC 624.7273 Motions: Contents; opposition; written reply; decision by Board. (NRS 624.100)

1. A party may only make those motions set out in subsection 2 of NRS 622A.360. A motion, unless made at a hearing, must be made in writing.

2. A written motion must set forth the nature of the relief requested and the grounds for the relief.

3. A party who wishes to oppose a motion must serve and file a written response to the motion not later than [~~10 days~~] *14 days* after receiving the motion.

4. The moving party may serve and file a written reply only if an opposition to the motion has been served and filed.

5. The Board or [~~its designee~~] *the Board's designee* may issue a decision on a motion without oral argument.

6. If the Board or [~~its designee~~] *the Board's designee* wishes to oppose a motion, the Board or [~~its designee~~] *the Board's designee* is not required to serve or file a written response to the motion.

(Added to NAC by Contractors' Bd. by R014-02, eff. 7-2-2002; A by R190-03, 1-22-2004; R098-12, 12-20-2012)

Section 25. NAC 624 is hereby amended to read as follows:

NAC 624.7276 Subpoenas: Application; issuance and service. (NRS 624.100, 624.170)

1. A party may apply to the Board for the issuance of a subpoena pursuant to NRS 624.170. An application for the issuance of a subpoena must:

- (a) Be submitted in writing;
- (b) Include a statement of the facts that demonstrate the reasons why the subpoena is necessary;
- (c) *Identify with reasonable particularity the witness's identity or the document or other evidence sought by subpoena;*
- (d) *include the address or other information sufficient for service of process;*
- (e) ~~[(e)]~~ Be received by the Board at least ~~[10]~~ 14 days before the hearing for which the subpoena is issued.

2. *Issuance of a subpoena is at the discretion of the Board but will be issued if the subpoena is reasonably calculated to lead to the presentation of admissible evidence in the Board's contested case. A subpoena sought that is not in compliance with subsection (1) is presumptively not reasonably calculated to lead to admissible evidence. The presumption may be overcome by a showing of good cause or reasonable neglect. No hearing may be continued solely for failure to timely seek a subpoena or to serve a subpoena as required by these rules.*

~~[2-]~~3. If the Board issues a subpoena, the party who requests the subpoena ~~[shall]~~ will:

- (a) Serve *the subpoena* ~~[a copy of the subpoena on all other parties]~~ in the manner prescribed by Rule 45 of the Nevada Rules of Civil Procedure;
- (b) ~~[File]~~ *Submit* proof of such service with the Board *before any evidence related to the subpoena is offered at hearing*; and
- (c) Pay the costs related to the issuance and service of the subpoena *including witness fees as provided by NRS 50.225*. The Board may require payment of ~~[the]~~ *its* costs before the issuance of the subpoena.

(Added to NAC by Contractors' Bd. by R014-02, eff. 7-2-2002)

Section 26. NAC 624 is hereby amended to read as follows:

NAC 624.7279 Representation of parties; rules of conduct; provision of information to attorney; withdrawal of attorney; consideration of evidence or exhibits. (NRS 624.100)

1. Any party who appears at a hearing may *self*-represent ~~himself or herself~~ or may be represented by an attorney licensed to practice law in this State.

2. Each person who appears at a hearing ~~[shall]~~ will comply with the standards of ethical and courteous conduct required in the courts of this State. If a person fails to comply with those standards of conduct, the Board may:

- (a) Exclude the person or ~~[his or her]~~ *the person's* representative from the hearing; or
- (b) Terminate the hearing.

3. If a party is represented by an attorney, *upon reasonable demand* the Board will provide to the attorney any notice, document or other paper that the Board is required to provide to the party.

4. An attorney may withdraw from representing a party if the attorney provides written notice of ~~[his or her]~~ withdrawal to the Board and the party whom he or she represented.

5. The Board *or the Board's designee* may refuse to consider any documentary evidence or exhibit presented by a party at a hearing if the evidence or exhibit was not *reasonably* provided to

~~[the staff of the Board]~~ *an opposing party. Documentary evidence provided 10 or more days before the hearing is presumptively reasonably provided [at least 10 days before the date of the hearing].*
(Added to NAC by Contractors' Bd. by R014-02, eff. 7-2-2002; A by R190-03, 1-22-2004)

Section 27. NAC 624 is hereby amended to read as follows:

NAC 624.7283 Failure to appear; presentation of evidence. (NRS 624.100)

1. ~~[The failure of a party to appear at a hearing shall be deemed a waiver of the]~~ *A party's failure to appear waives the party's right to present evidence at a Board hearing.* After presentation to the Board *or the Board's designee* of an offer of proof that the absent party was given proper notice, and upon a determination by the Board *or the Board's designee* that proper notice was given to the absent party, the Board *or the Board's designee* may hear evidence without the participation of the absent party and may ~~[make its decision based on such evidence]~~ *decide the matter based upon the admitted evidence.*

2. The Board *or the Board's designee* may limit the time each party is allowed to present evidence.

(Added to NAC by Contractors' Bd. by R014-02, eff. 7-2-2002)

Section 28. NAC 624 is hereby amended to read as follows:

NAC 624.7286 Order of proceedings. (NRS 624.100)

1. Except as otherwise provided in this section, a hearing in a contested case will be conducted in the following order:

(a) The hearing will be called to order and the parties will be introduced on the record.

(b) The complaint, notice of hearing, answer and the file of the Board that relates to the complaint may be placed in evidence.

(c) Any preliminary motions or stipulations will be considered.

(d) The Board or its attorney will present its case.

(e) The respondent will present ~~[his or her]~~ *respondent's* case.

(f) If allowed by the Board *or the Board's designee*, rebuttal evidence and closing arguments will be presented.

(g) The Board *or the Board's designee* may deliberate the case.

2. A member of the Board *or the Board's designee* may question a witness at any time.

3. The Board *or the Board's designee* may waive any provision of this section, including taking witnesses out of order, to expedite or ensure the fairness of the hearing.

(Added to NAC by Contractors' Bd. by R014-02, eff. 7-2-2002; A by R190-03, 1-22-2004)

Section 29. NAC 624 is hereby amended to read as follows:

NAC 624.7289 Examination of witnesses. (NRS 624.100)

1. A party may call any other party or witness as an adverse witness. The party may question such a witness as if conducting a cross-examination.

2. A party who is surprised by the testimony of a witness~~[s]~~ called in good faith as a witness on ~~[his or her]~~ *the party's* behalf ~~[s]~~ may question the witness as if conducting a cross-examination.

3. All testimony to be considered at a hearing must be taken under oath.
(Added to NAC by Contractors' Bd. by R014-02, eff. 7-2-2002; A by R190-03, 1-22-2004)

Section 30. NAC 624 is hereby amended to read as follows:

NAC 624.7293 Petition for rehearing or reconsideration. (NRS 624.100) Except as otherwise provided by law:

1. A petition for a rehearing or reconsideration of a decision *and order* issued by the Board *or the Board's designee* must be served on all parties not later than ~~[15]~~ 14 days after the date of service of a copy of the decision *and order*. The petition must state the specific grounds upon which relief is requested.

2. Any responses to a petition must be served not later than ~~[15]~~ 14 days after the receipt of the petition.

3. If a respondent submits a petition for reconsideration of a decision issued by the Board *or the Board's designee*, the Board or ~~[its designee]~~ *the Board's designee* will review the petition to determine whether there is good cause for a reconsideration of the decision.

4. If a respondent submits a petition for a rehearing and wishes to present new evidence, the respondent must provide to the Board *or the Board's designee* a statement setting forth the reasons for ~~[his or her]~~ *the* failure to introduce the new evidence at the previous hearing and a detailed description of the new evidence proposed to be introduced.

5. The Board or ~~[its designee]~~ *the Board's designee* will review a petition for a rehearing or reconsideration. A decision concerning the petition will be made not later than ~~[15]~~ 14 days after the petition is filed with the Board. If a new hearing is ordered, the decision concerning the petition will include the time, date and place of the hearing and the reasons for ordering a new hearing. The *new* hearing will be conducted not later than 90 days after ~~[final decision of the Executive Officer]~~ *the decision granting the rehearing or reconsideration*.

6. The Board or ~~[its designee]~~ *the Board's designee* will provide notice of its order approving or denying the petition to all parties at least 5 days before the expiration of the period for filing a petition for judicial review.

7. If a rehearing is conducted, the Board *or the Board's designee* may require the respondent to pay the costs of the rehearing.

(Added to NAC by Contractors' Bd. by R014-02, eff. 7-2-2002; A by R190-03, 1-22-2004)