

**KENNY C. GUINN**  
Governor

**State Of Nevada**

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Randy Schaefer

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## **STATE CONTRACTORS BOARD**

### **MINUTES OF THE RECOVERY FUND SUBCOMMITTEE MEETING MARCH 24, 2003**

#### **1. CALL TO ORDER:**

Mr. Schaefer called the hearing to order at 2:03 p.m. on Monday, March 24, 2003, at the offices of the State Contractors Board, 2310 Corporate Circle, Suite 200, Henderson, Nevada 89074.

#### **COMMITTEE MEMBERS PRESENT:**

Mr. Randy Schaefer, Board Member (Committee Chairman)  
Mr. Spiridon Filios, Board Member  
Mr. Jerry Higgins, Board Member

#### **STAFF MEMBERS PRESENT:**

Ms. Margi Grein, Executive Officer  
Mr. George Lyford, Director of Investigations  
Mr. Chris Denning, Deputy Director of Investigations, Las Vegas  
Mr. Frank Torres, Deputy Director of Investigations, Reno

#### **LEGAL COUNSEL PRESENT:**

Ms. Carolyn Broussard, Legal Counsel

Mr. Lyford stated that Bob Macke had posted the agenda in compliance with the open meeting law on March 17, 2003, at the Sawyer State Building, Clark County Library, and Las Vegas City Hall. The agenda was also posted in both offices of the Board, Henderson and Reno, and on the Board's Internet web site.

Mr. Lyford informed Mr. Schaefer that all of the Las Vegas claimants had signed the request for a closed hearing, however, the Reno claimants had not.

#### **2. QUALITY LAWNS & GARDENS, LICENSE #45592**

Arturo Castrejon, Owner  
Cindy Polizzi, Homeowner  
L-0204-070-RF

No one from Quality Lawns & Gardens was present.

Cindy Polizzi, Homeowner and Chris Denning, Deputy Director of Investigations were sworn in.

The Recovery Fund File was entered into the record as Exhibit 1.

Mr. Denning testified that Ms. Polizzi entered into a contract with Quality Lawns & Gardens on March 15, 2000, which included a one-year warranty on all plants and irrigation, for a total contract price of \$2,800.00. Ms. Polizzi has paid Quality Lawns \$2,800.00. Approximately ten (10) plants have died and were not replaced by Quality Lawns & Garden.

**MR. FILIOS RECOMMENDED TO AWARD THE CLAIMANT \$355.00.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**3. CHRISTIANSEN POOLS**, LICENSE #10682

Ralph A. Christiansen, Owner  
Nathaniel Sayno, Homeowner  
L-0207-122-RF

No one from Christiansen Pools was present.

Mr. Nathaniel Sayno was not present.

The Recovery Fund File was entered into the record as Exhibit 1.

Chris Denning, Deputy Director of Investigations was sworn in.

Mr. Denning testified that Nathaniel Sayno entered into a contract with Christiansen Pools on January 1, 2001, for the construction of a swimming pool for a total contract price of \$17,250.00, which was paid in full. The project had been excavated plus the rough plumbing and steel installed at the time of abandonment by Christiansen Pools. Mr. Sanyo paid an additional \$8,501.46 to complete the pool.

**MR. FILIOS RECOMMENDED TO AWARD THE CLAIMANT \$8,501.46.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**4. FOLLMER CONTRACTING, INC.**, LICENSE #40758

Walter Follmer, President  
Bob D'Errico, Homeowner  
L-0302-022-RF

No one from Follmer Contracting, Inc. was present.

Mr. Bob D'Errico, Homeowner, was not present.

Chris Denning, Deputy Director of Investigations was sworn in.

The Recovery Fund File was entered into the record as Exhibit 1.

Mr. Denning testified that Bob D'Errico entered into a contract with Follmer Contracting, Inc. on March 20, 2000, to apply a concrete coating/stain to the area around the pool, upper patio and the sidewalk to the gate, for a total contract price of \$6,444.00, which was paid in full. Mr. D'Errico filed a claim against the Residential Recovery Fund due to the delamination of the concrete coating.

**MR. FILIOS RECOMMENDED TO AWARD THE CLAIMANT \$6,444.00.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**5. PALOMINO VALLEY CONSTRUCTION**, LICENSE #37975

Charles Helton, Owner

Michael Kendig, Homeowner

L-0111-189-RF

No one from Palomino Valley Construction was present.

Mr. and Mrs. Michael Kendig, Homeowners; Investigator Gary Leonard; and Frank Torres, Deputy Director of Investigations were sworn in.

The Recovery Fund File was entered into the record as Exhibit 1.

Mr. Torres testified that the Kendigs entered into a contract with Palomino Valley Construction on August 14, 1999, to construct a personal residence, for a total contract price of \$321,378.00. The Kendigs estimated that the project was 35% to 40% complete at the time they terminated the Respondent's contract, due to liens filed against the residence. The Kendigs re-hired the Respondent as an employee to help complete the project. The Kendigs filed a workmanship complaint against the Respondent after the Respondent's license was revoked.

Mr. Kendig testified that they had to hire the Respondent back as an employee as they were unable to find another contractor to finish the project.

Mrs. Kendig testified that the plans, engineering, grading, excavating, foundation, water line, and septic were completed; the drywall was in place but not taped and finished; the rough work, framing, pre-stucco, trusses and roofing, windows, and part of the

insulation were completed; and the heating and air conditioning were started when the Respondent was terminated from the project.

Investigator Leonard testified \$62,042.95 was paid to the Respondent, however, Mr. Kendig confirmed he had the money wire transferred to his account and not to the Respondent.

Discrepancies were noted in the total amount of money paid to the Respondent and total work performed.

**MR. HIGGINS RECOMMENDED THAT THIS MATTER BE CONTINUED TO GIVE HOMEOWNER THE OPPORTUNITY TO PROVIDE DOCUMENTATION RELATED TO PAYMENTS MADE BY PNC MORTGAGE COMPANY, TO THE HOMEOWNER AND THE RESPONDENT AND TO FURTHER DETERMINE THE AMOUNT OF WORK COMPLETED. THE INVESTIGATIONS DEPARTMENT ADDITIONALLY REQUIRES ADDITIONAL TIME TO VERIFY THE FACTS AND CIRCUMSTANCES OF THE CASE, PRIOR TO PRESENTING IT AGAIN TO THE COMMITTEE.**

**MR. FILIOS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**6. BLADES CONSTRUCTION**, LICENSE #23397

Jerry Blades, Owner  
Keith Kellison, Homeowner  
L-0112-035-RF

No one from Blades Construction was present.

Keith Kellison, Homeowner; Investigator Gary Hoid; and Frank Torres, Deputy Director of Investigations were sworn in.

The Recovery Fund File was entered into the record as Exhibit 1.

Mr. Torres testified that Keith Kellison entered into a contract with Blades Construction for the construction of a single-family residence, for a total contract price of \$654,240.00. The Respondent was paid a total of \$726,681.80. The project was approximately 60% completed at the time Respondent was asked to leave due to financial differences and lack of supervision. Mr. Kellison provided estimates from three companies for repairs for the cabinets only.

**MR. HIGGINS RECOMMENDED TO AWARD THE CLAIMANT \$30,000.00.**

**MR. FILIOS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**7. AQUA POOLS & SPAS**, LICENSE #32428  
Frank Salazar and Margaret Salazar, Partners  
Mary Zegrean, Homeowner  
L-0202-059-RF

No one from Aqua Pools & Spas was present.

Mary Zegrean, Homeowner and Chris Denning, Deputy Director of Investigations were sworn in.

The Recovery Fund File was entered into the record as Exhibit 1.

Mr. Denning testified that the Zegreans entered into a contract with Aqua Pools & Spas for the construction of a swimming pool at their residence for a total contract price of \$25,740.00, of which \$20,180.00 was paid. The project was approximately 50% complete when Aqua Pools & Spas abandoned the project.

**MR. HIGGINS RECOMMENDED TO AWARD THE CLAIMANT \$12,000.00.**

**MR. FILIOS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

The meeting was adjourned at 3:20 pm.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Randy Schaefer, Committee Chairman