

Jim Gibbons  
Governor

STATE OF NEVADA



STATE CONTRACTORS BOARD

MINUTES OF THE MEETING

February 13, 2008

REPLY TO:

**LAS VEGAS**  
2310 Corporate Circle  
Suite 200  
Henderson, Nevada 89074  
(702) 486-1100  
Fax (702) 486-1190  
Investigations (702) 486-1110

[www.nscb.state.nv.us](http://www.nscb.state.nv.us)

**RENO**  
9670 Gateway Drive, Suite 100  
Reno, Nevada 89521  
(775) 688-1141  
Fax (775) 688-1271  
Investigations (775) 688-1150

**MEMBERS**

MARGARET CAVIN, CHAIR  
SPIRIDON FILIOS, VICE CHAIR  
MICHAEL EFSTRATIS  
JERRY HIGGINS  
WILLIAM "BRUCE" KING  
RANDY SCHAEFER  
GUY M. WELLS

**CALL TO ORDER:**

Hearing Officer Jerry Higgins called the meeting of the State Contractors Board to order at 9:05 a.m., Wednesday February 13, 2008, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

**BOARD MEMBERS PRESENT:**

Mr. Michael Efstratis  
Mr. Jerry Higgins

**STAFF MEMBERS PRESENT:**

Mr. Gary Hoid, Deputy Director of Investigations  
Mr. George J. Lyford, Director of Investigations

**LEGAL COUNSEL PRESENT:**

Mr. David Brown, Esq., Legal Counsel  
Mr. Bruce Robb, Esq., Legal Counsel

The agenda was posted in compliance with the open meeting law February 5, 2008 at Reno City Hall, Washoe County Court House and Washoe County Library. The agenda was also posted in both offices of the Board, Henderson and Reno and on the Board Internet Website.

**ADJUDICATING BOARD MEMBER: JERRY HIGGINS**

**1. SUMMARY SUSPENSION:**

**ATLAS TILE & STONE, LICENSE NOS. 58478 and 59360**

Pursuant to the provisions of NRS 624.291(4) in the interest of the public health, safety and welfare, the licenses of Atlas Tile & Stone, license numbers 58478 and 59360 were summarily suspended.

**SUMMARY SUSPENSION:**

**CROSS CREEK POOLS & SPAS, LICENSE NO. 47930**

Pursuant to the provisions of NRS 624.291(4) in the interest of the public health, safety and welfare, the license of Cross Creek Pools & Spas, license number 47930 was summarily suspended.

**2. DISCIPLINARY HEARING:**

**ZORRO, INC. dba CABINET FACERS and KITCHEN CONCEPTS, LICENSE NO. 59601**

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

- Exhibit 2 – Series of Photos
- Exhibit 3 – Bid from Let's Face It
- Exhibit 4 – Authorization for Point of Contract

The following Respondent Exhibits were entered:

- Exhibit A – Contracts
- Exhibit B – August 23, 2007 letter to Gary Hoid
- Exhibit C – Series of hand written notes
- Exhibit D – Telephone conversations
- Exhibit E – January 28, 2008 series of photographs

**Hearing Officer Higgins found Respondent Marc Alan Fox President of Zorro Inc., dba Cabinet Facers and Kitchen Concepts, license number 59601 guilty of violating NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NRS 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner. The Fourth Cause of Action was dismissed with the understanding that Marc Fox will indemnify the license. Licensee is to complete the Dhingra repairs by March 13, 2008 to the satisfaction of the Board's Investigator. If repairs are not completed by March 13, 2008, this case will be brought back before the Hearing Officer. Investigative costs of \$1,745.00 are to be paid within sixty (60) days of February 13, 2008.**

**3. DISCIPLINARY HEARING:  
LAMPRECHT CONSTRUCTION, LICENSE NO. 22004**

Licensee was present and represented by Brian McMahon, Esq.

The following Agency Exhibit was entered:

- Exhibit 1 – Board Hearing File

The following Respondent Exhibits were entered:

- Exhibit A – First Supplementation of Discovery
- Exhibit B – Original Roof Plans
- Exhibit C – John Lundy Plans
- Exhibit D – Second Supplementation of Discovery

**Hearing Officer Higgins took the matter under submission.**

**4. DISCIPLINARY HEARING:  
PRESTO GENERAL BUILDERS, LLC., LICENSE NOS. 51795A, 57595A and 57596A**

Licensee was present and represented by Hal Taylor, Esq.

The following Agency Exhibits were entered:

- Exhibit 1 – Board Hearing File
- Exhibit 2 – Summary of Charges

**Hearing Officer Higgins found Respondent Deborah Ann Presto Manager of Presto General Builders, LLC, license numbers 51795A, 57595A and 57596A guilty of violating NRS 624.3012(2) failure to pay for materials and services; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action. The First Cause of Action was dismissed. Licensee was ordered to provide a current financial statement within 60 days; reimburse Reno Lumber \$270,000.00 and pay investigative costs of \$2,157.00 within 60 days**

of February 13, 2008 or license numbers 51795A, 59594A and 57596A will automatically be suspended.

**5. DISCIPLINARY HEARING:  
RAY ESSLING ENTERPRISES, LICENSE NO. 17461**

Licensee was present and represented by Hal Taylor, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Higgins found Respondent Raymond Carl Essling Owner of Ray Essling Enterprises, license number 17461 guilty of violating NRS 624.305(1) & (2) unlawful use, assignment or transfer of license. The First, Third, Fourth, Fifth, Sixth, Seventh and Eighth Causes of Action were dismissed. License number 17461 was Revoked. Respondent was ordered to pay full restitution to the damaged parties and reimburse the Board for investigative costs of \$3,259.00 and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

**6. DISCIPLINARY HEARING:  
NEVADA TOPS dba NEVADA TOPS & FLOORING, LICENSE NO. 55773**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Higgins found Respondent Thomas Joseph Aleo, Sr., President of Nevada Tops Inc., dba Nevada Tops & Flooring, license number 55773 guilty of violating NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NRS 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.3013(5), as set forth in NAC 624.640(5) each licensee shall include in all bids he submits or contracts he enters into for construction work within this State, the number of his license and any monetary limit placed upon his license; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; NRS 624.3013(4) failure to keep in full force the bond or cash deposit pursuant to NRS 624.270 for the full period required by the Board; NRS 624.3013(3), failure to establish financial responsibility. Mr. Aleo was ordered to pay a fine of \$500.00 each for the First, Second, Third, Fourth, Fifth, Sixth and Seventh Causes of Action for a total fine of \$3,500.00; and investigative costs in the amount of \$1,878.00. Fines and costs shall be paid within sixty (60) days of February 13, 2008 or license number 55773 will be automatically revoked.

**7. DISCIPLINARY HEARING-DEFAULT ORDER:  
ADVANCED PLUMBING SYSTEMS, INC., LICENSE NO. 60219**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Higgins found Respondent David Lawson Denninger, President of Advanced Plumbing Systems, Inc. license number 60219 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Licensee was found guilty of NRS 624.301(1) abandonment without legal excuse of any construction project or operation engaged in or undertaken by the licensee as a contractor; NRS 624.301(2) abandonment of a construction project when the percentage of the project completed in less than the percentage of the total price of the contract paid; NRS 624.301(5) willful failure or refusal to comply with terms of a construction contract

or written warranty thereby causing material injury to another; NRS 624.302(5) failure or refusal to cooperate in an investigation; NRS 624.302(6) failure or refusal to comply with a written request by the Board for information or records; NRS 624.3013(3) failure to establish financial responsibility. License number 58497 was Revoked. Respondent was ordered to pay full restitution to the homeowner and reimburse the Board for investigative costs of \$1,935.00 and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

**DISCIPLINARY HEARING-DEFAULT ORDER:**  
**BUGICA LANDSCAPING and EXCAVATION, LICENSE NOS. 11841A, 52957 and 56323**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Higgins found Respondent Gary L. Bugica President of Bugica Landscaping and Excavation, license numbers 11841A, 52957 and 56323 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Licensee was found guilty of NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NRS 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.3013(4) failure to keep in full force the bond or cash deposit pursuant to NRS 624.270 for the full period required by the Board; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3013(5), as set forth in NAC 624.640(5) each licensee shall include in all bids he submits or contracts he enters into for construction work within this State, the number of his license and any monetary limit placed upon his license; NRS 624.3016(6) failure to comply with NRS 624.600 which requires disclosures by general building contractors; NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action; NRS 624.3013(3) failure to establish financial responsibility. License numbers 11841A, 52957 and 56323 were Revoked. Respondent was ordered to pay a fine of \$3,100.00; full restitution to the Ayers; reimburse the Board for investigative costs of \$1,733.00 and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Higgins at 3:15 p.m.

Respectfully Submitted,

\_\_\_\_\_  
Sandy Diederich, Recording Secretary

APPROVED:

\_\_\_\_\_  
Margi A. Grein, Executive Officer

\_\_\_\_\_  
Jerry Higgins, Hearing Officer