

JIM GIBBONS
Governor

STATE OF NEVADA



STATE CONTRACTORS BOARD

MINUTES OF THE MEETING December 17, 2008

REPLY TO:

LAS VEGAS
2310 Corporate Circle
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Henderson, Nevada 89074
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RENO
9670 Gateway Drive, Suite 100
Reno, Nevada 89521
(775) 688-1141
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MEMBERS

Guy M. Wells, Chairman
Kevin E. Burke
Michael Efstratis
John C. Ellison
Jerry Higgins
Nathaniel W. Hodgson, III
William "Bruce" King

CALL TO ORDER:

Hearing Officer Higgins called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, December 17, 2008, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Jerry Higgins
Mr. Kevin Burke
Mr. Nathaniel Hodgson
Mr. John Ellison

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George Lyford, Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement
Mr. Chris Denning, Deputy Director of Investigations

LEGAL COUNSEL PRESENT:

Mr. Jonathan Andrews, Esq., Legal Counsel
Mr. David Brown, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on December 11, 2008, at Las Vegas City Hall, Sawyer State Building and Clark 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. DISCIPLINARY HEARING: (Continued from June 25, 2008)

HIGHLAND DEVELOPMENT COMPANY, dba WESTMARK HOMES, LICENSE NO. 31926

M.A.O. CORPORATION, LICENSE NO. 47521

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

License number 31926, Highland Development Company, dba Westmark Homes and license number 47521, M.A.O. Corporation, were revoked. The Respondent shall make restitution to all damaged parties prior to the Board's consideration for relicensure. The investigative costs of \$4,274.00 remain in full force.

2. DISCIPLINARY HEARING: (Continued from July 23, 2008 and September 24, 2008)

INVESTMENT EQUITY DEVELOPMENT, LLC, LICENSE NO. 56304

INVESTMENT EQUITY BUILDERS, LLC, LICENSE NO. 47257

Licensee was present with counsel, Christopher Reade, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter was continued for ninety (90) days.

3. DISCIPLINARY HEARING:

AMERICAN ASPHALT AND GRADING COMPANY, LICENSE NO. 31785

Licensee was present with counsel, Keith Gregory, Esq. and Gary Hayes, Esq. (spelling)?

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter was continued to January 28, 2009.

4. DISCIPLINARY HEARING:

L.T.D. BUILDERS, INC., LICENSE NO. 53140

Licensee was present.

Two witnesses testified.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Estimate from Calvagno Construction, LLC to Lashia Macauley dated September 3, 2008.

The following Respondent Exhibits were entered:

Exhibit A - Respondent's Answer to the Board's Complaint.

Exhibit B - Respondent's letter to the Board dated November 24, 2008.

Hearing Officer Higgins found Respondent guilty of one (1) violation of NRS 624.3017(1) substandard workmanship, no fine was assessed. The Second, Third, Fourth and Fifth Causes of Action were dismissed. Respondent was assessed a total fine of \$1,240.06 and investigative costs were in the amount of \$2,803.00, to be paid within sixty (60) days of hearing or license number 53140, L.T.D. Builders, Inc., will be suspended. The Respondent shall make restitution to Lashia Macauley in the amount of \$5,000.00 and release the lien on the property within sixty (60) days of hearing or license number 53140, L.T.D. Builders, Inc., will be suspended.

5. DISCIPLINARY HEARING:

ARCHITECTURAL STONE IMPORTS, LICENSE NO. 69427

Licensee was present with counsel, Lance Welch, Esq.

Eight witnesses testified.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Bids and estimates to complete the Kean project.

Exhibit 3 - Three (3) photos of the business address, 5870 South Decatur, Las Vegas, Nevada, taken by Board Investigator Greg Welch.

Exhibit 4 - A Subpoena issued to the State of Nevada, Department of Employment Security and their response.

Exhibit 5 – Four (4) subpoenas issued for Tricia Kean.

The following Respondent Exhibits were entered:

Exhibit A- Respondent's Answer to the Board's complaint.

Exhibit B – Respondent's Supplemental Answer.

Exhibit C – Subpoenas issued by the Board.

Exhibit D – A signed Affidavit of Srilata R. Shah, Esq.

Exhibit E – A letter from counsel to Tricia Kean dated August 19, 2008.

Exhibit F – An e-mail from Tricia Kean to Mick Flak dated September 12, 2008.

Exhibit G - A To Whom It May Concern letter from Legacy Woodworks, LLC.

Exhibit H - A To Whom It May Concern letter regarding crème marfil classic or standard marble variations.

Hearing Officer Higgins will take this matter under submission and will submit a written decision within thirty (30) days.

6. DISCIPLINARY HEARING – STIPULATED REVOCATIONS:

INNOVATIVE COMMUNITIES OF NEVADA, LLC, LICENSE NO. 51501

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit # 1 – Board Hearing File.

Hearing Officer Higgins found Respondent guilty of one (1) violation of NRS 624.3012(2) willful failure to pay any money when due for materials or service; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$2,000.00 and investigative costs were in the amount of \$1,699.00. License number 51501, Innovative Communities of Nevada, LLC, was revoked. Respondent was ordered to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

7. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. COYOTE DEVELOPMENT CORPORATION, LICENSE NO. 62351

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter was continued for thirty (30) days.

b. LEAVITT LANDSCAPING, INC., LICENSE NO. 50146

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent Leavitt Landscaping, Inc., license number 50146, Delbert Elwin Leavitt, President, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Leavitt was found guilty of three (3) violations of NRS 624.3012(2) willful failure to pay any money when due for materials or service; one (1) violation of NRS 624.3013(4) failure to keep bond in force; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$3,500.00 and investigative costs were assessed in the amount of \$1,804.00. License number 50146, Leavitt Landscaping, Inc., license number 50146, was revoked. Respondent was ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs prior to consideration of future licensure.

c. TRILOGY GROUP, LICENSE NO. 60589

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent Kevin Mark Nilsen, dba Trilogy Group, license number 60589, Kevin Mark Nilsen, owner, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Nilsen was found guilty of one (1) violation of NRS 624.3012(3) Failure to obtain the discharge or release of any lien recorded against the property; one (1) violation of NRS 624.302(5) failure to comply with a written request by the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$1,250.00 and investigative costs were in the amount of \$1,441.00. Kevin Mark Nilsen, dba Trilogy Group, license number 60589, was revoked. Respondent was ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs prior to consideration of future licensure.

d. A A A ELEVATOR, LLC, LICENSE NO. 52889

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent A A A Elevator, LLC, license number 52889, Mile Samanc, Manager, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Samanc was found guilty of one (1) violation of NRS 624.301(5) failure to comply with the terms of the construction contract, thereby causing material injury to another; one (1) violation of NRS 624.301(1) abandonment of construction project; one (1) violation of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; one (1) violation of 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 the license and any monetary limit placed upon his license; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3013(4) failure to keep bond in force. Respondent was assessed a total fine of \$3,350.00 and investigative costs were in the amount of \$1,435.00. License number 52889, A A A Elevator, LLC, was revoked. Respondent was ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs prior to consideration of future licensure.

e. WEST TECH PAINT & DRYWALL, INC., LICENSE NO. 68215

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent West Tech Paint & Drywall, Inc., license number 68215, Charles Edward Little, President, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Little was found guilty of one (1) violation of NRS 624.302(5) failure to comply with a written request by the Board; one (1) violation of NRS 624.3013(4) failure to keep bond in force; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify Board of change of address or personnel and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$2,000.00 and investigative costs were in the amount of \$1,721.00. The Fifth Cause of Action was dismissed. License number 68215, West Tech Paint & Drywall, Inc., was revoked. Respondent was ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs prior to consideration of future licensure.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Higgins at 4:29 p.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Jerry Higgins, Hearing Officer