

JIM GIBBONS
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

Guy M. Wells, Chairman
Margaret Cavin
Michael Efstratis
Spiridon G. Filios
Jerry Higgins
William "Bruce" King
Randy Schaefer



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STATE CONTRACTORS BOARD

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**MINUTES OF THE MEETING
November 19, 2008**

CALL TO ORDER:

Hearing Officer King called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, November 19, 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. Bruce King
Mr. Jerry Higgins

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 November 13, 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: BRUCE KING

1. DISCIPLINARY HEARING:

COPERTINO, INC., LICENSE NO. 63408

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The Following Respondent Exhibits were entered:

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

Exhibit B – Johnstone Supply invoice dated July 10, 2008.

Hearing Officer King found Respondent guilty of one (1) violation of NRS 624.3014(1)(a) acting in the capacity of a contractor under a license issued under the name of the licensee; 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 624.3016(1) any fraudulent act committed in the capacity of a contractor, misrepresentation or omission of a fact; one (1) violation of NRS 624.3011(1)(b)(1) willful disregard of the building laws of the State. Respondent was assessed an administrative fine of \$500.00 for the First Cause of Action, \$1,000.00 for each of the Second, Third and Fourth Causes of Action, for total fines of \$3,500.00 and investigative costs in the amount of \$1,490.00, fines and costs to be paid within thirty (30) days of the November 19, 2008 Board Hearing or license number 63408, Copertino, Inc., will be suspended. Mr. Copertino was ordered to pay restitution to Stacey Wright. Ms. Wright is to advise the Board if there are any additional costs over and above the \$370.00 already received by the Respondent.

2. DISCIPLINARY HEARING:

AMERICAN PREMIERE, INC., LICENSE NO. 51594

Licensee was present.

Homeowners counsel was present, Bryce Buckwalter, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent Exhibit's were entered:

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

Exhibit B - Respondent's exhibits.

Hearing Officer King found Respondent guilty of three (3) violations of NRS 624.3017(1) substandard workmanship. Respondent was assessed an administrative fine of \$100.00 for each of the First, Second and Third Causes of Action, for total fines of \$300.00 and investigative costs in the amount of \$1,632.00, fines and costs to be paid within sixty (60) days of the November 19, 2008 Board Hearing or license number 51594, American Premiere Inc., will be suspended.

3. DISCIPLINARY HEARING: (Continued from October 22, 2008)

ADT CONSTRUCTION GROUP, INC., LICENSE NO. 53464

ADT CONSTRUCTION GROUP, INC., dba ADVANCED DEMOLITION TECHNOLOGIES, LICENSE No. 50051

ADT CONSTRUCTION GROUP, INC., dba S & G FIREPROOFING, LICENSE NO. 50081

LOGIC, LLC, LICENSE NO. 70943

Licensee was present with counsel, Evan James, Esq. and Sarah Cope, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent Exhibits were entered:

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

Exhibit B – Respondent's Lodged Documents.

Hearing Officer King ordered Respondent to provide a financial statement for license numbers 53464, 50051 and 50081 within twenty (20) days of the November 19, 2008 Board Hearing. If Mr. Vasquez removes himself from license number 70943, Logic, LLC, Logic, LLC does not have to provide a financial statement. This matter has been continued to December 18, 2008.

4. DISCIPLINARY HEARING – STIPULATED REVOCATIONS:

SAHARA LANDSCAPE, INC., LICENSE NO. 50024

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit # 1 – Board Hearing File.

Hearing Officer King found Respondent guilty of one (1) violation of NRS 624.3017(1) substandard workmanship; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; 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 624.302(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(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$1,000.00 for the First, Second, Third, Fourth, Fifth and Sixth Causes of Action, investigative costs were in the amount of \$1,940.00. License number 50024, Sahara Landscape, Inc., 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.

BEBOUT CONCRETE CONSTRUCTION, LLC, LICENSE NO. 45537

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit # 1 – Board Hearing File.

Hearing Officer King found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility, no fines were assessed, investigative costs were in the amount of \$1,978.00. License number 45537, Bebout Concrete Construction, 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.

L E H CONTRACTING, INC., LICENSE NO. 59901

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit # 1 – Board Hearing File.

Hearing Officer King found Respondent guilty of one (1) violation of NRS 624.3013(4) failure to keep bond in force. Respondent was assessed an administrative fine of \$250.00 and investigative costs were in the amount of \$1,953.00. The First, Second, Third and Fourth Causes of Action were dismissed. License number 59901, L E H Contracting, 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.

AMLAND DEVELOPMENT, INC., LICENSE NO. 33499 (Continued from September 24, 2008)

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit # 1 – Board Hearing File.

Hearing Officer King found Respondent guilty of three (3) violations 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, no fines were assessed, investigative costs were in the amount of \$2,685.00. License number 33499, Amland Development, Inc., 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.

ON THE LEVEL CONTRACTING, LICENSE NO. 44934 (Continued from October 22, 2008)

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit # 1 – Board Hearing File.

Hearing Officer King found Respondent 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 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; one (1) violation of NRS 624.301(1) abandonment of construction project; one (1) violation of NRS 624.301(4) failure to prosecute a construction project with reasonable diligence; 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 624.3015(1) acting beyond scope of license; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$1,500.00 for the First, Second, Third, Fourth, Fifth, Sixth and Seventh Causes of Action, investigative costs were in the amount of \$1,878.00. License number 44934, On The Level Contracting, 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.

5. DISCIPLINARY HEARING – DEFAULT ORDERS:**a. T. J. K. INCORPORATED, dba OLYMPIC POOLS, LICENSE NO. 26613**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer King found Respondent T. J. K. Incorporated, dba Olympic Pools, , Anthony Pickett Robinson, President, license number 26613 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Robinson was found guilty of violation of one (1) violation of NRS 624.3017(1) substandard workmanship; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$1,500.00 for the First, Second and Third Causes of Action, investigative costs were in the amount of \$1,580.00. License number 26513, T. J. K. Incorporated, dba Olympic Pools, 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.

b. PACIFIC COAST DEVELOPMENT, LICENSE NO. 53208

PICASSO PAINTING, LLC, dba D & H PAINTING & DRYWALL, LICENSE NO. 67283

TRULLI MARBLE & GRANITE, LLC, LICENSE NO. 69749

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer King found Respondent Pacific Coast Development, license number 53208, Picasso Painting, LLC, dba D & H Painting & Drywall, license number 67283 and Trulli Marble & Granite, LLC, license number 69749, Dennis Lee Johnson, President, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Johnson was found guilty of violation of two (2) violations of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$750.00 for the First, Second and Third Causes of Action, investigative costs were assessed in the amount of \$3,603.00, the Fourth Cause of Action was dismissed. License number 53208, Pacific Coast Development, was revoked. Dennis Johnson has stipulated to removing himself on license number 67283, Picasso Painting, LLC, dba D & H Painting & Drywall. The Complaint was withdrawn on this license. Dennis Johnson, Manager of Trulli Marble & Granite, LLC, requested that he be allowed to keep license number 69749. Mr. Johnson is to work with Board staff. 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. EXCEL SERVICES, LLC, dba PRO TECH PAINTING, LICENSE NO. 54308

INTEGRITY INSULATION, INC., LICENSE NO. 60541

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer King found Respondent Excel Services, LLC, dba Pro Tech Painting, license number 54308, Integrity Insulation, Inc., license number 60541, Buck Dewey Howard, President, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Howard 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(3) failure to establish financial responsibility; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a total fine of \$750.00 for the First, Second and Third Causes of Action, investigative costs were in the amount of \$1,392.00. License number 54308, Excel Services, LLC, dba Pro Tech Painting, license number 60541, Integrity Insulation, Inc., were 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. NEVADA INVESTMENT AND DEVELOPMENT, INC., LICENSE NO. 56980

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer King found Respondent Nevada Investment and Development, Inc., license number 56980, Joe R. Gattis, President, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Gattis was found guilty of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 for the First Cause of Action, investigative costs were in the amount of \$1,680.00. License number 56980, Nevada Investment and Development, 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.

e. METROPOLITAN GLASS & MIRROR, INC., LICENSE NO. 55187A

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer King found Respondent Metropolitan Glass & Mirror, Inc., Kim Jean Chappell, President, license number 55187A in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Ms. Chappell was found 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 624.302(5) failure to comply with a written request by the Board; one (1) violation of NRS 624.3016(1) any fraudulent act committed in the capacity of a contractor, misrepresentation or omission of a fact; 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 624.3013(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 \$6,000.00 for the First, Second, Third, Fourth, Fifth and Sixth Causes of Action, investigative costs were in the amount of \$1,799.00. License number 55187A, Metropolitan Glass & Mirror, 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 King at 12:15 p.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Bruce King, Hearing Officer