

JIM GIBBONS
Governor

STATE OF NEVADA



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

RENO

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

MEMBERS
Kevin E. Burke, Chairman
Donald L. Drake
Michael Efstratis
Nathaniel W. Hodgson, III
William "Bruce" King
Stephen P. Quinn
Guy M. Wells

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING

July 28, 2010

CALL TO ORDER:

Hearing Officer Quinn called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, July 28, 2010, 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. Stephen P. Quinn, Hearing Officer
Mr. Donald L. Drake, Board Member

STAFF MEMBERS PRESENT:

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

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 July 22, 2010, 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: STEPHEN QUINN

1. DISCIPLINARY HEARING:

MAC SERVICES, INC., dba MAC ROOFING SERVICES, License No. 42718

SHAMROCK FOAM AND COATINGS, INC., License No. 74649

Licensee was present with counsel, Richard Dreitzer, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

The following Respondent's Exhibits were entered:

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

Exhibit B 1-7 - Seven documents to include a list of disposition of debts owed, certificates of liability and documents regarding debts owed.

Four witnesses testified for the Board.

Two witnesses testified for the Respondent.

Hearing Officer Quinn found Respondent guilty of one (1) violation of NRS 624.3013(2) misrepresentation of a material fact, in connection with any information or evidence furnished the Board in connection with official matters; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 for each of the First and Third Causes of Action and investigative costs of \$1,456.00 plus the cost of the transcript. The Second and Fourth Causes of Action were dismissed. License number 42717 shall be suspended until a current financial statement is provided that supports the license limit. Fines and costs must be paid within sixty (60) days of the July 28, 2010 Board Hearing or license number 42718, Mac Services, Inc., dba Mac Roofing Services and license number 74649, Shamrock Foam and Coatings, Inc. shall be revoked.

2. DISCIPLINARY HEARING:

HAHN GROUP, INC., License No. 57734A

Licensee was not present but was represented by Rose Schneider.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated June 25, 2010.

Exhibit B – Rose Schneider's letter dated July 26, 2010 with Respondent's notarized Power of Attorney to Rose Schneider and a copy of the Bill of Sale of the company.

Four witnesses for the Board.

Hearing Officer Quinn found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3016(2) a conviction in this State or any other jurisdiction of a felony related to the practice of a contractor or a crime involving moral turpitude. Respondent was assessed a fine of \$500.00 for the First Cause of Action; a fine of \$2,000.00 for the Second Cause of Action and investigative costs of \$1,419.00 plus the cost of the transcript. License number 57734A, Hahn Group, Inc. is revoked.

3. DISCIPLINARY HEARING:

BAZ CONSTRUCTION, LLC, License No. 67539

Licensee was present with counsel, Barry Levinson, Esq.

Angelo Iannucci, President and James Bailey, Service Manager from Bombard Electric were present with counsel, Don Williams, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

This matter was continued for sixty (60) days.

4. DISCIPLINARY HEARING:

THE CUSTOM CABINET FACTORY OF NEW YORK, INC., License Nos. 69716 and 42339

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – A letter from Respondent to the Board dated May 11, 2010.

Hearing Officer Quinn found Respondent guilty of one (1) violation of NRS 624.3013(5), as set forth in NRS 624.263(3) a contractor shall notify the Board in writing upon filing of an application that initiates any proceedings or adjudication in bankruptcy court; 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 fine of \$500.00 for each of the First and Second Causes of Action and investigative costs of \$1,354.00 plus the cost of the transcript. License numbers 69716 and 42339, The Custom Cabinet Factory of New York, Inc., are suspended until a current financial statement is provided that supports the license limits.

5. DISCIPLINARY HEARING: (Stipulated Revocation)

a. S. C. M. ENTERPRISES, License Nos. 53090 and 69198

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

Exhibit 2 – A letter from Respondent to the Board dated June 24, 2010.

Hearing Officer Quinn found Respondent guilty of 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; 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 fine of \$500.00 for each of the first and Second Causes of Action and investigative costs of \$1,399.00. License numbers 53090 and 69198, S. C. M. Enterprises were 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.

b. PIONEER WOODWORKING, LTD, License No. 23274

SIN CITY MILLWORKS, LLC, License No. 71164

Licensee was not present.

Robert White, Branch Manager from Peterman Lumber was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

Exhibit 2 – Respondent's Answer to the Board's Complaint dated June 14, 2010.

Exhibit 3 – Respondent's letter to the Board dated June 28, 2010, stipulating to the revocation of the licenses.

Exhibit 4 – A Notice of Dismissal dated October 1, 2009, from the United States Bankruptcy Court, District of Nevada for Case Number 09-12325-bam.

Hearing Officer Quinn found Respondent guilty of one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; 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; 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 fine of \$500.00 for each of the First, Second and Third Causes of Action and investigative costs of \$1,368.00. If both companies are in bankruptcy, no fines or costs will be assessed. License number 23274, Pioneer Woodworking, LTD and license number 71164, Sin City Millworks, LLC were 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.

6. DISCIPLINARY HEARING – DEFAULT ORDERS

a. C & W ENTERPRISES, INC., License Nos. 43362 and 57903

PRIME CONTRACTING, INC., dba PRIME CONTRACTING, INC., License Nos. 73311 and 45403

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

License numbers 73311 and 45403, Prime Contracting, Inc., dba Prime Contracting, Inc. were revoked.

This matter was continued for thirty (30) days.

b. BREAK-EM EXCAVATION, LLC, License No. 49305

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Quinn found Respondent Break-Em Excavation, LLC, license number 49305, Marilee B. Burton, Member and Ricky Joe Burton, Manager and Qualified Individual in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Ms. and Mr. Burton were found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$500.00 and investigative costs in the amount of \$1,323.00. License number 49305 was revoked. Respondent is 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. D. M. K. CONCRETE, INC., License No. 64703

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Mr. Quinn recused himself from this matter and Mr. Drake served as the Hearing Officer.

Hearing Officer Drake found Respondent D. M. K. Concrete, Inc., license number 64703, Darrell Anthony Ruiz, President and Qualified Individual in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Ruiz was found guilty of three (3) 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. License number 64703 was revoked.

d. SOUTHWEST VENTURE GROUP, LLC, License No. 71948

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Quinn found Respondent Southwest Venture Group, LLC, license number 71948, Blair Warner, Member and Qualified Individual in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Warner was found guilty of one (1) violation of NRS 624.302(5) failure to respond to a written request from 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 fine of \$250.00 for the First Cause of Action, a fine of \$500.00 for each of the Second and Third Causes of Action and investigative costs in the amount of \$1,232.00. License number 71948 was revoked. Respondent is 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. DENNIS ROBERT HUMES, dba DENNIS R. HUMES CONSTRUCTION, License No. 37960

MOAPA VALLEY CONCRETE, INC., License No. 68944

MOAPA VALLEY FRAMING AND FINE CARPENTRY, INC., License No. 70447

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

License numbers 37960, Dennis Robert Humes, dba Dennis R. Humes Construction, license number 68944, Moapa Valley Concrete, Inc., and 70447, Moapa Valley Framing and Fine Carpentry, Inc. were suspended.

This matter was continued for thirty (30) days.

f. HYLOFT, INC., License No. 73178

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Quinn found Respondent Hyloft, Inc., license number 73178, Edward Vincent Lower, President in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Lower was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. No fines were assessed due to a pending bankruptcy. License number 73178, Hyloft, Inc., was revoked.

g. WALKER LANDSCAPE, INC., License Nos. 51412, 46892, 60653 and 60654

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Quinn found Respondent Walker Landscape, Inc., license numbers 51412, 46892, 60653 and 60654, Gregory Scott Walker, President in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Walker was found guilty of one (1) violation 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; 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 fine of \$250.00 for the First Cause of Action; a fine of \$500.00 for the Second Cause of Action and investigative costs in the amount of \$1,339.00. License numbers 51412, 46892, 60653 and 60654 were revoked. Respondent is 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.

h. SERGIO R. ALVARES, dba SERGIO ALVARES., License No. 50486

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Quinn found Respondent Sergio Alvares, dba Sergio Alvares, license number 50486, Sergio R. Alvares, Owner, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Alvares was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 for the First Cause of Action and investigative costs in the amount of \$1,170.00. License number 50486 was revoked. Respondent is 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 Quinn at 12:35 P.M.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Stephen P. Quinn, Hearing Officer

Donald A. Drake, Hearing Officer