

JIM GIBBONS
Governor

STATE OF NEVADA



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 14, 2010**

REPLY TO:

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Southern Nevada
2310 Corporate Circle
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CALL TO ORDER:

Hearing Officer Donald L. Drake called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday July 14, 2010, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

STAFF MEMBERS PRESENT:

Ms. Margi A. Grein, Executive Officer
Ms. Nancy Mathias, Licensing Administrator
Mr. George J. Lyford, Director of Investigations
Mr. Gary Hoid, Deputy Director of Investigations

LEGAL COUNSEL PRESENT:

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

The agenda was posted in compliance with the open meeting law July 8, 2010 at Reno City Hall, Washoe County Court House, Washoe County Library, 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- DONALD L. DRAKE

1. DISCIPLINARY HEARING:

BIG VALLEY LANDSCAPING, LICENSE NO. 39796

Respondent was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

The following Respondent Exhibit was entered:

Exhibit A – Answer dated June 10, 2010

Hearing Officer Drake found the Respondent Richard Preston Reeves dba, Big Valley Landscaping, license number 39796 guilty of violating 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(5), as set forth in NAC 624.640(6) each licensee shall ascertain that each person whose bid

on a construction project the licensee considers is appropriately licensed; 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. Hearing Officer Drake ordered the Respondent to pay a fine of \$50.00 each for the Second and Third Causes of Action, \$100.00 each for the Fourth and Seventh Causes of Action, \$250.00 each for the Fifth and Eighth Causes of Action for a total fine of \$800.00; reimburse the Board for investigative costs in the amount of \$2,691.83 within ninety (90) days from July 14, 2010 or license numbers 39796 and 36392 will automatically be revoked. Respondent was ordered to complete the repairs to the Polahar deck within one-hundred twenty (120) days of July 14, 2010 or license numbers 39796 and 36392 will automatically be revoked. If the fines and investigative costs are paid and the corrective order complied with within the above mentioned time frames, Hearing Officer Drake will accept the surrender of license numbers 39796 and 36392. The First, Sixth, Ninth and Tenth Causes of Action were dismissed.

2. DISCIPLINARY HEARING:
GREAT BASIN DECK & SHADE, LICENSE NOS. 72097 AND 72813

Respondent was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File
Exhibit 2 – Trek specifications

The following Respondent Exhibits were entered:

Exhibit A – Letter from Attorney
Exhibit B – Answer from Respondent

Hearing Officer Drake found the Respondent Kurt Karl Krug dba, Great Basin Deck & Shade, license numbers 72097 and 72813 guilty of violating 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 624.3015(1) acting in the capacity of a contractor beyond the scope of the license. Hearing Officer Drake ordered the Respondent to pay a fine of \$50.00 for the Second Cause of Action, \$250.00 each for the Third and Fourth Causes of Action for a total fine of \$550.00; reimburse the Board for investigative costs in the amount of \$2,092.83 and provide a current financial statement that supports the monetary license limit within thirty (30) days of July 14, 2010 or license numbers 72097 and 72813 will automatically be suspended. Respondent was given ninety (90) days from July 14, 2010 to complete the repairs on the Polahar deck. The First and Fifth Causes of Action were dismissed.

3. DISCIPLINARY HEARING:
DON PARSONS CONSTRUCTION LLC, License No. 69869

Respondent was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

The following Respondent Exhibit was entered:

Exhibit A – Answer from Respondent

Hearing Officer Drake found the Respondent Don Parson Construction LLC, license number 69869 guilty of violating 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. Hearing Officer Drake ordered the revocation of license number 69869.

Respondent was ordered to pay a fine of \$500.00 for the Third Cause of Action and a \$100.00 fine for the Sixth Cause of Action for a total fine in the amount of \$600.00; reimburse the Board for investigative costs in the amount of \$1,921.33 within thirty (30) days of July 14, 2010. The First, Second, Fourth and Fifth Causes of Action were dismissed.

**4. DISCIPLINARY HEARING-DEFAULT HEARING:
EAGLE ROOFING, LICENSE NO. 54187**

Respondent was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found the Respondent Donald Dale Freeze, Owner, dba Eagle Roofing, license number 54187 guilty of violating NRS 624.3011(b)(4) failure to comply with the building laws of the state regarding industrial insurance; NRS 624.3016(7) misrepresentation or the omission of a material fact; NRS 624.302(5) failure or refusal to cooperate in an investigation and NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer Drake ordered the revocation of license number 54187. Respondent was ordered to pay a fine of \$750.00 each for the First and Second Causes of Action, \$250.00 for the Third Cause of Action and \$500.00 for the Fourth Cause of Action for a total fine in the amount of \$2,250.00; reimburse the Board for investigative costs of \$1,447.00; pay full restitution to damaged parties and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

**5. DISCIPLINARY HEARING-DEFAULT HEARING:
A B C PLUMBING & HEATING, LICENSE NO. 73412**

Respondent was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found the Respondent Jacob William Fleshaw Owner, dba A B C Plumbing & Heating, license number 73412 guilty of violating 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 and NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer Drake ordered the revocation of license number 73412. Respondent was ordered to pay a fine of \$250.00 each for the First and Second Causes of Action, \$500.00 for the Third Cause of Action for a total fine in the amount of \$1,000.00; reimburse the Board for investigative costs of \$1,774.00; pay full restitution to damaged parties and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

**6. DISCIPLINARY HEARING-DEFAULT HEARING:
D ROCKERIES, LICENSE NO. 62225**

Respondent was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found the Respondent D Rockeries, license number 62225 guilty of violating NRS 624.302(5) failure or refusal to cooperate in an investigation; NRS 624.3016(1) fraudulent or deceitful act and NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer Drake ordered the revocation of license number 62225. Respondent was ordered to pay a fine of \$1,500.00 for the First Cause of Action and \$500.00 for the Second Cause of Action for a total fine in the amount

of \$2,000.00; reimburse the Board for investigative costs of \$1,722.00; pay full restitution to damaged parties and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

7. FINANCIAL RESPONSIBILITY HEARING:

DAVID CLEMENTS, dba DAVID M. CLEMENTS PAINTING, LICENSE NO. 69407

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake suspended license number 69407 for thirty (30) days. The licensee was ordered to provide a satisfactory financial statement that supports the license limit in order for the suspension to be lifted.

8. FINANCIAL RESPONSIBILITY HEARING:

C M D CONTRACTING INC, LICENSE NO. 70019

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

The following Respondent Exhibits were entered:

Hearing Officer Drake found the Respondent guilty of one (1) violation of NRS 624.3013(3) failing to establish financial responsibility and one (1) violation of NRS 624.302(6) failing to comply with a written request by the Board. Respondent was assessed a fine of \$500.00 for the First Cause of Action and \$250.00 for the Second Cause of Action for a total fine of \$750.00 and investigative costs of \$467.16. License number 70019, C M D Contracting Inc, was revoked.

9. FINANCIAL RESPONSIBILITY HEARING:

FLETCHER DOOR & TRIM, INC, LICENSE NO. 72430

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found Respondent guilty of one (1) violation of NRS 624.3013(3) failing to establish financial responsibility and one (1) violation of NRS 624.302(6) failing to comply with a written request by the Board. Respondent was assessed a fine of \$500.00 for the First Cause of Action and \$250.00 for the Second Cause of Action for a total fine of \$750.00 and investigative costs of \$463.78 to be paid within thirty (30) days of July 14, 2010. License number 72430 shall be suspended until a financial statement which supports the monetary license limit is received.

10. FINANCIAL RESPONSIBILITY HEARING:

GLASS DOOR OF LAS VEGAS, FILAKOS, LLC, dba, LICENSE NO. 72455

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found the Respondent guilty of one (1) violation of NRS 624.3013(3) failing to establish financial responsibility and one (1) violation of NRS 624.302(6) failing to comply with a written request by the Board. Respondent was assessed a fine of \$500.00 for the First Cause of Action and \$250.00 for the Second Cause of Action for a total fine of \$750.00 and investigative costs of \$467.15. License number 72455, Glass Door of Las Vegas, Filakos, LLC, dba was revoked.

11. FINANCIAL RESPONSIBILITY HEARING:
JENSEN & SONS CONSTRUCTION OF NEVADA LLC, LICENSE NO. 72519

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found the Respondent guilty of one (1) violation of NRS 624.3013(3) failing to establish financial responsibility and one (1) violation of NRS 624.302(6) failing to comply with a written request by the Board. Respondent was assessed a fine of \$500.00 for the First Cause of Action and \$250.00 for the Second Cause of Action for a total fine of \$750.00 and investigative costs of \$473.04. License number 72519, Jensen & Sons Construction of Nevada LLC was revoked.

12. FINANCIAL RESPONSIBILITY HEARING:
NEVADA SOUTHWESTERN FLOORS, SOUTHWESTERN FLOORS LLC, dba,
LICENSE NOS. 72625 AND 72627

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found the Respondent guilty of one (1) violation of NRS 624.3013(3) failing to establish financial responsibility and one (1) violation of NRS 624.302(6) failing to comply with a written request by the Board. Respondent was assessed a fine of \$500.00 for the First Cause of Action and \$250.00 for the Second Cause of Action for a total fine of \$750.00 and investigative costs of \$473.71. License numbers 72625 and 72627, Nevada Southwestern Floors, Southwestern Floors LLC were revoked.

13. FINANCIAL RESPONSIBILITY HEARING:
ACCELERATED HOME THEATER, ADVANCED HOME THEATER, dba, LICENSE NO. 72800

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found the Respondent guilty of one (1) violation of NRS 624.3013(3) failing to establish financial responsibility and one (1) violation of NRS 624.302(6) failing to comply with a written request by the Board. Respondent was assessed a fine of \$500.00 for the First Cause of Action and \$250.00 for the Second Cause of Action for a total fine of \$750.00 and investigative costs of \$463.78. License number 72800 was revoked.

**14. FINANCIAL RESPONSIBILITY HEARING:
GENOA PEAK ELECTRIC, LICENSE NO. 69774**

Licensee was present with Jeffrey Roullard, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found the Respondent guilty of one (1) violation of NRS 624.3013(3) failing to establish financial responsibility. Respondent was assessed a fine of \$500.00 for the First Cause of Action. License number 69774 will remain suspended until the fine and investigative costs of \$492.61 are paid and a current financial statement that supports the monetary license limit is provided.

**15. FINANCIAL RESPONSIBILITY HEARING:
ATRIUM DOOR AND WINDOW COMPANY OF ARIZONA, LICENSE NO. 40871
ATRIUM DOOR AND WINDOW COMPANY WEST COAST, LICENSE NO. 73108**

Licensee was represented by Scott Kelsey, Esq.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

The following Respondent Exhibits were entered:

Exhibit A – Certificate of Ownership

Exhibit B – Proforma financial statement for their Indemnitor

Hearing Officer Drake found Respondent guilty of one (1) violation of NRS 624.3013(3) failing to establish financial responsibility. Hearing Officer Drake accepted the surrender of license numbers 40871 and 73108.

**16. FINANCIAL RESPONSIBILITY HEARING:
BLUE ROCK DEVELOPMENT INC, LICENSE NO. 72433**

Licensee was present with Scott Gilles, Esq.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found Respondent guilty of one (1) violation of NRS 624.3013(3) failing to establish financial responsibility and one (1) violation of NRS 624.302(6) failing to comply with a written request by the Board. License number 72433 will remain suspended until the \$1,500.00 fine and investigative costs of \$487.53 are paid from the April 28, 2010 hearing and a current financial statement that supports the monetary license limit is provided.

**17. FINANCIAL RESPONSIBILITY HEARING:
EQUIVEST SERVICES E I S LTD, LICENSE NO. 69943**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found Respondent guilty of one (1) violation of NRS 624.3013(3) failing to

establish financial responsibility. Respondent was assessed a fine of \$500.00 for the First Cause of Action and investigative costs of \$519.76 to be paid within thirty (30) days. License will be reinstated upon payment of the fines and fees.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Donald L. Drake at 1:30 p.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Donald L. Drake, Hearing Officer