

BRIAN SANDOVAL
Governor

STATE OF NEVADA



REPLY TO:

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

www.nscb.state.nv.us

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

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

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING February 23, 2011

CALL TO ORDER:

Hearing Officer Burke called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, February 23, 2011, 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. Kevin Burke, Hearing Officer
Mr. Thomas "Jim" Alexander, Board Member
Mr. Donald Drake, Board Member

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

Mr. Jonathan Andrews, Esq., Legal Counsel
Mr. Louis Ling, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on February 16, 2011, 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: KEVIN BURKE

1. DISCIPLINARY HEARING:

CHARLES WILLIAM WEBER, III, Owner, dba W. B. R. MECHANICAL, License No. 39556

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Hearing Officer Burke 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(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 \$1,000.00 for the First Cause of Action; a fine of \$50.00 for the Second Cause of Action; a fine of \$500.00 for the Third Cause of Action for total fines of \$1,550.00 and

investigative costs of \$1,413.00. License number 39556, Charles William Weber, III, Owner; dba W. B. R. Mechanical was revoked. Respondent was ordered to make full restitution to all damaged parties and fines and investigative costs prior to consideration of future licensure.

2. DISCIPLINARY HEARING:

CLARK AND SULLIVAN CONSTRUCTORS, INC., dba CLARK AND SULLIVAN CONSTRUCTION,
License No. 12997

Licensee was present with counsel, William Magrath, Esq.

One witness testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – A letter from the Respondent to the Board dated June 28, 2010.

This matter was continued.

3. DISCIPLINARY HEARING:

DUNRITE CONSTRUCTION, INC., License No. 18138

Licensee was present with counsel, Jack Juan, Esq., and Candice Renka, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – An e-mail from Candice Renka, Esq. to the Board dated February 16, 2011.

The following Respondent's Exhibits were entered:

Exhibit A – Answer to the Board's Complaint dated January 28, 2011.

Dunrite Construction agreed to lower its license limit to \$1,000,000.00 and is to provide monthly updates to Board staff. Jack Juan, Esq. requested a ninety (90) day continuance to allow the Respondent an opportunity to enter into payment plans with the three (3) complainants.

This matter was continued for ninety (90) days.

4. DISCIPLINARY HEARING: (Continued from June 16, 2010)

HEDGEHUNTERS, INC., License Nos. 32846, 64844, 52247

AMAZON CONSTRUCTION CORPORATION, License Nos. 54331, 54323

STONE STYLES, INCORPORATED, License No. 68467

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board’s Hearing File.

Exhibit 6 – A letter from Robert E. Schumacher, Esq., Edward Malik’s counsel, to Hedgehunters, Inc. dated May 11, 2010 with attachments.

Hearing Officer Burke dismissed the 2nd Cause of Action (NRS 624.3013(5), per NAC 624.700(3)(a)). The original fine for the Second Cause of Action shall be dismissed. Amazon Construction Corporation and Stone Styles, Inc., shall be dismissed from the Board’s Complaint. The licenses of Hedgehunters, Inc. shall remain suspended until such time as a current financial statement is provided and the fines and costs are paid. Hedgehunters, Inc., Amazon Construction Corporation and Stone Styles, Inc. agreed to dismiss their petition for Judicial Review.

5. DISCIPLINARY HEARING: (Stipulated Revocation)

a. MIKE TOCCO ROOFING, INC., License No. 46627

TOCCO ROOFING, INC., License No. 74116

Licensee was present with counsel Craig Marquez, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

The following Respondent’s Exhibits were entered:

Exhibit A – A letter from Respondent to the Board dated January 31, 2011.

Exhibit B – Respondent’s Answer to the Board’s Complaint dated January 28, 2011.

Hearing Officer Burke 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, for total fines of \$1,000.00 and investigative costs of \$1,411.00. License number 46627, Mike Tocco Roofing, Inc., license number 74116, Tocco Roofing, Inc. 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. OLYMPIC PATIO CONSTRUCTION, License No.61420

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

The following Respondent’s Exhibits were entered:

Exhibit A – A letter from Respondent to the Board dated February 2, 2011.

Hearing Officer Burke 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 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 624.3013(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; 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 Sixth Causes of Action, a fine of \$50.00 for each of the Second, Third and Fifth Causes of Action, a fine of \$100.00 for the Fourth Causes of Action for total fines of \$1,250.00 and investigative costs of

\$1,482.00. License number 61420, Olympic Patio Construction 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.

6. DISCIPLINARY HEARING – DEFAULT ORDERS

a. LEGACY WOODWORKS, LLC, License No. 71377

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter was continued for thirty (30) days. Respondent is ordered to provide an Answer to the complaint and a current financial statement. License number 71377, Legacy Woodworks, LLC shall be suspended until the Hearing.

b. R. W. STUCCO, INC., License No. 29409

Licensee was present. (Lisa Bryant), Pres-

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter is continued for thirty (30) days. Respondent is ordered to provide an Answer to the Complaint and a current financial statement. License number 29409, R. W. Stucco, Inc. shall be suspended until the Hearing.

c. ARMADA, INC., License No. 70671

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent Armada, Inc., license number 70671 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Nelson 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 \$1,322.00. License number 70671, Armada, Inc. 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.

d. SILVER STATE STONE AND TILE, LLC, License Nos. 54838, 59826

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent Silver State Stone and Tile, LLC, license numbers 54838 and 59826 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Cottrell was found guilty of one (1) violation of NRS 624.3011(1)(b)(4) willful disregard of the industrial insurance laws of the State; 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; 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 the First and Fourth Causes of Action, a fine of \$50.00 for the Second and Third Causes of Action for total fines of \$1,100.00 and investigative costs in the amount of \$1,367.00. License numbers 54838 and 59826, Silver State Stone and Tile, LLC, 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.

e. BUFFALO TUFF, INC., License No. 73343

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – An e-mail from Buffalo Tuff, Inc. to the Board.

Hearing Officer Burke found Respondent Buffalo Tuff, Inc., license number 73343 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Patterson 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 \$1,333.00. License number 73343, Buffalo Tuff, Inc. 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.

f. KEN EALY PAINTING, INC., License No. 71761

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent Ken Ealy Painting, Inc., license number 71761 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Ealy was found 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. Respondent was

assessed a fine of \$1,000.00 for the First Cause of Action, a fine of \$50.00 for the Second Cause of Action for total fines of \$1,050.00 and investigative costs in the amount of \$1,199.00. License number 71761, Ken Ealy Painting, Inc. 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.

g. VISION CONCRETE CONSTRUCTION, LLC, License No. 72937

D. D. 2000, LLC, dba ALERT 911 NOW, License No. 73843

Licensee was present with counsel, John Benedict, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent's exhibits were entered:

Exhibit A - Respondent's Stipulation of Revocation.

Hearing Officer Burke found Respondent Vision Concrete Construction, LLC, license number 72937 and D. D. 2000, LLC, dba Alert 911 Now, license number 73843 adopted the Findings of Fact and Conclusion of Law as set forth in the stipulation. Ronald Hansen was found guilty of one (1) violation of NRS 624.3017(1) substandard workmanship; failure to comply with 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 624.3014(2)(d); acting as agent, partner or associate of an unlicensed person; one (1) violation of NRS 624.3013(5), as set forth in NRS 624.165(3)(e)(2) constructional fraud occurs if a person engaged in construction acts as a contractor without possessing any other license required by this State; 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 Seventh Causes of Action, a fine of \$50.00 for the Third Cause of Action, a fine of \$1,000.00 for the Fourth Cause of Action, a fine of \$100.00 for the Sixth Cause of Action for total fines of \$2,150.00 and investigative costs in the amount of \$1,790.00. License number 72937, Vision Concrete Construction, Inc. was revoked. The Board's Complaint against D. D. 2000, LLC, dba Alert 911 Now, license number 73843 is dismissed since Ronald L. Hansen has agreed to remove himself from the license. Respondent is ordered to pay 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 Burke at 5:12 p.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Kevin E. Burke, Hearing Officer