

BRIAN SANDOVAL
Governor

STATE OF NEVADA



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

April 20, 2011

REPLY TO:

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CALL TO ORDER:

Hearing Officer Wells called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, April 20, 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. Guy Wells, 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
Mr. George Lyford, 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 April 14, 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: GUY WELLS

3. DISCIPLINARY HEARING:

A BEST CONCRETE, INC., License No. 68647

Licensee was present.

Three witnesses testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – Two (2) proposals from Adams Pools Solutions and ArtCon, Inc., provided by Kevin Denny.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated March 9, 2011.

Hearing Officer Wells 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 624.302(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. The Respondent was assessed a fine of \$500.00 for the First Cause of Action; a fine of \$100.00 for each of the Second and Third Causes of Action; a fine of \$250.00 for each of the Fourth and Fifth Causes of Action for total fines of \$1,200.00 and investigative costs of \$1,510.00. License number 68647, A Best Concrete, Inc., shall be suspended until such a time as a current compiled financial statement with bank verification for all cash accounts that supports the license limit is provided, a new surety bond is acquired and fines and costs are paid.

4. DISCIPLINARY HEARING:

STRICKLAND CONSTRUCTION CO., INC., License Nos. 40173, 40277

STRICKLAND CONSTRUCTION CO., INC., License No. 40480

NEVADA GEO TECH, INC., License No. 68763

Licensee was present with counsel, Robert Glennen, Esq.

Four witnesses testified for the Board.

Six witnesses testified for the Respondent.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – Correspondence from Robert Glennen, Esq., dated April 19, 2011.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent Strickland Construction Company, Inc.'s Answer to the Board's Complaint dated February 28, 2011.

Exhibit B – Respondent Nevada Geo Tech, Inc.'s Answer to the Board's Complaint dated February 28, 2011.

Hearing Officer Wells found Respondent guilty of one (1) violation of NRS 624.3017(1) substandard workmanship; one 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 624.3011(1)(a) willful disregard of plans or specifications without the consent of the owner; one (1) violation of 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; 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 624.3018(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 Third Causes of Action; a fine of \$50.00 for each of the Second and Fourth Causes of Action;

a fine of \$200.00 for the Fifth Causes of Action for total fines of \$1,300.00 and investigative costs of \$1,936.00. The Sixth Cause of Action was dismissed. If the Respondent provides a current contract to the Board, the fine for the Fifth Cause of Action will be vacated. The Respondent shall pay restitution to William Hays in the amount of \$13,774.00. If Mr. Hays fails to release the liens against the Respondent's bonds, the Respondent shall not be required to pay restitution to Mr. Hays. The Board's Complaint against Nevada Geo Tech, Inc, license number 68763 is dismissed. License numbers 40173, Strickland Construction Company, Inc., shall be suspended until restitution is paid to Hays and fines and costs are paid.

5. DISCIPLINARY HEARING:

SILVER CITY CONSTRUCTION, LLC., dba SILVER CITY BUILDERS, License No. 67273

CLARK COUNTY BUILDERS, LLC., License No. 74519

Licensee was present

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

This matter was continued for sixty (60) days.

6. DISCIPLINARY HEARING:

R & D KOWALSKI CORPORATION, dba POOLWORKS REPAIR SERVICES, License No. 45566

Licensee was present.

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 – Respondent's Answer to the Board's Complaint dated April 4, 2011.

Hearing Officer Wells found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Fines and costs were not assessed as Respondent is in Chapter 13 Bankruptcy. License number 45566, R & D Kowalski Corporation, dba Poolworks Repair Services is suspended until a current compiled financial statement with bank verification form for all cash accounts that supports the license limit is provided to the Board.

7. DISCIPLINARY HEARING: (Continued from March 23, 2011)

UNITED SOLAR ENERGY, INC., dba UNITED CUSTOM POOLS AND SPAS, License No. 52771

UNITED SOLAR ENERGY, INC., License Nos. 43928, 30600A

Licensee was present with counsel, Eugene Backus, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board’s Hearing File.

Hearing Officer Wells dismissed the Second Cause of Action. Testimony shall be taken on the remaining two (2) Causes of Action in thirty (30) days.

This matter was continued for thirty (30) days.

8. DISCIPLINARY HEARING – DEFAULT ORDERS

a. SUMMIT FIRE PROTECTION, INC., dba MOJAVE FIRE PROTECTION, License No. 33380

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – A document to the Board indicating that Summit Fire Protection, Inc., dba Mojave Fire Protection , is undergoing Chapter 7 proceedings.

Hearing Officer Wells found Respondent Summit Fire Protection, Inc., dba Mojave Fire Protection, license number 33380 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Ms. Abadie was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Fines and costs were not assessed as Respondent is in Chapter 7 Bankruptcy. License number 33380, Summit Fire Protection, Inc., dba Mojave Fire Protection is 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.

b. BAREFOOT POOL AND SPA, LLC, License No. 60704

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter was continued for thirty (30) days.

c. MICHAEL LEE SPECTER, Owner, dba SUNDANCE POOLS AND SPAS, License No. 31156

Licensee was not present but was represented by counsel, Ales Barney, Esq.

Hearing Officer Wells suspended license number 31156, Michael Lee Spector, Owner, dba Sundance Pools and spas for ninety (90) days.

This matter was continued for ninety (90) days.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Wells at 1:19 p.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Guy M. Wells, Hearing Officer