

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

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING May 20, 2011

CALL TO ORDER:

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

DISCIPLINARY HEARING: (Continued from January 26, 2011, March 4, 2011, April 18, 2011)

1. DISCIPLINARY HEARING:

KELLY ANN SAGONA, OWNER, dba BLUE LAGOON POOLS CONTRACTORS, License No. 46481

Licensee was not present but was represented by counsel, James C. Sabalos, Esq.

Eight witnesses testified for the Board.

Mr. Drake left the hearing at 11:00 a.m.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – A case summary of Kelly Sagona's Chapter 11 bankruptcy dismissal on May 13, 2011.

Exhibit 3 – Kelly Sagona's Chapter 11 bankruptcy filing.

Exhibit 4 – An Amended Order Re: Motion for Relief from Automatic Stay for Kelly Sagona entered in District Court on April 18, 2011.

Exhibit 5 – Documents provided by Davis Companies to the Board.

Exhibit 6 – Four (4) bids provided by Fastrack Excavation that had been provided to Blue Lagoon Pools Contractors.

Exhibit 7 – An unconditional Waiver and Release provided to Gillian Oddo from Las Vegas Civil Engineer Company.

Exhibit 8 – An Unconditional Lien Release provided by Davis Companies to Gillian Oddo.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated January 14, 2011 was admitted at the January 26, 2011 hearing.

Exhibit B – James C. Sabalos, Esq.'s letter dated January 25, 2011 with attachments.

Exhibit C – A letter from Richard A. Wright, Esq. to James C. Sabalos, Esq. dated May 16, 2011.

Exhibit D – A string of e-mails containing a Motion for Continuance from James C. Sabalos, Esq.

Exhibit E – A letter from Eric Dobberstein, Esq. to Neil Davis of Davis Concrete Construction dated September 16, 2010.

Exhibit F – A letter from Eric Dobberstein, Esq. to Robert Qualey, Esq. regarding Davis Concrete dated September 27, 2010.

Exhibit G – A letter from Eric Dobberstein, Esq. to Robert Qualey, Esq. regarding Davis Concrete dated October 5, 2010.

Exhibit H – A letter from Eric Dobberstein, Esq. to Lance Banks, Esq. regarding Sierra Ready Mix dated October 12, 2010.

Exhibit I – Dig documents provided by James C. Sabalos, Esq.

Exhibit J – E-mails between Bill Thompson and Blue Lagoon Pools.

Hearing Officer Burke dismissed the Tenth, Twenty-Second, Thirty-Sixth, Forty-Ninth and the Sixtieth Causes of Action without prejudice.

This matter was continued.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Burke at 3:28 p.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Kevin E. Burke, Hearing Officer