

BRIAN SANDOVAL
Governor

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 OF NEVADA



STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
JUNE 2, 2011

REPLY TO:

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

www.nscb.state.nv.us

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

CALL TO ORDER:

Hearing Officer Nathaniel Hodgson called the meeting of the State Contractors Board to order at 8:30 a.m., Thursday, June 2, 2011, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Donald L. Drake

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:

Louis Ling, Esq. Legal Counsel
Bruce Robb, Esq., Legal Counsel

The agenda was posted in compliance with the open meeting law **May 26, 2011** at Reno City Hall, Washoe County Court House and Washoe 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: NATHANIEL HODGSON

2.DISCIPLINARY HEARING:

JOHN THEODORE SULLIVAN dba, AMERICAN SUN & SOLAR, LICENSE NO. 67222

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Hearing File
Exhibit 2 – Copies of Checks
Exhibit 3 – Chronology Report
Exhibit 4 – Answer dated April 18, 2011

Hearing Officer Hodgson found Respondent John Theodore Sullivan dba, American Sun & Solar, license number 67222 guilty of violating NRS 624.3014(2)(a)(b)(c) and (d), by (a) Aiding or

abetting an unlicensed person to evade the provisions of this chapter; (b) Combining or conspiring with an unlicensed person to perform an unauthorized act; (c) Allowing a license to be used by an unlicensed person; and/or (d) Acting as an agent, partner or associate of an unlicensed person; NRS 624.305(1) which provides: No license may be used for any purpose by any person other than the person to whom such license is issued, and no license may be assigned, transferred or otherwise disposed of to permit the unauthorized use thereof; NRS 624.3016(1) by committing a fraudulent or deceitful act in the capacity of a contractor, including, without limitation, misrepresentation or the omission of a material fact; NRS 624.3017(1) substandard workmanship; NRS 624.301(5) by willfully failing or refusing without legal excuse on the part of a licensee to comply with the terms of a construction contract or written warranty, thereby causing material injury to another; NRS 624.3014(2)(a) by: (a) Aiding or abetting an unlicensed person to evade the provisions of this chapter and NRS 624.3013(3) failure to establish financial responsibility. License number 67222 is revoked. Respondent was ordered to pay an administrative fine of \$1,000.00 for the First Cause of Action, \$5,000.00 for the Second Cause of Action, \$3,000.00 for the Third Cause of Action, \$2,000.00 for the Fourth Cause of Action, \$3,000.00 for the Sixth Cause of Action, \$1,000.00 for the Seventh Cause of Action and \$500.00 for the Eighth Cause of Action for a total fine of \$15,500.00; investigative costs in the amount of \$2,400.00. The Fifth Cause of Action was dismissed.

3.DISCIPLINARY HEARING:
STERLING BUILDERS LLC, LICENSE NOS. 56761A, 72711

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Hearing File

Hearing Officer Hodgson found Respondent Sterling Builders LLC, license numbers 56761A and 72711 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; 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 624.3016(7) misrepresentation or the omission of a material fact and NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer Hodgson accepted the surrender of license numbers 56761A and 72711. Respondent was ordered to pay an administrative fine of \$250.00 each for the First, Second and Third Causes of Action, \$500.00 each for the Fourth and Fifth Causes of Action for a total fine of \$1,750.00; investigative costs in the amount of \$2,192.00.

4.DISCIPLINARY HEARING-DEFAULT HEARING:
HENDRIX CONCRETE INC, LICENSE NO. 22590

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Hearing File

Hearing Officer Hodgson found Respondent Hendrix Concrete Inc, license number 22590 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Licensee was found guilty of NRS 624.3012(2) failure to pay for materials and services; NRS 624.302(5) failure or refusal to cooperate in an investigation and NRS 624.3013(3) failure to establish financial responsibility. License number 22590 was revoked. Respondent was ordered to pay an administrative fine of \$1,000.00 for the First Cause of Action, \$250.00 for the Second Cause of Action and \$500.00 for the Third Causes of Action for a total fine of \$1,750.00; investigative costs in the amount of \$1,746.00.

**5.DISCIPLINARY HEARING-DEFAULT HEARING:
HART STONE MARBLE & GRANITE INC, LICENSE NOS. 48934, 54039**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Hearing File

Hearing Officer Hodgson found Respondent Hart Stone Marble & Granite Inc, license numbers 48934 and 54039 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Licensee was found guilty of NRS 624.3016(1) committing a fraudulent or deceitful act in the capacity of a contractor; NRS 624.302(5) failure or refusal to cooperate in an investigation; 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 624.3018(2) association of any act or omission constituting a cause for disciplinary action; NRS 624.3013(3) failure to establish financial responsibility. License number 59039 was revoked. Respondent was ordered to pay an administrative fine of \$250.00 each for the First, Second and Third Causes of Action and \$500.00 for the Fifth Cause of Action for a total fine of \$1,250.00; investigative costs in the amount of \$1,632.00. No fine was imposed on the Fourth Cause of Action.

**6.FINANCIAL RESPONSIBILITY HEARING:
VIDAL CECILLO GONZALEZ dba, SONORA SERVICES, LICENSE NO. 74311**

Licensee was not present.

Hearing Officer Hodgson 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 74483 is revoked. Respondent must pay an administrative fine of \$1,500.00 and investigative costs of \$470.03.

**7.FINANCIAL RESPONSIBILITY HEARING:
CADILLAC STONE WORKS LLC, LICENSE NOS. 74371, 74372**

Licensee was present.

Hearing Officer Hodgson continued the hearing for thirty (30) days to allow licensee to provide a current financial statement.

**8.FINANCIAL RESPONSIBILITY HEARING:
PEDRO J. LOYOLA dba, LOYOLA DRYWALL & PLASTERING, LICENSE NO. 70138**

Licensee was present.

Hearing Officer Hodgson reduced the monetary license limit to \$10,000.00 and continued the hearing for sixty (60) days to allow licensee to provide a financial statement to support the reduced limit.

**9.FINANCIAL RESPONSIBILITY HEARING:
STUART AWNING INC, LICENSE NO. 71125**

Licensee was present.

Hearing Officer Hodgson ordered Stuart Awning Inc, license number 71125 to remain active and grant the renewal. The monetary license limit will be reduced to \$20,000.00 with a one (1) year financial review.

10.FINANCIAL RESPONSIBILITY HEARING:
EAGLE ROCK CONTRACTING LLC, LICENSE NO. 71940

Licensee was present.

Hearing Officer Hodgson ordered Eagle Rock Contracting LLC, license number 71940 to remain inactive upon receiving a financial statement supporting the license limit and also provide the Nevada Secretary of State document. The financial statement can be approved at staff level.

11.FINANCIAL RESPONSIBILITY HEARING:
MARSHALL BARTELS, LICENSE NO. 32635

Licensee was present.

Hearing Officer Hodgson granted the renewal of the license and reduced the monetary license limit to \$500,000.00 with a six (6) month financial statement review.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Hodgson at 10:55 a.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Nathaniel Hodgson, Hearing Officer

