

KENNY C. GUINN
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STATE OF NEVADA

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STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
June 24, 2005**

MEMBERS
RANDALL SCHAEFER
Chairman
MARGARET CAVIN
Vice Chair
DAVID W. CLARK
SPIRIDON FILIOS
JERRY HIGGINS
J. BRIAN SCROGGINS
MICHAEL ZECH

CALL TO ORDER:

Hearing Officer Spiridon Filios called the meeting of the State Contractors Board to order at 11:00a.m., Friday, June 24, 2005, 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. Spiridon Filios

STAFF MEMBERS PRESENT:

Mr. Chris Denning, Deputy Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement
Mr. Greg Mincheff, Investigator

LEGAL COUNSEL PRESENT:

Mr. Bruce Robb, Esq., Legal Counsel
Ms. Laura Browning, Esq., Legal Counsel

ADJUDICATING BOARD MEMBER: SPIRIDON FILIOS

1. DISCIPLINARY HEARING: (CONTINUED FROM JUNE 15, 2005)

ALL AMERICAN SERVICE CORP, DBA SPEEDY PLUMBING & AIR, LICENSE NOS. 54199, 53962

This matter was continued from the June 15, 2005 Board Hearing to allow officers of the corporation to be present and evidence to be presented for the defense.

Licensee was present with Counsel Keith Gregory, Esq.

The following Agency Exhibits were entered:

Exhibit 11 – Certificate of Resignation of Officer dated May 3 2005.

Exhibit 12 – Corporate Inquiry from Arizona Secretary of State Website.

Exhibit 13 – Documents from Stacy Rocheleau, Esq.:

Letter to Paul Easton dated January 27, 2005.
Letter to Paul Easton dated April 20, 2005.
Building Application dated April 1, 2005.
Permit Application.

Exhibit 14 - Two checks written to Juan Rios from the Speedy Plumbing & Air received by Wells Fargo dated June 19, 2005.

Hearing Officer Filios found Respondent All American Service Corp, dba Speedy Plumbing & Air, license numbers 54199 and 53962, Kenneth D. Dick, President in violation of NRS 624.3012(1) diversion of money; Five (5) violations of NRS 624.3011(1)(b)(1) willful or deliberate disregard and violation of the Building Laws of the State or of any political subdivision thereof; Two (2) violations of NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; NRS 624.301(1) abandonment; NRS 624.301(4) willful failure without legal excuse on the part of a licensee to prosecute a construction project with reasonable diligence, thereby causing material injury to another; NRS 624.302(5) failure to cooperate in an investigation; Six (6) violations of NRS 624.302(6) failure to comply with a written request from the Board for information or records; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify the Board of change of address or personnel within 30 days after the change occurs; Two (2) violations 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 his license and monetary limit place upon his license; NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action; NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.3014(2)(a)(b) aiding or abetting an unlicensed person to evade the provisions of this chapter and combining or conspiring with an unlicensed person to perform an unauthorized act; Two (2) violations of NRS 624.3016(1) any fraudulent or deceitful act; NRS 624.3013(2) misrepresentation of a material fact in connection with any information or evidence furnished the Board in connection with official matters of the Board; NRS 624.3013(5), as set forth in NAC 624.665(1) a licensee shall submit an application to the Board for any change in its officers or directors, if the licensee is a corporation. License number 54199 and 53962 All American Service, Corp., dba Speedy Plumbing & Air is Suspended. Mr. Dick was assessed a fine of \$1,000.00 for the First, Third, Fifth, Sixth, Seventh, Eighth, Twenty-second, Twenty-fifth, Twenty-ninth and Thirtieth Causes of Action, a fine of \$500.00 for the Second, Fourteenth, Twentieth and Twenty-third Causes of Action, a fine of \$250.00 for the Fourth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fifteenth, Twenty-fourth, Twenty-sixth and Twenty-eighth Causes of Action and a fine of \$50.00 for the Sixteenth, Seventeen, Eighteenth, Twenty-first and Twenty-seventh Causes of Action for a total fine of \$14,750.00. Investigative costs were assessed in the amount of \$8,569.00. Fines and costs are to be paid within 60 days from June 24, 2005 or license numbers 54199 and 53962, All American Service Corp., dba Speedy Plumbing & Air will automatically be Revoked. Mr. Dick was ordered to pay restitution to Mr. Baxter in the amount of \$1,500.00. Mr. Dick was ordered to pay restitution to Ms. Fosina in the amount of \$800.00. Restitution is to be paid within 60 days from June 24, 2005 or license numbers 54199 and 53962, All American Service, Corp., dba Speedy Plumbing & Air will automatically be Revoked. Mr. Dick was ordered to furnish updated documents from the Secretary of State of Nevada and submit the appropriate change applications to the Contractors Board. Hearing Officer Filios ordered the President and the Qualified Individual of the Corporation to take and pass the Construction Management Survey Exam and trade exam within 60 days from June 24, 2005 or license numbers 54199 and 53962, All American Service Corp., dba Speedy Plumbing & Air will automatically be Revoked. Mr. Dick was ordered to furnish a current financial statement prepared by a Certified Public Accountant that supports the monetary license limit within 60 days from June 24, 2005 or license numbers 54199 and 53962, All American Service Corp., dba Speedy Plumbing & Air will automatically be Revoked. Mr. Dick is to continue with the Business Review and provide all the above noted documents. If Mr. Dick complies with Hearing Officer Filios' orders, license numbers 54199 and 53962, All American Service Corp., dba Speedy Plumbing & Air will be made active and placed on probation for Two (2) years.

ADJOURNMENT

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

Respectfully Submitted,

Traci Greenlee, Recording Secretary

APPROVED:

Dan Hammack, Chief of Enforcement

Spiridon Filios, Hearing Officer