

KENNY C. GUINN
Governor

STATE OF NEVADA



STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
November 7, 2005

REPLY TO:

LAS VEGAS
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Henderson, Nevada 89074
(702) 486-1100
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RENO
9670 Gateway Drive, Suite
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Reno, Nevada 89521
(775) 688-1141
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Investigations (775) 688-1150

CALL TO ORDER:

Hearing Officer Dave Clark called the meeting of the State Contractors Board to order at 9:14 a.m., Monday November 7, 2005, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Dave Clark
Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

Ms. Nancy Mathias, Licensing Administrator
Mr. George J. Lyford, Director of Investigations
Mr. Gary Hoid, Deputy Director of Investigations

LEGAL COUNSEL PRESENT:

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

The agenda was posted in compliance with the open meeting law on October 31, 2005 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: DAVE CLARK

1. DISCIPLINARY HEARING:

GENERAL BUILDERS, INC., dba AMERICAN GENERAL DEVELOPMENT, LICENSE NO. 22816
GENERAL BUILDERS, INC. dba SILVER STATE POOLS, LICENSE NO. 22816A

Licensee was present with Michael D. Hoy, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File
Exhibit 2 – 5 Photos dated March 9, 2005
Exhibit 3 – Additional Photo dated October 31, 2005
Exhibit 4 – Series of checks from Mr. Lewis
Exhibit 5 – Copy of plans from Lewis

The following Respondent Exhibits were entered:

Exhibit A – Timeline Cumulative Documents:
Parties enter into construction contract dated August 26, 2002
Invoices and dimension dated October 15, 2002

Invoices dated November 20, 2002
Agreement dated November 21, 2003
Dimensions of pool shell dated December 6, 2003
Advice on dimensions dated May 20, 2004
Pump and Filter dated August 25, 2004
Acknowledgement dated September 17, 2004
Change order dated October 12, 2004
Silver State Pool response dated October 22, 2004
Sage Build Design files a complaint dated October 30, 2004
Response from Sage Build Design dated November 4, 2004
Silver State Pool Invoice dated November 29, 2004
Notice to Correct dated January 12, 2005 and March 9, 2005 photos of revisit
Silver State Pool terminates for non-payment dated February 14, 2005

Exhibit B – Copy of 7'x14" Concrete Insert Pool Below Ground

Exhibit C – Barrier Code Addendum dated February 5, 2003

Exhibit D – 3 pages of documents including:
Recommendations for the homeowner
Customer Information Check List
Disclaimer Concerning Drainage/Expansive Soil

Hearing Officer Clark will take this case under submission.

2. DISCIPLINARY HEARING:

M H BARNETT CONSTRUCTION, LICENSE NO. 28315

Licensee was present with Counsel William Baker, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – 6 pages of documents includes:
Invoice dated June 8, 2005 from C & G Environmental
Post Remediation Visual Fungal Fingal Clearance Inspection from C & G Environmental dated June 8, 2005
2 photos of ceiling
Statement dated August 4, 2005
Letter from Arrascade & Arrascade, Ltd. Dated June 9, 2004
Limited Visual Fungal Inspection dated January 24, 2005

Exhibit 3 – 2 photos of Culverwell ceiling

Hearing Officer Clark found Respondent Michael Henry Barnett, Owner dba M H Barnett, license number 28315 guilty of violation NRS 624.3015(1) by acting in the capacity of a contractor beyond the scope of the license; NRS 624.3011(2) failure to obtain any necessary building permits; NRS 624.3013(3) failure to establish financial responsibility. The First, Second and Third Causes of Action were dismissed. Mr. Barnett was assessed the cost of the investigation in the amount of \$500.00. Costs are to be paid within 90 days from November 7, 2005 or license number 28315 will be automatically be suspended. Mr. Barnett shall hire a licensed contractor to complete the repairs to the Culverwell residence within 45 days from November 7, 2005 or license number 28315 will automatically be suspended. If Mr. Barnett cannot complete the repairs, he is to contact Gary Hoid, Deputy Director of Investigations and provide a date when the work can be completed. M H Barnett, license number 28315 will be placed on inactive status until a current financial statement is provided to support the license.

3. DISCIPLINARY HEARING:**CREATIVE DESIGN GROUP, LICENSE NO. 49111**

Licensee was present with Counsel James B. Leslie, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Clark found Respondent Khashayar Homayoon, President, Creative Design Group, license number 49111 guilty of violation NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3016(8) failure to pay an assessment required by NRS 624.470. The First, Second, Third and Fifth Causes of Action were dismissed. Mr. Homayoon was assessed the cost of the investigation in the amount of \$1,000.00. Costs are to be paid within 30 days from November 7, 2005 or license number 49111 will be automatically suspended. The Respondent is ordered to reimburse the cost of the Residential Recovery Fund in the amount of \$450.00 within 30 days from November 7, 2005 or license number 49111 will be automatically suspended.

4. DISCIPLINARY HEARING:**DAVID L. EDWARDS FENCE CONTRACTOR, LICENSE NO. 42851**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Clark found Respondent David Leroy Edwards, Owner, dba David L. Edwards Fence Contractor, license number 42851 guilty of violation NRS 624.301(1) abandonment without legal excuse of any construction project or operation engaged in or undertaken by the licensee as a contractor; NRS 624.301(5) willful failure or refusal to comply with terms of a construction contract or written warranty thereby causing material injury to another; NRS 624.302(5) failure or refusal to cooperate in an investigation; 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 any monetary limit placed upon his license; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3016(6) failure to provide required disclosures; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.3012(1) diversion of money or property received for the completion of a specific construction project or operation or for a specified purpose in the completion of any construction project acting in the capacity of a contractor. Mr. Edwards was assessed a fine of \$200.00 each for the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Causes of Action for a total fine of \$1,600.00. Investigative costs were assessed in the amount of \$1,582.00. Fines and costs and full restitution to the bonding company are to be paid within 6 months from November 7, 2005 or license number 42851 will automatically be Revoked.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Clark at 3:10 p.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Dave Clark, Hearing Officer