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Governor

STATE OF NEVADA

REPLY TO:



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**STATE CONTRACTORS BOARD**

**MINUTES OF THE MEETING  
November 16, 2005**

**These are DRAFT minutes not yet ratified by the Board.**

**CALL TO ORDER:**

Hearing Officer Spiridon Filios called the meeting of the State Contractors Board to order at 9:00 a.m., Wednesday, November 16, 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  
Mr. Jerry Higgins

**STAFF MEMBERS PRESENT:**

Ms. Margi Grein, Executive Officer  
Mr. George Lyford, Director of Investigations

**LEGAL COUNSEL PRESENT:**

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

Ms. Grein stated the agenda was posted in compliance with the open meeting law on November 9, 2005, 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: SPIRIDON FILIOS**

**1. DISCIPLINARY HEARING:**

**T C M CONSTRUCTION SERVICES, INC., DBA CORNERSTONE ROOFING, CO., LICENSE NO. 55659**

Licensee was present with Counsel Evan James, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Roof inspection from Dean and Done Roofing, LLC on the Casas residence dated September 15, 2005.

Exhibit 3 – Clark County Notice of Violation dated March 29, 2005.

Exhibit 4 – Estimate for repair of the roof on Henry residence dated August 19, 2005.

Exhibit 5 – Estimate for repair of the drywall on the Henry residence.

Exhibit 6 – Photographs of the Henry residence taken by Investigator Easton on November 15, 2005.

The following Respondent Exhibits were entered:

Exhibit A – Packet of documents provided by Counsel on behalf of T C M Construction Services, Inc., dba Cornerstone Roofing, Co

- Bond demand with attachments
- Answer to complaint; Counterclaim; Third party complaint
- Contract with Casas Electric, Inc
- Project photographs
- Fax cover to Paul Easton
- Permit
- Inspection record
- Certificate of competency contractor data
- Florida Contractors License
- Application for Registration of Fictitious Name
- Fictitious Name Certificate
- Fictitious Firm Application Certificate
- Property records from Clark County Assessor Web Site
- Contractors Board license information regarding Casas Electric, Inc.

Exhibit B – Packet of documents provided by Counsel on behalf of T C M Construction Services, Inc., dba Cornerstone Roofing, Co.

- Permit for Henry residence
- Clark County Department of Development Services Building Division Inspection Report
- Clark County Department of Development Services Inspection Record
- Inspection record

**Hearing Officer Filios found Respondent T C M Construction Services, Inc., dba Cornerstone Roofing, Co., Travis R. McCormick, President, license number 55659 guilty of Two (2) violations of NRS 624.3017(1) substandard workmanship; Two (2) violations of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; Two (2) violations of NRS 624.302(6) failure to comply with a written request from the Board for information or records; Two (2) 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; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.302(5) failure 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 monetary limit placed upon his license; NRS 624.3014(2)(a)(b)(c) aiding or abetting an unlicensed person to evade the provisions of this chapter; combining or conspiring with an unlicensed person to perform an unauthorized act; acting as agent, partner or associate of an unlicensed person; NRS 624.3011(1)(b)(4) willful or deliberate disregard and violation of the Laws of this State regarding Industrial Insurance; NRS 624.3016(7) misrepresentation or omission of a material fact or commission of any other fraudulent or deceitful act to obtain a license. Mr. McCormick was assessed a fine of \$500.00 for the First and Fifth Causes of Action, a fine of \$250.00 for the Third, Ninth and Tenth Causes of Action, a fine of \$100.00 for the Seventh Cause of Action and a fine of \$50.00 for the Second, Sixth and Eleventh Causes of Action for a total fine of \$2,000.00. Investigative costs were assessed in the amount of \$3,584.00. Mr. McCormick was ordered to pay restitution to Mr. Casas in the amount of \$5,000.00. Fines, costs and restitution to Mr. Casas are to be paid within 90 days from November 16, 2005 or license number 55659, T C M Construction Services, Inc., dba Cornerstone Roofing, Co. will automatically be Suspended. Mr. McCormick was ordered to either repair the roof on the Henry residence or pay restitution to Mr. Henry in the amount of \$6,800.00 within 90 days from November 16, 2005 or license number 55659, T C M Construction Services, Inc., dba Cornerstone Roofing, Co. will automatically be Suspended. Hearing Officer Filios ordered Counsel David Brown Esq. to provide a brief regarding the Twelfth, Thirteenth and Fourteenth Causes of Action by December 16, 2005. Counsel Evan James, Esq. is to respond by January 1, 2006. Reply to brief is due by January 11, 2006. The Hearing Officer will provide a written Decision and Order.**

Hearing Officer Filios ordered a fine of \$2,250.00 for the Twelfth, Thirteenth and Fourteenth Causes of Action in lieu of Counsel providing a brief on the Twelfth, Thirteenth and Fourteenth Causes of Action to be paid within 90 days from November 17, 2005.

## 2. DISCIPLINARY HEARING:

### GERALD BRYAN CONSTRUCTION, LICENSE NO. 47543

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Filios found Respondent Gerald T. Bryan, dba Gerald Bryan Construction, license number 47543 guilty of violation of Two (2) violations of NRS 624.3017(1) substandard workmanship; Two (2) violations of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.301(2) abandonment of a construction project when the percentage of the project completed is less than the percentage of the total price of the contract paid; Two (2) violations of NRS 624.302(5) failure to cooperate in an investigation; NRS 624.301(1) abandonment without legal excuse of any construction project engaged in or undertaken by the licensee; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with a written request from the Board for information or records; 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 placed upon his license; NRS 624.3012(2) failure to pay any money due for materials or services rendered when he has received sufficient money for the project. License number 47543, Gerald T. Bryan, dba Gerald Bryan Construction is Revoked. Mr. Bryan was assessed a fine of \$100.00 for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth and Fourteenth Causes of Action for a total fine of \$1,300.00. The Ninth and Fifteenth Causes of Action were dismissed. Investigative costs were assessed in the amount of \$4,052.00. Fines and costs are to be paid within 30 days from November 16, 2005. Mr. Bryan was ordered to pay restitution to Ying Pen Chen in the amount of \$7,131.36 within 30 days from November 16, 2005. Mr. Bryan was ordered to pay restitution to David Lowry in the amount of \$19,250.00 within 30 days from November 16, 2005. Mr. Bryan was ordered to pay restitution to Team Services in the amount of \$23,704.46 within 30 days from November 16, 2005.

## 3. DISCIPLINARY HEARING:

### P N II, INC., DBA PULTE HOMES OF NEVADA, LICENSE NO. 48129

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Filios accepted the settlement agreement reached between Respondent P N II, Inc., dba Pulte Homes of Nevada and Mr. Doran. Pulte Homes of Nevada will prepare the agreement for Mr. Doran's signature no later than Friday November 18, 2005. Once Mr. Doran signs the settlement agreement, Pulte Homes of Nevada agrees to pay Mr. Doran \$3,000.00. Mr. Doran will withdraw his complaint with the Board and the case will be dismissed. P N II, Inc., dba Pulte Homes of Nevada was ordered to comply with the requirements of NRS 624.520 and provide the Residential Recovery Fund Notice to all future homeowners.

**4. DISCIPLINARY HEARING:****STAMPCO CONCRETE CONSTRUCTION**, LICENSE NO. 51041

Licensee was present with Counsel Curt Harris, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Board's Notice to Correct dated August 31, 2004.

Exhibit 3 – Addendum to the Board's Notice to Correct dated October 26, 2004.

Exhibit 4 – Proposal from Americote Coating Systems, Inc. dated November 15, 2005.

The following Respondent Exhibits were entered:

Exhibit A – Judgment from Justice Court Las Vegas Township filed September 20, 2004.

**Hearing Officer Filios found Respondent Owen M. Ondrisko, dba Stampco Concrete Construction, license number 51041 guilty of violation of NRS 624.3017(1) substandard workmanship. The Second Cause of Action was dismissed. Mr. Ondrisko was ordered to pay make the repairs to the Torres residence or pay restitution to Mr. Torres in the amount of \$100.00 within 30 days from November 16, 2005.**

**5. DISCIPLINARY HEARING – DEFAULT ORDERS:****a. SUNRISE PAINTING COMPANY**, LICENSE NO. 17587

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

**Hearing Officer Filios found Respondent Sunrise Painting Company, James A. Duff, Partner, license number 17587, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Duff was found guilty of violation of NRS 624.305(1)(2) no license may be used by any person other than the person to whom such license is issued, no license may be assigned, transferred or disposed of; the license of any person who violates any provision of this section shall be automatically cancelled and revoked; NRS 624.3013(5), as set forth in NAC 624.650(1)(2) a licensee shall not permit his contracting business to be operated by an unlicensed person; except for corporate stockholders and a spouse's interest as community property a licensee shall not permit a person to have a proprietary interest in the contracting business unless that persons name appears on the license; NRS 624.3014(2)(a)(b)(c)(d) aiding or abetting an unlicensed person to evade the provisions of this chapter; combining or conspiring with an unlicensed person to perform an unauthorized act; allowing a license to be used by an unlicensed person and acting as agent, partner or associate of an unlicensed person. License number 17587, Sunrise Painting Company was Revoked. Mr. Duff is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,484.00 and any expenses that may be paid out of the Residential Recovery Fund.**

**b. CONCRETE MASTERS, INC.**, LICENSE NO. 50594

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

**This matter was continued at the request of the Licensee.**

**c. CONSTRUCTION MANAGEMENT CONSULTANTS, DBA C M C CONSTRUCTION**, LICENSE NO. 44571

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

**This matter was continued at the request of the Licensee.**

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Filios at 1:06 p.m.

Respectfully Submitted,

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Traci Greenlee, Recording Secretary

APPROVED:

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Margi Grein, Executive Officer

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Spiridon Filios, Hearing Officer