

KENNY C. GUINN
Governor

STATE OF NEVADA

REPLY TO:



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

www.nscb.state.nv.us

RENO
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
June 14, 2006**

MEMBERS
RANDALL SCHAEFER
Chairman
MARGARET CAVIN
Vice Chair
DAVID W. CLARK
SPIRIDON FILIOS
JERRY HIGGINS
WILLIAM "BRUCE" KING
GUY M. WELLS

CALL TO ORDER:

Hearing Officer King called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, June 14, 2006, 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. William "Bruce" King
Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

Mr. George Lyford, Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

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

Mr. Lyford stated the agenda was posted in compliance with the open meeting law on June 8, 2006, 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: BRUCE KING

1. DISCIPLINARY HEARING:

DESIGN BUILDERS, LTD, LICENSE NOS. 27516A, 27516B, 27516C

Licensee was present with counsel, Dale Rycraft, Jr., Esq. and Richard Peel, Esq.

The following Agency Exhibits were entered:

- Exhibit 1 – Board Hearing File
- Exhibit 2 – Summit Engineering Site plans
- Exhibit 3 – Letter from Chris Cowles to Andrew Hustad dated February 14, 2006 regarding the Brown residence.
- Exhibit 4 – Fourteen (14) photos taken by Board Investigator Greg Welch on April 19, 2006 at the Brown project.
- Exhibit 5 – Letter from Bruce Robb, Esq. to Dale Rycraft, Jr. dated May 16, 2006 with attachment letters from Rycraft to Robb dated May 11, 2006 and April 24, 2006.

The following Licensee's Exhibits were entered:

Exhibit A – A Binder with forty eight (48) exhibits and additional correspondence to include seven (7) additional exhibits pertaining to the Brown project.

Exhibit B – Additional documents pertaining to the Brown project.

Exhibit C – Complaint filed in District Court on May 8, 2006 Brown vs Design Builders

Exhibit D – Chronology of Events

Hearing Officer King found Respondent, Design Builders, LTD., Randall Craig Donald, President guilty of violation of NRS 624.3017(1) substandard workmanship; NRS 624.3011(1)(a) willful and prejudicial departure from or disregard of plans or specifications; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with a written request by Board. Respondent was assessed a fine of \$4,000.00 for the First Cause of Action. Respondent was assessed a fine of \$500.00 for each of the Third, Fourth and Fifth Causes of Action. The Second and Sixth Causes of Action were dismissed. Total fines assessed were \$5,500.00. The investigative costs were assessed in the amount of \$2,135.00. Fines and costs are to be paid within 30 days of the June 14, 2006 Hearing or license numbers 27516A, 27516B and 27516C, Design Builders, Inc. will be suspended. Representatives for the Respondent and Brown are to come to a resolution of how to affect the repairs at the Brown residence within 60 days of the June 14, 2006 hearing. If a resolution cannot be reached within 60 days of the June 14, 2006 hearing, the Respondent shall acquire a bid by a properly licensed contractor and this matter shall be brought back before the Hearing Officer on August 16, 2006, at which time the Hearing Officer will review the bids presented by the Respondent and by Mr. Brown. The Hearing Officer will determine the appropriate bid. The Respondent shall pay the bid for the repairs to the Brown residence and Brown shall pay the Respondent the outstanding amount owed on his contract with the Respondent.

2. DISCIPLINARY HEARING:

BEST SOLAR SCREENS, INC., LICENSE NO: 41377

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Letter from Respondent to Board regarding Reed complaint

Exhibit 3 – Letter from Respondent to Reed dated May 19, 2006 with attachments

The following Licensee's Exhibits were entered:

Exhibit A – Handwritten note from Reed

Hearing Officer King found Respondent Best Solar Screens, Inc., Tyron M. Galistan, President, license number 41377, guilty of violation of NRS 624.3017(1) substandard workmanship; 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(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. Respondent was assessed a fine of \$100.00 for the each of the First, Third and Fourth Causes of Action. The Second, Fifth and Sixth Causes of Action were dismissed. Total fines assessed were \$300.00. The investigative costs were assessed in the amount of \$2,145.00. Fines and costs are to be paid within 120 days of the June 14, 2006 Hearing or license numbers 41377, Best Solar Screens, Inc. will be suspended. Respondent shall pay restitution to Reed in the amount of \$4,575.00 within 30 days of the June 14, 2006 hearing or license number 41377, Best Solar Screens, Inc. will be suspended.

3. DISCIPLINARY HEARING:**SOUTHWEST STONE AND TILE, INC., LICENSE NOS. 46544, 46545**

Licensee was present with counsel, Theodore Parker, III, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Letter from Board to Theodore Parker, III dated March 13, 2006

The following Licensee's Exhibits were entered:

Exhibit A through Q – Packet of documents regarding Vesta Development

Exhibit R – Hydroment Product Information

Exhibit S – Letter from Parker to Board dated June 13, 2006

Exhibit T – Letter to Parker from Joseph Kozlowski, Esq., counsel for Vesta Development dated June 12, 2006.

Hearing Officer King found Respondent, Southwest Stone and Tile, Inc., Ted F. Michalosky, President, license numbers 46544 and 46565, guilty of violation of NRS 624.3017(1) substandard workmanship. The Second and Third Causes of Action were dismissed. The investigative costs were assessed in the amount of \$4,008.00. Costs are to be paid within 60 days of the June 14, 2006 Hearing or license numbers 46544 and 46545, Southwest Stone and Tile, Inc. will be suspended. Respondent shall pay Vesta Development, Inc. \$15,000.00 within 30 days of the June 14, 2006 hearing or license numbers 46544 and 46545, Southwest Stone and Tile, Inc. will be suspended.

4. DISCIPLINARY HEARING:**VISNIC CONSTRUCTION, INC., LICENSE NOS. 55333, 22316A, 24200A**

Licensee was present with counsel, Cory Hilton, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer King found Respondent, Visnic Construction, Inc., Stephen John Visnic, President, license numbers 55333, 22316A, 24200A, guilty of Two (2) violations of NRS 624.301(4) failure to prosecute a construction project with reasonable diligence; Three (3) 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 (3) violations of NRS 624.302(5) failure or refusal to respond to a written request by the Board; NRS 624.3012(3) failure to obtain the discharge or release of any lien recorded against the property; NRS 624.3017(1) substandard workmanship; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with a written request by Board; NRS 624.3018(2) certain persons prohibited from serving as officer, director, associate or partner of licensee. License numbers 55333, 22316A and 24200A, Visnic Construction, Inc. were revoked. Respondent was assessed a fine of \$2,500.00. The investigative costs were assessed in the amount of \$2,814.00. Fines and costs are to be paid within 30 days of the June 14, 2006. Mr. Visnic is required to pay full restitution to the damaged parties and reimburse the Board any expenses that may be paid out of the Residential Recovery Fund.

DISCIPLINARY HEARINGS – DEFAULT ORDERS:**BACKHOE BILLS, INC., dba DOWNUNDER CONSTRUCTION: LICENSE NO. 50498**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer King found Respondent in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Plouffe was found guilty of NRS 624.302(5) failure to respond to a written request from Board; NRS 624.3012(2) failure to pay any money when due; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with a written request by Board; NRS 624.3013(5), as set forth in NRS 624.300 failure to comply with an order directed by the Board. License number 50498, Backhoe Bills, Inc., dba Downunder Construction was Revoked. Mr. Plouffe is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,443.00 and any expenses that may be paid out of the Residential Recovery Fund.

HIGH DESERT CONSTRUCTION AND DEVELOPMENT, LICENSE NO. 51008

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer King found Respondent in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Leberger was found guilty of NRS 624.3012(2) failure to pay any money when due; NRS 624.302(5) failure or refusal to respond to a written request by the Board; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with a written request by the Board. License number 51008, High Desert Construction and Development was Revoked. Mr. Leberger is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,418.00 and any expenses that may be paid out of the Residential Recovery Fund.

TROPICAL CREATIONS CORP., License No. 42274

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer King found Respondent in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Faiers was found 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; Four (4) violations of NRS 624.302(5) failure or refusal to respond to a written request by the Board; Two (2) violations of NRS 624.3015(2) contracting with an unlicensed contractor; Two (2) violations of NRS 624.3015(1) acting beyond scope of license; Two (2) violations of NRS 624.301(4) failure to prosecute a construction project when percentage completed is less than percentage of total contract paid; Two (2) violations of NRS 624.301(5) failure to comply with the terms of the construction contract, thereby causing material injury to another; Two (2) violations of NRS 624.3012(1) diversion of money; Two (2) violations of NRS 624.3012(3) failure to obtain the discharge or release of any lien recorded against the property; Two (2) violations of NRS 624.3016(5), as set forth in NRS 624.940(2)(d) and NAC 624.6958(2)(d) failure to provide the estimated date of completion of all work to be performed; NRS 624.3016(5), as set forth in NRS 624.940(2)(h) and NAC 624.6958(2)(i) failure to provide notices and informational forms pursuant to NRS 624.600 and federal, state or local laws; NRS 624.3016(5), as set forth in NRS 624.940(2)(j) and NAC 624.6958(2)(k) failure to provide a plan and scale drawing showing the shape, size, dimensions and the specifications for the residential pool; NRS 624.3016(5), as set forth in NRS 624.940(2)(k) and NAC 624.6958(2)(m) failure to provide a schedule of payments that meet the requirements of NAC 624.6964; NRS 624.3016(5), as set forth in NRS 624.935(3) and NAC

624.6966(3) failure to furnish the owner a full and unconditional release from any claim of mechanics' lien for that portion of work performed; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with a written request by Board; NRS 624.3013(5), as set forth in NRS 624.263(3) failure to notify Board of bankruptcy; NRS 624.3013(4) failure to keep in force bond or cash deposit for full period required by Board. License number 44274, Tropical Creations Corp. was Revoked. Mr. Faiers is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$3,609.00 and any expenses that may be paid out of the Residential Recovery Fund.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer King at 1:49.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Bruce King, Hearing Officer