

KENNY C. GUINN  
Governor

STATE OF NEVADA



STATE CONTRACTORS BOARD

MINUTES OF THE MEETING  
September 6, 2006

REPLY TO:

**LAS VEGAS**

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**RENO**

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Reno, Nevada 89521  
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**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 Dave Clark called the meeting of the State Contractors Board to order at 9:30 a.m., Wednesday, September 6, 2006, 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:**

Mr. George J. Lyford, Director of Investigations  
Mr. Gary Hoid, Deputy Director of Investigations

**LEGAL COUNSEL PRESENT:**

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

The agenda was posted in compliance with the open meeting law on August 30, 2006 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:**

**PANDA BEAR HOMES, INC., dba DIAMOND PEAK OF NORTHERN NEVADA, LICENSE NO. 42582**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Clark found Respondent Mitchell Dean McCuiston, President of Panda Bear Homes, Inc., dba Diamond Peak of Northern Nevada, license number 42582 guilty of violating NRS 624.305 unlawful use, assignment or transfer of license; NRS 624.3014(2)(a-d) Aiding or abetting an unlicensed person; Three violations of NRS 624.301(3) failure in a material respect on the part of the licensee to complete any construction project; 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 624.3016(6) failure to comply with NRS 624.600 which requires disclosures by general building contractors; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3015(3) knowingly entering into a contract with a contractor while that contractor is not licensed; NRS 624.3013(5), as set forth in NAC 624.650(1) and (2) licensee shall not permit his contracting business to be operated by an unlicensed or unqualified person; NRS 624.3013(5), as set forth in NAC 624.640(3) if any change occurs in a licensee's address or personnel which affects the accuracy of statements in the application upon which his license is based, he shall report the change in writing to the Board within 30 days after the change occurs; NRS 624.3013(3) failure to establish

financial responsibility. License number 42582 was Revoked. The Sixth Cause of Action was dismissed. Licensee was ordered to pay a fine of \$1,000.00 each for the First, Second, Third, Fourth, Fifth, Seventh, Eighth, Tenth, Eleventh, Twelfth and Thirteenth Causes of Action and \$750.00 for the Ninth Cause of Action for a total fine of \$11,750.00; reimburse the Board's investigative fees and costs in the amount of \$5,543.00 and reimburse the Residential Recovery Fund for any claims and associated expenses paid out as a result of Licensee's actions.

**2. DISCIPLINARY HEARING:**  
**RENO SUNROOMS, LICENSE NO. 49308**

Licensee was present with Roderic Carucci, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File  
Exhibit 2 – One photo of Sunroom  
Exhibit 3 – Two photos dated June 6, 2006  
Exhibit 4 – Two photos dated September 6, 2006

The following Respondent Exhibit was entered:

Exhibit A – Series of Documents

**Hearing Officer Clark dismissed the Third and Fourth Causes of Action in the NSCB's Complaint. The First and Second Causes of Action will be held in abeyance pending licensee's payment of a maximum of \$2,000.00 to Mr. Pardini to hire another licensed contractor to effect the repairs to the satisfaction of Mr. Gary Hoid, Deputy Director of Investigations. Upon the NSCB's receipt of proof of payment to Mr. Pardini, the First and Second Causes of Action shall be dismissed.**

**3. DISCIPLINARY HEARING-DEFAULT ORDER:**  
**RESTORATION CONSTRUCTION, LICENSE NO. 57601**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

**Hearing Officer Clark found Respondent Norbert Emil Lorenz, President of Restoration Construction, license number 57601 guilty of violating NRS 624.3012(2) failure to pay for materials and services; NRS 624.302(5) failure or refusal to cooperate in an investigation; NRS 624.3013(3) failure to establish financial responsibility. License number 57601 was Revoked. Licensee shall pay full restitution to the damaged parties and reimburse the Board for investigative costs of \$2,135.00 and any claims and associated expenses that may be paid out of the Residential Recovery Fund.**

**4. DISCIPLINARY HEARING:**  
**WRIGHT OUTDOOR CENTER, LICENSE NO. 51599**

Licensee was present with Anne M. Vohl, Esq.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

The following Respondent Exhibit was entered:

Exhibit A – Respondent's Submission of Supplemental Exhibits include:  
Three photographs showing water level in Ripa pool  
Proposal dated August 8, 2006 from Wright to Ripa  
Letter dated August 9, 2006 from Vohl to Ripa

ANSI/NSPI-5 2003 Standard  
Manufacturer commendations

Hearing Officer Clark found Respondent James Steven Wright, Owner dba Wright Outdoor Center, license number 51599 guilty of two violations of NRS 624.3017(1) substandard workmanship. The Third, Fourth and Fifth Causes of Action were dismissed. No fines or penalties were imposed. Licensee was ordered to complete the necessary repairs to the Ripa pool by October 15, 2006 to the satisfaction of Gary Hoid, Deputy Director of Investigations, or license number 51599 will automatically be suspended. Licensee shall provide a 24 month warranty to the Ripas. The Ayalas shall hire at their own expense, a land surveyor to determine if the grades located from the pool are acceptable. Any corrective grading shall be paid for by the Alayas. After completion of any necessary corrective regrading, licensee shall complete the pool repairs at the Ayala residence within 45 days or license number 51599 will automatically be suspended.

#### ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Clark at 1:45 p.m.

Respectfully Submitted,

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Sandy Diederich, Recording Secretary

APPROVED:

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Margi A. Grein, Executive Officer

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Dave Clark, Hearing Officer

**ADJUDICATING BOARD MEMBER: JERRY HIGGINS**

**5. DISCIPLINARY REHEARING:**  
**STONECOAT, INC., LICENSE NO. 58497**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

**Hearing Officer Higgins found Respondent Gary Lee Mitchell, Owner, dba Stonecoat, Inc., license number 58497 guilty of two violations of NRS 624.3017(1) substandard workmanship; two violations of NRS 624.3013(5), as set forth in NRS 624.700(3)(a) failure to comply with the Board's Notice to Correct; 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(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 624.3013(3) failure to establish financial responsibility. Licensee was ordered to reimburse Jeffrey Wilson in the amount of \$837.50 and Jeffrey McKinnish in the amount of \$2,000.00; provide a current financial statement to the Board; reimburse investigative costs in the amount of \$1,500.00 within 60 days from September 6, 2006 or license number 58497 will be automatically revoked. Hearing Officer Higgins suspended license number 58497.**

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Higgins at 2:45 p.m.

Respectfully Submitted,

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Sandy Diederich, Recording Secretary

APPROVED:

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Margi A. Grein, Executive Officer

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Jerry Higgins, Hearing Officer