

KENNY C. GUINN  
Governor

STATE OF NEVADA

REPLY TO:

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**STATE CONTRACTORS BOARD**

**MINUTES OF THE MEETING  
OCTOBER 18, 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 9:00 a.m., Wednesday, October 18, 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. Bruce King  
Mr. Jerry Higgins

**STAFF MEMBERS PRESENT:**

Ms. Margi Grein, Executive Officer  
Mr. George Lyford, Director of Investigations  
Mr. Daniel Hammack, Chief of Enforcement

**LEGAL COUNSEL PRESENT:**

Mr. Bruce Robb, Esq., Legal Counsel  
Mr. David Brown, Esq., Legal Counsel

Mr. Grein stated the agenda was posted in compliance with the open meeting law on October 11, 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:**

**P. N. I. I., INC., dba PULTE HOMES OF NEVADA,** (LICENSE NO. 48129)

Mr. Patrick Terry, General Manager for the Licensee was present with counsel, David Lee, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Eight photographs taken by Investigator Greg Welch of the Levinson residence on October 12, 2006.

The following Licensee's Exhibits were entered:

Exhibit A – A cumulative Exhibit that included Respondent's brief; list of witnesses and 33 documents

regarding the Levinson complaint.

Hearing Officer Higgins found Respondent P. N. I. I., Inc., dba Pulte Homes of Nevada, Matthew W. Koart, President, license number 48129, guilty of violations of NRS 624.3017(1) substandard workmanship and NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct. No fines were assessed for the First and Second Causes of Action. The Board's investigative costs were assessed in the amount of \$5,312.00 to be paid within 30 days of the October 18, 2006 Board Hearing or license number 48129, P.N.I.I., Inc., dba Pulte Homes will be suspended. The Licensee was ordered to pay restitution to Mr. Levinson in the amount of \$500.00 within 30 days of the October 18, 2006 hearing or license number 48129, P. N. I. I., Inc., dba Pulte Homes of Nevada will be suspended.

## **2. DISCIPLINARY HEARING:**

**PURDY, INC., dba PURDY CONSTRUCTION,** LICENSE NOS. 49064, 49068

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – 34 photographs taken of the Levit residence taken by Investigator Greg Welch on October 4, 2006.

Hearing Officer King found Respondent Purdy, Inc., dba Purdy Construction, Ralph Purdy, President, license numbers 49064 and 49068, guilty of violations of NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; 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) failure to include license number and monetary license limit on contracts; NRS 624.3012(2) failure to pay any money when due; NRS 624.3018(2) certain persons prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed fines of \$3,000.00 for the First Cause of Action, a fine of \$1,000.00 for each of the Second and Fifth Causes of Action, a fine of \$100.00 for the Third Cause of Action and a fine of \$300.00 for the Fourth Cause of Action making total fines due of \$5,400.00. No fine was assessed for the Eighth Cause of Action. The Sixth and Seventh Causes of Action were dismissed. The Board's investigative costs were assessed in the amount of \$2,057.00. Fines and costs are to be paid within 30 days of the October 18, 2006 Board Hearing or license numbers 49064 and 49065, Purdy, Inc., dba Purdy Construction shall be revoked. The Hearing Officer accepted the voluntary surrender of license numbers 49064 and 49068, Purdy, Inc., dba Purdy Construction.

## **3. DISCIPLINARY HEARING:**

**HORIZON HOMES, INC., dba NEW HORIZON CONSTRUCTION COMPANY,** LICENSE NO. 31369

Licensee was present with counsel, Paul Connaghan, Esq.

Exhibit 1 – Board Hearing File.

The following Licensee's Exhibits were entered:

Exhibit A – A cumulative Exhibit containing 16 documents related to the Vega complaint and 16 documents related to the Montoya complaint.

Hearing Officer King found Respondent Horizon Homes, Inc., dba New Horizon Construction Company, Larry Powers, President, license number 31369, guilty of two (2) violations of NRS 624.3017(1) substandard workmanship and two(2) violations of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct. Respondent was found guilty for the First, Second, Third and Fourth Causes of Action, however, no fines were assessed. The Board's investigative costs were assessed in the amount of \$2,091.00 to be paid within 30 days of October 18,

2006 Board Hearing or license number 31369 shall be suspended. The Respondent shall effect the repairs to the Montoya residence from the Board's Notice to Correct dated July 31, 2006, that have not been completed within 21 days from the October 18, 2006 hearing or license number 31369, Horizon Homes, Inc., dba New Horizon Construction Company shall be suspended. The Respondent shall effect the repairs to the Vega residence from the Board's Notice to Correct dated March 28, 2006, items 10, 11, and 12 within 21 days from the October 18, 2006 hearing or license number 31369, Horizon Homes, Inc., dba New Horizon Construction Company shall be suspended.

#### 4. DISCIPLINARY HEARING:

ROGER ALLEN PRETZER, dba SUN CASTLE BUILDERS, LICENSE NO. 45856

SUN CASTLE BUILDERS, LLC, LICENSE NO. 45856A

Roger Allen Pretzer, the Licensee was not present. Sharon Bailey and Peter Mittenthal, Members of Sun Castle Builders, LLC were present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer King found Respondents Roger Allen Pretzer, dba Sun Castle Builders, license number 45856 and Sun Castle Builders, LLC, Roger A. Pretzer, Member, license number 45856A, guilty of violation of NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; NRS 624.3011(1)(a) disregard of plans and specifications; NRS 624.3013(5), as set forth in NRS 624.031(4) sale or lease of of a newly built structure within 1 year of completion creates rebuttable presumption that building of the structure was performed with intent to sell or lease that structure; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with written request by Board; NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify Board of change of address within 30 days after change occurs; NRS 624.3018(2) certain persons prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$3,000.00 for the First Cause of Action and a fine of \$2,000.00 for the Fourth Cause of Action. No fines were assessed for the Second, Third, Fifth, Sixth, Seventh or Eighth Causes of Action. The Board's investigative costs were assessed in the amount of \$2,416.00. Fines and costs shall be paid within 30 days of the October 18, 2006 hearing. Mr. Pretzer was ordered to pay restitution to Mr. Woodbeck in the amount of \$1,115.83 within 30 days of the October 18, 2006 hearing. The complaint against Sharon Rebecca Bailey and Peter Alan Mittenthal, Members of Sun Castle Builders, LLC, license number 45856A, Sun Castle Builders, LLC is dismissed.

#### 5. DISCIPLINARY HEARING – DEFAULT ORDERS:

QUALITY CONCRETE SURFACES, LICENSE NO. 55541

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer King found Respondent Jon T. Forsyth, dba Quality Concrete Surfaces, license number 55541, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Forsyth was found guilty of violation of NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; NRS 624.302(5) failure to respond to written request by Board; 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) failure to include license number and monetary license limit on contracts; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure

to comply with written request by Board. License number 55541, Jon T. Forsyth, dba Quality Concrete Surfaces was Revoked. Mr. Forsyth is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,495.00 and any expenses that may be paid out of the Residential Recovery Fund.

**M. T. BILT CO.**, LICENSE NO. 40291

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer King found Respondent Michael Anthony Taylor, dba M. T. Bilt Co., license number 40291, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Taylor was found guilty of violation of NRS 624.3011(1)(b)(1) failure to comply with building laws of State; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with written request by Board; NRS 624.3013(5), as set forth in NAC 624.640(5) failure to include license number and monetary license limit on contracts;. NRS 624.302(2) failure to comply with written citation within time permitted. License number 40291, Michael Anthony Taylor, dba M. T. Bilt Co. was Revoked. Mr. Taylor is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,816.00 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 12:00 p.m.

Respectfully Submitted,

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Janet Brinkley, Recording Secretary

APPROVED:

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Margi Grein, Executive Officer

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Jerry Higgins, Hearing Officer

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Bruce King, Hearing Officer