

Jim Gibbons  
Governor

STATE OF NEVADA



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MARGARET CAVIN, CHAIR  
SPIRIDON FILIOS, VICE CHAIR  
DAVID W. CLARK  
JERRY HIGGINS  
WILLIAM "BRUCE" KING  
RANDY SCHAEFER  
GUY M. WELLS

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING

June 13, 2007

**CALL TO ORDER:**

Hearing Officer Dave Clark called the meeting of the State Contractors Board to order at 9:00 a.m., Wednesday June 13, 2007, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

**BOARD MEMBERS PRESENT:**

Mr. David Clark  
Mr. Jerry Higgins

**STAFF MEMBERS PRESENT:**

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

**LEGAL COUNSEL PRESENT:**

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

The agenda was posted in compliance with the open meeting law on June 5, 2007 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: DAVID CLARK**

**1. DISCIPLINARY HEARING:**  
**APEX LAND DEVELOPMENT, INC., LICENSE NO. 56030**

Licensee was present with Michael Hoy, Esq.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Clark found Respondent Patrick Shawn Hawkins President of Apex Land Development, Inc., license number 56030 in violation of NRS 624.3013(3) failure to establish financial responsibility and accepted the voluntarily surrender of license number 56030. The First, Second, Third, Fourth and Fifth Causes of Action were dismissed. Mr. Hawkins was assessed investigative costs in the amount of \$1,473.00 to be paid within 30 days of June 13, 2007 or the status of license number 56030 will be changed from surrendered to revoked.

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

**2. DISCIPLINARY HEARING: Continued from December 7, 2006 & May 9, 2007**  
**D A DEVELOPMENT, LICENSE NO. 55592**

Licensee was present with John Moore, Esq.

The following Agency Exhibit was entered:

Exhibit 5 – Current photos taken of the Woods residence

The following Respondent Exhibits were entered:

Exhibit A – 3 pages from D A Development dated May 31, 2007 through June 12, 2007

Exhibit B – Letter dated June 6, 2007 from Alfonso Leon

Exhibit C – Letter from Jose Barraza

Exhibit D – Unsigned letter from Jose Barraza

Exhibit E – 3 photos taken with statement from Kyle Bell of D A Development

Exhibit F – Business card from Capital Tile & Stone

**Hearing Officer Clark ordered Respondent Dustin Urton President of D A Development, license number 55592, to complete the installation of the concrete driveway, reimburse Ms. Woods in the amount of \$700.00 so Ms. Woods may have the faux painting and the wall repaired. Ms. Woods shall ensure the water system is off in order for D A Development to complete the concrete driveway. Respondent shall provide an update to the Hearing Officer on July 11, 2007.**

**3. DISCIPLINARY HEARING: Continued from December 7, 2006 & May 9, 2007**  
**WRIGHT OUTDOOR CENTER, LICENSE NO. 51599**

Licensee was present.

**Hearing Officer Clark ordered Respondent James Wright of Wright Outdoor Center, license number 51599 to commence repairs on the Ayala residence pool no later than June 27, 2007. Mr. Ayala must have pavers removed and an additional one foot of water added to the pool prior to June 27, 2007. Respondent shall provide an update to the Hearing Officer on July 11, 2007.**

**4. DISCIPLINARY HEARING:**  
**SYNCON HOMES, LICENSE NO. 40880**

Licensee was present with Chris Moore, Esq.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

The following Respondent Exhibit was entered:

Exhibit A – Series of documents that includes:

Page 111-112 – Amended Notice to Correct

Page 46 – 47 – Homebuyer Worksheet

Page 16 – NSCB Consumer Information Form

Page 17-20 June 29, 2006 letter

Page 21 – Jobsite Report

Page 109 - February 7, 2006 letter

Page 108 – March 3, 2006 letter

Page 98 – August 8, 2006 letter

Page 94-95 – September 11, 2006 letter

Page 96-97 – Customer Service Inspection

Page 92 – December 13, 2006 Letter

Page 93 – Certified Mail Receipt

Page 90 – February 6, 2007 letter  
Page 91 – Certified Mail Receipt  
Page 87 89– April 16, 2007 letter  
Page 121 – TimberTech Report

Hearing Officer Clark continued this matter to July 11, 2007.

**4. DISCIPLINARY HEARING:**

**SPRIET & SONS EXCAVATING, LICENSE NO. 39746**

**SPRIET & SONS EXCAVATING AND CONSTRUCTION, LICENSE NO. 45746**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

The following Respondent Exhibit was entered:

Exhibit A – Amended Answer dated June 7, 2007

Hearing Officer Clark found Respondent Frank Spriet Owner of Spriet & Sons Excavating, license number 39746 in violation of NRS 624.301(1)(a) willful and prejudicial departure from or disregard of plans or specifications; 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(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; 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 624.3011(1)(b)(1) failure to comply with the building laws of the state; NRS 624.3013(3) failure to establish financial responsibility. The voluntary surrender of Spriet & Sons Excavating and Construction, license number 45746 was accepted by the Hearing Officer. Spriet & Sons Excavating, license number 39746 will be suspended until a current financial statement is presented to the Board and reviewed by staff.

**5. DISCIPLINARY HEARING-DEFAULT ORDER:**

**MCKINNON CONSTRUCTION, LICENSE NO. 57314**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Clark found Respondent Daniel Thomas McKinnon President of McKinnon Construction, license number 57314 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Licensee was found in violation of NRS 624.305(1) and (2) unlawful use, assignment or transfer of license; NRS 624.3013(5), as set forth in NAC 624.650(1) licensee shall not permit his contracting business to be operated by an unlicensed or unqualified person, under the power of attorney or otherwise; 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 624.3014(2)(a-d) Aiding or abetting an unlicensed person; NRS 624.3013(3) failure to establish financial responsibility. License number 57314 was Revoked. Respondent shall pay a fine in the amount of \$3,500.00; reimburse the Board for investigative costs in the amount of \$1,516.00 and any claims and associated 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 Clark at 12:40 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