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Governor

STATE OF NEVADA

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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
January 30, 2007

CALL TO ORDER:

Hearing Officer Filios called the meeting of the State Contractors Board to order at 9:00 a.m., Tuesday, January 30, 2007, 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
Mr. Chris Denning, Deputy Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

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

Ms. Grein stated the agenda was posted in compliance with the open meeting law on January 23, 2007, 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

DISCIPLINARY HEARING:

KENO CONSTRUCTION LICENSE NO. 35076

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Filios found Respondent Kenneth Dwight Williams, dba Keno Construction, license number 35076 guilty of violation of 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 624.3014(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; acting as agent, partner or associate of an unlicensed person. Mr. Williams was assessed a fine of \$500.00 each for the First and Second Causes of Action. The Third Cause of Action was dismissed. Mr. Williams is required to reimburse the Board for Investigative costs of \$1,465.00. Fines and costs are to be paid within 60 days from the January 30, 2007 Hearing or license number 35076, Kenneth Dwight Williams, dba Keno Construction, will be revoked.

2. DISCIPLINARY HEARING:

DIEDRICH CONSTRUCTION LICENSE NO. 31606

Licensee was present with counsel, Anthony Stirling, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – A costs and expenses breakdown regarding the Weinhandl project.

The following Respondent's Exhibits were entered:

Exhibit A – Six (6) photos taken by the Respondent of the Weinhandl project.

Hearing Officer Filios found Respondent Gregory Franklin Diedrich, dba Diedrich Construction, license number 31606, guilty of violation 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 624.301(2) abandonment of construction project when percentage completed is less than percentage of total contract paid; NRS 624.3011(1)(b)(1) willful disregard of the building laws of the State; 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 the license and any monetary limit placed upon his license; NRS 624.3016(5), as set forth in NRS 624.600(1)(a)(b)(2)(3)(a)(b) a contractor shall provide to residence his name, license number, business address and telephone number, names of subcontractors, persons who furnish materials of the value of \$500.00 or more and notice that a person may record a notice of a lien; NRS 624.3013(3) failure to establish financial responsibility. Mr. Diedrich was assessed fines of \$50.00 for each of the Fourth, Fifth, Sixth, Seventh and Eighth Causes of Action. Investigative costs were assessed in the amount of \$1,670.00 Fines and costs are to be paid within 60 days from the January 30, 2007 Hearing or license number 31606 will be suspended. Mr. Diedrich is required to pay restitution to Weinhandl in the amount of \$8,000.00 within six months of the January 30, 2007 Hearing or license number 31606, Gregory Franklin Diedrich, dba Diedrich Construction will be suspended.

3. DISCIPLINARY HEARING:

LEWIS ENTERPRISES, INC., dba LEWIS LANDSCAPE LICENSE NO. 41433

Licensee was not present but was represented by counsel, Neil Beller, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Filios found Respondent Lewis Enterprises, Inc., dba Lewis Landscape, license number 41433, guilty of violation NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.3013(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 all bids he submits or contracts he enters into for construction work within this State, the number of the license and any monetary limit placed upon his license; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.3013(4) failure to keep bond in force; NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify Board of change of address or personnel. License number 41433, Lewis Enterprises, Inc., dba Lewis Landscape was revoked.

4. DISCIPLINARY HEARING:

SWAN POOLS, INC., LICENSE NO. 38815

Licensee was present with counsel, Bruce Willoughby, Esq.

This matter was continued for 90 days to allow Board to perform a Business Review on Respondent.

5. DISCIPLINARY HEARING:

FRENCH CONTRACTING COMPANY, LICENSE NO. 7320

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – An estimate from Re-Nu Floor Coverings dated January 26, 2007 in the amount of \$13,175.00.

The following Respondent's Exhibits were entered:

Exhibit A – A written account of a meeting held at the Mans Residence on January 17, 2007.

Hearing Officer Filios found Respondent R.D. French, dba French Contracting Co., license number 7320, guilty 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 624.3014(2)(a)(b) 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; NRS 624.3015(1) acting in the capacity of contractor beyond scope of license; 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 the license and any monetary limit placed upon his license; NRS 624.3013(3) failure to establish financial responsibility. Investigation costs were assessed in the amount of \$1,832.00. Fines and costs are to be paid within 90 days of the January 30, 2007 Hearing, or license number 7320, R.D. French, dba French Contracting Co., will be revoked. Mr. French is required to pay restitution to Mans in the amount of \$8,854.00 within 90

days of the January 30, 2007 hearing or license number 7320, R.D. French, dba French Contracting Co., will be revoked. If Respondent timely pays Mans and investigative costs, the Board will accept voluntary surrender of license number 7320, R.D. French, dba French Contracting Co.

6. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. **METRO ELECTRIC**, License No. 37922

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Filios found Respondent Metro Electric, Michael Neal Johnson, President, license number 37922, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Johnson was found guilty of violation of NRS 624.302(5) failure to comply with a written request by the Board; NRS 624.3012(2) willful failure to pay any money when due for materials or service; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify Board of change of address or personnel. Investigation costs were assessed in the amount of \$2,123.00. Mr. Johnson was assessed fines of \$250.00 for each of the First and Fourth Causes of Action, \$1,000 fine for the Second Cause of Action and a \$500.00 fine for the Third Cause of Action, for total fines due of \$2,000.00. Mr. Johnson is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

b. **RESIDENTIAL LANDSCAPES, INC., Inc.**, License No. 5371

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Filios found Respondent Residential Landscapes, Inc., Phyllis Gonzalez, President, license number 53713 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Ms. Gonzales was found guilty of violation 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 624.3015(1) acting in the capacity of contractor beyond scope of license; NRS 624.3011(1)(b)(1) willful disregard of the building laws of the State; NRS 624.3013(3) failure to establish financial responsibility. Ms. Gonzalez was assessed fines of \$1,000.00 each for the First, Second and Fifth Causes of Action, \$100.00 fine for the Third Cause of Action and \$500.00 fine for each of the Fourth and Sixth Causes of Action, making total fines due of \$4,100.00. Investigative costs were assessed in the amount of \$1,794.00. Respondent is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs prior to consideration of future licensure.

c. **SOUTHERN NEVADA DECKING**, License No. 50649

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Filios found Respondent Pierre Anthony Kuhn, dba Southern Nevada Decking, license number 50649 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Kuhn was found guilty of violation of NRS 624.301(1) abandonment of construction project; NRS 624.301(5) failure to comply with the terms of the construction contract, thereby causing material injury to another; NRS 624.3012(1) diversion of money; Two (2) violations of NRS 624.302(5) failure to comply with a written request 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 NRS 624.3013(3) failure to establish financial responsibility. Mr. Kuhn was assessed fines of \$1,000.00 each for the First, Second and Third Causes of Action, fines of \$250.00 for each of the Fourth and Fifth Cause of Action, fine of \$100.00 for the Sixth Cause of Action and a fine of \$500.00 for the Seventh Cause of Action, making total fines due of \$4,100.00. Investigative costs were assessed in the amount of \$1,475.00. Mr. Kuhn is required to make restitution to VIP Contracting in the amount of \$3,600.00. Mr. Kuhn is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Filios at 12:08 p.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Spiridon Filios, Hearing Officer