

JIM GIBBONS
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

MARGARET CAVIN
Chair
SPIRIDON FILIOS
Vice Chair
MICHAEL EFSTRATIS
JERRY HIGGINS
WILLIAM "BRUCE" KING
RANDY SCHAEFER
GUY M. WELLS



STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
November 14, 2007**

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

CALL TO ORDER:

Hearing Officer Schaefer called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, November 14, 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
Mr. Michael Efstratis

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George Lyford, Director of Investigations

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 November 7, 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

1. DISCIPLINARY HEARING:

SIERRA WEST CONSTRUCTION COMPANY, LICENSE NO. 27466

Licensee was present.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File.

This matter was continued to December 6, 2007. The Respondent shall provide a current financial statement prepared by a Certified Public Accountant by December 6, 2007.

2. DISCIPLINARY HEARING:**FAMKO GENERAL CONTRACTORS**, LICENSE NO. 57717

Licensee was present.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File.

Hearing Officer Filios found Respondent Famko General Contractors, Aida A. Aziz, President, license number 57717, guilty of one (1) violation of NRS 624.3015(2) bidding to contract for a sum for one construction contract or project in excess of the limit place on the license by the Board. Respondent was assessed a fine of \$100.00.

3. DISCIPLINARY HEARING:**M & J ASPHALT, INC., dba G. L. B. Y.**, LICENSE NO. 56064

Licensee was present with counsel, Richard Bryan, Esq.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File

Hearing Officer Filios found Respondent M & J Asphalt, Inc., dba G. L. B. Y., Marlin John Younger, President, license number 56064, guilty of one (1) violation of NRS 624.302(4) the suspension revocation or other disciplinary action taken by another state against a contractor based on a license issued by that state if the contractor is licensed in this State or applies for a license in this State. License number 56064, M & J Asphalt, Inc., dba G. L. B. Y., was revoked. The Revocation was stayed and license number 56064, M & J Asphalt, Inc., dba G. L. B. Y., is placed on probation for two (2) years. Respondent was assessed a fine of \$ 2,000.00. Investigative costs were assessed in the amount of \$1,573.00. Fines and costs shall be paid within thirty (30) days from the November 14, 2007 Hearing. Failure to submit payment of the fine and costs shall automatically terminate the stay of the Order of Revocation and Respondent's license shall be revoked effective sixty (60) days from the effective date of the Decision and Order.

4. DISCIPLINARY HEARING: (Continued from August 2, 2006, November 8, 2006, February 22, 2007)**ARTISTIC POOL/SPA, INC.**, LICENSE NO. 24446

Licensee was not present nor represented by counsel.

This matter was continued until the Chapter 40 litigation is resolved.

5. DISCIPLINARY HEARING: (Continued from June 15, 2005)**T. R. BLACK ENTERPRISES**, LICENSE NO. 30644

Licensee was not present nor represented by counsel.

This matter was continued.

6. DISCIPLINARY HEARING – DEFAULT ORDERS**a. MCCATHERAN CONSTRUCTION, INC., LICENSE NO. 63695**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File

Hearing Officer Filios found Respondent McCatheran Construction Inc., Kevin McCatheran, President, license number 63695, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. McCatheran was found guilty of two (2) violations of NRS 624.301(1) abandonment of any construction project or operation engaged in or undertaken by the licensee as a contractor; two (2) violations of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; two (2) violations of 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 monetary limit placed upon his license; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board to cooperate in the investigation of a complaint; one (1) violation of NRS 624.3013(4) failure to keep in force the bond or cash deposit for the full period required by the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. License number 63695, McCatheran Construction Inc., was revoked. Mr. McCatheran was assessed a fine of \$5,700.00.

Investigative costs were assessed in the amount of \$2,008.00. Mr. McCatheran is required to pay full restitution to all damaged parties and reimburse the Board for any monies paid out of Residential Recovery fund plus fines and investigative costs prior to consideration of future licensure.

b. H. S. L. CORP., dba B J's GLASS N MIRROR CO., LICENSE NO. 52988

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File.

Hearing Officer Filios found Respondent H. S. L. Corp., dba B J's Glass N Mirror Co., Michael Allen Reiff, President, license number 52988, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Reiff was found guilty of one (1) violation of NRS 624.3012(2) willful or deliberate failure to pay any money when due; two (2) violations of NRS 624.302(5) failure or refusal to respond to a written request from the Board to cooperate in the investigation of a complaint; two (2) violations of NRS 624.301(2) abandonment of a construction project when the percentage of the project completed is less than the percentage of the total price of the contract paid to the contractor at the time of abandonment; two (2) violations of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; one (1) violation of 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 monetary limit placed upon his license; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify the Board within 30 days of change of address; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. License number 52988, H. S. L. Corp., dba B J's Glass N Mirror Co., was revoked. Mr. Reiff was assessed a fine of \$3,700.00. Investigative costs were assessed in the amount of \$1,231.00. Restitution was ordered to New World West, Inc., in the amount of \$9,391.64, to Linda Brown in the amount of \$315.00 and to Stanley Jones in the amount of \$121.00. Mr. Reiff is required to pay 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. SILVER EXPRESS, INC., dba SILVER EXPRESS CONSTRUCTION, LICENSE NO. 51227

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File.

Hearing Officer Filios found Respondent Silver Express, Inc., dba Silver Express Construction, Jacky Love Lynn, President, license number 51227, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Lynn was found guilty of one (1) violation of NRS 624.301(5) willful failure and refusal to comply with the terms of a construction contract; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; one (1) violation of NRS 624.301(4) willful failure or refusal to prosecute a construction project or operation with reasonable diligence; two (2) violations of NRS 624.301(1) abandonment of construction project or operation engaged in or undertaken by the licensee as a contractor; two (2) violations of NRS 624.3012(1) diversion of money; one (1) violation of NRS 624.3011(1)(b)(1) willful or deliberate disregard and violation of the building laws of the State; one (1) violation of NRS 624.302(5) failure or refusal to respond to a written request from the Board to cooperate in the investigation of a complaint; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of 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 monetary limit placed upon his license; one (1) violation of NRS 624.3011(1)(b)(2) willful or deliberate disregard and violation of the safety laws or labor laws of the State; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify Board within 30 days of change of address. License number 51227, Silver Express, Inc., dba Silver Express Construction, was revoked. Mr. Lynn was assessed a fine of \$8,500.00. Investigative costs were assessed in the amount of \$2,350.00. Mr. Lynn is required to pay full restitution to all damaged parties and reimburse the Board for 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 10:25 a.m.

Respectfully Submitted,

Tricia Buyson, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Spiridon Filios, Hearing Officer