

Jim Gibbons
Governor

STATE OF NEVADA



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

MEMBERS

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

August 8, 2007

CALL TO ORDER:

Hearing Officer Jerry Higgins called the meeting of the State Contractors Board to order at 9:06 a.m., Wednesday August 8, 2007, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

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

Mr. Lyford advised the agenda was posted in compliance with the open meeting law July 26, 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: JERRY HIGGINS

1. DISCIPLINARY HEARING:

PENTAGON PLUMBING AND AIR CONDITIONING, LICENSE NO. 58722
IMPERIAL PLUMBING, INC., LICENSE NO. 17916

Licensee (Mike Stokely) was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

The following Respondent Exhibits were entered:

Exhibit A – Red Binder of documents

Hearing Officer Higgins found Respondent Pentagon Plumbing and Air Conditioning, license number 58722 guilty of violating NRS 624.3017(1) substandard workmanship; NRS 624.3013(3) failure to establish financial responsibility. Mike Stokely, President of Pentagon Plumbing and Air Conditioning, was ordered to pay a fine of \$2,000.00 for the First Cause of Action and \$2,000.00 for the Third Cause of Action; reimburse the Board for investigative costs of \$2,016.00. The second cause of action was dismissed. Fines and costs shall be paid within 60 days of August 8, 2007, or license number 58722 will be automatically suspended.

Hearing Officer Higgins dismissed all charges against Imperial Plumbing, license number 17916.

2. DISCIPLINARY HEARING:
HERBST STATION REPAIR, LICENSE NO. 13211A

Licensee (George L. Herbst) was present
Licensee (Joy Maxine Herbst) was present

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File
Exhibit 2 – Additional Photos
Exhibit 3 – 2 pages of diagrams
Exhibit 4 – Laboratory Report dated 2/7/07

The following Respondent Exhibits were entered:

Hearing Officer Higgins accepted a monetary settlement agreement between the Respondent, Herbst Station Repair Inc., license number 13211A and the complainant, Robert DeYoe. Settlement terms consist of DeYoe making a \$30,000.00 payment to the Respondent for which the Respondent will drop a civil complaint in Nye County District Court and release any liens against DeYoe's property. Furthermore, the Respondent was ordered to provide the Board with a personal financial statement within sixty (60) days. Further action on this complaint will be held in abeyance by the Board until such time as this agreement has been fulfilled and the Respondent has submitted the required financial statement. At such time the settlement agreement is fulfilled and the Respondent complies with the order of the Board, this complaint will be dismissed.

3. DISCIPLINARY HEARING-DEFAULT ORDER:
CREATIVE LAND CONCEPTS, LICENSE NO. 54143

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Higgins found Respondent Sean Joseph Channey, Owner dba Creative Land Concepts, license number 54143 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Licensee was found guilty of violating NRS 624.301(3) willful failure in a material respect on the part of a licensee to complete any construction project; NRS 624.3013(5), as set forth in NRS 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.301(1) abandonment without legal excuse of any construction project or operation engaged in or undertaken by the licensee as a contractor; NRS 624.301(2) abandonment of a construction project when the percentage of the project completed in less than the percentage of the total price of the contract paid; NRS 624.302(5) failure or refusal to cooperate in an investigation; 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(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3013(3) failure to establish financial responsibility. License number 54143 was Revoked. Respondent shall pay full restitution to the damaged party; pay a fine in the amount of \$4,350.00; reimburse the Board for investigative costs of \$1,956.00 and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

4. DISCIPLINARY HEARING:
SILVER MEADOWS LANDSCAPING, LLC, LICENSE NOS. 57801 AND 62770

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Higgins found Respondent Silver Meadows Landscaping, Inc., Dave Scott Micone President, license numbers 57801 and 62770 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Licensee was found guilty of violating NRS 624.3012(2) failure to pay for materials and services; NRS 624.3016(1) fraudulent or deceitful act; NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action and NRS 624.3013(3) failure to establish financial responsibility. License numbers 57801 and 62770 are Revoked. Respondent shall pay full restitution in the amount of \$11,054.05 to the damaged party; pay a fine in the amount of \$2,250.00; reimburse the Board for investigative costs of \$1,697.00 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 Higgins at 11:50 a.m.

Respectfully Submitted,

Diana V. Alvarado, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Jerry Higgins, Hearing Officer