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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
September 12, 2007**

CALL TO ORDER:

Hearing Officer Dave Clark called the meeting of the State Contractors Board to order at 9:00 a.m., Wednesday September 12, 2007, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Dave Clark
Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

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

The agenda was posted in compliance with the open meeting law on September 4, 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: DAVE CLARK

**1. DISCIPLINARY HEARING-DEFAULT ORDER:
PRICE & SONS PLUMBING, LICENSE NO. 53936**

The licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Clark found Respondent Doyle Eugene Price, Owner of Price & Sons Plumbing, license number 53936 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 624.3015(3) knowingly entering into a contract with a contractor while that contractor is not licensed; 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 624.3016(6) failure to comply with NRS 624.600 which requires disclosures by general building contractors; NRS 624.3013(3) failure to establish financial responsibility. License number 53936 was revoked. Licensee shall pay full restitution to the damaged party; pay a fine in the amount of \$1,850.00; reimburse the Board for investigative costs of \$2,495.00 and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

DISCIPLINARY HEARING: DEFAULT ORDER
LEONARD PITTS CONSTRUCTION, LICENSE NO. 45183

The licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Clark found Respondent Leonard Pitts, Owner of Leonard Pitts Construction, license number 45183 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(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 624.3013(5), as set forth in NRS 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.302(5) failure or refusal to cooperate in an investigation; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3016(6) failure to comply with NRS 624.600; NRS 624.3011(1)(b)(1) failure to comply with the building laws of the state; NRS 624.3011(2) failure to obtain necessary building permits; NRS 624.3013(3) failure to establish financial responsibility. License number 45183 was revoked. Licensee shall pay full restitution to the damaged party; pay a fine in the amount of \$5,100.00; reimburse the Board for investigative costs of \$2,048.00 and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

2. CONTINUED DISCIPLINARY HEARING:
SYNCON HOMES, LICENSE NO. 40880 (Continued from July 11, 2007)

The licensee was present with Christian L. Moore, Esq.

The following Agency Exhibits were entered:

Exhibit 2 – Letter dated September 10, 2007 from David Lundergreen, Building Official

Exhibit 3 – Proposal from Stephen Reinhart Painting

Mr. Cooper rejected the Syncon Homes settlement of \$21,100.00. Hearing Officer Clark dismissed the complaint against Syncon Homes, license number 40880.

3. DISCIPLINARY HEARING:
SUPERIOR CONCRETE, LICENSE NO. 55485

The licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – C B Concrete letter regarding Phil Hulseley

Exhibit 3 – Kathy Stewart's letter regarding non sufficient funds

Exhibit 4 – Copies of checks

The following Respondent Exhibits were entered:

Exhibit A – Photos of concrete

Exhibit B – Letter from Superior Concrete to NSCB

Hearing Officer Clark found Respondent Dale R. Lehto, Owner dba Superior Concrete, license number 55485 guilty of violating NRS 624.3017(1) substandard workmanship; NRS 624.3017(1)

substandard workmanship; 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 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 his license and any monetary limit placed upon his license; NRS 624.3012(3) failure to obtain the discharge of Lien; NRS 624.3016(1) fraudulent or deceitful act. Licensee is to remove the lien, complete the repairs to the Hulsey residence, reimburse Sharon Sanchez in the amount of \$5,000.00, reimburse the Board for investigative costs of \$1,000.00 within 90 days of the September 12, 2007 hearing or license number 55485 will be revoked. The Licensee is ordered to submit to a Business Review. The result of the Business Review will be presented to the Executive Officer. The Board will not charge the Respondent for the cost of the Business Review.

4. DISCIPLINARY HEARING:

LAKE TAHOE DEVELOPERS, INC., LICENSE NOS. 57719, 64694 AND 66079

The licensee was present with Michael B. Springer, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Clark found Respondent Richard Leon Birmingham, President of Lake Tahoe Developers, Inc., license numbers 55719, 64694 and 66079 guilty of violating NRS 624.305 unlawful use, assignment or transfer of license; NRS 624.3014(2)(a-d) Aiding or abetting an unlicensed person; NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; NRS 624.3012(2) failure to pay for materials and services; NRS 624.3016(1) fraudulent or deceitful act; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action. Hearing Officer Clark accepted the voluntarily surrender of Lake Tahoe Developers, Inc., license numbers 57719, 64694 and 66079. Investigative costs were assessed in the amount of \$3,121.00. Licensee shall pay L A Thomas \$3,500.00 and Gore Plumbing \$4,370.00.

5. DISCIPLINARY HEARING:

D A DEVELOPMENT, INCORPORATED, LICENSE NO. 55592

The licensee was present with John Moore, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Agreement dated July 20, 2007

Exhibit 3 – Photos taken at Schilling residence on August 28, 2007

Hearing Officer Clark found Respondent Dustin Andrew Urton, President of D A Development Incorporated, license number 55592 guilty of violating NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NRS 624.700(3)(a) failure to comply with the Board's Notice to Correct. Licensee was ordered to complete the six items in the complaint at the Schilling residence; pay a fine of \$750.00 and investigative costs of \$1,800.00. Fines and costs are to be paid within 30 days of the September 12, 2007 hearing or license number 55592 will be automatically suspended. Licensee is ordered to submit to a Business Review within 30 days from September 12, 2007. The result of the Business Review will be presented to the Executive Officer. The Respondent will be provided a billing and will reimburse the Board for the cost of the Business Review within 10 days of receipt of the billing. Failure to submit to the Business Review or reimburse the Board the investigative cost will result in the Suspension of the license.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Clark at 12:20 p.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Dave Clark, Hearing Officer