

JIM GIBBONS
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

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SPIRIDON FILIOS
Vice Chair
DAVID W. CLARK
JERRY HIGGINS
WILLIAM "BRUCE" KING
RANDY SCHAEFER
GUY M. WELLS



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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
September 26, 2007

CALL TO ORDER:

Hearing Officer Schaefer called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, September 26, 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. Randy Schaefer
Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George Lyford, Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement
Mr. Chris Denning, Deputy 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 September 19, 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: RANDY SCHAEFER

1. DISCIPLINARY HEARING: (Continued from November 8, 2006 and April 25, 2007)

AMERICAN PREMIERE, INC., LICENSE NO. 51594

AMERICAN PREMIERE HOMES AND DEVELOPMENT, LICENSE NO. 42749

T & R PAINTING & DR WALL, INC., LICENSE NOS. 57463, 48191, 37257

Licensee was not present but was represented by counsel, Diana Sullivan, Esq.

Homeowner, Estela Vaden, was present with counsel, Bryce Buckwalter, Esq.

This matter was continued to December 6th, 2007.

2. DISCIPLINARY HEARING:

INNOVATIVE CONCRETE, LLC, LICENSE NO. 58954

Licensee was present.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File.

Exhibit #2 – Correspondence from complainant Service Rock Products.

Exhibit #3 – Correspondence from complainant Brundage-Bone Concrete Plumbing.

Exhibit #4 – Correspondence from complainant Regal Materials, Inc.

Hearing Officer Schaefer found Respondent Innovative Concrete, LLC, Timothy Michael Best, Member, license number 58954, guilty of one (1) violation of NRS 624.3012(2) willful failure to pay any money when due for materials or service; one (1) violation of NRS 624.302(5) failure to comply with a written request by the Board. The Second and Fourth Causes of Action were dismissed and no fines were assessed. Investigative costs were assessed in the amount of \$2,651.00. License number 58954, Innovative Concrete, LLC, was reinstated to an active status. Mr. Best is required to pay the investigative costs within 120 days of the September 26th, 2007 hearing date or license number 58954, Innovative Concrete, LLC will be suspended.

3. DISCIPLINARY HEARING:

TEMPLE DEVELOPMENT CORPORATION, LICENSE NO. 22147

Licensee was not present but was represented by Rhonda Thompson, Administrative Assistant.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File

Exhibit #2 - Correspondence from Thomas A. Ericsson date 9/14/2007.

Exhibit #3 – Correspondence from complainant Unique Scape and Design.

Exhibit #4 – Correspondence from complainant State Insulation.

Hearing Officer Schaefer found Respondent Temple Development Corporation, Aaron L. Temple, Owner, license number 22147, guilty of five (5) violations of NRS 624.302(5) failure to comply with a written request by the Board; seven (7) 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 the license and any monetary limit placed upon his license; one (1) violation of NRS 624.3017(1) substandard workmanship; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify Board of change of address or personnel; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Mr. Temple was assessed a fine of \$ 3,000.00. The First and Fifth Causes of Action were dismissed. Investigative costs were assessed in the amount of \$2,888.00. License number 22147, Temple Development Corporation, was revoked. Mr. Temple 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.

4. DISCIPLINARY HEARING:

BLACKSTONE BUILDERS, INC., LICENSE NO. 57968

Licensee was present with counsel, Brian K. Berman, Esq.

Homeowners were present with counsel, Darren Welsh, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

The following Respondent Exhibits were entered:

Exhibit A – Cumulative exhibit to include correspondence, accounting of the Schneider project and the Board's Notices.

Hearing Officer Schaefer took the matter under review.

DISCIPLINARY HEARING – DEFAULT ORDERS:

a. B.S.I. LANDSCAPE & GOLF, INC., LICENSE NO. 53272

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer found Respondent B. S. I. Landscape & Golf, Inc., Gregory Allan Klund, President, license number 53272, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Klund was found guilty of one (1) violation of NRS 624.301(5) failure to comply with the terms of the construction contract, thereby causing material injury to another; 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(2) abandonment of construction project when percentage completed is less than percentage of total contract paid; one (1) violation of NRS 624.302(1)(a) contracting or submitting a bid if license has been suspended or revoked; one (1) violation 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 the license and any monetary limit placed upon his license; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Mr. Klund was assessed a fine of \$3,450.00. License number 53272, B. S. I. Landscape & Golf, Inc., was revoked. Investigative costs were assessed in the amount of \$1,463.00. Mr. Klund 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.

b. CARSON TAYLOR CONSTRUCTION, INC., LICENSE NO. 20197

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer found Respondent Carson Taylor Construction, Inc., Terry E. Gilland, President, license number 20197, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Gilland was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.302(5) failure to comply with a written request by the Board. Mr. Gilland was assessed a fine of \$1,000.00. License number 20197, Carson Taylor Construction, Inc., was revoked. Investigative costs were assessed in the amount of \$1,414.00. Mr. Gilland is required to pay full restitution to the 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.

c. SILVER STATE CARPETS, INC., dba CARPETERIA LICENSE NO. 27295

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer found Respondent Silver State Carpets, Inc., dba Carpeteria, Raymond Tigran Yeghiazarian, President, license number 27295, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Yeghiazarian was found guilty of three (3) violations of NRS 624.301(5) failure to comply with the terms of the construction contract, thereby causing material injury to another; three (3) violations of NRS 624.3012(1) diversion of money; three (3) 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 624.302(5) failure to comply with a written request by the Board; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify Board of change of address or personnel; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Mr. Yeghiazarian was assessed a fine in the amount of \$4,800.00. License number 27295, Silver State Carpets, Inc., dba Carpeteria was revoked. Restitution is to be made to Tanya Lacy in the amount of \$1,350.00, Mary Richard in the amount of \$2,261.00, and to Robin McKenna in the amount of \$2,000.00. Investigative costs were assessed in the amount of \$1,787.00. Mr. Yeghiazarian is required to pay full restitution to the 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.

d. AMERICAN CUSTOM CONCRETE, INC., LICENSE NO. 64721

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer found Respondent American Custom Concrete, Inc., Allen Albert Daffer, President, license number 64721, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Daffer was found guilty of one (1) violation of NRS 624.624.3017(1) substandard workmanship; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; one (1) violation of NRS 624.3011(1)(b)(1) willful disregard of the building laws of the State; one (1) violation 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 the license and any monetary limit placed upon his license; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.302(2) failure to comply with a written citation issued. Mr. Daffer was assessed a fine of \$3,700.00. License number 64721, American Custom Concrete, Inc., was revoked. Investigative costs were assessed in the amount of \$1,657.00.

Mr. Daffer is required to pay full restitution to the 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.

e. H Y CONSTRUCTION, LICENSE NO. 67845

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer found Respondent H Y Construction, Woon Jae Ra, President, license number 67845, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Ra was found guilty of one (1) violation of NRS 624.301(4) to prosecute a construction project or operation with reasonable diligence, thereby causing material injury to another; one (1) violation of NRS 624.301(5) failure to comply with the terms of the construction contract, thereby causing material injury to another; one (1) violation of NRS 624.3012(1) diversion of money; one (1) violation of NRS 624.302(5) failure to comply with a written request by the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Mr. Ra was assessed a fine in the amount of \$2,500.00. License number 67845, H Y Construction, was revoked. Investigative costs were assessed in the amount of \$1,274.00. Mr. Ra is required to pay full restitution to the 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 Schaefer at 12:24p.m.

Respectfully Submitted,

Tricia Buyson, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Randy Schaefer, Hearing Officer