

**JIM GIBBONS**  
Governor

**STATE OF NEVADA**



**REPLY TO:**

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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  
August 23, 2007**

**1. CALL TO ORDER:**

Chair Margaret Cavin called the meeting of the State Contractors Board to order at 9:00 a.m., Thursday, August 23, 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:**

Ms. Margaret Cavin - Chair  
Mr. Randy Schaefer  
Mr. David Clark  
Mr. Spiridon G. Filios  
Mr. Jerry Higgins  
Mr. Bruce King  
Mr. Guy Wells

**STAFF MEMBERS PRESENT:**

Ms. Margi Grein, Executive Officer  
Ms. Nancy Mathias, Licensing Administrator  
Mr. George Lyford, Director of Investigations  
Mr. Dan Hammack, Chief of Enforcement  
Mr. Chris Denning, Deputy Director of Investigations  
Mr. Gary Hoid, 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 August 16, 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.

**FUTURE AGENDAS:**

Mr. Filios requested a discussion on Investigative Policies/Procedures to be added to the next agenda.

**2. PUBLIC COMMENT:**

Mr. Robert Portnoff spoke concerning unethical contractors.

**3. APPROVAL OF MINUTES: July 26, 2007**

It was moved and seconded to approve the minutes of July 26, 2007. **MOTION CARRIED.**

**4. EXECUTIVE SESSION:**

**a. EXECUTIVE OFFICER'S REPORT:**

This matter was continued.

**b. APPROVAL OF AUDITED FINANCIAL REPORT FOR PERIOD ENDING 6/30/07**

Mr. Dave Silva from the CPA firm of Solari and Stummer submitted the annual Auditing financial report.

It was moved and seconded to approve the financial report. **MOTION CARRIED.**

**c. DISCUSSION AND REVIEW OF RESPONSES UNDER NRS 40.6887**

This matter was continued.

**d. DISCUSSION OF NEVADA LANDSCAPE ASSOCIATION LETTER RECEIVED JULY 12, 2007 CONCERNING MAINTENANCE OPERATORS.**

Ms. Cavin suggested the matter be referred to a subcommittee. Ms. Cavin, Mr. Filios and Mr. Wells will serve as committee members.

**e. DEPARTMENTAL REPORTS:**

**ENFORCEMENT AND INVESTIGATIONS:**

Mr. Hammack provided a status report of the Enforcement and Investigations Department..

**HUMAN RESOURCES:**

Ms. Grein informed the Board that Phyllis Shyne would be retiring in September.

**LEGAL:**

Mr. Robb provided status reports on pending legal matters.

**LICENSING:**

Ms. Stewart provided a status report of the Licensing Department.

**PUBLIC RELATIONS:**

Mr. Nadler provided a status report on the Public Relations Department.

**RECOVERY FUND:**

Ms. Grein informed the Board that the next Recovery Fund Hearing will be following the September 27, 2007 Board meeting.

**5. SUBCOMMITTEE REPORTS: Executive Subcommittee, Recovery Fund Subcommittee, Classification/Regulation Subcommittee, Finance Subcommittee Subcommittee (s) Discussion**

Ms. Grein informed the Board that staff was in the process of drafting changes required by AB 592.

**6. APPLICATION DENIAL HEARING:**

**N X Level Landscaping, LLC**

Craig L. Fuller, Manager was present.

**It was moved and seconded to deny the application. MOTION CARRIED.**

**7. FINANCIAL RESPONSIBILITY HEARING:**

Jayhawk Electrical Services, License No. 62208

This Hearing was vacated.

**8. APPROVAL OF CONSENT AGENDA:**

**a. RATIFICATION OF STAFF APPROVED LICENSE APPLICATIONS, CHANGES OF LICENSURE, REINSTATEMENT OF LICENSURE, VOLUNTARY SURRENDERS: (List Attached, Items 1 to 683)**

**It was moved and seconded to approve the consent agenda. MOTION CARRIED.**

**9. APPLICATIONS (INITIAL AND RENEWAL) IN QUESTION:** (Closed meeting pursuant to NRS 241.030, list attached)

**It was moved and seconded to close the meeting to the public in accordance with NRS 241.030 to discuss financial matters. MOTION CARRIED**

**FAWN CONSTRUCTION** (B2-RESIDENTIAL & SMALL COMMERCIAL) PERMANENT RAISE IN LIMIT.

Applicant was present.

**It was moved and seconded to approve the permanent raise in limit (B-2 Residential and small commercial) with a monetary limit of \$800,000.00 and a bond of \$20,000.00. MOTION CARRIED.**

The Board reviewed the remainder of the applications on the agenda.

**It was moved and seconded to reopen the meeting to the public. MOTION CARRIED.**

**It was moved and seconded to ratify all applications not specifically discussed in closed session as recommended by staff. MOTION CARRIED.**

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned by Chair Cavin at 10:08 A.M.

Respectfully Submitted,

\_\_\_\_\_  
Janet Brinkley, Recording Secretary

APPROVED:

\_\_\_\_\_  
Margi Grein, Executive Officer

\_\_\_\_\_  
Margaret Cavin, Chair

**ADJUDICATING BOARD MEMBER: RANDY SCHAEFER****1. DISCIPLINARY HEARING:** (Continued from April 25, 2007 and July 26, 2007)**HARDIN CONCRETE COMPANY, INC.** License No. 49119

Licensee was present.

Exhibit 1 – Board Hearing File.

Exhibit 2 – The Board's Administrative Citation #C-0705-0470

Hearing Officer Schaefer found Respondent Hardin Concrete Company, Inc., license number 49119, guilty of one (1) violation of NRS 624.3017(1) substandard workmanship; one (1) violation of NRS 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 624.3015(1) acting beyond scope of license; 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) failure for licensee in any material respect to include in all bids and contracts the license number and monetary limit placed on the license. Respondent was found guilty of the First, Second, Third, Fourth, Fifth, and Seventh Causes of Action. The Sixth Cause of Action was dismissed. License number 49119, Hardin Concrete Company, Inc. was revoked. Investigative costs were assessed in the amount of \$3,614.00. Mr. Hardin was assessed fines of \$500.00 for each of the First, Second, Third, Fourth, Fifth, and Seventh Causes of Action, for total fines due of \$3,000.00. Mr. Hardin is required to pay full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential and Recovery fund plus fines and investigative costs prior to consideration of future licensure.

**DISCIPLINARY HEARING:** (Continued from April 25, 2007 and July 26, 2007)**CREATIVE POOL DESIGN, INC.** License No. 32964A

Licensee was present with counsel, Keith Gregory, Esq.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File

Exhibit #3 – Series of photos of the construction of the swimming pool of Debra Bernier.

Exhibit #4 – The subpoenaed documents from Pulte Homes.

Exhibit #5 - The subpoenaed documents from the City of the North Las Vegas Building Department.

Hearing Officer Schaefer found Respondent Creative Pool Design, Inc., Julian Perona Eusebio, President, guilty of one (1) violation of NRS 624.3017(1) substandard workmanship. Respondent was found guilty of the First Cause of Action. The Second Cause of Action was dismissed. Investigative costs were assessed in the amount of \$3,727.00. Mr. Eusebio was assessed a fine of \$2,000.00 for the First Cause of Action, for a total fine due of \$2,000.00. Mr. Eusebio is required to pay full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential and Recovery fund plus fines and investigative costs. Fines are to be paid within 90 days of the August 23, 2007 Board Hearing or license number 32964A, Creative Pool Design, Inc., will be suspended.

**ADJUDICATING BOARD MEMBER: SPIRIDON FILIOS**

**DISCIPLINARY HEARING:** (Continued from June 27, 2007)

**R. B. M. CONSTRUCTION INC.** License No. 46409

Licensee was present with counsel, Mr. Evan James, Esq.

The following Agency Exhibits were entered:

Exhibit #1 – Board’s Hearing File.

Exhibit #2 - Photos taken of the residence by the Kwoks.

Exhibit #3 – A timeline of key events at the Kwok House prepared by the Kwoks.

Exhibit #4 – A fax received by Board Investigator Greg Mincheff from the Kwoks dated June 18, 2007, to include an estimate and three (3) invoices.

Exhibit #5 – A fax received by Board Investigator Greg Mincheff from the Kwoks date August 21, 2007, to include copies of checks and invoices and a drawing of the Kwoks residence.

Exhibit #6 – A costs incurred matrix from the Kwoks.

The following Respondent’s Exhibits were entered:

Exhibit A – Documents regarding the Kwok complaint received at the Board offices on June 18, 2007.

Exhibit B – Respondent’s Petition for Rehearing.

Exhibit C – Documents regarding the Kwok complaint received at the Board offices on August 14, 2007.

Hearing Officer Filios took the matter under consideration and will render his decision in the next fourteen days.