

**JIM GIBBONS**  
Governor

**STATE OF NEVADA**

**REPLY TO:**

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**STATE CONTRACTORS BOARD**

**MINUTES OF THE MEETING**  
**April 25, 2007**

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

**CALL TO ORDER:**

Hearing Officer Higgins called the meeting of the State Contractors Board to order at 9:00 a.m., Wednesday, April 25, 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. Chris Denning, Deputy Director of Investigations  
Mr. Daniel Hammack, Chief of Enforcement

**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 April 18, 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.

**1. DISCIPLINARY HEARING:**

**ADVANCED ARCHITECTURAL METALS, INC.,** LICENSE NOS. 45072, 56031

This matter was continued.

**ADJUDICATING BOARD MEMBER: JERRY HIGGINS**

**2. DISCIPLINARY HEARING:**

**PLASTER DEVELOPMENT COMPANY, INC.,** LICENSE NO. 17957

Licensee was present with counsel, Rob Robbins, Esq.

**Hearing Officer Higgins dismissed the Board's complaint against Plaster Development Company, Inc., license number 17957.**

**ADJUDICATING BOARD MEMBER: RANDY SCHAEFER**

**3. DISCIPLINARY HEARING:**

**OLSEN GENERAL CONTRACTORS, INC., LICENSE NO. 46676**

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer found Respondent Olsen General Contracting, Inc., Paul Gregory Olsen, President, license number 46676, guilty of one (1) violation of NRS 624.3012(2) willful failure to pay any money when due for materials or service and one (1) violation of NRS 624.302(5) failure to comply with a written request by the Board. Mr. Olsen was assessed a fine of \$1,000.00 for the First Cause of Action and a fine of \$500.00 for the Second Cause of Action making total fines due of \$1,500.00. The Third, Fourth and Fifth Causes of Action were dismissed. The investigative costs were assessed in the amount of \$1,301.00. Respondent shall make restitution to Byrd Underground in the amount of \$6,000.00. Fines and costs must be paid if the Respondent reapplies for licensure in Nevada.

**4. DISCIPLINARY HEARING:**

**HARDIN CONCRETE COMPANY, INC., LICENSE NO. 49119**

Licensee was present with counsel, Eric Dobberstein, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Agency Exhibits were entered:

Exhibit A – Respondent’s Petition for the Board to Mitigate Disciplining Petitioner’s License.

**The matter was continued for 30 days to allow Respondent to hire a properly licensed contractor to complete repairs at the Gray residence.**

**5. DISCIPLINARY HEARING:**

**R. K. RUE, INC., dba C. D. I., LICENSE NO. 63774**

**R. K. RUE, INC., dba THE AFFORDABLE HANDYMAN, LICENSE NO. 67293**

Licensee was present with counsel, Eric Dobberstein, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Five (5) photos taken by Board Investigator Greg Welch on April 18, 2007 of the Yu project.

Exhibit 3 – Documentation provided by Ms. Yu regarding her complaint.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent's Petition for the Board to Reverse Its Decision or to Mitigate Disciplining Petitioner's License.

Exhibit B – A list of items to be repaired given to the Respondent by Ms. Yu.

Hearing Officer Schaefer found Respondent R. K. Rue, Inc., dba C. D. I., and dba The Affordable Handyman, Frederick Knight, President, license numbers 63774 and 67293, 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 624.3011(1)(b)(1) willful disregard of the building laws of the State. The Third and Fifth Causes of Action were dismissed. Mr. Knight was assessed fines of \$100.00 for the each of the First and Second Causes of Action and a \$200.00 fine for the Fourth Cause of Action for total fines due of \$400.00. The investigative costs were assessed in the amount of \$1,655.00. Fines and costs are to be paid within 90 days of the April 25, 2007 Board Hearing or license numbers 63774 and 67293, R.K. Rue, Inc., dba C.D.I. and dba The Affordable Handyman will be suspended. Mr. Knight is required to pay restitution to Ms. Yu in the amount of \$9,941.04 within 30 days of the April 25, 2007 Board Hearing or license numbers 63774 and 67293, R. K. Rue, Inc., dba C. D. I. and dba The Affordable Handyman, will be suspended.

#### **6. DISCIPLINARY HEARING:**

**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 2 – Photos and additional documentation provided by Debra Carder.

This matter was continued for 30 days to allow Respondent and Respondent's counsel to meet with Pulte Homes and Pulte Homes' counsel as to Hearing Officer Schaefer's concerns regarding the retaining wall, soil compaction, debris in the soil, drainage through the retaining wall, and grading and compaction certification at the Carder residence.

#### **7. DISCIPLINARY HEARING:**

**AMERICAN PREMIERE, INC.,** LICENSE NO. 51594 (Continued from November 8, 2006)

**AMERICAN PREMIERE HOMES AND DEVELOPMENT,** LICENSE NO. 42749

**T & R PAINTING & DRWALL, INC.,** LICENSE NOS. 57463, 48191, 37257

Licensee was present with counsel, Diana Sullivan, Esq.

This matter was continued for an additional 90 days to allow Respondent the opportunity to complete the retaining wall.

#### **8. DISCIPLINARY HEARING:**

**SWAN POOLS,** LICENSE NO. 38815

Licensee was present with counsel, Bruce Willoughby, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – Three contracts for services.

Hearing Officer Schaefer found Respondent Swan Pools, Inc., license number 38815, guilty of ten (10) violations of NRS 624.3016(5), as set forth in NRS 624.940(2)(k) and NAC 624.6964(3) failure to provide a schedule of payments that meet the requirements of NAC 624.6964. The Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Twentieth Causes of Action were dismissed. Mr. Gorman was assessed fines of \$500.00 for each of the Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth and Nineteenth Causes of Action for total fines due of \$5,000.00. The First and Second Causes of Action are held in abeyance until Mr. Gorman provides copies of all "Contracts for Services" to Hearing Officer Schaefer for his review. If Respondent revises contracts to be in compliance with Nevada swimming pool laws within 30 days of the April 25, 2007 Hearing, the Fifth through the Nineteenth Causes of Action shall be dismissed and the \$5,000.00 fine shall be vacated.

#### **9. DISCIPLINARY HEARING:**

##### **RELIABLE FLOORING AND CARPET, INC., dba SUBLIME ENTERPRISES,**

LICENSE NOS. 50499, 55510, 55705 AND 55706

(Continued from February 21, 2007)

##### **KIRKWOOD STONE TILE & CARPET, INC. LICENSE NO. 63459**

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Eleven (11) photographs taken by Board Investigator Bill Adamson on April 19, 2007 of the Wrege project.

Hearing Officer Schaefer found Respondent Reliable Flooring and Carpet, Inc., dba Sublime Enterprises, Robert Joseph Kirkwood, President, license numbers 50499, 55510, 55705 and 55706 and Kirkwood Stone Tile & Carpet, Inc., Robert Joseph Kirkwood, President, license number 63459, guilty of 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 the Board's Notice to Correct; 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 624.3015(1) acting beyond scope of license. The Fifth and Sixth Causes of Action were dismissed. Mr. Kirkwood was assessed fines of \$1,000.00 for the First Cause of Action, a \$500.00 fine for the Second Cause of Action, a \$100.00 fine for the Third Cause of Action and \$250.00 fine for the Fourth Causes of Action for total fines due of \$1,850.00. The investigative costs were assessed in the amount of \$2,189.00. Fines and costs are to be paid within 30 days of the April 25, 2007 Board Hearing or license numbers 50499, 55705, 55706, 55510, Reliable Flooring and Carpet, Inc., dba Sublime Enterprises and license number 63459, Kirkwood Stone Tile & Carpet, Inc., will be suspended. License numbers 50499, 55705, 55706 and 55510, Reliable Flooring and Carpet, Inc., dba Sublime Enterprises, shall be reinstated once fines and costs are paid. Respondent shall complete the repairs on the flooring at the Wrege residence within 30 days of the

hearing or license numbers 50499, 55705, 55706 and 55510, Reliable Flooring and Carpet, Inc., dba Sublime Enterprises and license number 63459, Kirkwood Stone Tile & Carpet, Inc., will be suspended. Respondent shall submit to a Business Review within 90 days of the April 25, 2007 Board hearing or license numbers 50499, 55705, 55706 and 55510, Reliable Flooring and Carpet, Inc., dba Sublime Enterprises and license number 63459, Kirkwood Stone Tile & Carpet, Inc., will be suspended.

**10. DISCIPLINARY HEARING – DEFAULT ORDERS:**

**ROBERT LEE WESTFALL, JR., dba DON & LEE'S TRIM SHOP #2**  
LICENSE NO. 21534A

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer found Respondent Robert Lee Westfall, Jr., dba Don & Lee's Trim Shop, license number 21534A, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Westfall was found guilty of one (1) violation of NRS 624.3011(1)(b)(4) willful disregard of the industrial insurance laws of the State; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.650(1) a licensee shall not permit his business to be operated by an unlicensed person; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. License number 21534A, Robert Lee Westfall, Jr., dba Don & Lee's Trim Shop #2 was revoked. Mr. Westfall was assessed fines of \$1,500.00 for each of the First and Second Causes of Action and a fine of \$500.00 for the Third Cause of Action making total fines due of \$3,500.00. Investigative costs were assessed in the amount of \$1,222.00. Mr. Westfall is required to make 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 reconsideration of future licensure.

**JONATHAN F. PRUNEDA, dba CLOSETS & GOOD THINGS,** LICENSE NO. 38848

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

**This matter was continued.**

**RUSSELL D. STEVENS, dba R.D. STEVENS,** LICENSE NO. 37332

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer found Respondent Russell D. Stevens, dba R. D. Stevens Construction, license number 37332, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Stevens was found guilty of two (2) violations of NRS 624.3017(1) substandard workmanship; two (2) violations of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; two (2) violations of NRS 624.302(5) failure to comply with a written request by the Board; 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 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 624.3013(5), as set forth in NAC 624.640(3) failure to notify Board of change of address or personnel. License number 37332, Russell D. Stevens, dba R.D. Stevens was revoked. Mr. Stevens was assessed fines of \$1,000.00 for each of the First, Second, Sixth, and Seventh Causes of Action, a \$500.00 fine for each of the Third, Eighth and Eleventh Causes of Action, a \$100.00 fine for each of the Fourth and Ninth Causes of Action and a \$250.00 fine for each of the Fifth, Tenth and Twelfth Causes of Action for total fines due of \$6,450.00. Investigative costs were assessed in the amount of \$1,928.00. Mr. Stevens is required to make restitution to Johnston and Hanlock and make 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 reconsideration of future licensure.

**JAMES RIFFE ROMERO, dba ANY TIME AIR CONDITIONING SERVICES, LICENSE NO. 42491**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer found Respondent James Riffe Romero, dba Any Time Air Conditioning Services, license number 42491, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Romero was found guilty of one (1) violations of NRS 624.302(5) failure to comply with a written request by the Board; two (2) violations of NRS 624.3012(2) willful failure to pay any money when due for materials or service; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3013(4) failure to keep bond in force. License number 42491, James Riffe Romero, dba Any Time Air Conditioning Services was revoked. Mr. Romero was assessed fines of \$500.00 for each of the First, Fourth and Fifth Causes of Action, a \$1,000.00 for each of the Second and Third Cause of Action for total fines due of \$3,500.00. Investigative costs were assessed in the amount of \$1,390.00. Mr. Romero is required to make restitution to Sunbelt Corporation in the amount of \$1,446.81 and to Johnstone Supply of Las Vegas in the amount of \$411.39, make 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 reconsideration of future licensure.

**L.L. CLARKSON & ASSOCIATES, LLC, dba CLARKSON CONSTRUCTION, LICENSE NOS. 55108 and 59216**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer found Respondent L.L. Clarkson & Associates, LLC, dba Clarkson Construction, license numbers 55108 and 59216, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Clarkson was found 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 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3013(4) failure to keep bond in force; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. License numbers 55108 and 59216, L.L. Clarkson & Associates, LLC, dba Clarkson Construction were revoked. Mr. Clarkson

was assessed fines of \$1,000.00 for the First Cause of Action, a \$500.00 fine for each of the Second, Third and Fourth Causes of Action for total fines due of \$2,500.00. Investigative costs were assessed in the amount of \$1,407.00. Mr. Clarkson is required to make restitution to C.T.R. Equipment Rental in the amount of \$16,625.35, make 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.

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Schaefer at 3:22 p.m.

Respectfully Submitted,

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Janet Brinkley, Recording Secretary

APPROVED:

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Margi Grein, Executive Officer

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Randy Schaefer, Hearing Officer

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Jerry Higgins, Hearing Officer