

JIM GIBBONS
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

MARGARET CAVIN
Chair
SPIRIDON FILIOS
Vice Chair
MICHAEL EFSTRATIS
JERRY HIGGINS
WILLIAM "BRUCE" KING
RANDY SCHAEFER
GUY M. WELLS



STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
December 12, 2007**

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CALL TO ORDER:

Hearing Officer King called the meeting of the State Contractors Board to order at 9:00 a.m., Wednesday, December 12, 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. Bruce King
Mr. Spiridon Filios
Mr. Michael Efstratis
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. Jonathan Andrews, Esq., Legal Counsel
Mr. David Brown, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on December 5, 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: BRUCE KING

1. DISCIPLINARY HEARING:

MADISON BENNETT, INC., License No. 56606

MADISON BENNETT, INC., dba VEGAS ENERGY, License No. 60386

MADISON BENNETT, INC., dba PERIMETER DRYWALL & PAINT, License No. 63453

Licensee was present with counsel, Michael Davidson, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Respondent's financial statement dated August 31, 2007.

The following Respondent Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint with four (4) attached exhibits.

Hearing Officer King found Respondent, Madison Bennett, Inc., Jason Patrick MacDonald, President, license number 56606, dba Vegas Energy, license number 60386, and dba Perimeter Drywall & Paint, license number 63453, guilty of Three (3) violations of NRS 624.3012(2) failure to pay any money when due for any materials or services rendered in connection with his operations as a contractor; One (1) violation of NRS 624.3012(3) failure to obtain the discharge or release of any lien recorded against the property within 75 days after the recording of the lien; One (1) violation of NRS 624.302(2) failure to comply with a written citation issued. The First, Sixth, Seventh, Eighth and Tenth Causes of Action were dismissed. Respondent shall complete the Zev Court project within thirty (30) days of December 12, 2007 hearing. Respondent was assessed a fine of \$3,000.00. Investigative costs were assessed in the amount of \$3,357.00. Respondent shall pay the fines of \$4,000.00 and investigative costs of \$495.00 from Administrative Citation #C-0707-0516. Fines and costs are due within sixty (60) days of the December 12, 2007 hearing. Respondent's license limit on license number 63453, Madison Bennett, Inc., dba Perimeter Drywall & Paint shall be lowered to \$350,000.00. Respondent shall provide a current financial statement that supports the license limit within six (6) months of the December 12, 2007 hearing. If the Zev Court project is completed within thirty (30) days of the December 12, 2007 hearing and said fines and costs are paid within sixty (60) days of the December 12, 2007 hearing, the Board will accept the voluntary surrender of license numbers 56606, Madison Bennett, Inc., and 60386, Madison Bennett Inc., dba Vegas Energy. If the Zev Court project is not completed and fines and costs are not paid, license number 56606, Madison Bennett, Inc., license number 60386, Madison Bennett Inc., dba Vegas Energy and license number 60386, Madison Bennett, Inc., dba Perimeter Drywall & Paint shall be revoked.

2. DISCIPLINARY HEARING:

WESTERN PACIFIC CONSTRUCTION, dba WESTPAC CONSTRUCTION, License Nos. 50782, 53271

Licensee was present with counsel, Chris Escobar, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint.

Hearing Officer King found Respondent, Western Pacific Construction, dba Westpac Construction, David Jesse Ungar, President, license numbers 50782, and 53271, guilty of One (1) violation of NRS 624.3017(1) substandard workmanship: One (1) violation of NRS 624.3015(3) knowingly entering into a contract with a contractor while that contractor is not licensed; One (1) violation of NRS 624.3014(2)(a)(b) aiding or abetting an unlicensed person to evade the provisions of this chapter and combining or conspiring with an unlicensed person to perform an unauthorized act; 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 an any monetary limit placed upon his license. The Second and Sixth Causes of Action were dismissed. Respondent was assessed a fine of \$1000.00 for each of the First, Third, Fourth and Fifth Causes of Action making total fines due of \$4,000.00. The investigative costs were assessed in the amount of \$3,060.00. Fines and costs shall be paid within thirty (30) days of the December 12, 2007 hearing. License number 50782, Western Pacific Construction, dba Westpac Construction, was revoked. Mr. Ungar is required to pay full restitution to all damaged parties and reimburse the Board of any monies paid out of Residential Recovery fund plus fines and investigative costs prior to consideration of future licensure.

3. DISCIPLINARY HEARING:

ABOVE IT ALL CONTRACTING, LLC, License No. 57153

ALADDIN AIR CONDITIONING & HEATING CO., LLC, License No. 58428

A ADVANTAGE ROOFING, INC., License No. 57257

ABOVE IT ALL ROOFING, License No. 48031

Licensee was present with counsel, Rob Robbins, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent Exhibits were entered:

Exhibit A – Copies of releases and letters to complainants

Exhibit B – A cumulative exhibit to include releases and job costs

Hearing Officer King found Respondent, Above It All Contracting, LLC, Larry Andrew Lewczyk, President, license numbers 57153, guilty of Four (4) violations of NRS 624.301(5) willful failure or refusal to comply with the terms of a construction contract, thereby causing material injury to another; Three (3) violations of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; Two (2) violations of NRS 624.301(2) abandonment of a construction project when the percentage of the project completed is less than the percentage of the total price of the contract paid to the contractor at the time of abandonment; Three (3) violations of NRS 624.302(5) failure to respond to a written request from the Board to cooperate in the investigation of a complaint; Two (2) violations of NRS 624.3011(1)(b)(1) disregard of the building laws of the State; 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; Five (5) 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 an 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(4) failure to keep in force the bond or cash deposit for the full period required by the Board; One (1) violation of NRS 624.3018(2) the performance by any partnership, corporation, firm or association of any act or omission constituting a cause for disciplinary action likewise constitutes a cause for disciplinary action against any licensee who is a member, officer, director or associate of such partnership, corporation, firm or association, and who participated in such prohibited act or omission; and NRS 624.3016(5), as set forth in NRS 624.470 failure to pay an assessment. Respondent shall pay a fine of \$500.00 for each of the First, Second, Third, Fourth, Fifth, Seventh, Eighth, Ninth, Tenth, Eleventh, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Nineteenth, Twentieth, Twenty First, Twenty Third, Twenty Fourth, Twenty Fifth, Twenty Sixth, Twenty Seventh Causes of Action and a fine of \$100.00 for each of the Sixth, Eighteenth and Twenty Second Causes of Action making total fines due of \$11,800.00. The investigative costs were assessed in the amount of \$4,451.00. License number 57153, Above it all Contracting, LLC, was revoked. License number 58428, Aladdin Air Conditioning & Heating Co., LLC and license number 57257, A Advantage Roofing, Inc. were placed on probation for One Year. Respondent shall make restitution to James and Ann Haggerty in the amount of \$19,468.00 commencing on December 31, 2007 and the last payment to be made by January 31, 2008. The Respondent shall reimburse Pash Fazal in the amount of \$10,000.00.

4. DISCIPLINARY HEARING:

GLASOE CONSTRUCTION OF NEVADA, License No. 31479

Licensees (Duane Glasoe and Gregory Logan) were present with counsel, Ian Christopherson, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – A letter from King Roofing to the Board dated March 29, 2007.

Exhibit 3 – A letter from Pahrump Plumbing & Heating, Inc. to the Board dated March 29, 2007.

The following Respondent Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint with ten (10) attached exhibits.

Hearing Officer King will render his decision within two (2) weeks.

5. DISCIPLINARY HEARING: (Continued from July 25, 2007)

WON SHIK YUN, License Nos. 43761, 66844

GRAND CITY PLUMBING & HEATING CO., License No. 59122

Licensee was present with counsel, Christopher Reade, Esq.

Hearing Officer King rescinded his order dated July 26, 2007, for repairs on the Goleh residence as Respondent has not been granted access to complete the project.

6. DISCIPLINARY HEARING – DEFAULT ORDERS:**a. LOZOYA ENTERPRISE,** License No. 53415

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer King found Respondent Jesus Lopez Lozoya, dba Lozoya Enterprises, license number 53415, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Lozoya was found 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 Board's Notice to Correct; One (1) violation of NRS 624.301(4) willful failure or refusal to prosecute a construction project with reasonable diligence, thereby causing material injury to another; Two (2) violations of NRS 624.302(5) failure to respond to a written request from the Board to cooperate in the investigation of a complaint; 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 license shall include in all bids he submits or contracts he enters into for construction work within the 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(4) failure to keep in force the bond or cash deposit for the full period required by the Board. Respondent was assessed a fine of \$4,200.00. The investigative costs were assessed in the amount of \$1,659.00. License number 53415, Jesus Lopez Lozoya, dba Lozoya Enterprises, was revoked. Mr. Lozoya is required to pay full restitution to all damaged parties and reimburse the Board of any monies paid out of Residential Recovery fund plus fines and investigative costs prior to consideration of future licensure.

ADJUDICATING BOARD MEMBER: SPIRIDON FILIOS**7. DISCIPLINARY HEARING:** (Continued from June 15, 2005)**T. R. BLACK ENTERPRISES,** License No. 30644

Licensee was present with counsel, Bruce Willoughby Esq., and Georlen Spangler, Esq.

The following Agency Exhibits were entered:

Exhibit 2 – A Cost to Complete Project prepared by Board Investigator Gordon LaPointe.

Exhibit 3 – Twenty (20) photos of the Royer residence taken by Board Investigator Gordon LaPointe dated June 28, 2005.

The following Respondent Exhibits were entered:

Exhibit B – A letter from the Royer's counsel, Richard Avila, Esq. to the Respondent's previous counsel, Donald Williams, Esq. dated February 8, 2005.

Exhibit C – Respondent's expert consultant, RLB's report on the Royer residence dated July 30, 2007.

Exhibit D – Series of letter from Respondent to Royers.

Exhibit E – Copies of building permits, letters, change orders and plans regarding the Royer project.

Exhibit F – Copies of canceled checks by the Royers.

Exhibit G – Respondent's breakdown for contract work not completed and credits on the Royer project.

Exhibit H – Copy of plans for Royer project.

Exhibit I – District Court pleading between Respondent and the Royers.

Hearing Officer Filios will render his decision within thirty (30) days of the December 12, 2007 hearing.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Filios at 5:00 p.m.

Respectfully Submitted,

Tricia Buyson, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Bruce King, Hearing Officer

Spiridon Filios, Hearing Officer