

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



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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING  
August 26, 2008

**CALL TO ORDER:**

Hearing Officer Filios called the meeting of the State Contractors Board to order at 8:30 a.m., Tuesday, August 26, 2008, 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. Spiridon Filios  
Mr. Bruce King

**STAFF MEMBERS PRESENT:**

Mr. George Lyford, Director of Investigations  
Mr. Daniel Hammack, Chief of Enforcement

**LEGAL COUNSEL PRESENT:**

Mr. Jonathan Andrews, Esq., Legal Counsel  
Mr. David Brown, Esq., Legal Counsel

Mr. Lyford stated the agenda was posted in compliance with the open meeting law on August 20, 2008, 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: SPIRIDON FILIOS**

**1. SUMMARY SUSPENSION:**

**PACIFIC COAST DEVELOPMENT,** License No. 53208

Licensee was not present.

**Pursuant to the provisions of NRS 624.291(4) in the interest of the public health, safety and welfare, the license of Pacific Coast Development, license number 53208 was summarily suspended.**

**2. DISCIPLINARY HEARING:** (Continued from July 23, 2008)

**J. D. CONSTRUCTION, INC.,** License Nos. 32458A, 30012A

**CUSTOM CONCRETE HOMES,** License No. 60332

Licensee was not present but was represented by counsel, Richard Dreitzer, Esq.

Exhibit #1 – Board Hearing File

Exhibit #2 – Settlement Agreement between J.D. Construction, Inc. and Pacific Coast Steel dated July 15, 2008.

Exhibit #3 – Correspondence from the Respondent to the Board regarding Alliance Mechanical, Inc. dated August 25, 2008.

Exhibit #4 – A copy of a certified check made payable to Alliance Mechanical, Inc. in the amount of \$32,244.25.

Exhibit #5 – A copy of a signed Unconditional Waiver and Release Upon Progress Payment from Alliance Mechanical, Inc.

The following Respondent's Exhibits were entered:

Exhibit A – Answer to the Board's Complaint.

Exhibit B – Respondent's Disclosure of New Evidentiary Documents.

**Hearing Officer Filios found Respondent guilty of one (1) violation of NRS 624.3012(2) willful failure to pay any money when due for materials or service. Respondent was assessed a fine of \$1,000.00 for the First Cause of Action, the Second, Third and Fourth Causes of Action were dismissed and no finding was made on the Fifth Cause of Action; the investigative costs were in the amount of \$4,450.00, to be paid within sixty (60) days of the August 26, 2008 Board Hearing or license numbers 32458A and 30012A, J. D. Construction, Inc., and license number 60332, Custom Concrete Homes, will be suspended. A Business Review shall be conducted within one (1) year of the August 26, 2008 Board Hearing.**

**ADJUDICATING BOARD MEMBER: BRUCE KING**

**3. DISCIPLINARY HEARING:**

**BENECON, INC.**, License Nos. 37239

Licensee was present. (Mark Bennett) and Daniel Valvo

The following Agency Exhibits were entered:

Exhibit # 1 – Board Hearing File

Exhibit #2 – Respondent's payment schedule with V & V Industries.

Exhibit #3 - A copy of Werdco BC, Inc.'s Confession of Judgment against the Respondent.

The following Respondent Exhibits were entered:

The following Respondent's Exhibits were entered:

Exhibit A – Answer to the Board's Complaint.

**Hearing Officer King found Respondent guilty of 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 and assessed a fine of \$250.00 for the First Cause of Action and a fine of \$500.00 for the Second Cause of Action for total fines of \$750.00 and investigative costs in the amount of \$1,671.00,**

to be paid within ninety (90) days of the August 26, 2008 Board Hearing. License number 37239, Benecon, Inc. is suspended. Mr. Bennett has sixty (60) days to provide a current financial statement that supports the license limit.

#### **4. DISCIPLINARY HEARING – DEFAULT ORDERS:**

##### **a. W.S. CONTRACTORS, INC.,** License No. 58491

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit # 1 – Board Hearing File

Hearing Officer King found Respondent, W. S. Contractors Incorporated, Sherry Anne Stephens, President, license number 58491, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Ms. Stephens was found guilty of five (5) violations 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; 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 624.301(4) failure to prosecute a construction project with reasonable diligence; two (2) violations of NRS 624.301(1) Abandonment of construction project; two (2) violations of NRS 624.3011(1)(b)(1) willful disregard of the building laws of the State; two (2) violations of NRS 624.3016(1) any fraudulent act committed in the capacity of a contractor, misrepresentation or omission of a fact; 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 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.302(2) failure to comply with a written citation from the Board; one (1) violation of NRS 624.3013(4) failure to keep bond in force. Respondent was assessed an administrative fine of \$12,500.00 and investigative costs in the amount of \$3,986.00. License number 58491, W. S. Contractors, Incorporated, was revoked. Ms. Stephens is required to 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.

##### **b. A. B. S. INVESTMENTS GROUP, LLC, DBA B 4 CONSTRUCTION,** License number 68064

Licensee was not present.

The following Agency Exhibits were entered.

Exhibit #1 – Board Hearing File

Hearing Officer King found Respondent, A. B. S. Investments Group, LLC, dba B 4 Constructon, Brett Ivan DePue, Managing Member, license number 68064, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. DePue was found guilty of one (1) violation of NRS 624.302(5) failure to comply with a written request by the Board; one (1) violation of NRS 624.3016(1) any fraudulent act committed in the capacity of a contractor, misrepresentation or omission of a fact; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed an administrative fine of \$ 2,000.00 and investigative costs were assessed in the amount of \$1,410.00. License number 68064, A. B. S. Investments Group, LLC, dba B 4 Construction, was revoked. Mr. Depue is required to 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.

**c. P. C. PLUMBING, INC.,** License number 58373

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File

Hearing Officer King found Respondent, P. C. Plumbing, Inc., Wade Ernest Coggins, President, license number 58373, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Coggins was found guilty of two (2) violations 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 624.301(4) failure to prosecute a construction project with reasonable diligence; one (1) violation of NRS 624.301(1) abandonment of construction project; one (1) violation of NRS 624.3015(1) acting beyond scope of license; one (1) violation of NRS 624.3016(3) knowingly making a false statement in or relating to the recording of a Notice of Lien; one (1) violation of NRS 624.3016(1) any fraudulent act committed in the capacity of a contractor, misrepresentation or omission of a fact; four (4) violations of NRS 624.302(5) failure to respond to a written request from the Board; 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 624.301(2) abandonment of construction project when percentage completed is less than percentage of total contract paid; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed an administrative fine of \$11,500.00 and investigative costs in the amount of \$3,285.00. License number 58373, P. C. Plumbing, Inc., was revoked. Mr. Coggins is required to 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

**d. PREMIER ELECTRIC, LLC,** License number 51174

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File

Hearing Officer King found Respondent, Premier Electric, LLC, Teri Ruth Alsop, Member, license number 51174, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Ms. Alsop was found guilty of one (1) violation of NRS 624.301 (1) abandonment of construction project; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed an administrative fine of \$2,000.00 and investigative costs in the amount of \$2,006.00. License number 51174, Premier Electric, LLC, was revoked. Ms. Alsop is required to 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 King at 10:24 a.m.

Respectfully Submitted,

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Janet Brinkley, Recording Secretary

APPROVED:

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Margi Grein, Executive Officer

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Spiridon Filios, Hearing Officer

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Bruce King, Hearing Officer