

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 April 23, 2008

LAS VEGAS
2310 Corporate Circle
Suite 200
Henderson, Nevada 89074
(702) 486-1100
Fax (702) 486-1190
Investigations (702) 486-1110

www.nscb.state.nv.us

RENO
9670 Gateway Drive, Suite 100
Reno, Nevada 89521
(775) 688-1141
Fax (775) 688-1271
Investigations (775) 688-1150

CALL TO ORDER:

Hearing Officer Schaefer called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, April 23, 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. 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. 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 April 17, 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.

AMENDED AGENDA

Ms. Grein stated that item 5A on the Default Agenda, Gumfory General Contracting, Inc., license number 45836 had been granted a continuance.

ADJUDICATING BOARD MEMBER: RANDY SCHAEFER

1. DISCIPLINARY HEARING:

A DESIGN CENTER, dba A REMODELING CENTER, License Nos. 68016, 69447

Licensee was present without counsel.

The following Agency Exhibits were entered:

Exhibit # 1 – Board Hearing File.

Exhibit # 2 – A letter dated April 18, 2008 to the Board from Brian P. Clark, Esq.

The following Respondent Exhibits were entered:

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

Exhibit B – Respondent’s request for a continuance dated April, 18, 2008.

Hearing Officer Schaefer ordered the Respondent to make repairs at the Edwards Project or hire a properly licensed contractor to perform the repairs. This matter was continued for 30 days.

2. DISCIPLINARY HEARING:

CROSS CREEK POOLS & SPAS, License No. 47930

Licensee was present with counsel, Laura Browning 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 to include attachments 1 through 14 with attachments 15 and 16 redacted.

The Hearing Officer took this matter under advisement.

3. DISCIPLINARY HEARING: (Continued from March 26, 2008)

DESERT GOLD MASONRY, LLC, License No. 55851A

Licensee was not present but was represented by counsel, David Doxey, Esq.

The following Agency Exhibits were entered:

Exhibit # 1 – Board Hearing File.

Exhibit # 2 – Copy of checks made payable to Desert Gold Masonry, LLC and Ready Mix, Inc.

Exhibit # 3 – Documents provided by B. B. & M. Construction, Inc., regarding a claim on Respondent’s bond.

The following Respondent Exhibits were entered:

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

Exhibit B – Respondent’s First Production of Documents and List of Witnesses.

Exhibit C – Respondent’s Second Production of Documents and List of Witnesses.

Exhibit D – Respondent’s Third Production of Documents and List of Witnesses.

Exhibit E – Respondent’s Fourth Production of Documents and List of Witnesses.

Exhibit F – Respondent’s Fifth Production of Documents and List of Witnesses.

The Hearing Officer took this matter under advisement.

4. DISCIPLINARY HEARING: (Stipulated Revocation)

M. F. K. DEVELOPMENT CORPORATION, License No. 60461

M. F. KELLER DEVELOPMENT, CO., License No. 33056

Licensee was not present nor represented by counsel.

The following Agency Exhibits were entered:

Exhibit # 1 – Board Hearing File

Exhibit # 2 – A letter dated April 7, 2008 to the Board from Respondent's counsel, Jamie Cogburn, Esq., stipulating to the revocation of the licenses.

Hearing Officer Schaefer found Respondent, M. F. K. Development Corporation, Michael Francis Keller, President, license number 60461, and Michael Francis Keller, dba M. F. Keller Development Co., license number 33056, 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 to cooperate in the investigation of a complaint; One (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. License number 60461, M. F. K. Development Corporation, and Michael Francis Keller, dba M. F. Keller Development Co., license number 33056 were revoked. Respondent was assessed an administrative fine of \$2,000.00. The investigative costs were assessed in the amount of \$1,463.00. Mr. Keller 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 consideration of future licensure.

5. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. GUMFORY GENERAL CONTRACTING, INC., License No. 45836

Licensee was present.

This matter has been continued.

b. VINCE JAMES CATALANO, dba ALUMATEK, License No. 42271

Licensee was not present nor represented by counsel.

The following Agency Exhibits were entered:

Exhibit # 1 – Board Hearing File

Hearing Officer Schaefer found Respondent, Vince James Catalano, dba Alumatek, Vince James Catalano, Owner, license number 42271, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Catalano 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 624.3013(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 to cooperate in the investigation of a complaint; One (1) violation of NRS 624.3015(1) acting beyond

scope of license; One (1) violation of NRS 624.3013(3) failure to establish financial responsibility. License number 42271, Vince James Catalano, dba Alumatek, was revoked. Respondent was assessed an administrative fine of \$3,000.00. The investigative costs were assessed in the amount of \$1,307.00. Mr. Catalano 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 consideration of future licensure.

c. RODGER LEE JOHNSON, dba RODGER L. JOHNSON, License No. 49595

Licensee was not present nor represented by counsel.

The following Agency Exhibits were entered:

Exhibit # 1 – Board Hearing File

Hearing Officer Schaefer found Respondent Rodger Lee Johnson, dba Rodger L. Johnson, license number 49595, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Johnson was found guilty of One (1) violation of NRS 624.301(5) failure to comply with the terms of the construction contract; 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(2) abandonment of construction project when percentage completed is less than percentage of total contract paid; One (1) violation of NRS 624.3012(3) Failure to obtain the discharge or release of any lien recorded against the property; One (1) violation of NRS 624.3015(2) bidding in excess of the limit placed on the license by the Board; One (1) violation of NRS 624.3013(4) failure to keep in force the bond or cash deposit; One (1) violation of NRS 624.3013(3) failure to establish financial responsibility. License number 49595, Rodger Lee Johnson, dba Rodger L. Johnson, was revoked. Respondent was assessed an administrative fine of \$4,000.00. The investigative costs were assessed in the amount of \$1,502.00. Mr. Johnson 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 consideration of future licensure.

d. HARRISON LANDSCAPE COMPANY, License No. 44938

HARRISON DOOR COMPANY, License No. 41634

HARRISON BUILDING PRODUCTS, License No. 43676

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit # 1 – Board Hearing File

Hearing Officer Schaefer found Respondents, Harrison Landscape Company, Donald Lawrence Harrison, Manager, license number 44938, Harrison Door Company, Donald Lawrence Harrison, President, license number 41634, and Harrison Building Products, Donald Lawrence Harrison, President, license number 43676, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Harrison was found guilty of One (1) violation of NRS 624.301(5) failure to comply with the terms of the construction contract; 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 624.3018(2) certain persons are

prohibited from serving as officer, director, associate or partner of licensee. License number 44938, Harrison Landscape Company, license number 41634, Harrison Door Company, and license number 43676, Harrison Building Products, were revoked. Respondents were assessed an administrative fine of \$3,000.00. The investigative costs were assessed in the amount of \$1,387.00. Mr. Harrison 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 consideration of future licensure.

e. A & R COOLING & HEATING, LLC, License No. 63608

Licensee is deceased.

The following Agency Exhibits were entered:

Exhibit # 1 – Board Hearing File

Hearing Officer Schaefer found Respondent, A & R Cooling & Heating, LLC, Michael Lawrence Anderson, (Deceased) Member, license number 63608, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Anderson was found guilty of One (1) violation of NRS 624.3013(3) failure to establish financial responsibility. License number 63608, A & R Cooling & Heating, LLC was revoked. Respondent was assessed an administrative fine of \$500.00. The investigative costs were assessed in the amount of \$1,184.00. Mr. Anderson 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 consideration of future licensure.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Schaefer at 11:42 a.m.

Respectfully Submitted,

Tricia Buyson, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Randy Schaefer, Hearing Officer