

Jim Gibbons
Governor

STATE OF NEVADA



STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
AUGUST 13, 2008

REPLY TO:

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RENO
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Reno, Nevada 89521
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MEMBERS

MARGARET CAVIN, CHAIR
SPIRIDON FILIOS, VICE CHAIR
MICHAEL EFSTRATIS
JERRY HIGGINS
WILLIAM "BRUCE" KING
RANDY SCHAEFER
GUY M. WELLS

CALL TO ORDER:

Hearing Officer Efstratis called the meeting of the State Contractors Board to order at 8:39 a.m., Wednesday, August 13, 2008, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Michael Efstratis
Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

Mr. George J. Lyford, Director of Investigations
Mr. Gary Hoid, Deputy Director of Investigations

LEGAL COUNSEL PRESENT:

Mr. David Brown, Esq., Legal Counsel
Mr. Bruce Robb, Esq., Legal Counsel

The agenda was posted in compliance with the open meeting law August 7, 2008 at Reno City Hall, Washoe County Court House and Washoe 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: JERRY HIGGINS

1. SUMMARY SUSPENSION:

Thomas Heath Construction Company Nevada Inc., License No. 56528A and License No. 56529A

Pursuant to the provisions of NRS 624.291(4) in the interest of the public health, safety and welfare, the licenses of Thomas Heath Construction Company Nevada, Inc., license numbers 56528A and 56529A were summarily suspended.

SUMMARY SUSPENSION

**E and F Cannon Inc., dba Las Vegas Masonry, License No. 52316
E and F Cannon, Inc., dba Las Vegas Pools and Spas, License No. 52318**

Pursuant to the provisions of NRS 624.291(4) in the interest of the public health, safety and welfare, the license of E and F Cannon Inc dba Las Vegas Masonry, license number 52316 and E and F Cannon Inc., dba Las Vegas Pools and Spas, license number 52319 were summarily suspended.

SUMMARY SUSPENSION:

Brian Hai Kuveke dba Advanced Air Conditioning, License No. 60623

Pursuant to the provisions of NRS 624.291(4) in the interest of the public health, safety and welfare, the license of Brian Hai Kuveke dba, Advanced Air Conditioning, license number 60623 was summarily suspended.

1. STAFF UPDATE:

LANDMARK HOMES AND DEVELOPMENT, INC., LICENSE NO. 44398

Licensee was present with James Rankl, Esq.

This matter is set for a Disciplinary Hearing on September 10, 2008.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Higgins at 9:15 a.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Jerry Higgins, Hearing Officer

ADJUDICATING BOARD MEMBER: MICHAEL EFSTRATIS**2. CONTINUED DISCIPLINARY HEARING: (Continued from June 11, 2008)**
CUSTOM CARE, INC., LICENSE NO. 56025

Licensee was present.

Hearing Officer Efstratis ordered that all pending open workmanship complaints shall be resolved within ten (10) days from August 13, 2008. Once the complaints have been resolved, the Board will accept the voluntary surrender of Custom Care Inc, license number 56025. The Second and Third Causes of Action were dismissed.

3. DISCIPLINARY HEARING:
ALL SIERRA ELECTRICAL, LICENSE NO. 51369

Licensee was present with William Heckman, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Copy of check to Hettrick Electric

Hearing Officer Efstratis found Respondent Thomas Paul James, All Sierra Electrical, license number 51369 guilty of violating NRS 624.301(5) willful failure or refusal to comply with terms of a construction contract or written warranty thereby causing material injury to another; NRS 624.3013(5), as set forth in NRS 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; 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 his license and any monetary limit placed upon his license; NRS 624.3013(3) failure to establish financial responsibility. Mr. James was ordered to pay a fine of \$100.00 each for the First, Second, Third, Fourth and Sixth Causes of Action for a total fine of \$500.00 and assessed investigative costs of \$1,800.08 to be paid within sixty (60) day of August 13, 2008. Hearing Officer Efstratis ordered the monetary limit placed on the license be reduced to \$500,000.00 and licensee was ordered to post a \$5,000.00 bond . The Fifth Cause of Action was dismissed without prejudice.

4. DISCIPLINARY HEARING:
SPRACKLIN CONSTRUCTION, LICENSE NO. 41995
SPRACKLIN CONSTRUCTION, LICENSE NO. 41995A
SPRACKLIN TILE & STONE, LICENSE NO. 67313
AIR TECH HEATING & AIR CONDITIONING A DIVISION OF SPRACKLIN CONSTRUCTION,
LICENSE NO. 58938A

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Efstratis found Respondent Spracklin Construction, license numbers 41995, 41995A and 67313 and Air Tech Heating & Air Conditioning A Division of Spracklin Construction, license number 58938A guilty of violating NRS 624.3012(2) failure to pay for materials and services; NRS 624.3013(4) failure to keep in full force the bond or cash deposit pursuant to NRS 624.270 for the full period required by the Board; NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action; NRS 624.3013(3) failure to establish financial responsibility. License numbers 41995, 41995A, 67313 and 58938A were Revoked. Respondent was ordered to pay a fine of \$1,000.00 each for the First, Second, Third and Fourth Causes of Action for a total fine of \$4,000.00

and reimburse the Board for investigative costs of \$6,316.58. Prior to any consideration for relicensure, the Respondent shall make full restitution to all damaged parties.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Efstratis at 11:20 a.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Michael Efstratis, Hearing Officer