

JIM GIBBONS
Governor

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MARGARET CAVIN
MICHAEL EFSTRATIS
SPIRIDON G. FILIOS
JERRY HIGGINS
WILLIAM "BRUCE" KING
RANDY SCHAEFER

STATE OF NEVADA



STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
NOVEMBER 5, 2008**

REPLY TO:

LAS VEGAS
2310 Corporate Circle
Suite 200
Henderson, Nevada 89074
(702) 486-1100
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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 Michael Efstratis called the meeting of the State Contractors Board to order at 8:35 a.m., Wednesday, November 5, 2008, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Jerry Higgins
Mr. Michael Efstratis

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 October 31, 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: MICHAEL EFSTRATIS

1. DISCIPLINARY HEARING:

STINNETT CONSTRUCTION, LICENSE NO. 49244

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File
Exhibit 2 – Letter dated May 9, 2008

Hearing Officer Efstratis found Robert Paul Stinnett, Owner dba Stinnett Construction, license number 49244 guilty of violating NRS 624.3017(1), substandard workmanship; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3016(6) failure to comply with NRS 624.600 which requires disclosures by general building contractors; 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 624.3013(3) failure to establish financial responsibility. License number 49244 is suspended. The monetary license limit was reduced to \$800,000.00 and the bond to \$20,000.00. Respondent shall provide a current bond and provide a financial statement that supports the limit of the license with ninety (90) days of November 5, 2008. Respondent shall complete the window repairs at the Myers residence within sixty (60) days of November 5, 2008 and repairs to the concrete by March 15, 2009. The Second Cause of Action is dismissed.

**2. DISCIPLINARY HEARING:
CUSTOM CARE, INC., LICENSE NO. 56025**

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File
Exhibit 2 – Photographs
Exhibit 3 – Two (2) bids

Hearing Officer Efstratis found Custom Care, Inc, license number 56025 guilty of violating 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 624.300 failure to comply with any order directed by the Board. Hearing Officer Efstratis accepted the voluntarily surrender of license number 56025. Mr. Clabaugh was ordered to pay a fine of \$50.00 each for the Third and Fourth Causes of Action; \$100.00 for the Fifth Cause of Action for a total fine of \$200.00. The First, Second and Sixth Causes of Action were dismissed. Respondent shall pay full restitution to the damaged parties and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

**3. STIPULATED REVOCATIONS:
PRESTO GENERAL BUILDERS, LICENSE NOS. 51759A, 57594A AND 57596A**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Efstratis found Presto General Builders, license numbers 51759A, 57594A and 57596A guilty of violating NRS 624.3013(3) failure to establish financial responsibility. License numbers 51759A, 57594A and 57596A are Revoked. Prior to any consideration for relicensure, the Respondent shall make full restitution to Builders Choice in the amount of \$16,479.00. The First, Second, Third and Fourth Causes of Action are dismissed.

**4. STIPULATED REVOCATION:
SAGE CREST BUILDERS, LLC, LICENSE NO. 55865**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Efstratis found Sage Crest Builders, LLC, license number 55865 guilty of violating NRS 624.3012(2) failure to pay for materials and services; NRS 624.302(5) failure or refusal to cooperate in an investigation; 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 624.3013(3) failure to establish financial responsibility. License number 55865 is Revoked. Respondent shall pay full restitution to the damaged parties and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

5. DISCIPLINARY HEARING-DEFAULT ORDER:**I C C I IDEAL CONCRETE CONSTRUCTION, INC., LICENSE NO. 50468**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Efstratis found I C C I Ideal Concrete Construction, Inc., license number 50468 guilty of violating NRS 624.3017(1) substandard workmanship; 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(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 624.3013(3) failure to establish financial responsibility. License number 50468 is Revoked. Respondent was ordered to pay a fine of \$1,700.00; reimburse the Board for investigative costs of \$1,449.11. Prior to any consideration for relicensure, the Respondent shall make full restitution to Michele Moore in the amount of \$6,655.00 and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

DISCIPLINARY HEARING-DEFAULT ORDER:**J RICHARDS CONSTRUCTION, INC., LICENSE NO. 57896A**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Efstratis found J Richards Construction, Inc., license number 57896A guilty of violating NRS 624.3012(2) failure to pay for materials and services; NRS 624.302(5) failure or refusal to cooperate in an investigation; NRS 624.302(6) failure or refusal to comply with a written request by the Board for information or records; 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(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 624.3013(3) failure to establish financial responsibility. License number 57896A is Revoked. Respondent was ordered to pay a fine of \$3,700.00; reimburse the Board for investigative costs of \$3,019.61 Prior to any consideration for relicensure, the Respondent shall make full restitution to all damaged parties and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

DISCIPLINARY HEARING-DEFAULT ORDER:**ATLAS CURB & CONCRETE, INC., LICENSE NO. 57800**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Efstratis found Atlas Curb & Concrete, Inc., license number 57800 guilty of violating NRS 624.3012(2) failure to pay for materials and services; NRS 624.302(5) failure or refusal to cooperate in an investigation; NRS 624.3013(3) failure to establish financial responsibility. License number 57800 is Revoked. Respondent was ordered to pay a fine of \$1,000.00; reimburse the Board for investigative costs of \$1,782.61 Prior to any consideration for relicensure, the Respondent shall make full restitution to all damaged parties and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Efstratis at 10:25 a.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Michael Efstratis, Hearing Officer

ADJUDICATING BOARD MEMBER: JERRY HIGGINS**6. CONTINUED DISCIPLINARY HEARING:
ROD THE ROOFER, LICENSE NO. 44919**

Licensee was present with David Russell, Esq.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Higgins found Rodney Gene Denny, Owner dba Rod the Roofer, license number 44919 of violating 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 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 624.3011(2) failure to obtain any necessary building permits; NRS 624.3013(3) failure to establish financial responsibility. Respondent shall reimburse the Board for investigative costs of \$1,503.61 within ninety (90) days of November 5, 2008 or license will automatically be suspended. The First Cause of Action is dismissed.

**7. DISCIPLINARY HEARING:
LANDMARK HOMES AND DEVELOPMENT, INC., LICENSE NO. 44398**

Licensee was present with James Rankl, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2A – Letter dated October 28, 2008 from George Lyford

Exhibit 3A – Letter dated November 3, 2008 from James Rankl.

Hearing Officer Higgins found Landmark Homes and Development, Inc., license number 44398 guilty of violating NRS 624.3013(3) failure to establish financial responsibility. License number 44398 is Revoked. Prior to any consideration for relicensure, the Respondent shall reimburse the Board for investigative costs of \$4,311.11; pay Sierra General Contractors \$208,800.38, Fleet Heating & Air \$132,299.70 and Peninsula Group \$370,928.00. The First, Second, Third, Fourth and Fifth Causes of Action are dismissed.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Higgins at 10:46 a.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Jerry Higgins, Hearing Officer