

JIM GIBBONS
Governor

STATE OF NEVADA



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MEMBERS
Guy M. Wells, Chairman
Kevin E. Burke
Michael Efstratis
John C. Ellison
Jerry Higgins
Nathaniel W. Hodgson, III
William "Bruce" King

STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
DECEMBER 3, 2008**

CALL TO ORDER:

Hearing Officer Jerry Higgins called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, December 3, 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

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 on November 24, 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. DISCIPLINARY HEARING:

ZORRO, INC., dba CABINET FACERS & KITCHEN CONCEPTS, LICENSE NO. 59601
FOX INTERIORS, LICENSE NUMBER 26589

Licensee was present with John Moore, Esq.

The following Agency Exhibits were entered:

- Exhibit 1 – Board Hearing File
- Exhibit 2 – Letter dated December 1, 2008 from George Lyford
- Exhibit 3 – Bid from Mr. Bolle
- Exhibit 4 – Bids from Lutzow and Schweinfurt

Hearing Officer Higgins found Zorro, Inc. dba Cabinet Facers & Kitchen Concepts, license number 59601 guilty of six (6) violations of 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 624.302(6) failure or refusal to comply with a written request by the Board for information or records; NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; NRS 624.300 failure to comply with any order directed 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. Hearing Officer Higgins ordered the revocation of license Number 59601 and Respondent was ordered to pay a fine of \$1,400.00. Prior to any consideration for relicensure, the Respondent shall pay the fine and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

Hearing Officer Higgins found Marc Alan Fox, dba Fox Interiors, license number 26589 guilty of violating 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. Hearing Officer Higgins ordered the monetary limit for license number 26589 be reduced to \$10,000.00 and payment of investigative costs in the amount of \$3,431.50 within six (6) months or license number 26589 will be automatically suspended.

2. DISCIPLINARY HEARING:
D A DEVELOPMENT, INCORPORATED, LICENSE NO. 55592

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Satisfaction of Judgment

Hearing Officer Higgins found D A Development Incorporated, license number 55592 guilty of two (2) violations of NRS 624.3012(2) failure to pay for materials and services; NRS 624.300 failure to comply with any order directed by the Board; NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer Higgins ordered the revocation of license number 55592 and ordered Respondent to pay a fine of \$2,000.00; reimburse the Board for investigative costs of \$2,475.00. 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 Higgins at 10:10 a.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Jerry Higgins, Hearing Officer