

JIM GIBBONS
Governor

STATE OF NEVADA

REPLY TO:

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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
July 23, 2008**

CALL TO ORDER:

Hearing Officer Filios called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, July 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. Spiridon Filios
Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Daniel Hammack, Chief of Enforcement

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 July 15, 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. DISCIPLINARY HEARING:

MIKE WILLIAM WHITE, dba ALL PHASE ELECTRIC, License No. 56798

Licensee was present.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File

Exhibit #2 – Respondent's Promissory Note with Crescent Electric Supply Company.

Hearing Officer Filios found Respondent guilty of one (1) violation of 624.3013(3), failure to establish financial responsibility; however, no fine was assessed. Respondent was ordered to pay investigative costs in the amount of \$1,741.00 within ninety (90) days of the hearing. License number 56798, Mike William White, dba All Phase Electric, shall remain active as long as payments to Crescent Electric Supply Company remain current. If Respondent defaults on payments to Crescent Electric Supply Company, the license shall be revoked.

2. DISCIPLINARY HEARING:

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

CUSTOM CONCRETE HOMES, License No. 60332

Licensee was not present, but was represented by counsel, James Hibbard, Esq.

The following Agency Exhibits were entered:

Exhibit # 1 – Board Hearing File

This matter was continued to allow Respondent the opportunity to pay subcontractors.

3. DISCIPLINARY HEARING:

INVESTMENT EQUITY DEVELOPMENT, LLC, License No. 56304

INVESTMENT EQUITY BUILDERS, LLC, License No. 47257

Licensee was present with counsel, Clara Padilla-Silver, Esq.

The following Agency Exhibits were entered:

Exhibit # 1 – Board Hearing File

Exhibit # 2 – A letter dated July 21, 2008 from Respondent's counsel, Christopher Reade, Esq.

The following Respondent Exhibits were entered:

Exhibit A – Respondent, Investment Equity Development, LLC's Answer to the Board's Complaint.

Exhibit B – Respondent, Investment Equity Builder's, LLC's Answer to the Board's Complaint.

This matter was continued for sixty (60) days to allow Respondent the opportunity to pay subcontractors and file a current financial statement. License number 56304, Investment Equity Development, Inc., and license number 47257, Investment Equity Builders, LLC, shall remain suspended.

4. DISCIPLINARY HEARING:

A.S.A.P. MAINTENANCE, INC., dba DFS FLOORING, License No. 60332

Licensee was present.

The following Agency Exhibits were entered:

Exhibit # 1 – Board Hearing File.

Exhibit #2 – Letter dated July 22, 2008 from Respondent's counsel, Dan Winder, Esq.

Hearing Officer Filios found Respondent guilty of one (1) violation of NRS 624.3016(1) any fraudulent or deceitful act committed in the capacity of a contractor, misrepresentation or the omission of a material fact; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility.

Respondent was assessed a fine of \$100.00 for each of the First and Second Causes of Action for a total of \$200.00 and investigative costs in the amount of \$1,416.00 to be paid within ninety (90) days. Mr. Lowe was ordered to pay restitution in the amount of \$5,694.00 to Amelia Belarmino to be paid by July 23, 2008. Respondent was ordered to provide a current financial statement within ninety (90) days.

5. DISCIPLINARY HEARING – STIPULATED REVOCATION:

CONDOR BUSINESS SOLUTIONS, LLC, dba EL SOL MARBLE & TILE, License No. 68196

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit # 1 – Board Hearing File.

Exhibit # 2 – Respondent's letter to Dan Hammack dated June 20, 2008.

Hearing Officer Filios found Respondent 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 of Correct; one (1) violation of NRS 624.302(2) failure to comply with a written citation within the time permitted for compliance set forth in the citation. Respondent was assessed a fine of \$500.00 for each of the First, Second and Third Causes of Action for a total of \$1,500.00 and investigative costs in the amount of \$1,209.00. Respondent was ordered to pay restitution in the amount of \$15,000.00 to Kyle Waugh.

6. SUMMARY SUSPENSION:

CABO ENTERPRISES, LLC, dba CABO POOLS & SPAS, License No. 58881

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 Cabo Enterprises, LLC, dba Cabo Pools & Spas, license number 58881 was summarily suspended.

7. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. V.M.S. BUILDERS, INC., License No. 67833

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit # 1 – Board Hearing File

Hearing Officer Filios found Respondent, V.M.S. Builders, Inc., Steven Anthony DeLisle, President, license number 67833, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. DeLisle was found guilty of 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 624.3012(1) diversion of money; two (2) violations of NRS 624.3012(2) failure to pay any money when due for materials or services; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.3018(2) failure to establish financial responsibility; one (1) violation of NRS 624.3013(4) failure to keep bond in force. Respondent was

assessed an administrative fine of \$4,000.00 and investigative costs were assessed in the amount of \$2,109.00. License number 67833, V.M.S. Builders, Inc., was revoked. Mr. DeLisle 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.

b. SURE ROCK, INC., License No. 58777

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit # 1 – Board Hearing File

Hearing Officer Filios found Respondent, Sure Rock, Inc., John Kyle Dzamko, President, license number 58777, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Dzamko was found 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 from the Board; one (1) violation of NRS 624.3013(4) failure to keep bond in force. Respondent was assessed an administrative fine of \$1,500.00 and investigative costs were assessed in the amount of \$1,323.00. License number 58777, Sure Rock, Inc., was revoked. Mr. Dzamko 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 Filios at 10:07 a.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Spiridon Filios, Hearing Officer