

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



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

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
January 23, 2008

CALL TO ORDER:

Hearing Officer Schaefer called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, January 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. Michael Efstratis
Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George Lyford, Director of Investigations
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 January 16, 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: RANDY SCHAEFER

1. DISCIPLINARY HEARING:(Re-Hearing October 24, 2007)

UNDER THE SON EXCAVATING, INC., License No. 55421

Licensee was present with counsel, Eric Dobberstein Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – A letter from Southern Nevada Health District dated November 19, 2007.

The following Respondent Exhibits were entered:

Exhibit A – Letter from Respondent dated November 9, 2007.

Exhibit B – An e-mail from the Southern Nevada Health District to Respondent's counsel, Eric Dobberstein, Esq. dated January 22, 2008.

Hearing Officer Schaefer found Respondent, Under the Son Excavating, Inc., Mark Robert Franks, President, license number 55421, guilty of One (1) violation of NRS 624.3011(1)(b)(2) willful or deliberate disregard of the safety laws or labor laws of this State. Respondent was assessed a fine \$500.00 to be paid within 30 days of the January 23, 2008 hearing. The Second and Third Causes of Action were dismissed. Respondent's license limit shall be reduced to \$250,000.00.

2. DISCIPLINARY HEARING: (Stipulated Revocation)

PRO WEST CONSTRUCTION, INC., A CLOSE CORPORATION, License No. 38300A

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – A letter from Respondent's counsel, Frank M. Flansburg III, Esq., dated January 8, 2008. Stipulating to the revocation of the license.

Hearing Officer Schaefer found Respondent, Pro West Construction, Inc., A Close Corporation, Alan Richard Floyd, President, license number 38300A, guilty of One (1) violation of NRS 624.3013(3) failure to establish financial responsibility. The First, Second, Third and Fourth Causes of Action were dismissed. No administrative fines or investigative costs were assessed. License number 38300A, Pro West Construction, Inc., A Close Corporation, was revoked.

3. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. KASE CONTRACTING, INC., License No. 57235

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent Exhibits were entered:

Exhibit A – A letter dated December 13, 2007, from the Respondent to the Board stipulating to the revocation of the license.

Hearing Officer Schaefer found Respondent, Kase Contracting, Inc., Kristopher A. Barber, President, license number 57235, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Barber was found guilty of One (1) violation of NRS 624.301(1) abandonment without legal excuse of any construction project or operation engaged in; One (1) violation of NRS 624.301(2) abandonment of a construction project when the percentage of the project completed is less than the percentage of the total price of the contract paid to the contractor at the time of abandonment; One (1) violation of NRS.301(4) willful failure or refusal to prosecute a construction project with reasonable diligence; One (1) violation of NRS 624.3013(3) failure to establish financial responsibility; One (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify Board of change of address or personnel; One (1) violation of NRS 624.3013(4) failure to keep in force the bond or cash deposit for the full period required by the Board. Respondent was assessed an administrative fine of \$2,750.00. The investigative costs were assessed in the amount of \$1,951.00. License number 57235, Kase Contracting, Inc. was revoked. Mr. Barber is required to

make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs prior to consideration of future licensure.

b. DESERT LAWN SOLUTIONS, LLC, dba TURF WEST LANDSCAPES, License No. 59201

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer found Respondent, Desert Lawn Solutions, LLC, dba Turf West Landscape, Kimberly Denise Hawpe, Manager, license number 59201, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Ms. Hawpe was found guilty of One (1) violation of NRS 624.3017(1) workmanship which is not commensurate with the standards of the trade in general; 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 624.302(5) failure to respond to a written request from the Board; 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 624.3015(2) bidding or contracting for a sum for one construction contract in excess of the limit placed on the license by the Board; One (1) violation of NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; One (1) violation of NRS 624.3013(4) failure to keep in force the bond or cash deposit for the full period required by the Board; One (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed an administrative fine of \$3,850.00. The investigative costs were assessed in the amount of \$1,448.00. License number 59201, Desert Lawn Solutions, LLC, dba Turf West Landscape, was revoked. Ms. Hawpe is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs prior to consideration of future licensure.

c. SOUTHWEST PAVING & GRADING, INC., License No. 30628

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer found Respondent, Southwest Paving & Grading, Inc., Wayne Doyle Jacks, President, license number 30628, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Jacks was found guilty of One (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed an administrative fine of \$1,000.00. The investigative costs were assessed in the amount of \$1,318.00. License number 30628, Southwest Paving & Grading, Inc. was revoked. Mr. Jacks 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 8:50 a.m.

Respectfully Submitted,

Tricia Buyson, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Randy Schaefer, Hearing Officer