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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
MARCH 11, 2009**

CALL TO ORDER:

Hearing Officer Michael Efstratis called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday March 11, 2009, 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:

Ms. Margi Grein, Executive Officer
Mr. George Lyford, Director of Investigations
Mr. Dan Hammack, Chief of Enforcement
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 March 5, 2009 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:

CAPITOL OVERHEAD DOOR LICENSE NO. 22971B

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

The following Respondent Exhibit was entered:

Exhibit A – Answer from Respondent dated February 16, 2009

This matter was continued to April 8, 2009.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Higgins at 8:35 a.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Jerry Higgins, Hearing Officer

ADJUDICATING BOARD MEMBER: MICHAEL EFSTRATIS

2. DISCIPLINARY HEARING:

DAN MCGLYNN CONSTRUCTION, LICENSE NO. 52592

Licensee was not present.

The following Agency Exhibits were entered:

- Exhibit 1 – Board Hearing File
- Exhibit 2 – Invoice from Jeff Lewis
- Exhibit 3 – Proposal from Jeff Lewis
- Exhibit 4 – Series of documents from John Langon
- Exhibit 5 – Notice of lien

Hearing Officer Efstratis found Respondent Daniel William McGlynn dba, Dan McGlynn Construction, license number 52592 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 624.3017(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 624.3012(3) failure to obtain the discharge of Lien; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3013(3) failure to establish financial responsibility and ordered the revocation of license number 52592. Mr. McGlynn was ordered to pay a fine of \$1,000.00 for the Third, \$500.00 for the Fourth, \$1,000.00 for the Fifth, \$500.00 for the Sixth, \$1,000.00 for the Seventh, \$100.00 for the Eighth and \$500.00 for the Tenth Causes of Action for a total fine of \$4,600.00. The First, Second and Ninth Causes of Action were dismissed. Respondent shall pay full restitution to the damaged parties and reimburse the Board for investigative costs of \$2,422.50 and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

3. DISCIPLINARY HEARING:

ALPINE FENCE LICENSE NO. 23109

Licensee was present.

The following Agency Exhibits were entered:

- Exhibit 1 – Board Hearing File
- Exhibit 2 – Resolution letter dated February 17, 2009

Hearing Officer Efstratis found Respondent Steve Charles Yon, Owner dba Alpine Fence, license number 23109 guilty of violating NRS 624.305 unlawful use, assignment or transfer of license; NRS 624.3013(3) failure to establish financial responsibility and ordered the revocation of license number 23109. Respondent shall pay a fine of \$200.00; reimburse the Board for investigative costs of \$1,908.00 and any claims and associated expenses that may be paid out of the Residential Recovery Fund. The First, Second, Third, Fourth, Fifth, Sixth and Seventh Causes of Action are dismissed.

4. DISCIPLINARY HEARING-DEFAULT ORDER:

J E MARTENSEN LANDSCAPE CONSTRUCTION COMPANY, LICENSE NO. 59235

PERFECT PAVERS, LLC, LICENSE NO. 68063

Licensee was present.

This matter was continued to April 8, 2009.

DISCIPLINARY HEARING-DEFAULT ORDER:
HAMLIN DEVELOPMENT COMPANY, INC., LICENSE NO. 47827A

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit A – Answer from Respondent

Hearing Officer Efstratis found Respondent Hamlin Development Company, Inc., license number 47827A in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Licensee was found guilty NRS 624.301(3) failure in a material respect to complete any construction project or operation for the price stated in the contract for the project or operation or any modification of the contract; 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(3) failure to establish financial responsibility. Hearing Officer Efstratis ordered the revocation of license number 47827A. Respondent shall pay a fine in the amount of \$3,750.00; reimburse the Board for investigative costs of \$1,966.50, pay full restitution to any 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 9:40 a.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Michael Efstratis, Hearing Officer