

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 August 26, 2009

CALL TO ORDER:

Hearing Officer Hodgson called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, August 26, 2009, 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. Nathaniel Hodgson, Chairman
Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George Lyford, Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement
Mr. Chris Denning, Deputy Director of Investigations

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 August 19, 2009 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: NATHANIEL HODGSON

1. DISCIPLINARY HEARING:

GREYSTONE NEVADA, LLC, LICENSE NO. 48844

Licensee was present with counsel, Greg King, Esq.

Three witnesses testified for the Board.

Two witnesses testified for the Respondent.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Documents received from Santarpia to include affidavits of Alonso Navarro and Robert Christmas, estimates from WIA Drywall Paint, Designer Stairs and Woodwork, LLC, Beautifying Existing Concrete,

Sunburst Shutters and Carpet Xtreme, proposed expenses for hotel and Owens Geotechnical, Inc.'s report.

Exhibit 3 – Documents received from Santarpia to include an affidavit of Alonso Navarro, an estimate to repair from Santarpia, and estimates from Sunburst Shutters, Carpet Xtreme, Concrete Texturing, Design Stairs and Woodwork, LLC, WIA Drywall Paint and Linda Fisher's Paintings.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint.

Exhibit B – Documents provided by Respondent's counsel, Gregory King, Esq., to include letters and e-mails between Respondent and Santarpia.

Exhibit C – A cost to repair provided by Respondent's counsel, Gregory King, Esq.

Exhibit D – Documents provided by Respondent's counsel, Gregory King, Esq., to include the Certificate of Occupancy, soils report, and the disclosure statement for the Santarpia residence.

Hearing Officer Hodgson found Respondent guilty of one (1) violation of NRS 624.3017(1) substandard workmanship. Respondent was assessed a fine \$500.00 and investigative costs in the amount of \$6,219.00. The Second Cause of Action was dismissed. Restitution to be paid to Santarpia in the amount of \$45,000.00. Fines, costs and restitution to be paid within forty-five (45) days of the August 26, 2009 Board Hearing or license number 48844, Greystone Nevada, LLC will be suspended.

2. DISCIPLINARY HEARING:

AMAZON LANDSCAPE MAINTENANCE, INC., dba GREEN TREE LANDSCAPE & MAINTENANCE,
LICENSE NOS. 57160, 59687A

BAREFOOT POOL AND SPA, LLC, LICENSE NO. 60704

KRAHENBUHL CONSTRUCTION, LLC, LICENSE NO. 61371

QUALITY TUB INSTALL, LLC, LICENSE NO. 62292

Licensee was present with counsel, Keith Gregory, Esq.

One witness testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – A letter dated August 18, 2009 from Respondents' counsel, Keith E. Gregory, Esq.

The following Respondent's Exhibits were entered:

Exhibit A – The Respondent's Answer to the Board's Complaint.

Hearing Officer Hodgson found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 for the First Cause of Action and investigative costs in the amount of \$1,723.00. The Second Cause of Action was dismissed. Fines and costs must be paid within thirty (30) days of the August 26, 2009 Hearing date, or license numbers 57160, and 59687A, Amazon Landscape Maintenance, Inc., dba Green Tree Landscape and Maintenance, license number 60704, Barefoot Pool and Spa, LLC, license number 61371, Krahenbuhl Construction, LLC and license number 62292, Quality Tub Install, LLC, shall be suspended. The Respondent's license limit is to be lowered to \$3,300,000.00.

3. DISCIPLINARY HEARING: (Stipulated Revocations)

a. N. C. S. CONSTRUCTION, LLC, LICENSE No. 59078

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent's letter stipulating to the revocation of his license.

Hearing Officer Hodgson found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 and investigative costs of \$2,031.00. License number 59078, N. C. S. Construction, LLC, was revoked. Respondent was ordered 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.

4. DISCIPLINARY HEARING – DEFAULT ORDERS

a. BOBBY STEPHENS MASONRY, INC., LICENSE NO. 36055

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent Bobby Stephens Masonry, Inc., license number 36055, Bobby Oliver Stephens, President and Qualified Individual in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Stephens was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 and investigative costs in the amount of \$1,335.00. License number 36055, Bobby Stephens Masonry, Inc. was revoked. Respondent was ordered to pay full restitution to the 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. TONY ALSTON, dba FABTECH WELDING SERVICE, LICENSE NO. 29627

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent Tony Alston, dba Fabtech Welding Service, license number 29627, Tony Alston, Owner and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Alston was found guilty of one (1) violation of NRS 624.3011(1)(b)(4) willful disregard of the industrial insurance laws of the State; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$1,500.00 and investigative costs in the amount of \$1,236.00. License number 29627, Tony Alston, dba Fabtech Welding Service, was revoked. Respondent was ordered to

pay full restitution to the 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. MARLON TERRELL TRAVIS, dba AIR TECHNOLOGIES, LICENSE NO. 55405

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent Marlon Terrell Travis, dba Air Technologies, license number 55405, Marlon Terrell Travis, Owner and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Travis was found guilty of one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; one violation of NRS 624.3013(3) failure to establish financial responsibility; one violation of NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify Board of change of address or personnel. Respondent was assessed a total fine of \$1,000.00 and investigative costs in the amount of \$1,221.00. License number 55405, Marlon Terrell Travis, dba Air Technologies was revoked. Respondent was ordered to pay full restitution to the 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.

d. VALLEY GRADING AND PAVING, LLC, LICENSE NUMBER 69579

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent Valley Grading and Paving, LLC, license number 69579, Leo Harold Santoro, Jr., Vice President, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Santoro was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$500.00 and investigative costs in the amount of \$1,402.00. License number 69579, Valley Grading and Paving, LLC, was revoked. Respondent was ordered to pay full restitution to the 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.

e. SOUTHERN NEVADA CONSTRUCTION, INC., LICENSE NO. 46862A

SOUTHERN NEVADA CONSTRUCTION, INC., LICENSE NO. 58519

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent Southern Nevada Construction, Inc., license numbers 4686A and 58519, Thomas Ryan Green, President, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Green was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of

licensee; one (1) violation of NRS 624.3013(4) failure to keep bond in force. Respondent was assessed a total fine of \$1,000.00 and investigative costs in the amount of \$1,643.00. License numbers 46862A and 58519, Southern Nevada Construction, Inc., were revoked. Respondent was ordered to pay full restitution to the 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.

f. NATIONAL AIR CONDITIONING AND REFRIGERATION, INC., LICENSE NO. 70958

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent National Air Conditioning and Refrigeration, Inc., license number 70958, Houshmand Baiti, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Baiti was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3013(4) failure to keep bond in force. Respondent was assessed a total fine of \$1,000.00 and investigative costs in the amount of \$1,372.00. License number, 70958, National Air Conditioning and Refrigeration, Inc. was revoked. Respondent was ordered to pay full restitution to the 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.

g. KOMAX DEVELOPMENT, INC., dba REDLINE CONSULTING, LICENSE NO. 67413

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This hearing was vacated.

h. MORTON EXCAVATING, INC., LICENSE NO. 51104

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent Morton Excavating, Inc., license number 51104, Todd Eugene Morton, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Morton was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.302(2) failure to comply with a written citation from the Board. Respondent was assessed a total fine of \$1,000.00 and investigative costs in the amount of \$1,696.00. License number 51104, Morton Excavating, Inc. was revoked. Respondent was ordered to pay full restitution to the 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.

i. PRO CONSTRUCTION CORPORATION, LICENSE NO. 66973**PRO CONTRACTORS, INC., dba PRO SERVICES**, LICENSE NOS. 47525A, 59562A, 60905A

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent Pro Construction Corporation, license number 66973, Thomas Nelson Andrews, President and Pro Contractors, Inc., dba Pro Services, license numbers 47525A, 59562A, 60905A, Bryan Thomas Andrews, President, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Thomas and Bryan Andrews were found guilty of one (1) violation of NRS 624.301(2) abandonment of construction project when percentage completed is less than percentage of total contract paid; one (1) violation of NRS 624.301(1) abandonment of construction project; one (1) violation of 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 the license and any monetary limit placed upon his license; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a total fine of \$2,250.00 and investigative costs in the amount of \$1,472.00. License number 66973, Pro Construction Corporation and license numbers 47525A, 59562A and 60905A, Pro Contractors, Inc., dba Pro Services were revoked. Respondent was ordered to pay full restitution to the 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.

j. AAA AWESOME TILE SETTERS, LLC, LICENSE NO. 64016

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent AAA Awesome Tile Setters, LLC, license number 64016, Susan E. Flynn, Managing Member, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Ms. Flynn was found 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 the Board's Notice to Correct; one (1) violation of NRS 624.302(5) failure to comply with a written request by the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$2,250.00 and investigative costs in the amount of \$1,413.00. License number 64016, AAA Awesome Tile Setters, LLC, was revoked. Respondent was ordered to pay full restitution to the 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.

k. HUTCH CONSTRUCTION, LLC, dba H. C. S., LICENSE NO. 70529

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent Hutch Construction, LLC, dba H. C. S., license number 70529, Charles Jerry Hutcheson, Member and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Hutcheson was found 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 to Correct; 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(1) acting beyond scope of license; one (1) violation of NRS 624.3013(4) failure to keep bond in force; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$3,250.00 and investigative costs in the amount of \$1,476.00. License number 70529, Hutch Construction, LLC, dba H. C. S., was revoked. Respondent was ordered to pay full restitution to the 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.

I. CAMBRIDGE DEVELOPMENT, INC., LICENSE NO 47488

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent Cambridge Development, Inc., license number 47488, Pat C. Lundy, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Lundy was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3013(4) failure to keep bond in force; one (1) violation of NRS 624.302(2) failure to comply with a written citation from the Board. Respondent was assessed a fine of \$1,500.00 and investigative costs in the amount of \$1,590.00. License number 47488, Cambridge Development, Inc. was revoked. Respondent was ordered to pay full restitution to the 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.

m. COMMONWEALTH CONSTRUCTION, LLC, dba SOUTHERN BUILDERS, LICENSE NO. 71283

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent Commonwealth Construction, LLC, dba Southern Builders, license number 71283, Marlon Thomas Massengale, Manager and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Massengale will be held responsible for the Decision and Order that was issued June 24, 2009 along with licensees (52911 and 57407).

n. NEIL IRA TELFORD, dba T. L. C. PAINTING, LICENSE NO. 28523

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent Neil Ira Telford, dba T. L. C. Painting, license number 28523, Neil Ira Telford, Owner and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Telford was found guilty of one (1) violation of NRS 624.302(2) failure to comply with a written citation from the Board; one (1) violation of NRS 624.3013(4) failure to keep bond in force. Respondent was assessed a fine of \$1,000.00 and investigative costs in the amount of \$1,026.00. License number 28523, T. L. C. Painting, was revoked. Respondent was ordered to pay full restitution to the 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.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Hodgson at 1:45 p.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Nathaniel Hodgson, Hearing Officer