

JIM GIBBONS
Governor

STATE OF NEVADA



STATE CONTRACTORS BOARD

MINUTES OF THE MEETING October 21, 2009

REPLY TO:

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MEMBERS
Kevin E. Burke, Chairman
Michael Efstratis
John C. Ellison
Jerry Higgins
Nathaniel W. Hodgson, III
William "Bruce" King
Stephen P. Quinn

CALL TO ORDER:

Hearing Officer Higgins called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, October 21, 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. Jerry Higgins, Chairman
Mr. Nathaniel Hodgson

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 October 15, 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: JERRY HIGGINS

1. DISCIPLINARY HEARING: (Stipulated Revocation)

JAYAR MANUFACTURING COMPANY, LICENSE NO. 52958

JAYAR MANUFACTURING COMPANY, LICENSE NO. 42094

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 dated September 30, 2009.

Hearing Officer Higgins found Respondent guilty of 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(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$750.00 for the First and Second Causes of Action and investigative costs of \$1,849.00. License number 52958, Jayar Manufacturing Company and license number 42094, Jayar Manufacturing Company, were 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.

ADJUDICATING BOARD MEMBER: NATHANIEL HODGSON

2. DISCIPLINARY RE-HEARING: (Continued from July 22, 2009)

BRUCE E. HOLMES, LICENSE NUMBER 59608

Licensee was present.

One witness testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondents Exhibits were entered:

Exhibit A – An Affidavit of Derrick Tran.

Hearing Officer Hodgson took this matter under advisement and will submit a written decision within thirty (30) days of the October 21, 2009 Board Hearing.

3. DISCIPLINARY HEARING:

GOHRES CONSTRUCTION COMPANY, LICENSE NUMBERS 34056 AND 39928

SYNERGY CORPORATION, dba SALT CREEK CONSTRUCTION, LICENSE NUMBER 71710

DELGADO AND ASSOCIATES, INC., LICENSE NUMBER 72439

Licensee was present with counsel, Jim Stout, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

The following Respondent's Exhibits were entered:

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

Exhibit B – Respondent's letter to the Board dated September 3, 2009.

Hearing Officer Hodgson found Respondent 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, no fines were assessed. Investigative costs are in the amount of \$1,569.00. Respondent must pay investigative costs within thirty (30) days of the October 21, 2009 Board Hearing or license number 71710, Synergy Corporation, dba Salt Creek Construction shall be revoked. To reactivate license number 71710, Respondent must

show financial viability. License numbers 34056 and 39928, Gohres Construction Company and license number 72439, Delgado and Associates, Inc. were revoked by stipulation. Synergy Corporation, dba Salt Creek Construction, license number 71710 was placed inactive.

4. DISCIPLINARY HEARING:

DOCTOR PIPER, INC., LICENSE NO. 71358

Licensee was present.

One witness testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

The following Respondent's Exhibits were entered:

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

Exhibit B – A "Verification Letter" from Val Jordan, CFO of Delta Mechanical along with bank statements for Kragon, LLC.

Hearing Officer Hodgson found Respondent guilty of one (1) violation of NRS 624.3013(2) misrepresentation of a material fact, in connection with any information or evidence furnished the Board in connection with official matters; one (1) violation of NRS 624.3016(1) any fraudulent act committed in the capacity of a contractor, misrepresentation or omission of a fact; one (1) violation of NRS 624.3016(7) misrepresentation or omission of a material fact or fraudulent or deceitful act to obtain a license; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine \$1,000.00 for the First Cause of Action and a fine of \$500.00 for the Fourth Cause of Action. The Second and Third Causes of Action were dismissed. Investigative costs are in the amount of \$1,418.00. Respondent must pay fines and costs within thirty (30) days of the October 21, 2009 Board Hearing. License number 71358, Doctor Piper, Inc. is suspended. Respondent must meet with staff to review background and qualifications and prove financial viability within thirty (30) days of the October 21, 2009 Board Hearing or license shall be revoked.

5. DISCIPLINARY HEARING: (Continued from September 23, 2009)

EAGLE AIR CONDITIONING, INC., LICENSE NO. 36779

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Hodgson granted Eagle Air Conditioning a thirty (30) day continuance to provide a current financial statement that supports the license limit. Respondent has paid the administrative citation fines and costs and has made payment to the two complainants in the citation. Respondent has also paid DIR.

6. DISCIPLINARY HEARING: (Stipulated Revocations)

a. SILVER STATE FLOORING SERVICES, INC., dba P. M. O. FLOORS, LICENSE NUMBERS 68072, 68073 AND 68074

PAUL FRANCIS OTIS, dba RIP-N-FLRZ, LICENSE NUMBER 52352

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent guilty of 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(4) failure to keep bond in force; 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; 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 \$1,250.00 for the First, Second, Third and Fifth Causes of Action, the Fourth Cause of Action was dismissed, investigative costs are \$2,365.00. License numbers 68072, 68073 and 68074, Silver State Flooring Services, Inc., dba P. M. O. Floors and license number 52352, Paul Francis Otis, dba Rip-N-Flrz were 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.

b. R. J. S. LANDSCAPING, LLC, LICENSE NUMBER 53489 (Continued from September 23, 2009)

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent guilty of one (1) violation of NRS 624.3015(1) acting beyond scope of license; one (1) violation of NRS 624.3015(2) bidding in excess of the limit placed on the license by 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 624.3013(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 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 \$2,350.00 and investigative costs of \$1,685.00. License number 53489, R. J. S. Landscaping, 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.

7. DISCIPLINARY HEARING – DEFAULT ORDERS

a. JUAN MANUEL RODRIQUES, dba J. M. R. PAINTING AND DRYWALL, LICENSE NUMBER 53617

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent Juan Manuel Rodriguez dba J. M. R. Painting and Drywall, license number 53617, Juan Manuel Rodriguez, Owner, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Rodriguez was found

guilty of 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 \$500.00 and investigative costs in the amount of \$1,034.00. License number 53617, Juan Manuel Rodriguez dba J. M. R. Painting and Drywall, 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. STEEL STRUCTURES AND SUPPLY, INC., dba PAHRUMP STEEL, LICENSE NO. 49640A

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent Steel Structures and Supply, Inc., dba Pahrump Steel, license number 49640A, Larry Walter Young, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Young was found guilty of one (1) violation of NRS 624.3011(1)(b)(1) willful disregard of the building 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 \$1,395.00. License number 49640A, Steel Structures and Supply, Inc., dba Pahrump Steel, 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. PRO DECK, INC., LICENSE NO. 59400A

Licensee was not present.

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent Pro Deck, Inc., license number 59400A, John Murick Porreca, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Porreca was found guilty of one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.301(5) failure to comply with the terms of the construction contract, thereby causing material injury to another; 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 \$1,439.00. License number 59400A, Pro Deck, 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.

d. DEF, LLC, dba FRIENDLY SERVICES, LICENSE NOS. 67788 and 71797

DEF, LLC, dba FERGUSON PLUMBING, LICENSE NO. 71798

Licensee was not present.

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent DEF, LLC, dba Friendly Services, license numbers 67788 and 71797 and DEF, LLC, dba Ferguson Plumbing, license number 71798, Daniel Edward Ferguson, Member and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Ferguson was found guilty of two (2) violations of

NRS 624.302(5) failure to respond to a written request from the Board; 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 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a total fine of \$1,500.00 and investigative costs in the amount of \$2,142.00. License numbers 67788, 71797, DEF, LLC, dba Friendly Services and license number 71798, DEF, LLC, dba Ferguson Plumbing 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.

e. L & C LATH AND PLASTERING, INC., dba SOUTHERN NEVADA STUCCO AND DRYWALL, LICENSE NO. 53759

M & L CONSTRUCTION, LICENSE NO. 64307

Licensee was present.

Exhibit 1 – Board Hearing File.

This matter was continued for thirty (30) days from the October 21, 2009 Board Hearing.

f. ALL PRO HEATING AND AIR CONDITIONING, INC., LICENSE NO. 37030

Licensee was not present.

Exhibit 1 – Board Hearing File.

This matter was continued for thirty (30) days from the October 21, 2009 Board Hearing.

g. H. M. BYARS CONSTRUCTION COMPANY, LICENSE NO. 8791

Licensee was not present.

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent H. M. Byars Construction Company, license number 8791, Sheri Byars Bradley, President and Qualified Individual in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Ms. Bradley 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 624.302(2) failure to comply with a written citation from the Board; one (1) violation of NRS 624.302(6) failure to comply with a written request by the Board; one (1) violation of NRS 624.302(5) failure to respond to a written request by the Board. Respondent was assessed a total fine of \$2,500.00 and investigative costs in the amount of \$2,404.00. License number 8791, H. M. Byars Construction Company 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 10:50 a.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Jerry Higgins, Hearing Officer

Nathaniel Hodgson, Hearing Officer