

JIM GIBBONS
Governor

STATE OF NEVADA



STATE CONTRACTORS BOARD

MINUTES OF THE MEETING March 25, 2009

REPLY TO:

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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

CALL TO ORDER:

Hearing Officer Higgins called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, March 25, 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. Kevin Burke
Mr. John Ellison
Mr. Nathaniel Hodgson

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. Bruce Robb, Esq., Legal Counsel
Mr. David Brown, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on March 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: JERRY HIGGINS

1. DISCIPLINARY HEARING:

A N T Enterprises, Inc., LICENSE NO. 67450

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 – The Respondent's letter to the Board dated February 4, 2008.

Exhibit B – A signed estimate dated May 14, 2008, with the Residential Recovery Fund Notice.

Hearing Officer Higgins 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 to Correct; one (1) violation of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to comply with Board's Notice to Correct; one (1) violation of NRS 624.3015(1) acting beyond scope of license; 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 624.3013(4) failure to keep bond in force. Respondent was assessed a fine of \$250.00 for each of the First, Second, Fourth and Fifth Causes of Action, a fine of \$100.00 for the Third Cause of Action and no fines were assessed for the Sixth and Seventh Causes of Action. Total fines were in the amount of \$1,100.00 plus the cost of the transcript and investigative costs in the amount of \$1,647.00. License number 67450, A N T Enterprises, Inc., 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.

2. DISCIPLINARY HEARING:

PAUL BOHANNON, dba PAUL BOHANNON GENERAL CONTRACTOR, LICENSE NO. 51654

Licensee was not present.

One witness testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent guilty of one (1) violation of NRS 624.302(2) failure to comply with a written citation from the Board. Respondent was assessed a fine of \$100.00 plus the costs of the transcript and investigative costs in the amount of \$1,131.00. License number 51654, Paul Bohannon General Contractor, 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.

3. DISCIPLINARY HEARING:

BROOKSTONE LANDSCAPE, INC., LICENSE NO. 55488

Licensee was present.

Four witnesses testified for the Board.

One witness testified for the Respondent.

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 – Invoice number 067453, from RJ Curbing, dated July 18, 2008.

Hearing Officer Higgins 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 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 624.3013(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 624.3015(1) acting beyond scope of license; 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 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$250.00 for each of the First, Second, Fifth, Sixth, Seventh and Eighth Causes of Action, \$100 fine for the Fourth Cause of Action, plus the costs of the transcript and investigation costs of \$1,746.00. The Third Cause of Action was dismissed.

License number 55488, Brookstone Landscape, Inc., is suspended until Respondent provides a current financial statement that supports the license limit. If financial statement does not support the current license limit, the license limit will be lowered to what the financial statement supports. Fines and costs are due within ninety (90) days of the March 25, 2009 Board Hearing or license number 55488 will remain suspended.

4. DISCIPLINARY HEARING:

WRIGHT BROTHERS TILE, INC., LICENSE NOS. 48773, 48774, 58927

Licensee was present with counsel, Larry Johns, Esq.

Five witnesses testified for the Board.

One witness testified for the Respondent.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Grisham Consulting Services, Inc., report on the Grimes project dated May 28, 2008.

Exhibit 3 – Respondent's Answer to the Board's Complaint with attachments.

Exhibit 4 – Four (4) photos taken by Board Investigator Gordon LaPointe of the core samples from the Grimes pool.

Hearing Officer Higgins 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 to Correct; 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 fine of \$1,000.00 for each of the First, Second and Third Causes of Action, for total fines of \$3,000.00, plus the cost of the transcript and investigative fees of \$1,881.00. The Fourth Cause of Action was not assessed a fine. License numbers 48773, 48774 and 58927, Wright Brothers Tile, Inc., were revoked.

5. DISCIPLINARY HEARING:

JEFFREY LANDSON STROMBERG, dba RELIABLE BUILDERS, LICENSE NO. 58009

PREMIER HOME IMPROVEMENTS OF NEVADA, INC., dba P. H. I. OF NEVADA,
LICENSE NO. 44009

Licensee was present with counsel, Charles Pollack, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter was continued for sixty (60) days.

6. DISCIPLINARY HEARING: (Stipulated Revocations)

a. JOSEPH'S CONSTRUCTION, INC., LICENSE NO. 47762A

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – The Respondent's "Suggestion of Bankruptcy Filing".

Exhibit B – A letter dated March 9, 2009 from the Respondent's counsel, Sue Trazig Cavaco, Esq., stipulating to the revocation of the license.

Hearing Officer Higgins found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. No fines or investigative costs were assessed. License number 47762A, Joseph's Construction, Inc., 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.

b. PACIFIC SUN LANDSCAPING, INC., LICENSE NO. 49194

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – The Respondent's letter received at the Board offices on March 19, 2008 stipulating to the revocation of his license. **Hearing Officer Higgins found Respondent 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 of \$1,601.00. License number 49194, Pacific Sun Landscaping, Inc., 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.**

c. HIS CUSTOM FLOORING, LLC, LICENSE NO. 67930

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – The Respondent's letter dated March 12, 2009 stipulating to the revocation of the license.

Hearing Officer Higgins 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 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 624.3013(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 624.3015(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 \$4,000.00 and investigative costs of \$1,481.00. License number 67930, HIS Custom Flooring, 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.

d. SUN MOUNTAIN CONSTRUCTION, INC., LICENSE NO. 51064

M & L CONSTRUCTION, LICENSE NO. 64307

WIRELESS ACCESS MANAGEMENT COMMUNICATIONS, LLC, LICENSE NOS.
67537, 67538

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 Sun Mountain Construction, Inc's letter dated March 13, 2009 stating that he has been removed from the licenses of Wireless Access Management Communications, Inc.; Respondent Sun Mountain Construction, Inc's., letter dated March 10, 2009, from Daniel McNutt, Esq., counsel for Wireless Access Management Communications, Inc.; documents from M & L Construction.

Hearing Officer Higgins found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$1,000.00 and investigative costs in the amount of \$1,841.00. The Second Cause of Action was dismissed. License number 51064, Sun Mountain Construction, Inc.'s license was revoked. The complaint against license number 64307, M & L Construction and license numbers 67537 and 67538, Wireless Access Management Communications, LLC, were dismissed. 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. JULIO CESAR JIMENEZ, dba J & A GRADING, LICENSE NO. 67478**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent Julio Cesar Jimenez, dba J & A Grading, license number 67478, Julio Cesar Jimenez, Owner and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Jimenez 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 fine of \$1,000.00 and investigative costs in the amount of \$904.00. License number 67478, Julio Cesar Jimenez, dba J & A Grading, 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. ROMA BUILDERS, LLC., LICENSE NO. 64151

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent Roma Builders, LLC, license number 64151, Donald James Sardano, Member and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Sardano, was found guilty of three (3) violations 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 \$2,000.00 and investigative costs in the amount of \$1,953.00. License number 64151, Roma Builders, 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.

c. MADISON GRACE CONSTRUCTION SERVICES, LLC, LICENSE NO. 63486

MADISON GRACE SERVICES, LLC, LICENSE NO. 70789

MADISON GRACE CONSTRUCTION SERVICES, LLC, LICENSE NOS. 71009, 71010, 71011

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent Madison Grace Construction Services, LLC, license number 63486, Madison Grace Services, LLC, license number 70789 and Madison Grace Construction Services, LLC, license numbers 71009, 71010 and 71011, Michael Charles Wilson, Managing and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Wilson was found guilty of 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; 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 \$2,177.00. License number 63486, Madison Grace Construction Services, LLC, license number 70789, Madison Grace Services, LLC, license numbers 71009, 71010 and 71011 Madison Grace Construction Services, LLC, 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.

d. CEILING CONCEPTS, LICENSE NO. 28444

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent Ceiling Concepts, license number 28444, Timothy John Duffey, Partner and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Duffey was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$1,000.00 and investigative costs in the amount of \$1,319.00. License number 28444, Ceiling Concepts, 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. REG B. THIBAUT, dba T. BEAU, LICENSE NO. 41324

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Reg. B. Thibault, dba T. Beau, license number 41324, Reg B. Thibault, Owner, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Thibault was found guilty of one (1) violation of NRS 624.305(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 624,3013(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 \$2,000.00 and investigative costs in the amount of \$1,660.00. License number 41324, Reg B. Thibault, dba T. Beau, 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.

f. INNOVATIVE CONCRETE, LLC, LICENSE NO. 58954

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent Innovative Concrete, LLC, license number 58954, Timothy Michael Best, Member, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Best 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 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 \$2,250.00 and investigative costs in the amount of \$2,099.00. License number 58954, Innovative Concrete, 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.

g. SHOWERPRO, INC., LICENSE NO. 56838

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent ShowerPro, Inc., license number 56838, Sherry Lynn Foose, President in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Ms. Foose 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 624.3013(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 (1) violation of NRS 624.302(5) failure to respond to a written request by the Board; 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(3) failure to establish financial responsibility; one (1) violation of NRS 624.3016(1) any fraudulent act committed in the capacity of a contractor, misrepresentation or omission of a fact. Respondent was assessed a total fine of \$3,600.00 and investigative costs in the amount of \$1,579.00. License number 56838, ShowerPro, 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.

h. ROCKWOOD DEVELOPMENT CORP., LICENSE NO. 50217

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent Rockwood Development Corp., license number 50217, Stephen Richard Thomas, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Thomas was found guilty of one (1) violation of NRS 624.3013(5), as set forth in NRS 624.650(1) a licensee shall not permit his business to be operated by an unlicensed person; one (1) violation of NRS 624.305(1) no license may be used for any purpose by any person other than the person to whom license is issued; one (1) violation of NRS 624.3014(2)(a), (b), (c) and (d) aiding or abetting an unlicensed person to evade the provisions of this chapter; combining or conspiring with an unlicensed person to perform an unauthorized act; allowing a license to be used by an unlicensed person; acting as agent, partner or associate of an unlicensed person; 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(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. Respondent was assessed a total fine of \$4,000.00 and investigative costs in the amount of \$1,616.00. License number

50217, Rockwood Development Corp., 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. SPECIALTY DESIGN SURFACES, LLC, LICENSE NO. 69446

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent Specialty Design Surfaces, LLC, license number 69446, Lawrence Robert, Chinchic, Managing Member, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Chinchic 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(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 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$2,500.00 and investigative costs in the amount of \$1,569.00. License number 69446, Specialty Design Surfaces, 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.

j. T. L. V. CONSTRUCTION, LLC, LICENSE NO. 67548

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent T. L. V. Construction, LLC, license number 67548, Orly Shencher, Member, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Shencher 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 624.3013(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(4) failure to keep the bond in force; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of 3,000.00 and investigative costs in the amount of \$1,891.00. License number 67548, T. L. V. Construction, 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. PONDEROSA EQUITIES CONSTRUCTION CORPORATION, LICENSE NO. 11455

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent Ponderosa Equities Construction Corporation, license number 11455, Lewis Hildreth, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Hildreth was found guilty of three (3) violations of NRS 624.301(5) failure to comply with the terms of the construction contract, thereby causing material injury to another; two (2) violations 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 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$6,250.00 and investigative costs in the amount of \$3,709.00. License number 11455, Ponderosa Equities Construction Corporation, 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. P. C. H. MEHCANICAL, INC., dba S. W. G. MECHANICAL COMPANY, LICENSE NO. 47763

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent P. C H. Mechanical, Inc., license number 47763, Jeff Alan Clinton, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Clinton was found guilty of three (3) violations of NRS 624.302(5) failure to comply with a written request by 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. Respondent was assessed a total fine of \$2,500.00 and investigative costs in the amount of \$2,155.00. License number 47763, P. C. H. Mechanical, Inc., dba S. W. G. Mechanical 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.

m. MARIO ALBERTO GONZALEZ, dba MARIO A. GONZALEZ PAINTING, LICENSE NO. 49445

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent Mario A. Gonzalez Painting, license number 49445, Mario Alberto Gonzalez, Owner and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Gonzalez 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 624.302(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 \$1,500.00 and investigative costs in the amount of \$1,273.00. License number 49445, Mario Alberto Gonzalez, dba Mario A. Gonzalez 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.

n. DESERT WATERS, LLC, LICENSE NO. 66413

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent Desert Waters, LLC, license number 66413, Janice Lyn Cordova, Manager, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Ms. Cordova was found guilty of 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(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 \$1,500.00 and investigative costs in the amount of \$1,282.00. License number 66413, Desert Waters, 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.

o. R. B. G. CONSTRUCTION COMPANY, LICENSE NO. 52184

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent R. B. G. Construction Company, license number 52184, Lyle Cemet Rexroad, Vice President, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Rexroad was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3014(2)(a) and (b) aiding or abetting an unlicensed person to evade the provisions of this chapter and conspiring with an unlicensed person. Respondent was assessed a total fine of \$1,500.00 and investigative costs in the amount of \$1,681.00. License number 52184, R. B. G. 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.

p. T N T LANDSCAPE, INC., LICENSE NO. 54976A

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent T N T Landscape, Inc., license number 54976A, Tammy Marie Romano, President, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Ms. Romano 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 624.3013(4) failure to keep the bond in force; 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(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$1,500.00 and investigative costs in the amount of \$1,602.00. License number 54976A, T N T Landscape, 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. METRO DEVELOPMENT GROUP, LLC, LICENSE NOS. 67587 and 69587

MILLENNIUM CONSTRUCTION, INC., dba M. C .I., LICENSE NO. 68863

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit A - evidence

Hearing Officer Higgins found Respondent Metro Development Group, LLC, license numbers 67587 and 69587 and Millennium Construction, Inc., dba M. C. I., license number 68863, Gary Paul Rexroad, Member and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Rexroad was found guilty of four (4) 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 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a total fine of \$2,500.00 and investigative costs in the amount of \$2,961.00. License numbers 67587 and 69587, Metro Development Group, LLC was revoked. The complaint against license number 68863, Millennium Construction, Inc., dba M .C. I. was dismissed. 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 Higgins at 11:52 a.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Jerry Higgins, Hearing Officer