

**JIM GIBBONS**  
Governor

STATE OF NEVADA



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

**STATE CONTRACTORS BOARD**

**MINUTES OF THE MEETING**

**SEPTEMBER 9, 2009**

**CALL TO ORDER:**

Hearing Officer John Ellison called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday September 9, 2009, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

**BOARD MEMBERS PRESENT:**

Mr. John Ellison  
Mr. Jerry Higgins

**STAFF MEMBERS PRESENT:**

Ms. Margi A. Grein, Executive Officer  
Mr. George J. Lyford, Director of Investigations  
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 September 1, 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: JOHN ELLISON**

**1. DISCIPLINARY HEARING:**

**ROCKY MOUNTAIN EXCAVATION, LLC, LICENSE NO. 59633A**

Licensee was not present, but was represented by Stephen Moss, Esq.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

The following Respondent Exhibit was entered:

Exhibit A – Notice of Intent to Award Claim

Hearing Officer Ellison found Respondent Patrick Wendell Frankoski, dba Rocky Mountain Excavation, LLC, license number 59633A guilty of violating NRS 624.3012(2) failure to pay for materials and services; NRS 624.3012(1) diversion of money or property received for the completion of a specific construction project or operation or for a specified purpose in the completion of any construction project acting in the capacity of a contractor; NRS 624.3012(3) failure to obtain the discharge of lien; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.3016(7)

misrepresentation or the omission of a material fact. Hearing Officer Ellison ordered the license to remain suspended until the Respondent pays a fine in the amount of \$4,000.00 and reimburses the Board for investigative costs of \$2,312.00. Failure to comply with the order within sixty (60) days will result in the revocation of license number 59633A.

**2. DISCIPLINARY HEARING:**  
**M T S STONE WORKS, LICENSE NOS. 63680 AND 63683**

Licensee was not present, Gary Brown Vice President of M T S Stone Works was present.

The following Agency Exhibits were entered:

- Exhibit 1 – Board Hearing File
- Exhibit 2 – Letter dated July 28, 2009 from Mr. Lehnert, Esq.
- Exhibit 3 – Letter dated July 29, 2009 from Gary Brown
- Exhibit 4 – Bankruptcy documents

The following Respondent Exhibit was entered:

- Exhibit A – Letter dated February 12, 2009 from Gary M. Brown

Hearing Officer Ellison found Respondent M T S Stone Works, Inc, license numbers 63680 and 63683 guilty of violating NRS 624.302(6) failure or refusal to comply with a written request by the Board for information or records; NRS 624.3013(5), as set forth in NAC 624.640(3) if any change occurs in a licensee's address or personnel which affects the accuracy of statements in the application upon which his license is based, he shall report the change in writing to the Board within 30 days after the change occurs; NRS 624.3013(3) failure to establish financial responsibility. The Third Cause of Action was dismissed. Hearing Officer Ellison revoked license numbers 63680 and 63683 and ordered Respondent to pay a fine of \$1,250.00 and reimburse the Board for investigative costs of \$2,182.00 within sixty (60) days.

**3. DISCIPLINARY HEARING – DEFAULT ORDER**  
**J M ROOFING, LICENSE NO. 49159**

Licensee was not present.

The following Agency Exhibit was entered:

- Exhibit 1 – Board Hearing File

Hearing Officer Ellison found Respondent Josh McCready, Owner dba J M Roofing, license number 49159 guilty of violating 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 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; 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 his license and any monetary limit placed upon his license and NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer Ellison revoked license number 49159 and ordered Respondent to pay a fine of \$2,350.00 and reimburse the Board for investigative costs of \$2,467.00.

**4. DISCIPLINARY HEARING**  
**MEREDITH CONSTRUCTION, LICENSE NO. 66847**

Licensee was present.

The following Agency Exhibits were entered:

- Exhibit 1 – Board Hearing File

Exhibit 2 – Series of Repair Estimates provided by the Homeowner (Kilburn)

The following Respondent Exhibit was entered:

Exhibit A – Photo of bowed wall

**Hearing Officer Ellison ordered the suspension of license number 66847 Peter Thomas Meredith, dba Meredith Construction. The matter was continued.**

**DISCIPLINARY HEARING – DEFAULT ORDER**  
**J E MARTENSEN LANDSCAPE CONSTRUCTION COMPANY, LICENSE NO. 59235**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

**Hearing Officer Ellison found Respondent J E Martensen Landscape Construction Company, license number 59235 guilty of violating 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 and NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer Ellison revoked license number 59235 and ordered Respondent to pay a fine of \$2,000.00; reimburse the Board for investigative costs of \$1,852.00; pay restitution to damaged parties and any claims and associated expenses that may be paid out of the Residential Recovery Fund.**

**DISCIPLINARY HEARING – DEFAULT ORDER**  
**DAYTON BUILDERS AND CONCRETE, INC., LICENSE NOS. 39481A AND 39482A**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

**Hearing Officer Ellison found Respondent Dayton Builders and Concrete, Inc., license numbers 39481A and 39482A guilty of violating 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 624.3013(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 his license and any monetary limit placed upon his license; NRS 624.3013(4) failure to keep in full force the bond or cash deposit pursuant to NRS 624.270 for the full period required by the Board; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action and NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer Ellison revoked license numbers 39481A and 39482A and ordered Respondent to pay a fine of \$2,850.00; reimburse the Board for investigative costs of \$1,851.00; pay restitution to damaged parties and any claims and associated expenses that may be paid out of the Residential Recovery Fund.**

**DISCIPLINARY HEARING – DEFAULT ORDER**  
**PRO TOUCH, INC., LICENSE NO. 48331**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Ellison found Respondent Pro Touch, Inc, license number 48331 guilty of violating NRS 624.3011(1)(b)(2) failure to comply with the safety laws or labor laws of the state and NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer Ellison revoked of license number 48331 and ordered Respondent to pay a fine of \$1,500.00; reimburse the Board for investigative costs of \$1,926.00; pay restitution to 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 Ellison at 11:30 a.m.

Respectfully Submitted,

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Sandy Diederich, Recording Secretary

APPROVED:

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Margi A. Grein, Executive Officer

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John Ellison, Hearing Officer