

**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  
JANUARY 14, 2009**

**CALL TO ORDER:**

Hearing Officer Higgins called the meeting of the State Contractors Board to order at 8:33 a.m., Wednesday January 14, 2009, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

**BOARD MEMBERS PRESENT:**

Mr. Jerry Higgins  
Mr. John C. Ellison

**STAFF MEMBERS PRESENT:**

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 January 8, 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:**

**BELLA TERRA PROFESSIONAL LANDSCAPING SERVICES, LLC, LICENSE NO. 69623**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Higgins found Respondent Bella Terra Professional Landscaping Services, LLC, license number 69623 guilty of violating NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; NRS 624.3011(2) failure to obtain necessary building permits; NRS 624.3016(1) fraudulent or deceitful act; NRS 624.3015(2) bidding to contract or contracting for a sum for one construction project in excess of the limit placed on the license by the Board; NRS 624.3013(2) misrepresentation of a material fact; NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer Higgins ordered Respondent to pay a fine of \$600.00; reimburse the Board for investigative costs of \$1,239.33, all to be paid within 90 days or license will be suspended. Respondent is requested to participate in a Business Review to be completed within six months. Respondent was ordered to provide a company and personal financial statement as well as a bank verification form within 30 days.

**2. DISCIPLINARY HEARING:**  
**HILKE CONSTRUCTION, LICENSE NO. 42397**

Licensee was not present but represented by counsel, Day R. Williams, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File  
Exhibit 2 – Letter from Day R. Williams, Esq.

**Hearing Officer Higgins found Respondent Robert J. Hilke, Jr. Owner of Hilke Construction, license number 42397 guilty of violating NRS 624.3016(2) a conviction of a violation of NRS 624.730 or a conviction in the State; NRS 624.3013(3) failure to establish financial responsibility. License number 42397 was Revoked. Respondent was ordered to pay a fine of \$10,000.00 for the First Cause of Action; \$1, 000.00 for the Second Cause of Action and reimburse the Board for investigative costs in the amount of \$1,631.33.**

**3. DISCIPLINARY HEARING:**  
**COOL BREEZE, LICENSE NO. 55849**

Licensee was present with counsel, Kevin VanRy, Esq.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

The following Respondent Exhibit was entered:

Exhibit A – Copy of Permanent Raise in Limit Application.

**Hearing Officer Higgins dismissed the Fourth Cause of Action. Respondent's Attorney Kevin VanRy, Esq., is required to file a brief within 10 days. A decision will be rendered thereafter.**

**4. DISCIPLINARY HEARING:**  
**BENS FLOOR COVERING, INC., LICENSE NO. 37311A**

Licensee was present with counsel, John D. Moore, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File  
Exhibit 2 – Spreadsheet & Invoices

The following Respondent Exhibits were entered:

Exhibit A – Packet of miscellaneous documents  
Exhibit B – Copy of Warranty from Wilsonart Flooring  
Exhibit C – Wilsonart Flooring Product  
Exhibit D – Silensor Flooring Product

**This matter was continued for 30 days.**

**5. DISCIPLINARY HEARING-DEFAULT ORDER**  
**DATA AND VOICE INTEGRATION, LICENSE NO. 52386**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Higgins found Respondent Data Voice and Integration, license number 52386 guilty of two (2) violations of NRS 624.3012(2) failure to pay; NRS 624.3013(4) failure to keep in force the bond or cash deposit pursuant to NRS 624.270 for the full period required by the Board; NRS 624.3013(3) failure to establish financial responsibility. License number 52386 was Revoked. Respondent shall pay full restitution to the damaged parties. Respondent was ordered to pay a fine of \$2,000.00 and reimburse the Board for investigative costs of \$2,128.83 and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

**6. DISCIPLINARY HEARING- DEFAULT ORDER:**  
**EPIC CONSTRUCTION COMPANY, LICENSE NO. 53438**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Higgins found Respondent Richard Francis Eernisse Owner of Epic Construction Company, license number 53438 guilty of two (2) violations of NRS 624.3012(2) failure to pay; NRS 624.302(5) failure to respond to a written request from the Board; NRS 624.3013(5), as required by NAC 624.630(3) failure to notify the Board of address change; NRS 624.3013(3) failure to establish financial responsibility. License number 53438 was Revoked. Respondent shall pay full restitution to the damaged parties. Respondent was ordered to pay a fine of \$2,500.00 and reimburse the Board for investigative costs of \$1,891.33 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 Higgins at 11:58 a.m.

Respectfully Submitted,

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Diana V. Alvarado, Recording Secretary

APPROVED:

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Margi A. Grein, Executive Officer

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Jerry Higgins, Hearing Officer