

JIM GIBBONS  
Governor

## STATE OF NEVADA



## STATE CONTRACTORS BOARD

### MINUTES OF THE MEETING January 28, 2009

#### REPLY TO:

**LAS VEGAS**  
2310 Corporate Circle  
Suite 200  
Henderson, Nevada 89074  
(702) 486-1100  
Fax (702) 486-1190  
Investigations (702) 486-1110

[www.nscb.state.nv.us](http://www.nscb.state.nv.us)

**RENO**  
9670 Gateway Drive, Suite 100  
Reno, Nevada 89521  
(775) 688-1141  
Fax (775) 688-1271  
Investigations (775) 688-1150

**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 Wells called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, January 28, 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. Guy Wells  
Mr. Kevin Burke  
Mr. John Ellison  
Mr. Jerry Higgins  
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. David Brown, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on January 22, 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: GUY WELLS**

#### **1. DISCIPLINARY HEARING:**

**MIZRACHI CONSTRUCTION, dba ABES CONSTRUCTION**, LICENSE NOS. 53120 and 68383

**SALMIZ, INC., dba GLOBAL FLOORING**, LICENSE NO. 69893

Licensee was present with counsel, John Wawerna, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

**This matter was continued to February 25, 2009.**

**2. DISCIPLINARY HEARING:**

**R. J. B. SYSTEMS TECHNOLOGY, LICENSE NO. 52985**

Licensee was present with counsel, Jonathan Ballard, Esq.

Four witnesses testified for the Board.

One witness testified for the Respondent.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Copies of checks to the Respondent provided by Mr. Khanna.

Exhibit 3 – Information on Liberty Wire & Cable.

Exhibit 4 - Quote #1210 from the Respondent to Khanna.

Exhibit 5 – An estimate for remediation work from The Bridge.

Exhibit 6 – Additional information from Quote #1210.

Exhibit 7 – A copy of the Board's Amended Notice of Complaint with proof of service.

Exhibit 8 – A letter dated January 11, 2008 to the Respondent from Marcel Jambor regarding payment.

Exhibit 9 – Correspondence dated January 18, 2008 to the Respondent from Marcel Jambor regarding payment.

The following Respondents Exhibits were entered

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

Exhibit B – Respondent's Construction Agreement with Khanna.

Exhibit C – Respondent's template for its proposals.

Exhibit D – Letter to Khanna from Respondent dated March 17, 2008 notifying Khanna of its right to lien.

Exhibit E – Hand delivery verification of the low voltage drawings and wire diagrams.

Exhibit F – Low voltage wiring specs for the Khanna project.

**Hearing Officer Wells found Respondent guilty of 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(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 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. The Third and Fifth Cause of Action were dismissed. Respondent was assessed a fine of \$1,000.00 for each of the First and Second Causes of Action and \$500.00 for the Fourth Cause of Action for total fines of \$2,500.00. Investigative costs in the amount of \$2,017.00, including \$200.00 for the cost of the transcript. Fines and costs to be paid within sixty (60) days of the January 28, 2009 Board Hearing or license number 52985, R. J. B. Systems Technology will be suspended.**

**3. DISCIPLINARY HEARING: (Continued from December 17, 2008) (Stipulated Revocation)****COYOTE DEVELOPMENT CORPORATION**, License No. 62351

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Respondent's correspondence to the Board dated January 21, 2009.

Hearing Officer Wells 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 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 624.3015(2) bidding in excess of the limit placed on the license by the Board; one (1) violation of NRS 624.3015(1) acting beyond scope of license; one (1) violation of NRS 624.3011(1)(b)(1) willful disregard of the building laws of the State; one (1) violation of NRS 624.3016(5), as set forth in NRS 624.600(1)(a)(b) name, license number, business address and phone number of all subcontractors with whom he has contracted with and all persons who furnish materials of the value of \$500.00 or more; one (1) violation of NRS 624.3013(5), as set forth in NRS 624.720(2) It is unlawful for a contractor to advertise any false or misleading statements or representation; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3011(1)(b)(4) willful disregard of the industrial insurance laws of the State. Respondent was assessed a total fine of \$4,450.00 and investigative costs were in the amount of \$2,039.00. License number 62351, Coyote Development Corporation, 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: (Stipulated Revocation)****K. M. C. BUILDERS, INC.,** License Nos. 59557, 59559

Licensee was not present.

Two witnesses testified.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Respondent K. M. C. Builders, Inc., correspondence to the Board dated January 21, 2009.

Hearing Officer Wells 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 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; 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 \$4,750.00 and investigative costs were in the amount of \$1,993.00. License numbers 59557 and 59559, K. M. C. Builders, Inc., 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.

**5. DISCIPLINARY HEARING – DEFAULT ORDERS:****a. MONIK UNDERGROUND CONSTRUCTION, LLC, LICENSE NOS. 56948 AND 56949  
M. U. C. C. CORPORATION, dba MONIK UNDERGROUND CONSTRUCTION,  
LICENSE NOS. 56948A and 56949A**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Monik Underground Construction, LLC, license numbers 56948 and 56949, David Moreno, Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Moreno 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. Respondent was assessed a fine of \$1,000.00 for the First Cause of Action and investigative costs were assessed in the amount of \$1,490.00. License numbers 56948 and 56949, Monik Underground Construction, LLC and license numbers 56948A and 56949A, M. U. C. C. Corporation, dba Monik Underground Construction, 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.

**b. SUPREME FLOORING, INC., LICENSE NO. 68864**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Supreme Flooring, Inc., license number 68864, Michael John Carley, President, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Carley 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 comply with a written request 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 (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 624.3015(1) acting beyond scope of license; 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 and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$4,850.00 and investigative costs were assessed in the amount of \$1,744.00. License number 68864, Supreme Flooring, 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.

**c. SILVER STATE IRON, LICENSE NO. 46055****SILVER STATE IRON, INC., LICENSE NO. 46055A**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Silver State Iron, license number 46055, Odilio Luigino Station, Owner and license number 46055A, Odilio Luigino Station, President, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Station 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 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 3,850.00 and investigative costs were assessed in the amount of \$1,807.00. License number 46055, Silver State Iron and license number 46055A, Silver State Iron, 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.

**d. ST. CONCRETE, INC., LICENSE NO. 59665**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent St. Concrete, license number 59665, Sean Michael Talley, President, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Talley was found guilty of one (1) violation of NRS 624.302(5) failure to comply with a written request by the Board; one violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$1,500.00 and investigative costs were assessed in the amount of \$1,868.00. License number 59665, St. Concrete, 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.

**e. ELWART CONSTRUCTION, INC., LICENSE NO. 53215**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Elwart Construction, Inc., license number 53215, Julio E. Elwart, President, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Elwart 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 were assessed in the amount of \$1,794.00. License number 53215, Elwart Construction, 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.

**f. R. C. D. MECHANICAL, INC., dba CENTSABLE AC & HEATING, LICENSE NO. 42123**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

**Hearing Officer Wells found Respondent R. C. D. Mechanical, Inc., dba Centsable AC & Heating, license number 42123, Tim Naas, President, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Naas was found guilty of one (1) violation of NRS 624.3012(2) willful failure to pay any money when due for materials or service and 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 were assessed in the amount of \$3,504.00. License number 42123, R. C. D. Mechanical, Inc., dba Centsable AC & Heating, 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. E. W. DEVELOPMENT, LICENSE NO. 38784**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

**Hearing Officer Wells found Respondent E. W. Development, license number 38784, Edward Grady Webb, Owner, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Webb was found 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 were assessed in the amount of \$1,569.00. License number 38784, E. W. Development 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 Wells at 12:52 p.m.

Respectfully Submitted,

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Janet Brinkley, Recording Secretary

APPROVED:

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Margi Grein, Executive Officer

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Guy Wells, Hearing Officer