

JIM GIBBONS
Governor

STATE OF NEVADA



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

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

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING

OCTOBER 7, 2009

CALL TO ORDER:

Hearing Officer John Ellison called the meeting of the State Contractors Board to order at 8:00 a.m., Wednesday October 7, 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 October 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- Continued from September 9, 2009
MEREDITH CONSTRUCTION, LICENSE NO. 66847

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 3 – Forbes & Dunagan report
Exhibit 4 – RHP Mechanical report
Exhibit 5 – Town & Country report

The following Respondent Exhibits were entered:

Exhibit B – Truss calculation
Exhibit C – Series of Truss calculations
Exhibit D – Electrical photo
Exhibit E – Additional Electrical photo

Hearing Officer Ellison found Peter Thomas Meredith, dba Meredith Construction, license number 66847 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 624.3016(6) by failing to comply with NRS 624.600 and NRS 624.3015(1) by acting in the capacity of a contractor beyond the scope of the license. Hearing Officer Ellison revoked license number 66847; ordered Respondent to pay a fine of \$1,000.00 for the First Cause of Action; \$500.00 each for the Second and Fourth Causes of Action and a fine of \$2,000 for the Fifth Cause of Action for a total fine of \$4,000.00 and reimburse the Board for investigative costs in the amount of \$7,767.00. The Third Cause of Action was dismissed.

ADJOURNMENT

There was no further business to come before Hearing Officer Ellison.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

John Ellison, Hearing Officer

ADJUDICATING BOARD MEMBER: JERRY HIGGINS**2. DISCIPLINARY HEARING:
C R CARPETS & FLOORING INC, LICENSE NO. 52916**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Letter received October 2, 2009 from Respondent

Hearing Officer Higgins found Respondent C R Carpets & Flooring Inc, license number 52916 guilty of violating NRS 624.3013(3) by failing to establish financial responsibility. Hearing Officer Higgins revoked license number 52916; ordered Respondent to pay a fine in the amount of \$1,000.00 for the Second Cause of Action and reimburse the Board for investigative costs in the amount of \$2,238.00. The First Cause of Action was dismissed.

**3. DISCIPLINARY HEARING
AFFORDABLE LANDSCAPING, LICENSE NO. 50438A**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Higgins found Respondent Affordable Landscaping, license number 50438A 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) by failing to notify the owner of their rights related to the recovery fund pursuant to NRS 624.520(1); NRS 624.3013(5) by failing to include the monetary license limit on Respondent's contract as required by NAC 624.640(5); NRS 624.3013(4) by failing 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) by failing to establish financial responsibility. Hearing Officer Higgins revoked license number 50437A; ordered Respondent to pay a fine in the amount of \$2,850.00 and reimburse the Board for investigative costs in the amount of \$1,853.00. Respondent was also ordered to pay full restitution to Ray Keller and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

**4. DISCIPLINARY HEARING: STIPULATED REVOCATION
D R CONSTRUCTION, LICENSE NOS. 70565 and 67458**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Stipulated Revocation letter

Hearing Officer Higgins found Respondent Daniel Barrett Ritz, Owner dba D R Construction, license numbers 70565 and 67458 guilty of violating NRS 624.301(1) abandonment without legal excuse of any construction project or operation engaged in or undertaken by the licensee as a contractor; NRS 624.301(3) failure in a material respect to complete any construction project or operation for the price stated in the contract for the project or operation or any modification of the contract; NRS 624.301(4) willful failure or refusal without legal excuse on the part of a licensee as a contractor to prosecute a construction project or operation with reasonable diligence; NRS 624.301(3) failure in a material respect to complete any construction project or operation for the price stated in the contract for the project or operation or any modification of the contract; 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; NRS 624.3016(6) failure to comply with NRS 624.600 which requires disclosures by general building contractors; NRS 624.301(5) willful failure or refusal to comply with terms of a construction contract or written warranty thereby causing material injury to another; NRS 624.3012(2) failure to pay for materials and services and NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer Higgins revoked license numbers 70565 and 67458; ordered Respondent to pay a fine in the amount of \$5,100.00; reimburse the Board for investigative costs in the amount of \$3,377.00; and pay full restitution to Bill Griffith and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

DISCIPLINARY HEARING – DEFAULT ORDER:
BELLA TERRA PROFESSIONAL LANDSCAPING SERVICES, LLC, LICENSE NO. 69623

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Letter from Respondent

Hearing Officer Higgins found Respondent Bella Terra Professional Landscaping Services, LLC, license number 69623 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Licensee was found guilty of 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 624.3015(1) by acting in the capacity of a contractor beyond the scope of the license; NRS 624.3013(5) by failing to notify the owner of their rights related to the recovery fund pursuant to NRS 624.520(1); NRS 624.3013(5) by failing to include the monetary license limit on Respondent's contract as required by NAC 624.640(5); NRS 624.301(1) abandonment without legal excuse of any construction project or operation engaged in or undertaken by the licensee as a contractor; NRS 624.301(2) abandonment of a construction project when the percentage of the project completed in less than the percentage of the total price of the contract paid; NRS 624.3016(6) by failing to comply with NRS 624.600; NRS 624.302(5) failure or refusal to cooperate in an investigation; NRS 624.3013(3) by failing to establish financial responsibility. Hearing Officer Higgins revoked license number 69623; ordered Respondent to pay a fine in the amount of \$10,400.00; reimburse the Board for investigative costs in the amount of \$5,673.00; and pay full restitution to damaged parties and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

DISCIPLINARY HEARING – DEFAULT ORDER:
STILLWATER ENTERPRISES INC, LICENSE NOS. 60095, 60664, 68006 and 68007

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Higgins found Respondent Stillwater Enterprises Inc, license number 60095 guilty of violating NRS 624.302(6) failure or refusal to comply with a written request by the Board for information or records; NRS 624.302(5) failure or refusal to cooperate in an investigation; NRS 624.3013(3) by failing to establish financial responsibility. No administrative fines were assessed. Hearing Officer Higgins revoked license numbers 60095, 60664, 68006 and 68007; ordered Respondent to reimburse the Board for investigative costs in the amount of \$2,063.33 and pay Loka Tile Group. Both parties shall provide proof of payment to the Board.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Higgins at 10:00 a.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Jerry Higgins, Hearing Officer