

**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

April 8, 2009

**CALL TO ORDER:**

Hearing Officer John Ellison called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, April 8, 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. Michael Efstratis  
Mr. Jerry Higgins

**STAFF MEMBERS PRESENT:**

Ms. Margi 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 April 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: JERRY HIGGINS**

**DISCIPLINARY HEARING:**

**1. CAPITOL OVERHEAD DOOR, LICENSE NO. 22971B – Continued from March 11, 2009**

Licensee was not present.

Hearing Officer Higgins found Respondent Capitol Overhead Door, license number 22971B guilty of violating NRS 624.300 for failure to comply with an order directed by the Board and 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. Hearing Officer Higgins revoked license number 22971B.

Respectfully Submitted,

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Sandy Diederich, Recording Secretary

APPROVED:

\_\_\_\_\_  
Margi A. Grein, Executive Officer

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Jerry Higgins, Hearing Officer

**ADJUDICATING BOARD MEMBER: MICHAEL EFSTRATIS**

**2. DISCIPLINARY HEARING:**

**J E MARTENSEN LANDSCAPE CONSTRUCTION COMPANY, LICENSE NO. 59235**

**Continued from March 11, 2009**

Licensee was not present.

Hearing Officer Efstratis found Respondent J E Martensen Landscape Construction Company, license number 59235 guilty of violating NRS 624.302(2) failure to comply with a written citation; 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 and NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action. Hearing Officer Efstratis ordered the license of J E Martensen Landscape Construction Company, license number 59235 to remain suspended until the administrative citation fine in the amount of \$1,099.00 is paid and a bond in the appropriate amount is posted with the Board.

Respectfully Submitted,

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Sandy Diederich, Recording Secretary

APPROVED:

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Margi A. Grein, Executive Officer

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Michael Efstratis, Hearing Officer

**3. FRANCIS FRANK FORD, UNLICENSED**

Francis Frank Ford was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Hearing File

**Hearing Officer Ellison accepted payment of the administrative citation from Francis Frank Ford.**

**4. THOMAS WALKER DUNDAS, UNLICENSED**

Thomas Walker Dundas was present.

The following Agency Exhibit was entered:

Exhibit 1 – Hearing File

**Mr. Dundas filed Bankruptcy on January 6, 2009 therefore, no new penalties will be assessed. Penalties previously assessed in the citation will be considered by Bankruptcy Court.**

**5. ARLEY RALPH POOLE, UNLICENSED**

Arley Ralph Poole was present.

The following Agency Exhibit was entered:

Exhibit 1 – Hearing File

**Hearing Officer Ellison ordered Arley Ralph Poole to remit \$634.88 to the Board within sixty (60) days.**

**6. DISCIPLINARY HEARING:**

**COLOR DESIGN PAINTING & DECORATING, LICENSE NO. 64163**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Letter from Respondent dated March 31, 2009

**Hearing Officer Ellison found Respondent Kenneth Eugene Peters Owner of Color Design Painting & Decorating, license number 64163 guilty of violating NRS 624.3013(3) failure to establish financial responsibility; 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. Hearing Officer Ellison ordered the revocation of license number 64163; levied a fine in the amount of \$1,500.00 and ordered reimbursement for investigative costs of \$1,635.00 and full restitution to any damaged parties.**

**7. DISCIPLINARY HEARING:**

**LAKEMONT HOMES NEVADA, INC., LICENSE NO. 42420**

Licensee was present and was represented by Mr. Alex Flangas, Esq. and Mr. Dennis Haney, Esq.

The following Agency Exhibits were entered:

- Exhibit 1 – Board Hearing File
- Exhibit 2 – Two (2) letters of good standing
- Exhibit 3 – Lien releases
- Exhibit 4 – Letter dated April 7, 2009 from Alex Flangas, Esq.

**Hearing Officer Ellison found Respondent Lakemont Homes Nevada, Inc. license number 42420 guilty of violating NRS 624.3012(3) failure to obtain the discharge of Lien; NRS 624.3013(3) failure to establish financial responsibility. Respondent was ordered to pay a fine of \$1,000.00 each for the First and Second Causes of Action for a total fine of \$2,000.00; reimburse the Board for investigative costs of \$1,969.00 and fully and timely perform its obligations as set forth in the April 7, 2009 letter from Mr. Alex Flangas.**

**8. DISCIPLINARY HEARING:**

**CORNERSTONE CONSTRUCTION LLC dba C C CORNERSTONE CONSTRUCTION, LICENSE NO. 61148 and DONAL RICHARD KEITH, LICENSE NO. 48531**

Licensee was present and represented by Scott Heaton, Esq.

The following Agency Exhibits were entered:

- Exhibit 1 – Board Hearing File
- Exhibit 2 – Letter dated April 6, 2009
- Exhibit 3 – Proposal/agreement
- Exhibit 4 – Bid from Comstock Construction
- Exhibit 5 – Series of documents from Scott Heaton, Esq.

**The matter was continued to allow completion of the repairs.**

**9. DISCIPLINARY HEARING:**

**BRIGHT DEVELOPMENT dba BRIGHT HOMES, LICENSE NO. 42564**

Licensee was present and represented by Gordon M. Park, Esq.

The following Agency Exhibits were entered:

- Exhibit 1 – Board Hearing File
- Exhibit 2 – Acknowledge receipt from Bright Homes
- Exhibit 3 – Series of bid proposals
- Exhibit 4 - Photos

The following Respondent Exhibit was entered:

- Exhibit A – Letter dated December 15, 2008

**Hearing Officer Ellison found Respondent Bright Development, dba Bright Homes, license number 42564 guilty of violating NRS 624.3017(1) substandard workmanship. The Second and Third Causes of Action were dismissed. Respondent to pay homeowner Kenneth Kress \$5,700.00 within thirty (30) days of April 8, 2009 and provide proof of payment to the Board.**

**10. DISCIPLINARY HEARING:****D L M CONSTRUCTION INC. dba SIERRA WALL SYSTEMS, LICENSE NO. 34562 and 70070**

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Letter dated April 8, 2009

The following Respondent Exhibits were entered:

Exhibit A – Series of documents (Pages 67 – 93)

Exhibit B – Letter dated May 3, 2007

Hearing Officer Ellison found Respondent D L M Construction Inc., dba Sierra Wall Systems, license numbers 34562 and 70070 guilty of violating NRS 624.3013(3) failure to establish financial responsibility and ordered Respondent to pay a fine in the amount of \$500.00 for the Fourth Cause of Action within thirty (30) days of April 8, 2009. No investigative costs were assessed. The First, Second and Third Causes of Action were dismissed. The surrender of Respondent's license numbers 34562 and 70070 is accepted.

**11. DISCIPLINARY HEARING-DEFAULT ORDER:****ACCESS AUTOMATED DOOR SYSTEMS, LLC. LICENSE NO. 56615**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Ellison found Respondent Access Automated Door Systems, LLC, license number 56615 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 624.301(4) for 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, thereby causing material injury to another; NRS 624.302(5) failure or refusal to cooperate in an investigation; NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; 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(3) failure to establish financial responsibility. Hearing Officer Ellison ordered the revocation of license number 56615. Respondent shall pay a fine in the amount of \$2,300.00; reimburse the Board for investigative costs of \$1,752.00 pay restitution to any damaged parties and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

**DISCIPLINARY HEARING-DEFAULT ORDER:****VISIONS CONCRETE DESIGN, INC., LICENSE NO. 54796 and 54796A**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Ellison found Respondent Visions Concrete Design, Inc., license numbers 54796 and 54796A 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 624.301(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 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; 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 624.3012(2) failure to pay for materials and services; NRS 624.302(5) failure or refusal to cooperate in an investigation; NRS 624.300 failure to comply with any order directed by the Board; NRS 624.3018(2)

association of any act or omission constituting a cause for disciplinary action. Hearing Officer Ellison ordered the revocation of license numbers 54796 and 54796A. Respondent was ordered to pay a fine in the amount of \$3,500.00; reimburse the Board for investigative costs of \$1,740.00, pay restitution to any damaged parties and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

**DISCIPLINARY HEARING-DEFAULT ORDER:**  
**ECLIPSE PROPERTY, LLC, LICENSE NOS. 57025 and 61090**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Ellison found Respondent Eclipse Property, LLC, license numbers 57025 and 61090 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Licensee was found guilty NRS 624.3012(2) failure to pay for materials and services; NRS 624.302(5) failure or refusal to cooperate in an investigation; NRS 624.302(6) failure to comply with written request from the Board for information or records; NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action; NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer Ellison ordered the revocation of license numbers 57025 and 61090 Respondent was ordered to pay a fine in the amount of \$2,500.00; reimburse the Board for investigative costs of \$1,731.00, pay restitution to any damaged parties and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

**DISCIPLINARY HEARING-DEFAULT ORDER:**  
**JALUMO CONSTRUCTION, LICENSE NOS. 66521, 57498**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Ellison found Respondent LeeDavid Emilio Conver Owner of Jalumo Construction, license numbers 66521 and 57498 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 624.3013(3) failure to establish financial responsibility; NRS 624.302(5) failure or refusal to cooperate in an investigation; NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the 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 624.3013(5) failure to notify the Board of the Bankruptcy as required in NRS 624.263(3). Hearing Officer Ellison ordered the revocation of license numbers 66521 and 57498.

**DISCIPLINARY HEARING-DEFAULT ORDER:**  
**WAYNE BUSS CONSTRUCTION, LICENSE NO. 59438**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Ellison found Respondent Robert Wayne Buss Owner of Wayne Buss Construction, license number 59438 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 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with written request from the Board for information or records. Hearing Officer Ellison ordered the revocation of license number 59438. Respondent was ordered to pay a fine in the amount of \$1,000.00; reimburse the Board for investigative costs of \$1,638.00, pay restitution to any damaged parties and any claims and

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Ellison at 1:15 p.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