

**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**

**August 12, 2009**

**CALL TO ORDER:**

Hearing Officer Jerry Higgins called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, August 12, 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. Dan Hammack, Chief of Enforcement  
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 August 5, 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's Internet Website.

**ADJUDICATING BOARD MEMBER: JOHN ELLISON**

**1. DISCIPLINARY HEARING:**

**MCGUINNESS CONSTRUCTION, LICENSE NOS. 19240 AND 41712**

Licensee was present with Counsel Roland W. Belanger, Esq., of Belanger & Plimpton.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Letter dated August 10, 2009 from Respondent's Attorney

Hearing Officer Ellison found Respondent Michael McGuinness, dba McGuinness Construction, license numbers 19240 and 41712 guilty of violating NRS 624.3012(2), by willfully or deliberately failing to pay any money when due for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefore; NRS 624.3012(3) failure to discharge a lien; NRS 624.3013(3) by failing to establish financial responsibility pursuant to [NRS 624.220](#) and [624.260](#) to [624.265](#), inclusive, at the time of renewal of the license or at any other time when required by the board. Hearing Officer Ellison ordered the revocation of license numbers 19240 and 41712. Respondent was ordered to pay a fine in the amount of \$1,000.00 for the First Cause of Action, to be paid within thirty (30) days from August 12, 2009. Respondent is to reimburse all damaged parties related to this case within thirty (30) days or fine will

**be increased to \$10,000.00. Respondent was ordered to pay a fine in the amount of \$1,000.00 for the Second Cause of Action, to be paid within thirty (30) days from August 12, 2009. Respondent was ordered to release the lien filed against Zoback within thirty (30) days or fine will be increased to \$10,000.00. Respondent was ordered to pay a fine in the amount of \$1,000.00 for the Third Cause of Action and reimburse the Board the investigative costs of \$3,613.50 within thirty (30) days from August 12, 2009.**

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

Respectfully Submitted,

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Diana Alvarado, Recording Secretary

APPROVED:

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Margi A. Grein, Executive Officer

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John Ellison, Hearing Officer

**ADJUDICATING BOARD MEMBER: JERRY HIGGINS****2. DISCIPLINARY HEARING:  
REAL IMPROVEMENTS, LLC, LICENSE NUMBER 69043**

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Letter dated August 11, 2009 from Eric Maki

Hearing Officer Higgins found Respondent Real Improvements, LLC, license number 69043 guilty of violating NRS 624.3012(2) failure to pay for materials and services; 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. Respondent was ordered to pay a fine in the amount of \$500.00 for each of the First, Second and Third Causes of Action totaling an amount of \$1,500.00 and investigative costs in the amount of \$2,250.50, all to be paid within sixty (60) days from August 12, 2009. If Respondent reaches a settlement agreement concerning the money owed to Unlimited Concrete within thirty (30) days fines will be excused.

Hearing Officer Higgins stated that Respondent's license may be placed on inactive status if the outstanding renewal balance of \$175.00 is paid in full, the registration at the Secretary of State's office is reinstated, and compliance with Hearing Officer's order concerning fines and investigative costs are met.

**3. DISCIPLINARY HEARING-DEFAULT ORDER:  
VERN SAVAGE CONSTRUCTION, LICENSE NO. 46355**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Letter dated July 24, 2009 from George Lyford

Hearing Officer Higgins found Respondent Vern Dennis Savage, dba Vern Savage Construction, license number 46355 guilty of violating NRS 624.3012(2) failure to pay for materials and services; NRS 624.302(6) failure or refusal to comply with a written request by the Board for information or records; NRS 624.3013(5) failure to include the monetary license limit on Respondent's contract with Polito as required by NAC 624.640(5); 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. License number 46355 was revoked. Respondent was ordered to pay a fine of \$2,500.00; reimburse the Board for investigative costs of \$2,174.00; pay restitution to all damaged parties and pay any claims and associated expenses that may be paid out of the Residential Recovery Fund.

**DISCIPLINARY HEARING-STIPULATED REVOCATION:  
EASTERN SIERRA ROOFING, LLC, LICENSE NO. 71176  
R D SWOPE CONSTRUCTION, LLC, LICENSE NOS. 44170A, 44170B, 44170C, 44170D and 44170E**

Licensee was not present, but was represented by Counsel, Douglas R. Brown, Esq. of Lemons, Grundy & Eisenberg.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Electronic mail correspondence dated July 28, 2009

Respondent's counsel stipulated to the First Cause of Action, NRS 624.302(2) for failure to comply with a written citation pursuant to NRS 624.341, against Eastern Sierra Roofing license number 71176 and a \$1,000.00 fine to be paid within ninety (90) days. Respondent's counsel also stipulated to the Second and Third Causes of Action, NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action and NRS 624.3013(3) for failure to establish financial responsibility, against Eastern Sierra Roofing license number 71176 and R D Swope license numbers 44170A, 44170B, 44170C, 44170D and 44170E, as well as the Fourth Cause of Action, NRS 624.3013(4) for failure to keep in full force the bond or cash deposit pursuant to NRS 624.270, against R D Swope license numbers 44170A, 44170B, 44170C, 44170D and 44170E, including the investigative costs in the amount of \$750.00 to be paid within ninety (90) days. Furthermore, Respondent's counsel also stipulated to the revocation of all licenses. No fines were assessed for the Second, Third and Fourth Causes of Action.

#### ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Higgins at 9:39 a.m.

Respectfully Submitted,

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Diana Alvarado, Recording Secretary

APPROVED:

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Margi A. Grein, Executive Officer

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Jerry Higgins, Hearing Officer