

JIM GIBBONS  
Governor

## STATE OF NEVADA



### MEMBERS

Kevin E. Burke, Chairman  
Donald L. Drake  
Michael Efstratis  
John C. Ellison  
Nathaniel W. Hodgson, III  
William "Bruce" King  
Stephen P. Quinn

## STATE CONTRACTORS BOARD

### MINUTES OF THE MEETING February 24, 2010

### REPLY TO:

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

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

### CALL TO ORDER:

Hearing Officer Hodgson called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, February 24, 2010, 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. Nathaniel Hodgson, Hearing Officer  
Mr. Donald L. Drake, Board Member  
Mr. Stephen Quinn, Board Member

### STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer  
Mr. George Lyford, Director of Investigations  
Mr. Daniel Hammack, Chief of Enforcement

### 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 February 18, 2010, 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: NATHANIEL HODGSON

#### 1. DISCIPLINARY HEARING:

DAMON R. INNERARITY, dba INNERARITY MARBLE, License No. 72571

Licensee was present.

Two witnesses testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Estimates received from John Simpson.

The following Respondent's Exhibits were entered:

Exhibit A – The Respondent's Answer to the Board's Complaint.

Hearing Officer Hodgson found Respondent guilty of two (2) violations of NRS 624.3017(1) substandard workmanship; two (2) violations 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 respond to a written request from the Board; two (2) violations of NRS 624.3015(1) acting beyond scope of license; two (2) violations of NRS 624.3013(5), as set forth in NRS 624.520(1); two (2) violations of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; two (2) violations 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; two (2) violations of NRS 624.3011(1)(b)(1) willful disregard of the building laws of the State; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$4,000.00 for the First, Second, Fourth, Seventh, Eighth, Ninth, Tenth and Thirteenth Causes of Action; a fine of \$750.00 for the Third, Fifth, Sixth, Eleventh and Twelfth Causes of Action and a fine of \$500.00 for the Fourteenth Cause of Action, for total fines of \$5,250.00 and investigative costs of \$1,840.00. Licensee stipulated to violating all Causes of Action, license is to be suspended for ninety (90) days. If license is reinstated, monetary license limit shall be lowered to \$5,000.00. Restitution of \$7,841.00 is to be paid to John Simpson and \$100.00 to Tim Kramer. Restitution, fines and costs are due within ninety (90) days of the February 24, 2010 Hearing or license number 72571, Damon Roy Innerarity, dba Innerarity Marble shall be revoked.

## **2. DISCIPLINARY HEARING:**

**VEGAS CONSTRUCTION AND REMODELING, LLC**, License Nos. 58293 and 65321

Licensee was present with counsel, Neil Ackerman, Esq.

Three witnesses testified for the Board.

Three witnesses testified for the Respondent:

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Photos taken by Board Investigator, Gordon LaPointe on August 27, 2009 and October 1, 2009 of the Cochran project.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint, dated January 19, 2010.

Exhibit B – "Updated list of all steps completed" documents provided by the Respondent.

Exhibit C – Photos of the Cochran project taken by Respondent.

Exhibit D – Various documents to include correspondence and waivers of release provided by Respondent.

Exhibit E – Various documents to include correspondence, invoices and photos provided by the Respondent.

Hearing Officer Hodgson 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 NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; 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 624.3018(2) certain persons are prohibited from serving as officer, director,

associate or partner of licensee. The Fifth and Sixth Causes of Action were dismissed. Respondent was assessed a fine of \$2,000.00 for the First Cause of Action; a fine of \$100.00 for the Second Cause of Action and a fine of \$7,500.00 for each of the Third and Fourth Causes of Action, for total fines of \$17,100.00 and investigative costs of \$2,144.00. The Respondent must submit a Business Review by September 1, 2010. Fines and costs are due within sixty (60) days of receipt of decision or license numbers 58293 and 65321, Vegas Construction and Remodeling, LLC will be revoked.

**3. DISCIPLINARY HEARING:** (Continued from December 15, 2009)

**POWERCOM, INC., dba ELECTRICAL SOLUTIONS,** License No. 58035

**POWERCOM, INC., dba POWERCOM, INC.,** License Nos. 56515 and 59927

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

The following Respondent Exhibits were entered:

Exhibit A – Letter from Powercom requesting a sixty (60) day continuance due to death of Jacob Andrew Reynolds, President and Qualified Individual of Powercom, Inc.,

**Hearing Officer Hodgson granted sixty (60) days continuance.**

**4. DISCIPLINARY HEARING:** (Stipulated Revocation) (Continued from January 27, 2010)

**AQUAPHINA POOL AND SPA OF NEVADA,** License No. 57119

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

The following Respondent Exhibits were entered:

Exhibit A – Letter from Respondent stipulating to the Revocation.

**Hearing Officer Hodgson found Respondent guilty of one (1) violation of NRS one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3013(4) failure to keep bond in force. Respondent was assessed a total fine of \$750.00 and investigative costs in the amount of \$2,334.00. License number 57119, Aquaphina Pool and Spas of Nevada 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.**

**5. DISCIPLINARY HEARING:** (Stipulated Revocation)

**TOMLYN, INC., dba SIGN CITY USA,** License No. 43782

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

The following Respondent's Exhibits were entered:

Exhibit A – The Respondent's letter to the Board dated January 25, 2010.

Hearing Officer Hodgson found Respondent guilty of one (1) violation of NRS 624.3011(1)(b)(1) willful disregard of the building laws of the State; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3013(4) failure to keep bond in force. Respondent was assessed a total fine of \$1,750.00 and investigative costs of \$1,486.00. License number 43782, Tomlyn, Inc., dba Sign City USA, 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.

**6. DISCIPLINARY HEARING – DEFAULT ORDERS**

**a. MARTIN METAL WORKS, LLC, dba MARTIN METAL DESIGNS**, License No. 62867

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent Martin Metal Works, LLC, dba Martin Metal Designs, license number 62867, Matthew Lee Martin, Managing Member, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Martin was found guilty of one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$750.00 and investigative costs in the amount of \$1,350.00. License number 62867, was revoked. Respondent is 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. BLOOMING VISTA POOLS AND SPAS, LLC**, License No. 70670

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Hodgson found Respondent Blooming Vista Pools and Spas, LLC, license number 70670, Sean Timothy Alexander, Managing Member, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Alexander was found guilty of one (1) violation of NRS 624.3012(2) willful failure to pay any money when due for materials or service; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.3013(4) failure to keep bond in force; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$2,000.00 and investigative costs in the amount of \$1,427.00. License number 70670 was revoked. Respondent is 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. SWEET ROOTS LANDSCAPING, LLC**, License Nos. 58396, 57592 and 72992

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Hodgson found Respondent Sweet Roots Landscaping, LLC, license numbers, 58396, 57592 and 72992, Sheril Byars Bradley, Manager and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Ms. Bradley was found guilty of one (1) violation of NRS 624.3011(1)(b)(4) willful disregard of the industrial insurance laws of the State; 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 \$1,500.00 and investigative costs in the amount of \$1,340.00. License numbers 58396, 57592 and 72992 were revoked. Respondent is 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. CABINETEC, INC.**, License No. 27189

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Hodgson found Respondent Cabinetec, Inc., license number, 27189, Nicholas Bryant Cox, President, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Cox was found guilty of three (3) violations 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; two (2) violations 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 624.301(1) abandonment of construction project; two (2) violations of NRS 624.302(5) failure to respond to a written request from the Board; 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 624.301(2) abandonment of construction project when percentage completed is less than percentage of total contract paid; 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(3) failure to notify Board of change of address or personnel; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$6,100.00 and investigative costs in the amount of \$2,817.00. License number 27189 was revoked. Respondent is 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. REGENCY DESIGN AND LANDSCAPING, INC.**, License Nos. 50138, 48775, 48776, 66118, 66016

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Hodgson found Respondent Regency Design and Landscaping, Inc., license numbers, 50138, 48775, 48776, 66118 and 66016, Tracy Cameron Hepner, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Ms. Hepner was found guilty of one (1) violation of NRS 624.302(2) failure to comply with a written citation from the Board; 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 \$500.00 and investigative costs in the amount of \$1,224.00. License numbers 50138, 48775,

48776, 66118 and 66016 were revoked. Respondent is 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. HORIZON CONCRETE, INC.,** License No. 70194

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Hodgson found Respondent Horizon Concrete, Inc., license number, 70194, Michael Anthony Ingrassi, Jr., President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Ingrassi was found guilty of two (2) violations of NRS 624.302(5) failure to respond to a written request from the Board; 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 in the amount of \$1,787.00. License number 70194 was revoked. Respondent is 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. R. G. & ASSOCIATES DEVELOPMENT,** License No. 53082

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Hodgson found Respondent R. G. & Associates Development, license number 53082, Randall Myren Gayler, Manager and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Gayler was found 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 violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; two (2) violations of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$2,000.00 and investigative costs in the amount of \$1,986.00. License number 53082 was revoked. Respondent is 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.

**h. GREENCARE LAWN AND LANDSCAPE ENTERPRISES, INC.,** License No. 60996

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Hodgson found Respondent Greencare Lawn and Landscape Enterprises, Inc., license number 60996, John Gary Reese, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Reese was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 and investigative costs in the amount of \$1,504.00. License number 60996 was revoked. Respondent is 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.

**i. FIRE HYDRANT SERVICES AND CONSTRUCTION, INC.**, License No. 53537

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Hodgson granted a sixty (60) day continuance. License number 53537, Fire Hydrant Services and Construction, Inc., shall be suspended until such time as a Hearing held or a financial statement is provided that supports the license limit, if order is not met at sixty (60) days, the license will be revoked.

**j. LAS VEGAS CONCRETE PLUMBING, INC., dba POOLS BY GRUDE**, License Nos. 6887C, 6887E, 25953 and 25954

**FOUR SEASONS LANDSCAPE AND SPRINKLER DESIGN, INC.**, License No. 72065

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Hodgson found Respondent Las Vegas Concrete Plumbing, Inc., license numbers 6887C, 6887E, 25953 and 25954 Four Seasons Landscape and Sprinkler Design, Inc., license number 72065, Vincent Delillo, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Delillo was found guilty of one (1) violation of NRS 624.3017(1) substandard workmanship; two (2) violations 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(3) failure to establish financial responsibility; six (6) violations of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violations 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 \$3,500.00 and investigative costs in the amount of \$7,324.00. License numbers 6887C, 6887E, 25953 and 25954 were revoked. Respondent is 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 Hodgson at 1:17 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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Nathaniel Hodgson, Hearing Officer