

JIM GIBBONS
Governor

STATE OF NEVADA



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MEMBERS
Kevin E. Burke, Chairman
Donald L. Drake
Michael Efstratis
Nathaniel W. Hodgson, III
William "Bruce" King
Stephen P. Quinn
Guy M. Wells

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING

October 6, 2010

CALL TO ORDER:

Hearing Officer Guy M. Wells called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday October 6, 2010, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

OTHER BOARD MEMBERS PRESENT:

Mr. Donald L. Drake
Mr. Michael Efstratis

STAFF MEMBERS PRESENT:

Ms. Margi A. Grein, Executive Officer
Ms. Nancy Mathias, Licensing Administrator
Mr. George J. Lyford, Director of Investigations
Mr. Gary Hoid, Deputy Director of Investigations
Ms. Susan Broili-Kamesch, Licensing Supervisor

LEGAL COUNSEL PRESENT:

David Brown, Esq., Legal Counsel
Bruce Robb, Esq., Legal Counsel

The agenda was posted in compliance with the open meeting law September 30, 2010 at Reno City Hall, Washoe County Court House, Washoe County Library, 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:

CREST HEIGHTS COMPANY OF NEVADA dba BAILEY CONSTRUCTION, LICENSE NO. 3417A

Licensee was present with Jeffrey Spencer, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File
Exhibit 2 – Letter dated September 16, 2010

The following Respondent Exhibits were entered:

Exhibit A – Letter dated October 4, 2010
Exhibit B – Affidavit of Anthony Hawkes
Exhibit C – Affidavit of Luis Banuelos

Hearing Officer Wells found Respondent Crest Heights Company of Nevada dba, Bailey Construction, license number 3417A guilty of violating NRS 624.3016(1) fraudulent or deceitful act; NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; NRS 624.3015(4) knowingly entering into a contract with a contractor while that contractor is not licensed; NRS 624.3014(2)(a-d) Aiding or abetting an unlicensed person and NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer Wells ordered the Respondent to pay a fine of \$1,000.00 each for the First, Second, Third, Fourth and Fifth Causes of Action and a \$500.00 fine for the Sixth Cause of Action for a total fine of \$5,500.00; reimburse the Board for investigative costs in the amount of \$3,764.00 within thirty (30) days from October 6, 2010 or license number 3417A will automatically be revoked. Hearing Officer Wells ordered Respondent's monetary license limit be reduced to \$1,000,000.00; ordered Respondent to provide a current financial statement that supports the lowered monetary license limit within thirty (30) days from October 6, 2010 or license number 3417A will automatically be revoked. In addition, Respondent was ordered to submit to a six month business review.

2. DISCIPLINARY HEARING:
FRANKLIN ELECTRIC, LICENSE NO. 23789

Licensee was present with Philip Kreitlein, Esq.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Wells found Respondent Franklin Electric, license number 23789 guilty of violating NRS 624.3016(1) fraudulent or deceitful act. Hearing Officer Wells ordered the Respondent to pay a total fine of \$500.00 for the First Cause of Action; reimburse the Board for investigative costs in the amount of \$2,127.00 within sixty (60) days or license number 23789 will automatically be revoked. In addition Hearing Officer Wells ordered Respondent's monetary license limit is reduced to \$175,000.00. The Second and Third Causes of Action are dismissed.

3. DISCIPLINARY HEARING:
STEGMEIR QUALITY CONSTRUCTION CO, INC., LICENSE NOS. 69296 AND 69510

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Wells found Respondent Stegmeir Quality Construction Company Inc, license numbers 69296 and 69510 guilty of violating NRS 624.3017(1) substandard workmanship; 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 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; NRS 624.3011(2) if a contractor performs construction without obtaining any necessary building permit there is a rebuttable presumption that the contractor willfully and deliberately violated the building laws of this State or of its political subdivisions; NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action. Hearing Officer Wells ordered the revocation of license numbers 69296 and 69510; ordered Respondent to pay a fine of \$500.00 each for the First, Second and Third Causes of Action and \$1,000.00 fine for the Fourth Cause of Action for a total fine of \$2,500.00; and reimburse the Board for investigative costs in the amount of \$2,286.00. The Sixth Cause of Action was dismissed.

**4. DISCIPLINARY HEARING-DEFAULT ORDER:
CONELY EQUIPMENT & LEASING LLC, LICENSE NO. 61118**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Letter dated October 5, 2010

Hearing Officer Wells found Respondent Conely Equipment & Leasing LLC, license number 61118 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 624.3012(2) failing 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. License number 61118 was revoked.

ADJUDICATING BOARD MEMBER: MICHAEL EFSTRATIS

**5. FINANCIAL RESPONSIBILITY HEARING-CONTINUED FROM MAY 27, 2010
INDEPENDENT LANDSCAPE, LICENSE NO. 55357**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Efstratis ordered the suspension of Independent Landscape, license number 55357 for six (6) months to allow for completion of two (2) active projects. Following the six month suspension, the license will be revoked.

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

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Michael Efstratis, Hearing Officer

ADJUDICATING BOARD MEMBER: DONALD L. DRAKE

**6. FINANCIAL RESPONSIBILITY HEARING-CONTINUED FROM JULY 14, 2010:
DAVID M. CLEMENTS PAINTING, LICENSE NO. 69407**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake ordered the monetary license limit be reduced to \$15,000.00; and Respondent shall provide staff with a financial statement to support a \$15,000.00 limit or the license will automatically be revoked.

**7. FINANCIAL RESPONSIBILITY HEARING-CONTINUED FROM JULY 14, 2010:
ACCELERATED HOME THEATER, LICENSE NO. 72800**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake denied the request for reconsideration. Licensee has six (6) months with interest to pay the fines in the amount of \$750.00 and costs in the amount of \$463.78 from the July 14, 2010 hearing.

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

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Donald L. Drake, Hearing Officer

ADJUDICATING BOARD MEMBER: GUY M. WELLS

**8. FINANCIAL RESPONSIBILITY HEARING:
COMPLETE CONCRETE, LICENSE NO. 69412**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Wells ordered that Complete Concrete, license number 69412 remain active.

**9. FINANCIAL RESPONSIBILITY HEARING:
ROBERT HELLER CONSTRUCTION, LICENSE NO. 73133**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Wells ordered that license number 73133 Robert Heller Construction have it's monetary license limit reduced to \$675,000.00.

**10. FINANCIAL RESPONSIBILITY HEARING:
GREEN THINGS LAWN AND YARD CARE, LICENSE NO. 72454**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Wells ordered that Green Things Lawn and Yard Care, license number 72454 remain active.

**11. FINANCIAL RESPONSIBILITY HEARING:
PEREZ ROOFING, LICENSE NO. 72421**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Wells ordered a thirty (30) day suspension of Perez Roofing, license number 72421, until a current financial statement is provided that supports the limit. If the financial statement does not support the license, the license will be automatically revoked.

**12. FINANCIAL RESPONSIBILITY HEARING:
LATHROP STONERWORKS, LICENSE NO. 68331 AND 72923**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Wells ordered that license numbers 68331 and 72923 remain active. Both license limits are reduced to \$30,000.00 each. Licenses will be suspended if a current financial statement is not provided within thirty (30) days. A financial review will be conducted in six (6) months.

**13. FINANCIAL RESPONSIBILITY HEARING:
SHAWN NOLAN PAINTING, LICENSE NO. 72921**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Wells ordered that the licensee has thirty (30) days to provide a current financial statement, if the financial statement does not support the limit, lower limit to \$25,000.00. If no financial statement is provided, the license will be automatically suspended.

**14. FINANCIAL RESPONSIBILITY HEARING:
BEDLAN LANDSCAPING INC, LICENSE NOS. 50697 AND 57259**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Wells ordered the licensee must indemnify the license and obtain a bond for license number 57259 within ten (10) days.

**15. FINANCIAL RESPONSIBILITY HEARING:
UNLIMITED CONSTRUCTION INC, LICENSE NO. 72970**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Wells ordered the be suspended for a period of two (2) weeks until the licensee provides an indemnity agreement, financial statement and bank verification form to support a limit of \$140,000.00 or at least \$100,000.00. License to remain suspended until all documents are provided.

**16. FINANCIAL RESPONSIBILITY HEARING:
FUTURE FANTASTIC INC, dba PRO TECH ELECTRICAL SERVICES, LICENSE NO. 71569
NAME SIMILARITY WITH PRO ELECTRIC dba PROTEK ELECTRIC, LICENSE NO. 45766A**

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

The following Respondent Exhibits were entered:

Hearing Officer Wells ordered Future Fantastic Inc, dba Pro Tech Electrical Services, license number 71569 to change there name and all advertising to reflect Pro Tech Construction & Electrical Services.

**17. FINANCIAL RESPONSIBILITY HEARING:
DESERT HILLS LANDSCAPE, LICENSE NO. 72949**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Wells ordered the licensee to attain an indemnitor within thirty (30) days or the license will be automatically suspended.

**18. FINANCIAL RESPONSIBILITY HEARING:
SIERRA RIDGE CONSTRUCTION, LICENSE NO. 58457**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Wells ordered the license classification be changed from a B-2 to a C-3 and the monetary license limit reduced to \$25,000.00 with a \$5,000.00 bond.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Wells at 1:45 p.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Guy M. Wells, Hearing Officer