

JIM GIBBONS
Governor

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

STATE OF NEVADA



STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
November 3, 2010

REPLY TO:

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CALL TO ORDER:

Hearing Officer Donald L. Drake called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, November 3, 2010, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

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:

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

The agenda was posted in compliance with the open meeting law October 27, 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-DONALD L. DRAKE:

1. DISCIPLINARY HEARING:

AL SHANKLE CONSTRUCTION COMPANY, LICENSE NO. 30674

Licensee was not present but was represented by Rick Hsu, Esq. of Maupin, Cox & LeGoy

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake will accept the dismissal of the complaint upon receipt of all releases within ten (10) days of the November 3, 2010 hearing stating that all of the subcontractors have been paid in full.

2. DISCIPLINARY HEARING:

DAVIS & GREEN, LTD, LICENSE NOS. 62618 AND 62621

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found the Respondent Davis & Green LTD, license numbers 62618 and 62621 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 624.3012(1) diversion of money or property received for the completion of a specific construction project or operation or for a specified purpose in the completion of any construction project acting in the capacity of a contractor; 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 and NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action. Hearing Officer Drake ordered the revocation of license numbers 62618 and 62621; ordered Respondent to pay a fine of \$500.00 each for the First, Second and Fifth Causes of Action and \$50.00 each for the Third and Fourth Causes of Action for a total fine of \$1,600.00, no fine was imposed on the Sixth Cause of Action; and reimburse the Board for investigative costs in the amount of \$2,564.83.

3. DISCIPLINARY HEARING:
VERDI ELECTRIC COMPANY, LICENSE NO. 10357A

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found Respondent Verdi Electric, license number 10357A guilty of violating NRS 624.3016(7) misrepresentation or the omission of a material fact; NRS 624.3016(1) fraudulent or deceitful act and NRS 624.3013(3) failure to establish financial responsibility. Respondent was ordered to provide a current financial statement that supports its monetary license limit or provide an indemnitor for the license; ordered Respondent to pay a fine of \$500.00 for the First and Third Causes of Action and \$250.00 for the Third Cause of Action for a total fine of \$1,250.00; and reimburse the Board for investigative costs in the amount of \$1,629.83 within thirty (30) days of November 3, 2010 or license number 10357A will automatically be revoked.

4. DISCIPLINARY HEARING:
F. SCOTT EGBERT CONSTRUCTION, LICENSE NO. 31564

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found the Respondent F. Scott Egbert Construction, license number 31564 guilty of violating NRS 624.3013(3) failure to establish financial responsibility. Respondent was ordered to provide a current financial statement of the indemnitor, Egbert Livestock LLC and reimburse the Board for investigative costs in the amount of \$2,685.00 within thirty (30) days of November 3, 2010 or license number 10357A will automatically be suspended.

5. DISCIPLINARY HEARING-DEFAULT ORDER:
A D S ENVIRONMENTAL AND CONSTRUCTION INC,
DBA ADVANCED DRYWALL SYSTEMS, LICENSE NOS. 52851, 53182, 68280 AND 70951

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found Respondent A D S Environmental and Construction Inc, dba Advanced Drywall Systems, license numbers 52851, 53182, 68280 and 70951 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Licensee was found 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 624.3018(2) association of any act or omission constituting a cause for disciplinary action and NRS 624.3013(3) failure to establish financial responsibility. License numbers 52851, 53182, 68280 and 70951 were revoked. Respondent shall pay an administrative fine in the amount of \$2,000.00; full restitution to the damaged parties and reimburse the Board for investigative costs of \$1,970.00 and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

**6. DISCIPLINARY HEARING-DEFAULT ORDER:
DAVE BELL CONSTRUCTION INC, LICENSE NO. 50469**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found Respondent Dave Bell Construction Inc, license number 50469 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Licensee was found 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), 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 and NRS 624.3013(3) failure to establish financial responsibility. License number 50469 was revoked. Respondent shall pay an administrative fine in the amount of \$2,850.00; full restitution to the damaged parties and reimburse the Board for investigative costs of \$2,540.00 and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

**7. DISCIPLINARY HEARING-FAILURE TO COMPLY WITH DECISION & ORDER
FLETCHER DOOR & TRIM, LICENSE NO. 72430**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found the Respondent guilty of one (1) violation of NRS 624.300 failure to comply with an order of the Board. License number 72430, Fletcher Door & Trim was revoked.

**8. DISCIPLINARY HEARING-CONTINUED NOTICE OF HEARING:
GENOA PEAK ELECTRIC INC, LICENSE NO. 69774**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake ordered Genoa Peak Electric Inc., license number 69774 remain active.

**9. DISCIPLINARY HEARING-CONTINUED NOTICE OF HEARING:
ROBERT MARR CONSTRUCTION, LICENSE NO. 72658**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake continued for thirty (30) days to provide a personal indemnification that supports the license limit. If provided prior to thirty (30) days, licensee does not need to appear.

**10. FINANCIAL RESPONSIBILITY HEARING:
LUKER CONSTRUCTION, LICENSE NO. 71695**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake ordered the license to remain at \$950,000.00 but must supply Jon Luker's bankruptcy information within thirty (30) days.

**11. FINANCIAL RESPONSIBILITY HEARING:
I K WEST INC, LICENSE NO. 73410**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found the Respondent guilty of one (1) violation of NRS 624.3013(3) failing to establish financial responsibility and one (1) violation of NRS 624.302(6) failing to comply with a written request by the Board. Respondent was assessed investigative costs of \$500.00. License number 73410, I K West Inc, was revoked.

**12. FINANCIAL RESPONSIBILITY HEARING:
ACDC ELECTRICAL CONTRACTORS NEVADA LLC, LICENSE NO. 73302**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found the Respondent guilty of one (1) violation of NRS 624.3013(3) failing

to establish financial responsibility and one (1) violation of NRS 624.302(6) failing to comply with a written request by the Board. Respondent was assessed investigative costs of \$469.66. License number 73302, ACDC Electrical Contractors Nevada LLC, was revoked.

13. FINANCIAL RESPONSIBILITY HEARING:
PAHRUMP VALLEY IRRIGATION LLC, LICENSE NO. 73395

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake assessed investigative costs of \$469.66; submit a request to lower its monetary license limit within thirty (30) days or the license will automatically be suspended.

14. FINANCIAL RESPONSIBILITY HEARING:
BANNER CONSTRUCTION INC, LICENSE NOS. 72905, 72906, 73434 and 73993

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found the Respondent guilty of one (1) violation of NRS 624.3013(3) failing to establish financial responsibility. License numbers 72905, 72906, 73434 and 73993, Banner Construction Inc, was revoked.

15. FINANCIAL RESPONSIBILITY HEARING:
FRANKLYN ROBERT JAMES QUINTAL DBA EPIC CROWN MOULDING, LICENSE NO. 73616

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found the Respondent guilty of one (1) violation of NRS 624.3013(3) failing to establish financial responsibility and one (1) violation of NRS 624.302(6) failing to comply with a written request by the Board. License number 73616, Franklyn Robert James Quintal dba Epic Crown Moulding, was revoked.

16. FINANCIAL RESPONSIBILITY HEARING:
SEAN D. NYE DBA PRISTINE PAINTING, LICENSE NO. 73527

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake ordered Sean D. Nye dba Pristine Painting, license number 73527 remain active.

**17. FINANCIAL RESPONSIBILITY HEARING:
A & R ELITE SERVICES LLC DBA AIR DEPOT, LICENSE NO. 73554**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake accepted the surrender of A & R Elite Services dba Air Depot, license number 73554.

**18. FINANCIAL RESPONSIBILITY HEARING:
CERES CUSTOM CONCRETE, LICENSE NO. 73234**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake ordered the Respondent to provide additional financial information within thirty (30) days.

**19. FINANCIAL RESPONSIBILITY HEARING:
ROOTER RITE & HYDROJETTING INC, LICENSE NO. 73008**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake ordered Respondent to personally indemnify the license within thirty (30) days.

**20. FINANCIAL RESPONSIBILITY HEARING:
DOUGLAS COOK PAINTING, LICENSE NO. 58908A**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake ordered Douglas Cook Painting, license number 58908A to remain active, probation for one (1) year and a financial review after one (1) year.

**21. FINANCIAL RESPONSIBILITY HEARING:
STAIR MASTERS INC, LICENSE NO. 70404**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake ordered Stair Masters Inc, license number 70404 to remain active.

**22. FINANCIAL RESPONSIBILITY HEARING:
STAR BUILDERS, LICENSE NO. 70149**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake ordered Star Builders, license number 70149 to remain active.

**23. FINANCIAL RESPONSIBILITY HEARING:
NATALIE GORDEN MURALS, LICENSE NO. 72432**

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake granted the inactive status of Natalie Gorden Murals, license number 72432.

**24. FINANCIAL RESPONSIBILITY HEARING:
C & S ELECTRICAL CONTRACTORS, LICENSE NO. 58259A**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found the Respondent guilty of one (1) violation of NRS 624.3013(3) failing to establish financial responsibility and one (1) violation of NRS 624.302(6) failing to comply with a written request by the Board. Respondent was assessed investigative costs of \$469.66. License number 58259A, C & S Electrical Contractors, was revoked.

**25. FINANCIAL RESPONSIBILITY HEARING:
CARSON TAHOE ELECTRIC, LICENSE NO. 73544**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake ordered Carson Tahoe Electric, license number to remain active, continue for thirty (30) days to provide additional information.

**26. FINANCIAL RESPONSIBILITY HEARING:
HARTEN ALUMINUM COMPANY INC DBA HARTEN EXTERIORS, LICENSE NO. 73454**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found the Respondent guilty of one (1) violation of NRS 624.3013(3) failing to establish financial responsibility and one (1) violation of NRS 624.302(6) failing to comply with a written request by the Board. Respondent was assessed investigative costs of \$472.16. License number 73454 Harten Aluminum Company Inc dba Harten Exteriors, was revoked.

27. FINANCIAL RESPONSIBILITY HEARING:
ALOHA PATIO COVERS & LANDSCAPING INC, LICENSE NOS. 73526 AND 73718

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake continued this matter for thirty (30) days for the Respondent to provide status of pending bankruptcy filing, new bank verifications and information concerning no liabilities reflected on financial statement. If staff approves, this does not need to be re-heard. If staff does not approve, then both license numbers 73526 and 73718 will automatically be suspended.

28. FINANCIAL RESPONSIBILITY HEARING:
H2O ENVIRONMENTAL INC, LICENSE NO. 52215

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake continued this matter for sixty (60) days to allow Respondent's accountant to provide a CPA prepared financial statement upon approval of the bankruptcy court or after the Chapter 11 reorganization has been confirmed.

29. FINANCIAL RESPONSIBILITY HEARING:
AARDVARK LANDCREATIONS, LICENSE NO. 55858

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake continued this matter for thirty (30) days for Respondent to provide a corrected financial statement and proof of discharge for bankruptcy.

30. FINANCIAL RESPONSIBILITY HEARING:
M K HOUSE CONSULTING INC, LICENSE NO. 71558

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake continued this matter for thirty (30) days for Respondent to work with staff on financial information and to provide a written statement from the bankruptcy court that Chapter 11 is concluded and/or confirmed. If staff approves, this does not need to be reheard. If staff does not approve, then it will need to come back before Hearing Officer Drake.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Drake at 11:30 a.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Donald L. Drake, Hearing Officer

