

BRIAN SANDOVAL
Governor

STATE OF NEVADA



REPLY TO:

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

www.nscb.state.nv.us

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

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 CONTRACTORS BOARD

MINUTES OF THE MEETING January 26, 2011

CALL TO ORDER:

Hearing Officer Burke called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, January 26, 2011, 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. Kevin Burke, Hearing Officer
Mr. Thomas "Jim" Alexander, Board Member
Mr. Donald Drake, 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 January 20, 2011, 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: KEVIN BURKE

1. DISCIPLINARY HEARING:

ALLIED FLOORING SERVICES, dba ALLIED FLOORING SERVICES, License Nos. 41131, 35082

ALLIED FLOORING SERVICES, dba DISASTER KLEEN UP OF NEVADA, License No. 49654

ALLIED FLOORING SERVICES, License Nos. 50221, 67698

Licensee was present.

Three (3) witnesses testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board’s Hearing File.

The following Respondent’s Exhibits were entered:

Exhibit A – A letter from the Respondents to the Board dated August 13, 2010.

This matter was dismissed.

2. DISCIPLINARY HEARING:

FLOOR COATING CREATIONS, LTD, License No. 52883

Licensee was present.

Three (3) witnesses testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board’s Hearing File.

The following Respondent’s Exhibits were entered:

Exhibit A – A letter from the Respondent to the Board dated December 10, 2010.

Exhibit B – An e-mail from the Respondent to the Board dated December 30, 2010.

Hearing Officer Burke found Respondent guilty of one (1) violation of NRS 624.3015(2) bidding in excess of the limit placed on the license by the Board; one (1) violation of NRS 624.3017(1) substandard workmanship; 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 624.3015(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 624.3013(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. Respondent was assessed a fine of \$500.00 for the First Cause of Action, a fine of \$500.00 for the Second Cause of Action, a fine of \$500.00 for the Third Cause of Action, a fine of \$250.00 for the Fourth Cause of Action, a fine of \$1,000.00 for the Fifth Cause of Action, and a fine of \$50.00 for the Sixth Cause of Action for total fines of \$2,800.00 and investigative costs of \$1,617.00. Fines and costs are due within thirty (30) days of the January 26, 2011 Board Hearing or license number 52883, Floor Coating Creations, LTD. will be suspended. Respondent shall make restitution to Avion at Sunrise Mountain Apartments in the amount of \$19,750.00 to be made in six (6) equal monthly payments beginning March 28, 2011. If Respondent misses a payment, license number 52883, Floor Coating Creations, LTD. will be suspended until payment is made current.

3. DISCIPLINARY HEARING:

A A GRANITE AND MARBLE, LLC, License No. 69628

Licensee was present.

Three (3) witnesses testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board’s Hearing File.

Exhibit 2 – The Respondent’s signed payment agreement with Cutting Edge of Diamond Blades, Inc. dated January 25, 2011.

The following Respondent’s Exhibits were entered:

Exhibit A – The Respondent’s letter to the Board dated December 23, 2010.

Exhibit B – The Respondent’s signed payment agreement with Marble Express dated January 21, 2011.

Hearing Officer Burke found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility and one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board. Respondent was assessed a fine of \$500.00 for the First Cause of Action, a fine of \$500.00 for the Second Cause of Action for total fines of \$1,000.00 and investigative costs of \$1,527.00. Fines and costs are due within thirty (30) days of the January 26, 2011 Board Hearing or license number 69628, A A Granite & Marble, LLC will be revoked. Respondent shall provide a current compiled financial statement with full disclosures prepared by a Certified Public Accountant with bank verification form for all cash accounts within thirty (30) days of January 26, 2011 hearing. If the financial statement provided does not support the license limit, the license limit shall be lowered to the amount the financial statement supports. If Respondent fails to provide a current financial statement within ninety (90) days of January 26, 2011, license number 69628, A A Granite & Marble, LLC will be revoked.

4. DISCIPLINARY HEARING:

KELLY ANN SAGONA, OWNER, dba BLUE LAGOON POOLS, License No. 46481

Licensee was not present with nor was Licensee’s counsel, James C. Sabalos, Esq. present.

The following Agency Exhibits were entered:

Exhibit 1 – Board’s Hearing File.

The following Respondent’s Exhibits were entered:

Exhibit A – The Respondent’s Answer to the Board’s Complaint dated January 14, 2011.

Exhibit B – The Respondent’s counsel’s letter to the Board dated January 25, 2011 with attachments.

This matter was continued to March 2, 2011 at 8:30 am.

5. DISCIPLINARY HEARING: (Stipulated Revocation)

a. DIVERSIFIED BUILDING SYSTEMS, LLC, dba WESTERN EMPIRE BUILDERS, License No. 68394

Licensee was not present.

One (1) witness testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

Hearing Officer Burke found Respondent guilty of one (1) violation of NRS 624.301(3) failure of the

licensee to complete any construction project for the price stated in the contract; 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(5), as set forth in NRS 624.750(3)(a) and (b) unlawful for a person to receive money for the purpose of obtaining or paying for services, labor, materials or equipment if person fails to use money for that purpose by failing to complete improvements or pay for services, labor materials or equipment and wrongfully diverts that money to a use other than that for which it was received; one

(1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$1,000.00 for the First Cause of Action, a fine of \$500.00 for the Second Cause of Action, a fine of \$1,000.00 for the Third Cause of Action and a fine of \$500.00 for the Fourth Cause of Action for total fines of \$3,000.00 and investigative costs of \$2,199.00. License number 68394, Diversified Building Systems, LLC, dba Western Empire Builders was revoked. Restitution to IBI America, LLC shall be decided upon notification from IBI America, LLC to the Board regarding total costs incurred for finishing the project. A hearing shall be conducted once this information has been provided by IBI America, LLC.

b. RON HANLON MASONRY, LLC, License No.64733

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

Exhibit 2 - A letter from the Respondent to the Board dated December 23, 2010 stipulating to the revocation of its license.

Hearing Officer Burke found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3011(1)(b)(2) willful disregard of the safety or labor laws of the State; one (1) violation of NRS 624.3013(4) failure to keep bond in force. Respondent was assessed a fine of \$500.00 for the First Cause of Action, a fine of \$500.00 for the Second Cause of Action and a fine of \$500.00.00 for the Third Cause of Action for total fines of \$1,500.00 and investigative costs of \$1,459.00. License number 64733, Ron Hanlon Masonry, LLC, 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.

c. DALLAS BAILEY DEVELOPMENT INCORPORATED, License No.42403A

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

Exhibit 2 - A letter from the Respondent to the Board dated December 23, 2010 stipulating to the revocation of its license.

Hearing Officer Burke found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. License number 42403A, Dallas Bailey Development Incorporated, was revoked.

9. DISCIPLINARY HEARING – DEFAULT ORDERS

a. CELESTIAL SOLAR SYSTEMS, License No. 54678

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent Celestial Solar Systems, license number 54678 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint.

Mr. Huneycutt and Mr. Graham were found 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. Respondent was assessed a fine of \$1,000.00 for the First Cause of Action and a fine of \$500.00 for the Second Cause of Action for total fines of \$1,500.00 and investigative costs in the amount of \$1,391.00. License number 54678, Celestial Solar Systems 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. DAYAN E. BROWN, OWNER, dba BROWNS LINEMARKING SERVICE, License No. 54678

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – A letter from the Respondent to the Board dated January 26, 2011.

Hearing Officer Burke found Respondent Dayan E. Brown, Owner, dba Browns Linemarking Service, license number 54678 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Brown 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 624.3013(4) failure to keep bond in force. Respondent was assessed a fine of \$250.00 for the First Cause of Action and a fine of \$500.00 for the Second Cause of Action for total fines of \$750.00 and investigative costs in the amount of \$1,285.00. License number 54678, Dayan E. Brown, dba Browns Linemarking Service 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. VALENTINO GUTIERREZ, OWNER, dba TRINITY MASONRY, License No. 57464

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent Valentino Gutierrez, Owner, dba Trinity Masonry, license number 57464 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Gutierrez was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.302(5) failure to comply with a written request by the Board; 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 624.302(6) failure to comply with a written request by the Board. Respondent was assessed a fine of \$500 for the First Cause of Action, a fine of \$250.00 for each of the Second and Fourth Causes of Action and a fine of \$1,000.00 for the

Third Cause of Action for total fines of \$2,000.00 and investigative costs in the amount of \$1,349.00. License number 57464, Valentino Gutierrez, Owner, dba Trinity Masonry 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.

d. RED ROCK FIRE PROTECTION, License No.64604A

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent Red Rock Fire Protection, license number 64604A, license number 64604A in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Castaneda 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 (1) violation of NRS 624.302(5) failure to comply with a written request by the Board; one (1) violation of NRS 624.3011(1)(b)(2) willful disregard of the safety or labor laws of the State; 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 fine of \$1,000.00 for the First Cause of Action, a fine of \$250.00 for the Second Cause of Action, a fine of \$2,000.00 for the Third Cause of Action and a fine of \$500.00 for each of the Fourth and Fifth Causes of Action for total fines of \$4,250.00 and investigative costs in the amount of \$1,765.00. License number 64604A, Red Rock Fire Protection is 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 Burke at 12:00 p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Kevin E. Burke, Hearing Officer