

BRIAN SANDOVAL
Governor

STATE OF NEVADA



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 September 21, 2011

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

CALL TO ORDER:

Hearing Officer Burke called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, September 21, 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. 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 September 15, 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:

ASSET BUILDING GROUP, LLC, License No. 69642

ASSET BUILDING GROUP, LLC, dba ACCESS PAINTING AND DRYWALL, License No. 74606

J. M. F. DEVELOPMENT, LLC, License No. 75101

Licensee was present.

One witness testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – Respondent's e-mail to the Board dated September 14, 2011.

The following Respondent's exhibits were entered.

Exhibit A – Respondent's letter to the Board dated August 23, 2011.

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 624.3013(4) failure to keep bond in force; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee; however, no fines were assessed. Investigative costs were in the amount of \$1,338.00. Investigative costs are due within thirty (30) days of the September 21, 2011 hearing or license number 75101, J. M. F. Development, LLC shall be suspended and will remain suspended until such time as a current audited or reviewed financial statement is provided that supports the license limit. If the financial statement does not support the license limit, the license limit shall be lowered to the amount that the financial statement supports.

2. DISCIPLINARY HEARING:

ATLAS MARBLE AND GRANITE, INC. License No. 50663

Licensee was present.

One witness 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 – Respondent's fax to the Board dated August 22, 2011.

Exhibit B – Respondent's letter to the Board dated September 16, 2011.

Exhibit C – A letter from Pecos Law Group dated August 24, 2011.

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 624.302(5) failure to respond to a written request from the Board; however, no fines were assessed. Investigative costs are in the amount of \$1,250.00. Investigative costs are due within sixty (60) days of the September 21, 2011 hearing or license number 50663, Atlas Marble and Granite, Inc. will be suspended and will remain suspended until such time as a current audited or reviewed financial statement is provided that supports the license limit. If the financial statement does not support the license limit, the license limit shall be lowered to the amount that the financial statement supports. The Board's Complaint against Stephanie Gullotta is dismissed.

3. DISCIPLINARY HEARING: (Stipulated Revocation)

a. NORTHWEST LANDSCAPE CONSTRUCTION, INC., License No. 42378A

Licensee was not present.

One witness testified for the Board.

Mr. Burke disclosed that Northwest Landscape Construction, Inc. has performed work for his company in the past.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing file.

Exhibit 2 – Respondent's correspondence to the Board dated August 10, 2011 stipulating to the revocation of his license.

Hearing Officer Burke found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 for the First Cause of Action and investigative costs of \$1,266.00. License number 42378A, Northwest Landscape Construction, Inc., Michael Allen Ault, Jr., President and Qualified Individual was revoked. Respondent is required 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.

b. CREATIVE METAL SOLUTIONS, INC., License No. 59059

Licensee was not present.

David Brown, Esq. disclosed that Respondent's counsel, Steve Morris, Esq., is a former partner of David Brown's law firm.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing file.

Exhibit 2 – An e-mail from Respondent's counsel, Steve Morris, Esq. to Dan Hammack dated August 24, 2011 stipulating to the revocation of his license.

Hearing Officer Burke found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 for the First Cause of Action and investigative costs of \$1,729.00. License number 59059, Creative Metal Solutions, Inc., Christina Maria Sosa, President was revoked. Respondent is required 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. AMERICAN ASPHALT AND GRADING COMPANY, License No. 31785

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing file.

Exhibit 2 – Respondent's letter to the Board dated August 30, 2011 stipulating to the revocation of his 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 624.3013(5) constitute a cause for disciplinary action pursuant to NRS 624.300: (5) failure in any material respect to comply with the provisions of this chapter or the regulations of the Board. Respondent was assessed a fine of \$500.00 for each of the First and Second Causes of Action for total fines of \$1,000.00 and investigative costs of \$1,336.00. License number 31785, American Asphalt and Grading Company, Robert Anthony

Albano, President, was revoked. Respondent is required 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.

d. PREMIER MECHANICAL, LLC, License No. 72827

PREMIER MECHANICAL, LLC, License No. 47374

CREST RIDGE, LLC, License Nos. 51954, 53091

Licensee was not present.

Mr. Burke disclosed that the stipulated revocation was prepared by Peel Brimley law firm and that Premier Mechanical, LLC has done work for his company.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing file.

Exhibit 2 – The signed agreement for stipulated revocation between the Respondent and the Board received August 29, 2011.

Hearing Officer Burke found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; two (2) violations of NRS 624.3013(4) failure to keep bond in force; 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 fine of \$250.00 for each of the First, Second and Third Causes of Action for total fines of \$750.00 and investigative costs of \$2,347.00. License number 72827, Premier Mechanical, LLC, license number 47374, Premier Mechanical, LLC, Kevin John Spilsbury, Manager and Qualified Individual and license numbers 51954 and 53091, Crest Ridge, LLC, Kevin John Spilsbury, Member and Qualified Individual were revoked. Respondent is required 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.

e. A AFFORDABLE AC HEATING AND REFRIGERATION, LLC, License No. 68930

A AFFORDABLE STRIPING AND SEALING, LCC, License No. 67803

A AFFORDABLE, LLC, License No. 72350

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing file.

Exhibit 2 – An e-mail from Respondent's counsel, Karl Anderson, Esq. dated August 23, 2011.

Exhibit 3 – A letter from Shonda Decker of A Affordable Striping and Sealing, LLC to the Board dated August 10, 2011.

Hearing Officer Burke found Respondent guilty of one (1) violation of NRS 624.3017(1) substandard

workmanship; 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; one 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(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; 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 \$100.00 for the Third Cause of Action; a fine of \$50.00 for the Fourth

Cause of Action; a fine of \$250.00 for the Sixth Cause of Action for total fines of \$1,900.00 and investigative costs of \$1,100.00. The Fifth, Seventh and Eighth Causes of Action were dismissed. The Board's Complaint against A Affordable Striping and Sealing, LLC and A Affordable, LLC were dismissed. License number 68930, A Affordable AC Heating and Refrigeration, LLC was revoked. Respondent is required 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.

4. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. AQUA BLUE PLUMBING, LLC, dba ORACLE PLUMBING, License Nos. 74101, 74152

COBALT CONSTRUCTION MANAGEMENT, LLC, License No. 74100

MECHANICAL BUILDING, SERVICES, LLC, License No. 68381

Licensee was present with Ken Hooks of Mechanical Building Services, LLC

One witness testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter was continued for thirty (30) days to allow Mr. Hartshorn the opportunity to enter into a payment plan with Ideal Supply Company, remove himself as Manager of Oracle Plumbing and provide a financial statement. License number 74101 and 74152, Aqua Blue Plumbing, LLC, dba Oracle Plumbing, and license number 74100, Cobalt Construction Management, LLC were suspended.

b. SIERRA ELECTRIC SERVICES, LLC, dba SIERRA ELECTRIC SERVICES, License No. 59630

SIERRA ELECTRIC SERVICES, LLC, dba SIERRA UNDERGROUND, License No. 74985

Licensee was present.

One witness testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent Sierra Electric Services, LLC, dba Sierra Electric Services, license number 59630 and Sierra Electric Services, LLC, dba Sierra Underground in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. The Respondent was found guilty of 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; two (2) violations of

NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee; however, no fines were assessed. Investigative costs are in the amount of \$1,271.00. Licensee stipulated to the revocation of his licenses due to financial insolvency. License number 59630, Sierra Electric Services, LLC, dba Sierra Electric Services and license number 74985, Sierra Electric Services, LLC, dba Sierra Underground were revoked. Respondent is required 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. CONTINENTAL LANDSCAPE AND SPRINKLER COMPANY, INC., License No. 32126

RICHARD LANE MORTENSEN, OWNER, dba NEVADA COLORS, License No. 74985

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent Continental Landscape and Sprinkler Company, Inc., license number 32126 and Richard Lane Mortensen, Owner, dba Nevada Colors, license number 74985 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. The Respondent 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 respond to a written request from the Board; two (2) violations of NRS 624.3013(4) failure to keep bond in force; 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 fine of \$500.00 for each of the First, Third, and Fourth Causes of Action; a fine of \$250.00 for the Second Cause of Action for total fines of \$1,750.00 and investigative costs in the amount of \$1,265.00. License number 32126, Continental Landscape and Sprinkler Company, Inc., and license number 74985, Richard Lane Mortensen, Owner, dba Nevada Colors were revoked. Respondent is required 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.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Burke at 10:07 a.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Kevin Burke, Hearing Officer