

BRIAN SANDOVAL
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STATE OF NEVADA



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

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING February 22, 2012

CALL TO ORDER:

Hearing Officer Quinn called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, February 22, 2012, 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. Guy Wells, 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. David Brown, Esq., Legal Counsel
Mr. Jonathan Andrews, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on February 15, 2012, 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: GUY WELLS

2. DISCIPLINARY HEARING:

INTERSTATE PLUMBING AND AIR CONDITIONING, LLC, License Nos. 27744, 28743

INTERSTATE PLUMBING AND AIR CONDITIONING, LLC, dba INTERSTATE SERVICES, License Nos. 27744A, 28734A

INTERSTATE PLUMBING AND AIR CONDITIONING, LLC, dba INTERSTATE PLUMBING AND AIR CONDITIONING, LLC, License No. 72927

ARCHITECTURAL INTERIORS, LLC, dba INTERSTATE MILLWORK, License No. 59554

James Manning and Alan Carducci from Interstate Plumbing were present with counsel, Dennis Haney, Esq. and Shemilly Briscoe, Esq.

Mr. Wells disclosed his company has used Dennis Haney's law firm, Santoro, Driggs, Walch, Kearney, Holley and Thompson in the past.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – A letter from James Manning dated January 31, 2012.

The following Respondent exhibits were entered:

Exhibit A – Respondent Architectural Interiors, LLC's Answer to the Board's Complaint.

Exhibit B – An e-mail from Shemilly Briscoe, Esq. to the Board dated January 12, 2012.

Exhibit C – A Notice of Filing and Imposition of the Automatic Stay filed by Elizabeth E. Stephens, Esq. of Sullivan, Hill, Lewis, Rez and Engle.

Exhibit D1 – D3 – A binder provided by Dennis Haney, Esq. for Architectural Interiors, LLC.

Hearing Officer Wells found Respondent guilty of one (1) violation of NRS 624.301(1) abandonment of construction project; two (2) violations of NRS 624.301(4) failure to prosecute a construction project with reasonable diligence; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. James Manning stipulated to the First, Second, Third and Fourth Causes of Action and the revocation of all Interstate Plumbing's licenses. The Fifth and Sixth Causes of Action were dismissed. Respondent was not assessed fines or costs as Interstate Plumbing is in Chapter 7 bankruptcy. License numbers, 27744, 27744A, 28743, 28743A and 72927, Interstate Plumbing and Air Conditioning, LLC. are revoked. The Board's Complaint against license number 59554, Architectural Interiors, LLC, dba Interstate Millwork was dismissed. Architectural Interiors, LLC, dba Interstate Millwork was ordered to provide a current reviewed or audited financial statement with bank verification that supports the license limit within sixty (60) days of today's hearing or license number 59554 shall be suspended.

3. DISCIPLINARY HEARING: (Stipulated Revocation)

SIERRA METALS, INC., License No. 69653

SIERRA CONSTRUCTION SERVICES, License No. 69673

ANDY RUSSO, JR., INC., License No. 64973

Andy Russo, Jr. was present with counsel, James Shapiro, Esq.

Joseph Lopez was present with counsel, Dan McNutt, Esq.

Two 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 – Andy Russo Jr., Inc.'s Answer to the Board's Complaint.

Exhibit B – A letter from Joseph Lopez’s attorney, David Proano, Esq.

Exhibit C – A letter from Andy Russo, Jr. to Mossman Caulking with an attached check in the amount of \$1,214.96.

Exhibit D – A check from Joseph Lopez to Mossman Caulking in the amount of \$11,214.96.

Hearing Officer Wells found Respondent guilty of two (2) violations of NRS 624.3012(2) willful failure to pay any money when due for materials or service; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$1,000.00 each for the First and Second Causes of Action; a fine of \$500.00 for the Third Cause of Action for total fines of \$2,500.00 and investigative costs of \$1,694.00. The Fourth and Fifth Causes of Action were dismissed. Joseph Lopez and Andy Russo, Jr. shall each be responsible for paying fifty (50%) of the fines and costs within sixty (60) days of today’s hearing. Andy Russo, Jr., Inc. shall provide a current reviewed or audited financial statement with bank verification for all cash accounts that supports the license limit within sixty (60) days of today’s hearing. If the financial statement does not support the license limit, the license limit shall be lowered to the amount that the financial statement supports. If the financial statement is not provided within sixty (60) days of today’s hearing, license number 64973 shall be suspended.

4. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. RAY WAYNE CRIHFIELD, OWNER, dba AMBER POOLS AND SPAS, License No. 47602

Licensee was present.

Two witnesses testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Ray Wayne Crihfield, Owner, dba Amber Pools and Spas, license number 47602 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 624.302(1)(a) contracting or submitting a bid if license has been suspended or revoked; 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; a fine of \$500.00 each for the Second and Third Causes of Action for total fines of \$2,000.00 and investigative costs in the amount of \$1,229.00. Current fines and investigative costs plus fines of \$1,000.00 and investigative costs of \$1,280.00 from the July 20, 2011 hearing are due within sixty (60) days of today’s hearing or license number 47602 is revoked.

b. G. N. C. CONSTRUCTION, LLC, License No. 69339

Licensee was not present.

Mr. Wells disclosed that he possibly may know Edward Galen Stockton’s son.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent G. N. C. Construction, LLC, license number 69339 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 624.3014(2)(a) aiding or abetting an unlicensed person to evade the provisions of this chapter; one (1) violation of NRS 624.3013(2) misrepresentation of a material fact, in connection with any information or evidence furnished the Board in connection with official matters; 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 \$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 \$1,345.00. License number 69339, G. N. C. Construction, 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.

c. WESTERN LIGHTWAVE, INC., License Nos. 72493, 72554

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Western Lightwave, Inc., license numbers 72493 and 72554 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 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 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$500.00 for the First Cause of Action; a fine of \$250.00 for the Second Cause of Action for total fines of \$750.00 and investigative costs in the amount of \$1,406.00. License numbers 72493 and 72554, Western Lightwave, Inc. 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.

d. T. E. N. MECHANICAL CORP., License Nos. 70094, 71721

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Licensee paid Liberty Duct, LLC the amount owed. Both licenses were voluntarily surrendered April 19, 2010. Hearing Officer Wells dismissed the Board's Complaint.

e. INCLINE GLASS, INC., License No. 8729B

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Incline Glass, Inc., license number 8729B 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 624.3012(2) willful failure to pay any money when due for materials or service; one (1) violation of NRS 624.3016(1) any fraudulent act committed in the capacity of a contractor, misrepresentation or omission of a fact; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 for each of the First and Third Causes of Action; a fine of \$250.00 for the Second Cause of Action for total fines of \$1,250.00 and investigative costs in the amount of \$1,315.00. License number 8729B,

Incline Glass, Inc. 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.

f. D. E. D. LANDSCAPING, INC., License No. 67457

DAVISON EXTERIOR DESIGN, INC., License No. 76567

John Reese from Davison Exterior Design, Inc. was present to represent the Respondent.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – Letter to the Board from Mr. Davison allowing Mr. Reese to represent him in the Hearing.

This matter was continued to May 23, 2012 and Mr. Davison is ordered to appear.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Wells at 11:01 a.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Guy Wells, Hearing Officer