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STATE OF NEVADA



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

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING August 22, 2012

CALL TO ORDER:

The meeting of the State Contractors Board to was called to order at 8:32 a.m., Wednesday, August 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. Stephen Quinn, 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

Mr. Lyford stated the agenda was posted in compliance with the open meeting law on August 16, 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's Internet Website.

ADJUDICATING BOARD MEMBER: Stephen Quinn

2. DISCIPLINARY HEARING:

BULLDOG FRAMING, LLC, License No. 74171

H. C. DEVELOPMENT, LLC, License No. 71064

RELIABUILT CONSTRUCTION COMPANY, LLC, License No. 39858

Licensee was not present nor represented by counsel at the hearing.

This matter was continued to September 19, 2012.

3. DISCIPLINARY HEARING:

DAVIS CONSTRUCTION DEVELOPMENT, LLC, License No. 13699A

Licensee was present at the hearing and represented by counsel, Shemilly Briscoe, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Licensee Exhibits were entered:

Exhibit A – Respondent’s Answer to the Board’s Complaint dated July 2, 2012.

Exhibit B – Correspondence from Kurt Sawyer dated August 21, 2012.

Exhibit C - A telephone log with transcribed messages.

Hearing Officer Quinn dismissed the Board’s Complaint and ordered that the Respondent’s license limit be lowered to \$1,000,000.00.

4. DISCIPLINARY HEARING: (Continued from June 20, 2012 and July 25, 2012)

CASINO ROOFING, INC., License No. 55265

Licensee was present at the hearing but not represented by counsel.

The following Agency Exhibits were entered:

Exhibit 2 – An estimate from Petra Construction to replace the damaged siding and trim at the Alexander residence dated August 14, 2012

Exhibit 3 - Plans of the Alexander residence.

Hearing Officer Quinn found Respondent guilty of 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 624.3013(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 624.3011(1)(b)(2) violation of the safety laws or labor laws of the State; one (1) violation of NRS 624.3013(2) misrepresentation of a material 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, Second, Fourth, Fifth and Sixth Causes of Action and a fine of \$250.00 for the Third Cause of Action for total fines of \$2,750.00 and investigative costs of \$4,179.00. Respondent is required to make restitution to Curtis Alexander in the amount of \$6,000.00. The Respondent shall pay the fines, costs and restitution within 120 days of the August 22, 2012 hearing or license number 55265, Casino Roofing, Inc. shall be suspended until such time as the fines, costs and restitution is paid.

5. DISCIPLINARY HEARING: (Continued from June 20, 2012 and July 25, 2012)

KING ROOFING, LLC, License No. 58487

Licensee was present at the hearing but not represented by counsel.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Quinn found Respondent guilty of one (1) violation of NRS 624.3011(1)(b)(2) violation of the building laws of the State; one (1) violation of NRS 624.3013(4) failure to keep in force the bond

or cash deposit for the full period required by the Board; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(3) if any change occurs in a licensee's address or personnel which affects the accuracy of the statements in the application upon which his license is based, he shall report the change in writing to the Board within 30 days after the change occurs; 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 a fine of \$250.00 each for the Second and Fourth Causes of Action for total fines of \$1,000.00 and investigative costs of \$2,766.00. A fine was not assessed for the Third Cause of Action. Respondent's license limit shall be lowered to \$90,000.00 with a bond of \$10,000.00.

License number 58487, King Roofing, LLC shall remain suspended until such time as the fines and costs are paid and a new bond is provided.

6. DISCIPLINARY HEARING: (Continued from June 20, 2012)

MASONCRAFT TILE & MASONRY, LLC, dba MASONCRAFT POOL BUILDERS OF LAS VEGAS,

License No. 74549

MASONCRAFT TILE & MASONRY, LLC, License Nos. 70438, 70439, 73626, 75063

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 - Correspondence from Eric Dobberstein, Esq. stipulating to the revocation of all the licenses dated July 25, 2012.

Hearing Officer Quinn found Respondent guilty of 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 624.3016(5), as set forth in NRS 624.940(2)(k) the schedule of payments must show the amount of each payment as a sum in dollar and cents; three (3) violations of NRS 624.3016(5), as set forth in NRS 624.940(2)(g) the amount of the contract down payment shall not exceed \$1,000 or 10% of the contract amount; two (2) violations of NRS 624.3016(5), as set forth in NRS 624.940(3)(b)(1) and (2) the contract must contain a notice stating that the owner may contract the Board for assistance to clarify any of the provision of the contract the owner does not understand and the homeowner has the right to request a payment and performance bond; two (2) violations of NRS 624.3016(5), as set forth in NRS 624.940(5) failure to comply with the requirements of NRS 624.900 to 624.965, inclusive, renders a contract void and unenforceable against the owner; one (1) violation of NRS 624.3016(5), as set forth in NRS 624.940(2)(d) failure to include the estimated date of completion of all work to be performed under the contract; one (1) violation of NRS 624.3016(5), as set forth in NRS 624.940(2)(i) failure to provide written change orders; one (1) violation of NRS 624.3016(5), as set forth in NRS 624.940(2)(h) failure to include a statement that the contractor has provided the owner with the notice and informational form required by NRS 624.600; one (1) 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 624.3011(1)(b)(1) violation of the building laws of the State; one (1) violation of NRS 624.3013(4) failure to keep in force the bond or cash deposit for the full period required by the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3013(5) failure to comply with an order of 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 each of the First, Second, Third, Fifteenth, Seventeenth and Eighteenth Causes of Action; a fine of \$250.00 for each of the Fourth, Sixth, Seventh, Ninth, Tenth, Eleventh, Twelfth, Fourteenth, Sixteenth and Nineteenth Causes of Action and a fine of \$100.00 for each of the Fifth, Eighth and Thirteenth Causes of Action for total fines of \$5,800.00 and investigative costs of \$3,340.00. License numbers 70438, 70439, 73626 and 75063, Masoncraft Tile &

Masonry, LLC 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 pay the fines and investigative costs prior to consideration of future licensure.

7. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. BETHEL GROUP, LLC, License No. 66329

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Quinn found Respondent Bethel Group, LLC, license number 66329 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(2) failure to comply with a written citation within the time permitted for compliance as set forth in the citation. Respondent was assessed a fine of \$250.00 for the First Cause of Action and investigative costs of \$1,217.00. License number 66329, Bethel Group, 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 pay the fines and investigative costs prior to consideration of future licensure.

b. KENNETH MICHAEL SCOTKOVSKY, OWNER, dba, BULLHEAD CITY SIGNWORKS,

License No. 67838

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Quinn found Respondent Kenneth Michael Scotkovsky, Owner, dba Bullhead City Signworks, license number 67838 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(5), as set forth in NRS 624.263(3) failure to notify the Board of a filing of bankruptcy; one (1) violation of NRS 624.3013(4) failure to keep in force the bond or cash deposit for the full period required by the Board; NRS 624.3013(3) failure to establish financial responsibility. Fines and investigative costs were not assessed due to the Respondent's Chapter 7 Bankruptcy.

c. L. E. M. & S., Inc., dba Wall Units Etc., License No. 56201

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Quinn found Respondent L. E. M. & S., Inc., dba Wall Units Etc., license number 56201 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 624.301(4) failure to prosecute a construction project with reasonable diligence; one (1) 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 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.3013(2) misrepresentation of a material 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 Fifth Causes of Action; a fine of \$1000.00 for the Second Cause of Action; and a fine of \$250.00

for each of the Third and Fourth Causes of Action for total fines of \$1,600.00 and investigative costs of \$1,332.00. License number 56201, L. E. M. & S., Inc., dba Wall Units Etc. 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 pay the fines and investigative costs prior to consideration of future licensure.

d. J & K CUSTOM BUILDERS, INC., License No. 67147

Licensee was present but not represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Correspondence from Patricia Nachtigall dated August 15, 2012 stating that the Respondent had completed the repairs at her residence.

Hearing Officer Quinn dismissed the Board's Complaint and accepted the voluntary surrender of license number 67147, J & K Custom Builders, Inc.

e. TED MOUNT, OWNER, dba NATURAL ENERGY, License No. 44635

Licensee was not present but was represented by counsel at the hearing.

This matter was continued for sixty (60) days.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Quinn at 10:52 a.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Stephen Quinn, Hearing Officer