

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 January 18, 2012

CALL TO ORDER:

Hearing Officer Wells called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, January 18, 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. 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 11, 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

1. DISCIPLINARY HEARING:

VALLEY FLOORS, CORPORATION, License Nos. 53229, 53230

Licensee was present with counsel, Robert Katz, Esq.

Keith Gregory, Esq. was present representing S. R. Construction, Inc.

This matter was continued.

2. DISCIPLINARY HEARING: (Stipulated Revocation)

NEVADA STORE FIXTURES, License No. 55567

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing file.

Exhibit 2 – Respondent's letter dated November 21, 2011.

Exhibit 3 – Respondent's Case Summary of its bankruptcy.

Hearing Officer Wells found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. The Second and Third Causes of Action were dismissed. Respondent was not assessed a fine or investigative costs due to Respondent filing for Chapter 7 Bankruptcy. License number 55567, Nevada Store Fixtures, Norman Lee Mott, President and Qualified Individual was revoked.

3. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. CITYWIDE CONSTRUCTION, INC., License No. 71672

L. P. PAINTING AND DRYWALL, INC., License No. 69306

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Citywide Construction, Inc., license number 71672, L. P. Painting and Drywall, Inc., license number 69306, Leonardo Cordeiro Pinheiro, President and Qualified Individual 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(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 624.302(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 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 of \$2,257.00. License number 71672, Citywide Construction, Inc., and license number 69306, L. P. Painting and Drywall, 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.

b. SUPERIOR FENCE, INC., License No. 63378

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Superior Fence, Inc., license number 63378 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(5) failure to comply with the terms of the construction contract, thereby causing material injury to another; one (1) violation of NRS

624.3013(4) failure to keep bond in force; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify Board of change of address or personnel; 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 each of the Second and Fourth Causes of Action; a

fine of \$250.00 for the Third Causes of Action for total fines of \$2,250.00 and investigative costs of \$1,189.00. License number 63378, Superior Fence, 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.

c. THORNTON ENTERPRISES, INC., dba AUTLAND ELECTRIC, License No. 60637

ADVANCED LIGHTING AND ELECTRIC, INC., License No. 68333

Thornton Enterprises, Inc., dba Autland Electric was not present.

Michael Kent Duits and Alan Abittan were present from Advanced Lighting and Electric, Inc.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Thornton Enterprises, Inc., dba Autland Electric, license number 60637 and Advanced Lighting and Electric, Inc., license number 68333 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(2) misrepresentation of a material fact, in connection with any information or evidence furnished the Board in connection with official matters. 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 \$1,468.00. The Third Cause of Action was dismissed. License number 60637, Thornton Enterprises, Inc., dba Autland Electric was revoked. The Board's Complaint against Advanced Lighting and Electric, Inc., license number 68333 was dismissed since Michael Thornton was removed as Secretary and Qualified Individual. 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. MAXIMUM ENTERPRISES, LLC, dba MAXIMUM REFRIGERATION, License No. 61098

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Maximum Enterprises, LLC, dba Maximum Refrigeration, license number 61098 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; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify Board of change of address or personnel. 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 of \$1,334.00. License number 61098, Maximum Enterprises, LLC, dba Maximum Refrigeration was revoked. Respondent is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the

e. CABINET SAVERS, INC., License No. 71751

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter was continued to May 23, 2012 to allow Mr. Chenes the opportunity to work with the homeowners to resolve their complaints against Cabinet Savers, Inc.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Wells at 10:04 a.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Guy Wells, Hearing Officer