

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.nv.gov

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

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 November 14, 2012

CALL TO ORDER:

Hearing Officer Cavin called the meeting of the State Contractors Board to order at 9:01 a.m., Wednesday, November 14, 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:

Ms. Margaret Cavin, 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 November 7, 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: MARGARET CAVIN

1. DISCIPLINARY HEARING: (Continued from August 22, 2012)

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

Licensee was not present but was represented by counsel at the hearing, Nikolas Mastrangelo, 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 Amended Complaint dated October 22, 2012.

Exhibit B – A November 13, 2012 letter to the Board from Nikolas Mastrangelo, Esq.

Hearing Officer Cavin found Respondent guilty of two (2) violations 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 one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(5) failure to include its license number and monetary license limit on its contracts; two (2) violations of NRS 624.302(1)(a) contracting while the license has been suspended; one (1) violation of NRS 624.3013(4) failure to keep the bond in force 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 624.3015(1) acting in the capacity of a contractor beyond the scope of the license. Respondent was assessed a fine of \$100.00 each for the First, Second and Fourth Causes of Action; a fine of \$1,000.00 each for the Third and Seventh Causes of Action; a fine of \$250.00 for each of the Fifth and Eighth Causes of Action; a fine of \$500.00 for the Sixth Cause of Action for total fines of \$3,300.00 and investigative costs of \$3,068.00. Fines and investigative costs are due within ninety (90) days of the November 14, 2012 hearing or license number 44635, Ted Mount, Owner, dba Natural Energy shall be revoked. Respondent was ordered to submit a current compiled financial statement prepared by a Certified Public Accountant with bank verification forms for all cash accounts that support the license limit within thirty (30) days of the November 14, 2012 hearing or license number 44635, Ted Mount, Owner, dba Natural Energy shall remain suspended. If the fines and investigative costs are timely paid but a current compiled financial statement is not submitted within ninety (90) days of the November 14, 2012 hearing, the license limit shall be lowered to \$10,000.00 until a conforming financial statement is submitted that supports a higher license limit.

2. DISCIPLINARY HEARING:

RISE & RUN, INC., License No. 46724

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Four (4) estimates provided by the Johnssons.

Exhibit 3 – A piece of flooring from the Johnsson residence.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated September 25, 2012.

Hearing Officer Cavin ordered Respondent to repair the staircase at the Johnsson residence by November 21, 2012. Respondent's license limit shall be lowered to \$50,000.00. Respondent shall submit a current compiled financial statement with bank verification forms for all cash accounts that support the license limit within sixty (60) days of the November 14, 2012 hearing. The Respondent was ordered to contact its insurance company, Anderson Flooring and Virginia Hardwood regarding a monetary settlement for the Johnssons. This matter shall be brought back before Hearing Officer Cavin on December 13, 2012 for further discipline.

3. DISCIPLINARY HEARING:

RENOVATIONS OF LAS VEGAS, INC., License No. 72107

Licensee was present at the hearing and represented by counsel, Eric Dobberstein, 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 September 26, 2012.

Exhibit B – Respondent's Memorandum Points and Authorities in Support of Answer to the Complaint dated October 31, 2012.

Exhibit C – Correspondence from Eric Dobberstein, Esq. dated November 9, 2012.

Hearing Officer Cavin found Respondent guilty of 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) failure to include its license number and monetary license limit on its contracts; one (1) violation of NRS 624.3016(5), as set forth in NRS 624.600(1)(a)(b) failing to provide the homeowner with the name, license number, business address and telephone number of (a) all subcontractor on the project and (b) all persons who furnish material of the value of \$500; one (1) violation of NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license.

The Fifth Cause of Action was dismissed. The First, Second and Seventh Causes of Action are held in abeyance for sixty (60) days. Respondent was assessed a fine of \$50.00 each for the Third and Fourth Causes of Action; a fine of \$500.00 for the Sixth Cause of Action; a fine of \$250.00 for the Eighth Cause of Action for total fines of \$850.00 and investigative costs of \$2,020.00. Fines and investigative costs are due within ninety (90) days of the November 14, 2012 hearing or license number 72107, Renovations of Las Vegas, Inc. shall be suspended. Respondent was ordered to submit an application for the necessary building permits for the Schinabeck Project within seven (7) days of the November 14, 2012 hearing.

4. DISCIPLINARY HEARING:

RE-BATH OF LAS VEGAS, LLC, License Nos. 57470, 57471, 69348

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

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated September 27, 2012.

Exhibit B – Respondent's Answer to the Amended Complaint dated October 3, 2012.

Exhibit C – A letter dated November 8, 2012 from Respondent's physician, Joshua Nadaud, M.D.

License numbers 57470, 57471 and 69348, Re-Bath of Las Vegas, LLC are suspended. This matter was continued for sixty (60) days.

5. DISCIPLINARY HEARING:

CREE CONCRETE, LLC, License No. 65492

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

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 September 26, 2012.

Hearing Officer Cavin found Respondent guilty of one (1) violation of NRS 624.3017(1) substandard workmanship; 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 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) failure to include its license number and monetary license limit on its contracts; one (1) violation of NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; one (1) violation of NRS 624.302(6) failure to comply with a written request from the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. The Second and Sixth Causes of Action were dismissed. Respondent was assessed a fine of \$500.00 each for the First, Third and Ninth Causes of Action; a fine of \$250.00 each for the Fourth, Seventh and Eighth Causes of Action; a fine of \$100.00 for the Fifth Cause of Action for total fines of \$2,350.00 and investigative costs of \$1,649.00. License number 65492, Cree Concrete, LLC shall be suspended until a current compiled financial statement with bank verification forms for all cash accounts are submitted to the Board 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. Fines and investigative costs are due within ninety (90) days of the November 14, 2012 hearing or license number 65492, Cree Concrete, LLC shall be revoked.

6. NEW APPLICATION DENIAL HEARING:

ALPHA GRANITE, LLC

Applicants were present but not represented by counsel at the hearing.

Hearing Officer Cavin tabled this matter for sixty (60) days to allow applicants the opportunity to clear up their credit report.

7. NEW APPLICATION DENIAL HEARING:

A. G. CONSTRUCTION, INC., dba GRASSO CONSTRUCTION

Applicant was present and represented by counsel at the hearing, Eric Dobberstein, Esq.

Hearing Officer Cavin denied the license application.

8. NEW APPLICATION DENIAL HEARING:

E. H. DESIGNS, LLC

Applicants were present and represented by counsel at the hearing, Eric Dobberstein, Esq.

Hearing Officer Cavin tabled this matter for sixty (60) days to allow applicants the opportunity to clear up their credit report.

9. NEW APPLICATION DENIAL HEARING:

ALTAIR HOLDINGS, LLC dba ADDITIONS N MORE

This matter was withdrawn.

10. NEW APPLICATION DENIAL HEARING:

M. K. HOUSE CONSTRUCTION, INC., dba iRECREATION

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Cavin at 12:41 p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Margaret Cavin, Hearing Officer