

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
Jan B. Leggett
Stephen P. Quinn

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING February 20, 2013

CALL TO ORDER:

Administrative Law Judge Jonathan Andrews, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, February 20, 2013, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

ADMINISTRATIVE LAW JUDGE PRESENT:

Mr. Jonathan Andrews, Esq.

BOARD MEMBERS PRESENT:

Mr. Donald Drake, Board Member
Mr. Jan B. Leggett, 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

Ms. Grein stated the agenda was posted in compliance with the open meeting law on February 13, 2013, 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.

ADMINISTRATIVE LAW JUDGE: Jonathan Andrews, Esq.

1. DISCIPLINARY HEARING: (Continued from November 14, 2012 and January 16, 2013)

RISE & RUN, INC., License No. 46724

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

The following Agency Exhibits were entered:

Exhibit 4 – The sign off document dated November 15, 2012.

The following Licensee Exhibits were entered:

Exhibit B – A Home Depot rental invoice dated December 8, 2010.

Exhibit C - A warranty reply card for Virginia Hardwoods.

Exhibit D - An invoice from Chavez Construction dated December 13, 2010.

Administrative Law Judge Andrews 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 NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; and 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; a fine of \$50.00 each for the Second and Third Causes of Action for total fines of \$600.00 and investigative costs of \$4,999.00. The Respondent was found in violation of the Fourth Cause of Action however a fine was not assessed. The Respondent shall make restitution to Hakan and Vilma Johnsson in the amount of \$20,000.00. Fines, costs and restitution shall be paid within sixty (60) days of the February 20, 2013 hearing or license number 46724, Rise & Run, Inc. shall be suspended.

2. DISCIPLINARY HEARING: (Continued from December 19, 2012)

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.

The following Agency Exhibits were entered:

Exhibit 2 – Respondent Bulldog Framing, LLC's letter to the Board dated January 28, 2013.

Exhibit 3 – Correspondence from Rosen Materials to the Board dated January 10, 2013.

Administrative Law Judge Andrews found Respondent Bulldog Framing, LLC guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility and one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. A fine was not assessed for the First Cause of Action. Investigative costs were assessed in the amount of \$2,915.00. License number 74171, Bulldog Framing, LLC shall be suspended until the Board's investigative costs are paid. If the investigative costs are timely paid, the Board shall accept the voluntary surrender of license number 74171, Bulldog Framing, LLC. License number 71064, H. C. Development, LLC and license number 39858, Reliabuilt Construction Company, LLC shall be suspended until such time as Steven Samuel Chelimsky is removed as an officer and qualified individual on the licenses.

3. DISCIPLINARY HEARING: (Continued from December 19, 2012)

HARVARD CONSTRUCTION COMPANY, INC., License No. 66500

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

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Administrative Law Judge Andrews 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 624.3011(1)(b)(1) violation of the building laws of the State; and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 each for the First, Second and Fourth Causes of Action; a fine of \$1,000.00 for the Third Cause of Action for total fines of \$2,500.00 and investigative costs of \$2,631.00. License number 66500, Harvard Construction Company, Inc. shall remain suspended until fines and investigative costs are paid and a current reviewed or audited financial statement that supports the license limit is provided. If the fines and investigative costs are not paid within ninety (90) days of the February 20, 2013 hearing, license number 66500, Harvard Construction Company, Inc. shall be revoked.

4. DISCIPLINARY HEARING:

A. L. S. DEVELOPMENT AND MANAGEMENT CORP., dba PAUL DAVIS RESTORATION OF SOUTHERN NEVADA, License Nos. 49038, 77072, 77073

A. L. S. DEVELOPMENT AND MANAGEMENT CORP., dba DEPENDABLE CONSTRUCTION, License No. 24161

Licensee was not present but was represented by Chris Glassburn at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – A February 19, 2103 e-mail from Christine Kendzora to the Board.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's revised contract.

Administrative Law Judge Andrews 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 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; and 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 and investigative costs of \$2,270.00. Fines were not assessed for the Second, Third and Fourth Causes of Action. Fines and investigative costs shall be paid within sixty (60) days of the February 20, 2013 hearing or license numbers 49038, 77072 and 77073, A. L. S. Development and Management Corp., dba Paul Davis Restoration of Southern Nevada and license number 24161, A. L. S. Development and Management Corp., dba Dependable Construction shall be suspended.

5. DISCIPLINARY HEARING:

TED MOUNT, OWNER, dba NATURAL ENERGY, License No. 24161

Licensee was present and represented by counsel at the hearing, Nikolas Mastrangelo, Esq.

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 February 7, 2013.

Administrative Law Judge Andrews found Respondent guilty of one (1) violation of NRS 624.302(1)(a) contracting, offering to contract or submitting a bid if the license has been suspended or revoked; 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. Respondent was assessed a fine of \$1,000.00 for the First Cause of Action; a fine of \$50.00 for the Second Cause of Action for total fines of \$1,050.00 and investigative costs of \$1,768.00. The Third Cause of Action was dismissed. Fines and investigative costs shall be paid within thirty (30) days of the February 20, 2013 hearing or license number 44635, Ted Mount, Owner, dba Natural Energy shall be suspended.

6. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. BENS FLOOR COVERING, INC., License No. 37311A

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Administrative Law Judge Andrews found Respondent Bens Floor Covering, Inc., license number 37311A 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 and one (1) violation of NRS 624.302(6) failure to comply with a written request from the Board. 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 of \$1,724.00. License number 37311A, Bens Floor Covering, 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 pay the fines and investigative costs prior to consideration of future licensure.

b. FLOOR COATING CREATIONS, LTD., License No. 52883

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Administrative Law Judge Andrews found Respondent Floor Coating Creations, LTD., license number 52883 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 and one (1) violation of NRS 624.3013(4) failure to keep its bond in force for the full period required by the Board. Respondent was assessed a fine of \$500.00 each for the First and Second Causes of Action for total fines of \$1,000.00 and investigative costs of \$1,752.00. License number 52883, Floor Coating Creations, LTD. 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.

7. NEW APPLICATION DENIAL HEARING: (Continued from January 16, 2013)

ENVIRONMENTAL LANDSCAPE, INC.

Applicant was present and represented by counsel at the hearing, Ian Christopherson, Esq.

This matter was continued.

8. NEW APPLICATION DENIAL HEARING: (Continued from January 16, 2013)

AMERICAN HOME MECHANICAL, LLC

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

Administrative Law Judge Andrews approved the license application for licensure classification C-21 (Refrigeration and Air Conditioning) with a \$10,000.00 monetary limit and \$2,000.00 bond.

9. NEW APPLICATION DENIAL HEARING: (Continued from January 16, 2013)

M & M CUSTOM PAINTS, INC.

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

Administrative Law Judge Andrews denied the license application.

10. NEW APPLICATION DENIAL HEARING: (Continued from January 16, 2013)

DANTES INTERIORS WEST

Applicant was not present at the hearing but was represented by counsel, Steven Scow, Esq.

This matter was continued.

11. NEW APPLICATION DENIAL HEARING: (Continued from December 19, 2012 and January 16, 2013)

SILVERADO CONSTRUCTION, LLC

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

This matter was continued for thirty (30) days.

12. NEW APPLICATION DENIAL HEARING:

TALON HOMES, INC.

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

Administrative Law Judge Andrews approved the license application for licensure classification B-2 (Residential and Small Commercial) with a \$635,000.00 monetary limit and \$20,000.00 bond.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Administrative Law Judge Andrews at 11:14 a.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Jonathan Andrews, Esq., Administrative Law Judge