

**BRIAN SANDOVAL**  
Governor

## STATE OF NEVADA



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**MEMBERS**  
Guy M. Wells, Chairman  
Thomas "Jim" Alexander  
Kevin E. Burke  
Margaret Cavin  
Joe Hernandez  
Jan B. Leggett  
Stephen P. Quinn

## STATE CONTRACTORS BOARD

### MINUTES OF THE MEETING May 22, 2013

#### **CALL TO ORDER:**

Administrative Law Judge Richard Scotti, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, May 22, 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:**

Richard Scotti, Esq.

#### **BOARD MEMBER PRESENT:**

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 May 16, 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: Richard Scotti, Esq.**

#### **1. DISCIPLINARY HEARING:** (Continued from March 20, 2013)

#### **D. K. R. M. COMMERCIAL BUILDERS, INC.,** License No. 67676

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 Scotti found Respondent D. K. R. M. Commercial Builders, Inc., license number 67676 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**

624.3011(1)(b)(2) violation of the safety laws or labor 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 for the Second Cause of Action for total fines of \$1,500.00 and investigative costs of \$2,612.00. License number 67676, D. K. R. M. Commercial Builders, Inc. was revoked.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.

**2. DISCIPLINARY HEARING:**

**RIDGELINE RESTORATION, INC., dba BEACON CONSTRUCTION,** License No. 77578

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 Amended Complaint received April 18, 2013.

**Administrative Law Judge Scotti found Respondent guilty of one (1) violation of NRS 624.302(6) failure to comply to a written request from the Board; one (1) violation of NRS 624.3016(7) misrepresentation of a material fact; one (1) violation of NRS 624.3013(5), as set forth in NRS 624.284 a contractor’s license issued does not authorize a contractor to construct or repair a mobile home. Respondent was assessed a fine of \$250.00 for the First Cause of Action; a fine of \$1,000.00 for the Second Cause of Action; a fine of \$500.00 for the Third Cause of Action for total fines of \$1,750.00 and investigative costs of \$2,026.00. Respondent shall pay the fines and investigative costs within thirty (30) days of the May 22, 2013 hearing or license number 77578, Ridgeline Restoration, Inc., dba Beacon Construction shall be suspended.**

**3. DISCIPLINARY HEARING:**

**SUNSET DESIGNS ARCHITECTURAL POOLS,** License No. 46656

**BRIAN DAVID INGRAM, OWNER, dba SUNSET DESIGNS ARCHITECTURAL LANDSCAPES,** License No. 38591

**B. L. INGRAM & ASSOCIATES, INC.,** License No. 72631

**B. L. INGRAM & ASSOCIATES, INC., dba SUNSET STONE & TILE,** License Nos. 74676, 74677, 74678

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

The following Agency Exhibits were entered:

Exhibit 1 – Board’s Hearing File.

Exhibit 2 – An e-mail from Gary Menist to the Board dated May 20, 2013.

**Administrative Law Judge Scotti found Respondent Sunset Designs Architectural Pools guilty of one (1) violation of NRS 624.3017(1) substandard workmanship; one (1) violation of NRS 624.3016(4) failure to provide the required lien notices; one (1) violation of NRS 624.3016(5), as set forth in NRS 624.940(3) failing to include in contract method whereby owner may initial provisions of the contract; one (1) violation of NRS 624.3016(5), as set forth in NRS 624.940(3)(b)(1)(2) failure to include in contract a notice stating that the owner may contact the Board for assistance and has the right to**

request a payment and performance bond; one (1) violation of NRS 624.3016(5), as set forth in NRS 624.940(2)(g) failure to include in the contract the initial down payment or deposit paid; 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; two (2) violations of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent Sunset Designs Architectural Pools was assessed a fine of \$500.00 each for the First, Third, Fourth, Fifth and Sixth Causes of Action; a fine of \$250.00 for the Seventh Cause of Action for total fines of \$2,750.00 and investigative costs of \$2,108.00. The Second Cause of Action was dismissed. License number 46656, Sunset Designs Architectural Pools was suspended until a current financial statement that supports the license limit is provided to the Board. If Respondent timely provides the financial statement, the \$250.00 fine shall be stayed. Respondent shall pay the fines and investigative costs within thirty (30) days of the May 22, 2013 hearing or license number 46656, Sunset Designs Architectural Pools, license number 38591, Brian David Ingram, Owner, dba Sunset Designs Architectural Landscapes, license number 72631, B. L. Ingram & Associates, Inc., and license numbers 74676, 74677 and 74678, B. L. Ingram & Associates, Inc., dba Sunset Stone & Tile shall be suspended.

#### **4. DISCIPLINARY HEARING:**

**THE ROOF DOCTOR, LLC**, License No. 70228

Licensee was present but not 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 February 10, 2013.

Exhibit B – A copy of Respondent's check to Frank DeMartino in the amount of \$600.00 dated March 27, 2013.

Administrative Law Judge Scotti found Respondent guilty of one (1) violation of NRS 624.3017(1) substandard workmanship; 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 investigative costs of \$1,623.00. Respondent was found in violation of the Third Cause of Action; however a fine was not assessed. The Second Cause of Action was dismissed. Respondent's license limit was reduced to \$15,000.00. Respondent shall pay the fine and investigative costs within thirty (30) days of the May 22, 2013 hearing or license number 70228, The Roof Doctor, LLC shall be suspended. Respondent shall provide a current financial statement with bank verification forms for all cash accounts that support the license limit within sixty (60) days of the May 22, 2013 hearing or license number 70228, The Roof Doctor, LLC shall be suspended. If the financial statement supports a higher limit, the license limit shall be raised to the amount that the financial statement supports.

#### **5. DISCIPLINARY HEARING:**

**A TO Z IMPROVEMENTS, INC.**, License Nos. 70656, 52901

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

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – A City of Henderson Corrective Notice issued to Respondent dated March 28, 2013.

Exhibit 3 – A proposal from Home Masters in the amount of \$8,880.00 and a proposal from GraEagle Construction in the amount of \$12,417.83 provided by Cindy Pegram.

Exhibit 4 – A proposal from Louis Lionetti in the amount of \$8,725.00 provided by Cindy Pegram.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint received April 22, 2013.

**Administrative Law Judge Scotti 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 NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; 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 624.3011(1)(b)(1) violation of the building laws of the State; 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 \$100.00 for the Third Cause of Action; a fine of \$600.00 for the Fourth Cause of Action; a fine of \$500.00 for the Fifth Cause of Action for total fines of \$1,200.00 and investigative costs of \$2,173.00. Respondent was found in violation of the First Cause of Action; however a fine was not assessed. The Second and Sixth Causes of Action were dismissed. Respondent was ordered to pay restitution to Cindy Pegram in the amount of \$8,725.00 within thirty (30) days of the May 22, 2013 hearing or license numbers 70656 and 52901, A to Z Improvements, Inc. shall be suspended. Respondent shall pay the fines and investigative costs within ninety (90) days of the May 22, 2013 hearing or license numbers 70656 and 52901, A to Z Improvements, Inc. shall be suspended.**

**6. DISCIPLINARY HEARING:** (Stipulated Revocation)

**a. KIRKWOOD STONE, TILE & CARPET, INC., dba KIRKWOOD STONE, TILE & CARPET, INC.,** License Nos. 63459, 63462, 63465, 66182

**KIRKWOOD STONE, TILE & CARPET, INC., dba KIRKWOOD CONSTRUCTION SERVICES, INC.,** License No. 74653

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 correspondence to the Board dated April 26, 2013.

**Administrative Law Judge Scotti found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.302(6) failure to comply with a written request from 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 of \$1,780.00. License numbers 63459, 63462, 63465 and 66182, Kirkwood Stone, Tile & Carpet, Inc., dba Kirkwood Stone, Tile & Carpet, Inc. and license number 74653, Kirkwood Stone, tile & Carpet, Inc., dba Kirkwood Construction Services, Inc. were revoked.**

**b. SPLASH DESIGNS, LLC,** License No. 74305

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

The following Agency Exhibits were entered:

Exhibit 1 – Board’s Hearing File.

Exhibit 2 – Respondent’s correspondence to the Board dated April 30, 2013.

Administrative Law Judge Scotti found Respondent 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 624.302(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 each for the Second and Third Causes of Action for total fines of \$1,000.00 and investigative costs of \$1,772.00. License number 74305, Splash Designs, 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.

#### **7. DISCIPLINARY HEARINGS – DEFAULT ORDERS:**

##### **a. LEGACY CONSTRUCTION ENTERPRISES,** License No. 50647

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 Scotti found Respondent Legacy Construction Enterprises, license number 50647 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 624.3016(2) a conviction of a violation of NRS 624.730 or a conviction of a felony relating to the practice of a contractor; one (1) violation of NRS 624.3013(5), as set forth in NRS 624.265(1) failure to possess good character; 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 of \$1,640.00. License number 50647, Legacy Construction Enterprises 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. R-COAT PAINTING AND DRYWALL, INC.,** License No. 67321

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 Scotti found Respondent R-Coat Painting and Drywall, Inc., license number 67321 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. Respondent was assessed a fine of \$500.00 for the First Cause of Action and investigative costs of \$1,662.00. License number 67321, R-Coast Painting and Drywall, 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.

##### **c. G & A CORPORATION, dba DURANGO FLOORING CENTER,** License Nos. 70105, 70106, 70107

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 Scotti found Respondent G & A Corporation, dba Durango Flooring Center, license numbers 70105, 70106 and 70107 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Respondent was found guilty of one (1) violation of NRS 624.3011(1)(b)(4) violation of the laws of this State regarding industrial insurance; 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(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 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$500.00 each for the First, Second, Third and Fourth Causes of Action for total fines of \$2,000.00 and investigative costs of \$1,662.00. License numbers 70105, 70106 and 70107, G & A Corporation, dba Durango Flooring Center 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.**

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned by Administrative Law Judge Scotti at 11:55 a.m.

Respectfully Submitted,

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Melinda Mertz, Recording Secretary

APPROVED:

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Margi A. Grein, Executive Officer

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Richard Scotti, Esq., Administrative Law Judge