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STATE OF NEVADA



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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
June 18, 2014

CALL TO ORDER:

Jonathan Andrews, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, June 18, 2014, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

ADMINISTRATIVE LAW JUDGE:

Mr. Jonathan Andrews, Esq.

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George Lyford, Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

Mr. Richard Scotti, Esq., Legal Counsel

Mr. Lyford stated the agenda was posted in compliance with the open meeting law on June 12, 2014, at Paseo Verde Library, 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.

2. DISCIPLINARY HEARING:

SOUTHWEST STONE AND TILE, INC., License Nos. 46544, 46545

Licensee was present and was represented by counsel at the hearing, Tennille Pereira, Esq.

The following Agency Exhibits were entered:

Exhibit #2 – Respondent's Summary of Creditors Payments Made Post-Petition Periods as of June 13, 2014.

ALJ Andrews ordered Respondent to provide a copy of its bankruptcy plan; provide a list of creditor payments as of December 31, 2014 and prior to the June 2015 hearing; continue providing monthly financial updates. The licenses remain on Probation. The Respondent shall provide a current reviewed or audited financial statement as soon as financial able. This matter was continued to June of 2015.

3. DISCIPLINARY HEARING: (Stipulated Revocation)
(Continued from January 22, 2014, March 19, 2014, April 23, 2014)

BARAJAS & ASSOCIATES, INC., License No. 69858

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

The following Agency Exhibits were entered:

Exhibit 3 – Order to Vacate Stay Order Against Nevada State Contractors Board vacated May 14, 2014.

ALJ Andrews found Respondent guilty of one (1) violation of NRS 624.3012(2) failure to pay any money when due and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Fines and costs were not assessed due to Respondent's Chapter 11 bankruptcy filing. License number 69858, Barajas & Associates, Inc. was revoked.

4. DISCIPLINARY HEARINGS:

COURTNEY LAWN & LANDSCAPE, dba COURTNEY LANDSCAPE & POOLS,

License Nos. 67883, 55372

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – A June 17, 2014 e-mail between Richard Scotti, Esq. and Craig Marquez, Esq.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated June 2, 2014.

Upon the Stipulation of the parties, ALJ Andrews found Respondent guilty of one (1) violation of NRS 624.3011(1)(a) willful departure or disregard of plans without the consent of the owner; one (1) violation of NRS 624.3016(5), as set forth in NRS 624.940(2)(d) contract failed to include estimated completion date; one (1) violation of NRS 624.3016(5), as set forth in NRS 624.940(2)(h) contract failed to include a statement that contractor has provided the owner the notice and informational form required by NRS 624.600; one (1) violation of NRS 624.3016(5), as set forth in NRS 624.940(3)(b)(1) and (2) contract failed to contain notice stating the owner may contact the Board and the owner has the right to request a payment and performance bond; one (1) violation of NRS 624.3016(5), as set forth in NAC 624.6958(2)(i)(2) contract failed to contain statement that contractor has provided all notices and forms to homeowner; one (1) violation of NRS 624.3016(5), as set forth in NAC 624.6958(2)(n) contract failed to contain that contractor shall provide to each subcontractor and supplier prompt payment upon completion of each phase; one (1) violation of NRS 624.3016(5), as set forth in NAC 624.6958(2)(o) contract failed to contain a statement the contractor shall provide the owner a full an unconditional release upon payment. The First, Second, Third, Eleventh and Twelfth Causes of Action were dismissed. Respondent was assessed a fine totaling \$3,000.00 for the Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Tenth Causes of Action and investigative costs of \$1,000.00. Respondent's license limits for license numbers 67883 and 55372 were reduced to \$80,000.00. Fines and investigative costs are to be paid within thirty (30) days of the June 18, 2014 hearing or license numbers 67883, Courtney Lawn & Landscape, dba Courtney Landscape & Pools shall be suspended.

5. DISCIPLINARY HEARINGS:

SOUTHWEST AIR CONDITIONING, INC., License No. 9679

SOUTHWEST AIR CONDITIONING SERVICE, INC., License No. 11556

SOUTHWEST PLUMBING, INC., License No. 35044

Licensee was not present but was represented by counsel at the hearing, Bryce Buckwalter, 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 June 15, 2014.

This matter was continued to August 20, 2014.

6. DISCIPLINARY HEARINGS:

FRONTIER BUILDERS INT., LLC, License No. 76794

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – A June 16, 2014 letter from Richard Scotti, Esq. to Respondent Lavar Short.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated June 3, 2014.

Exhibit B - A June 12, 2014 letter from Respondent to the Board.

Exhibit C - Two (2) photos of the Pita House project.

Upon the Stipulation of the parties, ALJ Andrews found Respondent guilty of one (1) violation of NRS 624.3011(1)(b)(1) disregard of the building laws of this State. The Second Cause of Action is dismissed. Respondent was assessed a fine of \$1,000.00 for the First Cause of Action and investigative costs of \$1,000.00. Fines and investigative costs are to be paid within thirty (30) days of the June 18, 2014 hearing or license number 76794, Frontier Builders Int., LLC shall be suspended.

7. DISCIPLINARY HEARINGS:

DYNAMIC COMMISSIONING SOLUTIONS, INC., License Nos. 68198, 68473

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 letter dated June 6, 2014.

ALJ Andrews found Respondent 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. Investigative costs were assessed in the amount of \$1,586.00. License numbers 68198 and 68473 were placed on Probation until a current reviewed or audited financial statement with bank

verification form for all cash accounts that supports the license limit is provided to the Board. Investigative costs are to be paid prior to the licenses coming off Probation.

8. DISCIPLINARY HEARINGS – DEFAULT ORDER:

a. QUALITY CONTRACTING, LLC, dba QUALITY COMMERCIAL MAINTENANCE, License No. 74839

QUALITY COMMERCIAL MAINTENANCE, INC, License No. 43394

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

This matter was continued to July 23, 2014.

b. R 2 W, INC., License No. 57629

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

ALJ Andrews found Respondent R 2 W, Inc., license number 57629 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 \$1,589.00. License number 57629, R 2 W, 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.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by ALJ Andrews at 10:42 a.m.

Respectfully Submitted,



Melinda Mertz, Recording Secretary

APPROVED:



Margi A. Grein, Executive Officer

Jonathan Andrews, Esq., Administrative Law Judge