

BRIAN SANDOVAL
Governor

STATE OF NEVADA



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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING

May 24, 2017

CALL TO ORDER:

Noah Allison, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, May 24, 2017, 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. Noah Allison, Esq.

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Paul Rozario, Director of Investigations
Mr. George Lyford, Associate Director
Mr. Ron Lynn, Director of Operations

LEGAL COUNSEL PRESENT:

Mr. Louis Ling, Esq.

Ms. Grein stated the agenda was posted in compliance with the open meeting law on April 13, 2017, 2017, 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: NOAH ALLISON, ESQ.

1. DISCIPLINARY HEARING:

ENVISION CONCRETE, LLC, License Nos. 73979, 68277

ENVISION CONSTRUCTION, LLC, License No. 81781

Licensee was not present but was represented by Eric Dobberstein, Esq. 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 February 28, 2017.

ALJ Allison found Respondent guilty of one (1) violation of NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license and one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(6) failing to ascertain that each person whose bid on a construction project

is appropriately licensed. Respondent was assessed a fine of \$2,000.00 for the First Cause of Action and a fine of \$500.00 for the Second Cause of Action for total fines of \$2,500.00 and investigative costs of \$1,640.00. The Third, Fourth and Fifth Causes of Action were dismissed. Fines and investigative costs are due within ninety (90) days of the May 24, 2017 hearing or license numbers 73979 and 68277, Envision Concrete, LLC and license number 81781, Envision Construction, LLC shall be revoked. The Board accepted the voluntary surrender of license numbers 73979 and 68277, Envision Concrete, LLC.

2. DISCIPLINARY HEARING:

HOME MASTERS, License Nos. 32799, 32797, 32801, 46308, 73315A

Licensee was not present but was represented by Eric Dobberstein, Esq. 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 April 6, 2017.

ALJ Allison 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 and one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. The First, Second and Fourth Causes of Action were dismissed. Respondent was assessed a fine of \$100.00 for the Third Cause of Action and investigative costs of \$2,047.00. Respondent shall pay restitution to Mariane Watkins and Paul Nelson in the amount of \$4,306.00 per the Settlement Agreement and Mutual Release. Respondent shall pay fines, costs and restitution within thirty (30) days of the May 24, 2017 hearing or license numbers 32799, 32797, 32801, 46308 and 73315A, Home Masters shall be suspended. The license limit on license number 46308 shall be reduced to \$245,000.00.

3. DISCIPLINARY HEARING:

KEVIN LEE ROBINSON, OWNER, dba KEVCO CONSTRUCTION & DESIGN, License No. 30505

KEVIN LEE ROBINSON, OWNER, dba HUNTER ELECTRIC, License No. 38140

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 May 15, 2017.

ALJ Allison found Respondent 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 624.3013(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. Respondent was assessed a fine of \$1,000.00 for the First Cause of Action and a fine of \$250.00.00 for the Second Cause of Action for total fines of \$1,250.00 and investigative costs of \$1,705.00. Respondent was ordered to provide a completed bank verification form to the Board by Friday, May 26, 2017 to prove its financial wherewithal. A current compliant financial statement that supports the license limits shall be provided within thirty (30) days of the May 24, 2017 hearing. Fines and investigative cost are to be paid and a current compliant financial statement provided within thirty (30) days of

the May 24, 2017 hearing or license number 30505, Kevin Lee Robinson, Owner, dba Kevco Construction & Design and license number 38140, Kevin Lee Robinson, Owner, dba Hunter Electric shall be suspended.

4. DISCIPLINARY HEARING:

C. W. S. CONTRACTORS, LLC, License Nos. 63206, 61155

This matter was continued to August 2, 2017.

5. DISCIPLINARY HEARING:

GRANT CARL ROBINSON, OWNER, dba GRANT ROBINSON CONSTR, License No. 48330

Licensee was present and represented by Jeffrey F. Spencer, Esq. 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 May 1, 2017.

Exhibit B - Respondent's Designation of Witnesses and Production of Documents.

ALJ Allison found Respondent guilty of one (1) violation of NRS 624.3011(1)(b)(4) violation of the laws of this State regarding industrial insurance and one violation of NRS 624.3013(5) failure in any material respect to comply with the provisions of this chapter or the regulations of the Board. The Second, Third, Fourth and Sixth Causes of Action were dismissed. Respondent was assessed a fine of \$1,000.00 for each of the First and Fourth Causes of Action for total fines of \$2,000.00 and investigative costs of \$2,219.00. Fines and investigative costs are to be paid within thirty (30) days of the May 24, 2017 hearing or license number 48330 shall be suspended.

6. DISCIPLINARY HEARING: (Continued from April 19, 2017)

INDEPENDENT POWER CORPORATION, License Nos. 59203, 51945

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

ALJ Allison continued this matter to July 19, 2017.

7. DISCIPLINARY HEARING: (Continued from April 19, 2017)

DESERT ROOFING, LLC, License No. 76069

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 April 28, 2017.

ALJ Allison found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. The First and Second Causes of Action were dismissed. Respondent was found in violation of the Third Cause of action; however a fine and investigative costs were not

assessed due to Respondent's Chapter 7 bankruptcy. The Board accepted the voluntary surrender of license number 76069, Desert Roofing, LLC.

8. DISCIPLINARY HEARING: (Continued from April 19, 2017)

NEVADA COMMERCIAL FLOORING, LLC, License Nos. 71237, 81437

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 May 4, 2017.

ALJ Allison found Respondent guilty of one (1) violation of NRS 624.302(2) failure to comply with a written citation issued within the time permitted for compliance; 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. Respondent was assessed a fine of \$1,000.00 for the First Cause of Action; a fine of \$250.00 for the Second Cause of Action for total fines of \$1,250.00 and investigative costs of \$3,120.00. License numbers 71237 and 81437, Nevada Commercial Flooring, LLC were reinstated to Active status. Fines and investigative costs are to be paid within ninety (90) days of the May 24, 2017 hearing or license numbers 71237 and 81437, Nevada Commercial Flooring, LLC shall be revoked. The license limit on license number 71237 shall be reduced to \$130,000.00.

9. DISCIPLINARY HEARING: (Continued from March 22, 2017, April 19, 2017)

HARTCO DESIGN BUILDERS, dba HARTCO, License No. 36126

HARTCO ELECTRIC, INC., License No. 55137B

Licensee was present and represented by Georlen Spangler, Esq. at the hearing.

The following Agency Exhibits were entered:

Exhibit 130-135 – Drawing #GP1, sheets A1, A2, A2.5, A4 and A5.

Confidential Exhibit 1 – Respondent's Financial Statement.

ALJ Allison found Respondent HARTCO guilty of one violation of NRS 624.302(6) failure to comply with a written request from the Board; one (1) violation of NRS 624.3017(1) workmanship which is not commensurate with the standards of the trade in general; 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. The First, Third and Fifth Causes of Action were dismissed. Respondent HARTCO was assessed a fine of \$500.00 for each of the Second and Sixth Causes of Action and a fine of \$1,000.00 for the Fourth Cause of Action for total fines of \$2,000.00 and investigative costs of \$4,572.00. A current compliant financial statement with a bank verification form that supports the license limit is due within thirty (30) days of the May 24, 2017 hearing or license number 36126, Hartco Design Builders, dba HARTCO and license number 55137B, Hartco Electric, Inc. shall be revoked. Fines and investigative costs are to be paid within sixty (60) days of the May 24, 2017 hearing or license number 36126, Hartco Design Builders, dba HARTCO and license number 55137B, Hartco Electric, Inc. shall be revoked.

a. FOY DRYWALL & PAINTING, LLC, License Nos. 68558, 71446

MODERN ELEMENTS DEVELOPMENT, LLC, License Nos. 79299, 80427

Licensees were not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

ALJ Allison found Respondent Foy Drywall & Painting, LLC, license numbers 68558 and 71446 and Modern Elements Development, LLC, license numbers 79299 and 80427 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Respondent Foy Drywall & Painting, LLC was found guilty of one (1) violation of NRS 624.3012(2) failure to pay any money when due for any materials or services rendered in connection with his operations as a contractor; 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 624.3013(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. Respondent Foy Drywall & Painting, LLC was assessed a fine of \$1,000.00 for each of the First and Second Causes of Action and a fine of \$500.00 for the Third Cause of Action for total fines of \$2,500.00 and investigative costs of \$1,869.00. License numbers 68558 and 71446, Foy Drywall & Painting, LLC and license numbers 79299 and 80427, Modern Elements Development, LLC were revoked. Respondents are 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. U. S. ENERGY WINDOWS, LLC, License No. 78371

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

ALJ Allison found Respondent U. S. Energy Windows, LLC, license number 78371 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 624.3017(1) workmanship which is not commensurate with the standards of the trade in general; 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 \$1,000.00 for the First Cause of Action; a fine of \$250.00 for the Second Cause of Action; a fine of \$50.00 for the Third Cause of Action; a fine of \$100.00 for the Fourth Cause of Action; a fine of \$500.00 for the Fifth Cause of Action for total fines of \$1,900.00 and investigative costs of \$1,824.00. License number 78371, U. S. Energy Windows, 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.

c. KATHLEEN FRANCES CHMIELEWSKI, OWNER, dba NU ERA WROUGHT IRON,
License No. 53034

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

ALJ Allison found Respondent Kathleen Frances Chmielewski, Owner, dba Nu Era Wrought Iron, license number 53034 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 624.3013(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 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; one (1) violation of NRS 624.302(6) failure to comply with a written request by the Board; one (1) violation of NRS 624.3013(4) failure to keep in force the bond for the full period required by the Board; one (1) violation of NRS 624.3013(5), as set forth in NRS 624.165(3)(e)(2) failure to possess any other license required by this State or a political subdivision of this State; and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$50.00 for the First Cause of Action; a fine of \$100.00 for the Second Cause of Action; a fine of \$250.00 for the Third Cause of Action; a fine of \$500.00 for each of the Fourth, Fifth and Sixth Causes of Action for total fines of \$1,900.00 and investigative costs of \$1,755.00. License number 53034, Kathleen Frances Chmielewski, Owner, dba Nu Era Wrought Iron 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.

d. EDGED ENTERPRISES, INC., License No. 79137

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

ALJ Allison continued this matter was to June 21, 2017.

ADJOURNMENT

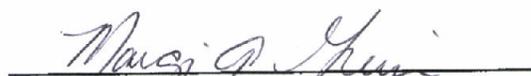
There being no further business to come before the Board, the meeting was adjourned by ALJ Allison at 5:03 p.m.

Respectfully Submitted,



Melinda Mertz, Recording Secretary

APPROVED:


Margi A. Grein, Executive Officer
Noah Allison, Esq., Administrative Law Judge