

**MEMBERS**

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Melissa Caron  
Joe Hernandez  
Kent Lay  
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Guy M. Wells



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**STATE CONTRACTORS BOARD**

**MINUTES OF THE MEETING**

**September 19, 2018**

**CALL TO ORDER:**

Noah Allison, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, September 19, 2018, 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

**LEGAL COUNSEL PRESENT:**

Mr. Jack Juan, Esq.

Ms. Grein stated the agenda was posted in compliance with the open meeting law on September 13, 2018, 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:**

**TOMMY LEE COLLIER, OWNER, dba AIR UNLIMITED**, License No. 53339

Licensee was present and was represented by John Wickett, Esq. at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board's File.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint received August 15, 2018.

**ALJ Allison found Respondent guilty of one (1) violation of NRS 624.3017(1) workmanship not commensurate with the standards of the trade in general; 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; and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. The Second and Fifth Causes of Action were dismissed. Respondent was assessed a fine of \$1,000.00 for the First Cause of Action; a fine of \$500.00 for the Third Cause of Action; a fine of \$100.00 for the Fourth**

Cause of Action; and a fine of \$250.00 for the Sixth Cause of Action for total fines of \$1,850.00 and investigative costs of \$2,056.00. Restitution was ordered to Jason Shepard in the amount of \$5,400.00 to be paid within thirty (30) days of the September 19, 2018 hearing. Fines and investigative costs are to be paid within sixty (60) days of September 19, 2018 hearing. Respondent's license, number 53339 was suspended until a current compliant financial statement with bank verification form for all cash accounts that supports the license limit is provided to the Board. If the financial statement does not support the license limit, the license limit will be lowered to the amount the financial statement supports. Respondent may complete existing projects during the suspension. License shall be reactivated upon providing the financial statement. Failure to comply with the Decision and Order shall result in the revocation of license number 53339, Tommy Lee Collier, Owner, dba Air Unlimited.

**2. DISCIPLINARY HEARING:**

**M & R FIRE PROTECTION, LLC**, License No. 69511

Respondent was not present nor 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 to the Board dated August 28, 2018.

ALJ Allison found Respondent guilty one (1) violation of NRS 624.302(6) failure to comply with a written request by the Board; 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 NAC 624.640(3) failure to notify the Board of a change of address within 30 days; and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 for each of the First, Second and Fourth Causes of Action; a fine of \$100.00 for each of the Third Cause of Action for total fines of \$1,600.00 and investigative costs of \$1,824.00. License number 69511, M & R Fire Protection, 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.

**3. DISCIPLINARY HEARING:** (Continued from July 18, 2018)

**EXCAL CONSTRUCTION, INC.**, License No. 40957A

Licensee was present and represented by John Wright, Esq. at the hearing.

ALJ Allison ordered Respondent to provide a current compliant financial statement with bank verification form for all cash accounts that supports the license limit by September 28, 2018. Failure to provide shall result in the suspension of license number 40957A, Excal Construction, Inc. This matter was continued to October 17, 2018.

**4. DISCIPLINARY HEARING:** (Continued from July 18, 2018)

**URENA, LLC**, License Nos. 67701, 67732

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

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 624.3015(2) contracting for a sum in excess of the limit placed on the license by the Board. The Third, Fourth and Fifth Causes of Action were dismissed. Respondent was assessed a fine of \$500.00 for each of the First and Second Causes of Action for total fines of \$1,000.00 and investigative costs of \$2,784.00. Licenses were reactivated. Fines and investigative costs are to be paid within ninety (90) days of the September 19, 2018 hearing or license number 67701, Urena, LLC shall be suspended.

#### **5. DISCIPLINARY HEARING: DEFAULT ORDERS**

##### **a. QUALITY AIR CONDITIONING & HEATING, INC.,** License No. 73705

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 Quality Air Conditioning & Heating, Inc., license number 73705 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 624.3012(2) failure to pay any money when due; 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 by the Board; and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$1,000.00 for each of the First, Second, Third and Fourth Causes of Action for total fines of \$4,000.00 and investigative costs of \$978.00. License number 73705, Quality Air Conditioning & Heating, 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. ALVA PAINT & DRYWALL, LLC,** License No. 78556

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 Alva Paint & Drywall, LLC, license number 78556 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 624.302(6) failure to comply with a written request by the Board; one (1) violation of NRS 624.302(7) failure to comply with an order of the Board; one (1) violation of NRS 624.3014(2)(a) aiding or abetting an unlicensed person to evade the provisions of this chapter; one (1) violation of NRS 624.3011(1)(b)(4) violation of the laws of this State regarding industrial insurance; and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$1,000.00 for each of the First, Second, Third, Fourth and Fifth Causes of Action for total fines of \$5,000.00 and investigative costs of \$1,001.00. License number 78556, Alva Paint & Drywall, 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.

**ADJOURNMENT**

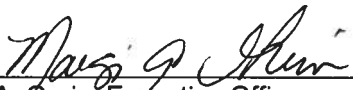
There being no further business to come before the Board, the meeting was adjourned by ALJ Allison at 10:47 a.m.

Respectfully Submitted,



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Melinda Mertz, Recording Secretary

APPROVED:



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Margi A. Grein, Executive Officer