

STEVE SISOLAK
Governor

MEMBERS
Margaret Cavin, Chair
Kevin Burke
Joe Hernandez
Kent Lay
Jan B. Leggett
Melissa Maguire
Guy M. Wells

STATE OF NEVADA



STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
January 9, 2019

REPLY TO:

Northern Nevada
5390 Kietzke Lane
Suite 102
Reno, Nevada 89511
(775) 688-1141
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Southern Nevada
2310 Corporate Circle
Suite 200
Henderson, Nevada 89074
(702) 486-1100
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Investigations (702) 486-1110

CALL TO ORDER:

Matthew Addison, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, January 9, 2019, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

ADMINISTRATIVE LAW JUDGE:

Mr. Noah Allison, Esq.
Mr. Matt Addison, Esq.

STAFF MEMBERS PRESENT:

Ms. Margi A. Grein, Executive Officer
Mr. Paul Rozario, Director of Investigations
Mr. Fred Schoenfeldt, Investigations Supervisor
Ms. Susan Broili-Kamesch, Licensing Supervisor – Reno
Ms. Bree Welch, Licensing Supervisor - Henderson

LEGAL COUNSEL PRESENT:

Mr. Jack Juan, Esq., Legal Counsel
Mr. Louis Ling, Esq., Legal Counsel

Fred Schoenfeldt stated the agenda was posted at Reno City Hall, Washoe County Court House, South Valleys Library, Paseo Verde Library, Sawyer State Building, Clark County Library, both offices of the Board, on the Board's Internet Website and the Nevada Public Notice Website.

ADMINISTRATIVE LAW JUDGE: NOAH ALLISON, ESQ.

1. DISCIPLINARY HEARING: Continued from November 7, 2018

Gallaway Ventures Inc, dba Handyman Connection, License No. 68632

Licensee was present.

ALJ Allison found the Respondent Gallaway Ventures Inc, dba Handyman Connection, license number 68632 guilty of violating NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; NRS 624.3017(1) substandard workmanship; NRS 624.3011(2), if a contractor performs construction without obtaining any necessary building permit there is a rebuttable presumption that the contractor willfully and deliberately violated the building laws of this State or of its political subdivisions NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner and NRS 624.3013(3) failure to establish financial responsibility. Mr. Gallaway was ordered to pay a fine of \$500.00 each for the First, Second, Fourth Causes of Action, \$50.00 for the Fifth Cause of Action and \$500.00 for the Tenth Cause of Action for a total fine of \$2,050.00. Licensee was ordered to furnish a current financial statement to the Board and pay fines and investigative cost of \$3,742.00 within 90 days of January 9, 2019 hearing or license number 68632 will automatically be revoked. The Third, Sixth, Seventh, Eighth, Ninth Causes of Action were dismissed.

ADMINISTRATIVE LAW JUDGE: MATT ADDISON, ESQ.

2. DISCIPLINARY HEARING: Continued from November 7, 2018

Nikam Development Company, License No. 41513

Licensee was not present but was represented by Paul E. Larson, Esq.

The following Agency Exhibit was entered:

Exhibit 1 – Board's Hearing File

ALJ Addison accepted the stipulated agreement between both parties and orders as follows, Nikam Development Company, license number 41513 was found guilty of violating NRS 624.3014(2)(b) combining or conspiring with an unlicensed person to perform an unauthorized act; NRS 624.3014(2)(a) aiding or abetting an unlicensed person to evade the provisions of this chapter; NRS 624.302(7) failure to comply with a written request of the Board; NRS 624.3013(1) failure to keep records and NRS 624.3013(3) failure to establish financial responsibility. Mr. Azouz stipulated to pay a fine of \$200.00 for the Second Cause of Action, \$500.00 for the Third Cause of Action, \$1,000.00 for the Fourth Cause of Action, \$250.00 for the Sixth Cause of Action and \$500.00 for the Seventh Cause of Action for a total fine of \$2,450.00 and investigative cost of \$2,018.00 to be paid within 60 days of January 9, 2019 hearing or license number 41513 will automatically be revoked. The First and Fifth Causes of Action were dismissed. Licensee shall place its license on inactive status and if licensee seeks to reinstate its license, a current financial statement and bond shall be provided.

3. DISCIPLINARY HEARING:

Neil Earl Schultz, Owner/Qualified Individual dba, Schultz Construction, License No. 0006673A

Licensee was not present but was represented by Jeff Spencer, Esq.

The following Agency Exhibit was entered:

Exhibit 1 – Board's Hearing File

ALJ Addison accepted the stipulated agreement between both parties and orders as follows, Neil Earl Schultz, dba Schultz Construction, license number 0006673A was found guilty of violating NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; NRS 624.302(7) failure to comply with a written request of the Board; NRS 624.3011(1)(b)(1) failure to comply with the building laws of the state; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3014(2) aiding or abetting an unlicensed person to evade the provisions of this chapter and NRS 624.3013(3) failure to establish financial responsibility. Mr. Schultz stipulated to pay a fine of \$250.00 for the First Cause of Action, \$1,000.00 for the Second Cause of Action, \$1,000.00 for the Fourth Cause of Action, \$50.00 for the Fifth Cause of Action, \$100.00 for the Sixth Cause of Action and \$500.00 for the Eighth Cause of Action for a total fine of \$2,900.00 and investigative cost of \$2,087.00 to be paid within 60 days of January 9, 2019 hearing or license number 0006673A will automatically be revoked. The Third and Seventh Causes of Action were dismissed. Licensee shall place its license on inactive status and if licensee seeks to reinstate its license, a current financial statement and bond shall be provided.

4. DISCIPLINARY HEARING-DEFAULT HEARING:

R M Enterprises LLC, dba Ruby Mountain Woodworking, License No. 81547

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board's Hearing File

ALJ Addison found the Respondent R M Enterprises LLC dba, Ruby Mountain Woodworking, license number 81547 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Licensee was found guilty of NRS 624.3015(2) for bidding to contract or contracting for a sum for one construction contract or project in excess of the limit placed on the license by the Board; NRS 624.3014(1)(a) by acting in the capacity of a contractor under any license issued hereunder except in the name of the licensee as set forth upon the license; NRS 624.302(2)(7) by failing to comply with a written citation issued pursuant to NRS 624.341 within the time permitted for compliance set forth in the citation and NRS 624.3013(3) failure to establish financial responsibility. The Licensees have filed Chapter 13 Bankruptcy. License number 81547 was revoked. Respondent shall pay a fine of \$1,000.00 for the First Cause of Action, \$100.00 for the Second Cause of Action, \$50.00 for the Third Cause of Action and \$500.00 for the Fourth Cause of Action for a total fine in the amount of \$1,650.00 and reimburse the Board for investigative costs of \$2,680.00 and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

5. DISCIPLINARY HEARING:

A1 Builder Investments Inc., License No. 75988

Licensee was not present but was represented by Jeff Spencer, Esq.

The following Agency Exhibit was entered:

Exhibit 1 – Board’s Hearing File

ALJ Addison continued this matter to February 6, 2019 to allow the Respondent to provide to the Board a current financial statement that supports its monetary license limit within thirty (30) days or license number 75988 will automatically be suspended and 60 days to appear back before the ALJ on March 6, 2019.

6. FINANCIAL RESPONSIBILITY HEARING:
Avaya Inc., License No. 51702

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board’s Hearing File

ALJ Addison requested the Respondent to provide the following information prior to the February 6, 2019 hearing:

- Reviewed or audited financial statement prepared by an independent certified public accountant that is current within one (1) year for Avaya Inc. that supports their current unlimited license monetary limit.
- Submit an application to our office to change the corporate officer’s reflected on Avaya Inc., license number 51702.
- Provide the payment plan related to the Chapter 11 bankruptcy filed by Avaya Inc. along with the current status of the bankruptcy.

7. FINANCIAL RESPONSIBILITY HEARING:
R E C Solar Commercial Corporation, License No. 80860

Licensee was not present.

The following Agency Exhibit was entered:

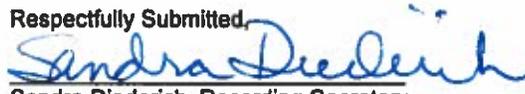
Exhibit 1 – Board’s Hearing File

ALJ Addison vacated this matter.

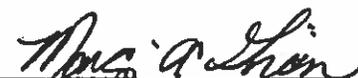
ADJOURNMENT

The meeting was adjourned by ALJ Addison at 10:45a.m. on January 9, 2019.

Respectfully Submitted,


Sandra Diederich, Recording Secretary

APPROVED:


Margi A. Grein, NSCB Executive Officer