

STEVE SISOLAK
Governor

STATE OF NEVADA



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MEMBERS

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

STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
January 23, 2019**

CALL TO ORDER:

Noah Allison, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, January 23, 2019, 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 January 16, 2019, 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: (Continued from October 17, 2018 and November 14, 2018)

AWESOME FLOORS, INC., License Nos. 71939, 59488

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

ALJ Allison ordered Respondent to pay restitution to Kathleen DeFloria in the amount of \$7,860.00 within sixty (60) days of January 23, 2019 or license number 71939, Awesome Floors, Inc. shall be suspended. The First, Second, Third, Fourth and Fifth Causes of Action were dismissed.

2. DISCIPLINARY HEARING: (Continued from November 14, 2018)

PANDA WINDOWS AND DOORS, LLC, License No. 54716

Licensee was present and represented by Carrie Hurtik, Esq. at the hearing.

ALJ Allison continued this matter to March 20, 2019.

3. DISCIPLINARY HEARING: (Continued from December 19, 2018)

G. V. S. CONSTRUCTION, LLC, License Nos. 80553, 83309, 83631

Respondent was present and represented by Leah Martin, Esq. at the hearing.

ALJ Allison found Respondent guilty of one (1) violation of NRS 624.302(5) failure to respond to a written request by the Board. Respondent was assessed a fine of \$250.00 for the Third Cause of Action and investigative costs of \$3,510.00. The First, Second, Fourth and Fifth Causes of Action were dismissed. Fine and investigative costs are to be paid within thirty (30) days of the January 23, 2019 hearing or license number 80553, G. V. S. Construction, LLC shall be suspended.

4. DISCIPLINARY HEARING: (Continued from December 19, 2018)

NEW AIR, INC., License No. 67501

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

ALJ Allison found Respondent 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 Fourth Cause of Action and investigative costs of \$1,500.00. The First, Second and Third Causes of Action were dismissed. Fine and investigative costs are to be paid within ninety (90) days of the January 23, 2019 hearing. If Respondent timely pays the fine and investigative costs, the Board will accept the voluntary surrender of license number 67501, New Air, Inc.

5. DISCIPLINARY HEARING:

ALTARAY NV, LLC, License No. 83657

BELL ELECTRICAL SYSTEMS, LLC, dba 1 SOLAR, License No. 58771A

Licensee was present and represented by Blair Jackson, 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 received December 4, 2018.

ALJ Allison found Respondent Altaray NV, LLC guilty of one (1) violation of NRS 624.3013(5), as set forth in NRS 624.700(1)(a)(b) contracting without an active license; one (1) violation of NRS 624.3011(1)(b)(1) violation of the building laws of the State; one (1) violation of NRS 624.302(6) failure to comply with a written request by the Board; 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. The Sixth Cause of Action was dismissed. Respondent Altaray NV, LLC was assessed a fine of \$1,000.00 for each of the First and Second Causes of Action; a fine of \$250.00 for the Third Cause of Action; and a fine of \$500.00 for the Fourth Cause of Action for total fines of \$2,750.00 and investigative costs of \$2,159.00. Respondent Altaray NV, LLC was found in violation of the Fifth Cause of Action; however a fine was not assessed. Respondent Altaray NV, LLC shall provide a current compliant financial statement with bank verification form for all cash accounts that supports the license limit within one (1) week of January 23, 2019 hearing or license number 83657, Altaray NV, LLC shall be suspended. Fines and investigative costs are to be paid within sixty (60) days of the January 23, 2019 hearing or license number 83657, Altaray NV, LLC shall be revoked.

6. DISCIPLINARY HEARING:

SECOND OPINION PLUMBING, LLC, License Nos. 80242, 81646

ICY HOT HVAC, LLC, License No. 82975

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 received December 21, 2018.

Exhibit B – An e-mail from the City of North Las Vegas Building Department dated September 24, 2018.

ALJ Allison found Respondent guilty of one (1) violation of NRS 624.3011(1)(b)(1) violation of the building laws of the State. The Second Cause of Action was dismissed. Respondent was assessed a fine of \$250.00 for the First Cause of Action and investigative costs of \$979.00. Fine and investigative costs are to be paid within thirty (30) days of the January 23, 2019 hearing or license number 80242, Second Opinion Plumbing, LLC shall be suspended.

7. DISCIPLINARY HEARING:

FIRST NATION CONCRETE CONSTRUCTION, LLC, License No. 65492

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

The following Agency Exhibits were entered:

Exhibits 1 thru 72 – Board Hearing File.

Exhibits 73 thru 83 – Clark County Fence/Block Wall Building Permit Code; nine (9) photos of the Dixon residence taken by Investigator Gary Copenhaver; and Boral concrete products information page.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint received January 16, 2019.

ALJ Allison found Respondent guilty of one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct and one (1) violation of NRS 624.3015(2) contracting for a sum for one construction contract in excess of the license limit. The First, Fourth and Fifth Causes of Action were dismissed. Respondent was assessed a fine of \$1,000.00 for each of the Second and Third Causes of Action for total fines of \$2,000.00 and investigative costs of \$1,998.00. Fines and investigative costs are to be paid within sixty (60) days of the January 23, 2019 hearing or license number 65492, First Nation Concrete Construction, LLC shall be suspended.

8. DISCIPLINARY HEARING:

LANDSCAPE SPECIALTIES, INC., dba L S I, License No. 80399

OUTDOORS BY BLUE & GREEN, INC., License No. 83499

BLUE & GREEN SERVICES, LLC, License No. 73934

Licensees were 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 received December 20, 2018.

ALJ Allison found Respondent 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 and 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. The First, Second, Fifth and Sixth Causes of Action were dismissed. Respondent was assessed a fine of \$250.00 for each of the Third and Fourth Causes of Action for total fines of \$500.00 and investigative costs of \$2,240.00. Fines and investigative costs are to be paid within thirty (30) days of the January 23, 2019 hearing or license number 80399, Landscape Specialties, Inc., dba L. S. I. shall be revoked.

DISCIPLINARY HEARING: DEFAULT ORDERS

a. NEW IMAGE CONTRACTING, INC., License No. 55152

B & C CONSTRUCTION, License No. 78242

B & C GROUPS, LLC, dba TRITON INDUSTRIES, License No. 78840

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 Respondents New Image Contracting, Inc., license number 55152, B & C Construction, license number 78242 and B & C Groups, LLC, dba Triton Industries, license number 78840 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Respondent New Image Contracting, Inc. was found guilty of one (1) violation of NRS 624.301(5) failure to comply with the terms of a construction contract; one (1) violation of NRS 624.3017(1) workmanship not commensurate with the standards of the trade in general; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; one (1) violation of NRS 624.301(2) abandonment of a construction project when the percentage of the project completed is less than the percentage paid to the contractor; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.3016(5), per NRS 624.600 failure to provide required notices to homeowner; 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(3) failure to establish financial responsibility; and (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent New Image Contracting, Inc. was assessed a fine of \$1,000.00 for each of the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Causes of Action for total fines of \$8,000.00 and investigative costs of \$2,291.00. License number 55152, New Image Contracting, Inc., license number 78242, B & C Construction, and license number 78840, B & C Groups, LLC, dba Triton Industries 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.

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 Vision Landscape, LLC, license number 80253 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; two (2) violations of NRS 624.302(6) failure to comply with a written request by the Board; one (1) violation of NRS 624.3017(1) workmanship not commensurate with the standards of the trade in general; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; two (2) violations of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; two (2) violations 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 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; 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, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh and Twelfth Causes of Action for total fines of \$12,000.00. Investigative costs were not assessed due to Respondent's Chapter 7 bankruptcy filing. License number 80253, Vision Landscape, LLC was revoked. Respondent is required to pay the fines prior to consideration of future licensure.

ADJOURNMENT

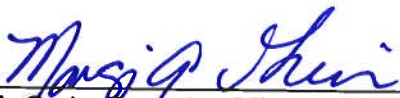
There being no further business to come before the Board, the meeting was adjourned by ALJ Allison at 12:04 p.m.

Respectfully Submitted,



Melinda Mertz, Recording Secretary

APPROVED:



Margi A. Grein, Executive Officer