

KENNY C. GUINN  
Governor

STATE OF NEVADA



STATE CONTRACTORS BOARD

MINUTES OF THE MEETING  
March 1, 2005

REPLY TO:

LAS VEGAS  
2310 Corporate Circle  
Suite 200  
Henderson, Nevada 89074  
(702) 486-1100  
Fax (702) 486-1190  
Investigations (702) 486-1110

[www.nscb.state.nv.us](http://www.nscb.state.nv.us)

RENO  
9670 Gateway Drive, Suite 100  
Reno, Nevada 89521  
(775) 688-1141  
Fax (775) 688-1271  
Investigations (775) 688-1150

**1. CALL TO ORDER:**

Hearing Officer Jerry Higgins called the meeting of the State Contractors Board to order at 9:00 a.m., Tuesday, March 1, 2005, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

**BOARD MEMBERS PRESENT:**

Mr. Jerry Higgins

**STAFF MEMBERS PRESENT:**

Mr. George Lyford, Director of Investigations  
Mr. Gary Hoid, Deputy Director of Investigations

**LEGAL COUNSEL PRESENT:**

Mr. Bruce Robb, Esq., Legal Counsel  
Ms. Laura Browning, Esq., Legal Counsel

Mr. Lyford stated Investigator Ron Carney posted the agenda in compliance with the open meeting law on February 23, 2005, at Reno City Hall, Washoe County Court House and Washoe County Library. The agenda was also posted in both offices of the Board, Henderson and Reno and on the Board Internet Website.

**ADJUDICATING BOARD MEMBER: JERRY HIGGINS**

**2. DISCIPLINARY HEARING:**

**SPARKS DEVELOPMENT AND CONSTRUCTION**, LICENSE NO. 56988  
**SPARKS CONSTRUCTION COMPANY**, LICENSE NO. 53454  
**RENO CONSTRUCTION COMPANY**, LICENSE NO. 41932

Licensee was present with Counsel Paul Malikowski, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Set of pictures, 5 pages

Exhibit A – Packet of documents provided by Counsel on behalf of Sparks Development  
Letter from Ron Schmitt dated July 6, 2004 with invoice number 040702-1  
Letter from Ron Schmitt dated July 12, 2004 with invoice number 040701-2, 040702-3  
Washoe County Permit  
Quotation from Western Nevada Supply

Punch list dated August 25, 2004  
Special Inspection Report dated August 26, 2004  
Letter from Ron Schmitt dated August 29, 2004  
Letter dated October 10, 2004  
Letter dated October 12, 2004  
Letter dated October 15, 2004 requesting list of all plumbing and electrical subs  
Letter from Mr. & Mrs. Morse dated October 15, 2004  
Letter from Ron Schmitt dated October 18, 2004  
Letter from Mr. & Mrs. Morse dated October 25, 2004  
Letter dated November 3, 2004 from Gary Hoid  
Letter dated November 8, 2004 from Gary Hoid  
Letter from Ron Schmitt dated November 10, 2004  
Letter from Paul J. Malikowski dated November 11, 2004  
Letter dated November 23, 2004 to Paul Malikowski from Gary Hoid  
26 pages of photos  
Letter from Ron Schmitt dated December 10, 2004  
Business card of Sparks Development and Construction

Hearing Officer Higgins found Respondent Ron P. Schmitt, dba Sparks Development and Construction, license number 56988, Sparks Construction Company, license number 53454 and Reno Construction Company, license number 41932 guilty of violating NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NRS 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3016(6) failure to comply with NRS 624.600 which requires disclosures by general building contractors; NRS 624.3013(5), as set forth in NAC 624.640(5) each licensee shall include in all bids he submits or contracts he enters into for construction work within this State, the number of his license and any monetary limit placed upon his license; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(5) failure or refusal to cooperate in an investigation; NRS 624.302(6) failure or refusal to comply with a written request by the Board for information or records; NRS 624.301(5) willful failure or refusal to comply with terms of a construction contract or written warranty thereby causing material injury to another; NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action. Mr. Schmitt was assessed a fine of \$100.00 each for the First, Second, Third, Fourth, Fifth, Sixth, and Eighth Causes of Action for a total fine of \$700.00. The Licensee was found guilty of the Tenth Cause of Action with no fine imposed. The Seventh and Ninth Causes of Action are dismissed. A one-year letter of Reprimand shall be placed in the Respondent's license file numbers 56988, 53434 and 41932. Licensee shall remove the lien on the property and excuse the remaining balance due from the homeowner. Investigative costs were assessed in the amount of \$1,753.00. Fines and costs are to be paid within 60 days from March 1, 2005 or license numbers 56988, 53434 and 41932 will automatically be Suspended.

### **3. DISCIPLINARY HEARING:**

**RAIL CITY GARDEN CENTER, INC.,** LICENSE NO. 49148

Hearing Officer Higgins continued this matter.

### **4. DISCIPLINARY HEARING:**

**SIERRA CUSTOM CONCRETE,** LICENSE NO. 56781

Licensee was present with Counsel Robert Fry, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Letter dated September 15, 2004 from Gary Hoid regarding onsite meeting.

Exhibit 3- Bid on Concrete

Exhibit 4 – Notice of Lien

Hearing Officer Higgins found Respondent Christopher Sieben, dba Sierra Custom Concrete, license number 56781 guilty of violating NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NRS 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3013(5), as set forth in NAC 624.640(5) each licensee shall include in all bids he submits or contracts he enters into for construction work within this State, the number of his license and any monetary limit placed upon his license. Mr. Sieben was assessed a fine of \$250.00 for the Second and Fourth Causes of Action and a fine of \$100.00 for the Third Cause of Action for a total fine of \$600.00. Licensee shall remove the lien on the property. Investigative costs were assessed in the amount of \$1,345.00. Fines and costs are to be paid within 60 days from March 1, 2005 or license number 56781 will automatically be Suspended.

#### **5. DISCIPLINARY HEARING:**

##### **WESTLAND CONSTRUCTION, LICENSE NO. 20727**

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – 5 pages of estimates to repair remaining work.

Exhibit 3 – Photos from jobsite revisit

Hearing Officer Higgins found Respondent James D. Goldberg, dba Westland Construction, license number 20727 guilty of violating NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3016(6) failure to comply with NRS 624.600 which requires disclosures by general building contractors; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with a written request from the Board for information or records. Mr. Goldberg was assessed a fine of \$250.00 each for the First, Second, Fifth, and Sixth Causes of Action and a fine of \$100.00 for the Third Cause of Action for a total fine of \$1,100.00. Investigative costs were assessed in the amount of \$1,376.00. Mr. Goldberg is to provide a current financial statement prepared by a Certified Public Accountant that supports the monetary license limit within 60 days from March 1, 2005. The Licensee shall release the lien from the property within 7 days. Fines and costs are to be paid within 60 days and a current financial statement provided or license number 20727 will automatically be Suspended.

#### **6. DISCIPLINARY HEARING – DEFAULT ORDERS:**

##### **a. SIERRA HARDWOOD & REFINISHING, LICENSE NO. 43703**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent Chris E. Butler, dba Sierra Hardwood & Refinishing, license number 43703 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Butler was found guilty of violating NRS 624.301(2)

abandonment; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3013(5), as set forth in NAC 624.640(5) each licensee shall include in all bids he submits or contracts he enters into for construction work within this State, the number of his license and any monetary limit placed upon his license; NRS 624.3013(3) failure to establish financial responsibility. License number 43703 Chris E. Butler, dba Sierra Hardwood & Refinishing was Revoked. Mr. Butler is required to pay full restitution to the damaged parties and reimburse the Board for investigative costs of \$2,499.00 and any expenses that may be paid out of the Residential Recovery Fund.

**b. CONSTRUCTION TECHNICIANS, LICENSE NO. 52672**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent Patricia Ann Zayas-McCarthy dba Construction Technicians, license number 52672 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative Complaint. Ms. Zayas-McCarthy was found guilty of violating NRS 624.3013(5), as set forth in NRS 624.263 failure to comply with the standards and criteria for determination of financial responsibility; NRS 624.3013(3) failure to establish financial responsibility. License number 52672, Patricia Ann Zayas-McCarthy dba Construction Technicians was Revoked. Ms. Zayas-McCarthy is required to pay full restitution to the damaged parties and reimburse the Board for investigative costs of \$1,268.00 and any expenses that may be paid out of the Residential Recovery Fund.

**c. M C NEUFFER COMPANY, LICENSE NO. 36842**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent Mark C. Neuffer dba M C Neuffer Company, license number 36842, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative Complaint. Mr. Neuffer was found guilty of violating NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.3016(6) failure to comply with NRS 624.600 which requires disclosure by general building contractors; NRS 624.3013(5), as set forth in NAC 624.640(5) each licensee shall include in all bids he submits or contracts he enters into for construction work within this State, the number of his license and any monetary limit placed upon his license; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.302(5) failure to cooperate in an investigation; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify the Board of change in personnel or address within 30 days after the change occurs. License number 36842, Mark C. Neuffer dba M C Neuffer Company was Revoked. Mr. Neuffer is required to pay full restitution to the damaged parties and reimburse the Board for investigative costs of \$2,746.00 and any expenses that may be paid out of the Residential Recovery Fund.

**d. R & R PARTNERSHIP, LLC, DBA R & R CONSTRUCTION, LICENSE NO. 55930**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Letter dated February 21, 2005 regarding Bankruptcy

Hearing Officer Higgins found Respondent Roger Wade Peters, Member and Richard Ray White, Member, R & R Partnership, LLC, dba R & R Construction license number 55930 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative Complaint. Mr. Peters was found guilty of two (2) violations of NRS 624.3017(1) substandard workmanship; Two (2) violations NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.3011(1)(a) willful and prejudicial departure from or disregard of plans or specifications without the consent of the owner; Two (2) violations of NRS 624.3012(2) willful or deliberate failure to pay money due for materials or services; Six (6) violations of NRS 624.301(2) abandonment; Two (2) violations of NRS 624.3012(3) failure to obtain the discharge or release of any lien recorded against the property to be improved upon; NRS 624.3013(3) failure to establish financial responsibility. License number 55930, R & R Partnership, LLC, dba R & R Construction, was Revoked. Mr. Peters is required to pay full restitution to the damaged parties and reimburse the Board for investigative costs of \$3,908.00 and any expenses that may be paid out of the Residential Recovery Fund.

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Higgins at 12:45 p.m.

Respectfully Submitted,

\_\_\_\_\_  
Sandy Diederich, Recording Secretary

APPROVED:

\_\_\_\_\_  
Margi Grein, Executive Officer

\_\_\_\_\_  
Jerry Higgins, Hearing Officer