

KENNY C. GUINN
Governor

STATE OF NEVADA



STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
October 5, 2005

REPLY TO:

LAS VEGAS
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Henderson, Nevada 89074
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RENO
9670 Gateway Drive, Suite
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Reno, Nevada 89521
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Investigations (775) 688-1150

CALL TO ORDER:

Hearing Officer Margaret Cavin called the meeting of the State Contractors Board to order at 9:04 a.m., Wednesday, October 5, 2005, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Ms. Margaret Cavin
Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

Ms. Nancy Mathias, Licensing Administrator
Mr. George J. Lyford, Director of Investigations
Mr. Fred Schoenfeldt, Supervisor, Special Investigations

LEGAL COUNSEL PRESENT:

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

The agenda was posted in compliance with the open meeting law on September 29, 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: MARGARET CAVIN

1. DISCIPLINARY HEARING:

FIORI CORPORATION, LICENSE NOS. 20135 and 20720
Continued from August 10, 2004

Hearing Officer Cavin dismissed the Fifth, Sixth and Seventh Causes of Action on the Koch complaint.

2. DISCIPLINARY HEARING, DEFAULT ORDER:

GIL ROBISON CONSTRUCTION & DEVELOPMENT, INC., LICENSE NO. 27770

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Cavin found Respondent, Gilbert Albert Robison, Owner, dba Gil Robison Construction & Development, Inc., license number 27770, in default and adopted the Findings of Fact

and Conclusions of Law as set forth in the Administrative complaint. Mr. Robison was found guilty of violating NRS 624.3017(1) substandard workmanship; NRS 624.3015(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.302(5) failure or refusal to cooperate in an investigation; NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify the Board if any change occurs in the licensee's address or personnel in writing of a change within 30 days; 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 624.3018(2) association of any act or omission constituting a cause for disciplinary action. License number 27770, Gilbert Albert Robison, Owner dba, Gil Robison Construction & Development, Inc., was Revoked. Mr. Robison is required to pay full restitution to the damaged parties and reimburse the Board for Investigative cost of \$1,782.00 and any expenses that may be paid out of the Residential Recovery Fund.

3. DISCIPLINARY HEARING:

LYNN HOUSE MOVING, LICENSE NO. 51611

Licensee was present with David Reese, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Letter dated June 16, 2005 from Suzanne G. Miller

The following Respondent Exhibits were entered:

Exhibit A – Signed agreement, addendum, invoice, statement, breakdown requested by Investigator

Exhibit B – Termination letter from Reilly

Exhibit C – Responses sent to Investigator Hoid

Exhibit D – Letters regarding Reilly's building permit signed by Reilly

Exhibit E – Tracking of personal loan to Reilly

Exhibit F – Photos showing Reilly destroyed and attempted to sell equipment

Hearing Officer Cavin found Respondent Suzanne Gayle Miller, Owner dba Lynn House Moving, license number 51611 guilty of violation 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 624.302(5) failure or refusal to cooperate in an investigation; Two (2) times NRS 624.3014(2)(a-d) Aiding or abetting an unlicensed person; NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner. Ms. Miller was assessed a fine of \$200.00 for the First, Second, Third, Fourth, Fifth, Sixth and Seventh Causes of Action for a total fine of \$1,400.00. The Eighth Cause of Action was dismissed. The Respondent is ordered to submit to a Business Review. The result of the Business Review will be presented to the Executive Officer. The Respondent will be provided billing and will reimburse the Board \$500.00 for the cost of the Business Review within 10 days of receipt of the billing. Failure to submit to the Business Review or reimburse the Board for the cost of the Business Review will result in the Suspension of the license. Ms. Miller was assessed the cost of the investigation in the amount of \$975.00. Fines and costs are to be paid within 90 days from October 5, 2005 or license number 51611 will be automatically suspended. The license of Lynn House Moving, License number 51611 will be placed on probation for a period of one year. The Respondent is ordered to reimburse the cost of the Residential Recovery Fund.

4. DISCIPLINARY HEARING:

ERICKSON ROOFING, LICENSE NO. 41776

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Cavin found the Respondent Rod Erickson, Owner, dba Erickson Roofing, license number 41776 guilty of violation NRS 624.3011(1)(b)(4) failure to comply with the building laws of the state regarding industrial insurance; NRS 624.3011(1)(b)(2) failure to comply with the safety laws or labor laws of the state; NRS 624.3016(7) misrepresentation or the omission of a material fact; NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer Cavin accepted the Surrender of license number 41776.

5. DISCIPLINARY HEARING, DEFAULT ORDER:

DESERT ROOFING, INC., LICENSE NO. 47976

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Cavin found Respondent, Alan Cage Kahill , Owner dba Desert Roofing Inc., license number 47976, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Kahill was found guilty of Two (2) violations of NRS 624.3017(1) substandard workmanship; Two (2) violations of NRS 624.3015(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; Two (2) violations of NRS 624.302(5) failure or refusal to cooperate in an investigation; NRS 624.301(2) abandonment of a construction project when the percentage of the project completed in less than the percentage of the total price of the contract paid; 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 624.302(6) failure or refusal to comply with a written request by the Board for information or records; NRS 624.3013(4) failure to keep in force the bond or cash deposit; NRS 624.3013(3) failure to establish financial responsibility. License number 47976, Alan Cage Kahill, Owner dba Desert Roofing Inc., was Revoked. Mr. Kahill is required to pay full restitution to the damaged parties and reimburse the Board for Investigative cost of \$2,757.00 and any expenses that may be paid out of the Residential Recovery Fund.

6. DISCIPLINARY HEARING:

AMERICAN CONCRETE, LICENSE NO. 57980

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Photos of jobsite visit

The following Respondent Exhibits were entered:

Exhibit A – Letter with photos from Design Outdoor, Inc.

Hearing Officer Cavin found Respondent Curtis Alan Conner, Owner dba American Concrete, license

number 57980 guilty of violation NRS 624.3017(1) substandard workmanship; NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license. Mr. Conner was assessed a fine of \$250.00 for the First and Fourth Causes of Action for a total fine of \$500.00. The Second, Third and Fifth Causes of Action are dismissed. Licensee shall pay Paver Scapes or another licensed C-18 contractor to complete the repairs on the D'Antoini project within 30 days from October 5, 2005 or license number 57980 will automatically be Suspended. Licensee shall not enter into any other paver contracts until Licensee has completed the test. Investigative costs were assessed in the amount of \$783.00. Fines and costs are to be paid within 120 days from October 5, 2005 or license number 57980 will automatically be Suspended.

7. DISCIPLINARY HEARING:

CUSTOM CARE, INC., LICENSE NO. 56025

Licensee was present.

The following Agency Exhibits were entered:

- Exhibit 1 – Board Hearing File
- Exhibit 2 – Bid from Truckee River Landscape
- Exhibit 3 – Letter dated May 23, 2005 from the Better Business Bureau
- Exhibit 4 – Bid from Little City Landscape
- Exhibit 5 – Proposal from Moana Nursery and Bugica Landscaping

Hearing Officer Cavin found Respondent Robert Neil Clabaugh, President, Custom Care, Inc., license number 56025 guilty of violation of NRS 624.3017(1) substandard workmanship; 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. Clabaugh was assessed a fine of \$250.00 for the First Cause of Action for a total fine of \$250.00. The Licensee was found guilty of the Fourth Cause of Action and a letter of reprimand shall be placed in the Respondent's license file number 56025. The Second, Third, Fifth and Sixth Causes of Action are dismissed. Investigative costs were assessed in the amount of \$500.00. Fines and costs are to be paid within 90 days from October 5, 2005 or license number 56025 will automatically be Suspended. The Licensee shall pay Nikolic a monetary settlement in the amount of \$2,300.00. The monetary settlement shall be paid within 90 days from October 5, 2005 or license number 56025 will automatically be Suspended.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Cavin at 12:35 p.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Margaret Cavin, Hearing Officer

ADJUDICATING BOARD MEMBER: JERRY HIGGINS

8. DISCIPLINARY HEARING:

CUSTOM CURB, LICENSE NO. 54312

Continued from September 7, 2005

Licensee was present with Philip Kreitlein, Esq.

Hearing Officer Higgins dismissed all charges.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Jerry Higgins, Hearing Officer