

KENNY C. GUINN  
Governor

STATE OF NEVADA

REPLY TO:



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**MEMBERS**

RANDALL SCHAEFER  
*Chairman*  
MARGARET CAVIN  
Vice Chair  
DAVID W. CLARK  
SPIRIDON FILIOS  
JERRY HIGGINS  
J. BRIAN SCROGGINS  
MICHAEL ZECH

**STATE CONTRACTORS BOARD**

**MINUTES OF THE MEETING**  
**April 20, 2005**

**These are DRAFT minutes not yet ratified by the Board.**

**CALL TO ORDER:**

Hearing Officer Scroggins called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, April 20, 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. Brian Scroggins  
Mr. Jerry Higgins

**STAFF MEMBERS PRESENT:**

Ms. Margi Grein, Executive Officer  
Mr. George Lyford, Director of Investigations  
Mr. Daniel Hammack, Chief of Enforcement  
Ms. Nancy Mathias, Licensing Administrator

**LEGAL COUNSEL PRESENT:**

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

**ADJUDICATING BOARD MEMBER: BRIAN SCROGGINS**

**1. DISCIPLINARY HEARING:**

**DO RITE SHEET METAL & A/C**, LICENSE NO. 17147  
**DO RITE, INC., DBA DO RITE SHEET METAL & A/C**, LICENSE NO. 19630

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Scroggins found Respondent David L. Ostrand, dba Do Rite Sheet Metal & A/C, license number 17147 and Do Rite, Inc., dba Do Rite Sheet Metal & A/C, David L. Ostrand, President, license number 19630 guilty of violation of NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify the Board of personnel or address change within 30 days after the change occurs; NRS 624.3013(5), as set forth in NAC 624.650(1) a licensee shall not permit his contracting business to be operated by an unlicensed or unqualified person; NRS 624.3013(2) misrepresentation; NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action. License number 19630, Do Rite, Inc., dba Do Rite Sheet Metal & A/C was Revoked. Mr. Ostrand was assessed a fine of \$250.00 for the First, Second and Eighth Causes of Action and a fine of \$500.00 for the Sixth

Cause of Action for a total fine of \$1,250.00. The Third, Fourth, Fifth and Seventh Causes of Action were dismissed. Investigative costs were assessed in the amount of \$1,480.00. Fines and costs are to be paid within 90 days from April 20, 2005 or license number 17147, David L. Ostrand, dba Do Rite Sheet Metal & A/C will automatically be Suspended. Mr. Ostrand is to furnish a current financial statement prepared by a Certified Public Accountant for license number 17147, David L. Ostrand, dba Do Rite Sheet Metal & A/C within 60 days from April 20, 2005 or license number 17147, David L. Ostrand, dba Do Rite Sheet Metal & A/C will automatically be Suspended. The Respondent is ordered to submit to a Business Review within 90 days from April 20, 2005. The result of the Business Review will be presented to the Executive Officer. The Respondent will be provided a billing and will reimburse the Board 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 the investigative cost will result in the Suspension of the license.

## **2. DISCIPLINARY HEARING:**

### **CERTIFIED GLASS AND MIRROR, LICENSE NO. 51283**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Certificate of Service dated April 6, 2005 and Notice of Time Change of Hearing dated April 1, 2005.

Exhibit 3 – Proposal for repair of the Wakefield residence.

Hearing Officer Scroggins found Respondent Michael W. Manus, dba Certified Glass and Mirror, license number 51283 guilty of violation of 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 624.302(5) failure to cooperate in an investigation; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with a written request for information or records; NRS 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 monetary limit placed upon his license. Mr. Manus was assessed a fine of \$250.00 for the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Causes of Action for a total fine of \$2,000.00. Investigative costs were assessed in the amount of \$1,490.00. Investigative costs are to be paid within 90 days from April 20, 2005 or license number 51283, Michael W. Manus dba, Certified Glass and Mirror will automatically be Revoked. Fines will be dismissed conditioned on Mr. Manus paying restitution to Kristie Wakefield in the amount of \$400.00 within 30 days. Mr. Manus is to furnish a current financial statement prepared by a Certified Public Accountant within 90 days from April 20, 2005 provided he chooses to retain a license.

## **3. DISCIPLINARY HEARING:**

### **GARY J. MORRISON HOLDING, INC., DBA ANDERSON CLOSETS AND CABINETS, CO., LICENSE NO. 52616**

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Copy of NAC 624.210 Classification C-3 Carpentry, Maintenance and Minor Repairs.

The following Respondent Exhibits were entered:

Exhibit A – Documents prepared by Counsel on behalf of Gary J. Morrison Holding, Inc., dba Anderson Closets and Cabinets, Co.

Notification of additional documentary evidence and notification of witnesses and  
Legal counsel dated April 8, 2005.

Request from the Contractors Board for exhibits dated March 24, 2005.

Confirmation of reimbursement in full and notice of completion dated March 9, 2005.

Copy of check issued to The Tina M. Walls Client Trust Account from Anderson Closets and  
Cabinets, Co. dated March 4, 2005.

Summary of fees to be reimbursed to Mr. & Mrs. Blackburn by Anderson Closets and Cabinets, Co.  
dated March 2, 2005.

Invoice from Helix Electric dated December 14, 2004.

Proposal from Southwest Desert Marble Restoration dated February 10, 2005.

Sales receipt (2).

Invoice from Larkin Plumbing Supply dated February 7, 2005.

Invoice from Baldwin & Taylor, Inc. dated January 10, 2005.

Three invoices from Larkin dated January 28, 2005, January 20, 2005 and January 18, 2005.

Two invoices from Larkin Plumbing Supply dated August 24, 2004 and January 13, 2005.

**Hearing Officer Scroggins found Respondent Gary J. Morrison Holding, Inc., dba Anderson Closets and Cabinets, Co., Gary J. Morrison, President, license number 52616 guilty of violation of NRS 624.3017(1) substandard workmanship; NRS 624.3015(2) bidding to contract or contracting for a sum for one construction or project in excess of the limit placed on the license by the Board; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; Two (2) violations of NRS 624.3015(3) knowingly entering into a contract with a contractor while that contractor is not licensed, or bidding to contract or entering into a contract with a contractor for work in excess of his limit or beyond the scope of his license; NRS 624.3011(1)(b)(1) willful or deliberate disregard and violation of the Building Laws of the State or of any political subdivision thereof; Two (2) violations of 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. Morrison was assessed a fine of \$300.00 for the First, Fourth, Seventh, Eighth, Ninth, Eleventh, Nineteenth and Twentieth Causes of Action, and a fine of \$100.00 for the Sixth Cause of Action for a total fine of \$2,500.00. The Second, Third, Fifth, Tenth, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth and Twenty-first Causes of Action were dismissed. Investigative costs were assessed in the amount of \$1,755.00. Fines and costs are to be paid within 60 days from April 20, 2005 or license number 52616, Gary J. Morrison Holding, Inc., dba Anderson Closets and Cabinets, Co. will automatically be Suspended. The Respondent is ordered to submit to a Business Review within 60 days from April 20, 2005. The result of the Business Review will be presented to the Executive Officer. The Respondent will be provided a billing and will reimburse the Board 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 the investigative cost will result in the Suspension of the license.**

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

**J O N CONSTRUCTION, CO.,** LICENSE NO. 43376

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

**Hearing Officer Scroggins found Respondent Peter S. Pandelis, dba J O N Construction, Co., license number 43376 guilty of violation of NRS 624.3014(2)(a)(b)(c) aiding or abetting an unlicensed person to evade the provisions of this chapter; combining or conspiring with an unlicensed person to perform an unauthorized act and allowing a license to be used by an unlicensed person; NRS**

624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with a written request for information or records; NRS 624.302(2) failure to comply with a written citation. License number 43376, Peter S. Pandelis, dba J O N Construction, Co. will be placed on inactive status. Mr. Pandelis was ordered to pay the remaining balance of the Administrative Citation in the amount of \$1,000.00. Investigative costs were assessed in the amount of \$1,233.00. Administrative Citation and costs are to be paid within 180 days or license number 43376, Peter S. Pandelis, dba J O N Construction, Co. will automatically be Revoked.

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

##### **MOUNTAIN CONTRACTING AND DEVELOPMENT, LICENSE NO. 50923**

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Scroggins found Respondent Kimn N. Morey, dba Mountain Contracting and Development, license number 50923 guilty of violation of NRS 624.302(6) failure to comply with a written request from the Board for information or records; 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 monetary limit placed upon his license. Mr. Morey was assessed a fine of \$100 for the Sixth Cause of Action and a \$250.00 fine for the Seventh, Eighth and Ninth Causes of Action for a total fine of \$850.00. The First, Second, Third, Fourth and Fifth Causes of Action were dismissed. Investigative costs were assessed in the amount of \$1,939.00. Mr. Morey is to pay restitution to Patrick Vinson in the amount of \$1,800.00. Fines, costs and restitution are to be paid within 60 days from April 20, 2005 or license number 50923, Kimn N. Morey, dba Mountain Contracting and Development will automatically be Suspended. Mr. Morey is to furnish a current financial statement prepared by a Certified Public Accountant within 60 days or license number 50923, Kimn N. Morey, dba Mountain Contracting and Development will automatically be Suspended.

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

##### **a. PERRINO COLLETTI, INC., DBA ELITE FLOORING, LICENSE NO. 55185**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Scroggins found Respondent Perrino Colletti, Inc., dba Elite Flooring, Michael J. Perrino, President, license number 55185, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Perrino was found guilty of NRS 624.302(5) failure to cooperate in an investigation; 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. License number 55185, Perrino Colletti, Inc., dba Elite Flooring was Revoked. Mr. Perrino is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,169.00 and any expenses that may be paid out of the Residential Recovery Fund.

**b. SMALL CARPENTRY PROJECTS**, LICENSE NO. 33619

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Scroggins found Respondent Charles L. Nelson, dba Small Carpentry Projects, license number 33619, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Nelson was found guilty of NRS 624.301(4) failure to prosecute a construction project with reasonable diligence, thereby causing material injury to another; NRS 624.3012(1) diversion of money or property; 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; 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. License number 33619, Charles L. Nelson, dba Small Carpentry Projects was Revoked. Mr. Nelson is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,072.00 and any expenses that may be paid out of the Residential Recovery Fund.

**c. ELECTRIC ONE, INC.**, LICENSE NO. 42428

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Scroggins found Respondent Electric One, Inc., Paul F. Butta, President, license number 42428, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Butta was found guilty of NRS 624.302(5) failure to cooperate in an investigation; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with a written request for information or records; NRS 624.302(1)(a) contracting, offering to contract or submitting a bid as a contractor if the contractors license has been suspended or revoked; NRS 624.3013(4) failure to keep in force the bond or cash deposit for the full period required by the Board. License number 42428, Electric One, Inc. was Revoked. Mr. Butta is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,173.00 and any expenses that may be paid out of the Residential Recovery Fund.

**d. EMPIRE PLUMBING, INC.**, LICENSE NO. 51461

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Scroggins found Respondent Empire Plumbing, Inc., Randy J. Perry, President, license number 51461, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Perry was found guilty of 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 624.301(4) failure to prosecute a construction project with reasonable diligence, thereby causing material injury to another; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with written request from the Board for information or records; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3011(1)(b)(2) willful disregard and violation of the safety laws or labor laws of the State. License number 51461, Empire Plumbing, Inc. was Revoked. Mr. Perry is required to pay

**full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,193.00 and any expenses that may be paid out of the Residential Recovery Fund.**

**e. HITEN, INC.**, LICENSE NO. 35470

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

**Hearing Officer Scroggins found Respondent Hiten, Inc., John A. Whitehouse, President, license number 35470, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Whitehouse was found guilty of NRS 624.302(5) failure to cooperate in an investigation; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with written request for information or records; NRS 624.3013(4) failure to keep in force the bond or cash deposit for the full period required by the Board. License number 35470, Hiten, Inc. was Revoked. Mr. Whitehouse is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,220.00 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 Zech at 12:00 p.m.

Respectfully Submitted,

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Traci Greenlee, Recording Secretary

APPROVED:

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Margi Grein, Executive Officer

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Brian Scroggins, Hearing Officer