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MEMBERS
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MARGARET CAVIN
Vice Chair
DAVID W. CLARK
SPIRIDON FILIOS
JERRY HIGGINS
J. BRIAN SCROGGINS
MICHAEL ZECH

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
August 17, 2005

These are DRAFT minutes not yet ratified by the Board.

CALL TO ORDER:

Hearing Officer Spiridon Filios called the meeting of the State Contractors Board to order at 9:00a.m., Wednesday, August 17, 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. Spiridon Filios
Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George Lyford, Director of Investigations
Mr. Chris Denning, Deputy Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

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

ADJUDICATING BOARD MEMBER: SPIRIDON FILIOS

1. DISCIPLINARY HEARING:

RIVETTE CONSTRUCTION, LICENSE NO. 46718

Licensee was present with Counsel Rex Bell, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Photographs taken by the Board's Investigator on January 10, 2005 of the Reed residence.

Exhibit 3 – Notice from Reed giving Respondent permission to obtain permits as owner/builder with copies of the permits.

Exhibit 4 – Invoice from Shawn Logan.

Exhibit 5 – Respondent's sub-contractors list.

Exhibit 6 – A notarized statement from James Rix dated August 10, 2005.

Exhibit 7 – Statement from E-Z Landscaping, Inc. dated August 8, 2005.

Exhibit 8 – Proposal from Alpha 1 Construction.

Exhibit 9 – Proposal from Hecker Real Estate & Development, 2 invoices from American Drywall, an invoice from Vegas Valley Painting & Drywall and an invoice from J & B Hauling.

Exhibit 10 – Plans of the Reed residence.

Hearing Officer Filios found Respondent Randy R. Rivette, dba Rivette Construction, license number 46718 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 624.3015(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 the license; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice; 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. Rivette was assessed a fine of \$500.00 for the First, Fifth and Eighth Causes of Action, a fine of \$250.00 for the Ninth Cause of Action, a fine of \$100.00 for the Sixth Cause of Action and a fine of \$50.00 for the Second Cause of Action for a total fine of \$1,900.00. The Third, Fourth, Seventh and Tenth Causes of Action were dismissed. Fines must be paid within 90 days from August 17, 2005 or license number 46718 Randy R. Rivette, dba Rivette Construction will automatically be Revoked. Mr. Rivette may Voluntarily Surrender license number 46718 if the fine of \$1,900.00 is paid fine within 90 days from August 17, 2005.

2. DISCIPLINARY HEARING:

MAC MAR, INC., LICENSE NOS. 18044, 29332, 29333

Licensee was present with Counsel Keith Gregory, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Filios found Respondent Mac Mar, Inc., Suzie Curlee, President, license numbers 18044, 29332 and 29333 guilty of violation of NRS 624.3015(2) 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 624.3011(1)(a) departure from or disregard of plans or specifications; NRS 624.3014(1)(a) 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; Two (2) violations of NRS 624.302(5) failure to cooperate in an investigation; 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. Ms. Curlee was assessed a fine of \$5,000.00 for the First Cause of Action, a fine of \$200.00 for the Third Cause of Action, a fine of \$500.00 for the Fourth and Sixth Causes of Action and a fine of \$1,000.00 for the Fifth Cause of Action for a total fine of \$7,200.00. The Second Cause of Action will be suspended until September 17, 2005 when the monetary settlement of \$25,000.00 is paid and all repairs are made. Investigative costs were assessed in the amount of \$2,009.00. Fines and costs must be paid within 30 days from August 17, 2005 or license numbers 18044, 29332 and 29333 Mac Mar, Inc. will automatically be Suspended. Ms. Curlee was ordered to furnish a financial statement prepared by a Certified Public Accountant within 15 days from August 17, 2005 or license numbers 18044, 29332 and 29333 Mac Mar, Inc. will automatically be Suspended.

3. DISCIPLINARY HEARING:

PROGRESSIVE LANDSCAPING, LICENSE NO. 56879

Licensee was present with Counsel Hal Taylor, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – A mutual release between Progressive Landscaping and Munoz.

Hearing Officer Filios found Respondent Progressive Landscaping, Daryl C. Byerly, President, license number 56879 guilty of violation of 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 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; Two (2) violations of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice; NRS 624.302(6) failure to comply with a written request from the Board for information or records; NRS 624.302(5) failure to cooperate in an investigation; Mr. Byerly was assessed a fine of \$100.00 for the First, Second, Third, Ninth and Tenth Causes of Action, a fine of \$250.00 for the Fifth Cause of Action and a fine of \$50.00 for the Fourth Cause of Action for a total fine of \$800.00. The Sixth, Seventh and Eighth Causes of Action were dismissed. Investigative costs were assessed in the amount of \$2,980.00. Fines and costs are to be paid within 120 days from August 17, 2005 or license number 56879 Progressive Landscaping will automatically be Suspended. The Respondent is ordered to submit to a Business Review within 90 days from August 17, 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:

TALLEY & SONS CONCRETE, INC., LICENSE NO. 41911A

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Filios found Respondent Talley & Sons Concrete, Inc., DeeAnn Talley, President, license number 41911A guilty of violation of NRS 624.3013(3) failure to establish financial responsibility. License number 41911A Talley & Sons Concrete, Inc. was Revoked. Ms. Talley is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,274.00 and any expenses that may be paid out of the Residential Recovery Fund.

5. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. FLORYS GENERAL CONTRACTING, LICENSE NO. 42202

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Filios found Respondent Roger D. Flory, dba Florys General Contracting, license number 42202, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Flory was found guilty of violation of NRS 624.3015(2) 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 624.3013(3) failure to establish financial responsibility; Two (2) violations of NRS 624.302(6) failure to comply with a written request from the Board for information or records. License number 42202, Roger D. Flory, dba Florys General Contracting was Revoked. Mr.

Flory is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,107.00 and any expenses that may be paid out of the Residential Recovery Fund.

b. GERALD BRYAN CONSTRUCTION, LICENSE NO. 47543

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter was continued to allow the Respondent to consult with his attorney.

c. J & R K M S CUSTOM FLOORING, INC., DBA K M S CUSTOM FLOORING, LICENSE NOS. 53092, 53093 AND 53361

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Filios found Respondent J & R K M S Custom Flooring, Inc., dba K M S Custom Flooring, Monte Deltotto, Secretary, license numbers 53092, 53093 and 53361 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Deltotto was found guilty of violation 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; NRS 624.313(5), as set forth in NAC 624.640(3) failure to notify the Board of change of address or personnel within 30 days after the change occurs; NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action. License number 53092, 53093 and 53361, J & R K M S Custom Flooring, Inc., dba K M S Custom Flooring was Revoked. Mr. Deltotto is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,345.00 and any expenses that may be paid out of the Residential Recovery Fund.

d. DLACO RESURFACE, LICENSE NO. 54100

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Filios found Respondent Darrell L. Alston, dba Dlaco Resurface, license number 54100 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Alston was found 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; Two (2) violations of NRS 624.302(5) failure to cooperate in an investigation; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice; 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 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. License number 54100, Darrell L. Alston, dba Dlaco Resurface was Revoked. Mr. Alston is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,509.00 and any expenses that may be paid out of the Residential Recovery Fund.

e. BECK INDUSTRIES, INC., LICENSE NO. 40846

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Filios found Respondent Beck Industries, Inc., Barbara E. Kimball, President, license number 40846 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Ms. Kimball was found guilty of violation of NRS 624.314(2)(a)(b)(c)(d) 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; allowing a license to be used by an unlicensed person and acting as agent, partner or associate of an unlicensed person; NRS 624.305(1)(2) no license may be used for any purpose by any person other than the person to whom such license is issued, and no license may be assigned, transferred or otherwise disposed of to permit the unauthorized use thereof; the license of any person who violates any provision of this section shall be automatically cancelled and revoked; NRS 624.302(2) failure to comply with a written citation issued within the time permitted or compliance set forth in the citation or if a hearing is held within 15 days of the hearing; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with a written request by the Board for information or records. License number 40846, Beck Industries, Inc. was Revoked. Ms. Kimball is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$5,519.00 and any expenses that may be paid out of the Residential Recovery Fund.

f. SPORTS INTERNATIONAL, INC., LICENSE NO. 53551

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – A letter from Respondent requesting the hearing be rescheduled.

This matter was continued to allow the Respondent to be present.

g. J M GAIR & ASSOICATES, LICENSE NO. 26789A

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Filios found Respondent J M Gair & Associates, James M. Gair, President, license number 26789A in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Gair was found guilty of Three (3) violations of NRS 624.3017(1) substandard workmanship; Three (3) violations of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; Three (3) violations 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 26789A, J M Gair & Associates was Revoked. Mr. Gair is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$2,421.00 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 Filios at 12:10 p.m.

Respectfully Submitted,

Traci Greenlee, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Spiridon Filios, Hearing Officer