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STATE CONTRACTORS BOARD

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

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

1. CALL TO ORDER:

Chairman Randy Schaefer called the meeting of the State Contractors Board to order at 8:30 a.m., Thursday, January 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. Randy Schaefer - Chairman
Ms. Margaret Cavin
Mr. Spiridon G. Filios
Mr. Jerry Higgins
Mr. J. Brian Scroggins
Mr. Michael Zech

BOARD MEMBERS ABSENT:

Mr. Dave Clark

STAFF MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

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

2. APPROVAL OF MINUTES: December 7, 2004.

It was moved and seconded to approve the minutes of December 7, 2004. **MOTION CARRIED.**

3. APPROVAL OF CONSENT AGENDA:

It was moved and seconded to approve the consent agenda. **MOTION CARRIED.**

a. RATIFICATION OF STAFF APPROVED LICENSE APPLICATIONS, CHANGES OF LICENSURE, REINSTATEMENTS OF LICENSURE, VOLUNTARY SURRENDERS:

It was moved and seconded to amend the agenda, adding application 1. **MOTION CARRIED.**

4. APPLICATIONS IN QUESTION: (CLOSED MEETING PURSUANT TO NRS 241.030)

It was moved and seconded to close the meeting to the public in accordance with NRS 241.030 to discuss financial matters. MOTION CARRIED

ACCURATE PATIO CONSTRUCTION, (C-14 H AWNINGS & LOUVRES) NEW APPLICATION, RECONSIDERATION

Applicant was present.

It was moved and seconded to deny the license application. MOTION CARRIED.

BAXTER AND SON MECHANICAL COMPANY, (C-7 B ESCALATOR & CONVEYOR) NEW APPLICATION, REQUESTING WAIVER OF TRADE EXAM

Applicant was present.

It was moved and seconded to approve the license application. MOTION CARRIED.

DEY COAT O PAINTING SERVICE, INC., (C-4 A, E PAINTING; DRYWALL) NEW APPLICATION

Applicant was present.

It was moved and seconded to table the license application for a period of 90 days. MOTION CARRIED.

TROPICAL FIBERGLASS POOLS, LLC (A-10 D POOLS & SPAS OF FIBERGLASS) NEW APPLICATION

Applicant was present.

It was moved and seconded to approve the license application. MOTION CARRIED.

ADVANCED ARCHITECTURAL METALS, INC., LICENSE NO. 45072 (C-14 C ORNAMENTAL METAL) CHANGE IN QUALIFIER

Licensee was present.

It was moved and seconded to approve the change in qualifier application. MOTION CARRIED.

ADVANCED ARCHITECTURAL METALS, INC., LICENSE NO. 45072 (C-14 C ORNAMENTAL METAL) 90 DAY EXTENSION

Licensee was present.

It was moved and seconded to approve the 90 day extension. MOTION CARRIED.

ADVANCED ARCHITECTURAL METALS, INC., LICENSE NO. 45072 (C-14 C ORNAMENTAL METAL) OFFICER CHANGE

Licensee was present.

It was moved and seconded to approve the officer change application. MOTION CARRIED.

ADVANCED ARCHITECTURAL METALS, INC., LICENSE NO. 56031 (C-26 B BUILD ACCESSORIES/SPECIALTIES) CHANGE IN QUALIFIER

Licensee was present.

It was moved and seconded to approve the change in qualifier application. MOTION CARRIED.

ADVANCED ARCHITECTURAL METALS, INC., LICENSE NO. 56031 (C-26 B BUILD ACCESSORIES/SPECIALTIES) 90 DAY EXTENSION

Licensee was present.

It was moved and seconded to approve the 90 day extension. MOTION CARRIED.

ADVANCED ARCHITECTURAL METALS, INC., LICENSE NO. 56031 (C-26 B BUILD ACCESSORIES/SPECIALTIES) OFFICER CHANGE

Licensee was present.

It was moved and seconded to approve the officer change application. MOTION CARRIED.

B M B ELECTRIC, LLC, LICENSE NO. 55805 (C-2 ELECTRICAL CONTRACTING) REDUCTION OF LIMIT AND BOND

Licensee was present.

It was moved and seconded to approve the reduction of the limit and bond. MOTION CARRIED.

HARDACKER ROOFING, LICENSE NO. 56867 (C-15A, D ROOFING; WATERPROOFING) RAISE IN LIMIT

Licensee was present.

It was moved and seconded to approve the raise in limit application. MOTION CARRIED.

L D I MECHANICAL, LICENSE NO. 51319 (C-21 REFRIGERATION & AIR CONDITIONING) F/S ON RENEWAL

Licensee was present.

It was moved and seconded to approve the renewal application. MOTION CARRIED.

MARINE TILE AND COATINGS, LICENSE NO. 55911 (C-20 TILING) F/S ON RENEWAL

Licensee was present.

It was moved and seconded to approve the renewal application with the condition that Thomas J. Wieger, President take the law exam within 90 days. MOTION CARRIED.

MONIK UNDERGROUND CONSTRUCTION, LLC, LICENSE NO. 56948 (C-5 CONCRETE CONTRACTING) F/S ON RENEWAL

Licensee was present.

It was moved and seconded to approve the renewal application. MOTION CARRIED.

MONIK UNDERGROUND CONSTRUCTION, LLC, LICENSE NO. 56949 (A-12, 19 EXCAVATE, GRADE, TRENCH, SURFACE; PIPELINE & CONDUITS) F/S ON RENEWAL

Licensee was present.

It was moved and seconded to approve the renewal application. MOTION CARRIED.

W S CONTRACTORS INCORPORATED, LICENSE NO. 58491 (B-2 RESIDENTIAL & SMALL COMMERCIAL, LIMITED TO SMALL COMMERCIAL ONLY) RAISE IN LIMIT, BOARD DECISION ON BOND

Licensee was present.

It was moved and seconded to approve the raise in limit application; the bond will remain at \$25,000.00. MOTION CARRIED.

EAST FORK ROOFING, CO., (C-15 ROOFING & SIDING) NEW APPLICATION

Applicant was present.

It was moved and seconded to deny the license application. MOTION CARRIED.

HAWKINS HEATING & AIR CONDITIONING, (C-21 B AIR CONDITIONING) NEW APPLICATION, RECONSIDERATION, REQUESTING WAIVER OF TRADE EXAM.

Applicant was present.

It was moved and seconded to approve the license application. MOTION CARRIED.

RENO SPARKS FLOORING, (C-16 A, D COVERING FLOORS; CARPET LAYING) NEW APPLICATION

Applicant was present.

It was moved and seconded to approve the license application. MOTION CARRIED.

GEO COX GENERAL CONTRACTOR, LICENSE NO. 14221 (B-2 RESIDENTIAL & SMALL COMMERCIAL) RAISE IN LIMIT

Licensee was present with Counsel.

It was moved and seconded to approve the raise in limit application. MOTION CARRIED.

BUILDING THE AMERICAN DREAM CORPORATION, LICENSE NO. 56211 (B-GENERAL BUILDING) F/S ON RENEWAL

Licensee was present.

It was moved and seconded to approve the renewal application. MOTION CARRIED.

TRIANGLE ELECTRIC, INC., LICENSE NO. 21226 (C-2 ELECTRICAL CONTRACTING) CHANGE IN QUALIFIER

Licensee was present.

It was moved and seconded to approve the change in qualifier application. MOTION CARRIED.

The Board reviewed the remainder of the applications on the agenda.

It was moved and seconded to reopen the meeting to the public. MOTION CARRIED.

It was moved and seconded to ratify all applications not specifically discussed in closed session as recommended by staff. MOTION CARRIED.

5. EXECUTIVE SESSION:

a. REVIEW AND APPROVAL OF 2003-04 ANNUAL REPORT:

It was moved and seconded to approve the 2003-04 Annual Report. **MOTION CARRIED.**

b. DISCUSSION AND APPROVAL OF EXECUTIVE OFFICER'S QUARTERLY REPORT FOR PERIOD ENDING DECEMBER 31, 2004:

It was moved and seconded to approve the Executive Officer's Quarterly Report for the period ending December 31, 2004. **MOTION CARRIED.**

c. REVIEW AND APPROVAL OF 2004 ACTIVITIES AND ACCOMPLISHMENTS REPORT:

This matter was continued.

d. 2005 STRATEGIC PLAN UPDATE:

This matter was continued.

e. DISCUSSION OF VENDOR SEARCH FOR NE PENSION PLAN ADMINISTRATOR AND 457 PLAN ADMINISTRATOR:

This matter was continued.

f. DISCUSSION OF 2005 LEGISLATIVE SESSION:

It was moved and seconded to disband the Legislative Committee following the January 24, 2005 meeting and authorize the Chairman and the Executive Officer to act on the Board's behalf. A Legislative matter will be placed on each Board Meeting Agenda to ratify actions taken by the Chairman and the Executive Officer. **MOTION CARRIED.**

b. REVIEW OF THE JANUARY 19, 2005 RECOVERY FUND MEETING:

This matter was continued.

c. REVIEW OF THE DECEMBER 7, 2004 CLASSIFICATION/REGULATION COMMITTEE MEETING REPORT:

This matter was continued.

7. SUMMARY SUSPENSION

WEST COAST FRAMING, LLC, LICENSE NO. 55624

Licensee was not present but was represented by Counsel Louis Palazzo, Esq.

Mr. Lyford provided a summary of the Investigation against West Coast Framing, LLC, license number 55624.

It was moved and seconded to except the voluntary suspension of the license as requested by Counsel. MOTION CARRIED.

8. FINANCIAL AND RENEWAL INTERVIEW:

HOMM CONSTRUCTION, INC., LICENSE NO. 45429 - F/S ON RENEWAL

Licensee was present.

It was moved and seconded to approve the financial review and renewal application with the monetary limit and bond to remain the same. MOTION CARRIED.

9. NEW APPLICATION DENIAL HEARING:

THE FINISHED GARAGE

Applicant was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

It was moved and seconded to approve the license application (C-3 Carpentry) with a monetary limit of \$25,000.00 and bond of \$20,000.00. MOTION CARRIED.

10. APPLICATION DENIAL HEARING:

YELLOW JACKET DRILLING

Applicant was present with Counsel Keith Gregory, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

It was moved and seconded to approve the license application (C-23 Drilling Wells & Installing Pumps) with a monetary limit of \$250,000.00 and bond of \$25,000.00. MOTION CARRIED.

PUBLIC COMMENT:

Mr. Bob Portnoff was present, he commended the Board Members on the performance and per diem.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chairman Schaefer at 11: 28 a.m.

Respectfully Submitted,

Traci Greenlee, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Randall Schaefer, Chairman

11. CLASSIFICATION COMMITTEE MEETING:

DISCUSSION OF RECOMMENDED REVISIONS TO NAC 624.170:

This matter was continued.

12. DISCIPLINARY HEARING:

ADJUDICATING BOARD MEMBER: SPIRIDON FILIOS

WEST COAST CONTRACTORS OF NEVADA, INC., LICENSE NOS. 38054, 25486, 55004

Licensee was present with Counsel Philip Kreitline, Esq.

Counsel Philip Kreitline, Esq. motion for stay was denied.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Letter from Jeff Whittig to Chris Denning dated January 14, 2005.

Exhibit 3 – Unconditional Waiver & Release forms from A – 1 Concrete Cutting, Concrete Accessories, Diverse Design, Ahern Rental and White Cap Industries.

Exhibit 4 – Letter from Michael Infuso, Esq., dated January 20, 2005.

The following Respondent Exhibits were entered:

Exhibit A – Packet of documents provided by Counsel on behalf of West Coast Contractors of Nevada, Inc. Stipulated Agreement dated July 27, 2003.

Fax from Andy Ramirez to Jeff Whittle dated October 16, 2003.

Fax from Andy Ramirez to Terry Krause dated September 29, 2003.

Fax from Andy Ramirez to Terry Krause dated September 26, 2003.

Letter from Terry Krause to West Coast Contractors of Nevada, Inc., dated August 27, 2003.

Product description and specification from Frazee Paint.

Material safety data sheet from Frazee Industries dated January 14, 1999.

Project worksheet from RTC Shelters dated September 30, 2003.

Fax from RDC to Andy Ramirez dated October 17, 2003.

Fax from RDC to Andy Ramirez dated October 21, 2003.

Fax from RDC to Andy Ramirez dated January 13, 2004.

Punch list dated May 28, 2004.

Fax from Tom Kolesa to Andy Ramirez dated January 26, 2004.

Fax from Tim Washburn to Andy Ramirez dated April 21, 2004.

Fax from Stanley Consultants to Andy Ramirez dated April 20, 2004.

Letter from Tom Kolesa to Andy Ramirez dated January 12, 2004.

Letter from West Coast Contractors of Nevada, Inc., to Stanley Consultants dated January 2, 2004.

Inspection report dated January 8, 2004.

Change orders dated January 8, 2004.

Fax from Philip Kreitlein, Esq., to P. Sterling Kerr, Esq., dated December 31, 2004.

Fax from Philip Kreitlein, Esq., to P. Sterling Kerr, Esq., dated October 6, 2004.

Fax from Concrete Accessories to Philip Kreitlein, Esq., dated January 7, 2005.

Affiant on Tim Washburn dated January 18, 2005.

Affiant on David Swallow dated January 18, 2005.

Fax from Philip Kreitlein, Esq., to Michael Infuso, Esq., dated January 18, 2005.

Affiant on Walter Elias dated January 20, 2005.

Hearing Officer Filios found Respondent West Coast Contractors of Nevada, Inc., Mario R. Ramirez,

President, license numbers 38054, 25486 and 55004 guilty of violation of NRS 624.3012(2) failure to pay any money due for materials or services; 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 624.302(5) failure to cooperate in an investigation. Mr. Ramirez was assessed a fine of \$500.00 for the Second and Third Causes of Action and \$1,000.00 for the Fourth Cause of Action for a total fine of \$2,000.00. The First Cause of Action will be dismissed contingent upon the Respondent's agreed payment of \$47,565.26 to Recreational Development Co. within 5 business days from January 20, 2005. If payment is not made within 30 days from January 20, 2005, the Respondent will be brought back before the Board. Investigative costs were assessed in the amount of \$1,471.00. Mr. Ramirez is to provide a current financial statement prepared by a Certified Public Accountant that supports the monetary license limit within 90 days from January 20, 2005. Fines and costs are to be paid within 30 days from January 20, 2005 or license numbers 38054, 25486 and 55004, West Coast Contractors of Nevada, Inc. will automatically be Suspended.

13. DISCIPLINARY HEARING:

DESERT SUN LANDSCAPE, LICENSE NO. 51712

Licensee was present with Counsel Keith Gregory, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Letter from Maraline Barbarn dated February 20, 2004 and invoices provided by homeowners.

The following Respondent Exhibits were entered:

Exhibit A – Letter from Christopher Grobl to Investigator LaPointe dated August 7, 2003.

Exhibit B – Letter from Christopher Grobl to Investigator LaPointe dated August 21, 2003.

Hearing Officer Filios found Respondent John W. Barth, Dba Desert Sun Landscape, license number 51712 guilty of violation of 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, the number of his license and monetary limit placed upon his license. Mr. Barth was assessed a fine of \$500 for the Seventh Cause of Action, \$250.00 for the Eighth Cause of Action and \$50.00 for the Tenth Cause of Action for a total fine of \$800.00. The First, Second, Third, Fourth, Fifth, Sixth and Ninth Causes of Action were continued until February 2005. Investigative costs were assessed in the amount of \$1,808.00. Fines and costs are to be paid within 30 days from January 20, 2005 or license number 51712, John W. Barth, dba Desert Sun Landscape will automatically be Suspended.

14. DISCIPLINARY HEARING:

MAX CONSTRUCTION, CO., LICENSE NO. 40201

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter was withdrawn by the Executive Officer and was recommended for an Administrative Citation.

15. DISCIPLINARY HEARING:

L T D BUILDERS, LICENSE NOS. 40324, 33260

L T D BUILDERS, INC., LICENSE NO. 53140

Licensee was present with Counsel Christopher McCullough, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent Exhibits were entered:

Exhibit A – Packet of documents provided by Counsel on behalf of L T D Builders:

Metropolitan Police Department Incident Report dated November 25, 2003.

Metropolitan Police Department Voluntary Statement dated November 25, 2003.

Complaint filed with District Court dated December 21, 2004.

Hearing Officer Filios found Respondent Louis P. DeSangro, dba L T D Builders, license numbers 40324, 33260 and L T D Builders, Inc., Louis P. DeSangro, President, license number 53140 guilty of Two (2) violations of NRS 624.3014(1) substandard workmanship; Two (2) 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; NRS 302(5) failure to cooperate in an investigation; NRS 624.301(2) abandonment of a construction project when the percentage complete is less than the percentage of the total price paid to the contractor; NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; NRS 624.3011(1)(b)(1) disregard and violation of the building Laws of the State; NRS 624.3016(6) failure to comply with NRS 624.600 which states refers to the required disclosures by general building contractors; NRS 624.3011(1)(b)(2) disregard and violation of the Safety Laws or Labor Laws of the State; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action. Mr. DeSangro was assessed a fine of \$1,000.00 for the First, Fourth, Seventh, Ninth and Eleventh Causes of Action, \$500.00 for the Second, Eighth and Tenth Causes of Action, \$250.00 for the Third Cause of Action, \$200.00 for the Fifth Cause of Action and \$100.00 for the Twelfth Cause of Action for a total fine of \$7,050.00. Investigative costs were assessed in the amount of \$3,303.00. Mr. DeSangro is to pay full restitution to Mr. Curran in the amount of 2,050.00 and restitution to Mr. & Mrs. Ledford in the amount of \$12,063.00. Fines, costs and restitution is to be paid within 60 days from January 20, 2005 or license numbers 40324, 33260 and 53140 Louis P. DeSangro dba, L T D Builders, Inc., will automatically be Revoked.

16. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. ACTION LANDSCAPE & SUPPLY, LICENSE NOS. 48929, 55633, 51751

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Letter from Action Landscape & Supply to the Board dated November 8, 2004.

Hearing Officer Filios found Respondent Lee V. Cervoni, dba Action Landscape & Supply, license numbers 48929, 55633 and 51751, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Cervoni was found guilty of Two (2) violations of NRS 624.3017(1) substandard workmanship; Two (2) 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 624.3012(3); failure to obtain the discharge or release of any lien recorded against the property to be improved by a construction project when the contractor received sufficient money as payment; NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; NRS 624.3011(1)(b)(1) disregard and violation of the

Building Laws of the State; 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 624.3016(5), as set forth in NRS 597.719(2)(a) and NAC 624.6958(2)(a) failure to include in the contract the contractor name, business address and phone number; NRS 624.3016(5), as set forth in NRS 597.719(2)(b) and NAC 624.6958(2)(a) failure to include in the contract the name and mailing address of the owner; NRS 624.3016(5), as set forth in NRS 597.719(2)(d) and NAC 624.6958(2)(d) failure to provide an estimated date of completion; NRS 624.3016(5), as set forth in NAC 624.6958(2)(h) failure to provide the dollar amount of any progress payment and stage of construction in accordance with NAC 624.6964; NRS 624.3016(5), as set forth in NRS 597.719(2)(h) and NAC 624.6958(2)(i) failure to provide the notice and information form required pursuant to federal, state or local law; NRS 624.3016(5), as set forth in NRS 597.719(2)(j) and NAC 624.6958(2)(k) failure to provide description of work to be done, materials to be used and equipment to be installed; NRS 624.3016(5), as set forth in NRS 597.719(3)(b)(2) and NAC 624.6958(2)(l) failure to include in the contract a notice stating the owner has a right to request a bond for payment and performance; NRS 624.3016(5), as set forth in NRS 597.719(3)(b)(1) failure to provide a notice to the owner that the owner may contact the Board if assistance is needed to clarify provisions of the contract that the owner may not fully understand; NRS 624.3016(5), as set forth in NRS 597.719(2)(k) and NAC 624.6958(2)(m) failure to provide payment schedule; NRS 624.3016(5), as set forth in NAC 624.6958(2)(n) failure to pay each subcontractor or supplier prompt payment upon completion of each phase of construction; NRS 624.3016(5), as set forth in NRS 624.6958(2)(o) failure to provide unconditional release of lien; NRS 624.3016(5), as set forth in NAC 624.6964(1) failure to provide payment schedule for work or services performed and material and equipment supplied; NRS 624.3016(5), as set forth in NAC 624.6964(2) schedule of payment must not set a timetable for completion of stage or phase that exceeds 30 days; NRS 624.3016(5), as set forth in NAC 624.6964(3) contractor must not receive payments in excess of 100 percent of the contracted amount for any stage of phase of construction; NRS 624.3016(5), as set forth in NAC 624.6964(4) schedule of payment must not include down payment in excess of \$1,000 or 10 percent of the aggregate price of the contract; NRS 624.3016(5), as set forth in NAC 624.6964(7)(a) failure to provide payment and performance bond covering full performance and completion of the contract; NRS 624.3016(5), as set forth in NRS 597.716(2) and NAC 624.6966(2) contractor who receives money pursuant to the contract shall not refuse to perform work for any 30 day period; NRS 624.3016(5), as set forth in NRS 597.716(3) and NAC 624.6966(3) failure to provide unconditional lien release for portions of work for which payment has been made; NRS 624.3016(5), as set forth in NRS 597.716(5) failure to provide written statement explaining the rights of the customer under NRS 597.713 to 597.7198 inclusive; NRS 624.3016(5), as set forth in NRS 597.719(5) a contract for repair or construction of a residential pools or spa is not enforceable against the owner if the contractor receives remuneration for a loan to finance the repair or construction; NRS 624.3016(5), as set forth in NRS 624.600 name, license number, business address and telephone number of all subcontractors with whom he as contracted on the project and all persons who furnished material of the value of \$500 or more; NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify the Board change of address or personnel within 30 days after the change occurs; NRS 624.3018(2) association of any action or omission constituting a cause for disciplinary action. License numbers 48929, 55633 and 51751, Lee V. Cervoni, dba Action Landscape & Supply was Revoked. Mr. Cervoni is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$4,417.00 and any expenses that may be paid out of the Residential Recovery Fund.

b. BLUE BIRD POOLS, INC., LICENSE NO. 27119

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Filios found Respondent Blue Bird Pools, Inc., Hugh B. Spencer, President, license number 27119, in default and adopted the Findings of Fact and Conclusion of Law as set forth the Administrative complaint. Mr. Spencer was found guilty of Five (5) violations of NRS 624.3017(1) substandard workmanship; Five (5) 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; NRS 624.301(4) failure to prosecute a construction project with reasonable diligence thereby causing material injury to another; NRS 624.3016(5), as set forth in NRS 597.719(2)(d) and NAC 624.6958(2)(d) failure to include in the contract an estimated date of completion; NRS 624.3016(5), as set forth in NRS 597.719(2)(h) and NAC 624.6958(2)(i) failure to provide the notice and information form required pursuant to federal, state or local law; NRS 624.719(3)(b)(2) and NAC 624.6958(2)(l) failure to include in the contract a notice stating the owner has a right to request a bond for payment and performance; NRS 624.3016(5), as set forth in NRS 597.719(3)(b)(1) failure to provide a notice to the owner that the owner may contact the Board if assistance is needed to clarify provisions of the contract that the owner may not fully understand; NRS 624.3016(5), as set forth in NRS 597.719(2)(k) and NAC 624.6958(2)(m) failure to provide payment schedule; NRS 624.3016(5), as set forth in NAC 624.6964(5) payment for any stage or phase of work must be due until completion of that stage or phase; NRS 624.3016(5), as set forth in NRS 597.716(5) failure to provide written statement explaining the rights of the customer under NRS 597.713 to 597.7198 inclusive; NRS 624.3016(5), as set forth in NRS 624.600 name, license number, business address and telephone number of all subcontractors with whom he has contracted on the project and all persons who furnished material of the value of \$500 or more; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; 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 624.302(5) failure to cooperate in an investigation; NRS 624.3013(4) failure to keep in force the bond or cash deposit for the full period required by the Board. License number 27119, Blue Bird Pools, Inc., was Revoked. Mr. Spencer is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$5,242.00 and any expenses that may be paid out of the Residential Recovery Fund.

Respectfully Submitted,

Traci Greenlee, Recording Secretary

APPROVED:

Margi Grein, Executive Officer