

KENNY C. GUINN
Governor

STATE OF NEVADA



STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
May 4, 2005

REPLY TO:

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Henderson, Nevada 89074
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Reno, Nevada 89521
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Investigations (775) 688-1150

1. CALL TO ORDER:

Hearing Officer Dave Clark called the meeting of the State Contractors Board to order at 9:03 a.m., Wednesday, May 4, 2005, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Dave Clark
Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

Ms. Nancy Mathias, Licensing Administrator
Mr. Gary Hoid, Deputy Director of Investigations

LEGAL COUNSEL PRESENT:

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

Gary Hoid stated Investigator Jacob Brix-Hansen posted the agenda in compliance with the open meeting law on April 27, 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: DAVE CLARK

2. DISCIPLINARY HEARING:

FLOORS TO GO, LICENSE NO. 50374

Licensee was present with Counsel, Mark Wray, 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 Floors to Go
Certificate of Liability Insurance for Floors to Go Allimar Carpets
Platte River Insurance Co. Certificate of NSCB Bond
Blank Proposal from Floors to Go
Notice on Residential Recovery Fund from Floors to Go
Business Card for Linda Ribis, Floors to Go
Blank Job Invoice from Allimar Flooring & Design
Article from Contractor's Billboard

Linda Ribis Financial Report
Linda Ribis letter to James Shewan, Deputy DA, dated January 31, 2005
Certificate of Liability Insurance for DJ Enterprises
Letter from James Shewan to Mark Wray, Esq. dated March 21, 2005
Quote from Carpeteria
Quote from Decorative Interior Plaster Division
Quote from Thompson Garage Doors
Quote from Overland Construction Company
Quote from Riley Concrete
Quote from B. Daniel Door & Hardware

Exhibit B – Memo dated April 26, 2005 from Kathy Stewart, Licensing Supervisor regarding Financial Statement

Hearing Officer Clark found Respondent Linda Ribis, dba Floors To Go, license number 50374, guilty of violating 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 624.3015(1) acting beyond the scope of the license; 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 her license and monetary limit placed upon his license; NRS 624.3013(5), as set forth in NAC 624.640(6) each licensee shall ascertain that each person whose bid on a construction project the licensee considers is appropriately licensed; 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. Ms. Ribis was assessed a fine of \$150.00 for the First, Second, Third, Fourth and Eighth Causes of Action and a fine of \$100.00 for the Seventh Cause of Action for a total fine of \$850.00. The Fifth and Sixth Causes of Action are 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 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. Ribis was assessed the cost of the investigation in the amount of \$832.00. Fines and costs are to be paid within 60 days from May 4, 2005 or license number 50374, will be automatically suspended.

3. DISCIPLINARY HEARING:

RAY LAVOIE CONSTRUCTION, LICENSE NO. 29057

(Continued from November 2, 2004)

Licensee was present with Counsel, Newell Knight, Esq.

The following Agency Exhibits were entered:

Exhibit 6 – ICC Evaluation Report #ER-5595

The following Respondent Exhibits were entered:

Exhibit B – Letter dated March 22, 2005 to Gary Hoid from James Nible, C.B.O., to review permit.

Exhibit C – Letter dated March 22, 2005 to Gary Hoid from James Nible, C.B.O. on meeting with the Alauria's.

Exhibit D – Letter dated May 5, 2005 from Jim Miranda, Dow Chemical Company.

Hearing Officer Clark upheld his decision rendered on November 2, 2004. Respondent was ordered to complete the corrective work requiring the installation of two nails on every tile. The repairs must be completed within 90 days from May 4, 2005 or license number 29067 will be automatically suspended.

4. DISCIPLINARY HEARING:**JAMES PAULLO CONTRACTOR, LICENSE NOS. 28566 and 28566A**

Licensee was present with Counsel, Joe Byrd, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent Exhibits were entered:

Exhibit A – Activities, Projects & Development document

Hearing Officer Clark found Respondent James Paullo, dba James Paullo Contractor, license number 28566 and 28566A guilty of violating NRS 624.3015(1) acting beyond the scope of license. Mr. Paullo was assessed a fine of \$700.00 for the Sixth Cause of Action. The First, Second, Third, Fourth, Fifth, Seventh, Eighth and Ninth Causes of Action were dismissed. Investigative costs were assessed in the amount of \$750.00. Fines and costs are to be paid within 60 days from May 4, 2005 or license numbers 28566 and 28566A will automatically be suspended.

5. DISCIPLINARY HEARING DEFAULT ORDER:**MACELLARI CONSTRUCTION, LICENSE NO. 37072**

Licensee was present.

This matter has been continued.

6. DISCIPLINARY HEARING

(Continued from March 9, 2004)

BUILD WITH YOU CONSTRUCTION, LICENSE NO. 43690

Licensee was present.

The following Respondent Exhibits were entered:

Exhibit A – Written Cost/Proposal from Roaldson

Hearing Officer Clark upheld his decision rendered on March 9, 2004. Respondent shall pay the Board the assessed administrative fines, investigative fees and costs in the amount of \$4,291.00 together with all sums paid from the Residential Recovery Fund resulting from Respondent's failure to effect repairs required under the Decision and Order dated March 23, 2004. The Respondent was ordered not to perform any work while his license is in a suspended status.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Clark at 1:26 p.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Dave Clark, Hearing Officer