

KENNY C. GUINN
Governor

STATE OF NEVADA



REPLY TO:

LAS VEGAS
2310 Corporate Circle
Suite 200
Henderson, Nevada 89074
(702) 486-1100
Fax (702) 486-1190
Investigations (702) 486-1110

www.nscb.state.nv.us

RENO
9670 Gateway Drive, Suite 100
Reno, Nevada 89521
(775) 688-1141
Fax (775) 688-1271
Investigations (775) 688-1150

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, 2004

1. CALL TO ORDER:

Chairman Randy Schaefer called the meeting of the State Contractors Board to order at 8:20a.m., Tuesday, April 20, 2004, 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. David Clark
Mr. Spiridon G. Filios
Mr. Jerry Higgins
Mr. J. Brian Scroggins

BOARD MEMBERS ABSENT:

Mr. Michael Zech

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Ms. Nancy Mathias, Licensing Administrator
Mr. George Lyford, Director of Investigations
Mr. Chris Denning, Deputy Director of Investigations
Mr. Daniel Hammack, Acting Deputy Director of Investigations

LEGAL COUNSEL PRESENT:

Ms. Carolyn Broussard, Staff Attorney
Mr. Bruce Robb, Legal Counsel

It was moved and seconded to amend the agenda, adding applications 1 – 21 and Marnell Corrao Associates, Inc. request for an Advisory Opinion. **MOTION CARRIED.**

2. APPROVAL OF MINUTES: April 6, 2004

It was moved and seconded to approve the minutes of April 6, 2004. **MOTION CARRIED.**

3. APPLICATIONS:

a. APPLICATIONS: (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.**

CONSTRUCTION DEFECT MITIGATORS, LLC, (B-2 RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATION

Applicant was present.

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

E & T EXCAVATING, LLC, LICENSE NO. 53418, FINANCIAL STATEMENT UPON RENEWAL

Licensee was present.

This matter was tabled.

HOMEXPERTS, (B-2 RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATION

Applicant was present.

It was moved and seconded to approve the license 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.

b. RATIFICATION OF LICENSE APPLICATIONS, CHANGES OF LICENSURE, REINSTATEMENTS OF LICENSURE:

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

4. SUBCOMMITTEE REPORTS:

RESIDENTIAL RECOVERY FUND SUBCOMMITTEE:

Mr. Schaefer reviewed the results of the Residential Recovery Fund hearing on Monday, April 19, 2004.

CONSTRUCTION MANAGEMENT SUBCOMMITTEE:

Mr. Higgins advised the Board that the Board of Architecture had adopted a regulation concerning Construction Management.

CLASSIFICATION SUBCOMMITTEE:

Ms. Cavin advised the Board that the Classification Subcommittee has met with representatives of the Landscape Associate to discuss revisions to the C-10 classification.

5. EXECUTIVE SESSION:

a. APPROVAL OF EXECUTIVE OFFICERS QUARTERLY REPORT FOR PERIOD ENDING MARCH 31, 2004:

It was moved and seconded to approve the Executive Officers Quarterly Report for the period ending March 31, 2004. MOTION CARRIED.

b. APPROVAL OF CASH DISBURSEMENT AND TRANSFER JOURNALS – JANUARY 1, 2004 THROUGH MARCH 31, 2004:

It was moved and seconded to approve the Cash Disbursement and Transfer Journals for January 1, 2004 through March 31, 2004. MOTION CARRIED.

c. APPROVAL OF FINANCIAL REPORT FOR PERIOD ENDING MARCH 31, 2004:

It was moved and seconded to approve the Financial Report for the period ending March 31, 2004. MOTION CARRIED.

d. APPROVAL OF BUDGET AUGMENTATION FY 2003-2004:

It was moved and seconded to approve the budget augmentation for 2003 – 2004. MOTION CARRIED.

e. REVIEW AND DISCUSSION OF PROCEDURES FOR APPEAL OF CITATIONS:

This matter was continued.

f. REVIEW AND DISCUSSION OF INVESTIGATIVE PROCEDURES:

This matter was continued.

g. DISCUSSION OF FY 2004-05 CONTRACT WITH LEGISLATIVE LIAISON:

Ms. Grein stated that she has received several proposals and the matter would be placed on a future agenda.

h. REVIEW OF CONTRACTOR EDUCATION SEMINARS:

Ms. Grein stated that Contractor Education seminars had been held in Reno and Las Vegas, and additional seminars were scheduled in June.

i. DEPARTMENTAL REPORTS:

INVESTIGATION DEPARTMENTS:

Mr. Lyford reported on the changes in the processing of complaints and presented two PowerPoint presentations developed for Senior Citizens and Law Enforcement dealing with identifying and reporting unlicensed contracting activity.

LICENSING DEPARTMENT:

Ms. Mathias presented a statistical report.

ADVISORY OPINION:

MARNELL CORRAO ASSOCIATES, INC., LICENSE REQUIREMENTS – PERFORMING CONCRETE WORK ONLY AS A SUBCONTRACTOR

Based upon the information provided, the Board opined that a C-5 (Concrete) license would be required.

It was moved and seconded to grant a C-5 (Concrete) license to Marnell Corrao Associates, Inc. with an unlimited license limit with a \$1,000.00 bond. MOTION CARRIED.

6. SUMMARY SUSPENSION:

CURTIS CONSTRUCTION CO., LICENSE NO. 12787

Chris Escobar, counsel for Curtis Construction Co. was present along with Frank Hall.

It was moved and seconded to summarily suspend, pursuant to NRS 624.291(4), license number 12787, Curtis Construction Co., (B - General Building), in the interest of the public health, safety and welfare. MOTION CARRIED.

7. PUBLIC COMMENT:

No one from the general public was present to speak for or against any items on the agenda.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chairman Schaefer at 10:11 a.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Randall Schaefer, Chairman

ADJUDICATING BOARD MEMBER: J. Brian Scroggins

8. CAPITAL PACIFIC HOMES, INC., LICENSE NO. 21711 (CONTINUED FROM MARCH 23, 2004)

Licensee was represented by Ira Lebovic, Corporate Representative and counsel, Christopher Reade, Esq.

Hearing Officer Scroggins found the respondent Capital Pacific Homes, Inc., Nancy Camara, President, license number 21711, guilty of the first, second, third, fourth, fifth and sixth causes of action and dismissed the seventh cause of action. Ms. Camara has 30 days from April 20, 2004 to complete the repairs at the Milstead residence or license number 21711, Capital Pacific Homes, Inc. will automatically be Revoked. Ms. Camara was assessed a fine of \$250.00 per cause of action totaling \$1,500.00. Investigative costs were assessed in the amount of \$2,918.00. Fines and costs are to be paid within 60 days from April 20, 2004, or license number 21711, Capital Pacific Homes, Inc. will be automatically Revoked. If fines and costs are paid and the Milstead repairs are completed, the Board will accept the voluntary surrender of license number 21711, Capital Pacific Homes, Inc.

ADJUDICATING BOARD MEMBER: Dave Clark

9. DISCIPLINARY HEARING:

DREAMSCAPES, INC., LICENSE NO. 50814 (CONTINUED FROM JANUARY 27, 2004)

Licensee was represented by counsel, Michael Harker.

Hearing Officer Clark ordered the respondent Dreamscapes, Inc., Marc Dudley, President, license number 50814 to complete their license renewal application for the year 2003 – 2004 within fifteen days from April 20, 2004. If the license renewal is not received, a hearing will be scheduled in May 2004 for revocation of license number 50814, Dreamscapes, Inc.

ADJUDICATING BOARD MEMBER: Spiridon Filios

10. DISCIPLINARY HEARING:

GREAT WESTERN DRYWALL, LICENSE NOS. 32808, 40645, 46602

Licensee was represented by counsel, Keith Gregory, Esq.

Hearing Officer Filios found respondent Great Western Drywall, Melanie Kaseroff, Secretary, license numbers 32808, 40645 and 46602 guilty of the second, third, fourth and fifth causes of action and dismissed the first cause of action. Investigative costs were assessed in the amount of \$1,475.00 to be paid within 30 days from April 20, 2004 or license numbers 32808, 40645 and 46602, Great Western Drywall will automatically be Revoked. If investigative costs are paid within 30 days, Hearing Officer Filios will accept the voluntary surrender of license numbers 32808, 40645 and 46602, Great Western Drywall.

11. DISCIPLINARY HEARING:

PELICAN CONSTRUCTION CORPORATION, LICENSE NO. 48895

Licensee was not present.

Hearing Officer Filios found respondent Pelican Construction Corporation, Donald Ross, President, license number 48895 guilty of all causes of action. License number 48895, Pelican Construction Corporation was Revoked. Mr. Ross is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$2,030.00, plus any expenses that may be paid out of

the Residential Recovery Fund prior to consideration of future licensure.

12. DISCIPLINARY HEARING:

McDAN INCORPORATED, LICENSE NO. 32529

Licensee was present.

Hearing Officer Filios found respondent McDan Incorporated, Dan Cavarra, President, license number 32529 guilty of the first, second, third and fourth causes of action and dismissed the fifth cause of action. License number 32529, McDan Incorporated was Revoked.

13. DISCIPLINARY HEARING:

McKELVEY POOLS, LICENSE NO. 10095A

Licensee was represented by counsel, Greg Heritage.

Mr. Heritage stipulated to the ninth cause of action and the twelfth through the thirty-fourth causes of action. Mr. Heritage stated that a new contract would be provided at the next hearing.

This matter was continued for 60 days.

14. DISCIPLINARY HEARING:

SAGE PROFESSIONAL PAINTING CO., LICENSE NO. 31864

Licensee was present.

Hearing Officer Filios found respondent Sidney Allen Lewis, dba Sage Professional Painting Co., license number 31864 guilty of all causes of action. Mr. Lewis was assessed a fine of \$2,500.00. Investigative costs were assessed in the amount of \$1,858.00. Mr. Lewis was ordered to pay the fines and costs from the Decision and Order from the March 25, 2003 hearing totaling \$3,913.00. If all fines and costs are paid within 90 days from April 20, 2004, Hearing Officer Filios will accept the voluntary surrender of license number 31864, Sage Professional Painting Co. If all fines and costs are not paid within 90 days from April 20, 2004, license number 31864, Sage Professional Painting Co. will automatically be Revoked.

15. DISCIPLINARY HEARING:

WHITCO CONSTRUCTION AND DEVELOPMENT, LLC, LICENSE NO. 20055A

M S WHITTINGTON CONSTRUCTION, LLC, LICENSE NO. 52896

Licensee was present with counsel, Kirk Williams, Cory Hilton and John Lauver.

This matter was held in abeyance pursuant to a court order dated April 20, 2004.

16. DISCIPLINARY HEARING:

E & E CONCRETE AND KOOLDECK, LICENSE NO. 39506A

Licensee was present.

Hearing Officer Filios found respondent E & E Concrete and Kooldeck, Emzie Carden, President, license number 39506A guilty of the third, fourth, fifth and sixth causes of action and dismissed the first and second causes of action. Mr. Carden was assessed a fine of \$100.00 for the third cause of action. Investigative costs were assessed in the amount of \$1,408.00. Fine and costs are to be paid within 90 days from April 20, 2004 or license number 39506A, E & E Concrete and Kooldeck will

automatically be suspended. Mr. Carden is to furnish a current financial statement to staff attorney, Ms. Broussard, by July 8, 2004 or license number 39506A, E & E Concrete and Kooldeck will automatically be suspended.

17. DISCIPLINARY HEARING:

LIBERTY WORLD, INC. dba UNITED HOME CENTER, LICENSE NOS. 54683, 54684, 54682

Licensee was present.

Hearing Officer Filios found respondent Liberty World, Inc., dba United Home Center, Russell Dillingham, President, license numbers 54683, 54684 and 54682 guilty of the third, fifth, sixth, seventh, eighth and ninth causes of action. The first, second and fourth causes of action were held in abeyance until May 25, 2004 Las Vegas Board Meeting. Mr. Dillingham was ordered to complete the repairs of the bathroom tile at the Scaringi residence or to make a settlement agreement. Mr. Dillingham was ordered to take and pass the CMS exam within 90 days or license numbers 54683, 54684 and 54682, Liberty World, Inc., dba United Home Center will automatically be suspended. A fine of \$200.00 was assessed for the eighth cause of action. An additional fine was assessed in the amount of \$3,000.00 for the third, fifth, sixth, seventh and ninth causes of action. Investigative costs were assessed in the amount of \$2,143.00. If fines and costs are not paid within 60 days from April 20, 2004, license numbers 54683, 54684 and 54682, Liberty World, Inc., dba United Home Center will automatically be suspended.

18. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. SITE MANAGEMENT CORP., LICENSE NOS. 55029, 55030, 54158

Licensee was not present.

Hearing Officer Filios found respondent Site Management Corp., Ricardo Jimenez, President and Thomas Roger Morrison, Qualified Employee, license numbers 55029, 55039 and 54158, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License numbers 55029, 55039 and 54158, Site Management Corp., were Revoked. Mr. Jimenez and Mr. Morrison are required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$2,057.00, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.

b. J. S. G. ENTERPRISES, INC., dba GEORGES CONSTRUCTION, LICENSE NO. 52997

Licensee was not present.

Hearing Officer Filios found respondent J. S. G. Enterprises, Inc., dba Georges Construction, John Steven Georges, President, license number 52997, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 52997, J. S. G. Enterprises, Inc., dba Georges Construction, was Revoked. Mr. Georges is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$2,106.00, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.

c. AMEN MASONRY, LICENSE NO. 46677

Licensee was present.

Hearing Officer Filios accepted the voluntary surrender of license number 46677, Amen Masonry.

d. DANCO GLASS & MIRROR, INC., LICENSE NO. 24556A

Licensee was not present.

Hearing Officer Filios found respondent Danco Glass & Mirror, Inc., John Samuel Beal, President, license number 24556A, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 24556A, Danco Glass & Mirror, Inc., was Revoked. Mr. Beal is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,411.00, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.

e. VALUE FENCE, INC., LICENSE NO. 33439A

Licensee was not present.

Hearing Officer Filios found respondent Value Fence, Inc., Jamie Lee Snell, President, license number 33439A, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 33439A, Value Fence, Inc., was Revoked. Mr. Snell is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,373.00, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.

f. DELIVERACE PAINTING AND CUSTOM COATING, LICENSE NO. 53628

Licensee was not present.

Hearing Officer Filios found respondent Elisha Daniel Orr, dba Deliverace Painting and Custom Coating, license number 53628, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 53628, Deliverace Painting and Custom Coating, was Revoked. Mr. Orr is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,623.00, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.

g. CONCRETE CONNECTION, INC., LICENSE NO. 48666

Licensee was not present.

Hearing Officer Filios found respondent Concrete Connection, Inc., Juan C. Pulido, President, license number 48666, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 48666, Concrete Connection, Inc., was Revoked. Mr. Pulido is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$5,834.00, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.

h. SCOTT COMPANY, LICENSE NOS. 5496D, 5496E, 5496F

Licensee was not present.

Hearing Officer Filios found respondent Scott Co. of California, Inc., dba Scott Company, Joseph Guglielmo, President, license numbers 5496D, 5496E and 5496F, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License numbers 5496D, 5496E and 5496F, Scott Company, were Revoked. Mr. Guglielmo is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$2,501.00, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.

i. N W MASONRY, LICENSE NO. 45548

Licensee was present.

This matter was continued and Licensee was directed to file a written answer to the complaint within 2 weeks or the matter would be agendized for the May 4, 2004 Reno Board Meeting got consideration of a summary

suspension.

19. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Adjudicating Board Member Filios at 2:47 p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

J. Brian Scroggins, Adjudicating Board Member

Dave Clark, Adjudicating Board Member

Spiridon Filios, Adjudicating Board Member