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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING September 20, 2004

1. CALL TO ORDER:

Adjudicating Board Member Brian Scroggins called the meeting of the State Contractors Board to order at 2:30p.m., Monday, September 20, 2004, State Contractors Board, Henderson, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. J. Brian Scroggins

OTHER BOARD MEMBERS PRESENT:

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. David Brown, Esq., Legal Counsel
Mr. Bruce Robb, Esq., Legal Counsel

2. DISCIPLINARY HEARING:

DAKEM & ASSOCIATES, INC., LICENSE NO. 47757

Licensee was present with Counsel, Dan Waite, Esq. and Andrew Dixon, Esq.

This matter was continued from July 19, 2004 to allow the licensee to make repairs at the Saxe residence.

The following Agency Exhibits were entered:

Exhibit 9 – Notice to Correct dated September 3, 2004.

Exhibit 10 – Photos taken by Investigator Paul Easton of the Saxe residence dated August 30, 2004.

Exhibit 11 - Correspondence to Dr. Steven Saxe from Dakem & Associates, LLC dated July 14, 2004.

The following Respondent Exhibits were entered:

Exhibit D – Notice of Recovery Fund dated August 27, 2004.

Exhibit E – Documents prepared by Respondents Counsel on behalf of Dakem & Associates, LLC
Letter to Mr. Dan Hammack from Dr. Steven Saxe dated July 14, 2004.

Letter to Dr. Steven Saxe from Dakem & Associates, LLC dated July 20, 2004.
Letter to Dr. Steven Saxe from Dakem & Associates, LLC dated August 13, 2004.
Letter to Kem Fredrick from Swainston Consulting Group with attachments dated August 5, 2004.
Letter to Dr. Steven Saxe from Dakem & Associates, LLC dated August 18, 2004.
Letter to Dakem & Associates, LLC from Steven Saxe dated August 22, 2004.
Letter to Dr. Steven Saxe from Dakem & Associates, LLC dated August 26, 2004.
Letter to David Brown, Esq. from Beckly Singleton Chtd. dated August 26, 2004.
Letter to Dakem & Associates, LLC from Dr, Steven Saxe dated August 31, 2004.
Visitor Parking Pass dated September 2, 2004.
Letter to David Brown, Esq. from Beckley Singleton Chtd. dated September 3, 2004.
Letter to Andrew Dixon from Lane Swainston dated September 3, 2004.

Exhibit F – Quote from Plaster tech to finish the concrete floor in the amount of \$11,720.00 dated April 5, 2004.

Hearing Officer Scroggins found the Respondent Daniel Amster, Manager and Jak Fredrick, Manager, Dakem & Associates, LLC, license number 47757, 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 Notice to Correct; NRS 624.3013(5), as set forth in NAC 624.640(5) failure to include license number and monetary limit on contracts; NRS 624.3016(6) failure to comply with NRS 624.600; NRS 624.3011(1)(b)(1) disregard of the Building Laws of the State. Mr. Amster and Mr. Fredrick were assessed a fine of \$250.00 for the First, Fifth, Sixth and Ninth Causes of Action and a fine of \$100.00 for the Third Cause of Action for a total fine of \$1,100.00. The Second, Fourth, Seventh, Eighth, Tenth and Eleventh Causes of Action were dismissed. Investigative costs were assessed in the amount of \$9,991.00. Mr. Amster and Mr. Fredrick are to pay restitution to the homeowner in the amount of \$11,720.00. Fines, Costs and restitution are to be paid within 30 days from September 20, 2004 or license number 47757, Dakem & Associates, LLC will automatically be Revoked.

3. ADJOURNMENT:

There being no further business before the Board, the meeting was adjourned by Hearing Officer J. Brian Scroggins at 5:37p.m.

Respectfully Submitted,

Traci Greenlee, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

J. Brian Scroggins, Adjudicating Board Member