

State Of Nevada

Reply To:

MEMBERS
Guy M. Wells, Chairman
Margaret Cavin
Michael Efrstratis
Spiridon G. Filios
Jerry Higgins
William "Bruce" King
Randy Schaefer



STATE CONTRACTORS BOARD

Investigations: (702) 486-1110

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MINUTES OF THE MEETING October 22, 2008

CALL TO ORDER:

Hearing Officer Schaefer called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, October 22, 2008, 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
Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

Mr. Jonathan Andrews, Esq., Legal Counsel
Mr. David Brown, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on October 16, 2008, at Las Vegas City Hall, Sawyer State Building and Clark 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: RANDY SCHAEFER

1. DISCIPLINARY HEARING:

COMLINK, DBA AVANA, LICENSE NO. 51288

Licensee was present with counsel, Lance Welch, Esq.

Investigator Snyder and two witnesses testified.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The Following Respondent Exhibits were entered:

Exhibit A – Respondent’s Answer to the Board’s Complaint.

Exhibit B – Respondent’s Supplemental Answer to the Board’s Complaint.

Hearing Officer Schaefer dismissed the complaint.

2. DISCIPLINARY HEARING:

CHAMELEON PAINT WORKS, INC., LICENSE NO. 42092A

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent Exhibits were entered:

Exhibit A – Respondent’s Answer to the Board’s Complaint.

Exhibit B – Correspondence from the Respondent to the Board, to the Respondent from Vista Paint and from the Respondent to Jerry Ramsey Construction.

Exhibit C – A peeled paint sample.

Hearing Officer Schaefer found Respondent, Chameleon Paint Works, Inc., license number 42092A, guilty of one (1) violation of NRS 624.3017 substandard workmanship; one (1) violation of NRS 624.3013(5), per NAC 624.700(3)(a) failure to comply with the Board’s Notice to Correct; one (1) violation of NRS 624.3013(5), per 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 the license and any monetary limit placed upon his license. Respondent was assessed an administrative fine of \$1,000.00 for the First Cause of Action, \$500.00 for the Second Cause of Action and \$50.00 for the Third Cause of Action, for a total administrative fine of \$1,550.00 and investigative costs in the amount of \$3,393.00 to be paid within 30 days of October 29, 2008. Respondent is ordered to complete the Notice to Correct within thirty days of October 29, 2008. If Notice to Correct is not completed and fines and costs are not paid within 30 days of October 29, 2008, the license will be revoked.

3. DISCIPLINARY HEARING:

ADT CONSTRUCTION GROUP, INC., LICENSE NO. 53464

ADT CONSTRUCTION GROUP, INC., dba ADVANCED DEMOLITION TECHNOLOGIES, LICENSE NO. 50051

ADT CONSTRUCTION GROUP, INC., dba S & G FIREPROOFING, LICENSE NO. 50081

LOGIC, LLC, LICENSE NO. 70943

Licensee was present with counsel, Sarah Cope, Esq.

This matter was continued for thirty (30) days.

4. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. C.J.M. CONSTRUCTION COMPANY, LLC, LICENSE NO. 51063

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter was continued for thirty (30) days.

b. DREAM DECK CONCRETE OVERLAY, LICENSE NO. 63554

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer found Respondent Dream Deck Concrete Overlay, Peggy Lynn Peyton and Dennis Lee Peyton, Partners, license number 63554 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. and Mrs. Peyton were found guilty of violation of one (1) violation of NRS 624.3017(1) substandard workmanship; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; one (1) violation of 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 the license and any monetary limit placed upon his license; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed an administrative fine of \$2,500.00 and investigative costs were assessed in the amount of \$1,515.00. License number 63554, Dream Deck Concrete Overlay, Peggy Lynn Peyton and Dennis Lee Payton, Partners, was revoked. Respondent was ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs prior to consideration of future licensure.

c. DURANGO QUALITY HOMES, INC., LICENSE NO. 52318

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter was continued for thirty (30) days.

d. SUMMERLAND CONSTRUCTION COMPANY, LLC, LICENSE NO. 51004

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer found Respondent Summerland Construction Company, LLC, Chad Lee Childress, Manager, license number 51004 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Childress was found guilty of one (1) violation of NRS 624.302(5) failure to failure to comply with a written request by the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed an administrative fine of \$750.00 and investigative costs were assessed in the amount of \$1,343.00. License number 51004, Summerland Construction Company, LLC, Chad Lee Childress, Manager, was revoked. Respondent was ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs prior to consideration of future licensure.

e. NANOOK DEVELOPMENT, INC., LICENSE NOS. 68699 and 69035

ARMSTRONG ENGINEERING & DEVELOPMENT, LTD, LICENSE NO. 68698

B & R CONCRETE, LLC, LICENSE NO. 69035A

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer found Respondent Nanook Development, Inc., William Clyde Armstrong, President, license numbers 68699 and 69035, Armstrong Engineering & Development, Ltd, William Clyde Armstrong, President, license number 68698 and B & R Concrete, LLC, William Clyde Armstrong, Manager, license number 69035A in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Armstrong was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed an administrative fine of \$500.00 and investigative costs were assessed in the amount of \$1,816.00. License numbers 68699 and 69035, Nanook Development, Inc, William Clyde Armstrong, President, license number 68698, Armstrong Engineering & Development, Ltd, William Clyde Armstrong, President and license number 69035A and B & R Concrete, LLC, William Clyde Armstrong, Manager were revoked. Respondent was ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs prior to consideration of future licensure.

f. BARRY LEE EILERS, dba ON THE LEVEL CONTRACTING, LICENSE NO. 44934

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter was continued for thirty (30) days.

g. NEW VISION ELECTRIC, LICENSE NO. 52895

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter was continued for thirty (30) days.

SOUTHWESTERN PAVERS, INC., LICENSE NO. 56640A

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer found Respondent Southwestern Pavers, Inc., John Benton, President, license number 56640A in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Benton was found guilty of one (1) violation of NRS 624.3014(2)(a), (b), (d) and (e) aiding or abetting an unlicensed person; combining or conspiring with an unlicensed person; acting as an agent, partner or associate of an unlicensed person, furnishing estimates or bids to an unlicensed person; one (1) violation of 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 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; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3011(1)(a) willful disregard of plans or specifications without the consent of the owner; two (2) violations of 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 the license and any monetary limit placed upon his license; one (1) violation of NRS 624.302(5) failure to comply with a written request by the Board; one (1) violation of NRS 624.3011(1)(b)(1) willful disregard of the building laws of the State. Respondent was assessed an administrative fine of \$6,500.00 and investigative costs were assessed in the amount of \$2,702.00. License number 56640A, Southwestern Pavers, Inc., John Benton, President, was revoked. Respondent was ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs prior to consideration of future licensure.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Schaefer at 10:49 a.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Randy Schaefer, Hearing Officer