

JIM GIBBONS
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

Kevin E. Burke, Chairman
Donald L. Drake
Michael Efstratis
John C. Ellison
Nathaniel W. Hodgson, III
William "Bruce" King
Stephen P. Quinn



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

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING March 24, 2010

CALL TO ORDER:

Hearing Officer Hodgson called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, March 24, 2010, 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. Nathaniel Hodgson, Hearing Officer
Mr. Donald L. Drake, Board Member
Mr. Stephen Quinn, Board Member

STAFF MEMBERS PRESENT:

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

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 March 17, 2010, 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: NATHANIEL HODGSON

1. DISCIPLINARY HEARING:

RED ROCK MECHANICAL, LLC, License No. 49665

VEGAS FENCING, LLC, dba ROYAL FENCING, License No. 65165

VEGAS GENERAL CONSTRUCTION COMPANY, License No. 13003

K & D CONSTRUCTION, LLC, License Nos. 59309, 59310, 59311

COMMERCIAL DOOR SERVICES OF NEVADA, LLC, License No. 68693

S. B. S. CONSTRUCTION SERVICES OF NEVADA, LLC, License No. 68694

Licensee was present.

Robert Domico, Esq., was present to represent Red Rock Mechanical, LLC, Vegas Fencing, LLC, dba Royal Fencing and K & D Construction, LLC.

Kris Ballard, Esq., was present to represent Vegas General Construction Company, Commercial Door Services of Nevada, LLC and S. B. S. Construction Services of Nevada, LLC.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Red Rock Mechanical, LLC, Vegas Fencing, LLC, dba Royal Fencing and K & D Construction, LLC's agreement.

The following Respondent's Exhibits were entered:

Exhibit A – Red Rock Mechanical, LLC's Answer to the Board's Complaint dated January 29, 2010.

Exhibit B – Additional documents provided by Robert Domico, Esq.

Exhibit C – Vegas General Construction Company, Commercial Door Services of Nevada, LLC and S. B. S. Construction Services of Nevada, LLC's agreement.

Exhibit D – The Board's Probation wording.

Hearing Officer Hodgson found Respondent guilty of two (2) violations 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; three (3) violations of NRS 624.3013(4) failure to keep bond in force; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. The Fifth and Sixth Causes of Action were dismissed. Respondent Red Rock Mechanical, LLC, license number 49665 pleads no contest to the Board's Amended Complaint and stipulates to the revocation of their license. Respondent Vegas Fencing, LLC, dba Royal Fencing, license number 65165 stipulates to the voluntary surrender of their license. Respondent K & D Construction, LLC, license numbers 59309, 59310 and 59311 agrees to pay an administrative fine of \$1,500.00 and investigative costs of \$4,034.00 within sixty (60) days of the March 24, 2010 Board Hearing and to provide a current financial statement with bank verification for all cash accounts that supports the license limits and agrees to be placed on Probation for one (1) year or it shall result in the suspension of license numbers 59309, 59310 and 59311. Red Rock Mechanical, LLC shall satisfy all present and future undisputed claims filed against its license. The Board agrees to dismiss the amended complaint against Vegas General Construction Company and dismiss the complaint against the officers, director, employees or members of Commercial Door Services of Nevada, LLC, S. B. S. Construction Services of Nevada, LLC and Vegas General Construction Company. The Board agrees to dismiss the amended complaint against Commercial Door Services of Nevada, LLC and S. B. S. Construction Services of Nevada, LLC. Commercial Door Services of Nevada, LLC and S. B. S. Construction Services of Nevada, LLC agree to remove their Qualified Employee, Kenneth Daniel Black, Jr. and voluntarily surrender the license. No administrative fines were assessed, investigative costs are in the amount of \$1,000.00 and shall be paid within thirty (30) days of the March 24, 2010 Board Hearing.

2. DISCIPLINARY HEARING:

A. A. C. A., LLC, dba MR. ROOTER PLUMBING, License Nos. 73696

Licensee was not present.

Two witnesses testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – Answer to the Board's Complaint dated February 12, 2010.

Exhibit B – An e-mail from Teresa Crocket to Board Investigator Greg Welch dated March 17, 2010.

Hearing Officer Hodgson found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; 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; (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. The First and Fifth Causes of Action were dismissed. Respondent was assessed a total fine of \$2,500.00 and investigative costs of \$1,670.00. Fines and costs are due within thirty (30) days of the March 24, 2010 Board Hearing or license number 73696, A. A. C. A., LLC, dba Mr. Rooter Plumbing shall be revoked.

3. DISCIPLINARY HEARING: (Stipulated Revocation)

a. T. C. A. INVESTMENTS, LLC, dba RANCHO NEVADA CONSTRUCTION, License No. 63840

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

Exhibit 2 – Respondent's letter to the Board dated February 16, 2010, stipulating to the revocation.

Hearing Officer Hodgson found Respondent guilty of one (1) violation of NRS one (1) violation of NRS 624.302(2) failure to comply with a written citation from the Board. Respondent was assessed a fine of \$500.00 and investigative costs of \$1,122.00. License number 63840, T. C. A. Investments, LLC, dba Rancho Nevada Construction was revoked. Respondent was ordered to make full restitution to all 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.

b. SOLAR POWER SYSTEMS, INC., License No. 69646

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

The following Respondent's Exhibits were entered:

Exhibit A – Letter from Respondent's counsel, R. Christopher Reade, Esq., to the Board dated March 2, 2010 stipulating to the revocation of the license.

Hearing Officer Hodgson found Respondent guilty of one (1) violation of NRS 624.3016(1) any fraudulent act committed in the capacity of a contractor, misrepresentation or omission of a fact; one (1) violation of NRS 624.3015(1) acting beyond scope of license; one (1) violation of NRS 624.3015(2) bidding in excess of the limit placed on the license by the Board; one (1) violation of NRS 624.3013(3)

failure to establish financial responsibility. Respondent was assessed a total fine of \$1,500.00 and investigative costs of \$1,560.00. License number 69646, Solar Power Systems, Inc. was revoked. Respondent was ordered to make full restitution to all 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.

4. DISCIPLINARY HEARING – DEFAULT ORDERS

a. JON SCOTT ASHJIAN, dba A & A ASPHALT PAVING COMPANY, License No. 38420

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent Jon Scott Ashjian, dba A & A Asphalt Paving Company, license number 38420, Jon Scott Ashjian, Owner, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Ashjian was found guilty of one (1) violation of NRS 624.3016(1) any fraudulent act committed in the capacity of a contractor, misrepresentation or omission of a fact; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$1,500.00 and investigative costs in the amount of \$1,148.00. License number 38420, was revoked. Respondent is 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.

b. JUAN JOSE CELIS, dba ROYAL IRON, License No. 65636

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Hodgson found Respondent Juan Jose Celis, dba Royal Iron, license number 65636, Juan Jose Celis, Owner, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Celis was found guilty of one (1) violation of NRS 624.302(1)(a)(b) contracting or submitting a bid if license has been suspended, revoked or is inactive; one (1) violation of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; one (1) violation of NRS 624.3014(1)(a) acting in the capacity of a contractor under a license issued under the name of the licensee; one (1) violation of NRS 624.302(1)(b) contracting or submitting a bid if license is inactive; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$1,750.00 and investigative costs in the amount of \$1,800.00. License number 65636 was revoked. Respondent is 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. CHARLES ANDREW WHITEHEAD, dba DESERT PREMIER, License No. 67151

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – A proposed settlement with Desert Premier was sent to the Board.

Hearing Officer Hodgson found Respondent Charles Andrew Whitehead, dba Desert Premier, license number 67151, Charles Andrew Whitehead, Owner, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Whitehead was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 and investigative costs in the amount of \$1,297.00. License number 67151 was revoked. Respondent is 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.

d. JCW CONCRETE, INC., License No. 57625

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

The following Respondent's Exhibits were entered:

Exhibit A – Correspondence from the Licensee to the Board dated March 19, 2010.

Hearing Officer Hodgson found Respondent JCW Concrete, Inc., license number, 57625, Jeffrey William Warning, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Warning was found guilty of one (1) violation of NRS 624.3013 failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 and investigative costs in the amount of \$1,526.00. License number 57625 was revoked. Respondent is 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. DAVID BRYANT FRAZER, dba BEST VALUE HEATING AND AIR, License No. 41320

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Hodgson found Respondent David Bryant Frazer, dba Best Value Heating and Air, license number, 41320, David Bryant Frazer, Owner, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Frazer was found guilty of one (1) violation of NRS 624.302(5) 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 a total fine of \$750.00 and investigative costs in the amount of \$1,246.00. License number 41320 was revoked. Respondent is 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. NATUREWORKS, INC., License No. 60383

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Hodgson found Respondent Natureworks, Inc., license number, 60383, Jeremy LaManna, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. LaManna was found guilty of 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 a total fine of \$750.00 and investigative costs in the amount of \$1,699.00. License number 60383 was revoked. Respondent is 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.

g. SYSTEMS ELECTRIC, License No. 46816

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Hodgson found Respondent Systems Electric, license number 46816, Randel Steven Richards, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Richards was found guilty of one (1) violation of NRS 624.301(5) failure to comply with the terms of the construction contract, thereby causing material injury to another; 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 624.301(2) abandonment of construction project when percentage completed is less than percentage of total contract paid; one (1) violation of NRS 624.3011(1)(a) willful disregard of plans or specifications without the consent of the owner; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$2,500.00 and investigative costs in the amount of \$1,706.00. License number 46816 was revoked. Respondent is 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 Hodgson at 9:22 a.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Nathaniel Hodgson, Hearing Officer