

JIM GIBBONS
Governor

STATE OF NEVADA



MEMBERS

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

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING May 19, 2010

REPLY TO:

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Henderson, Nevada 89074
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CALL TO ORDER:

Hearing Officer King called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, May 19, 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. Bruce King, 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 May 12, 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: BRUCE KING

1. DISCIPLINARY HEARING:

BAZ CONSTRUCTION, INC., License No. 67539

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

This matter was continued for sixty (60) days.

2. DISCIPLINARY HEARING:

SILVER LINING INVESTMENT, CO., LLC, dba SILVER LINING CONSTRUCTION INTERNATIONAL,
License No. 48080

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – A fax from the Respondent received on May 18, 2010.

Hearing Officer King found Respondent guilty of one (1) violation of NRS 624.3011(1)(b)(1) willful disregard of the building laws of the State; one (1) violation of NRS 624.3013(4) failure to keep bond in force; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$1,000.00 for the First Cause of Action, a fine of \$500.00 each for the Second and Third Causes of Action for total fines of \$2,000.00 and investigative costs of \$1,483.00. License number 48080, Silver Lining Investment Co., LLC, dba Silver Lining Construction International was revoked.

3. DISCIPLINARY HEARING: (Continued from April 21, 2010)

A. M. DEVELOPMENT, LLC, License No. 68082

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

One witness testified for the Board.

Hearing Officer King found Respondent guilty 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 NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; 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 624.3013(4) failure to keep bond in force; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$2,000.00 for the First Cause of Action, a fine of \$500.00 each for the Second, Fifth and Sixth Causes of Action, a fine of \$100.00 for the Third Cause of Action and a fine of \$250.00 for the Fourth Cause of Action for total fines of \$3,850.00 and investigations costs of \$2,156.00. Restitution of fifty (50%) per cent that was paid is due to homeowners. 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:

AMN MECHANICAL, INC., License No. 52722

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board’s Hearing File.

Exhibit 2 – Documents received from the City of Las Vegas Building Development Services.

Exhibit 3 – A letter from the Office of the District Attorney, Bad Check Division Unit on April 13, 2010, a letter from Long Building Technologies, Inc. on March 8, 2010 and a letter from Dielco Crane Service, Inc. on April 8, 2010.

The following Respondent’s Exhibits were entered:

Exhibit A – Respondent’s Answer to the Board’s Complaint dated May 4, 2010.

One witness testified for the Board.

Hearing Officer King found Respondent guilty of one (1) violation of NRS 624.3011(1)(b)(1) willful disregard of the building laws of the State; one (1) violation of NRS 624.3016(1) any fraudulent act committed in the capacity of a contractor, misrepresentation or omission of a fact. Respondent was assessed a fine of \$5,000.00 for the First Cause of Action, \$10,000.00 for the Second Cause of Action for total fines of \$15,000.00, investigative costs of \$1,390.00 and the cost of the transcript. License number 52722, AMN Mechanical, 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.

5. DISCIPLINARY HEARING: (Stipulated Revocation)

CROWNE SUPERSTORES, INC., dba CROWNE DEVELOPMENT, License No. 42023

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 to the Board dated May 3, 2010 stipulating to the revocation of his license.

Hearing Officer King found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$500.00 and investigative costs of \$1,423.00. License number 42023, Crowne Superstores, Inc., dba Crowne Development 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.

6. DISCIPLINARY HEARING – DEFAULT ORDERS

a. MONTEREY WOODWORKING, INC., License No. 55489

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer King found Respondent Monterey Woodworking, Inc., license number 55489, Raymond Troy Stratton, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Stratton 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 fine of \$250.00 for the First Cause of Action; a fine of \$500.00 for the Second Cause of Action for total fines of \$750.00 and investigative costs of \$1,259.00. License number 55489 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. EXECUTIVE PLASTERING, INC., License No. 33342

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer King found Respondent Executive Plastering, Inc., license number 33342, Garnett Kenneth Hall, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Hall was found guilty of one (1) violation of NRS 624.3013 failure to establish financial responsibility; one violation of NRS 624.3013(5), as set forth in NAC 624.640(3) failure in any material respect to comply with the provisions of this chapter or the regulations of the Board and if a licensee's address or personnel changes, he shall report the changes in writing to the Board within 30 days of the change. Respondent was assessed a fine of \$500.00 for the First Cause of Action and \$250.00 for the Second Cause of Action for total fines of \$750.00 and investigative costs in the amount of \$1,407.00. License number 33342 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. KISS CABINETS, INC., License No. 31122

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer King found Respondent Kiss Cabinets, Inc., license number 31122, Steven Kiss, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Kiss 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 NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 each for the First, Second and Third Causes of Action for total fines of \$1,500.00 and investigative costs in the amount of \$1,911.00. License number 31122 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. ACCU WOOD INCORPORATED, License No. 35225

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer King found Respondent Accu Wood Incorporated, license number 35225, Gregory Wallace, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Wallace 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 624.301(1) abandonment of construction project; 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 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; 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(5), as set forth in NAC 624.640(5) failure for licensee in any material respect to include in all bids and contracts the license number and monetary limit placed on the license; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify Board of change of address or personnel; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$1000.00 for the First Cause of Action; a fine of \$200.00 for the Second Cause of Action, a fine of \$500.00 for each of the Third, Fifth and Eighth Causes of Action; a fine of \$250.00 each for the Fourth, Sixth and Seventh Causes of Action for total fines of \$5,250.00 and investigative costs in the amount of \$1,358.00.

e. SOUTHERN NEVADA GRANITE, INC., License No. 73174

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer King found Respondent Southern Nevada Granite, Inc., license number 73174, James Alan Sparkman, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Sparkman 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(5), as set forth in NAC 624.640(3) failure to notify Board of change of address or personnel; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$250.00 each for the First and Second Causes of Action, a fine of \$500.00 for the Third Cause of Action for total fines of \$1,000.00 and investigative costs in the amount of \$1,444.00. License number 73174 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. OLYMPIC FRAMING RESIDENTIAL, INC., License No. 60811

OLYMPIC FRAMING COMMERCIAL, INC., License No. 60810

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer King found Respondent Olympic Framing Residential, Inc., license number 60811 and Olympic Framing Commercial, Inc., license number 60810, Gerry Dale Causey, Sr., President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Causey 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(4) failure to keep bond in force; 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 a fine of \$500.00 each for the First, Second and Third Causes of Action for total fines of \$1,500.00 and investigative costs in the amount of \$1,415.000. License number 60811 and license number 60810 were 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. ST. MARTIN POOLS, INC., License No. 57692

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer King found Respondent St. Martin Pools, Inc., license number 57692, Justin Colby Martin, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Martin was found guilty of two (2) violations of NRS 624.3017(1) substandard workmanship; two (2) violations 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(3) failure to establish financial responsibility; two (2) violations of NRS 624.305(1) and (2) no license may be used for any purpose by any person other than the person to whom license is issued, the license of any person who violates any provision shall be cancelled and revoked; twelve (12) violations of NRS 624.3014(2)(a), (b), (c) and (d) aiding or abetting an unlicensed person to evade the provisions of this chapter; combining or conspiring with an unlicensed person to perform an unauthorized act; allowing a license to be used by an unlicensed person; acting as agent, partner or associate of an unlicensed person; one (1) violation of NRS 624.3011(1)(b)(1) willful disregard of the building laws of the State. Respondent was assessed a fine of \$500.00 each for the First, Second Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth and Nineteenth, a fine of \$1,000.00 for the Twentieth Cause of Action for total fines of \$10,500.00 and investigative costs in the amount of \$5,846.00. License number 57692 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.

h. AYALA PLANNING AND DEVELOPMENT, License No. 71701

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer King found Respondent Ayala Planning and Development, license number 7170, Cuauhtemoc Ayala , President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Ayala was found guilty of one (1) violation of NRS 624.3011(1)(b)(1) willful disregard of the building laws of the State; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$1,000.00 for the First Cause of Action, a fine of \$500.00 for the Second Cause of Action for total fines of \$1,583.00 and investigative costs in the amount of \$1,583.00. License number 71701 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 King at 9:52 a.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Bruce King, Hearing Officer