

JIM GIBBONS
Governor

STATE OF NEVADA



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Donald L. Drake
Michael Efstratis
Nathaniel W. Hodgson, III
William "Bruce" King
Stephen P. Quinn
Guy M. Wells

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING September 22, 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, September 22, 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. Guy Wells, 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 September 16, 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: (Continued from July 28, 2010)

C & W ENTERPRISES, INC., License Nos. 43362, 57903

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Hearing Officer King found Respondent 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. No fines or costs were assessed. Tony Mario Moreno and Dennis Lastrilla Basilio are disassociated from Prime Contracting, Inc., license number 73311. The Complaint against C & W Enterprises, Inc. is dismissed.

2. DISCIPLINARY HEARING:

LIFEGUARD POOL MAINTENANCE, dba LIFEGUARD POOLS, License No. 49357

LIFEGUARD POOL MAINTENANCE, dba LIFEGUARD POOLS, License No. 58148

LIFEGUARD POOL MAINTENANCE, dba L. G. P. DEVELOPMENT, License Nos. 58171, 58172

MERIDIAS REALTY GROUP, LLC, License No. 73613

Licensee was present.

One witness testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – A letter from the Respondent to the Board dated June 28, 2010.

Hearing Officer Wells granted a ninety (90) day continuance. The Respondent must have the pool completed in ninety (90) days of the September 22, 2010 Board Hearing. Hearing Officer Wells accepted the voluntary surrender of license numbers 58148 and 58171.

3. DISCIPLINARY HEARING:

COLE WILSON, License No. 54959

Licensee was present with counsel, Michael Gebhart, Esq.

Mike Churchill, Project Manager with Cole Wilson was present.

Two witnesses testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – A letter from R.G. Electric, Inc. dated July 29, 2010 with attachments.

The following Respondent's Exhibits were entered:

Exhibit A – The Respondent's Answer to the Board's Complaint.

Hearing Officer King found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility and one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board. The First Cause of Action was dismissed. No fines were assessed. Investigative costs of \$2,696.00 are due within thirty (30) days of the September 22, 2010 Board Hearing.

4. DISCIPLINARY HEARING:

A.A.C.A. LLC, dba MR. ROOTER PLUMBING, License No. 73696

Licensee was not present but was represented by counsel, R. Duane Frizell, Esq.

Kevin Sudall, Esq. was present to represent homeowner.

One witness testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – A letter from Respondent to the Board dated June 28, 2010.

Hearing Officer King accepted an agreement from Respondent to Susan Cushman, the Complainant, to pay \$7,000.00. Mr. Rooter Plumbing provided the required permit. Mr. Rooter Plumbing shall have the work performed at the Cushman residence inspected by the Building Inspector. Mr. Rooter Plumbing, through its attorney, stipulated to the Second and Third Causes of Action. Mr. Rooter Plumbing's license shall be suspended until such time as a financial statement is provided that supports its license limit and substantial completion of the settlement terms and the first payment has been made to Ms. Cushman.

5. DISCIPLINARY HEARING:

THE GOOD WATER COMPANY, dba DIAMOND WATER PURIFICATION, License No. 53772

Licensee was present with counsel, John Hunt, Esq.

Jim Fine, Esq. was present to represent the homeowner.

One witness testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – A letter from the Respondent to the Board dated June 28, 2010.

Hearing Officer King ordered Respondent to hire a properly licensed contractor to complete the repairs at the Fine residence. Respondent shall comply with the eight (8) items listed on the North Las Vegas Building Department's report within thirty (30) days of the September 22, 2010 Board Hearing. The Respondent, through his attorney, stipulated to the Third and Fourth Causes of Action. The Fifth Cause of Action was dismissed. License number 53772, The Good Water Company, dba Diamond Water Purification shall be suspended until a financial statement is provided that supports the license limit.

6. DISCIPLINARY HEARING: (Continued from May 19, 2010 and July 28, 2010)

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.

7. DISCIPLINARY HEARING: (Continued from August 25, 2010)

Licensee was not present.

Two witnesses testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – A letter from the Respondent to the Board dated September 2, 2010.

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 624.302(5) failure to respond to a written request from the Board; 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 \$1,000.00 for the First Cause of Action, a fine of \$500.00 for each of the Second and Fifth Causes; a fine of \$250.00 for the Third Cause of Action and a fine of \$100.00 for the Fourth Cause of Action for total fines of \$2,350.00 and investigative costs of \$1,953.00. License number 55993, Sierra Stucco, 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.

8. DISCIPLINARY HEARING: (Stipulated Revocation)

S. W. D. ENTERPRISES, dba THE SHOTCRETE PROFESSIONALS, License No. 13435, 53447

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

The following Respondent's Exhibits were entered:

Exhibit A - A letter from the Respondent to the Board dated August 18, 2010 stipulating to the revocation of its 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 fine of \$500.00 for the First Cause of Action and investigative costs of \$1,178.00. License number 13435, S. W. D. Enterprises, dba The Shotcrete Professionals 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.

9. DISCIPLINARY HEARING – DEFAULT ORDERS

a. J. G. PLASTERING, LLC, License No. 55293

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer King found Respondent J. G. Plastering, LLC, license number 55293 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Gomez was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; NRS 624.3013(4) failure to keep bond in force. Respondent was assessed a fine of \$500.00 for each of the First and Second Causes of Action for total fines of \$1,000.00 and investigative costs in the amount of \$1,410.00. Licensee verbally stipulated to the revocation of its license. License number 55293 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. RIGGIO BROTHERS CONSTRUCTION, INC., License No. 49783A

Licensee was present.

Evan James, Esq. was present representing the Painter's Trust Fund.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer King found Respondent Riggio Brothers Construction, Inc., license number 49783A in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Riggio 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 for the First Cause of Action and investigative costs in the amount of \$1,282.00. Licensee verbally stipulated to the revocation of its license. License number 49783A 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. EXOTIC MILLWORKS, INC., License No. 71306

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer King found Respondent Exotic Millworks, Inc., license number 71306 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Layman was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3013(4) failure to keep bond in force. Respondent was assessed a fine of \$500.00 for each of the First and Second Causes of Action and investigative costs in the amount of \$1,299.00. License number 71306 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. SMART POOL, INC., License No.40768A

DAVID L. KLOHR, OWNER, dba DAVID L. KLOHR GENERAL CONTRACTOR, License No. 40767

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer King found Respondent Smart Pool, Inc., license number 40768A and David L. Klohr,

Owner, dba David L. Klohr General Contractor, license number 40767 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Klohr was found guilty of one (1) violation of NRS 624.302(2) failure to comply with a written citation from the Board; 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 for the First Cause of Action and investigative costs in the amount of \$1,204.00. License numbers 40768A and 40767 are 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 11:09 a.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Bruce King, Hearing Officer

Guy M. Wells, Hearing Officer