

JIM GIBBONS
Governor

STATE OF NEVADA



REPLY TO:

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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

March 17, 2010

CALL TO ORDER:

Hearing Officer John Ellison called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday March 17, 2010, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

OTHER BOARD MEMBERS PRESENT:

Mr. Donald L. Drake

STAFF MEMBERS PRESENT:

Ms. Margi A. Grein, Executive Officer
Mr. George J. Lyford, Director of Investigations
Mr. Gary Hoid, Deputy Director of Investigations

LEGAL COUNSEL PRESENT:

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

The agenda was posted in compliance with the open meeting law March 10, 2010 at Reno City Hall, Washoe County Court House and Washoe 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: JOHN ELLISON

1. DISCIPLINARY HEARING:

JIM CORCORAN ENTERPRISES INC, dba DRAIN OPENERS JIMS PLUMBING & HEATING
LICENSE NO. 54606

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Ellison found Respondent Jim Corcoran Enterprises Inc dba, Drain Openers Jims Plumbing & Heating, license number 54606 guilty of violating NRS 624.720(3) advertising as a contractor and not including the correct name of its company and the number of its license; NRS 624.3014(1)(a) acting in the capacity of a contractor under any license issued hereunder except in the name of the licensee as set forth upon the license and NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer Ellison ordered Respondent's license remain suspended. Respondent was ordered to pay a fine of \$500.00 each for the First, Second and Fourth Causes of Action for a total fine of \$1,500.00 and reimburse the Board for investigative costs in the amount of \$1,986.00 within sixty (60) days from March 17, 2010 or license number 54606 will be revoked. Respondent was ordered to remove "Jim's" from the dba designation; all vehicles and advertising; provide a current financial statement that supports the monetary license limit and obtain a qualified individual for its license within sixty (60) days from March 17, 2010 or license number 54606 will be revoked. The Third Cause of Action was dismissed.

2. DISCIPLINARY HEARING**ONE STOP CONSTRUCTION AND RESTORATION, LLC, LICENSE NO. 72892**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – October 27, 2008 Application for license

Hearing Officer Ellison found the Respondent One Stop Construction and Restoration, LLC, license number 72892 guilty of violating NRS 624.302(5) failure or refusal to cooperate in an investigation; NRS 624.3013(5), as set forth in NAC 624.640(3) if any change occurs in a licensee's address or personnel which affects the accuracy of statements in the application upon which his license is based, he shall report the change in writing to the Board within 30 days after the change occurs; NRS 624.3015(2) bidding to contract or contracting for a sum for one construction project in excess of the limit placed on the license by the Board and NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer Ellison ordered revocation of license number 72892. In addition, Respondent was ordered to pay a fine in the amount of \$1,750.00; reimburse the Board for investigative costs of \$1,731.00 and pay full restitution to damaged parties and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

3. DISCIPLINARY HEARING:**VERDI ELECTRIC, LICENSE NO. 10357A**

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – March 8, 2010 letter from Building Solutions

Hearing Officer Ellison found the Respondent Kenneth Ray Carman, Sr., dba Verdi Electric, license number 10357A guilty of violating NRS 624.302(6) failure or refusal to comply with a written request by the Board for information or records and NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer Ellison ordered the Respondent to pay a fine of \$500.00 for the First Cause of Action, \$250.00 for the Second Cause of Action and \$500.00 for the Third Cause of Action for a total fine of \$1,250.00; reimburse the Board for investigative costs of \$2,403.00 within sixty (60) days of March 17, 2010 or license number 10357A will be revoked. Hearing Officer Ellison ordered suspension of license number 10357A until Respondent provides a current financial statement that supports the monetary license limit.

4. DISCIPLINARY HEARING:**RUBY MOUNTAIN CONSTRUCTION INC, LICENSE NO 68526**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – March 5, 2010 letter

The following Respondent Exhibits were entered:

Hearing Officer Ellison found the Respondent Ruby Mountain Construction Inc, license number 68526, guilty of violating NRS 624.302(5) failure or refusal to cooperate in an investigation; NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action and NRS 624.3013(3) failing to establish financial responsibility. Hearing Officer Ellison ordered revocation of license number 68526. In addition, Respondent was ordered to pay a fine in the amount of \$750.00; reimburse the Board for investigative costs of \$1,948.50 and pay full restitution to damaged parties and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

**5. DISCIPLINARY HEARING – STIPULATED REVOCATION:
T C I CONSTRUCTION GROUP INC, LICENSE NOS. 66988 and 69573**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Stipulated Revocation letter dated January 25, 2010

Exhibit 3 - Letter dated March 16, 2010 from Kenneth Rowell

Hearing Officer Ellison found the Respondent T C I Construction Group Inc, license numbers 66988 and 69573 guilty of violating NRS 624.3013(4) failing to keep in force the bond or cash deposit pursuant to NRS 624.270 for the full period required by the Board; NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action and NRS 624.3013(3) failing to establish financial responsibility. Hearing Officer Ellison ordered revocation of license numbers 66988 and 69573. In addition, Respondent was ordered to pay a fine in the amount of \$1,000.00; reimburse the Board for investigative costs of \$2,102.00 and pay full restitution to damaged parties and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

**6.a. DISCIPLINARY HEARING – DEFAULT ORDER:
ELITE WALL SERVICES, LICENSE NO. 42613**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Ellison found the Respondent Elite Wall Services, license number 42613 guilty of violating NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NRS 624.700(3)(a) failure to comply with the Board's Notice to Correct; 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 his license and any monetary limit placed upon his license and NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer Ellison ordered the revocation of license number 42613 and ordered Respondent to pay a fine in the amount of \$2,050.00; reimburse the Board for investigative costs of \$1,769.00 and pay full restitution to damaged parties and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

**6.b. DISCIPLINARY HEARING – DEFAULT ORDER:
NIELSON AND SON BUILDERS, LICENSE NOS. 59357 and 67226**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Ellison found the Respondent Daniel Earl Nielson dba, Nielson and Son Builders, license numbers 59357 and 67226 guilty of violating NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NRS 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3013(4) failure to keep in full force the bond or cash deposit pursuant to NRS 624.270 for the full period required by the Board; NRS 624.3011(1)(b)(1) failure to comply with the building laws of the state and NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer Ellison ordered the revocation of license numbers 59357 and 67226 and ordered Respondent to pay a fine in the amount of \$3,600.00; reimburse the Board for investigative costs of \$2,452.00; pay full restitution to the Hanson's and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

6.c. DISCIPLINARY HEARING – DEFAULT ORDER:
NEVADA CUSTOM CONCRETE, LICENSE NOS. 63049, 63744

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Ellison found the Respondent Gary Lee Cummins dba, Nevada Custom Concrete, license numbers 63049 and 63744 guilty of violating NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NRS 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner and NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer Ellison ordered the revocation of license numbers 63049 and 63744 and ordered Respondent to pay a fine in the amount of \$1,850.00; reimburse the Board for investigative costs of \$2,094.00; pay full restitution to the Geary's and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

6.d. DISCIPLINARY HEARING – DEFAULT ORDER:
NORTHERN SIERRA MASONRY, LICENSE NO. 66251

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Ellison found the Respondent Martin Christian Gary dba, Northern Sierra Masonry, license number 66251 guilty of violating NRS 624.301(5) willful failure or refusal to comply with terms of a construction contract or written warranty thereby causing material injury to another; NRS 624.302(5) failure or refusal to cooperate in an investigation; NRS 624.3013(4) failure to keep in full force the bond or cash deposit pursuant to NRS 624.270 for the full period required by the Board; NRS 624.3013(3) failure to establish financial responsibility. Hearing Officer Ellison ordered the revocation of license number 66251 and ordered Respondent to pay a fine in the amount of \$1,750.00; reimburse the Board for investigative costs of \$1,795.00 and pay full restitution to damaged parties and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

6.e. DISCIPLINARY HEARING – DEFAULT ORDER:
GARRETT ELECTRICAL SERVICES, LICENSE NO. 43434

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

This matter was continued.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Ellison at 10:35 a.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

John Ellison, Hearing Officer