

JIM GIBBONS
Governor

STATE OF NEVADA



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MEMBERS
Kevin E. Burke, Chairman
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 August 25, 2010

CALL TO ORDER:

Hearing Officer Burke called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, August 25, 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. Kevin E. Burke, Hearing Officer
Mr. Donald L. Drake, Board Member

STAFF MEMBERS PRESENT:

Mr. George Lyford, Director of Investigations

STAFF MEMBERS NOT PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

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

Mr. Lyford stated the agenda was posted in compliance with the open meeting law on August 19, 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: KEVIN BURKE

1. DISCIPLINARY HEARING:

OAKVIEW CONSTRUCTION, INC., License Nos. 28469, 58296

Licensee was present with counsel, Craig A. Newby, Esq.

Mr. Bruce Robb, Esq. was present to represent the Nevada State Contractors Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Hearing Officer Burke found Respondent guilty of three (3) violations of NRS 624.3012(2) willful failure to pay any money when due for materials or service; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board. The Fifth Cause of Action was dismissed as payment has been made to Northern Mechanical. Licensee stipulated to the First, Second, Third and Fourth Causes of Action and to the suspension of license number 28469. The Third and Fifth Causes of Action were dismissed. No fines were assessed. Respondent must provide an update on Alpine Steel and Western States Plumbing complaints within sixty (60) days of the August 25, 2010 Board Hearing. If money owing complaints are not resolved within six (6) months of the August 25, 2010 Board Hearing, license number 28469 shall be revoked. Investigative costs were assessed in the amount of \$6,000.00 and to paid within thirty (30) days of August 25, 2010 Board Hearing or license number 28469 shall be revoked.

2. DISCIPLINARY HEARING:

KEVIN LEE ROBINSON, OWNER, dba HUNTER ELECTRIC, License No. 38140

KEVIN LEE ROBINSON, OWNER, dba KEVCO CONSTRUCTION & DESIGN, License No. 30505

P & C, LLC, dba ECOLOGIC CONSTRUCTION, License Nos. 70263 and 70264

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 Respondent to the Board dated July 8, 2010.

Exhibit B – A letter from Catherine Hyde, Manager of P & C, LLC to the Board dated July 5, 2010.

Exhibit C – A letter from George E. Robinson, Esq., counsel for Crescent Electric Supply Company to the Board dated August 24, 2010.

This matter was dismissed.

3. DISCIPLINARY HEARING:

INTEGRATED MECHANICAL GROUP, LLC, dba I. M. G. MECHANICAL GROUP, License Nos. 59491 and 59492

Licensee was not present but was represented by counsel, Ryan J. works, Esq.

One witness testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Hearing Officer Burke 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; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was not assessed any fines

4. DISCIPLINARY HEARING:

ARIZONA CIVIL CONSTRUCTORS, INC., License Nos. 68814, 71297, 71299, 71300, 72603 and 72604

ARIZONA CIVIL CONSTRUCTORS, INC., License No. 71298

Licensee was not present, but was represented by counsel, Matthew Beasley, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – Exhibits presented by the Respondent to include correspondence between the Board and the Respondent; correspondence between the Respondent and Atlas Construction, LTD; plus other documents.

Exhibit B – A Settlement Agreement between the Respondent and the Board.

Exhibit C – A letter from Sara E. Nelson, President of Arizona Civil Contractors, Inc., to the dated April 29, 2010.

Hearing Officer Burke found Respondent guilty of one (1) violation of NRS 624.3015(1) acting beyond scope of license. The Respondent agreed to pay a fine of \$1,000.00 for the First Cause of Action and investigative costs of \$1,000.00. The Second and Third Causes of Action were dismissed. A current financial statement had been provided that supports a license limit of \$3,100,000.00. Licensee stipulated to the reduction of the license limit.

5. DISCIPLINARY HEARING: (Continued from July 28, 2010)

DENNIS ROBERT HUMES, OWNER, dba DENNIS R. HUMES CONSTRUCTION, License No. 37960

MOAPA VALLEY CONCRETE, INC., License No. 68944

MOAPA VALLEY FRAMING AND FINE CAPENTRY, INC. License No. 70447

Licensee was present.

Two witnesses 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 Robert Brinkerhoff to the Board dated August 19, 2010.

Hearing Officer Burke 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 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 624.3016(5), as set forth in NRS 624.600(1)(a) and (b) name, license number, business address and phone number of all subcontractors with whom he has contracted with and all persons who furnish materials of the value of \$500.00 or more; 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. The First and Second Causes of Action were assessed no fines. Respondent was assessed a fine of \$50.00 for the Third Cause of Action, a fine of \$500.00 for each of the Fourth and Fifth Causes of Action for total fines of \$1,050.00 and investigative costs of \$2,023.00. Fines and costs are due within thirty (30) days of the August 25, 2010 Board Hearing or license numbers 37960, Dennis Robert Humes, Owner, dba Dennis R. Humes Construction, license number 68944, Moapa Valley Concrete, Inc., and license number 70447, Moapa Valley Framing and Fine Carpentry, Inc. will be revoked. Licenses to remain suspended until such time a current, compiled, reviewed or audited financial statement with bank verification for all cash accounts that supports the license limits is provided. If financial statement provided does not support the license limits, the license limits shall be lowered to the amount that the financial statement supports. Licensee is to complete the Brinkerhoff project within thirty (30) days of the Board Hearing or the licenses shall be revoked.

6. DISCIPLINARY HEARING: (Re-Hearing of Revocation of License July 28, 2010)

BREAK-EM EXCAVATION, LLC, License No. 49305

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 Respondent to the Board dated Aug 4, 2010.

Hearing Officer Burke dismissed the First Cause of Action, set aside the Default Order of July 28, 2010 and ordered the license be returned to an inactive status.

7. DISCIPLINARY HEARING: (Stipulated Revocation)

a. M S CONCRETE CO., INC., License Nos. 13435, 23308, 54468, 54469

M S FRAMING, LLC, License No. 61385

M S DOOR AND TRIM, LLC, License No. 61386

NEVADA RECYCLING CORP., License Nos. 74882 and 74883

Licensee was present.

Warren Hardy was present representing Nevada Recycling Corporation.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

Exhibit 2 – A letter from Respondent M S Concrete Company, Inc.'s President, Mark Todd Stephensen to the Board dated June 30, 2010.

Exhibit 3 – A letter from David J. Christensen, President of Nevada Recycling Corporation to the Board dated June 15, 2010.

Hearing Officer Burke found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. The complaint against Nevada Recycling Corporation was dismissed. Respondent was assessed a fine of \$500.00 for the First Cause of Action and investigative costs of \$2,140.00. License numbers 13435, 23308, 54468 and 54469, M S Concrete Co., Inc., license number 61385, M S Framing, LLC, license number 61386, M S Door and Trim, LLC and license numbers 74882 and 74883, Nevada Recycling Corporation were 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. THATCHERCRAFT CABINETS, LLC, dba CABINETS BY THATCHER, License No. 57156

Licensee was not present.

Robert White and Edward Garcia were present representing Peterman Lumber Company.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

Exhibit 2 – A letter from the Respondent to the Board dated July 30, 2010.

Exhibit 3 – A letter from the Respondent to the Board dated August 10, 2010 stipulating to the revocation of the license.

Hearing Officer Burke found Respondent 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 \$500.00 for each of the First and Second and Causes of Action and investigative costs of \$1,334.00. License number 57156, Thatchercraft Cabinets, LLC, dba Cabinets by Thatcher 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 – DEFAULT ORDERS

a. HARDACKER ROOFING CORPORATION, License No. 56867A

HARDACKER ROOFING CORPORATION, dba HARDACKER PAINTING, License No. 73980

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent Hardacker Roofing Corporation, license number 73980 and Hardacker Roofing Corporation, dba Hardacker Painting, license number 73980, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Hardacker was found 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; two (2) violations 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 \$1,000.00 for the First Cause of Action; a fine of \$500.00 for each of the

Second and Fifth Causes of Action; a fine of \$250.00 for each of the Third and Fourth Causes of Action for total fines of \$2,500.00 and investigative costs in the amount of \$1,951.00. License numbers 56867A and 73980 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.

b. COMBINED DESIGN, LLC, License No. 55809

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent Combined Design, LLC, license number 55809 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Huntsman 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(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 \$250.00 for each of the First and Second Causes of Action; a fine of \$500.00 for each of the Third and Fourth Causes of Action for total fines of \$1,500.00 and investigative costs in the amount of \$1,385.00. License number 55809 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. SIERRA STUCCO, INC., License No. 55993

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter was continued for thirty (30) days. License number 55993, Sierra Stucco, Inc. is suspended.

d. WILLIS ROOFING CONSULTING, License No. 21582

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent Willis Roofing Consulting, license number 21582 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Ms. Willis was found guilty of 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 and investigative costs in the amount of \$1,280.00. 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. GREENWOOD CONSTRUCTION COMPANY, License No. 25180

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent Greenwood Construction Company, license number 25180 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Stone was found guilty of one (1) violation of NRS 624.3012(2) willful failure to pay any money when due for materials or service; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; two (2) violations of NRS 624.302(5) failure to respond to a written request from the Board. 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; a fine of \$250.00 for each of the Third and Fourth Causes of Action for total fines of \$2,000.00 and investigative costs in the amount of \$1,785.00. 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. SOUTHERN NEVADA GRANITE, INT., License No. 52873

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent Southern Nevada Granite, Inc., license number 52873 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 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee; one (1) violation of NRS 624.3013(4) failure to keep bond in force. Respondent was assessed a fine of \$500.00 for the Second Cause of Action and investigative costs in the amount of \$952.00. 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 Burke at 10:15 a.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Kevin E. Burke, Hearing Officer